



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

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

Department Name: Sheriff
Department No.: 032
For Agenda Of: January 8, 2019
Placement: Administrative
Estimated Tme:
Continued Item: No
If Yes, date from:
Vote Required: 4/5ths

TO: Board of Supervisors

FROM: Department Sheriff - Bill Brown (Ext. 4290)
Director
Contact Info: Lieutenant Steven Johnson (Ext. 5752)

SUBJECT: 2018 Edward Byrne Justice Assistance Grant (JAG) Funds, \$95,471

County Counsel Concurrence

As to form: Yes

Other Concurrence: Risk Management

As to form: N/A

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

- a) Authorize the Chief Executive Officer to execute the Inter-local Agreement between the City of Santa Barbara and the County of Santa Barbara, the Inter-local Agreement between the City of Santa Maria and the County of Santa Barbara and the Inter-local Agreement between the City of Lompoc and the County of Santa Barbara;
- b) Allow members of the public an opportunity to provide comments relating to the intended use of Local JAG funding;
- c) Authorize the Sheriff or designee to petition the Office of Justice Programs requesting an exemption from the certification requirements and execute a grant agreement with the United States Department of Justice, upon review and approval of County Counsel and the Auditor-Controller, or their designees, when the anticipated JAG funding is awarded;
- d) Find that the proposed action does not constitute a "Project" within the meaning of the California Environmental Quality Act (CEQA), pursuant to 14 CCR 15378 (b)(4), in that it involves government funding mechanisms and/or fiscal activities.

Summary Text:

If awarded, Santa Barbara County will use the \$95,471 in proposed FY2018 Edward Byrne Memorial Justice Assistance Grant (JAG) funds for the purposes of maintaining and equipping the Santa Barbara Countywide Bomb Squad. The JAG funding will be utilized to update and purchase capital assets for the Santa Barbara Countywide Bomb Squad. This JAG project will positively impact our local communities by providing updated equipment for the Santa Barbara Countywide Bomb Squad, which serves the entire County of Santa Barbara.

Background:

Santa Barbara County has received Edward Byrne Memorial Justice Assistance Grant (JAG) funds for the past 25 years. The Local JAG program is a formula grant that is awarded to local governments. It is administered by the United States Department of Justice, Office of Justice Programs' Bureau of Justice Assistance. The JAG grant supports a broad range of activities to prevent and control crime and enhance the justice system. The procedure for allocating JAG funds is based upon a formula that is derived from population and crime statistics. The allocation formula favors high density municipalities, which is corrected by the use of a "disparate funding" provision. Within the proposed FY2018 funding, the City of Santa Maria and Santa Barbara County were identified as a disparate jurisdiction, requiring a joint application between the two entities. The City of Santa Maria has agreed to enter into an MOU with the County and submit a joint "disparate" application. In addition, the City of Lompoc and the City of Santa Barbara have also agreed to pool their allotted JAG funding, and submit a single JAG application for the entirety of Santa Barbara County and to utilize this funding for the purposes of maintaining and equipping the Santa Barbara Countywide Bomb Squad.

The County Law Enforcement Chiefs (CLEC) historically worked together to develop the allocation plan for JAG funds, as well as other grants and asset forfeiture revenue. In 2018, CLEC member agencies affirmed their commitment to the Santa Barbara Countywide Bomb Squad and agreed to a JAG funding allocation plan that will assist in continuing the operation of Countywide Bomb Squad by purchasing and updating equipment during FY2018/2019. In essence, the proposed JAG funds will be administered by the Sheriff's Office, who will utilize the JAG funds for the purposes of maintaining and equipping the Santa Barbara Countywide Bomb Squad. The Sheriff's Office has agreed to submit the sole JAG application for Santa Barbara County and will be responsible for completing reporting requirements mandated by the grant administrator (Department of Justice – OJP/BJA).

For FY 2018, the Department of Justice has included a new requirement in the form of certifications that must be signed by the Chief Executive and Chief Legal Officer of the County prior to the receipt of any grant funds (Exhibit A). The Department of Justice is now requiring that the Chief Executive and Chief Legal Officer of the County, certify that the Sheriff is not bound by any law that would impede immigration authorities' unrestricted access to all undocumented individuals in Sheriff's custody, in order to question those individuals as to their right to be or to remain in the United States. (8 U.S.C. § 1357(a).) State law does impede that access by mandating that the individual consent in writing to be interviewed by immigration authorities. (Cal. Gov. Code §§ 7283, 7284.6(b)(5).) Without that individual's written consent, State law prohibits the Sheriff from allowing immigration authorities to interview the individual. For this reason, County Counsel has advised that the Chief Executive and Chief Legal Officer are unable to sign the required certification forms.

The Sheriff may apply for the FY JAG Program grant funds without the certification forms, although the Sheriff may not receive any grant funds. If the Board approves the grant application, the Sheriff intends to send a letter to the Office of Justice Programs at the U.S. Department of Justice requesting an exemption

from the certification requirements especially in light of ongoing related federal litigation. The Sheriff has fully cooperated with the federal government to the extent permitted under state law and requests that Santa Barbara County law enforcement not be penalized by the actions of the state government. If awarded, FY 2018 JAG funds will be utilized to support the Santa Barbara Countywide bomb squad within the county to purchase new equipment and maintain and upgrade existing equipment. Local JAG funds will not be released by the Department of Justice until 30 days after the Board of Supervisors reviews the Local JAG funding proposal and the public is given an opportunity to provide comment on the use of Local JAG funding.

The Santa Barbara Countywide Bomb Squad is Santa Barbara County’s only public safety bomb squad. The Santa Barbara Countywide Bomb Squad was formed in 1971. It was formed by the Santa Barbara County Sheriff’s Office in response to domestic bombings that were occurring around the country. The Bomb Squad is responsible for the safe disposal of actual or suspected explosive devices, deteriorated explosives, illegal fireworks, improvised explosive devices (IED’s), and military ordnance. The squad also provides assistance to local, state and federal agencies and provides assistance with dignitary protection of persons coming to the area. The FBI certifies each of the bomb technicians and oversees the national program.

The goals of the Santa Barbara Countywide Bomb Squad are:

1. To investigate, render safe and dispose of suspected hazardous devices, explosives, explosive materials (as the Bureau of Alcohol, Tobacco, Firearms and Explosives currently defines) and pyrotechnics ammunition within Santa Barbara County.
2. Coordinates investigations with local, state and federal partners.
3. Performs diagnostics and renders safe procedures in Chemical, Biological, Radiological, Nuclear, and Explosives (CBRNE) events within Santa Barbara County.
4. Conducts bomb crime scene investigations.
5. Collects and preserves evidence.
6. Provides technical support to special operations, dignitary protection and special events.

The Santa Barbara Sheriff’s Office will administer the combined JAG funding for the county and all applicable cities within the county, and will serve as the sole point of contact for the DOJ – OJP/BJA grant administrators.

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	\$ 95,471.00		\$ 95,471.00
Fees			
Other:			
Total	\$ 95,471.00	\$ -	\$ 95,471.00

Narrative:

This grant provides \$95,471 which will be used for the purposes of purchasing a “Seeker” hand held explosive detection device (approximate cost \$15,000), purchasing a new “Scan-X” x-ray system (approximate cost \$25,471) and upgrading an existing robot (approximate cost \$55,000) for the Santa Barbara Countywide Bomb Squad.

Special Instructions:

Clerk of the Board: Please send a minute order to Hope Vasquez, CFO, Sheriff's Office and Lieutenant Steven Johnson, Sheriff's Office.

Attachments:

- 1) Attachment A: Certifications of Assurances by Chief Executive and Chief Legal Officer
- 2) Attachment B: JAG Inter-local Agreements between the Cities of Santa Barbara, Santa Maria and Lompoc and the County of Santa Barbara.
- 3) Attachment C: 2018 California Local JAG Allocations document.

Authored by:

Steven Johnson, Lieutenant – Santa Barbara County Sheriff's Office

CC: