

TO: Chairman and Members

DATE: July 22, 2013

SUBJECT: Requesting Approval to Develop the Edward Byrne Justice Assistance Grant (JAG) Four-Year Strategy and Funding Priorities for Fiscal Year 2013

AGENDA ITEM: I

**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) and funding priorities for the BSCC to apply for the FY 2013 Edward Byrne Memorial Justice Assistance Grant (JAG) program funds for the State of California. The purpose of the JAG program is to prevent or reduce crime and violence. California will receive \$19,776,740 million in state JAG funding for FY 2013.

Background:

The JAG Program is the primary provider of federal criminal justice funding to state and local jurisdictions. 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 and court programs
3. Prevention and education programs
4. Corrections and community corrections
5. Drug treatment and enforcement
6. Crime victim and witness initiatives
7. Planning, evaluation and technology improvement programs

JAG funds cannot be used outside of the scope of the seven PPAs nor can JAG funds 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, including unmanned aerial vehicles/unmanned aircraft, aircraft system, aerial vehicles, luxury items, real estate, construction projects, or any similar matters.

Pursuant to the BJA's JAG Program FY 2013 State Solicitation, JAG funding provisions include the following:

- JAG awards are 4 years in length.

- As the state administering agency (SAA), the BSCC can retain up to 10 percent of the state award for costs associated with administering JAG funds.
- 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 pass through a predetermined percentage of funds (64.9 percent for FY 2013) to units of local government. Traditionally, California has passed through 90 percent of the state allocation to units of local government, retaining 10 percent for administrative costs.
- 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.

JAG Allocation Formula

BJA determines each state's JAG allocation based on a formula of the state's share of the country's violent crime and population, weighted equally. BJA then divides each state's portion between the SAA (BSCC) and local governments at a rate of 60 and 40 percent, respectively. The local units of government who qualify for an annual allocation from BJA receive an amount based on their proportion of the state's 3-year violent crime average. Jurisdictions who receive \$10,000 or more, apply for those funds directly from BJA. If a jurisdiction's award is less than \$10,000, the funds are added to the state's 60 percent portion. For FY 2013, that amount is \$1,047,629. The state can either allocate these funds to each individual jurisdiction not eligible for the \$10,000 award or to a state police department that provides criminal justice services to units of local government. In California, the state has historically distributed these funds to the Department of Justice for their statewide drug enforcement activities.

Current Use of JAG Funds in California

As part of the Governor's Public Safety Realignment, the administration of a number of grant programs, including the JAG program, transferred from the California Emergency Management Agency (CalEMA) to the BSCC and established the Board as the supervisory board of the state planning agency (known as the SAA for JAG) for those programs. The transfer of the administration of the JAG program to the BSCC provided the opportunity for the Board to use the JAG funding to support its mission to work with state and local partners to promote a justice investment strategy that fits each county and is consistent with the integrated statewide goal of improved public safety through cost-effective, promising, and evidence-based strategies for managing criminal and juvenile justice populations.

At its first meeting in July 2012, the Board decided that the best course of action was to minimize disruption in services for the current JAG grantees and allow time for the BSCC staff to establish systems and processes to administer the program. The Board voted to complete the final year of the funding priorities established in the CalEMA Fiscal Year 2009 Multi-Year Statewide Strategy, rather than consider new funding priorities for the JAG program. CalEMA's strategy, developed in 2009, focused on drug enforcement within a single JAG Program Purpose Area (PPA), Law Enforcement. It supported multi-jurisdictional, multi-disciplinary drug interdiction task forces, consistent with the National Drug Control Strategy in effect in 2009. For

FY 2012, the Board voted to retain 8 percent (\$1.6 million) of the JAG allocation to cover administrative costs for the program and use the remaining (\$18.3 million) to continue the following five programs (see Attachment A for a description of each program):

Program Purpose Area: Law Enforcement			
Program Name	# of Projects	Total Amount of Funding	Grant Period
Anti-Drug (ADA) Enforcement Team Program	61	\$13,545,433	10/1/12 – 9/30/13
Marijuana Suppression Program (MSP)	10	\$2,155,045	10/1/12 – 9/30/13
Campaign Against Marijuana Planting (CAMP)	1	\$65,304	7/1/12 – 6/30/13
CrackDown Multi-Community Task Force	1	\$2,244,766	7/1/12 – 6/30/13
Drug Endangered Children	1	\$360,000	4/1/13 – 6/30/14
Total	74	\$18,370,548	

Understanding that there was the potential for the Board to change how the JAG funds would be distributed at the end of the FY 2012 grant year, the BSCC staff included a project sustainability plan requirement in the Request for Applications (RFA) for the four JAG program areas with a grant period ending in 2013, i.e., ADA, MSP, CAMP, and CrackDown. Each project submitted a sustainability plan to BSCC to demonstrate how the agency would continue to fund their task forces without the use of JAG funds. BSCC staff reviewed each project’s sustainability plan and provided technical assistance where it was needed. All projects receiving technical assistance understood the possibility that JAG funding may not be available in the future and verbally committed to pursue other funding sources to continue their task forces.

The projects’ sustainability plans varied in quality and comprehensiveness. Marin County is an example of a project with a strong sustainability plan. They created a steering committee to evaluate various funding streams, evaluate expenses, provide information regarding potential cost savings, and anticipate possible budgets based on different funding scenarios. In addition to this, participating agencies in Marin County continued to provide the Coordination of Probation Enforcement (COPE) project with annual contribution fees to help cover the expenses. The participating agencies within Marin County also continued to dedicate full time staff to the project, when funding is lacking. One project in the State of California indicated that without continued JAG funding, their multiagency task force would disband.

California’s 2013 JAG Program Planning Process

In March 2013, to begin the process of gathering stakeholder input into the use of JAG funds and the development of a new four-year strategy, the Board approved the use of an electronic survey and three public comment sessions to be held throughout the state. This was the first time such a process had been used for the JAG program. As a result, BSCC staff requested and received technical assistance from the National Criminal Justice Association (NCJA), an organization that receives funding from the BJA to help SAAs with strategies to engage criminal justice stakeholders in a community based planning process. NCJA worked with BSCC staff to develop the survey questions and the format and content for the public comment sessions.

Survey

The survey was accessible online at the BSCC Website during the month of April 2013. BSCC staff also distributed the survey through approximately 400 e-mail messages to individuals and organizations representing 30 different types of stakeholders, including members of the general public. The NCJA managed the survey process, and analyzed and prepared the results of the 890 responses to the survey. Attachment B contains the complete report from NCJA, *2013 Byrne JAG Stakeholder Survey: A Survey of California Board of State and Community Corrections Stakeholders*.

The following presents a summary of the 2013 JAG Program survey findings:

Top Three Program Area Priorities

The survey asked respondents to prioritize the seven PPAs within which JAG funding can be spent. Survey respondents across the criminal justice system ranked the top three PPA priorities for California's criminal justice system in the following order:

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

When asked how respondents would distribute funds, every element of the justice system spread funds across PPAs with the top three priority areas receiving higher percentages of funding.

Top Program Initiatives within Each PPA

The survey asked respondents to rank a list of program initiatives within each of the seven PPAs. Overall, respondents' top ranked initiatives were those that addressed issues that impact multiple system partners. For example, within the Prevention and Education purpose area, Gang Prevention Initiatives were the highest ranked priority. These initiatives address a problem that impacts law enforcement, juvenile justice, the courts, education, and social services. The following is a summary of the top priority program initiatives selected by survey respondents across the system within each PPA:

Purpose Area 1 - Law Enforcement

1. Gang Violence Reduction
2. Violent Crime Reduction

Purpose Area 2 - Prosecution, Courts, Defense and Indigent Defense

1. Problem Solving Courts
2. Gun/Gang Prosecution and Violent Crime Prosecution and Defense

Purpose Area 3 – Prevention and Education

1. Gang Initiatives

2. Juvenile Delinquency and Substance Abuse

Purpose Area 4 – Corrections and Community Corrections

1. Alternatives to Incarceration – Residential and Nonresidential
2. Reentry Planning, e.g., integrated case management

Purpose Area 5 – Drug Treatment and Enforcement

1. In-Custody Treatment
2. Community-Based Outpatient Treatment

Purpose Area 6 – Planning, Evaluation, and Technology Improvement

1. Data Collection and Information Sharing Technology to Support Crime Fighting Strategies
2. Technology to Support Case Management

Purpose Area 7 – Crime Victim and Witness Protection

1. Children Exposed to Violence
2. Direct Victim Services, e.g., advocacy, accompaniment

David Marimon, a representative from NCJA, will attend the Board meeting to provide a presentation on the survey process and the survey results.

Public Comment Sessions

BSCC staff and a member of the Board also conducted three public comment sessions throughout California during the month of April with a total of 55 individual speakers. The sessions were attended by over 150 individuals, representing 33 local and state law enforcement agencies, two youth service agencies, and six victim service agencies. The law enforcement representatives attending the hearings requested continued funding of their existing multi-jurisdictional drug enforcement task forces, including support for the Los Angeles County Regional Criminal Information Clearinghouse, the Los Angeles Clearinghouse Electronic Surveillance System, the Los Angeles Interagency Metropolitan Police Apprehension Crime Task Force, and the Department of Justice (DOJ) Special Agent Supervisors working with the task forces statewide. The two youth programs, California Youthful Offender Reentry (Cal-YOR) Program and Homeboy Industries, were seeking funding for re-entry programs in their respective areas within the state. The six victim services agencies sought to bring to the Board's attention the need for additional funding for direct victim services and to address the issue of human trafficking in the state.

BJA's JAG Program FY 2013 State Solicitation

The JAG Program FY 2013 State Solicitation from BJA encourages states to use JAG funding in support of their existing statewide strategic plan, if one is available. If it isn't available, the solicitation informs states that they should develop and undertake a strategic planning process, using a community engagement model, in order to guide JAG Program spending under the FY 2013 and future fiscal year allocations. The BSCC's stakeholder survey and public comment sessions meet the BJA's requirements for conducting a strategic planning process for California.

The Board may use the information and data gleaned from this process to determine the scope of the four-year strategy and funding priorities.

In addition to the need for the state to use a strategic planning process, BJA's state solicitation also provides priorities that fit within one or more of the JAG PPAs and represent key areas where BJA will be focusing efforts nationally. BJA invites each state to join the BJA in addressing the following as part of the JAG partnership:

Reducing Gun Violence

BJA encourages states and localities to invest in programs to reduce gun violence, enforce existing firearms laws, and enhance reporting to the FBI's national instant criminal background check system. Other areas to address are school safety, improving law enforcement/mental health collaborations, and first responder critical incident training.

Recidivism Reduction and Justice System Realignment

Effective community supervision coupled with evidence-based program interventions can result in significant reductions in recidivism. A priority funding area is in the implementation of effective pretrial services programs and innovative programs and approaches in probation and parole supervision that improves services to offenders and increases collaborative efforts among community supervision agencies with law enforcement and the courts. The BJA cites 17 states and local governments working to control spiraling incarceration costs through justice system reform and realignment under the Justice Reinvestment Initiative (JRI). Justice reinvestment is a data-driven approach to improve public safety, reduce corrections and related criminal justice spending, and reinvest savings in strategies that can decrease crime and strengthen neighborhoods.

Indigent Defense

BJA encourages the use of JAG funds to support the vital needs of the indigent defense community. U. S. Attorney General Holder has stressed his concern about the crisis for indigent reform. The American Bar Association published the ten principles of public defense delivery system, which are the fundamental building blocks for implementing quality legal representation for indigent defense.

Evidence-Based "Smart" Programs

Many police departments are experiencing unprecedented budget cuts, layoffs, and reductions in force. These challenges have led to the development of data, crime analysis, crime mapping and other analytic tools, cutting edge technology, and research and evaluations regarding effective policing strategies and programs. BJA encourages the use of smart policing strategies, including real time crime analysis and partnerships with universities and research partners and with non-traditional criminal justice partners. At the state and local level, high functioning evidence-based, data-driven public safety agencies are a critical component of the nation's "all crimes" strategy. The JAG Program has long supported effective and collaborative multi-jurisdictional task

forces and justice information sharing programs, which continue as a priority to maintain our nation's historic reductions in violent crime.

Discussion:

The Board will need to determine a four-year strategy and funding priorities for the use of JAG Program funding in California. The strategy should support the mission and duties of the BSCC, which state, in part, that the Board is to promote a justice investment strategy that fits each county and is consistent with the integrated statewide goal of improved public safety through cost-effective, promising, and evidence-based strategies for managing criminal justice populations. In addition, to comply with the provisions in the BJA JAG Program FY 2013 State Solicitation, the strategy needs to be 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, including the input solicited from stakeholders through the survey and public comment sessions. The strategy may also consider the BJA's priorities identified in the JAG Program FY 2013 State Solicitation.

The strategy can include allocations to one or more of the JAG PPAs to address one or more program or service need within the PPA. It can be inclusive of all seven JAG PPAs and require applicants to develop plans to demonstrate how they will use the funds to address their specific community program needs across the PPAs. The strategy can also direct specific amounts of funding for individual projects or system improvement efforts, such as the collection and reporting of crime data to the California DOJ.

The following options are provided for consideration by the Board in determining the focus of the four-year strategy, which PPAs and types of program initiatives to include in the strategy, how much funding to allocate to the selected PPAs and program initiatives, and for what period of time.

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.

This option will result in the continuation of funding for the following:

- a) 61 ADA Enforcement Team Projects receiving \$13,545,433 in 2012. These projects include grants to either the sheriff's office, probation department, or district attorney's office in all 58 counties; \$810,901 for the Los Angeles County Regional Criminal Information Clearinghouse, \$292,162 for the Los Angeles Clearinghouse Electronic Surveillance System, and \$903,340 for the La Verne Police Department to support the Los Angeles Interagency Metropolitan Police Apprehension Crime Task Force.
- b) 10 MSP projects in 10 counties receiving \$2,155,045 in 2012.
- c) 1 CAMP project at DOJ receiving \$65,304 in 2012.
- d) 1 CrackDown project at DOJ supporting 15.5 Special Agent Supervisors receiving \$2,244,766 in 2012.

- e) 1 DEC community-based organization project receiving \$360,000 in 2012.

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. Note: If the Board chooses this option, at least \$1,047,629 must be allocated to each individual local jurisdiction not eligible for the \$10,000 direct award from BJA or to a state police department that provides criminal justice services to units of local government (see JAG Allocation Formula on page 2).

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.

The Board may select one of the three options provided or develop other options. Based on the Board's decision, BSCC staff will develop the four-year strategy inclusive of the funding priorities and present it for approval at a subsequent Board meeting. BSCC staff will use the strategy to develop the application process for distribution of the FY 2013 JAG funding.

Recommended Action Needed:

The BSCC must develop a four-year strategy and funding priorities 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 10 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 adopt a program strategy that can be used by BSCC staff to develop the four-year strategy (FY 2013 through FY 2016) and funding priorities for the BSCC to apply for the FY 2013 Edward Byrne Memorial Justice Assistance Grant (JAG) program funds

for the State of California. The four-year strategy and funding priorities must identify the PPAs, the types of program initiatives to be included within those PPAs, how much (dollar amount or percentage) of the total funds available will be allocated to the selected PPAs and programs, and for what period of time.

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