



**DATE:** July 5, 2022

**TO:** Mayor and City Council

**FROM:** Chief of Police

**SUBJECT:** Adopt a Resolution Authorizing the City Manager to Execute an Agreement with the Alameda County Sheriff's Office for Receipt of FY 2019 Byrne Justice Assistance Grant (JAG) Funds in the Amount of \$36,891

### **RECOMMENDATION**

That Council adopts a resolution (Attachment II) authorizing the City Manager to execute an agreement with the Alameda County Sheriff's Office accepting the FY 2019 Byrne Justice Assistance Grant (JAG) funded by the U.S. Department of Justice (DOJ) in the amount of \$36,891.

### **SUMMARY**

The Alameda County Sheriff's Office applied and qualified for the FY 2019 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 \$654,144, of which HPD will receive \$36,891. 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. Historically, HPD has used funds generated from the Byrne Grant for operational items such as funding the HPD training facility and gym at the Hayward Airport and upgrading the Police Department's security camera system.

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 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 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 cities may now obligate and expend the award funds. On May 24, 2022, the Alameda County Sheriff's Office sent the Hayward Police Department a sub-recipient agreement that included the amount allocated to the Hayward Police Department for the FY 2019 Byrne Grant funds. The grant funds expire on September 30, 2022, and must be used by that date or they will be forfeited.

## **DISCUSSION**

The Alameda County Sheriff's Office applied for the FY 2019 Byrne JAG funding on behalf of the remaining Consortium members. Alameda County qualified for a total allocation of \$654,144 in FY 2019 Byrne JAG Local funds, of which the Hayward Police Department will receive \$36,891. 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 and corrections programs. Examples of items the funds will be used for include offsite training, animal cruelty education and prevention programs, Hayward Mobile Evaluation Team support, operational expenses for the training facility and gym at the Hayward Airport, additional security cameras, and in-house training equipment. The grant funds expire on September 30, 2022, and must be used by that date or will be forfeited.

## **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**

There is no impact to the General Fund. This agreement will result in the continuation of the Police Department's Byrne Grant funding.

**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 \$36,891 Byrne grant funds to the Hayward Police Department.

*Prepared by:* Laura Gomez, Acting Senior Management Analyst

*Recommended by:* Toney Chaplin, Chief of Police

Approved by:



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Kelly McAdoo, City Manager