




BOARD OF SUPERVISORS Agenda Number:
AGENDA LETTER

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Probation
Department No.: 022
For Agenda Of: May 5, 2009
Placement: Administrative
Estimated Tme:
Continued Item: No
If Yes, date from:
Vote Required: 4/5

TO: Board of Supervisors

FROM: Department 
Director(s) Patricia J. Stewart, Chief Probation Officer
Contact Info: Tanja Heitman, Probation Manager
heitman@co.santa-barbara.ca.us
805 739-8537

SUBJECT: Application for and Acceptance of Anticipated American Recovery and Reinvestment Act (ARRA) Byrne Justice Assistance Grant (JAG) Funds

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence:

Sheriff-Coroner

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

- A. Authorize the County Executive Officer to sign the American Recovery and Reinvestment Act (ARRA) Byrne Justice Assistance Grant (JAG) Inter-local Agreement between the Cities of Santa Barbara, Santa Maria, Lompoc, Goleta, Carpinteria and the County of Santa Barbara.
- B. Authorize the Chief Probation Officer to accept the anticipated ARRA Byrne JAG award in the amount of \$139,783 for fiscal year 2009-2010.

Summary Text:

Utilizing \$139,783 in anticipated ARRA Byrne JAG funds, the County proposes to implement an Enhanced Electronic Supervision Probation for High Risk Probationers utilizing Global Position System (GPS) Technology. Santa Barbara County has seen a rise in violent offenses and is employing a number of strategies throughout the County to address gang activity. This program will be an enhancement to the efforts of local law enforcement that will allow the most high risk offenders' movements to be closely monitored. This type of enhanced supervision has shown a decrease in criminal activity by the targeted offenders in jurisdictions as well as serving as a beneficial tool in crime scene analysis.

A Senior Deputy Probation Officer (Sr. DPO) will serve as the primary staff for the program and will be co-located with the Santa Barbara Sheriff Department's Alternate Sentencing Unit, which will result in more efficient coordination of information. A total of 20 program slots will be available and participants will be considered for inclusion based on a high risk to re-offend and other high risk behaviors. The program is anticipated to serve approximately 30 offenders over the course of the fiscal year. Case plans will be developed for each offender which will include participation in treatment, drug testing, field contacts, educational or employment goal setting, and payment of outstanding financial obligations as appropriate based on the terms and conditions of their probation and identified needs. Benchmarks will be identified and reassessments will include review of the offender's progress toward each case plan objective.

Background:

On February 17, 2009, President Obama signed the American Recovery and Reinvestment Act (H.R. 1, or "ARRA") into law with the intended purpose of creating/maintaining jobs and reenergizing the economy. As part of the package, ARRA includes funding to various federal agencies for a multitude of federal programs. These federal funds will be allocated primarily to State and local governments through formula or discretionary/competitive grants. The Edward Byrne Memorial Justice Assistance Grant (JAG) Program is one of the formula grants being awarded to state and local governments. It is being administered by the Department of Justice, Bureau of Justice Assistance. It allows for support of a broad range of activities to prevent and control crime and to enhance the justice system. The procedure for allocating ARRA JAG funds is a formula based on population and crime statistics, in combination with a minimum allocation to ensure that each state and territory receives an appropriate share. The allocation favors high density municipalities and is corrected by a disparate funding allocation provision. Santa Barbara County is identified as a disparate jurisdiction. As such, a single joint application is required as well as concurrence on the use of the funds between the County and the cities of Santa Barbara, Santa Maria, Lompoc, Goleta and Carpinteria.

Due to deficits within their departments, the municipalities chose to focus on agency specific projects for their portion rather than pooling the funds for one county-wide project. The disparity issue was addressed by each of the municipalities allocating 10% of their funds to augment the County's portion of the revenue. The City of Santa Barbara will serve as the fiscal lead for the programs.

The County's allocation will be directed to implementation of a countywide Enhanced Electronic Supervision program targeting high risk adult probationers with a history/propensity for violent behaviors with a focus on gang involvement. The Probation and Sheriff's Departments will implement the program in partnership with the municipalities.

Performance Measure:

- All applicants are required to report on performance measures related to preserving and creating jobs due to the Recovery Act Funding. The County will be refunding one unfunded position and thus will be creating one FTE position as a result of their portion of the project.
- Reduce by approximately 20% the number participants sustaining a new conviction as compared to similar population of offenders being supervised in the prior fiscal year.
- Other outcome and performance measures will be identified in partnership with the granting agency. BJA has developed proposed performance measures that have not yet been finalized.

Fiscal and Facilities Impacts:

Budgeted: No

Fiscal Analysis:

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Project Cost</u>
General Fund			
State			
Federal		\$139,783	
Fees			
Other:			
Total	\$ -	\$ 139,783.00	\$ -

Narrative:

The grant funds will be used to fund a previously unfunded Deputy Probation Officer Sr, lease GPS equipment, and for activation/tracking fees.

Staffing Impacts:

Legal Positions:

No Effect

FTEs:

1.0

Special Instructions:

Please return two (2) Certified Minute Orders to Mike Cameron, Fiscal Manager, Probation Department, 117 E. Carrillo Street, Santa Barbara, CA 93101.

Attachments:

Attachment A – Interlocal Agreement

Attachment B – JAG - Economic Recovery Team Template

Authored by:

Tanja Heitman, Probation Manager

CC:

Bill Brown, Sheriff

John McInnes, Assistant CEO/Executive-In-Charge, Economic Recovery Team

PROBATION DEPARTMENT MANDATES

GENERAL

131.5CCP; 830.5 PC; 1202.7 PC; 273a(c) (3) (A) and 273d(c) (3) (A) PC; 1203.097(c) PC; 1203.098 PC; 1203. 097 (c) (1) PC; 1203. 097 (C) PC; 13010-13014 PC; 6035 PC13020 PC; 3300 G C; 1020-1031.5 Government Code

CIVIL

1513 Probate Code; 1513.1 Probate Code; 1826 Probate Code; 1851 Probate Code; 1851.5 Probate Code; 7800FLC;7801 FLC; 7803 FLC;7804 FLC; 7805 FLC; 7807 FLC; 7808 FLC; 7810 FLC; 9001 FLC

JUVENILE DIVISION

A. Administrative Responsibility/Notification

1203.74 PC; 270 WIC

B. Juvenile Intake

601; 601.2; 601.3;602; 627.5; 628 WIC; 628.1 WIC; 630 WIC;631 WIC; 632 WIC; 652 WIC;652.5WIC; 653 WIC ;676.5 WIC; 777WIC;778 WIC;1404-1405 Juvenile Court Rules

C. Juvenile Investigations

200 WIC; 280 WIC; 281 WIC; 281.5 WIC; 361.2 WIC; 635 WIC; 636 WIC; 652 WIC; 653.5 WIC; 656.2 WIC; 636.1 WIC; 706 WIC; 706.5 WIC; 706.6 WIC; 707 WIC; 727.1 WIC; 727.4 WIC; 742 WIC; 781 WIC; 1499 Juvenile Court Rules Sealing Records

D. Juvenile Supervision

241.1 WIC; 366.23 WIC; 366.26 WIC; 625 WIC; 625.3 WIC; 641 WIC; 654 WIC; 654.1 WIC; 654.2 WIC; 654.3 WIC; 654.4 WIC; 654.6 WIC; 655 WIC; 725 WIC; 727 WIC; 727.1 WIC; 727.2 WIC; 727.3 WIC; 727.31 WIC; 727.4 WIC; 727.4 (d) (4) WIC; 727.6 WIC; 729 Et Esq. WIC; 729.3 WIC; 729.7 WIC; 729.8 WIC; 729.9 WIC; 730 WIC; 730.6 WIC; 730.7 WIC; 730.8 WIC; 737 WIC; 738 WIC; 740 WIC; 740.1 WIC; 742.16 WIC; 790 WIC; 793 WIC; 794 WIC; 795 WIC; 841 WIC; 1300 ET Esq. WIC; 1502.4 (a)(1) H&S; 4096 WIC; 5600.3 WIC; 11400 WIC; 11401 WIC; 11402 WIC; 11404 WIC; 10553.1 WIC; 11404.1 WIC; 11462.01(2) (C) WIC; 295(i) (2) and 298 (b) (4) PC; 296.1 (a) (3) (A) PC

INSTITUTIONS

A. Juvenile Hall

Title 15, Division 1 or Chapter 1 Standards Corrections Authority (formerly the Board of Corrections), Subchapter 5 Minimum Standards for Juvenile Facilities

210 WIC; 850 WIC

B. Home Supervision

628.1; 840 WIC

C. Boys Camp

Title 15, Division 1 or Chapter 1 Standards Corrections Authority (formerly the Board of Corrections), Subchapter 5 Minimum Standards for Juvenile Facilities

881 WIC; 885 WIC

D. Counseling and Education Centers

654 (c) WIC

E. Non-Secure Detention

210.1 WIC; 601 WIC; 626 WIC;

F. Medical Care Juveniles

369 WIC; 739 WIC

G. Separate Categories

284 WIC; 285 WIC; 656.2 WIC; 704 WIC; 729.7 WIC; 742 WIC; 742.20 WIC; 749.22 WIC; 749.23 WIC; 751 WIC; 826 WIC; 826.5 (a) WIC; 826.6 WIC; 827WIC; 48321 ED CODE; 56026 ED CODE; 56325 ED CODE;

ADULT DIVISION

A. Adult Investigation:

1000.5PC; 1001.20 PC to 1001.34 PC; 1001.70 PC to 1001.90 PC; 1191 PC; 1191.1 PC; 1191.2 PC; 1191.3 PC; 1202.4 PC; 1202.4(f) (3) PC; 1202.42PC; 1203 PC; 1203a PC; 1203c PC; 1203d PC; 1203.9 PC; 1203.10 PC; 1203.097(b) (3) PC; 1203.097(b) (4) PC; 1210.1 PC; 4.310 Judicial Rule; 4.411(a) (b) (c) (d) Judicial Rule; 4.411.5 Judicial Rule

B. Adult Supervision:

290(c) (1) PC; 290.4 PC; 295(i) (2) PC; 298 (b) (4) PC; 296.1 (a) (3) (A) PC; 296.1 (a) (5) (A) PC; 298(b) (3) PC; 457.1 (e) PC; 1202.7 PC; 1202.8 PC; 1203.02 PC; 1203.016 PC; 1203.044 PC; 1203.044(h) PC; 1203.045 PC; 1203.047 PC; 1203.055 PC; 1203.055(f) PC; 1203.066 PC; 1203.067 PC; 1203.076 PC; 1203.097 PC; 1203.1 PC; 1203.1(b) PC; 1203.1bb PC; 1203.1(d) PC; 1203.1(h) PC; 1203.1ab PC; 1203.1b (a) PC; 1203.1e PC; 1203.1g PC; 1203.1k PC; 1203.2 PC; 1203.2(a) PC; 1203.3 PC; 1203.4 PC; 1203.7 PC; 1203.9 (a) PC; 1203.9 (b) PC; 1203.10PC; 1203.12 PC; 1203.13 PC; 1389.6 PC; 1203.95 PC; 3075 PC to 3076 PC; 11180 PC and 11181 PC; 13020 PC

Rev 04/06

THE STATE OF CALIFORNIA
COUNTY OF SANTA BARBARA

INTERLOCAL AGREEMENT
BETWEEN THE CITIES OF SANTA BARBARA, SANTA MARIA, LOMPOC, GOLETA, CARPINTERIA,
AND THE COUNTY OF SANTA BARBARA

RECOVERY ACT: JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD

This Agreement is made and entered into this 27th day of April, 2009, by and between the City of Santa Barbara, acting by and through its governing body, the Santa Barbara City Council, hereinafter referred to as CITY, and the cities of Santa Maria, Lompoc, Goleta, Carpinteria, and the County of Santa Barbara witnesseth:

WHEREAS, this Agreement is made under the authority of Sections 6500, et. Seq Government Code; and

WHEREAS, each governing body, 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, each governing body finds that the performance of this Agreement is in the best interests of all 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 grantees expect to receive from the JAG award for pre-designated law enforcement related programs outlined in the program narratives of their respective Edward Byrne Justice Administration Grant applications a total grant of \$777,205; and

WHEREAS, the CITY has been designated by the grantees as the administrator of the grant to receive the grant funds and to distribute the grant funds to the individual grantee agencies according to the terms of this agreement; and

WHEREAS, the CITY, and the cities of Carpinteria, Goleta, Lompoc, and Santa Maria believe it to be in their best interests to reallocate 10% of their awarded JAG funds (net after administrative fee is withheld) to the County of Santa Barbara to support the County's Enhanced Electronic Supervision Program.

NOW THEREFORE, the CITY, County of Santa Barbara, Cities of Carpinteria, Goleta, Lompoc, and Santa Maria agree as to follows:

Section 1

CITY, as administrator of the Edward Byrne Justice Administration Grant Program within Santa Barbara County, agrees to distribute the grant funds received in the following manner:

- a) The County of Santa Barbara a total of \$139,783 of JAG funds.
- b) The City of Carpinteria a total of \$10,141 of JAG funds.
- c) The City of Goleta a total of \$17,459 of JAG funds.

- d) The City of Lompoc a total of \$94,354 of JAG funds.
- e) The City of Santa Maria a total of \$249,940 of JAG funds.
- f) CITY will retain \$265,529 of JAG funds.

Section 2

- a) The County of Santa Barbara agrees to use \$139,783 for the "The Enhanced Electronic Supervision Program for High Risk Probationers" program until JAG funds have been exhausted (not more than four years).
- b) The City of Carpinteria agrees to use \$10,141 for the "Carp Traffic Enforcement Byrne Grant" program until JAG funds have been exhausted (not more than four years).
- c) The City of Goleta agrees to use \$17,459 for the "Ellwood Bluffs/Community Direct Enforcement Grant" program until JAG funds have been exhausted (not more than four years).
- d) The City of Lompoc agrees to use \$94,354 for the "Lompoc Police-Byrne JAG Mobile Data Terminal Replacement" program until JAG funds have been exhausted (not more than four years).
- e) The City of Santa Maria agrees to use \$249,940 for the "Police Officer Retention Program" until JAG funds have been exhausted (not more than four years).
- f) CITY agrees to use \$187,808 for the "The Community Policing Retention and Enhancement Program" and \$77,721 for administrative costs until JAG funds have been exhausted (not more than four years).

Section 3

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 4

Nothing in the performance of this Agreement shall impose any liability for claims against the County of Santa Barbara, Cities of Carpinteria, Goleta, Lompoc or Santa Maria other than claims for which liability may be imposed by the Tort Claims Act.

Section 5

Each party to this agreement will be responsible for its own actions in providing services under this agreement and shall not be liable for any civil liability that may arise from the furnishing of services by the other parties.

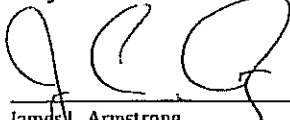
Section 6

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

Section 7

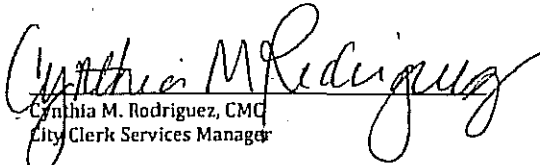
By entering into this Agreement, the parties do not intent to create any obligations express or implied other than those set out herein; further, this Agreement shall not create any rights in any party not a signatory hereto.

City of Santa Barbara



James L. Armstrong
City Administrator


Attest



Cynthia M. Rodriguez, CMQ
City Clerk Services Manager

Approved as to Form

Stephen P. Wiley
City Attorney

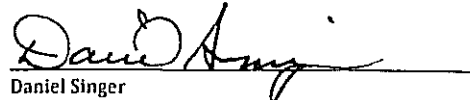


N. Scott Vincent
Assistant City Attorney

County of Santa Barbara

Michael F Brown
County Executive Officer

City of Goleta



Daniel Singer
City Manager

City of Santa Maria

Tim Ness
City Manager

City of Carpinteria

Dave Durlinger
City Manager

City of Lompoc

Laurel M. Barcelona
City Administrator

Public Safety

Edward Byrne Memorial Justice Assistance Grant (JAG) Formula

SUMMARY/PURPOSE OF THE PROGRAM:

The Edward Byrne Memorial Justice Assistance Grant (JAG) Program allows states and local governments to support a broad range of activities to prevent and control crime and to enhance the criminal justice system. The procedure for allocating stimulus JAG funds mirrors the ongoing allocation method and is a formula based on population and crime statistics, in combination with a minimum allocation to ensure that each state and territory receives an appropriate share. (The allocation favors high density municipalities and is corrected by a disparate funding allocation provision.) Funds are distributed 60/40 between state and local recipients. These funds are extremely flexible and can be utilized to pay for programs, and even some salaries-prevention programs, drug enforcement programs, and buying equipment to support law enforcement are all permitted.

PAST USE OF FUNDS:

For several years, Santa Barbara County's portion of both the state and local allocation of JAG funding has been used to support the successful Santa Barbara Regional Narcotic Enforcement Team (SBRNET), a collaborative effort between all local law enforcement agencies to apply certain strategies designed to reduce the flow of narcotics through the County. The project uses searches, buy-bust operations and street sweeps as some of the tactics to accomplish the desired reduction of narcotic distribution in Santa Barbara County. The agencies involved in the project include the Santa Barbara County Probation Department, the Santa Barbara County District Attorney's Office, the Santa Barbara County Sheriff's Department, the Santa Barbara Police Department, the Lompoc Police Department, the Santa Maria Police Department, the Guadalupe Police Department and the State of California Department of Justice, Bureau of Narcotic Enforcement.

PROPOSED USE:

It is anticipated that the ongoing (non-recovery related) JAG allocations will continue to support SBRNET and that the Recovery Act portion of JAG funding can be utilized for other efforts without sacrificing SBRNET. The Probation Department has served as the fiscal lead for both the federal and state portions of the ongoing JAG allocation and that is expected to continue.

The Santa Barbara Police Department will be serving as fiscal lead for the Recovery portion of the JAG funds administered through the Bureau of Justice. Santa Barbara County is identified as a disparate jurisdiction. As such a joint application is required as well as concurrence on the use of the funds with the cities of Lompoc, Santa Barbara, Santa Maria, Goleta and Carpinteria. The allocations and proposed use of the funds was discussed at length at a Chiefs meeting on March 25, 2009. Due to funding deficits within their own departments, the municipalities were not interested in pooling the funding for one county wide project. The disparity issue was addressed by each of the municipalities allocating 10% of their funds to augment the County's portion of the revenue.

The County's allocation would then be used to implement a countywide Enhanced Electronic Supervision program focused on high risk adult probationers with a history/propensity for violent behaviors with a specific focus on gang involvement. The Probation and Sheriff's Departments would implement the program in partnership with the municipalities.

PROPOSED BENEFITS:

Jobs Created/Maintained: The County portion of the allocation would allow the Probation Department to re-fund one Sr. Deputy Probation Officer position.

Economic Activity/Dollars Generated: None anticipated based on the County portion of the project.

TOTAL FUNDING AVAILABLE: \$2B formula

COUNTY ESTIMATED FUNDING: \$139,783 (no match required).
This is the County's actual portion of the total funding allocation.

OTHER ENTITY WITHIN COUNTY ESTIMATED FUNDING: \$777,205

The chart below shows the allocation suggestions prior to any resolution of the disparity issue.

CA	SANTA BARBARA COUNTY	County	\$86,215	
CA	LOMPOC CITY	Municipal	\$116,486	
CA	SANTA BARBARA CITY	Municipal	\$231,862	
CA	SANTA MARIA CITY	Municipal	\$308,568	
CA	GOLETA CITY	Municipal	\$21,554	
CA	CARPINTERIA CITY	Municipal	\$12,520	\$777,205

The chart below shows the agreed upon allocations to address the disparity issue.

CA	SANTA BARBARA COUNTY	County	\$139,783	
CA	LOMPOC CITY	Municipal	\$94,354	
CA	SANTA BARBARA CITY	Municipal	\$265,529	
CA	SANTA MARIA CITY	Municipal	\$249,940	
CA	GOLETA CITY	Municipal	\$17,459	
CA	CARPINTERIA CITY	Municipal	\$10,141	\$777,205

FUNDING METHODOLOGY/REQUIREMENTS:

Formula: JAG funds cannot be used directly or indirectly for security enhancements or equipment to nongovernmental entities not engaged in criminal justice or public safety. The JAG current legislation also prohibits the use of grant funds for vehicles, vessels, and aircraft (excluding police cruisers, police boats, and police helicopters) unless extraordinary and exigent circumstances exist. Bureau of Justice Assistance must certify in writing the approval of funds for this purpose.

Santa Barbara County is identified as a jurisdiction with a funding disparity. The JAG legislation requires that if a city (or cities) receives one-and-one-half times (150 percent) more funding (four times or 400 percent more for multiple cities) than the county, there is a funding disparity, and the units of local government must apply for an award with a single, joint application. Also included in the disparity calculation is crime expenditure data for the city and the county. A MOU, signed by each jurisdiction's authorized representative, is required from all disparate applicants, regardless of the manner in which funds will be used or distributed.

Only a unit of local government (city, county, parish, township, or tribe) may apply to BJA for JAG funding. The Chief Executive Officer (CEO) of a unit of local government is responsible for

determining which government official will apply for funding, and may designate an agency head, such as a police chief or sheriff, to be the signing authority on the application. Applicants for a JAG award must make the grant application available for review to the governing body of the unit of local government or an organization designated by that governing body not fewer than 30 days before the application is submitted to BJA.

Applicants must provide an opportunity for the public to comment on their JAG application. The manner in which the public was notified and given an opportunity to comment, as well as the date in which this was completed should be included in the Review Narrative portion of the application (along with information regarding the governing body review).

Applications for funding must be submitted via the online Grants Management System (GMS) within the prescribed application period. Detailed instructions on submitting an application and guidance on managing your grant once it has been awarded are available on the GMS computer-based training tool.

Under this Recovery Act program, quarterly financial and programmatic reporting will be required, and will be due within 10 calendar days after the end of each calendar quarter, starting July 10, 2009. The information from grantee reports will be posted on a public website.

Guidelines for the 60% state portion of the state Recovery Act JAG funds are currently pending. There is not yet a clear indication of whether the allocation plan for the **state stimulus portion** will mirror the on going allocation plan as is the case for the federal portion.

TIMING FOR USE OF FUNDS:

Awards are made in the first fiscal year of the appropriation and may be expended during the following 3 years, for a total of 4 grant periods.

FEDERAL CONTACT:

Agency United States Office of Justice
Program BJA Recovery, JAG
Website www.ojp.usdoj.gov/BJA/recoveryact.html

STATE CONTACT:

Agency California Emergency Management Agency
Program
Website www.oes.ca.gov

COUNTY CONTACT:

Ongoing Allocations: Patricia Stewart, Chief Probation Officer 805-882-3652
Tanja Heitman, Probation Manager 805-739-8537

Recovery Act Allocation: Frank Mannix, Santa Barbara City Police Department
805-897-2300
County Representative, Tanja Heitman, Probation Manager
805-739-8537