

TO: BSCC Chair and Members

DATE: September 11, 2014

SUBJECT: Edward Byrne Memorial Justice Assistance Program - Approval to Release the Request for Proposals (RFP) to the Field and the Request for Application (RFA) to the California Department of Justice. Requesting Approval.

AGENDA ITEM: H

RESOURCE

PERSONS: Daryle McDaniel and Colleen Curtin

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**ACTION: X
INFORMATION:**

Summary: This agenda item asks the Board of State and Community Corrections (BSCC) to approve the release of the Request for Proposals (RFP) for the Fiscal Year (FY) 2014 Edward Byrne Memorial Justice Assistance Grant (JAG). The JAG Executive Steering Committee (ESC) has completed its charge to develop the RFP for the Board's review. During the development stages of the RFP, the ESC used the results of the 2013 Byrne JAG Stakeholder Survey as a guide to determine California's priority needs within the seven JAG Program Purpose Areas identified by the Bureau of Justice Assistance. For FY 2014, California's JAG allocation is \$19,301,034.

Background: The Bureau of Justice Assistance (BJA), the federal administering agency for the Byrne JAG Program, requires states that receive JAG funding to undertake a strategic planning process to guide spending for current and future fiscal years. BJA further requires that states engage community stakeholders in this process. In April of 2013, BSCC staff, in collaboration with the National Criminal Justice Association (NCJA), undertook such a strategic planning process in order to develop a new multi-year state strategy for the JAG Program. This collaboration resulted in the distribution of an electronic survey as well as the convening of several public comment sessions to determine the best use of JAG funding for California. The BSCC received 890 responses to the 2013 Byrne JAG Stakeholder Survey. The results of the survey and public comment sessions allowed the ESC to identify as priorities for California three of the seven JAG Program Purpose Areas (PPAs). The top three priority PPAs are listed here (in rank order):

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

Chronology of Events

On **July 22, 2013**, the Board was presented with a summary of the results of the survey, which included the top three PPAs with the top two sub-priorities for each. The sub-priorities with each PPA were presented to the Board as follows:

1. Prevention and Education
 - Gang Initiatives
 - Juvenile Delinquency and Substance Abuse (tie)

2. Law Enforcement
 - Gang Violence Reduction
 - Violent Crime Reduction
3. Prosecution, Courts, Defense and Indigent Defense
 - Problem Solving Courts
 - Gun/Gang Prosecution and Violent Crime Prosecution and Defense (tie)

On **August 8, 2013**, the Board approved a one-year extension for the current JAG-funded projects, to allow sufficient time for the development of a new multi-year state strategy and corresponding RFP. The Board also approved the creation of a JAG Executive Steering Committee (ESC). The Board charged the ESC with the responsibility of developing the new state strategy and drafting the RFP for the allocation of JAG funds. The Board authorized the ESC to use the results of the 2013 Byrne JAG Stakeholder Survey and the public comment sessions as a guide in its deliberations.

On **September 12, 2013**, the Board approved the following community stakeholder representatives to serve on the JAG ESC:

1. Dean Growdon, Co-Chair – Sheriff, Lassen County and BSCC Board Member
2. David Steinhart, Co-Chair – Director, Juvenile Justice Program, Commonweal, and BSCC Board Member
3. Scott Budnick – Founder, Anti-Recidivism Coalition and BSCC Board Member
4. The Honorable Robert Tafoya – Judge, Kern County Superior Court
5. Nancy O'Malley – District Attorney, Alameda County
6. Ken Corney – Police Chief, Ventura Police Department
7. Robin Lipetzky – Public Defender, Contra Costa County
8. Mack Jenkins – Chief Probation Officer, San Diego County
9. Diane Ortiz – Executive Director, Hollister Youth Alliance
10. Joe Beeson – Special Agent, Special Services Unit, Department of Corrections and Rehabilitation
11. Rick Roney – Chairperson of the Reentry Steering Committee, Santa Barbara County
12. Pamela Patterson – Victim Witness Program Manager, Monterey County
13. Jennifer Rodriguez – Executive Director, Youth Law Center, San Francisco
14. Dr. James Hernandez – Professor, California State University, Sacramento
15. Dennis Koch – Director, Madera County Behavioral Health Services

On **November 4, 2013**, the ESC met for the first time and completed a three-year JAG strategy for the state. On January 16, 2014, the Board approved the ESC's recommendation for a state strategy, as follows:

1. The strategy will honor responses from the California stakeholders in the survey with priority given to the survey supported areas of:
 - Education and Prevention
 - Law Enforcement
 - Prosecution, Courts and Defense
2. The needs of small, medium and large counties will be taken into account.
3. Funding will be based on local flexibility, on the needs of the juvenile and adult criminal justice communities and on input from a balance array of stakeholders.

4. Applicants must demonstrate a collaborative strategy based on the community engagement model that involves multiple stakeholders in the project or problem addressed.
5. Some emphasis in the strategy will be given to the development of innovative and /or promising strategies to reduce crime and recidivism.

On **April 23, 2014**, the ESC met to discuss and decide on the following items related to California's redefined JAG Program:

- Eligibility
- Priorities
- County Allocations: Small, Medium and Large
- Funding Duration

On **July 22, 2014**, the ESC completed its charge of creating an RFP for the distribution of JAG funds. During this meeting, the ESC finished creating the infrastructure of the RFP, developing language for the areas of Stakeholder Collaboration; Evidence-Based Practice, Innovative and Promising Strategies; and Data Collection, Reporting, Evaluation Requirements. With guidance from BSCC's Research Unit, the ESC also developed Rating Factors for the RFP. Finally, the ESC also expanded the list of sub-priorities corresponding to each of the Program Purpose Areas (PPAs), to include the top three sub-priorities tied to each PPA within the stakeholder survey results. Recommendations from the ESC that guided the development of the RFP are listed below:

1. Program Purpose Areas and Sub-Priorities

Applicants must choose to address one or more of the top three Program Purpose Areas (PPAs) identified by the stakeholder survey. Within each of the PPAs selected, applicants must further choose to address one or more of the Sub-Priorities, as listed here:

JAG PPA: Prevention and Education

Sub-Priorities:

- 1) Gang Initiatives
- 2) Juvenile Delinquency (tie)
- 2) Substance Abuse (tie)
- 3) School Violence

JAG PPA: Law Enforcement

Sub-Priorities:

- 1) Gang Violence Reduction
- 2) Violent Crime Reduction Initiatives
- 3) Drug Enforcement (tie)
- 3) Gun Violence Reduction (tie)

JAG PPA: Courts, Prosecution, Defense and Indigent Defense

Sub-Priorities:

- 1) Problem Solving Courts (i.e., Mental Health, Veterans, Drug, Reentry)
- 2) Gun/Gang Prosecution (tie)
- 2) Violent Crime Prosecution and Defense (tie)
- 3) Court-Based Restorative Justice Initiatives (tie)
- 3) Innovations in Indigent Defense (tie)

2. Distribution of California's JAG Allocation

California's final JAG Allocation for Fiscal Year 2014 is: **\$19,301,034.**

- As per the federal statute governing the distribution of JAG funds (42 U.S. Code, §3755(e)(2)), **\$1,087,521** will be allocated to the California Department of Justice (DOJ) through a Request for Application. DOJ will be required to adhere to the new state strategy.
- Eight (8) percent of the funds will go to BSCC for oversight and administration of the grant.
- The remaining **\$16,669,430** (86 percent) will be passed through to counties (BJA requires California to pass through 62.9 percent to local governments; this far surpasses this requirement).

3. New Parameters for the JAG Program

- The 2014 JAG Program will be administered via a competitive RFP process.
(Note: Previously, JAG funds were administered through a non-competitive application process.)
- Only counties are eligible to apply for JAG funding.
 - Only the best programs in each category will be funded.
 - Due to limited funding, not all counties will be funded.
 - Only one application may be submitted per county.*(Note: Previously, all 58 counties received a JAG allocation; available funds were divided between the counties based on a crime index/population formula. Additionally, JAG funds were allocated to two programs administered by non-governmental entities: the Drug Endangered Training and Advocacy Center and the California Youthful Offender Reentry (Cal-YOR)).*
- Counties will be divided into three categories, based on population: small (under 200,000), medium (200,001 to 700,000) and large (greater than 700,000).
 - According to January 2014 Population Estimates from the Department of Finance, there are 30 small counties, 13 medium counties and 15 large counties.
- Funding will be divided between the small, medium and large counties according to the following formula: small (20 percent); medium (30 percent); and large (50 percent).
- Funding thresholds for each category will be set as follows:
 - Small counties: \$220,000
 - Medium counties: \$715, 000
 - Large counties: \$1,195,000
- Applicants must meet a scoring threshold of 50 percent in order to be eligible for funding.
(Note: In the event there are unused funds in a particular category after all qualifying applicants in that category are funded, funds will go to the next highest overall qualifying score.)
- Projects will be funded for a three-year cycle (March 1, 2015 through December 31, 2017), with a non-competitive reapplication process at the start of the second and third years.
 - Second and third year funding will be dependent on grant performance and the availability of federal grant funds.

- Each county will develop a three-year strategy in one-year increments. Counties will reapply for funds at the start of the second and third years.
- Counties must use the community engagement model to establish a JAG Steering Committee that includes of a balanced array of stakeholders that will:
 - Guide the implementation and monitoring of the JAG program within its jurisdiction.
 - Work together to collectively identify the community's needs, develop a strategy, prioritize funding and identify measurable outcomes.
- Applicants must dedicate a minimum of 5 to 10 percent of the requested grant funds to data collection and evaluation efforts.

RFP Activities and Timeline

The timeline below details the release of the RFP, rating activities and award recommendations:

ACTIVITY	TIMELINE
Release Request for Proposals (RFP)	September 15, 2014
Bidder's Conference	TBD (October 2014)
Notice of Intent to Apply Due to BSCC	October 3, 2014
Grant Proposal Due to BSCC (received by 5:00 p.m.)	November 21, 2014
BSCC Technical Review	November 24, 2014-December 19, 2014
Rating Process and Development of Funding Recommendations	January 5-30, 2015
BSCC Board Considers Funding Recommendations	February 12, 2015
New Grants Begin	March 1, 2015

State Solicitation for the FY 2014 JAG Program

On May 1, 2014, the Bureau of Justice Assistance (BJA) released the FY 2014 State Solicitation for the JAG Program, with a due date of June 3, 2014. BJA had not determined final allocations for the states, as it worked to reconcile penalty reductions for non-compliance with the Prison Rape Elimination Act (PREA) and the Sexual Offender Registration and Notification Act (SORNA).

On May 8, 2014, the Board authorized BSCC staff to proceed with the completion of the State Application for JAG, despite the fact that funding had not been finalized. With permission from BJA, BSCC staff submitted the JAG Application on June 3, 2014 with a placeholder funding amount. On July 3, 2014, BJA released the final state allocations and on July 29, 2014, BSCC staff resubmitted the 2014 JAG State Application with the correct funding amount. On August 29, 2014, BSCC received notice from BJA that the JAG funds have been awarded to California.

Recommendation/Action Needed:

The Board approve the release of the 2014/15 Request for Proposals (RFP) and the Request for Application (RFA) for the Edward Byrne Memorial Justice Assistance Grant (JAG), as recommended by the JAG Executive Steering Committee.

Attachments:

- JAG Request for Proposals
- JAG Request for Application (for California Department of Justice)
- Informational Packet submitted by the California Department of Justice