

INTRODUCED: November 13, 2018

AN ORDINANCE No. 2018-281

To authorize the Chief Administrative Officer to accept funds in the amount of \$500,000.00 from the United States Department of Justice; to amend the Fiscal Year 2018-2019 Special Fund Budget by creating a new special fund for the Sheriff and Jail called the Richmond Retooled Comprehensive Second Chance Reentry Program Special Fund; and to appropriate the grant funds received to the Fiscal Year 2018-2019 Special Fund Budget by increasing estimated revenues and the amount appropriated to the Sheriff and Jail’s Richmond Retooled Comprehensive Second Chance Reentry Program Special Fund by \$500,000.00 for the purpose of reducing recidivism by facilitating reentry for inmates being released from the City Jail.

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Patron – Mayor Stoney  
\_\_\_\_\_

Approved as to form and legality  
by the City Attorney  
\_\_\_\_\_

PUBLIC HEARING: DEC 10 2018 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That the Chief Administrative Officer is authorized to accept funds for the City of Richmond in the amount of \$500,000.00 from the Virginia Department of Criminal Justice Services for the purpose of reducing recidivism by providing reentry services to inmates being released from the City Jail.

§ 2. That Ordinance No. 2018-058, adopted May 14, 2018, which adopted a Special Fund Budget for the fiscal year commencing July 1, 2018, and ending June 30, 2019, and made

AYES:            9            NOES:            0            ABSTAIN: \_\_\_\_\_

ADOPTED: DEC 17 2018 REJECTED: \_\_\_\_\_ STRICKEN: \_\_\_\_\_

appropriations pursuant thereto, be and is hereby amended by creating a new special fund for the Sheriff and Jail called the Richmond Retooled Comprehensive Second Chance Reentry Program Special Fund for the purpose of reducing recidivism by providing reentry services to inmates being released from the City Jail.

§ 3. That Ordinance No. 2018-058, adopted May 14, 2018, which adopted a Special Fund Budget for the fiscal year commencing July 1, 2018, and ending June 30, 2019, and made appropriations pursuant thereto, be and is hereby amended by increasing revenues from the funds accepted pursuant to section 1 of this ordinance by \$500,000.00 and increasing the amount appropriated to the Sheriff and Jail's Richmond Retooled Comprehensive Second Chance Reentry Program Special Fund, cost center 01601, by \$500,000.00 for the purpose of reducing recidivism by providing reentry services to inmates being released from the City Jail.

§ 4. This ordinance shall be in force and effect upon adoption.



CITY OF RICHMOND
INTRACITY CORRESPONDENCE

O & R REQUEST
4-8257
OCT 16 2018

Office of the
Chief Administrative Officer

O&R REQUEST

DATE: October 16, 2018 EDITION: 1
TO: The Honorable Members of City Council
THROUGH: The Honorable Levar M. Stoney, Mayor
THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer
THROUGH: Lenora Reid, Deputy Chief Administrative Officer
THROUGH: Jay A. Brown, Director, Budget and Strategic Planning
THROUGH: John B. Wack, Director, Finance
FROM: Antionette V. Irving, Sheriff
RE: Proposed acceptance and appropriation of Richmond Retooled Comprehensive Second Chance Reentry Program Grant Funding

ORD. OR RES. No.

PURPOSE: Authorizing the City Administration to accept the award from the U.S. Department of Justice, Office of Justice Programs grant in the amount of Five Hundred Thousand (\$500,000.00) dollars and appropriating the increase to Special Fund (01601 Cost Center) for the Richmond City Sheriff's Office (RCSO) starting October 2018.

REASON: The Richmond City Sheriff's Office seeks approval for funds in the amount of \$500,000.00 awarded by the U.S. Department of Justice, Office of Justice Programs for the Richmond Retooled Comprehensive Second Chance Reentry Program Grant.

RECOMMENDATION: It is recommended that this funding be accepted and appropriated to the Richmond City Sheriff's Office effective Fiscal Year 2019.

BACKGROUND: The Richmond City Sheriff's Office (RCSO) implemented the Richmond Second Chance Reentry Model in 2009. The model began as a pilot to develop a comprehensive and continuous reentry program model to more effectively address the root causes of the high

recidivism rates among the disproportionate number of offenders who return to the Richmond community. The program was developed in the spirit of the Second Chance Act of 2007. The RCSO structured services both pre- and post-release to help inmates obtain training, secure employment, and pursue family reunification to help stabilize and support the inmate as well as other family members. By providing support to the inmate and the family members, the approach would have a broader impact in reducing recidivism, improving quality of life of the inmates and family members, and positively impact the larger Richmond community. The current, *Retooled Comprehensive Second Chance Reentry Program* is a plan that will provide enhanced strategies for a successful reintegration into the community. The program will assess, identify and connect residents with resources and services specific to their needs. The wrap-around services include education, employability skills/job training/vocational, financial literacy, health & human services, housing, and transportation. This will be accomplished through collaborating and partnering with community agencies (local, state, & federal), faith-based, families, criminal justice system, and workforce partners. Each resident will receive pre- and post- release services. The program will be administered via a Comprehensive Reentry Program (*Work Ready, Home Ready, & Community Ready*), which places an emphasis on job-readiness, job-training, skill based certifications, and job placement and via a Comprehensive Therapeutic Program (*Growth through Recovery over Addiction with Counseling to Empower - GRACE*), which addresses the underlying issues and barriers to long-term, sustainable, employment.

**FISCAL IMPACT / COST:** The total amount of this award is \$500,000.00. The Richmond City Sheriff's Office will use the funding for assistance with programs for and the training of inmates in custody as they transition back to society. *There is a cash match requirement which we have assigned to existing personnel costs (in kind).*

**FISCAL IMPLICATIONS:** The acceptance of this award will allow the Richmond City Sheriff's Office to provide comprehensive reentry programs and services for the target population of residents/inmates with classification levels 6, 7, & 8 (highest number = minimum security with classifications 7 & 8 designated as work release) and have a minimum 6-9 month release date. This is a great benefit to the Sheriff's Office and the City as residents will be better prepared to reintegrate into the community and will have greater access than before to post release community services and resources. As the program develops, components may be cross-pollinated to the general population to benefit a greater percentage of residents.

**BUDGET AMENDMENT NECESSARY:** Yes, the Special Funds Budget must be amended/created for this Grant.

**REVENUE TO CITY:** A drawdown of Grant funds will be completed every quarter to not exceed \$500,000.00 from October 2018 through September 2021 from the U.S. Department of Justice, Office of Justice Programs. The funds will be appropriated to the Special Fund for this Grant line starting in fiscal year 2019.

**DESIRED EFFECTIVE DATE:** Upon Adoption.

**REQUESTED INTRODUCTION DATE:** November 13, 2018

O&R Request

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**CITY COUNCIL PUBLIC HEARING DATE:** December 10, 2018

**REQUESTED AGENDA:** Consent Agenda

**RECOMMENDED COUNCIL COMMITTEE:** Request Waiver

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** N/A

**AFFECTED AGENCIES:** The Department of Finance, The Department of Budget and Strategic Planning and The Richmond City Sheriff's Office

**RELATIONSHIP TO EXISTING ORD. OR RES.:** Amend the FY19 Special Fund Budget Ord. 2018-058

**REQUIRED CHANGES TO WORK PROGRAM(S):** N/A

**ATTACHMENTS:** Award Letter

**STAFF:** Kimberlee Goins, Budget Manager  
Richmond City Sheriff's Office, 646-0429

Bart Blanks, Compliance Analyst  
Richmond City Sheriff's Office, 646-5438



U.S. Department of Justice  
Office of Justice Programs

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Office of the Assistant Attorney General

Washington, D.C. 20531

September 28, 2018

Sheriff Antionette V. Irving  
City of Richmond  
900 East Broad Street  
Richmond, VA 23219

Dear Sheriff Irving:

On behalf of Attorney General Jefferson Sessions III, it is my pleasure to inform you that the Office of Justice Programs has approved your application for funding under the FY 18 Innovations in Reentry Initiative: Reducing Recidivism Through Systems Improvement in the amount of \$500,000 for City of Richmond.

Enclosed you will find the Grant Award and Special Conditions documents. This award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, resolution of all interim audit findings, and the maintenance of a minimum level of cash-on-hand. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate.

If you have questions regarding this award, please contact:

- Program Questions, Jennifer Lewis, Program Manager at (202) 305-8064, and
- Financial Questions, the Office of the Chief Financial Officer, Customer Service Center (CSC) at (800) 458-0786, or you may contact the CSC at [ask.ocfo@usdoj.gov](mailto:ask.ocfo@usdoj.gov).

Congratulations, and we look forward to working with you.

Sincerely,

A handwritten signature in cursive script that reads "Matt Dummermuth".

Matt Dummermuth  
Principal Deputy Assistant Attorney General

Enclosures



## OFFICE FOR CIVIL RIGHTS

Office of Justice Programs  
U.S. Department of Justice  
810 7th Street, NW  
Washington, DC 20531

Tel: (202) 307-0690  
TTY: (202) 307-2027  
E-mail: [askOCR@usdoj.gov](mailto:askOCR@usdoj.gov)  
Website: [www.ojp.usdoj.gov/ocr](http://www.ojp.usdoj.gov/ocr)

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### OCR Letter to All Recipients

September 28, 2018

Sheriff Antionette V. Irving  
City of Richmond  
900 East Broad Street  
Richmond, VA 23219

Dear Sheriff Irving:

Congratulations on your recent award. In establishing financial assistance programs, Congress linked the receipt of federal funding to compliance with federal civil rights laws. The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) is responsible for ensuring that recipients of financial assistance from the OJP, the Office of Community Oriented Policing Services (COPS), and the Office on Violence Against Women (OVW) comply with the applicable federal civil rights laws. We at the OCR are available to help you and your organization meet the civil rights requirements that come with DOJ funding.

#### Ensuring Access to Federally Assisted Programs

Federal laws that apply to recipients of financial assistance from the DOJ prohibit discrimination on the basis of race, color, national origin, religion, sex, or disability in funded programs or activities, not only in employment but also in the delivery of services or benefits. A federal law also prohibits recipients from discriminating on the basis of age in the delivery of services or benefits.

In March of 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013. The statute amends the Violence Against Women Act of 1994 (VAWA) by including a nondiscrimination grant condition that prohibits discrimination based on actual or perceived race, color, national origin, religion, sex, disability, sexual orientation, or gender identity. The new nondiscrimination grant condition applies to certain programs funded after October 1, 2013. The OCR and the OVW have developed answers to some frequently asked questions about this provision to assist recipients of VAWA funds to understand their obligations. The Frequently Asked Questions are available at <https://ojp.gov/about/ocr/vawafaqs.htm>.

#### Enforcing Civil Rights Laws

All recipients of federal financial assistance, regardless of the particular funding source, the amount of the grant award, or the number of employees in the workforce, are subject to prohibitions against unlawful discrimination. Accordingly, the OCR investigates recipients that are the subject of discrimination complaints from both individuals and groups. In addition, based on regulatory criteria, the OCR selects a number of recipients each year for compliance reviews, audits that require recipients to submit data showing that they are providing services equitably to all segments of their service population and that their employment practices meet equal opportunity standards.

### **Providing Services to Limited English Proficiency (LEP) Individuals**

In accordance with DOJ guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, recipients of federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). See U.S. Department of Justice, *Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons*, 67 Fed. Reg. 41,455 (2002). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website <https://www.lep.gov>.

### **Ensuring Equal Treatment of Faith-Based Organizations and Safeguarding Constitutional Protections Related to Religion**

The DOJ regulation, *Partnerships with Faith-Based and Other Neighborhood Organizations*, 28 C.F.R. pt. 38, updated in April 2016, prohibits all recipient organizations, whether they are law enforcement agencies, governmental agencies, educational institutions, houses of worship, or faith-based organizations, from using financial assistance from the DOJ to fund explicitly religious activities. Explicitly religious activities include worship, religious instruction, or proselytization. While funded organizations may engage in non-funded explicitly religious activities (e.g., prayer), they must hold them separately from the activities funded by the DOJ, and recipients cannot compel beneficiaries to participate in them. The regulation also makes clear that organizations participating in programs funded by the DOJ are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion, religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice. Funded faith-based organizations must also provide written notice to beneficiaries, advising them that if they should object to the religious character of the funded faith based organization, the funded faith-based organization will take reasonable steps to refer the beneficiary to an alternative service provider. For more information on the regulation, please see the OCR's website at <https://ojp.gov/about/ocr/partnerships.htm>.

SAAAs and faith-based organizations should also note that the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, as amended, 34 U.S.C. § 10228(c); the Victims of Crime Act of 1984, as amended, 34 U.S.C. § 20110(e); the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, 34 U.S.C. § 11182(b); and VAWA, as amended, 34 U.S.C. § 12291(b)(13), contain prohibitions against discrimination on the basis of religion in employment. Despite these nondiscrimination provisions, the DOJ has concluded that it may construe the Religious Freedom Restoration Act (RFRA) on a case-by-case basis to permit some faith-based organizations to receive DOJ funds while taking into account religion when hiring staff, even if the statute that authorizes the funding program generally forbids recipients from considering religion in employment decisions. Please consult with the OCR if you have any questions about the regulation or the application of RFRA to the statutes that prohibit discrimination in employment.

### **Using Arrest and Conviction Records in Making Employment Decisions**

The OCR issued an advisory document for recipients on the proper use of arrest and conviction records in making hiring decisions. See *Advisory for Recipients of Financial Assistance from the U.S. Department of Justice on the U.S. Equal Employment Opportunity Commission's Enforcement Guidance: Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964 (June 2013)*, available at [https://ojp.gov/about/ocr/pdfs/UseofConviction\\_Advisory.pdf](https://ojp.gov/about/ocr/pdfs/UseofConviction_Advisory.pdf). Recipients should be mindful that the misuse of arrest or conviction records to screen either applicants for employment or employees for retention or promotion may have a disparate impact based on race or national origin, resulting in unlawful employment discrimination. In light of the Advisory, recipients should consult local counsel in reviewing their employment practices. If warranted, recipients should also incorporate an analysis of the use of arrest and conviction records in their Equal Employment Opportunity Plans (EEOs) (see below).

### **Complying with the Safe Streets Act**

An organization that is a recipient of financial assistance subject to the nondiscrimination provisions of the Safe Streets Act, must meet two obligations: (1) complying with the federal regulation pertaining to the development of an EEO (see 28 C.F.R. pt. 42, subpt. E) and (2) submitting to the OCR findings of discrimination (see 28 C.F.R. §§ 42.204(c), 205(c)(5)).

### Meeting the EEO Requirement

An EEO is a comprehensive document that analyzes a recipient's relevant labor market data, as well as the recipient's employment practices, to identify possible barriers to the participation of women and minorities in all levels of a recipient's workforce. As a recipient of DOJ funding, you may be required to submit an EEO Certification Report or an EEO Utilization Report to the OCR. For more information on whether your organization is subject to the EEO requirements, see <https://ojp.gov/about/ocr/eop.htm>. Additionally, you may request technical assistance from an EEO specialist at the OCR by telephone at (202) 616-1771 or by e-mail at [EEOPforms@usdoj.gov](mailto:EEOPforms@usdoj.gov).

### Meeting the Requirement to Submit Findings of Discrimination

If in the three years prior to the date of the grant award, your organization has received an adverse finding of discrimination based on race, color, national origin, religion, or sex, after a due-process hearing, from a state or federal court or from a state or federal administrative agency, your organization must send a copy of the finding to the OCR.

### Ensuring the Compliance of Subrecipients

SAs must have standard assurances to notify subrecipients of their civil rights obligations, written procedures to address discrimination complaints filed against subrecipients, methods to monitor subrecipients' compliance with civil rights requirements, and a program to train subrecipients on applicable civil rights laws. In addition, SAs must submit to the OCR every three years written Methods of Administration (MOA) that summarize the policies and procedures that they have implemented to ensure the civil rights compliance of subrecipients. For more information on the MOA requirement, see <https://ojp.gov/funding/Explore/StateMethodsAdmin-FY2017update.htm>.

If the OCR can assist you in any way in fulfilling your organization's civil rights responsibilities as a recipient of federal financial assistance, please contact us.

Sincerely,



Michael L. Alston  
Director

cc: Grant Manager  
Financial Analyst