

## **County of San Benito Agrees to Repay the U.S. Department of Justice \$397,984 for Funds It Improperly Received through the Department's Southwest Border Prosecution Initiative**

**San Francisco — January 29, 2009** — The County of San Benito has agreed to repay the Department of Justice \$397,984 for funds it improperly requested and received through the Department's Southwest Border Prosecution Initiative, announced United States Attorney Joseph P. Russoniello and Department of Justice Inspector General Glenn A. Fine.

SWBPI is a program through which the Department of Justice provides reimbursement to four Southwest Border states and local jurisdictions for the prosecution and pre-trial detention costs in federally initiated cases that are declined by the U.S. Attorneys offices.

The Department awarded the County of San Benito SWBPI funding totaling \$397,984 between fiscal years 2005 and 2007 based on submissions by San Benito for 103 cases that it claimed were eligible for SWBPI reimbursement. However an audit by the Office of the Inspector General found that these cases did not meet SWBPI's requirements for reimbursement because the cases were not federally initiated.

San Benito had hired a contractor, Brad Burgess of Public Resource Management Group, to manage its SWBPI claim reimbursement process. The OIG audit found that San Benito relied on incorrect advice from Burgess that a case initiated by local law enforcement, but which could be prosecuted on a federal level, would be eligible for SWBPI reimbursement. The guidance given by the contractor was incorrect because federal initiation is a requirement in the SWBPI criteria.

The OIG analyzed a selected sample of 52 cases submitted by San Benito for reimbursement to SWBPI and found that all 52 cases were ineligible because there was no evidence that the cases had been federally initiated. Based on this sample, the OIG audit concluded that San Benito received unallowable SWBPI reimbursements totaling \$397,984.

This is the third settlement the U.S. Attorney's Office for the Northern District of California has reached with county and local jurisdictions in Northern California concerning improper claims submitted for reimbursement under SWBPI. In October 2008, the City and County of San Francisco agreed to repay \$5.2 million in SWBPI funds, and in December 2008, the County of Lake agreed to repay \$989,605 in SWBPI funds. OIG audits of San Francisco and Lake similarly found that those jurisdictions relied on the incorrect advice of Burgess and the Public Resource Management Group.

The settlements are the result of a coordinated effort by the U.S. Attorney's Office for the Northern District of California, the OIG Investigations Division, and the OIG Audit Division.