

Application Number 2016-H3366-TX-DJ
State of Texas Application for the
FY 2016 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 and more secure place. CJD makes a positive impact on this commitment by supporting the following criminal justice trends:

- Enhancing information and intelligence gathering and sharing;
- Promoting technology and equipment upgrades for communications, crime reporting (NIBRS), laboratory analysis, evidence gathering and first response;
- Expanding border security efforts, in particular, combatting the illegal trafficking of humans, drugs and firearms;
- Supporting programs that reduce gun related violent crime by targeting transnational, street and prison gangs (criminal enterprises);
- Supporting programs that protect the most vulnerable from abuse, violence and sexual assault;
- Promoting and expanding the specialty court program.

This JAG award will reinforce the CJD's commitment to supporting the list of recommendations contained in the Governor of Texas' "Securing Texans Plan" by strategically funding projects that support law enforcement first responders and criminal investigators, as

well as prosecutors and the courts with equipment, technology improvements, training and diversion programs to protect our border and reduce violent crime and human trafficking.¹

Statement of the Problem

Texas Perspective

Texas has 254 counties with an estimated population of more than 27 million residents with 6 of those counties having over 1 million residents each. These counties vary drastically in size and population. The most populated county, Harris County, has over 4.5 million residents; whereas Loving County, the least populated, has only 82 residents. Of the 254 counties 163 have more than 10,000 people, leaving 85 counties, one-third of Texas counties, with a rural population.² 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 at any one time.³

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, making it as large as all of New England, New York, Pennsylvania, Ohio and North Carolina combined.⁴

Texas shares 1,254 river miles of border with Mexico – 64 percent of the United States' southwest border. Analyses of criminal intelligence indicate that Texas borders, ports,

¹ Governor's Securing Texans Plan

² Texas State Data Center <http://txsdc.utsa.edu/Data/TPEPP/Index.aspx>.

³ Texas Department of Public Safety, *2014 Crime in Texas*, pgs. 61-73, <http://dps.texas.gov/crimereports/14/citCh8.pdf> (April 2016).

⁴ Texas State Historical Association, *Digital Texas Almanac 2014-2015*, <http://www.texasalmanac.com/topics/environment/environment> (April 2015).

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

The Rio Grande Valley has become the center of gravity for international cartel-related smuggling operations in Texas. Although this activity occurs along the entire border, the Rio Grande Valley is the location of a disproportionate level of drug and human smuggling, accounting for more than half of all apprehensions along the U.S.-Mexico border in FY2014. Members and associates of the Gulf Cartel and Los Zetas are active in this region, smuggling drugs, weapons, bulk cash, and people, and also carrying out home invasions and other violent crimes.⁵

Texas border and coastal regions provide viable economic opportunities. However, they also present opportunities for criminal enterprises that continue to present a considerable challenge to law enforcement agencies, courts and social services in these border communities.

While the international border provides its own challenges, the population growth in Texas continues to create a significant strain on law enforcement resources. Texas has six of the top 25 most populous cities in the nation. The City of Houston ranks fourth in population, San Antonio ranks seventh, Dallas ninth, Austin eleventh, Fort Worth seventeenth and El Paso nineteenth with each city having its own distinct needs.⁶ In addition, Texas has five of the ten most rapidly growing cities, according to U.S. Census data for March, 2015.⁷ These are Frisco, McKinney, Austin, Midland and Denton. Two Texas metro areas, Houston/The Woodlands/Sugar Land and Dallas/Fort Worth/Arlington, were the only ones in the country to

⁵ *Texas Homeland Security Strategic Plan 2015-2020*, pg. 20, https://www.txdps.state.tx.us/director_staff/txHomelandSecStratPlan2015-2020.pdf

⁶ United States Census Bureau, *Population Trends in Incorporated Places: 2000 to 2013*, <https://www.census.gov/topics/population/publications.html> (March 2015).

⁷ United States Census Bureau, *Seeking the Sunshine*, <https://www.census.gov/newsroom/press-releases/2015/cb15-56.html> (March 2015).

add more than 100,000 residents over the 2013-2014 period. Within the Houston metro area, Harris County alone gained almost 89,000 people, more than any other county in the nation.⁸

Despite the substantial increase in population, overall crime in Texas decreased slightly between 2013 and 2014; 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 most recent published statistics, the *2014 Uniform Crime Report*, the state’s crime rate for calendar year 2014 was 3,349.6 crimes per 100,000 persons, a 7.8 percent decrease from 2013. The crime rate is based on the 2014 Texas population of 26,926,906. The following chart provides a breakdown by offense and demonstrates the percentage change in the number of reported offenses.⁹

2014 Texas Crime Rate by Offense			
	2014	2013	% Change
Murder	4.4	4.4	0.0
Robbery	114.6	120.4	-4.8
Aggravated Assault	242.6	246.8	-1.7
Violent Crime Total	361.6	371.6	-2.7
Burglary	618.1	720.5	-14.2
Larceny-Theft	2118.3	2285.2	-7.3
Motor Vehicle Theft	251.6	248.3	+1.3
Property Crime Total	2988.0	3254.0	-8.2
Index Crime Total	3349.6	3625.6	-7.6

2014 Texas Index Crimes by Volume			
	2014	2013	% Change
Murder	1187	1151	+0.5
Robbery	30857	31852	-3.1
Aggravated Assault	65338	65267	+0.1
Violent Crime Total	97382	98270	-0.9

⁸ Ibid.

⁹ Texas Department of Public Safety, *Texas Crime Report for 2014*
<https://www.dps.texas.gov/crimereports/14/citCh2.pdf>.

Burglary	166429	190567	-12.6
Larceny-Theft	570385	604389	-5.6
Motor Vehicle Theft	67741	65671	+3.2
Property Crime Total	804555	860627	-6.5
Index Crime Total	901937	958897	-5.9

The *2014 Uniform Crime Report* brings crime into perspective and reminds us that our job is not finished by projecting that on average, one index property crime occurs every 39 seconds and one violent index crime occurs every 5 minutes.¹⁰

Project Design and Implementation

JAG Program Areas Proposed for Funding

CJD estimates that the majority of its funds will be used to reinforce those priorities that have been identified in the Governor’s “Securing Texans Plan”, many of which are currently being further supported financially through state grants funded via general revenue. These state funding streams are further evidence of the commitment Texas places on these initiatives.

Mandatory pass-through funds will be used for units of government that fall below the \$10,000 threshold with projects anticipated to include border security, technology and law enforcement equipment. The electronic grants management system used by the Texas SAA includes programming that allows tracking of these funds. Each federal award is broken down by a subfund identifier. Example: DJ14P64070A Justice Assistance Grant Program - Pass Through Solicitation - PY16.

Discretionary grants will be used to assist state agencies providing criminal justice services. SAA administrative costs are estimated to be at 10% of the federal award. The estimated amount submitted in the budget for the Texas SAA is \$1,337,685.

¹⁰ Ibid.

The following project types are proposed for funding under the JAG purpose areas.

Law Enforcement Programs – Projects that support law enforcement agencies with equipment and technology to increase border security, reduce gun violence, disrupt organized transnational, street and prison gangs, attack illegal trafficking of humans and drugs, and transitioning to the National Incident-Based Reporting System.

Border Security

Consistent with the “Securing Texans Plan”, CJD also supports the strategies outlined in the *Texas Homeland Security Strategic Plan 2015-2020* developed by the Texas Office of Homeland Security in which elements related to border security is considered a top priority. Subrecipients support border security through additional personnel and the evidence-based practice of increased law enforcement patrols.

International cartels constitute one of the major organized crime threat to Texas. These powerful and ruthless criminal organizations use military and terrorist tactics to battle each other and the government of Mexico. They dominate the lucrative drug and human smuggling markets along the border and have expanded their presence and control of criminal networks in Texas and elsewhere in the United States, to include carrying out murders and other acts of violence in Texas.

International drug cartels, transnational gangs, street gangs, and human trafficking organizations engage in a wide range of criminal activity in Texas, including a variety of gun related violence such as, murder, kidnapping, aggravated assault and weapons smuggling. A particularly heinous crime in which these organizations and other criminals are engaged is the exploitation and trafficking of children and other vulnerable victims. Human trafficking involves the recruitment, harboring, transporting, or procurement of a person for labor or

services for the purpose of involuntary servitude, slavery, or forced commercial sex acts. In Texas, this crime is committed by criminal organizations and individual criminals who target male and female victims of different ages, nationalities, and socioeconomic classes. Traffickers in Texas target juvenile runaways, illegal aliens, and other vulnerable victims through force, fraud, or coercion. Often, victims are manipulated by traffickers to remain with them due to their emotional or financial dependency on the trafficker for food, housing, and other needs.

The Rio Grande Valley has become the center of gravity for international cartel-related smuggling operations in Texas. Although this activity occurs along the entire border, the Rio Grande Valley is the location of a disproportionate level of drug and human smuggling, accounting for more than half of all apprehensions along the U.S.-Mexico border in FY2014. Members and associates of the Gulf Cartel and Los Zetas are active in this region, smuggling drugs, weapons, bulk cash, and people, and also carrying out home invasions and other violent crimes.¹¹ The state of Texas helps to remove obstacles to effective border security against these cartel activities by supporting programs such as Carrizo Cane removal. These programs will help impede illegal border crossings, improve safety for law enforcement officers and facilitate apprehension of drug and human traffickers and eradicate invasive and non-native Carrizo cane along the Rio Grande River through a multi-jurisdictional effort and only with the consent of private landowners.¹²

The distinction between criminal organizations and terrorist groups can be difficult to discern. In Mexico, the cartels use terrorist tactics such as beheadings and car bombs to intimidate the government and public. Around the world, terrorist organizations make use of criminal enterprise activities such as drug trafficking and kidnapping to support and fund their

¹¹ Texas Homeland Security Strategic Plan 2015-2020, pg. 20.
http://governor.state.tx.us/director_staff/txHomelandSecStratPlan2015-2020.pdf (September 2015).

¹² Governor's Securing Texans Plan

operations. One threat concern for Texas is the potential that international cartels could support the operations of a terrorist organization in planning or carrying out an attack on the United States. This concern is underscored by the fact that, over the past few years, several individuals associated with foreign terrorist organizations have illegally entered the United States from Mexico, presumably through cartel-controlled human smuggling networks entering Texas.¹³

The 2015 National Drug Threat Assessment Report indicates that Mexico remains the most significant foreign source for marijuana in the United States and, despite the decline, marijuana seizures along the Southwest Border totaled over 984,600 kilograms in 2014. Seizures of heroin on the southwest border continue to increase as Mexican criminal organizations expand production. In addition, most of the heroin available in the United States come from Mexico and Colombia. The DEA has analyzed an increasing number of Mexico sourced heroin samples, as well as heroin samples of an unknown classification. The “unknown” samples are found primarily in the Eastern and Midwestern United States, where South American heroin typically dominates the market. Seizure data indicate that these unknowns are Mexico produced. When they are seized in transit they are routinely seized at or near the Southwest Border, and also along trafficking routes to markets in the Midwest established by Mexican organizations over the past two decades. The suspected production of this white powder heroin in Mexico is important because it indicates that Mexican traffickers are positioning themselves to take even greater control of the US heroin market. Most of the methamphetamine available in the United States is clandestinely produced in Mexico and smuggled across the Southwest Border. Domestic production continues to occur at much lower levels than Mexico, and seizures of domestic methamphetamine laboratories have declined, most likely due to the high availability of high purity, high-potency Mexican

¹³ Texas Homeland Security Strategic Plan 2015-2020, pg. 20.
http://governor.state.tx.us/director_staff/txHomelandSecStratPlan2015-2020.pdf (September 2015).

methamphetamine. Methamphetamine seizures continue to increase along the Southwest Border. According to CBP, seizure statistics indicate that methamphetamine seizures along the Southwest Border increased 20 percent from calendar year (CY) 2013 to CY 2014. In addition, seizures increased in each corridor along the Southwest Border.¹⁴

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 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. The United States' border with Mexico spans almost 2,000 miles, with Texas having 697 miles of that border. Private and state-owned lands constitute 67 percent of the border, most of which is located in Texas. Property owners increasingly report menacing encounters with human smugglers, drug traffickers, and illegal immigrants that use their property to enter the U.S. Landowners also reported that “damage occurs to private properties in south Texas on a regular basis...as a result of individuals trying to illegally cross the border.”¹⁵

Given the aforementioned factors, the need for state and local criminal justice professionals to be ever-vigilant and communicate effectively to prevent and counter criminal transnational and street gangs at the border has never been greater. To combat this, Texas has committed to establishing and funding the Texas Transnational Intelligence Center (TTIC) in Hidalgo County Texas. In addition, the state of Texas has also committed to funding a Texas Anti-Gang Center (TAG), also in Hidalgo County. The development of the TTIC will require

¹⁴ 2015 National Drug Threat Assessment Summary
<http://www.dea.gov/docs/2015%20NDTA%20Report.pdf>

¹⁵ U.S. Government Accountability Office, Southwest Border Issues Related To Private Property Damage (April, 2015) <http://gao.gov/assets/670/669936.pdf>

border counties and other state agencies to share certain crime information. The development of the TAG will allow for the colocation of law enforcement agencies from all levels of government to more efficiently and effectively share intelligence and plan, execute and evaluate the success of law enforcement operations. These centers will use the latest in information technologies and training to analyze information from a series of federal, state and local agencies, as well as combining individual department resources using proven best practices in an effort to counter criminal gang activities throughout the border counties. JAG funds may be used to further support a variety of law enforcement, prosecutive and disruptive activities along the border to include the operational activities of these centers.

Reducing Gun Violence

There is no greater resource with which to fight violent crime than traditional law enforcement personnel working in concert in a focused and coordinated manner. In 2016, JAG grants are supporting funding for additional law enforcement personnel, training and equipment. As perpetrators have become more technologically sophisticated and more criminally innovative in general, 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 capable of carrying complex and coordinated violent crimes, such as armed home invasions and other armed robberies, burglaries of gun stores and mass shootings. Intelligence indicates that much of the violence and property crimes in the metropolitan areas can be attributed to criminal gang activities, including drug trafficking. Some prison gangs and international organized criminal groups (Transnational Gangs) have joined in mutually beneficial relationships to facilitate smuggling activities. In its

August 2015 *Annual Gang Threat Assessment*, DPS reports that gang membership across the state likely exceeds 100,000.¹⁶ Prisons are a prime recruiting ground for gang membership and most of the domestic gangs operating in Texas were formed behind prison walls. Of the incarcerated gang members within Texas Department of Criminal Justice prisons, over 60 percent are serving a sentence for violent crimes, including robbery (24 percent), homicide (16 percent), and assault/terroristic threat (15 percent).¹⁷

Transnational and domestic 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. In 2014, Texas experienced a dramatic spike in illegal aliens crossing into the United States from Mexico and Central America. Among those who illegally cross the Texas-Mexico border are gang members and associates, including those associated with large transnational gangs such as Mara Salvatrucha (MS-13). A major consequence of an increase in transnational gang members crossing into Texas is the projected corresponding increase in transnational criminal activity. Transnational gangs frequently work in collaboration with Mexican cartels to help facilitate the trafficking of drugs, money, and people. Members and associates of these gangs are also tied to prostitution, murder, extortion, auto theft, identity theft, kidnapping, protection rackets, assaults, and other index crimes. Transnational gangs also often engage domestic gangs to transport contraband, to front extortion and kidnapping operations, to make end-user drug sales or operate in other capacities at the street level.¹⁸

The Governor of Texas' "Securing Texans Plan" lists as one of its main priorities the expanding of the Texas Anti-Gang Program. In 2016 the CJD aggressively supported this priority by using JAG and designated state funds to support the ongoing operations of the

¹⁶ Texas Department of Public Safety 2015 Gang Threat Assessment (August)
https://www.txdps.state.tx.us/director_staff/media_and_communications/2015/txGangThreatAssessment.pdf

¹⁷ Ibid

¹⁸ Ibid

Texas Anti-Gang Center – Houston, Texas. This center was originally supported through JAG funds in 2012. The center collocates state, local and federal agencies and promotes intelligence-sharing and coordinated strategies to reduce gang related gun violence as well as drug and human trafficking activities in the Houston/Harris County area. This year, CJD awarded JAG funding to establish, furnish and equip the North Texas Anti-Gang Center which will be tasked with combatting organized criminal gang activity within an eleven-county region identified by the Drug Enforcement Administration (DEA) as a High Intensity Drug Trafficking Area (HIDTA) in the Dallas/Fort Worth, Texas metro area. This Center went operational in April of 2016 and also collocates state, local and federal agencies and promotes intelligence-sharing and coordinated strategies to reduce gang related gun violence and human trafficking activities in the North Central Texas area. CJD also continues to work with numerous other local, state and federal law enforcement agencies to fund similar Anti-Gang Centers in San Antonio, Texas, the Rio Grande Valley (McAllen, Texas) and El Paso, Texas. These centers will likewise house state, local and federal agencies for multi-agency focus on reducing violent gun related crime and human trafficking perpetrated by local and transnational gangs in their areas of operation. As criminal gang networks throughout the state have become more interconnected, these facilities too will also look to communicate and coordinate anti-gang efforts between themselves creating a state-wide network of Anti-Gang Centers.

Impacting Human Trafficking

Another disturbing criminal activity that is growing exponentially in Texas is human trafficking. Gangs in Texas remain active in both human smuggling and human trafficking operations. Gang members associated with human smuggling have direct relationships with alien smuggling organizations (ASOs) and Mexican cartels. These organizations were involved in and profited from the recent influx of illegal aliens crossing the border in the Rio Grande

Valley in 2014. Gang members involved in human trafficking, including commercial sex trafficking and compelling prostitution of adults and minors, exploit their victims through force, fraud or coercion, including recruiting and grooming them with false promises of affection, employment, or a better life.¹⁹

Texas's primary source for information regarding trafficking crimes is the Office of the Attorney General (OAG). According to the information gathered and published by the OAG from the Polaris Project there were 329 Texas trafficking victims in 2015, of which 110 were minors.²⁰ Another source attempting to address this elusive crime is the National Human Trafficking Resource Center, a non-profit organization funded, in part, by the Department of Health and Human Services. The center provides outreach services to victims and the center's hotline reported 2,404 human trafficking cases for Texas between December 7, 2007 and May 20, 2016. The center identified 3,078 persons with moderate indicators and 2,925 persons with high indicators of human trafficking victimization in Texas.²¹

As with human trafficking, many additional crimes including organized transnational and street gang crime, gun violence, money laundering and white collar crime will only be curtailed with aggressive enforcement action. CJD will continue to use JAG grant funds to pursue these complicated and violent criminal enterprises.

National Incident Based Reporting System (NIBRS)

In 2015 the Texas Legislature, during the 84th Session, enacted legislation to move the state away from Summary Reporting and forward to an incident based reporting state.²² The state of Texas dedicated funds to support this endeavor, and the goal of the Governor's

¹⁹ Ibid

²⁰ Attorney General of Texas website, <https://www.texasattorneygeneral.gov/cj/human-trafficking>

²¹ The National Human Trafficking Resource Center, <http://www.traffickingresourcecenter.org/state/texas>, May 2016).

²² Texas Legislature Online, <http://www.capitol.state.tx.us/BillLookup/History.aspx?LegSess=84R&Bill=HB11>

Criminal Justice Division (CJD) is to work with the Texas Department of Public Safety (DPS) to provide needed funding to improve public safety and support victims of crime by filling system gaps and promoting innovative solutions to common problems. In 2016, the CJD will be accepting applications for projects to local law enforcement agencies to upgrade the agency's technology infrastructure to allow for and support Incident-Based Reporting to the Texas Department of Public Safety (DPS). This state funded NIBRS conversion effort will be in addition to the National Crime Statistics Exchange (NCS-X) project spearheaded by the Bureau of Justice Statistics. That project is designed to generate nationally-representative incident based data on crimes reported to law enforcement agencies with minimally burdensome processes.

Uniform Crime Reporting gathers crime data from law enforcement agencies for statistical analysis. Currently, there are two distinct methods for reporting data: the original model built in 1927, known as Summary Reporting (SRS) and Incident Reporting, known as National Incident-Based Reporting System (NIBRS). In comparing the two data collection methodologies, it is readily apparent that NIBRS provides a deeper, richer data set. Summary Reporting tallies 10 offenses, also known as the index crimes, homicide, rape, robbery, aggravated assault, burglary, etc., as well as arrests made and property stolen. Incident Reporting collects data on 24 offense types comprised of 52 distinct offenses and agencies report based upon the specific incident that includes data related not only to offenses and arrests, but also to location, victim and offender data, etc. Texas has 1,053 jurisdictions reporting in the UCR format, with only 56 agencies participating in NIBRS. There is recognition that greater detailed information regarding criminal incidents will provide better information when making decisions regarding law enforcement resources.

As funds are available, CJD will consider funding additional grants to continue the expansion of planning, evaluation, and technology improvement programs that promote the continued generation of NIBRS data.

Forensic Science

In 2016 the CJD utilized JAG funding to support the Texas A&M Engineering Extension Service (TEEX) through the Texas Forensic Science Academy (TFSA). The TEEX seeks to provide crime scene investigation training to Texas law enforcement officers and non-commissioned personnel responsible for violent crime investigations. The goal of this science-based training is to increase the effectiveness of crime scene investigations by providing cutting edge technology and hands-on field exercises to include the proper collection, packaging, storage and analysis of physical evidence.

In response to growing concerns about the unidentified remains of migrants and other deceased individuals found near the Texas border with Mexico, the 84th Texas Legislature required the Texas Forensic Science Commission to develop a method for collecting forensic evidence related to the unidentified bodies located less than 120 miles from the Rio Grande River.²³ The CJD has been working with the Commission and other stakeholders, including The University of North Texas (UNT) Center for Human Identification, Texas State University, Baylor University, the Texas Department of Public Safety, the FBI, human rights advocacy groups and local law enforcement partners to determine possible funding streams to help develop a systematic plan for proper forensic evidence collection of biological material that may help identify the individuals found along the border, as well as developing a process for the collection and testing of forensic evidence related to unidentified remains currently awaiting anthropological exams and unidentified remains that may be discovered in the future.

²³ See Tex. S.B. 1287, 84th Leg., R.S. (2015).

The University of North Texas (UNT) Center for Human Identification is a main stakeholder. UNT has a longstanding relationship with medical examiners and pathologists in South Texas and provides anthropological services to assist in identifying missing persons found near border counties. Information regarding the anthropological work the Center has completed in the Texas border region can be found in the following report:

UNT Center for Human Identification, Texas Border Region: Analysis and Identification of Unidentified Human Remains, Texas Missing Persons DNA Database Laboratory of Forensic Anthropology, (July 2015).²⁴ As funding permits, the CJD will continue to seek out viable funding options with these various stakeholders to impact both the law enforcement and social issues related to these occurrences. The CJD will also continue to support programs that strengthen the field of forensic science, to include accreditation.

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

Mental Health

Studies have shown that specialized crisis intervention training can minimize the use of force and danger of violence in law enforcement encounters with the mentally ill. For this reason, CJD places priority on funding specialized mental health officers and on training for all law enforcement officers who regularly encounter persons with mental illness in their daily work. In 2016, CJD has funded a Mental Health Officer, Mental Health Coordinators, Mental Health Prosecutors, and has also supported Mental Health Officer training. As funds are available the CJD will continue to look to funding additional mental health programs, to

²⁴ Texas Forensic Science Commission website, <http://www.fsc.texas.gov/rio-grande-identification-project>

include those that may help reduce the incidence of deadly police encounters with the mentally ill.

Drug Treatment

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 information derives from *Substance Abuse Trends in Texas: 2015* prepared by the University of Texas' Center for Social Work Research, Jane Maxwell, PhD.²⁵

- Heroin: Heroin users are becoming younger and less likely to be people of color. Indicators have been rising and the increase of 352 percent in heroin seizures on the western part of the Border may point to a new supply chain to provide heroin to West Texas and New Mexico. The new Mexican “white” heroin transits through Texas to the East but it is not as potent as the South American white.
- Methamphetamine: Methamphetamine indicators are now as high as or higher than they were before the pseudoephedrine ban. It is ranked by DEA as the #1 threat in the Dallas area, #2 in the Houston area, and #4 in the El Paso area. The P2P methamphetamine made in Mexico is increasingly pure and more potent with seizures along the Texas border in the western part of the border up by 260 percent and up by 420 percent on the lower border.
- Cocaine: Cocaine indicators are low due to change in the international market with fewer coca bushes being grown in the Andes and more product diverted to Europe, but based on 2013-2014 forensic data showing increased amounts of cocaine being

²⁵ Maxwell, Jane, *Substance Abuse Trends in Texas: June 2015*,
<https://socialwork.utexas.edu/dl/files/cswr/institutes/ari/pdf/trends/trends615.pdf>

identified along the border, there may be increases in the supply of cocaine in the future.

- The synthetic cannabis situation is marked by sporadic clusters of overdoses which may be due to amateur chemists mixing the drugs or bad batches of precursor chemicals. Given the large number of cases reported along the lower border, importation of chemicals from Mexico may be a factor.

Given the varied drug use throughout the state, it has become necessary to find cost effective methods for intervention and treatment. In 2016, JAG grants are supporting evidence-based substance abuse treatment programs inside correctional facilities.

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.

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

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 176 specialty courts providing substance abuse treatment services to offenders including veterans and persons with mental illness.

CJD is currently utilizing JAG funding to support Starr County 229th Judicial District Tri-County Violent Crime Unit, the Burnet County 33rd/424th District Attorney Child Abuse Prosecution Unit and the Bexar County Central Magistration Pretrial Assessment & Diversion. Chapter 227 of the *Texas 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. The project has also funded additional prosecutors to support the work of district attorneys. The CJD may, with available funding, look to further support these and other prosecution programs, specifically programs related to anti-gang and human trafficking with JAG funding.

Capabilities and Competencies

Statewide Planning Priorities and Coordinated Efforts

CJD promotes a comprehensive strategic approach for all of its programs. In its 2015 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. A continuing top priority for criminal justice programs funded under JAG in 2016 will be a focus on supporting local law enforcement efforts on the border through increased manpower, the purchase of equipment and technology to equip them with the items essential to promoting public safety and to more effectively combat gang violence, drug and human trafficking.

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 2015-2020*. The grants section of the Texas Office of Homeland Security is physically located with CJD which will greatly facilitate coordination and communications.
- The Texas Department of Public Safety – CJD works closely with DPS to coordinate funding targeted toward anti-gang efforts, NIBRS and securing the nation's border with Mexico.
- 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 2016 funds:

December 2016	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
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works with applicants to develop a funding plan that supports all projects.

February 2017 Grant applications are due to CJD.

May 2017 Priority recommendations due from regional COGs.

August 2017 Award grants to projects with a September 1 start date.

September 2017 Award grants to projects with an October 1 start date.

Staffing – The program manager for the Justice Programs Team is assigned lead responsibility for administration of the Justice Assistance Grant program. The Justice Team has four grant manager positions, one of which is supported by JAG administrative funds. In addition to JAG, the team manages the Anti-Gang Grant programs, Coverdell Forensic Science Improvement Grant Program, the Bulletproof Vest Partnership Program, Body Worn Cameras, Specialty Courts, Title II Formula Grant Program, and Residential Substance Abuse Treatment for State Prisoners. The team also manages several state-supported grant programs and monitors jails for compliance with the Juvenile Justice and Delinquency Prevention Act. The manager of the Justice Team reports to the CJD 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 Justice Team.
- Program Review – Conducted by the CJD program manager for the Justice 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 to establish direct deposit accounts for transmitting

reimbursement. CJD staff do not have access to the financial or banking information of subrecipients.

- Legal Review – Conducted by an attorney in the Office of the Governor’s General Counsel. The attorney reviews applications adopted by the applicant’s governing body to ensure that requirements are met in regard to the applicants’ legal responsibilities.
- Director Review – The CJD 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 checks 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 to be considered for monitoring through 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.

Plan for Collecting Data Required for this Solicitation’s 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. PPRI submits the data collected to the Performance Measurement Tool (PMT) as required.

Waiver on Specialty Vehicle Purchases

CJD does not have a pending request for funding a non-traditional law enforcement vehicle at this time. Should a project with a specialized vehicle be identified, CJD will submit a program office approval at that time.

Controlled Equipment

The CJD as the SAA is aware of the controlled equipment items. Should any requests be received for these items, we will attach conditions of funding to each sub-recipient request to ensure compliance with BJA guidelines. The SAA will submit required information as a Program Office Approval grant adjustment for approval prior to any disbursement of funds.

The CJD also requires sub-recipients to provide copies of their mandatory wear policies prior to approving any reimbursement for body armor. These items are tracked through a line item hold on the budget item for the vests. In addition, the CJD requires applicant to assure that if it plans to purchase body armor with grant funds, that it has adopted a mandatory wear policy. All applicants must certify at the time of application that they comply with this requirement.

Supplanting

The CJD as the SAA understands that Federal funds must be used to **supplement** existing State and local funds for program activities and must not supplant those funds that have been appropriated for the same purpose.