



DATE: February 21, 2023

TO: Mayor and City Council

FROM: Chief of Police

SUBJECT: Adopt a Resolution Authorizing the City Manager to Accept and Appropriate \$40,217.40 in Grant Funding From the Alameda County Sheriff's Office for the Fiscal Year 2021 Byrne Justice Assistance Grant For Hayward Police Department Operations

RECOMMENDATION

That Council adopts a resolution (Attachment II) authorizing the City Manager to accept and appropriate \$40,217.40 in grant funding from Alameda County Sheriff's Office for the 2021 Byrne Justice Assistance Grant (JAG).

SUMMARY

The Alameda County Sheriff's Office applied and qualified for the 2021 Byrne JAG funding for Consortium members. The Hayward Police Department is a Consortium member and is eligible for an allocation of grant funds. The total allocation for Alameda County consortium members is \$685,351.00, of which the HPD will receive \$40,217.40. These funds require no local match and will be used to support criminal justice-related activities such as training, equipment, supplies, prevention and education programs, mental health programs, and other related law enforcement and corrections programs.

BACKGROUND

The Hayward Police Department (HPD) has participated in the Byrne Justice Assistance Grant (JAG) (Byrne Grant) program since 2005. In 2017, issues arose surrounding the federal government's new citizenship and immigration certification requirements related to the Byrne Grant, which certain cities and local governments found to be unlawful. More specifically, on August 7, 2017, the Hayward Police Department was notified by the Alameda County Sheriff's Office Planning and Research Unit that federal certification requirements must be acknowledged and signed by each city's "Chief Legal Officer"/City Attorney, certifying compliance with 8 U.S.C. § 1373. Section 1373 addresses several issues related to citizenship and immigration status.

In August of 2017, California Attorney General, Xavier Becerra, challenged the federal government's imposition of the unlawful immigration enforcement conditions that were added to federal grants made available to local law enforcement agencies.

On October 5, 2018, in response to the lawsuit filed by Attorney General Becerra, the U.S. District Court for the Northern District of California ordered the U.S. DOJ to issue \$28.3 million in FY 2017 JAG funding and prohibited the U.S. DOJ from enforcing the immigration enforcement requirements the U.S. DOJ had attempted to attach to the FY 2017 JAG funding. As a result, the City received and appropriated the FY 2017 Byrne JAG funding.

The U.S. DOJ, again, attempted to include immigration enforcement requirements in the FY 2018 Byrne Grant program, despite the ruling on the previous lawsuit brought by Attorney General Becerra. On March 26, 2019, in response to a second lawsuit filed by Attorney General Becerra, the U.S. District Court for the Northern District of California granted Attorney General Becerra's request prohibiting the immigration enforcement requirements that U.S. DOJ attempted to add to FY 2018 JAG funding program. As a result, \$28.9 million in FY 2018 JAG funding to city and county agencies may be accepted, without requiring the city to agree to immigration enforcement requirements. After receiving this confirmation, the City received and appropriated the FY 2018 Byrne JAG funding.

On March 30, 2022, the Hayward Police Department was notified by the Alameda County Sheriff's Office that the Department of Justice removed all the award conditions related to the FY 2019 Byrne Grant award and may now obligate and expend the award funds. Additionally, in December 2022, the Hayward Police Department was informed that the FY 2020 and FY 2021 Byrne Grant awards were cleared of all special conditions and could move forward with acquiring council approval for appropriation.

DISCUSSION

The Alameda County Sheriff's Office applied for the FY 2021 Byrne JAG funding on behalf of the remaining Consortium members. Alameda County qualified for a total allocation of \$685,351.00 in FY 2021 Byrne JAG Local funds, of which the Hayward Police Department will receive \$40,217.40. These funds require no local match and allow a wide range of uses by participating Police Departments.

HPD intends to use the funds to support criminal justice-related activities such as training, equipment, supplies, prevention and education programs, mental health programs, and other related law enforcement programs. Additionally, the FY 2020 Byrne JAG Grant requires 3% of the award (\$1,199.49) to be set aside for NIBRS (National Incident Based Reporting System)-related expenses. This set aside will be used for NIBRS-related training and overtime.

STRATEGIC ROADMAP

This agenda item is a routine operational item and does not relate to any of the priorities outlined in the Council's Strategic Roadmap.

FISCAL IMPACT

This agreement will result in the continuation of the Police Department's Byrne Grant funding, which will allow for the continued support of programs related to criminal justice, prevention and education, mental health services, and other related law enforcement and correction programs. The agreement requires no matching funds, and there is no impact to the General Fund.

NEXT STEPS

With Council approval, the City Manager will execute the Byrne Grant agreement with the Alameda County Sheriff's Office and the Finance Department will appropriate the \$40,217.40 Byrne Grant funds to the Hayward Police Department.

Prepared by: Laura Gomez, Acting Senior Management Analyst

Recommended by: Bryan Matthews, Acting Chief of Police

Approved by:

A handwritten signature in black ink, appearing to read 'Kelly McAdoo', with a long horizontal stroke extending to the right.

Kelly McAdoo, City Manager