



WASHOE COUNTY

Integrity Communication Service
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STAFF REPORT

BOARD MEETING DATE: January 10, 2017

CM/ACM JS
Finance LC/CH
DA KM
Risk Mgt NA
HR NA
Other GE

DATE: Thursday, December 22, 2016

TO: Board of County Commissioners

FROM: Pat Lee, Captain, Special Operations Division
(775) 321-4912, plee@washoecounty.us

THROUGH: Chuck Allen, Sheriff *Joan Schilling*

SUBJECT: Approve a grant award [not to exceed \$17,200, no match required] from the U.S. Marshals Service for reimbursement of overtime costs incurred while participating in the U.S. Marshals' Regional Fugitive Investigative Strike Teams (FIST) during the retroactive Federal FY 2017 period of 10/19/2016-9/30/17; and if approved, authorize Comptroller's Office to make necessary budget amendments. (All Commission Districts)

SUMMARY

These funds from the United States Marshals Service will be used to reimburse the County for overtime expenses incurred for the investigation and arrest of fugitives by deputies working on the Regional Fugitive Investigative Strike Teams (FIST).

Washoe County Strategic Objective supported by this item: Safe, Secure and healthy communities.

PREVIOUS ACTION

Prior U.S. Marshals' Regional Fugitive Investigative Strike Teams (FIST) grant awards were approved by the Board on Mar. 8, 2016, Dec. 8, 2015, Jul. 8, 2014 and Jan 8, 2013.

BACKGROUND

In the 1980's the U.S. Marshals Service inaugurated the use of Fugitive Investigative Strike Teams, referred to as FIST operations, to capture violent fugitives that were wanted by Federal and local law enforcement agencies. The goal of a FIST operation was to locate and arrest a large number of fugitives in a particular region, within a relatively brief period, by focusing the resources of local, state, and Federal law enforcement agencies.

AGENDA ITEM # 5.H.1.

That concept has been extended to the state level. The Washoe County Sheriff's Office and the United States Marshals Service, pursuant to the Presidential Threat Protection Act of 2000, have established the Nevada Fugitive Investigative Strike Team Task Force (NV-FIST) for the purpose of locating and apprehending fugitives. The funds provided by the U.S. Marshals Service help to defray costs associated with investigation and arrest of fugitives from justice.

Email authorization for the immediate use of these funds was received from the US Marshals Service in November 2016, and this award was submitted to the first available BCC meeting upon receipt of that notification.

GRANT AWARD SUMMARY

Project/Program Name: *FIST 2017*

Scope of the Project: *Apprehension of fugitives*

Benefit to Washoe County Residents: *Safer Community*

On-Going Program Support: *N/A*

Award Amount: *Not to exceed \$17,200.00*

Grant Period: *10/19/16-9/30/17*

Funding Source: *U.S. Marshals Service*

Pass Through Entity: *None*

CFDA Number: *16.000*

Grant ID Number: *Not available*

Match Amount and Type: *No Match*

Sub-Awards and Contracts: *No sub awards/contracts. Only those deputies assigned to the task force may utilize these overtime funds.*

FISCAL IMPACT

Should the board accept this grant award and approve these amendments, the adopted budget will be increased by \$17,200 in both revenues and expenditures in the following accounts:

Increase Revenues

tbd-485129 [NV-FIST Salary Reimbursement]	\$17,200
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Increase Expenditures

tbd-701300 [NV-FIST Overtime]	\$17,200
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- *No match required*
- *Grant funds will be drawn as an advance or reimbursement*
 - *Upfront cash from General Funds.*
- *Sponsor does not allow for indirect costs*

RECOMMENDATION

It is recommended that the Board of County Commissioners approve grant award [not to exceed \$17,200, no match required] from the U.S. Marshals Service for reimbursement of overtime costs incurred while participating in the U.S. Marshals' Regional Fugitive Investigative Strike Teams (FIST) during the retroactive Federal FY 2017 period of 10/19/2016-9/30/17; and if approved, authorize Comptroller's Office to make necessary budget amendments.

POSSIBLE MOTION

Should the Board agree with staff's recommendation, a possible motion, move to approve grant award [not to exceed \$17,200, no match required] from the U.S. Marshals Service for reimbursement of overtime costs incurred while participating in the U.S. Marshals' Regional Fugitive Investigative Strike Teams (FIST) during the retroactive Federal FY 2017 period of 10/19/2016-9/30/17; and if approved, authorize Comptroller's Office to make necessary budget amendments.

INSTRUCTIONS: See last page for detailed instructions.

SECTION 1: OBLIGATION

DOCUMENT CONTROL #: JLEO-17-0371

SECTION 2: PARTICIPATING AGENCIES

Notification to state and local agencies of funding provided in support of Joint Law Enforcement Operations, pursuant to the Memorandum of Understanding (MOU) between:

Washoe County, NV Sheriff's Department
and
PSWRFTF

All other terms and conditions of the MOU remain the same.

SECTION 3: PERIOD OF PERFORMANCE

October 19, 2016 to September 30, 2017

SECTION 4: APPROPRIATION DATA

FISCAL YEAR	ORGANIZATION	FUND	PROJECT	SOC / PURPOSE	DOLLAR AMOUNT
2017	A3401	AFF-B-OP	JLEOTFS1	25302 - TFO Overtime	\$17,200.00
Total Obligation Amount:					\$17,200.00

SECTION 5: DESCRIPTION OF OBLIGATION

SECTION 6: CONTACT INFORMATION

DISTRICT/RFTF CONTACT:

Name: _____
Phone: _____
E-mail: _____

STATE/LOCAL CONTACT:

Name: _____
Phone: _____
E-mail: _____

SECTION 7: AUTHORIZATION

USMS Representative - Certification of Funds:

Signature: _____

Michael Halper, Chief, DIB Financial Management

Date: 10/18/16

Chief Deputy or RFTF Commander - Obligation Approval:

Signature: _____

Rick Jessup, Chief, Domestic Investigations Branch

Date: 11/18/16

Reimbursement of overtime work shall be consistent with the Fair Labor Standards Act. Annual overtime for each state or local law enforcement officer is capped at the equivalent of 25% of a GS-1811-12, Step 1, of the general pay scale for the RUS. Reimbursement for all types of qualified expenses shall be contingent upon availability of funds and the submission of a proper request for reimbursement which shall be submitted monthly or quarterly on a fiscal year basis, and which provides the names of the investigators who incurred overtime for the Task Force during the quarter; the number of overtime hours incurred, the hourly regular and overtime rates in effect for each investigator.

Departmental Representative - Acknowledgment:

Signature: _____

Date: 11/22/16

United States Marshals Service
Regional Fugitive Task Force – Memorandum of Understanding

PARTIES AND AUTHORITY:

This Memorandum of Understanding (MOU) is entered into by the

and the United States Marshals Service (USMS) pursuant to 28 U.S.C. § 566(e)(1)(B). As set forth in the Presidential Threat Protection Act of 2000 and directed by the Attorney General, the USMS has been granted authority to direct and coordinate permanent Regional Fugitive Task Forces consisting of Federal, state, and local law enforcement authorities for the purpose of locating and apprehending fugitives. The authority of the USMS to investigate fugitive matters as directed by the Attorney General is set forth in 28 USC § 566. The Director's authority to direct and supervise all activities of the USMS is set forth in 28 USC § 561(g) and 28 CFR 0.111. The authority of United States Marshals and Deputy U.S. Marshals, "in executing the laws of the United States within a State . . . [to] exercise the same powers which a sheriff of the State may exercise in executing the laws thereof" is set forth in 28 USC § 564. Additional authority is derived from 18 USC § 3053 and Office of Investigative Agency Policies Resolutions 2 & 15. (*See also*) "Memorandum for Howard M. Shapiro, General Counsel, Federal Bureau of Investigation" concerning the "Authority to Pursue Non-Federal Fugitives", issued by the U.S. Department of Justice, Office of Legal Counsel, dated February 21, 1995. (*See also*) Memorandum concerning the Authority to Pursue Non-Federal Fugitives, issued by the USMS Office of General Counsel, dated May, 1, 1995. (*See also*) 42 U.S.C. § 16941(a)(the Attorney General shall use the resources of federal law enforcement, including the United States Marshals Service, to assist jurisdictions in locating and apprehending sex offenders who violate sex offender registration requirements).

MISSION:

The primary mission of the task force is to investigate and arrest, as part of joint law enforcement operations, persons who have active state and federal warrants for their arrest. The intent of the joint effort is to investigate and apprehend local, state and federal fugitives, thereby improving public safety and reducing violent crime.

Each participating agency agrees to refer cases for investigation by the RFTF (Regional Fugitive Task Force). Cases will be adopted by the RFTF at the discretion of the RFTF Chief Inspector. Targeted crimes will primarily include violent crimes against persons, weapons offenses, felony drug offenses, failure to register as a sex offender, and crimes committed by subjects who have a criminal history involving violent crimes, felony drug offenses, and/or weapons offenses. Upon receipt of a written request, the RFTF may also assist non-participating law enforcement agencies in investigating, locating and arresting their fugitives. Task force personnel will be assigned federal, state, and local fugitive cases for investigation. Investigative teams will consist of personnel from different agencies whenever possible. Participating agencies retain responsibility for the cases they refer to the RFTF.

Federal fugitive cases referred to the task force for investigation by any participating agency will be entered into the National Crime Information Center (NCIC) by the USMS or originating agency, as appropriate. State or local fugitive cases will be entered into NCIC (and other applicable state or local lookout systems) as appropriate by the concerned state or local agency.

SUPERVISION:

The RFTF will consist of law enforcement and administrative personnel from federal, state, and local law enforcement agencies. Agency personnel must be approved by the RFTF Chief Inspector prior to assignment to the RFTF. Agency personnel may be removed at any time at the discretion of the RFTF Chief Inspector.

Direction and coordination of the RFTF shall be the responsibility of the USMS RFTF Chief Inspector. Administrative matters which are internal to the participating agencies remain the responsibility of the respective agencies. Furthermore, each agency retains responsibility for the conduct of its personnel.

A Task Force Advisory Committee, consisting of representatives of participating agencies and USMS RFTF personnel, may be established at the discretion of the RFTF Chief Inspector and will meet and confer as necessary to review and address issues concerning operational matters within the RFTF.

PERSONNEL:

In accordance with Homeland Security Presidential Directive 12, personnel assigned to the task force are required to undergo background investigations in order to be provided unescorted access to USMS offices, records, and computer systems. The USMS shall bear the costs associated with those investigations. Non-USMS law enforcement officers assigned to the task force will be deputized as Special Deputy U.S. Marshals.

Task force personnel may be required to travel outside of the jurisdiction to which they are normally assigned in furtherance of task force operations. State or local task force officers traveling on official business at the direction of the USMS shall be reimbursed directly by the USMS for their travel expenses in accordance with applicable federal laws, rules, and regulations.

REIMBURSEMENT:

If the Marshals Service receives Asset Forfeiture funding for either 1) overtime incurred by state and local investigators who provide full time support to USMS RFTF joint law enforcement task forces; or 2) travel, training, purchase or lease of police vehicles, fuel, supplies or equipment for state and local investigators in direct support of state and local investigators, the USMS shall, pending availability of funds, reimburse your organization for expenses incurred, depending on which category of funding is provided.

Reimbursement of overtime work shall be consistent with the Fair Labor Standards Act. Annual overtime for each state or local law enforcement officer is capped at the equivalent of 25% of a GS-1811-12, Step 1, of the general pay scale for the RUS. Reimbursement for all types of qualified expenses shall be contingent upon availability of funds and the submission of a proper request for reimbursement which shall be submitted quarterly on a fiscal year basis, and which provides the names of the investigators who incurred overtime for the RFTF during the quarter; the number of overtime hours incurred, the hourly regular and overtime rates in effect for each investigator, and the total quarterly cost.

The request for reimbursement must be submitted to the RFTF Chief Inspector, who will review the request for reimbursement, stamp and sign indicating that services were received and that the request for reimbursement is approved for payment. Supporting documentation must accompany requests for reimbursement for equipment, supplies, training, fuel, and vehicle leases.

VEHICLES AND EQUIPMENT:

Notwithstanding the above, pending the availability of asset forfeiture funding and approval by the USMS in advance of any purchase, the USMS may acquire vehicles and equipment purchased in support of full time state and local investigators assigned to the RFTF involved in joint law enforcement operations. Such vehicle and equipment purchases are to be titled to the state or local law enforcement agency and must comply with requirements prescribed by the USMS pursuant to this MOU and applicable policies of the United States Department of Justice. Vehicles and equipment provided to state and local law enforcement agencies with asset forfeiture monies provided by the USMS must remain available for exclusive use of the task force officers assigned to the RFTF by the undersigned participant agency for the duration of the task force. Upon termination of the agreement, usage and disposition of such vehicles are at the discretion of the undersigned state or local law enforcement agency.

Pending the availability of funds and equipment, the USMS will issue USMS radios, telephones, and other communication devices to each task force officer to be used for official RFTF business. All equipment used by or assigned to task force officers by the USMS or an agency will remain the property of the agency issuing the equipment and will be returned to that agency upon termination of the task force, or upon agency request.

RECORDS AND REPORTS:

Original reports of investigation, evidence, and other investigative materials generated, seized, or collected by the RFTF shall be retained by the agency in the RFTF responsible for the case. However, evidence may be turned over to other law enforcement agencies as appropriate. Copies of investigative reports and other materials may be provided to other agencies in accordance with applicable laws, rules, and regulations. Task force statistics will be maintained in the USMS Justice Detainee Information System (JDIS) - Warrant Information Network (WIN). Statistics will be made available to any participating agency upon request.

INFORMANTS:

Pending the availability of funds, the USMS may provide funding for the payment of informants. However, all payments of informants utilizing USMS funding shall comply with USMS policy.

USE OF FORCE:

All members of the RFTF will comply with their agencies' guidelines concerning the use of firearms, deadly force, and less-than-lethal devices, to include completing all necessary training and certification requirements. All members of the RFTF and their parent agencies will read and adhere to the DOJ Policy Statement on the Use Of Less-Than-Lethal Devices, dated May 16, 2011. Copies of all applicable firearms, deadly force, and less-than-lethal policies shall be provided to the RFTF Chief Inspector and each concerned task force officer. In the event of a shooting involving task force personnel, the incident will be investigated by the appropriate agency(s).

