



GEORGE GASCÓN
LOS ANGELES COUNTY DISTRICT ATTORNEY

HALL OF JUSTICE
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September 24, 2024

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**AUTHORIZE THE LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
TO ACCEPT GRANT FUNDS FROM THE OFFICE OF TRAFFIC SAFETY
FOR THE PERIOD BEGINNING OCTOBER 1, 2024, THROUGH SEPTEMBER 30, 2025
(ALL DISTRICTS) (3-VOTES)**

SUBJECT

This Board Letter requests authority for the Los Angeles County District Attorney's Office (LADA) to accept grant funds from the California Office of Traffic Safety (OTS) and enter into agreements to support the Driving Under Influence (DUI) and Vehicular Homicide Training, Education, and Prosecution Program (Program) for a one-year period running from October 1, 2024, through September 30, 2025. Applicants are required to submit necessary assurances and documentation with their grant application.

IT IS RECOMMENDED THAT THE BOARD:

1. Authorize LADA to accept grant funds from the OTS for the DUI and Vehicular Homicide Training, Education, and Prosecution Program, Assistance Listing Number 20.616, Grant Award Number DI25006, governed by the Code of Federal Regulations (2 CFR 200), in the amount of \$1,784,727.00, for a one-year period of October 1, 2024, to September 30, 2025. There is no required County match for this grant.
2. Authorize the District Attorney (DA), or his designee, to serve as Program Director and sign and approve the OTS grant agreement and any revisions, amendments, modifications, and/or extensions to the OTS grant agreement that do not increase the Net County Cost of the Program.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The OTS is designated by the Governor to receive federal traffic safety funds from the United States Department of Transportation, National Highway Traffic Safety Administration, for coordinating California's highway safety programs. Each year, the OTS develops a Highway Safety Plan identifying the key highway safety problems in the state and the most effective countermeasures to address them. OTS then solicits proposals statewide to address the identified problems. OTS awards grant funds to local governmental agencies to implement traffic safety programs and grants.

The purpose of the OTS grant is to have a specialized team of Deputy District Attorneys (DDAs) continue the process of providing significantly improved DUI-Alcohol, DUI-Drugs, and vehicular homicide training and education to DDAs and law enforcement agencies, as well as allowing this specialized team of DDAs to continue its work in increasing the number of Drug Recognition Experts. The members of this specialized team will work to increase the capabilities of the team, the office, law enforcement personnel, and outside prosecutorial agencies, by obtaining and delivering specialized training in these fields throughout the county and state. In addition to providing this specialized training and education, team members will also personally prosecute a select number of the county's most serious and high profile DUIs and vehicular homicides. LADA will accomplish these objectives as a means to prevent impaired driving and reduce traffic fatalities and injuries.

Grant funds provided by OTS allows the LADA to create the DUI Training and Prosecution Section (DTAPS) to address and combat the ongoing and increasing DUI-Alcohol, DUI-Drugs, and vehicular homicide problems within Los Angeles County. One of the main goals of DTAPS has been to prioritize and continue to expand a vertical prosecution program to facilitate the specialized prosecution of the most high-profile DUI related vehicular homicide cases.

The LADA's plan to develop expertise and train prosecutors on topics specific to DUI and vehicular homicide cases has been approved for grant funding from the OTS.

Board approval is required to accept grant funds and satisfy County and State requirements.

Implementation of Strategic Plan Goals

Approval of the recommended action is consistent with both the Los Angeles County Strategic Plan's North Star No. 1, Make Investments that Transform Lives: Aggressively address society's most complicated social, health, and public safety challenges, as well as North Star No. 3, Realize Tomorrow's Government Today: Be an innovative, flexible, effective, and transparent partner focused on advancing the common good and being fiscally responsible.

FISCAL IMPACT/FINANCING

The total funding awarded from OTS is \$1,784,727 for a one-year period, October 1, 2024, to September 30, 2025, which includes the allocation of funds for the salary and employee benefits for 100 percent of one (1) existing Grade IV DDA, three (3) existing Grade III DDAs, and 50 percent of one (1) existing District Attorney Senior Investigator. Of the total awarded amount, LADA will allocate \$152,415 in grant funding to provide on-call blood draw services for the grant period. LADA is in the process of solicitating for a new on-call blood draw service contract and will present to the Board in a separate Board letter when it is completed.

The pro-rated grant award funding is included in the LADA's FY 2024-25 Final Adopted Budget; therefore, no budget adjustment is required.

If funding for this Program were to be terminated, an evaluation would be conducted to determine whether the Program would be continued, with costs absorbed by LADA, or discontinued with staff attrition or reallocation to vacant budgeted positions.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The LADA is responsible for prosecuting all felonies in Los Angeles County and misdemeanors for 78 of 88 cities within its jurisdiction (4,083 square miles). Within that territory, LADA works with over 100 law enforcement agencies. When fully staffed, there are approximately 1,000 DDAs employed by LADA. DUI offenses represent a rising and continuing threat in Los Angeles County. Given the passage of Proposition 64 and the trend of increased DUI-Alcohol and DUI-Drugs and DUI combination crashes and fatalities in states, such as California, where drugs, including marijuana, have been legalized, the Los Angeles County law enforcement community expects the danger to continue to increase.

The fair and ethical prosecution of those who drive while impaired by alcohol, drugs, or a combination of drugs and alcohol, requires a well-trained prosecutorial staff. The OTS grant is a timely opportunity to provide this training in Los Angeles County. In addition, The OTS grant will provide funding to continue the Program for as-needed, on-call blood draw services. LADA will conduct a solicitation for a new service contract when the current contract is expired. The blood draw service is essential to the Program because the presence of active drugs in the bloodstream of a DUI suspect dissipates rapidly and, unlike alcohol, can only be detected through blood sample testing. Recent changes to the law hold that a blood sample from a DUI suspect may be obtained either through consent or, absent that, through a search warrant signed by a judge. In many instances, law enforcement officers have experienced difficulty or delays in obtaining blood draws at hospitals, despite having obtained consent or a valid search warrant. The ability to have an on-call blood draw service respond when needed by law enforcement is imperative in proving many DUI cases and is, therefore, a public safety necessity. The Program will afford an opportunity to assess the level of need, and the geographic areas of need, for on-call blood draw services in the County twenty-four (24) hours a day, seven (7) days a week, three hundred sixty-five (365) days a year.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

This Program proposes the dedication of one (1) existing Grade IV DDA, three (3) existing Grade III DDAs, and 50 percent of one (1) existing District Attorney Senior Investigator. Pursuant to your Board motion of December 15, 1998, the Alternate Public Defender, Probation, Public Defender, and Sheriff's Departments have been notified of this request for review and have determined that this action would not impact their current operations and/or any potential impact due to the expansion of this Program can be managed with existing resources. Funding from OTS will allow DTAPS to continue to vertically prosecute County's most serious DUI related vehicular homicides, all while providing important DUI and vehicular homicide related training to prosecutors and law enforcement agencies.

CONCLUSION

Following Board approval, the Executive Officer-Clerk of the Board is requested to return two (2) copies of the adopted Board Letter to Ms. Ani Ayvazyan, District Attorney's Office, 211 West Temple Street, Suite 200, Los Angeles, California 90012-3205. Any questions may be directed to Ms. Ayvazyan at (213) 257-2746, or at AAyvazyan@da.lacounty.gov.

Respectfully submitted,



GEORGE GASCON

District Attorney

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Enclosures

c: Executive Officer, Board of Supervisors
Chief Executive Officer
County Counsel

**Los Angeles County Chief Executive Office
Grant Management Statement for Grants \$100,000 or More**

Department:	DISTRICT ATTORNEY'S OFFICE
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Grant Project Title and Description	ALCOHOL & DRUG IMPAIRED DRIVER VERTICAL PROSECUTION PROGRAM
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The Los Angeles County District Attorney's Office will continue with its specialized team of prosecutors (DUI Training and Prosecution Section (DTAPS)) that will strengthen Driving Under the Influence of Alcohol (DUI Alcohol) and/or Drugs (DUID) and/or DUI Combination of Alcohol and Drug (DUI Combo) investigations and prosecutions in Los Angeles County by providing training on these types of cases to trial prosecutors and law enforcement agencies throughout the County. DTAPS will continue to train, and in some instances, co-chair the prosecution of DUI Alcohol, DUID, or DUI Combination (Alcohol and Drug) cases with misdemeanor and felony Deputy District Attorneys who handle these types of cases throughout each step of the criminal justice process. DTAPS will work with the Traffic Safety Resource Prosecutor - Southern California Training Network to increase the capabilities of the Office by obtaining and delivering specialized training. DTAPS will share information with peers, law enforcement, and crime lab 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.

Funding Agency	Program (Fed. Grant #/State Bill or Code #)	Grant Acceptance Deadline
OFFICE OF TRAFFIC SAFETY	DI25006	N/A

Total Amount of Grant Funding:	\$1,784,727	County Match:	\$0
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Grant Period	Begin Date: October 1, 2024	End Date: September 30, 2025
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Number of Personnel Hired Under This Grant	Full Time: 4	Part Time: 1
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Obligations Imposed on the County When the Grant Expires			
Will all personnel hired for this program be informed this is a grant-funded program?	Yes	<u> X </u>	No <u> </u>
Will all personnel hired for this program be placed on temporary ("N") items?	Yes	<u> X </u>	No <u> </u>
Is the County obligated to continue this program after the grant expires?	Yes	<u> </u>	No <u> X </u>
If the County is not obligated to continue this program after the grant expires, the Department will:			
a.) Absorb the program cost without reducing other services	Yes	<u> </u>	No <u> X </u>
b.) Identify other revenue sources (describe below)	Yes	<u> </u>	No <u> X </u>

c.) Eliminate or reduce, as appropriate, positions/program costs funded by the grant.	Yes	<u> X </u>	No <u> </u>

Impact of additional personnel on existing space:
None

Other requirements not mentioned above:
None

Department Head Signature



Date

8.20.24

1. GRANT TITLE DUI and Vehicular Homicide Training, Education, and Prosecution Program	
2. NAME OF AGENCY Los Angeles County	3. Grant Period From: 10/01/2024 To: 09/30/2025
4. AGENCY UNIT TO ADMINISTER GRANT Los Angeles County District Attorney's Office	
5. GRANT DESCRIPTION The County District Attorney's Office will assign a specialized team to train and educate prosecutors and law enforcement on investigating and prosecuting DUIs, with an emphasis on DUIDs, and vehicular homicide cases. Team members will work to increase the capabilities of the team, the office, law enforcement personnel, and outside prosecutorial agencies, by obtaining and delivering specialized training in these fields throughout the county and state. In addition to providing this specialized training and education, team members will also personally prosecute a select number of the county's most serious and high profile DUIs and vehicular homicides. The office will accomplish these objectives as a means to prevent impaired driving and reduce traffic fatalities and injuries.	
6. Federal Funds Allocated Under This Agreement Shall Not Exceed: \$1,784,727.00	
7. TERMS AND CONDITIONS: The parties agree to comply with the terms and conditions of the following which are by this reference made a part of the Agreement: <ul style="list-style-type: none"> • Schedule A – Problem Statement, Goals and Objectives and Method of Procedure • Schedule B – Detailed Budget Estimate and Sub-Budget Estimate (if applicable) • Schedule B-1 – Budget Narrative and Sub-Budget Narrative (if applicable) • Exhibit A – Certifications and Assurances • Exhibit B* – OTS Grant Program Manual • Exhibit C – Grant Electronic Management System (GEMS) Access <p>*Items shown with an asterisk (*), are hereby incorporated by reference and made a part of this agreement as if attached hereto.</p> <p>These documents can be viewed at the OTS home web page under Grants: www.ots.ca.gov.</p> <p>We, the officials named below, hereby swear under penalty of perjury under the laws of the State of California that we are duly authorized to legally bind the Grant recipient to the above described Grant terms and conditions.</p> <p>IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.</p>	
8. Approval Signatures	
A. GRANT DIRECTOR NAME: Garrett Dameron TITLE: Deputy-In-Charge EMAIL: gdameron@da.lacounty.gov PHONE: (213) 974-2187 ADDRESS: 211 West Temple Street Suite 1200 Los Angeles, CA 90012 _____ (Signature) (Date)	B. AUTHORIZING OFFICIAL NAME: George Gascón TITLE: District Attorney EMAIL: ggascon@da.lacounty.gov PHONE: (213) 974-3500 ADDRESS: 211 West Temple Street Suite 1200 Los Angeles, CA 90012 _____ (Signature) (Date)
C. FISCAL OFFICIAL NAME: Lidia Youssef TITLE: Chief, Budget and Fiscal Services Division EMAIL: lyoussef@da.lacounty.gov PHONE: (213) 257-2821 ADDRESS: 211 West Temple Street Suite 1200 Los Angeles, CA 90012 _____ (Signature) (Date)	D. AUTHORIZING OFFICIAL OF OFFICE OF TRAFFIC SAFETY NAME: Barbara Rooney TITLE: Director EMAIL: barbara.rooney@ots.ca.gov PHONE: (916) 509-3030 ADDRESS: 2208 Kausen Drive, Suite 300 Elk Grove, CA 95758 _____ (Signature) (Date)

<p>E. ACCOUNTING OFFICER OF OFFICE OF TRAFFIC SAFETY</p> <p>NAME: Carolyn Vu ADDRESS: 2208 Kausen Drive, Suite 300 Elk Grove, CA 95758</p>	<p>9. SAM INFORMATION</p> <p>SAM #: HQKJLGBSMBL5 REGISTERED ADDRESS: 211 West Temple, 12th Floor CITY: Los Angeles ZIP+4: 90012-4086</p>
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10. PROJECTED EXPENDITURES						
FUND	CFDA	ITEM/APPROPRIATION	F.Y.	CHAPTER	STATUTE	PROJECTED EXPENDITURES
				AGREEMENT TOTAL		\$1,784,727.00
				AMOUNT ENCUMBERED BY THIS DOCUMENT		\$1,784,727.00
<i>I CERTIFY upon my own personal knowledge that the budgeted funds for the current budget year are available for the period and purpose of the expenditure stated above.</i>				PRIOR AMOUNT ENCUMBERED FOR THIS AGREEMENT		\$ 0.00
				TOTAL AMOUNT ENCUMBERED TO DATE		\$1,784,727.00
OTS ACCOUNTING OFFICER'S SIGNATURE			DATE SIGNED			

1. PROBLEM STATEMENT

The Los Angeles County District Attorney's Office (LADA) is responsible for prosecuting all felonies in Los Angeles County (LA County) and misdemeanors for 78 of 88 cities within its jurisdiction (4,083 square miles). Within that territory, LADA works with over 100 law enforcement agencies. When fully staffed, there are approximately 1,000 Deputy District Attorneys (DDAs) employed by LADA. Driving Under the Influence (DUI) and Driving Under the Influence of Drugs (DUID) offenses represent a rising and continuing threat in Los Angeles County. Given the passage of Proposition 64 and the trend of increased DUI and DUID crashes and fatalities in states, such as California, where drugs, including marijuana, have been legalized, the Los Angeles County law enforcement community expects the danger to continue to increase. This belief is substantiated by yearly statistics kept by LADA.

After three consecutive years of declining numbers, DUI numbers within LA County have returned to pre-COVID numbers. In fact, between 2022 and 2023, the number of DUI cases presented for filing, and those actually filed, rose nearly 20%. In 2022, the number of DUI (California Vehicle Code (VC) 23152(a)/23153(a)) cases presented for filing were 10,421. In 2023, those cases rose to 12,421. The number of DUI-Alcohol (VC 23152(b)/23153(b)) cases presented for filing in 2022 was 8,849, and those numbers increased to 10,530 in 2023. During that same time frame, that 20% increase applied to the number of DUI cases filed. In 2022, the number of DUIs filed was 9,527, and, in 2023, those numbers rose to 11,309. Likewise, the number of DUI-Alcohol cases filed went from 8,488 to 10,530 between 2022 and 2023. The 2023 numbers have not been this high since 2019 (before the pandemic). Also of concern, the number of vehicular homicide while intoxicated cases presented and filed (California Penal Code (PC) 191.5(b)) reached a six year high with numbers not seen since 2017.

The troubling rise in the number of DUIs and intoxicated related fatalities are reflected in the number of 2023 traffic deaths being publicized in Los Angeles. The Los Angeles Police Department (LAPD) reported the number of traffic deaths tied to intoxicated drivers doubled in the first part of 2023. (Leonard, Eric. "DUIs a 24 Hour-a-Day Problem in LA." NBC LA. April 26, 2023.) For the entire 2023 calendar year, LAPD recorded more traffic deaths than murders. (Leonard, Eric. "Traffic Fatalities Eclipse Murders in Los Angeles in 2023." KNBC. January 10, 2024.) In fact, the amount of people moving out of California has done nothing to curb the rising numbers of vehicular fatalities. (Palm, Iman. "Why Have Traffic Fatalities Increased in California When More People are Leaving the State?" KTLA. July 2, 2023.)

To combat and account for these rising numbers of DUIs and vehicular fatalities, in 2020, LADA updated its case tracking capabilities and began to better account for DUIs and vehicular homicides prosecuted within LADA. The LA County numbers detailed above are a shocking indicator of how these cases present a very serious public safety issue within LA County.

Based on a Fiscal Year (FY) 2017 grant from the Office of Traffic Safety (OTS), LADA created the DUI Training and Prosecution Section (DTAPS) in attempt to address and combat the ongoing and increasing DUI and DUID problems within LA County. One of the main goals of DTAPS has been to prioritize and continue to expand a vertical prosecution program to facilitate the specialized prosecution of the most high-profile, and serious DUID and DUI Alcohol-Drug Combination (DUI-Combo) cases (nearly all being DUI-related murders). In doing so, the DTAPS lawyers provide their vast amounts of experience and expertise to ensure these tragic cases are vigorously prosecuted and that justice can be thoroughly pursued for the victims and their families. Unfortunately, the DDAs in DTAPS are limited in the number of cases they can vertically prosecute because of the overwhelming amount of time necessary in prosecuting such cases and the attention and resources needed to devote to the remaining objectives and goals of DTAPS. The DUI vehicular homicide cases vertically prosecuted by DTAPS encompass only a small percentage of the cases being prosecuted by the entire LADA.

In January 2017, DTAPS established a rollout program for DUID and DUI-Combo fatality cases. DUID and DUI-Combo cases involving a homicide or grave injury are screened by, and when deemed appropriate based on the criteria discussed above, vertically prosecuted by DTAPS DDAs. DTAPS always has been,

and will continue to be, available to rollout, provide consultation, and to support DDAs and members of law enforcement handling any DUI related homicide case not vertically prosecuted by DTAPS.

Another important goal of DTAPS, geared towards tackling these problems, is providing comprehensive, standardized training to DDAs and law enforcement on DUI-Alcohol and DUID cases. DTAPS has made great strides to implement and continually improve the DUI training provided to veteran and newly-hired LADA prosecutors.

All newly-hired DDAs receive immersive training during their probationary period on effective strategies for prosecuting DUI-Alcohol and DUID cases. During this training, DDAs conduct mock direct examination of officers and lab analysts, who also provide a lecture-based component on how alcohol consumption affects divided attention skills. The DUID training also includes instruction from veteran, certified DREs, as well as analysts from the crime lab. The training focuses on the difference between DUI-Alcohol and DUID cases, and how best to utilize the available facts and results, such as standardized field sobriety tests (SFSTs), DRE investigations, and quantitative results.

In addition to newly-hired DDAs, DTAPS spends a great deal of time training veteran DDAs and making sure these prosecutors are kept current with the latest changes in the law and in investigative and trial strategies. The DTAPS lawyers make themselves available to all prosecutors in the LADA to answer questions and address issues in all DUI cases and often assist DDAs in court as well. DTAPS assists senior DDAs who review, file, and prosecute some of the most serious DUI-related fatalities.

Not only does DTAPS educate and train prosecutors inside and outside the LADA, but the DDAs in DTAPS have working relationships with nearly all the 100 plus law enforcement agencies within Los Angeles County. DTAPS receives frequent requests to train law enforcement officers in all aspects of DUI investigations, including report writing, testifying, and legal updates and trends. In addition to DUI patrol officers, DTAPS frequently trains senior traffic detectives in conducting vehicular homicide investigations and preparing those cases for filing and court.

One of the positives to come from having to adapt to limitations imposed by COVID, the lawyers in DTAPS now provide hybrid live-virtual trainings and recorded trainings for future viewings. These trainings cover a wide variety of topics from the perspective of both a prosecutor and a law enforcement officer. By having these trainings available to prosecutors and law enforcement, filing standards have become more consistent, and investigations and prosecutions have improved. This conformity is essential - and perhaps remarkable - given the size of the County, the number of law enforcement agencies in LA County, and the number of offices in the LADA.

In an effort to better equip prosecutors and law enforcement officers with the tools needed to tackle the challenges of DUI and DUID cases, DTAPS published its own DUI/DUID manual on the investigation and prosecution of these cases. The publication, entitled *The Investigation and Prosecution of Drug-Impaired Drivers*, compiled DUI/DUID related statutes, case law, and published studies into one manual as a resource for prosecutors and law enforcement state-wide. The publication has already been widely distributed and, based on the feedback we have received, is being hailed as a preeminent resource. The first manual was published in 2021 and a revised edition, with updates on recent caselaw and new studies, will be published in 2024.

DTAPS has an ongoing collaboration with the California Traffic Safety Resource Prosecutor Training Network (TSRP) and our colleagues at the Los Angeles City Attorney's Office (LACA). DTAPS has taught a portion of Traffic Colleges (North and South) in 2018-2023 and has already scheduled attending and presenting at both colleges in 2024. In addition, DTAPS now frequently conducts its quarterly, Regional Roundtables in conjunction with TSRP and LACA, which allows for presenting a wider variety of relevant content while reaching a larger audience.

As part of a FY 2020 grant award, OTS funded a part-time LADA Investigator to join DTAPS as a Drug Recognition Expert (DRE). The DA Investigator (DAI) is a sworn officer who came to the LADA Bureau of Investigation as a trained and qualified DRE. Since joining DTAPS as a DRE, the DAI has re-certified as a DRE and has become available to all LADA DDAs, as well as local law enforcement agencies, for DRE-related issues. The DAI-DRE has been consulting on cases, participating in DTAPS trainings, and testifying

in court as a DRE. Since many agencies have few or no DREs, the availability of a DRE in DTAPS has allowed DDAs in LADA to consult with the DRE from the filing stage all the way through to trial. The DRE has also made himself available to serve as an expert consultant to assist trial deputies with the preparation for, and cross-examination of, defense expert witnesses. The DAI-DRE has been an active partner in conducting prosecution and law enforcement trainings. The DRE serves as a regional resource to law enforcement agencies and investigators on case evaluations in those instances where no DRE is available to work on the initial investigation. The DAI-DRE has been an invaluable resource to DTAPS and an outstanding asset to the LADA.

DTAPS has worked, and continues to work, with multiple law enforcement agencies within Los Angeles County to encourage officers to complete DRE training or obtain re-certification to address the critical shortage of qualified officers in the County. DTAPS has made presentations on this critical need to most of the law enforcement agencies within the County. The DAI-DRE has encouraged more officers to attend DRE school when the DAI-DRE has attended law enforcement briefings. DTAPS has provided report writing and courtroom testimony training, while emphasizing and highlighting the need for more DREs, at various SFST, Advanced Roadside Impairment Driving Enforcement (ARIDE), and DRE schools. DTAPS has also partnered with the California Highway Patrol (CHP) Statewide Coordinator to inform agencies that reimbursement for DRE school is available.

A yearly goal for DTAPS has been increasing the number of DREs within all LA County law enforcement agencies, with a particular emphasis on the Los Angeles County Sheriff's Department (LASD). Although employing the largest number of sworn law enforcement officers in the country, the LASD was slow to train and certify its own deputies as DREs. As of 2020, LASD had 7 DREs for their entire department. In early 2021, after a meeting between DTAPS and high-ranking LASD personnel, the LASD agreed to increase its number of DREs. As of January 2023, the LASD now has nearly 50 active, certified DREs. This was partly accomplished through the efforts of DTAPS by conducting trainings during LASD SFST, ARIDE, and DRE courses. DTAPS also trains at LAPD and CHP SFST, ARIDE, and DRE courses.

DTAPS has been working with many Los Angeles County law enforcement agencies to assist them and provide guidance on updating and modernizing the agency's standardized DUI and DRE arrest reports. Due to changes in the law regarding chemical test advisements, many law enforcement agencies have outdated verbiage, or language that has been deemed legally deficient, contained in the reports that arresting officers use when making DUI and DRE related arrests. DTAPS continues to work with these agencies to update and correct these issues. In addition, DTAPS has been advocating for these agencies to add "Watson" advisements to DUI-related arrest reports and has been training officers to provide these warnings to motorists stopped for egregious traffic violations, regardless of whether they result in misdemeanor arrests or simple traffic tickets. Many agencies have adopted, or are in the process of adopting, this recommendation, thereby assisting prosecutors and investigators in deciding whether a DUI vehicular homicide would be more appropriately charged as a "Watson" murder and, in some cases, making it easier to prove the necessary knowledge element in court.

DTAPS has partnered with the LASD - Scientific Services Bureau (SSB) to advocate and promote their receiving of funding to update their drug testing capabilities and to modernize and improve their laboratories. Based on a separate FY 2017 OTS Grant, SSB received funding to obtain a liquid chromatography tandem mass spectrometry (LCMS) machine for confirmatory and quantitative analysis of drug-impaired driving blood submissions, including delta-9 THC, the psychoactive component of marijuana. DTAPS worked with SSB in attempt to utilize LCMS testing in analyzing blood samples for individuals who may have been DUID-marijuana. DTAPS then trained and promoted the importance of the utilization of these testing results in DUID-marijuana cases. Additionally, in 2022, SSB applied for and received grant funds from the CHP to modernize and improve all their antiquated drug testing capabilities. DTAPS played a major role in SSB receiving these funds by appearing before the Los Angeles County Board of Supervisors to advocate for the receipt of the funds.

DTAPS continues to collaborate with SSB to train newly-hired DDAs by providing instruction on the technical aspects of forensic toxicology. This instruction includes guidelines on when the analyses can be utilized by a forensic toxicologist to render a legally admissible opinion about whether someone was under the influence of drugs at the time of driving. This partnership has allowed DDAs to better understand the analytical results when reviewing DUID cases for a potential criminal filing, and when prosecuting a filed

DUID case. This allows DDAs to have a better understanding of SSB's analytical results, which will increase the effectiveness of the presentations of this evidence to a jury.

DTAPS continues to play a major role in improving and standardizing the McNeely Warrant form - the mechanism for obtaining blood from drivers suspected of operating a motor vehicle while under the influence of alcohol and/or drugs. DTAPS authored and trains on this form with all its LA County law enforcement partners. The standardization of this form streamlines and expedites the warrant process for DUI investigations by ensuring the same form is used county-wide, thus allowing for familiarity with the judges who must review and ultimately sign the warrants. DTAPS has ensured these forms will expedite the process by which blood is obtained and increase the likelihood of detecting any impairing substance in the blood before dissipation.

DTAPS now works closely alongside with, and is a member of, the new Los Angeles Traffic Group which brings together traffic investigators from all over LA County to discuss issues and trends in vehicular fatalities and traffic related crimes. Additionally, DTAPS attends and participates in the CHP's Los Angeles Regulate Impaired Driving Effort Task Force.

In effort to educate and interact with school age children about the dangers of DUIs, DTAPS now works with the CHP and participates in the "Every 15 Minutes" program at local high schools. This provides an excellent opportunity for the members of DTAPS to share its knowledge and experience with students to make them aware of the dangers and legal consequences of engaging in this behavior.

Based on a 2019 OTS grant, DTAPS was awarded funding for an on-call nurse through a private medical service to draw blood in suspected DUI cases in which blood cannot be drawn at a hospital. Whether the nearest hospital is too far from the location of an arrest, or the nearest hospital is unable or unwilling to perform a blood draw, the on-call blood draw service is vital to ensuring necessary evidence is collected in a timely manner. The inability or refusal of some hospitals to cooperate with law enforcement and draw blood, even with a warrant, places officers in one of two untenable situations: 1) they must try to get blood drawn from another hospital, or 2) simply forego obtaining a blood sample. Both situations significantly hinder a DUI investigation. When officers are forced travel to another hospital, the delay impedes the ability to find traceable alcohol and/or drugs (like cannabis which dissipates rapidly) in the suspect's blood. If no blood is drawn, the officers are left with only the initial observations by the roadside officer and a DRE, if one is available, which makes prosecution much more difficult.

For previous OTS grant periods, LADA asked for and was granted funding for the on-call nurse program. The program has been a tremendous success since its inception. DTAPS has been training law enforcement agencies throughout the County about the program's availability and these same agencies immediately utilized this valuable resource. Unfortunately, while the program has been tremendously successful in each of the five years in existence, the funding devoted to the on-call nurse program has been exhausted in a matter of six to eight months. Due to the size of LA County, the number of law enforcement agencies working in the County, and the growing number of drivers arrested every year for DUIs, the amount granted for this program needs to be increased to meet this demand. This need is magnified by the growing number of hospitals unable or unwilling to assist law enforcement with blood draws.

Funding from OTS will allow DTAPS to continue to vertically prosecute Los Angeles County's most serious DUID and DUI-Combo related vehicular homicides, all while providing important DUI related training to prosecutors and law enforcement agencies.

2. PERFORMANCE MEASURES

A. Goals:

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

B. Objectives:

1. 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

Target Number

1

your OTS Coordinator, for approval 7 days prior to the issuance date of the release.	
2. 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 DUI drug cases, all DUI alcohol and drug combination cases, and if applicable, all felony DUI alcohol cases with death or injury.	1
3. 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	1
4. 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.	4
5. Partner with the California Traffic Safety Resource Prosecutor Training Network to provide comprehensive training in the prosecution of DUI Alcohol and DUI Drug cases with an effort to reach prosecutors and investigators.	1
6. Send the funded prosecutor(s) to trainings/meetings sponsored by OTS and/or the California Traffic Safety Resource Prosecutor Training Network.	1
7. Coordinate and host four in person regional roundtable law enforcement meetings (one each quarter, with telephone or internet conference capabilities for the CA OTS Staff) 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.	4
8. 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 crashes, and to report on response activities	1
9. Participate in at least one DUI saturation ride-along. Note: The funded vertical prosecutor(s) and investigator should participate within the first quarter of the grant.	5
10. Respond to at least one fatal DUI crash investigation scene. Note: The funded vertical prosecutor(s) and investigator(s) should achieve this objective within the first quarter of the grant.	1
11. Identify grant funded, straight time personnel. Include any vacancies or staff changes that have occurred. For any vacancies, include the status of filling the vacancy.	4
12. District Attorney's Office / City Attorney's Office to partner with local school and/or youth organizations to provide educational programming about the dangers and consequences of driving under the influence of alcohol and/or drugs.	1
13. Send prosecutors/DA Investigators to the NHTSA Standardized Field Sobriety Testing (SFST) (minimum 16 hours) POST-certified training.	1
14. Send prosecutors/DA Investigators to the NHTSA Advanced Roadside Impaired Driving Enforcement (ARIDE) 16 hour POST-certified training.	1
15. Send prosecutors/DA Investigators to the Drug Recognition Expert (DRE) training.	1
16. Attend and observe at least one DUI checkpoint. Note: The funded vertical prosecutor(s) and investigator should participate within the first quarter of the grant.	5
17. Execute subcontracts referenced in the budget. Prior to finalizing the subcontract, grantee should work with the OTS to ensure all costs in the sub contract are allowable. Upon execution of subcontract, upload a copy of the subcontract and request a revision to the grant budget to add new budget line items for associated costs under contractual services. If not yet executed, provide ETA.	1
3. METHOD OF PROCEDURE	
A. Phase 1 – Program Preparation (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 in person Roundtable Meetings (one each quarter with telephone or video 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 grant.
- 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 approved by the OTS PIO announcing the kick-off of the grant by November 15, but no sooner than October 1. The kick-off release must be approved by the OTS PIO and only distributed after the grant is fully signed and executed. If you are unable to meet the November 15 deadline to issue a kick-off press release, communicate reasons to your OTS grant coordinator and OTS PIO.

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 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

The following requirements are for all grant-related activities:

- Send all media advisories, alerts, videos, graphics, artwork, posters, radio/PSA/video scripts, storyboards, digital and/or print educational materials for grant-related activities to the OTS PIO at pio@ots.ca.gov for approval and copy your OTS grant coordinator. Optimum lead time would be 7 days before the scheduled release but at least 3 business days prior to the scheduled release date for review and approval is appreciated.

- Send all Powerpoint presentations, online presentations and trainings for grant-related activities to the OTS PIO at pio@ots.ca.gov for approval and copy your OTS grant coordinator. Certified training courses are EXEMPT from the approval process.
- The OTS PIO is responsible for the approval of the design and content of materials. The agency understands OTS PIO approval is not authorizing approval of budget expenditure or cost. Any cost approvals must come from the OTS grant coordinator.
- Pre-approval is not required when using any OTS-supplied template for media advisories, press releases, social media graphics, videos or posts, or any other OTS-supplied educational material. However, copy the OTS PIO at pio@ots.ca.gov and your OTS grant coordinator when any material is distributed to the media and public, such as a press release, educational material, or link to social media post. The OTS-supplied kick-off press release templates and any kickoff press releases are an exception to this policy and require prior approval before distribution to the media and public.
- If an OTS-supplied template, educational material, social media graphic, post or video is substantially changed, the changes shall be sent to the OTS PIO at pio@ots.ca.gov for approval and copy to your OTS grant coordinator. Optimum lead time would be 7 days prior to the scheduled release date, but at least 3 business days prior to the scheduled release date for review and approval is appreciated.
- Press releases, social media posts and alerts on platforms such as NextDoor and Nixle reporting immediate and time-sensitive grant activities (e.g. enforcement operations, day of event highlights or announcements, event invites) are exempt from the OTS PIO approval process. The OTS PIO and your OTS grant coordinator should still be notified when the grant-related activity is happening (e.g. car seat checks, bicycle rodeos, community presentations, DUI checkpoints, etc.).
- Enforcement activities such as warrant and probation sweeps, court stings, etc. that are embargoed or could impact operations by publicizing in advance are exempt from the PIO approval process. However, announcements and results of activities should still be copied to the OTS PIO at pio@ots.ca.gov and your OTS grant coordinator with embargoed date and time or with "INTERNAL ONLY: DO NOT RELEASE" message in subject line of email.
- Any earned or paid media campaigns for TV, radio, digital or social media that are part of a specific grant objective, using OTS grant funds, or designed and developed using contractual services by a subgrantee, requires prior approval. Please send to the OTS PIO at pio@ots.ca.gov for approval and copy your grant coordinator at least 3 business days prior to the scheduled release date.
- Social media posts highlighting state or national traffic safety campaigns (Distracted Driving Month, Motorcycle Safety Awareness Month, etc.), enforcement operations (DUI checkpoints, etc.), or any other grant-related activity such as Bicycle rodeos, presentations, or events, are highly encouraged but do not require prior approval.
- Submit a draft or rough-cut of all digital, printed, recorded or video material (brochures, posters, scripts, artwork, trailer graphics, digital graphics, social posts connected to an earned or paid media campaign grant objective) to the OTS PIO at pio@ots.ca.gov and copy your OTS grant coordinator for approval prior to the production or duplication.
- Use the following standard language in all press, media, and printed materials, space permitting: Funding for this program was provided by a grant from the California Office of Traffic Safety, through the National Highway Traffic Safety Administration.
- Space permitting, include the OTS logo on all grant-funded print materials, graphics and paid or earned social media campaign grant objective; consult your OTS grant coordinator for specifics, format-appropriate logos, or if space does not permit the use of the OTS logo.
- Email the OTS PIO at pio@ots.ca.gov and copy your OTS grant coordinator at least 21 days in advance, or when first confirmed, a short description of any significant grant-related traffic safety event or program, particularly events that are highly publicized beforehand with anticipated media coverage so OTS has sufficient notice to arrange for attendance and/or participation in the event. If unable to attend, email the OTS PIO and coordinator brief highlights and/or results, including any media coverage (broadcast, digital, print) of event within 7 days following significant grant-related event or program. Media and program highlights are to be reflected in QPRs.

- Any press releases, work plans, scripts, storyboards, artwork, graphics, videos or any educational or informational materials that received OTS PIO approval in a prior grant year needs to be resubmitted for approval in the current grant year.
- For additional guidance, refer to the [OTS Grants Materials Approval Process Guidelines](#) and [OTS Grants Media Approval Process FAQs](#) on the OTS website.
- Contact the OTS PIO or your OTS grant coordinator for consultation when changes from any of the above requirements might be warranted.

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

1. Prepare and submit grant claim invoices (due January 30, April 30, July 30, and October 30)
2. Prepare and submit Quarterly Performance Reports (QPR) (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.

4. 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.

5. ADMINISTRATIVE SUPPORT

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

FUND NUMBER	CATALOG NUMBER (CFDA)	FUND DESCRIPTION	TOTAL AMOUNT
405d AL-25	20.616	Impaired Driving Countermeasures	\$1,784,727.00

COST CATEGORY	FUND NUMBER	UNIT COST OR RATE	UNITS	TOTAL COST TO GRANT
A. PERSONNEL COSTS				
<u>Straight Time</u>				
Deputy District Attorney IV	405d AL-25	\$111.16	2,080	\$231,213.00
Benefits - DDA IV	405d AL-25	\$145,434.00	1	\$145,434.00
Deputy District Attorney III	405d AL-25	\$94.00	6,240	\$586,560.00
Benefits - DDA III	405d AL-25	\$368,939.00	1	\$368,939.00
Senior Investigator (DAI)	405d AL-25	\$82.70	1,040	\$86,008.00
Benefits - DAI	405d AL-25	\$54,099.00	1	\$54,099.00
Uniform Allowance - DAI	405d AL-25	\$875.00	1	\$875.00
Shooting Bonus - DAI	405d AL-25	\$192.00	1	\$192.00
Bilingual Bonus - DAI	405d AL-25	\$600.00	1	\$600.00
DDAs Equipment/Educational Bonus	405d AL-25	\$2,000.00	1	\$2,000.00
<u>Overtime</u>				\$0.00
Category Sub-Total				\$1,475,920.00
B. TRAVEL EXPENSES				
In State Travel	405d AL-25	\$8,000.00	1	\$8,000.00
				\$0.00
Category Sub-Total				\$8,000.00
C. CONTRACTUAL SERVICES				
Phlebotomist	405d AL-25	\$152,415.00	1	\$152,415.00
Category Sub-Total				\$152,415.00
D. EQUIPMENT				
				\$0.00
Category Sub-Total				\$0.00
E. OTHER DIRECT COSTS				
Court Transcript Fees	405d AL-25	\$1,000.00	1	\$1,000.00

Category Sub-Total				\$1,000.00
F. INDIRECT COSTS				
Indirect Cost	405d AL- 25		1	\$147,392.00
Category Sub-Total				\$147,392.00
GRANT TOTAL				\$1,784,727.00

GRANT AGREEMENT

Schedule B-1

BUDGET NARRATIVE

PERSONNEL COSTS
Deputy District Attorney IV - Hours for prosecutor dedicated to vertically prosecute all felony cases involving driving under the influence of alcohol and/or drugs. Hours may include wages or authorized absences, such as annual leave and sick leave, provided they are accrued during the grant term. The prosecutors will attend training provided by the Traffic Safety Resource Prosecutor Program and deliver training to law enforcement, investigators and other attorneys within the District Attorney's Office
Benefits - DDA IV - Claimed amounts must reflect actual benefit costs for straight time or overtime hours charged to the grant.
Deputy District Attorney III - Hours for prosecutor dedicated to vertically prosecute all felony cases involving driving under the influence of alcohol and/or drugs. Hours may include wages or authorized absences, such as annual leave and sick leave, provided they are accrued during the grant term. The prosecutors will attend training provided by the Traffic Safety Resource Prosecutor Program and deliver training to law enforcement, investigators and other attorneys within the District Attorney's Office
Benefits - DDA III - Claimed amounts must reflect actual benefit costs for straight time or overtime hours charged to the grant.
Senior Investigator (DAI) - Hours used to consult and offer assistance on all DUID related issues, including, but not limited to: reviewing police reports; responding to the scene of a traffic fatality; offering strategies in prosecutions and case presentations; and being available to testify as an expert in court. Additionally, the Senior Investigator will serve as an instructor and training resource on all DRE related issues to local law enforcement agencies and prosecutors in the county.
Benefits - DAI - Claimed amounts must reflect actual benefit costs for straight time or overtime hours charged to the grant.
Uniform Allowance - DAI - Senior Investigator Uniform Allowance
Shooting Bonus - DAI - Senior Investigator Shooting Bonus
Bilingual Bonus - DAI - Senior Investigator Bilingual Bonus
DDAs Equipment/Educational Bonus - Equipment/Educational Bonus at \$500 each for all DDAs
TRAVEL EXPENSES
In State Travel - Costs are included for appropriate staff to attend conferences and training events supporting the grant goals and objectives and/or traffic safety. Local mileage for grant activities and meetings is included. Anticipated travel may include Lifesavers, Northern California Traffic College, and Southern California Traffic College. All conferences, seminars or training not specifically identified in the Budget Narrative must be approved by OTS. All travel claimed must be at the agency approved rate. Per Diem may not be claimed for meals provided at conferences when registration fees are paid with OTS grant funds.
CONTRACTUAL SERVICES
Phlebotomist - To draw and collect blood samples during OTS funded grant operations from suspected DUI drivers on scene as evidence in support of DUI convictions in a court of law.
EQUIPMENT
-
OTHER DIRECT COSTS
Court Transcript Fees - Funds for the purchase of court transcripts that include testimony from law enforcement and expert witnesses.
INDIRECT COSTS
Indirect Cost - 10% IDC
STATEMENTS/DISCLAIMERS

There will be no program income generated from this grant.

Salaries may include wages, salaries, special compensations, or authorized absences such as annual leave and sick leave provided the cost for the individual employee is (a) reasonable for the services rendered, and (b) follows an appointment made in accordance with state or local laws and rules and meets federal requirements.

Benefits for personnel costs can only be applied to straight time or overtime hours charged to the grant.

Any non-grant funded vacancies created by reassignment to a grant-funded position must be filled at the expense of the grantee agency.

Certifications and Assurances for Fiscal Year 2024 Highway Safety Grants (23 U.S.C. Chapter 4 or Section 1906, Public Law 109-59, as amended by Section 25024, Public Law 117-58)

The officials named on the grant agreement, certify by way of signature on the grant agreement signature page, that the Grantee Agency complies with all applicable Federal statutes, regulations, and directives and State rules, guidelines, policies, and laws in effect with respect to the periods for which it receives grant funding. Applicable provisions include, but are not limited to, the following:

GENERAL REQUIREMENTS

The State will comply with applicable statutes and regulations, including but not limited to:

- 23 U.S.C. Chapter 4—Highway Safety Act of 1966, as amended;
- Sec. 1906, [Public Law 109-59](#), as amended by Sec. 25024, [Public Law 117-58](#);
- [23 CFR part 1300](#)—Uniform Procedures for State Highway Safety Grant Programs;
- [2 CFR part 200](#)—Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards;
- [2 CFR part 1201](#)—Department of Transportation, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

NONDISCRIMINATION

(applies to all subrecipients as well as States)

The State highway safety agency [and its subrecipients] will comply with all Federal statutes and implementing regulations relating to nondiscrimination (“Federal Nondiscrimination Authorities”). These include but are not limited to:

- *Title VI of the Civil Rights Act of 1964* ([42 U.S.C. 2000d](#) et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- [49 CFR part 21](#) (entitled *Non-discrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964*);
- [28 CFR 50.3](#) (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);
- *The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*, ([42 U.S.C. 4601](#)), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- *Federal-Aid Highway Act of 1973*, ([23 U.S.C. 324 et seq.](#)), and *Title IX of the Education Amendments of 1972*, as amended ([20 U.S.C. 1681-1683](#) and [1685-1686](#)) (prohibit discrimination on the basis of sex);
- *Section 504 of the Rehabilitation Act of 1973*, ([29 U.S.C. 794 et seq.](#)), as amended, (prohibits discrimination on the basis of disability) and [49 CFR part 27](#);
- *The Age Discrimination Act of 1975*, as amended, ([42 U.S.C. 6101 et seq.](#)), (prohibits discrimination on the basis of age);
- *The Civil Rights Restoration Act of 1987*, (Pub. L. 100-209), (broadens scope, coverage, and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal aid recipients, subrecipients and contractors, whether such programs or activities are Federally-funded or not);
- *Titles II and III of the Americans with Disabilities Act* ([42 U.S.C. 12131-12189](#)) (prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing) and [49 CFR parts 37](#) and [38](#);
- [Executive Order 12898](#), *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (preventing discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations);
- [Executive Order 13166](#), *Improving Access to Services for Persons with Limited English Proficiency* (requiring that recipients of Federal financial assistance provide meaningful access for applicants and beneficiaries who have limited English proficiency (LEP));
- [Executive Order 13985](#), *Advancing Racial Equity and Support for Underserved Communities through the Federal Government* (advancing equity across the Federal Government); and
- [Executive Order 13988](#), *Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation* (clarifying that sex discrimination includes discrimination on the grounds of gender identity or sexual orientation).

The preceding statutory and regulatory cites hereinafter are referred to as the “Acts” and “Regulations,” respectively.

GENERAL ASSURANCES

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

“No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, for which the Recipient receives Federal financial assistance from DOT, including NHTSA.”

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI of the Civil Rights Act of 1964 and other non-discrimination requirements (the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these nondiscrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

SPECIFIC ASSURANCES

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted Highway Safety Grant Program:

1. The Recipient agrees that each “activity,” “facility,” or “program,” as defined in § 21.23(b) and (c) of [49 CFR part 21](#) will be (with regard to an “activity”) facilitated, or will be (with regard to a “facility”) operated, or will be (with regard to a “program”) conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all Highway Safety Grant Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source: *“The [name of Recipient], in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”*
3. The Recipient will insert the clauses of appendix A and E of this Assurance (also referred to as DOT Order 1050.2A) in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of appendix B of DOT Order 1050.2A, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form of, or for the acquisition of, real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in appendix C and appendix D of this DOT Order 1050.2A, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
 - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, the State highway safety agency also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing NHTSA's access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by NHTSA. You must keep records, reports, and submit the material for review upon request to NHTSA, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The State highway safety agency gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the Highway Safety Grant Program. This ASSURANCE is binding on the State highway safety agency, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Highway Safety Grant Program. The person(s) signing below is/are authorized to sign this ASSURANCE on behalf of the Recipient.

THE DRUG-FREE WORKPLACE ACT OF 1988 (41 U.S.C. 8103)

The Subgrantee will provide a drug-free workplace by:

- a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace, and specifying the actions that will be taken against employees for violation of such prohibition;
- b. Establishing a drug-free awareness program to inform employees about:
 1. The dangers of drug abuse in the workplace;
 2. The grantee's policy of maintaining a drug-free workplace;
 3. Any available drug counseling, rehabilitation, and employee assistance programs;
 4. The penalties that may be imposed upon employees for drug violations occurring in the workplace;
 5. Making it a requirement that each employee engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- c. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will—
 1. Abide by the terms of the statement;
 2. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;
- d. Notifying the agency within ten days after receiving notice under subparagraph (c)(2) from an employee or otherwise receiving actual notice of such conviction;
- e. Taking one of the following actions, within 30 days of receiving notice under subparagraph (c)(2), with respect to any employee who is so convicted—
 1. Taking appropriate personnel action against such an employee, up to and including termination;
 2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- f. Making a good faith effort to continue to maintain a drug-free workplace through implementation of all of the paragraphs above.

POLITICAL ACTIVITY (HATCH ACT)

(applies to all subrecipients as well as States)

The State will comply with provisions of the Hatch Act (5 U.S.C. 1501-1508), which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

CERTIFICATION REGARDING FEDERAL LOBBYING

(applies to all subrecipients as well as States)

CERTIFICATION FOR CONTRACTS, GRANTS, LOANS, AND COOPERATIVE AGREEMENTS

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

RESTRICTION ON STATE LOBBYING (applies to subrecipients as well as States)

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

CERTIFICATION REGARDING DEBARMENT AND SUSPENSION (applies to all subrecipients as well as States)

INSTRUCTIONS FOR PRIMARY TIER PARTICIPANT CERTIFICATION (STATES)

1. By signing and submitting this proposal, the prospective primary tier participant is providing the certification set out below and agrees to comply with the requirements of [2 CFR parts 180](#) and [1200](#).
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective primary tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary tier participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default or may pursue suspension or debarment.
4. The prospective primary tier participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary tier participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms **covered transaction, civil judgment, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded**, as used in this clause, are defined in [2 CFR parts 180](#) and [1200](#). You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under [48 CFR part 9, subpart 9.4](#), debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The prospective primary tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with [2 CFR parts 180](#) and [1200](#).
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under [48 CFR part 9, subpart 9.4](#), debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or

otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov>).

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under [48 CFR part 9, subpart 9.4](#), suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate the transaction for cause or default.

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS— PRIMARY TIER COVERED TRANSACTIONS

1. The prospective primary tier participant certifies to the best of its knowledge and belief, that it and its principals:
 - a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;
 - b. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 - d. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.
2. Where the prospective primary tier participant is unable to certify to any of the Statements in this certification, such prospective participant shall attach an explanation to this proposal.

INSTRUCTIONS FOR LOWER TIER PARTICIPANT CERTIFICATION

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below and agrees to comply with the requirements of [2 CFR parts 180](#) and [1200](#).
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms **covered transaction, civil judgment, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded**, as used in this clause, are defined in [2 CFR parts 180](#) and [1200](#). You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under [48 CFR part 9, subpart 9.4](#), debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with [2 CFR parts 180](#) and [1200](#).
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under [48 CFR part 9, subpart 9.4](#), debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or

otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov>).

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under [48 CFR part 9, subpart 9.4](#), suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION— LOWER TIER COVERED TRANSACTIONS

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

BUY AMERICA (applies to subrecipients as well as States)

The State and each subrecipient will comply with the Buy America requirement (23 U.S.C. 313) when purchasing items using Federal funds. Buy America requires a State, or subrecipient, to purchase with Federal funds only steel, iron and manufactured products produced in the United States, unless the Secretary of Transportation determines that such domestically produced items would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. In order to use Federal funds to purchase foreign produced items, the State must submit a waiver request that provides an adequate basis and justification for approval by the Secretary of Transportation.

CERTIFICATION ON CONFLICT OF INTEREST (applies to subrecipients as well as States)

GENERAL REQUIREMENTS

No employee, officer, or agent of a State or its subrecipient who is authorized in an official capacity to negotiate, make, accept, or approve, or to take part in negotiating, making, accepting, or approving any subaward, including contracts or subcontracts, in connection with this grant shall have, directly or indirectly, any financial or personal interest in any such subaward. Such a financial or personal interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or personal interest in or a tangible personal benefit from an entity considered for a subaward. Based on this policy:

1. The recipient shall maintain a written code or standards of conduct that provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents.
 - a. The code or standards shall provide that the recipient's officers, employees, or agents may neither solicit nor accept gratuities, favors, or anything of monetary value from present or potential subawardees, including contractors or parties to subcontracts.
 - b. The code or standards shall establish penalties, sanctions, or other disciplinary actions for violations, as permitted by State or local law or regulations.
2. The recipient shall maintain responsibility to enforce the requirements of the written code or standards of conduct.

DISCLOSURE REQUIREMENTS

No State or its subrecipient, including its officers, employees, or agents, shall perform or continue to perform under a grant or cooperative agreement, whose objectivity may be impaired because of any related past, present, or currently planned interest, financial or otherwise, in organizations regulated by NHTSA or in organizations whose interests may be substantially affected by NHTSA activities. Based on this policy:

1. The recipient shall disclose any conflict of interest identified as soon as reasonably possible, making an immediate and full disclosure in writing to NHTSA. The disclosure shall include a description of the action which the recipient has taken or proposes to take to avoid or mitigate such conflict.
2. NHTSA will review the disclosure and may require additional relevant information from the recipient. If a conflict of interest is found to exist, NHTSA may (a) terminate the award, or (b) determine that it is otherwise in the best interest of NHTSA to continue the award and include appropriate provisions to mitigate or avoid such conflict.
3. Conflicts of interest that require disclosure include all past, present, or currently planned organizational, financial, contractual, or other interest(s) with an organization regulated by NHTSA or with an organization whose interests may be substantially affected by NHTSA activities, and which are related to this award. The interest(s) that require disclosure include those of any recipient, affiliate, proposed consultant, proposed subcontractor, and key personnel of any of the above. Past interest shall be limited to within one year of the date of award. Key personnel shall include any person owning more than a 20 percent interest in a recipient, and the officers, employees or agents of a recipient who are responsible for making a decision or taking an action under an award where the decision or action can have an economic or other impact on the interests of a regulated or affected organization.

PROHIBITION ON USING GRANT FUNDS TO CHECK FOR HELMET USAGE (applies to all subrecipients as well as States)

The State and each subrecipient will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists.

POLICY ON SEAT BELT USE

In accordance with Executive Order 13043, Increasing Seat Belt Use in the United States, dated April 16, 1997, the Grantee is encouraged to adopt and enforce on-the-job seat belt use policies and programs for its employees when operating company-owned, rented, or personally-owned vehicles. The National Highway Traffic Safety Administration (NHTSA) is responsible for providing leadership and guidance in support of this Presidential initiative. For information and resources on traffic safety programs and policies for employers, please contact the Network of Employers for Traffic Safety (NETS), a public-private partnership dedicated to improving the traffic safety practices of employers and employees. You can download information on seat belt programs, costs of motor vehicle crashes to employers, and other traffic safety initiatives at www.trafficsafety.org. The NHTSA website (www.nhtsa.gov) also provides information on statistics, campaigns, and program evaluations and references.

POLICY ON BANNING TEXT MESSAGING WHILE DRIVING

In accordance with Executive Order 13513, Federal Leadership On Reducing Text Messaging While Driving, and DOT Order 3902.10, Text Messaging While Driving, States are encouraged to adopt and enforce workplace safety policies to decrease crashes caused by distracted driving, including policies to ban text messaging while driving company-owned or rented vehicles, Government-owned, leased or rented vehicles, or privately-owned vehicles when on official Government business or when performing any work on or behalf of the Government. States are also encouraged to conduct workplace safety initiatives in a manner commensurate with the size of the business, such as establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving, and education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

**AMENDMENT NUMBER THREE
TO THE AGREEMENT
BETWEEN
LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
AND
VITAL MEDICAL SERVICES, LLC**

AMENDMENT NO.3

THIS AMENDMENT to the On-Call DUI Blood Draw Services Agreement ("Agreement" or "Contract") is made and entered into by and between the Los Angeles County ("County") and Vital Medical Services, LLC ("Contractor"), hereafter referenced as the Parties ("Parties"), with reference to the following facts:

RECITALS

WHEREAS, on November 2, 2021, the Board of Supervisors (Board) delegated authority to the Los Angeles County District Attorney's Office ("LADA") to execute and amend an Agreement for on-call DUI blood draw services;

WHEREAS, on February 7, 2022, the County, in accordance with Government Code Sections 23005 and 31000, entered into an Agreement with Contractor;

WHEREAS, Amendment Number One was executed to extend the term of the Agreement to September 30, 2023, to continue the on-call DUI blood draw services, increase the maximum compensation by one hundred thousand dollars (\$100,000) for a maximize total contract cost not to exceed two hundred thousand dollars (\$200,000), and add and update standard County contract terms and conditions in the Agreement;

WHEREAS, Amendment Number Two was executed to extend the term of the Agreement to September 30, 2024, to continue the on-call DUI blood draw services, increase the maximum compensation by two hundred thousand dollars (\$200,000) for a maximize total contract cost not to exceed four hundred thousand dollars (\$400,000); and add and update standard County contract terms and conditions in the Agreement; and

WHEREAS, the Parties mutually agree that it is to both of their benefit to execute Amendment Number Three, to exercise the six month-to-month extensions by extending the term of the Agreement to March 31, 2025, to continue on-call DUI blood draw services and increase the total contract sum up to fifty thousand dollars (\$50,000) for a maximum total contract cost not to exceed four hundred fifty thousand dollars (\$450,000).

NOW, THEREFORE, in consideration of the mutual benefits derived therefrom, it is agreed between the Parties that the Agreement shall be amended as follows:

1. This Amendment No.3 shall commence and be effective upon execution.

AMENDMENT NO.3
VITAL MEDICAL SERVICES, LLC

2. Section 4 TERM OF CONTRACT, paragraph 4.1 of the Agreement is deleted in its entirety and replaced with the following:

4.1 The term of this CONTRACT shall commence after execution by the County and shall expire March 31, 2025, unless sooner terminated or amended, in whole or in part, as provided in this CONTRACT.

3. Section 5 CONTRACT SUM, 5.1 Total Contract Sum, paragraph, 5.1.1 of the Agreement is deleted in its entirety and replaced with the following:

5.1.1 The "Contract Sum" under the Term of Contract shall be the total monetary amount payable by COUNTY to CONTRACTOR for Services specified under Exhibit A - Statement of Work, which is consistent with the costs listed in Exhibit B - Pricing Schedule. The Contract Sum authorized by COUNTY hereunder shall not exceed four hundred fifty thousand dollars (\$450,000) for the Term of Contract.

4. Except as provided in this Amendment, all other provisions, terms, and conditions of the Agreement shall remain the same and in full force and effect:

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**AMENDMENT NO.3
VITAL MEDICAL SERVICES, LLC**

IN WITNESS WHEREOF, the parties hereto have executed this Amendment Number Three.

COUNTY OF LOS ANGELES
DISTRICT ATTORNEY'S OFFICE

CONTRACTOR
VITAL MEDICAL SERVICES, LLC.

By: _____
District Attorney or Designee

By: _____
Armen Vartanian, President

Date: _____

Date: _____

APPROVED AS TO FORM
DAWYN R. HARRISON
County Counsel

By:  _____
ELIZABETH PENNINGTON
Senior Deputy County Counsel