

TO: Chairman and Members

DATE: August 8, 2013

**SUBJECT: Requesting Approval to Develop the Edward Byrne
Justice Assistance Grant (JAG) Four-Year Strategy**

AGENDA ITEM: A

**ACTION: X
INFORMATION:**

RESOURCE PERSON: Daryle McDaniel

Summary:

This agenda item requests the Board of State and Community Corrections (BSCC) to approve the development of a four-year strategy (FY 2013-14 through FY 2016-17) for the BSCC to apply for the FY 2013 Edward Byrne Memorial Justice Assistance Grant (JAG) program funds for the State of California. Each year, the BSCC, as the state administering agency, receives an allocation from the federal Bureau of Justice Assistance (BJA) to administer the JAG program. The purpose of the JAG program is to prevent or reduce crime and violence. California's JAG allocation for FY 2013 is \$19,776,740, which represents the amount of funding available for the first year of the four-year strategy. The amount of funding for the subsequent three years of the strategy will not be known until the federal budget is enacted each fiscal year. The BSCC can retain up to 10 percent of the total funds available to cover the costs of administering the JAG program.

Background:

At the July 22, 2013 Board meeting, the Board agenda included an agenda item (see attached Agenda Item I with Attachments A and B) requesting approval to develop the JAG four-year strategy and funding for FY 2013. The staff presented three options for the Board to consider. A summary of those three options is as follows:

Option 1: Continue the current drug enforcement strategy and continue to fund the existing 74 grant projects, which are all within the Law Enforcement PPA, at slightly reduced levels of funding for FY 2013 due to a reduction in the amount of local assistance funding available in the 2013 JAG allocation from the 2012 JAG allocation. Under this option, the existing drug enforcement strategy will be the basis for the four-year strategy and funding will continue for these programs each year for the next four years.

Option 2: Use the information from one or more of the following to develop the JAG four-year strategy and funding priorities:

- a. Results from the 2013 California JAG survey and public comment sessions
- b. Priorities contained in BJA's JAG Program FY 2013 State Solicitation
 - Reducing Gun Violence
 - Recidivism Reduction and Justice System Realignment
 - Indigent Defense
 - Evidence-Based "SMART" Programs

This option will require the Board to determine which of the information sources listed in a. and b. above to use to develop the four-year strategy and how the funding will be allocated among the seven PPAs.

Option 3: Approve a combination of Option 1 and Option 2.

This option will require the Board to determine the four-year strategy based on which of the currently funded programs or individual projects listed in Option 1 to continue to fund, for what period of time, and how much money to allocate to those program areas or individual projects. It will also require the Board to decide which of the information sources listed in Option 2 to use for the four-year strategy and how to utilize the balance of funds among the seven PPAs over what period of time.

Prior to discussing the options, the Board heard a presentation on the results of the BSCC survey and public comment sessions. The Board, at the March 14, 2013 meeting, approved this planning process for the development of the FY 2013 JAG application and four-year strategy. The survey and public comment sessions were conducted during the month of April 2013 to seek input from California criminal justice stakeholders and members of the public on how best to use JAG funding in California. The survey showed that out of the seven JAG program purpose areas, stakeholders ranked the following as the top three priorities, which impact multiple system partners:

1. Prevention and Education
2. Law Enforcement
3. Prosecution, Courts, Defense, and Indigent Defense

The following chart shows all seven JAG program areas listed in priority order and the top two program initiatives within each of the seven areas:

FY 2013 JAG PROGRAM CALIFORNIA STAKEHOLDER SURVEY PRIORITIES		
Prioritized Program Areas	Priority 1	Priority 2
1. Prevention and Education	Gang Initiatives	Juvenile Delinquency Substance Abuse
2. Law Enforcement	Gang Violence Reduction	Violent Crime Reduction
3. Prosecution, Courts, Defense, and Indigent Defense	Problem Solving Courts, e.g., Mental Health, Veterans, Drug Re-Entry	Gang/Gun Prosecution Violent Crime Prosecution and Defense
4. Corrections and Community Corrections	Alternatives to incarceration, residential, non-residential	Reentry Planning, e.g., Integrated case management
5. Drug Treatment and Enforcement	In-Custody Treatment	Community-Based Outpatient Treatment
6. Crime Victim and Witness Protection	Children Exposed to Violence	Direct Victim Services, e.g., advocacy, accompaniment
7. Planning, Evaluation, and Technology Improvement	Data Collection & Information Sharing Technology to Support Crime Fighting Technology Strategies	Technology to Support Case Management

The testimony of those attending the BSCC public comment sessions conducted during April 2013 focused on the need to continue to fund the drug enforcement task forces, juvenile reentry projects, anti human trafficking task forces, and funding for direct victim services.

Following the staff presentation, the Board heard public comment from individuals representing programs that are currently funded through the BSCC with FY 2012 JAG funds as well as programs (California Youthful Offender Reentry and Anti Human Trafficking Task Forces) that had received JAG funding in the years prior to 2012, when the California Emergency Management Agency (CalEMA) was the state administering agency. Upon conclusion of the public comment session and discussion by the members of the Board, the participating Board members agreed to support Option 3 and voted to approve the following motion:

“We continue funding the task forces as we are now with the option of this Board, based on its timing, to hear other proposals that would be related to this four-year strategy.”

The discussion by the Board members after the Board’s vote revealed there were differing opinions among the voting members as to the intent of the motion, e.g., which programs were included in the motion and the length of time of the continuation funding for currently funded projects. Due to time constraints, the loss of a quorum of board members, and upon the advice of counsel, the Board voted to adjourn the meeting until August 8, 2013. The Board asked that staff provide the Board with background information related to the California Youthful Offender Reentry (Cal-YOR) program and the Anti Human Trafficking Task Forces and with information that would clarify the intent of Option 3.

CalEMA JAG Program Information

BSCC staff requested and received the following information from CalEMA about the Cal-YOR and Anti-Human Trafficking Task Force programs:

Cal-YOR Program

At the June 16, 2010 meeting, the California Council on Criminal Justice (CCCJ) authorized CalEMA to allocate up to \$2M in FY 2010 JAG funds to create the California Youthful Offender Reentry (CAL-YOR) Program. This allocation was for start-up costs, one time funding for a 2-year grant period. CalEMA supplemented the program with FY 2010 Residential Substance Abuse (RSAT) funding.

The program had to be developed and a competitive Request for Proposal written and processed.

Nine projects were selected for funding; with a two year grant period (3/1/11 to 2/28/13):

- Able-Disabled Advocacy, Inc.
- Breakout Prison Outreach DBS CA Youth Outreach
- Fresno County Economic Opportunities Commission

- Homeboy Industries
- LA Communities Advocating for Unity, Social Justice and Action
- Metro United Methodist Urban Ministry
- Paving the Way Foundation
- San Jose Conservation Corps and Charter School
- WestCare California, Inc.

Since the start of the program, seven of the nine requested and were given an extension to 6/30/13. Subsequently, six of the seven requested and were granted an additional extension to 12/31/13 in order to fully expend funds.

Anti Human Trafficking Task Forces Recovery Act Program:

The 2009 American Recovery and Reinvestment Act (ARRA), Justice Assistance Grant (JAG) funds were allocated in the amount of \$3.75M in support of nine Anti Human Trafficking Task Forces; with a grant period of 10/1/09 - 9/30/12. Six local task forces had been receiving funding directly from the U.S. Department of Justice, Bureau of Justice Assistance. Since that funding was eliminated, the ARRA JAG funds were designated to support the six existing task forces, and to add three task forces to the program.

The nine task forces are:

- County of San Diego
- City and County of San Francisco
- City of Los Angeles
- City of Oakland
- City of San Jose
- City of Anaheim (originally City of Westminster)
- City of Fresno
- County of Sacramento
- County of Riverside

Anti Human Trafficking Task Forces Program:

The Anti Human Trafficking Task Forces Recovery Act Program was continued with FY 2011 JAG funds in the amount of \$1,800,000 under the name Anti Human Trafficking Task Forces Program commencing 10/1/12 to 09/30/13.

It should be noted that when BSCC assumed responsibility for the JAG program from CalEMA in 2012, the Cal-YOR and Anti Human Trafficking Task Force programs were not included on the list of programs to be continued by the BSCC. The five programs that were recommended by CalEMA for continuation funding had grant periods that ended either 6/30/12 or 9/30/12. The Cal-YOR program grant period didn't end until 2/28/13. Although the Anti Human Trafficking Task Force program grant period ended 9/30/12, CalEMA had enough unspent JAG funding remaining from the prior year to continue funding this program through 9/30/13.

JAG Four-Year Strategy Development Option 3:

As previously mentioned, at the July 22, 2013 Board meeting, staff presented three options for the Board to consider in developing the JAG four-year strategy: (1) continue the drug enforcement strategy and the programs funded under that strategy, (2) use the information from the California stakeholders and/or the BJA priority areas, or (3) combine continuing the drug enforcement strategy with using the information from the California stakeholders and/or the BJA priority areas. The intent of Option 3 was to allow the Board the flexibility to continue to fund one or more of the JAG programs currently funded by the BSCC for one or more years as a part of the four-year strategy and also consider using information from other sources to complete the four-year strategy.

During the discussion at the July 22, 2013 Board meeting, the majority of the participating Board members expressed support for Option 3 to be used to develop the four-year strategy for the JAG program. Option 3 allows the Board to continue to fund the JAG projects currently funded by the BSCC (Anti-Drug Abuse Enforcement Team, Marijuana Suppression Program, Campaign Against Marijuana Planting, CrackDown Multi-Community Task Force, and Drug Endangered Children) for a specified period of time (one to three years of the strategy) and use the results of the 2013 California JAG Survey and public comment sessions and/or the priorities contained in the BJA's JAG Program FY 2013 State Solicitation as the basis for the remaining period of time.

The Board's motion at the July 22, 2013 Board meeting indicated that the Board intended to distribute all of the available FY 2013 local funds to continue the five JAG programs currently funded by the BSCC and at some future point in time consider other programs. To be able to implement this action and develop the JAG four-year strategy, the Board needs to set the length of time that they want to continue to fund the five currently funded programs and then decide what sources of information the Board would like to use to select the programs that will be the basis of the subsequent years of the strategy.

To provide BSCC staff with the information needed to prepare the four-year strategy, the Board needs to determine the following:

1. The period of time (one to four years) within the four-year strategy to continue to fund the five JAG programs (Anti-Drug Abuse Enforcement Team, Marijuana Suppression Program, Campaign Against Marijuana Planting, CrackDown Multi-Community Task Force, and Drug Endangered Children) currently funded by the BSCC.
2. The information source that will be used to determine the programs that will be included in the subsequent years of the four-year strategy. Staff recommends the Board choose from the following sources:
 - a. Results of the 2013 California JAG survey and public comment sessions

Staff Comment: This choice means that the four-year strategy will include the JAG program areas and program initiatives that were clearly the top three priorities identified by survey respondents: (1) Prevention and Education (gang initiatives, juvenile delinquency, and substance abuse), (2) Law Enforcement (gang violence

reduction, violent crime reduction) and (3) Prosecution, Courts, Defense, and Indigent Defense (problem solving courts, e.g., mental health, veterans, drug, re-entry, and gang/gun prosecution and violent crime prosecution and defense).

b. Use the priorities in the BJA's JAG Program FY 2013 State Solicitation

Staff Comment: This choice means that the Board will need to decide which one or more of the priority areas (Reducing Gun Violence, Recidivism Reduction and Justice System Realignment, Indigent Defense, Evidence-Based "SMART" Programs) will be included in the four-year strategy.

c. A combination of a. and b.

Staff Comment: This choice means that staff will develop the four-year strategy using the survey results as described under Staff Comment in 2a. above and whichever one or more of the BJA priority areas the Board decides to include.

Staff will use the Board's decisions to develop the four-year strategy. The strategy will include information about California's criminal justice system needs and trends and how the JAG program will address those needs and trends. It will identify the program areas and the objectives and activities within those program areas that will be funded through the annual JAG allocation. The strategy does not include funding levels or dollar amounts. It provides information on how the state intends to use the JAG funding over the four years.

Discussion:

In addition to taking action to implement the motion approved by the Board at the July 22, 2013 meeting, the Board needs to determine what percentage of the total FY 2013 JAG state allocation to retain to cover administrative costs. Based on the Board's decisions, BSCC staff will complete the application process for California to receive FY 2013 JAG program funding.

Recommended Action Needed:

The BSCC must develop a four-year strategy for the BSCC to complete the application process for California to receive FY 2013 JAG program funding. Staff is recommending the following:

1. The Board approve 8 percent of the total JAG state allocation for FY 2013 be retained by the BSCC to cover the costs of administering the JAG Program.
2. The Board set the length of time that they want to continue to fund the five programs currently funded by the BSCC.
3. The Board decide which of the following information sources will be used as the basis of the subsequent years of the strategy beyond the length of time of the continued funding for the five currently funded programs:
 - a. 2013 California JAG survey and public comment sessions results
 - b. priorities in the BJA's JAG Program FY 2013 State Solicitation, or
 - c. a combination of a. and b.

4. The Board direct BSCC staff to use the Board's decisions to develop the four-year strategy (FY 2013 through FY 2016) for the BSCC.
5. The Board direct the staff to submit the amended application for the FY 2013 Edward Byrne Memorial Justice Assistance Grant (JAG) program funds for the State of California.

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