

LOS ANGELES POLICE COMMISSION

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POLICE COMMISSIONERS**

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EXECUTIVE OFFICE
POLICE ADMINISTRATION BUILDING
100 WEST FIRST STREET, SUITE 134
LOS ANGELES, CA 90012-4112

(213) 236-1400 PHONE
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(213) 236-1440 TDD

November 23, 2021

BPC #21-221

The Honorable Eric Garcetti
Mayor, City of Los Angeles
City Hall, Room 303
Los Angeles, CA 90012

The Honorable City Council
City of Los Angeles, Room 395
c/o City Clerk's Office

Dear Honorable Members:

RE: GRANT APPLICATION AND AWARD FOR THE FISCAL YEAR 2021 INTELLECTUAL
PROPERTY ENFORCEMENT PROGRAM GRANT.

At the regular meeting of the Board of Police Commissioners held Tuesday, November 23, 2021
the Board APPROVED the Department's report relative to the above matter.

This matter is being forwarded to you for approval.

Respectfully,

BOARD OF POLICE COMMISSIONERS

A handwritten signature in blue ink that reads "Maria Silva".

MARIA SILVA
Commission Executive Assistant

Attachment

c: Chief of Police

INTRADPARTMENTAL CORRESPONDENCE

November 17, 2021
14.1

TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: TRANSMITTAL OF THE GRANT APPLICATION AND AWARD FOR THE
FY 2021 INTELLECTUAL PROPERTY ENFORCEMENT PROGRAM
GRANT

RECOMMENDED ACTIONS

1. That the Board of Police Commissioners (Board) REVIEW and APPROVE this report.
2. That the Board TRANSMIT the attached grant application and award, pursuant to Administrative Code Section 14.6(a), to the Mayor, Office of the City Administrative Officer (CAO), Office of the Chief Legislative Analyst and to the City Clerk for committee and City Council consideration.
3. That the Board REQUEST the Mayor and City Council to:
 - A. AUTHORIZE the Chief of Police to retroactively APPLY for and ACCEPT the grant award for the Fiscal Year 2021 Intellectual Property Enforcement Program (FY 2021 IPEP) Grant in the amount of \$400,000 for the period of October 2, 2021 through September 30, 2023, from the Bureau of Justice Administration, United States Department of Justice;
 - B. AUTHORIZE the Chief of Police or his designee to negotiate and execute the Grant Agreement, subject to City Attorney approval as to form and legality;
 - C. AUTHORIZE the Los Angeles Police Department (LAPD) to spend up to the grant amount of \$400,000 in accordance with the grant award agreement;
 - D. AUTHORIZE the LAPD to submit grant reimbursement requests to the grantor and deposit grant receipts in Fund No. 339, Department No. 70;
 - E. AUTHORIZE the Controller to set up a grant receivable and appropriate \$400,000 to an appropriation account to be determined within Fund No. 339, Department No. 70, for the receipt and disbursement of the FY 2021 IPEP funds in accordance with the grant award agreement;

- F. AUTHORIZE the Controller to transfer appropriation for the FY 2021 IPEP from appropriation account number to be determined in Fund No. 339, Department No. 70, to Fund No. 100, Department No. 70, account number and amount as follows:

Account No. 001092, Sworn Overtime: \$ 100,000
Account No. 001090, Civilian Overtime: \$ 6,000

- G. AUTHORIZE the Controller to transfer \$15,072 from Fund 339, Department 70, Account to be determined, to Fund No. 100, Department No. 12, Account No. 001010 – Salary;
- H. INSTRUCT the City Clerk to place on Council Calendar on July 1, 2022, the following action relative to the FY 2021 IPEP:

That the City Council, subject to the approval of the Mayor, Authorize the Controller to transfer \$210,826 from Fund No. 339, Department No. 70, account number to be determined, to Fund No. 100, Department, account number and amounts as follows:

Department 70, Account No. 001092, Sworn Overtime: \$ 140,000
Department 70, Account No. 001090, Civilian Overtime: \$ 6,000
Department No. 12, Account No. 001010 – Salary General \$ 64,826

- I. INSTRUCT the City Clerk to place on Council Calendar on July 1, 2023, the following action relative to the FY 2021 IPEP:

That the City Council, subject to the approval of the Mayor, Authorize the Controller to transfer \$40,302 from Fund No. 339, Department No. 70, account number to be determined, to Fund No. 100, Department, account number and amounts as follows:

Department 70, Account No. 001092, Sworn Overtime: \$ 20,200
Department 12, Account No. 001010 – Salary General: \$ 20,102

- J. AUTHORIZE the LAPD to prepare Controller instructions for any technical adjustments, subject to the approval of the CAO, and AUTHORIZE and INSTRUCT the Controller to implement the instructions.

DISCUSSION

The LAPD was a recipient of the Fiscal Year 2009-2011; 2013, 2014, 2016-2020 Intellectual Property Enforcement Program Grants. Because of grant funding, LAPD has been able to dramatically strengthen its efforts in combating the proliferation of counterfeit goods; enforcing

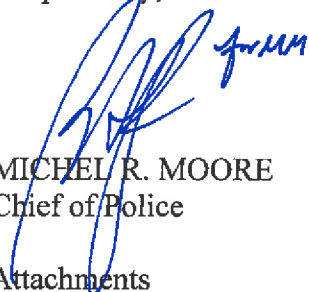
copyright, trademark, and patent laws; and, deterring organized counterfeit manufacturing and distribution rings.

The Commercial Crimes Division's Intellectual Property Crime Unit (IPCU) will continue its multi-faceted approach to reduce and prevent Intellectual Property (IP) crime in Los Angeles through enforcement, analytical strategies, and enhanced public awareness of IP crime. It will implement strategies and tactics in fighting highly-organized and upwardly mobile repeat offenders. These investigative efforts represent a large potential in curbing the rise of counterfeit products in Southern California. The grant award will enable the LAPD to augment anti-piracy efforts in a broader and deeper scale by providing hours to conduct more in-depth and additional investigations on an overtime basis.

The LAPD will allocate \$260,200 for sworn overtime to proactively address newly identified IP crime tied to national and international terrorism organizations. The IPCU will also amp up efforts to organize and participate in training classes and public education campaigns, primarily through producing and distributing public service announcements over television and radio. The City Attorney's office has been allocated \$100,000 for salary costs to partially fund a Deputy City Attorney II who will use a portion of her time to prosecute Intellectual Property-related crimes. Grants funds has also been allocated training (\$23,200), supplies (\$4,600), and grant administrative support (\$12,000).

If you have any questions, please contact Senior Management Analyst Stella Larracas, Officer in Charge, Grants Section, Risk Management Legal Affairs Group, at (213) 486-0380.

Respectfully,


MICHEL R. MOORE
Chief of Police
Attachments

BOARD OF
POLICE COMMISSIONERS
Approved By *November 23, 2021*
Secretary *María Alva*

Award Letter

November 2, 2021

Dear Michel Moore,

On behalf of Attorney General Merrick B. Garland, it is my pleasure to inform you the Office of Justice Programs (OJP) has approved the application submitted by LOS ANGELES, CITY OF for an award under the funding opportunity entitled 2021 BJA FY 21 The Intellectual Property Enforcement Program: Protecting Public Health, Safety, and the Economy from Counterfeit Goods and Product Piracy. The approved award amount is \$400,000.

Review the Award Instrument below carefully and familiarize yourself with all conditions and requirements before accepting your award. The Award Instrument includes the Award Offer (Award Information, Project Information, Financial Information, and Award Conditions) and Award Acceptance.

Please note that award requirements include not only the conditions and limitations set forth in the Award Offer, but also compliance with assurances and certifications that relate to conduct during the period of performance for the award. These requirements encompass financial, administrative, and programmatic matters, as well as other important matters (e.g., specific restrictions on use of funds). Therefore, all key staff should receive the award conditions, the assurances and certifications, and the application as approved by OJP, so that they understand the award requirements. Information on all pertinent award requirements also must be provided to any subrecipient of the award.

Should you accept the award and then fail to comply with an award requirement, DOJ will pursue appropriate remedies for non-compliance, which may include termination of the award and/or a requirement to repay award funds.

To accept the award, the Authorized Representative(s) must accept all parts of the Award Offer in the Justice Grants System (JustGrants), including by executing the required declaration and certification, within 45 days from the award date.

Congratulations, and we look forward to working with you.

Amy Solomon
Acting Assistant Attorney General

Office for Civil Rights Notice for All Recipients

The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) has been delegated the responsibility for ensuring that recipients of federal financial assistance from the OJP, the Office of Community Oriented Policing Services (COPS), and the Office on Violence Against Women (OVW) are not engaged in discrimination prohibited by law. Several federal civil rights laws, such as Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973, require recipients of federal financial assistance to give assurances that they will comply with those laws. Taken together, these civil rights laws prohibit recipients of federal financial assistance from DOJ from discriminating in services and employment because of race, color, national origin, religion, disability, sex, and, for grants authorized under the Violence Against Women Act, sexual orientation and gender identity. Recipients are also prohibited from discriminating in services because of age. For a complete review of these civil rights laws and nondiscrimination requirements, in connection with DOJ awards, see <https://ojp.gov/funding/Explore/LegalOverview/CivilRightsRequirements.htm>.

Under the delegation of authority, the OCR investigates allegations of discrimination against recipients from individuals, entities, or groups. In addition, the OCR conducts limited compliance reviews and audits based on regulatory criteria. These reviews and audits permit the OCR to evaluate whether recipients of financial assistance from the Department are providing services in a nondiscriminatory manner to their service population or have employment practices that meet equal-opportunity standards.

If you are a recipient of grant awards under the Omnibus Crime Control and Safe Streets Act or the Juvenile Justice and Delinquency Prevention Act and your agency is part of a criminal justice system, there are two additional obligations that may apply in connection with the awards: (1) complying with the regulation relating to Equal Employment Opportunity Programs (EEOPs); and (2) submitting findings of discrimination to OCR. For additional information regarding the EEO requirement, see 28 CFR Part 42, subpart E, and for additional information regarding requirements when there is an adverse finding, see 28 C.F.R. §§ 42.204(c), 205(c)(5).

The OCR is available to help you and your organization meet the civil rights requirements that are associated with DOJ grant funding. If you would like the OCR to assist you in fulfilling your organization's civil rights or nondiscrimination responsibilities as a recipient of federal financial assistance, please do not hesitate to contact the OCR at askOCR@ojp.usdoj.gov.

Memorandum Regarding NEPA

NEPA Letter Type
OJP - Categorical Exclusion
NEPA Letter

Categorical Exclusion

The Intellectual Property Enforcement Program is designed to provide national support and improve the capacity of state, local, and tribal criminal justice systems to address intellectual property criminal enforcement, including prosecution, prevention, training, and technical assistance. None of the following activities will be conducted whether under the Office of Justice Programs Federal action or a related third-party action:

- (1) New construction.
- (2) Renovation or remodeling of a property either (a) listed on or eligible for listing on the National Register of Historic Places or (b) located within a 100-year flood plain.
- (3) A renovation which will change the basic prior use of a facility or significantly change its size.
- (4) Research and technology whose anticipated and future application could be expected to have an effect on the environment.
- (5) Implementation of a program involving the use of chemicals.

Consequently, the subject federal action meets the Office of Justice Programs' criteria for a categorical exclusion as contained in paragraph 4(b) of Appendix D to Part 61 of the Code of Federal Regulations. Additionally, the proposed action is neither a phase nor a segment of a project which when reviewed in its entirety would not meet the criteria for a categorical exclusion.

NEPA Coordinator		
First Name	Middle Name	Last Name
Orbin	_____	Terry

Award Information

This award is offered subject to the conditions or limitations set forth in the Award Information, Project Information, Financial Information, and Award Conditions.

Recipient Information

Recipient Name

LOS ANGELES, CITY OF

DUNS Number

037848012

Street 1

100 W 1ST ST RM 842

Street 2

City

LOS ANGELES

State/U.S. Territory

California

Zip/Postal Code

90012

Country

United States

County/Parish

Province

Award Details

Federal Award Date

11/2/21

Award Type

Initial

Award Number

15PBJA-21-GG-02812-INTE

Supplement Number

00

Federal Award Amount

\$400,000.00

Funding Instrument Type

Grant

Assistance Listing Number

16.752

Assistance Listings Program Title

Economic, High-Tech, and Cyber Crime Prevention

Statutory Authority

Pub. L. No. 118-260, 134 Stat 1182, 1258.

I have read and understand the information presented in this section of the Federal Award Instrument.

Project Information

This award is offered subject to the conditions or limitations set forth in the Award Information, Project Information, Financial Information, and Award Conditions.

Solicitation Title

2021 BJA FY21 The Intellectual Property Enforcement Program: Protecting Public Health, Safety, and the Economy from Counterfeit Goods and Product Piracy

Awarding Agency

OJP

Program Office

BJA

Application Number

GRANT13322183

Grant Manager Name	Phone Number	Email Address
Elaine Smokes	202-598-7139	Elaine.Smokes@ojp.usdoj.gov

Project Title

Los Angeles Police Department 2021-2023 LA Protecting Public Health, Safety, and the Economy from Counterfeit Goods and Product Piracy Intellectual Property Enforcement Program

Performance Period Start Date

Performance Period End Date

Budget Period Start Date	Budget Period End Date
10/02/2021	09/30/2023

Project Description

In 2004 the Los Angeles Police Department (LAPD) created the Anti-Piracy Unit, now called Illicit Pharmaceutical and Counterfeit Unit (PCU), to aggressively target the manufacture, sales, and distribution of counterfeit merchandise, and identify criminal gangs, organized crime elements, and terrorism groups involved in these activities throughout the greater Los Angeles (LA) area. The PCU works with city attorneys to prosecute intellectual property (IP) crime and is part of the Southern California IP Enforcement (SCPE) Task Force. The PCU has seen an uptick in two IP crimes involving public health and safety, a focus of this solicitation: (1) Counterfeit/Illicit pharmaceutical drugs and (2) Counterfeit electronics/automobile parts. The PCU, in partnership with the Los Angeles City Attorney (LACA), is requesting \$400,000 in grant funding from the Bureau of Justice Assistance to implement the 2021-2023 Protect LA from Counterfeit Goods and Product Piracy Program. This program will implement strategies to reduce and prevent the spread of counterfeit/illicit pharmaceutical drugs and electronics/automobile parts throughout the LA region and to expand the efforts of LACA by using State of California Unfair Competition Laws to seek restrictive injunctions and significant financial penalties to abate counterfeit goods that threaten public health and safety and deprive IP owners the fruits of their labor.

This application was given priority consideration and provided verification that this project offer enhancements to public safety in economically distressed communities (Qualified Opportunity Zones).

I have read and understand the information presented in this section of the Federal Award Instrument.

✓ **Financial Information**

This award is offered subject to the conditions or limitations set forth in the Award Information, Project Information, Financial Information, and Award Conditions.

The recipient budget is currently under review.

I have read and understand the information presented in this section of the Federal Award Instrument.

✓ **Award Conditions**

This award is offered subject to the conditions or limitations set forth in the Award Information, Project Information, Financial Information, and Award Conditions.

 **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 DOJ in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this FY 2021 award from OJP.

The Part 200 Uniform Requirements were first adopted by DOJ on December 28, 2014. If this FY 2021 award supplements funds previously awarded by OJP under the same award number (e.g., funds awarded during or before December 2014), 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 FY 2021 award.

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

Record retention and access: Records pertinent to the award that the recipient (and any subrecipient ("subgrantee") at any tier) must retain – typically for a period of 3 years from the date of submission of the final expenditure report (SF 425), unless a different retention period applies – and to which the recipient (and any subrecipient ("subgrantee") at any tier) must provide access, include performance measurement information, in addition to the financial records, supporting documents, statistical records, and other pertinent records indicated at 2 C.F.R. 200.333.

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. Requirement to report actual or imminent breach of personally identifiable information (PII)**

The recipient (and any "subrecipient" at any tier) must have written procedures in place to respond in the event of an actual or imminent "breach" (OMB M-17-12) if it (or a subrecipient) – (1) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of "Personally Identifiable Information (PII)" (2 C.F.R. 200.1) within the scope of an OJP grant-funded program or activity, or (2) uses or operates a "Federal information system" (OMB Circular A-130). The recipient's breach procedures must include a requirement to report actual or imminent breach of PII to an OJP Program Manager no later than 24 hours after an occurrence of an actual breach, or the detection of an imminent breach.

 **3. Required training for Grant Award Administrator and Financial Manager**

The Grant Award Administrator and all Financial Managers for this award must have successfully completed an "OJP financial management and grant administration training" by 120 days after the date of the recipient's acceptance of the award. Successful completion of such a training on or after January 1, 2019, will satisfy this condition.

In the event that either the Grant Award Administrator or a Financial Manager for this award changes during the period of performance, the new Grant Award Administrator or Financial Manager must have successfully completed an "OJP financial management and grant administration training" by 120 calendar days after the date the Entity Administrator enters updated Grant Award Administrator or Financial Manager information in JustGrants. Successful completion of such a training on or after January 1, 2019, will satisfy this condition.

A list of OJP trainings that OJP will consider "OJP financial management and grant administration training" for purposes of this condition is available at <https://www.ojp.gov/training/fmts.htm>. All trainings that satisfy this condition include a session on grant fraud prevention and detection.

The recipient should anticipate that OJP will immediately withhold ("freeze") award funds if the recipient fails to comply with this condition. The recipient's failure to comply also may lead OJP to impose additional appropriate conditions on this award.



Safe policing and law enforcement subrecipients

If this award is a discretionary award, the recipient agrees that it will not make any subawards to State, local, college, or university law enforcement agencies unless such agencies have been certified by an approved independent credentialing body or have started the certification process. To become certified, law enforcement agencies must meet two mandatory conditions: (1) the agency's use of force policies adhere to all applicable federal, state, and local laws; and (2) the agency's use of force policies prohibit chokeholds except in situations where use of deadly force is allowed by law. For detailed information on this certification requirement, see <https://cops.usdoj.gov/SafePolicingEO>.



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.



Requirements of the award; remedies for non-compliance or for materially false statements

The conditions of this award are material requirements of the award. Compliance with any assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance also is a material requirement of this award.

Limited Exceptions. In certain special circumstances, the U.S. Department of Justice ("DOJ") may determine that it will not enforce, or enforce only in part, one or more requirements otherwise applicable to the award. Any such exceptions regarding enforcement, including any such exceptions made during the period of performance, are (or will be during the period of performance) set out through the Office of Justice Programs ("OJP") webpage entitled "Legal Notices: Special circumstances as to particular award conditions" (ojp.gov/funding/Explore/LegalNotices-AwardReqs.htm), and incorporated by reference into the award.

By signing and accepting this award on behalf of the recipient, the authorized recipient official accepts all material requirements of the award, and specifically adopts, as if personally executed by the authorized recipient official, all assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance.

Failure to comply with one or more award requirements – whether a condition set out in full below, a condition incorporated by reference below, or an assurance or certification related to conduct during the award period – may result in OJP taking appropriate action with respect to the recipient and the award. Among other things, the OJP may withhold award funds, disallow costs, or suspend or terminate the award. DOJ, including OJP, also may take other legal action as appropriate.

Any materially false, fictitious, or fraudulent statement to the federal government related to this award (or concealment or omission of a material fact) may be the subject of criminal prosecution (including under 18 U.S.C. 1001 and/or 1621, and/or 34 U.S.C. 10271-10273), and also may lead to imposition of civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. 3729-3730 and 3801-3812).

Should any provision of a requirement of this award be held to be invalid or unenforceable by its terms, that provision shall first be applied with a limited construction so as to give it the maximum effect permitted by law. Should it be held, instead, that the provision is utterly invalid or unenforceable, such provision shall be deemed severable from this award.



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 (as may be applicable from time to time), specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries.

Currently, 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, currently, 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 28 C.F.R. Part 38 is available via the Electronic Code of Federal Regulations (currently accessible at <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>), by browsing to Title 28-Judicial Administration, Chapter 1, Part 38, under e-CFR "current" data.



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.



Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 54

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 54, which relates to nondiscrimination on the basis of sex in certain "education programs."



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

The recipient (and any subrecipient at any tier) 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.



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 "DOJ Grants Financial Guide").

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Requirement for data on performance and effectiveness under the award

The recipient must collect and maintain data that measure the performance and effectiveness of work 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 of 2010, and other applicable laws.

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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.

14

Determination of suitability to interact with participating minors

SCOPE. This condition applies to this award if it is indicated – in the application for the award (as approved by DOJ)(or in the application for any subaward, at any tier), the DOJ funding announcement (solicitation), or an associated federal statute – that a purpose of some or all of the activities to be carried out under the award (whether by the recipient, or a subrecipient at any tier) is to benefit a set of individuals under 18 years of age.

The recipient, and any subrecipient at any tier, must make determinations of suitability before certain individuals may interact with participating minors. This requirement applies regardless of an individual's employment status.

The details of this requirement are posted on the OJP web site at <https://ojp.gov/funding/Explore/Interact-Minors.htm> (Award condition: Determination of suitability required, in advance, for certain individuals who may interact with participating minors), and are incorporated by reference here.

15

Requirement to disclose whether recipient is designated "high risk" by a federal grant-making agency outside of DOJ

If the recipient is designated "high risk" by a federal grant-making agency outside of DOJ, currently or at any time during the course of the period of performance under this award, the recipient must disclose that fact and certain related information to OJP by email at OJP.ComplianceReporting@ojp.usdoj.gov. For purposes of this disclosure, high risk includes any status under which a federal awarding agency provides additional oversight due to the recipient's past performance, or other programmatic or financial concerns with the recipient. The recipient's disclosure must include the following: 1. The federal awarding agency that currently designates the recipient high risk, 2. The date the recipient was designated high risk, 3. The high-risk point of contact at that federal awarding agency (name, phone number, and email address), and 4. The reasons for the high-risk status, as set out by the federal awarding agency.

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Compliance with DOJ Grants Financial Guide

References to the DOJ Grants Financial Guide are to the DOJ Grants Financial Guide as posted on the OJP website (currently, the "DOJ Grants Financial Guide" available at <https://ojp.gov/financialguide/DOJ/Index.htm>), including any updated version that may be posted during the period of performance. The recipient agrees to comply with the DOJ Grants Financial Guide.

17

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.

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Compliance with general appropriations-law restrictions on the use of federal funds (FY 2021)

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, 2021, are set out at <https://ojp.gov/funding/Explore/FY21AppropriationsRestrictions.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.

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Potential imposition of additional requirements

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.

20

Employment eligibility verification for hiring under the award

1. The recipient (and any subrecipient at any tier) must–

A. Ensure that, as part of the hiring process for any position within the United States that is or will be funded (in whole or in part) with award funds, the recipient (or any subrecipient) properly verifies the employment eligibility of the individual who is being hired, consistent with the provisions of 8 U.S.C. 1324a(a)(1).

B. Notify all persons associated with the recipient (or any subrecipient) who are or will be involved in activities under this award of both–

(1) this award requirement for verification of employment eligibility; and

(2) the associated provisions in 8 U.S.C. 1324a(a)(1) that, generally speaking, make it unlawful, in the United States, to hire (or recruit for employment) certain aliens.

C. Provide training (to the extent necessary) to those persons required by this condition to be notified of the award requirement for employment eligibility verification and of the associated provisions of 8 U.S.C. 1324a(a)(1).

D. As part of the recordkeeping for the award (including pursuant to the Part 200 Uniform Requirements), maintain records of all employment eligibility verifications pertinent to compliance with this award condition in accordance with Form I-9 record retention requirements, as well as records of all pertinent notifications and trainings.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition.

4. Rules of construction

A. Staff involved in the hiring process

For purposes of this condition, persons "who are or will be involved in activities under this award" specifically includes (without limitation) any and all recipient (or any subrecipient) officials or other staff who are or will be involved in the hiring process with respect to a position that is or will be funded (in whole or in part) with award funds.

B. Employment eligibility confirmation with E-Verify

For purposes of satisfying the requirement of this condition regarding verification of employment eligibility, the recipient (or any subrecipient) may choose to participate in, and use, E-Verify (www.e-verify.gov), provided an appropriate person authorized to act on behalf of the recipient (or subrecipient) uses E-Verify (and follows the proper E-Verify procedures, including in the event of a "Tentative Nonconfirmation" or a "Final Nonconfirmation") to confirm employment eligibility for each hiring for a position in the United States that is or will be funded (in whole or in part) with award funds.

C. "United States" specifically includes the District of Columbia, Puerto Rico, Guam, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.

D. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, or any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.

E. Nothing in this condition, including in paragraph 4.B., shall be understood to relieve any recipient, any subrecipient at any tier, or any person or other entity, of any obligation otherwise imposed by law, including 8 U.S.C. 1324a(a)(1).

Questions about E-Verify should be directed to DHS. For more information about E-Verify visit the E-Verify website (<https://www.e-verify.gov/>) or email E-Verify at E-Verify@dhs.gov. E-Verify employer agents can email E-Verify at E-VerifyEmployerAgent@dhs.gov.

Questions about the meaning or scope of this condition should be directed to OJP, before award acceptance.

21**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 compartment 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.

22**Reclassification of various statutory provisions to a new Title 34 of the United States Code**

On September 1, 2017, various statutory provisions previously codified elsewhere in the U.S. Code were editorially reclassified (that is, moved and renumbered) to a new Title 34, entitled "Crime Control and Law Enforcement." The reclassification encompassed a number of statutory provisions pertinent to OJP awards (that is, OJP grants and cooperative agreements), including many provisions previously codified in Title 42 of the U.S. Code.

Effective as of September 1, 2017, any reference in this award document to a statutory provision that has been reclassified to the new Title 34 of the U.S. Code is to be read as a reference to that statutory provision as reclassified to Title 34. This rule of construction specifically includes references set out in award conditions, references set out in material incorporated by reference through award conditions, and references set out in other award requirements.

23**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 <https://ojp.gov/funding/Implement/TrainingPrinciplesForGrantees-Subgrantees.htm>.

24**All subawards ("subgrants") must have specific federal authorization**

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements for authorization of any subaward. This condition applies to agreements that – for purposes of federal grants administrative requirements – OJP considers a "subaward" (and therefore does not consider a procurement "contract").

The details of the requirement for authorization of any subaward are posted on the OJP web site at <https://ojp.gov/funding/Explore/SubawardAuthorization.htm> (Award condition: All subawards ("subgrants") must have specific federal authorization), and are incorporated by reference here.

25**Requirements related to System for Award Management and Universal Identifier Requirements**

The recipient must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at <https://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 <https://ojp.gov/funding/Explore/SAM.htm> (Award condition: System for Award Management (SAM) and Universal Identifier Requirements), and are incorporated by reference here.

This 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).

26

Restrictions on "lobbying"

In general, as a matter of federal law, federal funds awarded by OJP 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. See 18 U.S.C. 1913. (There may be exceptions if an applicable federal statute specifically authorizes certain activities that otherwise would be barred by law.)

Another federal law generally prohibits federal funds awarded by OJP from being used by the recipient, or any subrecipient at any tier, to pay any person to influence (or attempt to influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, subgrant, contract, subcontract, or loan, or with respect to actions such as renewing, extending, or modifying any such award. See 31 U.S.C. 1352. Certain exceptions to this law apply, including an exception that applies to Indian tribes and tribal organizations.

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 these prohibitions, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

27

Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed \$250,000

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold (currently, \$250,000). This condition applies to agreements that – for purposes of federal grants administrative requirements – OJP considers a procurement "contract" (and therefore does not consider a subaward).

The details of the requirement for advance approval to use a noncompetitive approach in a procurement contract under an OJP award are posted on the OJP web site at <https://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm> (Award condition: Specific post-award approval required to use a noncompetitive approach in a procurement contract (if contract would exceed \$250,000)), and are incorporated by reference here.

28

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 <https://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.

29

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 the DOJ awarding agency, must seek a budget-modification or change-of-project-scope Grant Award Modification (GAM) to eliminate any inappropriate duplication of funding.

30

Reporting potential fraud, waste, and abuse, and similar misconduct

The recipient, and any subrecipients ("subgrantees") at any tier, 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) online submission accessible via the OIG webpage at <https://oig.justice.gov/online/contact-grants.htm> (select "Submit Report Online"); (2) mail directed to: U.S. Department of Justice, Office of the Inspector General, Investigations Division, ATTN: Grantee Reporting, 950 Pennsylvania Ave., NW, Washington, DC 20530; and/or (3) by facsimile directed to the DOJ OIG Investigations Division (Attn: Grantee Reporting) at (202) 616-9881 (fax).

Additional information is available from the DOJ OIG website at <https://oig.justice.gov/online>.

31

The recipient agrees to submit to BJA for review and approval any curricula, training materials, proposed publications, reports, or any other written materials that will be published, including web-based materials and web site content, through funds from this grant at least thirty (30) working days prior to the targeted dissemination date. Any written, visual, or audio publications, with the exception of press releases, whether published at the grantee's or government's expense, shall contain the following statements: "This project was supported by Grant No. <AWARD_NUMBER> awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice." The current edition of the DOJ Grants Financial Guide provides guidance on allowable printing and publication activities.

32

The recipient agrees to cooperate with any assessments, national evaluation efforts, or information or data collection requests, including, but not limited to, the provision of any information required for the assessment or evaluation of any activities within this project.

33

Any Web site that is funded in whole or in part under this award must include the following statement on the home page, on all major entry pages (i.e., pages (exclusive of documents) whose primary purpose is to navigate the user to interior content), and on any pages from which a visitor may access or use a Web-based service, including any pages that provide results or outputs from the service:

"This Web site is funded [insert "in part," if applicable] through a grant from the [insert name of OJP component], Office of Justice Programs, U.S. Department of Justice. Neither the U.S. Department of Justice nor any of its components operate, control, are responsible for, or necessarily endorse, this Web site (including, without limitation, its content, technical infrastructure, and policies, and any services or tools provided)."

The full text of the foregoing statement must be clearly visible on the home page. On other pages, the statement may be included through a link, entitled "Notice of Federal Funding and Federal Disclaimer," to the full text of the statement.

34

Justification of consultant rate

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 OJP program office prior to obligation or expenditure of such funds.

35

Copyright; Data rights

The recipient acknowledges that OJP reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use (in whole or in part, including in connection with derivative works), for Federal purposes: (1) any work subject to copyright developed under an award or subaward (at any tier); and (2) any rights of copyright to which a recipient or subrecipient (at any tier) purchases ownership with Federal support.

The recipient acknowledges that OJP has the right to (1) obtain, reproduce, publish, or otherwise use the data first produced under any such award or subaward; and (2) authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes. "Data" includes data as defined in Federal Acquisition Regulation (FAR) provision 52.227-14 (Rights in Data - General).

It is the responsibility of the recipient (and of each subrecipient (at any tier), if applicable) to ensure that the provisions of this condition are included in any subaward (at any tier) under this award.

The recipient has the responsibility to obtain from subrecipients, contractors, and subcontractors (if any) all rights and data necessary to fulfill the recipient's obligations to the Government under this award. If a proposed subrecipient, contractor, or subcontractor refuses to accept terms affording the Government such rights, the recipient shall promptly bring such refusal to the attention of the OJP program manager for the award and not proceed with the agreement in question without further authorization from the OJP program office.

36

Confidentiality of data

The recipient (and any subrecipient at any tier) must comply with all confidentiality requirements of 34 U.S.C. 10231 and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. The recipient further agrees, as a condition of award approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, 28 C.F.R. 22.23.

37

The award recipient agrees to participate in a data collection process measuring program outputs and outcomes. The data elements for this process will be outlined by the Office of Justice Programs.

38

Protection of human research subjects

The recipient (and any subrecipient at any tier) must comply with the requirements of 28 C.F.R. Part 46 and all OJP policies and procedures regarding the protection of human research subjects, including obtaining of Institutional Review Board approval, if appropriate, and subject informed consent.

39

Limit on use of grant funds for grantees' employees' salaries

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.

40

Within 90 days of this award, the recipient shall submit to the Office of Justice Programs a finalized Memorandum of Understanding (MOU) that reflects the goals and objectives of the project and lists the identities, roles, and contributions of the participating agencies. The MOU must be signed by the Chief Executive Officer of each collaborating agency. The grantee also agrees to notify the Bureau of Justice Assistance of any change in the status or duties of the collaborating agency partners or individuals.

41

Cooperating with OJP Monitoring

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

42

Applicants must certify that Limited English Proficiency persons have meaningful access to the services under this program(s). National origin discrimination includes discrimination on the basis of limited English proficiency (LEP). To ensure compliance with Title VI and the Safe Streets Act, recipients are required to take reasonable steps to ensure that LEP persons have meaningful access to their programs. Meaningful access may entail providing language assistance services, including oral and written translation when necessary. The U.S. Department of Justice has issued guidance for grantees to help them comply with Title VI requirements. The guidance document can be accessed on the Internet at www.lep.gov.

43

Verification and updating of recipient contact information

The recipient must verify its Grant Award Administrator, Financial Manager, and Authorized Representative contact information in JustGrants, including telephone number and e-mail address, if any information is incorrect or has changed, the award recipient's Entity Administrator must make changes to contact information through DIAMD. Instructions on how to update contact information in JustGrants can be found at <https://justgrants.usdoj.gov/training/training-entity-management>.

44

FFATA reporting: Subawards and executive compensation

The recipient must comply with applicable requirements to report first-tier subawards ("subgrants") of \$30,000 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 (first-tier "subgrantees") of award funds. The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the OJP web site at <https://ojp.gov/funding/Explore/FFATA.htm> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here.

This condition, including its reporting requirement, does not apply to— (1) an award of less than \$30,000, or (2) an award 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).

45

The recipient understands that, in accepting this award, the Authorized Representative declares and certifies, among other things, that he or she possesses the requisite legal authority to accept the award on behalf of the recipient entity and, in so doing, accepts (or adopts) all material requirements that relate to conduct throughout the period of performance under this award. The recipient further understands, and agrees, that it will not assign anyone to the role of Authorized Representative during the period of performance under the award without first ensuring that the individual has the requisite legal authority.

46

Conditional Clearance

The recipient may not obligate, expend or draw down funds until the Office of the Chief Financial Officer (OCFO) has approved the budget and budget narrative and an Award Condition Modification (ACM) has been issued to remove this award condition.

I have read and understand the information presented in this section of the Federal Award Instrument.

Award Acceptance

Declaration and Certification to the U.S. Department of Justice as to Acceptance

By checking the declaration and certification box below, I-

- A. Declare to the U.S. Department of Justice (DOJ), under penalty of perjury, that I have authority to make this declaration and certification on behalf of the applicant.
- B. Certify to DOJ, under penalty of perjury, on behalf of myself and the applicant, to the best of my knowledge and belief, that the following are true as of the date of this award acceptance: (1) I have conducted or there was conducted (including by applicant's legal counsel as appropriate and made available to me) a diligent review of all terms and conditions of, and all supporting materials submitted in connection with, this award, including any assurances and certifications (including anything submitted in connection therewith by a person on behalf of the applicant before, after, or at the time of the application submission and any materials that accompany this acceptance and certification); and (2) I have the legal authority to accept this award on behalf of the applicant.
- C. Accept this award on behalf of the applicant.
- D. Declare the following to DOJ, under penalty of perjury, on behalf of myself and the applicant: (1) I understand that, in taking (or not taking) any action pursuant to this declaration and certification, DOJ will rely upon this declaration and certification as a material representation; and (2) I understand that any materially false, fictitious, or fraudulent information or statement in this declaration and certification (or concealment or omission of a material fact as to either) may be the subject of criminal prosecution (including under 18 U.S.C. §§ 1001 and/or 1621, and/or 34 U.S.C. §§ 10271-10273), and also may subject me and the applicant to civil penalties and administrative remedies under the federal False Claims Act (including under 31 U.S.C. §§ 3729-3730 and/or §§ 3801-3812) or otherwise.

Agency Approval

Title of Approving Official	Name of Approving Official	Signed Date And Time
Acting Assistant Attorney General	Amy Solomon	10/18/21 7:26 PM

Authorized Representative

Entity Acceptance

Title of Authorized Entity Official
 Chief of Police
 Signed Date And Time

NARRATIVE

The Los Angeles Police Department (LAPD) Illicit Pharmaceutical and Counterfeit Unit (IPCU), formerly Anti-Piracy Unit, will be partnering with the Los Angeles City Attorney (LACA) to implement the *2021-2023 Protect LA from Counterfeit Goods and Product Piracy Program*. This proposal aims to implement strategies to reduce and prevent the spread of counterfeit and illicit pharmaceutical drugs, electronics and automobile parts throughout the Los Angeles (LA) region and to seek restrictive injunctions and significant financial penalties to abate counterfeit goods that threaten public health and safety.

A. DESCRIPTION OF THE ISSUE

The LAPD is the third largest police agency in the nation and provides police services to approximately four million residents, covering 468 square miles, including two of the busiest ports and one of the busiest airports in the world. Downtown LA is widely acknowledged as one of the epicenters of counterfeit activity in the nation. The most recent economic study available, estimated annual fiscal impact of \$17 million in lost state income taxes and sales taxes.ⁱ LA's flourishing black market diverts an estimated \$2 billion from the County's retail sector, costing 106,000 jobs and \$5 billion in wages.ⁱⁱ Those numbers today would be significantly greater due to the amount of merchandise, inflation and criminals engaging in counterfeiting activities.

Counterfeit and Illicit Covid-19 Products and Automobile Parts. In 2020, IPCU Investigators conducted a joint operation with the Department of Homeland Security Investigations (HSI) for the sale of unapproved Covid-19 antibody test kits. IPCU Investigators served a search warrant resulting in an arrest and recovery of numerous unapproved test kits from China. IPCU Investigators have also worked on several cases of counterfeit N-95 masks and other counterfeit

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personal protective equipment. The IPCU, in conjunction with the Los Angeles Sheriff's Department, LACA, Pfizer and Moderna developed a Counterfeit Covid-19 working group. The purpose of the group is to be at the forefront of enforcement efforts when counterfeit and illicit Covid-19 vaccines are released in the market place.

Another public safety concern is counterfeit automobile products. From 2009-2011, Toyota and the U.S. National Highway Traffic Safety Administration recalled floor mats because of accidents and 21 deaths due to unintended acceleration. Two years later, the IPCU worked with the Federal Bureau of Investigation (FBI) and removed thousands of substandard counterfeit floor mats bearing various auto manufacturers' logos that were being sold on auction websites, including eBay. The counterfeit floor mats lacked the original manufacturers' security holes to secure the floor mats in place, causing pedal obstruction of the accelerator and the brake pedals. In 2019, the IPCU investigated a suspect selling counterfeit automobile airbags on eBay bearing various manufacturers' logos that were not properly assembled. The LAPD Bomb Squad was called and deemed them unsafe to transport because of the danger of explosion.

Demand for Counterfeit Goods. With the increasing popularity of internet shopping and consumers looking for lower prices, the IPCU needs to better influence public opinion - especially budget-minded consumers and business owners - to prevent, deter and identify criminal violators of IP laws. The community is uninformed about the personal and economic dangers of purchasing counterfeit goods especially counterfeit pharmaceuticals that have not been inspected nor tested for safety and can cause severe side effects, even death.

Habitual Counterfeit/Illicit Pharmaceutical Drug Distribution Locations: The allure of big profits from selling counterfeit and illicit pharmaceuticals continues to be the primary draw of offenders in LA. The IPCU Detectives are finding that former IP criminals move up the supply

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chain and morph from small-scale vendors into highly organized networks. To illustrate, a small online store owner who was arrested in 2019 for selling counterfeit pharmaceuticals from the trunk of his car, has become a major distributor for counterfeit and illicit pharmaceuticals.

Detectives estimated that the suspect's illegal gains were netting over \$100,000 a month. The suspect expanded his operation and was supplying both Southern and Northern California. In 2020, IPCU Detectives conducted simultaneous search warrants in Los Angeles and San Jose and recovered approximately \$230,000 in counterfeit and illicit pharmaceuticals.

Evolving Trends in IP Crime: The IPCU continues to see a steady increase of IP goods through the airports, in addition to those coming in from the ports. These shipments eventually become available on the different internet sites. Electronics and automobile parts are coming through the LA International Airport. This gap is a local IP problem that has national and international HSI security implications due to counterfeit goods sales being linked to terrorist funding.

Filing IP Cases in Court: Although the IPCU pushes for tougher sentences, LA area courts often dismiss IP cases "in furtherance of justice," closing out cases in the interest of time as IP cases are complex and require lengthy trials. If convicted, felony IP offenders, regardless of the amount of property recovered, typically receive no prison time; only community service, active probation, or restitution/fines. Those imprisoned are released early due to jail or prison capacity. When convicted IP criminals re-enter the community, many will continue to sell and distribute counterfeit goods. It is estimated that the income for counterfeit distributors is \$60,000-\$150,000/mo. Due to the financial incentives and lax penalties, IP crimes continue to flourish.

B. PROJECT DESIGN AND IMPLEMENTATION

• The IPCU is part of the Southern California Intellectual Taskforce (SCIP) that utilizes a multi-agency approach to reduce and prevent IP crime in LA. The overarching goal of this

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program is to improve coordination of IP enforcement efforts among federal, state, and local authorities to reduce crime. These efforts shall include aggressive investigating and prosecuting a wide range of IP crimes, with a particular focus on: (1) public health and safety; (2) theft of trade secrets and economic espionage; and (3) large scale commercial counterfeiting and piracy. The program will ensure the safety of the LA community by reducing the supply of and demand for counterfeit goods in the LA region and file civil enforcement actions against chronic IP offenders and the places they use to manufacture, store and sell their goods. The program sends a strong message to sellers and buyers that all IP crimes will be aggressively enforced and prosecuted.

Objective 1: Establish and/or Enhance State, Local, Tribal, or Territorial IP Enforcement

Taskforces: The IPCU will work with HSI and US Customs and Border Protection to monitor shipments inbound through LA ports and airports for counterfeit/illicit pharmaceutical drugs and electronics/automobile parts. Shipment containers with counterfeit goods will no longer be seized and returned to their origin but will be thoroughly investigated until the shipment's destination. The IPCU will establish direct contact with all major pharmaceutical corporations for any reports of counterfeit drugs being sold and will create a partnership with the task force's Auto Theft Specialists and conduct field inspections on automotive part distribution sites.

The IPCU will work with the LA County Probation Department to conduct spontaneous probation checks on prior IP offenders. They will enhance information sharing with investigative and enforcement efforts through the Regional Information Sharing Systems, which allows law enforcement officers to share information on locations, suspects, current trends and gangs. The IPCU will continue its ride-along training program and will establish a cross-training program with other IP units/law enforcement agencies to discuss and exchange innovative

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techniques and current trends in enforcing IP crimes. The IPCU will partner with Investigative Consultants, a private investigative company, to conduct IP trainings.

Performance Measures: # shipments intercepted; # of IP crime offenders and number of repeat offenders; # of cases prosecuted at local, state and federal level; value of assets seized.

Objective 2: Engage Federal Agencies as part of the Taskforce: To confront the growing linkage of IP crime and terrorism, the IPCU will continue to work with partners in opening state and federal investigations. The IPCU investigators are crossed-deputized by FBI as federal U.S. Marshals, allowing them to vertically handle both State and Federal IP-related investigations.

The IPCU will also implement a working group with private industry and federal law enforcement to discuss trends and ongoing counterfeit pharmaceutical drug, electronic and automobile part investigations. Working group includes: The FBI will investigate and assist the IPCU with IP crimes; The Homeland Security Investigations Trade-Fraud will assist in the investigation of shipping containers via the sea and highway; The State of California Board of Equalization will enforce tax laws violated by individuals arrested for IP crimes; The Labor Standards and Enforcement and Employment Development Departments will enforce labor law violations; The Homeland Security Investigations – Airport will coordinate intelligence and enforcement of counterfeit goods entering the west coast via air through various carriers; The New York Police Department, Trademark Unit will share intelligence on shipments to or from the East Coast; The Department of Alcoholic Beverage Control will coordinate on counterfeit goods sold in any ABC establishment; The Assistant US Attorney will prosecute Federal cases; and The California Department of Justice Deputy Attorney General will prosecute State cases.

The IP Task Force members plan to continue achieving higher conviction rates and chip away at the networks of counterfeit suppliers through the imposition of fines, penalties, and/or

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arrest of the IP criminals, building owners, store operators, merchandise suppliers, and support personnel. Specifically, the IPCU will continue working with a wide variety of public and private industry partners on IP crime which may include but will not be limited to: International Anti-Counterfeiting Association; Underwriters Laboratories; the International Trademark Association; and various electronic, pharmaceutical and apparel manufacturers. Partners will vary depending on the investigation and the type of counterfeit goods investigated.

Performance Measures: # of new members and agencies/organizations on the Task Force; # of new private partners working with the Task Force and enforcement agencies; track and categorize types of IP crimes and document changes/reduction; # of tips shared with other agencies; # of prosecutions.

Objective 3: Show Possible IP Links to Organized Crime, Criminal Gangs, and/or Drug Trafficking: Detectives have seen gang members who have moved from dealing drugs to committing IP crimes. Interviews with documented gang members arrested for IP crimes confirm that selling counterfeit goods does not attract law enforcement and brings in more money than dealing drugs with less consequences. In 2020, IPCU Investigators identified six documented gang members that were habitual counterfeiters within the city of LA. The LACA was able to obtain a Civil Complaint and Injunction against the six gang members with cease and desist and stay away conditions. The IPCU will implement an educational outreach program that will convey the truths of IP crime, including the nexus to gangs, organized crime, and terrorist groups. During the 2021-23 school years, the Team plans to conduct six presentations at local high schools, six presentations at local colleges and 24 in-service trainings to LAPD officers, including at the LAPD Cadet Police Academy, and to other enforcement agencies.

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Performance Measures: # of educational outreach activities, # of groups/participants targeted and reached; collect and analyze criminal organizations involved; # of reports on social media.

Objective 4: Identify IP Thefts in Trade Secrets, Health and Safety; and Commercial

Online Piracy and Counterfeiting: The IPCU has seen a substantial increase in sophisticated online stores that advertise counterfeit pharmaceuticals and merchandise. This is the current trend as street sales seem to be diminishing. The IPCU currently has 42 open and active internet cases. One case involves counterfeit oncology medicine coming from a supplier in Turkey where detectives were able to make several purchases of pharmaceuticals and have them tested by the brands. IPCU has secured search warrants for the suspects email and bank accounts. In 2021, IPCU contacted an internet store from Mexico and expressed interest in Botox and Juvaderm. They were able to purchase products, which were sent to Allergan for testing. The products were verified as counterfeit. IPCU was able to lure the suspect to Los Angeles and subsequently arrest her during a sting operation. The suspect brought numerous counterfeit products, set up a make shift operating table and attempted to inject undercover IPCU Detectives.

Performance Measures: # of jurisdictions receiving final report via website or mail; # of articles in national policing and prosecution publications; # of presentation requests

Objective 5: Conduct Quarterly Meetings of Taskforce Members to Update, Discuss and

Collaborate all Aspects of IP: The IPCU along with local, state, federal partners private investigators and brand owners, will conduct quarterly meetings to share strategies, IP crime trends and updated product information. In anticipation of a counterfeit Covid-19 Vaccine, the IPCU partnered with the Los Angeles County Sheriffs Department, Investigative Consultants, LACA and the major pharmaceutical companies to form a working group. The group meets every three months to share information and collectively work on investigations. The group

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established an email and phone number for tipsters to report Covid-19 IP crimes. Other IP related topics are also discussed at the meetings.

Performance Measures: # of agencies and personnel attending; # of meetings

C. CAPABILITIES/COMPETENCIES:

LAPD. The LAPD will serve as the prime recipient and will provide fiscal and administrative oversight over the grant program. The LAPD has several years of experience in managing federal grants. It has been awarded and has successfully managed grants ranging from \$100,000 to \$16,000,000 from various local, state, and federal entities including FEMA and DOJ. The LAPD Grants Section consists of a Grants Manager and six Grants Analysts to oversee and report on over 30 active grants. A grants analyst will be assigned to the FY 2021 Intellectual Property Enforcement Program to manage the administrative aspects of the grant including preparing and submitting financial and progress reports and ensuring that all grant expenditures are in compliance with both the City and DOJ's financial policies and guidelines.

The IPCU has been involved in more than 2,000 IP investigations, some leading to the arrest and conviction of known terrorist groups for manufacturing and selling counterfeit products. The unit has received over 700 hours of training from brand owners, including Pfizer, Moderna, Underwriters Laboratories Inc., Merck and Proctor and Gamble on various methods of identifying counterfeit pharmaceuticals and goods. The IPCU has successfully investigated complex IP cases; in 2020, that resulted in the removal of \$58,145,263.00 worth of counterfeit products, 61 arrests for IP crimes and 26 search warrants served. The IPCU has been featured on ABC 20/20, Good Morning America, syndicated Crime Watch Daily, Doctor Oz, Netflix documentary and numerous local news stories. These shows discussed the severity and dangers of the lucrative IP crimes and the health and safety consequences.

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The IPCU's expertise has been sought by national and international communities, such as: training government and private organizations in Seoul on anti-piracy tactics; training Brazilian law enforcement on anti-piracy strategies in preparation for the 2014 World Cup and 2016 Summer Olympics in Rio De Janeiro; and providing innovative techniques to enforce IP crimes to the Dubai Police Department. The IPCU spoke at the 2015 NIJ IP Forum and actively participated in various conferences throughout the U.S. hosted by the National White-Collar Crime Center. IPCU also presented at the London City Police law enforcement IP conference and at the Intellectual Property Rights Center regarding counterfeit health and safety products being sold in Los Angeles.

LACA. The LACA is the only known local prosecution office in the United States that has two full time prosecutors dedicated to IP enforcement. One prosecutor handles civil enforcement actions, and the other vertically prosecutes misdemeanor IP crimes. The use of civil enforcement actions targeting the places where counterfeit goods are manufactured, sold and stored was pioneered by the LACA in 2010. No other local prosecution agency in the United States has the experience level that the LACA has in pursuing IP offenders. In addition to the civil enforcement work, the LACA prosecutor assigned to criminal enforcement has reviewed and/or filed at least 195 IP cases in the past four years.

D. SUSTAINMENT

The City of LA will continue to fund personnel assigned to the IPCU. LAPD will seek additional funding from the City's general fund to support IPCU activities. The Los Angeles Police Foundation (LAPF) will assist in seeking private funding and support from organizations and foundations that are directly impacted by the proliferation of IP crime, including the auto

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insurance, automobile, and healthcare industries. The LAPF will work to acquire funding for PSAs and other in-kind media donations for IP crime reduction and prevention efforts.

E. PLAN FOR COLLECTING THE DATA REQUIRED FOR THIS SOLICITATION'S PERFORMANCE MEASURES

The IPCU will be the repository for all performance data. The LACA will track IP case referrals, cases that result in civil enforcement, including injunctions and civil penalties, property owner case conferences, and/or referrals for misdemeanor criminal prosecution. The IPCU will collect and track all other program-related data and information will be shared at monthly meetings and distributed quarterly to stakeholders and federal partners in a newsletter. Progress reports will be submitted to BJA on a quarterly basis. Program effectiveness will be measured by arrests made, search warrants served, and counterfeit/illicit items recovered.

Details of all arrestees will be collected on the Vice Information Card (I-Card) including a recent photograph, personal and employment information, criminal history, known associates/hangouts, and contacts with law enforcement. I-Cards help investigators keep track of potential criminal activities, behaviors, and networks after arrestees have been convicted. The IPCU updates records by cross-referencing databases such as the Consolidated Criminal History Reporting System and information collected by LAPD. The IPCU will develop a final report at the end of the grant period detailing their strategies and outcomes, including concrete recommendations on how to train and replicate successful aspects of the partnership model in other jurisdictions.

ⁱ The Negative Consequences of International Intellectual Property Theft: Economic Harm, Threats to the Public Health and Safety, and Links to Organized Crime and Terrorist Organizations, International Anti-Counterfeiting Coalition, Inc. (2005).

ⁱⁱ A False Bargain: The Los Angeles County Economic Consequences of Counterfeit Products, Los Angeles Economic Development Corporation (2007).

INTRADEPARTMENTAL CORRESPONDENCE

File # 21-221
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NOV 17 2021

November 3, 2021
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POLICE COMMISSION

REVIEWED BY:

Richard M. Tefank
RICHARD M. TEFANK
EXECUTIVE DIRECTOR

DATE

TO: Chief of Police

FROM: Commanding Officer, Risk Management Legal Affairs Group

SUBJECT: TRANSMITTAL OF THE GRANT APPLICATION AND AWARD FOR THE FY 2021 INTELLECTUAL PROPERTY ENFORCEMENT PROGRAM GRANT

Attached for your approval and signature is an Intradepartmental Correspondence to the Board of Police Commissioners, requesting approval to transmit the attached grant application and award for the Fiscal Year 2021 Intellectual Property Enforcement Program (IPEP) Grant. The Los Angeles Police Department is requesting authorization to accept the award of \$400,000 for the grant period of October 2, 2021 through September 30, 2023.

The Commercial Crimes Division's Intellectual Property Crime Unit (IPCU) will allocate \$260,200 for sworn overtime to proactively address newly identified IP crime tied to national and international terrorism organizations. The IPCU will also amp up efforts to organize and participate in training classes and public education campaigns, primarily through producing and distributing public service announcements over television and radio. The City Attorney's office has been allocated \$100,000 for salary costs to partially fund a Deputy City Attorney II who will use a portion of her time to prosecute Intellectual Property-related crimes. Grants funds has also been allocated for training (\$23,200), supplies (\$4,600), and grant administrative support (\$12,000).

If you have any questions, please contact Senior Management Analyst Stella Larracas, Grants Section, Risk Management Legal Affairs Group at (213) 486-0380.



STEVEN LURIE, Commander
Commanding Officer
Risk Management Legal Affairs Group

Attachments