

CITY OF KIRKLAND

123 FIFTH AVENUE, KIRKLAND, WASHINGTON 98033-6189 425.587.3400 FAX 425.587-3410

**POLICE DEPARTMENT
MEMORANDUM**

To: David Ramsay, City Manager
From: Eric W. Olsen, Chief of Police
Bill Hamilton, Captain
Date: March 26, 2009
Subject: Police Grants

RECOMMENDATION:

That Council review and approve the application for funding of the Byrne/JAG Local Solicitation grant and provide the public an opportunity to comment.

That Council provide direction for application for Federal funding for the COPS Hiring Recovery Program which would be used to retain officers scheduled to be laid off at a future date.

BACKGROUND DISCUSSION:

The Edward Byrne Memorial Justice Assistance Grant is part of the President's American Recovery and Reinvestment Act of 2009 to assist state, local and tribal law enforcement with funding to prevent or reduce crime and violence. The funding award available to the City of Kirkland is \$52,536. The deadline for submitting the application is May 18, 2009. The application process requires Council review the application and an opportunity be provided to the public to comment not fewer than 30 days before the application is submitted. If awarded, the funds will be used to provide Corrections Officers to supplement security at the Kirkland Municipal Court on an overtime basis. The Court is aware of the funding availability and will work with us to maximize usage of the award. Costs will be closely tracked and monitored to ensure the service provided to the court does not exceed the award.

The COPS Hiring Recovery Program Grant is also part of the American Recovery and Reinvestment Act, providing funding to create and preserve jobs and to increase community policing capacity and crime-prevention efforts. The deadline for submitting the application is April 14, 2009. This grant is highly competitive with no guarantee we would receive funding. Three funding areas are identified in this grant; to hire new officer positions, to rehire officers who have already been laid off, or to rehire officers who are currently scheduled to be laid off on a future date. The grant provides 36 months of funding for salary and benefits and requires personnel be retained for 12 months from the time that the 36 months of grant funding expires. With the potential for revenue shortfalls in the coming months, should lay-offs be identified and scheduled in the department, applying for this grant creates an opportunity to retain the positions scheduled for lay-off.

Using the reduction list the department prepared for the 2009-10 budget, two positions have been identified that could be scheduled for lay-off. Those positions, the School Resource Officer position and one Traffic Officer position, would be named in the grant application with a scheduled lay-off date of December 31, 2009. Before applying for this grant, a determination is required from Council indicating the above identified 2 positions are scheduled to be cut on December 31, 2009 for fiscal reasons. If approved, we will move forward with the application process. There is no local matching requirement, but grant funding is based on current entry-level salaries and benefits for sworn officer positions.



**BJA FY 09 Recovery Act Edward Byrne Memorial
Justice Assistance Grant Program Local Solicitation**



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*Is the applicant delinquent on any federal debt	<input type="radio"/> Yes <input checked="" type="radio"/> No
*Employer Identification Number (EIN)	91 - 6001255
*Type of Applicant	Municipal
Type of Applicant (Other):	
*Organizational Unit	Police Department
*Legal Name (Legal Jurisdiction Name)	City of Kirkland
*Vendor Address 1	123 5th Avenue
Vendor Address 2	
*Vendor City	Kirkland
Vendor County/Parish	King
*Vendor State	Washington
*Vendor ZIP	98033 - 6189 Need help for ZIP+4?
Please provide contact information for matters involving this application	
*Contact Prefix:	Mr.
Contact Prefix (Other):	
*Contact First Name:	William
Contact Middle Initial:	
*Contact Last Name:	Hamilton
Contact Suffix:	Select a Suffix
Contact Suffix (Other) :	
*Contact Title:	Operations Captain
*Contact Address Line 1:	123 5th Avenue
Contact Address Line 2:	
*Contact City	Kirkland

Contact County:	King
*Contact State:	Washington
*Contact Zip Code:	98033 - 6189 Need help for ZIP+4?
*Contact Phone Number:	425 587 3405 Ext:
Contact Fax Number:	425 587 3410
*Contact E-mail Address:	Bhamilton@ci.kirkland.wa.us

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**BJA FY 09 Recovery Act Edward Byrne Memorial
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*Descriptive Title of Applicant's Project Kirkland Municipal Court Security	
*Areas Affected by Project City of Kirkland Washington	
Proposed Project	
*Start Date	July 01 2009
*End Date	June 30 2010
*Congressional Districts of	
Project	Congressional District 01, WA ^ Congressional District 02, WA Congressional District 03, WA Congressional District 04, WA v
*Estimated Funding	
Federal	\$ 52536 .00
Applicant	\$ 0 .00
State	\$ 0 .00
Local	\$ 0 .00
Other	\$ 0 .00
Program Income	\$ 0 .00
TOTAL	\$ 52536 .00

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**BJA FY 09 Recovery Act Edward Byrne Memorial
Justice Assistance Grant Program Local Solicitation**



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APPLICATION FOR FEDERAL ASSISTANCE	2. DATE SUBMITTED	Applicant Identifier
	1. TYPE OF SUBMISSION Application Non-Construction	3. DATE RECEIVED BY STATE
	4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier
5. APPLICANT INFORMATION		
Legal Name City of Kirkland		Organizational Unit Police Department
Address 123 5th Avenue Kirkland, Washington 98033-6189		Name and telephone number of the person to be contacted on matters involving this application Hamilton, William (425) 587-3405
6. EMPLOYER IDENTIFICATION NUMBER (EIN) 91-6001255		7. TYPE OF APPLICANT Municipal
8. TYPE OF APPLICATION New		9. NAME OF FEDERAL AGENCY Bureau of Justice Assistance
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: 16.804 CFDA Recovery Act - Justice Assistance Grants - TITLE: Localities		11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT Kirkland Municipal Court Security
12. AREAS AFFECTED BY PROJECT City of Kirkland Washington		
13. PROPOSED PROJECT Start Date: July 01, 2009 End Date: June 30, 2010		14. CONGRESSIONAL DISTRICTS OF a. Applicant b. Project WA01
15. ESTIMATED FUNDING		16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS? Program is not covered by E.O. 12372
Federal	\$52,536	
Applicant	\$0	
State	\$0	
Local	\$0	
Other	\$0	

Program Income	\$0	17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?
TOTAL	\$52,536	
N		
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS REQUIRED.		

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Background

The City of Kirkland Washington Police Department proposes a single, high priority personnel program for Kirkland Municipal Court security for immediate implementation. Growing population and increased enforcement activities resulting in increased arrests have led to higher level security risks at the Kirkland Municipal Court. From 2005 to 2008 the civilian court security officers seized 61 knives, 26 box cutters, eight pairs of scissors and seven screwdrivers from people entering the court building. In 2008 police responded to the court a total of 232 times for a range of incidents including warrant arrests, disturbances and escapes from custody. Violence in courthouses can result in lives being lost, injuries and trauma. People coming to the court as litigants, jurors, witnesses, attorneys, and staff must feel safe and be safe if courts are to remain a forum of resolving disputes peacefully.

There are increasing numbers of domestic violence hearings in the Kirkland Municipal Court. These hearings are of particular concern since the victim, the batterer and their families may be comingled in the same court room. This program was initiated by a Kirkland Municipal Judge that expressed deep concern about increasing security issues. Court records indicate that Monday's and Tuesday's are times of heightened security concern as well. These days are scheduled by the court to address cases involving warrant arrests and for criminal first appearance advisements; both are higher level security risks. Experience shows that the presence of a uniformed police employee garners greater accountability and offers a greater sense of security and protection for the public as well as the court employees.

General court security is provided by unarmed, civilian security employees. For most situations this has been adequate. With the increase in case load the unarmed security employees are not adequately equipped for the resultant, more serious security issues. At the same time, because of a variable hearing schedule and because there are recognizable times of higher security needs the addition of full-time uniformed, armed officers is not warranted. Instead the court requests that Kirkland Police Department provide armed, uniformed officers from their Corrections Unit on an hourly basis for peak security risk times.

Program

Kirkland Corrections Officers have specialized training in court security. These Corrections Officers provide for the transport of prisoners to court and while in court they provide for the security of the inmates in their custody. Kirkland Police Department (KPD) proposes using these experienced, trained Corrections Officers on a part-time basis for high security times in the court. The cost to recruit, hire, train and equip a full-time Corrections Officer is prohibitive. By utilizing the existing Corrections Officers on a part-time basis priority security issues can be addressed at the Municipal Court.

KPD will create an enhanced Corrections Officer job description for this security detail. The officer will be conspicuously posted at the entrance to the court and will assist the civilian security employees in screening visitors for weapons, responding to additional

security needs in the courtrooms and for coordinating a police response to the court during a critical incident. The corrections officer will have authority to take people into custody as directed by the court.

The full-time Corrections Officers currently serving with KPD will work in the court on an overtime basis. An average of 22 hours per week of overtime will be needed to provide the heightened court security. Corrections Officers are already on the payroll, trained, and experienced thus the program can begin immediately upon funding. The full grant will be utilized in the first year of the expanded security program.

Program Goal: Increase the security and well being of court personnel and visitors at Kirkland Municipal Court.

Key Objectives:

1. Reduce police call outs to the court compared to the previous year.
2. Reduce flights from custody compared to the previous year.
3. Provide increased security for victims of domestic violence that appear in court.
4. Provide rapid disbursement of Stimulus Funds through increased use of labor to provide court security.

The program will commence immediately, upon funding, and continue for 12 months. The program will be administered by Corrections Officer Supervisor, Lt. Balkema. The Supervisor will require 2.3 hours per week for administration to include: Scheduling, program oversight, court liaison; and monitoring and tracking. Total administration cost is \$5,236.00. Lt. Balkema along with the KPD Crime Analysts and Court Administrator track the impact of the program by monitoring and recording incidents as described in the Key Objectives. The Court Administrator will provide a narrative description of the impact of the program at six months and at the end of the program. A final report will be provided by Lt. Balkema.

The Police Department works closely with Finance to insure compliance with all requirements of grant funding. The City's Finance Department receipts all grant funding and accounts for the funds as revenue using the BARS reporting system (Washington state chart of accounts system). The City's budgeting software has a project tracking system where a unique internal project number is assigned to track revenues and expenditures for any specific project. That project number is used for all costs associated with the identified project including the timekeeping and payroll systems to track time and payroll costs. That system, coupled with the Police Department's detailed system of spreadsheets to monitor grant activity, is an effective method and will be used for this grant.

Kirkland Police Department respectfully requests a grant of \$53,536 to fund the overtime cost of providing security to the Kirkland Municipal Court.

Byrne/JAG Local Solicitation Corrections Officer Costs

Funding Available	\$52,536
Administrative Costs	\$5,236
Funds Available for Overtime	\$47,300

Administrative Costs Breakdown:

Lt. Balkema's time per week	
Scheduling	0.65 hours
Overseeing Program	0.25 hours
Liaison with Court	0.32 hours
Monitoring/tracking time	1.00 hours
TOTAL HOURS PER WEEK	2.2
TOTAL HOURS PER YEAR	115.4

TOTAL ADMINISTRATIVE YEARLY COST	\$5,236
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<u>Lt. Balkema's Costs:</u>	
Annual Salary	\$92,148
Monthly Salary	\$7,679
Base Hourly Rate	\$44.30
Lt. Balkema's Fringe Benefits:	
FICA	1.45%
Workmen's Compensation	\$0.19 Per hour
Unemployment Compensation	0.50%
Total FICA per hour	\$0.64
Total Workmen's Comp per OT hour	\$0.19
Total Unemployment Comp per OT hour	\$0.22

TOTAL HOURLY RATE W/BENEFITS	\$45.35
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<u>Corrections Officer Costs:</u>	
Annual Salary	\$57,096
Monthly Salary	\$4,758
Base Hourly Rate	\$27.45
Base Overtime Rate	\$41.18
Total FICA per OT hour	\$0.60
Total Workmen's Comp per OT hour	\$0.19
Total Unemployment Comp per OT hour	\$0.21

Based on top step Corrections Officer 2009 Salary

TOTAL HOURLY OT RATE W/ BENEFITS	\$42.17
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Note that the actual hard costs to the Police Department for overtime for Corrections Officers is \$56.00 per hour. This is a fully loaded cost which includes all benefits and equipment & vehicle use. The \$56 per hour is what we would charge an outside department or department for services. The hourly amount available under the grant is considerably lower as only a small portion of benefits (1.95% +19 cents) can be used in determining overtime, when in fact the total benefits paid by the department is 18.73% per hour (retirement, social security and life insurance are not allowable)

Byrne/JAG Local Solicitation Corrections Officer Costs

Yearly Hours available for Overtime	1,122
Weekly Hours available for Overtime	22
Total Corrections Officers Cost	\$47,300.00

Corrections Officers Fringe Benefits:

FICA	1.45%
Workmen's Compensation	\$0.19 Per hour
Unemployment Compensation	0.50%

by the grant). Using the hard cost of \$56 per hour would reduce the yearly available hours to 846 and the weekly available hours to 16. It should also be noted that if Police Officers are used in place of Corrections Officers, the grant funded hours will decrease due to a higher hourly overtime rate.

Total FICA & Unemployment 1.95%

Workmen's Comp Calculations:
\$392.00 per year
\$7.54 per week
\$1.51 per day
\$0.19 per hour



OMB APPROVAL
NUMBER 1121-0140

EXPIRES 06/30/2009

STANDARD ASSURANCES

The Applicant hereby assures and certifies compliance with all applicable Federal statutes, regulations, policies, guidelines, and requirements, including OMB Circulars A-21, A-87, A-102, A-110, A-122, A-133; Ex. Order 12372 (intergovernmental review of federal programs); and 28 C.F.R. pts. 66 or 70 (administrative requirements for grants and cooperative agreements). The applicant also specifically assures and certifies that:

1. It has the legal authority to apply for federal assistance and the institutional, managerial, and financial capability (including funds sufficient to pay any required non-federal share of project cost) to ensure proper planning, management, and completion of the project described in this application.
2. It will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
3. It will give the awarding agency or the General Accounting Office, through any authorized representative, access to and the right to examine all paper or electronic records related to the financial assistance.
4. It will comply with all lawful requirements imposed by the awarding agency, specifically including any applicable regulations, such as 28 C.F.R. pts. 18, 22, 23, 30, 35, 38, 42, 61, and 63, and the award term in 2 C.F.R. § 175.15(b).
5. It will assist the awarding agency (if necessary) in assuring compliance with section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. § 470), Ex. Order 11593 (identification and protection of historic properties), the Archeological and Historical Preservation Act of 1974 (16 U.S.C. § 469 a-1 et seq.), and the National Environmental Policy Act of 1969 (42 U.S.C. § 4321).
6. It will comply (and will require any subgrantees or contractors to comply) with any applicable statutorily-imposed nondiscrimination requirements, which may include the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3789d); the Victims of Crime Act (42 U.S.C. § 10604(e)); The Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. § 5672(b)); the Civil Rights Act of 1964 (42 U.S.C. § 2000d); the Rehabilitation Act of 1973 (29 U.S.C. § 794); the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131-34); the Education Amendments of 1972 (20 U.S.C. §§1681, 1683, 1685-86); and the Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-07); see Ex. Order 13279 (equal protection of the laws for faith-based and community organizations).
7. If a governmental entity:
 - a. it will comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. § 4601 et seq.), which govern the treatment of persons displaced as a result of federal and federally-assisted programs; and

- b. it will comply with requirements of 5 U.S.C. §§ 1501-08 and §§ 7324-28, which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by federal assistance.

h1>U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS
OFFICE OF THE CHIEF FINANCIAL OFFICER

**CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER
RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS**

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Acceptance of this form provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying," 2 CFR Part 2867, "DOJ Implementation of OMB Guidance of Nonprocurement Debarment and Suspension," and 28 CFR Part 83, "Government-wide Debarment and Suspension," and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Justice determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR Part 69, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all sub-recipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (DIRECT RECIPIENT)

As required by Executive Order 12549, Debarment and Suspension, and implemented at 2 CFR Part 2867, for prospective participants in primary covered transactions, as defined at 2 CFR Section 2867.20(a):

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default.

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 83, Subpart F, for grantees, as defined at 28 CFR Sections 83.620 and 83.650:

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction.

Employers of convicted employees must provide notice, including position title, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 810 7th Street, N.W., Washington, D.C. 20531. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.