

ERIC GARCETTI  
MAYOR

September 8, 2016

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 2016 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 Public Safety is notifying the City Council of the submission of a formula grant application for the FY 2016 Justice Assistance Grant Program (FY16 JAG). The Department of Justice, Bureau of Justice Assistance issued a RFP for the FY 2016 Edward Byrne Memorial Justice Assistance Grant (JAG) Program on May 16, 2016. An application on behalf of the City of Los Angeles was submitted on June 30, 2016. On August 10, 2016 the City of Los Angeles received the award letter.

Transmitted herewith for consideration by the City Council is a request to accept \$1,870,503.00 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 2016 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 which provides states and units of local governments with critical funding necessary to support a range of program areas including law enforcement, prosecution and court programs, prevention and education programs, corrections and community corrections, drug treatment and enforcement, crime victim and witness initiatives, and planning, evaluation, and technology improvement programs.

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, 2015 to September 30, 2019. 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 FY16 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 FY16 JAG allocation of \$1,870,503.00, the proposed City/County joint spending plan allocates \$1,028,776.65 to the City and \$841,726.35 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. This strategy includes suppression and prevention components. CLEAR program represents the suppression component of the City's Gang Reduction Strategy, and is focused on facilitating 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 the Mayor's Office of Gang Reduction Youth Development (GRYD), as well as City and County criminal justice agencies. The CLEAR program is integral to the success of GRYD. 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 FY16 JAG will partially support the CLEAR program during FY 2016-17 in a total of nine CLEAR program sites: Northeast, Newton, Southeast, Foothill, Southwest, Hollenbeck/Boyle Heights, Hollenbeck/Ramona Gardens, Rampart and 77th. The FY16 JAG will provide a total of \$741,726.00 for the following personnel support: nine Deputy City Attorney's; nine Deputy District Attorneys; and nine Deputy Probation Officers. 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 for CLEAR in FY 2016-17:

<b>Position</b>	<b>FY16 JAG</b>
9 Deputy City Attorneys	\$197,500.00
9 Deputy District Attorneys	\$345,473.00
9 Deputy Probation Officers	\$198,753.00
<b>TOTAL PERSONNEL FUNDING FOR CLEAR</b>	<b>\$741,726.00</b>

In addition, the LAPD component of CLEAR places Detectives, Sergeants and Police Officers in each CLEAR site. There are a total of 10 LAPD personnel assigned per CLEAR site (1 Detective, 1 Sergeant, and 8 Police Officers). LAPD salaries for CLEAR in FY 2016-17 will be funded through funds from the LAPD's existing budget.

Below is a summary of the budget for the City of Los Angeles FY16 JAG:

<b>Cost Category</b>	<b>Budget</b>
CLEAR Personnel – 9 Deputy City Attorney III's	\$197,500.00
CLEAR Contractual Services – County 9 Deputy District Attorney III's 9 Deputy Probation Officers	\$544,226.00
CLEAR Contractual Services – Evaluation	\$100,000.00
Mayor Salaries (M&A)	\$135,962.95
Fringe Benefits	\$50,087.35
Mayor's Management and Administrative	\$1,000.35
<b>TOTAL CITY ALLOCATION</b>	<b>\$1,028,776.65</b>

### **Evaluation**

As part of its commitment to the CLEAR 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 FY16 JAG includes \$100,000 to evaluate CLEAR over a 12-month period. The Mayor's Office of Public Safety will undergo a procurement process to select a consultant and requests authority to execute a contract.

### **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, 10% 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 (\$187,050.65), \$135,962.95 will be used for salaries, \$50,087.35 for fringe benefits, and \$1,000.35 for office and administration for Mayor's Office staff.

**County Allocation**

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

**Recommendations**

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

1. **AUTHORIZE** the Mayor, or designee, to accept the FY 2016 Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$1,870,503.00 for the period effective from October 1, 2015 through September 30, 2019;
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;
3. **APPROVE** the FY 2016 Edward Byrne Memorial Justice Assistance Grant (JAG) budget and authorize the Mayor's Office of 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 2016 Edward Byrne Memorial Justice Assistance Grant for the period of October 1, 2015 through September 30, 2019, for a total not to exceed \$1,870,503.00 and authorize the Mayor, or designee, to execute the Memorandum of Understanding, subject to the approval of the City Attorney as to form;
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 2016 Edward Byrne Memorial Justice Assistance Grant for the period of October 1, 2015 through September 30, 2019, for a total not to exceed \$841,726.35, subject to the approval of the City Attorney as to form;
6. **AUTHORIZE** the Mayor, or designee, to execute a contract 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 \$544,226.00, subject to the approval of the City Attorney as to form and upon submission of invoices and approval by the Mayor, or designee, of such invoices for JAG-related expenditures:

<b>Account</b>	<b>Title</b>	<b>Amount</b>
46N216	District Attorney	\$ 345,473.00
	Probation Department	\$ 198,753.00
	<b>TOTAL</b>	<b>\$ 544,226.00</b>

7. **AUTHORIZE** the Mayor, or designee, to execute a contract between the City of Los Angeles and an evaluation contractor selected as a result of a procurement process to provide data collection and program evaluation for the CLEAR Program, for a term of up to 12 months within the applicable grant performance period, not to exceed \$100,000.00, subject to the approval of the City Attorney as to form;
8. **AUTHORIZE** the Controller to:
  - a. **CREATE** a new interest-bearing Fund, titled FY16 Justice Assistance Grant Fund, establish a receivable in this new Fund in the amount of \$1,870,503.00, 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:

<u>Appropriation</u>		
<u>Number</u>	<u>Account Name</u>	<u>Amount</u>
46N216	CLEAR Contractual Services	\$544,226.00
46N217	CLEAR Evaluation	\$100,000.00
46N112	City Attorney	\$197,500.00
46N146	Mayor	\$135,962.95
46N299	Related Costs	\$50,087.35
46N210	Mayor's – Office and Administrative	\$1,000.35
46N668	Partner Jurisdiction	<u>\$841,726.35</u>
	<b>TOTAL</b>	<b>\$1,870,503.00</b>

- b. **EXPEND** funds upon presentation of proper demands from the Office of the Mayor.
9. **AUTHORIZE** the Controller to transfer up to \$135,962.95 from FY16 JAG Fund XXX, Account No. 46N146 to the Mayor's General Fund No. 100, Department 46, Account No. 001020 for reimbursement of grant-funded personnel salaries;
10. **AUTHORIZE** the Controller to transfer up to \$50,087.35 from FY16 JAG Fund XXX/46, Account No. 46N299 to the Mayor's General Fund No. 100, Department 46, Revenue Source No. 5346 for reimbursement of grant-funded fringe benefits;
11. **AUTHORIZE** the Controller, to transfer up to \$197,500.00 FY 16 JAG Fund XXX/46, Account No. 46N112 to the City Attorney Fund 100/12, Account No. 001010 Salaries General Fund on an as-needed basis, upon presentation of proper documentation from the City Attorney's Office subject to the Mayor's Office of Homeland Security and Public Safety approval; and

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- 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.

Sincerely,

A handwritten signature in black ink, appearing to read 'EG' followed by a horizontal line and a double hash symbol '##'.

Eric Garcetti  
Mayor

EG:dlo

**Attachments**

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

City of Los Angeles

FY 2016 Justice Assistance Grant

**Program Narrative – Attachment 2****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 2016 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. Until 2014, the City of Los Angeles had experienced 12 years of continuous declines in crime, with crime in CLEAR sites experiencing larger declines than the rest of the City. In 2015, the City of Los Angeles, along with many other cities nationally, began experiencing an uptick in crime. Citywide, Total Violent Crime increased 20.2% with Total Part I Crime increasing 12.6% in 2015. Citywide total Gang-Related Crimes increased 14.6%. In that same year however, gang-related Part I Crimes in the primary reporting districts of the CLEAR sites increased only 3.9% in 2015, and total Gang-Related Crimes in the primary reporting districts of the CLEAR sites increased only 5.7% from 2014.<sup>1</sup> Despite the overall crime increases experienced City-wide, the continued success of the CLEAR model has resulted in significantly smaller increases in violent and gang-related crimes.

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

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

### **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 16 award will be utilized for the salaries for nine City Attorneys, District Attorneys, and Probation Officers at each of the following CLEAR sites:

<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	X
Boyle Heights	X	X	X
Ramona Gardens	X	X	X
Rampart	X	X	X
77th	X	X	X

Funding will ensure that program activities are not interrupted and that all staff can continue to dedicate their time to their roles within the CLEAR team. Funding will cover CLEAR staffing and grant administration for the entirety of the grant term, through September 30, 2019. As the fiscal agent for this grant, the Los Angeles Mayor’s Office of 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 (GRYD). 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 Public Safety will manage the City of Los Angeles Justice Assistance Grant Award Program. The Office has over a decade 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.

The City and County of Los Angeles are grouped as disparate jurisdictions for this grant. The City will act as the fiscal agent and submit all required reports and grant adjustments, as needed. The City will ensure that County expenditures are in compliance with grant guidelines. The City and County will plan to expend the funding based on a 50-50 split of the total allocation (after the deduction of 10% of the award by the City of Los Angeles for the administration of the grant), amounting to \$841,726.35 each for the City and County respectively, and \$187,050.30 for administration.



U.S. Department of Justice

Office of Justice Programs

Bureau of Justice Assistance

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Office of Justice Programs

Washington, D.C. 20531

August 10, 2016

Mr. Jeff Gorell  
City of Los Angeles  
200 N. Spring Street, SW Mezzanine, Rm. M175  
Los Angeles, CA 90012

Dear Mr. Gorell:

On behalf of Attorney General Loretta Lynch, it is my pleasure to inform you that the Office of Justice Programs has approved your application for funding under the FY 16 Edward Byrne Memorial Justice Assistance Grant (JAG) Program - Local Solicitation in the amount of \$1,870,503 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, Melanie Davis, Program Manager at (202) 305-7944; 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 that reads "Denise O'Donnell".

Denise O'Donnell  
Director

Enclosures



## OFFICE FOR CIVIL RIGHTS

Office of Justice Programs

U.S. Department of Justice

810 7th Street, NW  
Washington, DC 20531

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August 10, 2016

Mr. Jeff Gorell  
City of Los Angeles  
200 N. Spring Street, SW Mezzanine, Rm. M175  
Los Angeles, CA 90012

Dear Mr. Gorell:

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 (DOJ) is responsible for ensuring that recipients of financial assistance from the OJP, the Office of Community Oriented Policing Services (COPS), and the Office on Violence Against Women (OVW) comply with the applicable federal civil rights laws. We at the OCR are available to help you and your organization meet the civil rights requirements that come with DOJ funding.

### **Ensuring Access to Federally Assisted Programs**

Federal laws that apply to recipients of financial assistance from the DOJ prohibit discrimination on the basis of race, color, national origin, religion, sex, or disability in funded programs or activities, not only in employment but also in the delivery of services or benefits. A federal law also prohibits recipients from discriminating on the basis of age in the delivery of services or benefits.

In March of 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013. The statute amends the Violence Against Women Act of 1994 (VAWA) by including a nondiscrimination grant condition that prohibits discrimination based on actual or perceived race, color, national origin, religion, sex, disability, sexual orientation, or gender identity. The new nondiscrimination grant condition applies to certain programs funded after October 1, 2013. The OCR and the OVW have developed answers to some frequently asked questions about this provision to assist recipients of VAWA funds to understand their obligations. The Frequently Asked Questions are available at <http://ojp.gov/about/ocr/vawafaqs.htm>.

### **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 prohibitions against unlawful discrimination. Accordingly, the OCR investigates recipients that are the subject of discrimination complaints from both individuals and groups. In addition, based on regulatory criteria, the 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 opportunity standards.

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

In accordance with DOJ 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). See U.S. Department of Justice, Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41,455 (2002). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website <http://www.lep.gov>.

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

The DOJ regulation, Equal Treatment for Faith-Based Organizations, 28 C.F.R. pt. 38, requires State Administering Agencies (SAAs) to treat faith-based organizations the same as any other applicant or recipient. The regulation prohibits SAAs from making awards 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 DOJ to fund inherently (or explicitly) religious activities. While faith-based organizations can engage in non-funded inherently religious activities, they must hold them separately from the program funded by the DOJ, and recipients cannot compel beneficiaries to participate in them. The Equal Treatment Regulation also makes clear that organizations participating in programs funded by the DOJ 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 the OCR's website at [http://www.ojp.usdoj.gov/about/ocr/equal\\_fbo.htm](http://www.ojp.usdoj.gov/about/ocr/equal_fbo.htm).

SAAs and faith-based organizations should also note that the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, as amended, 42 U.S.C. § 3789d(c); the Victims of Crime Act of 1984, as amended, 42 U.S.C. § 10604(e); the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, 42 U.S.C. § 5672(b); and VAWA, Pub. L. No. 113-4, sec. 3(b)(4), 127 Stat. 54, 61-62 (to be codified at 42 U.S.C. § 13925(b)(13)) contain prohibitions against discrimination on the basis of religion in employment. Despite these nondiscrimination provisions, the DOJ has concluded that it may construe the Religious Freedom Restoration Act (RFRA) on a case-by-case basis to permit some faith-based organizations to receive DOJ funds while taking into account religion when hiring staff, even if the statute that authorizes the funding program generally forbids recipients from considering religion in employment decisions. Please consult with the OCR if you have any questions about the regulation or the application of RFRA to the statutes that prohibit discrimination in employment.

### **Using Arrest and Conviction Records in Making Employment Decisions**

The OCR issued an advisory document for recipients on the proper use of arrest and conviction records in making hiring decisions. See Advisory for Recipients of Financial Assistance from the U.S. Department of Justice on the U.S. Equal Employment Opportunity Commission's Enforcement Guidance: Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964 (June 2013), available at [http://www.ojp.usdoj.gov/about/ocr/pdfs/UseofConviction\\_Advisory.pdf](http://www.ojp.usdoj.gov/about/ocr/pdfs/UseofConviction_Advisory.pdf). Recipients should be mindful that the misuse of arrest or conviction records to screen either applicants for employment or employees for retention or promotion may have a disparate impact based on race or national origin, resulting in unlawful employment discrimination. In light of the Advisory, recipients should consult local counsel in reviewing their employment practices. If warranted, recipients should also incorporate an analysis of the use of arrest and conviction records in their Equal Employment Opportunity Plans (EEOs) (see below).

### **Complying with the Safe Streets Act**

An organization that is a recipient of financial assistance subject to the nondiscrimination provisions of the Safe Streets Act, must meet two obligations: (1) complying with the federal regulation pertaining to the development of an EEO (see 28 C.F.R. pt. 42, subpt. E) and (2) submitting to the OCR findings of discrimination (see 28 C.F.R. §§ 42.204(c), 205(c)(5)).

### **Meeting the EEOP Requirement**

If your organization has less than fifty employees or receives an award of less than \$25,000 or is a nonprofit organization, a medical institution, an educational institution, or an Indian tribe, then it is exempt from the EEOP requirement. To claim the exemption, your organization must complete and submit Section A of the Certification Form, which is available online at <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>.

If your organization is a government agency or private business and receives an award of \$25,000 or more, but less than \$500,000, and has fifty or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare a Utilization Report (formerly called an EEOP Short Form), but it does not have to submit the report to the OCR for review. Instead, your organization has to maintain the Utilization Report 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 the OCR. The Certification Form is available at <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>.

If your organization is a government agency or private business and has received an award for \$500,000 or more and has fifty or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare a Utilization Report (formerly called an EEOP Short Form) and submit it to the OCR for review within sixty days from the date of this letter. For assistance in developing a Utilization Report, please consult the OCR's website at <http://www.ojp.usdoj.gov/about/ocr/eeop.htm>. In addition, your organization has to complete Section C of the Certification Form and return it to the OCR. The Certification Form is available at <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>.

To comply with the EEOP requirements, you may request technical assistance from an EEOP specialist at the OCR by telephone at (202) 307-0690, by TTY at (202) 307-2027, or by e-mail at [EEOSubmission@usdoj.gov](mailto:EEOSubmission@usdoj.gov).

### **Meeting the Requirement to Submit Findings of Discrimination**

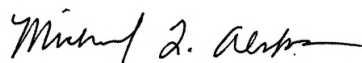
If in the three years prior to the date of the grant award, your organization has received an adverse finding of discrimination based on race, color, national origin, religion, or sex, after a due-process hearing, from a state or federal court or from a state or federal administrative agency, your organization must send a copy of the finding to the OCR.

### **Ensuring the Compliance of Subrecipients**

SAs must have standard assurances to notify subrecipients of their civil rights obligations, written procedures to address discrimination complaints filed against subrecipients, methods to monitor subrecipients' compliance with civil rights requirements, and a program to train subrecipients on applicable civil rights laws. In addition, SAs must submit to the OCR every three years written Methods of Administration (MOA) that summarize the policies and procedures that they have implemented to ensure the civil rights compliance of subrecipients. For more information on the MOA requirement, see [http://www.ojp.usdoj.gov/funding/other\\_requirements.htm](http://www.ojp.usdoj.gov/funding/other_requirements.htm).

If the OCR can assist you in any way in fulfilling your organization's civil rights responsibilities as a recipient of federal financial assistance, please contact us.

Sincerely,



Michael L. Alston  
Director

cc: Grant Manager  
Financial Analyst



U.S. Department of Justice  
Office of Justice Programs  
**Bureau of Justice Assistance**

**Grant**

1. RECIPIENT NAME AND ADDRESS (Including Zip Code) City of Los Angeles 200 N. Spring Street, SW Mezzanine, Rm. M175 Los Angeles, CA 90012		4. AWARD NUMBER: 2016-DJ-BX-0246	
2a. GRANTEE IRS/VENDOR NO. 956000735		5. PROJECT PERIOD: FROM 10/01/2015 TO 09/30/2019 BUDGET PERIOD: FROM 10/01/2015 TO 09/30/2019	
2b. GRANTEE DUNS NO. 069928349		6. AWARD DATE 08/10/2016	7. ACTION  Initial
3. PROJECT TITLE FY 16 JAG Program		8. SUPPLEMENT NUMBER 00	
		9. PREVIOUS AWARD AMOUNT \$ 0	
		10. AMOUNT OF THIS AWARD \$ 1,870,503	
		11. TOTAL AWARD \$ 1,870,503	
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 FY16(BJA - JAG) 42 USC 3750, et seq.			
14. CATALOG OF DOMESTIC FEDERAL ASSISTANCE (CFDA Number) 16.738 - Edward Byrne Memorial Justice Assistance Grant Program			
15. METHOD OF PAYMENT GPRS			
[REDACTED] AGENCY APPROVAL [REDACTED]		[REDACTED] GRANTEE ACCEPTANCE [REDACTED]	
16. TYPED NAME AND TITLE OF APPROVING OFFICIAL  Denise O'Donnell Director		18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL  Jeff Gorell Deputy Mayor	
17. SIGNATURE OF APPROVING OFFICIAL  <i>Denise O'Donnell</i>		19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL	19A. DATE
[REDACTED] AGENCY USE ONLY [REDACTED]			
20. ACCOUNTING CLASSIFICATION CODES FISCAL FUND BUD. DIV. YEAR CODE ACT. OFC. REG. SUB. POMS AMOUNT  X B DJ 80 00 00 1870503		21. RDJUGT0038	



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1. Applicability of Part 200 Uniform Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by the Department of Justice (DOJ) in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this 2016 award from the Office of Justice Programs (OJP).

The Part 200 Uniform Requirements were first adopted by DOJ on December 26, 2014. If this 2016 award supplements funds previously awarded by OJP under the same award number (e.g., funds awarded in 2014 or earlier years), the Part 200 Uniform Requirements apply with respect to all funds under that award number (regardless of the award date, and regardless of whether derived from the initial award or a supplemental award) that are obligated on or after the acceptance date of this 2016 award.

For more information and resources on the Part 200 Uniform Requirements as they relate to OJP awards and subawards ("subgrants"), see the Office of Justice Programs (OJP) website at <http://ojp.gov/funding/Part200UniformRequirements.htm>.

In the event that an award-related question arises from documents or other materials prepared or distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the recipient is to contact OJP promptly for clarification.

2. Compliance with DOJ Grants Financial Guide

The recipient agrees to comply with the Department of Justice Grants Financial Guide as posted on the OJP website (currently, the "2015 DOJ Grants Financial Guide"), including any updated version that may be posted during the period of performance.

3. Requirements related to "de minimis" indirect cost rate

A recipient that is eligible under the Part 200 Uniform Requirements and other applicable law to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(f), and that elects to use the "de minimis" indirect cost rate, must advise OJP in writing of both its eligibility and its election, and must comply with all associated requirements in the Part 200 Uniform Requirements. The "de minimis" rate may be applied only to modified total direct costs (MTDC) as defined by the Part 200 Uniform Requirements.

4. Requirement to report potentially duplicative funding

If the recipient currently has other active awards of federal funds, or if the recipient receives any other award of federal funds during the period of performance for this award, the recipient promptly must determine whether funds from any of those other federal awards have been, are being, or are to be used (in whole or in part) for one or more of the identical cost items for which funds are provided under this award. If so, the recipient must promptly notify the DOJ awarding agency (OJP or OVW, as appropriate) in writing of the potential duplication, and, if so requested by DOJ awarding agency, must seek a budget-modification or change-of-project-scope grant adjustment notice (GAN) to eliminate any inappropriate duplication of funding.



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5. Requirements related to System for Award Management and Unique Entity Identifiers

The recipient must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at <http://www.sam.gov>. This includes applicable requirements regarding registration with SAM, as well as maintaining the currency of information in SAM.

The recipient also must comply with applicable restrictions on subawards ("subgrants") to first-tier subrecipients (first-tier "subgrantees"), including restrictions on subawards to entities that do not acquire and provide (to the recipient) the unique entity identifier required for SAM registration.

The details of the recipient's obligations related to SAM and to unique entity identifiers are posted on the OJP web site at <http://ojp.gov/funding/Explore/SAM.htm> (Award condition: System for Award Management (SAM) 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).

6. Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP authority to terminate award)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of recipients, subrecipients ("subgrantees"), or individuals defined (for purposes of this condition) as "employees" of the recipient or of any subrecipient.

The details of the recipient's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at <http://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm> (Award condition: Prohibited conduct by recipients and subrecipients related to trafficking in persons (including reporting requirements and OJP authority to terminate award)), and are incorporated by reference here.

7. Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable laws, regulations, policies, and official DOJ guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (as that term is defined by DOJ), including the provision of food and/or beverages at such conferences, and costs of attendance at such conferences.

Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears in the DOJ Grants Financial Guide (currently, as section 3.10 of "Postaward Requirements" in the "2015 DOJ Grants Financial Guide").

8. Requirement for data on performance and effectiveness under the award

The recipient must collect and maintain data that measure the performance and effectiveness of activities under this award. The data must be provided to OJP in the manner (including within the timeframes) specified by OJP in the program solicitation or other applicable written guidance. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act, and other applicable laws.



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9. OJP Training Guiding Principles

Any training or training materials that the recipient -- or any subrecipient ("subgrantee") at any tier -- develops or delivers with OJP award funds must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <http://ojp.gov/funding/ojptrainingguidingprinciples.htm>.

10. Effect of failure to address audit issues

The recipient understands and agrees that the DOJ awarding agency (OJP or OVW, as appropriate) may withhold award funds, or may impose other related requirements, if (as determined by the DOJ awarding agency) the recipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.

11. The recipient agrees to comply with any additional requirements that may be imposed by the DOJ awarding agency (OJP or OVW, as appropriate) during the period of performance for this award, if the recipient is designated as "high-risk" for purposes of the DOJ high-risk grantee list.

12. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 42

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 42, specifically including any applicable requirements in Subpart E of 28 C.F.R. Part 42 that relate to an equal employment opportunity program.

13. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 38

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38, specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries. Part 38 of 28 C.F.R., a DOJ regulation, was amended effective May 4, 2016.

Among other things, 28 C.F.R. Part 38 includes rules that prohibit specific forms of discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38 also sets out rules and requirements that pertain to recipient and subrecipient ("subgrantee") organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to recipients and subrecipients that are faith-based or religious organizations.

The text of the regulation, now entitled "Partnerships with Faith-Based and Other Neighborhood Organizations," is available via the Electronic Code of Federal Regulations (currently accessible at <http://www.ecfr.gov/cgi-bin/ECFR?page=browse>), by browsing to Title 28-Judicial Administration, Chapter 1, Part 38, under e-CFR "current" data.

14. Restrictions on "lobbying"

Federal funds may not be used by the recipient, or any subrecipient ("subgrantee") at any tier, either directly or indirectly, to support or oppose the enactment, repeal, modification or adoption of any law, regulation, or policy, at any level of government.

Should any question arise as to whether a particular use of Federal funds by a recipient (or subrecipient) would or might fall within the scope of this prohibition, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.



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15. Compliance with general appropriations-law restrictions on the use of federal funds (FY 2016)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions, including from various "general provisions" in the Consolidated Appropriations Act, 2016, are set out at <http://ojp.gov/funding/Explore/FY2016-AppropriationsLawRestrictions.htm>, and are incorporated by reference here.

Should a question arise as to whether a particular use of federal funds by a recipient (or a subrecipient) would or might fall within the scope of an appropriations-law restriction, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

16. Reporting Potential Fraud, Waste, and Abuse, and Similar Misconduct

The recipient and any subrecipients ("subgrantees") must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award -- (1) submitted a claim that violates 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.

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by-- (1) mail directed to: Office of the Inspector General, U.S. Department of Justice, Investigations Division, 950 Pennsylvania Avenue, N.W. Room 4706, Washington, DC 20530; (2) e-mail to: [oig.hotline@usdoj.gov](mailto:oig.hotline@usdoj.gov); and/or (3) the DOJ OIG hotline: (contact information in English and Spanish) at (800) 869-4499 (phone) or (202) 616-9881 (fax).

Additional information is available from the DOJ OIG website at <http://www.usdoj.gov/oig>.



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17. Restrictions and certifications regarding non-disclosure agreements and related matters

No recipient or subrecipient ("subgrantee") under this award, or entity that receives a procurement contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this award, the recipient--

a. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

b. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

2. If the recipient does or is authorized under this award to make subawards ("subgrants"), procurement contracts, or both--

a. it represents that--

(1) it has determined that no other entity that the recipient's application proposes may or will receive award funds (whether through a subaward ("subgrant"), procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

(2) it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and

b. it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.



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18. Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)

The recipient must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant.

The recipient also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712.

Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this award, the recipient is to contact the DOJ awarding agency (OJP or OVW, as appropriate) for guidance.

19. Encouragement of policies to ban text messaging while driving

Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), DOJ encourages recipients and subrecipients ("subgrantees") to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this award, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

20. The recipient agrees to comply with OJP grant monitoring guidelines, protocols, and procedures, and to cooperate with BJA and OCFO on all grant monitoring requests, including requests related to desk reviews, enhanced programmatic desk reviews, and/or site visits. The recipient agrees to provide to BJA and OCFO all documentation necessary to complete monitoring tasks, including documentation related to any subawards made under this award. Further, the recipient agrees to abide by reasonable deadlines set by BJA and OCFO for providing the requested documents. Failure to cooperate with BJA's/OCFO's grant monitoring activities may result in sanctions affecting the recipient's DOJ awards, including, but not limited to: withholdings and/or other restrictions on the recipient's access to grant funds; referral to the Office of the Inspector General for audit review; designation of the recipient as a DOJ High Risk grantee; or termination of an award(s).

21. 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://ojp.gov/funding/Explore/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 or operate in his or her name).

22. Program income (as defined in the Part 200 Uniform Requirements) must be used in accordance with the provisions of the Part 200 Uniform Requirements. Program income earnings and expenditures both must be reported on the quarterly Federal Financial Report, SF 425.



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23. 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.
24. 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.
25. 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.
26. 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.
27. 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.
28. 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.
29. The grantee agrees that within 120 days of award acceptance, each current 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. Additionally, all future task force members are required to complete this training once during the life of this award, or once every four years if multiple awards include this requirement. 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)). 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. When BJA funding supports a task force, a task force personnel roster should be compiled and maintained, along with course completion certificates, by the grant recipient. 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)).
30. The recipient agrees to participate in BJA-sponsored training events, technical assistance events, or conferences held by BJA or its designees, upon BJA's request.



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31. All procurement (contract) transactions under this award must be conducted in a manner that is consistent with applicable Federal, State, and tribal law, and with Federal procurement standards specified in regulations governing Federal awards to non-Federal entities. Procurement (contract) transactions should be competitively awarded unless circumstances preclude competition. Noncompetitive ("sole source") procurements by the award recipient in excess of the Simplified Acquisition Threshold (currently \$150,000) set out in the Federal Acquisition Regulation must receive prior approval from the awarding agency, and must otherwise comply with rules governing such procurements found in the current edition of the DOJ Grants Financial Guide.
32. Approval of this award does not indicate approval of any consultant rate in excess of \$650 per day. A detailed justification must be submitted to and approved by the Office of Justice Programs (OJP) program office prior to obligation or expenditure of such funds.
33. 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.

34. 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 the grant funds in the trust fund (including any interest earned) during the period of the grant and expend within 90 days thereafter. Any unobligated or unexpended funds, including interest earned, must be returned to the Office of Justice Programs at the time of closeout.



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35. JAG funds may be used to purchase vests for an agency, but they may not be used as the 50% match for purposes of the Bulletproof Vest Partnership (BVP) program.
36. Ballistic-resistant and stab-resistant body armor 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 and are listed on the NIJ Compliant Body Armor Model List (<http://nij.gov>). In addition, ballistic-resistant and stab-resistant body armor purchased must be American-made. The latest NIJ standard information can be found here: <http://www.nij.gov/topics/technology/body-armor/safety-initiative.htm>.
37. The recipient agrees to submit a signed certification 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 ballistic-resistant and stab-resistant body armor purchases. This policy must be in place for at least all uniformed officers before any JAG funding can be used by the agency for body armor. There are no requirements regarding the nature of the policy other than it be a mandatory wear policy for all uniformed officers while on duty.
38. The recipient agrees to monitor subawards under this JAG award in accordance with all applicable statutes, regulations, OMB circulars, and guidelines, including the DOJ 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.
39. 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.
40. Award recipients must submit quarterly Federal Financial Reports (SF-425) and semi-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.
41. Any law enforcement agency receiving direct or sub-awarded JAG funding must submit quarterly accountability metrics data related to training that officers have received on the use of force, racial and ethnic bias, de-escalation of conflict, and constructive engagement with the public.
42. BJA strongly encourages the recipient to submit annual (or more frequent) JAG success stories. To submit a success story, sign in to your My BJA account at <https://www.bja.gov/Login.aspx> to access the Success Story Submission form. If you do not yet have a My BJA account, please register at <https://www.bja.gov/profile.aspx>. Once you register, one of the available areas on your My BJA page will be "My Success Stories". Within this box, you will see an option to add a Success Story. Once reviewed and approved by BJA, all success stories will appear on the new BJA Success Story web page at <https://www.bja.gov/SuccessStoryList.aspx>.



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AWARD DATE 08/10/2016

*SPECIAL CONDITIONS*

43. Recipient understands and agrees that award funds may not be used for items that are listed on the Controlled Expenditure List at the time of purchase or acquisition, including as the list may be amended from time to time, without explicit written prior approval from BJA. The Controlled Expenditure List, and instructions on how to request approval for purchase or acquisitions may be accessed here: <https://www.bja.gov/funding/JAGControlledPurchaseList.pdf>
44. The recipient understands that, pursuant to recommendation 2.1 of Executive Order 13688, law enforcement agencies that acquire controlled equipment through Federal programs must adopt robust and specific written policies and protocols governing General Policing Standards and Specific Controlled Equipment Standards. General Policing Standards includes policies on (a) Community Policing; (b) Constitutional Policing; and (c) Community Input and Impact Considerations. Specific Controlled Equipment Standards includes policies specifically related to (a) Appropriate Use of Controlled Equipment; (b) Supervision of Use; (c) Effectiveness Evaluation; (d) Auditing and Accountability; and (e) Transparency and Notice Considerations. Upon OJP's request, the recipient agrees to provide a copy of the General Policing Standards and Specific Controlled Equipment Standards, and any related policies and protocols.
45. Recipient understands and agrees that the purchase or acquisition of any item on the Controlled Expenditure List at the time of purchase or acquisition, including as the list may be amended from time to time, with award funds by an agency will trigger a requirement that the agency collect and retain (for at least 3 years) certain information about the use of 1) any federally-acquired Controlled Equipment in the agency's inventory, and 2) any other controlled equipment in the same category as the federally-acquired controlled equipment in the agency's inventory, regardless of source; and make that information available to BJA upon request. Details about what information must be collected and retained may be accessed here: [https://www.whitehouse.gov/sites/default/files/docs/le\\_equipment\\_wg\\_final\\_report\\_final.pdf](https://www.whitehouse.gov/sites/default/files/docs/le_equipment_wg_final_report_final.pdf)
46. Recipient understands and agrees that failure to comply with conditions related to Prohibited or Controlled Expenditures may result in a prohibition from further Controlled Expenditure approval under this or other federal awards.
47. Recipient understands and agrees that award funds may not be used for items that are listed on the Prohibited Expenditure List at the time of purchase or acquisition, including as the list may be amended from time to time. The Prohibited Expenditure list may be accessed here: <https://www.bja.gov/funding/JAGControlledPurchaseList.pdf>.
48. Recipient understands and agrees that, notwithstanding 2 CFR § 200.313, no equipment listed on the Controlled Expenditure List that is purchased under this award may be transferred or sold to a third party, except as described below:
  - a. Agencies may transfer or sell any controlled equipment, except riot helmets and riot shields, to a Law Enforcement Agency (LEA) after obtaining prior written approval from BJA. As a condition of that approval, the acquiring LEA will be required to submit information and certifications to BJA as if it was requesting approval to use award fund for the initial purchase of items on the Controlled Expenditure List.
  - b. Agencies may not transfer or sell any riot helmets or riot shields purchased under this award.
  - c. Agencies may not transfer or sell any Controlled Equipment purchased under this award to non-LEAs, with the exception of fixed wing aircraft, rotary wing aircraft, and command and control vehicles. Before any such transfer or sale is finalized, the agency must obtain prior written approval from BJA. All law enforcement-related and other sensitive or potentially dangerous components, and all law enforcement insignias and identifying markings must be removed prior to transfer or sale.

Recipient further understands and agrees to notify BJA prior to the disposal of any items on the Controlled Expenditure List purchased under this award, and to abide by any applicable laws and regulations in such disposal.



U.S. Department of Justice  
Office of Justice Programs  
**Bureau of Justice Assistance**

**AWARD CONTINUATION  
SHEET  
Grant**

PAGE 12 OF 12

PROJECT NUMBER 2016-DJ-BX-0246

AWARD DATE 08/10/2016

*SPECIAL CONDITIONS*

49. 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.
50. Recipient may not expend or drawdown funds until the Bureau of Justice Assistance (BJA) has received documentation demonstrating that the state or local governing body review and public comment requirements have been met and a Grant Adjustment Notice (GAN) has been approved releasing this special condition.
51. 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.



**U.S. 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 <https://www.bja.gov/Funding/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.



U.S. Department of Justice  
Office of Justice Programs  
Bureau of Justice Assistance

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

**Grant**

PROJECT NUMBER  
2016-DJ-BX-0246

PAGE 1 OF 1

This project is supported under FY16(BJA - JAG) 42 USC 3750, et seq.

1. STAFF CONTACT (Name & telephone number)

Melanie Davis  
(202) 305-7944

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

Virginia Cons  
Grant Specialist  
City Hall, 200 North Spring Street, Room 303  
Los Angeles, CA 90012-0000  
(213) 978-2619

3a. TITLE OF THE PROGRAM

2016 Edward Byrne Memorial Justice Assistance Grant Program

3b. POMS CODE (SEE INSTRUCTIONS  
ON REVERSE)

4. TITLE OF PROJECT

FY 16 JAG Program

5. NAME & ADDRESS OF GRANTEE

City of Los Angeles  
200 N. Spring Street, SW Mezzanine, Rm. M175  
Los Angeles, CA 90012

6. NAME & ADDRESS OF SUBGRANTEE

7. PROGRAM PERIOD

FROM: 10/01/2015 TO: 09/30/2019

8. BUDGET PERIOD

FROM: 10/01/2015 TO: 09/30/2019

9. AMOUNT OF AWARD

\$ 1,870,503

10. DATE OF AWARD

08/10/2016

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 program 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 utilize the JAG award to support law enforcement, prosecution and courts, and prevention and education programs. The primary purpose of the Community Law Enforcement and Recovery (CLEAR) Program is to facilitate the recovery of targeted gang-infested communities through

collaboration between criminal justice agencies in Los Angeles County. The CLEAR Program also focuses on engaging residents of each CLEAR site through Community Impact Teams to ensure the utilization of community input to improve quality of life issues. NCA/NCF

City of Los Angeles  
Grant

FY 2016 Justice Assistance

**MOU – Attachment 6**

**MEMORANDUM OF UNDERSTANDING BETWEEN  
THE COUNTY OF LOS ANGELES AND THE CITY OF LOS ANGELES  
2016 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM  
AWARD**

This Memorandum of Understanding (“MOU”) is made and entered into this \_\_\_\_ day of \_\_\_\_\_ 2016, 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 2016 Edward Byrne Memorial Justice Assistance Grant (“FY16 JAG”) Program; and

WHEREAS, BJA requires this MOU be executed between the County and City prior to allocating the FY16 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 FY16 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 FY16 JAG program.

NOW THEREFORE, the COUNTY and CITY agree as follows:

Section 1.

The term of this MOU shall commence on October 1, 2015 and end September 30, 2019. Said term is subject to the provisions herein.

Section 2.

Upon the disbursement by BJA to the City of all FY16 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 10% of such allocated amount to be retained by the City as compensation to the City for its role as applicant/fiscal agent of such FY16 JAG funds. The County agrees to use the FY16 JAG funds allocated to it for those projects approved by BJA under the FY16 JAG program as set forth in the application for the FY16 JAG funds submitted by the City to BJA. Prior to disbursement of the Disbursement Amount of FY16 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 FY16 JAG funds, which shall include without limitation compliance with all applicable laws and reporting requirements related to the FY16 JAG program and the use of the FY16 JAG funds (the "Contract"). Currently the Disbursement Amount is contemplated to be \$841,726.35

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 FY16 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 FY16 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 FY16 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 895.2 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 FY16 JAG funds. The County shall be liable to the City, as fiscal agent, for any sums spent under the FY16 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 \_\_\_\_\_ 2016.

COUNTY OF LOS ANGELES

APPROVED AS TO FORM:  
OFFICE OF COUNTY COUNSEL

By: \_\_\_\_\_  
SACHI A. HAMAI  
Chief Executive Officer

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

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

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

Attach County Seal Here

CITY OF LOS ANGELES  
ERIC GARCETTI, Mayor

Attach City Seal Here

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

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

APPROVED AS TO FORM:  
CITY OF LOS ANGELES  
MICHAEL N. FEUER, City Attorney

ATTEST:  
HOLLY L. WOLCOTT, 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