

AGENDA REPORT

TO: DEANNA J. SANTANA
CITY ADMINISTRATOR

FROM: Sean Whent
Interim Chief of Police

SUBJECT: Appropriate Edward J. Byrne Memorial
Justice Local Assistance Grant (JAG)
Funds

DATE: September 1, 2013

City Administrator
Approval

Deanna J. Santana

Date

9/12/13

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Staff recommends that the City Council adopt a Resolution authorizing the City Administrator or her designee to: 1) enter into an agreement with Alameda County to apply for Office of Justice Programs, Bureau of Justice Assistance, Edward Byrne Memorial Justice Assistance Grant (JAG) Local Program Funds; and 2) accept and appropriate JAG Grant Funds in an amount not to exceed Five Hundred Thousand, Two Hundred dollars (\$500,200) annually for the 2013 Federal Fiscal Year (FFY) October 1, 2012 through September 30, 2016; and 3) accept and appropriate JAG Grant Funds in advance for the 2014 FFY October 1, 2013 through September 30, 2017 to Supplement Frontline Policing Services.

OUTCOME

The approval of this resolution will authorize the Oakland Police Department (OPD) to accept and appropriate grant funds in an amount not to exceed \$500,200 for the 2013 FFY grant period of October 1, 2012 – September 30, 2016.

BACKGROUND/LEGISLATIVE HISTORY

For the 18th year, the City of Oakland has been awarded allocation grant funding from the U.S. Department of Justice (USDOJ), Bureau of Justice Assistance (BJS), JAG local program. The JAG local program affords applicant agencies the flexibility to prioritize and place justice funds where they are needed the most. The proposed spending plan has been submitted to and approved by Alameda County, the JAG grant's prime recipient for the region.

Item: _____
Public Safety Committee
September 24, 2013

As part of the Consolidated Appropriations Act of 2005, the 108th Congress merged the discretionary Edward Byrne Memorial Grant Program with the formula-based Local Law Enforcement Block Grant (LLEBG) program to establish the JAG program. The Bureau of Justice Assistance (BJA) administers the JAG program, and the Bureau of Justice Statistics (BJS) calculates the JAG formula-based award amounts using specifications outlined in the legislation.

In order to determine local awards, BJS determines which jurisdictions should be included in the calculation of the 3-year violent crime averages on which local awards are based. These crime averages are computed using data published by the FBI's Uniform Crime Reporting (UCR) Program. To be eligible, a jurisdiction must have provided to the UCR a count of the number of violent crimes known to law enforcement each year for a minimum of 3 years in the last 10.

BJA has developed joint application groups, consolidating certain cities and counties for the JAG program. Alameda County is part of a joint application group with the cities of Alameda, Berkeley, Emeryville, Fremont, Hayward, Livermore, Newark, Oakland, San Leandro and Union City.

ANALYSIS

The Alameda County Sheriff's Office (ACSO) is the designated lead for the Alameda County JAG consortium. ACSO serves as the fiscal agent as instructed by BJA, which requires municipalities that are allocated 150% more than the county while the county bears more than 50% of the costs associated with prosecution and incarceration of the municipality's Part 1 violent crimes, to jointly apply. ACSO formed the JAG consortium in 2005 and updates the Memorandum of Understanding (MOU), with related amendments annually upon submission of the annual JAG grant application.

Oakland's JAG grant allocation is determined by its proportion of the State's three-year violent crime average from 2009-2011 (164,670), which is a proportion of approximately 4% or $(6,571 \times \$76.13) \$500,200$. As the lead agency, ACSO is entitled to 5% of the award money for administering the JAG funds. Each member of the consortium shall be allowed to draw down its allocated funds less the 5% administrative fee.

Adopting this resolution will allow OPD to use funding from the 2013 JAG local allocation 1) to strengthen and enhance long-term law enforcement efforts throughout the City of Oakland; 2) to strengthen and expand existing enforcement operations; 3) to upgrade software and hardware computer equipment; 4) to repair; and/or purchase equipment necessary to crime fighting; and 5) to both increase and enhance the level of training officers need to be up-to-date with current best practices.

In order to make efficient and effective use of law enforcement resources, OPD will rely heavily on technology. A portion of these grant funds (\$235,000) will be used to upgrade hardware and software to enhance OPD's use of modern data management and information sharing systems.

Item: _____
Public Safety Committee
September 24, 2013

OPD also plans to utilize some of its funding (\$120,190) for purchasing, repair, and necessary upgrades of equipment essential to crime fighting. Lastly, the remaining funds (\$120,000) will be used to supplement ongoing training efforts to ensure OPD has officers that are well-trained and up-to-date with the industries current best practices.

PUBLIC OUTREACH/INTEREST

Resources will be utilized to strengthen and expand existing enforcement operations and for targeting violent crime throughout the jurisdiction.

COORDINATION

The Budget Office and the City Attorney's Office were consulted in preparation of this report.

COST SUMMARY/IMPLICATIONS

The approval of this resolution will authorize OPD to accept and appropriate grant funds in an amount not to exceed \$500,200 for the 2013 FFY grant period of October 1, 2012 – September 30, 2016. It is anticipated that OPD will also receive a JAG allocation grant for the 2014 FFY period October 1, 2013 - September 30, 2017 as well. The proposed spending plan is as follows:

1. **AMOUNT OF RECOMMENDATION/COST OF PROJECT:**

Project Delivery	\$ 475,190.00
County Administration Fee	\$ 25,010.00
Total Project Cost	\$ 500,200.00

2. **COST ELEMENTS OF AGREEMENT/CONTRACT:**

Upgrade hardware and software	\$ 235,000.00
Training and Travel	\$ 120,900.00
Upgrade and repair equipment	\$ 120,000.00

TOTAL AGREEMENT AMOUNT \$ 500,200.00

3. **SOURCE OF FUNDING:**

The federal JAG program is divided into two allocations, a *state allocation* and a *local allocation*. The state may distribute its allocation as they see fit, but must distribute the local allocation to eligible units of local government in predetermined amounts. Our county must apply as a consortium and qualifies for a local allocation of \$793,311 in JAG Local funds, which

Item: _____

Public Safety Committee
September 24, 2013

- violence suppression overtime
- necessary technology, equipment and facility upgrades and repairs
- Leadership training for Oakland Commanders and Officers
- MOU with ACSO to facilitate intelligent and information sharing information sharing

may only be used by agencies to fund any one or more of the following areas: local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice, as well as research and evaluation activities that will improve or enhance law enforcement programs related to criminal justice. The JAG Local awards include: a four-year funding span; no agency matching funds required; and an initial lump sum distribution which may be deposited into an interest bearing account.

Funding will be appropriated in the Federal Grant Fund 2112, Fiscal Services Division Org 106510, Agency-wide Administration Program PS01, in a Project Account to be determined. There is no matching fund requirement and no ongoing costs associated with the spending plan below identified at this time.

4. FISCAL IMPACT:

Approval of this resolution will authorize the City Administrator or her designee, to enter into an agreement with the County of Alameda to accept and appropriate funds from the BJA to OPD in an amount not to exceed \$ 500,200, annually for the period of October 1, 2012 – September 30, 2016 and October 1, 2013 - September 30, 2017.

PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

Prior year JAG Program grant funds provided:

- violence suppression overtime
- necessary technology, equipment and facility upgrades and repairs
- Leadership training for Oakland Commanders and Officers
- MOU with ACSO to facilitate intelligent and information sharing information sharing

SUSTAINABLE OPPORTUNITIES

Economic: Whenever possible, supplies and equipment used for this project will be purchased locally.

Environmental: There are no environmental issues associated with this report.

Social Equity: Grant funds and other resources contributed by partnering agencies are directed toward achieving increased service levels and long-term benefits for the targeted areas.

Deanna J. Santana

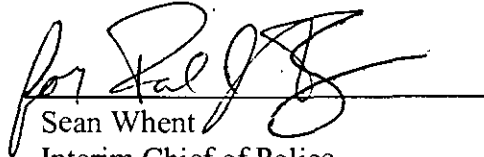
Subject: Appropriate Edward J. Byrne Memorial Justice Local Assistance Grant (JAG) Funds

Date: September 1, 2013

Page 5

For questions regarding this report, please contact Gilbert Garcia, Deputy Director of Bureau of Services, at (510) 238-6443.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "for Sean Whent", written over a horizontal line.

Sean Whent
Interim Chief of Police
Oakland Police Department

Prepared by:

Andrea Van Peteghem, Acting Grants Coordinator
OPD, Fiscal Services

Attachments: FY 2013 MOU :

Item: _____
Public Safety Committee
September 24, 2013

**ALAMEDA COUNTY NARCOTICS TASK FORCE
ADDENDUM TO MEMORANDUM OF UNDERSTANDING
ALAMEDA COUNTY JUSTICE
ASSISTANCE GRANT CONSORTIUM**

2013 AMENDMENTS

Pursuant to ARTICLE: FOUR "AMENDMENTS TO THE MOU":

The representatives from the agencies identified at the end of this 2013 Amendment may change any Article of this addendum to the MOU by following the Terms of Agreement/Addendum in the existing MOU.

The Aforementioned Representatives Agree to the Following Amendments:

- A. Article Five D. shall add the paragraph, "The eleven (11) recipient jurisdictions of FY2013 Edward J. Byrne Memorial Justice Assistance Grant (JAG) Formula Program Local Grant funds shall upon award immediately receive a lump sum distribution of all grant monies less the administrative cost reimbursement fee. These funds may be held in interest-bearing accounts according to the individual decisions of the recipient jurisdictions. The recipient jurisdictions shall maintain all of the files, records, books, invoices, documents, payrolls and other data required to be maintained in a readily accessible location and condition for a period of not less than three (3) years after final payment under this agreement or until any final audit has been fully completed, whichever is later.
- B. Article Five D., Attachment A: The "Summary Statement of Expenditures" shall be amended to note that quarterly progress reports are due to the fiscal agent of Alameda County within thirty (30) days from the final date of the reporting quarter.
- C. Any recipient jurisdiction found to have breached the terms of this agreement shall return any and all previously claimed and disbursed grant funds in question.

**ALAMEDA COUNTY JUSTICE ASSISTANCE GRANT CONSORTIUM
PARTICIPATING AGENCY OPERATIONAL AGREEMENT
MEMORANDUM OF UNDERSTANDING
2013 AMENDMENTS**

This document stands as evidence that the following agencies agree to participate in the Alameda County Cities and Alameda County Justice Assistance Grant Program and agree to the terms and conditions specified in the attached Memorandum of Understanding, and any attached Amendments and Addendums to Memorandum of Understanding, and by their duly authorized highest ranking authorities, have executed this agreement on the respective dates listed below.

Susan S. Muranishi, County Administrator, Alameda County	Date
---	------

John A. Russo, City Manager City of Alameda	Date
--	------

Christine Daniel, City Manager City of Berkeley	Date
--	------

Patrick D. O'Keeffe, City Manager, City of Emeryville	Date
--	------

Fred Diaz, City Manager City of Fremont	Date
--	------

Fran David, City Manager City of Hayward	Date
---	------

Marc Roberts, City Manager City of Livermore	Date
---	------

John Becker, City Manager City of Newark	Date
---	------

Deanna J. Santana, City Administrator, City of Oakland	Date
---	------

Chris Zapata, City Manager City of San Leandro	Date
---	------

Larry Cheeves, City Manager City of Union City	Date
---	------

FILE
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

Deicia Hynes
City Attorney

RESOLUTION No. _____ C.M.S.
2013 SEP 12 PM 1:01
Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR HER DESIGNEE, TO: 1) ENTER INTO AN AGREEMENT WITH ALAMEDA COUNTY TO APPLY FOR OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE ASSISTANCE, EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) LOCAL PROGRAM FUNDS; AND 2) ACCEPT AND APPROPRIATE JAG GRANT FUNDS IN AN AMOUNT NOT TO EXCEED FIVE HUNDRED THOUSAND, TWO HUNDRED DOLLARS (\$500,200) ANNUALLY FOR THE 2013 FEDERAL FISCAL YEAR (FFY) OCTOBER 1, 2012 THROUGH SEPTEMBER 30, 2016; AND 3) ACCEPT AND APPROPRIATE JAG GRANT FUNDS IN ADVANCE FOR THE 2014 FFY OCTOBER 1, 2013 THROUGH SEPTEMBER 30, 2017 TO SUPPLEMENT FRONTLINE POLICING SERVICES

WHEREAS, it is anticipated that annual grant funds in an amount not to exceed \$500,200 will be received from the U.S. Department of Justice (USDOJ), Office of Justice Programs, Edward Byrne Memorial Justice Assistance Grant (JAG) Local Program for frontline policing services in the Police Department; and

WHEREAS, the USDOJ, Bureau of Justice Assistance, provides funding through the JAG program to units of local government for the purpose of reducing crime and improving public safety; and

WHEREAS, the City of Oakland is required to apply for its federal allocation of JAG grant funds as a consortium led by Alameda County; and

WHEREAS, the City of Oakland has entered into a Memorandum of Understanding (MOU) with Alameda County since 2005 for the purpose of administering JAG grant funds; and

WHEREAS, the proposed program periods for the initiative is the 2013 FFY of October 1, 2012 through June 30, 2016 and 2014 FFY of October 1, 2013 through June 30, 2017; and

WHEREAS, the Government Code requires that OPD request the local jurisdiction's legislative body to appropriate said funds solely for front line law enforcement services in accordance with OPD's spending plan; and

WHEREAS, Government Code Section 30062(d) defines frontline law enforcement services to include community crime prevention programs; and

WHEREAS, the proposed spending plan will facilitate City Council's goal of crime reduction through citywide community policing and other strategies; and

WHEREAS, the sum of \$500,200 in FY 2013 and FY 2014 JAG funds received must be allocated in accordance with the JAG spending plan; and

WHEREAS, the City Council previously authorized acceptance of similar grant funds by Resolution No. 84338 C.M.S. dated May 7, 2013, Resolution No.83625 C.M.S. dated October 27, 2011, Resolution No.82934 C.M.S. dated July 20, 2010, Resolution No. 81975 C.M.S. dated May 5, 2009, Resolution No. 81581 C.M.S. dated October 7, 2008, Resolution No. 80873 C.M.S. dated October 2, 2007, Resolution No. 80128 C.M.S. dated September 19, 2006, Resolution No. 79764 C.M.S. dated March 7, 2006, and Resolution No. 79378 C.M.S. dated July 19, 2005; now, therefore be it

RESOLVED: that City Council does hereby implement the provisions of the California Government Code by accepting and increasing annual revenues and appropriations to OPD in an amount not-to-exceed \$500,200 in FFY 2013 for the period of October 1, 2012 through September 30, 2016 and FFY 2014 for the period of October 1, 2013 through September 30, 2017 in JAG local funds, plus accrued interest earnings, in accordance with the spending plan; and be it

FURTHER RESOLVED: that City Council hereby authorizes the City Administrator or her designee to enter into an annual MOU with Alameda County to apply for JAG grant funds and allocate up to 5% of the City's JAG grant allocation to the County for administration of JAG grant funds; and be it

FURTHER RESOLVED: that City Council hereby authorizes the City Administrator or her designee to accept and appropriate said grant funds to the Oakland Police Department in Federal Grant Fund (2112); Fiscal Services Division Org. (106510); Agency-wide Administration (PS01), in a Project Account to be determined; and be it

FURTHER RESOLVED: that grant funds received for JAG program shall not be used to supplant expenditures controlled by the City of Oakland; and be it

FURTHER RESOLVED: that City Council hereby appoints the City Administrator as agent of the City to conduct all ongoing negotiations, applications, agreements, and related actions which may be necessary for the completion of the aforementioned grant.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES – BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California