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OFFICE OF THE CITY CLERK
OAKLAND

2019 APR 11 PM 6:07

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Anne E. Kirkpatrick
Chief of Police

SUBJECT: FY 2017/2018 Justice Assistance
Grant

DATE: January 25, 2019

City Administrator Approval		Date:	4/11/19
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RECOMMENDATION

Staff Recommends That City Council Adopt A Resolution Authorizing The City Administrator, Or Designee, To Accept And Appropriate The Fiscal Year 2017 And 2018 Edward Byrne Memorial Justice Assistance Grant (JAG) Funds In The Amounts Of Five Hundred Thirty-five Thousand, Three Hundred Twenty-Four Dollars (\$535,324) For October 1, 2016 Through September 30, 2020, And Four Hundred Seventy-Three Thousand Nine Hundred Ninety-Two Dollars (\$473,992) For October 1, 2017 Through September 30, 2021 To Upgrade Equipment And Technology And Fund Department-Wide Training.

EXECUTIVE SUMMARY

The Oakland Police Department (OPD) will use funding from the 2017 JAG local allocation to fund helicopter maintenance, technology and equipment upgrades (purchase new computers and replace outdated equipment), and Department-wide training. OPD will also use funding from the 2018 JAG local allocation to invest in helicopter maintenance needs, technology upgrades (hardware and software), and to fund Community Police Academy training as well as other Department-wide training.

BACKGROUND / LEGISLATIVE HISTORY

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. Each county is required to apply as a consortium. Alameda County qualifies for a local allocation of \$774,808 in local funds for the 2017 JAG grant and \$713,055 in local funds for the 2018 JAG grant. These funds may only be used by agencies for the following areas: local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice. Funds may also be used for research and evaluation activities that will improve or enhance law enforcement programs related to criminal justice. The local awards provide funding over a four-year span. The local awards include an initial lump sum distribution which may be deposited into an interest-bearing account. There is no matching fund requirement.

Item: _____
Public Safety Committee
April 23, 2019

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.

To determine local awards, BJS determines which jurisdictions should be included in the calculation of the three-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 to receive JAG funds, a jurisdiction must have provided to the UCR the number of violent crimes known to law enforcement each year for a minimum of three 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. The Alameda County Sheriff's Office (ACSO) is the designated lead for the Alameda County JAG consortium.

The City Council previously authorized acceptance of similar grant funds by Resolution No. 86466 C.M.S. dated November 1, 2016, Resolution No. 85870 C.M.S. dated November 3, 2015, Resolution No. 85530 C.M.S. dated April 21, 2015, Resolution No. 84641 C.M.S. dated October 1, 2013, 84338 C.M.S. dated May 7, 2013, Resolution No. 83625 C.M.S. dated November 11, 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 September 19, 2006, and Resolution No. 79378 C.M.S. dated July 19, 2005.

Prior year JAG Program grant funds were used to:

- Purchase Tasers
- Upgrade SWAT uniforms
- Purchase vans
- Install and implement a property and evidence barcode system and video camera
- Upgrade to a new dispatch training simulator
- Upgrade software for the communications division and crime analysis
- Purchase specialized microscopes for crime
- Department-wide training

For the current grants, the US Department of Justice (DOJ) delayed commencing the FY2017 Justice Assistance Grant (JAG) funding solicitation process until it issued immigration compliance requirements on July 25, 2017. The new conditions of the JAG program required grantees to agree to comply with increased information sharing requirements between federal, state, and local law enforcement, so that federal immigration authorities would be better positioned to enforce immigration laws. The new conditions also sought to encourage 'sanctuary

cities' to change their immigration policies. DOJ's announcement stated that grants would only be issued to cities and states that complied with the 8 U.S.C. § 1373 ruling and required applicants to agree to sign a Certification of Compliance with 8 U.S.C. § 1373 in order to accept JAG awards. This requirement was in addition to the usual MOU that JAG-funded cities sign with Alameda County. DOJ clarified two weeks later that cities did not have to certify compliance when applying, but that all awardees would need to comply should they accept the funds. The City determined at that time that even though it was unapologetically a sanctuary city, Oakland would still apply for 2017 JAG funds as part of the Alameda County consortium, since several jurisdictions had filed legal challenges to the new requirements and future court decisions could strike down the ruling. OPD and Alameda County submitted its JAG grant application prior to the August 31, 2017 deadline. In late September 2017, some (not all) of the DOJ's certification requirements were struck down by courts, but no DOJ announcements were made about JAG awards for many months.

In May 2018, DOJ asked the City to explain why OPD's Immigration Policy does not violate 8 USC 1373, and the City Attorney submitted a letter explaining its position. On these grounds, the City also applied for 2018 JAG grant funding at the end of August 2018, though no sanctuary cities in California had been awarded JAG grants at that time and the certification of compliance requirement was still in place for applicants that intended to accept the grant award. On October 10, 2018 OPD was notified that since DOJ's authority to require compliance with the immigration-related award conditions in FY 2017 JAG awards was the subject of pending litigation, including a preliminary injunction, DOJ would not use or enforce those conditions in any federal grants, including JAG awards. On November 2, 2018, the Alameda County consortium was notified that it had been awarded \$774,808 in 2017 JAG funds, with Oakland's award totaling \$535,324; however, the special conditions related to immigration enforcement were still listed in the grant agreement. On November 27, 2018, the California Department of Justice notified 2017 JAG awardees that the US DOJ was prevented from enforcing those special conditions while the injunction was in effect, clarifying, "Acceptance of the awards does not constitute acceptance of the immigration enforcement requirements," and "no California recipient of JAG awards is required to submit the Certification of Compliance with 8 U.S.C. § 1373" referenced in the 2017 or 2018 JAG awards." Accordingly, the City of Oakland signed a revised Memorandum of Understanding (MOU) with Alameda County that clarified awardees were not required to comply with 8 U.S.C. § 1373 to accept the \$535,324 in JAG funds on December 19, 2018. Per the Alameda County Sheriff's Office grant liaison, OPD anticipates receiving the 2018 JAG grant award in the amount of \$473,992 by the end of June 2019.

ANALYSIS AND POLICY ALTERNATIVES

The Alameda County Sheriff's Office (ACSO) formed the Alameda County JAG consortium in 2005 and updates the Memorandum of Understanding (MOU) with related amendments annually upon submission of the annual JAG grant application. As the lead agency, ACSO is entitled to five percent of the award money for administering the JAG funds. Each member of the consortium may draw down its allocated funds less the five percent administrative fee. OPD relies on JAG grant funding for equipment and training to utilize best practices, ensure transparency, and build public trust.

One portion of the FY2017 Byrne JAG Local grant funds will be used to fund OPD's helicopter maintenance (\$150,000) and to purchase new computers (\$70,000). Grant funds will also be used for technology enhancements (\$164,000). OPD will utilize the remaining portion of the grant (\$124,557) to provide additional training to law enforcement personnel, both to send law enforcement personnel to courses and conferences and to bring specialized training to OPD.

In terms of the FY2018 JAG grant, a portion of the grant funds will be used to replace outdated technology with modern hardware and upgraded software (\$130,000). As with the 2017 JAG grant, a share of FY2018 JAG funding will be used for necessary helicopter maintenance (\$100,000). Finally, OPD will use grant funds to deliver Community Police Academy training that will acquaint individuals in the community who are not sworn police officers with the activities of OPD (\$60,000), and to ensure law enforcement personnel receive needed training (\$160,292).

FISCAL IMPACT

The spending plan for the Fiscal Year 2017 JAG Local allocation is as follows:

Description of Funds	Amount
Helicopter maintenance	\$150,000.00
New computers	\$70,000.00
Technology enhancements	\$164,000.00
Department-wide training	\$124,557.80
Oakland Spending Plan Total	\$508,557.80
Alameda County 5% Administrative Cost	\$26,766.20
Oakland Allocation Grand Total	\$535,324.60

The spending plan for the Fiscal Year 2018 JAG Local allocation is as follows:

Description of Funds	Amount
Technology and software upgrades	\$130,000.00
Helicopter maintenance	\$100,000.00
Community Police Academy training	\$60,000.00
Department-wide training	\$160,292.40
Oakland Spending Plan Total	\$450,292.40
Alameda County 5% Administrative Cost	\$23,699.60
Oakland Allocation Grand Total	\$473,992.00

OPD is seeking approval to accept and appropriate the FY 2017 Edward Byrne Memorial JAG funds in advance in an amount not to exceed \$535,324 for October 1, 2016 through September 30, 2020, as well as the FY 2017 Edward Byrne Memorial JAG funds in an amount not to exceed four hundred seventy-three thousand nine hundred ninety-two dollars (\$473,992) for October 1, 2017 through September 30, 2021. These funds will be used to strengthen and

enhance long-term policing efforts throughout the City of Oakland by investing in training, and to purchase, repair or maintain equipment/technology necessary to crime fighting.

Funding will be appropriated in the Federal Grant Fund (2112), Fiscal Services Division Org (106510), Agency-wide Administration Program (PS01) and in two Projects and Accounts to be determined.

Fiscal Year	Fund Source	Organization	Account	Project	Program	Amount
2017	2112	106510	TBD	TBD	PS01	\$535,324
2018	2112	106510	TBD	TBD	PS01	\$473,992
Total:						\$1,009,316

PUBLIC OUTREACH / INTEREST

There was no public outreach for the preparation of this report beyond the standard City Council noticing procedures.

COORDINATION

This report was reviewed by the Office of the City Attorney and the Budget Bureau.

SUSTAINABLE OPPORTUNITIES

Economic: When possible, supplies and equipment for this grant will be purchased locally.

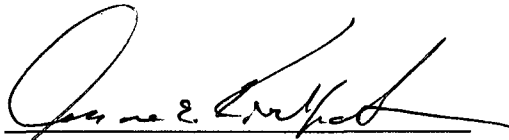
Environmental: There are no environmental issues associated with this report.

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

Staff Recommends That City Council Adopt A Resolution Authorizing The City Administrator, Or Designee, To Accept And Appropriate The Fiscal Year 2017 And 2018 Edward Byrne Memorial Justice Assistance Grant (JAG) Funds In The Amounts Of Five Hundred Thirty-Five Thousand, Three Hundred Twenty-Four Dollars (\$535,324) For October 1, 2016 Through September 30, 2020, And Four Hundred Seventy-Three Thousand Nine Hundred Ninety-Two Dollars (\$473,992) For October 1, 2017 Through September 30, 2021 To Upgrade Equipment And Technology And Fund Department-Wide Training.

For questions regarding this report, please contact Donneshia Nell Wallington, Fiscal Manager, at (510) 238-3288.

Respectfully submitted,



Anne E. Kirkpatrick
Chief of Police
Oakland Police Department

Reviewed by:
D. Nell Wallington, Fiscal Manager
OPD, Fiscal Services Division

Bruce Stoffmacher, Acting Police Services
Manager I, OPD, Research and Planning

Prepared by:
Molly Giesen-Fields, Grants Coordinator
OPD, Fiscal Services Division

2019 APR 11 PM 6:07


City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO ACCEPT AND APPROPRIATE THE FISCAL YEAR 2017 AND 2018 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FUNDS IN THE AMOUNTS OF FIVE HUNDRED THIRTY-FIVE THOUSAND, THREE HUNDRED TWENTY-FOUR DOLLARS (\$535,324) FOR OCTOBER 1, 2016 THROUGH SEPTEMBER 30, 2020, AND FOUR HUNDRED SEVENTY-THREE THOUSAND NINE HUNDRED NINETY-TWO DOLLARS (\$473,992) FOR OCTOBER 1, 2017 THROUGH SEPTEMBER 30, 2021 TO UPGRADE EQUIPMENT AND FUND DEPARTMENT-WIDE TRAINING.

WHEREAS, the U.S. Department of Justice (DOJ), Office of Justice Programs, Edward Byrne Memorial Justice Assistance Grant (JAG) Local Program awarded the Oakland Police Department (OPD) grant funds in the amounts of \$535,324 for 2017 and \$473,992 for 2018; and

WHEREAS, DOJ, Bureau of Justice Assistance (BJA), provides annual 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 Sheriff's Office (ACSO); and

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

WHEREAS, the City Council previously authorized acceptance of similar grant funds by Resolution No. 86466 C.M.S. dated November 1, 2016, Resolution No. 85870 C.M.S. dated November 3, 2015, Resolution No. 85530 C.M.S. dated April 21, 2015, Resolution No. 84641 C.M.S. dated October 1, 2013, 84338 C.M.S. dated May 7, 2013, Resolution No. 83625 C.M.S. dated November 11, 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 September 19, 2006, and Resolution No. 79378 C.M.S. dated July 19, 2005; now, therefore be it

RESOLVED: That the City Council hereby authorizes the City Administrator, or designee, to accept and appropriate funds from the DOJ JAG Local Program in the amounts of five hundred thirty-five thousand, three hundred twenty-four dollars (\$535,324) for October 1, 2016 through September 30, 2020 and four hundred seventy-three thousand nine hundred ninety-two dollars (\$473,992) for October 1, 2017 Through September 30, 2020; and be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator, or designee, to accept and appropriate funds from the U.S. Department of Justice, Office of Justice Programs, Edward Byrne Memorial DOJ JAG Local Program in advance in the amounts of five hundred thirty-five thousand, three hundred twenty-four dollars (\$535,324) for October 1, 2016 through September 30, 2020 and four hundred seventy-three thousand nine hundred ninety-two dollars (\$473,992) for October 1, 2017 Through September 30, 2020; and be it

FUTHER RESOLVED: That the City Council authorizes OPD to appropriate accrued interest earnings and spend funds in accordance with the spending plan; 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 and 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 the City Administrator, or designee, is hereby authorized to complete all required negotiations, certifications, assurances and documentation required to accept, modify, extend and/or amend the MOU.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council of the
City of Oakland, California