

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO: 18-05-01-02

In the Matter of Approving Submission of a Grant Application and Delegating Signature Authority to the County Administrator for the District Attorney's DUII Investigator (Oregon Department of Transportation)

WHEREAS, the Board of Commissioners may approve submission of grant applications to pay for county services; and

WHEREAS, the Lane County District Attorney has assigned prosecutors for the major vehicle crash related assault cases and Driving Under the Influence of Intoxicants (DUII) cases; and

WHEREAS, The Oregon Department of Transportation awards competitive grants for DUII Investigators to assist in prosecution programs to combat DUII cases; and

WHEREAS, the Oregon Department of Transportation will award a grant for the period DATE through DATE.

NOW, THEREFORE, the Board of County Commissioners of Lane County **ORDERS** as follows:

1. Approve the grant application for \$120,000.00.
2. Authorize the County Administrator to sign the documents as described above subject to legal counsel review.

ADOPTED this 1st day of May, 2018.



Jay Bozievich, Chair
Lane County Board of Commissioners

APPROVED AS TO FORM

Date 4-19-18

LANE COUNTY OFFICE OF LEGAL COUNSEL



OREGON DEPARTMENT OF TRANSPORTATION
Transportation Safety Division

GRANT PROJECT APPLICATION

Project No: M6X-18-12-07

Project Name: DUII INVESTIGATOR

Answer each question in the boxes provided. Answer each question completely and according to the instructions in *Italics*. All fields are required.

I. Project Description

This project provides for a DUII Investigator to support the Lane County District Attorney's Office for the thorough investigation and prosecution of DUII cases, including felony DUII, fatal and injury crashes involving DUII, and complex DUII-Drug cases. This position will be a sworn law enforcement officer assigned to the DA's office with the ability to investigate, serve warrants, and assist the seven assigned prosecutors with the major vehicle crash related assault cases and DUII cases. Ideally, this position will have a Drug Recognition Expert and Crash Investigator background. This project is for three and a half years of diminishing contributions, at the conclusion of which, the position will be 100% absorbed by the Lane County DA's Office. This project will seek to improve successful prosecution rates for DUII, improve time to trial, and reduce outstanding DUII warrants.

II. Problem Statement

A. Describe the problem(s) this project will try to impact:
(Describe the problem(s) you intend to impact with this grant.)

Lane County is over-represented statistically in impaired driving arrests, impaired driving fatalities and drug-impaired driving arrests. As a timber-revenue dependent county with precipitously declining resources, Lane County has struggled with staffing acuity levels in municipal and county law enforcement dedicated to traffic enforcement and staffing at the DA's office. As such, prosecutors for DUII crimes do not have access to a full-time, dedicated experienced investigator that can assist in building more solid cases and spending the time necessary for a conviction.

Traditionally, DUII crimes are some of the most statutorily complicated crimes, and because of their misdemeanor status, often assigned to

the least experienced and over-burdened prosecutors in the office. As DUII is the most commonly committed crime and most commonly litigated, defendants have access to the most experienced defense attorneys and professional expert witnesses. Combined with limited prosecutorial budgets for perceived low level trials this profound courtroom imbalance can lead to unnecessary dismissals, and worse, unfavorable case law that can have ramifications in courtrooms across the state because a prosecutor doesn't have the experience or pre-trial support.

Additionally, a backlog of outstanding DUII warrants are contributing to dismissals because of speedy trial issues, if warrant service is not attempted.

- B. Provide summary data about the problem(s):
(Give summary data regarding the problem as it exists in your jurisdiction.)

In 2016, the Lane County District Attorney's Office handled 689 major vehicle crash assault and DUII cases. Current grant-funded investigators may only devote 20% of their time to outside subject areas, including DUII cases, meaning that DUII cases have a much lower priority in the office for investigators.

Lane County represents 8.97% of Oregon State's population (365,940 vs. 4,076,350 per 2016). Lane County's rate of alcohol and drug injury crashes is 14%. They had 9.2% of alcohol-impaired driving fatalities. They had 11.4% of the state total of DUII arrests, 15.9% of DUII-Drug arrests, and 15.7% of BAC implied consent refusals. In 2017, Lane County also has 105 of the 465 overall callouts for Drug Recognition Expert evaluations, representing 22.6% of the State's total. . For January through March of 2018, Lane County represented 19% of the statewide callouts for DRE evaluations (25 of 130).

Currently, Lane County DA's Office has 312 outstanding warrants for DUII crimes.

- C. List current activities and associated agencies already involved in solving the problem(s):
(Include all related activities and agencies involved. If you have a current project, list the objectives of that project and progress in achieving them.)

Lane County District Attorney's Office - will provide direct supervision and caseload management
Lane County Council of Governments - will provide data collection and analysis
Municipal Police Agencies in Lane County - will provide related coordination on investigations and prosecutions
Lane County Sheriff's Office - will provide related coordination on

investigations and prosecutions Oregon State Police (Springfield Office) - will provide related coordination on investigations and prosecutions Oregon Dept of Transportation (TSD) - will provide grant management and project oversight Oregon State Police DECP Program - will provide investigation support for drug-impaired driving cases as needed
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III. Objectives

(Describe quantifiable products or outcomes that address those problems identified in Section II that should result from the proposed activities. Normally at least three very specific objectives should be given and each should include beginning and ending date.

The following are examples:

“To increase safety belt usage in (funded jurisdiction) from 85% to 90% by September 30, 2004, with the use rate determined by conducting observed use surveys.”

“To reduce nighttime fatal and injury crashes occurring in (funded jurisdiction) by 20% from 60, the average for the 1998-2001 period, to 48 during the 12-month period starting October 1, 2003, and ending September 30, 2004.”

“To provide intensive probation supervision to a minimum of 30 additional persons convicted of DUII in (funded jurisdiction) by making at least three face-to-face contacts with each person weekly from October 1, 2003, through September 30, 2004.”

“To complete an evaluation by July 1, 2004, to determine if using photo radar will lead to a significant reduction in fatal and injury traffic crashes in that location.”

	Start Date	End Date	Objective
1.	4/15/2018	9/30/2018	Attempt warrant service on 150 outstanding prioritized DUII warrants (approximately 50% of existing warrants)
2.	4/15/2018	9/30/2018	Successfully serve 60 outstanding warrants for DUII.

IV. Proposed Activities

A. Major Activities

(List major activities to be carried out to achieve objectives stated in Section III above. List the start and end date for each activity, and include in your description what will be done, who will do it, and who will be affected.)

	Start Date	End Date	Activity
1.	4/15/2018	9/30/2018	Recruit qualified applicants for the DUII Investigator position (LCDA)
2.	4/15/2018	9/30/2018	Interview top applicants. (LCDA)

3.	4/15/2018	9/30/2018	Hire the DUII Investigator (LCDA)
4.	4/15/2018	9/30/2018	Equip Investigator with necessary tools (LCDA)
5.	4/15/2018	9/30/2018	Schedule DUII Investigator attendance at Crash Reconstruction School at next available opportunity (LCDA, DUII Inv.)
6.	4/15/2018	9/30/2018	Begin assisting Major Crash and DUII district attorneys with investigations (DUII Inv.)
7.	4/15/2018	9/30/2018	Begin serving prioritized FTA DUII warrants within Lane County (DUII Inv.)
8.	4/15/2018	9/30/2018	Attend necessary trainings and continuing education related to the execution of the position, with consultation and prior permission from the LCDA and ODOT-TSD. (LCDA, DUII Inv., ODOT)
9.	4/15/2018	9/30/2018	Share information and progress with key partners (listed below, Section B) as requested.

Plans for sharing the project activities with others:

Regular updates on this project will be shared with all involved partners, as well as the media once the project is launched.

B. Coordination

(List the groups and agencies with which you will be cooperating to complete the activities of the project. Explain how you will be working together. In those projects not requiring the involvement of other agencies, a statement justifying the ability of the applicant to carry out the project independently should be included.)

Is coordination with outside agencies or groups required? If **yes**, check here:

1) If you checked the box above, please fill in the following. Otherwise skip to item 2) below:

Name/role of groups and agencies involved:

Although this project can be independently executed by the Applicant Agency, for maximized effectiveness of this project, outside coordination and information sharing with the following agencies and organizations is encouraged.

Lane County District Attorney's Office
Lane County Board of Commissioners
Lane County Sheriff's Office
Lane County Public Safety Coordinating Council
Lane County Council of Governments
Oregon State Police – Springfield Office
Oregon State Police – DECP Program

Oregon District Attorneys Association
 Oregon Department of Justice – Criminal Division
 Oregon Department of Transportation – Safety Division
 Oregon Transportation Safety Committee
 Governor’s Advisory Committee on DUII
 Municipal Police Departments within Lane County
 Mothers Against Drunk Driving – Oregon Chapter

2) Fill this if you did not check the box above:

Ability to complete the project independently:

C. Continuation

Plans to continue the project activities after funding ceases:

It is the understanding that funding for the position of DUII Investigator will be 100% absorbed by the Lane County District Attorney's Office and/or other partners after this project comes to an end in FFY2022.

V. Evaluation Plan

A. Evaluation Questions

(You will be reporting on your objectives in your Project Evaluation. At a minimum each objective should be rephrased as an evaluation question. For example, what percentage of the public in (funded jurisdiction) wears a safety belt? What percentage increase is this? Add questions that demonstrate expected or potential impact of the project on the state or jurisdiction’s traffic safety environment. Avoid yes/no evaluation questions.)

	Evaluation Question
1.	Was a DUII Investigator hired by the Lane County District Attorney's Office?
2.	Did the DUII Investigator attend Crash Reconstruction School?
3.	How many major crash and/or DUII prosecutions did the DUII Investigator assist with?
4.	Of those cases that the DUII Investigator assisted with that also went to trial, what were the outcomes of each?
5.	How many of those cases were for DUII-Drug?
6.	How many of those cases involved a repeat DUII offender?
7.	How many prioritized DUII warrants for failure-to-appear did the DUII Investigator attempt to serve?
8.	How many prioritized DUII warrants for failure-to-appear did the DUII Investigator successfully serve?

B. Data Requirements

1. Data to be collected: The Data Table presented as Exhibit A will be submitted with required quarterly reports.

2. Data System

Describe how the data will be collected, stored, and tabulated:

Data will be collected by the LCDA office, and tabulated by the Lane County Council of Governments.

C. Evaluation Design

Describe how the data will be analyzed:

Data will be analyzed to evaluate the effectiveness of a trained, dedicated investigator in complex DUII cases, the trial outcomes of these cases, the speed in going to trial, and the reduction of serviceable warrants.

D. Project Evaluation Preparation

A Project Evaluation Report will be submitted to TSD following the requirements given in the Agreements and Assurances.

VI. Grant Project Budget Summary

A. List of major budget items:

Investigator wages and benefits
Crash Reconstruction training
Laptop computer
Telecommunications
Miscellaneous duty equipment

B. Budget Allotment

The agency named in this document hereby applies for \$120,000.00 in Transportation Safety funds to be matched with \$24,000.00 in funds from source Lane County District Attorney's office to carry out a traffic safety project described in this document.

VII. Budget and Cost Sharing

(Complete Form 737-1003 Budget and Cost Sharing. You may attach one page to explain specific requests. If you are applying for a multiple-year grant, you must include a separate budget for each year for which you are requesting funding.)

VIII. Exhibits

A. Exhibit A: Data Table
(To be developed at a later date.)

- B. Exhibit B: Job Descriptions
(Provide copy of job descriptions of all positions assigned to the project 500 hours or more paid with grant funds.)
- C. Exhibit C: Contracts or Service Agreements
(Provide signed copies of any contracts or other service agreements that are entered into by the grantee as part of this project. These shall be reviewed by TSD to determine whether the work to be accomplished is consistent with the objectives of the project. All contracts awarded by the grantee shall include the provision that any subcontracts include all provisions stated in the Agreements and Assurances.)

IX. Agreements and Assurances
(READ, sign and attach to the grant project application.)

X. Approval Signatures
I have read and understand the Agreements and Assurances stipulating the conditions under which the funds for which are being applied will be available and can be utilized. **The agency named in this document is prepared to become a recipient of the funds should the grant funds be awarded.**

A. Agency Information

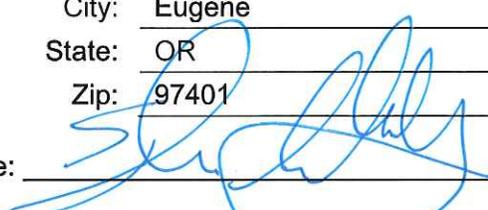
Agency Name*: Lane County
 Street Address: 125 E 8th Avenue, Rm 400
 City: Eugene
 State: OR
 Zip: 97401

B. Project Director

First Name: Patricia Last Name: Perlow
 Title: Email: patty.perlow@co.lane.or.us
 Phone: (541) 682-4261 Fax: (541) 682-2310
 Street Address: 125 E 8th Avenue, Rm 400
 City: Eugene
 State: OR
 Zip: 97401

Signature: _____ Date: _____

C. Authorizing Official of Agency Completing Application

First Name: Steve Last Name: Mokrohisky
Title: County Administrator Email: steve.mokrohisky@co.lane.or.us
Phone: (541) 682-4203 Fax: _____
Street Address: 125 E 8th Avenue, Rm 400
City: Eugene
State: OR
Zip: 97401
Signature:  Date: 5/23/18

*Non-profit agencies must submit proof of exempt status under Code Sec. 501(c)(3)

Mail signed copies to: Oregon Dept. of Transportation
Transportation Safety Division
4040 Fairview Industrial Drive SE - MS 3
Salem, OR 97302-1142
Email completed electronic copy to your TSD Program Manager.

ODOT GRANT BUDGET AND COST SHARING

Project Number: DUII INVESTIGATOR

6. Other Project Costs			
A. Travel In-State	Unit Cost	# of Units	Total Cost
Crash Reconstruction School	\$ 3,500.00 @	1 =	\$ 3,500.00
B. Travel Out-of-State (specify)***:			
	\$ - @	0 =	\$ -
C. Office Expenses (supplies, photocopy, telephone, postage)			
	\$ - @	0 =	\$ -
D. Other Costs (specify):			
1.) Telecommunications	\$ 60.00 @	12 =	\$ 720.00
2.) Wireless for vehicle	\$ 600.00 @	1 =	\$ 600.00
3.) Liability Insurance	\$ 300.00 @	1 =	\$ 300.00
4.)	\$ - @	0 =	\$ -
5.)	\$ - @	0 =	\$ -
Other Project Costs Subtotal			\$ 1,620.00

7. Consultation/Contractual Services **			
A.	Unit Cost	# of Units	Total Cost
	\$ - @	0 =	\$ -
B.	\$ - @	0 =	\$ -
Consultation/Contractual Services Total			\$ -

8. Mini-Grants ***			
	TSD	Match	
A.	\$ -	\$ -	
B.	\$ -	\$ -	
C.	\$ -	\$ -	
D.	\$ -	\$ -	
E.	\$ -	\$ -	
F.	\$ -	\$ -	
G.	\$ -	\$ -	
H.	\$ -	\$ -	
Mini-Grants Subtotals		\$ -	\$ -

TOTAL

COST SHARING BREAKDOWN

1. TSD Funds	\$ 120,000.00	83%
2. Match: State		
3. Match: Local	\$ 24,000.00	17%
4. Match: Other (specify)		
a.)		
b.)		
c.)		
5. TOTAL COSTS	\$ 144,000.00	100%

TSD FUNDS	MATCH	TOTAL
\$3,500.00	\$0.00	\$3,500.00
\$0.00	\$0.00	\$0.00
\$0.00	\$0.00	\$0.00
\$1,620.00	\$0.00	\$1,620.00
\$0.00	\$0.00	\$0.00
\$0.00	\$0.00	\$0.00
\$0.00	\$0.00	\$0.00
\$120,000.00	\$24,000.00	\$144,000.00

Budget Comments:

* Job descriptions for all positions assigned to grant for 500 hours or more must be included in Exhibit B.

** TSD approval required prior to expenditures.

RACIAL AND ETHNIC IMPACT STATEMENT

This form is used for informational purposes only and must be included with the grant application.

Chapter 600 of the 2013 Oregon Laws require applicants to include with each grant application a racial and ethnic impact statement. The statement provides information as to the disproportionate or unique impact the proposed policies or programs may have on minority persons¹ in the State of Oregon if the grant is awarded to a corporation or other legal entity other than natural persons.

1. The proposed grant project policies or programs could have a disproportionate or unique positive impact on the following minority persons:

Indicate all that apply:

- Women
 Persons with Disabilities
 African-Americans
 Hispanics
 Asians or Pacific Islanders
 American Indians
 Alaskan Natives

2. The proposed grant project policies or programs could have a disproportionate or unique negative impact on the following minority persons:

Indicate all that apply:

- Women
 Persons with Disabilities
 African-Americans
 Hispanics
 Asians or Pacific Islanders
 American Indians
 Alaskan Natives

3. The proposed grant project policies or programs will have no disproportionate or unique impact on minority persons.

If you checked numbers 1 or 2 above, on a separate sheet of paper, provide the rationale for the existence of policies or programs having a disproportionate or unique impact on minority persons in this state. Further provide evidence of consultation with representative(s) of the affected minority persons.

I HEREBY CERTIFY on this 12th day of April, 2018, the information contained on this form and any attachment is complete and accurate to the best of my knowledge.



Signature

Printed Name: Patricia W. Perlow

Title: District Attorney

¹ "Minority persons" are defined in SB 463 (2013 Regular Session) as women, persons with disabilities (as defined in ORS 174.107), African-Americans, Hispanics, Asians or Pacific Islanders, American Indians and Alaskan Natives.

Agreements and Assurances

Project Director:

Patricia Perlow



Signature

4/12/2018

Date

Designated Alternate: John Franklin



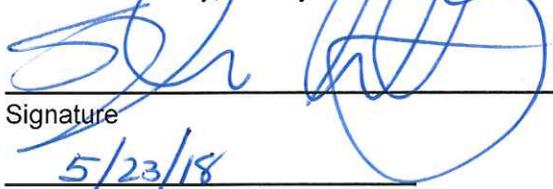
Signature

4/12/2018

Date

Authorizing Government Official:

Steve Mokrohisky, County Administrator



Signature

5/23/18

Date

TO BE COMPLETED BY TSD

Project No.: M6X-18-12-07

Title: DUII INVESTIGATOR

OTC approval date: June 15, 2017

Total project cost: \$144,000

TSD grant funds: \$120,000

All matching funds: \$24,000

Matching source(s): Local

Authority to approve modifications to this agreement is delegated to the Transportation Safety Division grant manager.

Manager, Transportation Safety Division Oregon
Department of Transportation

Date

Federal	By Fed. FY	County	Personnel costs:
\$ 120,000	Oct. '17 - Sept. '18	\$ -	fully loaded = \$4700/pp (Molony 18-19 budgeted)
\$ 120,000	Oct. '18 - Sept. '19	\$ -	Ongoing Fleet = \$600/month
\$ 90,000	Oct. '19 - Sept. '20	\$ 30,000	Wireless broadband for net motion = \$50/month
\$ 60,000	Oct. '20 - Sept. '21	\$ 60,000	PDX Crash School = \$3400, plus ~\$400/airfare
\$ -	Oct. '21 - Sept. '22	\$ 120,000	plus ~\$600 for extra lodging

Federal FY	Quarterly	County to Receive:	County to Pay:	costs to pay include:
100% to 120k	Apr '17 - June '18	\$ 19,450	\$ 19,450	Costs at end of each Fed.
	July '18 - Sept. '18	\$ 36,450		Fiscal Year that were above
	Oct. - Dec. 2018	\$ 28,200	\$ 130,450	grant max for that FFY
	Jan - Mar 2019	\$ 32,900		
100% to 120k	Apr - June 2019	\$ 32,900	\$ -	
	July - Sept 2019	\$ 28,764		\$ 2,764
	Oct - Dec 2019	\$ 28,764	\$ -	
	Jan - Mar 2020	\$ 33,558	\$ 98,629	\$ 26,974
75% to 90k	Apr - June 2020	\$ 34,517		
	July - Sept 2020	\$ 28,361		\$ 3,900
	Oct - Dec 2020	\$ 34,229	\$ -	
	Jan - Mar 2021	\$ 29,339	\$ 67,003	\$ 60,623
50% to 60k	Apr - June 2021	\$ 35,696		
	July - Sept 2021	\$ 28,929		\$ 4,097
	Oct - Dec 2021	\$ 34,914	\$ -	
0% to \$0	Jan - Mar 2022	\$ 29,926	\$ 10,368	\$ 119,097
	Apr - Jun 2022	\$ 35,696		
	Jul - Sept. 2022			
		\$ 532,593	\$ 325,900	\$ 206,693
			\$ 532,593	