

AGENDA ITEM #18  
July 28, 2009

**Public Hearing/Action**

**MEMORANDUM**

July 24, 2009

TO: County Council

FROM: Susan J. Farag, Legislative Analyst *SJF*

SUBJECT: Special Appropriation - \$1,029,500 for a FFY09 Recovery Act Edward Byrne Memorial Justice Assistance Grant (JAG)

**COMMITTEE RECOMMENDATION**

The Public Safety Committee held a worksession on the Byrne grant on July 23, 2009, and recommended approval (3-0). Discussion focused on an overview of the Department of Police's mobile video program, outfitting up to 800 patrol vehicles with digital video cameras and the wireless upload of data to the Police Department's secure network. The Department explained the program design is still being worked out, based on availability of funds, and they continue to look at lower-cost options such as leasing equipment rather than purchasing it. The Department has focused on wireless technology in an effort to minimize the number of people involved in the chain of evidence.

In addition, the Committee requested written statements from the Office of the State's Attorney and the Office of the Sheriff detailing the personnel costs associated with the grant, and whether the staff positions will be terminated once the grant funds have been expended. The State's Attorney's Office response is attached at © 8. The Office of the Sheriff response was not received in time for inclusion in the packet, but will be provided to the Council when it is made available.

Action is scheduled to follow today's public hearing.

## **BACKGROUND**

On July 21, 2009, a special appropriation to the FY10 Operating Budget for various departments was introduced, requesting appropriation authority to spend \$1,029,500 awarded under the federal Byrne grant. According to the Executive's Transmittal Memo, the Police Department has been designated as the lead agency for certain projects and received this award through the Edward Byrne Memorial Recovery Justice Assistance Grant (JAG) allocation process. The funds will go toward the following initiatives:

- Development and implementation of a digital video evidence system for the Police;
- Increasing personnel hours and purchasing tasers for the Office of the Sheriff;
- Providing for two investigators and one analyst in the Gang Prosecution unit in the Office of the State's Attorney;
- Expanding the electronic monitoring program within the Department of Correction and Rehabilitation; and
- Supporting the gang prevention/intervention program within the Department of Health and Human Services.

### **DEPARTMENT OF POLICE – DIGITAL VIDEO EVIDENCE SYSTEM (DVES)**

One component of the Byrne grant includes mobile video (in car cameras), interview/interrogation room video evidence, and physical security video system for site security. The goal is to record video and audio evidence to enhance prosecution, increase officer safety, enhance departmental accountability, and reduce liability and aid in regional information sharing.

According to the grant program narrative, the first portion of the DVES is the mobile video component. The goal is to outfit approximately 800 marked patrol vehicles with digital video cameras and associated equipment. The system will be fully digital and will include wireless upload of data from the police vehicle to the department's secure network. The data will then be managed by a central system. The mobile video system is designed around the International Association of Chief of Police 2008 Mobile Video standards.

The timeframe for this project indicates that camera installations can begin by September 2009 and full deployment is estimated at one to three years, based on yearly revenue flow.

In addition to the Byrne JAG grant award (\$628,861), the FY10 operating budget includes \$100,000 for program administration. Further, the Police Department has applied for two other federal grants to help fund the program, including a \$500,000 Urban Area Security Initiative (UASI) grant that was approved by the Council on June 30, 2009 and another Byrne Justice Recovery Act grant totaling \$849,100 (applied for on May 11, 2009).

## ISSUES FOR DISCUSSION

Council staff recently has been in discussion with department representatives regarding the various grants and funding requirements for the DVES program. It appears that the DVES program design has not yet been finalized, although grant funding has been obtained and additional funding has been sought. The Council should understand how the Police Department intends on implementing the program based on availability of funds. **Given the high cost of state-of-the-art technology that will be used (e.g. each digital video camera costs \$4,500 and has a life expectancy of six or seven years), has the Police Department determined whether leasing the cameras or any other equipment is a more reasonable option? When does the Police Department expect to have a finalized vision of the system architecture? What portions of the DVES program will likely need to be funded by tax-supported funds after the grants are exhausted?**

## PERSONNEL COSTS IN THE OFFICE OF THE SHERIFF AND OFFICE OF THE STATE'S ATTORNEY

According to the Executive's draft resolution, the costs funded by the Byrne grant are primarily one-time costs, although grant monies will be used to pay for personnel costs in both the Office of the Sheriff and the Office of the State's Attorney. These will be term positions.

### OFFICE OF THE SHERIFF

The Byrne grant provides approximately \$100,000 to the Sheriff's office to fund personnel costs for Public Safety Aides. The funds will be used to increase the staffing level of civilians, thereby allowing deputies to return to the street serving protective orders and accompanying criminal arrest warrants. According to the grant program narrative, the funds can be used immediately since this is an expansion of work hours for staff currently in place. It will provide full-time employment for a part-time PSA and increase the hours for another PSA from 0.6 FTE to 0.8 FTE. Some of the grant funds will be used for purchasing taser equipment related to deputy security. **How does the Sheriff's office plan to staff this function once the term positions expire?**

### OFFICE OF THE STATE'S ATTORNEY

About \$140,000 of the Byrne grant will assist in funding two part-time investigators and one full-time analyst with the State's Attorney's Office to assist with its Anti-Gang Initiative. The grant program narrative indicates that without this funding, the office will lose these positions effective July 1, 2009. **Were the positions terminated on July 1? If not, how have they been funded pending appropriation of the Byrne grant? How does the State's Attorney's Office plan to staff these functions once the term positions expire?**

**This packet contains:**

Executive Transmittal Memo

Draft Special Appropriation Resolution

Special Appropriation Request Summary

Office of the State's Attorney's Comments on Personnel Expenditures

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OFFICE OF THE COUNTY EXECUTIVE  
ROCKVILLE, MARYLAND 20850

Isiah Leggett  
County Executive

MEMORANDUM

July 16, 2009

TO: Phil Andrews, President, County Council

FROM: Isiah Leggett, County Executive *Isiah Leggett*

SUBJECT: Special Appropriation #10-275 to the FY10 Operating Budget  
Montgomery County Government  
Department of Police - \$628,860  
Office of the Sheriff - \$100,630  
Office of the State's Attorney - \$140,000  
Department of Correction and Rehabilitation - \$105,000  
Department of Health and Human Services - \$55,010  
FFY09 Recovery Act Edward Byrne Memorial JAG - \$1,029,500

I am recommending a special appropriation to the FY10 Operating Budget of the Department of Police in the amount of \$628,860, the Office of the Sheriff in the amount of \$100,630, the Office of the State's Attorney in the amount of \$140,000, the Department of Correction and Rehabilitation in the amount of \$105,000, and the Department of Health and Human Services in the amount of \$55,010 for a Federal Fiscal Year (FFY)09 Recovery Act Edward Byrne Memorial JAG Grant. This appropriation will fund Public Safety Enhancements.

This increase is needed because the Montgomery County Police Department has been designated as the lead agency for these projects and received this award through the Edward Byrne Memorial Recovery Justice Assistance Grant (JAG) allocation process. The increase will ensure the health, safety, and protection of the citizens of Montgomery County. The \$1,029,500 will provide the following:

- a. Development/Implementation of a digital video evidence system for the Police.
- b. Increase personnel hours and purchase Tasers for the Office of the Sheriff.
- c. Provide for two investigators and one analyst in the Gang Prosecution unit in the Office of the State's Attorney.
- d. Expand the electronic monitoring program within the Department of Correction and Rehabilitation.
- e. Support the gang prevention/intervention program within the Department of Health and Human Services.

Phil Andrews  
July 16, 2009  
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I recommend that the County Council approve this special appropriation in the amount of \$1,029,500 and the source of funds as Federal Grant.

I appreciate your prompt consideration of this action.

IL:df

Attachment: Special Appropriation #10-275

c: J. Thomas Manger, Chief, Montgomery County Police Department  
Raymond M. Kight, Sheriff, Montgomery County Sheriff's Office  
John McCarthy, Office of the State's Attorney  
Arthur M. Wallenstein, Director, Department of Correction and Rehabilitation  
Uma S. Ahluwalia, Director, Department of Health and Human Services Director  
Joseph F. Beach, Director, Office of Management and Budget  
Alex Espinosa, Office of Management and Budget  
Beryl Feinberg, Office of Management and Budget  
Kathleen Boucher, Assistant Chief Administrative Officer

Resolution No: \_\_\_\_\_  
 Introduced: \_\_\_\_\_  
 Adopted: \_\_\_\_\_

COUNTY COUNCIL  
 FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

SUBJECT: Special Appropriation #10-275 to the FY10 Operating Budget  
 Montgomery County Government  
 Department of Police - \$628,860  
 Office of the Sheriff - \$100,630  
 Office of the State's Attorney - \$140,000  
 Department of Correction and Rehabilitation - \$105,000  
 Department of Health and Human Services - \$55,010  
 FFY09 Recovery Act Edward Byrne Memorial JAG Grant, \$1,029,500

Background

1. Section 308 of the Montgomery County Charter provides that a special appropriation: (a) may be made at any time after public notice by news release; (b) must state that the special appropriation is necessary to meet an unforeseen disaster or other emergency or to act without delay in the public interest; (c) must specify the revenues necessary to finance it; and (d) must be approved by no fewer than six members of the Council.
2. The County Executive has requested the following FY10 Operating Budget appropriation increases:

<u>Departments</u>	<u>Personnel Services</u>	<u>Operating Expenses</u>	<u>Capital Outlay</u>	<u>Total</u>	<u>Source of Funds</u>
Police	\$0	\$628,860	\$0	\$628,860	Federal Grant
Sheriff	\$91,010	\$9,620	\$0	\$100,630	Federal Grant
State's Attorney	\$140,000	\$0	\$0	\$140,000	Federal Grant
DOCR	\$0	\$105,000	\$0	\$105,000	Federal Grant
HHS	<u>\$34,190</u>	<u>\$20,820</u>	<u>\$0</u>	<u>\$55,010</u>	Federal Grant
Total	\$265,200	\$764,300	\$0	\$1,029,500	

3. This increase is needed because the Montgomery County Police Department has been designated as the lead agency for these projects and received this award through the Edward Byrne Memorial Recovery Justice Assistance Grant (JAG) allocation process. The increase in appropriation will be to ensure the health, safety, and protection of the citizens of Montgomery County. This \$1,029,500 will provide the following:
  - a. Development/Implementation of a digital video evidence system for the Police.
  - b. Increase personnel hours and purchase Tasers for the Office of the Sheriff.
  - c. Provide for two investigators and one analyst in the Gang Prosecution unit in the Office of the State's Attorney.
  - d. Expand the electronic monitoring program within the Department of Correction and Rehabilitation.
  - e. Support the gang prevention/intervention program within the Department of Health and Human Services.
  
4. The County Executive has requested a special appropriation to the FY10 Operating Budget in the amount of \$1,029,500 for FFY09 Recovery Act Edward Byrne Memorial JAG and specifies that the source of funds will be Federal grant.
  
5. The public was notified by a news release.

Action

The County Council for Montgomery County, Maryland, approves the following actions:

1. A special appropriation to the FY10 Operating Budget of the following Office/Departments of \$1,029,496 is approved as follows:

<u>Departments</u>	<u>Personnel Services</u>	<u>Operating Expenses</u>	<u>Capital Outlay</u>	<u>Total</u>	<u>Source of Funds</u>
Police	\$0	\$628,860	\$0	\$628,860	Federal Grant
Sheriff	\$91,010	\$9,620	\$0	\$100,630	Federal Grant
State's Attorney	\$140,000	\$0	\$0	\$140,000	Federal Grant
DOCR	\$0	\$105,000	\$0	\$105,000	Federal Grant
HHS	<u>\$34,190</u>	<u>\$20,820</u>	<u>\$0</u>	<u>\$55,010</u>	Federal Grant
Total	\$265,200	\$764,300	\$0	\$1,029,500	

2. The County Council declares that this action is necessary to act without delay in the public interest.
  
3. Any funds appropriated in this resolution must not be spent for any purpose until 2 days after the Council has received from the County Executive a copy of the grant award letter from the Federal or state government which provides all funds to be spent.

Special Appropriation #10-275  
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This is a correct copy of Council action.

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Linda M. Lauer, Clerk of the Council

**OPERATING BUDGET**

**SUPPLEMENTAL OR SPECIAL APPROPRIATION REQUEST SUMMARY**

1. Please fill in the following table:

Agency	
Department	Police, Sheriff, State's Attorney, Corrections, HHS
Fund (County Government only)	Federal grant
Fiscal year	2010
Supplemental or Special	Special
Operating or Capital budget	Operating

2. What is the amount and source of funding?

Source of funding (Please list sources)	Amount
FY09 Recovery Act Edward Byrne Memorial JAG – Federal grant	\$1,029,500
Total request	\$1,029,500

3. Is the request one-time or continuing? If continuing and funded by a grant, what will you do when the grant ends?

Generally, the costs are one-time. However, there are continuing costs associated with the digital video evidence system after implementation that will need to be funded locally in the absence of additional grant funding. In addition, after the end of the grant, the County will need to determine whether to continue funding the position changes in the States Attorney's Office and the Sheriff's Office based on the costs and programmatic consequences of continued local funding.

4. Please provide a brief description, justification, expected outcomes, and how the outcomes will be measured.

- a. Development/Implementation of a digital video evidence system for the Police.
- b. Increase personnel hours and purchase Tasers for the Office of the Sheriff.
- c. Provide for two investigators and one analyst in the Gang Prosecution unit in the Office of the State's Attorney.
- d. Expand the electronic monitoring program within the Department of Correction and Rehabilitation.
- e. Support the gang prevention/intervention program within the Department of Health and Human Services.

5. Please explain why you did not request this during the annual budget process.

This is a part of the American Recovery and Reinvestment Act (ARRA).

6. For your agency, what is the current fiscal year budget for the relevant fund and what is the latest estimate? (do not fill out if the appropriation is funded entirely by a non-County grant)

Budget for current fiscal year for the relevant fund	
+ Supplemental/special appropriations already approved	0
= Revised budget for current fiscal year	
Latest estimate of spending for current year	

7. County Government only: For your department or fund, whichever is applicable, what is the current fiscal year budget and what is the latest estimate? (do not fill out if the appropriation is funded entirely by a non-County grant)

Budget for current fiscal year for the department:	
+ Supplemental/special appropriations already approved	
= Revised budget for current fiscal year	
Latest estimate of spending for current year	

**Farag, Susan**

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**From:** Baker, David  
**Sent:** Wednesday, July 22, 2009 4:36 PM  
**To:** Farag, Susan  
**Subject:** RE: Byrne Grant Items - Public Safety Worksession on Thursday

Susan:

did not have any participation in this grant. It was handled by Seth Zucker from our office. He is out of the office and unavailable for the hearing tomorrow. I can tell you that there are 3 positions funded by the grant. All three were previously funded by anti-gang initiative grants which were not renewed. All three individuals are retired MCP officers who do not receive any benefits under this grant. It is just salary and SSI. There would be no continuing costs once the grant funds are expended. It is my understanding that Neil Shorb (police) will be there and he has all of the details regarding the grant as the grant will be monitored by them. If you would like me to attend, I will gladly appear, but my information is limited to the above.

David

-----Original Message-----

**From:** Farag, Susan  
**Sent:** Tuesday, July 21, 2009 9:19 AM  
**To:** Ricchiuti, Jo; Popkin, Darren; Baker, David  
**Cc:** Piesen, Ed  
**Subject:** Byrne Grant Items - Public Safety Worksession on Thursday

Hi, everyone,

We received the request for a special appropriation from the Executive Branch last Friday night regarding the \$1 million Byrne grant to various Public Safety departments. It is being introduced today, but Chair Andrews would like to discuss a few things about it at a Public Safety worksession on Thursday. Much of the discussion will focus on the Police's in-car video program, but he's also particularly interested in the term positions you are hiring (or continuing to fund?) under the grant, and what the implications will be for any continuing County costs once the grant funds have been expended. Can you either attend or send a representative to discuss this/answer questions on Thursday? The meeting starts at 10:30am, but I'm not sure yet where we are on the agenda.

Please let me know if you have questions,

Susan  
x77921

**Susan J. Farag**  
Legislative Analyst  
Montgomery County Council  
(240) 777-7921