

300-1

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: December 5, 2006 Consent Regular
 Ordinance Public Hearing

Department:
Submitted By: Palm Beach County Sheriff's Office
Submitted For: Palm Beach County Sheriff's Office

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to: (A) Accept National Institute of Justice "DNA Backlog Reduction Program" grant in the amount of \$118,830; **(B) Accept** amendment to extend the grant period from October 1, 2006 to September 30, 2007; **(C) Accept** amendment to remove Special Condition #15 of the original award which prohibited the recipient to obligate, expend, or draw down any funds under this cooperative agreement, and **(D) Approve** budget amendment for \$118,830 increasing the Sheriff's Grant Fund (1152).

Summary: The National Institute of Justice (NIJ) Forensic Casework DNA Backlog Reduction Program under the President's DNA Initiative provides funds to hire additional full time laboratory employees. The grant is for a period of five years, however, a restriction on the use of the funds impacted the first year. An amendment has been executed which removes that restriction, and funding is being recognized. The grant is renewable annually for four (4) additional years subject to appropriation of the President's Initiative Program. The NIJ funds may be used for a maximum of 75% of the approved salary and benefits for each newly hired staff member. The Sheriff's Office will fund the remaining cost of the two full time forensic laboratory employees in FY 2007. No additional County funds are required. Countywide

Background and Policy Issues: Over the past few years there has been a steep gap between the number of cases submitted to the Sheriff's Serology/DNA Section for DNA analysis and the number actually analyzed (46%). In 2003, 742 cases were submitted to the PBSO DNA laboratory. This number jumped to 1,735 cases in 2004, and thereafter projected to increase by more than 25%. To address the issues of a burdened DNA program, the Section sought to identify and eliminate ineffective, laborious and time consuming tasks while preparing for future technologies. The Serology/DNA Section has been awarded more than \$2.5 million in grants in the past seven years for this purpose. These funds have been very useful in the purchase of instruments and chemical reagents, and in sending cases to a private vendor. However, there still exists a critical need to conduct the front-end screening of evidence for biological stains, which may take hours, days, or even weeks. A remedy to the amount of physical evidence that must be screened and stored has been to hire laboratory personnel. In addition, the Evidence Section will return evidence to outside agencies in a more timely fashion, freeing up internal storage space. The Catalog of Federal Domestic Assistance (CFDA) number is 016.560 and the grant number is 2005-DN-BX-K099.

Attachments:


- 1. Budget Amendment
- 2. Award Letter
- 3. Application
- 4. Grant Adjustment Notices 1 through 4

RECOMMENDED BY:


DEPARTMENT DIRECTOR

11/13/06
DATE

APPROVED BY:


ASST. COUNTY ADMINISTRATOR

11/28/06
DATE

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2007	2008	2009	2010	2011	2012
Capital Expenditures						
Operating Costs	158,440					
External Revenues	(118,830)					
Program Income (County)						
In-Kind Match (County)						
Net Fiscal Impact	\$39,610					
 # Additional FTE Positions (Cumulative)	 2					
Is Item Included in Current Budget:	YES	_____	NO	_____	X	_____
Budget Account No.:	Fund _____	Agency _____	Org _____	Object _____		
	Reporting Category _____					

B. Recommended Sources of Funds / Summary of Fiscal Impact:

The DNA grant is funded through the Florida Department of Law Enforcement, and will pay up to 75% of costs. A 20% match in the amount of \$39,610 is being provided by the Sheriff's Office.

DNA Backlog Reduction Program	
Grant funded	\$ 118,830
PBSO funded	<u>\$ 39,610</u>
Total	<u>\$ 158,440</u>

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Administration Comments:

<p>_____ <i>[Signature]</i> 11-20-06 OFMB <i>[Signature]</i> 11/20/06 <i>actw</i> 11-20-06 <i>DM</i> 11-15-06</p>	<p>_____ <i>[Signature]</i> 11/21/06 Contract Administration <i>[Signature]</i> 11/21/06</p>
--	---

B. Legal Sufficiency:

[Signature] 11/27/06
 Assistant County Attorney

C. Other Department Review:

 Department Director

This summary is not to be used as a basis for payment.

07- 0260

BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY, FLORIDA
BUDGET AMENDMENT

BGRV 420 112006*124
BGRV 420 112006*492

FUND 1152 SHERIFF'S GRANTS FUND

Use this form to provide budget for items not anticipated in the budget.

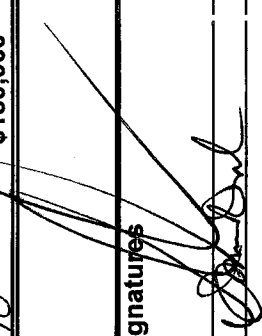
ACCT.NUMBER	ACCOUNT NAME	ORIGINAL BUDGET	CURRENT BUDGET	INCREASE	DECREASE	ADJUSTED BUDGET AS OF 11/06/06	EXPENDED/ ENCUMBERED AS OF 11/06/06	REMAINING BALANCE
<u>Revenues</u>								
DNA Backlog Reduction Program FY07 160-2085-3128	Federal Grant - Other Public Safety	0	0	118,830	0	118,830		
TOTAL RECEIPTS AND BALANCES		<u>\$30,270</u>	<u>\$189,960</u>	<u>\$118,830</u>	<u>\$0</u>	<u>\$308,790</u>		
<u>Expenditures</u>								
DNA Backlog Reduction Program FY07 160-2085-9498	Transfer to Sheriff Fund 1902	0	0	118,830	0	118,830		
TOTAL APPROPRIATIONS		<u>\$30,270</u>	<u>\$189,960</u>	<u>\$118,830</u>	<u>\$0</u>	<u>\$308,790</u>		

Signatures

Date

Palm Beach County Sheriff's Office
INITIATING DEPARTMENT/DIVISION
Administration/Budget Department Approval
OFMB Department - Posted

By Board of County Commissioners
At Meeting of December 5, 2006


1-28-06

Deputy Clerk to the
Board of County Commissioners

11-20-06



Department of Justice
Office of Justice Programs

Office of the Assistant Attorney General

Washington, D.C. 20531

September 19, 2005

Sheriff Ric Bradshaw
Palm Beach County Sheriff
3228 Gun Club Road
West Palm Beach, FL 33406-3001

Dear Sheriff Bradshaw:

On behalf of Attorney General Alberto Gonzales, it is my pleasure to inform you that the Office of Justice Programs has approved your application for funding under the Forensic Casework DNA Backlog Reduction Program in the amount of \$118,830 for Palm Beach County Sheriff. This funding is for the project titled "Forensic Casework DNA Backlog Reduction Program."

Enclosed you will find the Grant Award and Special Conditions documents. This award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, resolution of all interim audit findings, and the maintenance of a minimum level of cash-on-hand. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate.

If you have questions regarding this award, please contact:

- Program Questions, Natalie Lu, Program Manager at (202) 616-5209; and
- Financial Questions, the Office of the Comptroller, Customer Service Center (CSC) at (800) 458-0786, or you may contact the CSC at ask.oc@usdoj.gov.

Congratulations, and we look forward to working with you.

Sincerely,

A handwritten signature in cursive script that reads "Regina B. Schofield".

Regina B. Schofield
Assistant Attorney General

Enclosures



Department of Justice
Office of Justice Programs
Office for Civil Rights

Washington, D.C. 20531

September 19, 2005

Sheriff Ric Bradshaw
Palm Beach County Sheriff
3228 Gun Club Road
West Palm Beach, FL 33406-3001

Dear Sheriff Bradshaw:

Congratulations on your recent award. In establishing financial assistance programs, Congress linked the receipt of Federal funding to compliance with Federal civil rights laws. The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice is responsible for ensuring that recipients of financial aid from OJP, its component offices and bureaus, the Office on Violence Against Women (OVW), and the Office of Community Oriented Policing Services (COPS) comply with applicable Federal civil rights statutes and regulations. We at OCR are available to help you and your organization meet the civil rights requirements that come with Justice Department funding.

As you know, Federal laws prohibit recipients of financial assistance from discriminating on the basis of race, color, national origin, religion, sex, or disability in funded programs or activities, not only in respect to employment practices but also in the delivery of services or benefits. Federal law also prohibits funded programs or activities from discriminating on the basis of age in the delivery of services or benefits.

In addition to these general prohibitions, your organization, which is a recipient of financial assistance subject to the nondiscrimination provisions of the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, 42 U.S.C. § 3789d(c), must meet two additional requirements: (1) complying with Federal regulations pertaining to the development of an Equal Employment Opportunity Plan (EEOP), 28 C.F.R. § 42.301-.308, and (2) submitting to OCR Findings of Discrimination (see 28 C.F.R. §§ 42.205(5) or 31.202(5)).

Complying with the EEOP Requirement

In accordance with Federal regulations, and Assurance No. 6 in the Standard Assurances, your organization must comply with the following EEOP reporting requirements:

If your organization has received an award for \$500,000 or more and has 50 or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare an EEOP and submit it to OCR for review **within 60 days from the date of this letter**. For assistance in developing an EEOP, please consult OCR's website at <http://www.ojp.usdoj.gov/ocr/>. You may also request technical assistance from an EEOP specialist at OCR by dialing (202) 616-3208.

If your organization received an award between \$25,000 and \$500,000 and has 50 or more employees, your organization still has to prepare an EEOP, but it does not have to submit the EEOP to OCR for review. Instead, your organization has to maintain the EEOP on file and make it available for review on request. In addition, your organization has to complete Section B of the enclosed Certification Form and return it to OCR.

If your organization received an award for less than \$25,000; or if your organization has less than 50 employees, regardless of the amount of the award; or if your organization is a medical institution, educational institution, nonprofit organization or Indian tribe, then your organization is exempt from the EEOP requirement. However, your organization must complete Section A of the enclosed Certification Form and return it to OCR.

Submitting Findings of Discrimination

In the event a Federal or State court or Federal or State administrative agency makes an adverse finding of discrimination against your organization after a due process hearing, on the ground of race, color, religion, national origin, or sex, your organization must submit a copy of the finding to OCR for review.

Providing Services to Limited English Proficiency (LEP) Individuals

In accordance with recent Department of Justice Guidance pertaining to Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, recipients of Federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website www.lep.gov.

Ensuring the Compliance of Subrecipients

If your organization makes subawards to other agencies, you are responsible for assuring that subrecipients also comply with all of the applicable Federal civil rights laws, including the requirements pertaining to developing and submitting an EEOP, reporting Findings of Discrimination, and providing language services to LEP persons. State agencies that make subawards must have in place standard grant assurances and review procedures to demonstrate that they are effectively monitoring the civil rights compliance of subrecipients.

Enforcing Civil Rights Laws

All recipients of Federal financial assistance, regardless of the particular funding source, the amount of the grant award, or the number of employees in the workforce, are subject to the prohibitions against unlawful discrimination. Accordingly, OCR investigates recipients that are the subject of discrimination complaints from both individuals and groups. In addition, based on regulatory criteria, OCR selects a number of recipients each year for compliance reviews, audits that require recipients to submit data showing that they are providing services equitably to all segments of their service population and that their employment practices meet equal employment opportunity standards.

Ensuring Equal Treatment for Faith-Based Organizations

The Department of Justice has published a regulation specifically pertaining to the funding of faith-based organizations. In general, the regulation, 28 C.F.R. part 38, requires State Administering Agencies to treat these organizations the same as any other applicant or recipient. The regulation prohibits State Administering Agencies from making award or grant administration decisions on the basis of an organization's religious character or affiliation, religious name, or the religious composition of its board of directors.

The regulation also prohibits faith-based organizations from using direct financial assistance from the Department of Justice to fund inherently religious activities. While faith-based organizations can engage in non-funded inherently religious activities, they must be held separately from the Department of Justice funded program, and customers or beneficiaries cannot be compelled to participate in them. The Equal Treatment Regulation also makes clear that organizations participating in programs directly funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. For more information on the regulation, please see OCR's website at <http://www.ojp.usdoj.gov/ocr/etfbo.htm>.

State Administering Agencies and faith-based organizations should also note that the Safe Streets Act, as amended; the Victims of Crime Act, as amended; and the Juvenile Justice and Delinquency Prevention Act, as amended, contain prohibitions against discrimination on the basis of religion in employment. These employment provisions have been specifically incorporated into 28 C.F.R. Part 38.1(f) and 38.2(f). Consequently, in many circumstances, it would be impermissible for faith-based organizations seeking or receiving funding authorized by these statutes to have policies or practices that condition hiring and other employment-related decisions on the religion of applicants or employees. Programs subject to these nondiscrimination provisions may be found on OCR's website at <http://www.ojp.usdoj.gov/ocr/>. Questions about the regulation or the statutes that prohibit discrimination in employment may be directed to this Office.

If we can assist you in any way in fulfilling your civil rights responsibilities as a recipient of Federal funding, please call OCR at (202) 307-0690 or visit our website at <http://www.ojp.usdoj.gov/ocr/>.

Sincerely,



Michael L. Alston
Director

cc: Grant Manager
Financial Analyst



Department of Justice
Office of Justice Programs
National Institute of Justice

Cooperative Agreement

PAGE 1 OF 5

1. RECIPIENT NAME AND ADDRESS (Including Zip Code) Palm Beach County Sheriff 3228 Gun Club Road West Palm Beach, FL 33406-3001		4. AWARD NUMBER: 2005-DN-BX-K099	
		5. PROJECT PERIOD: FROM 10/01/2005 TO 09/30/2006 BUDGET PERIOD: FROM 10/01/2005 TO 09/30/2006	
1A. GRANTEE IRS/VENDOR NO. 596000786		6. AWARD DATE 09/19/2005	7. ACTION Initial
3. PROJECT TITLE Forensic Casework DNA Backlog Reduction Program FY 2005Palm Beach County Sheriff's Office		8. SUPPLEMENT NUMBER 00	9. PREVIOUS AWARD AMOUNT \$ 0
		10. AMOUNT OF THIS AWARD \$ 118,830	11. TOTAL AWARD \$ 118,830
12. SPECIAL CONDITIONS THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).			
13. STATUTORY AUTHORITY FOR GRANT This project is supported under Consolidated Appropriations Act 2005, Pub. L. No. 108-447, div. B, tit. 1, 118 Stat. 2809, 2853, 2865 (NIJ DNA Initiative)			
15. METHOD OF PAYMENT PAPRS			
AGENCY APPROVAL		GRANTEE ACCEPTANCE	
16. TYPED NAME AND TITLE OF APPROVING OFFICIAL Regina B. Schofield Assistant Attorney General		18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL Ric Bradshaw Sheriff	
17. SIGNATURE OF APPROVING OFFICIAL <i>Regina B. Schofield</i>		19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL	19A. DATE
AGENCY USE ONLY			
20. ACCOUNTING CLASSIFICATION CODES FISCAL FUND BUD. DIV. YEAR CODE ACT. OFC. REG. SUB. POMS AMOUNT X B DN 60 00 00 118830		21. DN05S00116	



Department of Justice
Office of Justice Programs
**National Institute of
Justice**

**AWARD CONTINUATION
SHEET**
Cooperative Agreement

PAGE 2 OF 5

PROJECT NUMBER 2005-DN-BX-K099

AWARD DATE 09/19/2005

SPECIAL CONDITIONS

1. The recipient agrees to comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide.
2. The recipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if recipient is required to submit one pursuant to 28 C.F.R. Section 42.302), that is approved by the Office for Civil Rights, is a violation of its Certified Assurances and may result in suspension or termination of funding, until such time as the recipient is in compliance.
3. The recipient agrees to comply with the organizational audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, as further described in the current edition of the OJP Financial Guide, Chapter 19.
4. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of OJP.
5. Privacy; quality assurance; CODIS

The Recipient shall ensure that each DNA analysis conducted under this award is maintained in accordance with the privacy requirements and restrictions on disclosure described in 42 U.S.C. section 14132(b)(3).

The Recipient shall ensure that all DNA analyses conducted with funding under this award are performed either (1) by a government-owned laboratory that is accredited or currently undergoes external audits not less than once every two years that demonstrate compliance with DNA Quality Assurance Standards established by the Director of the FBI, or (2) through an accredited fee-for-service vendor. Accreditation must be by a nonprofit professional association actively involved in forensic science that is nationally recognized within the forensic science community, such as the American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB) or the Forensic Quality Services (FQS).

The Recipient agrees that all key personnel shall meet all applicable qualifications required for their positions as outlined in the National DNA Quality Assurance Standards issued by the FBI.

The Recipient agrees to notify NIJ immediately upon any change in the accreditation or certification status of its forensic science laboratory.

The Recipient shall ensure that all eligible forensic DNA profiles obtained with funding under this award will be submitted for inclusion in CODIS, and NDIS when applicable.



Department of Justice
Office of Justice Programs
National Institute of
Justice

**AWARD CONTINUATION
SHEET**
Cooperative Agreement

PAGE 3 OF 5

PROJECT NUMBER 2005-DN-BX-K099

AWARD DATE 09/19/2005

SPECIAL CONDITIONS

6. (A) No research; nonsupplanting of State or local funds

The Recipient shall ensure that none of the funds provided under this award are used for research or statistical projects or activities as defined by 28 CFR Part 22 or for research as defined by 28 CFR Part 46. Any questions concerning this provision should be directed to the NIJ Program Manager for the award.

The Recipient shall ensure that Federal funds made available through this award will not supplant State or local funds, but instead will be used to increase the amount of funds that would, in the absence of Federal funds, be available from State or local sources for activities funded through this award.

The Recipient agrees to notify NIJ immediately if the Recipient receives new State or local funding for any of the purposes included in the approved application for this award.

(B) Changes in caseload estimates

The Recipient agrees to notify NIJ immediately upon any significant reduction in the Recipient's estimate of the number of forensic cases (offenses of forcible rape, murder and non-negligent manslaughter, and kidnapping) that will be analyzed within twelve months using the funds provided under this fiscal year 2005 award, above and beyond those that will be analyzed using funds from other sources.

7. (A) Quarterly performance metric reports

The Recipient agrees to submit quarterly performance metric reports. These reports will be submitted within 45 days after the end of the calendar quarter. The reports shall be submitted on-line through the Office of Justice Programs Grants Management System. The reports should contain information regarding the number of cases analyzed and uploaded into CODIS, and NDIS when applicable, during the designated quarter.

(B) Final Report – DNA Forensic Casework

The Recipient shall submit a report within 120 days of the end of the award period that, at a minimum, (1) includes a summary and assessment of the program carried out with the funds made available under this fiscal year 2005 award, (2) cites the number of additional forensic cases that were analyzed and the reduction in the casework DNA analysis backlog as a result of the fiscal year 2005 award, and (3) cites the number of additional casework DNA profiles uploaded to CODIS, and NDIS when applicable, as a result of the fiscal year 2005 award. The Recipient shall ensure that all data and information necessary for the report are collected throughout the award period.

8. The recipient agrees to submit quarterly financial reports on Standard Form SF 269A. These reports will be submitted within 45 days after the end of the calendar quarter, and a final report is due 120 days following the end of the award period. The reports can be filed on line-through the Internet at: <https://grants.ojp.usdoj.gov/>.

9. The recipient shall submit semiannual progress reports. Progress reports shall be submitted within 30 days after the end of the reporting periods, which are June 30 and December 31, for the life of the award. These reports will be submitted online through the Office for Justice Programs Grants Management System.