



RESOLUTION NO. 2009-168

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, AUTHORIZING THE CHIEF OF POLICE TO ENTER INTO AND EXECUTE THE AGREEMENT AND REQUIRED DOCUMENTS WITH THE OFFICE OF TRAFFIC SAFETY FOR THE STATE OF CALIFORNIA FOR THE DUI ENFORCEMENT AND AWARENESS PROGRAM (DEAP) GRANT AND ADOPT THE 4TH AMENDMENT TO THE ANNUAL APPROPRIATION RESOLUTION 2009-149 APPROPRIATING \$368,600

WHEREAS, the Office of Traffic Safety for the State of California has offered the City of Fresno a grant commencing in October 2009 to September 2010; and

WHEREAS, the City will enter an agreement with the State of California, Office of Traffic Safety for purposes of implementing a program to reduce the number of persons killed and injured in alcohol related crashes; and

WHEREAS, the City shall implement best practice strategies by hiring full-time traffic enforcement personnel, which include DUI driver's license checkpoints and DUI saturation patrols as an implementation of this program.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. That the City has reviewed, understands, and to the extent consistent with all constitutional and local law requirements, agrees to the provisions contained in the Contract Grant Agreement; and
2. Appoints the Chief of Police for the City of Fresno and the Chief Administrative Officer for the City of Fresno, as agents of the City of Fresno, to execute and submit the Grant Agreement and any necessary documents in furtherance of this

1 of 2

Resolution Authorizing the Chief of Police to
Enter & Execute the Agreement for DUI
Enforcement & Awareness Program with the
Office of Traffic Safety / State of CA

Adopted _____
Approved 7/30/09 _____
Effective _____

2009-168



Grant Program which may be necessary for the completion of the Program, subject to the prior approval as to form by the City Attorney's Office.

* * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the 30th day of July, 2009.

AYES : Borgeas, Brand, Dages, Perea, Westerlund, Xiong, Sterling
NOES : None
ABSENT : None
ABSTAIN : None

Mayor Approval: N/A, 2009

Mayor Approval/No Return: N/A, 2009

Mayor Veto: N/A, 2009

Council Override Vote: N/A, 2009

REBECCA E. KLISCH
City Clerk

BY: Rebecca E. Klisch
~~Deputy~~

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

BY: [Signature]
David P. Hale 7/13/09
Chief Assistant City Attorney

DPH:pn[49973pn/RESO] -07/13/09



State of California

OFFICE OF TRAFFIC SAFETY
GRANT AGREEMENT

GRANT NUMBER
AL1072

PAGE 1 (To be completed by applicant Agency)

1. GRANT TITLE

DUI ENFORCEMENT AND AWARENESS PROGRAM

2. NAME OF APPLICANT AGENCY

FRESNO POLICE DEPARTMENT

4. GRANT PERIOD

Month – Day - Year

3. AGENCY UNIT TO HANDLE GRANT

FRESNO POLICE DEPARTMENT

From: **10/01/09**

To: **09/30/10**

5. GRANT DESCRIPTION (Provide an overview of the grant activities that will address the problem statement, in approximately 100 words. Space is limited to six lines.)

To reduce the persons killed and injured in alcohol involved crashes, “best practice” strategies will be conducted by hiring fulltime traffic enforcement personnel supported by operations conducted on an overtime basis. The funded strategies include DUI/Driver’s License checkpoints and DUI saturation patrols. This program will also develop a 'Hot Sheet' program and conduct 'Stakeout' operations for officers to concentrate on repeat DUI offenders on probation who have had their license suspended or revoked. Court 'stings' operations will focus on DUI offenders with suspended or revoked driver licenses who get behind the wheel after leaving court. Through warrant service details, the police department will target repeat DUI violators who failed to appear in court or violate probation. These strategies are designed to earn media attention thus enhancing the overall deterrent effect.

6. FEDERAL FUNDS ALLOCATED UNDER THIS AGREEMENT SHALL NOT EXCEED: **§ 482,000.00**

7. APPROVAL SIGNATURES

A. GRANT DIRECTOR

B. AUTHORIZING OFFICIAL OF APPLICANT AGENCY

NAME: _____ PHONE: _____
TITLE: _____ FAX: _____
ADDRESS: _____
E-MAIL: _____

(Signature) (Date)

NAME: _____ PHONE: _____
TITLE: _____ FAX: _____
ADDRESS: _____
E-MAIL: _____

(Signature) (Date)

C. FISCAL OR ACCOUNTING OFFICIAL

D. OFFICE AUTHORIZED TO RECEIVE PAYMENTS

NAME: _____ PHONE: _____
TITLE: _____ FAX: _____
ADDRESS: _____
E-MAIL: _____

(Signature) (Date)

NAME: _____
ADDRESS: _____

**GRANTS MADE EASY – DUI
Fulltime & Overtime
SCHEDULE A**

GRANT NO: AL1072



GRANT DESCRIPTION

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GRANT TITLE: DUI ENFORCEMENT AND AWARENESS PROGRAM

AGENCY: FRESNO POLICE DEPARTMENT

PROPOSED BEGINNING DATE: 10/1/09

PROPOSED ENDING DATE: 9/30/10

PROBLEM STATEMENT:

Using local data (not OTS Rankings or SWITRS) complete the table below.

Collision Type	2005				2006				2007			
	Collisions		Victims		Collisions		Victims		Collisions		Victims	
Fatal	42		42		37		37		29		29	
Injury	1548		1548		1368		1368		1361		1361	
	Fatal	Injury	Killed	Injured	Fatal	Injury	Killed	Injured	Fatal	Injury	Killed	Injured
Alcohol Involved	16	125	16	257	12	141	12	141	12	135	12	135
Hit & Run	5	189	5	189	4	244	4	244	4	244	4	244
Nighttime (2100-0259 hours)	16	206	16	206	10	186	10	186	9	156	9	156

Please provide detailed answers to the following questions as part of the Problem Statement:

- 1. Describe current traffic unit complement (number of personnel and classifications). If applicable, describe how the size of the traffic unit has fluctuated in the past five years and why.**

The Fresno Police Department has 80 sworn personnel assigned to the Traffic Bureau. This includes 1 captain, 5 sergeants, 2 collision reconstruction detectives, 1 DUI detective, 18 metro traffic officers, 28 district traffic officers, 25 neighborhood traffic officers. We have 2 phlebotomists and a support staff consisting of 1 tow unit supervisor, 3 community service officers, 1 senior account clerk, 1 senior secretary and 1 staff assistant. The bureau lost 5 NTU officer positions in 2007, to help staff a speciality gang unit due to a large increase of gang related activity. The gang unit was staffed with officers from three different proactive units.

- 2. Describe the traffic safety problem(s) to be addressed, include:**

- What percent of your collisions involve drivers with a suspended or revoked license or drivers who have never been issued a license?
- What percent of your total DUI arrests between October 1, 2007 and September 30, 2008, were made as a result of a collision?

Of the 3,335 impaired driving arrests, we had 510 DUI collisions for a percentage of 15.3%. Our agency does not write non injury collisions or capture the percentage of unlicensed driver collision data.

- 3. How many sobriety checkpoints did your department conduct between October 1, 2007 and September 30, 2008? (Include checkpoints from all funding sources, i.e. OTS grants or mini-grants, and department funded)**



**GRANTS MADE EASY – DUI
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GRANT DESCRIPTION

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OTS Grant #: PT0711; # of Checkpoints: 33 (Not AVOID)

OTS Grant #: N/A; # of Checkpoints: 0 (Not AVOID)

Mini-Grant #: SC08151; # of Checkpoints: 12

of AVOID DUI Supported Checkpoints: 0 (In Your Jurisdiction)

of Department Funded Checkpoints: 12 (Not OTS Funded)

Additional Information: None.

4. What is the average number of DUI arrests and vehicles impounded per checkpoint?

During that same time frame our DUI arrest average was 15.3 DUIs and 37.5 impounds per checkpoint

5. Does your agency participate in an AVOID DUI program? Yes

- AVOID the 19 DUI Campaign in Fresno County

6. What is the magnitude of your city's problem concerning repeat DUI offenders who violate probation or fail to appear in court? Do you currently have a program that proactively addresses this issue?

The City of Fresno, like most cities, has a significant problem with repeat DUI offenders. Approximately 83% of drivers who fail to appear in court have prior arrests for impaired driving. Fresno County Probation currently has 400 felony DUI drivers on formal probation, with the majority residing in the City of Fresno. 160 arrestees are on formal misdemeanor probation and hundreds more on "informal" probation. Suspects on informal probation have zero monitoring by probation due to lack of personnel and minimal monitoring of the felony suspects for the same reasons. While some of the repeat offenders live in neighboring communities, they are often arrested in Fresno. The traffic bureau has periodic probation sweeps conducted with probation officers to ensure the repeat offender is complying with the terms of their probation. We have a traffic detective who currently handles many collateral traffic duties as well as tracking repeat offenders. The amount of time and expertise required to develop a complete warrant package is very extensive. The surveillance training and tactics, operational plans and arrest teams are all designed to safely take the suspect into custody without escalating the danger to the officers, suspect or community. The volume of repeat offenders in Fresno also requires additional traffic officers to leave their assigned duties and assist the detective in preparing the packages. A full-time funded position would allow a greater focus on grant goals and objectives. When tracking down wanted suspects on the run, we are often provided with only a single opportunity to make an arrest before they flee and disappear. A dedicated position would allow us to ensure the continuity of all our investigations with a successful prosecution of the repeat DUI offender.

7. Do you have a backlog of unserved warrants for repeat DUI offenders?

Yes, the County of Fresno has over 1,200 unserved warrants. Approximately 100 new cases come in each month.

8. How many of your traffic officers have received Standardized Field Sobriety Testing (SFST) training?

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GRANT DESCRIPTION

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76 traffic officers have received the Standardized Field Sobriety Testing training. To maintain proficiency, we intend to repeat the SFST training each year and expand the SFST training to all patrol officers to increase the percentage of cases filed by the District Attorney's Office.

9. What is your current administrative recovery fee for vehicles impounded for up to 30 days and how much of the fee goes to the General Fund vs. a special Traffic Offender account? How is it used?

Our \$294 impound fee is the same for all enforcement tows regardless of the amount of time the vehicle is impounded. The City of Fresno conducted a cost analysis of the time and labor involved and arrived at the figure. The impound companies who tow for the City of Fresno collect and keep the storage fees. The tow revenue goes to the General Fund. We currently loose approximately 40% of the impounds where the violator "walks" away from the impound and purchases another vehicle to continuing driving without being held accountable for his enforcement costs.

PERFORMANCE MEASURES:

Goals: Goals serve as the foundation upon which the grant is built. Goals are what you hope to accomplish by implementing a traffic safety grant program.

1. To reduce the number of persons killed in traffic collisions.
2. To reduce the number of person injured in traffic collisions.
3. To reduce the number of persons killed in alcohol-involved collisions.
4. To reduce the number of persons injured in alcohol-involved collisions.
5. To reduce the number of motorcyclists killed in traffic collisions.
6. To reduce the number of motorcyclists injured in traffic collisions.
7. To reduce the number of motorcyclists killed in alcohol-involved collisions.
8. To reduce the number of motorcyclists injured in alcohol-involved collisions.
9. To reduce hit & run fatal collisions.
10. To reduce hit & run injury collisions.
11. To reduce nighttime (2100 - 0259 hours) fatal collisions.
12. To reduce nighttime (2100 - 0259 hours) injury collisions.

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Objectives: Objectives are the tasks or activities undertaken during the grant period to make the goals a reality. Objectives are designed to move you closer to achieving your overall goals. *Objectives are used to measure a grantee's success.*

1. To issue a press release announcing the kick-off of the grant by **November 15, 2009**. The press releases and media advisories, alerts, and materials must be forwarded to the OTS Public Information Officer at pio@ots.ca.gov and copy the OTS Coordinator for approval 14 days prior to the issuance date of the release.
2. To use the following standard language in all press, media, and printed materials: "Funding for this program was provided by a grant from the California Office of Traffic Safety, through the National Highway Traffic Safety Administration."
3. To email a draft of all grant-related media releases, media advisories, alerts and materials to the OTS Public Information Officer at pio@ots.ca.gov and copied to your OTS Coordinator for approval 14-days prior to the issuance date of the release (media communications reporting the results of grant activities such as checkpoints and saturation patrols are exempt from this requirement).
4. To submit applications for the California Law Enforcement Challenge (<http://www.chp.ca.gov/clec/index.html>) by the deadlines of **March 26, 2010** to OTS and:
California Law Enforcement Challenge
P.O. Box 942898
Sacramento, CA 94298-0001
Attention: Special Projects Section (052)
5. To conduct Standardized Field Sobriety Testing (SFST) training for **150** officers by March 31, 2010.
6. To conduct **34** DUI/DL checkpoints by September 30, 2010.

Note: For combination DUI/DL checkpoints, departments must issue press releases that mention DL's will be checked at the DUI/DL checkpoint. Also, according to the Attorney General's Office all DUI/DL checkpoint operations must have signs reading "DUI/Driver's License Checkpoint Ahead."

To maximize effectiveness, it may be necessary to conduct a checkpoint operation at more than one location on any given day/night. Each checkpoint should be highly publicized and visible. No occupant restraint citations will be issued at the checkpoints. **OTS does not fund or support independent DL checkpoints. Only on an exception basis and with OTS pre-approval, will OTS fund checkpoint operations that begin prior to 1800 hours.**

7. To conduct **24** DUI saturation patrols by September 30, 2010.

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8. To conduct **10** highly publicized motorcycle safety DUI Saturation Patrols in areas or during events with motorcycle incidents or collisions resulting from DUI drivers/motorcyclists by September 30, 2010.
9. To increase total department-wide DUI arrests by **5** % from the FFY 2008 base year total (October 1, 2007 through September 30, 2008) of **3335** to **3501** by September 30, 2010.

Note: The Institute of Transportation Studies at the University of California, Berkeley, reports that the national benchmark for DUI arrests is 2.0 percent of the licensed population. An estimate of the licensed population is 60 percent of the total population. According to the Department of Motor Vehicles, California's 2006 DUI arrest rate was approximately .8 percent of the licensed population. NHTSA estimates 20 percent or less of all DUI arrests should come from collision situations. More than 20 percent may indicate a department is "reactive" to DUI enforcement rather than "proactive." The above information helps to determine a Department's desired DUI arrest rate. Cities with a population greater than 25,000, may view their OTS Collision and Arrest Rankings at http://www.ots.ca.gov/Media_and_Research/Rankings/default.asp.

10. To conduct **25** warrant service operations targeting multiple DUI offenders who violate probation terms or fail to appear in court by September 30, 2010.
11. To develop a "Hot Sheet" program to notify patrol and traffic officers to be on the lookout for identified repeat DUI offenders with a suspended or revoked license as a result of DUI convictions by December 31, 2009. Updated Hot Sheets will be distributed to patrol and traffic officers every three to four weeks.
12. To conduct **52** "Stakeout" operations that employ police officers to observe the "worst of the worst" repeat DUI offender probationers with a suspended or revoked driver license by September 30, 2010.
13. To conduct **4** "Court Sting" operations to cite individuals driving from court after having their license suspended or revoked by September 30, 2010.

NOTE: Nothing in this "agreement" shall be interpreted as a requirement, formal or informal, that a particular police officer issue a specified or predetermined number of citations in pursuance of the goals and objectives hereunder.

METHOD OF PROCEDURE:

Phase I: Program Preparation, Training, and Implementation (October 1, 2009 – December 31, 2009)

- The police department will develop operational plans to implement the "best practice" strategies outlined in the objectives section.
- A draft news release will be submitted to OTS to announce the grant program.
- All training needed to implement the program will be conducted this quarter.

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SCHEDULE A**



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- All grant related purchases needed to implement the program will be made this quarter.
- In order to develop the “Hot Sheets”, research will be conducted to identify the “worst of the worst” repeat DUI offenders with a suspended or revoked license as a result of DUI convictions. The Hot Sheets may include the driver’s name, last known address, DOB, description, current license status, with the number of times suspended or revoked for DUI. Hot Sheets will be updated and distributed to traffic and patrol officers every three to four weeks.
- The police department will meet with appropriate court personnel to help develop an operational plan to conduct court stings.

Phase II: Community Awareness (Throughout Grant Period)

- The police department will work to create media opportunities throughout the grant period to call attention to the innovative program strategies and outcomes.

Phase III: Data Gathering and Analysis (Throughout Grant Period)

- The police department will submit a Quarterly Performance Report (QPR) and Quarterly Evaluation Data Form, Schedule C within 30 days following each calendar quarter.
- The final QPR, Schedule C and Executive Summary are due to OTA by October 31, 2011.
- Reports shall be completed in accordance with OTS requirements specified in the Grant Program Manual, Chapter 7, and submitted in compliance with the signed Acceptance of Conditions and Certifications (OTS-33) included within this agreement.

METHOD OF EVALUATION:

The Office of Traffic Safety will use the QPR data to determine whether the grant was successful. OTS will also select grants for monitoring reviews to ensure the accuracy of claimed costs. For example, OTS will review claimed costs to ensure they are supported by time sheets, vouchers, invoices, purchases, etc.

ADMINISTRATIVE SUPPORT:

This program has full support of the City of Fresno; effort will be made to continue the activities after the grant conclusion. The City Council has endorsed this grant by resolution.

**GRANTS MADE EASY – DUI
Fulltime & Overtime
SCHEDULE B-1
GRANT NO. AL1072**



BUDGET NARRATIVE

Page 1

PERSONNEL COSTS:

Full Time

The Fresno Police Department will hire 1 additional Traffic Officer(s) responsible for achieving the objectives described in the grant. The funds will be used to pay 100% of the salary for the 1 Traffic Officer. The salary category represents their estimated actual base salary, plus the following established city benefits:

Full Time Benefits

Medicare	1.45%
Health Insurance	10.60%
Retirement	8.32%
Uniform	1.50%
Total Benefit Rate	21.87%

Required Enforcement Supplanting Statement:

To avoid supplanting, the city agrees to increase the traffic unit from its current complement of 80 officers to 81 officers. The Traffic Unit will maintain a minimum of 81 officers (80 existing and 1 grant funded) throughout the grant period.

OVERTIME

No Overtime Benefits will be paid in this grant.

TRAVEL EXPENSE:

In-State

Costs are included for appropriate staff to attend conferences and training events supporting the grants goals and objectives and/or traffic safety. Funds may be used to attend OTS approved training. Anticipated travel and events include local mileage for grant activities and meetings. *All conferences, seminars, or training not specifically identified in the Schedule B-1 must be approved by OTS. All travel claimed would 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:

None

EQUIPMENT:

None

**GRANTS MADE EASY – DUI
Fulltime & Overtime
SCHEDULE B-1
GRANT NO. AL1072**



BUDGET NARRATIVE

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OTHER DIRECT COSTS:

Checkpoint Supplies- On-scene supplies are needed to appropriately conduct sobriety checkpoints. Items included are cones, checkpoint signage, portable generator, lighting; reflective banners, flares, PAS device supplies, portable heater, fan, canopy and blood draw items. *Additional items may be purchased if approved by OTS. The cost of food and beverages will not be reimbursed.*

Educational Materials- Costs are included to purchase or develop, print and distribute educational materials at public forums that inform the public on traffic safety. Items must include a traffic safety message, if space is available, the OTS logo. Items may include brochures, pamphlets, fliers, coloring books, posters, signs, banners, booklets and conference materials. *Additional items may be purchased if approved by OTS.*

Communications- Costs of telephone, cell phone, mail/messenger (excluding overnight priority mail), and similar communication services used to further the goals and objectives of the grant.

Printing/Duplication- Costs include the purchases of paper, production, printing and/or duplication of materials associated with daily grant operations.

INDIRECT COSTS:

None

PROGRAM INCOME:

There will be no program income generated from this grant.

**GRANTS MADE EASY - DUI
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SCHEDULE B - PAGE 1
DETAILED BUDGET ESTIMATE**



GRANT NO. AL1072

COST CATEGORY	FISCAL YEAR ESTIMATES			TOTAL COST TO GRANT
	FFY - 1 10/1/2009 Thru 9/30/2010			
A. PERSONNEL COSTS				
Regular Salaried Personnel				
<u>(1) Officer</u>				
12 months @ \$ <u>6,395.10</u> mo. @ <u>100%</u>	\$76,741.20			\$76,741.20
Employee Benefits @ <u>21.87%</u>	\$16,783.00			\$16,783.00
<u>Overtime</u>				
DUI/DL Checkpoints	\$173,067.60			\$173,067.60
DUI Saturation Patrols	\$98,967.80			\$98,967.80
Warrant Service Patrols	\$20,772.00			\$20,772.00
Stakeouts	\$60,468.40			\$60,468.40
Court Stings	\$24,867.00			\$24,867.00
Overtime Benefits @ <u>0.00%</u>	\$0.00			\$0.00
Category Sub-Total	\$471,667.00			\$471,667.00
B. TRAVEL EXPENSE				
In State	\$3,000.00			\$3,000.00
Category Sub-Total	\$3,000.00			\$3,000.00
C. CONTRACTUAL SERVICES				
None	\$0.00			\$0.00
Category Sub-Total	\$0.00			\$0.00

**GRANTS MADE EASY - DUI
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SCHEDULE B -PAGE 2
DETAILED BUDGET ESTIMATE**



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COST CATEGORY	FISCAL YEAR ESTIMATES			TOTAL COST TO GRANT
	FFY - 1 10/1/2009 Thru 9/30/2010			
D. EQUIPMENT				
None				\$0.00
Category Sub-Total	\$0.00			\$0.00
E. OTHER DIRECT COSTS				
Checkpoint Supplies	\$3,500.00			\$3,500.00
Educational Materials	\$2,000.00			\$2,000.00
Communications	\$1,333.00			\$1,333.00
Printing/Duplication	\$500.00			\$500.00
Category Sub-Total	\$7,333.00			\$7,333.00
F. INDIRECT COSTS				
None	\$0.00			\$0.00
Category Sub-Total	\$0.00			\$0.00
GRANT TOTAL	\$482,000.00			\$482,000.00