



# CITY OF IOWA CITY MEMORANDUM

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Date: August 17, 2020

To: City Council

From: Denise Brotherton, Interim Police Chief  
Eleanor Dilkes, City Attorney  
Sue Dulek, Assistant City Attorney  
Rachel Kilburg, Assistant to the City Manager

Re: Iowa City Police Department Federal Funds

## **Introduction**

On Tuesday, June 16, 2020, City Council adopted Resolution No. 20-159, which outlined seventeen actions to respond to the Black Lives Matter Movement and address systemic racism. Item number ten of this resolution included direction for staff to deliver a report on federal contracts that provide support to the Iowa City Police Department (ICPD).

## **Discussion**

Attached to this memo is a report of federal grant agreements signed by the ICPD since January 1, 2017. There are currently six open agreements and three pending.

The attached list includes: (a) funds directly awarded by the federal government; (b) federal funds awarded through the State of Iowa (federal “pass-through” grants); (c) two grants for which funds have been awarded but no agreement has yet been signed; and (d) one grant for which an application has been submitted, pending notification of award.

Additionally, the list also contains two contracts (denoted by an asterisk) with the federal government for police department services for periods in FFYs 2018 and 2020. (The federal Organized Crime Drug Enforcement Task Forces (OCDEFT) Program is often aided by local law enforcement in the investigation and prosecution of major drug trafficking organizations. OCDETF operates a program to reimburse local agencies for employee overtime costs while assisting in OCDEFT investigations. These contracts allow the City to submit for overtime reimbursement up to a maximum amount. They are not grant agreements in that the City did not apply for funding to initiate a local activity, but rather OCDEFT makes limited employee overtime funding available for when local assistance is provided in a federal investigation.)

### Johnson County Drug Task Force

Of the 22 listed agreements, eight support the Johnson County Drug Task Force (6 closed, 1 open, 1 pending). This Task Force deals with the more serious drug cases involving narcotics in the Iowa City area, with a focus primarily on methamphetamine and heroin. Recent efforts have been focused on attempting to identify distributors after a heroin overdose that results in serious injury or death.

This regional task force is made up of one member each from the Iowa City Police Department (1 position, 75% grant funded), the Johnson County Sheriff's Office, the Coralville Police Department, the University of Iowa Department of Public Safety, the Washington County Sheriff's Office, the City of Washington Police Department, and the Iowa Department of Narcotics Enforcement.

### Byrne Justice Assistance Grant (JAG) Conditions

The Byrne Justice Assistance Grant (Byrne JAG grant) is the primary provider of federal criminal justice funding to state and local jurisdictions. In 2017 the U.S. Attorney General began imposing immigration-related conditions on the receipt of Byrne JAG grants in an attempt to deny federal funds to localities that choose to limit their participation in federal immigration enforcement. These conditions have been challenged in a number of courts throughout the country on the grounds that they are unconstitutional and contrary to Congress' intent in enacting the program. In creating the Byrne JAG Program, Congress recognized the critical importance of local control over law enforcement policy and structured the program to maximize each state and local recipient's flexibility to meet its community's needs. State and Local control over their own policy choices is a central principle of the Byrne JAG program.

The City of Iowa City has joined in amicus (friend of the court) briefs filed in the litigation by cities and counties throughout the country and the United States Conference of Mayors, the National League of Cities, the National Association of Counties, the International Municipal Attorneys Association and the International City/County Management Associations. All courts with the exception of the Second Circuit Court of Appeals have issued decisions holding that some or all of the challenged conditions are invalid.

The City of Iowa City is a member of the United States Conference of Mayors (USCM). On September 26, 2019 the United States District Court for the Northern District of Illinois in the case of Evanston v. Barr issued a permanent injunction against the Department of Justice's imposition of the immigration-related conditions to Byrne JAG funds against members of the U.S. Conference of Mayors. Given the injunction, the conditions cannot be enforced against USCM members, including the City of Iowa City, and acceptance of the grant may not be construed as an acceptance of these conditions.

### ICPD Federal Funding Agreements (January 1, 2017 – August 4, 2020)

- **Title: Iowa Byrne Justice Assistance Grant (JAG) Program**  
(Grant No. 15-JAG-197460)

Amount: \$32,132 ICPD share. (\$88,868 total awarded and used).

Funds Used For: A portion of the wages and benefits for the Iowa City officer who is part of the Johnson County Drug Task Force. The award also includes Johnson County and Washington County Sheriff's offices, and the City administers the grant for these agencies.

Status: **Closed out.**

- **Title: Bulletproof Vests Partnership**  
(Grant No. 2017-BUBX17089255)

Amount: \$8,077 awarded and used.

Funds Used For: Purchase of 21 bulletproof vests.

Status: **Closed out.**

- **Title: Governor's Office of Drug Control Policy/U.S. Dept. Justice-Methamphetamine**  
(Grant No. 17-CAMP-05)

Amount: \$3,438.81 ICPD share. (\$17,000 total awarded, \$13,634 total used).

Funds Used For: Reimbursed overtime hours for methamphetamine investigations. All Johnson County Drug Task Force agencies are included in the grant, and the City provides the grant administration.

Status: **Closed out.**

- **Title: Iowa Byrne Justice Assistance Grant (JAG) Program**  
(Grant No. 17-JAG-304034)

Amount: \$34,276 ICPD share. (\$102,827 total awarded and used).

Funds Used For: A portion of the wages and benefits for the Iowa City officer who is part of the Johnson County Drug Task Force. Also includes Johnson County and Washington County Sheriff's offices, and the City administers the grant for these agencies.

Status: **Closed out.**

- **Title: Agreement—Organized Crime Drug Enforcement Task Force (10/17 to 9/18)\***

Amount: \$4,210 used. (\$18,042 maximum).

Funds Used For: Overtime reimbursement for assisting U.S. Drug Enforcement Agency.

Status: **Closed out.**

- **Title: Governor's Office of Drug Control Policy/U.S. Dept. Justice Anti-Heroin**  
(Grant No. 18-COPS Heroin-03)

Amount: \$7,905 ICPD Share. (\$17,667 total awarded, \$16,193 total used).

Funds Used For: Reimbursed overtime hours for heroin investigations. All Johnson County Drug Task Force agencies are included in the grant, and the City provides the grant administration.

Status: **Open.**

- **Title: Governor's Office of Drug Control Policy/U.S. Dept. Justice-Methamphetamine**  
(Grant No. 16-CAMP-05)

Amount: \$2,228 ICPD share. (\$18,301 total awarded, \$18,266 total used).

Funds Used For: Reimbursed overtime hours for methamphetamine investigations. All Johnson County Drug Task Force agencies are included in the grant, and the City provides the grant administration.

Status: **Closed out.**

- **Title: Stop Violence Against Women**  
(Grant No. VW-18-04-CJ)

Amount: \$63,583 awarded and used.

Funds Used For: Domestic violence investigator wages and benefits.

Status: **Closed out.**

- **Title: Governor's Traffic Safety Bureau**  
(Grant No. PAP-18-405d-M6OT, Task 18)

Amount: \$35,797 used. (\$35,800.00 awarded).

Funds Used For:

- a. Purchase four Dept. Public Safety-approved preliminary breath testers (PBT) and partial payment of fifth unit.
- b. Conduct 518 hours of high visibility traffic enforcement with a maximum effort directed at occupant restraint, impaired driving and excessive speed violations during times and at locations identified as high-risk.
- c. Participate in traffic safety training approved by the Dept. of Public Safety.

Status: **Closed out.**

- **Title: Iowa Byrne Justice Assistance Grant (JAG) Program**  
(Grant No. 16-JAG-249496)

Amount: \$36,055 ICPD share. (\$99,832 total awarded, \$99,689 total used).

Funds Used For: A portion of the wages and benefits for the Iowa City officer who is part of the Johnson County Drug Task Force. Total award includes Johnson County and Washington County Sheriff's Offices, and the City administers the grant for these agencies.

Status: **Closed out.**

- **Title: International Assn. of Chiefs of Police – Gender Bias**  
(Grant No. IACP-2018-7586-04)

Amount: \$421,742 used. (\$447,810 awarded).

Funds Used For: Wages and benefits for the Police Department Sergeant serving as grant coordinator, travel expenses for conferences for multiple officers and community partners, and overtime for officer training. The training events covered topics of domestic assault, sexual assault, stalking and strangulation with an emphasis on learning about and mitigating/overcoming gender bias and improving our response and relationship to the LGBTQ+ community.

2018. 6 national-level conferences attended by 12 ICPD staff and 8 community partners/advocates. One local training event attended by 15 ICPD staff and 19 community advocates, community partners and outside law enforcement agencies.

2019. 10 national-level conferences and 1 in-state conference attended by 50 ICPD staff and 24 community partners/advocates. 8 local training events attended by 151 ICPD staff and 60 community partners/advocates/other law enforcement officers.

Status: **Closed out.**

- **Title: Governor's Office of Drug Control Policy/U.S. Dept. Justice-Methamphetamine**  
(Grant No. 18-CAMP-06)

Amount: \$6,233 ICPD share. (\$19,500 total awarded, \$15,670 total used).

Funds Used For: Reimbursed overtime hours for methamphetamine investigations. All Johnson County Drug Task Force agencies are included in the grant, and the City provides the grant administration.

Status: **Closed out.**

- **Title: Governor's Traffic Safety Bureau**  
(Grant No. PAP-19-402-M0PT, Task 11-00-00)

Amount: \$44,693 used. (\$45,100 awarded).

Funds Used For:

- Conduct 686 hours of high visibility traffic enforcement with a maximum effort directed at occupant restraint, impaired driving and excessive speed violations during times and at locations identified as high-risk, including at least two specific traffic enforcement projects, one of which will be conducted at night.
- Conduct at least twelve public information/education activities aimed at improving driver safety behaviors.
- Conduct and publicize results of two observational occupant protection surveys during March and August.
- Purchase four Dept. Public Safety- approved preliminary breath testers (PBT) and two in-car video cameras and utilize for impaired driving-related traffic enforcement.
- Participate in traffic safety training.

Status: **Closed out.**

- **Title: Stop Violence Against Women**  
(Grant No. VW-19-04-CJ)

Amount: \$83,853 awarded and used.

Funds Used For: Domestic violence investigator wages and benefits.

Status: **Closed out.**

- **Title: Governor's Traffic Safety Bureau -Highway Safety**  
(Grant No. GTSB PAP-20-405b-M1HVE, Task 00-06-00)

Amount: \$5,000 awarded.

Funds Used For:

- a. Conduct 104 overtime hours of planned high traffic enforcement with a maximum effort directed at occupant restraint after sunset and before sunrise and at locations identified as high-risk.
- b. Conduct at least one public information activity aimed at improving driver safety behaviors related to the nighttime seat belt enforcement project.

Status: **Open.**

- **Title: Stop Violence Against Women**  
(Grant No. VW-20-42-LE)

Amount: \$69,941 awarded.

Funds Used For: Domestic violence investigator wages and benefits.

Status: **Open.**

- **Title: Governor's Traffic Safety Bureau -Highway Safety**  
(Grant No. GTSB PAP-20-402-M0PT, Task 18-00-00)

Amount: \$45,350 awarded.

Funds Used For:

- a. Conduct 708 overtime hours of high visibility traffic enforcement with a maximum effort directed at occupant restraint, impaired driving and excessive speed violations during times and at locations identified as high-risk, including at least two special traffic projects, one of which will be conducted at night.
- b. Conduct at least twelve public information/education activities aimed at improving driver safety behaviors.
- c. Conduct and publicize results of two observational occupant protection surveys during March and August.
- d. Purchase three Dept. Public Safety-approved preliminary breath testers (PBT) and two in-car video cameras and utilize for impaired driving-related traffic enforcement.
- e. Participate in traffic safety training.

Status: **Open.**

- **Title: U.S. Dept. of Justice Coronavirus Emergency Supplemental Funding Program**  
(Grant No. 2020-VD-BX-1235-FY20)

Amount: \$72,542 awarded.

Funds Used For: Purchase of Aeroclave Mobile Decontamination Unit, ultraviolet germicidal irradiation equipment, panel partition walls for shared workspace, body temperature scanners, Lexis/Nexis Desk Reporting System software, Open Lattice data model consulting, and small amount of additional equipment.

Status: **Open.**

- **Title: Agreement—FFY 2020 Organized Crime Drug Enforcement Task Force\***  
**Amount:** \$2,000 maximum amount.  
**Funds To Be Used For:** Overtime reimbursement for assisting U.S. Drug Enforcement Agency.  
**Status:** **No overtime expenses have been incurred to date.**
- **Title: Governor’s Office of Drug Control Policy/U.S. Dept. Justice/Byrne**  
(Grant No. 18-JAG-343666)  
**Amount:** \$100,000 awarded.  
**Funds Used For:** A portion of the wages and benefits for the Iowa City officer who is part of the Johnson County Drug Task Force. Also includes Johnson County and Washington County Sheriff’s offices, and the City administers the grant for these agencies.  
**Status:** **Grant agreement has not been received.**
- **Title: Governor’s Traffic Safety Bureau -Highway Safety**  
(Grant No. \_\_\_\_\_)  
**Amount:** \$47,350 awarded.  
**Funds To Be Used For:** Traffic enforcement, training related travel, likely purchase of 2 moving radar units and 3 preliminary breathalyzer tests (PBT).  
**Status:** **Grant agreement has not been received.**
- **Title: Bulletproof Vests Partnership**  
**Amount:** \$8,274 requested.  
**Funds To Be Used For:** Purchase of 21 bulletproof vests.  
**Status:** **Grant application submitted; not awarded.**