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Agency Name: Hidalgo County

Grant/App: 2537808 **Start Date:** 9/1/2018 **End Date:** 8/31/2019

Project Title: Region 3-Border Prosecution Unit

Status: Application Pending Submission

Eligibility Information

Your organization's Texas Payee/Taxpayer ID Number:
17460007176041

Application Eligibility Certify:

Created on:1/24/2018 11:14:26 AM By:Ricardo Rodriguez

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Grant Vendor Information

Organization Type: County

Organization Option: applying to provide homeland security services

Applicant Agency's State Payee Identification Number (e.g., Federal Employer's Identification (FEI) Number or Vendor ID):
17460007176041

Data Universal Numbering System (DUNS): 103110834

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Narrative Information

Primary Mission and Purpose

The Texas Legislature appropriated funds to support programs that provide prosecution resources for District and County Attorneys along the Texas-Mexico border and for counties that are significantly affected by border crime.

Funding Levels

The anticipated funding levels for these programs are as follows:

- Minimum Award - \$10,000
- Maximum Award - None
- The program does not require a grantee to provide matching funds.

For more information regarding grantee match, please click on the **Budget** tab, and then click on the **Source of Match** tab in eGrants.

Note: If you voluntarily include matching funds that exceed the minimum match requirement, you will be held to that amount throughout the grant period.

Program Requirements

Eligible Activities

Prosecution - Prosecuting criminals charged with border crimes as defined by Texas Government Code 772.0071(a)(1).

Training - Training to members of the unit and to law enforcement agencies in the border region on specific issues and techniques relating to the investigation and prosecution of border crime.

Eligibility Requirements

Uniform Crime Reporting - Eligible applicants operating a law enforcement agency must be current on reporting Part I violent crime data to the Texas Department of Public Safety (DPS) for inclusion in the annual Uniform Crime Report (UCR). To be considered eligible for funding, applicants must have submitted a full twelve months of accurate data to DPS for the most recent calendar year.

Criminal History Reporting - Entities receiving funds from HSGD must be located in a county that has an average of 90% or above on both adult and juvenile dispositions entered into the computerized criminal history database maintained by the Texas Department of Public Safety (DPS) as directed in the *Texas Code of Criminal Procedure, Chapter 60*. The disposition completeness percentage is defined as the percentage of arrest charges a county reports to DPS for which a disposition has been subsequently reported and entered into the computerized criminal history system.

Immigration and Customs Enforcement Requests

The full text of this certification can be found at http://gov.texas.gov/cjd/dhs_detainerrequest. To be in compliance with this requirement, any county or municipal government that includes a department that detains individuals after arrest for a criminal violation must provide a letter signed by the head of each such department certifying to the requirements. This letter may be used for any application submitted to OOG for a period of up to two years from the date it is signed. If that period expires during the project period of any grant, the grantee must submit an updated letter for each such grant to remain in compliance with this requirement.

All applicants must select one of the following options:

- _ Applicant is not a county or municipal government.
- _ Applicant is a county or municipal government and does not include any department that detains individuals after arrest for a criminal violation at any time.
- _ Applicant is a county or municipal government that includes department(s) that detain individuals after arrest for a criminal violation. Letters certifying compliance and signed by the heads of all such departments have been uploaded to this application.
- _ Applicant is a county or municipal government that includes department(s) that detain individuals after arrest for a criminal violation. The Authorized Official has read the certification found on the aforementioned website. Further, the Authorized Official will not be submitting signed letters certifying compliance from the heads of all such departments and understands that failure to comply with this certification may result in OOG, at its sole discretion, rejecting this application and any other application from the relevant county or municipal government.

Training - Eligible applicants must be in compliance with the Texas Administrative Code (37 TAC Chapters 221-225) and all rules established by the Texas Commission on Law Enforcement (TCOLE) regarding the training of law enforcement in Texas; or, contract or reimburse for services with training providers who meet this requirement.

DUNS - Eligible applicants must have a DUNS (Data Universal Numbering System) number assigned to its agency.

System for Award Management - Eligible applicants must be registered in the federal System for Award Management (SAM) database and maintain an active registration throughout the grant application period.

Program Income

Applicant agrees to comply with all federal and state rules and regulations for program income and agrees to report all program income that is generated as a result of the project's activities. Applicant agrees to report program income to HSGD through a formal grant adjustment and to secure HSGD approval prior to use of the program income. Applicant agrees to use program income for allowable costs and agrees to expend program income immediately after HSGD's approval of a grant adjustment and prior to requesting reimbursement of HSGD funds.

Deduction Method - Program income shall be deducted from total allowable costs to determine the net allowable costs. Program income shall be used for current costs unless HSGD authorizes otherwise. Program income shall be used to reduce the HSGD award and grantee match rather than to increase the funds committed to the project. Exceptions to the deduction method must be approved by the HSGD Director.

Note: Program income must be spent on project expenses before expending OOG grant funds. Program income is subject to the same statutes, rules, regulations, and guidelines applicable to the use of the OOG-funded portion of the grant.

Asset Seizures and Forfeitures - Program income from asset seizures and forfeitures is considered earned when the property has been adjudicated to the benefit of the plaintiff (e.g., law enforcement entity).

Certification

Each applicant agency must certify to the specific requirements detailed above as well as all requirements within the HSGD Funding Announcement, the eGrants application, the OOG's *Guide to Grants*, and the OOG's *Grantee Conditions and Responsibilities* to be eligible for this program.

_ I certify to all of the application content and requirements.

Project Summary :

Briefly summarize the project, including proposed activities and intended impact.

--This project will allow the Hidalgo County Criminal District Attorney's Office to focus manpower and resources into the prosecution of criminal activity that has a nexus to the jurisdiction's border with Mexico. --By working hand in hand with law enforcement agencies, particularly the Texas Department of Public Safety, it will facilitate the transfer of information and intelligence from the streets to the courtrooms and vice versa. Furthermore, it will enhance the capabilities of prosecutors and law enforcement officials to identify and target emerging trends, similarities and nuances of border based and transnational criminal enterprises, thus providing a more efficient and effective administration of justice and use of the limited resources. --Our in-house Region 3 Counsel and prosecutors continually provide cross training and support to law enforcement agencies, prosecutors and other District Attorney's Offices both locally and throughout Texas. Also, our prosecutors have been and will continue to be available to the area law enforcement officers 24 hours a day. Having these prosecutorial assets at their disposal will immensely increase the ability of police officers to investigate criminal enterprises operating in the border region of the Rio Grande Valley.

Problem Statement :

Provide a detailed account of the issues, threats or hazards that your project will target. For federal Homeland Security Grants, include specific references to the regional or state *Threat and Hazard Identification and Risk Assessment (THIRA)*, as applicable.

--Prosecutors have experienced a steady increase in caseloads tied to border crimes, especially those involving violent criminal street gangs that have formed alliances with Transnational Criminal Organizations. Some of these cases include drug traffickers, money laundering operations, car theft rings, illegal weapons transactions, human trafficking operations and large scale gambling (8-liner) operations. The increase in caseloads can be attributed to an enhance presence in federal, state and local law enforcement along the Texas/Mexico border. Particularly the Texas Department of Public Safety's "Operation Strong Safety" initiative has significantly added to these caseloads in Hidalgo County, Texas and Region 3 of the Border Prosecution Unit. With the increased law enforcement presence, there is a need to provide better prosecution services to both state and local law enforcement entities. Increasingly, effective prosecutorial response to the threat of transnational criminal acts requires a high level of collaboration between and among fellow prosecutor offices in the border region. Together with a high level of coordination and communication with law enforcement agencies at all levels of federal, state, and local. However, this has proven difficult due to the sporadic coverage of telephone, internet and wireless services. The best way to address this threat is to have prosecutors work in greater day to day cooperation with law enforcement organizations, thereby joining together their investigation and prosecution resources in a seamless joint venture. --Also due to a large part of the geographic area of Region 3 consisting of wide-open country that is sparsely settled, rural areas have become especially vulnerable for criminal organizations to set up and conduct their smuggling operations. Most of Hidalgo County's towns along the border are among the poorest in Texas and lack the sufficient local resources to combat this situation. Criminal organizations are well aware of these limitations and specifically target these areas to expand their reach. Many of the local law enforcement agencies do not have the resources to provide training for their personnel. A poorly trained law enforcement officer's mistakes may be the difference between a successful prosecution and an acquittal. Therefore our in-house Regional 3 Counsel and prosecutors will provide training to these agencies in the region and throughout Texas. --Need for specialized prosecution assets to effectively and efficiently handle the myriad of crimes attributed to criminal enterprises operating on both sides of the Texas/Mexico Border.

Existing Capability Levels :

Describe the existing capability levels, including resources that are currently in place to support this project prior to the use of grant funds.

The attorneys working under the Border Prosecution Unit (BPU) grant for the Hidalgo County Criminal District Attorney's Office (DA) reached its full complement of three attorneys in January of 2016, following grant approval from the Texas Governor's Office in December of 2015. This allowed the office to have one attorney dedicated as the Regional Counsel for the Border Prosecution Unit (Region 3), another attorney tasked full-time with the Rio Grande Valley Texas Anti-Gang Group (RGV-TAG) and officed out of Texas Department of Public Safety (DPS) Regional Headquarters in Weslaco, and the third attorney working within the DA's Office. From September 2015 through August 2016 our attorneys were involved in the prosecution of 375 felony criminal cases related to border crimes. As a result of the funding of the BPU, all three lawyers fielded hundreds of questions from local, regional and state law enforcement officials on a variety of legal topics, from search and seizure to confession to statutory interpretation. During the same period of time, our BPU attorneys assisted other District Attorney jurisdictions across the BPU region and the State, including helping the Kenedy County and Kleberg County District Attorney in the first felony jury trial in Kenedy County in over 20 years. Additionally, our BPU attorneys continued to provide instruction to hundreds of peace officers across Texas on the ins and outs of handling asset forfeiture cases, at no cost to the law enforcement agencies. Also provided instructions to nearly 100 educators, college students and public citizens on Human Trafficking and developed a curriculum to be taught to the McAllen Independent School District Police Department, as well as school district personnel, on recognizing signs of Human Trafficking and related topics. In addition, our BPU attorneys continue to work hand-in-hand with DPS in the long-term investigation of a national drug trafficking organization, utilizing a wide-range of court-ordered surveillance techniques. And also continue to assist local and state law enforcement in working gang investigations, primarily focusing on the Texas Chicano Brotherhood. Our BPU attorneys working in conjunction with 79th Judicial District DA's Office, and Brooks County Sheriff's Office, Kingsville Task Force, the Texas Rangers, the Texas Department of Public Safety-Criminal Investigations Division, Department of Homeland Security, Federal Bureau of Investigations and the United States Attorney's Office continued

the investigation into the illegal gambling establishments in Brooks County, Texas--many of which had ties to criminal gangs with international connections. Nearly a dozen individuals have been convicted and sentenced in federal court as a result of this long-term (and still on-going) multi-agency investigation, including an elected public official.

Capability Gaps:

Describe the capability gaps which will be addressed by the project. For federal Homeland Security Grants, include specific references to the regional or statewide State Preparedness Report (SPR).

Border Security and increased intelligence gathering and collaboration between law enforcement and state prosecutors.

Impact Statement :

Describe the project goals/objectives and how this project will maintain capabilities or reduce capability gaps.

--To continue to enhance the capabilities of the Hidalgo County Criminal District Attorney's Office to effectively handle the prosecution of criminal caseloads attributable to border crime in the Rio Grande Valley, through collaboration and coordination with other law enforcement agencies, particularly the Department of Public Safety. --To continue to work closely with area law enforcement to increase and improve the investigation of complex organized crime and criminal enterprises which are facilitating illegal activity in the Rio Grande Valley and Region 3 of the Border Prosecution Unit.

Homeland Security Priority Actions:

Identify the Texas Homeland Security Priority Action most closely aligned with this project. Each Priority Action is linked with an *Objective from the Texas Homeland Security Strategic Plan (HSSP)*. List the Priority Action by number and text (e.g. 1.2.3 *Expand and enhance the network of human sources that can provide detailed and relevant information on known or suspected terrorist and criminal enterprises.*)

1.3.5 Expand the program to establish full-time border prosecutor positions focused on cases involving violent crime and criminal organizations, and enhance state-federal prosecution partnerships in the border region.

Target Group :

Identify the target group and population expected to benefit from this project.

The Border Prosecution Unit serves the community plan and region by enhancing border security through increased intelligence gathering and collaboration between law enforcement and state prosecutors. The constituents of Hidalgo County & Region #3 as well as other counties both in and outside the Border Region benefit from the prosecution of criminals involved in border crimes.

Long-Term Approach:

Describe how the applicant agency will maintain the capabilities supported by this project without additional federal or state funds. If sustainment is dependent upon federal or state grants, describe the ongoing need for future grants, as applicable.

Sustainment is fully dependent upon grant funding; the major challenge the County of Hidalgo faces is the lack of sufficient local resources. It is well known that this area is among the poorest, if not the poorest, not only in Texas, but in the United States. According to the United States Census Bureau website, the percentage of persons living in poverty in Hidalgo County is 31.1% as compared to the national average of 13.5%. The median household income in Hidalgo County is \$34,782, below the national average of \$53,889. If grant funds were not awarded, the burden will be placed on the constituents of the county and BPU as it operates today would simply cease to exist.

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Project Activities Information

Reserved

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Selected Project Activities:

ACTIVITY	PERCENTAGE:	DESCRIPTION
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Measures Information

Objective Output Measures

OUTPUT MEASURE	TARGET LEVEL
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Objective Outcome Measures

OUTCOME MEASURE	TARGET LEVEL
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Custom Output Measures

CUSTOM OUTPUT MEASURE	TARGET LEVEL
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Custom Outcome Measures

CUSTOM OUTCOME MEASURE	TARGET LEVEL
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Budget Details Information

Budget Information by Budget Line Item:

CATEGORY	SUB CATEGORY	DESCRIPTION	OOG	CASH MATCH	IN-KIND MATCH	GPI	TOTAL	UNIT/%
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Source of Match Information

Detail Source of Match/GPI:

DESCRIPTION	MATCH TYPE	AMOUNT
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Summary Source of Match/GPI:

Total Report	Cash Match	In Kind	GPI Federal Share	GPI State Share
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

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Budget Summary Information

Budget Summary Information by Budget Category:

CATEGORY	OOG	CASH MATCH	IN-KIND MATCH	GPI	TOTAL
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Budget Grand Total Information:

OOG	CASH MATCH	IN-KIND MATCH	GPI	TOTAL
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

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Resolution from Governing Body

Applications from nonprofit corporations, local units of governments, and other political subdivisions must include a resolution that contains the following:

1. Authorization by your governing body for the submission of the application to OOG that clearly identifies the name of the project for which funding is requested;
2. A commitment to provide all applicable matching funds;
3. A designation of the name and/or title of an authorized official who is given the authority to apply for, accept, reject, alter, or terminate a grant (Note: If a name is provided, you must update OOG should the official change during the grant period.); and
4. A written assurance that, in the event of loss or misuse of grant funds, the governing body will return all funds to OOG.

Upon approval from your agency's governing body, upload the approved resolution to eGrants by clicking on the **Upload Files** tab and following the instructions on *Uploading eGrants Files*.

Contract Compliance

Will grant funds be used to support any contractual or professional services?

- Yes
- No

For applicant agencies that selected **Yes** above, describe how you will monitor the activities of the sub-contractor(s) for compliance with the contract provisions (including equipment purchases), deliverables, and all applicable statutes, rules, regulations, and guidelines governing this project.

Enter a description for monitoring contract compliance:

Lobbying

For applicant agencies requesting grant funds in excess of \$100,000, have any federally appropriated funds been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant loan, or cooperative agreement?

Note: Pursuant to Texas Government Code §556.005, a political subdivision or private entity that receives state funds may not use the funds to pay a person required to register as a lobbyist or for lobbying expenses. A political subdivision or private entity that violates this provision is not eligible to receive additional state funds.

- Yes
- No
- N/A

For applicant agencies that selected either **No** or **N/A** above, have any non-federal funds been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress in connection with this federal contract, loan, or cooperative agreement?

- Yes
- No
- N/A

Fiscal Year

Provide the begin and end date for the applicant agency's fiscal year (e.g., 09/01/20xx to 08/31/20xx).

Enter the Begin Date [mm/dd/yyyy]:

Enter the End Date [mm/dd/yyyy]:

Sources of Financial Support

Each applicant must provide the amount of grant funds expended during the most recently completed fiscal year for the following sources:

Enter the amount (\$) of Federal Grant Funds:

Enter the amount (\$) of State Grant Funds:

Single Audit

Applicants who expend less than \$750,000 in federal grant funding or less than \$750,000 in state grant funding are exempt from the Single Audit Act and cannot charge audit costs to a HSGD grant. However, HSGD may require a limited scope audit as defined in CFR Part 200, Subpart F - Audit Requirements.

Has the applicant agency expended federal grant funding of \$750,000 or more, or state grant funding of \$750,000 or more during the most recently completed fiscal year?

- Yes
- No

Applicant agencies that selected **Yes** above, provide the date of your organization's last annual single audit, performed by an independent auditor in accordance with the State of Texas Audit Circular or CFR Part 200, Subpart F - Audit Requirements.

Enter the date of your last annual single audit:

Debarment

Each applicant agency will certify that it and its principals (as defined in 2 CFR Part 180.995):

- Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal Court, or voluntarily excluded from participation in this transaction by any federal department or agency;
- Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; or
- Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in the above bullet; and have not within a three-year period preceding this application had one or more public transactions (federal, state, or local) terminated for cause or default.

- I Certify
- Unable to Certify

If you selected **Unable to Certify** above, please provide an explanation as to why the applicant agency cannot certify the statements.

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