

T. S. E. I.

AGENDA COVER MEMO

Memorandum Date: October 28, 2009
Order Date: November 10, 2009

TO: Board of County Commissioners

DEPARTMENT: Sheriff's Office

PRESENTED BY: Joan Copperwheat, Manager, Parole & Probation Services

AGENDA ITEM TITLE: ORDER/ _____ IN THE MATTER OF APPLYING FOR AN OREGON CRIMINAL JUSTICE COMMISSION GRANT TO FUND AN EXPANSION OF THE LANE COUNTY DRUG COURT PROGRAM AND TO DELEGATE AUTHORITY TO THE COUNTY ADMINISTRATOR TO SIGN GRANT DOCUMENTS.

I. MOTION

_____ Move to Approve Applying For an Oregon Criminal Justice Commission Grant To Fund An Expansion of the Lane County Drug Court Program And To Delegate Authority To The County Administrator To Sign Grant Documents.

II. AGENDA ITEM SUMMARY

The purpose of the Criminal Justice Commission (CJC) is to improve the efficiency and effectiveness of state and local criminal justice systems by providing a centralized and impartial forum for statewide policy development and planning. The Commission is charged with developing a long-range public safety plan for Oregon, which includes recommendations on the capacity and use of state prisons and local jails, implementation of community corrections programs and methods to reduce future criminal conduct.

The Commission administers several state and federal grant programs, including the Edward Byrne Memorial Justice Assistance Grant (JAG) Program funds are appropriated under the 1988 Anti-Drug Abuse Act (Public Law 100-690), and are administered to states by the US Department of Justice, Bureau of Justice Assistance (DOJ/BJA) (3).

In November 2008, Oregon voters passed Measure 57, a citizen initiative that increased prison sentences for non-violent property and drug offenders. While it was suspended by the Legislature due to costs during a budget crisis, it demonstrated a voter mandate to address property crime.

Approximately \$11 million in American Recovery and Reinvestment (ARRA) funds are available in Oregon for the Measure 57 Intensive Drug Court Grant Program and will be distributed from October 1, 2009 to March 31, 2013. The first year grant period is expected to begin approximately on October 1, 2009. The \$11 million total is the amount available for the entire four-year period.

The Oregon CJC has issued a request for proposals to fund new or existing adult drug court programs to high risk drug dependent offenders who are convicted of, or currently on felony supervision for the following crimes:

1. Aggravated theft in the first degree (ORS 164.057)
2. Burglary in the first degree (ORS 164.225)
3. Robbery in the third degree (ORS 164.395)
4. Identity theft (ORS 165.800)
5. Aggravated identity theft (ORS 165.803)
6. Theft in the first degree (ORS 164.055)
7. Unauthorized use of a vehicle (ORS 164.135)
8. Mail theft or receipt of stolen mail (ORS 164.162)
9. Burglary in the second degree (ORS 164.215)
10. Criminal mischief in the first degree (ORS 164.365)
11. Computer crime (ORS 164.377)
12. Forgery in the first degree (ORS 165.013)
13. Criminal possession of a forged instrument in the first degree (ORS 165.022)
14. Fraudulent use of a credit card (ORS 165.055)
15. Possession of a stolen vehicle (ORS 819.300)
16. Trafficking in stolen vehicles (ORS 819.310)

The Lane County Sheriff's Office is seeking permission to submit an application on behalf of the Drug Court Program for these funds. If the application is successful, it is anticipated that award notification will occur by January 2010. At that time, the award would be brought back before the Board for acceptance and to appropriate funds.

The grant proposal is due to the Oregon CJC by November 19th, 2009. November 10th is the last Board Meeting scheduled before that date. At the time this cover memo was written, the grant proposal had not been developed. The Drug Court Team which includes Drug Court staff, the deputy District Attorney assigned to Drug Court, Drug Court Judge Eveleen Henry, the Public Defender, the drug court treatment provider, Emergence, and Parole and

Probation are required to jointly develop a proposal. Staff of the Lane Council of Governments and the Sheriff's Office are assisting in preparation of the proposal. A copy of a draft proposal will be made available prior to the November 10, 2009 board meeting date, if possible.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

The Lane County Adult Drug Court operates under the jurisdiction of the Lane County Circuit Court and was established in 1994. Drug Court is a criminal justice model that has proven to reduce criminal recidivism and costs of healthcare, food stamps, unemployment, child welfare and other costs to the taxpayer. The objectives of the court are:

- Divert eligible drug offenders out of the traditional criminal justice system into appropriate drug treatment;
- Closely monitor participants progress toward recovery with frequent drug testing and frequent court appearances;
- Consistently and rapidly apply positive and/or negative reinforcement for compliance or non-compliance.

Addition treatment services currently available for Drug Court clients are outpatient services provided by Emergence. This new source of funding will expand the number of offenders served by the program and target high risk drug dependent offenders who are convicted of or are currently on felony supervision for a crime listed above. Details on the number of potential treatment slots are still being discussed at this time.

B. Policy Issues

This grant application is in line with the County's policies and procedures as well as the purpose and objectives of the Lane County Sheriff's Office.

C. Board Goals

This request addresses the Board goal to provide outstanding customer/constituent service.

D. Financial and/or Resource Considerations

The information required by the Board of County Commissioners prior to approval of grant applications and receipt of grant funds is provided below:

1. What is the Match Requirement, if any.

There is no match requirement.

2. Will the grant require expenditures for Materials and Services or capital not fully paid for by the grant?

All expenditures needed for the implementation of the grant are included in the application budget.

3. Will the grant funds be fully expended before county funds need to be spent?

No county funds are included in the budget for this project.

4. How will the administrative work of the grant be covered?

Grant funds cover all administrative work connected with this project.

5. Have grant stakeholders been informed of the grant sun setting policy so there is no misunderstanding when the funding ends?

Stakeholders have been informed of the grant funding duration. Each stakeholder is a signatory to the required Memorandum of Understanding. The MOU describes responsibilities and timelines for each agency involved. There is no expectation of funding continuing beyond the time frame delineated in the RFP.

6. What accounting, auditing, and evaluation obligations are imposed by the grant conditions?

Because the funds used by the OJC to fund this program are ARRA grant funds, there are additional reporting and tracking requirements beyond the typical Byrne grant requirements. Staff from the Drug Court, Emergence, H&HS, LCOG, and the Sheriff's office understand their roles and responsibilities in meeting reporting deadlines.

7. How will the department cover the accounting, auditing, and evaluation obligations? How are the costs for these obligations covered regardless of whether they are in the department submitting the grant or a support service department? Does the department acknowledge that the county will need to cover these costs and is it an appropriate cost?

Funds will be budgeted in the grant application to provide all these obligations. The county will not need to spend any funds on this project.

8. Are there any restrictions against applying the county full cost indirect?

The grant requires us to submit a copy of our Federally-approved Indirect Rate Agreement.

9. Are there unique or unusual conditions that trigger additional county work, effort, or liability such as maintenance of effort requirements or supplanting prohibitions or indemnity obligations?

As with most grants, there are prohibitions against supplanting, however, these funds will be used to expand an existing program for a new set of participants that must meet specific eligibility requirements. Funds will not be used to supplant funds used to operate the existing drug court program.

10. Grants involving technology issues require Information Services department sign-off....

This item does not apply to this grant application.

11. Information Services sign off is required for all agenda items requesting funding for new or enhanced computer applications....

This item does not apply to this application.

12. If this is a grant funded computer/software applications project....

This item does not apply to this application.

E. Alternatives/Options

1. Approve the request to submit an application to Oregon CJC for Intensive Drug Court Grant programs.
2. Do not approve the request to submit an application.

IV. TIMING/IMPLEMENTATION

The application is due November 19, 2009. It is expected that award notifications will be made by the end of the calendar year.

V. RECOMMENDATION

Approve the request to submit applications to these funding opportunities.

VI. Attachment

1. Board Order

THE BOARD OF COUNTY COMMISSIONERS, LANE COUNTY, OREGON

ORDER:) **ORDER/_____ IN THE MATTER OF APPLYING FOR**
) **AN OREGON CRIMINAL JUSTICE COMMISSION GRANT TO**
) **FUND AN EXPANSION OF THE LANE COUNTY DRUG**
) **COURT PROGRAM AND TO DELEGATE AUTHORITY TO**
) **THE COUNTY ADMINISTRATOR TO SIGN GRANT**
) **DOCUMENTS.**

WHEREAS, Drug Court is a criminal justice model that has proven to reduce criminal recidivism and costs of healthcare, food stamps, unemployment, child welfare and other costs to the taxpayers; and

WHEREAS, the voters of the state of Oregon passed Measure 57, a citizen's initiative that increased prison sentences for non-violent property and drug offenders; and

WHEREAS, the Oregon Criminal Justice Commission administers the American Recovery and Reinvestment Act (ARRA) Edward J. Byrne Memorial Justice Assistance Grant (JAG) program and

WHEREAS, the Oregon Criminal Justice Commission has issued a Request for Proposals to fund Intensive Drug Court services to non-violent drug addicted offenders, and

WHEREAS, the application deadline is November 19, 2009; and

WHEREAS, a grant proposal is being prepared on behalf of the Lane County Adult Drug Court, and

WHEREAS, if the grant application is approved for funding the final award will be submitted to the Board for review, approval and acceptance;

NOW THEREFORE, IT IS HEREBY ORDERED, that the Board of County Commissioners approve submittal of the grant application and delegate authority to the County Administrator to sign grant application documents.

DATED this 10th day of November, 2009.

Pete Sorenson, Chair
Lane County Board of County Commissioners