

Meeting Date: September 27, 2011

Agenda Item 2

REQUESTED COMMISSION ACTION:

Consent Ordinance Resolution Consideration Workshop

SHORT TITLE A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF POMPANO BEACH SHERIFF OF BROWARD COUNTY RELATING TO PARTICIPATION IN THE 2011 BYRNE JUSTICE ASSISTANCE GRANT; PROVIDING AN EFFECTIVE DATE.

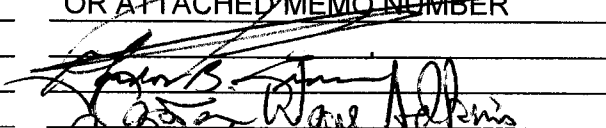
Summary of Purpose and Why:

The City was awarded \$94,840 under the 2011 Byrne Justice Assistance Grant (JAG). The Memorandum of Understanding will allow the Sheriff's Office to serve as the lead agency to administer the Grant. Accordingly, 7.23% of the award will be used to cover administrative expenses. Remaining funds will be used to purchase a portable handheld fingerprint scanner for gang prevention.

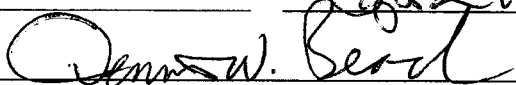
In order to secure this funding, a Memorandum of Understanding needs to be executed with the Broward Sheriff's Office.

QUESTIONS TO BE ANSWERED BY ORIGINATING DEPARTMENT:

- (1) Origin of request for this action: Broward Sheriff's Office
- (2) Primary staff contact: Captain Wayne Atkins/Brian Donovan Ext. 4601
- (3) Expiration of contract, if applicable: September 30, 2014
- (4) Fiscal impact and source of funding: There is no cost impact.

DEPARTMENTAL COORDINATION	DATE	DEPARTMENTAL RECOMMENDATION	DEPARTMENTAL HEAD SIGNATURE OR ATTACHED MEMO NUMBER
Budget	9/12/11	Approve	
City Attorney	9/13/11		
BSO	9/13/11		

City Manager



ACTION TAKEN BY COMMISSION:

<u>Ordinance</u>	<u>Resolution</u>	<u>Consideration</u>	<u>Workshop</u>
1st Reading _____	1st Reading _____	Results: _____	Results: _____
2nd Reading _____	_____	_____	_____



2011 SEP -9 AM 9:22
CITY OF POMPANO BEACH
OFFICE OF CITY MANAGER

City Attorney's Communication #2011-1698
September 8, 2011

TO: Brian J. Donovan, Assistant to the City Manager
FROM: Gordon B. Linn, Assistant City Attorney
RE: Resolution – Memorandum of Understanding / Sheriff of Broward County

As requested in your memorandum of September 8, 2011, the following form of Resolution, relative to the above-referenced matter, has been prepared and is attached:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF POMPANO BEACH AND THE SHERIFF OF BROWARD COUNTY RELATING TO PARTICIPATION IN THE 2011 BYRNE JUSTICE ASSISTANCE LOCAL SOLICITATION GRANT PROGRAM; PROVIDING AN EFFECTIVE DATE.

If I may be of further assistance, please feel free to contact me.

GORDON B. LINN

/jrm
l:cor/mgr/atcm/2011-1698

Attachment

CITY OF POMPANO BEACH
Broward County, Florida

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF POMPANO BEACH AND THE SHERIFF OF BROWARD COUNTY RELATING TO PARTICIPATION IN THE 2011 BYRNE JUSTICE ASSISTANCE LOCAL SOLICITATION GRANT PROGRAM; PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That a Memorandum of Understanding between the City of Pompano Beach and the Sheriff of Broward County relating to participation in the 2011 Byrne Justice Assistance Local Solicitation Grant Program, a copy of which Agreement is attached hereto and incorporated by reference as if set forth in full, is hereby approved.

SECTION 2. That the proper City officials are hereby authorized to execute said Agreement between the City of Pompano Beach and the Sheriff of Broward County.

SECTION 3. This Resolution shall become effective upon passage.

PASSED AND ADOPTED this _____ day of _____, 2011.

LAMAR FISHER, MAYOR

ATTEST:

MARY L. CHAMBERS, CITY CLERK

EDWARD BYRNE JUSTICE ASSISTANCE GRANT
FY 2011 LOCAL SOLICITATION GRANT PROGRAM
MEMORANDUM OF UNDERSTANDING (MOU)

This Memorandum of Understanding (MOU) is being executed by the below listed parties:

**BROWARD COUNTY SHERIFF'S OFFICE
CITY OF CORAL SPRINGS
CITY OF DANIA BEACH
TOWN OF DAVIE
CITY OF DEERFIELD BEACH
CITY OF FORT LAUDERDALE
CITY OF HALLANDALE BEACH
CITY HOLLYWOOD
CITY OF LAUDERDALE LAKES
CITY OF LAUDERHILL
CITY OF MARGATE
CITY OF MIRAMAR
CITY OF NORTH LAUDERDALE
CITY OF OAKLAND PARK
CITY OF PEMBROKE PINES
CITY OF PLANTATION
CITY OF POMPANO BEACH
CITY OF SUNRISE
CITY OF TAMARAC**

Nothing in this MOU should be construed as limiting or impeding the basic spirit of cooperation, which exists between the participating agencies, listed above.

I. PURPOSE

This MOU establishes the relationship between the parties for participation in the 2011 Byrne Justice Assistance Local Solicitation Grant Program (JALSG #2011-DJ-BX-2512).

II. PROCEDURES

- A) The Broward Sheriff's Office (BSO) will be the lead agency and Grant Administrator for the agencies in Broward County, Florida, participating in the JALSG Program. Pursuant to the JALSG Program guidelines, funding from the JALSG Program will be provided to the Broward Sheriff's Office. The Broward Sheriff's Office shall then disperse the funds to the parties in amounts determined by the JALSG Program. For Cities that currently contract with the Broward Sheriff's Office for police

services, BSO shall retain the funds for use in the appropriate BSO districts pursuant to the contracts for police services.

- B) The JALSG allows for the lead agency to take up to 10% of the total award amount (\$772,305.00) to defray the administrative costs of administering the award. For this grant program, BSO has elected to take 7.23% of the award amount for each grantee listed herein, for the costs incurred by BSO to administer the grant.
- C) The grant award to each party is as follows:

<u>LIST OF CITIES</u>	<u>AWARD AMOUNT</u>	<u>LESS 7.23% ADM</u>
Broward Sheriff/BSO	\$ 30,294.00	\$ 28,104.00
Coral Springs	\$ 23,904.00	\$ 23,588.00
Dania Beach	\$ 23,904.00	\$ 22,176.00
Davie	\$ 31,203.00	\$ 28,947.00
Deerfield Beach	\$ 39,893.00	\$ 37,009.00
Fort Lauderdale	\$123,851.00	\$114,897.00
Hallandale Beach	\$ 32,594.00	\$ 30,238.00
Hollywood	\$ 62,113.00	\$ 57,622.00
Lauderdale Lakes	\$ 33,369.00	\$ 30,957.00
Lauderhill	\$ 49,038.00	\$ 45,493.00
Margate	\$ 16,845.00	\$ 15,627.00
Miramar	\$ 44,626.00	\$ 41,400.00
North Lauderdale	\$ 22,781.00	\$ 21,133.00
Oakland Park	\$ 34,893.00	\$ 32,370.00
Pembroke Pines	\$ 29,145.00	\$ 27,038.00
Plantation	\$ 27,974.00	\$ 25,673.00
Pompano Beach	\$ 94,840.00	\$ 87,983.00
Sunrise	\$ 30,375.00	\$ 28,179.00
Tamarac	\$ 19,439.00	\$ 18,034.00

TOTAL GRANT AMOUNT: \$772,305.00

III. ADMINISTRATIVE

- (A) Each party shall be responsible for submitting their own application for their individual JALSG Program to the Broward Sheriff's Office. The Broward Sheriff's Office, Grants Management Office, will prepare the single application to include Program Narrative and Budget Narrative, and shall submit the application to the Office of Justice Programs, Bureau of Justice Assistance.
- (B) Participating agencies are further obligated to abide by all special conditions for the grant, set forth by the funding agency, U.S.

Department of Justice, and for quarterly reporting of grant funding activities and expenditures, to the lead agency.

IV. DURATION

This MOU shall remain in effect upon execution and shall through September 30, 2014 and its continuation shall be subject to the availability of necessary funding from the JALSG Program. This MOU may be modified at any time upon written agreement of all involved agencies.

The participating agencies may withdraw from this agreement at any time by providing a 30 day written notice of its intent to withdraw to all other participating agencies.

V. LIABILITY

Each party is entitled to the privileges and protections of sovereign immunity pursuant to Ch. 768.28, Fla. Stat. Pursuant to that section, each party shall be responsible for the negligent acts of their respective employees. Nothing in this MOU shall be construed to create a third-party beneficiary or a waiver of sovereign immunity.

VI. GUIDELINES

Each party must adhere to requirement standards set forth in the Office of Justice Programs' *Financial Guide, as amended* and Federal OMB Circular A-133, as applicable.

VII. RECORDS

- (A) Each Party shall retain sufficient records demonstrating its compliance with the terms of this Agreement for a period of five years from the date of execution of the MOU, and shall allow SHERIFF access to such records upon request.
- (B) Each Party, its employees or agents, shall allow access to its records concerning this MOU at reasonable times to SHERIFF, its employees, and agents. "Reasonable" shall be construed according to the circumstances but ordinarily shall mean during normal business hours of 8:00 a.m. to 5:00 p.m., local time, on Monday through Friday. "Agents" shall include, but not limited to, auditors retained by SHERIFF.
- (C) Upon reasonable notice, RECIPIENT shall provide such additional updates or information as may be required by SHERIFF.

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2011 BYRNE JUSTICE ASSISTANCE LOCAL SOLICITATION GRANT
PROGRAM MEMORANDUM OF UNDERSTANDING (MOU)

SHERIFF OF BROWARD COUNTY

WILEY THOMPSON, III, Executive Administrator
Department of Administration

Date: _____

Approved as to form and legal
sufficiency subject to execution
by the parties:

By _____
Judith W. Levine, General Counsel
Office of the General Counsel

Date: _____

**2011 BYRNE JUSTICE ASSISTANCE LOCAL SOLICITATION GRANT
PROGRAM MEMORANDUM OF UNDERSTANDING (MOU)**

CITY OF POMPANO BEACH

By _____
Authorized Representative

Date: _____

Approved as to form and legal
sufficiency subject to execution
by the parties:

By _____

Date: _____

CITY OF POMPANO BEACH

BROWARD SHERIFF'S OFFICE POMPANO BEACH DISTRICT

**Edward Byrne Memorial Justice Assistance Grant Program
FY 2011**



Pride in Service with Integrity

SPENDING PLAN

Date: July 18, 2011

**CITY OF POMPANO BEACH
BROWARD SHERIFF'S OFFICE**

2011 Justice Assistance Grant

JAG Funds

\$94,840.00

Project Abstract

The Broward Sheriff's Office- Pompano Beach District is pleased to respond to the Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2011 Local Solicitation by requesting \$94,840 for our portable handheld fingerprint scanner Gang Identification program. This program will support and enhance our efforts to reduce crime and violence in our city. Our two-pronged approach will deploy mobile / portable fingerprint scanning technology that will compare scans to existing AFIS data base technology in conjunction with targeted enforcement in and around known gang areas. As requested in the application this project addresses the following programmatic identifiers: AFIS (Automated Fingerprint ID Systems), Officer Safety, Overtime, Gangs, and Violence- Violent Crime Offenders.

Project Narrative

Need for Funding

The Broward Sheriff's Office (BSO) as the largest fully accredited Sheriff's Office in the country provides contract law enforcement services to the city of Pompano Beach. The City of Pompano Beach is the 2nd largest city in the county serving a population of 104,000 year round residents and an additional 46,000 seasonal residents.

In our patrol function, it is common for criminals / wanted subjects to be contacted in the field. Our antidotal evidence tells us that approximately 51% of which do not have proper identification on them at the time of the stop. This makes it very difficult if not impossible to appropriately ascertain the identity of the individual.

This barrier can create both a significant public safety and an officer safety risk when in contact with an unidentified wanted criminal. Currently technological databases exist that provide tools to identify persons law enforcement encounters during traffic stops, calls for service and targeted investigative actions, while in the field. These databases include: DAVID, BSOPICS and GANGNET, which provide visual representations of queried subjects if they have been entered, i.e. have a driver's license or have been arrested. Absent this data, a positive identification may not occur or at a minimum will be slowed. As with any technology, the accuracy of the information provided is largely related to the information obtained by the officer. Individuals who attempt to evade arrest by providing inaccurate biographical information, altered or fabricated identification are not likely to be caught if no text or visual match exists. However, a fingerprint is a unique identifier to each individual. An identifier that can be scanned using portable technology, matched to a set of fingerprints obtained during the: booking process, latent fingerprints obtained during a crime scene investigation, or when a child's fingerprints were obtained as a precautionary measure prior to going missing, to name a few. The use of a portable automated finger print scanning technology provides law enforcement with a resource that did not previously exist in the field.

The roadside encounter is one of the most dangerous times for a law enforcement officer. The goal is to rapidly and accurately identify the individual so identification can be made before the encounter is prolonged and the offender has time to plan his or her attack, or escape. Current systems to identify individuals in the absence of valid identification do not always provide the speed and efficiency necessary to preserve the safety of the law enforcement officer.

Additionally, Pompano Beach has the most vigorous gang activity in the county. There are teams of officers specifically to address the gang activity and the violence that they create. Monitoring the presence of gangs and the crimes that gang members commit becomes an ever evolving science. We could assume that the vast

majority of active gang members do not carry valid ID and as they have been through the system are more likely to have warrants, be on probation or have other court mandates that may result in immediate incarceration. Our challenge in appropriately identifying such individuals, in the absence of probable cause gives us no other alternative but to release them.

Project Implementation

Mobile AFIS

The project is to deploy a portable / mobile-AFIS technology solutions in Pompano Beach. This technology would allow for roadside, on-scene identification of individuals. It would provide a rapid ability to identify suspects, victims, missing persons through AFIS-quality fingerprint scans. The Mobile AFIS would be available on each shift to patrol services as well as specialized units. Because of the size of the jurisdiction, and the pervasive crime problem would like to provide this to all patrol services but due to funding limitations we see this initiative as part of on ongoing implementation.

Gang/ Violent Crime Initiative

The City of Pompano Beach along with the Pompano Beach District will utilize these funds to cover the investigative costs incurred during gang and violent crime investigations. This funding could cover overtime for ongoing district wide operations geared toward addressing gangs and gang-related crime. These operations will be implemented in collaboration with our Federal partners, and Multi Agency Gang Task Force (MAGTF). During the course of the operation new programs and assets will be activated in an effort to further impact the criminal element within the targeted areas and to increase the quality of life for those who reside in these areas. Each phase will start with a noticeable law enforcement

presence within the targeted area during the daytime and nighttime hours. BSO assets will be utilized to saturate the target area in an effort to combat gangs, violent crime, street-level narcotics sales and purchases as well as deter crimes to persons and property.

Project Budget

Total Grant Allocation:	\$94,840.00
Administrative costs: The JALSG allows for the lead agency to take up to 10% of the total award amount to defray the administrative costs of administering the award. For this grant program, BSO has elected to take 7.23% of the award amount for each grantee, for the costs incurred by BSO to administer the grant.	-\$6,856.93
Total Available Grant:	= \$87,983.07
1. Overtime for law enforcement and/or support personnel (Includes FICA & Retirement)	-\$61,983.07
<ul style="list-style-type: none"> ▪ For the implementation of Operational Plans for the purpose of crime prevention, to promote vehicle safety and to increase proactive tactical law enforcement and nuisance abatement related initiatives ▪ Fund Anti-gang, anti-graffiti, gun violence and other crime prevention initiatives 	
2. Equipment	-\$25,000.00
Mobile Fingerprint Scanning Solution including:	
<ul style="list-style-type: none"> ▪ Terminal configured for FDLE and/or RISC submission ▪ Windows XP/7 Application ▪ USB 2.0 Data Cable ▪ Quick Start Installation Guard ▪ Professional Services including equipment delivery, & 1 year Advantage Standard Warranty 	
3. Training for law enforcement and support personnel	-\$1,000.00