

**South Portland City Council**  
***Position Paper of the City Manager***

***Subject:***

**ORDER #169-15/16 - Authorizing the City's participation in submitting an application and accepting a 2016 Edward Byrne Memorial Justice Assistance Grant in the amount of \$17,276 to be used by the Police Department. Passage requires majority vote.**

***Position:***

The Police Department is eligible to receive \$17,276 under the 2016 Edward Byrne Memorial Justice Assistance Grant. The application to receive these funds must be submitted by June 30, 2016. This year, this grant will be applied through a joint application with the Portland Police Department and the Cumberland County Sheriff's Office. The Portland Police Department will complete the application and administer the program. Each entity will sign a Memorandum of Understanding.

Like previous grants there is also a requirement that the public have an opportunity to comment.

This is a very broad grant which allows funds to be used in the following seven areas:

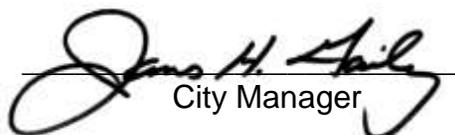
- Law enforcement programs
- Prosecution and court programs
- Prevention and education programs
- Corrections and community corrections and reentry programs
- Drug treatment and enforcement programs
- Planning, evaluation and technology improvement programs
- Crime victim and witness programs (other than compensation)

Chief Googins would like to use these funds to further on-going efforts toward attaining accreditation. The area that will require significant improvement is our storage of high value (guns, money, jewelry, drugs) property and evidence.

This order is brought forward as two-fold; first to authorize the submittal of the application and second, to accept these funds. The \$17,276 will be credited to the 2016 Edward Byrne Memorial Justice Assistance Grant Account and will be available after October 1, 2016.

***Requested Action:***

Council passage of ORDER #169-15/16

  
City Manager



**POLICE DEPARTMENT**

EDWARD J. GOOGINS  
CHIEF OF POLICE

AMY J. BERRY  
DEPUTY CHIEF

To: James H. Gailey, City Manager  
From: Edward J. Googins, Police Chief  
Date: June 1, 2016  
Ref: FY 2016 Edward Byrne Memorial Justice Assistance Grant

I have been advised the department is eligible for a \$17,276 Bureau of Justice Assistance Grant which has to be applied for by June 30, 2016. This year, the grant requires our application to be a joint one with the Portland Police Department and the Cumberland County Sheriff's Office. Again this year, the Portland Police Department's grant administrator, Lisa Perrotta, has offered to administer the grant for all three agencies.

JAG funds may be used for state and local initiatives, technical assistance, strategic planning, research and evaluation (including forensics), data collection, training, personnel, equipment, forensic laboratories, supplies, contractual support, and criminal justice information systems that will improve or enhance such areas as:

- Law enforcement programs
- Prosecution and court programs, including indigent defense
- Prevention and education programs
- Corrections and community corrections and reentry programs
- Drug treatment and enforcement programs
- Planning, evaluation and technology improvement programs
- Crime victim and witness programs (other than compensation)

Like previous JAG grants, there is a requirement that the public have an opportunity to comment on the grant application. At this time, I am going to request that this grant be used to further our on-going efforts toward attaining accreditation. The area that will require significant improvement is our storage of high value (guns, money, jewelry, drugs) property and evidence. Our present storage area needs to be upgraded to provide two levels of security, which is locked storage inside a locked area. The department's evidence technician is researching cost effective options to provide this additional level of security and I am confident that this grant combined with asset forfeiture funds will allow us to purchase the necessary equipment to meet this standard.

I would ask that this item be placed on an upcoming Council agenda for public comment and Council action. If approved, these funds will not be available until after October 1, 2016.



CITY OF SOUTH PORTLAND

THOMAS E. BLAKE  
Mayor

JAMES H. GAILEY  
City Manager

EMILY F. CARRINGTON  
City Clerk

SALLY J. DAGGETT  
Jensen Baird Gardner & Henry

District One  
CLAUDE V. Z. MORGAN

\_\_\_\_\_

District Two  
PATRICIA A. SMITH

\_\_\_\_\_

District Three  
EBEN C. ROSE

\_\_\_\_\_

District Four  
LINDA C. COHEN

\_\_\_\_\_

District Five  
BRAD FOX

\_\_\_\_\_

At Large  
MAXINE R. BEECHER

\_\_\_\_\_

At Large  
THOMAS E. BLAKE

**IN CITY COUNCIL**

**ORDER #169-15/16**

**ORDERED**, that the City Council hereby authorizes the submittal of an application to receive funding from the 2016 Edward Byrne Memorial Justice Assistance Grant Program; and

**BE IT FURTHER ORDERED**, that a 2016 Edward Byrne Memorial Justice Assistance Grant in the amount of seventeen thousand two hundred seventy-six dollars (\$17,276) be and hereby is accepted to be used by the South Portland Police Department.

Said amount shall be credited to the FY16 Edward Byrne Memorial Justice Assistance Grant Account #215141-441001-16639.

Fiscal Note: \$17,276 Revenue

Dated: June 20, 2016

## MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (MOU) is entered into by the Cities of Portland and South Portland and the County of Cumberland for the administration of the FY 2016 Edward Byrne Memorial Justice Assistance Grant.

### **I. Purpose**

The purpose of this MOU is to establish guidelines for the administration and expenditure of funds pursuant to a grant under the 2016 Edward Byrne Memorial Justice Assistance Grant Program.

### **II. Mission**

The Edward Byrne Memorial Justice Assistance Grant is a funding program administered by the Office of Justice Programs in order to support law enforcement, courts, corrections, treatment, victim services, technology and prevention initiatives that strengthen the nation's criminal justice system. The grant program is as outlined in the attached application form and is incorporated by hereto by reference.

### **III. Authority**

The Portland Police Department (PPD) will serve as the applicant and fiscal agent for the grant program. The PPD's Principal Administration Officer/Finance (PAO) shall administer the grant and submit all required reports to the Office of Justice Programs Grants Management System. The PAO shall have the authority to promulgate any rules, regulations or procedures necessary to the operation of the grant program and this agreement.

### **IV. Allocation of Funds**

As determined by the United States Department of Justice, the Portland Police Department (PPD) will receive \$60,526, the South Portland Police Department (SPPD) will receive \$17,276, and the Cumberland County Sheriff's Office will receive \$10,127. The City of Portland agrees to reimburse SPPD and CCSO from the grant allocation for purchases made in accordance with the grant guidelines and properly submitted to the PPD.

### **V. Expenditures**

The Cities shall each be responsible for its agency's expenditures of grant funds and agrees that expenditures will be made in accordance with the guidelines and restrictions of the 2016 Edward Byrne Memorial Justice Assistance Grant program. Expenditures

may include, but are not limited to, training, personnel, equipment, supplies and information systems.

**VI. Personnel**

Personnel hired under the 2016 Edward Byrne Memorial Justice Assistance Grant Program will become the employee of the respective hiring agency. The employee will be added to the hiring agency's payroll and covered by that agency's Worker's Compensation Insurance.

**VII. Equipment**

Subject to grant guidelines and restrictions, equipment may be purchased by any agency using the funds allotted to that agency. Such equipment will become the property of the purchasing agency and will be maintained and inventoried by that agency. Receipts for equipment purchases must be submitted to the Portland Police Department Principal Financial Officer for reimbursement.

**VIII. Training**

Grant funded training may be accomplished by any agency in accordance with the guidelines and restrictions of the Byrne grant program. Receipts for training must be submitted to the Portland Police Department Principal Financial Officer for reimbursement.

**IX. Records and Reports**

Records regarding performance of the grant obligations will be maintained by the respective agencies. Each agency will be afforded full access to any records and reports regarding the grant program regardless of who creates, maintains or stores the records.

SPPD and CCSO agree to submit quarterly progress reports to PPD regarding the execution of the grant programs including, but not limited to performance measures and program assessment data.

**X. News Media**

The Cities or County may respond to media inquiries reference this grant program.

**XI. Release of Liability**

Each governmental entity shall be responsible for the acts or omissions of its employees, whether or not those acts or omissions are the result of intentional, knowing, reckless or negligent conduct. Each party agrees to indemnify and hold harmless the other party for the acts and omissions of its own employees. Participating agencies or their employees shall not be considered as agents of the other participating agency. Nothing herein

waives or limits sovereign immunity under federal, state or constitutional law, including, but not limited to immunity pursuant to the Maine Tort Claims Act.

**XII. Duration**

This agreement shall become effective upon proper execution and, unless amended by agreement of the parties and the Byrne Justice Assistance Grant Program, will remain in effect for the duration of the grant program described herein.

In witness whereof, the parties hereto cause this agreement to be executed by proper officers and officials.

**City of Portland**

**County of Cumberland**

**By:** \_\_\_\_\_  
**Jon Jennings**

**By:** \_\_\_\_\_  
**Peter Crichton**

**Title: City Manager**

**Title: County Manager**

**Date:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**City of South Portland**

**By:** \_\_\_\_\_  
**James Gailey**

**Title: City Manager**

**Date:** \_\_\_\_\_

**Date:** \_\_\_\_\_