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**AGENDA COVER MEMO**

Memorandum Date: January 26, 2010  
Order Date: February 10, 2010

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**TO:** Board of County Commissioners

**DEPARTMENT:** Sheriff's Office

**PRESENTED BY:** Russ Burger, Sheriff

**AGENDA ITEM TITLE:** ORDER/ \_\_\_\_\_ IN THE MATTER OF APPLYING FOR A U.S. DEPARTMENT OF JUSTICE BUREAU OF JUSTICE ASSISTANCE GRANT TO FUND EXPANSION OF SERVICES PROVIDED BY THE LANE COUNTY DRUG COURT PROGRAM AND TO DELEGATE AUTHORITY TO THE COUNTY ADMINISTRATOR TO SIGN GRANT DOCUMENTS.

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**I. MOTION**

\_\_\_\_\_ Move to Approve Applying For An U.S. Department Of Justice Bureau Of Justice Assistance Grant To Fund Expansion Of Services Provided By The Lane County Drug Court Program And To Delegate Authority To The County Administrator To Sign Grant Documents.

**II. AGENDA ITEM SUMMARY**

The U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance (BJA) and the U.S. Department of Health & Human Services, Substance Abuse and Mental Health Services Administration (SAMSHA), Center for Substance Abuse Treatment is accepting applications to enhance drug court treatment capacity. This opportunity is unusual in that it provides criminal justice support and treatment funds in one application. The Sheriff's Office is preparing an application to request expanded services to drug court participants, focusing on new treatment protocols for heroin addicts, and increased supervision in the community.

The Lane County Sheriff's Office is seeking permission to submit an application on behalf of the Drug Court Program for funds to enhance the existing drug court program. If the application is successful, it is anticipated that award notification

will occur by October 2010. At that time, the award would be brought back before the Board for acceptance and to appropriate funds. The Bureau of Justice Assistance will award one-time funds up to \$300,000 while the Center for Substance Abuse Treatment will award up to \$325,000 per year for three years.

The grant proposal is due February 11, 2010. February 10, 2010 is the last Board Meeting scheduled before that date. At the time this memo is written, the grant proposal has not been completed. 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 jointly developing a proposal. Staff of the Lane Council of Governments and the Sheriff's Office are preparing the proposal. A copy of a draft proposal will be made available prior to the February 10, 2010 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 health care, 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.

In November 2009, the Sheriff's Office requested the Board approve of an application to the Oregon Criminal Justice Commission to fund a significant increase in the number of offenders served by the Drug Court. However, that application was not selected for funding by the OCJC. This proposal will not appreciably expand the number of offenders served by the Drug Court, but will expand the length of participation in the program and the amount and type of support services received while in the program, increasing the potential for participant success.

#### **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 a 25% match requirement. The match funds are provided by existing Drug Court treatment dollars provided by the Oregon Criminal Justice Commission.

**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 a required Memorandum of Understanding Letter of Commitment. The Letters describe roles and responsibilities for each agency involved. Funding is available for up to three years with one-year extensions available beyond that under certain conditions.

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

Staff from the Drug Court, Emergence, 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 to pay for services not currently funded or included in proposed budgets. 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 BJA/SAMSHA Drug Court Enhancement program.
2. Do not approve the request to submit an application.

#### **IV. TIMING/IMPLEMENTATION**

The application is due February 11, 2010. Award notifications will be made by October 2010.

#### **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  
                      )    A U.S. DEPARTMENT OF JUSTICE BUREAU OF JUSTICE  
                      )    ASSISTANCE GRANT TO FUND EXPANSION OF SERVICES  
                      )    PROVIDED BY 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 U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance (BJA) and the U.S. Department of Health & Human Services, Substance Abuse and Mental Health Services Administration (SAMSHA), Center for Substance Abuse Treatment is accepting applications to enhance drug court treatment and

WHEREAS, the application deadline is February 11, 2010; 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 February 2010.

\_\_\_\_\_  
Bill Fleenor, Chair  
Lane County Board of County Commissioners

APPROVED AS TO FORM  
Date 2/2/10 Lane County  
[Signature]  
OFFICE OF LEGAL COUNSEL