

ANTONIO R. VILLARAIGOSA  
MAYOR

April 9, 2013

Honorable Members of the City Council  
c/o City Clerk  
Room 395, City Hall

RE: Notification of Application and Request for Authority to Accept Grant Award for  
FY 2012 Edward Byrne Memorial Justice Assistance Grant (JAG) Program

Dear Honorable Members:

Pursuant to Section 14.6 of the Los Angeles Administrative Code, the Mayor's Office of Homeland Security and Public Safety is notifying the City Council of the submission of a formula grant application for the FY 2012 Justice Assistance Grant Program (FY12 JAG). The Department of Justice, Bureau of Justice Assistance issued a RFP for the FY 2012 Edward Byrne Memorial Justice Assistance Grant (JAG) Program on April 2, 2012. An application on behalf of the City of Los Angeles was submitted on May 14, 2012. On July 13, 2012 the City of Los Angeles received the award letter.

Transmitted herewith for consideration by the City Council is a request to accept \$2,365,208 in grant funds and approve a joint spending plan with the County of Los Angeles for the Department of Justice (DOJ), Bureau of Justice Assistance (BJA) FY 2012 Edward Byrne Memorial Justice Assistance Grant (JAG) Program. There is no match requirement associated with the Justice Assistance Grant.

The JAG is a formula grant that provides flexible funding to support all components of the criminal justice system, from multi-jurisdictional drug and gang task forces to crime prevention and domestic violence programs, courts, corrections, treatment, and justice information sharing initiatives. JAG awards are disbursed by the grantor in the first fiscal year of the appropriation and may be expended over the following three years for a total of four years. The grant period is October 1, 2011 to September 30, 2015. The early start date is due to the grant being awarded at the beginning of the Federal government's fiscal year, which runs from October through September.

Formula allocations are awarded by the DOJ to states and then local jurisdictions based on Part I violent crime statistics. The FY12 JAG provides the City and County of Los

Angeles a direct allocation determined by population and Part 1 violent crime statistics and requires approval of a joint spending plan. Out of the total FY12 JAG allocation of \$2,365,208, the proposed City/County joint spending plan allocates \$1,229,908 to the City and \$1,135,300 to the County.

**CLEAR**

The funds are being directed to the Community Law Enforcement and Recovery (CLEAR) program which is part of the Mayor's Gang Reduction Strategy that was introduced in April 2007. The primary purpose of CLEAR is to facilitate the recovery of gang-infested communities. This is accomplished by decreasing the criminal activity of targeted gangs in designated communities through an effective collaboration with City and County criminal justice agencies. The CLEAR Team includes the Los Angeles Police Department (LAPD), County of Los Angeles Probation Department, Los Angeles City Attorney, County of Los Angeles District Attorney, California Department of Corrections Parole, and the Los Angeles Mayor's Office.

The FY12 JAG will partially support the CLEAR program during FY 2012-13 in a total of nine CLEAR program sites: Northeast, Newton, Southeast, Ramona Gardens, Boyle Heights, 77<sup>th</sup>, Southwest, Rampart and Foothill. The FY12 JAG will provide a total of \$1,035,300 for the following personnel support: four Deputy City Attorney III's (\$345,102); nine Deputy District Attorneys (\$419,703); and nine Deputy Probation Officers (\$270,495). We are requesting authority to execute a Professional Services Agreement (PSA) with the County of Los Angeles to pay for Deputy District Attorney and Deputy Probation Officer positions. The City Attorney, Probation, and District Attorney's Offices are all committed to the CLEAR program at the current funding levels. The chart below details the funding sources for CLEAR in FY 2012-13:

Position	Juvenile Accountability Block Grant FY 12	FY 12 Justice Assistance Grant	FY 09 ARRA Justice Assistance Grant Interest Income	FY 09 Justice Assistance Grant Interest Income	FY 10 Justice Assistance Grant Interest Income	FY 11 Justice Assistance Grant Interest Income	Total Grant Funding
Deputy City Attorney	\$168,728	\$345,102	\$210,680	\$137,635	\$11,726	\$12,013	\$885,884
LA County District Attorney		\$419,703					\$419,703
LA County Probation Officer		\$270,495					\$270,495
Evaluation		\$100,000					\$100,000
Administration	\$5,218	\$94,608					\$99,826
<b>Total</b>	<b>\$173,946.00</b>	<b>\$1,229,908</b>	<b>\$210,680</b>	<b>\$137,635</b>	<b>\$11,726</b>	<b>\$12,013</b>	<b>\$1,775,908</b>

In addition, the LAPD component of CLEAR places Detectives, Sergeants and Police Officers in each CLEAR site. LAPD salaries for CLEAR in FY 2012-13 will be funded through a combination of funds from the LAPD's existing budget and the California State Supplemental Law Enforcement Service Fund (SLESF), a state block fund devoted to law enforcement personnel. In FY 2011 the City received approximately

\$6 million for LAPD CLEAR officers from SLESF. The precise amount of funding from this source for FY 2012-13 has not yet been released; however, any funds received through SLESF will be transferred to LAPD for the CLEAR program.

Below is a summary of the budget for the City of Los Angeles FY 12 JAG:

<b>Cost Category</b>	<b>Budget</b>
Personnel – 4 Deputy City Attorney III's 9 Deputy District Attorney III's 9 Deputy Probation Officers	\$1,035,300
Fringe Benefits	\$17,720
Evaluation Consultant	\$100,000
Administrative Expenses	\$76,888
<b>Total City Allocation</b>	<b>\$1,229,908</b>

**Evaluation**

Harder + Co (formerly Lodestar) has served as the independent evaluator of the CLEAR program since its inception in 1996, providing analysis, recommendations on program implementation and operations, and evaluating CLEAR's overall effectiveness in reducing gang-related crime. As part of its commitment to the program, the CLEAR Executive Committee has elected to commit funds to ensure the ongoing data collection and evaluation of the program. As a result, the budget for FY12 JAG includes \$100,000 to evaluate CLEAR over a 12-month period. The Mayor's Office of Homeland Security and Public Safety has undergone an informal procurement process and requests authority to execute a contract with the selected contractor.

**Management and Administration**

DOJ guidelines allow up to 10% of the total award to be used in support of the management and administration (M&A) of grant-funded programs. From this award, 4% will be used for M&A. The responsibilities of the fiscal agent include applying for the grant, monitoring expenditures, complying with quarterly reporting requirements, conducting audits of City and County projects and expenditures, complying with grantor and single-audit review requirements and requests, managing the disbursement and reimbursement of grant funds, and oversight of sub-recipient spending.

Of the total amount for M&A (\$94,608), \$50,155.34 will be used for salaries and \$17,719.88 for fringe benefits for Mayor's Office staff. The Mayor's office plans to use \$26,732.78 of the designated M&A to be used for the salary of a designated City Attorney, whose responsibilities include drafting, approving, and executing all contracts associated with this grant. The \$26,732.78 will cover approximately 20% of his salary during the 2012-13 fiscal year. The remaining 80% of his salary will be covered by a combination of Homeland Security grants, including the Urban Areas Security Initiative (UASI) grant.

**County Allocation**

Based on the program requirements, the County of Los Angeles has elected to use its allocation to support the following programs: Alternative Sentencing Program - Public Defender; Drug Court – Public Health; Jail Overcrowding Reduction Program - Countywide Criminal Justice Coordination Committee.

The Mayor's Office, as the administrative agent, is responsible for monitoring these programs and County expenditures, and reports on their activities to the BJA.

**IT IS THEREFORE** requested that the City Council:

1. **AUTHORIZE** the Mayor, or designee, to accept the FY 2012 Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$2,365,208 for the period effective from October 1, 2011 through September 30, 2015;
2. **AUTHORIZE** the Mayor, or designee, to negotiate and execute the Grant Award Agreement on behalf of the City and submit any other necessary agreements and documents relative to the grant award, subject to the approval of the City Attorney as to form and legality;
3. **APPROVE** the FY 2012 Edward Byrne Memorial Justice Assistance Grant (JAG) budget and authorize the Mayor's Office of Homeland Security and Public Safety to expend the grant in accordance with the approved budget;
4. **APPROVE** a Memorandum of Understanding between the City of Los Angeles and the County of Los Angeles for the FY 2012 Edward Byrne Memorial Justice Assistance Grant for the period of October 1, 2011 through September 30, 2015, for a total not to exceed \$2,365,208 and authorize the Mayor, or designee, to execute the Memorandum of Understanding, subject to the approval of the City Attorney as to form and legality;
5. **AUTHORIZE** the Mayor, or designee, to execute a Subrecipient Agreement between the City of Los Angeles and the County of Los Angeles for the FY 2012 Edward Byrne Memorial Justice Assistance Grant for the period of October 1, 2011 through September 30, 2015, for a total not to exceed \$1,135,300, subject to the approval of the City Attorney as to form and legality;
6. **AUTHORIZE** the Mayor, or designee, to execute a Subrecipient Agreement between the City of Los Angeles and the evaluation contractor selected as a result of the Request for Proposals for the period of February 1, 2013 through January 31, 2014, for a total not to exceed \$100,000, subject to the approval of the City Attorney as to form and legality;

7. **APPROVE** the Professional Services Agreement between the City of Los Angeles and the County of Los Angeles for the CLEAR Program for up to 12 months, for a total not to exceed \$690,198 upon submission of invoices and approval by the Mayor, or designee, of such invoices for JAG-related expenditures and authorize the Mayor, or designee, to execute the Agreement, subject to the approval of the City Attorney as to form and legality:

<b>Account</b>	<b>Title</b>	<b>Amount</b>
46J304	CLEAR Contractual Services	
	County of Los Angeles:	
	District Attorney	\$ 419,703
	Probation Department	\$ 270,495
	<b>TOTAL</b>	<b>\$ 690,198</b>

8. **AUTHORIZE** the Controller to:

- a. **CREATE** a new interest-bearing Fund, titled FY12 Justice Assistance Grant Fund, establish a receivable in this new Fund in the amount of \$2,365,208, expend funds upon presentation of proper documentation from the Mayor's office and create new **Appropriation Accounts** within the new Fund XXX, Department 46 as follows:

<b>Appropriation Number</b>	<b>Account Name</b>	<b>Amount</b>
46J304	CLEAR Contractual Services	\$690,198
46J668	Partner Jurisdiction – LA County	\$1,135,300
46J306	CLEAR Evaluation	\$100,000
46J146	Mayor's Office	\$50,155.34
46J112	City Attorney	\$371,834.78
46J299	Related Costs	\$17,719.88
	<b>TOTAL</b>	<b>\$2,365,208</b>

- b. **EXPEND** funds upon presentation of proper demands from the Office of the Mayor.
9. **INSTRUCT** the Controller to transfer up to \$50,155.34 from Fund XXX, Account No. 46J146 to the Mayor's General Fund No. 100, Department 46, Account No. 1020, for reimbursement of grant-funded personnel salaries;
10. **INSTRUCT** the Controller to transfer up to \$17,719.88 from Fund XXX, Account No. 46J299 to the Mayor's General Fund No. 100, Department 46, Revenue Source No. 5346, for reimbursement of grant-funded fringe benefits;

Honorable Members of the City Council  
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**11. TRANSFER** cash from the FY12 Justice Assistance Grant Fund XXX, Account J112 to Fund 100, Department 12, Account 1010 to reimburse the General Fund in an amount up to \$371,834.78, upon presentation of proper documentation from the City Attorney and approval from the Mayor's Office of such invoices for JAG-related expenditures; and

**12. AUTHORIZE** the Mayor, or designee, to prepare Controller's instructions for any necessary technical adjustments, subject to the approval of the City Administrative Officer and authorize the Controller to implement the instructions.

Very truly yours,



ANTONIO R. VILLARAIGOSA  
Mayor

ARV:tp

Attachments

- 1 Grant Application
- 2 Award Letter
- 3 County of Los Angeles Memorandum of Understanding

**Program Narrative – Attachment 1****Community Law Enforcement and Recovery (CLEAR) Program**

The Community Law Enforcement and Recovery (CLEAR) Program began in 1997 as an innovative City of Los Angeles/Los Angeles County partnership to combat gang violence in Los Angeles. The primary purpose of CLEAR is to facilitate the recovery of gang-infested communities. This is accomplished by decreasing gang crime in targeted communities through an effective, cross-agency collaboration with City and County criminal justice agencies. The CLEAR team includes the Los Angeles Police Department (LAPD), Los Angeles County Probation Department, Los Angeles City Attorney, Los Angeles County District Attorney, and the California Department of Corrections. The City of Los Angeles will dedicate 100% of its FY 2012 Justice Assistance Grant allocation to support the CLEAR program.

CLEAR has had a verifiable impact in decreasing gang crime and on maintaining lower levels of gang crime. The success of CLEAR is remarkable; as of December 2011, year-to-date gang crime in CLEAR sites is down 11.6% from the previous year, gang-related violent crime is down 11.3%, overall Part I crime (property and violent crimes) is down 7.9%, and Part I violent crime is down 4%.<sup>1</sup>

Community members have been meaningfully engaged in the process of community recovery, and government agencies, both within and outside the criminal justice system, have created innovative mechanisms to collaborate amongst themselves and with these communities. Monthly activity reports are created to assist each site with monitoring and revising plans and strategies.

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<sup>1</sup> Los Angeles Police Department

**CLEAR Partners**

The key to CLEAR's success has been the immediate availability of police officers, District Attorneys, City Attorneys, and Probation and Parole Officers in the defined primary and secondary target areas. The role of each team member is outlined below:

- **The Los Angeles Police Department** deploys officers who are designated to respond to gang-related criminal activity within their respective CLEAR target area, and coordinates law enforcement efforts to suppress gang crime.
- **The California Department of Corrections** monitors and closely supervises all parolees during their re-entry into society to avert them from engaging in criminal activity upon their release.
- **The Los Angeles County Probation Department** works with the City Attorney to ensure that gang members receive appropriate conditions of probation that prohibit association with other gang members through curfews and restrictions on returning to designated areas.
- **The Los Angeles County District Attorney's Office and City Attorney's Office** vertically prosecute the most difficult cases generated by CLEAR unit arrests using novel and innovative prosecution strategies that may include granting cross-designation status to city prosecutors so that cases can be effectively pursued in superior court. They also track all arrests made by the CLEAR unit and prepare reports on the progress of the prosecution efforts from the point of arrest through the final court disposition of each case, including the length of imprisonment or the terms of probation ordered, and prepare and prosecute civil injunctions against gang member activities within the CLEAR sites. CLEAR team members also collaborate with residents within each CLEAR site through

the creation of a Community Impact Team (CIT). The CIT's focus is specifically on quality of life issues such as graffiti, litter and juvenile loitering. The CIT also facilitates a linkage between CLEAR's suppression efforts and other gang prevention and intervention programs. Community members on the CIT's identify effective community organizations in their area and facilitate a relationship between those organizations and law enforcement agencies which partner to secure support from individuals and businesses within the community.

### **Selection of CLEAR Sites**

Areas with high rates of gang-related crime are generally selected as CLEAR sites. Within each site, there is a primary target area and a secondary target area identified by LAPD Reporting Districts, which track all LAPD crime data. Primary target areas are comprised of those reporting districts with the most gang activity in the CLEAR site area. Secondary target areas are comprised of those reporting districts with a high level gang activity, but at lower levels than in the primary target areas. Program resources are deployed first to the primary target areas and then to secondary target areas. This approach ensures that resources are efficiently deployed to areas with the most gang related crime.

### **Goals, Objectives and Evaluation**

The goal of the CLEAR program is to reduce the propagation of gangs, gang membership, and gang-related criminal activity. An independent evaluation of the effectiveness of the CLEAR program is prepared and submitted to the CLEAR Executive Board on an annual basis. The Executive Board chooses the entity that will conduct the evaluation through a

competitive bidding process after sending out requests for proposals. The evaluation includes a description of the extent to which the project has accomplished the following:

- a) A decrease in gang crime in each CLEAR site;
- b) A decrease in violent gang crime in each CLEAR site; and
- c) The prosecution of those arrested for gang-related crimes in the CLEAR sites.

In addition, the CLEAR program will utilize the following performance measures consistent with Bureau of Justice Assistance Justice Assistance Grant Program:

- a) Percent change in number of individuals arrested in a targeted group by crime type;
- b) Expected change in arrests;
- c) Percent change in reported crime rates in a community by crime type; and
- d) Expected change in crime rates.

An evaluation consultant will provide ongoing monthly, quarterly, and annual reports that contain comparative data analysis on crime reduction in the CLEAR sites. Details of the evaluation process include:

- Site Activity Statistics: On a monthly basis, collect data reflecting site activities. Provide law enforcement with access to an electronic web-based system to input collected data. Include numbers of arrests, prosecutions, and other related activities.
- On a quarterly basis, obtain and analyze gang crime data for all CLEAR sites using a statistical model approved by the CLEAR Executive Board. Compare site gang crime statistics to division-wide gang crime statistics.
- Create and distribute four semi-annual reports to be presented to the Board that will include the following content in one or more of the four reports:

- An implementation study that details how the program was implemented across all sites during the Contract period, citing any challenges and successes as well as making recommendations for the future;
- Document all pertinent changes that occurred during the contract period, including but not limited to Reporting Districts, staff turnover, analysis of which sites have the greatest change in gang-related crime, etc.;
- A comprehensive overview that details CLEAR operations and outcomes in a historical, cross-site context; and
- An analysis of CLEAR’s impact on each community including feedback from community members.

**Project Implementation**

Funding from the JAG 12 award will be utilized for the salaries for the City Attorneys, District Attorneys, and Probation Officers as follows:

<b>CLEAR site</b>	<b>City Attorney</b>	<b>District Attorney</b>	<b>Probation Officer</b>
Northeast	X	X	X
Newton	X	X	X
Southeast	X	X	X
Foothill	X	X	X
Southwest		X	X
Boyle Heights		X	X
Ramona Gardens		X	X
Rampart		X	X
77th		X	X

NOTE: Due to limited resources, the City Attorneys in Southwest, Boyle Heights, Ramona Gardens, Rampart, and 77<sup>th</sup> CLEAR sites will be funded out of alternative funding sources, but will work closely with the DA’s and Probation Officers in those CLEAR sites who are funded by this grant.

Funding will ensure that program activities are not interrupted and all staff can continue to dedicate their time to their roles within the CLEAR team. Funding will cover twelve months of the grant term, from July 1, 2012 through June 30, 2013. As the fiscal agent for this grant, the Los Angeles Mayor's Office of Homeland Security and Public Safety will obtain all necessary internal approvals to expend the grant and enter into formal agreements with the partner agencies. The Operational Teams in the CLEAR sites will continue to implement the specific CLEAR strategy for the identified area and continue coordination of services with the office of Gang Reduction and Youth Development. The CLEAR Executive Committee will continue to oversee and monitor CLEAR activities in the target areas. CLEAR activities will be evaluated and based upon the initial findings strategies in all sites will be modified and expanded.

#### **Project Management**

The Mayor's Office of Homeland Security and Public Safety will manage the City of Los Angeles Justice Assistance Grant Award Program. The Office has twenty five years of experience in managing grant funds and a history of grant compliance. The Office is responsible for securing and administering the City's State and Federal public safety and criminal justice grants, all of which require programmatic and fiscal audits.



Department of Justice  
Office of Justice Programs

Attachment 2

Bureau of Justice Assistance

Office of Justice Programs

Washington, D.C. 20531

July 13, 2012

Ms. Eileen Decker  
City of Los Angeles  
200 North Spring Street  
SW Mezzanine Room M175  
Los Angeles, CA 90012

Dear Ms. Decker:

On behalf of Attorney General Eric Holder, it is my pleasure to inform you that the Office of Justice Programs has approved your application for funding under the FY 12 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Local Solicitation in the amount of \$2,365,208 for City of Los Angeles.

Enclosed you will find the Grant Award and Special Conditions documents. This award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, resolution of all interim audit findings, and the maintenance of a minimum level of cash-on-hand. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate.

If you have questions regarding this award, please contact:

- Program Questions, Tahitia M. Barringer, Program Manager at (202) 616-3294; and
- Financial Questions, the Office of the Chief Financial Officer, Customer Service Center (CSC) at (800) 458-0786, or you may contact the CSC at [ask.ocfo@usdoj.gov](mailto:ask.ocfo@usdoj.gov).

Congratulations, and we look forward to working with you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Denise O'Donnell".

Denise O'Donnell  
Director

Enclosures



**Department of Justice**  
Office of Justice Programs  
Office for Civil Rights

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*Washington, D.C. 20531*

July 13, 2012

Ms. Eileen Decker  
City of Los Angeles  
200 North Spring Street  
SW Mezzanine Room M175  
Los Angeles, CA 90012

Dear Ms. Decker:

Congratulations on your recent award. In establishing financial assistance programs, Congress linked the receipt of Federal funding to compliance with Federal civil rights laws. The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice is responsible for ensuring that recipients of financial aid from OJP, its component offices and bureaus, the Office on Violence Against Women (OVW), and the Office of Community Oriented Policing Services (COPS) comply with applicable Federal civil rights statutes and regulations. We at OCR are available to help you and your organization meet the civil rights requirements that come with Justice Department funding.

**Ensuring Access to Federally Assisted Programs**

As you know, Federal laws prohibit recipients of financial assistance from discriminating on the basis of race, color, national origin, religion, sex, or disability in funded programs or activities, not only in respect to employment practices but also in the delivery of services or benefits. Federal law also prohibits funded programs or activities from discriminating on the basis of age in the delivery of services or benefits.

**Providing Services to Limited English Proficiency (LEP) Individuals**

In accordance with Department of Justice Guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, recipients of Federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website at <http://www.lep.gov>.

**Ensuring Equal Treatment for Faith-Based Organizations**

The Department of Justice has published a regulation specifically pertaining to the funding of faith-based organizations. In general, the regulation, Participation in Justice Department Programs by Religious Organizations; Providing for Equal Treatment of all Justice Department Program Participants, and known as the Equal Treatment Regulation 28 C.F.R. part 38, requires State Administering Agencies to treat these organizations the same as any other applicant or recipient. The regulation prohibits State Administering Agencies from making award or grant administration decisions on the basis of an organization's religious character or affiliation, religious name, or the religious composition of its board of directors.

The regulation also prohibits faith-based organizations from using financial assistance from the Department of Justice to fund inherently religious activities. While faith-based organizations can engage in non-funded inherently religious activities, they must be held separately from the Department of Justice funded program, and customers or beneficiaries cannot be compelled to participate in them. The Equal Treatment Regulation also makes clear that organizations participating in programs funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. For more information on the regulation, please see OCR's website at <http://www.ojp.usdoj.gov/ocr/etfbo.htm>.

State Administering Agencies and faith-based organizations should also note that the Safe Streets Act, as amended; the Victims of Crime Act, as amended; and the Juvenile Justice and Delinquency Prevention Act, as amended, contain prohibitions against discrimination on the basis of religion in employment. Despite these nondiscrimination provisions, the Justice Department has concluded that the Religious Freedom Restoration Act (RFRA) is reasonably construed, on a case-by-case basis, to require that its funding agencies permit faith-based organizations applying for funding under the applicable program statutes both to receive DOJ funds and to continue considering religion when hiring staff, even if the statute that authorizes the funding program generally forbids considering of religion in employment decisions by grantees.

Questions about the regulation or the application of RFRA to the statutes that prohibit discrimination in employment may be directed to this Office.

## Enforcing Civil Rights Laws

All recipients of Federal financial assistance, regardless of the particular funding source, the amount of the grant award, or the number of employees in the workforce, are subject to the prohibitions against unlawful discrimination. Accordingly, OCR investigates recipients that are the subject of discrimination complaints from both individuals and groups. In addition, based on regulatory criteria, OCR selects a number of recipients each year for compliance reviews, audits that require recipients to submit data showing that they are providing services equitably to all segments of their service population and that their employment practices meet equal employment opportunity standards.

## Complying with the Safe Streets Act or Program Requirements

In addition to these general prohibitions, an organization which is a recipient of financial assistance subject to the nondiscrimination provisions of the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, 42 U.S.C. § 3789d(c), or other Federal grant program requirements, must meet two additional requirements: (1) complying with Federal regulations pertaining to the development of an Equal Employment Opportunity Plan (EEO Plan), 28 C.F.R. § 42.301-.308, and (2) submitting to OCR Findings of Discrimination (see 28 C.F.R. §§ 42.205(5) or 31.202(5)).

### 1) Meeting the EEO Plan Requirement

In accordance with Federal regulations, Assurance No. 6 in the Standard Assurances, COPS Assurance No. 8.B, or certain Federal grant program requirements, your organization must comply with the following EEO Plan reporting requirements:

If your organization has received an award for \$500,000 or more and has 50 or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare an EEO Plan and submit it to OCR for review **within 60 days from the date of this letter**. For assistance in developing an EEO Plan, please consult OCR's website at <http://www.ojp.usdoj.gov/ocr/eeop.htm>. You may also request technical assistance from an EEO Plan specialist at OCR by dialing (202) 616-3208.

If your organization received an award between \$25,000 and \$500,000 and has 50 or more employees, your organization still has to prepare an EEO Plan, but it does not have to submit the EEO Plan to OCR for review. Instead, your organization has to maintain the EEO Plan on file and make it available for review on request. In addition, your organization has to complete Section B of the Certification Form and return it to OCR. The Certification Form can be found at <http://www.ojp.usdoj.gov/ocr/eeop.htm>.

If your organization received an award for less than \$25,000; or if your organization has less than 50 employees, regardless of the amount of the award; or if your organization is a medical institution, educational institution, nonprofit organization or Indian tribe, then your organization is exempt from the EEO Plan requirement. However, your organization must complete Section A of the Certification Form and return it to OCR. The Certification Form can be found at <http://www.ojp.usdoj.gov/ocr/eeop.htm>.

### 2) Submitting Findings of Discrimination

In the event a Federal or State court or Federal or State administrative agency makes an adverse finding of discrimination against your organization after a due process hearing, on the ground of race, color, religion, national origin, or sex, your organization must submit a copy of the finding to OCR for review.

## Ensuring the Compliance of Subrecipients

If your organization makes subawards to other agencies, you are responsible for assuring that subrecipients also comply with all of the applicable Federal civil rights laws, including the requirements pertaining to developing and submitting an EEO Plan, reporting Findings of Discrimination, and providing language services to LEP persons. State agencies that make subawards must have in place standard grant assurances and review procedures to demonstrate that they are effectively monitoring the civil rights compliance of subrecipients.

If we can assist you in any way in fulfilling your civil rights responsibilities as a recipient of Federal funding, please call OCR at (202) 307-0690 or visit our website at <http://www.ojp.usdoj.gov/ocr/>.

Sincerely,



Michael L. Alston  
Director

cc: Grant Manager  
Financial Analyst



Department of Justice  
Office of Justice Programs  
Bureau of Justice Assistance

Grant

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1. RECIPIENT NAME AND ADDRESS (Including Zip Code) City of Los Angeles 200 North Spring Street SW Mezzanine Room M175 Los Angeles, CA 90012		4. AWARD NUMBER: 2012-DJ-BX-0878	
		5. PROJECT PERIOD: FROM 10/01/2011 TO 09/30/2015 BUDGET PERIOD: FROM 10/01/2011 TO 09/30/2015	
		6. AWARD DATE 07/13/2012	7. ACTION
1A. GRANTEE IRS/VENDOR NO. 956000735		8. SUPPLEMENT NUMBER 00	Initial
		9. PREVIOUS AWARD AMOUNT \$ 0	
3. PROJECT TITLE City of Los Angeles: The Community Law Enforcement and Recovery (CLEAR) Program. County of Los Angeles: Crime Reduction and Public Safety Improvement Initiative		10. AMOUNT OF THIS AWARD \$ 2,365,208	
		11. TOTAL AWARD \$ 2,365,208	
12. SPECIAL CONDITIONS THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).			
13. STATUTORY AUTHORITY FOR GRANT This project is supported under FY12(BJA - JAG) 42 USC 3750, et seq.			
15. METHOD OF PAYMENT GPRS			
AGENCY APPROVAL		GRANTEE ACCEPTANCE	
16. TYPED NAME AND TITLE OF APPROVING OFFICIAL Denise O'Donnell Director		18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL Eileen Decker Deputy Mayor	
17. SIGNATURE OF APPROVING OFFICIAL <i>Denise O'Donnell</i>		19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL	19A. DATE
AGENCY USE ONLY			
20. ACCOUNTING CLASSIFICATION CODES FISCAL FUND BUD. DIV. YEAR CODE ACT. OFC. REG. SUB. POMS AMOUNT X B DJ 80 00 00 2365208		21. LDJUGT0501	

OJP FORM 4000/2 (REV. 5-87) PREVIOUS EDITIONS ARE OBSOLETE.

OJP FORM 4000/2 (REV. 4-88)



Department of Justice  
Office of Justice Programs  
Bureau of Justice Assistance

**AWARD CONTINUATION  
SHEET  
Grant**

PAGE 2 OF 7

PROJECT NUMBER 2012-DJ-BX-0878

AWARD DATE 07/13/2012

*SPECIAL CONDITIONS*

1. The recipient agrees to comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide.
2. The recipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if recipient is required to submit one pursuant to 28 C.F.R. Section 42.302), that is approved by the Office for Civil Rights, is a violation of its Certified Assurances and may result in suspension or termination of funding, until such time as the recipient is in compliance.
3. The recipient agrees to comply with the organizational audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, and further understands and agrees that funds may be withheld, or other related requirements may be imposed, if outstanding audit issues (if any) from OMB Circular A-133 audits (and any other audits of OJP grant funds) are not satisfactorily and promptly addressed, as further described in the current edition of the OJP Financial Guide.
4. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of OJP.
5. The recipient must promptly refer to the DOJ OIG any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor, or other person has either 1) submitted a false claim for grant funds under the False Claims Act; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds. This condition also applies to any subrecipients. Potential fraud, waste, abuse, or misconduct should be reported to the OIG by -

mail:

Office of the Inspector General  
U.S. Department of Justice  
Investigations Division  
950 Pennsylvania Avenue, N.W.  
Room 4706  
Washington, DC 20530

e-mail: [oig.hotline@usdoj.gov](mailto:oig.hotline@usdoj.gov)

hotline: (contact information in English and Spanish): (800) 869-4499

or hotline fax: (202) 616-9881

Additional information is available from the DOJ OIG website at [www.usdoj.gov/oig](http://www.usdoj.gov/oig).

6. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of any contract or subaward to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of OJP.
7. The recipient agrees to comply with any additional requirements that may be imposed during the grant performance period if the agency determines that the recipient is a high-risk grantee. Cf. 28 C.F.R. parts 66, 70.



Department of Justice  
Office of Justice Programs  
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**AWARD CONTINUATION  
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*SPECIAL CONDITIONS*

8. The recipient agrees to comply with applicable requirements regarding Central Contractor Registration (CCR) and applicable restrictions on subawards to first-tier subrecipients that do not acquire and provide a Data Universal Numbering System (DUNS) number. The details of recipient obligations are posted on the Office of Justice Programs web site at <http://www.ojp.gov/funding/ccr.htm> (Award condition: Central Contractor Registration and Universal Identifier Requirements), and are incorporated by reference here. This special condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).
9. Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), the Department encourages recipients and sub recipients to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this grant, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.
10. The recipient agrees to comply with all applicable laws, regulations, policies, and guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences, meetings, trainings, and other events, including the provision of food and/or beverages at such events, and costs of attendance at such events. Information on pertinent laws, regulations, policies, and guidance is available at [www.ojp.gov/funding/confcost.htm](http://www.ojp.gov/funding/confcost.htm).
11. The recipient agrees to comply with applicable requirements to report first-tier subawards of \$25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients of award funds. Such data will be submitted to the FFATA Subaward Reporting System (FSRS). The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the Office of Justice Programs web site at <http://www.ojp.gov/funding/ffata.htm> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here. This condition, and its reporting requirement does not apply to grant awards made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own operate in his or her name).
12. The recipient agrees that all income generated as a direct result of this award shall be deemed program income. All program income earned must be accounted for and used for the purposes of funds provided under this award, including such use being consistent with the conditions of the award, the effective edition of the OJP Financial Guide and, as applicable, either (1) 28 C.F.R. Part 66 or (2) 28 C.F.R Part 70 and 2 C.F.R. Part 215 (OMB Circular A-110). Further, the use of program income must be reported on the quarterly Federal Financial Report, SF 425.



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*SPECIAL CONDITIONS*

13. The grantee agrees to assist BJA in complying with the National Environmental Policy Act (NEPA), the National Historic Preservation Act, and other related federal environmental impact analyses requirements in the use of these grant funds, either directly by the grantee or by a subgrantee. Accordingly, the grantee agrees to first determine if any of the following activities will be funded by the grant, prior to obligating funds for any of these purposes. If it is determined that any of the following activities will be funded by the grant, the grantee agrees to contact BJA.

The grantee understands that this special condition applies to its following new activities whether or not they are being specifically funded with these grant funds. That is, as long as the activity is being conducted by the grantee, a subgrantee, or any third party and the activity needs to be undertaken in order to use these grant funds, this special condition must first be met. The activities covered by this special condition are:

- a. New construction;
- b. Minor renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
- d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
- e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

The grantee understands and agrees that complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. The grantee further understands and agrees to the requirements for implementation of a Mitigation Plan, as detailed at <http://www.ojp.usdoj.gov/BJA/resource/nepa.html>, for programs relating to methamphetamine laboratory operations.

Application of This Special Condition to Grantee's Existing Programs or Activities: For any of the grantee's or its subgrantees' existing programs or activities that will be funded by these grant funds, the grantee, upon specific request from BJA, agrees to cooperate with BJA in any preparation by BJA of a national or program environmental assessment of that funded program or activity.

14. To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdictions, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the grantee can demonstrate to the satisfaction of BJA that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.
15. In order to promote information sharing and enable interoperability among disparate systems across the justice and public safety community, OJP requires the grantee to comply with DOJ's Global Justice Information Sharing Initiative (DOJ's Global) guidelines and recommendations for this particular grant. Grantee shall conform to the Global Standards Package (GSP) and all constituent elements, where applicable, as described at: [http://www.it.ojp.gov/gsp\\_grantcondition](http://www.it.ojp.gov/gsp_grantcondition). Grantee shall document planned approaches to information sharing and describe compliance to the GSP and appropriate privacy policy that protects shared information, or provide detailed justification for why an alternative approach is recommended.



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*SPECIAL CONDITIONS*

16. The recipient is required to establish a trust fund account. (The trust fund may or may not be an interest-bearing account.) The fund, including any interest, may not be used to pay debts or expenses incurred by other activities beyond the scope of the Edward Byrne Memorial Justice Assistance Grant Program (JAG). The recipient also agrees to obligate and expend the grant funds in the trust fund (including any interest earned) during the period of the grant. Grant funds (including any interest earned) not expended by the end of the grant period must be returned to the Bureau of Justice Assistance no later than 90 days after the end of the grant period, along with the final submission of the Federal Financial Report (SF-425).
17. JAG funds may be used to purchase bulletproof vests for an agency, but may not be used as the 50% match for purposes of the Bulletproof Vest Partnership (BVP) program.
18. The recipient agrees to submit a signed certification that that all law enforcement agencies receiving vests purchased with JAG funds have a written "mandatory wear" policy in effect. Fiscal agents and state agencies must keep signed certifications on file for any subrecipients planning to utilize JAG funds for bulletproof vest purchases. This policy must be in place for at least all uniformed officers before any FY 2012 JAG funding can be used by the agency for bulletproof vests. There are no requirements regarding the nature of the policy other than it being a mandatory wear policy for all uniformed officers while on duty.
19. Bulletproof vests purchased with JAG funds may be purchased at any threat level, make or model, from any distributor or manufacturer, as long as the vests have been tested and found to comply with applicable National Institute of Justice ballistic or stab standards. In addition, bulletproof vests purchased with JAG funds must be American-made. The latest NIJ standard information can be found here: <http://www.nij.gov/topics/technology/body-armor/safety-initiative.htm>.
20. The recipient agrees that any information technology system funded or supported by OJP funds will comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if OJP determines this regulation to be applicable. Should OJP determine 28 C.F.R. Part 23 to be applicable, OJP may, at its discretion, perform audits of the system, as per the regulation. Should any violation of 28 C.F.R. Part 23 occur, the recipient may be fined as per 42 U.S.C. 3789g(c)-(d). Recipient may not satisfy such a fine with federal funds.
21. The recipient agrees to ensure that the State Information Technology Point of Contact receives written notification regarding any information technology project funded by this grant during the obligation and expenditure period. This is to facilitate communication among local and state governmental entities regarding various information technology projects being conducted with these grant funds. In addition, the recipient agrees to maintain an administrative file documenting the meeting of this requirement. For a list of State Information Technology Points of Contact, go to <http://www.it.ojp.gov/default.aspx?area=policyAndPractice&page=1046>.
22. The grantee agrees to comply with the applicable requirements of 28 C.F.R. Part 38, the Department of Justice regulation governing "Equal Treatment for Faith Based Organizations" (the "Equal Treatment Regulation"). The Equal Treatment Regulation provides in part that Department of Justice grant awards of direct funding may not be used to fund any inherently religious activities, such as worship, religious instruction, or proselytization. Recipients of direct grants may still engage in inherently religious activities, but such activities must be separate in time or place from the Department of Justice funded program, and participation in such activities by individuals receiving services from the grantee or a sub-grantee must be voluntary. The Equal Treatment Regulation also makes clear that organizations participating in programs directly funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. Notwithstanding any other special condition of this award, faith-based organizations may, in some circumstances, consider religion as a basis for employment. See [http://www.ojp.gov/about/oct/equal\\_fbo.htm](http://www.ojp.gov/about/oct/equal_fbo.htm).
23. The recipient acknowledges that all programs funded through subawards, whether at the state or local levels, must conform to the grant program requirements as stated in BJA program guidance.



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*SPECIAL CONDITIONS*

24. Grantee agrees to comply with the requirements of 28 C.F.R. Part 46 and all Office of Justice Programs policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.
25. Grantee agrees to comply with all confidentiality requirements of 42 U.S.C. section 3789g and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. Grantee further agrees, as a condition of grant approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, section 22.23.
26. The recipient agrees that funds received under this award will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities.
27. Award recipients must submit quarterly a Federal Financial Report (SF-425) and annual performance reports through GMS (<https://grants.ojp.usdoj.gov>). Consistent with the Department's responsibilities under the Government Performance and Results Act (GPRA), P.L. 103-62, applicants who receive funding under this solicitation must provide data that measure the results of their work. Therefore, quarterly performance metrics reports must be submitted through BJA's Performance Measurement Tool (PMT) website ([www.bjaperformancetools.org](http://www.bjaperformancetools.org)). For more detailed information on reporting and other JAG requirements, refer to the JAG reporting requirements webpage. Failure to submit required JAG reports by established deadlines may result in the freezing of grant funds and future High Risk designation.
28. The recipient agrees to monitor subawards under this JAG award in accordance with all applicable statutes, regulations, OMB circulars, and guidelines, including the OJP Financial Guide, and to include the applicable conditions of this award in any subaward. The recipient is responsible for oversight of subrecipient spending and monitoring of specific outcomes and benefits attributable to use of JAG funds by subrecipients. The recipient agrees to submit, upon request, documentation of its policies and procedures for monitoring of subawards under this award.
29. Award recipients must verify Point of Contact (POC), Financial Point of Contact (FPOC), and Authorized Representative contact information in GMS, including telephone number and e-mail address. If any information is incorrect or has changed, a Grant Adjustment Notice (GAN) must be submitted via the Grants Management System (GMS) to document changes.
30. The grantee agrees that within 120 days of award acceptance, each member of a law enforcement task force funded with these funds who is a task force commander, agency executive, task force officer, or other task force member of equivalent rank, will complete required online (internet-based) task force training. The training is provided free of charge online through BJA's Center for Task Force Integrity and Leadership ([www.ctfli.org](http://www.ctfli.org)). All current and new task force members are required to complete this training once during the life of the award, or once every four years if multiple awards include this requirement. This training addresses task force effectiveness as well as other key issues including privacy and civil liberties/rights, task force performance measurement, personnel selection, and task force oversight and accountability. Additional information is available regarding this required training and access methods via BJA's web site and the Center for Task Force Integrity and Leadership ([www.ctfli.org](http://www.ctfli.org)).
31. Recipient may not expend or drawdown funds until the Bureau of Justice Assistance, Office of Justice Programs has received and approved the signed Memorandum of Understanding (MOU) between the disparate jurisdictions and has issued a Grant Adjustment Notice (GAN) releasing this special condition.
32. Recipient may not expend or drawdown funds until the Bureau of Justice Assistance, Office of Justice Programs has received documentation demonstrating that the state or local governing body review and/or community notification requirements have been met and has issued a Grant Adjustment Notice (GAN) releasing this special condition.



Department of Justice  
Office of Justice Programs  
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PROJECT NUMBER 2012-DJ-BX-0878

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*SPECIAL CONDITIONS*

33. With respect to this award, federal funds may not be used to pay cash compensation (salary plus bonuses) to any employee of the award recipient at a rate that exceeds 110% of the maximum annual salary payable to a member of the federal government's Senior Executive Service (SES) at an agency with a Certified SES Performance Appraisal System for that year. (An award recipient may compensate an employee at a higher rate, provided the amount in excess of this compensation limitation is paid with non-federal funds.)

This limitation on compensation rates allowable under this award may be waived on an individual basis at the discretion of the OJP official indicated in the program announcement under which this award is made.



**Department of Justice**  
Office of Justice Programs  
*Bureau of Justice Assistance*

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Washington, D.C. 20531

**Memorandum To:** Official Grant File

**From:** Orbin Terry, NEPA Coordinator

**Subject:** Incorporates NEPA Compliance in Further Developmental Stages for City of Los Angeles

The Edward Byrne Memorial Justice Assistance Grant Program (JAG) allows states and local governments to support a broad range of activities to prevent and control crime and to improve the criminal justice system, some of which could have environmental impacts. All recipients of JAG funding must assist BJA in complying with NEPA and other related federal environmental impact analyses requirements in the use of grant funds, whether the funds are used directly by the grantee or by a subgrantee or third party. Accordingly, prior to obligating funds for any of the specified activities, the grantee must first determine if any of the specified activities will be funded by the grant.

The specified activities requiring environmental analysis are:

- a. New construction;
- b. Any renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
- d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
- e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

Complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. Further, for programs relating to methamphetamine laboratory operations, the preparation of a detailed Mitigation Plan will be required. For more information about Mitigation Plan requirements, please see <http://www.ojp.usdoj.gov/BJA/resource/nepa.html>.

Please be sure to carefully review the grant conditions on your award document, as it may contain more specific information about environmental compliance.



Department of Justice  
Office of Justice Programs  
Bureau of Justice Assistance

**GRANT MANAGER'S MEMORANDUM, PT. I:  
PROJECT SUMMARY**

**Grant**

PROJECT NUMBER  
2012-DJ-BX-0878

PAGE 1 OF 1

This project is supported under FY12(BJA - JAG) 42 USC 3750, et seq.

1. STAFF CONTACT (Name & telephone number)

Tabitha M. Barringer  
(202) 616-3294

2. PROJECT DIRECTOR (Name, address & telephone number)

Julie Zeisler  
Senior Grant Specialist  
City Hall, 200 North Spring Street, Room 303  
Los Angeles, CA 90012-0000  
(213) 978-4607

3a. TITLE OF THE PROGRAM

BJA FY 12 Edward Byrne Memorial Justice Assistance Grant (JAG) Program

3b. POMS CODE (SEE INSTRUCTIONS  
ON REVERSE)

4. TITLE OF PROJECT

City of Los Angeles: The Community Law Enforcement and Recovery (CLEAR) Program. County of Los Angeles: Crime Reduction and Public Safety Improvement Initiative

5. NAME & ADDRESS OF GRANTEE

City of Los Angeles  
200 North Spring Street SW Mezzanine Room M175  
Los Angeles, CA 90012

6. NAME & ADDRESS OF SUBGRANTEE

7. PROGRAM PERIOD

FROM: 10/01/2011 TO: 09/30/2015

8. BUDGET PERIOD

FROM: 10/01/2011 TO: 09/30/2015

9. AMOUNT OF AWARD

\$ 2,365,208

10. DATE OF AWARD

07/13/2012

11. SECOND YEAR'S BUDGET

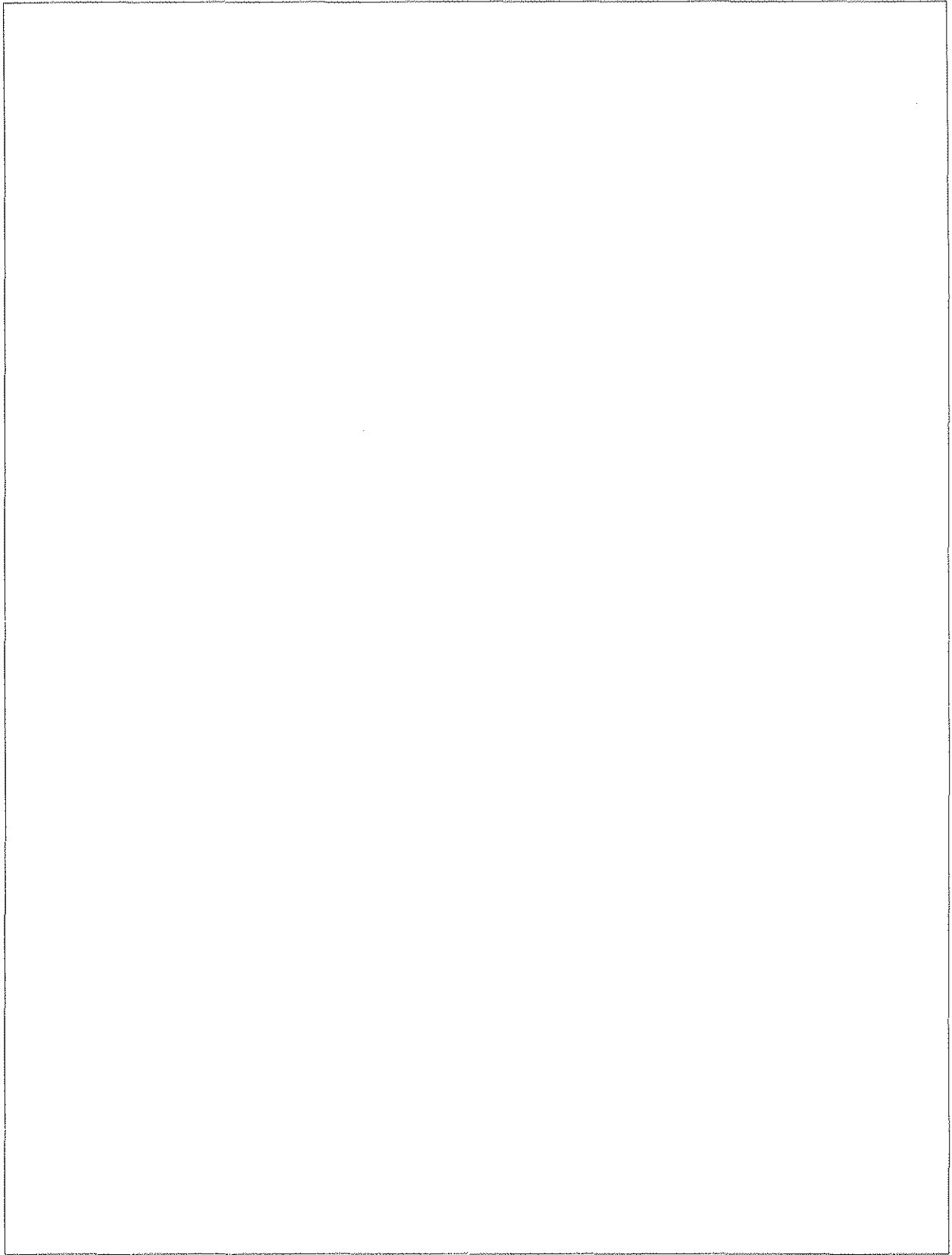
12. SECOND YEAR'S BUDGET AMOUNT

13. THIRD YEAR'S BUDGET PERIOD

14. THIRD YEAR'S BUDGET AMOUNT

15. SUMMARY DESCRIPTION OF PROJECT (See instruction on reverse)

The Edward Byrne Memorial Justice Assistance Grant Program (JAG) allows states and units of local government, including tribes, to support a broad range of activities to prevent and control crime based on their own state and local needs and conditions. Grant funds can be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice, including for any one or more of the following purpose areas: 1) law enforcement programs; 2) prosecution and court programs; 3) prevention and education programs; 4) corrections and community corrections programs; 5) drug treatment and enforcement programs; 6) planning, evaluation, and technology improvement programs; and 7) crime victim and witness programs (other than compensation).  
The disparate jurisdictions will use the 2012 JAG award to support the Community Law Enforcement and Recovery Program (CLEAR). The goal of the CLEAR program is to reduce the propagation of gangs, gang membership, and gang-related criminal activity. NCA/NCF



MEMORANDUM OF UNDERSTANDING BETWEEN  
THE COUNTY OF LOS ANGELES AND THE CITY OF LOS ANGELES  
2012 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG)  
PROGRAM AWARD

This Memorandum of Understanding ("MOU") is made and entered into this \_\_\_\_ day of \_\_\_\_\_ 2013, by and between the County of Los Angeles, a subdivision of the State of California, acting by and through its governing body, the Los Angeles County Board of Supervisors, ("County"), and the City of Los Angeles, acting by and through its governing body, the City Council, ("City").

**WITNESSETH**

WHEREAS, this MOU is authorized pursuant to Section 23005 of the Government Code, and was specifically authorized by the County (refer to Board File dated \_\_\_/\_\_\_/\_\_\_); and

WHEREAS, this MOU is authorized by the Los Angeles City Council and the Mayor of Los Angeles (refer to Council File \_\_\_dated\_\_\_/\_\_\_/\_\_\_); and

WHEREAS, the United States Department of Justice, Office of Justice Programs' Bureau of Justice Assistance ("BJA") administers the U.S. Department of Justice, FY 2012 Edward Byrne Memorial Justice Assistance Grant ("FY12 JAG") Program; and

WHEREAS, BJA requires this MOU be executed between the County and City prior to allocating the FY12 JAG funds; and

WHEREAS, each governing body, in performing governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments from current revenues legally available to that party; and

WHEREAS, each governing body finds that the performance of this MOU is in the best interests of both parties, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services or functions under this MOU; and

WHEREAS, the City agrees to serve as the applicant/fiscal agent for the FY12 JAG funds allocated to the City and County and to provide the County with the amount of JAG funds approved by BJA for use as approved by BJA under the FY12 JAG program.

NOW THEREFORE, the COUNTY and CITY agree as follows:

Section 1.

The term of this MOU shall commence on October 1, 2011 and end September 30, 2015. Said term is subject to the provisions herein.

Section 2.

Upon the disbursement by BJA to the City of all FY12 JAG funds allocated to the City and County, the CITY agrees to disburse on a reimbursement basis to County that amount allocated by BJA to the County (the "Disbursement Amount"). The Disbursement Amount is the amount of JAG funds allocated to the County by BJA less 4% of such allocated amount to be retained by the City as compensation to the City for its role as applicant/fiscal agent of such FY12 JAG funds. The County agrees to use the FY12 JAG funds allocated to it for those projects approved by BJA under the FY12 JAG program as set forth in the application for the FY12 JAG funds submitted by the City to BJA. Prior to disbursement of the Disbursement Amount of FY12 JAG funds to the County, the County agrees to enter into a contract with the City setting forth the County's and the City's assurances and obligations regarding the use of FY12 JAG funds, which shall include without limitation compliance with all applicable laws and reporting requirements related to the FY12 JAG program the use of the FY12 JAG funds (the "Contract"). Currently the Disbursement Amount is contemplated to be \$1,135,300.

Section 3.

Nothing in the performance of this MOU shall impose any liability for claims against the City or County other than claims for which liability may be imposed by the California Tort Claims Act, or claims by the State or Federal Government for unallowable expenditure of the funds provided by this MOU.

Section 4.

Any expenditures made prior to the execution of this MOU shall be eligible for reimbursement by FY12 JAG funds only upon explicit approval by BJA, such approval to be made in BJA's sole discretion. Funding for all periods of this MOU is subject to the continuing availability of Federal funds for this program. The MOU may be terminated immediately upon written notice to County of a loss or reduction of Federal grant funds. Any change in the terms of this MOU, including any increase or decrease in the amount of FY12 JAG funds awarded, shall be incorporated into this MOU by a written amendment properly executed and signed by the person authorized to bind the parties.

Section 5.

Upon execution of this MOU, the County shall provide performance reports on a quarterly and annual basis demonstrating progress in achieving desired goals and outcomes in a form and manner as required under the FY12 JAG program.

Section 6.

Each of the parties to this MOU is a public entity. In contemplation of the provisions of Section 895.2 of the Government Code of the State of California imposing certain tort

liability jointly upon public entities, solely by reason of such entities being parties to an Agreement as defined by Section 895 of said Code, the parties hereto, as between themselves, pursuant to the authorization contained in Section 895.4 and 895.6 of said Code, will each assume the full liability imposed upon it or upon any of its officers, agents, or employees by law, for injury caused by a negligent or wrongful act or omission occurring in the performance of this Agreement, to the same extent that such liability would be imposed in the absence of Section 895.2 of said Code. To achieve the above stated purpose, each party indemnifies and holds harmless the other party solely by virtue of said Section 895.2. The provision of Section 2778 of the California Civil Code is made a part hereto as if fully set forth herein. County certifies that it has adequate self insured retention of funds to meet any obligation arising from this MOU. City also certifies that it has adequate self-insured retention of funds to meet any obligation arising from this MOU.

Each party to this MOU will be responsible for its own actions in providing services under this MOU and shall not be liable for any civil liability that may arise from the furnishing of the services by the other party.

Section 7.

The parties to this MOU warrant that they will abide by all the Federal, State and other governmental rules and regulations applicable to the FY12 JAG funds. The County shall be liable to the City, as fiscal agent, for any sums spent under the FY12 JAG grant found to be ineligible by the State or Federal government. The County shall cooperate and assist the City in any audit, or administrative or judicial actions brought by the State or Federal government concerning the activities funded by this MOU.

Section 8.

The parties to this MOU do not intend for any third party to obtain a right by virtue of this MOU.

Section 9.

By entering into this MOU, the parties do not intend to create any obligations express or implied other than those set out herein. Further, this MOU shall not create any rights in any party not a signatory hereto.

IN WITNESS WHEREOF, the governing bodies of the parties hereto have authorized the foregoing Memorandum of Agreement between the County of Los Angeles and the City of Los Angeles to be executed on the \_\_\_\_ day of \_\_\_\_\_ 2013.

COUNTY OF LOS ANGELES

APPROVED AS TO FORM:  
OFFICE OF COUNTY COUNSEL

By: \_\_\_\_\_  
WILLIAM T FUJIOKA  
Chief Executive Officer

By: \_\_\_\_\_  
JENNIFER LEHMAN  
Senior Deputy County Counsel

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Attach County Seal Here

CITY OF LOS ANGELES  
ANTONIO R. VILLARAIGOSA, Mayor

Attach City Seal Here

By: \_\_\_\_\_

Date: \_\_\_\_\_

APPROVED AS TO FORM:  
CITY OF LOS ANGELES  
CARMEN A. TRUTANICH, City Attorney

ATTEST:  
JUNE LAGMAY, City Clerk

By: \_\_\_\_\_  
Steven Hong, Deputy City Attorney

By: \_\_\_\_\_  
Deputy City Clerk

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Council File/CAO Number \_\_\_ Date \_\_\_\_\_

Said Agreement is Number \_\_\_\_\_ of City Contracts