



## Legislation Details (With Text)

**File #:** 2019-0660  
**Type:** Consent Calendar Item **Status:** Agenda Ready  
**File created:** 4/29/2019 **In control:** District Attorney  
**On agenda:** 6/4/2019 **Final action:**  
**Title:** Edward Byrne Memorial Justice Assistance Grant (JAG) Program  
**Sponsors:** District Attorney  
**Indexes:**  
**Attachments:** 1. Summary Report, 2. Resolution, 3. Cover Letter for Executed Award, 4. JAG Grant Award Report

Date	Ver.	Action By	Action	Result
6/4/2019	1	Board of Supervisors	Approved as recommended	Pass

**To:** Clerk of the Board of Supervisors  
**Department or Agency Name(s):** District Attorney  
**Staff Name and Phone Number:** Renate Amantite, 565-3150  
**Vote Requirement:** Majority  
**Supervisory District(s):** Countywide

**Title:**  
Edward Byrne Memorial Justice Assistance Grant (JAG) Program

### Recommended Actions:

Adopt a resolution authorizing the Sonoma County Administrator to sign an agreement with the United States Department of Justice, Bureau of Justice Assistance, and to execute Justice Assistance Grant Program award documents for the acceptance of \$47,104 currently allocated to Sonoma County for the Fiscal Year 17-18 for which final acceptance was delayed due to additional grant conditions.

### Executive Summary:

Board approval and authorization is requested to grant the County Administrator authority to accept \$47,104 in Justice Assistance Grant Program funding for the FY 17-18 from the United States Department of Justice (DOJ), Bureau of Justice Assistance (BJA). This grant has been delayed due to litigation of a number of new conditions DOJ added to this grant program starting in fiscal year 2017-2018.

The special conditions required Byrne JAG applicants to provide Immigration and Customs Enforcement ("ICE") with access to correctional facilities for immigration enforcement purposes, to provide notice of detainee release dates, and to certify compliance with 8 U.S.C. § 1373 (together, the "access", "notice", and "certification" conditions). In 2018, DOJ added two additional conditions: (i) not to publicly disclose sensitive federal law enforcement information in an attempt to harbor or shield "fugitives from justice" or "aliens" in violation of federal immigration law (the "nondisclosure condition"); and (ii) to provide information about the applicant's laws and policies for purposes of assessing compliance with Section 1373 (the "information condition"). Those conditions were successfully challenged by a number of local jurisdictions and the State of California. Based on a recent decision in the Northern District of California striking down those conditions, Sonoma County wishes to accept the awarded FY17-18 grant.

Upon acceptance of this grant funding, the District Attorney's Office will begin the front reception redesign and purchase conferencing hardware and software, consistent with the scope of the successful grant proposal and allowable use of funds under the grant program.

#### **Discussion:**

In 2005 Congress established the Justice Assistance Grant (JAG) Program, which replaced funding previously disbursed through the Byrne Formula Grant Program and Local Law Enforcement Block Grant, in order to provide state and local governments with more flexibility to prioritize and place justice funds where they are needed most. 2017 was the thirteenth year of the Justice Assistance Grant Program. Allocations are determined based on state population, crime expenditure data, and violent crime data from Federal Bureau of Investigation (FBI) Uniform Crime Reports.

The Justice Assistance Grant Program is the primary provider of federal criminal justice funding to state and local jurisdictions. It provides states, counties, and cities with critical funding necessary to support a range of program areas including law enforcement, prosecution and court programs, prevention and education programs, corrections, drug treatment and enforcement, crime victim and witness initiatives, and planning, evaluation, and technology improvement programs. Funding for Sonoma County has fluctuated drastically over the years from a 2009 high of \$279,090 to as low as zero funding. The Justice Assistance Grant awards represent one-time funding and there is no match requirement. Sonoma County rotates this grant program among the four justice departments, the Sheriff, Probation, the District Attorney and the Public Defender. Per the rotation, the fiscal 2017-2018 grant is designated for the District Attorney Office.

The Sonoma County District Attorney's Office will use the 2017 Justice Assistance Grant funding in direct support of the District Attorney's goals of holding the guilty accountable, and ensuring the rights of victims are upheld. The Board's approval to accept the 2017 Justice Assistance Grant funds will enable the District Attorney to provide the Deputy District Attorneys with video conferencing capabilities, and the needed re-design of the District Attorney Office main front reception area. The conferencing capabilities will reduce both travel time and costs and will permit the attorneys most knowledge on a case to participate in and provide valuable information during Lifer Hearings, hearings where incarcerated individual's pleas for release are being heard. The ability to re-design the main District Attorney front reception area will elevate employee and visitor safety as well as employee work functionality. The new design will incorporate safety glass and security cameras to help with the threat of harm from an upset individual(s). The new design will improve ergonomic work conditions.

#### **Controversial New Requirements**

In Fiscal Year 2017-2018, the Department of Justice added three controversial conditions to this grant program: requiring Byrne JAG applicants to provide Immigration and Customs Enforcement ("ICE") with "access" to correctional facilities for immigration enforcement purposes, to provide notice of detainee release dates, and to certify compliance with 8 U.S.C. § 1373 (together, the "access", "notice", and "certification" conditions). In 2018, the DOJ added two additional conditions: (i) not to publicly disclose sensitive federal law enforcement information in an attempt to harbor or shield "fugitives from justice" or "aliens" in violation of federal immigration law (the "nondisclosure condition"); and (ii) to provide information about the applicant's laws and policies for purposes of assessing compliance with Section 1373 (the "information condition"). Legal challenges to these

conditions resulted in a delay of these grant awards. During the application submission, Sonoma County did not include this certification of compliance. The current grant award still includes the new certification of compliance with the special condition; however, all conditions have been struck down as a result of the successful local and State government legal challenges. Sonoma County now wishes to sign the grant award to accept the grant funds and include a letter noting the recent ruling and the inapplicability of the certification.

**Prior Board Actions:**

Approval of annual Justice Assistance Grant Program applications since 2005, and since 1996 through the Local Law Enforcement Block Grant Program. This grant was last approved September 16, 2016 for the Sheriff's Office.

**FISCAL SUMMARY**

<b>Expenditures</b>	<b>FY 18-19 Adopted</b>	<b>FY 19-20 Projected</b>	<b>FY 20-21 Projected</b>
Budgeted Expenses		0	
Additional Appropriation Requested		47,104	
<b>Total Expenditures</b>		<b>47,104</b>	
<b>Funding Sources</b>			
General Fund/WA GF			
State/Federal		47,104	
Fees/Other			
Use of Fund Balance			
Contingencies			
<b>Total Sources</b>		<b>47,104</b>	

**Narrative Explanation of Fiscal Impacts:**

Upon formal award, the 2017 Justice Assistance Grant revenue and expenditure appropriations will be added to the District Attorney's FY 2019-20 budget as part of 1<sup>st</sup> Quarter consolidated budget adjustments. Justice Assistance Grant Program funds represent one-time funding and there is no match requirement. Additionally, Justice Assistance Grant Program expenditures will be 100% offset with the grant revenue; therefore, no increase to the general fund net cost.

<b>Staffing Impacts:</b>			
<b>Position Title (Payroll)</b>	<b>Monthly Salary Range (A - I Step)</b>	<b>Additions (number)</b>	<b>Deletions (number)</b>

**Narrative Explanation of Staffing Impacts (If Required):**

**Attachments:**

Resolution for Edward Byrne Memorial Justice Assistance Grant (JAG) Program  
Cover Letter for Executed Agreement  
JAG Grant Award Report

**Related Items “On File” with the Clerk of the Board:**

2017 Justice Assistance Grant Local Solicitation OMB No. 1121-0329