Criminal Justice Steering Committee

June 15,2010

8:30 a.m.-Rhode Island Department of Corrections

2nd Floor Conference Room

40 Howard Avenue

Cranston, RI 02920

1. Call to Order

Chairman A.T. Wall welcomed everyone and opened the meeting at 8:40 a.m. Director

Wall noted that a quorum was present. Introductions were made.

2. Attendance

Director A.T. Wall, Rhode Island Department of Corrections, Chair (voting member)

Major Michael P. Quinn, Johnson & Wales University (voting member)

Deputy Attorney General Gerald Coyne, Designee of Attorney General Patrick Lynch

(voting member)

Ms. Barbara Hurst, Designee of Public Defender John Hardiman, Esq. (voting member)

Ms. Jennifer Olivelli,Designee of Presiding Justice Alice B. Gibney (voting member)

Mr. Michael Burke, Designee of Director Patricia Martinez, DCYF (voting member)

Director Craig Stenning, MHRH (voting member)

Colonel Brendan P. Doherty, Rhode Island State Police (voting member)

Lisa Holley, Esq., Rhode Island Department of Public Safety Legal Counsel

Mr. Thomas Mongeau, PSGAO

Mr. David LeDoux, PSGAO

Ms. Barbara Laird, Rhode Island State Police, Recorder

3. Approval of June 26, 2009 Minutes

Director Wall asked for a motion to approve minutes ofthe previous meeting of June 26,

2009. Director Stenning moved:

TO ACCEPT THE MINUTES OF THE JUNE 26, 2009 MEETING

AS PRESENTED.

Major Quinn seconded the motion. The motion passed unanimously in the affirmative.

4. Discussion of Funding Options for the FY2010 Edward Byrne Memorial Justice

Assistance Formula Grant (JAG)-David LeDoux, Public Safety Grants Administration Office

Director Wall stated that the purpose of today' s meeting is for the committee to decide on

the process to distribute the funds rather than distribute the funds themselves. Last year

matters were complicated by the addition of significant funds from the American

Recovery and Reinvestment Act (ARRA). These funds are not part of the equation this

year. Director Wall asked Mr. LeDoux to provide an orientation.

Mr. LeDoux directed the committee's attention to the chart he distributed (Attachment 1
to the original of these minutes). The state's award is $1,383926. The Public Safety
Grants Administration Office retains (PSGAO) 10 percent for planning and
administration for a total of $138,392. This leaves a balance of $1,245,534. The under$
10,000 amount is $76,958, which the Local Law Enforcement Planning Committee
decides on. This amount is for the city and town police departments. Subgrants are
subject to the variable pass-through rate set by the federal government, which is 43.13
percent. As a result, this earmarks $664,569 for statewide distribution and for the
Steering Committee to decide on. The Federal government grants direct awards in excess
of $10,000 to units of local government, which is outlined on the handout. The PSGAO
does not administer these funds. The under-$lO,OOO is the balance of the 40 percent.
The other 60 percent is the amount that goes to the state. This

infonnation is outlined on
the handout. The total amount that is awarded within the State of Rhode Island to include
the money administered by the PSGAO and the over $10,000 direct award is $2.1
million.
The statewide portion is $664,569. The yellow sheet that was distributed (Attachment 2
to the original of these minutes) is a summary of what was awarded last year in both
formula and recovery act funds. $5.7 million was awarded to the State of Rhode Island
from ARRA plus fonnula funds. The previous strategic plan that was developed in 20022003
funded only three projects. In 2005 the federal grant changed to the Byrne/JAG
Grant. The federal government provided the money to the states up front, and then the
funding was cut dramatically.
Under JAG, the federal government did not require a multi-year plan, so the PSGAO
continued to fund current projects. Last year the federal government required the
PSGAO to devise a process to decide on a strategic plan and how to fund the additional
stimulus monies. They wanted the states to develop a plan about how

funding decisions
were made. Mr. LeDoux distributed the Byrne/JAG Stimulus Funding Survey and
Results (Attachment 3 to the original ofthese minutes). A survey was created based on
the 2002 survey, and it was adjusted to reflect the additional monies. The first part is the
survey, and the second part is the results, which is what the Steering Committee used to
craft the Request for Proposals (RFP). The PSGAO needed this to go out to RFP. The
handout has both the RFP and the application that was used.
The ARRA grant was open to a wide scope of agencies, and that became a question.
Should the funding be limited only to state agencies? It was decided that the funds
should be limited to only state agencies within the criminal justice system. Mr. LeDoux
sent the RFP out to all these agencies, including public safety offices at universities and
colleges and agencies within the criminal justice system. The application was also placed
on the PSGAO website, based on the survey and how the RFP would be advertised.

Director Wall stated that the survey found that 70 percent of respondents stated that
funding should be limited to state agencies. The survey was distributed to Policy Board
members, because they are the decision makers, in accordance with Rhode Island General
Law. Not everyone responded (23 surveys were returned). The information from the
survey was used to craft the RFP. Based on the survey, the Steering Committee also
made decisions about eligibility for funding. One of the decisions was to set aside money
for CJIS-related projects.

Ms. Hurst asked about the two surveys and if they reflect setting priorities. Mr. LeDoux
responded that after the original survey was completed, there was a discussion about
bringing in outsiders to rank the priorities. Mr. LeDoux directed the committee's
attention to Attachment 3. The tables following the survey are the results of the review
of proposals by a five-member committee; none of whom had a vested interest in the
proposed projects. There was a point total determined by the review committee. There

were 26 proposals to consider, and 16 of the 26 were recommended for funding. Then,
those 16 projects totaled more than the available funding, so they had to be pared down.
Director Wall summarized the process: The review committee meeting took place once
the proposals had been submitted. They were reviewed by the five-member panel, which
came back with recommendations to pass on to the PSGAO Policy Board. The Steering
Committee decided the process to submit applications.
Ms. Hurst asked if the Steering Committee has ever done a strategic plan that involved
long-term planning to consider the most important priorities to fund. Then the Policy
Board could fund programs that meet these priorities for five to ten years out. She said
she does not see a clear policy in terms of goals for the state's criminal justice system.
Mr. LeDoux responded that they did not develop a two to three-year strategic plan. The
PSGAO took the information provided to them and looked at the two to three projects
that rose to the top as the best programs. There were several project proposals. that could
be lumped into the priorities. Law enforcement was the top priority

with 40 percent of
the funding going directly to law enforcement. That includes the Rhode Island State
PolicelProvidence Police Neighborhood Response Team, the two projects at the Rhode
Island Municipal Police Training Academy, and the project at the University of Rhode
Island are all law enforcement related. Law enforcement was at the top, recidivism
reduction was second, and drug treatment third. There was not a specific document that
was a five-to ten-year strategic plan.
Ms. Hurst stated that if the Steering Committee's responsibility is to develop a process,
then the clarification or transparency of the thinking within the committee is that the
committee states the priority is specifically recidivism, and that the committee solicits
projects that can make a direct connection to that. One of the great things about Rhode

Island is that this committee can sit around one table and discuss and share common
goals. No matter how great a proposal may be, it does not matter

unless it addresses one
of these priorities.
Colonel Doherty stated that last year this committee was up against time constraints and
looming deadlines. This year it may be a good idea to develop a strategic plan with goals
and objectives.
Major Quinn suggested that since it has been five years since the strategic plan was
developed, that it may be time to revisit developing a new plan. The process was
hastened last year by the federal government's timeline. However, that process bore out
some tremendous results, and more money was distributed than ever before. The
programs included prosecution, collaborative programs, drug court, recidivism reduction,
etc. The major objectives of the criminal justice system were addressed. There was a
transparent process, and the committee did look at clear objectives, what was good for
all, and how one project impacted the other projects.
Director Wall reiterated that last year, the committee was under time constraints. Is the
committee under time constraints this year? Mr. LeDoux replied that no, the federal

government requires that the PSGAO submit an application, which has already been
done. They special condition the grant until the states have an approved plan. Byrne is a
four-year grant that goes back to the previous October 1st. There are no time constraints,
but local law enforcement cannot get its money until the state plan is approved, because
they are approved jointly as one plan. The LLEPC has met and decided how to spend its
portion of the money. The formula is based on census and Part I crimes, but they have
made their decisions now. No one is in dire need of the funds at this moment. There are
no official time constraints. However, because it is summer and people are off for
vacations, it would b e helpful to decide on the process today. The committee should
look at a timeline so that grantees have sufficient time to submit applications. Last year
we had short timelines to get stimulus money out into the field as soon as possible.
However, more than 50 percent of projects approved last year have not even started yet.
We do not need to rush, but proceed in a timely fashion to include all steps in the process,

the RFP, the review committee meeting, develop and submit rankings, etc. This
committee should anticipate meeting two more times before submitting recommendations
to the Policy Board.
Ms. Holley, Legal Counsel to the Department of Public Safety, stated that she had some
concerns. She said she agrees with Ms. Hurst that the best direction is to have something
more than prioritization of programs, but rather a statewide strategic plan. She supports
starting down that path, because it will make the committee's work easier down the road.
The federal government is really looking at efficacy, and the committee was not able to

do that last year. The committee did not have perfonnance measures, and did not know if
programs actually worked. The committee is always going to be up against time
constraints, so it would be important to make an effort to develop a strategic plan. She
asked if there is federal funding available to help develop a strategic plan. There is an

issue with ARRA projects that have not begun yet. The programs were supposed to be
"shovel ready" projects, and this body has to answer to the Governor's Office as to why
they have not started. Ms. Holley asked Mr. LeDoux about the $76,958 that goes to
LLEPC from the Byrne/JAG Grant. He stated that the LLEPC uses all the money to fund
statewide projects for law enforcement, such as funding for the Municipal Police
Academy, hate crimes trainings, the precious metals database at the Attorney General's
Office, multijurisdictional drug operations, etc. The Municipal Police Academy received
two awards to replace Glenn Shibley's position, and following a job task analysis, hiring
a curriculum coordinator to develop a curriculum for the Academy. The Training
Coordinator position is needed pennanently, but the curriculum coordinator is a one-time,
limited position until the project is completed.
Director Wall asked about specific requirements are in the Byme/JAG grant. Does it
outline a decision-making process to follow? Mr. LeDoux answered that they suggest
evidence-based projects, but they are not required yet. In the

sub-grant application, the
PSGAO required goals, objectives, and perfonnance measures. Mr. LeDoux stated that
he interprets evidence-based component as the perfonnance measures provided by subgrantees
in their progress reports.
Director Wall asked about the evidence-based workshop held recently in Philadelphia
and what infonnation was provided by the federal government. Both Mr. Mongeau and
Mr. LeDoux tried to get that infonnation at the conference, and the conference organizers
could not give them a specific definition. Director Wall asked if they could try to get
something in writing from the Department of Justice, so the committee can utilize that
infonnation for this process. He further stated that the government put the tenn out to the
states without giving infonnation on how to implement this.
Ms. Hurst talked about a program at the Public Defender's Office to reduce recidivism.
Housing is provided and supplemented with services from an attorney, social worker, and
community outreach worker to deal with the legal and social problems that cause people
to come back to Court. They have been unable to get programs up

and running due to
barriers in the state with regard to hiring. They need a person to do this job, because they
have found that people who received the above services, including employment
counseling and finding a job have not returned to prison. If there is not complete follow
through for each individual toward the goal of reducing recidivism, then they should not
be receiving the grant money. The real outcome should be the higher priority that the

Steering Committee sets that shows a decrease in recidivism or actual crime prevention in
a particular neighborhood.
Director Stenning asked if the committee or PSGAO has asked the federal government
for a definition of evidence-based programming. He stated that three years ago SAMSA
stated that an MHRH project had to be evidence-based, although at that time their
programs were performance-based. Mr. Mongeau responded that the federal government
is not requiring evidence based programming yet, and that there is no

clear definition of
the term. Director Wall said there is not a mandate for evidence-based programs and
states are not required to implement them at this time. Mr. Mongeau added that there is
money available through the National Criminal Justice Association (NCJA) to provide
states with technical assistance to develop strategic plans.
Director Wall asked the committee to refer to Page 4 of the FY2010 Byrne/JAG State
Solicitation, that states: "States are strongly encouraged to use JAG funding to support
their existing statewide strategic plan. .if such a plan does not now exist, states must
develop and undertake a strategic planning process, using a community-based
engagement model, in order to guide spending under this and future fiscal year
allocations. Training and technical assistant (ITA) is available from BJA's TTA
providers to assist states with the development of their strategic planning process and
their plan to fund evidence-based projects." He stated that the threshold question will be
whether the process this committee used last year is sufficient to consider this the

foundation to develop the FY2010 solicitation, or whether the committee needs to
develop a different process. He asked if the committee is going to reaffirm last year's
survey for this year, or will the committee decide that this survey does not meet the needs
for a strategic planning process.
Deputy Coyne expressed his concern that this year's process not take too much time. He
said that if the current survey is acceptable, then the committee's long-term goal should
be to develop a written strategic plan to lobby the new Governor and Attorney General.
Ms. Olivelli stated that 23 surveys do not represent a significant statistical model. Mr.
Burke said that last year's process could be considered a strategic plan. He asked if it
could take as long as six months to develop an RFP. Mr. LeDoux responded that it may
be difficult for the local departments that are depending on getting this money soon.
There is some time for this process. The grants are currently earning interest and at some
point, the interest earned, which in the ARRA grant is $15,000, will have to be split based
on new variable pass through. If there are any projects that could not

operate because the

2010 money is not available, the committee could use the interest money to fund projects

for a short time. None of the state funded projects, except the URI project, would be

without funding in the short term. The Drug Court, for example: has spent $140,207

leaving a balance of $216,793. Therefore, the program will require an extension beyond

June 30th

- **Ms. Olivelli noted that several agencies will have carry-over money.**

Ms. Hurst said that she sees prioritization of programs rather than prioritization of goals.

Mr. LeDoux responded that these are JAG program areas that can be funded. Priority is

given to particular projects, but it is not part of a strategic plan. He suggested developing

a compromise so this committee can set out a couple of goals to move to a strategic plan.

Director Wall reported on a House Finance Committee hearing. The Chair of the

committee expressed his skepticism of the transparency involved in

developing this
group of projects. The process was explained to him, and he asked to see all the
documents that were developed tracking the decision-making process. The point being
that this committee needs to consider what it believes to be a transparent process. The
committee needs to consider the court of public opinion about what is a transparent
process. Director Wall suggested that since the Justice Department is offering technical
assistance, the committee is not of one mind regarding what a strategic planning process
should look like, and the committee wants to be mindful of time constraints, he therefore
suggested a consultant review with the committee the process used. If it is a good
process, utilize it again, or recommend that another process be adopted. Director Wall
asked if someone would like to make a motion to this effect.
Major Quinn asked if this year's solicitation narrative is similar to last year's. Mr.
LeDoux responded that it is but with more detail. For example, the federal govemment is
now requiring a waiver from the local police departments that the money received is

supporting law enforcement. Major Quinn said that last year the committee described the
planning process to the federal government, and they approve it and gave Rhode Island
the funds. They found the planning process acceptable. Jamia McDonald, of the
Governor's Office of Economic Recovery, agreed with the committee's process and she
attended the planning meetings.
Major Quinn felt that the committee should get its goals in line as it is important for the
future in developing a strategic plan. The current process is acceptable to the federal
government.
Director Stenning read from the Byrne/JAC solicitation (Attachment 4) the same
paragraph Director Wall previously read above. Mr. Mongeau reported that this specific
sentence was not in the 2009 RFP (see Page 2 of the solicitation).

Director Wall said that this is what he is calling the committee's fork in the road: Is last
year's approved process going to be used again this year, should the committee develop a

new process, or request technical assistance from the federal government to develop a
strategic plan.
Director Stenning suggested seeking technical assistance, but it should not stop the
committee from submitting a plan in a timely manner. The strategic plan could then be
implemented for the FY2aII solicitation. Ms. Hurst noted that if a strategic plan is in
place it will help the committee with more specific guidelines, and the committee could
pre-solicit proposals before funds are awarded to the state.
Director Wall asked what this means for the FY2ala solicitation. Ms. Hurst suggested
using last year's planning process, but that the application should state this and that the
committee is also actively developing a strategic plan for the future.
Major Quinn suggested refining the plan rather than developing a new process. He
suggested using last year's process for this year. The committee has the original plan but
that it is time to revisit and refine it for the future.
Mr. LeDoux stated that the committee has used a strategic planning process that was
endorsed by the federal government. He felt that Ms. Hurst makes a valid point that there

is not a specific four- to five-page document that is the state's strategic plan. He said the
committee can meet to develop such a plan, but it cannot be accomplished for this year's
distribution of funds. The committee can request technical assistance, and the federal
government may suggest sending out a second survey.
Director Wall then asked if the committee would like to reaffirm the process used last
year, and if so, should a new survey be sent out or should the results oflast year's survey
be used.
Ms. Olivelli asked what the timetable would be to request technical assistance to review
and approve a plan. If someone from the outside approves the process, would this take
too long and then create a problem for sub-grantees.
Major Quinn said that last year the committee tried to get the community involved, but
the committee was up against time constraints. Ms. Olivelli suggested requesting
technical assistance and using those recommendations only if it can be completed in a
timely manner. If this would take too long, she recommended using last year's process.
Ms. Hurst agreed. She said the reviewer may say that the process

currently in place could

serve as a foundation for a formal strategic plan.

Director Stenning felt the committee was making this task more complicated than it

needed to be. The Finance Chair's comments were more about the process and why the

committee limited applications only to state agencies.

Director Wall said he wants the committee to feel comfortable with the process used last

year and that the committee can support and defend it to others.

Major Quinn reminded the group that considering the amount of work and time

constraints involved, the committee did a great job. Ms. Olivelli said someone may ask

why technical assistance was not requested because time is not an issue this year.

Director Wall recommended directing the PSGAO staff to contact the federal govemment

to provide feedback on the process currently in place, and if required, to develop a new

process going forward subject to the constraints of time and the committee's ability to get

money out to projects in a reasonable amount of time.

Ms. Hurst recommended that the committee proceed with obtaining technical assistance
to help revise the strategic plan for the next five years if it can be completed in a timely
manner and to synthesize from last year's process the beginnings of implementing a
strategic plan now. Her suggestion is to use last year's plan as a first step for a formal
strategic plan if it can be accomplished in a timely manner.
Mr. Burke suggested using last year's plan this year, and secondly, to seek assistance to
refine the plan over the next several months for FY2011 funding.
Director Wall stated that this motion is different from Ms. Hurst's motion, because it
preserves the status quo, whereas Ms. Hurst's motion states that if time permits the
committee will utilize technical assistance to develop a plan for FY2010. This is as a
result of the comment from the House Finance Committee. This committee should
validate the process iftime permits.
Director Stenning asked if someone could define if the committee is endorsing the status
quo of the surveyor the entire process, including not allowing non-profits to participate.
Ms. Holley expressed concern about using last year's survey for

purposes of ARRA, as
some of people are no longer in this role. The survey was on Survey Monkey and not
difficult to re-issue. The committee needs to be concerned about using last year's results
by people who are not in the process this year. The committee should use a new survey
for purposes of transparency.

Director Wall stated that there have several ideas and suggestions made; however, the
committee has to come to a decision. The first option is for the committee to use the
existing survey and the results of that. A second option is to do that and seek technical
assistance for the FY20II process. A third option is to look at time constraints, contact
the technical assistance providers, and find out how long it would take for them to review
last year's process and state that this is an acceptable process for FY2010. The fourth
option would be for the technical assistance providers to provide an alternative process
that can be implemented in a timely manner for FY2010 funding.

Director Wall

requested a motion.

Ms. Hurst made the following motion:

TO OBTAIN TECHNICAL ASSISTANCE AND ADVICE IF THAT

CAN BE ACCOMPLISHED WITHIN A SHORT PERIOD OF TIME

IF THIS WILL PRODUCE A BETTER OPTION THAN USING

THE EXISTING SURVEY AND TO AUTHORIZE THE PSGAO TO

CONTACT THE FEDERAL GOVERNMENT WITH THIS

REQUEST.

Major Quinn seconded the motion.

Director Wall asked for discussion. He recommended providing the federal government

with what the committee has already done and ask whether the FY2009 process is

acceptable.

Mr. LeDoux stated that if the committee sets aside two months for this process, that will

be mid-August. He stated that the Drug Court will not have money going into the new

fiscal year. Director Wall asked about interest earned on grant funds, and Mr. LeDoux

stated that there is not enough money in interest to carry the program for very long using

interest earned.

Director Wall asked if Mr. LeDoux is saying that the motion on the floor will not work

because the Drug Court will have to halt its operations. It was pointed out that at this
juncture a decision on the motion will not affect the available funds for the Drug Court in
the short term.
Director Wall called the question on the motion. There are eight voting members present.
THE VOTE WAS SEVEN MEMBERS VOTING IN THE
AFFIRMATIVE AND ONE MEMBER VOTING AGAINST. THE
MOTION PASSED.

Director Wall stated that the committee would reconvene as soon as the PSGAO is able
to provide the results oftheir contact with the technical assistance providers. Mr. LeDoux
added that he anticipates that the Byrne/JAG Grant funding will probably not increase in
future years. Therefore, the sixteen currently funded projects will not all be able to be
funded. Therefore, a strategic plan will be important. In response to a question from Ms.
Hurst, Director Wall stated that BJA will help provide guidance on the types of projects

that could be funded with other grant funds, such as'homeland secunty money.

5. New Business: There was none.

6. Adjourn:

Director Stenning made a motion:

TO ADJOURN TIIE MEETING.

Deputy Coyne seconded the motion, The motion carried unanimously in the affirmative.

The meeting adjourned at 10:08 a.m.

Respectfully submitted,

Barbara J. Laird

Recorder

Approved:

Thomas Mongeau

Administrative Manager

A.T. Wall, Director

R.I. Department of Corrections

Chair