



**Contra  
Costa  
County**

To: Board of Supervisors  
From: David O. Livingston, Sheriff-Coroner  
Date: September 11, 2018

Subject: Apply for and Accept a 2018 Justice Assistance Grant

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**RECOMMENDATION(S):**

ADOPT Resolution No. 2018/467 authorizing the Sheriff-Coroner, or designee, to apply for and accept, subject to compliance with certifications, the U.S. Department of Justice, FY 2018 Edward Byrne Memorial Justice Assistance Grant (JAG) in an amount not to exceed \$157,823 for support of countywide law enforcement programming for the period October 1, 2018 through September 30, 2021.

**FISCAL IMPACT:**

\$157,823, 100% Federal; No County match required. County portion is \$29,531 to the Sheriff-Coroner. County will also receive 5% of city allocations for serving as the fiscal agent for the County. City of Antioch's allocation is \$59,311 and the City of Richmond's allocation is \$68,981.(CFDA 16.738)

**BACKGROUND:**

The Edward Byrne Memorial Justice Assistance Grant (JAG) Program is the primary provider of federal criminal justice funding to state and local jurisdictions. The JAG FY2018 Grant is a formula grant with emphasis on assisting local efforts to prevent or reduce crime and violence. The eligible jurisdictions within Contra Costa County have a scheduled

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

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Action of Board On: **09/11/2018** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

AYE: John Gioia, District I Supervisor  
Candace Andersen, District II Supervisor  
Diane Burgis, District III Supervisor  
Karen Mitchoff, District IV Supervisor  
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: September 11, 2018

David Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Mary Jane Robb,  
(925) 335-1557

cc:

allocation totaling \$157,823 with \$29,531 allocated to the County. The \$29,531 county allocation will be to the Office of the Sheriff. Established to streamline justice funding and grant administration, the JAG Program allows states, tribes, and local governments to support a broad

## BACKGROUND: (CONT'D)

range of activities to prevent and control crime based on their own local needs and conditions. The Bureau of Justice Statistics (BJS) calculates a minimum base allocation for each state. Once the state funding is calculated, 60 percent of the allocation is awarded to the state and 40 percent to eligible units of local government. Local governments are awarded amounts based on their share of the total violent crime reported within the state. Based on a formula allocation, Contra Costa County has been designated as a disparate jurisdiction because a city within the county is scheduled to receive 150% more than the county, while the county bears more than 50% of the costs associated with the prosecution and incarceration of that city's Part 1 violent crime. Jurisdictions certified as disparate must identify a fiscal agent that will submit a joint application for the total eligible allocation. The Office of the Sheriff has been designated as the fiscal agent for this grant and will manage and oversee the distribution of the funds for all participating agencies within the county. As Fiscal Agent, the Office of the Sheriff will receive 5% (\$6,414.60) of the pass through of the grant allocation (5% from each jurisdictions' allocation) to cover management and administration of the grant, to include personnel and operational costs directly related to grant management.

The JAG FY2018 funds again include a requirement to certify compliance with 8 U.S.C. §1373 regarding communication with immigration officials on information regarding an individual's citizenship or immigration status. This requirement, which was also included for the FY2017 funds, was found to be unconstitutional in other jurisdictions and is pending judicial review in California. New additional conditions also have been included for the FY2018 funds that require certification of compliance. The additional conditions include broad acknowledgments such as acknowledgement of the authority of immigration officers to conduct interrogations and acknowledgement that local agencies cannot impede immigration officers in the exercise of their immigration activities, among others. These FY2018 grant certifications of compliance are being challenged by the State of California, City and County of San Francisco, and City of Los Angeles in lawsuits filed August 22 and 23, 2018.

## CONSEQUENCE OF NEGATIVE ACTION:

The Sheriff's Office will be unable to apply for and accept the grant from the U.S. Department of Justice.

## ATTACHMENTS

Resolution No. 2018/467