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Agency Name: Hidalgo County
Grant/App: 2537812 **Start Date:** 9/1/2024 **End Date:** 8/31/2026

Project Title: Region 3-Border Prosecution Unit
Status: Application Pending Submission

Profile Information

Applicant Agency Name: Hidalgo County
Project Title: Region 3-Border Prosecution Unit
Division or Unit to Administer the Project: Hidalgo County District Attorney's Office
Address Line 1: Hidalgo County Courthouse Annex III
Address Line 2: 100 East Cano, 2nd Floor
City/State/Zip: Edinburg Texas 78539-3563
Start Date: 9/1/2024
End Date: 8/31/2026

Regional Council of Governments(COG) within the Project's Impact Area: Lower Rio Grande Valley Development Council

Headquarter County: Hidalgo

Counties within Project's Impact Area: Brooks,Cameron,Duval,Hidalgo,Jim Hogg,Jim Wells,Kenedy,Kleberg,Starr,Willacy

Grant Officials:

Authorized Official

Name: Richard F. Cortez
Email: countyjudge@co.hidalgo.tx.us
Address 1: 100 East Cano, 2nd Floor
Address 1:
City: Edinburg, Texas 78539
Phone: 956-318-2600 Other Phone:
Fax: 956-318-2699
Title: The Honorable
Salutation: Judge
Position: Hidalgo County Judge

Financial Official

Name: Leticia Chavez
Email: lettyg.chavez@auditor.co.hidalgo.tx.us
Address 1: 2808 S. Business Highway 281
Address 1:
City: Edinburg, Texas 78539
Phone: 956-318-2511 Other Phone:
Fax: 956-318-2577
Title: Ms.
Salutation: Ms.
Position: County Auditor

Project Director

Name: Toribio Palacios
Email: terry.palacios@da.co.hidalgo.tx.us
Address 1: 100 East Cano Street, 2nd Floor
Address 1:
City: Edinburg, Texas 78539
Phone: 956-292-7604 Other Phone: 956-318-2300
Fax: 956-318-2078
Title: The Honorable
Salutation: Mr.

Position: Criminal District Attorney

Grant Writer

Name: Toribio Palacios

Email: terry.palacios@da.co.hidalgo.tx.us

Address 1: 100 East Cano Street, 2nd Floor

Address 1:

City: Edinburg, Texas 78539

Phone: 956-292-7604 Other Phone: 956-318-2300

Fax: 956-318-2078

Title: The Honorable

Salutation: Mr.

Position: Criminal District Attorney

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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

Unique Entity Identifier (UEI): LHACK1UL6NR3

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Narrative Information

Introduction

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.

Certifications

In addition to the requirements found in existing statute, regulation, and the funding announcement, this program requires applicant organizations to certify compliance with the following:

Cybersecurity Training Requirement

Local units of governments must comply with the Cybersecurity Training requirements described in Section 772.012 and Section 2054.5191 of the Texas Government Code. Local governments determined to not be in compliance with the cybersecurity requirements required by Section 2054.5191 of the Texas Government Code are ineligible for OOG grant funds until the second anniversary of the date the local government is determined ineligible. Government entities must annually certify their compliance with the training requirements using the Cybersecurity Training Certification for State and Local Governments. A copy of the Training Certification must be uploaded to your eGrants application. For more information or to access available training programs, visit the Texas Department of Information Resources Statewide Cybersecurity Awareness Training page.

Criminal History Reporting

Entities receiving funds from PSO 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 66*. 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.

Counties applying for grant awards from the Office of the Governor must commit that the county will report at least 90% of convictions within five business days to the Criminal Justice Information System at the Department of Public Safety.

Uniform Crime Reporting (UCR)

Eligible applicants operating a law enforcement agency must be current on reporting complete UCR data and the Texas specific reporting mandated by 411.042 TGC, to the Texas Department of Public Safety (DPS) for inclusion in the annual Crime in Texas (CIT) publication. 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 by the deadline(s) established by DPS. Due to the importance of timely reporting, applicants are required to submit complete and accurate UCR data, as well as the Texas-mandated reporting, on a no less than monthly basis and respond promptly to requests from DPS related to the data submitted.

Entities That Collect Sexual Assault/Sex Offense Evidence or Investigate/Prosecute Sexual Assault or Other Sex Offenses

In accordance with Texas Government Code, Section 420.034, any facility or entity that collects evidence for sexual assault or other sex offenses or investigates or prosecutes a sexual assault or other sex offense for which evidence has been collected, must participate in the statewide electronic tracking system developed and implemented by the Texas Department of Public Safety. Visit DPS's Sexual Assault Evidence Tracking Program website for more information or to set up an account to begin participating.

Additionally, per Section 420.042 "A law enforcement agency that receives evidence of a sexual assault or other sex offense...shall submit that evidence to a public accredited crime laboratory for analysis no later than the 30th day after the date on which that evidence was received." A law enforcement agency in possession of a significant number of Sexual Assault Evidence Kits (SAEK) where the 30-day window has passed may be considered noncompliant.

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 through a formal grant adjustment and to secure PSO 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 PSO's approval of a grant adjustment and prior to requesting reimbursement of 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 PSO authorizes otherwise. Program income which the grantee did not anticipate at the time of the award shall be used to reduce the PSO award and grantee match rather than to increase the funds committed to the project.

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).

Compliance with State and Federal Laws, Programs and Procedures

Local units of government, including cities, counties and other general purpose political subdivisions, as appropriate, and institutions of higher education that operate a law enforcement agency, must comply with all aspects of the programs and procedures utilized by the U.S. Department of Homeland Security ("DHS") to: (1) notify DHS of all information requested by DHS related to illegal aliens in Agency's custody; and (2) detain such illegal aliens in accordance with requests by DHS. Additionally, counties and municipalities may NOT have in effect, purport to have in effect, or make themselves subject to or bound by, any law, rule, policy, or practice (written or unwritten) that would: (1) require or authorize the public disclosure of federal law enforcement information in order to conceal, harbor, or shield from detection fugitives from justice or aliens illegally in the United States; or (2) impede federal officers from exercising authority under 8 U.S.C. § 1226(a), § 1226(c), § 1231(a), § 1357(a), § 1366(1), or § 1366(3). Lastly, eligible applicants must comply with all provisions, policies, and penalties found in Chapter 752, Subchapter C of the Texas Government Code.

Each local unit of government, and institution of higher education that operates a law enforcement agency, must download, complete and then upload into eGrants the CEO/Law Enforcement Certifications and Assurances Form certifying compliance with federal and state immigration enforcement requirements. This Form is required for each application submitted to PSO and is active until August 31, 2026 or the end of the grant period, whichever is later.

Overall Certification

Each applicant agency must certify to the specific requirements detailed above as well as to comply with all requirements within the PSO Funding Announcement, the *Guide to Grants*, the *Grantee Conditions and Responsibilities*, any authorizing or applicable state and federal statutes and regulations 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 continue to permit the Hidalgo County Criminal District Attorney's Office to further improve the quality of prosecution of criminal activities that have a nexus to the jurisdiction's border with Mexico. Our Team, which consists of four prosecutors, an investigator and an administrative assistant, will continue to work together with local law enforcement agencies, especially the Texas Department of Public Safety, to target emerging trends and nuances of border-based transnational criminal enterprises. This will facilitate the transfer of information/intelligence from the street to the courtroom, thus providing a more efficient and effective administration of justice through use of the limited resources. Also our two in-house Region 3 Counsel and BPU prosecutors will continue to provide cross-training and support to law enforcement agencies, prosecutors and other District Attorney's Offices, both locally and throughout the state of Texas. In addition, the BPU prosecutors have been, and will continue, to be available to the area's 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.

Hidalgo County continues to be impacted by criminal activity as a result of its location along the US/Mexico border. Many of the crimes that have a nexus to Hidalgo County can be tied to transnational criminal organizations that have formed alliances with local street gangs. The best way to address this threat is to have prosecutors work in day to day cooperation with law enforcement organizations, thereby joining together their investigation and prosecution resources in a seamless joint venture. Prosecutors continue to handle criminal cases involving drug and human smuggling, labor and sex trafficking, money laundering operations, car theft rings, illegal weapons transactions, and large scale gambling (8-liner) operations. Area law enforcement continue to collaborate with each other and their federal counterparts with the increased law enforcement presence. Therefore, there is a need to provide enhanced prosecution services to both state and local law enforcement entities. The ability for prosecutors to coordinate with their federal prosecutorial brethren facilitates an efficient state criminal justice system. Also due to a large part of the geographic area of Region 3 consisting of wide-open country that is sparsely settled, rural areas are especially vulnerable for criminal

organizations to set up and conduct their smuggling operations. 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 administration of justice and an acquittal. The Hidalgo County Criminal District Attorney's Office recognizes the need for more quality training for law enforcement. There exists in Hidalgo County a continued 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, including utilization of judicially-approved specialized investigative techniques like wire intercepts.

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.

Prior to the creation of the Border Prosecution Unit (BPU) Grant Program by the Texas Legislature and the Office of the Governor, the Hidalgo County Criminal District Attorney's Office did not have the capability to implement, create and/or maintain the current BPU footprint. The BPU grant has allowed the Hidalgo County Criminal District Attorney's Office to continue to employ four full-time prosecutors, one investigator and one administrative assistant working solely on border crimes. Two of the prosecutors are BPU Regional Counsel Attorneys for Region 3. These prosecutors travel extensively within Region 3, and the State of Texas, and provides thousands of hours of free continuing education to local police officers. One BPU Prosecutor is assigned to the Rio Grande Valley Texas Anti-Gang Group (RGV-TAG) housed at the Texas Transnational Intelligence Center (TTIC) in McAllen. This prosecutor is embedded with federal, state and local law enforcement officers and agents, thus allowing for daily and direct assistance in criminal case investigations involving local, regional, state, national and international organized criminal enterprises. Additionally, the prosecutors have worked closely in recent years in utilizing as investigative tools state wire intercepts. The fourth prosecutor, along with the Investigator and Administrative Assistant, are located at the Hidalgo County Criminal District Attorney's Office in Edinburg, Texas. Also, the Hidalgo County BPU attorneys provided assistance to hundreds of local, state and federal law enforcement officers both within Hidalgo County and throughout the border region, and Texas. Furthermore, they have 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. The BPU prosecutors have also provided thousands of hours of continuing education to police officers, probation officers, attorneys, judges and others, all at no charge.

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).

This project will allow the Hidalgo County Criminal District Attorney's Office to continue to provide a level of prosecutorial service to the citizens of Hidalgo County and the Rio Grande Valley that was unattainable prior to the BPU Grants being implemented by the Office of the Governor and the Texas Legislature some 12 years ago. The direct, face-to-face communication with all levels of area law enforcement (from the part-time deputy constable to the Texas Ranger Lieutenant to the Border Patrol Sector Chief) allows for unprecedented collaboration. This grant will continue to enhance the prosecutorial abilities of the County and continue to recognize that many criminal acts are of an international nature.

Impact Statement :

Describe the project goals/objectives and how this project will maintain capabilities or reduce capability gaps. This project will 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 Texas Department of Public Safety. Additionally, the BPU team will 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 of the BPU, as well as other counties, both in and outside the Border Region, benefit from the prosecution of criminals involved in border crimes. The estimated population of Hidalgo County and Region 3 is 1.46 million.

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 22.9% as compared to the national average of 10.5%. The median household income in Hidalgo County is \$42,526, below the national average of \$62,843. If grant funds were not awarded, the burden would be placed on the constituents of the county or the BPU as it operates today would simply cease to exist.

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Project Activities Information

Introduction

This section contains questions about your project. It is very important for applicants to review their funding announcement for guidance on how to fill out this section. Unless otherwise specified, answers should be about the EXPECTED activities to occur during the project period.

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 the Public Safety Office (PSO) 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 the PSO 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 PSO.

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 PSO grant funds be used to support any contracts for professional services?

Select the appropriate response:

- 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?

Select the appropriate response:

- 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?

Select the appropriate response:

- 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 (in Whole Dollars \$) of Federal Grant Funds expended:

Enter the amount (in Whole Dollars \$) of State Grant Funds expended:

Single Audit

Applicants who expend less than \$1,000,000 in federal grant funding or less than \$1,000,000 in state grant funding are exempt from the Single Audit Act and cannot charge audit costs to a PSO grant. However, PSO may require a limited scope audit as defined in 2 CFR Part 200, Subpart F - Audit Requirements.

Has the applicant agency expended federal grant funding of \$1,000,000 or more, or state grant funding of \$1,000,000 or more during the most recently completed fiscal year?

Select the appropriate response:

- 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 Single 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.

Select the appropriate response:

- 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.