



## Agenda Report

21-1511

Agenda Date: 11/16/2021

### REPORT TO COUNCIL

#### SUBJECT

Action on the Approval of FY 21 Edward Byrne Memorial Justice Assistance Grant Funding and Related Budget Amendment

#### COUNCIL PILLAR

Deliver and Enhance High Quality Efficient Services and Infrastructure

#### BACKGROUND

In early 2005, the Bureau of Justice Administration (BJA) made the decision to combine the Byrne Formula Grant and the Local Law Enforcement Block Grant (LLEBG) Programs into the Edward Byrne Memorial Justice Assistance Grant (JAG) program. JAG is the primary provider of federal criminal justice funding to states and units of local government.

The JAG Program allows states and units of local government, including tribes, to support a broad range of activities to prevent and control crime based on their own state and local needs and conditions. Grant funds can be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice, including for any one or more of the following program areas:

- law enforcement programs;
- prosecution and court programs;
- prevention and education programs;
- corrections and community corrections programs;
- drug treatment and enforcement programs;
- planning, evaluation, and technology improvement programs;
- crime victim and witness programs (other than compensation); and,
- mental health programs and related law enforcement and corrections programs, including behavioral programs and crisis intervention teams

The Police Department has had the good fortune to be awarded \$110,039 in JAG funds in recent years (FY 12, \$14,855; FY 13, \$13,373; FY 14, \$15,847; FY 15, \$14,044; FY 16, \$14,806; FY 17, \$12,254; FY 19, \$12,391; FY 20, \$12,469). The Department did not apply for a FY 18 grant.

According to the FY 21 Solicitation, the Police Department was eligible to receive up to \$15,931.

#### DISCUSSION

The Police Department sought JAG 21 funding to augment its training equipment inventory and to enhance the scope and volume of training equipment available to our officers. Federal grant funds

cannot be used to supplant local funds.

Like law enforcement agencies across the nation, when circumstances reasonably permit, the Santa Clara Police Department uses non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, enhance communication, reduce the need for force and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion, etc.).

In the era of COVID-19 and related lockdowns, attending in-person trainings has been difficult. Yet, the priority for training has only intensified in recent years.

The Police Department prides itself on offering state-of-the-art training opportunities to our staff on timely, and difficult topics, including: racial profiling, implicit bias, procedural justice, use of force, active shooter, etc. The Department's Training Unit incorporates scenarios based on real-world incidents from recent incidents with an emphasis on decreasing the scope or intensity. Maintaining this level of accountability takes a significant volume of staff and equipment resources. Meanwhile, our Command staff continues to develop and maintain policies with a focus on accountability, transparency, trust and duty to intervene.

During the pandemic, the Police Department found many of our training tools to be shared resources. For example, completely enclosed simunition masks and/or helmets are worn for a full 11-hour shift during a training day. The following day, another officer is expected to proceed through the same training using the same equipment. Disinfecting the equipment is not only time consuming, but the harsh chemicals have damaged some equipment (e.g., foam material on the inside of masks/helmets) as a result of repeated cleanings between training cycles.

To avoid risk of future disease exposure, there has been a desire to increase the volume of equipment resources available to staff for routine and specialized training. This JAG 21 grant, in the amount of \$15,931, will allow the Police Department to purchase of personal protective gear for a portion of our police officers.

This grant solicitation has an award condition to direct 3% of the JAG award toward achieving full compliance with the Federal Bureau of Investigation's National Incident Based Reporting System (NIBRS) data submission requirements under the Uniform Crime Report Program. The Police Department went "live" with a new Records Management System (Mark43) on September 1, 2021 and has started the NIBRS certification process. As a result, the Police Department has not earmarked any JAG21 funds for NIBRS.

Additionally, up to 10 percent of a JAG award, or \$1,593, may be used for costs associated with administering the award, which can include indirect costs.

This funding cycle concludes on September 30, 2022.

### **ENVIRONMENTAL REVIEW**

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

**FISCAL IMPACT**

Acceptance and appropriation of this Edward Byrne Memorial Justice Assistance Grant funding will support the Department's training efforts and pending policy adjustments.

<b>Budget Amendment FY 2021/22</b>			
	<b>Current</b>	<b>Increase/ (Decrease)</b>	<b>Revised</b>
<b>Police Department Operating Grant Trust Fund</b>			
<u>Revenue</u>			
Grant Funding	\$0	\$15,931	\$15,931
<u>Expenditure</u>			
FY 21 Edward Byrne Memorial Justice Assistance Grant	\$0	\$15,931	\$15,931

**COORDINATION**

This report was coordinated with the Finance Department and the City Attorney's Office.

**PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email [clerk@santaclaraca.gov](mailto:clerk@santaclaraca.gov) <<mailto:clerk@santaclaraca.gov>>.

**RECOMMENDATION**

1. Accept and approve the FY21 Edward Byrne Memorial Justice Assistance Grant funding of \$15,931;
2. Consistent with City Charter Section 1305, *"At any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the **affirmative votes of at least five members** so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenue not included in the budget,"* approve the related FY 2021/22 budget amendment in the Police Operating Grant Trust Fund to recognize grant revenue in the amount of \$15,931 and establish an Edward Byrne Memorial Justice Assistance Grant Program 2021 appropriation in the amount of \$15,931 (**five affirmative Council votes required to appropriate additional revenue** );
3. Authorize the City Manager, Finance Director and Management Analyst to sign grant-related documents;
4. Authorize the Mayor to sign the Certifications and Assurances by the Chief Executive of the Applicant Government form; and,
5. Authorize the City Manager to execute purchase order(s), subject to the appropriation of funds, to purchase the equipment described above.

Reviewed by: Patrick Nikolai, Chief of Police

Approved by: Deanna J. Santana, City Manager

**ATTACHMENTS**

1. Application related documents
2. FY 21 Edward Byrne Memorial Justice Assistance Grant Funding Allocation
3. Certifications and Assurances by the Chief Executive of the Applicant Government
4. FY 21 Edward Byrne Memorial Justice Assistance Grant Award