

File No. 141217

Committee Item No. 9

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Budget & Finance Committee

Date January 7, 2015

Board of Supervisors Meeting

Date _____

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER (Use back side if additional space is needed)

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|-------------------------------------|--------------------------|--------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Grant Application</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
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Completed by: Linda Wong Date January 2, 2015
Completed by: _____ Date _____

1 [Accept and Expend Grant - Alcohol and Drug Impaired Driver Vertical Prosecution
2 Program - Amendment to the Annual Salary Ordinance - \$287,624]

3 **Ordinance retroactively authorizing the Office of the District Attorney to accept and**
4 **expend a grant in the amount of \$287,624 from the California Office of Traffic Safety**
5 **for the Alcohol and Drug Impaired Driver Vertical Prosecution Program, and**
6 **amending Ordinance No. 147-14 (Annual Salary Ordinance, FYs 2014-2015 and 2015-**
7 **2016) to reflect the addition of one grant-funded Class 8177 Attorney position (FTE**
8 **0.75) for the period of October 1, 2014, through September 30, 2015.**

9 Note: Additions are *single-underline italics Times New Roman*.
10 Deletions are *strikethrough italics Times New Roman*.
11 Board amendment additions are double underlined.
12 Board amendment deletions are ~~strikethrough normal~~.

13 Be it ordained by the People of the City and County of San Francisco:

14 **Section 1. Findings**

15 (a) The Office of the District Attorney applied for funding from the State of
16 California Office of Traffic Safety for the "Alcohol and Drug Impaired Driver Vertical
17 Prosecution Program" and was awarded Two Hundred Eighty-Seven Thousand and Six
18 Hundred Twenty-Four dollars (\$287,624).

19 (b) The award period is from October 1, 2014 to September 30, 2015.

20 (c) The grant does not include any provision for indirect costs.

21 **Section 2. Authorization to accept and expend grant funds.**

22 (a) The Board of Supervisors hereby authorizes the Office of the District
23 Attorney to retroactively accept and expend, on behalf of the City and County of San
24 Francisco, California Office of Traffic Safety grant funds in the amount of \$287,624 to
25

1 screen, investigate, prosecute, train, and raise public awareness on driving under the
2 influence of alcohol and drugs.

3 (b) The grant does not include any provision for indirect costs and indirect costs
4 are hereby waived.

5 **Section 3. Grant funded positions; Amendment to Fiscal Years 2014-2015 and**
6 **2015-2016 Annual Salary Ordinance.**

7 The hereinafter designated sections and items of Ordinance No. 147-14 (Annual
8 Salary Ordinance FY 2014-2015 and FY 2015-2016) are hereby amended to add one (1)
9 positions (0.75 FTE) in the Office of the District Attorney as follows:

10
11 Department: DAT (04) District Attorney

12 Program: Alcohol and Drug Impaired Driver Vertical Prosecution Grant


13 Subfund: 2S PPF GNC

14 Index Code: 041510
15
16


Amendment:	No. of Positions:	Class and Item No:	Compensation Schedule:	Department:
Add	0.75 FTE	8177 Attorney	\$4,021 - \$7,044 Biweekly	DAT


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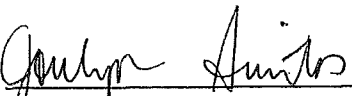
APPROVED AS TO FORM:

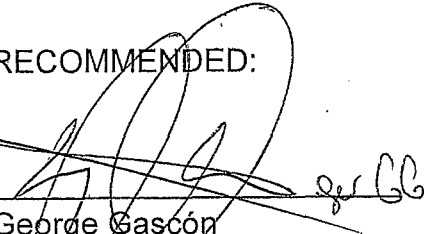
By: 
Jana J. Clark
Deputy City Attorney

APPROVED AS TO CLASSIFICATION
DEPARTMENT OF HUMAN RESOURCES

By:  10/3/14
Micki Callahan, Director
Department of Human Resources

APPROVED: 
for Edwin M. Lee
Mayor

APPROVED: 
for Ben Rosenfield
Controller

RECOMMENDED:

George Gascon
District Attorney

File Number: _____
(Provided by Clerk of Board of Supervisors)

Grant Ordinance Information Form
(Effective May 2011)

Purpose: Accompanies proposed Board of Supervisors ordinances authorizing a Department to accept and expend grant funds.

The following describes the grant referred to in the accompanying ordinance:

1. Grant Title: **Alcohol and Drug Impaired Driver Vertical Prosecution Program**
2. Department: **Office of the District Attorney**
3. Contact Person: **Stacey Hoang** Telephone: **415-553-1861**
4. Grant Approval Status (check one):
 Approved by funding agency Not yet approved
5. Amount of Grant Funding Approved or Applied for: **\$287,624**
- 6a. Matching Funds Required: **\$0**
b. Source(s) of matching funds (if applicable): **N/A**
- 7a. Grant Source Agency: **State of California Office of Traffic Safety**
b. Grant Pass-Through Agency (if applicable): **N/A**
8. Proposed Grant Project Summary: **To screen, investigate, prosecute, train, and raise awareness about operating a motor vehicle while under the influence of drugs and alcohol.**
9. Grant Project Schedule, as allowed in approval documents, or as proposed:
Start-Date: **October 1, 2014** End-Date: **September 30, 2015**
10. Number of new positions created and funded: **2**
11. Explain the disposition of employees once the grant ends? **The positions will be coded G for grant funded positions.**
- 12a. Amount budgeted for contractual services: **\$0**
b. Will contractual services be put out to bid? **N/A**
c. If so, will contract services help to further the goals of the Department's Local Business Enterprise (LBE) requirements? **N/A**
d. Is this likely to be a one-time or ongoing request for contracting out? **N/A**
- 13a. Does the budget include indirect costs? Yes No
b1. If yes, how much? **N/A**
b2. How was the amount calculated? **N/A**

c. If no, why are indirect costs not included?

Not allowed by granting agency

To maximize use of grant funds on direct services

Other (please explain):

c2. If no indirect costs are included, what would have been the indirect costs? **If calculated at 10% of salaries, the indirect cost for this program would have been \$28,454.**

14. Any other significant grant requirements or comments:

****Disability Access Checklist****

15. This Grant is intended for activities at (check all that apply):

Existing Site(s)

Existing Structure(s)

Existing Program(s) or Service(s)

Rehabilitated Site(s)

Rehabilitated Structure(s)

New Program(s) or Service(s)

New Site(s)

New Structure(s)

16. The Departmental ADA Coordinator or the Mayor's Office on Disability have reviewed the proposal and concluded that the project as proposed will be in compliance with the Americans with Disabilities Act and all other Federal, State and local access laws and regulations and will allow the full inclusion of persons with disabilities, or will require unreasonable hardship exceptions, as described in the comments section:

Comments:

Departmental ADA Coordinator or Mayor's Office of Disability Reviewer:

Jessica Geiger

(Name)

Fiscal Division Analyst

(Title)

Date Reviewed: _____

(Signature Required)

Overall Department Head or Designee Approval:

Eugene Clendinen

(Name)

Chief Administrative & Financial Officer

(Title)

Date Reviewed: _____

(Signature Required)

**SCHEDULE B
DETAILED BUDGET ESTIMATE**

COST CATEGORY	FISCAL YEAR ESTIMATES	
	10/1/2014 thru 9/30/15	TOTAL COST TO GRANT
A. PERSONNEL COSTS:		
Assistant District Attorney		
Salaries: 1 FTE x \$9,600.50 x 12 months	\$ 115,206	\$ 115,206
Benefits @ 48%	\$ 55,197	\$ 55,197
District Attorney Investigator		
Salaries: 1 FTE x \$6,638.67 x 12 months	\$ 79,664	\$ 79,664
Benefits @ 43%	\$ 34,477	\$ 34,477
Category Sub-Total		\$ 284,544
B. TRAVEL EXPENSE		
In State	\$ 3,080	\$ 3,080
Out of State	\$ -	\$ -
Category Sub-Total		\$ 3,080
C. CONTRACTUAL SERVICES		
N/A		\$ -
Category Sub-Total		\$ -
D. EQUIPMENT		
N/A		\$ -
Category Sub-Total		\$ -
E. OTHER DIRECT COSTS		
N/A		\$ -
Category Sub-Total		\$ -
E. INDIRECT COSTS		
Personnel or Contractual Services @ _____ %		\$ -
Category Sub-Total		\$ -
GRANT TOTAL		\$ 287,624

STATE OF CALIFORNIA * OFFICE OF TRAFFIC SAFETY
 OTS-136 Grant Application Cover Sheet and Budget
 (New 12/13)

Cover Sheet for Traffic Safety Application Federal Fiscal Year 2015		OTS USE ONLY	
		Application #:	_____
		Coordinator:	_____
		Program Area:	_____
Agency Name: <u>CITY AND COUNTY OF SAN FRANCISCO DISTRICT ATTORNEY'S OFFICE</u>			
Dept:	<u>MISDEMEANOR UNIT AND DISTRICT ATTORNEY</u>	Dun and Bradstreet (DUNS) #: <u>946000417</u>	
Application	<u>BUREAU OF INVESTIGATIONS</u>		
Title:	<u>ALCOHOL AND DRUG IMPAIRED DRIVER VERTICAL PROSECUTION PROGRAM</u>		
<p>Application Summary: (If using a GME template, copy and paste the appropriate application title above & summary). In 2013 Driving Under Influence (DUI) remained the largest proportion of misdemeanor case filings for the San Francisco District Attorney's Office (SFDA). Additionally District Attorney Investigators (DAI) handled investigations for approximately 400 cases, just under a third of the total DUI caseload. DUI investigation requests are extremely demanding and take a significant amount of the Bureau of Investigations resources. The SFDA proposes a five part strategy to address the need to successfully apprehend DUI offenders, complete thorough investigations, continue successful prosecution and ultimately deter individuals from being under the influence of drugs and alcohol while operating a motor vehicle. The core strategies outlined in the grant application include: Screening, Investigation, Prosecution, Training and Public Awareness.</p>			
Equipment: (If applicable)		Requested Funding by Budget Category:	
None requested.		Personnel:	\$ <u>284,543.83</u>
0		Travel:	\$ <u>3,080.00</u>
0		Contractual Services:	\$ <u>17,900.00</u>
0		Equipment:	\$ <u>-</u>
0		Other Direct Costs:	\$ <u>28,600.00</u>
0		Indirect Costs:	\$ <u>-</u>
<p>Authorized Representative</p> <p>First Name: <u>Eugene</u></p> <p>Last Name: <u>Clendinen</u></p> <p>Title: <u>Chief Admin & Financial Officer</u></p> <p>Address 1: <u>850 Bryant Street</u></p> <p>Address 2: <u>Room 322</u></p> <p>Address 3: _____</p> <p>City: <u>San Francisco</u></p> <p>State: <u>California</u></p> <p>Zip Code: <u>94103</u></p> <p>Phone #: <u>415-553-1895</u></p> <p>Ext: <u>n/a</u></p> <p>FAX #: <u>415-553-9700</u></p> <p>Email: <u>Eugene.Clendinen@sfgov.org</u></p>		<p>I verify that I am authorized to submit this application on behalf of my Agency and/or Department.</p> <p> _____ Authorized Representative</p>	
		Requested Funding	
		Federal Fiscal Year 2015	\$ <u>334,123.83</u>
		Total	\$ <u>334,123.83</u>

STATE OF CALIFORNIA * OFFICE OF TRAFFIC SAFETY
 OTS-136 Grant Application Schedule B
 (Revised 1/14)

SCHEDULE B DETAILED BUDGET ESTIMATE			
COST CATEGORY	FISCAL YEAR ESTIMATES		
	10/1/2014 thru 9/30/15	TOTAL COST TO GRANT	
A. PERSONNEL COSTS:			
Assistant District Attorney			
Salaries: 1 FTE x \$9,600.50 x 12 months	\$ 115,206.00	\$	115,206.00
Benefits @ 48%	\$ 55,196.96	\$	55,196.96
District Attorney Investigator			
Salaries: 1 FTE x \$6,638.67 x 12 months	\$ 79,664.04	\$	79,664.04
Benefits @ 43%	\$ 34,476.83	\$	34,476.83
Category Sub-Total		\$	284,543.83
B. TRAVEL EXPENSE			
In State	\$ 3,080.00	\$	3,080.00
Out of State	\$ -	\$	-
Category Sub-Total		\$	3,080.00
C. CONTRACTUAL SERVICES			
Drug and Alcohol Lab Screening	\$ 10,000.00	\$	10,000.00
Graphic design for public education campaign	\$ 7,500.00	\$	7,500.00
Translation services	\$ 400.00	\$	400.00
Category Sub-Total		\$	17,900.00
D. EQUIPMENT			
None requested.	\$ -	\$	-
		\$	-
		\$	-
		\$	-
		\$	-
Category Sub-Total		\$	-
E. OTHER DIRECT COSTS			
Public Education Campaign			
Muni Interior Ads Eng/Spanish	\$ 1,300.00	\$	1,300.00
Muni Interior Ads Eng/Chinese	\$ 1,300.00	\$	1,300.00
Bill Boards	\$ 15,000.00	\$	15,000.00
Ads in Sing Tao and World Journal	\$ 4,000.00	\$	4,000.00
Bus Shelter Ads	\$ 5,000.00	\$	5,000.00
Facebook Ads	\$ 2,000.00	\$	2,000.00
Category Sub-Total		\$	28,600.00
E. INDIRECT COSTS			
Personnel or Contractual Services @ _____ %	\$ -	\$	-
Category Sub-Total		\$	-
GRANT TOTAL		\$	334,123.83

STATE OF CALIFORNIA

EDMUND G. BROWN JR., GOVERNOR

OFFICE OF TRAFFIC SAFETY

2208 KAUSEN DRIVE, SUITE 300
ELK GROVE, CA 95758
www.ots.ca.gov
(916) 509-3030
(800) 735-2929 (TT/TDD-Referral)
(916) 509-3055 (FAX)



June 18, 2014

Grant No. D11527

Eugene Clendinen
Chief Administrative & Financial Officer
San Francisco District Attorney's Office
850 Bryant Street, Room 322
San Francisco, CA 94103

Dear Mr. Clendinen:

Congratulations! Through a competitive process, the Office of Traffic Safety (OTS) has tentatively approved your funding request for the proposal titled "Alcohol and Drug Impaired Vertical Prosecution Program" in the amount of approximately \$287,624.00.

Your OTS Coordinator will contact you, to discuss your proposal and explain the Grant Agreement process. It is our goal to have all new grants start no later than October 1, 2014. If approval from a City Council or the Board of Supervisors is required, you should begin that process now. Do not incur grant reimbursable costs prior to the receipt of your official approval packet from OTS or before your grant start date.

OTS will initiate a statewide media news release regarding 2015 proposals selected for funding. Your agency should not publically announce this tentative award until the grant agreement is fully negotiated and signed by OTS.

Again, congratulations on the success of your proposal. If you have any questions, please contact Ron Miller, Operations Coordinator, at (916) 509-3020 or e-mail at ron.miller@ots.ca.gov.

Sincerely,

A handwritten signature in black ink that reads "Rhonda L. Craft".

RHONDA L. CRAFT
Director

RM:kn

**VERTICAL PROSECUTION
GRANTS MADE EASY (GME) GRANT APPLICATION
Federal Fiscal Year 2015
(10/1/14 - 9/30/15)**

APPLICATION TITLE: ALCOHOL AND DRUG IMPAIRED DRIVER VERTICAL PROSECUTION PROGRAM

AGENCY: CITY AND COUNTY OF SAN FRANCISCO DISTRICT ATTORNEY'S OFFICE

DEPARTMENT: MISDEMEANOR UNIT AND DISTRICT ATTORNEY BUREAU OF INVESTIGATIONS

APPLICATION SUMMARY

The County District 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 with the Traffic Safety Resource Prosecutor Program 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.

1. PROBLEM STATEMENT

Problem Statement

In 2013 Driving Under the Influence (DUI) cases remained the largest proportion of misdemeanor case filings for the San Francisco District Attorney's Office (SFDA). Additionally District Attorney Investigators (DAI) handled investigations for approximately 400 these cases, just under a third of the total DUI caseload. DUI investigation requests are extremely demanding and take a significant amount of the Bureau of Investigations resources.

The San Francisco Police Department and the California Highway Patrol are the primary police arresting agencies for DUIs in the City and County of San Francisco. Both of these agencies have been significantly under resourced for the last several years. As a result of these limited resources and possible "rising blood alcohol" defense the SFDA has increased investigative responsibilities. When a police agency arrests someone for a DUI, they often focus on the person driving the vehicle. Attention is directed toward what the driver blew on the the initial sobriety test and then their blood alcohol level through a blood test. Other passengers in the vehicle are often not interviewed at the scene. In San Francisco, the initial sobriety results and chemical tests are often not enough to successfully prosecute a DUI case.

Currently, when the SFDA receives a case, the Assistant District Attorney requests that DAI conduct interviews on all witnesses that were passengers inside the vehicle. Passengers are typically interviewed because they will commonly appear in court as defense witnesses and their accounts must be analyzed prior to trial. Most of the time, these witnesses are friends of the driver, further confounding their willingness to respond to questions. The process of locating and interviewing new witnesses is extremely time consuming. Having a specific investigator to conduct all of these

interviews would be a tremendous help and would produce beneficial outcomes to more of our DUI cases.

In 2013 the SFDA Misdemeanor Unit was one of the most successful trial teams in the San Francisco District Attorney's Office. Despite an overall increase in the number of cases taken to trial the Misdemeanor Unit was able to achieve a 45% reduction in Not Guilty findings when compared to 2012. While the unit is extremely successful, misdemeanor DUI, Drug and Combo cases remain amongst the most difficult to prosecute. This is especially true when inadequate investigation has been conducted during the incident, e.g., witnesses have not been interviewed. A separate challenge to successful prosecution of these cases arises from the backlog of blood testing by the Medical Examiner. Blood tests are necessary for Drug and Combo cases. Oftentimes, for DUI cases involving blood tests, the test results will be unavailable for periods exceeding six months, resulting in a decrease in the quality of the case (e.g., missed opportunity to conduct follow up investigation).

Grant Service Target Population

The San Francisco District Attorney's Office serves all of the residents of and visitors to the City and County of San Francisco. The District Attorney is mandated by the California Constitution and the Government Code to review, charge and prosecute criminal violations of the laws of California that take place within the geographic boundaries of San Francisco. The District Attorney's Office brings actions on behalf of the People of the State of California. As such the population served and targeted is the population of San Francisco and those who work in and visit our great city.

The City and County of San Francisco is the financial and cultural core of a metropolitan area of five and a half million people. The City and County San Francisco spans approximately 49 square miles with an estimated 805,235 culturally, ethnically, and linguistically diverse residents (16,500 residents per square mile), 44% of which are family households. San Francisco is the only city-county dual jurisdiction government in California and has one of the most diverse cities in the nation and has the highest per capita immigration rate in the country.

San Francisco's ethnic diversity includes approximately 45% White, 31% Asian/Pacific Islander, 14% Hispanic/Latino, and 6% African American residents. Amongst this ethnic diversity the low-income African Americans and Latinos disproportionately live in neighborhoods which are most impacted by violent crime. San Francisco is the only city-county dual jurisdiction government in California.

San Francisco is made up of a diverse array of populations, many of whom are Limited English Proficient (LEP). According to the most recent U.S. Census (2010) estimates, the demographics of the City included 33% people of Asian descent, 15% of Hispanic or Latino descent, approximately 36% foreign born, and 45% spoke a language other than English at home (U.S. Census Bureau State & County Quick Facts). The six most common languages spoken in San Francisco other than English are: Chinese (Cantonese), Spanish, Tagalog, Russian, Vietnamese, and Japanese (U.S. Census Bureau, 2011 American Community Survey). According to this survey, 26% of San Francisco residents speak one of the above Asian Pacific Islander (API) languages, and more than 60% of these report speaking English less than very well. Spanish speakers represent approximately 12% of the population of the City, and almost 46% of these people report not speaking English very well.

Community Impact

In 2012, Trulia compiled rankings using the most recent U.S. Census data, including County Business Patterns data showing that San Francisco has more restaurants and bars than any other similarly sized jurisdiction in the United States. According to San Francisco's sustainable communities index research strongly suggests that density of alcohol outlets is closely related to crime and violence. They further cite the Pacific Institute for Research and Evaluation, "Neighborhoods where bars, restaurants and liquor and other stores that sell alcohol are close together suffer more frequent incidences of violence and other alcohol-related problems, according to recent research by the Prevention Research Center and others." While San Francisco is a premiere destination city for work, culture and the arts it also contains a dense concentration of alcohol outlets; both offsite liquor retail and bars. This density data suggests that there is a significant potential for drivers under the influence of substances to be navigating San Francisco's streets and major highways.

While the rate of alcohol involved fatalities in San Francisco remains below the state average, there continue to be issues with alcohol and drug impaired drivers injuring and threatening the safety of San Francisco's residents and visitors. The following baseline data demonstrates the ongoing need for resources to be directed toward successful apprehension of offenders, investigation, prosecution and public education. This will serve as a measure to evaluate the impact of the proposed grant on the identified problem.

A. Traffic Data Summary:

- **Data:** Using SWITRS data, complete the table below.

Collisions	2009				2010				2011			
	Fatal	Injury	Killed	Injured	Fatal	Injury	Killed	Injured	Fatal	Injury	Killed	Injured
Alcohol-Involved	10	262	10	361	13	340	13	480	12	357	12	465

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

	2009		2010		2011	
	Felony	Misdemeanor	Felony	Misdemeanor	Felony	Misdemeanor
Countywide DUI Arrests	81	1452	64	1416	64	1700

- **Data:** Using your own data, complete the table below.

The following data was extracted from the SFDA DAMION case management system and further compared with data from the Medical Examiner's Office. The SFDA Case management system does not currently distinguish between Alcohol, Drug and Combo DUIs. The Policy and Grants team has identified a method for tracking this detail which will be implemented in 2014. The Drug detail provided below is imperfect as it is derived from the information provided by the ME's Office. Therefore Drug numbers are estimates and only available on filed cases.

Cases	FFY-2011						FFY-2012						FFY-2013					
	Reviewed		Filed		Guilty		Reviewed		Filed		Guilty		Reviewed		Filed		Guilty	
DUI	Fel	Mis	Fel	Mis	Fel	Mis	Fel	Mis	Fel	Mis	Fel	Mis	Fel	Mis	Fel	Mis	Fel	Mis
Alcohol	132	1869	90	1322	78	1181	194	2150	128	1691	100	1511	168	1609	82	1319	51	1049
Drug			27	211					43	184					59	153		
Combo																		

2. PROPOSED SOLUTION

A. Strategies:

The SFDA proposes a five part strategy to address the need to successfully apprehend DUI offenders, complete thorough investigations, continue successful prosecution and ultimately deter individuals from being under the influence of drugs and alcohol while operating a motor vehicle.

1. Screening

The SFDA proposes allocating grant funded resources to support the completion of additional drug and alcohol screening tests. Current drug and alcohol screening processing times delay court proceedings and at times do not meet prosecutorial needs. The San Francisco Medical Examiner's (ME) office is significantly under staffed; this additional allocation of funds will allow the ME to secure additional support which will result in a decrease in processing times and provide the best evidence for the case. The SFDA anticipates initiating use of this additional resource when the arresting agency submits the incident for prosecutor review. It is anticipated that a significant amount of Drug or Combo DUIs will be identified in this process and if addition facts are presented during the course of the case. Initially resources will be directed toward those cases where there is a suspicion of drug involvement (e.g., an admission to using substances) and the case is susceptible to a defense on the facts of that particular incident.

2. Investigation

To strengthen the SFDA's capacity to investigate alcohol, drug and combo misdemeanor DUI cases, the office proposes funding a 1.0 FTE investigator solely for the investigation of misdemeanor DUI cases. Having a specific investigator to conduct all of the interviews described in the problem statement would produce beneficial outcomes for these DUI cases.

3. Prosecution

To strengthen the SFDA's capacity to prosecute alcohol, drug and combo misdemeanor DUI cases, the office proposes funding a 1.0 FTE Assistant District Attorney solely for the prosecution of misdemeanor DUI cases. This prosecutor's assigned caseload will include complicated DUIs (e.g., prescription drug DUIs, refusals, DUI with injury). Having a specifically assigned attorney will allow the office to build special expertise for the prosecution of these cases. After a year of exclusively prosecuting misdemeanor DUI cases this prosecutor will serve as an internal expert who can then provide peer support and training to his or her colleagues in the Misdemeanor Unit.

4. Training

Training will strengthen our dual jurisdiction partnerships to more efficiently combat driving under the influence in San Francisco. The SFDA's Office anticipates that the investment in training of the grant assigned prosecutor and investigator in addition to local law enforcement partners will result in an increase in high quality arrests, investigations and successful prosecutions during the grant period. With common information received from the Traffic Safety Resource Prosecutor, current policing and prosecutorial strategies will be enhanced.

5. Public Education

The SFDA proposes the development and dissemination of a multi-media public awareness campaign. San Francisco is a major transportation hub in the west and plays host to thousands of visitors from around the bay area on a daily basis. A comprehensive public awareness campaign including print media (bus marquees, BART, billboards, etc.) and electronic media will provide San Francisco the opportunity to clearly communicate its commitment to eliminate driving under the influence of alcohol and drugs. This campaign will be coordinated by the SFDA Communications Team with direct contributions from the grant funded prosecutor, grant funded investigator, California Highway Patrol, San Francisco Police Department and community stakeholder groups.

In addition, the SFDA proposes conducting school based outreach and education to San Francisco teenagers about drug and alcohol education including, mock DUI Trials and victim impact presentations.

B. Agency Qualifications:

District Attorney George Gascón has served as the District Attorney of San Francisco since January 2011. The District Attorney's Office is committed to achieving justice for our city's most vulnerable residents. The SFDA works tirelessly to hold offenders accountable, protect and support victims, and innovate to break the cycle of crime.

Our office not only investigates and prosecutes crime in San Francisco; we also bring actions involving consumer fraud, real estate fraud, insurance fraud and financial fraud against elders and environmental protection. We have over 200 staff working hard every day to serve the people of San Francisco and fight crime. We are made up of prosecutors, victim advocates, investigators, paralegals, and other support staff. Our office contains three major departments: the Operations Department, the Special Operations Department and the Support Services Department. The District Attorney Investigators Unit falls under Special Operations Department and the Misdemeanor Unit is under the Operations Department.

The San Francisco District Attorney's Office has a significant amount of established resources and skills that will support the successful implementation of the Alcohol and Drug Impaired Driver Vertical Prosecution Program for misdemeanor DUI Alcohol, Drug and Combo cases. A combination of departments will work together to achieve this success. Unit summary descriptions including staff experience are outlined below.

District Attorney Bureau of Investigations

District Attorney Investigators play a critical role in prosecuting offenders. The District Attorney's Bureau of Investigations (DAI) is composed of sworn peace officers who work closely with our prosecutors to fully develop documentary, physical, and testimonial evidence for trial. In addition, DAI also investigates certain types of White Collar Division cases.

James P. Kerrigan serves as Chief of Investigations San Francisco District Attorney's Office Bureau of Investigations and will oversee the investigators hired and assigned to work on this grant. Chief Kerrigan has over 24 years as a sworn Law Enforcement Officer in the State of California and has worked uniformed patrol assignments as a Police Officer and Deputy Sheriff. In all of those capacities he has conducted Driving Under the Influence (DUI) Investigations resulting in arrests, court testimony and convictions.

Misdemeanor Unit

The Misdemeanor Unit is charged with prosecuting general misdemeanor crimes including Vehicle Code offenses such as auto theft, DUIs, and vehicular manslaughter cases. DUIs comprise the majority of trial work for the unit.

Wade Chow is the Managing Attorney of the Misdemeanor Unit. He has been a prosecutor for 17 years with experience in gang, sexual assault, domestic violence, and child abuse cases.

Policy and Grants Administration

The SFDA Policy and Grants Manager is lead representative for the office on programmatic grant responsibilities. This position oversees pre- and post-award grant administration, ensures regulatory compliance and may manage grant-funded programs. In addition to grant administration, the Grants Manager may oversee certain aspects of the program and/or serve as the liaison with the funding agency and submit reports and modifications to the funding agency. Policy and Grants Manager, Tara Anderson, has over 12 years experience in grants administration and will serve as primary liaison for questions related to this grant program.

Fiscal Management

The SFDA Assistant Chief Finance and Administration and Fiscal Analyst lead for grant related budgetary responsibilities. Finance team is involved in pre-award budget development and the day-to-day fiscal management of the grant, including tracking expenditures, invoicing, charging personnel time, and cost reimbursement. Only fiscal management staff can draw down federal funds, and coordinate and respond to audits with input from staff with programmatic responsibilities. The finance team under the leadership of Assistant Chief Sheila Arcelona has over 22 years of experience with fiscal administration of grants.

Criminal Background Checks

Criminal Background checks are initially conducted on all staff and interns during their application process. The San Francisco District Attorney's Office conducts background checks on all staff and interns. Applicants are advised that the San Francisco District Attorney's Office may collect public records about the applicant in connection with application for an employment and internship at any time during their service with the San Francisco District Attorney's Office. Such public records may include information concerning one's character, general reputation, personal characteristics, and/ or mode of living. Examples of public records may include but are not limited to, criminal background reports and motor vehicle driving records. Failure to disclose prior arrests, convictions or present false information results in the disqualification of an application and/or dismissal of an individual's assignment at the San Francisco District Attorney's Office. As such all staff and interns that would be involved with the Alcohol and Drug Impaired Vertical Prosecution Program and its activities will have completed criminal background checks and are subject to additional background checks during their service with the San Francisco District Attorney's Office. As such any intern or staff person who is involved with the proposed school-base outreach and education activities will have received a full criminal background check.

C. Program Sustainability:

The San Francisco District Attorney's Office will utilize current resources to support the grant funded staff on the project. This strategy positions the SFDA better to reduce reliance on federal and state funding in the future.

Additional Funding Sources

The Misdemeanor Unit is currently staffed with 9 attorneys and two paralegals. The SFDA will provide in-kind support to ensure that the grant funded prosecutor and investigator receive proper supervision and paralegal support to meet the objectives of the grant. In addition, all of the support activities and functions performed by the policy and grants manager and fiscal analyst will be provided in-kind. The SFDA general fund allocation will support the goals and objectives identified in this grant application through in-kind support.

The SFDA will evaluate the first year of the Alcohol and Drug Impaired Driver Vertical Prosecution funding and will continue to seek funds to establish the proposed grant funded positions as a part of the annual salary ordinance funded by the general fund.

Future Funds

The SFDA will evaluate the first year of the Alcohol and Drug Impaired Driver Vertical Prosecution funding and will continue to seek funds to establish the proposed grant funded positions as a part of the annual salary ordinance funded by the general fund.

Previous OTS Funding

The San Francisco District Attorney's Office has not previously request nor received funds from the Office of Traffic Safety for Alcohol and Drug Impaired Vertical Prosecution Program. If funded the Alcohol and Drug Impaired Driver Vertical Prosecution Program would be the first OTS award for the SFDA.

3. PERFORMANCE MEASURES

The San Francisco District Attorney's Office agrees to utilize the strategies identified in Section 2 A to achieve the following goals and objectives.

A. Goals:

- 1) To improve the prosecution of DUI Alcohol, DUI Drug and DUI Combo cases.
- 2) To increase police officer expertise in DUI investigations and report writing.
- 3) To increase the filing numbers and rates of DUI Alcohol, DUI Drug and DUI Combo cases.
- 4) To increase prosecutor expertise in DUI cases.

B. Objectives:

- 1) To 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 Misdemeanor DUI Alcohol, Drug and Combo cases.
- 2) To designate (1) prosecutor position and (1) investigator position to the DUI caseload to investigate and prosecute DUI Alcohol and DUI Drug cases. The individual(s) will be dedicated solely to this assignment allowing them to gain expertise in combating defense tactics and prosecuting 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.
- 3) To 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 Alcohol and Drug cases.
- 4) To 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.
- 5) To work with the Traffic Safety Resource Prosecutor (TSRP) to provide comprehensive training in the prosecution of DUI Alcohol and DUI Drug cases to (2) prosecutors and (2) investigators.
- 6) To work in conjunction with the TSRP to provide continuous comprehensive training in the investigation, report writing, and courtroom testimony for prosecution of DUI Alcohol and DUI Drug cases to 13 local law enforcement officers.
- 7) To meet with the TSRP quarterly to provide updates on the Vertical Prosecution Program.

- 8) To send the funded prosecutor and investigator to training seminars sponsored by OTS and California District Attorneys Association.
- 9) To coordinate and host four regional roundtable law enforcement meetings with telephone conference capabilities, providing 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.
- 10) To 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.
- 11) To participate in at least one ride-along during a DUI saturation patrol and attend/observe at least one DUI checkpoint.
- 12) To respond to at least one fatal DUI collision investigation scene.
- 13) To send the funded vertical prosecutor and investigator to the NHTSA "Advanced Roadside Impaired Driving Enforcement" (ARIDE) 16 hour POST-Certified training.

The following outreach objectives are optional

- 14) To conduct 3 "Real DUI Trials" in 3 high schools impacting 90 students.
- 15) To conduct 3 "Real DUI Sentencing's" in 3 high schools impacting 90 students.
- 16) To conduct 3 "Multi-Media Presentations" at 3 local high school(s) impacting 90 students.
- 17) To establish and implement a "DUI Visitation" program impacting 5 underage DUI violators.
- 18) To establish and implement a "DUI Victim Impact Panel" program for DUI offenders.
- 19) To conduct 3 alcohol/drug educational presentations impacting 100 students.

4. METHOD OF PROCEDURE

A. Phase 1 - Program Preparation, Training and Implementation (1st 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 Regional Roundtable Meetings.
- 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.
- Cases for prosecution will be referred 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.
- Plan, schedule and coordinate any educational components included in 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, and copied to your OTS Coordinator, for approval 14 days prior to the issuance date of the release.

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 offender trial training programs to non-grant-funded prosecutors.
 - e) Work with the TSRP to obtain and deliver high quality DUI offender trial training programs to law enforcement personnel (police officers, deputies, District Attorney Investigators and crime lab scientists).
 - f) Attend trial training programs including 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.

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, 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 should first 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 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 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.

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

- Agencies are required to collect and report quarterly, appropriate data that supports the progress of goals and objectives.
- Statistical data relating to the grant goals and objectives will be collected, analyzed, and incorporated in Quarterly Performance Reports (QPRs). QPRs for the quarter ending September 30 will include year-to-date comparisons of goals and objectives. If required, a separate quarterly data reporting form will be completed each quarter and submitted as part of the QPR.
- Reports will compare actual grant accomplishments with the planned accomplishments. They will include information concerning changes made by the Grant Director in planning and guiding the grant efforts.
- Reports shall be completed and submitted in accordance with OTS requirements as specified in the Grant Program Manual.

5. METHOD OF EVALUATION

Using the data compiled during the grant, the Grant Director will prepare the Executive Summary to accompany the final QPR. The Executive Summary will: (1) briefly state the original problem; (2) specify the most significant goals and objectives; (3) highlight the most significant activities that contributed to the success of the program and the strategies used to accomplish the goals and objectives; and (4) describe the program's accomplishments as they relate to the goals and objectives.

6. ADMINISTRATIVE SUPPORT

This program has full support of the City and County of San Francisco. Every effort will be made to continue the activities after the grant conclusion.

BUDGET NARRATIVE

The Budget Narrative should provide line item descriptions that include grant relationship and/or examples of costs. It covers all cost categories and individual line items in the same order as the Detailed Budget Estimate.

1. PERSONNEL COSTS \$284,543.83

Assistant District Attorney (ADA)		
SALARIES	100.00%	\$ 115,206.00
BENEFITS		
Social Security	6.20%	\$ 7,049.40
Social Sec. - Medicare	1.45%	\$ 1,670.49
Flex Benefits	3.46%	\$ 3,985.00
Health Ins	2.75%	\$ 3,171.00
Dependent Coverage	8.25%	\$ 9,500.00
Long Term Disability	0.35%	\$ 403.22
Retirement	23.95%	\$ 27,591.84
Unemployment Ins	0.25%	\$ 288.02
Dental Rate	1.33%	\$ 1,538.00
Benefits Total	47.91%	\$ 55,196.96
TOTAL SALARIES & BENEFITS		\$ 170,402.96

The Assistant District Attorney (ADA) will serve as the lead prosecutor in alcohol, drug, and combo misdemeanor cases. Having a specifically assigned attorney will allow the office to build special expertise for the prosecution of these cases. After a year of exclusively prosecuting misdemeanor DUI cases, this prosecutor will serve as an internal expert who can then provide peer support and training to his or her colleagues in the Misdemeanor Unit.

District Attorney Investigator (DAI)		
SALARIES	100.00%	\$ 79,664.04
BENEFITS		
Social Sec. - Medicare	1.45%	\$ 1,155.13
Health Ins	3.61%	\$ 2,878.00
Dependent Coverage	11.98%	\$ 9,541.00
Retirement	23.95%	\$ 19,079.54
Unemployment Ins	0.25%	\$ 199.16
Dental Rate	2.04%	\$ 1,624.00
Benefits Total	43.28%	\$ 34,476.83
TOTAL SALARIES & BENEFITS		\$ 114,140.87

The District Attorney Investigator (DAI) will serve as the lead investigator in alcohol, drug and combo misdemeanor DUI cases. Having a specific investigator dedicated to conducting all of the interviews described in the problem statement would produce beneficial outcomes for these DUI cases.

2. TRAVEL EXPENSE \$3,080

3 day 2015 CDAA/OTS conference in Southern California on DUI/Alcohol and Drug impaired Driving. The 2015 training schedules are not available but the office anticipates grant funded positions attending valuable DUI training in Sacramento hosted by professional associations

- Flight: \$200 x 2 attendee = \$400
- Hotel: \$150 x 3 days x 2 attendee = \$900
- Registration: \$150 x 2 attendee = \$300
- Ground transportation to/from San Francisco Bay Area airport: \$20 x 2 attendee = \$40
- Car rental: \$50 x 3 days = \$150
- Per diem: \$71 x 3 days x 2 attendee = \$426

Training in Sacramento

- Mileage from San Francisco: \$100 x 2 trainings x 2 attendee = \$400
- Registration: \$100 x 2 trainings x 2 attendee = \$400
- Per diem (lunch only): \$16 x 2 trainings x 2 attendee = \$64

3. CONTRACTUAL SERVICES \$17,900

Drug and Alcohol Lab Screening: 20 tests x \$500 per test = \$10,000

The Drug and Alcohol Lab Screening expense is necessary for prosecutors to have the supporting evidence to meet prosecutorial needs. The drug testing is especially important for cases that involve low blood alcohol cases. Although, the estimated cost is for testing services by the San Francisco Medical Examiner's Office, a third party vendor may be contracted to provide this service.

Graphic design for public education campaign = \$7,500

The graphic designer is necessary to create an effective public education campaign that would resonate with drivers to think about the consequences of driving under the influence. The contracted graphic designer would work with the DA's Communications Team (with input from the grant-funded ADA and DAI, and other partners) to come up with graphics and messages for drivers living, working, and visiting San Francisco.

Translation services = \$400

Translation of public education materials is necessary to reach the large number of limited and/or monolingual English-speaking population in San Francisco.

4. EQUIPMENT (\$5,000 or more per unit) \$0

None requested.

5. OTHER DIRECT COSTS \$28,600

Public Education Campaign = \$28,600:

- Muni Interior Ads English/Spanish = \$1,300
- Muni Interior Ads English/Chinese = \$1,300
- Bill Boards = \$15,000
- Ads in Sing Tao and World Journal = \$4,000
- Bus Shelter Ads = \$5,000
- Facebook Ads = 2,000

The Public Education Campaign expenses identified here is in conjunction with the work of the graphic designer. The multiple outreach avenues – translated into Spanish and Chinese - ensure that we reach a variety of the public about driving under the influence. The bus ads would reach commuters driving or taking public transportation, the billboards would reach the general public, the local ads would primarily reach the Chinese-speaking population, and the Facebook ads would reach the younger population.

6. INDIRECT COSTS \$0

OTS rarely funds indirect costs. Only applications submitted with an approved indirect cost rate letter from the applicant's federal cognizant agency will be considered.

None requested.

SUBMISSION INSTRUCTIONS

- ✓ **Application packet to be received on or postmarked by the posted deadline (refer to OTS homepage www.ots.ca.gov).**
- ✓ **Completed application packet includes:**
 - OTS-136 Grant Application Cover Sheet and Budget.
 - OTS-136a Grant Application
 - Letters of Support (optional)
- ✓ **Submit three signed hardcopies (one original, two photocopies) of your application packet to:**

California Office of Traffic Safety
2208 Kausen Drive, Suite 300
Elk Grove, CA 95758
- ✓ **OTS may contact the authorized representative to request an electronic copy of the application.**

TO: Angela Calvillo, Clerk of the Board of Supervisors

FROM: Stacey Hoang, Fiscal Division Analyst

DATE: August 4, 2014

SUBJECT: Accept and Expend Ordinance for Subject Grant

GRANT TITLE: Alcohol and Drug Impaired Driver Vertical Prosecution Program

Attached please find the original* and two copies of each of the following:

Proposed grant ordinance; original* signed by Department, Mayor, Controller, Director of Human Resources

Grant information form, including disability checklist

Grant budget

Grant application

Letter of Intent or grant award letter from funding agency

Ethics Form 126 (if applicable)

Contracts, Leases/Agreements (if applicable)

Other (Explain):

Special Timeline Requirements:

Please schedule for the earliest available date.

Departmental representative to receive a copy of the adopted ordinance:

Name: Sheila Arcelona

Phone: 415-734-3018

Interoffice Mail Address: Hall of Justice, Room 322

Certified copy required Yes

No

(Note: certified copies have the seal of the City/County affixed and are occasionally required by funding agencies. In most cases ordinary copies without the seal are sufficient).

Print Form

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.

Sponsor(s):

Cohen

Subject:

Accept and Expend - Ordinance Alcohol and Drug Impaired Driver Vertical Prosecution

The text is listed below or attached:

Accept and Expend - Ordinance Alcohol and Drug Impaired Driver Vertical Prosecution

Signature of Sponsoring Supervisor: Malcolm Cohen

For Clerk's Use Only:

141217