



DATE: June 5, 2013

TO: Honorable Mayor and City Councilmembers

FROM: Police Department

SUBJECT: **ACCEPTANCE OF \$91,490 IN FUNDS FOR AB109 ENFORCEMENT FOR FISCAL YEAR 2013-14**

SYNOPSIS

Staff recommends that the City Council approve acceptance of \$91,490 in funds from the Board of State and Community Corrections (BSCC) allocated to the City for AB109 enforcement; approve to appropriate these funds to the Police Department; and authorize the City Manager, or designee, to execute all award documents.

BACKGROUND

On January 17, 2012, BSCC provided \$24 million in state funds to front line law enforcement as part of California Assembly Bill 109. Under AB109, the burden of monitoring a significant number of convicted felons shifted from state to local law enforcement jurisdictions. Subjects who fall under the provisions of AB109 receive reduced sentences, serve no time in custody or are released from prison early in order to address overcrowding. The impact of their release back into the community has caused crime rates to increase significantly over the last year. The framework of how to spend the funds has been established by the California Police Chiefs Association (CPCA) with guidance on how chiefs can work collaboratively to best leverage the funds for public safety in their communities. The initial funding was for \$20 million for city police departments, and an additional \$4 million was added to address the concerns of sheriffs with contracted cities.

CPCA has stated that the funds would be used regionally by collaborating police departments to address crime impacts in each community. Each city approach will be different depending upon unique needs, staffing and geography. Police chiefs are positioned to make all decisions on how funds should be used. CPCA has stated that funds may be used for partnering with county probation, employing best practices, and focusing on serious, violent crimes and habitually non-compliant offenders.

ANALYSIS

Each county chiefs association has identified one city to act as the fiscal agent. The City of San Diego has received funding for the county, and will distribute the allocated funds

to each city. Oceanside Police Department (OPD) will receive approximately \$91,490 for AB109 enforcement. OPD will use the funds for overtime details to conduct probation checks on AB109 subjects, and for investigation and crime suppression details when there is a strong indication that the suspect(s) are AB109 offenders. These funds are legislatively identified for a period of three years.

The Financial Services Department created business unit account 817131800217 to track revenue and expenditures of these funds. This is an interest-bearing account and the investment income will be expended as it is accrued in a manner consistent with the program guidelines. CPCA does not provide an expiration date on the use of these funds, nor local administrative regulations or requirements for allocation of funds.

FISCAL IMPACT

The City of San Diego will disburse \$91,490 from the allocated funds to the City of Oceanside. If there is a negative cash balance at fiscal year-end due to a pending reimbursement from the grantor, the business unit will receive a temporary advance from the general fund that is not to exceed 60 days. There is no matching fund requirement.

The funds will be deposited into the revenue account 817131800217.4376, and appropriated to the business unit for the City’s fiscal year 2013-14 as detailed in the following table.

Expenditures	Appropriation	Business Unit
Overtime	\$90,164	817131800217.5120
Fringe Benefits	\$1,326	817131800217.5207
Total Amount of Funds	\$91,490	
Revenues	Appropriation	Business Unit
Total Budget	\$91,490	817131800217.4376

INSURANCE REQUIREMENTS

Does not apply.

COMMISSION OR COMMITTEE REPORT

The Police and Fire Commission will review this matter during their next meeting on July 18, 2013.

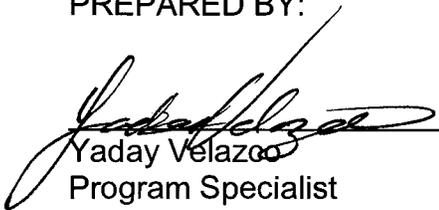
CITY ATTORNEY'S ANALYSIS

City Attorney analysis does not apply.

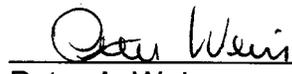
RECOMMENDATION

Staff recommends that the City Council approve acceptance of \$91,490 in funds from the Board of State and Community Corrections (BSCC) allocated to the City for AB109 enforcement; approve to appropriate these funds to the Police Department; and authorize the City Manager, or designee, to execute all award documents.

PREPARED BY:

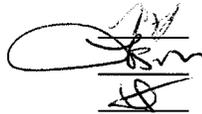

Yaday Velazco
Program Specialist

SUBMITTED BY:


Peter A. Weiss
City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager
Frank McCoy, Police Chief
Teri Ferro, Financial Services Director



To All Members:

Back in January, Cal Chiefs sent the following email out to all members as a guideline in their discussions regarding the use of the \$24 million in funding that police departments received. Now that the cities identified as the fiscal agents in each county have received their county's share of the funding, and county chiefs are meeting to discuss how the money will be used, we thought it would be helpful to resend the framework that was sent before to and so it appears below:

Framework for Use of \$24 Million in State Funding

Funding provided by the state through the Board of State and Community Corrections (BSCC) on January 17, 2012 provides funding to front line law enforcement. This framework outlines initial intentions for use of the funds by local law enforcement with guidance to chiefs as to how they can work collaboratively to best leverage this funding for public safety in their communities.

This framework represents the intent of the initial proposal for funding, and the ongoing representations of the California Police Chiefs Association as funding was legislatively approved and formally allocated through BSCC action.

In the upcoming 2013-2014 budget, the initial funding level for year two of this allocation is \$27.5 Million.

Our success in the use of the funds can be expected to directly influence future funding decisions.

Allocation approach

The initial funding was for \$20 Million for city police departments. An additional \$4 Million was recently added to the initial allocation to address the concerns of sheriffs with contract cities. Cal Chiefs would encourage you to include the Sheriff in your implementation and distribution discussions, understanding this issue will vary county to county.

Funds are allocated to the county police chief level with one city serving as the fiscal agent. There is no specific intent that funds be further divided and distributed so that each individual city receives funding.

In its initial proposal, and throughout subsequent discussions with the Administration, CPCA stated that funds would be used:

- Regionally
- In collaboration with other police departments to address crime impacts in their communities
- In partnership or collaboration with county probation
- Employing best and promising practices
- Focusing on serious, violent crimes and habitually non-compliant offenders
- Supported by crime and data analysis for greatest impact and to provide evaluative information to support demonstration of outcomes

CPCA understands that each county approach will be different, dependent upon the unique needs, staffing and geography of that county. However, the association has represented that, to the greatest degree possible, consistency in overall approach across the state will be sought.

Throughout the process of securing state funding, all parties understood that decisions on how best to use these funds should be local decisions and that police chiefs would be best positioned to make those decisions.

Fiscal Agent

Each county chiefs association was asked to identify one city to act as the recipient of the funding for their county. That city will receive the funding approximately 30 days from January 10, 2013. Since the allocated funds are limited, the association anticipated and hoped that the receiving city would administer the funds for the benefit of all partners without applying an administrative fee. Application of an administrative fee is not prohibited; it is simply acknowledged that one city could accept that impact as part of the collaborative effort to make the most efficient use of the funds. It was further expected that the plan to distribute the funds would be a one time action based upon the local plan. Therefore, the administrative burden of the fiscal agent might be limited to receipt of funds and a limited number of distributions.

CPCA makes no representations on local administrative regulations or requirements for the local allocation of funds.

Guidelines for Use of Funds

The funding language in the budget is:

“Grants for City Police Departments--Current economic conditions have resulted in budget reductions for city police departments. To help mitigate these reductions, the May Revision includes \$20 million General Fund to create a new grant program for city police departments.” (This amount is being revised upward by the addition of \$ 4 million, which addition is slated to be implemented in less than 30 days)”

The approval language from the BSCC is:

“This formula (the CPCA proposal) meets the criteria set forth in law and the BSCC recognizes the importance of local agencies being able to best identify their own needs with regard to the use of resources. One City in each county has been identified to be the fiduciary agent for this funding and will allocate the funds based on the collective decision of local law enforcement.”

These funds are legislatively identified for a period of three years. There is no ability to determine at this time whether this funding will continue beyond that period, or at what level. It is the intent of the association to seek an increase in funding in future years.

There are no specific requirements for use of these funds. The expectation is that funds will be used as outlined in the principles listed above. In counties with many agencies, the funds could be used to create a regional effort, or divided into smaller distributions for smaller regional efforts. In some counties, the allocation is small and will likely be used by a single agency.

There is no expectation that the funds should or must be divided and allocated to each individual city. The association believes that the greatest benefit from these funds will come from leveraged regional or collaborative use.

Some agencies have already committed resources to address crime impacts in their regions, specifically since the implementation of public safety realignment. Use of these funds to augment those efforts, or to regionalize those efforts, would be consistent with the intent of the allocation. Use of the funds to hire an analyst to work with law enforcement and probation would serve to efficiently focus resources on the most serious, violent, habitually non-compliant persons who pose the greatest risk to communities while providing the structure and administrative support to demonstrate outcomes in subsequent evaluation of efforts. The funds may be used to backfill or offset the costs of current positions, understanding that these funds are only legislatively established for three years.

Coordination with county probation is encouraged. This can be a direct partnership, an on-going consultation with probation or coordination at some other level depending upon the needs and resources of the agencies and the probation department. There is no expectation that any portion of the funding be provided to probation.

Agencies should rely on their local administrative requirements and governmental practices for guidance on how funds are distributed, formally accepted by councils in individual cities, financially managed and audited, and, as appropriate, managed within and across budgetary years.

As chiefs develop their local approaches, the association requests that a summary of those plans be provided to Leslie McGill so that they can be aggregated and shared back with the members.