Criminal Justice Steering Committee
July 28, 2010
Rhode Island Department of Corrections
2nd Floor Conference Room
40 Howard Avenue
Cranston, RI 02920

1. **Call to Order/Welcome:**
   Chairman A.T. Wall welcomed everyone and opened the meeting at 8:35 a.m. Director Wall noted that a quorum was present. He asked everyone to introduce themselves. Director Wall stated that he would need to leave the meeting at 9:00 a.m. and asked Major Marandola to chair the meeting at that time.

Present:
A.T. Wall, Director, Rhode Island Department of Corrections, Chair, (voting member)
Marisa White, designee of Presiding Justice Alice Gibney, Superior Court, (voting member)
Mr. Michael Burke, designee of Director Patricia Martinez, Department of Children, Youth, & Families, (voting member)
Assistant Attorney General Stacey Veroni, designee of Attorney General Patrick Lynch, Rhode Island Department of Attorney General (voting member)
Deputy Public Defender Barbara Hurst, designee of John Hardiman, Public Defender (voting member)
Director Craig Stenning, Division of Behavioral Healthcare, Developmental Disabilities and Hospitals (DBHDD),(voting member)
Major Kenneth J. Marandola, designee of Colonel Brendan P. Doherty, Rhode Island State Police (voting member)
Ms. Lisa Holley, Esq., Legal Counsel, Rhode Island Department of Public Safety
Ms. Gina Caruolo, Rhode Island Department of Corrections (*designee of A.T. Wall after he leaves the meeting)
Mr. Thomas Mongeau, Public Safety Grants Administration Office
Mr. David LeDoux, Public Safety Grants Administration Office
Mr. Anthony Robinson, Policy Office, Rhode Island House of Representatives

2. **Approval of July 23, 2010 Minutes:**

Ms. White moved:

> **TO ACCEPT THE MINUTES OF THE JULY 23, 2010 MEETING AS PRESENTED.**

Major Marandola seconded the motion.

> **THE MOTION PASSED IN THE AFFIRMATIVE WITH ONE ABSTENTION BY MS. VERONI, BECAUSE SHE HAD NOT ATTENDED THE MEETING.**

Director Wall directed the committee's attention to Page 7 of the minutes which states the motion in bold and was the committee's charge to the PSGAO.

3. Discussion of Funding Options from the Y 2010 Edward Byrne Memorial Justice Assistance Formula Grant (JAG)—David LeDoux, Public Safety Grant Administration Office:

Mr. LeDoux directed the committee's attention to the white sheet (Attachment 1), which is a draft summary of the 2010 Byrne JAG Grant allocations. There is $664,568 in statewide money to program. He also pointed out the following handouts: Superior Court Drug Court (yellow; Attachment 2), Rhode Island Department of Public Defender (Ivory; Attachment 3) Family Court/Mental Health Court (gold; Attachment 4), Rhode Island Department of Corrections Re-Entry Project (Blue; Attachment 5), and University of Rhode Island State Crime Lab (Pink; Attachment 6). The last handout is the FY 2008 and 2009 JAG interest income (Green; Attachment 7), which will be discussed later.

Mr. LeDoux stated that the Drug Court and the URI Crime Lab have been identified as needing money. Also, the Department of Corrections has a 2008 grant still operating, which is separate from the three new projects funded with 2009 monies. The Family Court project was a new program last year, and it has been expending funds. The Public Defender is looking for an extension to September 30, 2011. At the last meeting, Mr. LeDoux asked the agencies to develop a budget to cover their programs from when their current money runs out through to September 30, 2011.

- On Attachment 4, the Family Court Project funding requirements are $84,375.
- The URI Crime Lab has $100,000 in state funding for two part-time firearms examiners. On Attachment 6, they need funds for NIBIN Technician in the amount of $23,801.
- On Attachment 5, The Department of Corrections Re-Entry Project will need $128,837.
- On Attachment 3, the Public Defender has existing money to carry them through to June 30th and is looking for money to carry them through to September 30, 2011.
- Attachment 2, is the Superior Court Drug Court. This is a more complex grant. They use funds for drug testing, drug treatment, and there are also four other partner agencies in this program; namely, The Attorney General, DBHDD, Department of Corrections, and the Public Defender. The Superior Court Drug Court included their existing money with what they feel they need until September 30, 2011. In Plan A (Attachment 1), the programs total more than what is available, which results in a $50,563 deficit. In Plan B, Mr. LeDoux went through each of the requests for continuation funding, determined what each program needed per quarter, subtracted a quarter's worth of expenses, and came up with an amount. The remainder is $138,421. These funds would be available for one-time projects.

Mr. LeDoux stated that he had a discussion with Ms. White before this morning's meeting, and Superior Court would be requesting what they have remaining plus the amount to carry them forward to September 30, 2011, which would be $290,730. Mr.

LeDoux said part of the problem is that if they carry over $68,000 to spend on Drug Court activities and none of the other program partners have money, then the project could not continue. Director Wall asked if this question is important to the decisions this committee has to make now. If not, the committee should then move forward. Ms. Hurst said that they are not able to make up the difference in funding with general revenue funds. The Public Defender's Office did not receive approval for the FTE for this program, so they are going to have to stop donating their Drug Court services, because they do not have general revenue money to fund this. They can only continue providing services as long as their $85,000 will carry them, and then they will discontinue services. Ms. White said the Attorney General's Office is using general revenue funds. Ms. Hurst responded that they did not get the position for this program, so every attorney in their office took on additional cases. They are not able to continue to do that.

*Note: At this point Director Wall had to leave the meeting. Major Marandola assumed the Chair, and *Ms. Caruolo became the designee and voting member for Director Wall.*

Ms. Hurst reiterated that the Public Defender cannot commit to donating their portion of the services again, because they do not have the supporting general revenue funds. Ms. White then asked if each agency in the Drug Court should be able to carry its funds forward or some portion of the funds. Mr. LeDoux said the grant called for $68,000 for each of the four agencies. He clarified that the Public Defender's Office could have requested its funding even though they did not have the specifically dedicated FTE. Ms. Hurst responded that they were not going to be incurring additional expenses, so they did not specifically seek to request reimbursement. She stated that they did not request the money, because it would have seemed unseemly to do so.

Ms. Holley stated that the committee has to make a decision about the entire Drug Court budget and not each agency's portion. She asked if this was voted on in the minutes of the last meeting. She believes that Byrne could not fund this if this is the case. Director Stenning stated that he believes this was not part of the vote, because if it had been he would have abstained. He said the discussion was that the carryover was going to be implemented the same as with most federal grants; it is not taken away. Mr. LeDoux agreed. This request for continuation funding will be from when the carry-over funds run out through to September 30, 2011. Funds are carried over and not taken away from sub-grantees. This happens frequently, and the PSGAO is always flexible with carry-over funds. It is a more complex issue with the Drug Court: The Public Defender chose not to request reimbursement during the past year while the other three agencies did request reimbursement. Ms. Hurst stated that they attempted to get approval for the FTE through the supplemental budget and both houses of the General Assembly, but they could not get it approved in the Governor's Office. However, they agreed to participate in spite of not having the FTE. Mr. LeDoux said that it does create a problem going forward, because there is now an inequitable amount of money. If the other three partners spent their money and the Public Defender is still holding its share and the full program does not get funded, then they'll have $68,000 they are not able to use. Ms. Hurst suggested discussing a program end date of June 30th instead, because by then there will be a strategic plan in place. She felt it important to make these grants based on need rather

than on an even split. She suggested that other agencies may be able to contribute general revenue funds at a higher extent than the Public Defender can. Mr. LeDoux stated that he needs to put dollar amounts into each category. Ms. Hurst said she was unclear where the $85,000 amount for the Public Defender came from. Mr. LeDoux responded that the Drug Court request was for more money than was available and was then cut back. Each agency was given an equal amount of money. However, it was not enough money, but it was accepted regardless. He said he believes the $85,000 is level funding. He had requested budgets at level funding, rather than what sub-grantees requested.

Major Marandola asked if the committee should go forward with funding the same as last year, or does the committee want to fund fully through September 30, 2011. That is, use available funds in the accounts and then grant money to carry the agencies through to September 30, 2011. Ms. Veroni recommended each agency retaining its balance to offset costs going forward. The Attorney General's Office is the only full-time participant in the Drug Court Program. Ms. Holley stated that a decision will need to be made if the agencies would retain the funds they have remaining in addition to level funding or move forward with level funding. What has not been expended goes back into the pool to divide up to carry agencies through to September 30th 2011. However, Ms. Hurst is suggested June 30th. She re-stated if the agencies could keep their own money or put money back in the pool. Ms. Hurst said they will not need $85,000; it may be closer to $77,000. Ms. Holley felt that was not important to today's decisions. She stated that if agencies keep the funds they have and request money to carry through to September 30, 2011 that this plan will require the entire amount of state funds available.

Major Marandola summarized, for example, if the Court has $54,000, what would they need to fund the program through September 30, 2011, etc. If this is within budget, then any remaining funds will go out to RFP. Mr. Burke stated that there probably would be a shortfall with this plan. Ms. Hurst asked if each program could take a $5,000 decrease. Major Marandola pointed out that given the level of funding, is this program something we can afford going forward, or is it essential that we fund all the other programs. He summarized that as Mr. LeDoux pointed out, we can probably expect level funding from the federal government in future years. Mr. LeDoux said they plan for level funding, but never know specifically what the funding will be from year to year. For example, in 2008, they had a dramatic decrease in funds. Ms. Holley reminded the committee that Rhode Island's Byrne Grant will see a 10 percent cut if the state does not implement the Adam Walsh Act. Ms. Hurst said the Drug Court Program speaks most effectively to the Byrne priority areas more than other programs, because it cuts across a broad spectrum of criminal justice disciplines, and it is a program that works well. In terms of priorities it is very high. Additionally, there are not other sources of funding for this type of program as there are for other areas, such as victim services, homeland security, etc. She stated that Rhode Island is not tapping into these other funding sources. She reiterated that it is a high priority for the Public Defender's Office. Major Marandola stated that if it is essential, then each agency may need to step up to the plate and do more with less to sustain the program. Ms. Hurst said she agrees, and that is why they participated in Drug Court without requesting reimbursement. She suggested each agency taking $5,000 less.

Ms. Veroni said she would agree to this. Ms. White said if they agree to each agency carrying forward its respective amounts, take level funding to September 30th and then if the committee agrees, each agency can carry forward its respective amounts, take level funding to September 30, 2011, and then each agency take a $5,000 decrease on the level funding. The $446,250 then becomes $397,436 for Superior Court.

Major Marandola asked that considering carry-over funds, are these numbers real. Is this the absolute essential amount the programs need? Ms. White responded that it is less, but the Court is willing to work with it. Ms. Veroni stated that the Attorney General's Office dedicates a full-time person to Drug Court, so the costs are greater. The funding may not be adequate. By comparison, the Public Defender does not have a full time person, so the costs are less. Ms. Hurst responded that the Public Defender's preparation time is greater, because they do not have police department help as the Attorney General's Office does. Ms. Veroni said that there is no Police department involvement. The other agencies will run out of money much sooner than the Public Defender. Ms. Hurst said this would not happen if the agencies donate services and take attrition into consideration. Ms. Hurst further stated that if the Public Defender's Office has a vacancy, they do not take the federal money. She also stated that the Attorney General's Office will have attrition, because it is an election year. She suggested shifting the vacant positions' money to cover expenses from the Drug Court. Ms. Veroni responded that this is their current practice. Ms. Veroni felt that if the agencies did not use their funds because they did not need them, then is it fair to continue to carry them over when other agencies could use them. Major Marandola responded that agencies should reduce their requests due to the carry over. Ms. Veroni clarified that they are requesting the carry-over amount plus level funding, minus $5,000.

Major Marandola again asked the committee if their numbers are real. Ms. Caruolo added that the agencies are carrying over money plus getting new 2010 money. However, the Attorney General's Office does not have any carry-over money. Major Marandola said the Public Defender has a $68,000 carryover. He asked what the agency needs to run the Drug Court until September 30, 2011. Ms. Hurst responded that they provided those services with existing staff, and each lawyer took on additional cases. However, they cannot do that again. This was due to the fact that they could not get approval for the FTE at the time. They now they have permission for the FTE to cover Drug Court cases, which is $147,000 for 15 months minus the $5,000 that will fill the overall budget gap. They would then be 100 percent funded for that position. Ms. Hurst said that this is equitable, because they will receive the same as the other agencies and will provide full-time services. She said they should not be penalized, because they did not request reimbursement last year when they did not have additional out-of-pocket expenses. They will use the money to fund the position from last year's funds plus this year's.

Major Marandola asked if everyone is agreeable that each agency would take a decrease if there is not enough funding. There was no further discussion on this point. Major Marandola said the Superior Court would need $397,436, which would mean that all partner agencies would take a $5,000 decrease, but that still creates a deficit. He said the

committee would either have to lower the amounts or take funding from other programs. He asked Mr. LeDoux if earned interest could be used.

Mr. LeDoux directed the committee's attention to the green sheet (Attachment 7). He said there is very little interest in the 2008 accounts. He reviewed the interest in each of the grant programs. He stated that interest money will come into play when there is an opportunity for more of it to be earned. Mr. Burke asked if this money could fill the unfunded amount. Mr. LeDoux explained that Drug Court is being funded with ARRA money. JAG interest has to be kept separate and be used for those programs exclusively. Director Stenning said that if the funding gap is only $1,750, can the committee use $1,750 in interest to fund this amount. Ms. Holley stated that out of fairness, if the Drug Court is going to accept a decrease, then can the committee ask other programs to do so as well. Director Stenning stated that the Drug Court has not had to take a decrease in the past, but the other programs have. He further explained that his agency ran its programs with no funding. When they did receive funding, they always accepted a lesser amount. Director Stenning said that each of these programs has taken decreases in the past to ensure full funding for the Drug Court. Mr. LeDoux agreed that this was the case. He said he had to cut ten other grant programs in the past to keep the Drug Court funded. Director Stenning suggested taking the $1,750 from interest earned to fill the gap. Ms. Hurst offered to absorb this amount.

The committee then broke into smaller groups to work out the budgets. The recommendations presented were as follows:

$395,687 for Superior Court
$128,837 for Department of Corrections
$31,868 for Public Defender's Office
$23,801 for URI State Crime Lab
$84,375 for Family Court

The amount allocated for the Superior Court would fund the Drug Court while absorbing the $50,563 deficit that was identified in Plan A. the amounts allocated for the other four state agencies are at the level that was requested.

Ms. Caruolo clarified that this is not level funding; it is the amount that is needed to carry the programs to September 30, 2011.

Director Stenning asked that for the record, all references to MHRH be changed to the agency's new name, which is BHDDH.

Major Marandola asked for a motion. Mr. Burke moved:

TO FUND THE BYRNE PROGRAMS AS FOLLOWS: $395,687 FOR SUPERIOR COURT, $128,837 FOR THE DEPARTMENT OF CORRECTIONS, $31,868 FOR THE PUBLIC DEFENDER, $23,801

FOR THE URI CRIME LAB, AND $84,375 FOR THE FAMILY COURT.

Ms. Hurst seconded the motion. Mr. LeDoux noted that there would be no need for an RFP for 2010 monies, because they were all being utilized by the above-referenced programs.

THE VOTE WAS ALL MEMBERS VOTING IN FAVOR OF THE MOTION WITH ONE ABSTENTION FROM DIRECTOR STENNING.

The Policy Board will be advised of the Steering Committee's recommendations.

4. **New Business:**
   There was none.

5. **Adjourn:**
   There being no further business, Major Marandola asked for a motion to adjourn. Ms. White moved:

   TO ADJOURN THE MEETING

   Ms. Veroni seconded the motion.

   THE MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE, AND THE MEETING WAS ADJOURNED AT 10:10 A.M.

Respectfully submitted,

Barbara J. Laird
Recorder

Approved by:

Thomas Mongeau
Administrative Manager

Major Kenneth Marandola
R.I. State Police
Designated Chair