

---

**INTEROFFICE MEMO**

**To: Michael Spurgeon, City Manager**  
**From: Brandon C. Berryhill, Chief of Police** BCB/41  
**Date: August 17, 2018**  
**Re: JAG Grant Application**

---

Attached for your review and signature, please find the application for the JAG Grant.

If awarded, these funds totaling \$13,479.00 would be used to in the following purpose areas: (1) Conference & Training (2) Equipment/General (3) Overtime.

Specifically, the proposed conference and training funds will be used for personnel training, the equipment funds will be used for needed upgrades to the Police Department's mobile data system, and the overtime funds will be utilized for bicycle patrols to address problem areas and community event overtime.

Staff recommends the authorization and submission of the grant application.

There is no cost to the City for this Grant

Please call with any additional questions.

Thank you.

BCB:amw

Attachment

MJS/CM 8/17/18



# BJA FY 18 Edward Byrne Memorial Justice Assistance Grant (JAG) Program - Local Solicitation

2018-H3918-OK-

DJ

[Application](#)[Correspondence](#)Application: **Application Handbook****Assurances and Certifications**[Overview](#)**The following problems were found:**[Applicant](#)

- You need to sign your application by checking the box below.

[Information](#)

To the best of my knowledge and belief, all data in this application/preapplication is true and correct, the document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is awarded.

[Project Information](#)[Budget and](#)[Program](#)[Attachments](#)

Your typed name, in lieu of your signature represents your legal binding acceptance of the terms of this application and your statement of the veracity of the representations made in this application. The document has been duly authorized by the governing body of the applicant and the applicant will comply with the following:

[Assurances and Certifications](#)[Review SF 424](#)1. [Assurances](#)[Submit Application](#)2. [Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace requirements.](#)[Help/Frequently Asked Questions](#)

If you are an applicant for any Violence Against Women grants, this includes the Certification of Compliance with the Statutory Eligibility Requirements of the Violence Against Women Act.

[GMS Home](#)

\* - Indicates required field

[Log Off](#)

*Prefix:	<input type="text" value="Mr."/> <input type="button" value="v"/>
Prefix (Other):	<input type="text"/>
*First Name:	<input type="text" value="Michael"/>
Middle Initial:	<input type="text"/>
*Last Name:	<input type="text" value="Spurgeon"/>
Suffix	<input type="text" value="Suffix: v"/>
Suffix (Other):	<input type="text"/>
*Title:	<input type="text" value="City Manager"/>
*Address Line 1:	<input type="text" value="220 South First Street"/>
Address Line 2:	<input type="text"/>
*City:	<input type="text" value="Broken Arrow"/>
County:	<input type="text" value="Tulsa &amp; Wagoner"/>
*State:	<input type="text" value="Oklahoma"/> <input type="button" value="v"/>

*Zip Code:	74012	-7137	Zip+4 Lookup
*Phone:	918	-259	-8419 Ext : <input type="text"/>
Fax:	918	-259	-8226
*E-mail:	mspurgeon@brokenarr Email Help		
<p>* <input checked="" type="checkbox"/> I have examined the information provided here regarding the signing authority and certify it is accurate. I am the signing authority, or have been delegated or designated formally as the signing authority by the appropriate authority of official, to provide the information requested throughout this application system on behalf of this jurisdiction. Information regarding the signing authority, or the delegation of such authority, has been placed in a file and is available on-site for immediate review.</p>			

Save and Continue

Michael J. Langer 8/17/18  
City Manager



OMB APPROVAL  
NUMBER 1121-0140

EXPIRES 05/31/2019

## U.S. DEPARTMENT OF JUSTICE

### CERTIFIED STANDARD ASSURANCES

On behalf of the Applicant, and in support of this application for a grant or cooperative agreement, I certify under penalty of perjury to the U.S. Department of Justice ("Department"), that all of the following are true and correct:

- (1) I have the authority to make the following representations on behalf of myself and the Applicant. I understand that these representations will be relied upon as material in any Department decision to make an award to the Applicant based on its application.
- (2) I certify that the Applicant has the legal authority to apply for the federal assistance sought by the application, and that it has the institutional, managerial, and financial capability (including funds sufficient to pay any required non-federal share of project costs) to plan, manage, and complete the project described in the application properly.
- (3) I assure that, throughout the period of performance for the award (if any) made by the Department based on the application--
  - a. the Applicant will comply with all award requirements and all federal statutes and regulations applicable to the award;
  - b. the Applicant will require all subrecipients to comply with all applicable award requirements and all applicable federal statutes and regulations; and
  - c. the Applicant will maintain safeguards to address and prevent any organizational conflict of interest, and also to prohibit employees from using their positions in any manner that poses, or appears to pose, a personal or financial conflict of interest.
- (4) The Applicant understands that the federal statutes and regulations applicable to the award (if any) made by the Department based on the application specifically include statutes and regulations pertaining to civil rights and nondiscrimination, and, in addition--
  - a. the Applicant understands that the applicable statutes pertaining to civil rights will include section 601 of the Civil Rights Act of 1964 (42 U.S.C. § 2000d); section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794); section 901 of the Education Amendments of 1972 (20 U.S.C. § 1681); and section 303 of the Age Discrimination Act of 1975 (42 U.S.C. § 6102);
  - b. the Applicant understands that the applicable statutes pertaining to nondiscrimination may include section 809(c) of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. § 10228(c)); section 1407(e) of the Victims of Crime Act of 1984 (34 U.S.C. § 20110(e)); section 299A(b) of the Juvenile Justice and Delinquency Prevention Act of 2002 (34 U.S.C. § 11182(b)); and that the grant condition set out at section 40002(b)(13) of the Violence Against Women Act (34 U.S.C. § 12291(b)(13)), which will apply to all awards made by the Office on Violence Against Women, also may apply to an award made otherwise;
  - c. the Applicant understands that it must require any subrecipient to comply with all such applicable statutes (and associated regulations); and
  - d. on behalf of the Applicant, I make the specific assurances set out in 28 C.F.R. §§ 42.105 and 42.204.

(5) The Applicant also understands that (in addition to any applicable program-specific regulations and to applicable federal regulations that pertain to civil rights and nondiscrimination) the federal regulations applicable to the award (if any) made by the Department based on the application may include, but are not limited to, 2 C.F.R. Part 2800 (the DOJ "Part 200 Uniform Requirements") and 28 C.F.R. Parts 22 (confidentiality - research and statistical information), 23 (criminal intelligence systems), 38 (regarding faith-based or religious organizations participating in federal financial assistance programs), and 46 (human subjects protection).

(6) I assure that the Applicant will assist the Department as necessary (and will require subrecipients and contractors to assist as necessary) with the Department's compliance with section 106 of the National Historic Preservation Act of 1966 (54 U.S.C. § 306108), the Archeological and Historical Preservation Act of 1974 (54 U.S.C. §§ 312501-312508), and the National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321-4335), and 28 C.F.R. Parts 61 (NEPA) and 63 (floodplains and wetlands).

(7) I assure that the Applicant will give the Department and the Government Accountability Office, through any authorized representative, access to, and opportunity to examine, all paper or electronic records related to the award (if any) made by the Department based on the application.

(8) I assure that, if the Applicant is a governmental entity, with respect to the award (if any) made by the Department based on the application--

- a. it will comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. §§ 4601-4655), which govern the treatment of persons displaced as a result of federal and federally-assisted programs; and
- b. it will comply with requirements of 5 U.S.C. §§ 1501-1508 and 7324-7328, which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by federal assistance.

(9) If the Applicant applies for and receives an award from the Office of Community Oriented Policing Services (COPS Office), I assure that as required by 34 U.S.C. § 10382(c)(11), it will, to the extent practicable and consistent with applicable law--including, but not limited to, the Indian Self-Determination and Education Assistance Act--seek, recruit, and hire qualified members of racial and ethnic minority groups and qualified women in order to further effective law enforcement by increasing their ranks within the sworn positions, as provided under 34 U.S.C. § 10382(c)(11).

I acknowledge that a materially false, fictitious, or fraudulent statement (or concealment or omission of a material fact) in this certification, or in the application that it supports, 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 for false claims or otherwise (including under 31 U.S.C. §§ 3729-3730 and 3801-3812). I also acknowledge that the Department's awards, including certifications provided in connection with such awards, are subject to review by the Department, including by its Office of the Inspector General.

Close Window

*Michael J. Langer* 8/17/18  
*City Manager*

## U.S. DEPARTMENT OF JUSTICE

**CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS**

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. The certifications shall be treated as a material representation of fact upon which reliance will be placed when the U.S. Department of Justice ("Department") determines to award the covered transaction, grant, or cooperative agreement.

**1. LOBBYING**

As required by 31 U.S.C. § 1352, as implemented by 28 C.F.R. Part 69, the Applicant certifies and assures (to the extent applicable) the following:

- (a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the Applicant, 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 making of any Federal grant, the entering into of any cooperative agreement, or the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;
- (b) If the Applicant's request for Federal funds is in excess of \$100,000, and any funds other than Federal appropriated funds have 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 this Federal grant or cooperative agreement, the Applicant shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities" in accordance with its (and any DOJ awarding agency's) instructions; and
- (c) The Applicant shall require that the language of this certification be included in the award documents for all subgrants and procurement contracts (and their subcontracts) funded with Federal award funds and shall ensure that any certifications or lobbying disclosures required of recipients of such subgrants and procurement contracts (or their subcontractors) are made and filed in accordance with 31 U.S.C. § 1352.

**2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS**

A. Pursuant to Department regulations on nonprocurement debarment and suspension implemented at 2 C.F.R. Part 2867, and to other related requirements, the Applicant certifies, with respect to prospective participants in a primary tier "covered transaction", as defined at 2 C.F.R. § 2867.20(a), that neither it nor any of its principals--

- (a) is 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 covered transactions by any Federal department or agency;
- (b) has within a three-year period preceding this application been convicted of a felony criminal violation under any Federal law, or been convicted or had a civil judgment rendered against it for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, tribal, or local) transaction or private agreement or transaction;
- (c) is presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, tribal, or local) with commission of any of the offenses enumerated in paragraph (b) of this certification; and/or
- (d) has within a three-year period preceding this application had one or more public transactions (Federal, State, tribal, or local) terminated for cause or default.

B. Where the Applicant is unable to certify to any of the statements in this certification, it shall attach an explanation to this application. Where the Applicant or any of its principals was convicted, within a three-year period preceding this application, of a felony criminal violation under any Federal law, the Applicant also must disclose such felony criminal conviction in writing to the Department (for OJP Applicants, to OJP at [Ojpcompliancereporting@usdoj.gov](mailto:Ojpcompliancereporting@usdoj.gov); for OVW Applicants, to OVW at [OVW.GFMD@usdoj.gov](mailto:OVW.GFMD@usdoj.gov); or for COPS Applicants, to COPS at [AskCOPSRC@usdoj.gov](mailto:AskCOPSRC@usdoj.gov)), unless such disclosure has already been made.

### 3. FEDERAL TAXES

A. If the Applicant is a corporation, it certifies either that (1) the corporation has no unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, or (2) the corporation has provided written notice of such an unpaid tax liability (or liabilities) to the Department (for OJP Applicants, to OJP at [Ojpcompliancereporting@usdoj.gov](mailto:Ojpcompliancereporting@usdoj.gov); for OVW Applicants, to OVW at [OVW.GFMD@usdoj.gov](mailto:OVW.GFMD@usdoj.gov); or for COPS Applicants, to COPS at [AskCOPSRC@usdoj.gov](mailto:AskCOPSRC@usdoj.gov)).

B. Where the Applicant is unable to certify to any of the statements in this certification, it shall attach an explanation to this application.

### 4. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, as implemented at 28 C.F.R. Part 83, Subpart F, for grantees, as defined at 28 C.F.R. §§ 83.620 and 83.650:

A. The Applicant certifies and assures that it will, or will continue to, provide a drug-free workplace by--

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in its workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about--

(1) The dangers of drug abuse in the workplace;

(2) The Applicant's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the award be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the award, the employee will--

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of the employee's conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the Department, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction.

Employers of convicted employees must provide notice, including position title of any such convicted employee to the Department, as follows:

For COPS award recipients - COPS Office, 145 N Street, NE, Washington, DC, 20530;

For OJP and OVW award recipients - U.S. Department of Justice, Office of Justice Programs, ATTN: Control Desk, 810 7th Street, N.W., Washington, D.C. 20531.

Notice shall include the identification number(s) of each affected award;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency; and

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

#### 5. COORDINATION REQUIRED UNDER PUBLIC SAFETY AND COMMUNITY POLICING PROGRAMS

As required by the Public Safety Partnership and Community Policing Act of 1994, at 34 U.S.C. § 10382 (c)(5), if this application is for a COPS award, the Applicant certifies that there has been appropriate coordination with all agencies that may be affected by its award. Affected agencies may include, among others, Offices of the United States Attorneys; State, local, or tribal prosecutors; or correctional agencies.

I acknowledge that a materially false, fictitious, or fraudulent statement (or concealment or omission of a material fact) in this certification, or in the application that it supports, 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 for false claims or otherwise (including under 31 U.S.C. §§ 3729-3730 and 3801-3812). I also acknowledge that the Department's awards, including certifications provided in connection with such awards, are subject to review by the Department, including by its Office of the Inspector General.

Close Window

Michael J. Gungen  
City Manager 8/17/18

# *City of Broken Arrow*

## **PERSONNEL REGULATIONS**

The personnel rules and regulations apply to all City employees unless modified by a formal written contract entered into between the City and a collective bargaining agent whose duties include the representation of the employee in question. City employees include:

1. Probationary employee – A newly appointed employee who has not completed the designated probationary period.
2. Regular full-time employee (sometimes called a permanent full-time employee) – An employee who has completed the initial probationary period and who works forty or more hours a week on a regular schedule throughout the year.
3. Permanent part-time employee – An employee who has completed the initial probationary period and who works less the forty hours per week on a regular schedule throughout the year. Permanent part-time employees are not eligible for City benefits.
4. Seasonal employee – An employee who works either on a regular or part-time basis for a limited period of time. Seasonal employees are not eligible for City benefits.

## **Alcohol and Drug Free Workplace Policies**

*This policy applies to all employees of the City of Broken Arrow*

The City of Broken Arrow considers its employees to be its most valuable resource and is concerned about the health, safety, well being and satisfactory work performance of all employees. The use, abuse and dependence on alcohol and/or drugs can seriously affect the health of employees, jeopardize their own safety and that of others, as well as impair job performance.

**Policy:** The possession, use, manufacture, dispensation, sale or distribution of alcohol and/or illegal drugs (this includes illegally obtained prescription medication) while on duty, while in or on City property or while wearing a City

uniform, whether on or off duty, is prohibited and may result in a suspension with pay pending further personnel action which may include a suspension without pay, transfer, demotion or termination.

Being under the influence of alcohol and illegal drugs (this also includes illegally obtained prescription medications) while on duty, while in or on City property or while wearing a City uniform, whether on or off duty, is prohibited and may result in discipline, up to and including termination.

The City of Broken Arrow requires applicants to submit to post job offer pre-employment testing and its employees to submit to reasonable suspicion, post accident, random and post rehabilitation drug and alcohol testing subject to compliance with all applicable state and federal laws in the administration of creating and sustaining a drug and alcohol free workplace.

Employees who violate any aspect of this policy (including receiving a confirmed positive test result or refusing to submit to testing) may be subject to disciplinary action, up to and including termination. In addition, the City may, at its' discretion, require employees who violate this policy to successfully complete a substance abuse assistance or rehabilitation program as a condition of continued employment.

**Responsibility:** It is the responsibility of each employee when reporting to work to be free from the influence and use of any illegal drug or alcohol and to comply with the City's Alcohol and Drug Free Workplace Policy. Employees convicted of a criminal drug statute violation (including pleas of nolo contendere, i.e., no contest) must inform the City within five working days of such conviction of plea. Failure to advise the City within the prescribed number of days may result in suspension pending further personnel action, which may include termination.

***Department of Transportation Drug and Alcohol Testing:*** This policy applies to all employees who operate, maintain or repair City vehicles and/or equipment that are defined by the Department of Transportation as Commercial Motor Vehicles.

**Policy:** The possession, use, manufacture, dispensation, sale or distribution of alcohol and/or illegal drugs (this includes illegally obtained prescription medication) while on duty, while in or on City property, or while wearing a City uniform, whether on or off duty, is prohibited and may result in suspension with pay pending further action which may include termination.

Being impaired by the influence of alcohol and illegal drugs (this also includes illegally obtained prescription medications) while on duty, while in or on City property or while wearing a City uniform, whether on or off duty, is prohibited and may result in discipline, up to and including termination.

The City of Broken Arrow shall require all employees who operate vehicles / equipment that are defined as a Commercial Motor Vehicle to submit to pre-employment, post accident, random, reasonable suspicion and return to work drug and alcohol testing.

Employees who violate any aspect of this policy (including receiving a confirmed positive test result or refusing to submit to testing) may be subject to disciplinary action, up to and including termination. In addition, the City may at its discretion require employees who violate this policy to successfully complete a substance abuse assistance or rehabilitation program as a condition of continued employment.

**Responsibility:** It is the responsibility of each employee when reporting to work to be free from the influence and use of any illegal drug or alcohol and to comply with the City's Drug and Alcohol Free Workplace Policy.

Employees convicted of a criminal drug statute violation (including pleas of nolo contendere, i.e., no contest) must inform the City within five working days of such conviction of plea. Failure to advise the City within the prescribed days may result in suspension pending further personnel action, which may include termination.

The City, as a recipient of a grant for the Community Development Block Grant Program from the United States Department of Housing and Urban Development (HUD), must notify HUD within ten days after receiving notice of any employee convicted of a criminal drug statute.

For additional information regarding either of these policies refer to the Administrative Regulations section of this handbook.

## **Amendment and Implementation**

The City Manager may amend these rules and regulations when deemed desirable



**BJA FY 18 Edward Byrne Memorial Justice Assistance  
Grant (JAG) Program - Local Solicitation** 2018-H3918-OK-  
DJ

[Application](#)[Correspondence](#)Application: [Switch to ...](#) [Review SF-424](#) [Print a Copy](#)**Application Handbook**[Overview](#)[Applicant  
Information](#)[Project Information](#)[Budget and  
Program  
Attachments](#)[Assurances and  
Certifications](#)[Review SF 424](#)[Submit Application](#)[Help/Frequently  
Asked Questions](#)[GMS Home](#)[Log Off](#)

<b>APPLICATION FOR FEDERAL ASSISTANCE</b>	<b>2. DATE SUBMITTED</b>	<b>Applicant Identifier</b>
<b>1. TYPE OF SUBMISSION</b> Application Non-Construction	<b>3. DATE RECEIVED BY STATE</b>	<b>State Application Identifier</b>
	<b>4. DATE RECEIVED BY FEDERAL AGENCY</b>	<b>Federal Identifier</b>
<b>5. APPLICANT INFORMATION</b>		
<b>Legal Name</b> City of Broken Arrow		<b>Organizational Unit</b> Police Department
<b>Address</b> 220 South First Street Broken Arrow, Oklahoma 74012-7137		<b>Name and telephone number of the person to be contacted on matters involving this application</b>  Wickersham, Aleisha (918) 451-8200
<b>6. EMPLOYER IDENTIFICATION NUMBER (EIN)</b> 73-6005109		<b>7. TYPE OF APPLICANT</b> Municipal
<b>8. TYPE OF APPLICATION</b> New		<b>9. NAME OF FEDERAL AGENCY</b> Bureau of Justice Assistance
<b>10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE</b>  NUMBER: 16.738 CFDA Edward Byrne Memorial Justice Assistance TITLE: Grant Program		<b>11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT</b>  Law Enforcement Enhancement through overtime, training, and equipment.
<b>12. AREAS AFFECTED BY PROJECT</b> Broken Arrow, City of Tulsa and Wagoner Counties		
<b>13. PROPOSED PROJECT</b> Start Date: October 01, 2018 End Date: September 30, 2020		<b>14. CONGRESSIONAL DISTRICTS OF</b>  a. Applicant b. Project OK01
<b>15. ESTIMATED FUNDING</b>		<b>16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?</b>  Program is not covered by E.O. 12372
Federal	\$13,479	
Applicant	\$0	
State	\$0	
Local	\$0	

Other	\$0	<b>17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?</b>
Program Income	\$0	
TOTAL	\$13,479	
<b>18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS REQUIRED.</b>		

Continue

Michael J. Langer  
City Manager 8/17/18



**BJA FY 18 Edward Byrne Memorial Justice Assistance  
Grant (JAG) Program - Local Solicitation** 2018-H3918-OK-  
DJ

[Application](#)[Correspondence](#)Application: Switch to ...**Application Handbook****Overview**[Overview](#)[Applicant  
Information](#)[Project Information](#)[Budget and  
Program  
Attachments](#)[Assurances and  
Certifications](#)[Review SF 424](#)[Submit Application](#)[Help/Frequently  
Asked Questions](#)[GMS Home](#)[Log Off](#)

This handbook allows you to complete the application process for applying to the BJA FY 18 Edward Byrne Memorial Justice Assistance Grant (JAG) Program - Local Solicitation. At the end of the application process you will have the opportunity to view and print the SF-424 form.

*Type of Submission	<input type="radio"/> Application Construction <input checked="" type="radio"/> Application Non-Construction <input type="radio"/> Preapplication Construction <input type="radio"/> Preapplication Non-Construction	
*Type of Application	If Revision, select appropriate option If Other, specify	New Type of Revision 
*Is application subject to review by state executive order 12372 process?	<input type="radio"/> Yes This preapplication/application was made available to the state executive order 12372 process for review on <input checked="" type="radio"/> No Program is not covered by E.O. 12372 <input type="radio"/> N/A Program has not been selected by state for review	

[Save and Continue](#)



# BJA FY 18 Edward Byrne Memorial Justice Assistance Grant (JAG) Program - Local Solicitation

2018-H3918-OK-DJ

[Application](#)[Correspondence](#)Application: [Switch to ...](#) ▼**Application Handbook****Applicant Information**[Overview](#)

Verify that the following information filled is correct and fill out any missing information. To save changes, click on the "Save and Continue" button.

[Applicant Information](#)

\* - Indicates required field

[Project Information](#)[Budget and Program Attachments](#)[Assurances and Certifications](#)[Review SF 424](#)[Submit Application](#)[Help/Frequently Asked Questions](#)[GMS Home](#)[Log Off](#)

*Is the applicant delinquent on any federal debt? (If Yes is selected, please upload an explanation)	<input type="radio"/> Yes <input checked="" type="radio"/> No	
*Employer Identification Number (EIN)	73	- 6005109
*Type of Applicant	Municipal ▼	
Type of Applicant (Other):	<input type="text"/>	
*Organizational Unit	Police Department	
*Legal Name (Legal Jurisdiction Name)	City of Broken Arrow	
*Vendor Address 1	220 South First Street	
Vendor Address 2	<input type="text"/>	
*Vendor City	Broken Arrow	
Vendor County/Parish	Tulsa & Wagoner	
*Vendor State	Oklahoma ▼	
*Vendor ZIP	74012	- 7137 Zip+4 Lookup
<b>Please provide Point of Contact Information for matters involving this application</b>		
*Contact Prefix:	Mrs. ▼	
Contact Prefix (Other):	<input type="text"/>	
*Contact First Name:	Aleisha	
Contact Middle Initial:	<input type="text"/>	
*Contact Last Name:	Wickersham	
Contact Suffix:	Select a Suffix ▼	
Contact Suffix (Other):	<input type="text"/>	
*Contact Title:	Planning & Research S	
*	1101 N. 6th St.	

Contact Address Line 1:			
Contact Address Line 2:			
*Contact City	Broken Arrow		
Contact County:			
*Contact State:	Oklahoma ▼		
*Contact Zip Code:	74012	- 2041	<a href="#">Zip+4 Lookup</a>
*Contact Phone Number:	918	451	8200 Ext: 8692
Contact Fax Number:	918	451	8242
*Contact E-mail Address:	awickersham@brokenarrowok.go <a href="#">Email Help</a>		

Save and Continue

**BJA FY 18 Edward Byrne Memorial Justice Assistance  
Grant (JAG) Program - Local Solicitation**

2018-H3918-OK-DJ

[Application](#)[Correspondence](#)Application: [Switch to ...](#) ▼**Application Handbook****Project Information**[Overview](#)[Applicant  
Information](#)[Project Information](#)[Budget and  
Program  
Attachments](#)[Assurances and  
Certifications](#)[Review SF 424](#)[Submit Application](#)[Help/Frequently  
Asked Questions](#)[GMS Home](#)[Log Off](#)**\*Descriptive Title of Applicant's Project**

Law Enforcement Enhancement through overtime, training, and equipment. ^

**\*Areas Affected by Project**

Broken Arrow, City of Tulsa and Wagoner Counties ^

**Proposed Project**\*Start  
Date

October ▼

01 ▼

2018 ▼

\*End Date

September ▼

30 ▼

2020 ▼

**\*Congressional Districts of**

Project

Congressional District 01, OK  
Congressional District 02, OK  
Congressional District 03, OK  
Congressional District 04, OK ^**\*Estimated Funding**

Federal	\$ 13479 .00
Applicant	\$ 0 .00
State	\$ 0 .00
Local	\$ 0 .00
Other	\$ 0 .00
Program Income	\$ 0 .00
TOTAL	\$ 13479 .00

[Save and Continue](#)

## JAG – Budget

### Title: Law Enforcement Enhancement through Overtime, Training and Equipment.

#### Proposed Budget

Travel	\$ 4,500
Equipment	\$ 6,979
Personnel/Overtime	\$ 2,000
Total	<u>\$13,123.00</u>

Effective leadership and efficient use of technology will assist the Broken Arrow Police Department in providing excellent service to our citizens. We intend to use JAG funds in the following program areas:

- (1) Travel – Training of personnel is important to ensure the highest quality of service to our citizens. Training funds requested for the City of Broken Arrow will be used to train employees and supervisors to be more effective in the field and to enhance our service to our community. We will use at minimum of 3% of our complete JAG award to send staff to IBR/NIBRS training.

Travel	\$4,500
Miscellaneous training funds	
Registration	\$1,500
Travel	\$3,000

- (2) Equipment – We propose to use equipment funds to meet needed technology upgrades for employees. We need to continue to make minor upgrades in software and hardware.

Equipment – General	
Miscellaneous software and hardware	\$6,979

- (3) Personnel/ Overtime – Due to budget constraints, we have very limited use of overtime to address problem areas. We propose to use overtime funds for crime prevention and use bicycles to conduct overtime and community event overtime.

Overtime	\$ 2,000
----------	----------

## **JAG – High Risk Disclosure**

**Title: Law Enforcement Enhancement through Overtime, Training and Equipment.**

**Broken Arrow** is not at high risk with any other federal agency.

## **JAG – Disclosure of Pending Applications**

**Title: Law Enforcement Enhancement through Overtime, Training and Equipment.**

**Broken Arrow** does not have pending applications submitted within the last 12 months for federally funded assistance that include requests for funding to support the same project being proposed under the solicitation and will cover the identical cost items outlined in the budget narrative and worksheet in the application under this solicitation.

## **JAG – Program Narrative**

### **Title: Law Enforcement Enhancement through Overtime, Training and Equipment.**

**About Broken Arrow.** The City of Broken Arrow is located on the banks of the Arkansas River and is the fourth largest city in the State of Oklahoma. Broken Arrow, incorporated in 1903, has two (2) counties within its jurisdiction, Tulsa and Wagoner Counties. Broken Arrow has an estimated population of 108,850 people spread out over 55 square miles. According to the 2010 U.S. Census Bureau, numbers show the City grew by 32% during the years of 2000 thru 2010, making it one of the fastest growing communities in Oklahoma. Managing our City's growth, while at the same time maintaining a high quality of life, is the primary challenge facing the community for the next several years. One of the cornerstones of quality of life for any community is public safety.

**About Broken Arrow Police Department.** Currently, the Police Department stands at 147 sworn officers and 58 full-time civilian employees. In an examination of the 2016 Uniform Crime Report Table 71, we reviewed the national and regional averages for sworn officers and compared them to the current sworn officer ratios in Broken Arrow. The table gives 2016 national averages for sworn officers per 1,000 population as 2.1. Using the national averages and Broken Arrow's estimated current population of 108,850, we see that Broken Arrow at 1.4\* is below the national average of 2:1 per 1,000, as well as, the regional (West South Central) average of 2.1 per 1,000. The City is gradually working to hire enough officers to bring us up to regional standards and has graduated 8 officer academies within 7 years. Unfortunately, this has mostly filled

\* $147 \text{ Officers} / 108,850 \times 1000 = 1.4 \text{ Average}$

open positions due to attrition. Therefore, it is incumbent upon the department to make the wisest use of personnel and funds. We propose to use JAG funds for law enforcement enhancement through overtime, training and equipment.

It is the intention of the Broken Arrow Police Department to use JAG funds in the following program areas (1) Conference & Training (2) Equipment - General and (3) Overtime. (1) Conference & Training – Training of personnel is important to ensure the highest quality of service to our citizens. Training funds requested for The City of Broken Arrow will be used to train police department employees and supervisors to be more effective in their position and to enhance our service to our community. (2) Equipment – We propose to use equipment funds to meet needed technology updates for employees. We propose to use funds to continue to make minor upgrades in software and hardware as we work to fine tune our computer systems. (3) Personnel/ Overtime – Due to budget constraints, we have very limited use of overtime to address problem areas. We propose to use overtime funds for bicycle overtime and community event overtime.

## **JAG – Review Narrative**

### **Title: Law Enforcement Enhancement through Overtime, Training and Equipment.**

The City of Broken Arrow/ Police Department will make its Fiscal Year 2018 JAG application available to the City Council for its review on September 4, 2018.

The City of Broken Arrow/ Police Department intends to make its Fiscal Year 2018 JAG application available to citizens for comment on September 4, 2018 at the governing body's regularly scheduled City Council meeting which meets all the open records requirements.

## **JAG – Abstract**

### **Title: Law Enforcement Enhancement through Overtime, Training and Equipment.**

**About Broken Arrow.** The City of Broken Arrow is located on the banks of the Arkansas River and is the fourth largest city in the State of Oklahoma. Broken Arrow, incorporated in 1903, has two (2) counties within its jurisdiction, Tulsa and Wagoner Counties. Broken Arrow has an estimated population of 108,850 people spread out over 55 square miles. According to the 2010 U.S. Census Bureau, numbers show the City grew by 32% during the years of 2000 thru 2010, making it one of the fastest growing communities in Oklahoma. Managing our City's growth, while at the same time maintaining a high quality of life, is the primary challenge facing the community for the next several years. One of the cornerstones of quality of life for any community is public safety.

The City continues to see improvement in its sales tax revenues and graduated an eighth police academy replacing officers lost due to attrition and retirement. However the department still operates below established national and regional ratios for minimum staffing per capita. These funds will be used to improve community services primarily by improving leadership through personnel training, through technological improvement, and use of overtime for public events and for targeted patrol in problem areas.

#### **Project Identifiers:**

Conference & Training

Overtime

Equipment-General

## **JAG – Budget Narrative**

### **Title: Law Enforcement Enhancement through Overtime, Training and Equipment.**

It is the intention of the Broken Arrow Police Department to use JAG funds in the following program areas (1) Conference & Training (2) Equipment - General and (3) Overtime.

(1) Conference & Training – Training of personnel is important to ensure the highest quality of service to our citizens. Training funds requested for The City of Broken Arrow will be used to train police department employees and supervisors to be more effective in their position and to enhance our service to our community. We propose to use funds to send our Deputy Chief and our Planning and Research Specialist to the 2019 Mid-Sized Agency Benchmark Cities Conference in Austin, TX and we will use at minimum of 3% of our complete JAG award to send staff to IBR/NIBRS training.

(2) Equipment – We propose to use equipment funds to meet needed technology updates for employees. We propose to use funds to continue to make minor upgrades in software and hardware as we work to fine tune our computer systems.

(3) Personnel/ Overtime – Due to budget constraints, we have very limited use of overtime to address problem areas, and on our walking trails. We propose to use overtime funds in 4 hour increments for crime prevention for bicycle overtime and community event overtime as needed. We will collect data from activity sheets that officers fill out throughout their shift and provide copies of the combined tally sheet, as well as, copies of overtime sheets and the hour detail sheet from our Finance department.

## **JAG – Confidentiality of Data -Privacy Certificate**

**Title: Law Enforcement Enhancement through Overtime, Training and Equipment.**

**Broken Arrow** is in accordance with requirements of 28 C.F.R. Part 22 and, in particular, 28 C.F.R. 22.23.



### Background

Recipients' financial management systems and internal controls must meet certain requirements, including those set out in the "Part 200 Uniform Requirements" (2.C.F.R. Part 2800).

Including at a minimum, the financial management system of each OJP award recipient must provide for the following:

- (1) Identification, in its accounts, of all Federal awards received and expended and the Federal programs under which they were received. Federal program and Federal award identification must include, as applicable, the CFDA title and number, Federal award identification number and year, and the name of the Federal agency.
- (2) Accurate, current, and complete disclosure of the financial results of each Federal award or program.
- (3) Records that identify adequately the source and application of funds for Federally-funded activities. These records must contain information pertaining to Federal awards, authorizations, obligations, unobligated balances, assets, expenditures, income, and interest, and be supported by source documentation.
- (4) Effective control over, and accountability for, all funds, property, and other assets. The recipient must adequately safeguard all assets and assure that they are used solely for authorized purposes.
- (5) Comparison of expenditures with budget amounts for each Federal award.
- (6) Written procedures to document the receipt and disbursement of Federal funds including procedures to minimize the time elapsing between the transfer of funds from the United States Treasury and the disbursement by the OJP recipient.
- (7) Written procedures for determining the allowability of costs in accordance with both the terms and conditions of the Federal award and the cost principles to apply to the Federal award.
- (8) Other important requirements related to retention requirements for records, use of open and machine readable formats in records, and certain Federal rights of access to award-related records and recipient personnel.

#### 1. Name of Organization and Address:

Organization Name: City of Broken Arrow

Street1: 220 South 1st Street

Street2:

City: Broken Arrow

State: OKLAHOMA

Zip Code: 74012

#### 2. Authorized Representative's Name and Title:

Prefix: Mr First Name: Michael Middle Name:

Last Name: Spurgeon Suffix:

Title: City Manager

3. Phone: (918) 259-8419

4. Fax: 9182598226

5. Email: mspurgeon@brokenarrowok.gov

6. Year Established:

1903

7. Employer Identification Number (EIN):

736005109

8. DUNS Number:

786554950000

9. a) Is the applicant entity a nonprofit organization (including a nonprofit institution of higher education) as described in 26 U.S.C. 501(c)(3) and exempt from taxation under 26 U.S.C. 501(a)? ☐ Yes ☒ No

If "No" skip to Question 10.

If "Yes", complete Questions 9. b) and 9. c).



### AUDIT INFORMATION

9. b) Does the applicant nonprofit organization maintain offshore accounts for the purpose of avoiding paying the tax described in 26 U.S.C. 511(a)?

☐ Yes ☐ No

9. c) With respect to the most recent year in which the applicant nonprofit organization was required to file a tax return, does the applicant nonprofit organization believe (or assert) that it satisfies the requirements of 26 C.F.R. 53.4958-6 (which relate to the reasonableness of compensation of certain individuals)?

☐ Yes ☐ No

If "Yes", refer to "Additional Attachments" under "What An Application Should Include" in the OJP solicitation (or application guidance) under which the applicant is submitting its application. If the solicitation/guidance describes the "Disclosure of Process related to Executive Compensation," the applicant nonprofit organization must provide -- as an attachment to its application -- a disclosure that satisfies the minimum requirements as described by OJP.

For purposes of this questionnaire, an "audit" is conducted by an independent, external auditor using generally accepted auditing standards (GAAS) or Generally Governmental Auditing Standards (GAGAS), and results in an audit report with an opinion.

10. Has the applicant entity undergone any of the following types of audit(s) (Please check all that apply):

☒ "Single Audit" under OMB A-133 or Subpart F of 2 C.F.R. Part 200

☒ Financial Statement Audit

☐ Defense Contract Agency Audit (DCAA)

☐ Other Audit & Agency (list type of audit):

☐ None (if none, skip to question 13)

11. Most Recent Audit Report Issued: ☒ Within the last 12 months ☐ Within the last 2 years ☐ Over 2 years ago ☐ N/A

Name of Audit Agency/Firm: Arledge & Associates PC

### AUDITOR'S OPINION

12. On the most recent audit, what was the auditor's opinion?

☒ Unqualified Opinion ☐ Qualified Opinion ☐ Disclaimer, Going Concern or Adverse Opinions ☐ N/A: No audits as described above

Enter the number of findings (if none, enter "0"): 4

Enter the dollar amount of questioned costs (if none, enter "\$0"): \$0

Were material weaknesses noted in the report or opinion?

☐ Yes ☒ No

13. Which of the following best describes the applicant entity's accounting system:

☐ Manual ☒ Automated ☐ Combination of manual and automated

14. Does the applicant entity's accounting system have the capability to identify the receipt and expenditure of award funds separately for each Federal award?

☒ Yes ☐ No ☐ Not Sure

15. Does the applicant entity's accounting system have the capability to record expenditures for each Federal award by the budget cost categories shown in the approved budget?

☒ Yes ☐ No ☐ Not Sure

16. Does the applicant entity's accounting system have the capability to record cost sharing ("match") separately for each Federal award, and maintain documentation to support recorded match or cost share?

☒ Yes ☐ No ☐ Not Sure



17. Does the applicant entity's accounting system have the capability to accurately track employees actual time spent performing work for each federal award, and to accurately allocate charges for employee salaries and wages for each federal award, and maintain records to support the actual time spent and specific allocation of charges associated with each applicant employee?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure
18. Does the applicant entity's accounting system include budgetary controls to preclude the applicant entity from incurring obligations or costs that exceed the amount of funds available under a federal award (the total amount of the award, as well as the amount available in each budget cost category)?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure
19. Is applicant entity familiar with the "cost principles" that apply to recent and future federal awards, including the general and specific principles set out in 2 C.F.R. Part 200?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure
<b>PROPERTY STANDARDS AND PROCUREMENT STANDARDS</b>	
20. Does the applicant entity's property management system(s) maintain the following information on property purchased with federal award funds (1) a description of the property; (2) an identification number; (3) the source of funding for the property, including the award number; (4) who holds title; (5) acquisition date; (6) acquisition cost; (7) federal share of the acquisition cost; (8) location and condition of the property; (9) ultimate disposition information?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure
21. Does the applicant entity maintain written policies and procedures for procurement transactions that -- (1) are designed to avoid unnecessary or duplicative purchases; (2) provide for analysis of lease versus purchase alternatives; (3) set out a process for soliciting goods and services, and (4) include standards of conduct that address conflicts of interest?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure
22. a) Are the applicant entity's procurement policies and procedures designed to ensure that procurements are conducted in a manner that provides full and open competition to the extent practicable, and to avoid practices that restrict competition?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure
22. b) Do the applicant entity's procurement policies and procedures require documentation of the history of a procurement, including the rationale for the method of procurement, selection of contract type, selection or rejection of contractors, and basis for the contract price?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure
23. Does the applicant entity have written policies and procedures designed to prevent the applicant entity from entering into a procurement contract under a federal award with any entity or individual that is suspended or debarred from such contracts, including provisions for checking the "Excluded Parties List" system ( <a href="http://www.sam.gov">www.sam.gov</a> ) for suspended or debarred sub-grantees and contractors, prior to award?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure
<b>TRAVEL POLICY</b>	
24. Does the applicant entity: (a) maintain a standard travel policy? <input type="checkbox"/> Yes <input type="checkbox"/> No (b) adhere to the Federal Travel Regulation (FTR)? <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>SUBRECIPIENT MANAGEMENT AND MONITORING</b>	
25. Does the applicant entity have written policies, procedures, and/or guidance designed to ensure that any subawards made by the applicant entity under a federal award -- (1) clearly document applicable federal requirements, (2) are appropriately monitored by the applicant, and (3) comply with the requirements in 2 CFR Part 200 (see 2 CFR 200.331)?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure <input type="checkbox"/> N/A - Applicant does not make subawards under any OJP awards



U.S. DEPARTMENT OF JUSTICE  
OFFICE OF JUSTICE PROGRAMS

Approved: OMB No. 1121-0329  
Expires 11/30/2020

26. Is the applicant entity aware of the differences between subawards under federal awards and procurement contracts under federal awards, including the different roles and responsibilities associated with each?

☐ Yes ☐ No ☐ Not Sure  
☒ N/A - Applicant does not make subawards under any OJP awards

27. Does the applicant entity have written policies and procedures designed to prevent the applicant entity from making a subaward under a federal award to any entity or individual is suspended or debarred from such subawards?

☐ Yes ☐ No ☐ Not Sure  
☒ N/A - Applicant does not make subawards under any OJP awards

**DESIGNATION AS 'HIGH-RISK' BY OTHER FEDERAL AGENCIES**

28. Is the applicant entity designated "high risk" by a federal grant-making agency outside of DOJ? (High risk includes any status under which a federal awarding agency provides additional oversight due to the applicant's past performance, or other programmatic or financial concerns with the applicant.)

☐ Yes ☒ No ☐ Not Sure

If "Yes", provide the following:

(a) Name(s) of the federal awarding agency:

[REDACTED]

(b) Date(s) the agency notified the applicant entity of the "high risk" designation:

[REDACTED]

(c) Contact information for the "high risk" point of contact at the federal agency:

Name:

[REDACTED]

Phone:

[REDACTED]

Email:

[REDACTED]

(d) Reason for "high risk" status, as set out by the federal agency:

[REDACTED]

**CERTIFICATION ON BEHALF OF THE APPLICANT ENTITY**

(Must be made by the chief executive, executive director, chief financial officer, designated authorized representative ("AOR"), or other official with the requisite knowledge and authority)

On behalf of the applicant entity, I certify to the U.S. Department of Justice that the information provided above is complete and correct to the best of my knowledge. I have the requisite authority and information to make this certification on behalf of the applicant entity.

Name: Cynthia Arnold

*Cynthia S. Arnold*

Date: 2018-08-16

Title: ☐ Executive Director ☒ Chief Financial Officer ☐ Chairman

☐ Other:

[REDACTED]

Phone: (918) 259-2400

[REDACTED]

## Appendix E

### Information regarding Communication with the Department of Homeland Security (DHS) and/or Immigration and Customs Enforcement (ICE)

Each applicant must provide responses to the following questions as an attachment to the application:

- (1) Does your jurisdiction have any laws, policies, or practices related to whether, when, or how employees may communicate with DHS or ICE?

- Yes.

- (2) Is your jurisdiction subject to any laws from a superior political entity (e.g., a state law that binds a city) that meet the description in question 1?

- No

- (3) If yes to either: • Please provide a copy of each law or policy;

- Please describe each practice; and

- Please see our attached policies Assisting Other Agencies (OPS 135) and Arrest and Foreign Nationals (OPS 117). As well as once a year we send out an emails that explains all the JAG requirements as they pertain to communications with ICE and DHS. Please see attached Documents.

- Please explain how the law, policy, or practice complies with section 1373.

- Our staff is notified by emails of the requirements of 1373 with a description as well as FQs for 8 U.S.C. 1373. As well as the JAG paper work is attached to the email for clarification. Our staff has a pamphlet hung up in our jail that shows the contact information on it and if we receive calls from any other agency we share information as described in our attached policies.

Note: Responses to these questions must be provided by the applicant to BJA as part of the JAG application. Further, the requirement to provide this information applies to all tiers of JAG funding, for all subawards made to state or local government entities, including public institutions of higher education. All subrecipient responses must be collected and maintained by the direct recipient of JAG funding and must be made available to DOJ upon request. Responses

to these questions are not required from subrecipients that are either a tribal government/organization, a nonprofit organization, or a private institution of higher education.

## Wickersham, Aleisha

---

**From:** Wickersham, Aleisha  
**Sent:** Friday, August 17, 2018 11:49 AM  
**To:** \_All Police Dept Personnel  
**Subject:** Notification of Compliance with 8 USC § 1373  
**Attachments:** F&Qs for 8USC 1373.pdf; New Doc 2018-08-17.pdf; (OPS117 )Arrest Paperwork and Foreign Nationals.pdf; JAG Appendix D.pdf; OPS 135 Assisting Other Agencies Concurrent Jurisdictions.pdf

All be advised the JAG Grant has certain requirements for their program. The federal government requires that we be in compliance with 8 USC § 1373. Which says we will cooperate with exchange of information regarding citizenship and immigration status among all federal state and local government entities and officials. This has to do with "sanctuary cities." As a government agency we will always comply with all Local, State, and Federal laws. Our policy on Assisting Other Agencies (OPS 135) as well as Assisting Other Agencies Concurrent Jurisdictions (OPS 117) also states that we will honor requests from other agencies for back up or "other assistance" which includes the sharing of investigatory information. We are also required to ensure that personnel are informed of this law and this policy. Please consider this your notification that Broken Arrow will comply with this Federal law as we do with all laws. This is no change in the way we are already doing business. The attachment explains in further detail and will be posted on the board outside the squad room. If you have any questions, please let me know.

Thank you,



*Aleisha Wickersham, M.S.*

Broken Arrow Police Department  
Planning & Research Specialist  
1101 N. 6<sup>th</sup> St.  
Broken Arrow, OK 74012  
O: (918) 451-8200 Ext. 8692  
Fax: (918) 451-8242

Reply Reply All Forward

Fri 8/7/2018 11:49 AM



Wickersham, Alesha

Notification of Compliance with 8 USC § 1373

To All Police Dept Personnel

PDF for 8 USC 1373.pdf 694 KB	New Doc 2018-08-17.pdf 678 KB	(OPS 117) Arrest Paperwork and Foreign Nationals.pdf 192 KB	JAG Appendix D.pdf 245 KB
----------------------------------	----------------------------------	--	------------------------------

All be advised the JAG Grant has certain requirements for their program. The federal government requires that we be in compliance with 8 USC § 1373. Which says we will cooperate with exchange of information regarding citizenship and immigration status among all federal state and local government entities and officials. This has to do with "sanctuary cities." As a government agency we will always comply with all Local, State, and Federal laws. Our policy on Assisting Other Agencies (OPS 135) as well as Assisting Other Agencies Concurrent Jurisdictions (OPS 117) also states that we will honor requests from other agencies for back up or "other assistance" which includes the sharing of investigatory information. We are also required to ensure that personnel are informed of this law and this policy. Please consider this your notification that Broken Arrow will comply with this Federal law as we do with all laws. This is no change in the way we are already doing business. The attachment explains in further detail and will be posted on the board outside the squad room. If you have any questions, please let me know.

Thank you,



*Alesha Wickersham, M.S.*  
Broken Arrow Police Department  
Training & Research Specialist  
1101 N. 6<sup>th</sup> St.  
Broken Arrow, OK 74012  
O: (918) 451-8200 Ext. 8652  
FAX: (918) 451-8242

*OFFICE OF JUSTICE PROGRAMS GUIDANCE REGARDING  
COMPLIANCE WITH 8 U.S.C. § 1373*

*1. Q. What does 8 U.S.C. § 1373 require?*

A. Title 8, United States Code, Section 1373 (Section 1373) addresses the exchange of information regarding citizenship and immigration status among federal, state, and local government entities and officials. Subsection (a) prevents federal, state and local government entities and officials from “prohibit[ing] or in any way restrict[ing]” government officials or entities from sending to, or receiving from, federal immigration officers information concerning an individual’s citizenship or immigration status. Subsection (b) provides that no person or agency may “prohibit, or in any way restrict,” a federal, state, or local government entity from (1) sending to, or requesting or receiving from, federal immigration officers information regarding an individual’s immigration status, (2) maintaining such information, or (3) exchanging such information with any other federal, state, or local government entity. Section 1373 does not impose on states and localities the affirmative obligation to collect information from private individuals regarding their immigration status, nor does it require that states and localities take specific actions upon obtaining such information. Rather, the statute prohibits government entities and officials from taking action to prohibit or in any way restrict the maintenance or intergovernmental exchange of such information, including through written or unwritten policies or practices.

Your personnel must be informed that notwithstanding any state or local policies to the contrary, federal law does not allow any government entity or official to prohibit the sending or receiving of information about an individual’s citizenship or immigration status with any federal, state or local government entity and officials.

*2. Q. May a state make a subgrant to a city that the state knows to be violating an applicable law or regulation (e.g. Section 1373), or a programmatic requirement?*

A. No. A JAG grantee is required to assure and certify compliance with all applicable federal statutes, including Section 1373, as well as all applicable federal regulations, policies, guidelines and requirements. This requirement passes through to any subgrants that may be made and to any subgrantees that receive funds under the grant.

*3. Q. Is there a specific report or source BJA is using to determine whether a jurisdiction has violated an applicable Federal law (e.g. Section 1373)?*

A. The Office of Justice Programs (OJP) will take seriously credible evidence of a violation of applicable Federal law, including a violation of Section 1373, from any source. In the ordinary course, OJP will refer such evidence to the Department of Justice’s Office of the Inspector General for appropriate action.

*4. Q. How would a determination that a subgrantee is in violation of federal law affect the state's designation and ability to receive future awards?*

A. A grantee is responsible to the federal government for the duration of the award. As the primary recipient of the award, the grantee is responsible for ensuring that subgrantees assure and certify compliance with federal program and grant requirements, laws, or regulations (e.g. Section 1373). If a grantee or subgrantee has policies or practices in effect that violate Section 1373, the grantee or subgrantee will be given a reasonable amount of time to remedy or clarify such policies to ensure compliance with applicable law. Failure to remedy any violations could result in the withholding of grant funds or ineligibility for future OJP grants or subgrants, or other administrative, civil, or criminal penalties, as appropriate. Our goal is to ensure that JAG grantees and subgrantees are in compliance with all applicable laws and regulations, including Section 1373, not to withhold vitally important criminal justice funding from states and localities.

*5. Q. Does the "JAG Sanctuary Policy Guidance" notice apply to all active grants?*

A. The Policy Guidance applies to all JAG grantees and subgrantees.

*6. Q. What should a state be doing to ensure that subgrantees are complying with the legal requirements for receiving JAG funds?*

A. The state must comply with all of the requirements of 2 C.F.R. § 200.331. See also Section 3.14 (Subrecipient Monitoring) of the Department of Justice Financial Guide.

*7. Q. The "JAG Sanctuary Policy Guidance" cited Section 1373. Are there other components of Title 8 of the United States Code that are required for compliance?*

A. All grantees are required to assure and certify compliance with all applicable federal statutes, regulations, policies, guidelines, and requirements. States may wish to consult with their legal counsel if they have any questions or concerns as to the scope of this requirement.

## Appendix D

### Certain relevant federal laws, as in effect on June 7, 2018

#### 8 U.S.C. § 1373

##### Communication between government agencies and the Immigration and Naturalization Service

###### (a) In general

Notwithstanding any other provision of Federal, State, or local law, a Federal, State, or local government entity or official may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual.

###### (b) Additional authority of government entities

Notwithstanding any other provision of Federal, State, or local law, no person or agency may prohibit, or in any way restrict, a Federal, State, or local government entity from doing any of the following with respect to information regarding the immigration status, lawful or unlawful, of any individual:

- (1) Sending such information to, or requesting or receiving such information from, the Immigration and Naturalization Service.
- (2) Maintaining such information.
- (3) Exchanging such information with any other Federal, State, or local government entity.

###### (c) Obligation to respond to inquiries

The Immigration and Naturalization Service shall respond to an inquiry by a Federal, State, or local government agency, seeking to verify or ascertain the citizenship or immigration status of any individual within the jurisdiction of the agency for any purpose authorized by law, by providing the requested verification or status information.

#### 8 U.S.C. § 1644

##### Communication between State and local government agencies and Immigration and Naturalization Service

Notwithstanding any other provision of Federal, State, or local law, no State or local government entity may be prohibited, or in any way restricted, from sending to or receiving from the Immigration and Naturalization Service information regarding the immigration status, lawful or unlawful, of an alien in the United States.

#### 8 U.S.C. § 1226(a) & (c)

##### Apprehension and detention of aliens

###### (a) Arrest, detention, and release

On a warrant issued by the Attorney General, an alien may be arrested and detained pending a decision on whether the alien is to be removed from the United States. Except as provided in subsection (c) and pending such decision, the Attorney General--

- (1) may continue to detain the arrested alien; and
- (2) may release the alien on--
  - (A) bond of at least \$1,500 with security approved by, and containing conditions prescribed by, the Attorney General; or
  - (B) conditional parole; but
- (3) may not provide the alien with work authorization (including an "employment authorized" endorsement or other appropriate work permit), unless the alien is lawfully admitted for permanent residence or otherwise would (without regard to removal proceedings) be provided such authorization.

\*\*\*

(c) Detention of criminal aliens

(1) Custody

The Attorney General shall take into custody any alien who--

- (A) is inadmissible by reason of having committed any offense covered in section 1182(a)(2) of this title,
- (B) is deportable by reason of having committed any offense covered in section 1227(a)(2)(A)(ii), (A)(iii), (B), (C), or (D) of this title,
- (C) is deportable under section 1227(a)(2)(A)(i) of this title on the basis of an offense for which the alien has been sentenced<sup>1</sup> to a term of imprisonment of at least 1 year, or
- (D) is inadmissible under section 1182(a)(3)(B) of this title or deportable under section 1227(a)(4)(B) of this title,

when the alien is released, without regard to whether the alien is released on parole, supervised release, or probation, and without regard to whether the alien may be arrested or imprisoned again for the same offense.

(2) Release

The Attorney General may release an alien described in paragraph (1) only if the Attorney General decides pursuant to section 3521 of Title 18 that release of the alien from custody is necessary to provide protection to a witness, a potential witness, a person cooperating with an investigation into major criminal activity, or an immediate family member or close associate of a witness, potential witness, or person cooperating with such an investigation, and the alien satisfies the Attorney General that the alien will not pose a danger to the safety of other persons or of property and is likely to appear for any scheduled proceeding. A decision relating to such release shall take place in accordance with a procedure that considers the severity of the offense committed by the alien.

**8 U.S.C. § 1231(a)(4)**

(a) Detention, release, and removal of aliens ordered removed

\*\*\*

**4) Aliens imprisoned, arrested, or on parole, supervised release, or probation**

**(A) In general**

Except as provided in section 259(a) of title 42 and paragraph (2), the Attorney General may not remove an alien who is sentenced to imprisonment until the alien is released from imprisonment. Parole, supervised release, probation, or possibility of arrest or further imprisonment is not a reason to defer removal.

**(B) Exception for removal of nonviolent offenders prior to completion of sentence of imprisonment**

The Attorney General is authorized to remove an alien in accordance with applicable procedures under this chapter before the alien has completed a sentence of imprisonment-

- i. in the case of an alien in the custody of the Attorney General, if the Attorney General determines that (I) the alien is confined pursuant to a final conviction for a nonviolent offense (other than an offense related to smuggling or harboring of aliens or an offense described in section 1101(a)(43)(B), (C), (E), (I), or (L) of this title and (II) the removal of the alien is appropriate and in the best interest of the United States; or
- ii. in the case of an alien in the custody of a State (or a political subdivision of a State), if the chief State official exercising authority with respect to the incarceration of the alien determines that (I) the alien is confined pursuant to a final conviction for a nonviolent offense (other than an offense described in section 1101(a)(43)(C) or (E) of this title), (II) the removal is appropriate and in the best interest of the State, and (III) submits a written request to the Attorney General that such alien be so removed.

**(C) Notice**

Any alien removed pursuant to this paragraph shall be notified of the penalties under the laws of the United States relating to the reentry of deported aliens, particularly the expanded penalties for aliens removed under subparagraph (B).

**(D) No private right**

No cause or claim may be asserted under this paragraph against any official of the United States or of any State to compel the release, removal, or consideration for release or removal of any alien.

**8 U.S.C. § 1324(a)**

**Bringing in and harboring certain aliens**

**(a) Criminal penalties**

**(1)(A) Any person who—**

- i. knowing that a person is an alien, brings to or attempts to bring to the United States in any manner whatsoever such person at a place other than a designated port of entry or place other than as designated by the Commissioner, regardless of whether such alien has received prior official authorization to come to, enter, or reside in the United States and regardless of any future official action which may be taken with respect to such alien;
- ii. knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, transports, or moves or attempts to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law;
- iii. knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, conceals, harbors, or shields from detection, or attempts to conceal, harbor, or shield from detection, such alien in any place, including any building or any means of transportation;

- iv. encourages or induces an alien to come to, enter, or reside in the United States, knowing or in reckless disregard of the fact that such coming to, entry, or residence is or will be in violation of law; or
  - v. (v)(I) engages in any conspiracy to commit any of the preceding acts, or
  - vi. (II) aids or abets the commission of any of the preceding acts, shall be punished as provided in subparagraph (B).
- (B) A person who violates subparagraph (A) shall, for each alien in respect to whom such a violation occurs—
- I. in the case of a violation of subparagraph (A)(i) or (v)(I) or in the case of a violation of subparagraph (A)(ii), (iii), or (iv) in which the offense was done for the purpose of commercial advantage or private financial gain, be fined under title 18, imprisoned not more than 10 years, or both;
  - II. in the case of a violation of subparagraph (A)(ii), (iii), (iv), or (v)(II), be fined under title 18, imprisoned not more than 5 years, or both;
  - III. in the case of a violation of subparagraph (A)(i), (ii), (iii), (iv), or (v) during and in relation to which the person causes serious bodily injury (as defined in section 1365 of title 18) to, or places in jeopardy the life of, any person, be fined under title 18, imprisoned not more than 20 years, or both; and
  - IV. in the case of a violation of subparagraph (A)(i), (ii), (iii), (iv), or (v) resulting in the death of any person, be punished by death or imprisoned for any term of years or for life, fined under title 18, or both.
- (C) It is not a violation of clauses (ii) or (iii) of subparagraph (A), or of clause (iv) of subparagraph (A) except where a person encourages or induces an alien to come to or enter the United States, for a religious denomination having a bona fide nonprofit, religious organization in the United States, or the agents or officers of such denomination or organization, to encourage, invite, call, allow, or enable an alien who is present in the United States to perform the vocation of a minister or missionary for the denomination or organization in the United States as a volunteer who is not compensated as an employee, notwithstanding the provision of room, board, travel, medical assistance, and other basic living expenses, provided the minister or missionary has been a member of the denomination for at least one year.

(2) Any person who, knowing or in reckless disregard of the fact that an alien has not received prior official authorization to come to, enter, or reside in the United States, brings to or attempts to bring to the United States in any manner whatsoever, such alien, regardless of any official action which may later be taken with respect to such alien shall, for each alien in respect to whom a violation of this paragraph occurs-

- (A) be fined in accordance with title 18 or imprisoned not more than one year, or both; or
- (B) in the case of-
  - (i) an offense committed with the intent or with reason to believe that the alien unlawfully brought into the United States will commit an offense against the United States or any State punishable by imprisonment for more than 1 year,
  - (ii) an offense done for the purpose of commercial advantage or private financial gain, or
  - (iii) an offense in which the alien is not upon arrival immediately brought and presented to an appropriate immigration officer at a designated port of entry,

be fined under title 18 and shall be imprisoned, in the case of a first or second violation of subparagraph (B)(iii), not more than 10 years, in the case of a first or second violation of

subparagraph (B)(i) or (B)(ii), not less than 3 nor more than 10 years, and for any other violation, not less than 5 nor more than 15 years.

(3)(A) Any person who, during any 12-month period, knowingly hires for employment at least 10 individuals with actual knowledge that the individuals are aliens described in subparagraph (B) shall be fined under title 18 or imprisoned for not more than 5 years, or both.

(B) An alien described in this subparagraph is an alien who-

- (i) is an unauthorized alien (as defined in section 1324a(h)(3) of this title), and
- (ii) has been brought into the United States in violation of this subsection.

(4) In the case of a person who has brought aliens into the United States in violation of this subsection, the sentence otherwise provided for may be increased by up to 10 years if-

- (A) the offense was part of an ongoing commercial organization or enterprise;
- (B) aliens were transported in groups of 10 or more; and
- (C)(i) aliens were transported in a manner that endangered their lives; or
- (ii) the aliens presented a life-threatening health risk to people in the United States.

## **8 U.S.C. § 1357(a)**

### **Powers of immigration officers and employees**

(a) Any officer or employee of the Service authorized under regulations prescribed by the Attorney General shall have power without warrant—

- (1) to interrogate any alien or person believed to be an alien as to his right to be or to remain in the United States;
- (2) to arrest any alien who in his presence or view is entering or attempting to enter the United States in violation of any law or regulation made in pursuance of law regulating the admission, exclusion, expulsion, or removal of aliens, or to arrest any alien in the United States, if he has reason to believe that the alien so arrested is in the United States in violation of any such law or regulation and is likely to escape before a warrant can be obtained for his arrest, but the alien arrested shall be taken without unnecessary delay for examination before an officer of the Service having authority to examine aliens as to their right to enter or remain in the United States;
- (3) within a reasonable distance from any external boundary of the United States, to board and search for aliens any vessel within the territorial waters of the United States and any railway car, aircraft, conveyance, or vehicle, and within a distance of twenty-five miles from any such external boundary to have access to private lands, but not dwellings, for the purpose of patrolling the border to prevent the illegal entry of aliens into the United States;
- (4) to make arrests for felonies which have been committed and which are cognizable under any law of the United States regulating the admission, exclusion, expulsion, or removal of aliens, if he has reason to believe that the person so arrested is guilty of such felony and if there is likelihood of the person escaping before a warrant can be obtained for his arrest, but the person arrested shall be taken without unnecessary delay before the nearest available officer empowered to commit persons charged with offenses against the laws of the United States; and
- (5) to make arrests-
- (6) for any offense against the United States, if the offense is committed in the officer's or employee's presence, or

- (7) for any felony cognizable under the laws of the United States, if the officer or employee has reasonable grounds to believe that the person to be arrested has committed or is committing such a felony,
- (8) if the officer or employee is performing duties relating to the enforcement of the immigration laws at the time of the arrest and if there is a likelihood of the person escaping before a warrant can be obtained for his arrest.

Under regulations prescribed by the Attorney General, an officer or employee of the Service may carry a firearm and may execute and serve any order, warrant, subpoena, summons, or other process issued under the authority of the United States. The authority to make arrests under paragraph (5)(B) shall only be effective on and after the date on which the Attorney General publishes final regulations which (i) prescribe the categories of officers and employees of the Service who may use force (including deadly force) and the circumstances under which such force may be used, (ii) establish standards with respect to enforcement activities of the Service, (iii) require that any officer or employee of the Service is not authorized to make arrests under paragraph (5)(B) unless the officer or employee has received certification as having completed a training program which covers such arrests and standards described in clause (ii), and (iv) establish an expedited, internal review process for violations of such standards, which process is consistent with standard agency procedure regarding confidentiality of matters related to internal investigations.

#### **8 U.S.C. § 1366(1) & (3)**

##### **Annual report on criminal aliens**

Not later than 12 months after September 30, 1996, and annually thereafter, the Attorney General shall submit to the Committees on the Judiciary of the House of Representatives and of the Senate a report detailing—

- (1) the number of illegal aliens incarcerated in Federal and State prisons for having committed felonies, stating the number incarcerated for each type of offense;

\*\*\*

- (3) programs and plans underway in the Department of Justice to ensure the prompt removal from the United States of criminal aliens subject to removal;

\*\*\*

## Wickersham, Aleisha

---

**From:** DuFriend, Patrick  
**Sent:** Thursday, August 16, 2018 1:47 PM  
**To:** Wickersham, Aleisha  
**Subject:** RE: Could you please answer these 3 Questions for JAG Grant

Policy in OPS 117

**CAPT. PAT DUFRIEND**  
**HEADQUARTERS DIVISION**  
**1101 N. 6<sup>TH</sup> ST BROKEN ARROW, OK. 74012**  
**(918)451-8200 EXT. 8739**  
**FAX: (918) 451-8242**  
[pdufriend@brokenarrowok.gov](mailto:pdufriend@brokenarrowok.gov)



**From:** Wickersham, Aleisha  
**Sent:** Thursday, August 16, 2018 8:33 AM  
**To:** DuFriend, Patrick <PDuFriend@BrokenArrowOK.Gov>  
**Subject:** Could you please answer these 3 Questions for JAG Grant  
**Importance:** High

### Appendix E

#### Information regarding Communication with the Department of Homeland Security (DHS) and/or Immigration and Customs Enforcement (ICE)

Each applicant must provide responses to the following questions as an attachment to the application:

- (1) Does your jurisdiction have any laws, policies, or practices related to whether, when, or how employees may communicate with DHS or ICE?

(2) Is your jurisdiction subject to any laws from a superior political entity (e.g., a state law that binds a city) that meet the description in question 1?

(3) If yes to either: • Please provide a copy of each law or policy;

- Please describe each practice; and

- Please explain how the law, policy, or practice complies with section 1373.

Note: Responses to these questions must be provided by the applicant to BJA as part of the JAG application. Further, the requirement to provide this information applies to all tiers of JAG funding, for all subawards made to state or local government entities, including public institutions of higher education. All subrecipient responses must be collected and maintained by the direct recipient of JAG funding and must be made available to DOJ upon request. Responses to these questions are not required from subrecipients that are either a tribal government/organization, a nonprofit organization, or a private institution of higher education.

Thank you,



*Aleisha Wickersham, M.S.*

Broken Arrow Police Department

Planning & Research Specialist

1101 N. 6<sup>th</sup> St.

Broken Arrow, OK 74012

Or: (918) 451-8200 Ext. 8692

Fax: (918) 451-8242



<b>OPERATIONS</b> 135	Page 1 of 2	Effective Date 10.10.17
Subject: <b>Assisting Other Agencies/Concurrent Jurisdiction</b>		
Approved By: Chief B. Berryhill	Supersedes OPS 135	Previous Date 08.22.16
OACP: ADM.04.01, ADM.04.02, ADM.04.04 CALEA: 2.1.1, 2.1.2, 2.1.4		

City Ordinance 18-1 provides that the Broken Arrow Police Department has primary law enforcement authority within the city limits of Broken Arrow under the direction of the Chief of Police. Occasionally, other agencies will request the assistance of the Broken Arrow Police to intervene outside the city limits. It is the policy of the Broken Arrow Police Department that requests from other law enforcement agencies, whether Local, State or Federal, for back-up personnel or other assistance should be honored as quickly as possible by this department with proper supervisory approval. Other or "outside" agencies should be defined as those agencies who share a defined border with the City of Broken Arrow. In extreme situations, where requests for assistance come from an agency beyond these parameters, approval from the Operations Division Commander is required.

#### **PROCEDURE:**

##### *A. Supervisor Responsibility:*

1. Whenever a request for assistance is of an emergency nature, a supervisor shall assess current manpower availability and honor the request as soon as possible. In these emergency situations, a supervisor shall also respond along with adequate personnel as defined by normal dispatch protocol for similar calls occurring within the city limits. In non-emergency cases, the request may be honored when manpower permits. Priority One calls will require a supervisor to respond as well as the manpower deemed necessary.
2. When it becomes necessary for any officer to enter another jurisdiction to make an arrest, the law enforcement agency for that jurisdiction will be notified. It is also required to have an officer from the other jurisdiction present when the arrest is made. This department will make every effort to honor similar requests made by other jurisdictional agencies.
3. In the investigation of offenses, which are violations of both State and Federal statute, the assigned Detective will ensure the appropriate Federal enforcement agency has been contacted and request assistance. In particular, the FBI will be notified of all kidnapping and bank robbery cases, and the ATF will be notified in all bomb/ IED related cases.
4. In accordance with Oklahoma Statute 47-15-101, Broken Arrow Police Department has joint jurisdiction related to all matters on bordering streets with neighboring municipalities. Officers shall respond to all calls for service or assistance that are received by BAPD Communications on fence line roadways to provide necessary services to the public. Jurisdiction on borderline streets includes the entire roadway and right of way.
5. All BAPD policies and procedures apply regardless of jurisdictional location and agency requests.

<b>OPERATIONS 135</b>	Page 2 of 2	Effective Date 10.10.17
-----------------------	----------------	----------------------------

**REGULATIONS:**

- A. Routine requests for assistance will be forwarded to the appropriate Watch Commander who will decide if there is sufficient manpower available to provide the requested assistance.
- B. Requests for assistance from the Special Operations Team will be forwarded to the S.O.T Commander.



<b>OPERATIONS</b> <b>117</b>	Page 1 of 5	Effective Date 08.22.16
Subject: <b>Arrest Paperwork and Foreign Nationals</b>		
Approved By: Chief David Boggs	Supersedes OPS 117	Previous Date 05.20.13
OACP: ADM.01.05,ADM.01.07, ADM.01.08, OPS.03.01,OPS.03.02, OPS.03.03, OPS.03.04 OPS.03.06, OPS.03.15 CALBA: 1.1.4, 1.2.5, 1.2.6, 61.1.2, 61.1.3, 61.1.5, 61.1.11, 61.4.3		

It is the policy of the Broken Arrow Police Department that most individuals placed under arrest by a member of this department will be taken into custody and transported to the City Jail. However, in some cases, it may be more prudent to "cite and release" an individual in lieu of taking them into police custody. In those situations, the offender should be notified of the appropriate court date, issued the citation and released. Officers should include the details surrounding the incident on the "Notes" section of the citation. If there is insufficient space in the "Notes" section or the narrative is complex, officers should complete a report on the incident.

In the event an officer arrests a Foreign National it is the policy of the Broken Arrow Police Department to work with the Tulsa County Sheriff's Office (TCSO) and Wagoner County Sheriff's Office to determine the citizenship status of all individuals arrested and booked on felony charges as well as full-custody misdemeanor charges. If it is determined that an arrested person's presence in the United States is unlawful or questionable during the booking process, officers shall report such information to the proper officials as described in this policy.

The police department shall not engage in the practice of stopping, detaining, questioning, or arresting any person based solely on the suspicion that the individual may be illegally in the United States.

## DEFINITIONS

### ICE:

An acronym for Immigration and Customs Enforcement.

### DRO:

An acronym for Detention and Removal Operations.

### CAP:

An acronym for Criminal Alien Program.

ICE/DRO CAP Duty Phone : (405)219-3131 or (405)816-0998 (24/7 phone)

ICE/ Tulsa County Fax number: (918)596-8973 or (918)596-8955

## PROCEDURE:

### *A. Citizen Arrest Paperwork:*

1. For misdemeanors the following paperwork is needed:
  - a. Report
  - b. Witness Statement
  - c. Arrest and Booking Sheet
  - d. Probable Cause Affidavit (District Court Only)
  - e. Property Receipt (when applicable)

<b>OPERATIONS 117</b>	Page 2 of 5	Effective Date 08.22.16
-----------------------	----------------	----------------------------

- f. Citation – for misdemeanor (citizen arrest) offenses filed in municipal court or district traffic court, have citizen sign the citation.
2. For shoplifting or petit larceny from retailer, the officer may cite and release the offender on their own recognizance, if the offender meets the following criteria:
  - a. Resident of the City of Broken Arrow
  - b. Has proper and adequate identification
  - c. No prior arrests for the same offense

Merchant will retain the evidence. No arrest and booking needed; however, a report and witness statement must be completed.

3. In the event a citizen arrest is made and it is determined to be a felony, citizen/s shall be treated as a witness and officers will adhere to officer arrest paperwork procedures.

*B. Officer Arrest (Felony or Misdemeanor) Paperwork:*

1. The following paperwork is needed:
  - a. Report is required on:
    - 1) Felonies;
    - 2) District Court Misdemeanors;
    - 3) Domestic Assault and Battery; and
    - 4) Assault and Battery on a Police Officer.
  - b. Witness Statement (if applicable)
  - c. Arrest and Booking report
  - d. Citation ( All Municipal charges, District traffic charges and Felony DUI only)
  - e. Property Receipt (if applicable)

*C. Officer Arrest (DUI / APC) Paperwork:*

1. In addition to arrest paperwork, the following is also required:
  - a. Officer Affidavit and Revocation Form;
  - b. Breathalyzer/Intoxilyzer Report, and/or;
  - c. Blood Kit entered as evidence.
2. Officers should read the “Implied Consent Test Request” and conduct the 15-minute deprivation period once they arrive at the jail and in the Intoxilyzer room in order for deprivation period to be video recorded.
3. Officers will insure that arrestee is given temporary license, when applicable.
4. Officers must obtain medical clearance prior to incarceration when arrestee’s Intoxilyzer results are .30 or greater or suspect exhibits signs of medical distress.
5. DUI/ APC charges against drivers with a Commercial Driver’s License-CDL are to be filed in District Court regardless, due to sentencing requirements.

<b>OPERATIONS 117</b>	Page 3 of 5	Effective Date 08.22.16
-----------------------	----------------	----------------------------

*D. Officer Arrest/ Driving Under Suspension:*

1. When during the course of a traffic stop, an officer determines that the operator of a motor vehicle is under suspension of driver's license and it is the first offense, the officer may cite and release under the following guidelines:
  - a. There are no prior offenses for D.U.S. on record.
  - b. The officer can dispose of the vehicle without allowing the D.U.S. driver to continue driving, either by:
    - 1) Another licensed driver present in the vehicle; or
    - 2) One who can be summoned to the location within a reasonable time; or
    - 3) The vehicle is towed and stored at the "contract wrecker" facility.
  - c. In the event the vehicle in question is towed, the officer shall take reasonable precautions to insure the D.U.S. driver can obtain another mode of transportation with reasonable safety.
2. First offense violations that do not meet above criteria and all second offense violations for driving under suspension should be arrested and booked, in accordance with Class A offense procedures.
3. Paperwork required would be the same as other officer misdemeanor arrests.

*E. Inmate Holds Municipal Jail:*

When necessary to further an ongoing investigation or when there is a public safety issue it may be necessary to place a temporary hold on an inmate. Holds will last no longer than 48 hours and shall not be used to intentionally delay a prisoner's transportation unless there are specific legitimate and articulable needs to do so. An inmate hold form must be completed and approved by a sworn supervisor. Holds should be honored but in exigent circumstances any need to deviate from the hold must be approved by an on-duty sworn supervisor.

1. *Officer Responsibility:*
  - a. Complete a hold request form or if not on scene provide jail staff with all information needed to complete the form.
  - b. Ensure the form is submitted to jail staff.
  - c. Notify on duty sworn supervisor and brief them on circumstances of hold.
2. *Sworn Supervisor Responsibilities:*
  - a. Review the request for the hold and approve or deny.
  - b. If approved, the supervisor must initial the inmate hold form at the jail.
  - c. Any request to remove a hold by jail staff due to exigent circumstances must be approved by sworn supervisor and only after notifying the originating officer and/or approving supervisor.
3. *Jail Staff Responsibilities:*
  - a. Ensure the inmate hold form has been completed and submitted with arrest paperwork. (This form may be completed by jail staff at direction of an officer if officer is not on scene).
  - b. Make appropriate notations on jail status board, inmate computer file, and inmate paper booking file.
  - c. Notify oncoming jail staff members about the hold status.

- d. If any exigent circumstances present a necessity to release the hold the jail staff must notify a sworn supervisor and advise them of all circumstances and the hold specifics including the name of the officer placing the hold. It will ultimately be the sworn supervisor's decision of whether or not to transfer.

*F. Arrest of Foreign Nationals:*

1. The arresting officer is responsible for making a reasonable effort to determine the immigration status of an arrestee.
  - a. Officers will have Communications make a teletype request for an ICE Criminal Alien Query (IAQ) through NLETS. If a hit is received or the arrestee's immigration status is questionable, contact the ICE/DRO CAP duty phone.
    - 1) If no response is received from NLETS, the Law Enforcement Support Center can be reached at (802) 872-6020 or (802) 872-6050.
    - 2) Persons arrested on local charges with an ICE hold will be transported to Tulsa County based on that hold. Officers will note the hold in a supplemental report and follow procedures below.
  - b. On cases in which legal status is in question and no transport to County is made, officers will contact the ICE/DRO CAP duty phone and note the contact on the A & B report.
  - c. If officers are unable to contact ICE/DRO, note the attempt to contact on the A&B. Jail staff shall continue to attempt contact while subject is in custody until notification is made or suspect is released/transferred.

2. Transporting Arrestee's to County:

**Tulsa County Jail**

When booking into Tulsa County, tell booking personnel if arrestee's immigration status is illegal or questionable and they will contact the Immigration and Customs Enforcement/Detention and Removal Operations (ICE/DRO) Criminal Alien Program (CAP) and request a detainer.

**Wagoner County Jail**

When transporting arrestees to Wagoner, officers will attempt to verify the arrestee's immigration status. Officers will contact ICE/DRO CAP duty phone and, if confirmed to be an illegal alien, inform jail personnel of the arrestee's immigration status.

3. Consular Notification:

- a. The U.S. is obligated under the Vienna Convention on Consular Relations, international treaties, and customary international law to notify consular officials when foreign nationals are arrested or otherwise detained in the U.S.
- b. Arresting officers will immediately inform any foreign nationals of their right to have their consular officials notified concerning the arrest or detention. A current telephone/fax list of foreign embassies and consulates, a list of mandatory notice countries, and a

<b>OPERATIONS 117</b>	Page 5 of 5	Effective Date 08.22.16
-----------------------	----------------	----------------------------

sample notification fax sheet can be found at [www.travel.state.gov/consularnotification](http://www.travel.state.gov/consularnotification) (Links are at the bottom of the page).

- 1) If foreign nationals ask that such notification be made, the arresting officer will do so without delay by ensuring notification to the nearest consulate or embassy.
  - 2) If foreign nationals are from a country with which the United States has a mandatory notice, treaty or convention, the arresting officer will, without delay, ensure notification to the nearest consulate or embassy, regardless of whether the national requests such notification.
- c. Foreign consular officials have the right to visit their arrested or detained nationals unless the person objects to the visit.
- d. Foreign consular officials enjoy varying degrees of immunity from arrest.
- 1) Consular officials should carry an identification card issued by the United States Department of State.
  - 2) Instructions on immunity printed on the reverse side of the identification card will guide the officer's decision to arrest or detain the person.
  - 3) If an officer arrests an individual who claims diplomatic immunity, but who cannot produce an identification card, the officer should contact the Department of State at (202) 647-4415 Monday thru Friday from 8a.m. to 5p.m. Eastern Time and (202) 647-1512 at all other times.
- e. The officer must be sure and document these steps in their report or arrest paperwork. Dates and times should be included to show notification was made or attempted and by fax, phone, or other means, etc.
- f. Jail staff has the responsibility to ensure proper ICE or Consular notification was made. When officers are unable to make contact with consulates or ICE the jail will assume responsibility for any person detained in our jail until notification is made and properly document.

*F. Immunity from Arrest:*

1. Diplomatic Immunity: Follow procedures set forth in "E. Arrest of Foreign Nationals."
2. Senators, Legislators, and Congressmen of the U. S. are exempt from arrest for any criminal offenses except for treason, felony, and breach of the peace during their attendance at the session of their respective house or legislature, and in going to and returning from the same. (Ok constitution Article 5 Section 22, and Article 1 Section 6)
3. Members of the National Guard are exempt from arrest on a misdemeanor charge except for breach of the peace while in attendance at or going to or returning from drills, parades, inspections, encampments, or while on active duty. (44 OS 223)

## Wickersham, Aleisha

---

**From:** Stubblefield, Shelton  
**Sent:** Friday, August 17, 2018 3:25 PM  
**To:** Wickersham, Aleisha  
**Subject:** ICE/DHS

The booking process for all persons taken into custody are the same both for US citizens and non US citizens. The arrestees are brought into jail and identified. These arrestees are then fingerprinted on IWS Livescan. Once all booking paperwork and arresting officer's paperwork are completed, the fingerprints are then reviewed, verified, and electronically submitted to OSBI. If and when there is a hit of an arrestee's fingerprints, DHS/ICE will call to inquire about this subject. Typically these subjects are no longer in the custody of the Broken Arrow Jail at the time of the call. DHS/ICE are given the last known address, phone numbers and any other information of these subjects when available and/or requested.

### Shelton Stubblefield

Jail Supervisor

Broken Arrow Police Dept.

Phone: 918.451.8352

Email: [sstubblefield@brokenarrowok.gov](mailto:sstubblefield@brokenarrowok.gov)



CITY OF  
**BROKEN ARROW**  
*Where opportunity lives*

# ARRESTING A NON-U.S. CITIZEN

## Consular Notification Process



### Q. Are you a U.S. citizen?

A. "YES, I am a U.S. citizen."

(No further action required)

STOP

"NO, I am not a U.S. citizen."

NEXT

### IN ALL CASES:

• Do not inform consulate about detainee's refugee or asylum status.

• Detainee may communicate with consular officer and may request consular access at any time (whether previously declined or not).

• Consular officers may have access to detainee regardless of whether detainee requests it. Even if detainee does not want to be visited, consular officers may still have one face-to-face visit.

### Q. Are you a national of one of these countries?

Albania	Costa Rica	Kazakhstan	Poland <sup>2</sup>	Tanzania
Algeria	Cyprus	Kiribati	Romania	Tonga
Antigua and Barbuda	Czech Republic	Kuwait	Russia	Trinidad and Tobago
Armenia	Dominica	Kyrgyzstan	St. Kitts and Nevis	Tunisia
Azerbaijan	Fiji	Malaysia	St. Lucia	Turkmenistan
Bahamas	Gambia	Malta	St. Vincent and the Grenadines	Tuvalu
Barbados	Georgia	Mauritius	Seychelles	Ukraine
Belarus	Ghana	Moldova	Sierra Leone	United Kingdom <sup>3</sup>
Belize	Grenada	Mongolia	Singapore	Uzbekistan
Brunei	Guyana	Nigeria	Slovakia	Zambia
Bulgaria	Hungary	Philippines	Tajikistan	Zimbabwe
China <sup>1</sup>	Jamaica			

1. Includes Hong Kong and Macao. Does not include Republic of China (Taiwan).

2. Mandatory only for non-permanent residents in the United States (i.e., those not holding a "green card"); for green card holders, notification is upon request.

3. UK includes Anguilla, British Virgin Islands, Bermuda, Montserrat, and the Turks and Caicos Islands. Residents' passports bear the name of their territory and may also bear the name "United Kingdom." Whether or not the passport bears the name "United Kingdom," consular services for these persons are provided by UK consulate.

A. "YES."

**Step 1.** Inform detainee that he or she may communicate with consulate, and that you must notify consulate of arrest/detention.

**Step 2.** Notify nearest consulate without delay.

**Step 3.** Make record of notification in case file. Where fax or email sent, keep fax confirmation or sent email.

**Step 4.** Allow consular officers access to detainee if they subsequently request access.

(No further action required)

STOP

"NO."

Inform detainee, without delay, that he or she may have consulate notified of arrest/detention.

NEXT

Consular Notification & Access (CNA)  
U.S. Department of State  
CA/P  
SA-17, 12th Floor  
Washington, DC 20522-1712

P: 202-485-7703  
F: 202-485-6170  
consnot@state.gov

### Q. Do you want your consulate notified of your arrest/detention?

A. "YES."

**Step 1.** Make note in case file.

**Step 2.** Notify nearest consulate without delay.

**Step 3.** Make record of notification in case file. Where fax or email sent, keep fax confirmation or sent email.

**Step 4.** Allow consular officers access to detainee if they subsequently request access.

(No further action required)

STOP

"NO."

**Step 1.** Make note in case file.

**Step 2.** Do NOT inform the consulate.

STOP

For more information visit: <http://travel.state.gov/CNA>

Adm 9.05

**Immigrations and Customs Enforcement  
Contact Information**

• Law Enforcement Support Center (LESC)  
Burlington, Vermont  
802/872-6020

Oklahoma City Sub Office  
Oklahoma City, Oklahoma  
405/219-3199

Immigration and Customs Enforcement (ICE)  
Tulsa County Sheriff's Office/David L. Moss Criminal Justice Center  
Tulsa, Oklahoma  
918/596-8957  
918/596-8962