

**Criminal Justice Steering Committee  
Minutes of the Meeting of Friday, May 29, 2009  
8:30 AM – Department of Corrections  
40 Howard Avenue  
Cranston, RI**

**1. Call to Order**

Chairman A.T. Wall welcomed everyone and opened the meeting at 8:35 a.m. Introductions were made.

**2. Attendance**

Those attending the meeting included Director A.T. Wall, Chair, Deputy Attorney General Gerald Coyne representing Attorney General Patrick Lynch; Chris Cotta, Department of Attorney General; Presiding Justice Joseph Rodgers, Superior Court; Stephen King, designee of Presiding Justice Rodgers; Public Defender John Hardiman, Colonel Brendan Doherty, Supt., RISP; Major Stephen Bannon, RISP; Lisa Holley, RISP Legal Counsel; Mike Burk, representing DCYF Director Patricia Martinez; Director Craig Stenning; MHRH; Chief George Kelley, Major Michael Quinn, J & W University; Gina Caruolo, DOC; Anthony Robinson, House Policy Office for the General Assembly; Tom Mongeau, Public Safety Grant Administration Office; David LeDoux, Public Safety Grant Administration Office; Kathleen Loiselle, Public Safety Grant Administration Office.

**3. Approval of May 1, 2009 Minutes**

There being no changes, Presiding Justice Rodgers made a motion:

**TO ACCEPT THE MINUTES OF THE  
MAY 1, 2009 MEETING AS SUBMITTED.**

Mike Burk seconded the motion which was unanimously passed.

**4. Discussion of Byrne/JAG Program Income**

Presiding Justice Rodgers pointed out that the Committee had before them a Summary of 2005-2008 Byrne/JAG Program Interest Income that could possibly be used for drug testing and treatment services for the Adult Drug Court.

Steve King added that the red line item on this summary referred to an unallocated statewide balance from interest income for the years 2005-2007 in the amount of \$38,541 which needed Steering Committee approval to allocate.

Mr. King noted that the Adult Drug Court had been funded for 5 years through the Byrne/JAG grant and those monies had funded various positions in the Drug Court. He added that last year the grant was greatly reduced and only half funded the program. Mr. King advised that if the Drug Court does not receive further funding, it will only be able to operate through June 30, 2009. He asked for the Steering Committee's approval to allocate the statewide interest income balance of \$38,541 from Byrne/JAG years 2005, 2006 and 2007 to support the drug testing and treatment component of the Adult Drug Court. Mr. King pointed out that if the Drug Court receives funding from the Byrne Stimulus grant or the regular FY09 Byrne/JAG grant, the amount for funding the Drug Court drug testing and treatment component will be reduced.

Chairman Wall noted that these comments represent a continuation of a conversation that began last December 2008. He inquired what the impact would be if the Drug Court did not receive this stopgap funding.

Mr. King responded that he would need to see for how long the current money would allow them to operate. He added that some individuals in the treatment program would need to be notified that they would need to get accepted into a state funded treatment slot or be terminated from the Drug Court program.

Following this discussion, Chief Kelley made a motion:

**THAT THE UNALLOCATED BYRNE/JAG INTEREST INCOME FROM 2005-2007 FOR \$38,541 BE ALLOCATED FOR THE DRUG TESTING AND TREATMENT COMPONENT OF THE ADULT DRUG COURT PROGRAM AT RI SUPERIOR COURT.**

The motion was seconded by Colonel Doherty.

David LeDoux pointed out that the balance of \$38,541 was available as of March 31, 2009 but that the unliquidated balance of Byrne/JAG funds will continue to generate additional interest income. He requested that the Steering Committee consider approving that any additional interest income generated also be approved to support the Drug Court Program at RI Superior Court.

Chairman Wall asked that the motion be amended to that affect.

Chief Kelley amended the motion as follows:

**AND THAT THE PUBLIC SAFETY GRANT ADMINISTRATION OFFICE DEDICATE ANY ADDITIONAL INTEREST INCOME IN THOSE ACCOUNTS TOWARD THE DRUG TESTING AND TREATMENT COMPONENT OF THE ADULT DRUG COURT.**

Colonel Doherty seconded the motion. The amended motion passed unanimously.

## 5. Discussion of Byrne/JAG Survey Results

David LeDoux advised that a Byrne/JAG Stimulus Funding Priorities survey had been previously distributed to Policy Board members and their designees for review and comment.

Chairman Wall asked David LeDoux to discuss the accountability and transparency necessary in the Byrne/JAG Stimulus Funding process.

Mr. LeDoux responded that the agenda speaks to what needs to be accomplished at today's meeting. He added that we are a couple of weeks behind the initial schedule because of the survey design, dissemination and analyzing the survey results. With respect to accountability and transparency, Mr. LeDoux stated that the survey needed to be accomplished in order to have independent input as to the state's criminal justice funding priorities. Following a review of the survey results, the RFP process and acceptance of applications can begin. Mr. LeDoux advised that he would like to advertise the RFP on Monday, June 1<sup>st</sup> to offer applicants 2 weeks in which to develop and submit applications. He stressed that all applications need to be prepared in the same format. The period of June 14-17 will be reserved to receive, log and sort applications, which will then be delivered to members of the proposal review committee. The review committee will need approximately 2 weeks to score the proposals and forward their scoring sheets to the PSGAO during the last week in June. Following that, the Steering Committee will need to meet again to review the summary ranking of proposals, and make funding recommendations which will ultimately need to be approved by the Policy Board. Mr. LeDoux suggested that the Steering Committee could meet again during the first week of July and the Policy Board could meet shortly thereafter to approve the Steering Committee's funding recommendations. He added that the Policy Board should also approve the regular (2009 Formula) Byrne/JAG grant award at that meeting along with approving the Violence Against Women Act (VAWA) Stimulus funding plan as well as the regular (2009 Formula) VAWA grant funding plan.

Mr. LeDoux pointed out that until the Bureau of Justice Assistance (BJA) and the Office of Violence Against Women receives and approves the state's several funding plans, the PSGAO cannot obligate any funds or make awards or draw down funds. He suggested that if his proposed timeline were implemented, the PSGAO should be able to begin making subgrant awards for both Byrne/JAG and VAWA Formula and Stimulus at the end of July or the beginning of August. He cautioned that this was only an estimate, that the actual time would be determined by the federal agencies' approval process and timeframe.

Chairman Wall inquired if the Federal Government had given an extension to the state on the submission of a Byrne/JAG Stimulus funding plan.

Mr. LeDoux answered that the State of RI has received the Byrne/JAG Stimulus award but with a special condition that no funds can be drawn down until the state's funding plan and budget is received and approved by BJA. He pointed out that the federal government's need for accountability and transparency in the Stimulus award process necessitated the state taking additional time to perform strategic planning activities.

Chairman Wall asked if the survey will structure that process.

Mr. LeDoux replied that the survey design and implementation, a replication of the last Byrne strategic planning process, should be sufficient to assure accountability and transparency in the decision-making method.

Colonel Doherty inquired how the process could be expedited.

David LeDoux responded that first the survey results need to be reviewed and discussed and that the Steering Committee could then use the results of the survey to help identify projects to be funded. He noted that the last time a Strategic Plan was completed in 2003, there was no RFP used. He noted that the only way to expedite the process would be to dispense with an RFP process and make immediate decisions based on the survey results. He pointed out that using an RFP unavoidably adds almost a month to the decision-making process but that the need for accountability and transparency would be better met by using an RFP thereby offering many agencies the opportunity to submit proposals for consideration.

Mr. LeDoux stated that there is a little over \$3 million dollars in Stimulus funds available in addition to an approximate \$725,000 in statewide 2009 Byrne/JAG formula grant funds that the Steering Committee need consider to support new and/or existing projects. He advised that he is awaiting clarification from BJA about the exact amount of statewide funds to be available out the state's total award of \$1.4 million. The bottom line is that there will likely be just under \$4 million in Byrne/JAG funds that will need to be allocated. He pointed out that due to the reduction in Byrne/JAG funding the past several years, the Steering Committee did not have the luxury of considering the support of new programs.

Chairman Wall asked if Jamia McDonald from the ARRA office felt an RFP process was necessary.

David LeDoux commented that he could not speak for Ms. McDonald but it was his opinion that an RFP was not absolutely needed but advisable.

Chairman Wall suggested that the Steering Committee review the survey results and that may help determine the process. He added that this may help answer questions about criminal justice priorities.

At this point, David LeDoux referred to his handout that showed summary results of the Byrne/JAG funding priorities survey:

### **General JAG Funding Areas:**

David LeDoux stated that he received 23 completed surveys via Survey Monkey which helped to summarize the results. He added that 19 of the 23 responding were Policy Board members and the other 4 responses were from designees.

Mr. LeDoux stated that the survey asked that the ten general JAG funding areas are ranked in descending order from 1-10. The rating scale used throughout the survey was 6 points for a top priority, 4 points for a medium priority, 2 points for a low priority and 0 for a not important priority. Mr. LeDoux noted that the top 3 priority areas were law enforcement programs, corrections/community corrections programs and drug treatment programs. The bottom 3 priority areas were crime victim and witness programs, drug enforcement programs and planning and evaluation programs. Mr. LeDoux commented that the bottom 3 areas could be eliminated for consideration.

### **Specific Project Priorities:**

Mr. LeDoux reviewed the specific project priority areas. He noted that surprisingly, domestic abuse and family violence project ranked first. Mr. LeDoux then pointed out other projects that also received high rankings.

### **Criminal Justice Information System (CJIS) Enhancements:**

Mr. LeDoux reviewed the Criminal Justice Information System (CJIS) Enhancements results. He indicated that the consensus was that “a small amount of stimulus funds should be used for CJIS enhancements”. This would translate into approximately \$150 - \$300 thousand dollars. The top CJIS projects received points based on responses. Cross-agency database pilot project/interagency connectivity ranked highest.

Gina Caruolo suggested if a certain amount of funds are earmarked to CJIS projects, then perhaps those suggestions could be reviewed by a technical sub-committee.

Major Quinn asked if the Technical Advisory Committee (TAC) was still active.

Tom Mongeau advised that the TAC is no longer an active committee.

Chairman Wall suggested that the TAC could be reassembled.

### **Top Criminal Justice System Priorities:**

The question asked respondents to discount needs in their own agency and then identify the three top criminal justice system needs. The results were that the top 3 Criminal Justice system priorities were Corrections/Re-Entry; Municipal Training Academy, and mandatory minimum/in-service training for police. Mr. LeDoux noted that Adult Drug Court/Drug Courts ranked 4<sup>th</sup> and Community Alternatives to Detention/Incarceration ranked 5<sup>th</sup>.

**Ongoing Byrne/JAG Projects:**

Mr. LeDoux noted that all three of the current Byrne/JAG projects—Department of Corrections Re-Entry Initiatives; Superior Court Drug Court Program; and the Public Defender Community Partnership Program—received medium to top priority support. Mr. LeDoux stated that of the existing programs, the Drug Court is most in need of continuation funding. He added that he is uncertain how long current funding will last for the other 2 projects.

**Define the Applicant Universe****Potential Applicant Universe:**

Mr. LeDoux stated that the question sought to determine whether Stimulus funds be only offered to state criminal justice agencies. He noted that the majority of respondents (70%) wanted to restrict funding to state agencies only.

Chairman Wall pointed out that funds awarded to state agencies often are used to contract services from private non-profit agencies.

**Other Potential Applicants:**

For those that answered no to the previous question, respondents indicated which non-state agencies should be allowed to apply for the Byrne/JAG stimulus funding.

The top ranking in this category was private non-profit service-providing agencies followed by the Narragansett Indian Tribe. In third place were private colleges/universities (to include their public safety departments).

**RFP Announcement:**

This question asked which method should be used to announce the availability of Byrne/JAG Stimulus funding. Mr. LeDoux advised that 90.5% answered that e-mails to eligible agency directors should be the method of announcement.

Chairman Wall stated that the Steering Committee needs to decide how to structure this decision-making process. He added that the survey respondents concluded that the funds be offered to state agencies only. The Chairman noted that the survey responses point out that criminal justice is a specialized area. The responses also concluded that it would be sufficient to announce the funding via e-mail and posted on web sites. The Chairman stated that these are his thoughts but not his decision. He opened discussion to the committee.

Director Stenning inquired what an RFP accomplishes if funding is open to state agencies only, limited in the areas to be funded, and if the state agency is the single authority.

Chairman Wall stated that today's decisions may conclude that no RFP is needed.

David LeDoux pointed out that if there were to be an RFP that his draft point values needed to be determined for sections of the application.

MHRH Director Stenning responded that a certain amount of money could be allocated to each general Byrne/JAG grant funding area.

Public Defender Hardiman stated that state agencies could always contract services to non-profit agencies thereby alleviating any concerns about restricting funds to state agencies only.

Chairman Wall agreed and stated that mostly all grant funds at the DOC are contracted out to private non-profit agencies using an RFP process.

Lisa Holley pointed out that funding given to MHRH for drug treatment may appear to be an allocation simply for MHRH, but the DOC could consider it as an aspect of its Re-Entry programming. She added that in thinking about all categories there may be many cross-over effects.

Mike Burk shared Lisa Holley's opinion. He noted that even the Training School would be affected by funding DOC's Re-Entry program. Mr. Burk offered that the RFP should be called a Request for Applications.

Chairman Wall offered that typically an RFP is a solicitation issued to the public wherein people compete and then an award is granted. He inquired if only state agencies will be applicants should an RFP be the process or should it be something else.

Gina Caruolo noted that with over \$6 million in initial requests from the Steering Committee that there would certainly be a competition for funds.

David LeDoux reminded the Committee that a main objective of the Stimulus funds is to create or retain jobs.

Director Stenning stated his real concern is about the design of this process. He added that the Stimulus funds should be cooperatively planned for because in the past, without proper planning, gaps have occurred. He pointed out that funds supporting parolees worked well because various agencies met and coordinated how the money would be spent. He did not support a process where one agency applies for funding solely. He stated that if this is to be a competitive process, then there should be a collaboration of agencies submitting an application.

Mr. LeDoux commented that the competitive process does not preclude the collaboration of several agencies.

Steve King noted that the Drug Court had been planned with interagency cooperation but that decreased funding since 2005 has caused the existing problems.

Chief Kelley was not surprised that the Re-Entry program was a top priority because there are many stakeholders, i.e. the DOC, law enforcement, Public Defender's office. He added that this was a good basis from which to start and move forward from there.

Public Defender Hardiman stated that when the Drug Court was being proposed in 2001, people from many agencies met to plan the project. He agreed that there could have been more in terms of treatment, but pointed that there had been cooperation between the Court, the Attorney General's office and the Public Defender's Office in these programs so collaboration has existed in the past.

Following this discussion, Major Quinn made a motion:

**TO ACCEPT THE POLICY BOARD'S SURVEY  
RECOMMENDATION (70%) THAT THE ELIGIBLE POOL OF  
APPLICANTS FOR THE BYRNE/JAG STIMULUS FUNDING BE  
LIMITED TO STATE AGENCIES ONLY.**

The motion was seconded by Mike Burk and was unanimously passed.

Following this Major Quinn made a second motion:

**THAT UP TO \$300,000 OF STIMULUS FUNDS BE DEVOTED TO  
CJIS ENHANCEMENTS AND THAT A TECHNICAL ADVISORY  
COMMITTEE BE CONVENED TO DETERMINE HOW FUNDS  
ARE ALLOCATED FOR CRIMINAL JUSTICE SYSTEMS.**

The motion was seconded by Mike Burk and was unanimously passed.

Public Defender Hardiman inquired if these funds would be divided among all agencies or just one agency.

David LeDoux responded that he thought these funds should be reserved to improve the criminal justice system as a whole to share information.

Major Quinn suggested that the old Technical Advisory Committee should be re-established to make CJIS enhancement recommendations.

Chief Kelley noted that the Stimulus funds offered to municipalities have required much more specificity in their program plans.

**Existing Programs:**

David LeDoux asked if the 3 existing programs – Drug Court, Re-Entry Initiative and the Public Defender’s Minority Outreach should be funded without having to compete. He noted that these existing programs could be funded with the 2009 Byrne/JAG formula grant.

Major Quinn stated that we have taken on a new Strategic Plan and he suggested that new priorities be considered.

Director Wall agreed and added that everything is on the table and nothing should be “grandfathered in” that was part of the 2002 Strategic Plan.

Steve King pointed out the state economy has caused problems for existing programs. He offered that programs already up and running might be considered as a priority.

Mike Burk asked how much money would be needed to support the three existing programs.

Steve King stated that it costs \$720,000 to run the Drug Court for one year. He added that he will meet with each participating agency to see if that number can be decreased.

Mike Burk asked if there may be other competitive opportunities for the Drug Court.

Steve King responded that the Court does not know what other funding sources may be available before the Stimulus funds are allocated.

Lisa Holley asked the meaning of un-obligated monies to an agency.

David LeDoux answered that un-obligated monies have been allocated to agencies but not yet applied for, officially awarded or spent.

Ms. Holley stated that these monies should be factored into any future funding decisions.

Mr. LeDoux pointed out that the Drug Court will not be able to operate after July 1, 2009 without a continuation allocation. The Drug Court partners: Public Defender, Attorney General, MHRH and Corrections all need funds to support their team members.

Ms. Holley agreed with Major Quinn’s opinion in that these are new funds and all projects should be considered independently.

A discussion took place relative to possible funding sources from prior Byrne/JAG awards.

Following this discussion, Director Stenning made a motion:

**THAT THE STIMULUS PLANNING PROCESS BE MAINTAINED AND THAT EXISTING PROJECTS NOT BE GRANDFATHERED IN.**

The motion was seconded by Colonel Doherty and passed with recusals from the A.T. Wall on behalf of the Department of Corrections, Stephen King on behalf of Superior Court and the John Hardiman on behalf of the Public Defender's Office.

A discussion ensued on how to consider the allocation of the FY09 Byrne/JAG formula grant funds.

Following this discussion, Major Quinn made a motion:

**THAT THE FUNDING PRIORITIES FOR THE APPROXIMATE \$725,000 IN FY 09 BYRNE/JAG FORMULA GRANT STATEWIDE FUNDS BE GIVEN THE SAME STIMULUS FUNDING PRIORITIES AS DETERMINED BY THE SURVEY RESULTS.**

The motion was seconded by Mike Burk and was unanimously passed.

Mike Burk asked if there could be one process for both Stimulus funds and the FY09 Byrne/JAG formula grant.

David LeDoux replied that the Stimulus funds have much more stringent requirements. He added that there is nothing wrong with considering funds from both grants at the same time. Mr. LeDoux noted that the committee needs to keep in mind that the Stimulus money is a one time grant and that any new employees hired would likely need to be considered for continuation support from future Byrne/JAG formula grants.

## **6. Amend RFP and Application**

David LeDoux distributed a draft RFP document that included a draft application. He noted that the RFP was in purely draft form and was specific to the Stimulus grant. He noted that there would be 4 years in which to spend the funds.

Following Mr. LeDoux's remarks, Stephen King made a motion:

**THAT THE PLANNING/EVALUATION PROGRAMS DRUG ENFORCEMENT PROGRAMS AND THE CRIME VICTIM AND WITNESS PROGRAMS (OTHER THAN COMPENSATION) BE ELIMINATED.**

The motion was seconded by Mike Burk and was unanimously passed.

Mr. LeDoux noted that the grant application would need to be completed in Microsoft Word and a copy submitted to him electronically. In addition, an original printed and

signed hard copy of the application and a number of copies for review committee members would need to be provided.

The Steering Committee, during a lengthy discussion, redefined the point system on the RFP and application.

The final decision was: Sections 1 and 3 were informative in nature and required no points. Section 2 (Federal ARRA Goals) would have a value of 25 points; Section 4 (Problem Statement) 15 points; Section 5 (Project Brief) 15 points; Section 6 (Goals and Objectives) 25 points; Section 7 (Project Budget) 10 points; Section 8 (Project Timeline) 5 points; and Section 9 (Project Sustainability) 5 points. The total of all sections equaled 100 points.

Tom Mongeau suggested that the survey results be sent to the Policy Board along with the RFP.

Following this discussion, Director Stenning made a motion:

**TO ACCEPT THE POINT RE-DEFINITIONS ON THE RFP  
AND APPLICATION AS PROPOSED.**

The motion was seconded by Mike Burk and was unanimously passed.

## **7. Appoint Review Committee**

Tom Mongeau advised that several non-state agency members of the Policy Board would not be submitting applications for Stimulus funds and recommended that Major Michael Quinn, Chief Kelley or his designee, Sharon Conard Wells, Carl Weinberg and Daniel Knight be asked to serve on the RFP Review Committee. It was also suggested that Jamia McDonald of the Office of Economic Recovery and Re-Investment could also be asked to serve as an alternate. Ms. McDonald had previously indicated a willingness to serve in this capacity.

Following Mr. Mongeau's recommendation, Chairman Wall made a motion:

**THAT MAJOR MICHAEL QUINN, CHIEF GEORGE  
KELLEY OR HIS DESIGNEE, SHARON CONARD WELLS,  
CARL WEINBERG, DANIEL KNIGHT AND JAMIA  
MCDONALD BE ASKED TO SERVE ON THE RFP  
REVIEW COMMITTEE.**

The motion was seconded by Mike Burk and was unanimously passed.

Following this motion, Mike Burk made a second motion:

**THAT THE RFP BE LIMITED TO 15 DOUBLE-SPACED PAGES IN TIMES NEW ROMAN 12 PT. FONT.**

Director Stenning seconded the motion.

After a discussion, Director Stenning amended the motion as follows:

**THAT THE APPLICATION MUST RECEIVE A MINIMUM OF 65 POINTS TO BE CONSIDERED FOR FUNDING.**

The amended motion was seconded by Colonel Doherty and was unanimously passed.

#### **8. Set Strategic Plan Timetable**

Colonel Doherty noted that one of the Department of Public Safety's requests is a gang related program that he would like to see approved prior to summertime.

Following Colonel Doherty's comments the Steering Committee agreed upon the following schedule:

**THAT THE RFP AND APPLICATIONS BE E-MAILED BY JUNE 1, 2009;**

**THAT APPLICATIONS ARE DUE BY JUNE 15, 2009 AT 3 PM;**

**THAT APPLICATIONS ARE SUBMITTED TO THE REVIEW COMMITTEE BY JUNE 16, 2009;**

**THAT THE COMMITTEE SUBMITS THEIR REVIEWS BY JUNE 24, 2009;**

**THAT THE NEXT STEERING COMMITTEE MEETING TAKE PLACE ON JUNE 26, 2009;**

**THAT THE NEXT POLICY BOARD MEETING TAKES PLACE ON JUNE 29, 2009, AND THAT**

**THE SCHEDULING OF THESE MEETINGS BE LEFT TO THE MANAGEMENT OF THE PUBLIC SAFETY GRANT ADMINISTRATION OFFICE.**

Following this recommendation, Director Stenning made a motion:

**TO LIMIT AN AGENCY TO NO MORE THAN 3 APPLICATIONS.**

The motion was seconded by Mike Burk and passed with one member voting nay.

## **9. New Business**

Public Defender Hardiman asked if the \$300,000 for CJIS enhancements could be re-visited again.

Chairman Wall responded that the Steering Committee will review the Technical Advisory Committee's recommendation and any leftover funds will be re-decided upon. He added that the FY09 Byrne/JAG formula grant allocations will be discussed at the June 26, 2009 Steering Committee meeting.

## **10. Adjourn**

There being no further business to discuss, Mike Burk made a motion:

**THAT THE MEETING BE ADJOURNED.**

The motion was seconded by Major Quinn and was unanimously passed. The meeting was adjourned at 12 Noon.

Respectfully submitted,

Kathleen M. Loiselle  
Recording Secretary

Approved:

Thomas H. Mongeau  
Administrative Manager

Approved:

Director A.T. Wall  
Chair