

**DATE:** September 22, 2016 **AGENDA ITEM:** H

**TO:** BSCC Chair and Members

**FROM:** Daryle McDaniel, Field Representative, [daryle.mcdaniel@bscc.ca.gov](mailto:daryle.mcdaniel@bscc.ca.gov)

**SUBJECT:** Proposed Chair for the Edward Byrne Memorial Justice Assistance Grant (JAG) Executive Steering Committee: **Requesting Approval**

---

## Summary

This agenda item requests approval to establish an Executive Steering Committee (ESC) to oversee the development of a Request for Proposal (RFP) for the Edward Byrne Memorial Justice Assistance Grant (JAG) grant program for the cycle starting in January 2018. Staff is also requesting that the Board approve the appointment of Board Chair Linda Penner as Chair of the ESC to oversee the grant development process; and that the Board permit staff to work with the ESC Chair to develop ESC membership for November 17, 2016 Board approval.

---

## Background

The JAG program is a key provider of federal criminal justice funding to state and local jurisdictions. The purpose of the JAG program is to prevent or reduce crime and violence. JAG funds can be used for state and local initiatives, technical assistance, strategic planning, research and evaluation (including forensics), data collection, training, personnel, equipment, forensic laboratories, supplies, contractual support, and criminal justice information systems that will improve or enhance the following seven program purpose areas (PPAs):

1. Law Enforcement
2. Prosecution, Defense, Court Programs and Indigent Defense
3. Prevention and Education
4. Corrections and Community Corrections
5. Drug Treatment and Enforcement
6. Crime Victim and Witness initiatives
7. Planning, Evaluation and Technology improvements

JAG funds cannot be used outside of the scope of the seven PPAs. JAG funds cannot be used directly or indirectly for security enhancements and equipment for nongovernment entities not engaged in criminal justice or public safety. There are additional restrictions on the use of JAG funds without the Bureau of Justice Assistance (BJA) director's approval. Pursuant to the BJA's JAG program requirements the grant has the following provisions:

- JAG award length is 4 years.

- As the state administering agency (SAA), BSCC may retain up to 10 percent of the state award for the cost associated with administering JAG funds. BSCC has traditionally only retained 8 percent.
- Supplanting is prohibited. Applicants cannot replace or supplant non-federal funds that have been appropriated for the same purpose.
- Leveraging of funds is encouraged.
- States must be in compliance with the provisions of the Sex Offender Registration and Notification Act (SORNA) or the state's portion of the JAG allocation will be reduced by 10 percent.
- States must also be in compliance with the provisions of the Prison Rape Elimination Act (PREA) or the state's portion of the allocation will be reduced by 5 percent.
- States must have a state strategy based on the most recent data and information available about the criminal justice system's services, gaps, needs and trends to reduce crime and violence in California.

### **JAG Allocation Formula**

The BSCC has served as the State Administering Agency for the JAG program since 2012. The amount of funding for the new grant cycle is not known until the federal budget is enacted each fiscal year. The JAG program is a four-year grant that is funded in one-year increments. As a condition of receiving the grant, each state must develop a multi-year strategic plan (Attachment H-1). BJA reviews each plan and displays the content of each plan on its website. [www.bja.gov](http://www.bja.gov).

### **Previous Four-Year Cycle**

BSCC began administering the JAG grant effective July 1, 2012. Upon assuming the responsibility for the grant, the Board asked staff to determine if the current spending of JAG funding was effective. Staff also determined that the statewide spending of JAG spending was out of compliance with the guidance provided from the BJA, particularly regarding strategic planning.

In 2013 staff began addressing the non-compliance issues in the California JAG program. The staff solicited the help of the National Criminal Justice Association (NCJA) to assist in determining the needs of the state. With guidance from the NCJA staff, the BSCC developed and implemented a stakeholder survey. The survey resulted with statewide priorities in the following areas:

- Prevention and Education
- Law Enforcement
- Prosecution, Defense, and Indigent Defense

The Board authorized an ESC to use the survey results as a guide for the JAG Request for Proposals (RFP). The ESC then developed the state survey, an RFP and the fund recommendations for the remaining three years of the JAG cycle. On the February 12, 2015 the Board authorized the ESC recommendations. The new JAG projects were placed under contract on March 1, 2015. In general, feedback from the field suggests that these PPAs

continue to be high priority and relevant. Therefore, staff is not recommending that a new strategic planning effort commence as part of this next grant cycle.

It should be noted although the contracts began in March 2015, it has taken between six months to over a year to start the new projects in some areas. The delays in starting the projects have been attributed to some of following:

- Infrastructure Issues
- Issues Involving Hiring
- Community Engagement
- Purchasing
- Conflicts
- Board of Supervisor's Authorization

### **Recommendation/Action Needed**

---

Staff recommends that the Board:

1. Appoint BSCC Chair Linda Penner to serve as Chair of the JAG ESC.
2. Approve the development of a proposed JAG ESC for the next JAG cycle starting in January 2018.

### **Attachments**

---

H-1: JAG State Strategy