



COUNTY OF SAN DIEGO

AGENDA ITEM

BOARD OF SUPERVISORS

NORA VARGAS
First District

JOEL ANDERSON
Second District

TERRA LAWSON-REMER
Third District

VACANT
Fourth District

JIM DESMOND
Fifth District

DATE: December 5, 2023

01

TO: Board of Supervisors

SUBJECT

**DISTRICT ATTORNEY – REQUEST TO APPLY FOR AND ACCEPT CALIFORNIA
OFFICE OF TRAFFIC SAFETY GRANTS (DISTRICTS: ALL)**

OVERVIEW

The District Attorney's Office (DAO) has a long history of utilizing grant funds to support the operation of the Driving Under the Influence (DUI) Homicide Unit and impaired driving prevention activities since 2014. This is a request to authorize the DAO to submit a grant application, and if awarded, to accept the grant funding for the California Office of Traffic Safety (OTS) DUI grant through the National Highway Traffic Safety Administration for Federal Fiscal Year (FFY) 2024-2025. The estimated grant amount of \$2.5 million would be for the period of October 1, 2024 through September 30, 2025. In addition to continuing vertical prosecution of DUI cases, the grant would also support community education on impaired driving and provide training for local law enforcement on DUI investigations.

This is also a request to authorize the DAO to apply for and accept grant funding from OTS in subsequent years provided there are no material changes to the grant terms and funding levels. If authorized, the DAO will return to the Board of Supervisors for authorization to appropriate awarded funds as necessary.

RECOMMENDATION(S)

DISTRICT ATTORNEY

1. Waive Board Policy B-29, Fees, Grants, Revenue Contracts – Department Responsibility for Cost Recovery which requires full cost recovery of grants and to the extent it requires separate applications for authority to apply for and accept grants.
2. Authorize the District Attorney to apply for and accept grant funds in the estimated amount of \$2.5 million for the period of October 1, 2024 through September 30, 2025 from the California Office of Traffic Safety for the Driving Under the Influence program and apply for and accept grant funds in subsequent years provided there are no material changes to the grant terms or funding level.

SUBJECT: DISTRICT ATTORNEY – REQUEST TO APPLY FOR AND ACCEPT CALIFORNIA OFFICE OF TRAFFIC SAFETY GRANTS (DISTRICTS: ALL)

3. Authorize the District Attorney to review and execute all required grant and grant-related documents for the Driving Under the Influence grant program, this year and in subsequent years, including agreements with other government agencies for the distribution of grant funds where necessary to carry out the purposes of the grant and any annual extension, amendments, and/or revisions thereof that do not materially impact or alter the services or funding level. This authorization would include agreements for the distribution of grant funds where necessary to carry out the purposes of each grant and any annual extension, amendments, and/or revisions thereof that do not materially impact or alter the services or funding level.

EQUITY IMPACT STATEMENT

The District Attorney's Office is constitutionally responsible for the investigation and prosecution of all criminal violations of state law and county ordinances. The District Attorney's Driving Under the Influence (DUI) Homicide Unit specializes in prosecuting DUI homicide and other DUI related cases. DUI cases affect all communities in San Diego and are also prevalent in cases involving youth. The DUI Homicide Unit is committed to engaging all San Diego communities in education and awareness campaigns to protect residents and prevent the tragedies associated with impaired driving. Proactive strategies will be deployed with the goal of educating the community at large, with an added focus on outreach at local schools and universities.

SUSTAINABILITY IMPACT STATEMENT

The District Attorney's application for Office of Traffic Safety grant funding contributes to the County of San Diego's sustainability goals of safety by focusing on educating community members on the dangers of impaired driving, assisting victims and families who have been harmed by a Driving Under the Influence (DUI) driver, training law enforcement personnel in the investigation and prosecution of DUI cases.

FISCAL IMPACT

Funds for this request will be included in the Fiscal Years 2024-26 CAO Recommended Operational Plan for the District Attorney's Office. If approved, this request will result in estimated costs and revenue of \$2.5 million for Fiscal Year 2024-25. The funding sources are \$2.3 million from the California Office of Traffic Safety and an estimated \$0.2 million of existing General Purpose Revenue for indirect costs. Funds in subsequent years will be included in future operational plans. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ADVISORY BOARD STATEMENT

N/A

BACKGROUND

Launched in 2014, the Driving Under the Influence (DUI) Homicide Unit streamlines complex DUI cases by creating expertise within the District Attorney's Office. The specialized unit creates uniformity in investigative and prosecutorial practice in the cases heard before the county's four

SUBJECT: DISTRICT ATTORNEY – REQUEST TO APPLY FOR AND ACCEPT CALIFORNIA OFFICE OF TRAFFIC SAFETY GRANTS (DISTRICTS: ALL)

Superior Courts. In addition, the unit helps law enforcement adapt to changes in technology by having a designated District Attorney Investigator who is trained in the latest techniques in collision reconstruction. The program also features vertical prosecution of DUI cases, assigning Deputy District Attorney's to cases from start to finish.

Over the past several years the prevalence of "combination cases" has increased. Combination cases are those where multiple intoxicants are detected in the driver's test sample. More than 50% of all DUI-alcohol samples that were randomly selected for additional testing, came back positive for alcohol plus one other drug. This includes marijuana, methamphetamine, and fentanyl. Combination cases present a greater challenge than a standard alcohol-only DUI because it is unknown whether a single substance, alcohol or drug, is causing the impairment or whether the combination of the substances is working together to cause impairment.

In 2022, the District Attorney's Office filed 5,682 DUI cases, including 370 DUI drug cases and 151 combination cases. So far this year, the DA's Office has filed 4,635 DUI cases including 253 DUI drug cases and 219 combined alcohol and drug impairment cases.

The proposed action would authorize the District Attorney to apply for and accept grant funding from the Office of Traffic Safety to continue vertical prosecution of DUI cases, improve community education on impaired driving, and provide training for local law enforcement on DUI investigations. While the funding covers all of the direct costs of this program, a waiver of Board Policy B-29 Fees, Grants, Revenue Contracts is requested due to the indirect costs that exceed the indirect cost rate approved by the granting agency.

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

Today's proposed actions support the County of San Diego's 2023-2028 Strategic Plan initiatives of Community and Justice as they ensure that all communities of the County are safely supported through protection from crime. With the support of this grant, the Vehicular Homicide Vertical Prosecution Unit of the District Attorney's Office will continue to prosecute cases more efficiently, increasing offender's accountability, creating a strong public deterrent to Driving Under the Influence behavior and ensuring that all victims receive justice.

Respectfully submitted,



SUMMER STEPHAN
District Attorney

ATTACHMENT(S)

N/A