



Monterey County

Item No.

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: 21-547

June 22, 2021

Introduced: 6/10/2021

Current Status: Agenda Ready

Version: 1

Matter Type: General Agenda Item

Authorize the District Attorney of the County of Monterey, on behalf of the County, to submit grant proposals to the U.S. Department of Justice for Cold Case DNA testing, and to execute on behalf of the County the Grant Award Agreements including any extension or amendments thereof.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

Authorize the District Attorney of the County of Monterey, on behalf of the County, to submit grant proposals to the U.S. Department of Justice for Cold Case DNA testing, and to execute on behalf of the County the Grant Award Agreements including any extension or amendments thereof.

SUMMARY:

The Monterey County District Attorney's Office relies on a variety of Federal and State grants to provide a portion of the financial support required by the Department for the services it provides in the County. If awarded, these funds will be used to reduce the number of unsolved homicides in Monterey County.

DISCUSSION:

Approval will allow the District Attorney to apply for a grant from the U.S. Department of Justice (DOJ) for Cold Case DNA testing and prosecution, which if approved, will fund expenses related to investigating and prosecuting "Violent Crime Cold Cases" such as homicides, unidentified human remains cases and other violent crimes that have remain unsolved for at least 3 years in our County.

OTHER AGENCY INVOLVEMENT:

None.

FINANCING:

If the grant application is approved by the DOJ, budget modifications for the FY 2021-22 budget will be submitted to the Budget Committee and Board of Supervisors for inclusion in the District Attorney's approved budget. Approval of this request and the receipt of the subject grant will have no impact on the County General Fund.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Approval of this request will increase public safety throughout the county by the increased prosecution efforts surrounding cold cases.

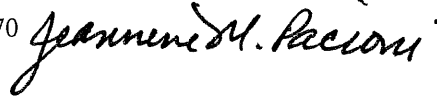
Mark a check to the related Board of Supervisors Strategic Initiatives

Encl (1)

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

Prepared by: G. Bruce Suckow, Finance Manager to DA, Ext. 5259

Approved by: Jeannine M. Pacioni, District Attorney, Ext. 5470



- Attachments:
- Board Report
 - Proposal Request

Suckow, Bruce x5259

From: McGuirk, Ryan J. x6055
Sent: Monday, December 20, 2021 11:52 AM
To: Pacioni, Jeannine M.; Suckow, Bruce x5259
Subject: initial Justice Grant award letter

December 17, 2021

Dear Ryan McGuirk,

On behalf of Attorney General Merrick B. Garland, it is my pleasure to inform you the Office of Justice Programs (OJP) has approved the application submitted by MONTEREY, COUNTY OF for an award under the funding opportunity entitled 2021 BJA FY 21 Prosecuting Cold Cases Using DNA. The approved award amount is \$535,000.

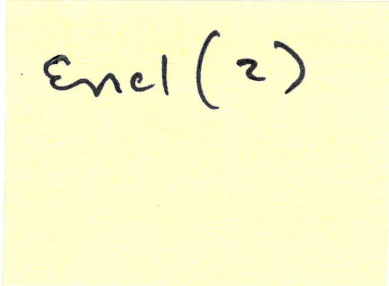
Review the Award Instrument below carefully and familiarize yourself with all conditions and requirements before accepting your award. The Award Instrument includes the Award Offer (Award Information, Project Information, Financial Information, and Award Conditions) and Award Acceptance.

Please note that award requirements include not only the conditions and limitations set forth in the Award Offer, but also compliance with assurances and certifications that relate to conduct during the period of performance for the award. These requirements encompass financial, administrative, and programmatic matters, as well as other important matters (e.g., specific restrictions on use of funds). Therefore, all key staff should receive the award conditions, the assurances and certifications, and the application as approved by OJP, so that they understand the award requirements. Information on all pertinent award requirements also must be provided to any subrecipient of the award.

Should you accept the award and then fail to comply with an award requirement, DOJ will pursue appropriate remedies for non-compliance, which may include termination of the award and/or a requirement to repay award funds.

To accept the award, the Authorized Representative(s) must accept all parts of the Award Offer in the Justice Grants System (JustGrants), including by executing the required declaration and certification, within 45 days from the award date.

Congratulations, and we look forward to working with you.



Encl (2)

Amy Solomon

Principal Deputy Assistant Attorney General

Office for Civil Rights Notice for All Recipients

The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) has been delegated the responsibility for ensuring that recipients of federal financial assistance from the OJP, the Office of Community Oriented Policing Services (COPS), and the Office on Violence Against Women (OVW) are not engaged in discrimination prohibited by law. Several federal civil rights laws, such as Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973, require recipients of federal financial assistance to give assurances that they will comply with those laws. Taken together, these civil rights laws prohibit recipients of federal financial assistance from DOJ from discriminating in services and employment because of race, color, national origin, religion, disability, sex, and, for grants authorized under the Violence Against Women Act, sexual orientation and gender identity. Recipients are also prohibited from discriminating in services because of age. For a complete review of these civil rights laws and nondiscrimination requirements, in connection with DOJ awards, see <https://ojp.gov/funding/Explore/LegalOverview/CivilRightsRequirements.htm>.

Under the delegation of authority, the OCR investigates allegations of discrimination against recipients from individuals, entities, or groups. In addition, the OCR conducts limited compliance reviews and audits based on regulatory criteria. These reviews and audits permit the OCR to evaluate whether recipients of financial assistance from the Department are providing services in a nondiscriminatory manner to their service population or have employment practices that meet equal-opportunity standards.

If you are a recipient of grant awards under the Omnibus Crime Control and Safe Streets Act or the Juvenile Justice and Delinquency Prevention Act and your agency is part of a criminal justice system, there are two additional obligations that may apply in connection with the awards: (1) complying with the regulation relating to Equal Employment Opportunity Programs (EEOs); and (2) submitting findings of discrimination to OCR. For additional information regarding the EEO requirement, see 28 CFR Part 42, subpart E, and for additional information regarding requirements when there is an adverse finding, see 28 C.F.R. §§ 42.204(c), .205(c)(5).

The OCR is available to help you and your organization meet the civil rights requirements that are associated with DOJ grant funding. If you would like the OCR to assist you in fulfilling your organization's civil rights or nondiscrimination responsibilities as a recipient of federal financial assistance, please do not hesitate to contact the OCR at askOCR@ojp.usdoj.gov.

Memorandum Regarding NEPA

NEPA Letter Type

OJP - Ongoing NEPA Compliance Incorporated into Further Developmental Stages

NEPA Letter

The Prosecuting Cold Cases Using DNA Program provides funding to support agencies in the resolution of violent crime cold cases by providing resources for agencies to prosecute cases where a suspect's DNA has been identified, decreasing the number of unresolved violent crime cold cases.

All recipients of funding under this award must assist the Office of Justice Programs (OJP) in complying with NEPA and other related federal environmental impact analyses requirements in the use of grant funds, whether the funds are used directly by the recipient or by a subrecipient or third party. Accordingly, prior to obligating funds for any of the activities specified below, the grantee must first ensure compliance with OJP NEPA procedures.

The specified activities requiring environmental analysis are:

- (1) New construction
- (2) Any renovation or remodeling of a property located in an environmentally or historically sensitive area, including property (a) listed on or eligible for listing on the National Register of Historic Places, or (b) located within a 100-year flood plain, a wetland, or habitat for an endangered species
- (3) A renovation that will change the basic prior use of a facility or significantly change its size
- (4) Research and technology whose anticipated and future application could be expected to have an effect on the environment
- (5) Implementation of a program involving the use of chemicals (including the identification, seizure, or closure of clandestine methamphetamine laboratories)

Complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by OJP. Further, for programs relating to methamphetamine laboratory operations, the preparation of a detailed Mitigation Plan will be required. Please be sure to carefully review the grant conditions on your award document, as it may contain more specific information about environmental compliance.

For more information about NEPA requirements, including which projects may qualify for categorical exclusions, and the preparation of an environmental review documents, please see

<https://bja.ojp.gov/national-environmental-policy-act-nepa-guidance>

Questions about this determination may be directed to your grant manager or Environmental Coordinator for the Bureau of Justice Assistance

NEPA Coordinator

First Name

Orbin

Middle Name

Last Name

Terry

Ryan McGuirk



Ryan McGuirk
Chief District Attorney Investigator
Monterey County District Attorney's Office
Phone: 831-755-5070
Fax: 831-796-3389

- > Award Letter
- > Award Information
- > Project Information
- > Financial Information
- > Award Conditions
- ✓ Award Acceptance

Declaration and Certification to the U.S. Department of Justice as to Acceptance

By checking the declaration and certification box below, I--

A. Declare to the U.S. Department of Justice (DOJ), under penalty of perjury, that I have authority to make this declaration and certification on behalf of the applicant.

B. Certify to DOJ, under penalty of perjury, on behalf of myself and the applicant, to the best of my knowledge and belief, that the following are true as of the date of this award acceptance: (1) I have conducted or there was conducted (including by applicant's legal counsel as appropriate and made available to me) a diligent review of all terms and conditions of, and all supporting materials submitted in connection with, this award, including any assurances and certifications (including anything submitted in connection therewith by a person on behalf of the applicant before, after, or at the time of the application submission and any materials that accompany this acceptance and certification); and (2) I have the legal authority to accept this award on behalf of the applicant.

C. Accept this award on behalf of the applicant.

D. Declare the following to DOJ, under penalty of perjury, on behalf of myself and the applicant: (1) I understand that, in taking (or not taking) any action pursuant to this declaration and certification, DOJ will rely upon this declaration and certification as a material representation; and (2) I understand that any materially false, fictitious, or fraudulent information or statement in this declaration and certification (or concealment or omission of a material fact as to either) may be the subject of criminal prosecution (including under 18 U.S.C. §§ 1001 and/or 1621, and/or 34 U.S.C. §§ 10271-10273), and also may subject me and the applicant to civil penalties and administrative remedies under the federal False Claims Act (including under 31 U.S.C. §§ 3729-3730 and/or §§ 3801-3812) or otherwise.

| | | |
|--|----------------------------|----------------------|
| Agency Approval | | |
| Title of Approving Official | Name of Approving Official | Signed Date And Time |
| Principal Deputy Assistant Attorney | Amy Solomon | 12/16/21 11:17 AM |

General

Authorized Representative



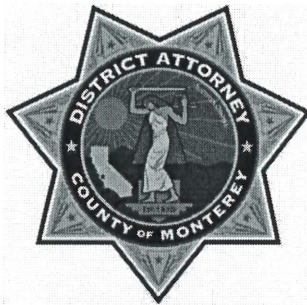
Entity Acceptance

Title of Authorized Entity Official

Chief Investigator

Signed Date And Time
Ryan McGuirk

12/20/21 12:10 hours



JEANNINE M. PACIONI
District Attorney

PRESS RELEASE

January 24, 2022

Contact: Matthew L'Heureux, Deputy District Attorney
Telephone: (831) 755-5267

MONTEREY COUNTY DISTRICT ATTORNEY JEANNINE M. PACIONI RECEIVES A \$535,000 FEDERAL GRANT FOR HER COLD CASE TASK FORCE FOR USE OF DNA TECHNOLOGY IN VIOLENT CRIME INVESTIGATIONS AND PROSECUTIONS

SALINAS, California- District Attorney Jeannine M. Pacioni announced today that the U.S. Department of Justice has awarded the Monterey County District Attorney's Office Cold Case Task Force a \$535,000 grant for the use of DNA technology in cold-case investigations and prosecutions.

The grant which is one of seven awarded is titled "FY 2021 Prosecuting Cold Cases Using DNA," was funded by the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance. The program was designed to increase the capacity of state and local prosecution offices to address and close violent crime cold cases. The grant will provide funding to support forensic testing and investigative activities in the prosecution of cold cases where DNA from a suspect has been identified. Violent crime cold cases include homicides, forcible rapes, missing persons, or unidentified persons that have remained unsolved for at least three years and have the potential to be solved and/or prosecuted through the application of forensic techniques and/or technologies, or newly acquired information or advanced technologies to analyze evidence.

With the support of the grant, the Cold Case Task Force proposes to identify and actively investigate 45 violent-crime cold cases over the next three years where suspect DNA has been identified or where there is DNA evidence that could be used to identify previously unidentified human remains. The grant funding will enable the Task Force to hire an annuitant investigator to exclusively work on qualifying cold cases, as well as to pursue advanced DNA testing at accredited private laboratories.

Encl (3)

In July 2020, District Attorney Jeannine M. Pacioni implemented the Monterey County District Attorney's Office Cold Case Task Force, an inter-agency working group designed to assist local agencies with investigating, resolving, and prosecuting their unsolved homicide cases. The Task Force consists of multiple veteran investigators and a deputy district attorney who collaborate with the original investigating agency to review cases, develop investigative strategies, conduct witness interviews, do background research, and facilitate the submission or re-submission of items for potential DNA and other scientific testing. With the support and assistance of the local chiefs of police, the Task Force has collaborated with eight local law-enforcement agencies on one or multiple unsolved cases. In its first year, we solved five cases and the Task Force has reviewed more than 30 different homicide cases occurring between 1974 and 2018. The District Attorney's Office has filed charges against six suspects for six cold-case homicides.

The Task Force will collaborate with detectives on any case upon the request of the investigating agency. The Task Force aims to increase inter-agency collaboration, combine the talents and expertise of multiple investigators to examine unresolved cases with fresh eyes, and to demonstrate to the citizens of Monterey County that these victims and their cases have not been forgotten despite the passage of time.

Further information on the Task Force is available at <https://www.co.monterey.ca.us/government/departments-a-h/district-attorney/cold-case-task-force>.

If you have information relating to an unsolved homicide, you may contact Chief Ryan McGuirk at McGuirkRJ@co.monterey.ca.us or Investigator Bill Clark at ClarkB@co.monterey.ca.us.

Award Number: 15PBJA-21-GG-004356-DNAX.

To view video: <https://www.facebook.com/montereyda>