

To: File
From: COUNTY
Date: 12/8/23
Re: Mobile Scanner Jail Security Project ARPA Eligibility

Purpose and Overview

This memo documents the decision-making process that Livingston County (“the County”) undertook to assess the eligibility of providing funding to the Livingston County Sheriff’s Office to purchase new mobile scanners for the Livingston County Jail staff at the cost of \$XXXXXXX.

Background

On March 11, 2021, the United States Congress passed the American Rescue Plan Act (ARPA) of 2021.¹ ARPA is a \$1.9 trillion economic stimulus package to respond to the negative public health and economic impacts of the COVID-19 health pandemic. The State and Local Fiscal Recovery Fund (SLFRF), included in the stimulus package, provides \$350 billion for “eligible state, local, territorial, and tribal governments to respond to the COVID-19 emergency and bring back jobs.”² The United States Treasury (“the Treasury”) published the Final Rule for SLFRF eligibility on January 6, 2022 with an effective date of April 1, 2022.³

The Final Rule outlines four broad categories of funding eligibility:

- 1) To respond to the public health emergency or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;
- 2) To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers;
- 3) For the provision of government services to the extent of the reduction in revenue due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency; and
- 4) To make necessary investments in water, sewer, or broadband infrastructure.⁴

Project Objectives

The security scanner is a portable detector which can locate mobile phones and weapons on inmates and visitors to the Livingston County Jail. Its main purpose is to detect metal elements in objects such as mobile phones, razor blades, homemade knives and screwdrivers which may be used as a dangerous tool in a jail environment. Having these portable detectors allows staff to screen not only prisoners moving throughout the facility but also vendors, volunteers, and civilians.

¹ 117th Congress. H.R.1319: American Rescue Plan Act of 2021. Accessed December 8, 2023.

<https://www.congress.gov/bills/117/house-bills/1319/text>

² U.S. Department of Treasury. Coronavirus State and Local Fiscal Recovery Funds. December 8, 2023.

<https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/state-and-local-fiscal-recovery-funds>

³ U.S. Department of Treasury. Coronavirus State and Local Fiscal Recovery Funds: Final Rule. December 8, 2023.

<https://home.treasury.gov/system/files/136/SLFRF-Final-Rule.pdf>

⁴ *ibid*

Currently, staff must continuously pat down individuals moving throughout the facility which put the inmates and the staff at risk of contracting the virus. This in turn put all the inmates at risk of having an outbreak of the virus within the facility. Staff also must pat down civilians and volunteers screening them for contraband or weapons upon entering the facility, further increasing the risk of contracting the virus.

The mobile scanners will allow Livingston County Jail staff the ability to screen individuals at a safe distance as opposed to the close physical contact that is required with pat downs.

Eligibility Considerations

U.S. Treasury's Final Rule details the enumerated uses of SLFRF to mitigate and prevent the spread of COVID-19. This includes:

*"Enumerated eligible uses of funds in this category included:... support for prevention, mitigation, or other services in congregate living facilities (e.g., nursing homes, incarceration settings, homeless shelters, group living facilities)"*⁵

As the mobile scanners reduce the amount of face-to-face contact staff have with individuals within an incarceration setting, this would be categorized as a prevention and mitigation strategy and therefore would clearly be allowable as an enumerated eligible use of SLFRF.

Reporting Requirements

After reviewing the expenditure categories provided by the Treasury in the SLFRF Compliance & Reporting Guidance, the County determined that *1.4 Prevention in Congregate Settings (Nursing Homes, Prisons/Jails, Dense Work Sites, Schools, Child care facilities, etc.)* is the most appropriate category for required reporting.⁶

In each quarterly Project and Expenditure Report due starting January 31, 2022 and 30 days after the end of each quarter thereafter, the County acknowledges it must provide the following data:

- Brief description of structure and objectives of assistance program(s), including public health or negative economic impact experienced
- Brief description of how a recipient's response is related and reasonably proportional to a public health or negative economic impact of COVID-19.
- Project obligation and expenditure information
- Total funds that are allocated to evidence-based interventions
- Whether the project is primarily serving disproportionately impacted communities

⁵ U.S. Department of Treasury. Coronavirus State and Local Fiscal Recovery Funds: Final Rule. December 8, 2023. <https://home.treasury.gov/system/files/136/SLFRF-Final-Rule.pdf>

⁶ U.S. Department of the Treasury. State and Local Fiscal Recovery Funds Compliance and Reporting Guidance, Version 5.3. December 8, 2023. <https://home.treasury.gov/system/files/136/SLFRF-Compliance-and-Reporting-Guidance.pdf>