

**Edward Byrne Memorial Justice Assistance Grant Program
Federal Fiscal Year 2019 Application**

PROGRAM NARRATIVE

Description of the Issue

In 2019, the Board of State and Community Corrections (BSCC) continues its local JAG project grant development process for the upcoming next JAG cycle. The next cycle is to begin on October 1, 2019 and end on September 30, 2022, subject to BJA awards. On September 12, 2019, the award recommendations developed by the Board's Executive Steering Committee, which wrote the Request for Proposals and scored the applications, will be presented to the Board for approval.

The grant development timeline started on September 22, 2017 when the Board authorized the formation of a JAG Executive Steering Committee (ESC), led by the Board Chair to 1) develop the state strategy, 2) develop the RFP, and 3) rate proposals and make award recommendations to the Board.

On January 26, 2018 the JAG ESC met to develop the state strategy and RFP. During the meeting the ESC heard presentations from current JAG grantees and reviewed the JAG 2013 Stakeholder Survey Executive Summary and other background materials. The ESC determined that not enough time had passed to warrant a new assessment of the State Strategy and that the strategy is still responsive. The ESC recommended maintaining the current program purpose areas and Request for Proposal policies that were used in last grant cycle, including the California Department of Justice award ("less-than-\$10,000" award). The ESC further recommended using the same competitive funding formulas for small, medium and large counties, with \$2,000,000 set aside for Los Angeles county. Applicants must be counties, which are required to apply for equal amounts in each of the three years up to the cap, with a caveat that awards are subject to JAG awards to California for FFYs 17, 18 and 19. Counties must use the community engagement model to establish a JAG Steering Committee with a balance 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 set aside grant funds for data collection and evaluation efforts to complete a Final Local Evaluation Report. The purpose of the Final Local Evaluation Report is to determine whether the overall project (including each individual component) was effective in meeting the goals laid out in the Local Evaluation Plan. To do this, the

grantee must assess and document the effectiveness of the activities that were implemented within each individual project component.

Applicants were asked to focus on the following three basic principles of Evidence Based Principles:

1. Is there evidence or data to suggest that the intervention or strategy is likely to work, (i.e., produce a desired benefit
2. Once an intervention or strategy is selected, will you be able to demonstrate that it is being carried out as intended?
3. Is there a plan to collect evidence or data that will allow for an evaluation of whether the intervention or strategy worked?

Applicants were encouraged to develop an overall project that incorporates these principles but is tailored to fit the needs of the communities they serve. Innovation and creativity were encouraged as California's State Strategy states that "some emphasis shall be given to innovative and/or promising strategies to reduce crime and recidivism."

These ESC recommendations were approved by the Board on November 8, 2018 but the RFP (and the Request for Application from the California Department of Justice) were not immediately released pending litigation and award acceptances.

The RFP was released on December 6, 2018 and proposals were due by April 25, 2019. The BSCC received 31 proposals. Between April 26, 2019 and May 7, 2019, BSCC staff conducted a technical review of the applicant proposals. On May 14, 2019, rater training was given to the ESC members to ensure rater reliability during the reading and rating process. The ESC will score proposals according to the requirements of the Request for Proposals. This ensures that recommendations conform to federal and Board requirements and requests.

Below is the timeline of key dates remaining:

Key Dates

Activity	Tentative Timeline
Development of JAG funding recommendations	July 24-25, 2019
ESC Funding Recommendation Presented to the Board	September 12, 2019
Local JAG Projects Begin	October 1, 2019
New Grantee Orientation (mandatory)	November 7, 2019
Local Evaluation Plan due to BSCC	December 30, 2019
End of the Grant Cycle	September 30, 2022

These new competitively awarded projects reflect California's approved State Strategy and fund its three program purpose areas which are:

- a. Education and Prevention
- b. Law Enforcement
- c. Prosecution, Courts and Defense

California's prior local JAG grant cycle ended on either December 30, 2017 or December 30, 2018, depending on whether the local project accepted a one-year no-cost extension. This extension was offered after approval by the Board and BJA's approval of an extension to the Board's prior JAG awards

BSCC is cognizant of the enactment of the Justice for All Act of 2016 and the related changes that will be part of the 2019 JAG application. On September 12, 2019, the Board will be updated on the required timeline for the annual review process and plans for completing the next five-year State Strategy, tentatively planned to begin in October 2022. In preparation for this, BSCC anticipates working with the National Criminal Justice Association (NCJA) to gather stakeholder feedback before developing a new State Strategy. In the summer of 2019, California will begin a new State Strategy development process.

Pursuant to the April 24, 2019, email from the BJA Deputy Director, BSCC will be submitting a placeholder 2019 budget in the amount of one dollar.

California State Strategy and History

In March 2013, as part of the state's planning process for its JAG allocation, BSCC staff began working with NCJA to develop a stakeholder engagement strategy for the state strategic plan. As part of this engagement strategy, BSCC sought input from traditional and non-traditional criminal justice partners from across the state. This was accomplished through a survey and listening sessions. The listening sessions allowed stakeholders throughout the state to voice their opinions as to how JAG funding should be spent.

NCJA and BSCC staff developed a 14-question survey, which was distributed beginning April 1, 2013 to criminal justice stakeholder groups through an independent website, multiple listservs, and individual email messages. The survey closed on April 30, 2013, with 890 responses from around the state and across multiple elements of the criminal justice community, including Law Enforcement, Administration, Probation, Community Based Organizations, Victim Assistance, Juvenile Justice, Prosecution, Defense, Corrections, Mental Health, Education, Social Services, Courts, Substance Abuse Treatment, Public Health and Private Citizens.

The survey was designed so that responses could be sorted by function within the criminal justice system. Analysis focused on finding consensus around the JAG purpose areas in greatest need of limited funds and determining which projects in each purpose area were viewed as most critical to California's state and local criminal justice systems.

Respondents' top-ranked initiatives were those that addressed issues that impact multiple system partners. For example, gang prevention initiatives were the highest-ranked priority within the Prevention and Education purpose area. These initiatives address a problem that impacts law enforcement, juvenile justice, the courts, education, and social services. Likewise, problem-solving courts (e.g. mental health, veterans, drug, reentry), the top-ranked initiative within the Prosecution, Courts and Public Defense purpose area, address issues that impact multiple fields, (e.g., mental health, substance abuse, corrections, community corrections, public defense, prosecution and the courts). The survey results identified three Priority Purpose Areas and the top areas of need within each purpose area.

In preparation to develop the new State Strategy, the BSCC anticipates gathering new stakeholder input, including conducting statewide listening sessions and surveying juvenile and criminal justice stakeholders using NCJA's best practices model.

Priority Purpose Areas

Below are California's current program purpose areas as recommended by the JAG stakeholders and approved by the Board:

Top Three (3) JAG Program Purpose Areas	Top Areas of Need within each PPA
Prevention and Education	<ul style="list-style-type: none"> • Gang Initiatives • Juvenile Delinquency • Substance Abuse • School Violence
Law Enforcement	<ul style="list-style-type: none"> • Gang Violence • Violent Crime Reduction • Drug Enforcement • Gun Violence Reduction
Prosecution, Courts and Defense	<ul style="list-style-type: none"> • Problem Solving Courts • Gun/Gang Prosecution • Violent Crime Prosecution and Defense • Court-Based Restorative Justice Initiatives • Innovations in Indigent Defense

The survey results were reviewed by the BSCC Board and the following three-year strategy was developed and approved for the JAG Program in California.

Subrecipient Award Process

California Three-Year Strategy for the Byrne JAG Program

- (1) The strategy will honor responses from the California stakeholders in the survey with priority given to the survey supported areas of:
 - a. Education and Prevention
 - b. Law Enforcement
 - c. 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 and on the needs of the juvenile and adult criminal justice communities and on input from a balanced 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 recidivism.

The BSCC follows the State Strategy when selecting JAG program subrecipients. The selection of subrecipients is a competitive process for eligible jurisdictions. The RFP limits eligibility to the 58 California counties. Partnerships of two or more counties could be submitted as one joint proposal, though one county Agency was required to serve as lead on the proposal and be identified as Lead Agency in the application to the BSCC. The BSCC applies and will apply the following activities in awarding previous and new JAG funds:

Analyze Statutory Requirements: The BSCC begins each grant program by researching the subject area, analyzing the solicitation, statutory requirements, best practices and related legislative intent. This forms the basis of future steps and actions taken by the BSCC. The BSCC applies for funding to the BJA. The completed JAG application is posted for public viewing and comment for 30 days.

Establish an Executive Steering Committee (ESC) to develop a State Strategy and Request for Proposal (RFP): The BSCC appoints an ESC, chaired by a Board Member, to guide the grant process and provide recommendations on specific implementation procedures within the constructs of the JAG state strategy. This includes the development of a state strategy, recommendations on priorities, criteria, equitable competition, and distribution of funds, RFP, rating factors to evaluate project proposals, and effectiveness indicators to determine project success.

BSCC Request for Proposals (RFP): ESC recommendations are provided to the BSCC Board for action at a regularly scheduled meeting, and public comment is always provided. The BSCC Board may accept, change, or modify any ESC recommendations. The BSCC Board then approves the RFP, which is distributed to the public and posted on the BSCC's website.

ESC Rates Proposals and Develops Funding Recommendations: Each member of the ESC is assigned to evaluate applications and will independently review and score written proposals by applying the BSCC-approved rating factors included in the RFP. For each proposal, the cumulative scores on all rating factors will determine the applicant's rank in relationship to other projects.

Award Grants: The BSCC Board is provided with a rank-ordered list of proposed projects for funding at a regularly scheduled meeting, and public comment is provided. The BSCC Board may accept, change, or modify any ESC funding recommendations. The BSCC Board awards the subrecipient grants, and applicants are formally notified. Each project description and funding level is then posted on the BSCC's website.

Programs Eligible for Funding

The BSCC limits the JAG grant funds to government programs designed within the State Strategy priority program purpose areas of Prevention and Education, Law Enforcement, and Prosecution, Courts and Defense. The BSCC does not require grantees to operate specific programs but does require grantees to use principles of evidence-based practice in the selection of local projects. The State Strategy also allows subrecipients to select promising and innovative projects/programs for implementation based on the needs of the community. A list of subrecipients and program descriptions of programs funded in 2019 award will be provided to BJA at the completion of the BSCC subaward process. The "less-than-\$10,000" funds are awarded non-competitively to the California Department of Justice (CA DOJ), a state-level law enforcement agency, to support regional task force commanders.

Project Design and Implementation

The BSCC uses a comprehensive approach for implementing the JAG program. The strategy is designed to incorporate stakeholders, both traditional and non-traditional, at the state and local level to ensure the program design fits the needs of the local jurisdictions. This approach includes strategic planning, community engagement, collaboration, stakeholder participation, and encouraging the leveraging of funds. The BSCC uses a monitoring and technical assistance program to ensure proper utilization of federal resources throughout the grant cycle.

National Incident-Based Reporting System (NIBRS) 3 Percent Set-Aside

At the time of the release of the FFY 2019 Byrne JAG solicitation, California was not certified by the FBI that it was compliant with the federal National Incident-Based Reporting System (NIBRS). As such, the BSCC will set aside three percent of its award to further NIBRS compliance. The California Department of Justice (Cal-DOJ) currently acts as the Statistical Analysis Center for California. The 3 percent set aside will be used by Cal-DOJ to further NIBRS compliance. Cal-DOJ, in conjunction with the National Crime Statistics Exchange effort, is in the process of planning its transition to the California Incident Based Reporting System (CIBRS) repository which will house California's FBI mandated National Incident-Based Reporting System (NIBRS) data collection and the mandated California specific data elements. The monies allocated in the Byrne/JAG fund for NIBRS will be used to procure interactive software, laptops, management software, printer, training and NIBRS readiness assessments. Additional budgetary detail will follow once the JAG award is made.

California Strategic Planning Process

Since 2012 the BSCC has embraced the leadership, direction and philosophy of both Bureau of Justice Assistance (BJA) and the National Criminal Justice Association (NCJA) concerning technical assistance, strategic planning, evidence-based principles, and data driven strategies for the JAG program. California has adopted the principles of the JAG program first announced in the 2013 JAG solicitation, when BJA placed an emphasize on the state strategic plan, planning and the process of using a community-engagement model to guide local JAG projects now and in the future.

California has developed a three-year state strategy and priorities selected by criminal justice stakeholders throughout the state and approved by the BSCC Board. In March 2015, BSCC implemented the state strategy and the priorities through the projects at the local level. This program change was a major departure from the previous JAG program, in which 98 percent of JAG funding was placed in the law enforcement program purpose area for the creation of law enforcement task forces.

In addition, local subrecipients have been required to identify local issues/problems, plan, prioritize, collaborate and develop their own three-year strategy plan in one-year

increments. This process has led to traditional and non-traditional stakeholders being able to collaborate towards a common goal to reduce violent crime and recidivism.

Community Engagement

Subrecipients must form a Local JAG Steering Committee comprised of stakeholders representing diverse disciplines who have experience and expertise in the proposed local interventions. The Local JAG Steering Committee will use a community-engagement model to determine the community needs and develop a three-year JAG strategy in one-year increments.

The Local JAG Steering Committee will represent a significant cross-section of juvenile and/or criminal justice stakeholders, depending on the intervention chosen, within the applicant county. The Local JAG Steering Committee composition will be diverse to include a balanced representation of both traditional and non-traditional stakeholders. Examples of non-traditional stakeholders could include community-based and faith-based organizations, educators, and social service providers, family member of a criminal justice involved person, job developers, advocacy groups, or citizens. Examples of traditional stakeholders could include law enforcement, prosecution, probation, courts, and other city and county departments. The county will determine the total number of members to serve on the Local JAG Steering Committee.

The Local Steering Committee will be an active participant in the development implantation, and oversight of the local JAG project.

Stakeholders identified for membership on the Local JAG Steering Committee shall possess a working knowledge of the problem areas being discussed within the identified JAG priorities. The Local JAG Steering Committee will work collaboratively with the local communities to identify the needs of the community as they relate to the JAG priorities and to create and develop a comprehensive project plan with the overall goal of reducing violent crime and recidivism within their county.

- The Applicant must describe how it ensured full and equal participation and voting rights for all members of the Local JAG Steering Committee throughout this process.
- The Applicant must describe the process that took place to engage membership for the Local JAG Steering Committee, as well as any working relationships that existed with members prior to the development of the Local JAG Steering Committee
- The Applicant may use an existing group, or a subcommittee of an existing group, as its Local JAG Steering Committee but must address all requirements listed in this section.
- The Applicant must describe the expertise of each of the Local Steering Committee members and how he or she relate to the intervention being proposed in the submitted JAG application.

Stakeholders Participating in Planning Process

As noted previously, the BSCC uses an Executive Steering Committee (ESC) to make recommendations on decisions related to the JAG programs. The JAG ESC is composed of subject-matter experts and stakeholders representing both the public and private sectors. The BSCC considers experience, geography, and demographics when considering ESC membership. The JAG ESC is tasked with providing recommendations to the BSCC Board regarding the state strategy, RFP, evaluations of the project proposals, and provide funding recommendations. The BSCC Board then approves, rejects, or revises those recommendations. Members of JAG ESC are not paid for their time but are reimbursed for travel expenses incurred to attend meetings. The BSCC approved the formation of the current JAG ESC. The members of the current JAG ESC are listed below:

JAG Executive Steering Committee

JAG ESC Membership Roster	
Linda Penner, Chair	ESC Chairperson, Chairperson, Board of State and Community Corrections
Mark Delgado	Executive Director, Los Angeles County's Countywide Criminal Justice Coordination Committee, Los Angeles County
David Fernandez	Senior Special Agent, California Department of Corrections and Rehabilitation
Robin Lipetzky	Public Defender, Contra Costa County
Lyle Martin	Police Chief, Bakersfield Police Department, Kern County
Steve Meinrath	Attorney, Sacramento County
Jonathan Raven	Chief Deputy District Attorney, Yolo County
Darren Thompson	Sheriff-Coroner, San Benito County
Erik Upson	Police Chief, Benicia Police Department, Solano County
Erica Webster	Juvenile Justice Advocate, Sacramento County
Charles Wilhite	Ph. D., Director, Criminal Justice, Azusa Pacific University, San Diego

Addressing Gaps in Resources

The BSCC allows flexibility for the subrecipients to examine funding gaps and tailor the JAG projects to fund local project needs. Each jurisdiction examines funding gaps and designs a project plan that will fund the areas of need. Subrecipients of previous JAG funding have consistently identified supportive services, substance-abuse treatment, trauma-informed care, youth and adult reentry services, restorative justice, specialty courts, youth and adult programs and family counseling services provided by county and community-based organizations (CBO's) as needed resources to implement effective programming.

Leveraging State Funds

Although supplanting is prohibited, the BSCC encourages leveraging federal, state, local, and private funds. In instances where leveraging occurs within a program, BSCC tracks and reports all federal funds separately to ensure funds are not comingled.

Monitoring and Technical Assistance

BSCC provides monitoring and technical assistance to ensure subrecipients understand and follow the JAG requirements and make progress towards the stated goals. BSCC provides technical assistance regarding fiscal, programmatic and administrative requirements, and special conditions.

Grantee Orientation

Following the start of the grant period, BSCC staff conduct a mandatory Grantee Orientation to review the program requirements, special conditions, contract requirements, invoicing and budget modification processes, data collection and reporting requirements, and grant management and monitoring activities. Attendance is required by the subrecipient Project Director, Financial Officer, Day-to-Day Contact, the individual tasked with Data Collection and Evaluation and a minimum of one Community Partner.

Grant Administration Guide

The BSCC Grant Administration Guide (Guide) is intended to help subrecipients comply with the terms and conditions that apply to JAG funded projects. The Guide can be accessed and downloaded by the subrecipients from the BSCC website at www.bscc.ca.gov. Any forms referenced in the Guide are also available.

Monitoring and Technical Assistance

Designated BSCC staff monitor each JAG subrecipient and provide technical assistance throughout development, implementation, and maintenance of the project. The goal of BSCC monitoring and technical assistance is to provide early intervention and resolution

of any issues that may arise during the term of the grant. Monitoring also helps ensure that projects meet stated goals and objectives, and desired outcomes.

The BSCC Field Representatives responsible for grant program development, administration and oversight have significant experience in the field of criminal justice and, at a minimum, must have three years of progressively responsible corrections or law enforcement supervisory, management, consultative or equivalent staff experience above first-line supervisory level in local corrections or probation agency or a state or federal corrections system. This experience must include at least two years in program development, program planning or research, program monitoring, staff workload, jail inspections, training or equivalent consultative experience.

Capabilities and Competencies

Established in 2012, the BSCC is an independent statutory agency that provides leadership to the adult and juvenile criminal justice systems, a data and information clearinghouse, and technical assistance on a wide range of community corrections issues. (Pen. Code, §§ 6024-6025.) The BSCC is the designated State Administering Agency (SAA) for the state. In addition, the BSCC promulgates regulations for adult and juvenile detention facilities, conducts regular inspections of those facilities, and develops standards for the selection and training of local corrections and probation officers. When the BSCC was established, the administration of the Edward Byrne Memorial JAG grant program was transferred from the California Emergency Management Agency to the BSCC.

The BSCC also inspects for compliance to local correctional standards and directs funding for construction of local adult and juvenile detention facilities and ensures that the local jail projects meet recent Legislative mandates to provide program space to rehabilitate offenders.

The BSCC's work involves extensive collaboration with stakeholders, including, police chiefs, courts, local probation departments, sheriffs, county administrative offices, justice system partners, community-based organizations, and others. It is also the administering agency for a host of federal and state public safety grants, including evidence-based practices to reduce gang violence, and it works to reduce racial and ethnic disparities in the juvenile justice system.

Policy for the agency is set by the 13-member Board of State and Community Corrections, whose members are prescribed by statute, appointed by the Governor and the Legislature, and subject to approval by the state Senate. The Board Chair reports directly to the Governor.

Board of State and Community Corrections Members

	Designation per Statute	Board Member (as of August 2018)
1	The Chair of the Board (a full-time paid position), appointed by the Governor.	Linda Penner, Chair (former Chief Probation Officer, Fresno County)
2	The Secretary of the California Department of Corrections and Rehabilitation (CDCR).	Ralph Diaz Secretary, CDCR
3	The Director of the Division of Adult Parole Operations for CDCR.	Jerry Powers Director, CDCR Division of Adult Parole Operations
4	A county sheriff in charge of a local detention facility which has a BSCC rated capacity of 200 or less inmates, appointed by the Governor.	Dean Growdon Sheriff, Lassen County
5	A county sheriff in charge of a local detention facility which has a BSCC rated capacity of over 200 inmates, appointed by the Governor.	William Gore Sheriff, San Diego County
6	A county supervisor or county administrative officer. This member shall be appointed by the Governor.	Leticia Perez County Supervisor of Kern County
7	A chief probation officer from a county with a population over 200,000, appointed by the Governor.	Mark Varela Chief Probation Officer Ventura County
8	A chief probation officer from a county with a population under 200,000, appointed by the Governor.	Michael Ertola Chief Probation Officer Nevada County
9	A judge appointed by the Judicial Council of California.	Gordon S. Baranco Retired Judge, Alameda County
10	A chief of police, appointed by the Governor.	Andrew Mills Chief of Police, City of Santa Cruz
11	A community provider of rehabilitative treatment or services for adult offenders, appointed by the Speaker of the Assembly.	Scott Budnick Founder, Anti-Recidivism Coalition
12	A community provider or advocate with expertise in effective programs, policies, and treatment of at-risk youth and juvenile offenders, appointed by the Senate Committee on Rules.	David Steinhart Director, Commonweal Juvenile Justice Program
13	A public member, appointed by the Governor.	Francine Tournour Office of Public Safety Accountability, City of Sacramento

The BSCC is further comprised of four Divisions, each of which plays an important role in monitoring and supporting the state's local corrections systems: (1) Corrections Planning and Grant Programs (CPGP), (2) Facilities Standards and Operations (FSO), (3) Standards and Training for Corrections (STC), and (4) County Facilities Construction (CFC).

The CPGP Division develops, administers, and evaluates state and federally funded grant programs to improve the effectiveness of state and local correctional systems, reduce costs, maximize resources and enhance public safety. As part of BSCC's responsibilities, the CPGP serves as a resource for evidence-based, effective, and promising programs, practices, and strategies; and provides technical assistance, consultation, and training to state and local justice system policy makers. Other federal grants administered by the BSCC include:

Title II Formula Block Grant: Supports delinquency prevention and juvenile justice system improvement.

Residential Substance Abuse Treatment: Assists states and local governments in developing and implementing substance-abuse treatment programs in state, local, and tribal correctional detention facilities.

Data Collection Plan

The BSCC emphasizes compliance with the data collection requirements of the JAG grant program by including the BJA Performance Measurement Tool (PMT) quarterly accountability metrics report and semi-annual progress reporting requirements as special conditions for subrecipients; and by monitoring subrecipient reporting compliance. Subrecipients are required to submit the PMT accountability measures that pertain to their JAG funded activities to the BSCC at the end of each quarter.

As previously noted, subrecipients are required to set aside at least five percent (or \$25,000, whichever is greater) of their total grant award for data collection and evaluation efforts, which includes the development of the Local Evaluation Plan and Final Local Evaluation Report. Subrecipients are strongly encouraged to use outside evaluators to ensure objective and impartial evaluations, especially state universities or community colleges.

Local Evaluation Plan

The purpose of the Local Evaluation Plan is to ensure that projects funded by the BSCC can be evaluated. Subrecipients will include a detailed description of how the applicant will assess the effectiveness of the proposed program in relationship to each of its goals and objectives. This relationship should be apparent in the Plan. The Plan describes the evaluation design or model used to evaluate the effectiveness of the project component(s), with the project goals and the project objectives clearly stated. Subrecipients must also address process and outcome evaluations within the plan.

Final Local Evaluation Report

The purpose of the Final Local Evaluation Report is to determine whether the overall project (including each individual component) was effective in meeting the goals laid out in the Local Evaluation Plan. Subrecipients are required to assess and document the effectiveness of the activities that were implemented within each individual project component, as identified in Plan. The project evaluations are not research within the meaning of 28 C.F.R. § 46.102(d). The reports are intended to generate internal improvements to the program and to account for the projects' overall effectiveness.



LINDA M. PENNER
Chair

KATHLEEN T. HOWARD
Executive Director

STATE OF CALIFORNIA

BOARD OF STATE AND COMMUNITY CORRECTIONS

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GAVIN NEWSOM
Governor

June 20, 2019

Tracey Trautman, Acting Director
Bureau of Justice Assistance
Office of Justice Programs
810 Seventh Street, NW
Washington, D.C. 20531

Dear Ms. Trautman:

Please accept the Board of State and Community Corrections' ("BSCC") FY 2019 application for the Edward Byrne Memorial Justice Assistance Grant ("JAG") Program. As part of this application, the BSCC was required to make Certified Standard Assurances that "the Applicant will comply with all award requirements and all federal statutes and regulations applicable to the award" and that "the Applicant will require all subrecipients to comply with all applicable award requirements and all applicable federal statutes and regulations." A Bureau of Justice Assistance representative previously informed the BSCC that it "should complete the online version" of these Certified Standard Assurances when submitting the application. Therefore, the BSCC makes these Certified Standard Assurances, except it makes no certifications or assurances about any federal statutes that have been unlawfully identified by the Office of Justice Programs (OJP) as "applicable" to JAG. Furthermore, the BSCC does not agree to comply any other unlawfully imposed award requirements.

Specifically, notwithstanding the BSCC's submission of the Certified Standard Assurances as part of this application, the BSCC does not agree at this time to any of the immigration related requirements described on pages 22-23, and 25-26 of the FY 2019 State Solicitation. Defendants enforcement of these requirements have been enjoined in the State of California by the district court in the Northern District of California in the Amended Judgment and Order in *State of California v. Sessions*, No. 17-cv-4701 (Nov. 20, 2018), and the Judgment and Order Granting Plaintiffs' Motions for Summary Judgment in *State of California v. Barr*, No. 18-cv-5169 (Mar. 26, 2019). Both judgments are attached to this statement.

The BSCC expressly reserves its right to challenge any unlawful immigration related requirements, or any unlawful requirement for that matter, that are imposed on its FY 2019 JAG award or avail itself of any court orders made in any lawsuits challenging such requirements.

Sincerely,

AARON R. MAGUIRE
General Counsel

Attachments

**FFY 2019 BYRNE/JAG Formula Grants Program
Additional Attachments and Disclosures**

Applicant Disclosure of High Risk Status

The Board of State & Community Corrections is not currently designated high risk by another federal grant making agency.

Applicant Disclosure of Pending Applications

The Board of State & Community Corrections does not have any pending applications that are for the same purpose.

Research and Evaluation Independence and Integrity

The Board of State and Community Corrections (BSCC) intends to pass-through the Justice Administration Grant (JAG) funds through a competitive process to eligible jurisdictions. The BSCC will ensure that the subrecipients of JAG funds maintain research/evaluation independence; including appropriate safeguards to ensure research/evaluation objectivity and integrity, and review of potential conflicts of interest.

30-Day Board Review

The Board of State and Community Corrections Division of Corrections Planning and Grant Programs made its Federal Fiscal Year 2019 JAG application available to the Board of State and Community Corrections membership for its review and comment on May 24, 2019.

30-Day Public Posting and Public Comment

The Board of State and Community Corrections Division of Corrections Planning and Grant Programs made its Federal Fiscal Year 2019 JAG application available to citizens for comment on May 24, 2019. The application will be posted for 30 days on the BSCC website at www.bscc.ca.gov.

McDaniel, Daryle@BSCC

From: DonotReply@state.ca.gov
Sent: Friday, May 24, 2019 2:47 PM
To: McDaniel, Daryle@BSCC
Subject: Application Received

Dear Board of State and Community Corrections,

Your application was made available to the State Clearinghouse under the [Executive Order 12372 Process](#) for review.

Thank you,
OPR State Clearinghouse
State.Clearinghouse@opr.ca.gov
916-445-0613



**NEGOTIATED AGREEMENT
STATE AND LOCAL UNITS OF GOVERNMENT**

INSTITUTION:

Board of State and Community Corrections
2590 Venture Oaks Way Suite 200 | Sacramento, CA 95833

DATE: March 12, 2019

Filing Ref: This replaces the negotiated agreement dated April 5, 2018

Subject: The indirect cost rate(s) contained herein is for use in grants and contracts with the U.S. Department of Justice and other Federal agencies to which 2 CFR 200 Subpart E applies, subject to the limitations contained in Section II of this agreement.

SECTION I: RATES

OVERHEAD

<u>Type</u>	<u>Effective Period</u>		<u>*Rate</u>	<u>Locations</u>	<u>Applicable</u>
	<u>From</u>	<u>To</u>			<u>To</u>
Fixed (FCF)	07/01/2017	06/30/2018	31.50%	All	All Programs
Fixed (FCF)	07/01/2018	06/30/2019	39.17%	All	All Programs

*Base: Total direct costs excluding capital equipment, pass-through funds, grant and contracts over \$25,000.

Treatment of Fringe Benefits: Fringe benefits applicable to direct salaries and wages are treated as direct costs.

SECTION II: GENERAL

LIMITATIONS: Use of the rate(s) contained in this agreement is subject to any statutory or administrative limitations and is applicable to a given grant or contract only to the extent that funds are available. Acceptance of the rate(s) agreed to herein is predicated on the conditions: (1) that no costs other than those incurred by the grantee/contractor were included in its indirect costs pool as finally accepted and that such costs are legal obligations of the grantee/contractor and allowable under the governing cost principles; (2) that the same costs that have been treated as indirect costs are not claimed as direct costs; (3) that similar types of costs have been accorded consistent accounting treatment; and (4) that the information provided by the grantee/contractor which was used as a basis for acceptance of the rate(s) agreed to herein is not subsequently found to be materially incomplete or inaccurate.

AUDIT: Adjustments to amounts resulting from audit of the cost allocation plan upon which the negotiation of this agreement was based will be compensated for in a subsequent negotiation.

ACCOUNTING CHANGES: The rate(s) contained in this agreement are based on the accounting system in effect at the time the proposal was prepared and the agreement was negotiated. Changes to the method of accounting for costs which affect the amount of reimbursement resulting from the use of this rate(s) require the prior approval of the office responsible for negotiating the rate(s) on behalf of the Government. Such changes include but are not limited to changes in the charging of a particular type of costs from indirect to direct. Failure to obtain such approval may result in subsequent cost disallowance.

FIXED RATE (S): The fixed rate (s) contained in this agreement is based upon estimate of the costs which will be incurred during the period for which the rate applies. When the actual costs for such period have been determined, an adjustment will be made in a subsequent negotiation to compensate for the difference between that cost used to establish the fixed rate and that which would have been used were the actual costs known at the time.

NOTIFICATION TO FEDERAL AGENCIES: Copies of this document may be provided to other Federal offices as a means of notifying them of the agreement contained herein.

SPECIAL REMARKS: Federal programs currently reimbursing indirect costs to this Department/Agency by means other than the rate(s) cited in this agreement should be credited for such costs and the applicable rate cited herein applies to the appropriate base to identify the proper amount of indirect costs allocated to the program.

U.S. DEPARTMENT OF JUSTICE

Office of Justice Programs

CALIFORNIA BOARD OF STATE AND
COMMUNITY CORRECTION

Prencis Shaw

Signature: Prencis Shaw
Grant Financial Management Division
Office of the Chief Financial Officer

3/26/2019

Date

William T. Howard

Signature

Kathleen J. Howard

Name

Executive Director

Title

03/25/2019

Date



Background

Recipients' financial management systems and internal controls must meet certain requirements, including those set out in the "Part 200 Uniform Requirements" (2.C.F.R. Part 2800).

Including at a minimum, the financial management system of each OJP award recipient must provide for the following:

- (1) Identification, in its accounts, of all Federal awards received and expended and the Federal programs under which they were received. Federal program and Federal award identification must include, as applicable, the CFDA title and number, Federal award identification number and year, and the name of the Federal agency.
- (2) Accurate, current, and complete disclosure of the financial results of each Federal award or program.
- (3) Records that identify adequately the source and application of funds for Federally-funded activities. These records must contain information pertaining to Federal awards, authorizations, obligations, unobligated balances, assets, expenditures, income, and interest, and be supported by source documentation.
- (4) Effective control over, and accountability for, all funds, property, and other assets. The recipient must adequately safeguard all assets and assure that they are used solely for authorized purposes.
- (5) Comparison of expenditures with budget amounts for each Federal award.
- (6) Written procedures to document the receipt and disbursement of Federal funds including procedures to minimize the time elapsing between the transfer of funds from the United States Treasury and the disbursement by the OJP recipient.
- (7) Written procedures for determining the allowability of costs in accordance with both the terms and conditions of the Federal award and the cost principles to apply to the Federal award.
- (8) Other important requirements related to retention requirements for records, use of open and machine readable formats in records, and certain Federal rights of access to award-related records and recipient personnel.

1. Name of Organization and Address:

Organization Name: Board of State and Community Corrections
 Street1: 2590 Venture Oaks Way
 Street2:
 City: Sacramento
 State: CALIFORNIA
 Zip Code: 95868

2. Authorized Representative's Name and Title:

Prefix: Ms First Name: Kathleen Middle Name:
 Last Name: Howard Suffix:
 Title: Executive Director

3. Phone: (916) 341-6012 4. Fax:

5. Email: kathleen.howard@bsec.ca.gov

6. Year Established: 2012	7. Employer Identification Number (EIN): 680282717	8. DUNS Number: 949095730000
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9. a) Is the applicant entity a nonprofit organization (including a nonprofit institution of higher education) as described in 26 U.S.C. 501(c)(3) and exempt from taxation under 26 U.S.C. 501(a)? Yes No

If "No" skip to Question 10.
 If "Yes", complete Questions 9. b) and 9. c).



AUDIT INFORMATION

9. b) Does the applicant nonprofit organization maintain offshore accounts for the purpose of avoiding paying the tax described in 26 U.S.C. 511(a)?	<input type="checkbox"/> Yes <input type="checkbox"/> No
9. c) With respect to the most recent year in which the applicant nonprofit organization was required to file a tax return, does the applicant nonprofit organization believe (or assert) that it satisfies the requirements of 26 C.F.R. 53.4958-6 (which relate to the reasonableness of compensation of certain individuals)? If "Yes", refer to "Additional Attachments" under "What An Application Should Include" in the OJP solicitation (or application guidance) under which the applicant is submitting its application. If the solicitation/guidance describes the "Disclosure of Process related to Executive Compensation," the applicant nonprofit organization must provide -- as an attachment to its application -- a disclosure that satisfies the minimum requirements as described by OJP.	<input type="checkbox"/> Yes <input type="checkbox"/> No

For purposes of this questionnaire, an "audit" is conducted by an independent, external auditor using generally accepted auditing standards (GAAS) or Generally Governmental Auditing Standards (GAGAS), and results in an audit report with an opinion.

10. Has the applicant entity undergone any of the following types of audit(s)(Please check all that apply):

"Single Audit" under OMB A-133 or Subpart F of 2 C.F.R. Part 200

Financial Statement Audit

Defense Contract Agency Audit (DCAA)

Other Audit & Agency (list type of audit):
BJA audit of the JAG program

None (if none, skip to question 13)

11. Most Recent Audit Report Issued: Within the last 12 months Within the last 2 years Over 2 years ago N/A

Name of Audit Agency/Firm: OJP Office of Chief Financial Office

AUDITOR'S OPINION

12. On the most recent audit, what was the auditor's opinion?
 Unqualified Opinion Qualified Opinion Disclaimer, Going Concern or Adverse Opinions N/A: No audits as described above

Enter the number of findings (if none, enter "0"): 0

Enter the dollar amount of questioned costs (if none, enter "\$0"): \$0

Were material weaknesses noted in the report or opinion? Yes No

13. Which of the following best describes the applicant entity's accounting system:

Manual Automated Combination of manual and automated

14. Does the applicant entity's accounting system have the capability to identify the receipt and expenditure of award funds separately for each Federal award?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure
15. Does the applicant entity's accounting system have the capability to record expenditures for each Federal award by the budget cost categories shown in the approved budget?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure
16. Does the applicant entity's accounting system have the capability to record cost sharing ("match") separately for each Federal award, and maintain documentation to support recorded match or cost share?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure



<p>17. Does the applicant entity's accounting system have the capability to accurately track employees actual time spent performing work for each federal award, and to accurately allocate charges for employee salaries and wages for each federal award, and maintain records to support the actual time spent and specific allocation of charges associated with each applicant employee?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure</p>
<p>18. Does the applicant entity's accounting system include budgetary controls to preclude the applicant entity from incurring obligations or costs that exceed the amount of funds available under a federal award (the total amount of the award, as well as the amount available in each budget cost category)?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure</p>
<p>19. Is applicant entity familiar with the "cost principles" that apply to recent and future federal awards, including the general and specific principles set out in 2 C.F.R. Part 200?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure</p>
<p>PROPERTY STANDARDS AND PROCUREMENT STANDARDS</p>	
<p>20. Does the applicant entity's property management system(s) maintain the following information on property purchased with federal award funds (1) a description of the property; (2) an identification number; (3) the source of funding for the property, including the award number; (4) who holds title; (5) acquisition date; (6) acquisition cost; (7) federal share of the acquisition cost; (8) location and condition of the property; (9) ultimate disposition information?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure</p>
<p>21. Does the applicant entity maintain written policies and procedures for procurement transactions that -- (1) are designed to avoid unnecessary or duplicative purchases; (2) provide for analysis of lease versus purchase alternatives; (3) set out a process for soliciting goods and services, and (4) include standards of conduct that address conflicts of interest?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure</p>
<p>22. a) Are the applicant entity's procurement policies and procedures designed to ensure that procurements are conducted in a manner that provides full and open competition to the extent practicable, and to avoid practices that restrict competition?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure</p>
<p>22. b) Do the applicant entity's procurement policies and procedures require documentation of the history of a procurement, including the rationale for the method of procurement, selection of contract type, selection or rejection of contractors, and basis for the contract price?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure</p>
<p>23. Does the applicant entity have written policies and procedures designed to prevent the applicant entity from entering into a procurement contract under a federal award with any entity or individual that is suspended or debarred from such contracts, including provisions for checking the "Excluded Parties List" system (www.sam.gov) for suspended or debarred sub-grantees and contractors, prior to award?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure</p>
<p>TRAVEL POLICY</p>	
<p>24. Does the applicant entity:</p> <p>(a) maintain a standard travel policy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>(b) adhere to the Federal Travel Regulation (FTR)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>SUBRECIPIENT MANAGEMENT AND MONITORING</p>	
<p>25. Does the applicant entity have written policies, procedures, and/or guidance designed to ensure that any subawards made by the applicant entity under a federal award -- (1) clearly document applicable federal requirements, (2) are appropriately monitored by the applicant, and (3) comply with the requirements in 2 CFR Part 200 (see 2 CFR 200.331)?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure</p> <p><input type="checkbox"/> N/A - Applicant does not make subawards under any OJP awards</p>



26. Is the applicant entity aware of the differences between subawards under federal awards and procurement contracts under federal awards, including the different roles and responsibilities associated with each?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure <input type="checkbox"/> N/A - Applicant does not make subawards under any OJP awards
27. Does the applicant entity have written policies and procedures designed to prevent the applicant entity from making a subaward under a federal award to any entity or individual is suspended or debarred from such subawards?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure <input type="checkbox"/> N/A - Applicant does not make subawards under any OJP awards

DESIGNATION AS 'HIGH-RISK' BY OTHER FEDERAL AGENCIES

<p>28. Is the applicant entity designated "high risk" by a federal grant-making agency outside of DOJ? (High risk includes any status under which a federal awarding agency provides additional oversight due to the applicant's past performance, or other programmatic or financial concerns with the applicant.)</p> <p>If "Yes", provide the following:</p> <p>(a) Name(s) of the federal awarding agency: [REDACTED]</p> <p>(b) Date(s) the agency notified the applicant entity of the "high risk" designation: [REDACTED]</p> <p>(c) Contact information for the "high risk" point of contact at the federal agency: Name: [REDACTED] Phone: [REDACTED] Email: [REDACTED]</p> <p>(d) Reason for "high risk" status, as set out by the federal agency: [REDACTED]</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Not Sure
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CERTIFICATION ON BEHALF OF THE APPLICANT ENTITY

(Must be made by the chief executive, executive director, chief financial officer, designated authorized representative ("AOR"), or other official with the requisite knowledge and authority)

On behalf of the applicant entity, I certify to the U.S. Department of Justice that the information provided above is complete and correct to the best of my knowledge. I have the requisite authority and information to make this certification on behalf of the applicant entity.

Name: Kathleen I. Howard *Kathleen Howard* Date: 2019-05-20

Title: Executive Director Chief Financial Officer Chairman
 Other: [REDACTED]

Phone: (916) 344-6012


DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352

Approved by OMB

0348-0046

(See reverse for public burden disclosure.)

1. Type of Federal Action: <input type="checkbox"/> a. contract <input checked="" type="checkbox"/> b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	2. Status of Federal Action: <input checked="" type="checkbox"/> a. bid/offer/application b. initial award c. post-award	3. Report Type: <input checked="" type="checkbox"/> a. initial filing b. material change For Material Change Only: year _____ quarter _____ date of last report _____
4. Name and Address of Reporting Entity: <input checked="" type="checkbox"/> Prime <input type="checkbox"/> Subawardee Tier _____, if known: Board of State and Community Corrections 2590 Venture Oaks Way, Suite 2000 Sacramento Ca 95833 - 3200 Congressional District, if known: CA 1 - 53	5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime: Congressional District, if known:	
6. Federal Department/Agency: Department of Justice Office of Justice Programs Bureau of Justice Programs	7. Federal Program Name/Description: BJA 2019 BYRNE/JAG grant program CFDA Number, if applicable: _____	
8. Federal Action Number, if known:	9. Award Amount, if known: \$ 1.00	
10. a. Name and Address of Lobbying Registrant (if individual, last name, first name, MI): N/A	b. Individuals Performing Services (including address if different from No. 10a) (last name, first name, MI):	
11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.	Signature: <u>Kathleen Howard</u>  Print Name: <u>Kathleen Howard</u> Title: <u>Executive Director</u> Telephone No.: <u>(916) 445-5073</u> Date: <u>5/20/19</u>	
Federal Use Only:		Authorized for Local Reproduction Standard Form LLL (Rev. 7-97)

**Edward Byrne Memorial Justice Assistance Grant Program
Federal Fiscal Year 2019 Application**

Proposed Subaward

The Board of State and Community Corrections (BSCC) will subaward the Justice Administration Grant Funds on a Competitive basis to eligible jurisdiction in California. The BSCC is the State Administrating Agency and will ensure the subrecipient's agencies complete the tasks described within the grant proposal.