

Application Number 2014-H1462-TX-DJ
State of Texas Application for the
FFY 2014 Edward Byrne Justice Assistance Grant Program
Program Narrative

The Governor's Criminal Justice Division (CJD) is the designated State Administering Agency for the Edward Byrne Justice Assistance Grant Program (JAG) in Texas.

CJD strategically directs its resources to first responders and service providers who are committed to making Texas a safer place. CJD makes a positive impact on criminal justice trends by:

- Enhancing intelligence gathering;
- Promoting communications among agencies;
- Expanding border security efforts;
- Targeting criminal enterprises;
- Promoting and expanding specialty court programs; and
- Encouraging established and prospective partnerships.

This JAG award will support CJD's strategic approach to reduce violent crime by funding projects that support law enforcement and prosecutors with equipment and technology to carry out their duties, disrupt criminal organizations which constitute the greatest threat to the public and divert individuals from further involvement in the criminal justice system through substance abuse treatment and reentry programs.

Texas Perspective

Texas has 254 counties with an estimated population of more than 26 million residents in 2013.¹ These counties vary drastically in size and population. The most populated county, Harris County, has over four million residents; whereas Loving County, the least populated, has only 82 residents.² Of the 254 counties, 169 have more than 10,000 people, leaving 85 counties, one-third of Texas counties, with a rural population.³ In most of these rural counties, the Sheriff's Office is the major, if not the only, law enforcement agency and may only have one officer to cover the entire county.⁴

In addition to the dichotomy of urban and rural, the large land mass of the state presents a strain on law enforcement resources as well. Texas covers a land and water area of 268,596 square miles,⁵ making it as large as all of New England, New York, Pennsylvania, Ohio and North Carolina combined.⁶ To put this in perspective, it is farther from El Paso to Houston than from El Paso to San Diego, California.

Texas shares 1,254 river miles of border with Mexico – 64 percent of the United States' southwest border. Texas has 27 ports-of-entry from the westernmost point in El Paso to the easternmost point in Brownsville. These ports handle an extraordinary amount of pedestrian, vehicle, and rail traffic annually. Texas land ports typically experience about 33 million pedestrian crossings, 61 million vehicle crossings, and 1.1 million rail crossings annually.⁷

Analyses of criminal intelligence indicate that Texas borders, ports, highways, and interstates

¹ Texas State Data Center <http://txsdc.utsa.edu/Data/TPEPP/Index.aspx>

² Ibid.

³ Ibid.

⁴ Texas Department of Public Safety, *2012 Crime in Texas*, <http://www.txdps.state.tx.us/crimereports/12/citCh8.pdf>. (May 2014)

⁵ Texas State Historical Association, *Texas Almanac*, <http://www.texasalmanac.com/topics/environment/environment> (May 2014).

⁶ Texas State Historical Association, *Texas Almanac*, <http://www.texasalmanac.com/topics/environment/environment> (May 2014).

⁷ "Texas Homeland Security Strategic Plan 2010-2015," 17 http://governor.state.tx.us/files/homeland/HmLndSecurity_StratPlan2015.pdf

provide major routes for trafficking organizations to smuggle illicit drugs, humans, firearms, and terrorists into the United States.

In addition, Texas has 367 miles of coastline along the Gulf of Mexico, which contain some of the busiest, most economically important shipping lanes and ports in the United States. The Padre Island National Seashore covers 70 miles or 130,434 acres along the Gulf of Mexico, and according to the National Park Service, the seashore is the longest remaining undeveloped stretch of barrier-island in the world.⁸ While Texas border and coastal regions provide viable economic opportunities, they also present opportunities for criminal enterprises.

Difficulties in addressing crime along the international border and the coastline are compounded by the fact that Texas has three major recreational areas along the border. These include Big Bend National Park which covers over one million acres, the Amistad National Recreational Area near Del Rio which covers 64,900 acres,⁹ and the International Falcon Reservoir which covers an additional 83,654 acres.¹⁰

While the international border and coastline provide their own challenges, the population growth in Texas continues to create a significant strain on law enforcement resources. Texas has four of the top eleven most populous cities in the nation. The City of Houston ranks fourth in population, San Antonio ranks seventh, Dallas ninth, and Austin eleventh, with each city having its own distinctiveness.¹¹ In addition, Texas had eight of the fifteen most rapidly growing large cities from April 2010 through July 2011, with Houston, San Antonio and Austin

⁸ National Park Service, *Padre Island*, <http://www.nps.gov/pais/naturescience/index.htm> (May 2014).

⁹ Texas Parks & Wildlife Department, *Amistad Reservoir*, <http://www.tpwd.state.tx.us/fishboat/fish/recreational/lakes/amistad/> (May 2014).

¹⁰ Texas Parks & Wildlife Department, *Falcon International Reservoir*, <http://www.tpwd.state.tx.us/fishboat/fish/recreational/lakes/falcon/> (May 2014).

¹¹ United States Census Bureau, 2012 Population Estimates, <http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=bkmk> (May 2014)

at the top of the list holding positions two, three and four, respectively.¹² In addition to Houston being a growing major metropolitan area, the Port of Houston is a 25-mile long complex with diversified public and private facilities along the 52 mile Houston Ship Channel. The Port is ranked first in the United States in foreign waterborne tonnage; first in U.S. imports; first in U.S. export tonnage and second in the U.S. in total tonnage.¹³ According to the most recent data from Wikipedia in May 2014, Texas has four of the top ten ports in terms of total tonnage. Houston had 202 million, Beaumont 91.7, Corpus Christi 78.9 and Texas City had 68.3 tons of trade. Dallas is part of the 8th largest metroplex which includes Fort Worth, the 17th most populous city in the nation. San Antonio lies within a short distance of the Mexico border, with Austin, only an hour and a half north, home to one of the largest universities in the world.

Despite the substantial increase in population, overall crime in Texas decreased slightly between 2010 and 2011; however, the size and diversity of the state continually challenge the state's resources. CJD considers population trends and their effect on crime through the use of relevant statistics that support strategically-based criminal justice initiatives.

According to the Texas Department of Public Safety's *2012 Uniform Crime Report*, the number of crimes decreased by 1.6 percent and the rate of crimes per 100,000 persons decreased 3 percent over 2011.¹⁴ The following chart provides a breakdown by offense and demonstrates the percentage change in the number of reported offenses.¹⁵

¹² United States Census Bureau, Texas Cities Lead Nation in Population Growth, <http://www.census.gov/newsroom/releases/archives/population/cb13-94.html>. (May 2014)

¹³ Port of Houston Authority. <http://www.portofhouston.com/> (May 2014).

¹⁴ Texas Department of Public Safety, 2012 *Crime in Texas*. http://www.txdps.state.tx.us/administration/crime_records/pages/crimestatistics.htm

¹⁵ Ibid.

2012 Texas Index Crimes by Volume			
	2012	2011	% Change
Murder	1,144	1,089	5.1
Rape	7,692	7,445	3.3
Robbery	30,375	28,399	7.0
Aggravated Assault	57,050	68,028	-1.4
Violent Crime Total	106,261	104,961	1.2
Burglary	204,976	215,512	-4.9
Larceny-Theft	605,362	613,528	-1.3
Motor Vehicle Theft	64,982	63,379	2.5
Property Crime Total	875,320	892,419	-1.9
Index Crime Total	981,581	997,380	-1.6

Writers of the *2012 Uniform Crime Report* bring crime into perspective and remind us our job is not finished by projecting that on average, one index property crime occurs every 36 seconds and one violent index crime occurs every five minutes.¹⁶

JAG Program Areas Proposed for Funding

CJD estimates that the majority of its funds will be used to provide continued support of current initiatives. Mandatory pass-through funds will be used for units of government that fall below the \$10,000 threshold with anticipated projects including border security and law enforcement equipment. Pass-through funds will be used primarily for grants for law enforcement equipment and technology and border security. Discretionary grants will be used to assist state agencies providing criminal justice services. SAA administrative costs are estimated to be at less than 10%. The following project types are proposed for funding under the JAG purpose areas:

¹⁶ Ibid.

Law Enforcement Programs – Projects that support law enforcement agencies with equipment and technology to carry out their duties, border security, sex offender monitoring, and disruption of organized crime, gangs, and trafficking of humans and drugs.

Border Initiatives

CJD supports the strategies outlined in the *Texas Homeland Security Strategic Plan 2010-2015* developed by the Texas Office of Homeland Security in which border security is considered a top priority. Subrecipients support border security through additional personnel and the evidence-based practice of increased law enforcement patrols.

The southwest border remains the primary gateway for moving illicit drugs into the United States. In its *2012 Annual Report*, the Texas Department of Public Safety reports that Mexican cartels use Texas as the nation's primary transshipment center to smuggle drugs and people into and throughout the country, and to smuggle billions in cash, guns, and stolen vehicles back into Mexico. Mexican cartels are the most significant organized crime threat to Texas and the nation, and their trafficking alliances with transnational and U.S.-based gangs amplify the public safety threat to citizens.

The 2013 National Drug Threat Assessment reports that the supply of Mexican methamphetamines is increasing as drugs flow across the Southwest Border into the United States. Smuggling of marijuana has remained at consistently high levels for the past ten years as the drug crosses the US-Mexico border where more than a million kilograms are seized each year while seizures of cocaine are decreasing. Seizures of heroin at the Southwest Border continue to increase as Mexican criminal organizations expand production and move into new markets in the US.¹⁷

¹⁷ United States Department of Justice, *2013 National Drug Threat Assessment*, <http://www.justice.gov/dea/resource-center/DIR-017-13%20NDTA%20Summary%20final.pdf> (May 2014).

National media coverage has highlighted the challenges faced by local, state and federal law enforcement agencies charged with protecting the nation's borders and maintaining the safety of citizens that reside in cities and counties along the border. Some areas along the border have experienced increasing levels of violence as major Mexican drug cartels and organized criminal groups seek to establish dominance over smuggling routes.

The cartels operating along the border are more sophisticated and dangerous than any other organized criminal group in U.S. law enforcement history. Cartels control large areas of Mexican territory and dozens of municipalities near the Texas border. The *Texas Homeland Security Strategic Plan 2010-2015* reported that Mexican cartels are among the most dangerous criminal enterprises threatening Texas.¹⁸ They dominate the wholesale drug trade in the U.S., controlling over 70 percent of the drug flow into the country. These cartels are the main suppliers of marijuana and cocaine, with over 90 percent of cocaine entering the U.S. coming through Mexico. They also control a large portion of the methamphetamine and heroin entering Texas.

In addition to drug-related crimes, the cartels engage in kidnapping and extortion for profit, and employ sophisticated technologies, military grade weapons, and advanced operational concepts to fight each other, as well as Mexican and U.S. law enforcement. Cartels recruit former Mexican military commandos, and are increasingly employing U.S. criminal gangs to facilitate their operations on the U.S. side of the border.

The volume of people illegally entering Texas from Mexico poses a major homeland security challenge as well. While many cross the border searching for employment, some cross with the intent of introducing drugs, enforcing cartel and gang discipline, conducting

¹⁸ "Texas Homeland Security Strategic Plan 2010-2015," 26, http://governor.state.tx.us/files/homeland/HmLndSecurity_StratPlan2015.pdf

kidnappings or murders, and committing other crimes. Illegal entry creates a very large, immediate, personal problem for the tens of thousands of Texans who own property in the border region. Approximately 73 percent of Texas land adjacent to Mexico is privately owned.¹⁹ Property owners increasingly report menacing encounters with human smugglers, drug traffickers, and illegal immigrants that use their property to enter the U.S. Trends continue to show that the Mexican border is an avenue of choice for introducing aliens from countries of special interest (those with a known Al-Qaeda presence), such as Yemen, Iraq, Saudi Arabia, and Pakistan.²⁰

A dangerous and costly threat associated with illegal entry is criminal aliens. The Texas Department of Criminal Justice (TDCJ) spent nearly \$164 million to incarcerate criminal aliens in fiscal year 2013 while the state received reimbursement of only \$10.3 million under the State Criminal Alien Assistance Program (SCAAP).²¹

However, the cost of criminal aliens is more than just monetary. The crimes they commit include narcotics distribution, auto theft, assault, kidnapping, robbery, burglary, rape, manslaughter and murder. Criminal aliens are also known to have a high likelihood of being involved in criminal gangs.

Given the aforementioned factors, the need for state and local criminal justice professionals to be ever-vigilant and communicate effectively to prevent and counter terrorism has never been greater. Homeland Security Presidential Directive 21 (PPD-21) identifies 16 sectors of critical infrastructure and key resources.²² All 16 sectors can be found in Texas. To enhance homeland security, Texas has established intelligence fusion centers, joint intelligence

¹⁹ Ibid.

²⁰ Ibid.

²¹ Texas Department of Criminal Justice; Bureau of Justice Assistance, <https://www.bja.gov/Funding/13SCAAPawards.pdf>

²² Department of Homeland Security, *Homeland Security Presidential Directive 21: Critical Infrastructure Security and Resilience*, <http://www.dhs.gov/critical-infrastructure-sectors>. (February 2013)

and operations centers, and a Border Security Operations Center. These centers receive and analyze information from a series of federal, state, and local agencies in an effort to stop terrorist activities before an attack occurs. The centers use the latest in information technologies and training to analyze the incoming data.

Equipment

Based on strategic plans developed by regional councils of government, the number one priority identified was for law enforcement equipment and technology. Protecting more than 26 million citizens on a daily basis, the 75,584 peace officers representing 2,650 law enforcement agencies²³ in the State of Texas require basic and specialized equipment to support the varied operations of law enforcement agencies. There are a myriad of goals that need to be accomplished when purchasing law enforcement equipment. In providing grants to various agencies, CJD looks at requests for purchases of equipment to see if the equipment will support the officers in accomplishing departmental goals in an efficient manner and providing additional safety to the officers. In 2014 JAG funding is being used to support state and local law enforcement agencies with records management systems, P-25 compliant radios, patrol cars, mobile data terminals, in-car digital cameras, surveillance cameras and other necessary equipment.

Included in the aforementioned equipment grants were numerous grants for vehicles. With over 79,645²⁴ center line miles of state-maintained roads and an estimated 300,000 miles of locally maintained city and county roads, law enforcement agencies struggle to maintain essential personnel to patrol these roads and respond to calls for assistance. To put this into perspective, *Google* maps indicates that it is 2,970 miles from New York City to Los Angeles.

²³ Texas Commission on Law Enforcement, <http://www.tcole.texas.gov/> (May 2014).

²⁴ Texas Comptroller of Public Accounts, Window on State Government, <http://www.window.state.tx.us/specialrpt/tif/transportation.html> (May 2014).

A person would have to make more than 14 round trips between these cities to equal just the number of state-maintained highways or more than 53 round trips to equal the estimated number of miles of roadway maintained by local jurisdictions. In addition to the large land mass, the diverse topography of Texas leaves many agencies in constant need of vehicles, some of which are specialty vehicles such as SUV's, boats, and motorcycles, just to complete the most fundamental of law enforcement activities. CJD works with departments and agencies across the state to ensure their most basic transportation needs are met.

Crime Units

In addition to the increased need for law enforcement equipment and vehicles to combat the criminal element, there is no greater resource than traditional law enforcement personnel. In 2014, JAG grants supported funding for additional law enforcement personnel and training. As criminals have become more sophisticated with the advancements in technology and with greater ingenuity of the criminals themselves, members of law enforcement have had to adapt as well and become more sophisticated in their methods of tracking and ultimately apprehending the perpetrators.

No criminal entity has evolved more than gangs. The modern gangs have transformed from small town thugs to organized enterprises. Intelligence indicates that much of the violence and property crimes in the metropolitan areas can be attributed to criminal gang activities, including drug trafficking organizations, as previously discussed. Some prison gangs and international organized criminal groups have joined in mutually beneficial relationships to facilitate smuggling activities. In its April 2014 press release on the *Annual Gang Threat Assessment*, DPS reports that gang membership across the state may well exceed 100,000.

Transnational gangs engage in a wide range of criminal enterprises, with some of their more profitable criminal acts stemming from the trafficking of drugs and people. They are tied

to prostitution, murder, extortion, auto theft, identity theft, kidnapping, protection rackets, assaults, and other index crimes. They often engage in turf wars to seize and protect territories and trade routes.

In addition to transnational gangs, violent domestic gangs have a statewide impact as well. The majority of these gangs were originally formed in prisons. The number of suspected or confirmed members of prison gangs inside the Texas prison system has grown to over 16,000.²⁵ Prison gangs operate as middle men between cartels and criminal street gangs, who sell illegal products on the street. Gang members earn money through a variety of criminal enterprises, including drug and weapons trafficking, alien smuggling, auto theft, extortion, kidnapping, robbery and contract murder.

CJD used designated state funds to establish the Texas Anti-Gang Center – Houston. The center combines state, local and federal agencies and promotes intelligence sharing and coordinated strategies to reduce gang activities in the Houston area. Ongoing operational costs of the project are funded through a JAG grant to Harris County. CJD is working with the Texas Department of Public Safety to establish a second Texas Anti-Gang Center – Rio Grande Valley in Weslaco, Texas. This center will be located in the DPS regional office and will house state, local and federal agencies to reduce violence and organized criminal activities perpetrated by local and transnational gangs. CJD also is working with DPS, local agencies and the Texoma High Intensity Drug Trafficking Area to establish a center in the north Texas area. The City of Irving is the preferred location and meetings are underway to determine which local agency will serve as the grantee. Both new centers will be funded through the JAG program.

²⁵ Texas Department of Criminal Justice (March 2013)

One of the more disturbing crimes that is growing exponentially in Texas is human trafficking. Evidence suggests traffickers are taking advantage of the state's vast borders, intricate roadways, robust economy, booming tourism and expansive agricultural industries.²⁶ Based solely on limited information entered into the Human Trafficking Reporting System (HRTS) by 11 Texas-based reporting agencies, there have been 678 human trafficking-related incidents and 167 suspects arrested from January 1, 2007, to December 14, 2012. Of those arrested, 79 were ultimately convicted. In addition, according to the Texas Department of Criminal Justice (TDCJ), 13 inmates are currently serving sentences for a human trafficking-related offense, and 52 inmates are serving sentences for compelling prostitution.²⁷ The number of arrests and inmates does not necessarily illustrate the extent of human trafficking across Texas. Based on data collected from the HRTS and the two Texas-based Innocence Lost Task Forces in Dallas and Houston, 768 victims have been reported in Texas. The National Human Trafficking Resource Center hotline reported 19,427 calls in 2011, a 64% increase over the previous year.²⁸

As with human trafficking, many additional crimes including organized crime, money laundering and white collar crime will only be curtailed with placing trained men and women strategically throughout the state. CJD will continue to use JAG grant funds to pursue these complicated criminal enterprises.

Mental Health

CJD continues to place priority on funding specialized mental health officers and training for all law enforcement officers on working with persons with mental illness. Few applications have been received or grants funded for this purpose. Many law enforcement

²⁶ Texas Attorney General. "The Texas Human Trafficking Prevention Task Force Report 2012," 4 https://www.oag.state.tx.us/AG_Publications/pdfs/20121912_htr_fin_3.pdf (January 2013).

²⁷ Ibid.

²⁸ Ibid.

agencies are reluctant to apply for these projects because of concerns about their ability to sustain funding once the grants end.

Drug Treatment and Enforcement Programs – Projects that support substance abuse treatment and serve as alternatives to incarceration.

In order to understand the vital need for drug treatment and enforcement programs, it is important to understand the devastating effect and the current trends of drug use in Texas. The following are excerpts from *Substance Abuse Trends in Texas: 2013* prepared by the University of Texas' Center for Social Work Research.²⁹

This report updates indicators of drug abuse in Texas since the June 2012 report and describes trends by calendar year from 1987 through the May 2013.

- *Alcohol is the primary drug of abuse in Texas. In 2012, 29 percent of all clients admitted to publicly-funded treatment program in Texas had a primary problem with alcohol.*
- *Cannabis was the primary problem for 23 percent of admissions to treatment programs in 2012 compared with 8 percent in 1995. Of those admitted, 78 percent were involved with the criminal justice system and only 13 percent were employed fulltime.*
- *In 2012, 156 persons with a primary problem with synthetic cannabinoids entered Texas treatment programs.*
- *Cocaine (both crack and powder) represented 13 percent of all admission to treatment programs funded by the Texas Department of State Health Services in 2012, down from 35 percent in 1995.*

²⁹ Maxwell, Jane, *Substance Abuse Trends in Texas: June 2013*,
<http://www.utexas.edu/research/cswr/gcattc/documents/CurrentTrends2013.pdf>

- *Heroin was the primary drug of abuse for 13 percent of clients admitted to treatment in 2012.*
- *Eight percent of all clients who entered publicly-funded treatment during 2012 had a primary problem with opioids other than heroin, compared with 1 percent in 1995.*
- *Methamphetamine/amphetamine admissions to treatment programs was 12 percent, down from 3 percent in 1995.*
- *Other admissions related to the use of an array of “club drugs”.*

Given the varied drug use throughout the state, it has become necessary to find cost effective methods for intervention and treatment. In 2014, JAG grants are supporting evidence-based substance abuse treatment programs inside correctional facilities. CJD currently is not funding specialty courts from JAG but may do so in the future depending on availability of funding. These courts are being funded from a combination of state designated funds for the courts and CJD’s state Criminal Justice Planning Fund. The movement of these projects into state funded sources streamlined reporting requirements and provided consistency in grant rules and guidelines. Texas now has over 140 specialty courts providing substance abuse treatment services to offenders including veterans and persons with mental illness.

The Texas Department of State Health Services (DSHS) serves as the State Administering Agency for the federal Substance Abuse Prevention and Treatment Block Grant Program (SAPT). With an estimated \$133 million available in FY 2013, the federal Substance Abuse Prevention and Treatment Block Grant provides about 87% of the Department of State Health Service’s total funding for substance abuse services.³⁰

³⁰ Texas Department of State Health Services, *Mental Health and Substance Abuse Block Grant*, <http://www.dshs.state.tx.us/mhsa/blockgrant> (January 2013).

CJD also administers the Residential Substance Abuse Treatment program which provides substance abuse treatment within secure state and local corrections and detention facilities. Substance abuse treatment services are also provided to juveniles through CJD-managed federal funding sources.

CJD works with the Texas Department of Criminal Justice, Community Justice Assistance Division (CJAD), to coordinate funding and support for specialty courts. CJAD (formerly referred to as the Probation Department) uses state appropriated funds to support specialty courts and the coordination is critical to ensure a balanced state/federal funding approach.

Prevention and Education Programs – In March 2014, CJD awarded a 19 month grant to the City of San Antonio for implementation of the evidence-based Cure Violence project. The San Antonio Police Department has partnered with the San Antonio Metro-Health Department and community groups to test the project’s effectiveness in Texas. This is the first project in the state and staff will focus on three neighborhood designated as hot spots for interpersonal violence. Local staff have attended training at the Cure Violence headquarters in Chicago and believe the multi-agency initiative will have a positive impact on violence.

Provided funds are available, CJD has committed to funding the project for a three year trial period. These projects are staff intensive and CJD hopes that the project will prove successful and that the City will be able to incorporate funding into its budget and expand the program into other neighborhoods.

Prosecution and Court Programs – Projects that support prosecution of organized crime, money laundering, drug or human trafficking, murder, and other violent crimes; and projects that improve the overall effectiveness of the court system.

CJD is not currently funding any prosecution projects with federal funds, but may do so in the future. Chapter 227 of the *Government Code* was amended in 2011 by the Texas Legislature and the “Prosecution of Border Crime Grant Program” was established in CJD. Although this project is funded through state appropriations, the project assists federal, state and local law enforcement agencies located along or near the Texas-Mexico border. The project’s proven effectiveness was acknowledged by the Legislature and the need to formalize prosecution of border-related crimes was recognized by both district attorneys and law enforcement agencies. This state-funded project complements the work of JAG-funded projects along the border and promotes co-housing of prosecutors with officers. This arrangement has been successful by providing officers with specialized training and with new skills to develop and build strong cases for prosecution and has funded additional prosecutors to support the work of district attorneys.

In its Strategic Plan for 2013-2017, the Texas Office of Court Administration (OCA) reported that there are almost 2,700 courts in Texas.³¹ Strategies outlined in the report include improvement of practices and procedures of the judiciary, including case management and the administrative and business methods or systems used in the judiciary and the improvement of processes for indigent defense through financial and technical assistance.

One of the priorities for the state, with regard to criminal cases, is to provide support to counties throughout the state for the acquisition of technology that will allow for mutual discovery in criminal cases. In 2013, the Governor signed Senate Bill 1611 that was passed by the Texas Legislature to uphold a defendant’s constitutional right to defense, minimize the likelihood of wrongful convictions, save thousands of taxpayer dollars, promote an efficient

³¹ Texas Office of Court Administration, “Strategic Plan 2013-2017,” 3, http://www.courts.state.tx.us/oca/Strategic_plan/stratplan13-17.pdf (January 2013).

justice system, and improve public safety, all while increasing the public's confidence in the criminal justice system.³²

The Texas District and County Attorneys Association's training subcommittee on emerging issues recently studied the effect of open-file versus closed-file record policies in criminal cases. In their report, *Setting the Record Straight on Prosecutorial Misconduct*, the committee found in a small number of cases involving misconduct by the prosecution that "the central issue is often inadequate disclosure of exculpatory and impeaching information (called *Brady* information)."³³ The subcommittee noted in these cases, a Brady violation could have been avoided if the prosecutor's office had an open-file policy that gave the defense access to statements and reports prior to the trial. "Although it is rare, a prosecutor's failure to provide this important information to the defense can seriously impair the search for the truth in the criminal justice system."³⁴ Technology will be harnessed to provide criminal defense attorneys with electronic access to the records relevant to their criminal cases, as well as training for district attorneys and peace officers regarding Brady violations.

Corrections and Community Corrections Programs – Projects that support reintegration of offenders into the community and reduce the potential for repeat offenses. There are currently no re-entry projects funded under JAG; however, the following project may be moved to JAG during the next grant cycle.

CJD awarded a state-funded grant to the Texas Department of Criminal Justice (TDCJ) to partner with the Dallas County DOORS (Dallas One-stop Optimized Reentry System) project. This reentry program focused on conducting a risk analysis and linking high-risk

³² Texas Legislature, <http://www.capitol.state.tx.us/tlodocs/83R/analysis/html/SB01611F.htm> (June 2013)

³³ Texas District & County Attorney Association. "Setting the Record Straight on Prosecutorial Misconduct", 25, <http://www.tdcaa.com/sites/default/files/page/Setting%20the%20Record%20Straight%20on%20Prosecutorial%20Misconduct.pdf> (January 2013).

³⁴ Ibid, 14.

female offenders returning to the Dallas-Fort Worth area with re-entry services tailored to meet the individual's needs. The program's goal is to promote a productive self-sustaining lifestyle and ultimately reducing recidivism.

The Community Justice Assistance Division (CJAD) at the Texas Department of Criminal Justice has developed a pre-trial risk assessment and is in the process of finalizing agreements with Travis County to test the effectiveness of the assessment. CJD is working closely with CJAD to monitor the project and depending on its success, may consider funding to expand the initiative to other areas of the state.

Planning, Evaluation, and Technology Improvement Programs – Projects that support records management, interoperable communications systems, interconnectivity, and enhancements to data systems that promote reporting crime data and criminal intelligence.

The fundamental level of data collection crime statistics starts with information in a criminal offense. Currently, the state of Texas utilizes the Uniform Crime Reporting Program (UCR). The UCR program is a voluntary, nationwide effort to collect statistical information from law enforcement agencies regarding eight criminal offenses.³⁵ The goal of this program, which is administered by the Federal Bureau of Investigation, is to “generate a reliable set of criminal statistics for use in law enforcement administration, operation, and management.”³⁶ UCR is limited in the data it collects and is a summary based reporting system. In response to law enforcement's need for more flexible, in-depth data, the UCR Program formulated the National Incident-Based Reporting System (NIBRS). According to the FBI, “NIBRS presents comprehensive, detailed information about crime incidents to law enforcement, researchers,

³⁵ National Atlas, *Summary of the Uniform Crime Reporting Program*, http://nationalatlas.gov/articles/people/a_crimereport.html (January 2013).

³⁶ Ibid.

governmental planners, students of crime, and the general public.”³⁷ NIBRS reporting provides detailed information regarding arrests for 22 offense categories made up of 46 specific crimes.³⁸ For each criminal incident, under NIBRS, detailed information is provided, including “the nature and types of specific offenses in the incident, characteristics of the victim(s) and offender(s), types and value of property stolen and recovered, and characteristics of persons arrested in connection with the crime.”³⁹ Texas has almost 1,030 law enforcement entities reporting in the UCR format, with only 60 agencies reporting in NIBRS. There is recognition that greater detailed information regarding criminal incidents will provide better information when making decisions regarding law enforcement resources.

CJD will be hosting a meeting with personnel from the Texas Department of Public Safety’s Crime Records Division and the 34 local law enforcement agencies targeted to participate in the National Crime Statistics Exchange (NCS-X) project spearheaded by the Bureau of Justice Statistics. The project is designed to generate nationally-representative incident based data on crimes reported to law enforcement agencies with minimally burdensome processes to collect and extract incident-based data from existing records management systems.⁴⁰

CJD awarded a significant amount of Recovery Act JAG funds to support the implementation of records management systems in well over 100 law enforcement agencies. These systems are capable of converting available data to NIBRS and CJD hopes to support agencies as they convert from reporting data in the UCR format to the NIBRS format. As

³⁷ The Federal Bureau of Investigation. *Uniform Crime Reports*, <http://www.fbi.gov/about-us/cjis/ucr/ucr> (January 2013).

³⁸ The Federal Bureau of Investigation, *National Incident-Based Reporting System (NIBRS)*, <http://www2.fbi.gov/ucr/faqs.htm> (January 2013).

³⁹ National Archive of Criminal Justice Data, *About the National Incident-Based Reporting System (NIBRS)*, <http://www.icpsr.umich.edu/icpsrweb/NACJD/NIBRS/> (January 2013).

⁴⁰ U.S. Department of Justice, Bureau of Justice Statistics, <http://www.bjs.gov/content/ncsx.cfm> (May 2014).

funds are available, CJD will consider funding additional grants to continue the expansion of planning, evaluation, and technology improvement programs.

Statewide Planning Priorities and Coordinated Efforts

CJD promotes a comprehensive strategic approach for all of its programs. In its 2014 contracts with the 24 regional councils of government (COGs), CJD required each COG to develop a strategic plan based on regional needs. COGs developed the strategies in cooperation with a broad array of stakeholders including elected officials, courts, law enforcement agencies, prosecutors, members of the general public, and substance abuse, juvenile and victim service providers.

Additionally, each COG was required to appoint Criminal Justice Advisory Committees to review and prioritize applications for CJD grant funds. The committees were able to incorporate the strategic plans into their decision-making and recommendation process. The COGs submitted copies of their strategies to CJD and the Texas Association of Regional Councils has been charged with consolidating the strategies into one master strategic plan. The consolidated strategy should be completed in the fall of this year and CJD will provide a copy to the BJA policy analyst for Texas.

A preliminary review of the strategies has indicated that the top priority for criminal justice programs funded under JAG remains the support to local law enforcement through the purchase of equipment and technology to equip them with the items essential to promoting public safety. Previous sections of this report noted the challenges faced by law enforcement as they respond to the needs of a growing population, patrolling the massive number of roadways, responding to gang, drug and human trafficking while having access to reliable transportation and technology to comply with state laws and bring a level of assurance to Texans that public safety is indeed a priority.

The second item most noted related to training for law enforcement officers. The tight economy and the demand for local agencies to provide basic services has resulted in a reduction in the amount of funds available to provide specialized and continuing education for its officers. The training is critical to the ability of officers to meet state standards for maintaining their peace officer licenses.

CJD also coordinates funding to support strategies identified by other agencies. The combination of local and state strategies allows CJD the flexibility to target JAG funds to support the identified needs. Some of the agencies and groups with whom CJD routinely communicates with are listed below:

- The Texas Office of Homeland Security – CJD works closely with the Office to coordinate and support law enforcement programs involved in the implementation of the *Texas Homeland Security Strategic Plan 2010-2015*.
- The Texas Department of Public Safety – CJD works closely with DPS to coordinate homeland security funding targeted toward securing the nation’s border with Mexico and areas along the Gulf of Mexico.
- Drug Demand Reduction Advisory Committee (DDRAC) – CJD is a member of the committee which was established by the Texas Legislature in 2001 to develop comprehensive statewide strategies and legislative recommendations that reduce drug demand in Texas. The committee is composed of representatives from 16 state agencies and five at-large members from different geographical areas within the state. The 2014 focus of DDRAC is to study and make recommendations to the Legislature on neonatal abstinence syndrome and prescription drug monitoring and abuse.

- The Governor’s Division of Budget, Planning, and Policy – CJD works closely with policy staff within the Office of the Governor who specialize in services provided by state agencies, gaps in services, emerging trends and funding strategies.
- Regional Councils of Government (COGs) – CJD works closely with the 24 regional councils of government that are responsible for coordination and prioritization of community needs in a variety of areas including homeland security, criminal justice and strategic planning.
- CJD grantees also routinely coordinate with local, state and federal law enforcement agencies. Depending upon the project’s focus, joint operations or activities may be conducted with federal agencies such as the Department of Homeland Security, Immigration and Customs Enforcement, Federal Bureau of Investigation, Drug Enforcement Administration, National Guard, Coast Guard, Treasury, Alcohol, Tobacco and Firearms and others. Texas state agencies include the Department of Public Safety, Parks and Wildlife Department, Alcoholic Beverage Commission, Department of Criminal Justice, Division of Emergency Management, Office of Homeland Security, Attorney General, State Guard, and others.

Proposed Timelines for Distribution of Funds

The following is an estimated timeline for beginning distribution of JAG 2013 funds:

December 2014 Application period opens for specialty courts, local projects, border projects and continuation applications. Specialty courts are funded on a discretionary basis, while working with the Specialty Courts Advisory Council. Border security grants are also awarded on a discretionary basis. CJD works closely with DPS to align funding to support strategically identified areas along the border. CJD analyzes budgets and

works with applicants to develop a funding plan that supports all projects.

February 2015 Grant applications are due to CJD.

May 2015 Priority recommendations due from regional COGs.

August 2015 Award grants to projects with a September 1 start date.

September 2015 Award grants to projects with an October 1 start date.

Staffing – The manager for the Law Enforcement Team is assigned lead responsibility for the Justice Assistance Grant program. This position is currently funded out of JAG administrative funds. The Team has two grant managers who in addition to JAG, provide the day-to-day management of grants awarded under state-funded grant programs, the Coverdell Forensic Science Improvement Grant Program, the Bulletproof Vest Partnership Program, and the Residential Substance Abuse Treatment Program. The manager of the Law Enforcement Team reports to the CJD Executive Director and Deputy Director.

Grant Management Practices and Internal Controls – The CJD process and steps for reviewing and awarding grants to subrecipients is noted below:

- Grant Review – Conducted by CJD grant managers assigned to the Law Enforcement Team.
- Program Review – Conducted by the CJD program manager for the Law Enforcement Team.
- Accounting Review – Conducted by the Governor’s Financial Services Division (FSD). Financial staff work with applicants to ensure registration within the state’s payment system and establish direct deposit accounts for transmitting reimbursement. CJD staff do not have access to the financial or banking information on subrecipients.

- Legal Review – Conducted by an attorney in the Office of the Governor’s General Counsel. The attorney reviews applications and resolutions adopted by the agency’s governing body to ensure that requirements are met in regard to applicant responsibility and return of grant funds should there be loss or misuse.
- Executive Director Review – The CJD Deputy Director reviews each application to ensure that all requirements are fulfilled.
- Quality Control Review – The CJD Quality Control Review manager prepares applications for their final round of approval and checking award amounts to ensure that CJD is not awarding grants in excess of available funds. The manager prepares documentation that includes a summary of each application and a sign-off sheet by each of the oversight divisions with the Governor’s Office. These include a second review by the Financial Services Division, Office of the General Counsel, and a final review by the Governor’s Chief-of-Staff. After all required approvals are received, CJD releases awards to subrecipients.

Monitoring – CJD works with the Governor’s Compliance and Oversight Division (COD) to develop risk assessments that identify subrecipients who should be monitored through a financial or programmatic reviews. The COD and CJD independently develop the assessments and then meet to develop one master monitoring plan with the goal of reviewing at least 50 percent of funds awarded each year. CJD program reviews may be desk or site visits. Each review includes a financial component in addition to determining the subrecipients’ compliance with delivering grant-funded services and following grant rules and guidelines. The COD conducts reimbursement, desk and site reviews. The reimbursement reviews involve a collection of invoices and documentation to support reimbursement requests submitted by

subrecipients. Desk and site reviews are far more in-depth and look closer at subrecipient policies and procedures, invoices, payroll documents, and general ledgers.

High Risk Status – CJD has not been placed on a high risk status by state or federal funding agencies.

Performance Measures

CJD contracts with the Public Policy Research Institute (PPRI) at Texas A&M University to maintain a web-based data collection system for program performance data. This system allows for the retrieval and analysis of programmatic data. JAG subrecipients report performance results to PPRI quarterly. Each subrecipient will be required to report on the standard performance measures adopted by the Bureau of Justice Assistance for the JAG program. Measures will be assigned to each project based on its approved activities.

Request for Waiver on Specialty Vehicle Purchases

The State of Texas respectfully requests a waiver to authorize the purchase of specialty vehicles for law enforcement purposes. The rugged terrain along the Rio Grande River that separates Texas from Mexico, the sandy international coastline, mountains, and remote wooded areas of the state require the use of all terrain or four-wheel drive vehicles (which include pick-up trucks and sports utility vehicles) and specialized patrol boats. The increased sophistication in weapons and tactics used by criminal organizations has increased the need for command vehicles and vehicles designed and equipped with protective armor to protect law enforcement.