

Memorandum

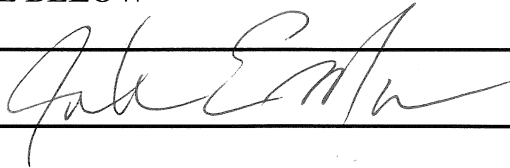
TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Edgardo Garcia
Chief of Police

SUBJECT: SEE BELOW

DATE: February 23, 2017

Approved



Date

2.24.17

INFORMATION

SUBJECT: 2016 U.S. DEPARTMENT OF JUSTICE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT

The purpose of this informational memorandum is to notify the City Council of the actions taken by the Administration regarding the 2016 Edward Byrne Memorial Justice Assistance Grant for the Police Department.

BACKGROUND

San José has been participating in the U.S. Department of Justice's Edward Byrne Memorial Justice Assistance Grant (JAG) program since 2005. The JAG program provides states, tribes, and local governments with federal funding to support a range of justice-related programs. In San José, grant funds have been used to further the Police Department's mission to promote public safety; prevent, suppress, and investigate crimes; provide emergency and non-emergency services; and adapt a multi-disciplinary approach to solving community problems, such as reducing gun violence.

The U.S. Department of Justice has certified the City of San José and the County of Santa Clara as disparate jurisdictions. Certified disparate jurisdictions are eligible to submit a joint application for JAG funding and are expected to come to an understanding regarding sharing of the grant funds. The City then enters into a Memorandum of Understanding with the County, which outlines the responsibilities and allocations for the City of San José and the County of Santa Clara.

The proposed 2016 JAG Spending Plan¹ was presented to and approved by the Public, Safety, Finance, and Strategic Support (PSFSS) Committee on April 21, 2016. The Police Department

¹ 2016 Justice Assistance Grant Spending Plan: http://sanjose.granicus.com/MetaViewer.php?meta_id=568638.

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submitted the application on June 28, 2016, on behalf of the City and the County. On August 22, 2016, the City was notified of the 2016 JAG award in the amount of \$284,921.

ANALYSIS

Beginning with the 2016 JAG Program, the U.S. Department of Justice has added new compliance requirements under Title 8 United States Code Section 1373. Section 1373 addresses the exchange of information regarding citizenship and immigration status among federal, state, and local entities and officials. This requirement applies to recipients and sub-recipients receiving funds under this grant. Each agency now must assure and certify compliance with all applicable federal statutes, regulations, policies, guidelines, and requirements.

The County of Santa Clara was requested to submit certification under Section 1373 on October 5, 2016; however, the County submitted a response on November 1, 2016, informing the City that they were declining their share of the 2016 JAG award in the amount of \$72,612. After further discussion and review, the City has also decided to decline to accept the 2016 JAG award at this time.

The Police Department will continue to look for alternative grant funds to support and enhance the existing programs and equipment proposed in the 2016 JAG Spending Plan presented to the PSFSS Committee on April 21, 2016.

/s/

EDGARDO GARCIA
Chief of Police

For questions please, contact Edgardo Garcia, Chief of Police at 408-277-4214.