

TO: Chairman and Members

DATE: September 25, 2013

**SUBJECT: Approve the Edward Byrne Justice Assistance Grant (JAG)
Program Funding Allocation for Fiscal Year 2013**

**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 spending plan for the federal fiscal year (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. California's JAG allocation for FY 2013 is \$19,776,740, which represents the amount of funding available for one fiscal year. The BSCC can retain up to ten percent of the total funds available to cover the costs of administering the JAG program.

Background:

The BSCC assumed the state administering agency responsibility for the federal Byrne JAG Program effective July 1, 2012, when the responsibility transferred from the then California Emergency Management Agency (Cal EMA), now the California Governor's Office of Emergency Services (Cal OES). Additional information about the history of the Byrne JAG program, how funds are awarded, and how states are using Byrne JAG funding can be found on the National Criminal Justice Association Web site at <http://www.ncja.org/byrnejag>.

The amount of Byrne JAG funding available to California fluctuates each year and has declined each year for the past four years. Attachment A provides a ten-year history of the statewide Byrne JAG allocations to California. It includes the one-time peak in funding in 2009 provided through the American Recovery and Reinvestment Act (ARRA) award. For FY 2013, the Board must develop a spending plan for California's statewide Byrne JAG allocation of \$19,776,740. As part of the spending plan, the Board needs to determine what percentage (up to ten percent) of the total FY 2013 JAG state allocation to retain to cover administrative costs. Staff recommends the Board approve the BSCC to retain 8 percent or \$1,582,139 for administrative costs and allocate the remaining \$18,194,601 to local assistance.

At the September 12, 2013 Board meeting, the Board requested that BSCC staff create funding alternatives and implementation timelines for the FY 2013 Byrne JAG local assistance funding, which would include continuing to fund the five JAG programs currently funded by the BSCC for one additional year as well as funding for the California Youthful Offender Reentry (Cal-YOR) program and the Anti Human Trafficking Task Force (AHTTF) program, which are programs funded through Cal OES as the prior state administering agency for Byrne JAG.

Please note that all of the following funding alternatives presented in this agenda item are based on the assumption that the Board will approve the BSCC to retain 8 percent of the total FY 2013 Byrne JAG statewide allocation for administrative costs. If the Board decides to increase or

decrease that percentage the total funds available for local assistance would need to be adjusted accordingly.

JAG Programs Currently Funded by BSCC

There are five programs currently funded through BSCC using FY 2012 JAG funding. Staff is recommending that the following four of the five programs receive an additional twelve months of funding with a grant period of 10/01/13 through 9/30/14:

- Anti-Drug Abuse (ADA) Enforcement Team Program
- Campaign Against Marijuana Planting (CAMP) Program
- CrackDown Multi-Community Task Force Program
- Marijuana Suppression Program (MSP)

The current grant period for the fifth program, Drug Endangered Children (DEC), does not end until June 30, 2014. Therefore, staff is recommending that the funding for DEC only be continued for an additional three months to September 30, 2014 so the grant period ends at the same time as the other four programs. The DEC project director has agreed to this approach. This will result in a slight increase in funds available for the other four current BSCC JAG funded programs. Attachment B shows the comparison of FY 2012 funding to the proposed FY 2013 funding for all current BSCC JAG funded programs.

Funding for the Cal-YOR Program

The Board also requested BSCC staff to develop a funding schedule utilizing FY 2013 JAG funds that would include funding for the Cal-YOR projects along with the five current BSCC JAG-funded programs. To accomplish this, the funding amounts for the five current BSCC JAG funded programs will need to be reduced. To be equitable, the same percentage reduction will be applied to the funding levels for the Cal-YOR program.

During the development of the Cal-YOR funding schedule, BSCC staff initiated a dialogue with staff at the Cal OES, as the state administering agency for the Cal-YOR program. BSCC staff learned that of the nine Cal-YOR projects originally funded by Cal OES for a two-year grant period, three have spent all of their JAG allocations and their grant period has ended, while the remaining six projects have not fully expended their JAG funds.

Based on the information received from Cal OES, BSCC staff prepared a funding schedule for each of the nine projects based on individual spending patterns and applying the same percentage reduction (4.15 percent) used for the five current BSCC JAG-funded programs, as shown in Attachment C. The following three projects will be funded for 12 months with a grant period of October 1, 2013 through September 30, 2014:

- Able-Disabled Advocacy, Inc
- Metro United Methodist Urban Ministry
- Paving the Way Foundation

The remaining six Cal-YOR projects had fund balances and Cal OES extended the grant period to December 31, 2013 to allow these projects to fully expend their existing JAG funding. In

response to the Cal OES information, BSCC staff proposes to prorate the funding for these six projects. If these projects deplete their Cal OES JAG funding, the proposed funding schedule in Attachment C shows that these projects would receive \$74,763 each from BSCC for the next funding cycle, which will be reduced from a 12-month to a nine-month cycle, starting January 1, 2014 through September 30, 2014. Those six projects are:

- Fresno County Economic Opportunities Commission
- Homeboy Industries
- Los Angeles Communities Advocating for Unity, Social Justice, and Action (LA CAUSA), Inc.
- Breakout Prison Outreach
- San Jose Conservation Corp & Charter School
- WestCare California, Inc.

Upon the Board making a decision, BSCC staff will ensure all projects are in good standing (i.e., grant compliant) prior to issuing grant awards for funding.

Funding for the AHTTF Program

The Board further requested BSCC staff to create a funding proposal for the AHTTF program utilizing funding from the FY 2013 JAG funds. On September 17, 2013, the Cal OES verbally advised BSCC staff that they have \$1,350,000 in interest earned on JAG funds, which Cal OES will use to allocate \$150,000 for each of the nine existing AHTTF projects. (See Attachment D for the September 20, 2013 letter from Cal OES.) This is the equivalent of nine months of funding for FY 2013-14, and leaves the AHTTF program with a deficit of \$450,000 for the remaining three months. The Board could consider allocating FY 2013 JAG funding to the AHTTF program to reduce this funding deficit. However, it is the BSCC staff's recommendation that rather than fund the AHTTF program out of the FY 2013 JAG funding, the Board should consider using available unspent FY 2012 funds for that purpose.

The amount of all unspent FY 2012 JAG funding will not be known until the FY 2012 grantees have submitted their final invoices for review and approval and the grants have been closed by BSCC. We anticipate we will know the amount of available unspent FY 2012 funds no later than December 31, 2013 and can bring a funding recommendation for the AHTTF program back to the Board for consideration at the January 2014 Board meeting. The BSCC projected grant period for the nine AHTTF projects would be July 1, 2014 through September 30, 2014. The nine AHTTF projects are as follows:

- Oakland Police Department
- San Francisco Police Department
- San Jose Police Department
- Los Angeles Police Department
- Anaheim Police Department
- San Diego Sheriff Department
- Fresno Police Department
- Sacramento Sheriff Department
- Riverside Sheriff Department

Recommended Action Needed:

1. Approve the BSCC to retain 8 percent for the FY 2013 JAG statewide allocation for administrative costs.
2. Approve the funding for the current BSCC JAG funded programs and the Cal-YOR program for FY 2013 as shown in Attachment C.

Resource Person:

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