

# Application Information

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Application No: 19-000774

Application Type:	Vertical Prosecution	Agency (City or County):	<a href="#">GEMS Police and Sheriff's Department</a>	Department (Police Dept, DA Office, etc):	<a href="#">GEMS Police and Sheriff's Department</a>
Authorized Representative:	<a href="#">Donna Black</a>	DUNS Number:	111111111	DUNS Expiration Date:	9/14/2017
DUNS Registered Address:	22008 Kausen Drive	DUNS City:	Elk Grove	DUNS ZIP+4:	95758-8500

# Application Summary

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

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Application Title:

Alcohol and Drug Impaired Driver Vertical Prosecution Program

Application Description:

The County District Attorney's Office (or City Attorney's Office) will assign a specialized team to prosecute alcohol and drug impaired driving cases. The DUI prosecution team will handle cases throughout each step of the criminal process. Prosecution team members will work to increase the capabilities of the team and the office by obtaining and delivering specialized training. Team members will share information with peers and law enforcement personnel throughout the county and across the state. The office will accomplish these objectives as a means to prevent impaired driving and reduce alcohol and drug-involved traffic fatalities and injuries.

Problem Statement:

*On November 9, 2016, the voters of the State of California approved Proposition 64, to legalize the adult use of marijuana by a margin of 57-43%. It became legal for any adult 21 years or older to: Possess, transport, obtain or give away to other adults 21 years or older no more than one ounce of marijuana or 8 grams of concentrated cannabis; Cultivate up to six plants per residence and possess the marijuana produced by these plants; Retail sales will not begin until licensing of stores after January 1, 2018.*

*And as of November 9, 2016, the use of both medicinal and recreational marijuana has been completely legalized in the states of Alaska, California, Colorado, Maine, Massachusetts, Nevada, Oregon and Washington. Thirty-six other states have varying forms of medical marijuana, legalized psychoactive medical marijuana, or non-psychoactive medical marijuana.*

*Marijuana in one form or another is being used and consumed throughout a majority of the United States. With an area of approximately 20,105 square miles, GEMS County is the largest county in the United States by area and located on the eastern side of the Los Angeles metropolitan area. In 2014, the average census estimated population size was 2,112,619, an increase of over 19.1% since 2000. To say that marijuana use will have an impact in GEMS County is an understatement.*

*From 2013 to 2014, DUI alcohol filings for felony and misdemeanor cases decreased 23% and 16%, respectively. In that same time frame, from 2013 to 2014, DUID drug filings for felony and misdemeanor cases increased 1,200% and 7,900%, respectively; and DUID combo filings for felony and misdemeanor cases increased 900% and 5,700%, respectively.*

*From 2014 to 2015, DUI alcohol filings for felony and misdemeanor cases decreased 17% and 13%, respectively. In that same time frame, from 2014 to 2015, DUID drug filings for felony and misdemeanor cases increased 140% and 200%, respectively; and DUID combo filings for felony and misdemeanor cases increased 350% and 200%, respectively.*

*While GEMS County has seen a steady decrease in DUI alcohol case filings, there has been a dramatic increase in DUID drug and combo case filings. In the State of Washington, from 2013 to 2014, the number of DUID marijuana fatalities more than doubled, from 49 to 106. In the State of Colorado, traffic fatalities decreased 14.8%, from 2007 to 2012; however, traffic fatalities involving drivers who tested positive for marijuana increased 100%.*

*Prior to the passage of Proposition 64, the cases involving DUID drug and combo filings have increased at an alarming rate. Review of data from surrounding states that have already approved the recreational use of marijuana clearly demonstrate that DUID marijuana fatalities are certain to increase. The problem that GEMS County now faces will be the effective education, enforcement, and prosecution of DUID marijuana cases.*

Traffic Data Summary:

Using SWITRS data, complete the table below.

	2011				2012				2013			
Collisions	Fatal	Injury	Killed	Injured	Fatal	Injury	Killed	Injured	Fatal	Injury	Killed	Injured
Alcohol-Involved	99	973	99	1,382	113	1,039	113	1,425	89	975	89	1,401

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

	2011		2012		2013	
	Felony	Misdemeanor	Felony	Misdemeanor	Felony	Misdemeanor
Countywide DUI Arrests	352	11,567	365	11,188	314	9,822

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

Cases	FFY-2013						FFY-2014						FFY-2015					
	Reviewed		Filed		Guilty		Reviewed		Filed		Guilty		Reviewed		Filed		Guilty	
	Fel	Mis	Fel	Mis	Fel	Mis	Fel	Mis	Fel	Mis	Fel	Mis	Fel	Mis	Fel	Mis	Fel	Mis
Alcohol	796	9,011	786	8,985	623	7,040	614	7,637	611	7,618	564	5,979	515	6,665	512	6,651	431	5,204
Drug	6	4	6	4	1	1	74	324	73	316	26	64	107	629	105	627	68	273
Combo	0	2	0	2	0	1	10	118	9	115	5	13	32	219	32	215	11	54

## Proposed Solution

**Strategies:**

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

**Staff Augmentation:** Increase staff for a vertical DUI prosecution group, with emphasis on the prosecution of DUID cases.

Previously, OTS awarded a grant to the Office for the use of 1.23 prosecutors for DUI cases. As a result of that grant, an experienced prosecutor was assigned to the Rancho Cucamonga office for the express purpose of handling all DUI cases. To address the increases in DUI activity and with the goal of adding a DUI vertical prosecution component in each of our regions, the GEMS Police and Sheriff’s Department proposes a team of 3.0 full time prosecutors, one each in our West Valley, East Valley and Desert/Mountain regions. By having a vertical prosecution group in each region, the assigned attorneys will be able to work with the investigating law enforcement

agencies directly – to provide guidance during the investigation, the initial review of the case, direction for additional investigation, to the filing, prosecution and eventual sentencing of a criminal defendant.

Additionally, the attorneys will be able to fully utilize other sections of the Office not funded by the grant, including the Bureau of Victim's Services and the Bureau of Investigation. As it applies to Victim Services, Victim Advocates are available in each region to help with the need of victims of crime, and in fatality cases, the families, providing support and guidance, assistance with restitution, as well as other services. With the Bureau of Investigation, the Office has investigators and investigative technicians available to assist attorneys with trial preparation, transportation of witnesses, and emergent needs before and during trial.

Outreach and coordination with other law enforcement agencies.

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

Training attorneys in the area of DUI and DUID suppression.

Along with working with increasing communication with local law enforcement stations as described above, the team attorneys will provide extended DUI training for other prosecutors from this Office on the handling of all aspects of DUI prosecution with an emphasis on DUID prosecution.

Statistical gathering and analysis.

A big part of understanding the increasing problem of DUIs is by analyzing the effects of intervention activity like checkpoints, as well as understanding the types of DUIs prosecuted by the District Attorney's Office. Currently, our case management system does not discriminate between the types of DUIs submitted for review, rejected, filed, pled, tried and convicted. It is imperative to accurately gather data for review, to understand not just the raw number of DUI submissions for prosecution, but also to separate between DUIs involving alcohol and drugs. Specifically with DUID, we see a significant need to understand what drugs are utilized by those driving under the influence. Armed with this detailed data collection, we can examine trends within the County and within regions and age classifications. We can also evaluate what impact additional training, awareness and intervention programs will have on reducing the numbers of DUI cases countywide. Additional, OTS needs significant statistical data to assess the grant goals and objectives. By having accurate data collections and analysis, we can maximize efforts by targeting the most prominent issues.

Agency Qualifications:

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

Program Sustainability:

- *Is a portion of funding for this activity/program being provided by another source, such as other grants, an MOU, use of General Funds, etc? If yes, list the type and approximate amount of additional funding.*
- *No portion of this activity is being provided by another source. Given state and local budget parameters, the vertical prosecution of DUI cases as described herein is not currently sustainable by this office absent grant funding.*
  
- *Has the proposed activity/program been previously funded by OTS? If yes, list the years funded, approximate dollar amounts and progress to date in addressing the identified problem.*
- *This Office has received a previous grant from OTS for the 2012-2013 grant period in the amount of \$230,000.00, a grant from OTS for the 2014-2015 grant period in the amount of \$196,150.00, a grant from OTS for the 2015-2016 grant period in the amount of \$196,489, and also a grant from OTS for the 2016-2017 grant period in the amount \$207,924.*
- *What other funding opportunities has your **Department** applied for, is planning to apply for, or has received for activities that compliment/address the objectives listed in this application?*
- *The Department is not currently aware of any funding available for activities that compliment or address the objectives listed in this application.*
- *What other funding opportunities has your **Agency/City/County/Jurisdiction** applied for, is planning to apply for, or has received for activities that compliment/address the objectives listed in this application?*
- *The Department is not currently aware of any funding available for activities that compliment or address the objectives listed in this application.*
- *What future funding sources may be available to continue proposed grant activities at the conclusion of OTS grant funding?*
- *The Department is not currently aware of any funding available for activities that compliment or address the objectives listed in this application.*

# Goals

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## Required Goals

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

## Applicant-Defined Goals

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Custom Description	Target Number
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# Objectives

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Objectives Associated with Selected Application Type. Enter a Target Number or '0' if Target Number is not applicable.

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Sample

Select?	Target Number	Description
Yes	0	Issue a press release announcing the kick-off of the grant by November 15. The kick-off press releases and media advisories, alerts, and materials must be emailed to the OTS Public Information Officer at <a href="mailto:pio@ots.ca.gov">pio@ots.ca.gov</a> , and copied to your OTS Coordinator, for approval 14 days prior to the issuance date of the release.
Yes	0	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. Note: specify the subsection of DUI cases your grant funded personnel will address. For example, all DUI Alcohol, Drug and Combination cases, or all Felony DUI Alcohol, Drug and Combination cases, or all DUI cases with death or injury, all DUI Drug cases, all DUI cases with death, or all felony DUI Alcohol cases and all DUI drug cases.
Yes	2	Designate prosecutor position(s) and investigator position(s) to the DUI caseload to prosecute DUI Alcohol and DUI Drug cases. The individual(s) will be dedicated solely to this assignment allowing them to gain expertise in the investigation and prosecution of DUI Alcohol and DUI Drug cases. While employed by the City Attorney's or District Attorney's Office, the individual(s) in the grant-funded DUI Vertical Prosecutor position(s) should remain the same throughout the term of the grant.
Yes	0	Develop and implement a system for gathering, tracking, and reporting all DUI case reviews, filings, and outcomes in the county/city by December 31, differentiating between: 1) DUI Alcohol-only; 2) DUI Drug-only; and 3) DUI Combination
Yes	0	Report on all DUI case reviews, filings and outcomes in the county or city throughout the grant, differentiating between: 1) DUI Alcohol-only; 2) DUI Drug-only; and 3) DUI Combination Alcohol and Drug cases.
Yes	0	Provide comprehensive training in the prosecution of DUI Alcohol and DUI Drug cases with an effort to reach prosecutors and investigators.
Yes	0	Send the funded prosecutor(s) to training seminars sponsored by OTS, California District Attorneys Association, and/or the Southern California Prosecutor.
Yes	0	Coordinate and host four regional roundtable law enforcement meetings (one each quarter, with telephone conference capabilities) to provide information on the DUI Vertical Prosecution Program, interact with law enforcement to identify means to improve DUI investigation and prosecution, and assess technical assistance needs for training on DUI investigation and court testimony. OTS staff, local law enforcement, CHP and probation staff should be included in the roundtable. Agenda and minutes should be produced and distributed. All four meetings for the year should be scheduled in the first quarter of the grant.
Yes	0	Coordinate with local law enforcement agencies on the development of an on-call response protocol for the investigation of fatal and major injury DUI vehicle collisions, and to report on response activities
Yes	0	Participate in at least one DUI saturation ride-along and attend/observe at least one DUI checkpoint. Note: The funded vertical prosecutor(s) and investigator should participate within the first quarter of the grant. Saturation patrol ride-along and checkpoint observation may be combined into one evening.
Yes	0	Respond to at least one fatal DUI collision investigation scene. Note: The funded vertical prosecutor(s) and investigator(s) should achieve this objective within the first quarter of the grant.

Applicant-Defined Objectives. Users have the option to delete after adding if necessary.

Select?	Target Number	Custom Description
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## Method of Procedure

## Phase 1 - Program Preparation:

- Recruit and hire all staff for the grant.
- Procure all materials necessary to implement the grant.
- Identify dates and schedule the four Roundtable Meetings (one each quarter with telephone conference capabilities). Notify the OTS coordinator of the dates. Meetings are meant to provide information on the DUI Vertical Prosecution Program, interact with law enforcement to identify means to improve DUI investigation and prosecution, and assess technical assistance needs for training on DUI investigation and court testimony. OTS staff, TSRP staff, local law enforcement, CHP and probation staff should be included in the roundtable. Agenda and minutes should be produced and distributed. All four meetings for the year should be scheduled in the first quarter of the grant.
- Develop protocols to be used to measure the success of the DUI Prosecution Program.
- Conduct training for all program staff outlining the goals and objectives of the project.
- Refer cases for prosecution to the grant-funded Deputy District/City Attorney(s).
- Transfer all pending DUI cases which qualify under this program so that vertical prosecution may begin.
- Develop a training protocol for law enforcement agencies within the county, and start a process of coordinating all reporting, investigation, and referral of cases that qualify under the grant.

### **Media Requirements**

- Issue a press release announcing the kick-off of the grant by November 15. The kick-off press releases and media advisories, alerts, and materials must be emailed to the OTS Public Information Officer at [pio@ots.ca.gov](mailto:pio@ots.ca.gov), and copied to your OTS Coordinator, for approval 14 days prior to the issuance date of the release

Sample



## Phase 2 - Program Operations:

- Prosecution will be on-going. The Deputy District/City Attorney(s) will review DUI cases from all law enforcement agencies in the county/city.
- Training for law enforcement personnel, District Attorney Investigators and other Deputy District/City Attorneys will begin and continue throughout the program.
- Prosecutor(s) will:
  - a) Work to secure convictions (as justice requires) and appropriate sentences that reflect the public safety risk posed by the offender.
  - b) Mentor trial attorneys on how to successfully try high-risk DUI offenders.
  - c) Host Quarterly Roundtable meetings with law enforcement personnel, TSRP and OTS Coordinator.
  - d) Work with the TSRP to obtain and deliver high quality DUI prosecution training programs to non-grant-funded prosecutors.
  - e) Work with the TSRP to obtain and deliver high quality DUI investigation, report writing and courtroom testimony training programs to law enforcement personnel (police officers, deputies, District Attorney Investigators and crime lab scientists).
  - f) Attend training programs that cover evaluation and preparation of DUI drug cases, marijuana, prescription drugs, drug trends, people's experts, defense challenges, cross-examination of experts, SFST evidence, jury considerations and toxicology evidence, and incorporate this information into DUI trainings for attorneys and law enforcement personnel.
  - g) Send the funded vertical prosecutor(s) and investigator to the NHTSA "Advanced Roadside Impaired Driving Enforcement" (ARIDE) 16 hour POST-Certified training, if not already trained. Note: The funded vertical prosecutor(s) and investigator(s) should achieve this objective within the first quarter of the grant.

### Media Requirements

- Send all grant-related activity press releases, media advisories, alerts and general public materials to the OTS Public Information Officer (PIO) at [pio@ots.ca.gov](mailto:pio@ots.ca.gov), with a copy to your OTS Coordinator.
  - a) If an OTS template-based press release is used, the OTS PIO and Coordinator should be copied when the release is distributed to the press. If an OTS template is not used, or is substantially changed, a draft press release shall be sent to the OTS PIO for approval. Optimum lead time would be 10-20 days prior to the release date to ensure adequate turn-around time.
  - b) Press releases reporting the results of grant activities such as enforcement operations are exempt from the recommended advance approval process, but still should be copied to the OTS PIO and Coordinator when the release is distributed to the press.
  - c) Activities such as warrant or probation sweeps and court stings that could be compromised by advanced publicity are exempt from pre-publicity, but are encouraged to offer embargoed media coverage and to report the results.
- Use the following standard language in all press, media, and printed materials: Funding for this program was provided by a grant from the California Office of Traffic Safety, through the National Highway Traffic Safety Administration.
- Email the OTS PIO at [pio@ots.ca.gov](mailto:pio@ots.ca.gov) and copy your OTS Coordinator at least 30 days in advance, a short description of any significant grant-related traffic safety event or program so OTS has sufficient notice to arrange for attendance and/or participation in the event.
- Submit a draft or rough-cut of all printed or recorded material (brochures, posters, scripts, artwork, trailer graphics, etc.) to the OTS PIO at [pio@ots.ca.gov](mailto:pio@ots.ca.gov) and copy your OTS Coordinator for approval 14 days prior to the production or duplication.
- Include the OTS logo, space permitting, on grant-funded print materials; consult your OTS Coordinator for specifics.

Phase 3 - Data Collection:

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

## Budget

### Personnel Costs

**Positions** - Enter full-time, part-time, hourly, or salaried positions in this section. For Benefits, start the Item Name with the word 'Benefits', enter the corresponding salary or overtime total amount in the Unit Cost or Rate column, and enter the Benefits Rate to have the system calculate Benefit Costs as Unit Cost \* Benefits Rate. For related Benefits for the example position (100.0 and 100.1) for Benefits.

Display Order	Item Name	Benefit Rate	Unit Cost or Rate	Units	Percent Paid by Grant	Calculated Cost to Grant
100.0	Deputy District Attorney		\$70.54	6,240	100.00%	\$440,169.60
100.1	Benefits - Deputy District Attorney	44.41%	\$440,169.60		100.00%	\$195,479.32

  

Display Order	Cost Category	Enforcement Activity	Item Name	Unit Cost or Rate	Units	Calculated Cost to Grant
Personnel Costs: \$635,648.92						

### Travel Expenses

Display Order	Cost Category	Item Name	Unit Cost or Rate	Units	Calculated Cost to Grant
200.0	B. Travel Expenses	None	\$0.00	1	\$0.00

Travel Expenses: \$0.00

### Contractual Services

Display Order	Cost Category	Item Name	Unit Cost or Rate	Units	Calculated Cost to Grant
300.0	C. Contractual Services	None	\$0.00	1	\$0.00

Contractual Services: \$0.00

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

Display Order	Cost Category	Item Name	Unit Cost or Rate	Units	Calculated Cost to Grant
400.0	D. Equipment	None	\$0.00	1	\$0.00

Equipment: \$0.00

Other Direct Costs

Display Order	Cost Category	Item Name	Unit Cost or Rate	Units	Calculated Cost to Grant
500.0	E. Other Direct Costs	None	\$0.00	1	\$0.00

Other Direct Costs: \$0.00

Indirect Costs

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

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

Indirect Costs: \$0.00

Total Requested Funding: \$635,648.92

Sample

# Narrative Review

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## Review and update Narrative for Budget Items

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Item	Narrative
Deputy District Attorney	<p>Three full-time Deputy District Attorneys will be dedicated to vertically prosecute cases involving driving under the influence of alcohol and/or drugs. The prosecutors will attend training provided by the Traffic Safety Resource Prosecutor Program and deliver training to law enforcement, investigators and to other attorneys within the District Attorney's Office. This vertical prosecution unit will implement the following policies to achieve maximum effectiveness:</p> <ol style="list-style-type: none"> <li>1) Resist pre-trial releases of charged defendants.</li> <li>2) Charge all enhancements and prior felony convictions that might be used to increase bail.</li> <li>3) Make personal appearances at arraignments and request bail be set at bail schedule or higher, based on the perceived threat to the safety of the public.</li> <li>4) Vigorously advocate that continuances only be granted upon a showing of good cause, consistent with the provision of Penal Code Section 1050, to ensure that the People's right to a speedy trial will be considered by the Court.</li> <li>5) Reduce the caseloads of unit attorneys so that they can be available to handle cases throughout the county and attend to the needs of the victims or families of victims.</li> <li>6) Establish a working relationship with law enforcement agencies countywide. The agencies will be trained on the investigative and filing expectations for the crimes covered by this grant in order to facilitate successful prosecution.</li> </ol>
Benefits - Deputy District Attorney	Benefits at 44.41%
None	None
None	None
None	None
None	None
None	None

## Upload Documents (Optional)

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

Document Name	Update Date/Time
Application Report 2017-01-30 19:30:29.pdf	6/1/2017 10:41 AM

# Evaluation, Support, and Submittal

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## Evaluation, Support, and Submittal

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### Method of Evaluation:

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

### Administrative Support:

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

### Total Requested Funding:

\$635,648.92

Sample