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## **Byrne Memorial Justice Assistance Grant (JAG) Program FY 2014 Request for Proposals**

### ***Frequently Asked Questions (FAQ) Questions submitted through October 1, 2014***

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***1. What if both the Sheriff's Department and the District Attorney's Office want to submit a proposal? Can the county submit more than one proposal?***

A: No, BSCC will accept only one proposal per county. If the BSCC receives more than one proposal from a county, it will contact that county during the technical review period and give it the opportunity to resubmit one proposal.

***2. Are the Program Purpose Areas and corresponding Areas of Need weighted differently for the purposes of scoring? Do applicants that choose to do Prevention/Education programs score higher than those that do not?***

A: No, all three Program Purpose Areas and corresponding Areas of Need are weighted equally. No preference will be given to one over another.

***3. Our county always thought of Problem-Solving Courts as a subset of Restorative Justice Initiatives but in the RFP, the two are separated (page 6). What are BSCC's definitions of each of those concepts?***

A: The BSCC does not maintain an official definition for either of these concepts. The National Criminal Justice Association included these terms as a part of the 2013 JAG Stakeholder Survey. No definitions were provided; applicants were simply asked to rank them in order of importance. Problem-Solving Courts could indeed be viewed as a subset of Restorative Justice Initiatives, but represent one very specific program model. "Restorative Justice Initiatives" could include many other programs or strategies.

***4. I have reviewed the final RFP and viewed several of the suggested evidence-based program websites. The RFP identifies the three purpose areas, and identifies priority areas of need within the three purpose areas. I do not believe our current Anti-Drug Abuse program would be funded under this new methodology. In exploring other programs/strategies, we have identified a problem with domestic violence in our community. Would BSCC, for the purposes of this JAG funding, consider domestic violence offenses to be violent crime within JAG PPA #2 (3) and JAG PPA #3 (2)?***

A: To address the first part of this question: Drug enforcement strategies like the Anti-Drug Abuse program are not prohibited by the RFP. Such strategies would qualify under the “Law Enforcement Programs” Program Purpose Area and the “Drug Enforcement” Area of Need (page 6). An applicant still must address the “Requirements for All JAG Proposals” (page 13), discussing – among other things – “...any evidence that indicates the intervention or its components have been effective elsewhere.” To address the second part of this question: The RFP does not provide a definition for “Violent Crime.” Therefore, it is up to the county to illustrate a need for any particular Program Purpose Area.

**5. Most of the websites listed as “EBP Informational Resources” (pages 13-15) are not applicable to local law enforcement agencies. Could BSCC provide additional resources that are more applicable to law enforcement, including examples of strategies that might be considered “evidence-based” for law enforcement?**

A: The following websites are provided as informational resources only. Inclusion on this list does not imply endorsement by the BSCC and no preference or priority will be assigned to these programs or strategies. Examples of law enforcement-led prevention, intervention and diversion initiatives could include:

- Seattle Law Enforcement Assisted Diversion (LEAD): [http://www.huffingtonpost.com/2014/08/28/seattle-lead-program\\_n\\_5697660.html?1409235508](http://www.huffingtonpost.com/2014/08/28/seattle-lead-program_n_5697660.html?1409235508)
- Balancing Enforcement With Prevention : North Carolina’s Gang of One Initiative : <http://ncjp.org/content/balancing-enforcement-prevention-north-carolina%E2%80%99s-gang-one-initiative>
- The Miami-Dade Civil Citation Program: Diverting Youth From System Involvement: <http://ncjp.org/content/miami-dade-civil-citation-program-diverting-youth-system-involvement>
- Data Driven Enforcement and Prevention Projects: Targeting Interventions for Maximum Impact: <http://ncja-avectra.informz.net/admin31/content/template.asp?sid=36269&brandid=3481&uid=783711603&mi=3648065&mfgid=12449670&ptid=0&ps=36269>
  - Tennessee’s Targeted Community Crime Reduction Project (TCCRP)
  - Michigan’s Secure Cites Partnership
- Crisis Intervention Teams: <http://www.fbi.gov/stats-services/publications/law-enforcement-bulletin/crisis-intervention-teams-responding-to-mental-illness-crisis-calls>
- Gang Resistance Education and Training (GREAT): <http://www.great-online.org/>
- Operation Peacekeeper: <https://www.crimesolutions.gov/ProgramDetails.aspx?ID=51>

- Operation Ceasefire: <https://www.crimesolutions.gov/ProgramDetails.aspx?ID=207>

**6. Historically, law enforcement agencies do not use “evidence-based programs,” in the traditional sense of the word. Enforcement strategies include sweeps, task forces, multi-agency enforcement operations, etc. Success is measured by number of arrests made, quantities of illegal drugs seized, number of sweeps conducted, etc. In light of this, how can law enforcement agencies be competitive under these new guidelines?**

A: With this RFP, BSCC has placed more of a focus on evidence-based practice (not “programs”), that is, using research or data (i.e., evidence) to make decisions about how to deploy resources, which strategies to implement, and whether efforts are successful. The concept of evidence-based practice is not unique to the service delivery or prevention fields, but can be applied to the law enforcement field, as well. There are many examples of law enforcement agencies using data to make decisions about how to deploy resources -- crime mapping, hot-spot policing, problem-oriented policing, etc. Remember that there is no requirement for applicants to implement a name-brand, cookie-cutter, off-the-shelf program. As stated on page 13 of the RFP:

“The applicant must show, in the grant proposal, that the proposed intervention(s) (whether evidence-based, innovative or promising) are likely to achieve benefits desired in the local setting. To do this, the applicant must:

- Describe the intervention(s) being proposed for implementation;
- Discuss **any** evidence (research, outcome evaluations, etc.) that indicates the intervention or its components have been effective elsewhere;
- Describe the population(s) for which each intervention has been shown to be or is likely to be effective; and show that it is appropriate for the proposed target population; and
- Discuss what has been done to ensure that the support factors (e.g., inter-agency partnerships, certified trainers, auxiliary services, suitable criteria for participation, program materials, etc.) required or necessary for the intervention can be mobilized in the local setting.”

**7. Are JAG funds to be used only for County Departments (Probation, Sheriff, etc.) or can our City Police apply with us and receive funds?**

A: With the exception of the “prohibited uses” listed on page 6 of the RFP, there are no restrictions on how the county spends its JAG funds. In fact, collaboration among county stakeholders is encouraged. The county can allocate funds to other county agencies, cities, community-based organizations, faith-based organizations, non-profits, research consultants, universities, etc.

**8. Are JAG funds to be used only for new programs, not existing programs?**

A: JAG funds can be used for existing programs as long as there is no supplanting of funds. The following information regarding supplanting was taken from the Bureau of Justice Assistance’s website.

**“General Definition.** For a State or unit of local government to reduce State or local funds for an activity specifically because federal funds are available (or expected to be available) to fund that same activity. When supplanting is not permitted, federal funds must be used to **supplement** existing State or local funds for program activities and may not replace State or local funds that have been appropriated or allocated for the same purpose.

Additionally, federal funding may not replace State or local funding that is required by law. In those instances where a question of supplanting arises, the applicant or grantee will be required to substantiate that the reduction in non-federal resources occurred for reasons other than the receipt or expected receipt of federal funds.

### **Program-specific statutory restrictions on supplanting (with examples)**

#### **Edward Byrne JAG Formula Program (State and Local)**

The Byrne JAG law provides that Federal funds may "not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities." 42 U.S.C. § 3752.

**Example 1** For FY 2009, City A appropriates a total of \$25 million for law enforcement activities, including salary and benefits for 100 police officers and purchase of 5 police cruisers. In FY 2009, City A is awarded federal Recovery Act JAG formula funds, which it uses to hire 5 police officers, in addition to 10 hired with local funds, and purchases 2 new police cruisers, in addition to 5 purchased with local funds. City A expends all of the \$25 million in local funds appropriated for FY 2009 for law enforcement activities.

In this scenario, City A has not used Recovery Act JAG formula funds to supplant State or local funds, but rather has used the funds "to increase the amounts of such funds that would, in the absence of federal funds, be made available for law enforcement activities. Under these circumstances, supplanting has **not** occurred.

**Example 2** For FY 2009, City B appropriates a total of \$15 million in local funds for law enforcement activities, of which \$75,000 is budgeted for equipment for training of new police recruits. In FY 2009, City B is awarded federal Recovery Act JAG formula funds. It uses the federal funds to purchase the training equipment and hire additional officers, and uses the \$75,000 in local funds originally budgeted for equipment to hire a dispatcher. Total expenditures of local funds for law enforcement activities remain constant.

Under these circumstances, supplanting has **not** occurred. Despite the fact that local funds were shifted from equipment to hiring, the amount of State or local funds that would, in the absence of Federal funds, be made available for law enforcement activities has not changed.

**Example 3** For FY 2009, City C appropriated \$15 million in local funds for law enforcement activities, including salary and benefits for 80 police officers. Due to anticipated revenue shortfalls in FY 2010, City C intends to lay off 10 police officers at the end of FY 2009 (facts that City C is able to substantiate). In FY 2009, City C is awarded federal Recovery Act JAG formula funds, which it proposed to use for the hiring of 5 police officers. For FY 2010, City C appropriates funds to pay salary and benefits for 70 police officers. At the start of FY 2010, City C lays off five of its 80 police officers and uses federal Recovery Act JAG funds to continue the salary and benefits for 5 other officers.

In this scenario (which assumes that City C can document that the planned layoff of 10 officers was not made in anticipation of the availability of federal funds), City C will use federal Recovery Act JAG formula funds to pay the salary and benefits for 5 police officers who would have been laid off but for the availability of federal funds. Local funding for law enforcement activities has been reduced, but not because of the availability (or anticipated availability) of Recovery Act JAG funds. Therefore, supplanting has **not** occurred.

**Example 4** State X's initial FY 2009 appropriation for law enforcement activities is sharply reduced due to an across-the-board cut in the State budget. This results in a hiring freeze. When the State receives federal Recovery Act JAG formula funding, it uses federal Recovery Act funds to fill 15 correctional officer positions that were included in the initial budget but were vacant due to the hiring freeze.

The total amount of State funds available for law enforcement activities in State X has been reduced, but not because of the availability (or anticipated availability) of Recovery Act JAG formula funds. Therefore, supplanting has **not** occurred.

**Example 5** For FY 2009, State Y budgeted \$1 million in State funds to be used for renovation of a particular prison. Later in FY 2009, in response to enactment of the Recovery Act, the State determines that it will use Recovery Act JAG formula funds for the prison renovation, and will use the funds the State had budgeted for the prison renovation instead to provide health services for infants and children. No additional State funds were added to the State budget in any other law enforcement category.

Under these circumstances, supplanting **would have** occurred, as there would have been a decrease in 'the amounts of ... funds that would, in the absence of Federal funds, be made available for law enforcement activities.'"

**9. A non-governmental entity approached our county and wants to be a part of our JAG application. Are we required to use their services, or can we reject their proposal?**

A: Because non-county entities cannot apply directly to BSCC for JAG funding, counties should be prepared for community-based and non-profit organizations to approach them with proposals to collaborate. There is nothing in the RFP, however, that requires a county to use a particular service or partner with a particular organization. As stated on page 9 of the RFP: "The JAG steering committee will work collaboratively to identify the needs of the community as they relate to the JAG priorities and to create and develop a comprehensive project plan..."

**10. What if our county decides to subcontract with a non-governmental entity for service provision and then, one year into the grant, decides that the subcontractor is not meeting expectations? Are we "stuck" with that subcontractor for the duration of our grant, or could we terminate that subcontract and look for another subcontractor to provide the same or similar services?**

A: BSCC acknowledges that subcontractors do not always perform satisfactorily and there may come a time when it is necessary to terminate a subcontract. With prior written approval from BSCC, it may be allowable for the county to modify the terms of their contract in order to subcontract with a different provider, or to provide the services directly, as long as the original intent and overall strategy remain intact.

**11. Since we will be supporting six unique programs, the question was raised as to how we will articulate our line items on the budget page(s). We are of the opinion that one budget page document will be very confusing and would like to know if it is permissible to attach six separate budget page documents, one for each program.**

A: Per the instructions on page 27 of the RFP: "Each applicant must complete one table for each of the three years." However, applicants are encouraged to use the Budget Line-Item Detail (page 28) to delineate spending. In response to the provided scenario, the applicant could provide detail for each of the six programs under each corresponding line item in the Budget Line-Item Detail.