

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
BOARD ACTION SUMMARY

DEPT: Sheriff BOARD AGENDA #: \*B-10

AGENDA DATE: September 26, 2017

**SUBJECT:**

Approval to apply for, and Accept if Awarded, the 2017 Edward Byrne Memorial Justice Assistance Grant from the Bureau of Justice Assistance to Enhance Criminal Justice Processes

**BOARD ACTION AS FOLLOWS:**

No. 2017-549

On motion of Supervisor Olsen, Seconded by Supervisor Withrow  
and approved by the following vote,

Ayes: Supervisors: Olsen, Withrow, Monteith, DeMartini, and Chairman Chiesa

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1)  Approved as recommended

2)  Denied

3)  Approved as amended


4)  Other:

MOTION:

ATTEST: Elizabeth A. King  
ELIZABETH A. KING, Clerk of the Board of Supervisors

File No.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
AGENDA ITEM**

DEPT: Sheriff  
Urgent  Routine  

BOARD AGENDA #: \*B-10  
AGENDA DATE: September 26, 2017

CEO CONCURRENCE: *ph* 4/5 Vote Required: Yes  No

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**SUBJECT:**

Approval to apply for, and Accept if Awarded, the 2017 Edward Byrne Memorial Justice Assistance Grant from the Bureau of Justice Assistance to Enhance Criminal Justice Processes

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**STAFF RECOMMENDATIONS:**

1. Authorize the Sheriff to submit a joint grant application with the City of Modesto to the Bureau of Justice Assistance, and to accept the grant if awarded, for the 2017 Edward Byrne Memorial Justice Assistance Grant funding to enhance criminal justice processes.
2. Authorize the Chairman of the Board of Supervisors to sign the Memorandum of Agreement between the County of Stanislaus and the City of Modesto for the Justice Assistance Grant (JAG) Program Award.

**DISCUSSION:**

For Federal Fiscal Year 2017, \$10.6 million has been appropriated to the State of California for the Edward Byrne Memorial Justice Assistance Grant (JAG) that is administered by the Bureau of Justice Assistance (BJA), U.S. Department of Justice. The JAG program allows states, tribes and local governments to support a broad range of activities to prevent and control crime based on their own local needs and conditions.

For Stanislaus County, funding in the amount of \$169,479 is available in the 2017 Edward Byrne Memorial Justice Assistance Grant for October 1, 2016 to September 30, 2020. Grant funds are anticipated to be expended in the 2017-2018 Fiscal Year, however if needed, funds may be expended in following years, expiring September 30, 2020. Funds are reimbursed by the State as funds are expended. This is the thirteenth year that the JAG program will be available.

The Department of Justice (DOJ) requires that the County and the City of Modesto submit a joint application due to what the DOJ terms Disparate Allocation. According to the DOJ this occurs "when a city or municipality is scheduled to receive one and one-half times (150 percent) more than a county with concurrent jurisdiction, while that county bears more than 50 percent of the costs associated with prosecution or incarceration of the municipality's Part 1 violent crime. When this occurs, the county and cities must identify a fiscal agent and submit a joint application for the total eligible amount.

Approval to apply for, and Accept if Awarded, the 2017 Edward Byrne Memorial Justice Assistance Grant from the Bureau of Justice Assistance to Enhance Criminal Justice Processes

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The Stanislaus County Sheriff's Department has been identified as the fiscal agent and will submit the joint application with the City of Modesto Police Department for the total grant amount of \$169,479 to be split among three agencies: Stanislaus County Probation Department, Stanislaus County Sheriff's Department and the City of Modesto Police Department. The grant allows for an administrative fee of up to 10% to be charged by the fiscal agent. The Sheriff's Department will be receiving a 3% administrative fee for the City of Modesto's portion, which will cover all of the administrative costs.

The following table details funding awarded to Stanislaus County from the 2016 JAG grant, funding available for the 2017 JAG grant and the increase received in 2017 from the prior grant year.

	2016 JAG Award	2017 JAG Grant Avail	Change
Probation	\$ 7,656	\$ 7,182	\$ (474)
Sheriff	\$ 22,970	\$ 21,546	\$(1,424)
Sheriff - Administration Fee	\$ 4,059	\$ 4,223	\$ 164
Modesto Police Department	\$ 131,252	\$ 136,528	\$ 5,276
<b>Total</b>	<b>\$ 165,937</b>	<b>\$ 169,479</b>	<b>\$ 3,542</b>

The Modesto Police Department will use its allocated share of \$136,528 to purchase License Plate Reader (LPR) equipment and analytical software to enhance their intelligence-led policing efforts. The Probation Department will use its allocated share of \$7,182 to fund a portion of a Deputy Probation Officer for the Domestic Violence Program. The Sheriff's Department will use its allocated share of \$21,546 to purchase dual band radios that will be compliant with agencies within Stanislaus County.

The Modesto City Council will vote to approve and sign the attached agreement at the September 26, 2017 City Council meeting.

**POLICY ISSUE:**

Board approval of an agreement stating that the County will be the fiscal agent for these funds is required to apply for this entitlement funding prior to the obligation of program funds.

**FISCAL IMPACT:**

Funding in the amount of \$169,479 is available in the 2017 Edward Byrne Memorial Justice Assistance Grant for Stanislaus County. A County match is not required for this grant. Once the award is received, the Sheriff's Department will return to the Board of Supervisors if necessary to request an increase in revenue and appropriations in a future budget cycle.

Approval to apply for, and Accept if Awarded, the 2017 Edward Byrne Memorial Justice Assistance Grant from the Bureau of Justice Assistance to Enhance Criminal Justice Processes

<b>Cost of recommended action:</b>		\$ 169,479
<b>Source(s) of Funding:</b>		
2017 Byrne JAG Grant Funds	169,479	
<b>Funding Total:</b>		\$ 169,479
<b>Net Cost to County General Fund</b>		\$ -

<b>Fiscal Year:</b>	2017/2018
<b>Budget Adjustment/Appropriations needed:</b>	No

**BOARD OF SUPERVISORS' PRIORITY:**

Utilization of this funding will enhance criminal justice processes in our community, consistent with the Board's stated priorities of ensuring A Safe Community and Effective Partnerships.

**STAFFING IMPACT:**

There are no recommendations to modify the Salary and Position Allocation Resolution by this action.

**CONTACT PERSON:**

Adam Christianson, Sheriff – Coroner, telephone (209) 525-7015

**ATTACHMENT(S):**

Attachment 1 - Memorandum of Agreement Between the County of Stanislaus and The City of Modesto

Attachment 2 - Edward Byrne Memorial Justice Assistance Grant Narrative

# ATTACHMENT I

**MEMORANDUM OF AGREEMENT  
BETWEEN THE COUNTY OF STANISLAUS AND  
THE CITY OF MODESTO FOR THE  
EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG)  
FORMULA PROGRAM: LOCAL SOLICITATION AWARD**

This Agreement is made and entered into this 24th of October, 2017, by and between the County of Stanislaus, hereinafter referred to as COUNTY, and the City of Modesto, hereinafter referred to as CITY, to distribute the above referenced grant funds:

**WHEREAS**, the COUNTY and the CITY, in performing governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments from current revenues legally available to that party, and

**WHEREAS**, the COUNTY and the CITY find that the performance of this Agreement is in the best interests of both parties, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services or functions under this Agreement, and

**WHEREAS**, the CITY's share of the JAG award that was awarded to both the COUNTY and CITY for the Equipment Offset is \$136,528 (\$140,751 less 3% Administrative Fee of \$4,223 to be paid to the County for serving as the applicant/fiscal agent for joint funds), and

**WHEREAS**, the COUNTY and the CITY believe it to be in their best interests to reallocate the JAG funds as set forth above.

**NOW THEREFORE, the COUNTY and CITY agree as follows:**

**Section 1.**

COUNTY and CITY agree the total joint allocation award amount is \$169,479.

**Section 2.**

COUNTY agrees CITY'S share of the award is a total of \$136,528 of JAG funds.

**Section 3.**

CITY agrees to use \$136,528 to purchase License Plate Reader Equipment and Analytical Software.

**Section 4.**

The CITY agrees to provide the COUNTY a quarterly financial and programmatic report not later than fifteen (15) calendar days after the end of the quarter. This will allow the COUNTY to submit the final report on the grant in the required thirty (30) calendar days after the end of each quarter.

The Programmatic and Financial Reporting Periods and Due Dates to the County are as follows:

October-December	January 15
January-March	April 15
April-June	July 15
July-September	October 15

**Section 5.**

Nothing in the performance of this Agreement shall impose any liability for claims against COUNTY other than claims for which liability may be imposed by the Tort Claims Act.

**Section 6.**

Nothing in the performance of this Agreement shall impose any liability for claims against CITY other than claims for which liability may be imposed by the Tort Claims Act.

**Section 7.**

Each party shall assume the responsibility and liability for the acts and omissions of its own deputies, officers, agents and/or employees in conjunction with the performance of their official duties under this Agreement. For tort liability purposes, no party shall be considered the agent of the other. Each party shall be liable (if at all) for the torts of its own deputies, officers, agents, and/or employees that occur within the scope of their official duties in the execution of this Agreement.

**Section 8.**

The parties to this Agreement do not intend for any third party to obtain a right by virtue of this Agreement.

**Section 9.**

Nothing in this Agreement shall be interpreted to create a partnership, agency relationship, or joint powers authority between the parties; further, this Agreement shall not create any rights in any party not a signatory hereto.

**Section 10.**

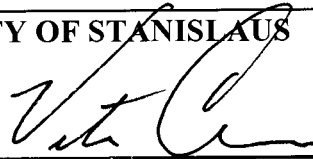

Both parties agree to adhere to the provisions of 42 USC 3755(d)(2)(B) and any other relevant federal and state law in the disbursements of the JAG funds.

**Section 11.**

If either party wishes to terminate this Agreement, thirty (30) days written notice shall be given to the other party.

The signature of the parties below designate acceptance of the terms of this Agreement and shall be binding upon the parties upon the effective date of the Agreement.

IN WITNESS WHEREOF, the City of Modesto, a municipal corporation, has authorized the execution of this Agreement in duplicate by its City Manager and attestation by its City Clerk under authority of Resolution No. 2017- 417, adopted by the Council of the City of Modesto on the 24<sup>th</sup> day of October 2017, and the County of Stanislaus has caused this Agreement to be duly executed.

<b>COUNTY OF STANISLAUS</b>  By: <u></u> Vito Chiesa, Chairman Board of Supervisors  "County"	<b>CITY OF MODESTO</b>  By: <u></u> Joseph P. Lopez Interim City Manager  "City"
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ATTEST:

By: Elizabeth King  
Clerk of the Board

ATTEST:

By: Stephanie Lopez  
Stephanie Lopez, City Clerk

APPROVED AS TO FORM:

By: Robert J. Taro  
Robert J. Taro, County Counsel

APPROVED AS TO FORM:

By: Adam U. Lindgren  
Adam U. Lindgren, City Attorney

# ATTACHMENT II

Edward Byrne Memorial Justice Assistance Grant  
(JAG) Formula Program: Local Solicitation  
CFDA # 16.738

Applying Agencies: Joint Application with the Stanislaus County Sheriff's Department, Probation Department, and the City of Modesto.

Eligible Joint Allocation: \$169,479

**Program Narrative:**

The Stanislaus County Sheriff's Department and the City of Modesto Police Department are submitting a joint application for a total amount of \$169,479, with the Stanislaus County Sheriff's Department being the fiscal agent. The County will be assessing a 3% administrative fee from City of Modesto, in the amount of \$4,223, to cover administrative and reporting costs associated with the grant.

The City of Modesto Police Department will use its allocated \$136,528 to help fund the acquisition and implementation of License Plate Reader (LPR) equipment and analytical software as part of department-wide intelligence-led policing efforts. The Stanislaus County Sheriff's Department will disburse its allocated funding of \$28,728 between the Probation Department and Sheriff's Operations Division. The Sheriff's Department will use the allocated \$21,546 to purchase P25 compliant 800 MHz portable radios. The remaining \$7,182 will be disbursed to the Probation Department to fund a portion of a Deputy Probation Officer for the Domestic Violence Program.

A Memorandum of Understanding (MOU), which will be executed and signed by each jurisdiction's authorized representative, is attached. The MOU outlines each jurisdiction's allocation and identifies the applicant/fiscal agent for the joint funds.

## Modesto Police Department

The Modesto Police Department (MPD) will use its allocated funding of \$140,751, less 3% administrative fees in the amount of \$4,223, to purchase and implement License Plate Reader (LPR) equipment and analytical software as part of department-wide intelligence-led policing efforts. The LPR program will provide real-time information to officers in the field on the location of vehicles that have been stolen and/or are associated with high-level offenses.

According to the National Insurance Crime Bureau (NICB) the Modesto Metropolitan Area, which encompasses Stanislaus County and all of its cities – had 3,820 vehicle thefts in 2016, for a rate of 767 thefts per 100,000 residents, the fourth highest in the nation. The area ranked highest in the nation in 2015, and fifth in 2014. It has been ranked first seven times since 2004.

The Modesto Police Department (MPD) has completed construction on a Real Time Crime Center (RTCC). These efforts have improved policing efficiency and increased officer safety by providing real-time information to Officers in the field derived from video feeds, vehicle and officer location information, and incident information. The RTCC houses a state-of-the-art multi-panel video wall and several workstations that are manned with RTCC operators. A Request for Purchase (RFP) has been issued for the purchase of a series of License Plate Reader (LPR) cameras and corresponding analytical software that will enhance the abilities of the RTCC operators to conduct intelligence-led policing by extracting value and centralizing the geospatial (mapped) data in a fast, and easy-to-use RTCC dashboard (aka, portal). This will better enable the Modesto Police Department to fulfill the City of Modesto's strategic commitment of providing Great, Safe Neighborhoods to city residents by increasing Officer and community safety. The information captured by LPR systems installed in strategic parts of the city at fixed

locations and on police vehicles will help identify vehicles and suspects involved in criminal activity.

LPR systems will be capable of fixed and mobile installations. They will be able to interface and be installed upon existing city infrastructure with minimal modification and capture vehicle license plates in both light and dark settings. The LPR systems will be able to wirelessly communicate with an offsite repository where captured data can be stored, compared with known stolen vehicles, provide alerts to personnel, and later accessed for investigative inquiry.

The analytical software will provide a fast, easy-to-use interface that is available to RTCC operators and field personnel to derive intelligence from the data quickly. The software will allow for access from fixed workstations at the Modesto Police Department, in-car mobile computers, and mobile devices.

Timely and effective coordination of resources is critical for Officers and general public safety; and in the detection and apprehension of dangerous criminal suspects.

The software chosen will be in compliance with FBI Criminal Justice Information Services (CJIS) and the California Department of Justice requirements. The software will meet compliance requirements as they pertain to data storage, specifically with on-premises vs. cloud solutions. This software will enhance the Department's ability to share information and to coordinate public safety response to all hazards, including crimes in progress.

The City of Modesto and the Modesto Police Department are committed to maximizing the use of technology, innovative ideas and crime analysis in the deployment of its limited resources that provides the best level of service in support of our citizens and community.

The City of Modesto continues to face difficult financial challenges, and is slowly recovering from the recession. Therefore, purchases that help the department better utilize its

time and money, and allows for targeted enforcement, such as the LPR system would provide a wise investment during these troubled financial times.

Utilizing this funding to purchase this equipment and software would be a vital asset to the Modesto Police Department.

Stanislaus County Sheriff's Department:

The Stanislaus County Sheriff's Department will use its allocated funding of \$21,546 to purchase P25 compliant 800 MHz portable radios during Fiscal Year 2017-2018.

The overall regional communications between public safety agencies in Stanislaus County are inadequate and with the FCC mandated narrow banding requirements, radio coverage is significantly reduced. Major components of the current system are over 25 years old and do not adequately meet the needs of the public safety agencies in the county.

Stanislaus County uses a conventional analog VHF system and the new P25 compliant 800 MHz portable radios will provide seamless improved radio frequency coverage and buildings penetration in the rural and unincorporated communities within the County, in addition to the numerous unincorporated islands located in and around the cities that make up the balance of the unincorporated population. These P25 compliant radios will provide our officers with much better transmit quality and overall better audio quality when compared to existing equipment, thereby enhancing our ability to share information and coordinate public safety response to all hazards and emergencies, including crimes in progress.

Interoperable coverage throughout the county continues to be sporadic and aging equipment needs to be replaced to improve day-to-day operability. Improvements to the current system are underway, including the preliminary stages of the build out of an 800 MHz P25

simulcast trunking radio system. However, more work needs to be done to improve coverage for day-to-day operability and for interagency interoperability.

The County of Stanislaus and the Stanislaus County Sheriff's Department are committed to the development of a radio communications network that provides the best level of service in support of our citizens and community.

Utilizing this funding to purchase P25 compliant radios would be a vital asset to the Stanislaus County Sheriff's Department.

Stanislaus County Probation Department:

The Stanislaus County Probation Department will fund a portion of a Deputy Probation Officer for Fiscal Year 2017-2018.

Like other public safety agencies in the county, the Probation Department has not been immune to the impacts of decreasing revenue and increasing demands for service. For example, California Senate Bill 190, if passed, will essentially eliminate the ability of any county probation department from collecting any administrative fines and fees from families with youth in the juvenile justice system. The fiscal impact to the Department is estimated at approximately \$175,000 per year in revenue. California Senate Bill 190 would be effective January 1, 2018 and would make any court-ordered costs imposed by the specific sections of the California Welfare and Institutions Code unenforceable and uncollectable.

The Probation Department will use JAG funding to staff a portion of a Deputy Probation Officer for the Domestic Violence Program for Fiscal Year 2017-2018. The officer will supervise adult felons convicted of domestic violence crimes.

**Project Objectives:**

City of Modesto Police Department:

The LPR program will improve policing efficiency and increase officer safety by providing real-time information to officers in the field on the location of vehicles that have been stolen and/or are associated with high-level criminal offenses.

The LPR system and analytical software will allow for MPD personnel to identify criminal activity, improve response times, and officer safety. Additionally, it will enhance the Department's ability to provide critical information to field personnel as well as provide an easily accessible repository of information for Officers and Crime Analysts to better facilitate and enhance their investigations. Timely and effective coordination of resources is critical for both Officers and public safety; and in the detection and apprehension of dangerous criminal suspects.

Stanislaus County Sheriff's Department:

The new P25 compliant 800 MHz portable radios will provide our officers with improved communication and efficiency through better audio quality and coverage. Our officers will be better equipped to assist each other, share information and to coordinate public safety response to all hazards and emergencies.

Stanislaus County Probation Department:

This funding will assist in maintaining staffing levels for supervision of adult probationers convicted of domestic violence and felonious crimes, as well as promote responsible behavior and offender accountability.



## **Capabilities and Competencies:**

The County of Stanislaus will be the fiduciary agency for the JAG program award fund and is highly qualified to undertake the grant project. The Stanislaus County Sheriff's Department is a progressive law enforcement agency, consisting of an authorized staff of 224 full time and 27 part time sworn positions and an operating budget exceeding \$114 million dollars. The Sheriff's Department is a law enforcement organization based upon a philosophy of community policing. Our department's mission statement clearly delineates our priorities:

*"We, the members of the Stanislaus County Sheriff's Department are dedicated to serve and protect the community through the highest standards of professionalism and ethical conduct by Enforcement, Prevention and Education in partnership with the community".*

The Modesto Police Department is a progressive law enforcement agency, consisting of an authorized sworn staff of 311.5 full-time employees, including an authorized sworn staff of 219 full time and 22 part-time and an operating budget of approximately \$62.5 million. The Department operates with a community-policing philosophy and in a community-policing mode.

The Modesto Police Department's Mission Statement is:

*"To drive the crime rate down and improve the quality of life in the city of Modesto."*

The Modesto Police Department's Vision Statement is:

*"The city of Modesto is a safe place to live, work and play. We proactively enforce laws, develop long-term solutions to problems and engage in crime prevention in partnership with the community. The Modesto Police Department is a leader in Intelligence-Led Policing. We maximize the use of technology, innovative ideas and crime analysis in the deployment of our resources."*

The Stanislaus County Probation Department is an integral part of the criminal justice system in Stanislaus County, consisting of 288 allocated full-time positions including 219 full time sworn positions and a budget of more than \$61 million. The department strives to provide community safety and services with professional integrity.

A trust fund has been established to deposit the funds. Stanislaus County currently manages \$186,394,545 in federal grants as of June 30, 2016.

Each participating agency will separately track and report funding activities in accordance with the quarterly financial and programmatic reporting conditions advertised in the solicitation.

**Activities:**

The Modesto Police Department will purchase License Plate Reader equipment and analytical software. MPD will ensure:

- To meet City of Modesto's Purchasing Policies and Procedures, as described in the grant, to purchase the LPR system and analytical software once the grant has been awarded.
- The LPR system and analytical software would be in compliance with FBI Criminal Justice Information Services and California Department of Justice data storage requirements.
- The LPR system and analytical software purchased with grant award funding is identified during quarterly performance metrics reporting.

This funding will provide us with Intelligence-Led Policing software and equipment to improve policing efficiency, increase Officer Safety by providing real-time information to Officers in the field, and reduce criminal activity while increasing the ability of Officers to locate and apprehend criminal offenders. Without JAG funds, the LPR system and analytics cannot be purchased until the economy and City of Modesto revenue recovers.

The Stanislaus County Sheriff's Department will purchase P25 compliant 800 MHz radios. The Sheriff's Department would ensure:

- The radios support emergency communications activities to support the build out of wireless broadband networks in the 800 MHz public safety band under the Federal Communications Commission (FCC).
- The Compliance with the FY 2017 SAFECOM Guidance for Emergency Communication Grants (including provisions on technical standards that ensure and enhance interoperable communications).
- Adhere to the technical standards set forth in the FCC Waiver Order, or any succeeding FCC orders, rules, or regulations pertaining to broadband operations in the 800 MHz public safety band.
- Support the Statewide Communication Interoperability Plan (SCIP) and are fully coordinated with the full-time Statewide Interoperability Coordinator (SWIC) in the state of the project.
- All communications equipment purchased with grant award funding (plus the quantity purchased of each item) is identified during quarterly performance metrics reporting.

This funding will provide us with communication technology that will allow us to improve critical response time and communication within our department and to other law enforcement agencies, and improve the safety of officers and the community.

The Stanislaus County Probation Department will fund a portion of a Deputy Probation Officer's position. The Deputy Probation Officer is responsible for supervising adult probationers convicted of domestic violence and felonious crimes and promoting responsible behavior and offender accountability.

**Timeline:**

The City of Modesto will follow the City of Modesto's Purchasing Policies and Procedures, as described in the grant, to order the LPR system and analytical software once the grant has been awarded. Modesto Police Crime Analysts, Officers, Information Technology staff, and authorized personnel will be trained to use the software once it is received.

The Sheriff's Department will follow purchasing policies and procedures, as described in the grant, to order P25 compliant 800 MHz radios once the grant has been awarded. Sheriff's Department employees will be trained to use the radios once they are received.

The Probation Department will begin funding a portion of a Deputy Probation Officer position on July 1, 2017 and will continue through June 30, 2018.

## **Performance Measures:**

Performance measures for this project include:

### **Modesto Police Department**

1. The LPR system and analytics will be procured and installed using the City of Modesto Purchasing Policies and Procedures.
2. Modesto Police Crime Analysts, Officers, Information Technology staff, and authorized personnel will be trained to use the software once it is received.
3. We will continue to utilize the software and expand when funding allows, to improve efficiencies in the department and enhance the safety of officers and the community.
4. We will continually examine city-wide and functional geographical area vehicle theft and apprehension rates with the deployment and use of the LPR system and analytics.

### **Stanislaus County Sheriff's Department**

1. P25 compliant 800 MHz radios will be procured and installed using the Purchasing Policies and Procedures of Stanislaus County.
2. Officers will be trained to use the P25 compliant 800 MHz radios.
3. We will continue to utilize these radios, and expand when funding allows, to improve efficiencies in the department and free up supervisors and officers to spend more time in the field and enhance the safety of our community.

### **Stanislaus County Probation Department**

1. Maintain staffing levels for supervision of adult probationers.