

Criminal Justice Steering Committee

April 24, 2012

Rhode Island State Police Headquarters

Command Staff Conference Room

311 Danielson Pike

North Scituate, RI 02857

1. Welcome, Director A.T. Wall, Chair

Chairman A.T. Wall welcomed everyone and opened the meeting at 8:38 a.m.

Introductions were made.

Present:

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

Colonel Steven G. O'Donnell, Rhode Island State Police/Rhode Island Department of Public Safety (voting member)

Director Craig Stenning, Behavioral Healthcare, Developmental Disabilities, and Hospitals (voting member)

Barbara Hurst, Esq., Deputy Public Defender (voting member)

Major Michael P. Quinn, Johnson & Wales University and Chair, PSGAO Policy Board (voting member)

Assistant Attorney General Stacey P. Veroni, Rhode Island Department of Attorney General, representing Attorney General Peter Kilmartin (voting member)

Mr. Michael S. Burk, representing Dr. Janice DeFrances, Department of Children, Youth, and Families (voting member)

Ms. Jennifer Olivelli, representing Presiding Justice Alice B. Gibney, Superior Court of Rhode Island (voting member)

Major Wilfred K. Hill, Commanding Officer, Rhode Island Department of Public Safety

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

Chief Anthony M. Pesare, President, Rhode Island Police Chiefs Association

Mr. Kevin McKenna, Rhode Island Department of Children, Youth, and Families

Ms. Gina Caruolo, Rhode Island Department of Corrections

Mr. Thomas Mongeau, Administrative Manager, Public Safety Grants Administration Office (PSGAO)

Mr. David J. LeDoux, Grant Manager, Public Safety Grants Administration Office

2. Approval of August 31, 2011 Minutes:

Mr. Burk moved:

TO APPROVE THE MINUTES OF THE MEETING OF AUGUST 31, 2011 AS PRESENTED.

Director Stenning seconded the motion.

THE MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.

3. Discussion of FY 2012 VOCA Grant Program – Mr. Thomas Mongeau:

Mr. Mongeau provided a brief overview and history of the VOCA grant (Attachment 2). The grant had received a large influx of money, so it had been agreed to average the money and spread it out over several years. Mr. Mongeau asked the Steering Committee to recommend the same this year. There is \$1.6 million available for FY 2010; \$1.75 million for FY 2011. The request for proposals has been issued. The applications will be rated by a committee over the summer, and the Policy Board will vote on the recommendations in September. Mr. Mongeau is requesting a motion that this recommendation be forwarded to the Policy Board for a September meeting.

Mr. Burk moved:

TO PLACE THE RECOMMENDATIONS OF THE VOCA ADVISORY COMMITTEE FOR THE DISTRIBUTION OF FUNDS IN THE AMOUNT OF \$1.7 MILLION FOR A VOTE AT THE PSGAO POLICY BOARD MEETING IN SEPTEMBER.

Attorney Veroni seconded the motion.

THE MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.

There were no abstentions.

4. Discussion of FY 2012 Edward Byrne Memorial Justice Assistance Grant Program Allocations, and

5. Discussion of ARRA/Byrne Grant Issues and Status – Mr. David J. LeDoux:

Mr. Mongeau said that they are not requesting any votes today, but that the PSGAO wanted to provide an overview of the Byrne-JAG program and its trend of dwindling funds that are available to the state, and provide an update of currently funded programs. At a future meeting, there will be a vote on funding. Mr. Mongeau turned the floor over to Mr. LeDoux.

LeDoux directed the committee's attention to the previously distributed handout (Attachment 3) and the updated handout (Attachment 4). At the top of the form is a chart that depicts a history of funding from 2008 to 2012, excluding ARRA funds. The trend has been a decrease in federal funding since the grant's high in 2009. Mr. LeDoux said that the state should expect less money in future years.

The middle is a chart outlining the 2012 allocation. The state is being penalized 10 percent, due to non-compliance with the Adam Walsh Act. The 10 percent penalty was not applied to the administrative funds or to the variable pass through. The

Steering Committee has \$393,852 to distribute for statewide programs in 2012. The Local Law Enforcement Planning Committee (LEPC) has \$331,884 to distribute.

The state received \$5.7 million in ARRA funds. This amounted to \$570,000 for planning and administration for the PSGAO. At the last Policy Board meeting, the group voted to extend support for a training officer to the Rhode Island Municipal Police Training Academy (RIMPTA). RIMPTA will request an extension to September 30, 2013, which is the furthest out the grant can be extended. Most sub-grantees have said they can spend their money by February 13, 2013; however, some will need additional time. Extending the award also allows the PSGAO to use its administrative funds longer. However, the PSGAO cannot spend \$125,000 before the deadline. As a result, it was agreed to use this money for the training officer. The Byrne Grant earns interest, and \$40,000 was earned on the ARRA funds. This interest earned is also subject to the variable pass through. There will still be some remaining money after that, and it should be noted that this is an estimate. After granting \$28,000 to the position at RIMPTA, there will still be about \$81,000 available to put toward grant programs, which is also subject to the variable pass through. There will be 43 percent that is required to go to projects by local units of government. This should also be a project that has already been approved for ARRA funds; otherwise, the PSGAO has to go through the Governor's ARRA Office. If it has already been approved, it will save that step, which is critical, because there is a limited amount of time to spend the money.

At the Policy Board meeting, Mr. LeDoux had asked recipients if they could spend their remaining monies by the deadline. Some asked for additional funds, such as the DCYF New Hope Diner in the amount of \$50,000 and the Department of Corrections database project in the amount of \$43,000. The Violence Against Women advocate database was also previously approved and meets the requirements of the variable pass through. This could be funded with the additional ARRA money in addition to the \$331,884 from the local pass through amount. Mr. Burk asked if the variable pass through of \$81,000 is \$35,000. Mr. LeDoux answered that this is correct. Ms. Hurst asked how the local benefit is defined. Mr. LeDoux responded that it has to benefit local law enforcement. Ms. Hurst asked if the benefits need to be available to many municipalities and if they are not, is it assumed that it is their choice. Mr. LeDoux said that the local entity needs to be a police department. There is \$125,000 available for programs, and \$40,000 is available in ARRA interest. This is the \$81,000 that is available immediately.

The variable pass through has to be deducted from the \$81,300, which is \$28,700. He also stated that the \$110,000 is an estimate.

Director Wall asked, for today's purposes, how much ARRA money is available. Mr. LeDoux responded that it is approximately \$81,300. He also asked how much money is available for the Steering Committee to fund programs. Mr. LeDoux said that part of the balance has to be committed to the variable pass through to benefit local governments, however, these can also be statewide programs that ultimately benefit local units of government. For example, the database project and the Probation project qualify as VPT. Out of the \$81,300, \$18,600 is subject to the VPT. The remaining \$62,700 is for state projects. Director Wall clarified that Mr. LeDoux is saying that the VPT can be granted to a state agency, if it benefits the municipalities. He asked if this is a decision of the Steering Committee or the LEPC; Does the LEPC have to agree to this. Mr. LeDoux agreed that the VPT can go to a state agency, if it benefits the municipalities. He has already met with the LEPC about this and they want to support the AFIS project at the University of Rhode Island and the position at the Rhode Island Municipal Police Training Academy. However, they did not have enough money to support this. They sent it to the Policy Board to ask if the state would use its portion to augment the VPT to support the position. Mr. LeDoux further stated that if this committee agrees to the proposal, the LEPC would also agree to it. Major Quinn asked if the LEPC has to also approve this recommendation. Mr. LeDoux said that they will support it. Director Wall asked what this committee needs to do today to launch the programs. Mr. LeDoux answered that the Steering Committee just needs to be aware of the monies that are available. This is background information today, because there is no strategic plan in place at this time. The committee will have to use the same methods as prior years to determine funding recommendations. He further explained that before ARRA money, there were four state-funded projects. With ARRA money, there were 20 projects funded. He asked of all the programs that are being funded, which does the committee feel are a top priority? How much money do these programs have available? How long will the money last, and how much do you want to allocate to carry them forward to what date?

Ms. Hurst stated that this committee should state for the record that remaining administrative money *must* go to eligible, previously approved ARRA projects. She further stated that only projects that need more money should be considered. Director Wall said this would also tell the committee what to do with the remaining administrative funds. Director Wall asked for a motion.

Ms. Hurst moved:

**TO LIMIT FUNDING EXCLUSIVELY TO PREVIOUSLY APPROVED
ARRA PROJECTS.**

Mr. Burk seconded the motion.

THE MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.

Director Wall asked for a second motion that the administrative funds variable pass through go back to the LEPC for their parallel approval with this committee's request that it be approved at their level. Mr. LeDoux said that at this point he does not know what the \$43,000 would be able to fund for the database project or the cost of the VAWA database project. Director Wall asked if it is premature to vote on this. Mr. Burk said the New Hope Diner Project, when last reviewed in March, could use an additional \$50,000. He said that if they know they will be receiving additional funding, they would go forward; otherwise, they will cut back.

Mr. LeDoux said that at least \$18,600 would qualify for VPT. This committee does not have LEPC approval yet. However, if the committee wants to move that these projects be supported with the balance of planning and administration money, it would go to the LEPC with that recommendation, and it would move the process along.

Ms. Olivelli said that the New Hope Diner Project and the database project have been previously approved for funding with administrative money. She directed the committee's attention to the chart that was distributed, "Byrne/JAG Program – Previous Years Funding Summary – April 2012," (Attachment 5). According to this chart, they do not need any money. If they need \$93,000, and there is only \$81,000 to distribute, then only the difference would need to be funded with new money. Mr. LeDoux said that yesterday he added the far right black column on Attachment 5. If the committee funds at the same level as last year, it would leave a deficit. Ms. Olivelli said that the deficit would not be as great if this committee funded the projects with ARRA money. As a result, they would not need as much new money.

Director Wall said that if the database project is funded from ARRA money, then they would not need that amount of new money. Ms. Holley asked if the database project is part of the Byrne program. If so, is it proper to use Byrne interest money to fund a project that has not been a previously approved Byrne project. Mr. LeDoux responded that it was an ARRA approved project. He said a motion should be to fund approved ARRA projects, not just approved Byrne ARRA projects.

Director Wall asked if the committee needed any further motions or does the PSGAO staff have the direction it needs. The group agreed. Director Wall recommended the committee focus on Attachment 5. However, there will be no further votes needed at today's meeting.

Mr. LeDoux said that at some point this committee will need to identify its top priorities. It is difficult to know how much money is remaining in grants. For

example, BHDDH does not submit regular payment requests on its grant, so he does not know how much money they actually have left. He will need to go to the subgrantees to ask them that.

Ms. Hurst said that a column that would be helpful for the future would be the amount of money it would take to carry projects to a uniform completion date. She felt this would be where a strategic plan would be useful. Mr. LeDoux said that ideally, it is something that projects could begin with. However, projects will never be able to end on the same date, due to numerous factors. Ms. Hurst asked why this committee cannot impose its own spending deadline date with the provision that subgrantees will be given until a specific date to spend their funds. After that date, the funds would revert back to the PSGAO. Mr. LeDoux said he tries to give grantees more time because of the strictures imposed by State Purchasing, etc. Ms. Caruolo said that with contracts, it is impossible to keep grants on schedule. Mr. LeDoux said that once money has been granted, it belongs to the agency, and the PSGAO will not ask for it back. He only asks recipients to let him know they need an extension, and he will grant it.

Director Wall asked what the deadline was for making allocations under the current Byrne/JAG grant. Mr. LeDoux said there is \$400,000 to spend over four years, but that they are looking at federal FY2012. Mr. LeDoux is required to submit a plan to the federal government by mid-May. They only require a "placeholder" application. A detailed plan can be submitted later. However, no funds may be drawn down until the detailed plan is submitted. A set timeframe has not been established yet. This committee is not under any federal deadline to make these decisions.

Director Wall stated that the committee needs Mr. LeDoux to obtain more information from both the subgrantees and the federal government before any further decisions can be made. The handouts are a snapshot based on the General Assembly, the LEPC, and current expenditures by subgrantees.

In response to questions regarding the availability of Google money to fund some of these projects, Colonel O'Donnell explained that everyone thinks that this is a pool of money available to the Attorney General's Office and the State Police, and that is not the case. In the short term, Google funds cannot supplement these programs. In the future they may be able to. When the needs of recipient agencies are completed, then this committee can look at Google funds. He said they also must obtain federal guidance on this, because this is the first time a state has received such a large settlement. The Governor's Office is going to Washington, D.C. to ask for guidance on the settlement money. As it stands now, the agencies will develop a proposal, submit it to the federal government, they must approve it, and then they will send the money to buy, for example, cruisers. Everything must be approved by the

federal government on a project-by-project basis. We may be able to fund some of these projects later, but not now.

Ms. Holley said that this committee needs to make its decisions based on there being no Google money available. The funds cannot supplant, and funds must be used for law enforcement purposes only. No direct services for inmates, mental health projects, etc. will be allowed. All projects must show a law enforcement purpose. The time table will be at least until next year. For now, the committee has to take Google funds off the table.

Mr. LeDoux said he put "Google" next to the Attorney General's Case Management Project. He said they received \$400,000 under ARRA for the case management system. Chris Cotter said they needed another \$175,000 for an additional component, and he thought they may be able to utilize Google funds for this.

Major Quinn asked if there are other law enforcement projects that could be funded through Google, such as the pawn database at Attorney General's Office. Ms. Holley responded that Google may not support that. There are very strict forfeiture rules. As the attorney for this committee, she recommended moving forward without the knowledge of available Google funds. The federal government may not allow funding for the projects, or the Attorney General may not choose to spend its money on that particular project. The four agencies have submitted plans for review by the federal government, and each agency makes its own decisions on funding. She cautioned the committee that members should not think that any of these could be funded through Google. A forfeiture this large has never happened before, except in West Virginia. As a result, the federal government is proceeding slowly because there is no available guidance. Director Wall told the committee to not assume that the Attorney General can fund its project with Google money. If the Attorney General did not put this in his proposal to the federal government, then it will not be approved. This committee cannot presume that they are going to use Google to fund their Byrne-funded projects.

Colonel O'Donnell told the committee not to think about Google funding until next year and to proceed as if it does not exist. The funds are very restrictive. The federal government has a fear that the funds will not be used properly, so their guidance is to provide them with a proposal, and they will review it. This committee cannot state that it is a law enforcement program, so that Google will fund it. Director Wall added that funding decisions for this cycle will have to be made without counting on Google money.

Director Wall reiterated that the handouts are estimates. The committee will meet again when more information is available. There are several other things going on concurrently. For example, the Drug Court is working with the General Assembly.

He told Mr. LeDoux to submit the “placeholder” application to the federal government. When Mr. LeDoux has more information, this committee will meet again. The committee has worked in a collaborative fashion before, but as a result of decreases in funding, some projects will continue and some will not. The committee needs to brace itself to make some difficult decisions.

Ms. Hurst stated that considering some of these projects are looking for money in the second half of 2013, is it possible to ask East Providence or the Attorney General’s Office if they could fund their projects with their Google money instead of Byrne. Can this question be directed to these departments.

Ms. Holley responded that the Family Reunification Project would not qualify for funding under Google.

Ms. Hurst stated that if she was going to use operating money for a new project and instead fund the project with Google money, would that be acceptable. Ms. Holley said it cannot be budgeted. The federal government will look back, for example, at the State Police budget for cruisers and take that money out of the mix for Google funded cruisers. Colonel O’Donnell also stated that proposals must be drafted to justify that they are law enforcement projects. He further explained that the federal government wanted to cut the Google award, but everyone in Rhode Island fought for it. Each agency had to submit restrictive proposals. He recommended that agencies come to the Google recipients with your proposals. He said the agencies will try to help, but he asked for the committee’s patience.

6. New Business:

Strategic Plan: Director Wall stated that Ms. Gina Caruolo, of the Department of Corrections, has agreed to take on this project. Ms. Caruolo stated that last week she met with Dr. Manzi, of Roger William University; Chief David Smith, of Salve Regina University; and Mr. Mongeau. She looked at the survey that was utilized to distribute the ARRA funds. They are going to use that as a model, but re-craft the survey. She said she is going to meet with Dr. Senese at Johnson & Wales University this afternoon. If he is unable to assist with this project due to his added workload, she hopes that someone else will be able to. She hopes that the plan will be in place for next year’s funding cycle. However, if only \$400,000 is available to distribute, the committee may not need a strategic plan. Mr. LeDoux added that a plan would help if additional monies are available in the future.

7. Adjourn:

There being no further business, Mr. Burk moved:

TO ADJOURN THE MEETING.

Ms. Hurst seconded the motion.

**THE MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE,
AND THE MEETING WAS ADJOURNED AT 9:50 A.M.**

Respectfully submitted,

Barbara J. Laird
Recorder

Approved by:

Thomas Mongeau
Administrative Manager

A.T. Wall, Director
R.I. Department of Corrections
Chair