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OAKLAND

2013 OCT 31 PM 3:26 **AGENDA REPORT**

TO: DEANNA J. SANTANA  
CITY ADMINISTRATOR

FROM: Sean Whent  
Interim Chief of Police

SUBJECT: Office of Traffic Safety, DUI Grant

DATE: October 4, 2013

City Administrator  
Approval

Date

10-18-13

COUNCIL DISTRICT: City-Wide

**RECOMMENDATION**

Staff recommends that the City Council authorize the City Administrator, on behalf of the City of Oakland (City), accept and appropriate grant funds in the amount of forty eight thousand five hundred dollars (\$48,500) from the Regents of the University of California, Berkeley, School of Public Health, Traffic Safety Center, serving as the fiscal agent for the State of California, Office of Traffic Safety (OTS), for the 2013-2014 Sobriety Checkpoint Program to be conducted by the Oakland Police Department (OPD), and authorize a contribution from the General Purpose Fund in an amount equivalent to OPD's Central Services Overhead (CSO) rate of \$5,101.

**BACKGROUND/LEGISLATIVE HISTORY**

The City Council has authorized the acceptance of this annual grant beginning in 2003 through 2013 with the passage of Resolution Nos. 78253, 78970, 80280, 80957, 81750, 83083, 83704, and 84118 C.M.S.

The State of California has made positive strides in the fight against Driving Under the Influence (DUI). However, alcohol-related fatalities remain prevalent both nationally and in California. Studies conducted in California and other states have shown that cities that conduct sobriety checkpoints see substantial reductions in alcohol-involved accidents.

Additionally, organizations such as Mothers Against Drunk Driving, the National Highway Traffic Safety Administration, and the National Transportation Safety Board call sobriety checkpoints one of the most important DUI counter-measures available to law enforcement.

The last implementation of the program was approved by the City Council on December 4, 2012 by Resolution No. 84118 C.M.S.

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## OUTCOME

Acceptance of the resolution would allow staff to continue operating the Sobriety Checkpoint Program in the City in accordance with OPD policy and the OTS grant document, which calls for a total of four checkpoint operations during the life cycle of this grant. The first two must take place during the Winter Holiday Mobilization Period (from December 13, 2013 to January 1, 2014). The second two must take place during the Labor Day Mobilization Period (from August 15 to September 1, 2014).

## ANALYSIS

The OPD Traffic Section is consolidated under a unified command and has taken steps to improve traffic safety through law enforcement, inclusive of sobriety checkpoint operations. Traffic officers and supervisors receive ongoing training in the establishment and operation of checkpoints. Additionally, the Traffic Section has computerized its reporting and record-keeping procedures as they relate to DUI, blood-alcohol test results, and collision information.

The objective of this program is to reduce the number of alcohol-related accidents, injuries, and fatalities through the use of education and enforcement

During the 2010-2011 grant cycle, OPD operated five checkpoint operations, which saw over 4,000 vehicles passing through the checkpoint with about 1,000 of these vehicles being screened. As a result of the operation, OPD conducted over twenty field sobriety tests and made seven DUI arrests.

During the 2011-2012 grant cycle, OPD operated five checkpoint operations, which saw nearly 2,500 vehicles passing through the checkpoint with about 500 vehicles being screened. OPD conducted two field sobriety tests and had zero DUI arrests.

During the 2012-2013 grant cycle, OPD operated four checkpoint operations, which saw nearly 2,000 vehicles passing through the checkpoint with over 400 being screened. As a result of the operation, OPD conducted twelve field sobriety tests and made seven DUI arrests.

Had OPD not continued to receive this type of external grant funding during the last three years, numerous vehicles would have gone unscreened and would-be DUI violators unchecked, potentially impacting Oakland citizens in a negative manner.

**POLICY ALTERNATIVES**

<i>Alternative #1</i>	Accept the OTS grant
<i>Pros</i>	Vehicular safety benefits, crime deterrent
<i>Cons</i>	Incur a CSO overhead fee in the amount of \$5,101
<i>Alternative #2</i>	Do not accept the OTS grant
<i>Pros</i>	None
<i>Cons</i>	Reduction in OPD's ability to educate citizens concerning the danger of DUI and the value of DUI enforcement, which may result in an increase in collisions and/or injuries

**PUBLIC OUTREACH/INTEREST**

This item did not require any additional public outreach other than the required posting on the City's website.

**COORDINATION**

The Budget Office and the City Attorney's Office were consulted in preparation of this report.

**COST SUMMARY/IMPLICATIONS**

If the resolution is accepted, OTS will reimburse the City up to the amount of \$48,500 for the operation of four checkpoints during the grant period of October 2013 through September 2014.

Expense allocations are as follows:

Use of Funds	Amount
O/T for Swom and Professional Personnel Winter Holiday Mobilization Period (12/13/2013 to 01/01/2014)	\$21,200
O/T for Swom and Professional Personnel Labor Day Mobilization Period (08/15/2014 to 09/01/2014)	\$21,200
Checkpoint Supplies	\$6,100
<b>TOTAL</b>	<b>\$48,500</b>

Based on a 12.03% calculation rate, CSO charges associated with the \$42,400 for salary and wages equals \$5,101. However, according to the granting agency, indirect costs such as CSO charges are disallowed; therefore, OPD requests a contribution from the General Purpose Fund in an amount equivalent to OPD's CSO rate of \$5,101.

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**SOURCE OF FUNDING:**

All revenues and appropriations for overtime will be allocated in the State of California Grant Fund (2999), Traffic Enforcement Division Organization (107510), Traffic Enforcement Program (PS14), in a project to be determined. The program will be managed by the Traffic Operations Section Commander.

**PAST PERFORMANCE, EVALUATION AND FOLLOW-UP**

The following is a historical data table of DUI related collisions, injuries, and fatalities for the City:

	<i>2009</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013 (thru Aug)</i>
<i>DUI Arrests</i>	231	272	127	140	108
<i>DUI-related collisions</i>	221	221	153	102	73
<i>DUI-related injuries</i>	48	49	33	30	16
<i>DUI-related fatalities</i>	9	8	1	2	1

As shown above, DUI-related incidents continue to negatively impact the lives and safety of the citizens of Oakland year after year.

**SUSTAINABLE OPPORTUNITIES**

**Economic:** The indirect economic benefits associated with removing/keeping alcohol-impaired drivers off City streets are significant in terms of life and property protection.

**Environmental:** There are no environmental opportunities identified in this report.

**Social Equity:** The services provided by OPD's participation in the Sobriety Checkpoint Program will assist the community through improved police services and enhanced police-community relations.

For questions concerning this report, please contact Lt. Peter Lau at 510-777-8637.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "for Sean Whent", written over a horizontal line.

Sean Whent  
Interim Chief of Police  
Oakland Police Department

Prepared by:  
Lt. Peter Lau  
Special Operations Division  
Oakland Police Department

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City Attorney

## OAKLAND CITY COUNCIL

RESOLUTION No. \_\_\_\_\_ C.M.S.

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RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, ON BEHALF OF THE CITY OF OAKLAND (CITY), TO ACCEPT AND APPROPRIATE GRANT FUNDS IN THE AMOUNT OF FORTY-EIGHT THOUSAND FIVE HUNDRED DOLLARS (\$48,500) FROM THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, BERKELEY, SCHOOL OF PUBLIC HEALTH, TRAFFIC SAFETY CENTER, SERVING AS THE FISCAL AGENT FOR THE STATE OF CALIFORNIA, OFFICE OF TRAFFIC SAFETY (OTS), FOR THE 2013-2014 SOBRIETY CHECKPOINT PROGRAM TO BE CONDUCTED BY THE OAKLAND POLICE DEPARTMENT (OPD), AND FOR A WAIVER OF THE CENTRAL SERVICES OFFICE (CSO) OVERHEAD CHARGES IN THE AMOUNT OF FIVE THOUSAND ONE HUNDRED ONE DOLLARS (\$5,101).

**WHEREAS**, grant funds totaling \$48,500 have been awarded by the State of California, Office of Traffic Safety, for the Police Department's continued participation in the Sobriety Checkpoint Program; and

**WHEREAS**, the Sobriety Checkpoint Program is designed to reduce the number of people injured or killed in alcohol-involved crashes through the combined efforts of the Office of Traffic Safety and local law enforcement agencies; and

**WHEREAS**, the Sobriety Checkpoint mobilization project dates are December 13, 2013 – January 1, 2014 and August 15, 2014 – September 1, 2014; and

**WHEREAS**, the proposed grant does not allow for indirect costs CSO charges in the amount of \$5,101, OPD requests a contribution from the General Purpose Fund in an amount equivalent to the Department's CSO rate of \$5,101; and

**WHEREAS**, the City Council previously authorized acceptance of similar grant funds by Resolution No. 84118 C.M.S., dated February 7, 2012; Resolution No. 83704 C.M.S., dated February 7, 2012; Resolution No. 83083 C.M.S., dated December 7, 2010; Resolution No. 81750 C.M.S., dated January 6, 2009; Resolution No. 80957 C.M.S., dated December 4, 2007; Resolution No. 80280 C.M.S., dated December 5, 2006; Resolution No. 78970 C.M.S., dated December 21, 2004; and Resolution No. 78253 C.M.S., dated December 16, 2003; now, therefore, be it

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**RESOLVED:** That the City Council does hereby authorize the City Administrator or her designee to accept and appropriate a grant in the amount of \$48,500 from the State of California, OTS, and to increase revenues and appropriate said budget to OPD; and be it

**FURTHER RESOLVED:** That the grant funds shall be maintained in the State of California Grant Fund (2999), Traffic Enforcement Division Org. (107510), Traffic Enforcement Program (PS14), in a project to be determined; and be it

**FURTHER RESOLVED:** That CSO costs of \$5,101 be covered by a contribution from the General Purpose Fund in an amount equivalent to the Department’s CSO rate of \$5,101; and be it

**FURTHER RESOLVED:** That the City Council hereby authorizes the City Administrator or her designee as agent of the City to conduct all negotiations and related actions and to sign all applications and agreements that may be necessary for the completion of the aforementioned grant.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

PASSED BY THE FOLLOWING VOTE:

AYES– BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN

NOES–

ABSENT–

ABSTENTION–

ATTEST: \_\_\_\_\_

LaTonda Simmons  
City Clerk and Clerk of the  
Council of the City of Oakland, California

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**PUBLIC SAFETY CMTE.**

**NOV 12 2013**