

DUNS #071887855

**INTERLOCAL AGREEMENT
BETWEEN THE CITY OF FRESNO and COUNTY OF FRESNO
(ALL OF FRESNO COUNTY, STATE OF CALIFORNIA)**

**EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM
FY 2019 LOCAL SOLICITATION**

This Agreement, which incorporates Grant Management System Award Number 2019-DJ-BX-_____ including Certifications and Assurances, is made and entered into this 7th day of July 2020, by and between the County of Fresno, acting by and through its governing body, the County Board of Supervisors (COUNTY), and the City of Fresno, acting by and through its governing body, the City Council (CITY), all of Fresno County, State of California, witnesseth:

WHEREAS, this Agreement is made under the authority of Section 930 through 930.6 of the Government Code; and

WHEREAS, each governing body, in performing governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments only from current Edward Byrne Memorial Justice Assistance Grant Program (JAG) revenues annually appropriated and available to that party; and

WHEREAS, each governing body finds that the performance of this Agreement is in the best interests of all parties, that the undertaking will benefit the public, and that the division of costs/allocation of funds fairly divides JAG funding and compensates the performing party for the services or functions under this Agreement; and

WHEREAS, the County of Fresno is a disparate jurisdiction. Allocation amounts for disparate jurisdictions appearing on the 2019 JAG allocation list are suggested amounts based on what each jurisdiction would have been eligible to receive if there was no identified disparity. Disparate jurisdictions are responsible for determining individual allocations and documenting individual allocations in a Memorandum Of Understanding. The suggested allocation amounts were as follows: the CITY an amount of \$212,002, and the COUNTY an amount of \$78,514; and

WHEREAS, jurisdictions certified as disparate must identify a fiscal agent that will submit a joint application for the total eligible allocation and who will be responsible for oversight of subawardee spending and monitoring of specific outcomes and benefits attributable to use of funds, and up to 10 percent of the JAG award funds may be used for costs associated with administering JAG funds; and

WHEREAS, the CITY and COUNTY believe it to be in their best interests to allocate the JAG funds as suggested on the 2019 JAG allocation noted above.

NOW THEREFORE, in consideration of the above recitals which are contractual in nature, and of the mutual promises contained herein, the COUNTY and CITY agree as follows:

Section 1.

The CITY and COUNTY have agreed that the CITY will act as Fiscal Agent for purposes of the FY 2019 JAG. The CITY and COUNTY have agreed neither party will seek costs

associated with administering JAG funds. Contingent upon funding being available, CITY agrees to allocate funding to the COUNTY in the amount of \$78,514 from the FY 2019 JAG funds.

Section 2.

COUNTY and CITY agree to use funds for the JAG until expiration of the FY 2019 JAG term, whereupon any unused funds shall be remitted to the U.S. Department Of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA), consistent with Program requirements.

Section 3.

Nothing in the performance of this Agreement shall impose any liability for claims against CITY other than claims for which liability may be imposed by the California Tort Claims Act.

Section 4.

Nothing in the performance of this Agreement shall impose any liability for claims against COUNTY other than claims for which liability may be imposed by the California Tort Claims Act.

Section 5.

The CITY and COUNTY agree to comply with all requirements of the Edward Byrne Memorial Justice Assistance Grant Program (34 U.S.C. 10153(a)), and in accordance with all applicable statutes, regulations, Office of Management and Budget (OMB) Circulars, and guidelines, including the OJP Financial Guide. The COUNTY agrees to provide the CITY, as Fiscal Agent, with all required financial reporting within 30 days after the end of each quarter and semi-annual programmatic reporting information no later than the 30 days following the end of each six-month period, in a format approved by the CITY.

Section 6.

The parties are acting in an independent capacity. Each of the parties agrees that it, including any and all of its officers, agents, and/or employees, shall have absolutely no right to employment rights and benefits available to the other party's employees. Each party shall be solely liable and responsible for providing to, or on behalf of, its own officers, agents, and/or employees all legally and contractually required employee benefits. In addition, each party shall be solely responsible and save the other party harmless from all matters relating to payment of each party's employees, including, but not limited to, compliance with applicable social security withholding and all other regulations governing such matters. Further and without limitation, each party to this Agreement will be responsible for its own actions in providing services under this Agreement and shall not be liable for any civil liability that may arise from the furnishing of the services by the other party.

Section 7.

The parties to this Agreement do not intend for any third party to obtain a right by virtue of this Agreement.

Section 8.

By entering into this Agreement, the parties do not intend to create any obligations express or implied other than those set out herein. Further, this Agreement shall not create any rights in any party not a signatory hereto.

Section 9.

Any and all notices between the parties provided for or permitted under this Agreement or by law shall be in writing and shall be deemed duly served when personally delivered to each

party, or in lieu of such personal service, when deposited in the United States Mail, postage prepaid, addressed to each party at the address provided on the signature page of this Agreement.

Section 10.

Each party shall at any time during business hours, and as often as each party may reasonably deem necessary, make available to each other for examination all of its records and data with respect to the matters covered by this Agreement for a period of three years following JAG expiration.

Section 11.

The provisions of this Agreement are severable. The invalidity, or unenforceability of any one provision in this Agreement shall not affect the other provisions.

Section 12.

The parties acknowledge that this Agreement in its final form is the result of the combined efforts of the parties and that, should any provision of this Agreement be found to be ambiguous in any way, such ambiguity shall not be resolved by construing this Agreement in favor of or against any party, but rather by construing the terms in accordance with their generally accepted meaning.

Section 13.

This Agreement constitutes the entire agreement between the parties with respect to the subject matter hereof and supersedes all previous agreements, negotiations, proposals, commitments, writing, advertisements, publications, and understandings of any nature whatsoever unless expressly included in this Agreement.

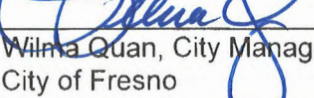
Section 14.

Each party represents that it and the person signing on its behalf has full authority to execute and enter into this Agreement. **This Agreement is subject to ratification by the approval of the Fresno City Council, and the Fresno County Board of Supervisors.**


[SIGNATURES FOLLOW ON THE NEXT PAGE.]

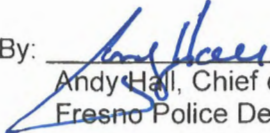
IN WITNESS WHEREOF, the parties hereto have executed this Agreement in Fresno County, California as of the day and year first hereinabove written.

CITY OF FRESNO

By: 
Wilma Quan, City Manager
City of Fresno

COUNTY OF FRESNO

By: 
Ernest Buddy Mendes, Chairman of
the Board of Supervisors of the County of
Fresno

By: 
Andy Hall, Chief of Police
Fresno Police Department

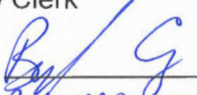
ATTEST:
BERNICE E. SEIDEL, Clerk of the
Board of Supervisors County of Fresno,
State of California

By: 

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

By:  9/3/2020
Kristi Costa Date
Senior Deputy City Attorney

ATTEST:
YVONNE SPENCE, CRM MMC
City Clerk

By:  9/2/9/2020
YVONNE SPENCE
Deputy

Address:
City of Fresno
Attn: Chief Andy Hall
Fresno Police Department
2323 Mariposa Street
Fresno, CA 93721

Address:
County of Fresno
Attn: Margaret Mims, Sheriff
Fresno County Sheriff's Office
2200 Fresno Street
Fresno, CA 93717

*By law, the Fresno City Attorney's Office may only advise or approve the form of contracts or legal documents on behalf of its clients. It may not advise or approve the form of contracts or legal document on behalf of other parties. Our view of this document was conducted solely from the legal perspective of our client. Our approval as to the form of this document was offered solely for the benefit of our client. Other parties should not rely on this approval and should seek review and approval by their own respective attorney(s).

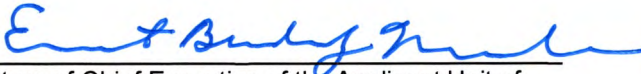
U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS

Edward Byrne Justice Assistance Grant Program FY 2019 Local Solicitation

Certifications and Assurances by the Chief Executive of the Applicant Government

On behalf of the applicant unit of local government named below, in support of that locality's application for an award under the FY 2019 Edward Byrne Justice Assistance Grant ("JAG") Program, and further to 34 U.S.C. § 10153(a), I certify to the Office of Justice Programs ("OJP"), U.S. Department of Justice ("USDOJ"), that all of the following are true and correct:

1. I am the chief executive of the applicant unit of local government named below, and I have the authority to make the following representations on my own behalf as chief executive and on behalf of the applicant unit of local government. I understand that these representations will be relied upon as material in any OJP decision to make an award, under the application described above, to the applicant unit of local government.
2. I certify that no federal funds made available by the award (if any) that OJP makes based on the application described above will be used to supplant 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.
3. I assure that the application described above (and any amendment to that application) was submitted for review to the governing body of the unit of local government (e.g., city council or county commission), or to an organization designated by that governing body, not less than 30 days before the date of this certification.
4. I assure that, before the date of this certification— (a) the application described above (and any amendment to that application) was made public; and (b) an opportunity to comment on that application (or amendment) was provided to citizens and to neighborhood or community-based organizations, to the extent applicable law or established procedure made such an opportunity available.
5. I assure that, for each fiscal year of the award (if any) that OJP makes based on the application described above, the applicant unit of local government will maintain and report such data, records, and information (programmatic and financial), as OJP may reasonably require.
6. I have carefully reviewed 34 U.S.C. § 10153(a)(5), and, with respect to the programs to be funded by the award (if any), I hereby make the certification required by section 10153(a)(5), as to each of the items specified therein.



Signature of Chief Executive of the Applicant Unit of
Local Government

Ernest Buddy Mendes

Printed Name of Chief Executive

County of Fresno

7-7-2020

Date of Certification

Chairman of the Board of Supervisors
County of Fresno

Title of Chief Executive

Name of Applicant Unit of Local Government

ATTEST:

BERNICE E. SEIDEL

Clerk of the Board of Supervisors

County of Fresno, State of California

By Susan Bishop Deputy

PROGRAM NARRATIVE

JAG 2019

The County of Fresno encompasses 6,017 square miles of Central California with a diversity of terrain that varies from open farm lands of the western county to rugged mountain peaks of over 11,000 feet to the east in the Sierra Nevada mountain range. The State Department of Finance estimates the total population of Fresno County will be 1,018,241 for 2019, an increase of 1.1% over 2018, making it the tenth most populous county in California. By geographic size it is the sixth largest county in California and is home to the fifth largest city in the State of California possessing the same name. Nestled in the heart of the Central San Joaquin Valley, Fresno County is rich with agriculture. The City of Fresno has an estimated total population of 536,683, and is made up of 115.21 square miles. Coupled with the smaller neighboring City of Clovis, these two cities make up over 65% of the county's entire population.

STATEMENT OF THE PROBLEM

Though economic trends are improving, government agencies are seeing progress at a slower rate. The City of Fresno has aggressively worked to address its structural imbalance over the last seven years after the burst of the nation's financial bubble. After many difficult budgets and a constant stream of hard decisions, Fresno has finally started on the path to long-term financial stability. However, the journey remains with continued sacrifices and tough, yet fiscally prudent decisions. The City of Fresno has certainly endured tough times throughout the previous seven years. In 2012, at the height of the economic downturn, the City of Fresno's budget had been decreased by \$238,854,100 in just four years and the workforce decreased by 22%. This included the loss of over 265 police department employees through layoffs, retirement and attrition. In 2010, the City of Fresno employed 849 police officers. Today that number is 816 sworn personnel, a little less than 200 of our Mayor's goal of 1,000. Despite our overall

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reduction in staffing levels, the City of Fresno has recently taken steps to gradually increase the number of sworn officers.

With recent legislation changes including Proposition 47, Proposition 57 and Assembly Bill 109, law enforcement has seen a drastic increase in the need for additional police officers as well as additional resources to combat the release of prison and jail populations onto our city streets. The release of habitual offenders coupled with jail overcrowding has put a greater demand on our agency to ensure the safety of our residents. It is the mission of our department, along with the Fresno County Sheriff's Office, to preserve the trust of our community by providing a safe and secure place to work and live. With the augmentation of grant funding, our agencies can take leaps forward to improve the quality of life for the citizens in our County and provide valuable law enforcement resources to draw from.

The critical economic situation in the Fresno region has severely impacted the ability to address crime and continues to present an even more critical need to maintain and acquire necessary tools, communication technologies, and safety equipment for our complement of sworn officers. As our fiscal situation continues to improve, the lack of hiring over the last seven years remains a grave concern for our agencies. With less sworn officers on the streets, yet an increased amount of calls for service, the need to ensure each officer is adequately equipped is even more critical for their safety as well as the community in which they serve.

With the help of the Fresno County Sheriff's Office, the Fresno Police Department (FPD) acting as the fiscal agent will be responsible for implementing this project. FPD has a long history of success with large grant funded projects. We are confident that we can successfully meet the goals and objectives of the 2019 Justice Assistance Grant project.

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According to the FBI Crime Index for the City of Fresno, from 2012 to 2014, violent crime had consistently dropped at a rate of 7% each year and property crime has fallen between 6% and 12%. However, in 2015 we saw increases in violent crimes across the board and in 2016 violent crime showed a decrease of 75% from 2015. This past year, overall violent crime showed a slight decrease compared to 2014 with minimal decreases in homicides; and a slight increase in the number of forcible rape, robberies and aggravated assaults. In a January through June 2019 comparison, willful homicides experienced an increase of 25% compared to the same time period as 2018; however, aggravated assaults during this same time period remained nearly the same. We have taken many strides towards the reduction of crime in our city in the past six years, however, our organization has a long way to go to further ensure the safety our of officers and the community; thereby resulting in the need to look for additional resources to protect our officers and better serve our citizens. Due to reductions in staff and the economic downturn, rebuilding our organization to meet public need has been a slow process; however, small successes are occurring. Although the City of Fresno's General Fund didn't allow for the increase in officer positions; the attrition rate for sworn personnel within our organization has drastically increased. Meaning there is a significant increase in the number of new officers in the field than in years past. Though our workforce is increasing, there is a large gap in the number of seasoned officers and rookies creating a disparity of law enforcement knowledge and experience among our ranks. Due to exceptional training and mentorship within our department, we are closing the gap and harnessing energetic new officers. These officers will allow us to continue our focused policing strategies on gang eradication, proactive enforcement, and prevention efforts. Coupled with support from our community, we can curb the uptick in criminal activity on our streets.

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Like other law enforcement agencies, we are facing challenges brought on by current economic conditions and new legislation in place to relieve the stress on California's prison system. As a result, we have had to implement significant organizational changes to meet community needs with fewer resources. Priorities have been modified, staff members have been reassigned, and department operations have been restructured. These economic constraints, combined with other issues, such as parole reform and the early release of prisoners, have required us to focus our resources on our highest priority duties. Funding priorities surround the need to augment existing programs with equipment, supplies and services to ensure that these programs are a success.

The Office of the Sheriff is responsible for the apprehension of criminal suspects for crimes committed in the unincorporated areas of Fresno County, providing judicial protection, bailiff services, public screening, court security and the operation of jail facilities for the County. Criminal justice programs have become increasingly dependent on the award of grant funds to augment many basic law enforcement needs. As State and Federal funds continue to decline, local agencies struggle to fund law enforcement programs related to criminal justice. The lack of funding for law enforcement equipment becomes a greater concern for citizen and officer safety. The Edward Byrne Memorial Justice Assistance Grant (JAG) program funding will enable the Sheriff's Office to enhance law enforcement programs by augmenting equipment needs for the Explosives Ordnance Disposal (EOD) unit and to purchase equipment for ongoing Video Infrastructure Protection Program (VIPP) needs.

A disparity exists between the City of Fresno and the County of Fresno, as certified by the Bureau of Justice Assistance. Per a Memorandum Of Understanding (MOU) by and between

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the City and County of Fresno, the City of Fresno has been named fiscal agent for the purpose of this grant funding. Funding is allocated and determined by the JAG formula.

A key component of the department is fiscal responsibility and professional standards to ensure effective and timely service to the community is met while adhering to the highest industry standards of law enforcement. Fiduciary responsibilities are essential to our success. The Fresno Police Department's Grants Management Unit (GMU) oversees the fiscal, programmatic, and compliance policies/procedures associated with grant funding and local government.

Funding allocated for the City of Fresno:

The overall mission is to “enhance safety, service and trust with our community and to serve our community with honesty, compassion and respect.” This becomes more challenging as local agencies have endured drastic budget cuts and staff reductions while serving in economically challenged communities. This agency continues to need equipment and supplies to combat crime and to ensure the safety of our sworn officers and the community they have vowed to protect and serve. The focus of this funding will be to augment necessary and critical safety equipment to support our law enforcement officers, reduce liability and ensure adequate equipment is available. JAG funding will fund new and replacement ballistic vests for our sworn officers, safety equipment and protective clothing for our Traffic Bureau, purchase and repair of portable radios used by our sworn personnel, operational costs for our Air Support Unit (Skywatch), unforeseen and critical operations costs for the K-9 Unit and ammunition for use by our sworn personnel during their quarterly and annual certified training.

Our agency has implemented a mandatory wear policy for ballistic vests and a five year life cycle for each vest as recommended by the manufacturer. Ballistic vests are a fundamental

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piece of equipment and when utilized can be a matter of life or death. In our current culture lethal weapons are prevalent within our society and in many cases are in the wrong hands. This extra layer of protection that a ballistic vest can provide for an officer is not only smart, but necessary. All new officers will receive a new ballistic vest that is met with current standards and fitted to the individual. Also, every officer's vest is on a documented five year life cycle and is replaced then. With 816 sworn officers, purchasing new vests occurs on a monthly basis for our department. Grant funding to augment our purchases and this program is essential to meet the demand and the needs of officers.

Riding a police motorcycle exposes the officer to environmental hazards that are not usually experienced by those officers operating a patrol car. To combat this, we provide our motor officers, in our Traffic Bureau, with the best safety equipment available to lessen their exposure to these hazards. Our motorcycle officers are provided with mid-calf length, leather riding boots to protect their lower legs from road debris and vehicle fluid. Their pants are double layered riding breeches, designed to protect the wearer from road lacerations in the event of a fall. We issue an Arai law enforcement version, $\frac{3}{4}$ motorcycle helmet that is both DOT and SNELL compliant. Also provided to each motorcycle officers is a pair of leather riding gloves that are designed to protect the officer's hands in the event of an unintended dismount. Our cold weather gear consists of both a leather jacket as well as a nylon jacket. The nylon jacket comes equipped with Kevlar panels sewn into the back, elbows, and shoulders. Although these panels are not designed to be bullet resistant, they are designed to protect against serious injury if the rider comes in contact with the roadway. The designed thickness of the leather jacket is such that it accomplishes the same task as the nylon jacket's ballistic panels. Lastly, each officer is issued a pair of cold weather gloves to protect the officers' hands from the winter environment.

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We realize that it is impossible to completely protect a motorcycle officer from the inherent hazards he or she faces when riding a police motorcycle, but by providing this safety equipment we hope to decrease the chances of serious injury.

Another crucial piece of equipment that officers rely on daily is a portable radio. These communication devices are the officer's life line when handling calls for service, special tactical operations, and virtually any function that a police officer is responsible for. Without this vital piece of equipment, the ability to conduct their day to day activities safely and efficiently would be impossible. Funding for new radios, parts to maintain existing radios, and accessories are essential and a top priority for our agency.

JAG funding is also being requested for our Air Support Unit, named "Skywatch" to provide operational costs in order to conduct patrol, special surveillance, photo missions, site surveys; which include homeland security operatives and tactical flight operations. Fuel costs have drastically increased and costs to operate Skywatch have exceeded existing resources. The helicopter parts and repair costs are fairly expensive, due to the nature of the equipment. Budget reductions in funding for this unit will not cover all of the costs of operations and maintenance, therefore a need for grant augmentation exists.

The Fresno Police Department's K-9 Unit typically incurs costs that are unforeseen and/or over existing resources allocated within general fund dollars. Grant funding will allow for those unanticipated and additional operational costs; such as purchase new dogs for the replacement of aging or retiring canines, veterinary costs, feed and/or professional services as needed. Resources such as our Air Support Unit and K-9 Unit are vital to our organization and our overall mission.

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The Fresno Police Department is certified by the State of California's Commission on Peace Officer Standards & Training (POST) to present over 40 courses to law enforcement statewide. Many of our courses are offered in conjunction with the Fresno City College Police Academy. The Fresno Police Department Training Unit and state-of-the-art Regional Training Center provides on an average, 40,000 hours of tactical and safe emergency vehicle operations training to department members on an annual basis. Half of these hours utilize tactical training along with a live fire range training component to better enhance firearm operations and tactics for our department members. Statistics have shown that firearm skills are perishable and only through repetitive and enhanced training can you sustain these skills. The purchase of ammunition will ensure our department members viable sustainability of these fundamental skills. Funding for ammunition will enhance the safety of our officers as they participate in ongoing police training to include qualifications, perishable skills training, and special unit training. All members of the agency must demonstrate proficiency with each weapon issued, prior to being authorized to carry the weapon in the field. This is a critical safety training component for all sworn officers.

Both agencies have acknowledged the mandated NIBRS compliance carve out and will be dedicating funding to move both the Fresno Police Department and the Fresno County Sheriff's Office towards NIBRS compliance and state certification.

Funding allocated for the County of Fresno:

The Fresno County Sheriff-Coroner's Office is a full Service Law Enforcement Agency with a tradition of providing professional law enforcement services to the people of Fresno County including both metropolitan and rural policing. The varied law enforcement services

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includes patrol, investigations, crime scene evaluation, emergency and disaster operation management, search and rescue operations, prevention and intervention programs, court services, detention and rehabilitation programs. The Sheriff is the Mutual Aid Coordinator for all law enforcement agencies within Fresno County as well as for the Central Valley region of Office of Emergency Services (OES).

The Sheriff's Office operates five substations and three detention facilities that house and care for a maximum population of 3,291 inmates. The Sheriff's Office delivers field services to county residents from four rural substations, which utilize Community Oriented Policing methods to better serve the community. The Coroner is mandated to determine manner and cause of death; to inquire into the circumstances of unusual or unattended deaths; homicides, suicides and accidental deaths; deaths due to contagious disease; deaths in prisons or jails and state mental facilities; to identify the deceased and notify next of kin; and to act as the County burial authority in burying the indigent or abandoned dead. The Public Administrator is legally mandated to serve in a fiduciary capacity to provide professional estate management and making final arrangements for Fresno County residents who die without a will or any known relatives able or willing to act on the decedent's behalf to manage and resolve the estate.

Criminal justice programs have become increasingly dependent on the award of grant funds to augment many basic law enforcement needs. As State and Federal funds continue to decline, local agencies struggle to fund law enforcement programs related to criminal justice. The lack of funding for law enforcement equipment becomes a greater concern for citizen safety as well as officer safety.

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A portion of the 2019 JAG grant funds will be utilized for upgrading explosive mitigation equipment to maintain the required expertise needed for the Sheriff's Explosive Ordnance Disposal (EOD) Unit to work in the Homeland Security environment.

The remainder of the 2019 JAG grant funds will be utilized to augment the Fresno County Sheriff Office's Video Infrastructure Protection Program (VIPP). The VIPP is a multi-functional video system that has been developed and installed to provide enhanced law enforcement video surveillance capabilities for both critical infrastructure within Fresno County as well as to supplement high profile sites needing law enforcement presence, such as high use recreational areas, designated high crime locations and target specific locations. As necessary, a portion of funds will be utilized to procure additional surveillance camera equipment, radios, related technical equipment and installation costs to expand the functional use of the currently developed video system that is also receiving some assistance from the State Homeland Security Protection program.

PROJECT DESIGN AND IMPLEMENTATION

Due to the recent changes in the Legislation in the criminal justice realm, local law enforcement agencies have had to readjust their focus and priorities as it relates to crime fighting strategies all while ensuring the community's safety and trust. Over the last several years, the Fresno Police Department has implemented and enhanced several advisory boards, including but not limited to the Bringing Broken Neighborhoods Back to Life, Police Chief's Advisory Board, Youth Advisory Council, Citizen's Police Academy, Teen Police Academy, Hispanic Residents Academy and most recently the Hmong Residents Academy. The participants in these groups are all civilian members of our community (both city and county) and serve many different facets from faith-based, community based or for personal knowledge.

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The main goal of these groups is to ensure that we are meeting the needs of our community by focusing on community based policing efforts in promoting and building relationships to enhance officer and public safety. Both sworn and non-sworn department members attend these meetings with the mission of educating and informing the public about how officers do their jobs, why certain equipment and tactics are used, how agencies develop policies and procedures, and how the community can help make their city safe. It is the intent of the Fresno Police Department to continue to engage the community in our crime fighting strategies and seek solutions to reducing crime in our neighborhoods.

The meetings have enabled both the Fresno Police Department and the Fresno County Sheriff's Office to develop and prioritize our funding strategies to ensure we do our best serving the communities utilizing the funding from JAG 2019 in the most efficient manner.

CAPABILITIES AND COMPETENCIES

Acting as the Fiscal Agent, per MOU and agreed to by all parties, is the City of Fresno Police Department's Grants Management Unit (GMU). The Fresno Police Department is the largest agency in this area and is a professional organization that prides itself on delivering the highest level of quality service and protection to the community. The Department is organized into four divisions with all divisions commanded by a Deputy Chief and management support staff under their direction. The divisions are: Administrative Services Division, Support and Special Services Division, Patrol Division, and Investigations Division. The Grants Management Unit, under the Administrative Services Division, is managed by a Business Manager and employs a Management Analyst II. They are responsible for all oversight of department's grant related activities, and understand the fiduciary responsibility associated with federal, state and local funding. The Unit has participated in several audits over the years to demonstrate

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transparency and accountability for those funds. This Unit will provide the mechanism for separate tracking and reporting of grant expenditures, receivables and ensure timely reporting. Systems are in place to track grant projects separately from general fund expenses and manage subrecipient funding. The Unit currently manages over 20 active grant projects and works closely with the City of Fresno's Budget and Management Office as well as Personnel Services to stay compliant with all grant regulations.

PLAN FOR COLLECTING THE DATA REQUIRED OF THIS SOLICITATION'S PERFORMANCE MEASURES:

In an effort to adequately supply data for the project activities of this grant, we will utilize Universal Crime Reports (UCR) data, department initiated crime analysis and any other necessary means to provide accurate data in a timely fashion. Once the Fresno Police Department has been certified National Incident Based Reporting System (NIBRS) compliant, we will transition all of our crime statistics and data reporting to NIBRS. We anticipate this occurring in 2019 along with the conversion of our Records Management System (RMS). The responsibility of compiling all data and entering it into the Bureau of Justice Assistance (BJA) Performance Measurement Tool (BMT) will rest on the Business Manager in the GMU. With the recent change and roll-out of the Justice Assistance Grant Performance Accountability Measures, both the Fresno Police Department and the Fresno Sheriff's Office have had experience with completing this data entry. All data will be vetted through our internal controls to ensure accuracy.

As law enforcement operations costs increase, local funding resources decline, leaving many necessary resources without financial support. Local law enforcement agencies are economically challenged to find the resources to fund basic tools and equipment necessary in

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daily operations. This project funding will assist the City and County of Fresno in their shared dedication and determination to make our community safer for its residents.

BUDGET NARRATIVE

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A. Personnel – N/A

B. Fringe Benefits – N/A

C. Travel – N/A

D. Equipment - N/A

E. Supplies - \$268,801

Ammunition purchases will ensure that Fresno Police Department members have the equipment necessary to sustain the required skills through adequate training. The Training Unit provides on average 55,000 hours of tactical training to sworn department members on an annual basis. During half of these hours they participate in tactical training utilizing live fire range simulations to enhance firearm usage, accuracy and safety for all sworn officers and members of the community. Statistics have shown that shooting is a perishable skill and only through repetitive, periodic training can you sustain these skills. The purchase of ammunition will ensure our department members have the equipment necessary to maintain these skills. Ammunition will be utilized to conduct ongoing police training for our officers including qualifications, perishable skills training, special unit training, and SWAT tactical training.

Total Cost for Ammunition - \$37,357

Safety equipment and/or supplies are needed to continue to support officers working in special units such as Special Weapons And Tactics (SWAT), Traffic Bureau, Bicycle Patrol, Mobile Field Force (MFF), Explosive Ordnance Disposal (EOD) Unit, and Special Response Teams (SRT). This may include safety equipment such as tactical vests, motorcycle helmets, protective equipment, weapons and accessories. Not only does this equipment allow officers to conduct

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their assigned duties, but it provides them with the tools to enhance their capabilities in a safe and effective manner. The Fresno Police Department's Traffic Bureau officers require specialized uniforms and boots for their safety when operating their police issued motorcycle. These uniforms are different than and in addition to the uniforms worn by patrol officers. The cost of these uniforms are not part of the city's budget nor part of the officer's uniform allowance, but are essential safety equipment for those officers that are assigned a motorcycle. JAG funding allows our Department to provide essential safety equipment to those officers assigned to special units that is not budgeted in the City's general fund.

Total Cost for Safety Equipment - \$12,585

The Air Support Unit or "Skywatch" patrol was at risk of being grounded this next fiscal year without additional funding to support their services. However, with various outside resources, such as JAG funding we will be able to continue the use of our air patrol to assist officers on the ground with daily coverage. The funding will provide maintenance and operations costs in order to conduct patrol, special surveillance operations, photo missions, and site surveys of incidents. Fuel costs have drastically increased recently and costs to operate Skywatch has exceeded existing resource capabilities to financially sustain the program without additional support. It may be necessary to purchase or repair other parts for our Forward Looking Infrared (FLIR) devices on each helicopter. The FLIR is a "heat-seeking device" the helicopter observer uses to track suspects on the ground from the air. Helicopter parts are expensive, and are increasing due to the technology and nature of the equipment needed.

Total Cost for Skywatch Operations - \$95,700

BUDGET NARRATIVE

JAG 2019

Funding for our ballistic vest program is also being requested. Our agency has implemented a mandatory wear policy for ballistic vests and a five year life cycle for each vest as recommended by the manufacturer. Ballistic vests are a fundamental piece of equipment and whether utilized or not can be a matter of life or death. All new officers will receive a new ballistic vest that is met with current standards and fitted to the individual. Also, every officer's vest is on a documented five year life cycle and is replaced then. Grant funding will be utilized to augment current funding for this program and is essential to meet the demand and the needs of officers.

Total Cost for Ballistic Vests - \$35,000

Another crucial piece of equipment that officers rely on daily is a portable radio. These communication devices are the officer's life line when handling calls for service, special tactical operations, and virtually any function that a police officer is responsible for. Without this vital piece of equipment, the ability to conduct their day to day activities safely and efficiently would be impossible. Funding for new radios, parts to maintain existing radios, and accessories are essential and a top priority for our agency.

Total Cost of Radio Equipment - \$12,000

A significant portion of this funding will enable the Fresno County Sheriff-Coroner's Office to enhance law enforcement programs to upgrade safety equipment and supplies for the EOD Unit and supplies for the Video Infrastructure Protection Program (VIPP). This funding will allow the EOD Unit to work in the Homeland Security environment to conduct law enforcement operations within the United States. None of the funds will be expended for explosives. The EOD Unit conducts training on a regular basis, which requires the use of a variety of safety

BUDGET NARRATIVE

JAG 2019

equipment to maintain the required expertise. The Fresno Sheriff-Coroner's Office provides tactical response assistance to most of the agencies within the county as well as other agencies outside the county. The upgrading of equipment is an ongoing endeavor needed to insure the safe and efficient operation of this unit in a manner that provides protection and security to the public.

Total Cost of EOD Unit Equipment and Supplies - \$27,336

The County of Fresno will utilize funding to augment the Video Infrastructure Protection Program (VIPP) to purchase cameras, radios, related technical equipment and installation costs in order to expand the functional use of the video system for the VIPP Program. The VIPP is a multi-functional video system that has been developed and installed to provide enhanced law enforcement video surveillance capabilities for critical infrastructure within Fresno County (dams, power facilities, government buildings, major agriculture sites, etc.) as well as to supplement high profile sites needing law enforcement presence, such as high use recreational areas, designated high crime locations and target specific locations.

Total Cost for Video Infrastructure Protection Program - \$48,823

F. Construction – N/A

G. Consultant/Contracts – N/A

H. Other - \$21,715

Unfortunately, many of our existing canines are reaching an age of retirement and will need to be replaced. These funds will allow for the replacement of a police canine and the necessary training to prepare the dog and handler for patrol operations. Patrol canines typically incur costs

BUDGET NARRATIVE

JAG 2019

that are unforeseen and are over existing resources, therefore additional operational costs, such as veterinary costs, feed and professional services may be needed.

Total Cost of Police Canine - \$13,000

As per the mandatory carve out identified in the application, we intend to utilize funding for training purposes associated with NIBRS compliance. In 2017, the Fresno Police Department entered into a partnership with Axon Enterprises, Inc. to develop a cloud-based Records Management System (RMS), to replace our antiquated Data 911 technology. Significant progress has been made to date and we are in the testing phase of the project. We anticipate that this new RMS system will go live for all personnel in 2019. This system will not only catapult our agency into a technology rich RMS environment, but will integrate with NIBRS reporting seamlessly, ensuring our compliance well before the 2021 deadline. Though this system is designed to be user friendly, there will be an element of training that will be needed. We intend to use JAG funding to pay our RMS transition team consisting of sworn officers and sergeants, overtime to provide hands on instruction in the field for NIBRS entry. This team will schedule training for officers in the field according to their shift, as well as each special unit to include night detectives, day detectives, Records and Dispatch personnel shifts. Approximately 100 hours of training will be needed.

Total Cost of FPD NIBRS Compliance Training - \$6,360

The Fresno County Sheriff's Office is currently working towards NIBRS compliance with the recent purchase and implementation of a new Computer Aided Dispatch/Records Management System/Jail Management System. This new system will integrate with NIBRS reporting and start

BUDGET NARRATIVE

JAG 2019

the certification process through the State of California. In order to do so, the mandated carve out of 3% of the County's JAG funding allocation will be utilized for hardware, software, or training costs necessary for implementation.

Total Cost of FSO NIBRS Compliance - \$2,355

I. Indirect Costs – N/A

Category	Budget
A. Personnel	N/A
B. Fringe Benefits	N/A
C. Travel	N/A
D. Equipment	N/A
E. Supplies	\$268,801
F. Construction	N/A
G. Consultants/Contracts	N/A
H. Other	\$21,715
Total Direct Costs	\$290,516
I. Indirect Costs	N/A
TOTAL PROJECT COSTS	\$290,516

Budget Detail - Year 1

Does this budget contain conference costs which is defined broadly to include meetings, retreats, seminars, symposia, and training activities? - Y/N
(DOJ Financial Guide, Section 3.10)

A. Personnel								
Name	Position	Computation						
<i>List each name, if known.</i>	<i>List each position, if known.</i>	<i>Show annual salary rate & amount of time devoted to the project for each name/position.</i>						
		Salary	Rate	Time Worked (# of hours, days, months, years)	Percentage of Time	Total Cost	Non-Federal Contribution	Federal Request
						\$0		\$0
Total(s)						\$0	\$0	\$0
Narrative								

2019 Justice Assistance Grant
City of Fresno

B. Fringe Benefits						
Name <i>List each grant-supported position receiving fringe benefits.</i>		Computation <i>Show the basis for computation.</i>				
		Base	Rate	Total Cost	Non-Federal Contribution	Federal Request
				\$0		\$0
Total(s)				\$0	\$0	\$0
Narrative						

2019 Justice Assistance Grant
City of Fresno

C. Travel										
Purpose of Travel	Location	Type of Expense	Basis	Computation						
<i>Indicate the purpose of each trip or type of trip (training, advisory group meeting)</i>	<i>Indicate the travel destination.</i>	<i>Lodging, Meals, Etc.</i>	<i>Per day, mile, trip, Etc.</i>	<i>Compute the cost of each type of expense X the number of people traveling.</i>						
				Cost	Quantity	# of Staff	# of Trips	Total Cost	Non-Federal Contribution	Federal Request
			N/A					\$0		\$0
Total(s)								\$0	\$0	\$0
Narrative										

2019 Justice Assistance Grant
City of Fresno

D. Equipment					
Item <i>List and describe each item of equipment that will be purchased</i>	Computation <i>Compute the cost (e.g., the number of each item to be purchased X the cost per item)</i>				
	# of Items	Unit Cost	Total Cost	Non-Federal Contribution	Federal Request
			\$0	\$0	\$0
Total(s)			\$0	\$0	\$0

Narrative	
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2019 Justice Assistance Grant
City of Fresno

E. Supplies					
Supply Items	Computation				
<i>Provide a list of the types of items to be purchased with grant funds.</i>	<i>Describe the item and the compute the costs. Computation: The number of each item to be purchased X the cost per item.</i>				
	# of Items	Unit Cost	Total Cost	Non-Federal Contribution	Federal Request
Supplies to support the Video Infrastructure Protection Program	1	\$48,823.00	\$48,823		\$48,823
Supplies to support the EOD Unit	1	\$27,336.00	\$27,336		\$27,336
Radio Repairs/Parts/Accessories	1	\$12,000.00	\$12,000		\$12,000
Ballistic Vests	40	\$875.00	\$35,000		\$35,000
Air Support "Skywatch" Operational costs	1	\$50,700.00	\$50,700		\$50,700
Ammunition	1	\$15,300.00	\$15,300		\$15,300
Total(s)			\$189,159	\$0	\$189,159
Narrative	<p>Funds will be utilized to expand video protection to high risk facilities and resources that are determined to be critical infrastructure. Funding to upgrade safety explosive mitigation equipment in support of the EOD Unit to work in the Homeland Security environment to conduct law enforcement operations within the United States. Funding for new radios, parts to maintain existing radios, and accessories are essential for the safety of our officers. We are requesting to augment our current capabilities focused on radio communications. Ballistic vests are essential to protect our sworn personnel, therefore the Fresno Police Department has implemented a mandatory wear policy for ballistic vests and a five year life cycle for each vest as recommended by the manufacturer. Due to this life cycle of ballistic vests, funding is needed to augment replacement costs and fulfill this commitment. Funding for our Air Support Unit "Skywatch" will provide maintenance and operations costs in order to conduct patrol, special surveillance operations, photo missions, and site surveys of incidents. Ammunition will be utilized to conduct ongoing police training for our officers including qualifications, perishable skills training, special unit training, and SWAT tactical training.</p>				

2019 Justice Assistance Grant
City of Fresno

F. Construction						
Purpose <i>Provide the purpose of the construction</i>	Description of Work <i>Describe the construction project(s)</i>	Computation <i>Compute the costs (e.g., the number of each item to be purchased X the cost per item)</i>				
		# of Items	Cost	Total Cost	Non-Federal Contribution	Federal Request
				\$0		\$0
Total(s)				\$0	\$0	\$0
Narrative						

2019 Justice Assistance Grant
City of Fresno

G. Subawards (Subgrants)					
Description	Purpose	Consultant?			
<i>Provide a description of the activities to be carried out by subrecipients.</i>	<i>Describe the purpose of the subaward (subgrant)</i>	<i>Is the subaward for a consultant? If yes, use the section below to explain associated travel expenses included in the cost.</i>			
			Total Cost	Non-Federal Contribution	Federal Request
					\$0
			Total(s)	\$0	\$0
Consultant Travel (if necessary)					
Purpose of Travel	Location	Type of Expense	Computation		
<i>Indicate the purpose of each trip or type of trip (training, advisory group meeting)</i>	<i>Indicate the travel destination.</i>	<i>Hotel, airfare, per diem</i>	<i>Compute the cost of each type of expense X the number of people traveling.</i>		
			Cost	Duration or Distance	# of Staff
			Total Cost	Non-Federal Contribution	Federal Request
			\$0		\$0
			Total	\$0	\$0
Narrative					

2019 Justice Assistance Grant
City of Fresno

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H. Procurement Contracts

Description	Purpose	Consultant?			
<i>Provide a description of the products or services to be procured by contract and an estimate of the costs. Applicants are encouraged to promote free and open competition in awarding contracts. A separate justification must be provided for sole source procurements in excess of the Simplified Acquisition Threshold (currently \$150,000).</i>	<i>Describe the purpose of the contract</i>	<i>Is the subaward for a consultant? If yes, use the section below to explain associated travel expenses included in the cost.</i>			
			<i>Total Cost</i>	<i>Non-Federal Contribution</i>	<i>Federal Request</i>
					\$0
Total(s)			\$0	\$0	\$0

Consultant Travel (if necessary)

Purpose of Travel	Location	Type of Expense	Computation					
<i>Indicate the purpose of each trip or type of trip (training, advisory group meeting)</i>	<i>Indicate the travel destination.</i>	<i>Hotel, airfare, per diem</i>	<i>Compute the cost of each type of expense X the number of people traveling.</i>					
			Cost	Duration or Distance	# of Staff	Total Cost	Non-Federal Contribution	Federal Request

2019 Justice Assistance Grant
City of Fresno

						\$0		\$0
Total						\$0	\$0	\$0

Narrative

I. Other Costs

Description <i>List and describe items that will be paid with grants funds (e.g. rent, reproduction, telephone, janitorial, or security services, and investigative or confidential funds).</i>	Computation <i>Show the basis for computation</i>						
	Quantity	Basis	Cost	Length of Time	Total Cost	Non-Federal Contribution	Federal Request
Hardware and Software for NIBRS compliance - FSO	1	ea	\$2,355.00	1	\$2,355		\$2,355
K-9 Unit Operational Costs/New K-9 and Training	1	ea	\$13,000.00	1	\$13,000		\$13,000
Training for NIBRS Compliance	1	hrs	\$63.60	100	\$6,360		\$6,360
Total(s)					\$21,715	\$0	\$21,715

Narrative

2019 Justice Assistance Grant
City of Fresno

Funding will allow for the replacement of a police canine and the necessary training to prepare the dog and handler for patrol operations. Patrol canines typically incur costs that are unforeseen and are over existing resources, therefore additional operational costs, such as veterinary costs, feed and professional services may be needed. It is anticipated the Fresno Police Department will be NIBRS compliant within the next 3-4 months, in advance of the 2021 deadline. With that, the RMS Transition Team consisting of sworn officers and sergeants within the Fresno Police Department will conduct NIBRS reporting training to patrol officers and well as the detectives assigned to special units; and the civilian personnel (Records and Dispatch) to ensure the appropriate data is being captured and reported. The Fresno Sheriff's Office will be utilizing their 3% carve out towards software, hardware, and training needs which are dependant on the implementation process of their new Computer Aided Dispatch/Records Management System/Jail Management System that will ensure NIBRS compliance.

2019 Justice Assistance Grant
City of Fresno

J. Indirect Costs					
Description <i>Describe what the approved rate is and how it is applied.</i>	Computation <i>Compute the indirect costs for those portions of the program which allow such costs.</i>				
	<i>Base</i>	<i>Indirect Cost Rate</i>	<i>Total Cost</i>	<i>Non-Federal Contribution</i>	<i>Federal Request</i>
			\$0		\$0
<i>Total(s)</i>			\$0	\$0	\$0
Narrative					

Budget Detail - Year 2

Does this budget contain conference costs which is defined broadly to include meetings, retreats, seminars, symposia, and training activities? - Y/N
 (DOJ Financial Guide, Section 3.10)

A. Personnel

Name <i>List each name, if known.</i>	Position <i>List each position, if known.</i>	Computation <i>Show annual salary rate & amount of time devoted to the project for each name/position.</i>						
		Salary	Rate	Time Worked <i>(# of hours, days, months, years)</i>	Percentage of Time	Total Cost	Non-Federal Contribution	Federal Request
						\$0		\$0
Total(s)						\$0	\$0	\$0

Narrative

B. Fringe Benefits						
Name <i>List each grant-supported position receiving fringe benefits.</i>		Computation <i>Show the basis for computation.</i>				
		Base	Rate	Total Cost	Non-Federal Contribution	Federal Request
				\$0		\$0
Total(s)				\$0	\$0	\$0
Narrative						

Purpose Area #4

C. Travel											
Purpose of Travel	Location	Type of Expense	Basis	Computation							
<i>Indicate the purpose of each trip or type of trip (training, advisory group meeting)</i>	<i>Indicate the travel destination.</i>	<i>Lodging, Meals, Etc.</i>	<i>Per day, mile, trip, Etc.</i>	<i>Compute the cost of each type of expense X the number of people traveling.</i>							
				Cost	Quantity	# of Staff	# of Trips	Total Cost	Non-Federal Contribution	Federal Request	
			N/A					\$0		\$0	
								Total(s)	\$0	\$0	\$0
Narrative											

Purpose Area #4

D. Equipment					
Item <i>List and describe each item of equipment that will be purchased</i>	Computation <i>Compute the cost (e.g., the number of each item to be purchased X the cost per item)</i>				
	# of Items	Unit Cost	Total Cost	Non-Federal Contribution	Federal Request
			\$0		\$0
Total(s)			\$0	\$0	\$0
Narrative					

Purpose Area #4

E. Supplies					
Supply Items		Computation			
<i>Provide a list of the types of items to be purchased with grant funds.</i>		<i>Describe the item and the compute the costs. Computation: The number of each item to be purchased X the cost per item.</i>			
	# of Items	Unit Cost	Total Cost	Non-Federal Contribution	Federal Request
Air Support "Skywatch" Operations	1	\$45,000.00	\$45,000		\$45,000
Special Unit Safety Equipment	1	\$12,585.00	\$12,585		\$12,585
Ammunition/Taser Cartridges	1	\$22,057.00	\$22,057		\$22,057
Total(s)			\$79,642	\$0	\$79,642
Narrative					
<p>Funding for our Air Support Unit "Skywatch" will provide maintenance and operations costs in order to conduct patrol, special surveillance operations, photo missions, and site surveys of incidents. Safety equipment and/or supplies are needed to continue to support officers working in special units such as Special Weapons And Tactics (SWAT), Traffic Bureau, Bicycle Patrol, Mobile Field Force (MFF), Explosive Ordnance Disposal (EOD) Unit, and Special Response Teams (SRT). Ammunition will be utilized to conduct ongoing police training for our officers including qualifications, perishable skills training, special unit training, and SWAT tactical training.</p>					

Purpose Area #4

F. Construction						
Purpose <i>Provide the purpose of the construction</i>	Description of Work <i>Describe the construction project(s)</i>	Computation <i>Compute the costs (e.g., the number of each item to be purchased X the cost per item)</i>				
		# of Items	Cost	Total Cost	Non-Federal Contribution	Federal Request
				\$0		\$0
				Total(s)	\$0	\$0
Narrative						

G. Subawards (Subgrants)						
Description <i>Provide a description of the activities to be carried out by subrecipients.</i>		Purpose <i>Describe the purpose of the subaward (subgrant)</i>		Consultant? <i>Is the subaward for a consultant? If yes, use the section below to explain associated travel expenses included in the cost.</i>		
				Total Cost	Non-Federal Contribution	Federal Request
						\$0
Total(s)				\$0	\$0	\$0

Consultant Travel (if necessary)								
Purpose of Travel <i>Indicate the purpose of each trip or type of trip (training, advisory group meeting)</i>		Location <i>Indicate the travel destination.</i>	Type of Expense <i>Hotel, airfare, per diem</i>		Computation <i>Compute the cost of each type of expense X the number of people traveling.</i>			
			Cost	Duration or Distance	# of Staff	Total Cost	Non-Federal Contribution	Federal Request
						\$0		\$0
			Total			\$0	\$0	\$0

Narrative

H. Procurement Contracts			
Description	Purpose	Consultant?	

Purpose Area #4

<i>Provide a description of the products or services to be procured by contract and an estimate of the costs. Applicants are encouraged to promote free and open competition in awarding contracts. A separate justification must be provided for sole source procurements in excess of the Simplified Acquisition Threshold (currently \$150,000).</i>	<i>Describe the purpose of the contract</i>	<i>Is the subaward for a consultant? If yes, use the section below to explain associated travel expenses included in the cost.</i>						
		Total Cost	Non-Federal Contribution	Federal Request				
		\$0	\$0	\$0				
		Total(s)	\$0	\$0				
Consultant Travel (if necessary)								
Purpose of Travel <small>Indicate the purpose of each trip or type of trip (training, advisory group meeting)</small>	Location <small>Indicate the travel destination.</small>	Type of Expense <small>Hotel, airfare, per diem</small>	Computation <small>Compute the cost of each type of expense X the number of people traveling.</small>					
			Cost	Duration or Distance	# of Staff	Total Cost	Non-Federal Contribution	Federal Request
			\$0			\$0		\$0
			Total			\$0	\$0	\$0
Narrative								
I. Other Costs								
Description		Computation						

Purpose Area #4

List and describe items that will be paid with grants funds (e.g. rent, reproduction, telephone, janitorial, or security services, and investigative or confidential funds).	Show the basis for computation						
	Quantity	Basis	Cost	Length of Time	Total Cost	Non-Federal Contribution	Federal Request
					\$0		\$0
				Total(s)	\$0	\$0	\$0
Narrative							

Purpose Area #4

J. Indirect Costs					
Description <i>Describe what the approved rate is and how it is applied.</i>	Computation <i>Compute the indirect costs for those portions of the program which allow such costs.</i>				
	<i>Base</i>	<i>Indirect Cost Rate</i>	<i>Total Cost</i>	<i>Non-Federal Contribution</i>	<i>Federal Request</i>
			\$0		\$0
		<i>Total(s)</i>	\$0	\$0	\$0
Narrative					

Budget Summary

Budget Summary

Note: Any errors detected on this page should be fixed on the corresponding Budget Detail tab.

Budget Category	Year 1		Year 2 (if needed)		Year 3 (if needed)		Year 4 (if needed)		Year 5 (if needed)		Total(s)
	Federal Request	Non-Federal Request	Federal Request	Non-Federal Request	Federal Request	Non-Federal Request	Federal Request	Non-Federal Request	Federal Request	Non-Federal Request	
A. Personnel	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
B. Fringe Benefits	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
C. Travel	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
D. Equipment	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
E. Supplies	\$189,159	\$0	\$79,642	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$268,801
F. Construction	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
G. Subawards (Subgrants)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
H. Procurement Contracts	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
I. Other	\$21,715	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$21,715
Total Direct Costs	\$210,874	\$0	\$79,642	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$290,516
J. Indirect Costs	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Project Costs	\$210,874	\$0	\$79,642	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$290,516
Does this budget contain conference costs which is defined broadly to include meetings, retreats, seminars, symposia, and training activities? - Y/N										No	

PROJECT IDENTIFIERS
JAG 2019

The County of Fresno has identified the following project identifiers related to this 2019 Justice Assistance Grant application and associated project activities:

- Hazardous Material Safety
- Officer Safety
- System Improvements

Appendix A

Certifications and Assurances by the Chief Executive of the Applicant Government

Template for use by the chief executive of the applicant unit of local government.

Visit <https://www.bja.gov/Funding/FY2019LocalJAGCEOCertification.pdf> to download the most up-to-date version.

Note: By law, for purposes of the JAG Program, the term “states” includes the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the U.S. Virgin Islands, Guam, and American Samoa.

Appendix B

Certain relevant federal laws, as in effect on April 8, 2019

8 U.S.C. § 1373

Communication between government agencies and the Immigration and Naturalization Service

(a) In general

Notwithstanding any other provision of Federal, State, or local law, a Federal, State, or local government entity or official may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual.

(b) Additional authority of government entities

Notwithstanding any other provision of Federal, State, or local law, no person or agency may prohibit, or in any way restrict, a Federal, State, or local government entity from doing any of the following with respect to information regarding the immigration status, lawful or unlawful, of any individual:

- (1) Sending such information to, or requesting or receiving such information from, the Immigration and Naturalization Service.
- (2) Maintaining such information.
- (3) Exchanging such information with any other Federal, State, or local government entity.

(c) Obligation to respond to inquiries

The Immigration and Naturalization Service shall respond to an inquiry by a Federal, State, or local government agency, seeking to verify or ascertain the citizenship or immigration status of any individual within the jurisdiction of the agency for any purpose authorized by law, by providing the requested verification or status information.

8 U.S.C. § 1644

Communication between State and local government agencies and Immigration and Naturalization Service

Notwithstanding any other provision of Federal, State, or local law, no State or local government entity may be prohibited, or in any way restricted, from sending to or receiving from the Immigration and Naturalization Service information regarding the immigration status, lawful or unlawful, of an alien in the United States.

8 U.S.C. § 1226(a) & (c)

Apprehension and detention of aliens

(a) Arrest, detention, and release

On a warrant issued by the Attorney General, an alien may be arrested and detained pending a decision on whether the alien is to be removed from the United States. Except as provided in subsection (c) and pending such decision, the Attorney General--

- (1) may continue to detain the arrested alien; and
- (2) may release the alien on--
 - (A) bond of at least \$1,500 with security approved by, and containing conditions prescribed by, the Attorney General; or
 - (B) conditional parole; but
- (3) may not provide the alien with work authorization (including an "employment authorized" endorsement or other appropriate work permit), unless the alien is lawfully admitted for permanent residence or otherwise would (without regard to removal proceedings) be provided such authorization.

(c) Detention of criminal aliens

(1) Custody

The Attorney General shall take into custody any alien who--

- (A) is inadmissible by reason of having committed any offense covered in section 1182(a)(2) of this title,
- (B) is deportable by reason of having committed any offense covered in section 1227(a)(2)(A)(ii), (A)(iii), (B), (C), or (D) of this title,
- (C) is deportable under section 1227(a)(2)(A)(i) of this title on the basis of an offense for which the alien has been sentenced¹ to a term of imprisonment of at least 1 year, or
- (D) is inadmissible under section 1182(a)(3)(B) of this title or deportable under section 1227(a)(4)(B) of this title,

when the alien is released, without regard to whether the alien is released on parole, supervised release, or probation, and without regard to whether the alien may be arrested or imprisoned again for the same offense.

(2) Release

The Attorney General may release an alien described in paragraph (1) only if the Attorney General decides pursuant to section 3521 of Title 18 that release of the alien from custody is necessary to provide protection to a witness, a potential witness, a person cooperating with an investigation into major criminal activity, or an immediate family member or close associate of a witness, potential witness, or person cooperating with such an investigation, and the alien satisfies the Attorney General that the alien will not pose a danger to the safety of other persons or of property and is likely to appear for any scheduled proceeding. A decision relating to such release shall take place in accordance with a procedure that considers the severity of the offense committed by the alien.

8 U.S.C. § 1231(a)(4)

(a) Detention, release, and removal of aliens ordered removed

4) Aliens imprisoned, arrested, or on parole, supervised release, or probation

(A) In general

Except as provided in section 259(a) of title 42 and paragraph (2), the Attorney General may not remove an alien who is sentenced to imprisonment until the alien is released from imprisonment. Parole, supervised release, probation, or possibility of arrest or further imprisonment is not a reason to defer removal.

(B) Exception for removal of nonviolent offenders prior to completion of sentence of imprisonment

The Attorney General is authorized to remove an alien in accordance with applicable procedures under this chapter before the alien has completed a sentence of imprisonment-

- i. in the case of an alien in the custody of the Attorney General, if the Attorney General determines that (I) the alien is confined pursuant to a final conviction for a nonviolent offense (other than an offense related to smuggling or harboring of aliens or an offense described in section 1101(a)(43)(B), (C), (E), (I), or (L) of this title and (II) the removal of the alien is appropriate and in the best interest of the United States; or
- ii. in the case of an alien in the custody of a State (or a political subdivision of a State), if the chief State official exercising authority with respect to the incarceration of the alien determines that (I) the alien is confined pursuant to a final conviction for a nonviolent offense (other than an offense described in section 1101(a)(43)(C) or (E) of this title), (II) the removal is appropriate and in the best interest of the State, and (III) submits a written request to the Attorney General that such alien be so removed.

(C) Notice

Any alien removed pursuant to this paragraph shall be notified of the penalties under the laws of the United States relating to the reentry of deported aliens, particularly the expanded penalties for aliens removed under subparagraph (B).

(D) No private right

No cause or claim may be asserted under this paragraph against any official of the United States or of any State to compel the release, removal, or consideration for release or removal of any alien.

8 U.S.C. § 1324(a)

Bringing in and harboring certain aliens

(a) Criminal penalties

(1)(A) Any person who—

- i. knowing that a person is an alien, brings to or attempts to bring to the United States in any manner whatsoever such person at a place other than a designated port of entry or place other than as designated by the Commissioner, regardless of whether such alien has received prior official authorization to come to, enter, or reside in the United States and regardless of any future official action which may be taken with respect to such alien;
- ii. knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, transports, or moves or attempts to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law;
- iii. knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, conceals, harbors, or shields from detection, or attempts to conceal, harbor, or shield from detection, such alien in any place, including any building or any means of transportation;

- iv. encourages or induces an alien to come to, enter, or reside in the United States, knowing or in reckless disregard of the fact that such coming to, entry, or residence is or will be in violation of law; or
 - v. (v)(I) engages in any conspiracy to commit any of the preceding acts, or
 - vi. (II) aids or abets the commission of any of the preceding acts, shall be punished as provided in subparagraph (B).
- (B) A person who violates subparagraph (A) shall, for each alien in respect to whom such a violation occurs—
- I. in the case of a violation of subparagraph (A)(i) or (v)(I) or in the case of a violation of subparagraph (A)(ii), (iii), or (iv) in which the offense was done for the purpose of commercial advantage or private financial gain, be fined under title 18, imprisoned not more than 10 years, or both;
 - II. in the case of a violation of subparagraph (A)(ii), (iii), (iv), or (v)(II), be fined under title 18, imprisoned not more than 5 years, or both;
 - III. in the case of a violation of subparagraph (A)(i), (ii), (iii), (iv), or (v) during and in relation to which the person causes serious bodily injury (as defined in section 1365 of title 18) to, or places in jeopardy the life of, any person, be fined under title 18, imprisoned not more than 20 years, or both; and
 - IV. in the case of a violation of subparagraph (A)(i), (ii), (iii), (iv), or (v) resulting in the death of any person, be punished by death or imprisoned for any term of years or for life, fined under title 18, or both.
- (C) It is not a violation of clauses (ii) or (iii) of subparagraph (A), or of clause (iv) of subparagraph (A) except where a person encourages or induces an alien to come to or enter the United States, for a religious denomination having a bona fide nonprofit, religious organization in the United States, or the agents or officers of such denomination or organization, to encourage, invite, call, allow, or enable an alien who is present in the United States to perform the vocation of a minister or missionary for the denomination or organization in the United States as a volunteer who is not compensated as an employee, notwithstanding the provision of room, board, travel, medical assistance, and other basic living expenses, provided the minister or missionary has been a member of the denomination for at least one year.

(2) Any person who, knowing or in reckless disregard of the fact that an alien has not received prior official authorization to come to, enter, or reside in the United States, brings to or attempts to bring to the United States in any manner whatsoever, such alien, regardless of any official action which may later be taken with respect to such alien shall, for each alien in respect to whom a violation of this paragraph occurs-

- (A) be fined in accordance with title 18 or imprisoned not more than one year, or both; or
- (B) in the case of-
 - (i) an offense committed with the intent or with reason to believe that the alien unlawfully brought into the United States will commit an offense against the United States or any State punishable by imprisonment for more than 1 year,
 - (ii) an offense done for the purpose of commercial advantage or private financial gain, or
 - (iii) an offense in which the alien is not upon arrival immediately brought and presented to an appropriate immigration officer at a designated port of entry,

be fined under title 18 and shall be imprisoned, in the case of a first or second violation of subparagraph (B)(iii), not more than 10 years, in the case of a first or second violation of

subparagraph (B)(i) or (B)(ii), not less than 3 nor more than 10 years, and for any other violation, not less than 5 nor more than 15 years.

(3)(A) Any person who, during any 12-month period, knowingly hires for employment at least 10 individuals with actual knowledge that the individuals are aliens described in subparagraph (B) shall be fined under title 18 or imprisoned for not more than 5 years, or both.

(B) An alien described in this subparagraph is an alien who-

- (i) is an unauthorized alien (as defined in section 1324a(h)(3) of this title), and
- (ii) has been brought into the United States in violation of this subsection.

(4) In the case of a person who has brought aliens into the United States in violation of this subsection, the sentence otherwise provided for may be increased by up to 10 years if-

- (A) the offense was part of an ongoing commercial organization or enterprise;
- (B) aliens were transported in groups of 10 or more; and
- (C)(i) aliens were transported in a manner that endangered their lives; or
- (ii) the aliens presented a life-threatening health risk to people in the United States.

8 U.S.C. § 1357(a)

Powers of immigration officers and employees

(a) Any officer or employee of the Service authorized under regulations prescribed by the Attorney General shall have power without warrant—

- (1) to interrogate any alien or person believed to be an alien as to his right to be or to remain in the United States;
- (2) to arrest any alien who in his presence or view is entering or attempting to enter the United States in violation of any law or regulation made in pursuance of law regulating the admission, exclusion, expulsion, or removal of aliens, or to arrest any alien in the United States, if he has reason to believe that the alien so arrested is in the United States in violation of any such law or regulation and is likely to escape before a warrant can be obtained for his arrest, but the alien arrested shall be taken without unnecessary delay for examination before an officer of the Service having authority to examine aliens as to their right to enter or remain in the United States;
- (3) within a reasonable distance from any external boundary of the United States, to board and search for aliens any vessel within the territorial waters of the United States and any railway car, aircraft, conveyance, or vehicle, and within a distance of twenty-five miles from any such external boundary to have access to private lands, but not dwellings, for the purpose of patrolling the border to prevent the illegal entry of aliens into the United States;
- (4) to make arrests for felonies which have been committed and which are cognizable under any law of the United States regulating the admission, exclusion, expulsion, or removal of aliens, if he has reason to believe that the person so arrested is guilty of such felony and if there is likelihood of the person escaping before a warrant can be obtained for his arrest, but the person arrested shall be taken without unnecessary delay before the nearest available officer empowered to commit persons charged with offenses against the laws of the United States; and
- (5) to make arrests-
- (6) for any offense against the United States, if the offense is committed in the officer's or employee's presence, or

- (7) for any felony cognizable under the laws of the United States, if the officer or employee has reasonable grounds to believe that the person to be arrested has committed or is committing such a felony,
- (8) if the officer or employee is performing duties relating to the enforcement of the immigration laws at the time of the arrest and if there is a likelihood of the person escaping before a warrant can be obtained for his arrest.

Under regulations prescribed by the Attorney General, an officer or employee of the Service may carry a firearm and may execute and serve any order, warrant, subpoena, summons, or other process issued under the authority of the United States. The authority to make arrests under paragraph (5)(B) shall only be effective on and after the date on which the Attorney General publishes final regulations which (i) prescribe the categories of officers and employees of the Service who may use force (including deadly force) and the circumstances under which such force may be used, (ii) establish standards with respect to enforcement activities of the Service, (iii) require that any officer or employee of the Service is not authorized to make arrests under paragraph (5)(B) unless the officer or employee has received certification as having completed a training program which covers such arrests and standards described in clause (ii), and (iv) establish an expedited, internal review process for violations of such standards, which process is consistent with standard agency procedure regarding confidentiality of matters related to internal investigations.

8 U.S.C. § 1366(1) & (3)

Annual report on criminal aliens

Not later than 12 months after September 30, 1996, and annually thereafter, the Attorney General shall submit to the Committees on the Judiciary of the House of Representatives and of the Senate a report detailing—

- (1) the number of illegal aliens incarcerated in Federal and State prisons for having committed felonies, stating the number incarcerated for each type of offense;

- (3) programs and plans underway in the Department of Justice to ensure the prompt removal from the United States of criminal aliens subject to removal;

Appendix C

Information regarding Communication with the Department of Homeland Security (DHS) and/or Immigration and Customs Enforcement (ICE)

Each applicant must provide responses to the following questions as an attachment to the application:

- (1) Does your jurisdiction have any laws, policies, or practices related to whether, when, or how employees may communicate with DHS or ICE?
Yes, please see attached Sheriff's Policy #C-185
- (2) Is your jurisdiction subject to any laws from a superior political entity (e.g., a state law that binds a city) that meet the description in question 1?
Yes, please see attached California Senate Bill 54
- (3) If yes to either:
 - Please provide a copy of each law or policy;
 - Please describe each practice; and
 - Please explain how the law, policy, or practice complies with section 1373.

A copy of the Sheriff Office's policy and California state law is attached. The duties, responsibilities and practices are outlined in Policy # C-185.

Note: Responses to these questions must be provided by the applicant to BJA as part of the JAG application. Further, the requirement to provide this information applies to all tiers of JAG funding, for all subawards made to state or local government entities, including public institutions of higher education. All subrecipient responses must be collected and maintained by the direct recipient of JAG funding and must be made available to DOJ upon request. Responses to these questions are not required from subrecipients that are either a tribal government/organization, a nonprofit organization, or a private institution of higher education.

FRESNO COUNTY SHERIFF'S OFFICE
JAIL DIVISION POLICIES AND PROCEDURES

TITLE: IMMIGRATION STATUS NO: C-185
FILE: ICE ACCESS

EFFECTIVE DATE: 01-01-18

REVISED: 03-20-18, 07-18-19

AUTHORITY: Sheriff M. Mims

APPROVED BY: Assistant Sheriff T. Gattie

REFERENCE: Fresno County Sheriff's Office Policies and Procedures Section No. 102; Penal Code Section 834c; and Government Code Sections 6254, 7282, 7282.5, 7283, 7283.1, 7284.4, and 7284.6 [TRUST Act (AB 4, 2013); TRUTH Act (AB 2792, 2016); and California Values Act (SB 54, 2017)].

PURPOSE:

The purpose of this policy is to establish and maintain a consistent method of access, communication, and cooperation with United States Immigration and Customs Enforcement (ICE) agents.

POLICY:

It is the policy of the Fresno County Sheriff's Office Jail Division to cooperate with all law enforcement agencies, providing access to computer databases and responding to agency requests. Contrarily, in order to comply with the California Values Act, immigration authorities must be restricted from normal law enforcement access and information sharing. This policy serves to address those restrictions.

It is the policy of the Fresno County Sheriff's Office Jail Division that all records relating to ICE access provided by the Sheriff's Office, including all communication with ICE, shall be public records for purposes of the California Public Records Act (PRA).

It is the policy of the Fresno County Sheriff's Office Jail Division to cooperate with immigration authorities to the extent that doing so does not violate any federal, state, or local law or local policy, and where permitted by the California Values Act.

It is the policy of the Fresno County Sheriff's Office Jail Division that no person shall be held solely on the basis of their immigration status.

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PROCEDURE:

I. DEFINITIONS

ICE ACCESS: means all of the following:

- (1) Responding to an ICE hold, notification, or transfer request.
- (2) Providing notification to ICE in advance of the public that an individual is being or will be released at a certain date and time through data sharing or otherwise.
- (3) Providing ICE non-publicly available information regarding release dates, home addresses, or work addresses, whether through computer databases, jail logs, or otherwise.
- (4) Allowing ICE to interview an individual.
- (5) Providing ICE information regarding dates and times of probation or parole check-ins.

HOLD REQUEST: means an ICE request that a local law enforcement agency maintain custody of an individual currently in its custody beyond the time he or she would otherwise be eligible for release in order to facilitate transfer to ICE.

NOTIFICATION REQUEST: means an ICE request that a local law enforcement agency inform ICE of the release date and time in advance of the public of an individual in its custody.

TRANSFER REQUEST: means an ICE request that a local law enforcement agency facilitate the transfer of an individual in its custody to ICE.

JUDICIAL PROBABLE CAUSE DETERMINATION: means a determination made by a federal judge or federal magistrate judge that probable cause exists that an individual has violated federal criminal immigration law and that authorizes a law enforcement officer to arrest and take into custody the individual.

JUDICIAL WARRANT: means a warrant based on probable cause for a violation of federal criminal immigration law and issued by a federal judge or a federal magistrate judge that authorizes a law enforcement officer to arrest and take into custody the person who is the subject of the warrant.

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II. CALIFORNIA VALUES ACT - LIMITATIONS AND ALLOWANCES

A. Members of the Sheriff's Office shall not perform any of the following for the purpose of immigration enforcement:

1. Inquire into an individual's immigration status.
2. Detain an individual on the basis of a hold request.
3. Provide information regarding a person's release date or respond to requests for notification by providing release dates or other information unless that information is available to the public, or is in response to a notification request in accordance with GC 7282.5.
4. Provide personal information that identifies an individual (unless that information is available to the public). Non-disclosed personal information includes, but is not limited to: the individual's home address, work address, social security number, home telephone number, education, financial matters, medical or employment history, and includes statements made by, or attributed to, the individual.
5. Use immigration authorities as interpreters.
6. Transfer an individual to immigration authorities unless authorized by a judicial warrant or judicial probable cause determination, or in accordance with GC 7282.5.
7. Provide office space exclusively dedicated for immigration authorities.

B. Notwithstanding the limitations in section (A) above, members of the Sheriff's Office may perform the following:

1. Respond to a request from ICE for information about a specific person's criminal history, including previous criminal arrests, convictions, or similar criminal history information.
2. Provide information that is available to the public, including:
 - a. Information posted on the Sheriff's website (e.g., name, date of birth, physical description including date of birth, color of eyes and hair, sex, height and weight, time and date of arrest, time and

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date of booking, housing location, all charges being held upon, bail amount, sentence date, release date, and arresting agency).

b. Information available pursuant to the Public Records Act (occupation, factual circumstances surrounding arrest, and time and manner of release).

3. Give ICE access to interview an individual in custody. All interview access shall comply with requirements of the TRUTH Act, and Sections IV and V of this policy.

III. DEMOGRAPHIC INFORMATION

A. When a foreign national is arrested or detained, there are legal requirements to ensure that the foreign national's government can offer appropriate consular assistance. In most cases, the inmate has the option to decide whether to have consular representatives notified of the arrest, however, 56 countries require *mandatory* notification. For the purpose of consular notification, a "foreign national" is any person who is not a United States citizen.

B. In order to determine notification requirements, the Booking Officer is responsible to complete the demographic information in Offendertrak, which includes the inmate's PRIMARY LANGUAGE and COUNTRY OF BIRTH. This information is used to communicate with the inmate in a language they prefer and to comply with United States treaty obligations regarding consular notification and access (refer to policy C-130/Foreign Nationals [FILE: FOREIGN NATIONALS]). The Booking Officer **shall not inquire into an individual's immigration status.**

IV. WRITTEN CONSENT

In advance of any interview between ICE and an inmate, the inmate shall be provided with a written consent form.

A. A Records Officer will be responsible to provide the inmate with a copy of the multilingual (English, Spanish, Hmong) *Consent Form (Addendum A)*. The form explains that ICE may request to interview the inmate to determine the inmate's immigration status and ascertain if the inmate is lawfully entitled to be in the United States. The form explains that the

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interview is voluntary, and that the inmate may decline to be interviewed, or may choose to be interviewed only with his/her attorney present.

1. The form is also available in Chinese, Korean, Tagalog, and Vietnamese (refer to Addendums B, C, D and E, respectively).
2. If the form is not available in a language understood by the inmate, the Records Officer must find an interpreter on staff or through the Sheriff's translation service (Addendum F). The translator's name and ID number shall be recorded in the inmate's GENERAL LOG.
3. If the inmate is illiterate or otherwise unable to read, the information shall be read and/or explained to the inmate.

B. The inmate is instructed to select an option and sign the form.

1. Staff should reassure the inmate that their decision is voluntary. Under no condition shall staff mislead or coerce an inmate into signing an agreement to be interviewed.
2. If an inmate refuses to sign the form, the officer shall write "refused to sign" on the signature line. The inmate's refusal to sign the form shall be considered a refusal to be interviewed.

C. The Records Officer shall note the selection made by the inmate in Offendertrak [PERSON→DEMOGRAPHICS→ADD/TELE/CDC/CONSUL→CDC#/AFIS/ICE CONSENT (Attribute = ICE INTERVIEW CONSENT; Value = YES, NO, or ATTORNEY, as applicable)]. The form shall be scanned into Laserfiche under Jail Records "ICE Consent Form."

V. INTERVIEW PROCEDURES

A. When an ICE agent requests an interview with an inmate, the Lobby Officer shall review the inmate's ICE CONSENT field (under PERSON→DEMOGRAPHICS) to ensure that the inmate has given consent prior to initiating an interview event. Only inmates who have given written consent to be interviewed may be interviewed by ICE agents.

1. The event shall be initiated as an "ICE Interview" via Offendertrak. The name of the ICE agent shall be documented in the DESCRIPTION field on the EVENT screen.

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2. The event shall be completed by either the floor officer or Lobby Officer, depending on the inmate's location.

B. If the inmate did not give consent, the interview will be denied.

C. If the *Consent Form* has not yet been initiated (or entered in Offendertrak), the ICE agent should be directed to Jail Records.

VI. IMMIGRATION DETAINERS

A. Upon receipt of an *Immigration Detainer – Notice of Action* (DHS Form I-247A), the detainer will be accepted and added. In compliance with the TRUST Act, the detainer will not serve as a hold, or delay an inmate's release beyond the scheduled date of release unless ICE presents proof that it has probable cause for the detention (i.e., an arrest warrant or probable cause statement signed by a federal judge or magistrate).

NOTE: Detainers and warrants are entirely separate and are not to be confused.

1. Duly issued warrants and probable cause statements signed by a federal judge or federal magistrate will be honored in all cases.

2. ICE Detainers remain subject to release, and will not affect the ability of inmates to post bond or cause them to be ineligible for release pursuant to the *Cruz v. County of Fresno* federal court order.

3. A copy of any document submitted by ICE may be provided to the inmate's attorney, upon request.

B. The receiving officer shall complete an *ICE Request Notification* form (Addendum G), notifying the inmate of the request and indicating whether the Sheriff's Office intends to comply with the request.

1. Both the *ICE Request Notification* form and DHS Form I-247A shall be scanned into Laserfiche under Jail Records "ICE Communication."

2. Copies of both forms shall be provided to the inmate.

C. Release date information is public information and persons requesting such should be directed to the Sheriff's website. If a Sheriff's Office employee provides ICE with notification that an inmate is being, or will be, released on a certain date, the same notification shall be promptly

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provided to the inmate and to his/her attorney or to one additional person who the inmate shall be permitted to designate.

1. An *ICE Notification of Release* form (Addendum H) shall be completed and delivered to the inmate by a designated Records Officer.
 2. The Records Officer shall be responsible to ensure that a copy of the request is forwarded to the person so named by the inmate.
- D. Inmates will not be transferred into the custody of immigration authorities unless authorized by a judicial warrant or judicial probable cause determination, or in accordance with GC 7282.5.
- E. If a law enforcement agency wishes to re-arrest an individual who is being released from custody, they may do so after the individual has completed the release process.
1. Given that the release vestibule opens into the publicly accessible lobby, in order to alleviate any unnecessary risks to the individual, officers, and/or any bystanders, the arresting officers may request permission to enter the release vestibule to effect the arrest.
 - a. The arresting agency must submit the request in writing, delineating a compelling need for heightened safety and security measures.
 - b. The supervising sergeant will assess the merits of the request on a case-by-case basis. Approved requests shall be documented in an incident report (I059/Release Vestibule Arrest).
 - c. The individual's property (particularly any property containing weapons or items that could be used as weapons) should be placed into a manila envelope and provided upon exit from the release vestibule.
 - d. Under no circumstances shall the inmate's release be delayed or postponed.
 2. If an inmate exhibits aggressive or hostile behavior during the release process, the releasing officer may seek approval from the supervising sergeant to admit the arresting agency into the release

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vestibule for safety and security reasons. Such action shall be documented in an incident report (1059).

VII. PUBLIC RECORDS

- A. All records relating to ICE access provided by the Sheriff's Office, including all communication with ICE, shall be public records for purposes of the California Public Records Act (PRA). In accordance with the PRA, personal identifying information may be redacted prior to public disclosure.
- B. Records relating to ICE access include, but are not limited to, data maintained regarding the number and demographic characteristics of individuals to whom ICE has been provided access, the date ICE access was provided, and whether the ICE access was provided through a hold, transfer, or notification request or through other means.

VIII. PUBLIC FORUM

- A. If the Sheriff's Office provides ICE access to an individual in custody during a calendar year, the Board of Supervisors is required to hold at least one community forum during the following year.
- B. The community forum must be open to the public, in an accessible location, and with at least 30 days' notice to provide information to the public about ICE's access to individuals. The Board is required to receive and consider public comment.
- C. As part of the forum, the Sheriff's Office may provide the Board with data it maintains regarding the number and demographic characteristics of individuals to whom the Sheriff's Office has provided ICE access, the date ICE access was provided, and whether the ICE access was provided through a hold, transfer, or notification request or through other means. The data will be provided in the form of statistics.



Senate Bill No. 54

CHAPTER 495

An act to amend Sections 7282 and 7282.5 of, and to add Chapter 17.25 (commencing with Section 7284) to Division 7 of Title 1 of, the Government Code, and to repeal Section 11369 of the Health and Safety Code, relating to law enforcement.

[Approved by Governor October 5, 2017. Filed with
Secretary of State October 5, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

SB 54, De León. Law enforcement: sharing data.

Existing law provides that when there is reason to believe that a person arrested for a violation of specified controlled substance provisions may not be a citizen of the United States, the arresting agency shall notify the appropriate agency of the United States having charge of deportation matters.

This bill would repeal those provisions.

Existing law provides that whenever an individual who is a victim of or witness to a hate crime, or who otherwise can give evidence in a hate crime investigation, is not charged with or convicted of committing any crime under state law, a peace officer may not detain the individual exclusively for any actual or suspected immigration violation or report or turn the individual over to federal immigration authorities.

This bill would, among other things and subject to exceptions, prohibit state and local law enforcement agencies, including school police and security departments, from using money or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, as specified, and would, subject to exceptions, proscribe other activities or conduct in connection with immigration enforcement by law enforcement agencies. The bill would apply those provisions to the circumstances in which a law enforcement official has discretion to cooperate with immigration authorities. The bill would require, by October 1, 2018, the Attorney General, in consultation with the appropriate stakeholders, to publish model policies limiting assistance with immigration enforcement to the fullest extent possible for use by public schools, public libraries, health facilities operated by the state or a political subdivision of the state, and courthouses, among others. The bill would require, among others, all public schools, health facilities operated by the state or a political subdivision of the state, and courthouses to implement the model policy, or an equivalent policy. The bill would state that, among others, all other organizations and entities that provide services related to physical or mental health and wellness, education, or access to justice, including the University of California, are encouraged to adopt the model policy. The bill would require

that a law enforcement agency that chooses to participate in a joint law enforcement task force, as defined, submit a report annually pertaining to task force operations to the Department of Justice, as specified. The bill would require the Attorney General, by March 1, 2019, and annually thereafter, to report on the types and frequency of joint law enforcement task forces, and other information, as specified, and to post those reports on the Attorney General's Internet Web site. The bill would require law enforcement agencies to report to the department annually regarding transfers of persons to immigration authorities. The bill would require the Attorney General to publish guidance, audit criteria, and training recommendations regarding state and local law enforcement databases, for purposes of limiting the availability of information for immigration enforcement, as specified. The bill would require the Department of Corrections and Rehabilitation to provide a specified written consent form in advance of any interview between a person in department custody and the United States Immigration and Customs Enforcement regarding civil immigration violations.

This bill would state findings and declarations of the Legislature relating to these provisions.

By imposing additional duties on public schools and local law enforcement agencies, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

The people of the State of California do enact as follows:

SECTION 1. Section 7282 of the Government Code is amended to read:

7282. For purposes of this chapter, the following terms have the following meanings:

(a) "Conviction" shall have the same meaning as subdivision (d) of Section 667 of the Penal Code.

(b) "Eligible for release from custody" means that the individual may be released from custody because one of the following conditions has occurred:

(1) All criminal charges against the individual have been dropped or dismissed.

(2) The individual has been acquitted of all criminal charges filed against him or her.

(3) The individual has served all the time required for his or her sentence.

(4) The individual has posted a bond.

(5) The individual is otherwise eligible for release under state or local law, or local policy.

(c) “Hold request,” “notification request,” and “transfer request” have the same meanings as provided in Section 7283. Hold, notification, and transfer requests include requests issued by the United States Immigration and Customs Enforcement or the United States Customs and Border Protection as well as any other immigration authorities.

(d) “Law enforcement official” means any local agency or officer of a local agency authorized to enforce criminal statutes, regulations, or local ordinances or to operate jails or to maintain custody of individuals in jails, and any person or local agency authorized to operate juvenile detention facilities or to maintain custody of individuals in juvenile detention facilities.

(e) “Local agency” means any city, county, city and county, special district, or other political subdivision of the state.

(f) “Serious felony” means any of the offenses listed in subdivision (c) of Section 1192.7 of the Penal Code and any offense committed in another state which, if committed in California, would be punishable as a serious felony as defined by subdivision (c) of Section 1192.7 of the Penal Code.

(g) “Violent felony” means any of the offenses listed in subdivision (c) of Section 667.5 of the Penal Code and any offense committed in another state which, if committed in California, would be punishable as a violent felony as defined by subdivision (c) of Section 667.5 of the Penal Code.

SEC. 2. Section 7282.5 of the Government Code is amended to read:

7282.5. (a) A law enforcement official shall have discretion to cooperate with immigration authorities only if doing so would not violate any federal, state, or local law, or local policy, and where permitted by the California Values Act (Chapter 17.25 (commencing with Section 7284)). Additionally, the specific activities described in subparagraph (C) of paragraph (1) of subdivision (a) of, and in paragraph (4) of subdivision (a) of, Section 7284.6 shall only occur under the following circumstances:

(1) The individual has been convicted of a serious or violent felony identified in subdivision (c) of Section 1192.7 of, or subdivision (c) of Section 667.5 of, the Penal Code.

(2) The individual has been convicted of a felony punishable by imprisonment in the state prison.

(3) The individual has been convicted within the past five years of a misdemeanor for a crime that is punishable as either a misdemeanor or a felony for, or has been convicted within the last 15 years of a felony for, any of the following offenses:

(A) Assault, as specified in, but not limited to, Sections 217.1, 220, 240, 241.1, 241.4, 241.7, 244, 244.5, 245, 245.2, 245.3, 245.5, 4500, and 4501 of the Penal Code.

(B) Battery, as specified in, but not limited to, Sections 242, 243.1, 243.3, 243.4, 243.6, 243.7, 243.9, 273.5, 347, 4501.1, and 4501.5 of the Penal Code.

(C) Use of threats, as specified in, but not limited to, Sections 71, 76, 139, 140, 422, 601, and 11418.5 of the Penal Code.

(D) Sexual abuse, sexual exploitation, or crimes endangering children, as specified in, but not limited to, Sections 266, 266a, 266b, 266c, 266d,

266f, 266g, 266h, 266i, 266j, 267, 269, 288, 288.5, 311.1, 311.3, 311.4, 311.10, 311.11, and 647.6 of the Penal Code.

(E) Child abuse or endangerment, as specified in, but not limited to, Sections 270, 271, 271a, 273a, 273ab, 273d, 273.4, and 278 of the Penal Code.

(F) Burglary, robbery, theft, fraud, forgery, or embezzlement, as specified in, but not limited to, Sections 211, 215, 459, 463, 470, 476, 487, 496, 503, 518, 530.5, 532, and 550 of the Penal Code.

(G) Driving under the influence of alcohol or drugs, but only for a conviction that is a felony.

(H) Obstruction of justice, as specified in, but not limited to, Sections 69, 95, 95.1, 136.1, and 148.10 of the Penal Code.

(I) Bribery, as specified in, but not limited to, Sections 67, 67.5, 68, 74, 85, 86, 92, 93, 137, 138, and 165 of the Penal Code.

(J) Escape, as specified in, but not limited to, Sections 107, 109, 110, 4530, 4530.5, 4532, 4533, 4534, 4535, and 4536 of the Penal Code.

(K) Unlawful possession or use of a weapon, firearm, explosive device, or weapon of mass destruction, as specified in, but not limited to, Sections 171b, 171c, 171d, 246, 246.3, 247, 417, 417.3, 417.6, 417.8, 4574, 11418, 11418.1, 12021.5, 12022, 12022.2, 12022.3, 12022.4, 12022.5, 12022.53, 12022.55, 18745, 18750, and 18755 of, and subdivisions (c) and (d) of Section 26100 of, the Penal Code.

(L) Possession of an unlawful deadly weapon, under the Deadly Weapons Recodification Act of 2010 (Part 6 (commencing with Section 16000) of the Penal Code).

(M) An offense involving the felony possession, sale, distribution, manufacture, or trafficking of controlled substances.

(N) Vandalism with prior convictions, as specified in, but not limited to, Section 594.7 of the Penal Code.

(O) Gang-related offenses, as specified in, but not limited to, Sections 186.22, 186.26, and 186.28 of the Penal Code.

(P) An attempt, as defined in Section 664 of, or a conspiracy, as defined in Section 182 of, the Penal Code, to commit an offense specified in this section.

(Q) A crime resulting in death, or involving the personal infliction of great bodily injury, as specified in, but not limited to, subdivision (d) of Section 245.6 of, and Sections 187, 191.5, 192, 192.5, 12022.7, 12022.8, and 12022.9 of, the Penal Code.

(R) Possession or use of a firearm in the commission of an offense.

(S) An offense that would require the individual to register as a sex offender pursuant to Section 290, 290.002, or 290.006 of the Penal Code.

(T) False imprisonment, slavery, and human trafficking, as specified in, but not limited to, Sections 181, 210.5, 236, 236.1, and 4503 of the Penal Code.

(U) Criminal profiteering and money laundering, as specified in, but not limited to, Sections 186.2, 186.9, and 186.10 of the Penal Code.

(V) Torture and mayhem, as specified in, but not limited to, Section 203 of the Penal Code.

(W) A crime threatening the public safety, as specified in, but not limited to, Sections 219, 219.1, 219.2, 247.5, 404, 404.6, 405a, 451, and 11413 of the Penal Code.

(X) Elder and dependent adult abuse, as specified in, but not limited to, Section 368 of the Penal Code.

(Y) A hate crime, as specified in, but not limited to, Section 422.55 of the Penal Code.

(Z) Stalking, as specified in, but not limited to, Section 646.9 of the Penal Code.

(AA) Soliciting the commission of a crime, as specified in, but not limited to, subdivision (c) of Section 286 of, and Sections 653j and 653.23 of, the Penal Code.

(AB) An offense committed while on bail or released on his or her own recognizance, as specified in, but not limited to, Section 12022.1 of the Penal Code.

(AC) Rape, sodomy, oral copulation, or sexual penetration, as specified in, but not limited to, paragraphs (2) and (6) of subdivision (a) of Section 261 of, paragraphs (1) and (4) of subdivision (a) of Section 262 of, Section 264.1 of, subdivisions (c) and (d) of Section 286 of, subdivisions (c) and (d) of Section 288a of, and subdivisions (a) and (j) of Section 289 of, the Penal Code.

(AD) Kidnapping, as specified in, but not limited to, Sections 207, 209, and 209.5 of the Penal Code.

(AE) A violation of subdivision (c) of Section 20001 of the Vehicle Code.

(4) The individual is a current registrant on the California Sex and Arson Registry.

(5) The individual has been convicted of a federal crime that meets the definition of an aggravated felony as set forth in subparagraphs (A) to (P), inclusive, of paragraph (43) of subsection (a) of Section 101 of the federal Immigration and Nationality Act (8 U.S.C. Sec. 1101), or is identified by the United States Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

(6) In no case shall cooperation occur pursuant to this section for individuals arrested, detained, or convicted of misdemeanors that were previously felonies, or were previously crimes punishable as either misdemeanors or felonies, prior to passage of the Safe Neighborhoods and Schools Act of 2014 as it amended the Penal Code.

(b) In cases in which the individual is arrested and taken before a magistrate on a charge involving a serious or violent felony, as identified in subdivision (c) of Section 1192.7 or subdivision (c) of Section 667.5 of the Penal Code, respectively, or a felony that is punishable by imprisonment in state prison, and the magistrate makes a finding of probable cause as to that charge pursuant to Section 872 of the Penal Code, a law enforcement official shall additionally have discretion to cooperate with immigration

officials pursuant to subparagraph (C) of paragraph (1) of subdivision (a) of Section 7284.6.

SEC. 3. Chapter 17.25 (commencing with Section 7284) is added to Division 7 of Title 1 of the Government Code, to read:

CHAPTER 17.25. COOPERATION WITH IMMIGRATION AUTHORITIES

7284. This chapter shall be known, and may be cited, as the California Values Act.

7284.2. The Legislature finds and declares the following:

(a) Immigrants are valuable and essential members of the California community. Almost one in three Californians is foreign born and one in two children in California has at least one immigrant parent.

(b) A relationship of trust between California's immigrant community and state and local agencies is central to the public safety of the people of California.

(c) This trust is threatened when state and local agencies are entangled with federal immigration enforcement, with the result that immigrant community members fear approaching police when they are victims of, and witnesses to, crimes, seeking basic health services, or attending school, to the detriment of public safety and the well-being of all Californians.

(d) Entangling state and local agencies with federal immigration enforcement programs diverts already limited resources and blurs the lines of accountability between local, state, and federal governments.

(e) State and local participation in federal immigration enforcement programs also raises constitutional concerns, including the prospect that California residents could be detained in violation of the Fourth Amendment to the United States Constitution, targeted on the basis of race or ethnicity in violation of the Equal Protection Clause, or denied access to education based on immigration status. See *Sanchez Ochoa v. Campbell, et al.* (E.D. Wash. 2017) 2017 WL 3476777; *Trujillo Santoya v. United States, et al.* (W.D. Tex. 2017) 2017 WL 2896021; *Moreno v. Napolitano* (N.D. Ill. 2016) 213 F. Supp. 3d 999; *Morales v. Chadbourne* (1st Cir. 2015) 793 F.3d 208; *Miranda-Olivares v. Clackamas County* (D. Or. 2014) 2014 WL 1414305; *Galarza v. Szalczyk* (3d Cir. 2014) 745 F.3d 634.

(f) This chapter seeks to ensure effective policing, to protect the safety, well-being, and constitutional rights of the people of California, and to direct the state's limited resources to matters of greatest concern to state and local governments.

(g) It is the intent of the Legislature that this chapter shall not be construed as providing, expanding, or ratifying any legal authority for any state or local law enforcement agency to participate in immigration enforcement.

7284.4. For purposes of this chapter, the following terms have the following meanings:

(a) "California law enforcement agency" means a state or local law enforcement agency, including school police or security departments.

“California law enforcement agency” does not include the Department of Corrections and Rehabilitation.

(b) “Civil immigration warrant” means any warrant for a violation of federal civil immigration law, and includes civil immigration warrants entered in the National Crime Information Center database.

(c) “Immigration authority” means any federal, state, or local officer, employee, or person performing immigration enforcement functions.

(d) “Health facility” includes health facilities as defined in Section 1250 of the Health and Safety Code, clinics as defined in Sections 1200 and 1200.1 of the Health and Safety Code, and substance abuse treatment facilities.

(e) “Hold request,” “notification request,” “transfer request,” and “local law enforcement agency” have the same meaning as provided in Section 7283. Hold, notification, and transfer requests include requests issued by United States Immigration and Customs Enforcement or United States Customs and Border Protection as well as any other immigration authorities.

(f) “Immigration enforcement” includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, and also includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person’s presence in, entry, or reentry to, or employment in, the United States.

(g) “Joint law enforcement task force” means at least one California law enforcement agency collaborating, engaging, or partnering with at least one federal law enforcement agency in investigating federal or state crimes.

(h) “Judicial probable cause determination” means a determination made by a federal judge or federal magistrate judge that probable cause exists that an individual has violated federal criminal immigration law and that authorizes a law enforcement officer to arrest and take into custody the individual.

(i) “Judicial warrant” means a warrant based on probable cause for a violation of federal criminal immigration law and issued by a federal judge or a federal magistrate judge that authorizes a law enforcement officer to arrest and take into custody the person who is the subject of the warrant.

(j) “Public schools” means all public elementary and secondary schools under the jurisdiction of local governing boards or a charter school board, the California State University, and the California Community Colleges.

(k) “School police and security departments” includes police and security departments of the California State University, the California Community Colleges, charter schools, county offices of education, schools, and school districts.

7284.6. (a) California law enforcement agencies shall not:

(1) Use agency or department moneys or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, including any of the following:

(A) Inquiring into an individual’s immigration status.

(B) Detaining an individual on the basis of a hold request.

(C) Providing information regarding a person's release date or responding to requests for notification by providing release dates or other information unless that information is available to the public, or is in response to a notification request from immigration authorities in accordance with Section 7282.5. Responses are never required, but are permitted under this subdivision, provided that they do not violate any local law or policy.

(D) Providing personal information, as defined in Section 1798.3 of the Civil Code, about an individual, including, but not limited to, the individual's home address or work address unless that information is available to the public.

(E) Making or intentionally participating in arrests based on civil immigration warrants.

(F) Assisting immigration authorities in the activities described in Section 1357(a)(3) of Title 8 of the United States Code.

(G) Performing the functions of an immigration officer, whether pursuant to Section 1357(g) of Title 8 of the United States Code or any other law, regulation, or policy, whether formal or informal.

(2) Place peace officers under the supervision of federal agencies or employ peace officers deputized as special federal officers or special federal deputies for purposes of immigration enforcement. All peace officers remain subject to California law governing conduct of peace officers and the policies of the employing agency.

(3) Use immigration authorities as interpreters for law enforcement matters relating to individuals in agency or department custody.

(4) Transfer an individual to immigration authorities unless authorized by a judicial warrant or judicial probable cause determination, or in accordance with Section 7282.5.

(5) Provide office space exclusively dedicated for immigration authorities for use within a city or county law enforcement facility.

(6) Contract with the federal government for use of California law enforcement agency facilities to house individuals as federal detainees, except pursuant to Chapter 17.8 (commencing with Section 7310).

(b) Notwithstanding the limitations in subdivision (a), this section does not prevent any California law enforcement agency from doing any of the following that does not violate any policy of the law enforcement agency or any local law or policy of the jurisdiction in which the agency is operating:

(1) Investigating, enforcing, or detaining upon reasonable suspicion of, or arresting for a violation of, Section 1326(a) of Title 8 of the United States Code that may be subject to the enhancement specified in Section 1326(b)(2) of Title 8 of the United States Code and that is detected during an unrelated law enforcement activity. Transfers to immigration authorities are permitted under this subsection only in accordance with paragraph (4) of subdivision (a).

(2) Responding to a request from immigration authorities for information about a specific person's criminal history, including previous criminal arrests, convictions, or similar criminal history information accessed through

the California Law Enforcement Telecommunications System (CLETS), where otherwise permitted by state law.

(3) Conducting enforcement or investigative duties associated with a joint law enforcement task force, including the sharing of confidential information with other law enforcement agencies for purposes of task force investigations, so long as the following conditions are met:

(A) The primary purpose of the joint law enforcement task force is not immigration enforcement, as defined in subdivision (f) of Section 7284.4.

(B) The enforcement or investigative duties are primarily related to a violation of state or federal law unrelated to immigration enforcement.

(C) Participation in the task force by a California law enforcement agency does not violate any local law or policy to which it is otherwise subject.

(4) Making inquiries into information necessary to certify an individual who has been identified as a potential crime or trafficking victim for a T or U Visa pursuant to Section 1101(a)(15)(T) or 1101(a)(15)(U) of Title 8 of the United States Code or to comply with Section 922(d)(5) of Title 18 of the United States Code.

(5) Giving immigration authorities access to interview an individual in agency or department custody. All interview access shall comply with requirements of the TRUTH Act (Chapter 17.2 (commencing with Section 7283)).

(c) (1) If a California law enforcement agency chooses to participate in a joint law enforcement task force, for which a California law enforcement agency has agreed to dedicate personnel or resources on an ongoing basis, it shall submit a report annually to the Department of Justice, as specified by the Attorney General. The law enforcement agency shall report the following information, if known, for each task force of which it is a member:

(A) The purpose of the task force.

(B) The federal, state, and local law enforcement agencies involved.

(C) The total number of arrests made during the reporting period.

(D) The number of people arrested for immigration enforcement purposes.

(2) All law enforcement agencies shall report annually to the Department of Justice, in a manner specified by the Attorney General, the number of transfers pursuant to paragraph (4) of subdivision (a), and the offense that allowed for the transfer, pursuant to paragraph (4) of subdivision (a).

(3) All records described in this subdivision shall be public records for purposes of the California Public Records Act (Chapter 3.5 (commencing with Section 6250)), including the exemptions provided by that act and, as permitted under that act, personal identifying information may be redacted prior to public disclosure. To the extent that disclosure of a particular item of information would endanger the safety of a person involved in an investigation, or would endanger the successful completion of the investigation or a related investigation, that information shall not be disclosed.

(4) If more than one California law enforcement agency is participating in a joint task force that meets the reporting requirement pursuant to this

section, the joint task force shall designate a local or state agency responsible for completing the reporting requirement.

(d) The Attorney General, by March 1, 2019, and annually thereafter, shall report on the total number of arrests made by joint law enforcement task forces, and the total number of arrests made for the purpose of immigration enforcement by all task force participants, including federal law enforcement agencies. To the extent that disclosure of a particular item of information would endanger the safety of a person involved in an investigation, or would endanger the successful completion of the investigation or a related investigation, that information shall not be included in the Attorney General's report. The Attorney General shall post the reports required by this subdivision on the Attorney General's Internet Web site.

(e) This section does not prohibit or restrict any government entity or official from sending to, or receiving from, federal immigration authorities, information regarding the citizenship or immigration status, lawful or unlawful, of an individual, or from requesting from federal immigration authorities immigration status information, lawful or unlawful, of any individual, or maintaining or exchanging that information with any other federal, state, or local government entity, pursuant to Sections 1373 and 1644 of Title 8 of the United States Code.

(f) Nothing in this section shall prohibit a California law enforcement agency from asserting its own jurisdiction over criminal law enforcement matters.

7284.8. (a) The Attorney General, by October 1, 2018, in consultation with the appropriate stakeholders, shall publish model policies limiting assistance with immigration enforcement to the fullest extent possible consistent with federal and state law at public schools, public libraries, health facilities operated by the state or a political subdivision of the state, courthouses, Division of Labor Standards Enforcement facilities, the Agricultural Labor Relations Board, the Division of Workers Compensation, and shelters, and ensuring that they remain safe and accessible to all California residents, regardless of immigration status. All public schools, health facilities operated by the state or a political subdivision of the state, and courthouses shall implement the model policy, or an equivalent policy. The Agricultural Labor Relations Board, the Division of Workers' Compensation, the Division of Labor Standards Enforcement, shelters, libraries, and all other organizations and entities that provide services related to physical or mental health and wellness, education, or access to justice, including the University of California, are encouraged to adopt the model policy.

(b) For any databases operated by state and local law enforcement agencies, including databases maintained for the agency by private vendors, the Attorney General shall, by October 1, 2018, in consultation with appropriate stakeholders, publish guidance, audit criteria, and training recommendations aimed at ensuring that those databases are governed in a manner that limits the availability of information therein to the fullest extent practicable and consistent with federal and state law, to anyone or any entity

for the purpose of immigration enforcement. All state and local law enforcement agencies are encouraged to adopt necessary changes to database governance policies consistent with that guidance.

(c) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2), the Department of Justice may implement, interpret, or make specific this chapter without taking any regulatory action.

7284.10. (a) The Department of Corrections and Rehabilitation shall:

(1) In advance of any interview between the United States Immigration and Customs Enforcement (ICE) and an individual in department custody regarding civil immigration violations, provide the individual with a written consent form that explains the purpose of the interview, that the interview is voluntary, and that he or she may decline to be interviewed or may choose to be interviewed only with his or her attorney present. The written consent form shall be available in English, Spanish, Chinese, Tagalog, Vietnamese, and Korean.

(2) Upon receiving any ICE hold, notification, or transfer request, provide a copy of the request to the individual and inform him or her whether the department intends to comply with the request.

(b) The Department of Corrections and Rehabilitation shall not:

(1) Restrict access to any in-prison educational or rehabilitative programming, or credit-earning opportunity on the sole basis of citizenship or immigration status, including, but not limited to, whether the person is in removal proceedings, or immigration authorities have issued a hold request, transfer request, notification request, or civil immigration warrant against the individual.

(2) Consider citizenship and immigration status as a factor in determining a person's custodial classification level, including, but not limited to, whether the person is in removal proceedings, or whether immigration authorities have issued a hold request, transfer request, notification request, or civil immigration warrant against the individual.

7284.12. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 4. Section 11369 of the Health and Safety Code is repealed.

SEC. 5. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Appendix D

Additional purposes for which JAG funds awarded to a unit of local government under this FY 2019 solicitation may be used:

(a) To enforce state and local laws that establish offenses similar to offenses established in 21 U.S.C. § 801 et seq., to improve the functioning of the **criminal justice** system, with emphasis on violent crime and serious offenders, by means including providing additional personnel, equipment, training, technical assistance, and information systems for the more widespread apprehension, prosecution, adjudication, detention, and rehabilitation of persons who violate these laws, and to assist the victims of such crimes (other than compensation), including—

(1) demand-reduction education programs in which law enforcement officers participate;

(2) multi-jurisdictional task-force programs that integrate federal, state, and local drug-law-enforcement agencies and prosecutors for the purpose of enhancing inter-agency co-ordination and intelligence, and facilitating multi-jurisdictional investigations;

(3) programs designed to target the domestic sources of controlled and illegal substances, such as precursor chemicals, diverted pharmaceuticals, clandestine laboratories, and cannabis cultivations;

(4) providing community and neighborhood programs that assist citizens in preventing and controlling crime, including special programs that address the problems of crimes committed against the elderly and special programs for rural jurisdictions;

(5) disrupting illicit commerce in stolen goods and property;

(6) improving the investigation and prosecution of white-collar crime, organized crime, public-corruption crimes, and fraud against the government, with priority attention to cases involving drug-related official corruption;

(7)(A) improving the operational effectiveness of law enforcement through the use of crime-analysis techniques, street-sales enforcement, schoolyard-violator programs, and gang-related and low-income-housing drug-control programs; and

(B) developing and implementing anti-terrorism plans for deep-draft ports, international airports, and other important facilities;

(8) career-criminal prosecution programs, including the development of proposed model drug-control legislation;

(9) financial investigative programs that target the identification of money-laundering operations and assets obtained through illegal drug trafficking, including the development of proposed model legislation, financial investigative training, and financial information-sharing systems;

(10) improving the operational effectiveness of the court process, by expanding prosecutorial, defender, and judicial resources, and implementing court-delay-reduction programs;

(11) programs designed to provide additional public correctional resources and improve the corrections system, including treatment in prisons and jails, intensive-supervision programs, and long-range corrections and sentencing strategies;

(12) providing prison-industry projects designed to place inmates in a realistic working and training environment that will enable them to acquire

marketable skills and to make financial payments for restitution to their victims, for support of their own families, and for support of themselves in the institution;

(13) providing programs that identify and meet the treatment needs of adult and juvenile drug-dependent and alcohol-dependent offenders;

(14) developing and implementing programs that provide assistance to jurors and witnesses, and assistance (other than compensation) to victims of crimes;

(15)(A) developing programs to improve drug-control technology, such as pretrial drug-testing programs, programs that provide for the identification, assessment, referral to treatment, case-management and monitoring of drug-dependent offenders, and enhancement of state and local forensic laboratories; and

(B) developing programs to improve **criminal justice** information systems (including automated fingerprint identification systems) to assist law enforcement, prosecution, courts, and corrections organizations;

(16) innovative programs that demonstrate new and different approaches to enforcement, prosecution, and adjudication of drug offenses and other serious crimes;

(17) addressing the problems of drug trafficking and the illegal manufacture of controlled substances in public housing;

(18) improving the criminal and juvenile justice system's response to domestic and family violence, including spouse abuse, child abuse, and abuse of the elderly;

(19) drug-control evaluation programs that the state and units of local government may utilize to evaluate programs and projects directed at state drug-control activities;

(20) providing alternatives to prevent detention, jail, and prison for persons who pose no danger to the community;

(21) programs of which the primary goal is to strengthen urban enforcement and prosecution efforts targeted at street drug sales;

(22) programs for the prosecution of driving while intoxicated charges and the enforcement of other laws relating to alcohol use and the operation of motor vehicles;

(23) programs that address the need for effective bindover systems for the prosecution of violent 16- and 17-year-old juveniles, in courts with jurisdiction over adults, for the crimes of—

(A) murder in the first degree;

(B) murder in the second degree;

(C) attempted murder;

(D) armed robbery when armed with a firearm;

(E) aggravated battery or assault when armed with a firearm;

(F) criminal sexual penetration when armed with a firearm; and

(G) drive-by shootings as described 18 U.S.C. § 36;

(24) law-enforcement and prevention programs relating to gangs or to youth who are involved or at risk of involvement in gangs;

(25) developing or improving, in a forensic laboratory, a capability to analyze DNA for identification purposes; and

(26) developing and implementing anti-terrorism training programs and procuring equipment for use by local law-enforcement authorities; and

(b) To reduce crime and improve public safety, including but not limited to, the following:

- (1)(A) hiring, training, and employing on a continuing basis new, additional law enforcement officers and necessary support personnel;
- (B) paying overtime to presently-employed law enforcement officers and necessary support personnel for the purpose of increasing the number of hours worked by such personnel; and
- (C) procuring equipment, technology, and other material directly related to basic law-enforcement functions;
- (2) enhancing security measures—
 - (A) in and around schools; and
 - (B) in and around any other facility or location that is considered by the unit of local government to have a special risk for incidents of crime;
- (3) establishing crime-prevention programs that may, though not exclusively, involve law-enforcement officials and that are intended to discourage, disrupt, or interfere with the commission of criminal activity, including neighborhood-watch and citizen-patrol programs, sexual-assault and domestic-violence programs, and programs intended to prevent juvenile crime;
- (4) establishing or supporting drug courts;
- (5) establishing early-intervention and -prevention programs for juveniles, in order to reduce or eliminate crime;
- (6) enhancing the adjudication process of cases involving violent offenders, including violent juvenile offenders;
- (7) enhancing programs under (a), above;
- (8) establishing co-operative task forces between adjoining units of local government to work co-operatively to prevent and combat criminal activity, particularly criminal activity that is exacerbated by drug- or gang-related involvement; and
- (9) establishing a multi-jurisdictional task force, particularly in rural areas, composed of law-enforcement officials representing units of local government, that works with Federal law-enforcement officials to prevent and control crime.

**Appendix E
Application Checklist**

**Edward Byrne Memorial Justice Assistance Grant (JAG) Program:
FY 2019 Local Solicitation**

This application checklist has been created as an aid in developing an application.

What an Applicant Should Do:

Prior to Registering in GMS:

- _____ Acquire a DUNS Number (see the [OJP Grant Application Resource Guide](#))
- _____ Acquire or renew registration with SAM (see the [OJP Grant Application Resource Guide](#))

To Register with GMS:

- _____ For new users, acquire a GMS username and password* (see the [OJP Grant Application Resource Guide](#))
- _____ For existing users, check GMS username and password* to ensure account access (see the [OJP Grant Application Resource Guide](#))
- _____ Verify SAM registration in GMS (see the [OJP Grant Application Resource Guide](#))
- _____ Search for correct funding opportunity in GMS (see the [OJP Grant Application Resource Guide](#))
- _____ Select correct funding opportunity in GMS (see the [OJP Grant Application Resource Guide](#))
- _____ Register by selecting the "Apply Online" button associated with the funding opportunity title (see the [OJP Grant Application Resource Guide](#))
- _____ Read OJP policy and guidance on conference approval, planning, and reporting available at ojp.gov/financialguide/DOJ/PostawardRequirements/chapter3.10a.htm (see the [OJP Grant Application Resource Guide](#))
- _____ If experiencing technical difficulties in GMS, contact the NCJRS Response Center (see page 2)

*Password Reset Notice – GMS users are reminded that while password reset capabilities exist, this function is only associated with points of contact designated within GMS at the time the account was established. Neither OJP nor the GMS Help Desk will initiate a password reset unless requested by the authorized official or a designated point of contact associated with an award or application.

Overview of Post-Award Legal Requirements:

- _____ Review the "[Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2019 Awards](#)" in the OJP Funding Resource Center at <https://ojp.gov/funding/index.htm>.

Scope Requirement:

- _____ The federal amount requested is within the allowable limit(s) of the FY 2019 JAG Allocations List as listed on BJA's [JAG web page](#).

Eligibility Requirement: Only units of local government may apply under this solicitation. By law, for purposes of the JAG Program, the term “units of local government” includes a town, township, village, parish, city, county, borough, or other general purpose political subdivision of a state; or, it may be a federally recognized Indian tribal government that performs law enforcement functions (as determined by the Secretary of the Interior). A unit of local government also may be any law enforcement district or judicial enforcement district established under applicable state law with authority to independently establish a budget and impose taxes.

What an Application Should Include:

_____ Application for Federal Assistance (SF-424)	(see page 17)
_____ Intergovernmental Review	(see page 17)
_____ Project Identifiers	(see page 18)
_____ Program Narrative	(see page 18)
_____ Budget and Associated Documentation	(see page 19)
_____ Indirect Cost Rate Agreement (if applicable)	(see page 19)
_____ Tribal Authorizing Resolution (if applicable)	(see page 20)
_____ Financial Management and System of Internal Controls Questionnaire	(see page 20)
_____ Disclosure of Lobbying Activities (SF-LLL) (if applicable)	(see page 20)
_____ Certifications and Assurances by Chief Executive	(see Appendix A)
_____ Information regarding Communication with the Department of Homeland Security (DHS) and/or Immigration and Customs Enforcement (ICE)	(see Appendix C)
_____ OJP Certified Standard Assurances	(see page 20)
_____ Applicant Disclosure of Pending Applications	(see page 21)
_____ Applicant Disclosure and Justification – DOJ High Risk Grantees (if applicable)	(see page 21)
_____ Research and Evaluation Independence and Integrity (if applicable)	(see page 21)