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2 **AGREEMENT TO TRANSFER FUNDS**
3 **FOR 2005 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM**
4

5 **THIS AGREEMENT** is entered into this _____ day of March 2006, which date is enumerated
6 for purposes of reference only, by and between the COUNTY OF ORANGE, a political subdivision of
7 the State of California, hereinafter referred to as "COUNTY", and _____, a
8 municipal corporation, hereinafter referred to as "SUBGRANTEE."

9 **WHEREAS**, COUNTY, acting through its Sheriff-Coroner Department, hereinafter referred to
10 as SHERIFF, in its capacity as the lead agency on behalf of twenty units of local government, including
11 SHERIFF and SUBGRANTEE, has applied for, received and accepted the Edward Byrne Memorial
12 Justice Assistance Grant from the U.S. Department of Justice, Office of Justice Programs, Bureau of
13 Justice Assistance (hereinafter referred to as "the grant").

14 **WHEREAS**, the purpose of the grant is to supplement the resources available to the multi
15 agency Orange County Pro-Active Methamphetamine Laboratory Investigative Team (PROACT), and
16 to various programs designated to prevent and control crime within the County of Orange that are
17 operated by individual agencies included in the above-referenced twenty units of local government, as
18 set forth in Attachment A hereto (Program Narrative in the grant MOU), which is attached hereto and
19 incorporated herein by reference.

20 **WHEREAS**, the terms of the grant require that certain grant funds be transferred to
21 SUBGRANTEE to be used for the grant purposes, which may include local initiatives, technical
22 assistance, training, personnel, equipment, supplies, contractual support, and information systems for
23 law enforcement, as more particularly described in Attachment A hereto.

24 **NOW, THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:**

25 1. COUNTY shall transfer to SUBGRANTEE grant funds, in arrears, as necessary to
26 reimburse SUBGRANTEE for reasonable and permissible expenditures for the grant purposes. In order
27 to obtain grant funds, SUBGRANTEE shall comply with the instructions and submit to SHERIFF all
28 required information and documentation, as set forth in Attachment B hereto ("How to Apply for JAG

1 Grant Reimbursements”), which is attached hereto and incorporated herein by reference. In no event
2 will the total amount of the grant funds transferred by COUNTY to SUBGRANTEE hereunder exceed
3 SUBGRANTEE’s allocation, as set forth in Attachment C hereto (“JAG Program Allocation”), which is
4 attached hereto and incorporated herein by reference.

5 2. SUB-GRANTEE shall be reimbursed with said grant funds only for expenditures
6 necessary to acquire personal property or equipment as set forth in Attachment A hereto [hereinafter
7 called “grant property and equipment”] or to perform such other grant functions, if any, for which
8 Attachment A specifies that SUBGRANTEE may utilize grant funds.

9 3. Throughout their useful life, SUBGRANTEE shall use grant property and equipment
10 only for grant purposes in accordance with Attachment A hereto.

11 4. SUBGRANTEE shall exercise due care to preserve and safeguard grant property and
12 equipment from damage or destruction and shall provide regular maintenance and such repairs for grant
13 property and equipment as are necessary, in order to keep said grant property and equipment
14 continually in good working order.

15 5. If grant property or equipment becomes obsolete, SUBGRANTEE shall dispose of it
16 only in accordance with the instructions of COUNTY or the agency from which COUNTY received the
17 grant funds.

18 6. SUBGRANTEE shall submit to the COUNTY grant program reporting documents and
19 information in accordance with requirements set out in Attachment D (“Edward Byrne Memorial Justice
20 Assistance Grant Reporting Requirements”), which is attached hereto and incorporated herein by
21 reference.

22 7. SUBGRANTEE shall execute the certification(s) that are attached hereto as
23 Attachment E and incorporated herein by reference.

24 8. By executing this Agreement, SUBGRANTEE agrees to comply with and be fully
25 bound by this Agreement and all applicable provisions of Attachments A, B, C, D and E hereto.
26 SUBGRANTEE shall notify COUNTY immediately upon discovery that it has not abided or no longer
27 will abide by any applicable provision of this Agreement or Attachments A, B, C, D or E hereto.

28

1 9. SUBGRANTEE and COUNTY shall be subject to examination and audit by the State
2 Auditor General with respect to this Agreement for a period of three years after final payment
3 hereunder.

4 10. SUBGRANTEE agrees to indemnify, defend and save harmless COUNTY and the
5 agency from which COUNTY received grant funds, and their officers, agents and employees from any
6 and all claims and losses accruing or resulting to any and all contractors, subcontractors, laborers, and
7 any other person, firm or corporation furnishing or supplying work, services, materials or supplies in
8 connection with SUBGRANTEE's performance of this Agreement, including Attachments A, B, C, D
9 and E hereto, and from any and all claims and losses accruing or resulting to any person, firm, or
10 corporation who may be injured or damaged by SUBGRANTEE in the performance of this Agreement,
11 including Attachments A, B, C, D and E hereto.

12 11. No alteration or variation of the terms of this Agreement shall be valid unless made in
13 writing and signed by duly authorized representatives of the parties hereto, and no oral understanding or
14 agreement not incorporated herein shall be binding on any of the parties hereto.

15 12. SUBGRANTEE may not assign this Agreement in whole or in part without the express
16 written consent of COUNTY.

17 13. For a period of three years after final payment hereunder or until all claims related to
18 this Agreement are finally settled, whichever is later, SUBGRANTEE shall preserve and maintain all
19 documents, papers and records relevant to the work performed or property or equipment acquired in
20 accordance with this Agreement, including Attachments A, B, C, D and E hereto. For the same time
21 period, SUBGRANTEE shall make said documents, papers and records available to COUNTY and the
22 agency from which COUNTY received the grant funds or their duly authorized representative(s), for
23 examination, copying, or mechanical reproduction on or off the premises of SUBGRANTEE, upon
24 request, during usual working hours.

25 14. SUBGRANTEE shall provide to COUNTY all records and information requested by
26 COUNTY for inclusion in quarterly reports and such other reports or records as COUNTY may be
27 required to provide to the agency from which COUNTY received grant funds or other persons or
28 agencies.

1 15. COUNTY may terminate this Agreement and be relieved of the payment of any
2 consideration to SUBGRANTEE if a) SUBGRANTEE fails to perform any of the covenants contained
3 in this Agreement, including Attachments A, B, C, D and E hereto, at the time and in the manner herein
4 provided, or b) COUNTY loses funding under the grant. In the event of termination, COUNTY may
5 proceed with the work in any manner deemed proper by COUNTY.

6 16. SUBGRANTEE and its agents and employees shall act in an independent capacity in the
7 performance of this Agreement, including Attachments A, B, C, D and E hereto, and shall not be
8 considered officers, agents or employees of COUNTY or SHERIFF or of the agency from which
9 COUNTY received grant funds.

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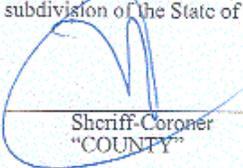
IN WITNESS WHEREOF, the parties have executed this Agreement in the County of Orange,

State of California.

DATED: March 1, 2006

COUNTY OF ORANGE, a political
subdivision of the State of California

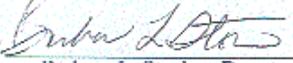
By



Sheriff-Coroner
"COUNTY"

APPROVED AS TO FORM:

COUNTY COUNSEL

By 

Barbara L. Stocker, Deputy

DATED: Jan 30, 2006

DATED: _____, 2006

SUBGRANTEE

By _____

ATTEST:

City Clerk

DATED: _____, 2006

Attachment A

Edward Byrne Memorial Justice Assistance Grant
GMS Application No. 2005-DJ-BX-1623

PROGRAM NARRATIVE

General Description of Program Activities:

The Edward Byrne Memorial Justice Assistance Grant (JAG) funds will be utilized to support a broad range of activities to prevent and control crime within the County of Orange. The County of Orange has been certified disparate; therefore this joint application includes twenty units of local government for which the applicant and fiscal agent is the County of Orange.

The JAG funds will be utilized for the purpose areas outlined in the grant solicitation. The twenty units of local government in the jurisdiction will utilize the funds for local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support and information systems for criminal justice within the following purpose areas: law enforcement, prosecution and court, prevention and education, corrections and community corrections, drug treatment, and planning, evaluation and technology improvement. The expenditure details of the funds for each city are outlined in the following narrative.

Multi-Agency Funding:

In a collaborative effort to benefit the County of Orange, the twenty units of local government involved in this grant application have agreed to utilize \$359,487.87 (42.3%) of the total funding to supplement the Orange County Pro-Active Methamphetamine Laboratory Investigative Team, hereafter referred to as PROACT.

Problem Statement:

Methamphetamine is now widely recognized throughout the United States as one of the most destructive illegal drugs ever known. The impact of manufacturing, trafficking, and use of methamphetamine has been devastating to many cities and rural counties throughout the country. The state of California is plagued with hundreds of clandestine laboratories that manufacture methamphetamine. As a result of its close proximity to Mexico, California remains the primary source for methamphetamine production. Orange County is one of the primary distribution hubs utilized by Mexican drug trafficking organizations to ship methamphetamine to other parts of the United States.

A bi-product of these organized methamphetamine laboratory manufacturers and distributors are the small-scale "stove-top" methamphetamine laboratories being operated within Southern California, and specifically in the urban areas of Orange County. The growing number of methamphetamine clandestine laboratories within the urban areas of Orange County is having a

devastating impact on both society and law enforcement. Methamphetamine labs can be set up virtually anywhere and are often found in private residences, motel and hotel rooms, apartments, house trailers, houseboats, and commercial establishments.

The PROACT is a collaborative effort involving the Orange County Sheriff's Department, local law enforcement agencies throughout the County of Orange, the District Attorney's office, Orange County Probation, and the California Department of Justice (Bureau of Narcotic Enforcement). PROACT will support and enhance the existing efforts of the Bureau of Narcotic Enforcement's (BNE) Clandestine Laboratory Program with interdiction and eradication of the small to medium size "stove top" methamphetamine labs. The eradication of methamphetamine labs can range from the small "stove top" labs to the large "super labs" capable of multi-pound quantities of finish product.

Goal:

The goal of the PROACT is to pro-actively seek out and eradicate methamphetamine labs in Orange County, thus providing a safer community for the residents, employees and visitors within the County.

Objectives:

- 1) Utilize the Bureau of Narcotic Enforcement Automated Precursor Compliance System, as well as other local, state, and federal sources of illicit clandestine laboratory intelligence sources to identify methamphetamine laboratory manufacturers in the County of Orange.
- 2) Pro-actively target, investigate and arrest methamphetamine laboratory operators in the County of Orange.
- 3) Actively pursue the successful prosecution of those individuals arrested for the manufacturing and distribution of methamphetamine.
- 4) Utilize the Drug Endangered Children (DEC) program when children are found at a lab site or when children are being directly exposed to direct or indirect drug usage.
- 5) Network with existing BNE mandated Orange County clandestine laboratory program personnel, and work cooperatively with all law enforcement agencies in Orange County to provide a ready resource for police assistance in mitigating actual and perceived threats to individual jurisdictions presented by methamphetamine laboratories.

Quantifiable Performance Measures:

The success of the PROACT will be based on the following statistics:

- Number, Type and Geographic location of Drug Arrests
- Number, Type of Location and Geographic Location of Bureau of Narcotic Clandestine Laboratory Incident Seizures
- Number of Bureau of Narcotic Clandestine Laboratory Incident Seizures conducted in the County of Orange versus those conducted by the PROACT
- Number, Location and Age Distribution of Drug Endangered Children Cases
- Total search warrants served by the PROACT

Funding:

TOTAL PROACT ALLOCATION: \$359,487.87
TOTAL ADMINISTRATION FEE: \$4,249.98
TOTAL CITY DISTRIBUTION: \$486,248.16
TOTAL JAG FUNDING: \$849,986

The remaining Justice Assistance Grant funds of \$486,248.16 will be distributed throughout the eligible cities and will be allocated as follows:

County of Orange:

The County of Orange will be allocating its entire amount of the Justice Assistance Grant funds, less an administrative fee of .5%, to the Orange County Pro-Active Methamphetamine Laboratory Investigative Team (PROACT). See page one of this document, "Multi-Agency Funding" for a complete description of the program including the goals, objectives and quantifiable performance measures.

Funding:

PROACT allocation: \$29,205.24
Administration fee: \$146.76
Other allocation: \$0

Anaheim City:

Problem Statement:

Due to budgetary constraints, the Anaheim Police Department lacks the funds to purchase much needed equipment and technology for front-line police officers. The use of less-lethal weapons (lasers) provides force with more options when an officer is faced with a violent situation. Without the assistance of the Justice Assistance Grant (previously the Local Law Enforcement Block Grant), the department will not be able to purchase this equipment needed to provide public safety to the community and visitors in the city of Anaheim.

Goal:

To ensure public safety by enhancing and upgrading departmental equipment and technology.

Objectives:

The goal will be accomplished by purchasing approximately ninety (90) less-lethal weapons (lasers) for issue to front-line officers, and properly training the officers.

Quantifiable Performance Measures:

To have all tasers purchased and officers trained by December 31, 2005.

Funding:

PROACT allocation: \$60,969.20
Administration fee: \$762.12
City allocation: \$90,691.68

Brea City:

The City of Brea will be allocating its entire amount of the Justice Assistance Grant funds, less an administrative fee of .5%, to the Orange County Pro-Active Methamphetamine Laboratory Investigative Team (PROACT). See page one of this document, "Multi-Agency Funding" for a complete description of the program including the goals, objectives and quantifiable performance measures.

PROACT allocation: \$11,747.96
Administration fee: \$59.04
City allocation: \$0

Buena Park City:

Problem Statement:

The Buena Park Police Department currently has a patrol staff of 38 sworn officers. Due to budget constraints, this number is down from 39 as of July 2004. Additional budget constraints reduced the number of Community Service Aides (CSA -- Front Counter Personnel) from 13 to 10. This reduction has resulted in field officers handling more reports in the field and at the front counter. Due to this reduction, field officers are spending less time conducting primary patrol duties, which serves and protects the population of Buena Park. In order to return the current sworn staff to regular patrol duties, civilian report takers need to be hired to assist in the everyday operations of report taking. This will allow our patrol officers to protect property, and to ensure the safety of the residents, business community, and visitors alike.

Goal:

To ensure the safety of the officers tasked with providing law enforcement services to our city, and to ensure the community receives law enforcement services in a timely manner.

Objectives:

To hire civilian report writers to assist with the everyday task of reporting non-violent crimes. This will allow field officers to focus more on the front-line of protecting our population, and to reduce response time to calls for service.

Quantifiable Performance Measures:

We intend to measure our performance of hiring these civilian report writers by analyzing our response times to calls for service. It is our intention to provide response to emergency calls within five minutes, and response to non-emergency calls within fifteen minutes of the receipt of the call. Once these civilian report writers are in place, we will be able to examine data to determine whether this expansion of personnel is assisting us in obtaining that goal.

Funding:

PROACT allocation: \$11,326.40
Administration fee: \$141.58
City allocation: \$16,848.02

Costa Mesa City:

Problem Statement #1:

Police vehicle overhead light bars have clear plastic covers, which, yellow over time, thus reducing the amount of light that the bar generates. This can cause a significant public safety hazard when officers respond to emergency (Code 3) call outs.

Goal #1:

LED lighting technology has developed a light bar that is much brighter and attracts the attention of motorists. Introducing LED light bars to the Police Patrol fleet enhances public and officer safety.

Objective #1:

To equip the Police Patrol fleet with LED technology light bars.

Quantifiable Performance Measures #1:

By introducing the LED light bar to our patrol fleet to enhance visibility and officer safety, we anticipate a reduction in the on-scene response time to emergency (CODE 3) police related calls for service. We also anticipate a reduction of police-involved accidents occurring during response to emergency calls.

Problem Statement #2:

The field officers report writing area is small, inefficient, and provides a poor ergonomic work space. The area has limited desk space to produce written reports.

Goal #2:

To provide field officers with a more efficient and comfortable ergonomic workspace when completing crime and arrest reports.

Objective #2:

To purchase space saving flat-screen computer monitors to enhance the workspace function.

Quantifiable Performance Measures #2:

By providing additional work area enhancements, officers are able to complete reports in a more timely manner and return to field operations. It is anticipated there will be a percentage increase in the number of reports received daily and processed within a 24-hour period.

Problem Statement #3:

Current SWAT tactical communications equipment is ineffective during a tactical event and does not afford hearing protection in the event of a live fire situation. This lack of protection can distract a SWAT officers during a live fire situation and can cause permanent hearing damage.

Goal #3:

To provide SWAT tactical officers optimum team communication abilities as well as proper hearing protection in the event of a live fire event.

Objective #3:

To purchase (18) eighteen Tactical Hearing/Communication Headsets so that each SWAT tactical officer will have optimum communication abilities and hearing protection.

Quantifiable Performance Measures #3:

- An anticipated reduction in the average response time for this special response team, as well as a reduction in time spent to secure the perimeter during a SWAT call-out situation.
- An anticipated reduction in the number of officer injuries.

Funding:

PROACT allocation: \$13,843.20
Administration fee: \$173.04
City allocation: \$20,591.76

Computer Monitors	\$ 5,180
Tactical Hearing/Communication Headsets	\$11,011
Police Patrol Vehicle Light Bars	\$ 4,400
TOTAL	\$20,591

Fullerton City:

Problem Statement:

The Fullerton Police Department's Crime Impact Unit is responsible for the proactive suppression of crimes committed by repeat offenders, resolution of community problems, and support services to other divisions and units of the police department. The unit has been experiencing a continuous increase in the calls for assistance and has been proactively engaged in community policing activities, however, the current funding for the unit is insufficient.

Goal:

To conduct investigations leading to the identification, apprehension, prosecution, and conviction of repeat offenders. To identify current trends in crime and disorder impacting Fullerton communities or residents, develop operational plans, and take appropriate action to resolve concerns.

Objectives:

The goals will be accomplished by utilizing overtime to conduct the following:

- Coordinate with Parole and Probation to conduct investigations and/or searches of violators
- Develop and maintain informants capable of providing information regarding persons involved in criminal activity
- Assist other divisions, units, and agencies by providing investigative support
- Provide quarterly training to other police personnel covering contemporary investigative issues.

Quantifiable Performance Measures:

The success of the Crime Impact Unit will be based on the following statistics:

- Repeat Offenders Arrested
- Parole/Probation Searches

- Informants Developed
- Informant Generated Arrests
- Investigative Support Assists
- Briefing Training Presentations

Funding:

PROACT allocation: \$15,427.20
Administration fee: \$192.84
City allocation: \$22,947.96

Garden Grove City:

Problem Statement:

The Garden Grove Police Department has one of the lowest number of officers per capita of any city its size in California. This problem will only worsen as the City's population continues to increase. Unfortunately, the current financial condition in Garden Grove prohibits the Department from hiring additional personnel. The Department must develop alternative solutions to increase officer time in the field without hiring additional Personnel to fulfill its ever increasing demand for officers.

Goal:

To create operational efficiencies in Patrol that would generate the equivalent productive hours of four additional Police Officers.

Objectives:

The goal will be accomplished by contracting out to a private vendor the activity of booking, fingerprinting, and transporting arrestees. This will enable officers to expedite their time spent at the station with a prisoner, and allow for a quick return into the field.

Quantifiable Performance Measures:

The hours saved will be calculated by multiplying the number of arrestees processed in the jail, and multiplying that by the average time saved by officers not having to process and transport the prisoner themselves.

Funding:

PROACT allocation: \$34,304.40
Administration fee: \$428.81
City allocation: \$51,027.79

Huntington Beach City:

Problem Statement:

The Huntington Beach Police Department is located among residential neighborhoods and retail stores. The department's jail is situated in close proximity to a residential area, thus making inmate security exceptionally important. The Huntington Beach Police Department operates a Type 1 jail unit. The jail unit is located on the lower level of the police department in a separate wing, which is attached to the police station by way of a secure passage. The jail houses all pre-sentenced and pre-arraignment detainees with criminal charges ranging from misdemeanors to violent felonies. The unit also houses "under the influence" detainees for both Huntington Beach Police Department and other contract agencies.

The jail unit has inside and outside reinforced walls and several interior cells. Some of the cells have solid doors and others have barred doors. Due to the configuration of the jail cells, radio communications is sporadic and severely limited.

The limited radio communication highly increases the hazards for the detainees and jail personnel. The jail averages one violent confrontation per month, and requests for emergency assistance for other detainee related issues occur approximately ten times per month. The limited radio communications cause a delay in requests for assistance and, in many cases, require the jail personnel to resolve situations alone or force them to seek assistance on foot. On the average, the radio fails to transmit 8-9 times per month and in some areas of the jail, the radio does not receive or transmit at all. These radio failures place the jail personnel in danger and/or reduce the amount of assistance they can provide to the detainees. For these reasons, an emergency jail alert system is necessary for the safety of the detainees and police personnel.

Goal:

To improve the safety of jail personnel and detainees within the jail, and improve the overall efficiency of the jail.

Objectives:

The goals will be accomplished by utilizing JAG funding to conduct the following:

- Improve the response time of jail personnel to an incident
- Improve the communication capabilities throughout the jail to enhance response time
- Purchase and install an emergency alert system to improve communication capabilities in the jail

Quantifiable Performance Measures:

- Anticipated decrease in the number of failed radio transmits as compared with existing statistics

- Anticipated increase in response time for jail personnel to arrive at a scene as compared with existing statistics

Funding:

PROACT allocation: \$15,694
Administration fee: \$196.18
City allocation: \$23,344.82

Approximate cost for the emergency alert system for the jail is \$40,000. The total JAG for the City of Huntington Beach is \$39,325. Of this, \$15,694 will be allocated to the County of Orange to fund the countywide PROACT Methamphetamine Task Force. The remainder of the JAG funds, \$23,344.82, will be used towards the emergency alert system, for which the balance will be funded through a secondary grant or general fund monies. The emergency alert system will include wireless transmitters, hardwire buttons placed at strategic locations, instant message paging and software to capture use data.

La Habra City:

The City of La Habra will be allocating its entire amount of the Justice Assistance Grant funds, less an administrative fee of .5%, to the Orange County Pro-Active Methamphetamine Laboratory Investigative Team (PROACT). See page one of this document, "Multi-Agency Funding" for a complete description of the program including the goals, objectives and quantifiable performance measures.

Funding:

PROACT allocation: \$17,825.43
Administration fee: \$89.58
City allocation: \$0

Newport Beach City:

Problem Statement:

Many residents and visitors within the City of Newport Beach have been victims of property crimes. Due to the high value of the homes, automobiles and property, which is often left in plain sight, the city has been targeted by criminals and criminal organizations. Many residents and visitors feel a sense of security while in Newport Beach, which can lead to opportunities for them to be victimized. While Newport Beach is a safe community, steps can be taken to minimize the opportunities for criminals to victimize the public. Crime prevention efforts can provide the community the information needed to better secure homes, automobiles and property, making it more difficult for criminals to carry out their illegal acts.

In 1996, with funding from the Local Law Enforcement Block Grant program, the Newport Beach Police Department established a Crime Prevention Specialist position. Funding for this position from LLEBG had continued until 2004. The Justice Assistance Grant funding will assist the Newport Beach Police Department in continuing to maintain the high level of crime prevention that resulted from the establishment of the Crime Prevention Program under the LLEBG program.

Goal:

The goal of the program is to maintain a highly visible program dedicated to 1) Preventing Crime, 2) Disseminating correct and realistic information about criminal activity and crime prevention, and 3) Enhancing the perception of security within the community.

Objectives:

The goals will be accomplished by conducting neighborhood watch and crime prevention meetings, and distributing community crime alert bulletins to keep the community informed of current crime trends in an effort to better prepare the community to take crime prevention measures.

Quantifiable Performance Measures:

Conduct six Neighborhood Watch Meetings, Six Crime Prevention meetings and three Community Crime Alert distributions to maintain open communication with the community, and to gauge the progress and success of the program.

Funding:

PROACT allocation: \$4,989.60
Administration fee: \$62.37
City allocation: \$7,422.03

Orange City:

Problem Statement:

The Police Officer Standards and Training (POST) division for the State of California recognizes Tactical Firearms as the number one perishable skill for police officers.

In 2000, the Orange Police Department purchased a FATS machine, which is an interactive training simulator designed to teach officers when or when not to shoot. The FATS machine offers interactive scenarios in which the officer is an actual participant in various high-risk situations. Currently, the FATS machine is being underutilized due to the fact that the officers have viewed and interacted all of the scenarios on the software we currently own. Additionally,

the FATS machine is in need of updated equipment, which will dramatically increase the realism of the scenarios.

Goal:

To improve the perishable skill of Tactical Firearms among police officers, and enhance officer reaction time and decision-making skills.

Objectives:

The goal will be accomplished by providing officers with realistic scenario training in which the officers must make rapid decisions and discharge his/her firearm safely and accurately. The upgraded FATS machine software along with updated weapons system and equipment will enable these objectives.

Quantifiable Performance Measures:

The upgraded software will enable FATS machines to record the number and accuracy of officer and suspect shots, and to determine whether the shots were fatal or resulted in suspect injury. Some scenarios require the officer not to shoot, therefore will evaluate the officer's performance to determine whether or not the officer was justified in shooting.

The performance measures include anticipated improvement in shooting proficiency, decision-making skills and reaction time. The new weapon system and software will enable the department to provide additional training on a quarterly basis, as opposed to the current annual training.

Funding:

PROACT allocation: \$14,257.60
Administration fee: \$178.22
City allocation: \$21,208.18

Total Cost:

1. Officer Down-Catalog No: DVD0193	\$ 3,500
2. Law Enforcement Video Association - Catalog No: DVD0051	\$ 2,000
3. Two Glock 17 9mm handguns-Catalog No: SA-17-BF-B	\$13,780
4. Bluefire Weapons Filling Station for the Glocks	\$ 1,928
TOTAL	\$21,208

Placentia City:

Problem Statement:

Placentia is one of Orange County's older communities, located on the north end of Orange County, and is surrounded by Fullerton, Brea, Yorba Linda and Anaheim. The city has a

reported population of 49,097 people residing in 15,326 residential units. The Demographics of the city are 28% Hispanic, 59% White, 10% Asian and 2% Black. The Hispanic portion of this population is located primarily in the southern portion of the city and there are three very active traditional Hispanic gangs located in these southern neighborhoods. While the City is generally safe, there is a disproportionate amount of crime occurring within these southern neighborhoods involving gang members. In an effort to respond to this problem, the Police Department has assigned two officers and a detective to serve as a gang unit.

While this effort has proved effective in addressing gang crime, budget cuts, staffing shortages and an increase in gang activity have limited the time the gang unit has to focus their efforts on day to day gang problems.

Goal:

The Placentia Police Department is proposing that its goal for the Byrne Justice Assistance Grant funds is to supplement gang staffing with patrol overtime focused at decreasing gang related crime in the city of Placentia.

Objectives:

The goal will be accomplished through the following activities:

- Increase the number of lawful police contacts with gang members to gain intelligence and investigative information for prosecutorial purposes
- Increase the number of arrest and prosecution of gang members
- Promote information sharing between patrol officers and gang investigators by implementing a weekly gang briefing sheet and roll call briefings

Quantifiable Performance Measures:

Performance measures identified for this effort include:

- Number of gang related calls handled
- Field Interview Cards completed on gang members
- Number of documented gang membership in compliance with California Penal Code Section 186
- Gang members arrested

Funding:

PROACT allocation: \$5,081.34

Administration fee: \$76.99

Balance: \$10,239.67

Santa Ana City:

Problem Statement:

The Santa Ana Police Department proposes to include its entire jurisdictional boundaries for the purposes of this project. This decision is based on the belief that criminal street gangs do not honor jurisdictional boundaries. The city of Santa Ana is located approximately 45 miles southeast of Los Angeles and is the County Seat of Orange County. The city is the oldest organized community in the county and is the center of government services for a county of 2.5 million people. The community at large is recognized by 2000 Census data as the 52nd largest city in the nation, the ninth largest, second most densely populated city in California, and the youngest city in the nation, with a median age of 26.1 years. As a result of the impact of immigration, the city is the third most Hispanic populated community in the nation, by percentage of population, with approximately 76.1% of its residents being of Hispanic descent.

Even though Santa Ana has a criminal street gang population of approximately 6,900, which accounts for less than two percent of the City's population, this criminal element constitutes a significant impact on fear in the community and threatens the very safety and stability of our neighborhoods. Gangs are responsible for a disproportionate amount of crime; it is estimated that gang members were responsible for approximately a quarter of Santa Ana's Part-I Crime in 2004. Emphasis is placed on targeted gang members identified as the most active, which are eligible for vertical prosecution efforts by the Orange County District Attorney's Office.

The Gang Section, as well as the department as a whole, has lost personnel due to budget constraints, and has had to devote some of its personnel to homeland security initiatives and programs. To curtail the violence and illegal activity of gang members, the Santa Ana Police Department supplements staffing with a Gang Suppression Field Force program (GSFF). Currently, the Department lacks the funding necessary to operate the GSFF program. It is only through federal grant program monies such as the Justice Assistance Grant Program that allows the deployment of officers to target enforcement of gang members involved in violent behavior. These officers exclusively respond to incidents involving gang members and gang areas.

Goal:

The goal of the Gang Suppression Field Force program (GSFF) is to decrease gang related crime in the city of Santa Ana to create a safe environment for residents and visitors alike.

Objectives:

The goal will be accomplished through the following suppression activities:

- Contact gang members to gain intelligence and investigative information for prosecutorial purposes
- Increase the number of arrest and prosecution of gang members
- Reduce the fear gang members evoke in the community through high visibility police presence and enforcement activities

- Continue to promote information sharing, such as the weekly *Gang Briefing Sheet* (a weekly report that lists active members as well as investigative information on current gang cases that is disseminated throughout the department) and roll call briefings

Quantifiable Performance Measures:

Performance measures identified for the GSFF program include the following:

- Number of gang related calls handled
- Field Interview Cards completed on gang members
- Number of documented gang membership in compliance with California Penal Code Section 186
- Gang members arrested
- Assist field personnel on gang calls for service and the number of weapons recovered from gang members
- A weekly After Action Report will be generated to monitor the activity of the GSFF in order to make enhancements or adjustments as necessary.

Funding:

PROACT allocation: \$82,955.60

Administration fee: \$1,036.95

City allocation: \$123,396.45

Stanton City:

Problem Statement:

The Sheriff Department instituted a Mobile Data Computer (MDC) System. Among other things, field and investigative personnel can be electronically dispatched from it and can make numerous inquiries of databases from their vehicles and remote locations. The system was, and continues to be very expensive. Replacement and maintenance costs continue. As a means of funding the program in the past, the City of Stanton used LLEBG grant funding. Preliminary budget decisions were made for the upcoming fiscal year wherein the LLEBG funds were being counted on to continue the support of the MDC Program in Stanton. Without the continuation of the grant funding, part of the MDC Program or other law enforcement services will be at risk of reduction. For these reasons, the City preliminarily plans to use the new JAG funding to continue supporting the department MDC program.

Goal:

Continue the MDC Program without interruption. This includes on-going maintenance and equipment replacement when needed.

Objectives:

1. Through FY 2005-06, or until the JAG grant funding is exhausted, retain the same number of MDC's as currently assigned to Stanton Police Services.
2. Using JAG grant funding, or until the grant funding is exhausted, continue participation in the equipment and MDC maintenance program.
3. If they become available and sufficient grant money exists, buy additional MDC equipment including MDCs made specifically for the traffic enforcement motorcycles.

Quantifiable Performance Measures:

1. At the end of the grant period, or until the grant funds are exhausted, the same number of MDC's will be in service as the day the grant money is received by the City.
2. During the grant period, or until the grant funds are exhausted, all necessary and needed MDC maintenance will be performed and any MDC equipment or units needing replacement will be replaced.

Funding:

PROACT allocation: \$0
Administration fee: \$85.69
City allocation: \$17,051.31

Tustin City:

Problem Statement:

The Tustin Police Department currently does not have a sufficient number of mobile radios for existing staff. In addition, the City of Tustin is experiencing rapid growth and development. The Tustin Marine Corps Air Station is in the process of being developed into the Tustin Legacy. This significant development will be a mix of residential housing, commercial offices, an entertainment center, schools, parks, and various governmental facilities. This development will increase our permanent population, as well as significantly affect our daytime population. As a result, we will need to hire additional police officers to respond to calls for service generated from this development, as well as to protect the various properties, and to ensure the safety of the residents, business community, and visitors alike.

We currently do not have enough mobile radios to equip the officers who would be tasked to patrol this newly created development.

Goal:

To protect property and ensure the safety of the residents, business community, visitors, and officers tasked with providing law enforcement services to this area; to ensure that those seeking law enforcement assistance will receive service in a timely manner.

Objectives:

The goals will be accomplished by ensuring officers are able to maintain communication with the dispatch center and other officers when they are away from their patrol unit. Equipping each newly hired officer with a mobile radio will provide the communication capabilities necessary to achieve this objective.

Quantifiable Performance Measures:

We intend to measure our performance of the equipment purchase by analyzing our response times to calls for service. It is our intention to provide response to emergency calls within five minutes, and response to non-emergency calls within fifteen minutes of the receipt of the call. Once these mobile radios are in place, and the development begins to expand, we will be able to examine data to determine whether this equipment is helping us reach that goal.

Funding:

PROACT allocation: \$10,393.60
Administration fee: \$129.92
City allocation: \$15,460.48

Lake Forest City:

Problem Statement:

The City of Lake Forest and the City of Mission Viejo share a common city border in the southern region of Orange County, and are experiencing a rapid grow in population and community development. These cities have recently been impacted by numerous burglaries, robberies and theft by criminals who routinely cross into the adjoining jurisdictions. These crimes need to be addressed through increased patrol and enforcement activities. Due to the current fiscal situation within these cities, there is not sufficient funding to cover the overtime costs. The Mission Viejo and Lake Forest Police Services will collaborate to address these serious issues by utilizing the JAG funding to cover overtime costs associated with increased patrol.

Goal:

The goal of this collaborative effort is to protect property and ensure the safety of the residents, business community, and visitors within the cities of Lake Forest and Mission Viejo.

Objectives:

The goal will be accomplished by the following:

1. Increase officer presence and enforcement activities to increase the number of criminal arrests in the cities
2. Increase officer presence and enforcement activities to reduce the number of burglaries, robberies and theft within the cities
3. Collaborate and promote information sharing between cities to ensure the effectiveness of enforcement activities

Quantifiable Performance Measures:

1. Anticipated increase in criminal arrests
2. Anticipated decrease in the number of burglaries, robberies and theft

Funding:

PROACT allocation: \$5,433.60

Administration fee: \$67.92

City allocation: \$8,082.48

Mission Viejo City:

Problem Statement:

The City of Mission Viejo and the City of Lake Forest share a common city border in the southern region of Orange County, and are experiencing a rapid grow in population and community development. These cities have recently been impacted by numerous burglaries, robberies and theft by criminals who routinely cross into the adjoining jurisdictions. These crimes need to be addressed through increased patrol and enforcement activities. Due to the current fiscal situation, there is not sufficient funding to cover the overtime costs. The Mission Viejo and Lake Forest Police Services will collaborate to address these serious issues by utilizing the JAG funding to cover overtime costs associated with increased patrol.

Goal:

The goal of this collaborative effort is to protect property and ensure the safety of the residents, business community, and visitors within the cities of Mission Viejo and Lake Forest.

Objectives:

The goal will be accomplished by the following:

1. Increase officer presence and enforcement activities to increase the number of criminal arrests in the cities

2. Increase officer presence and enforcement activities to reduce the number of burglaries, robberies and theft within the cities
3. Collaborate and promote information sharing between cities to ensure the effectiveness of enforcement activities

Quantifiable Performance Measures:

1. Anticipated increase in criminal arrests
2. Anticipated decrease in the number of burglaries, robberies and theft

Funding:

PROACT allocation: \$5,537.20

Administration fee: \$69.22

City allocation: \$8,236.58

Fountain Valley City:

Problem Statement:

The Fountain Valley Police Department has lost its existing funding source to pay for dictation and transcription services. This consisted of exclusively CLEEP grant funds. The loss of this funding will potentially force the elimination of this program. The police department intends to utilize JAG monies to fund the cost of dictation and transcription services.

Goal:

To allow officers and detectives to spend significantly less time in handwriting and word processing, and more time dedicated to responding to calls for service, proactive enforcement and other duties.

Objectives:

The goals will be accomplished by enabling officers and detectives to be more efficient and effective report writers through utilizing dictation and transcription services through Justice Assistance Grant funding.

Quantifiable Performance Measures:

- Number of lines of transcribed text in a 12-month period
- Number of hours of time savings
- Number of increased hours dedicated to proactive enforcement by officers and detectives

Funding:

PROACT allocation: \$3,312.75
Administration fee: \$66.26
City allocation: \$9,871.99

Westminster City:

Problem Statement:

The Westminster Police Department has relied substantially on LLEBG funds for technology integration and enhancement. The funding from LLEBG has been cut dramatically in the past several years, resulting in the Westminster Police Department receiving less than 20% of the funds available for technology projects and replacement. With the current level of proposed funding, the scope of projects initiated must be reduced. In addition, budgetary concerns for all California municipalities have caused technology projects to be sidelined while mainstream concerns, especially personnel, assume priority consideration. The challenge for the Westminster Police Department is to balance the limited funds currently available, with the need for the automated systems to be integrated and replaced in a timely and functional manner.

Goal:

1. To continue the integration of available data systems in order to more effectively predict and prevent criminal activities
2. To be able to replace technological systems, both hardware and software, in order to support the goal of information integration

Objectives:

The goals will be accomplished by:

1. Continuing the integration of Alliance PD databases during the next two years so that line-level supervisors and personnel retrieve data in visual formats
2. Continuing the increased use of Crystal Decisions software (Crystal Reports) during the next two years in order to continue to develop standard reports using the Alliance PD databases
3. Continuing to expand the use of i2 Incorporated visual relational database retrieval system (iBridge and Notebook Analyst software) in order for line-level investigators and supervisors to visually link cases via subjects and property
4. Developing the use of Intranet technologies to make reports, forms, and briefing more consistently available throughout WPD during the next two years

Quantifiable Performance Measures:

1. Investigators and supervisors will use i2 Inc. visual relational database software on a weekly basis in order to determine criminal and case histories, as measured by self-reporting logs for system use.
2. Investigators and supervisors will use Accurint software system on a monthly basis to establish suspect intrastate and interstate histories through public access information, as measured in the Accurint system's user history report.
3. Supervisors will access and use data retrieval reports generated by Crystal Decisions' Crystal Reports software to help measure workload and workflow of patrol and investigations functions, as measured by the creation and dissemination of a quarterly workload and workflow report within the next year.
4. Creation and maintenance of department Intranet to centralize reports, forms, and briefing materials for decentralized access by all personnel, as measured by the creation of the Intranet and consistent use by all personnel.

Funding:

PROACT allocation: \$9,558.75

Administration fee: \$191.18

City allocation: \$28,485.07

Irvine City:

Problem Statement:

During 2004, the City of Irvine experienced a significant increase in commercial burglaries, vehicle burglaries, and thefts from vehicles. Despite the diligent efforts of the Irvine Police Department and the arrests of many suspects involved in these crimes, criminal activities continue to outpace the residential growth of the community.

Goal:

To install surveillance monitoring equipment to reduce the incidents of commercial burglary, burglary, and thefts from motor vehicles within the City of Irvine.

Objectives:

- Identify high-risk commercial burglary and theft sites within the City of Irvine
- Identify high-risk vehicle burglary and theft-from-vehicle site within the City of Irvine
- Install specialized surveillance equipment to deter criminal activity and to identify suspects in the event crimes occur
- Reduce criminal activity at high-risk sites where surveillance equipment has been installed

- Identify crime suspects at high-risk locations where surveillance equipment has been installed

Quantifiable Performance Measures:

- Reduce the per capita incidence of commercial burglary citywide over a 12-month period during 2005-2006 when compared to a similar period in 2004-2005.
- Reduce the per capita incidence of vehicle burglary citywide over a 12-month during 2005-2006 when compared to a similar period in 2004-2005.
- Reduce the per capita incidence of theft from vehicles citywide over a 12-month during 2005-2006 when compared to a similar period in 2004-2005.

Funding:

PROACT allocation: \$7,624.80

Administration fee: \$95.31

City allocation: \$11,341.89

The City of Irvine is proposing to purchase a portable surveillance system that will be installed in areas that are likely to experience a commercial burglary, a vehicle burglary or a theft from a vehicle. The cost of this portable system, \$14,065, exceeds the amount available through the grant and will be paid by the City of Irvine. We are proposing that the grant pay for \$11,341.89 and that the City provide a match of \$2,723.11.

ATTACHMENT B

HOW TO APPLY FOR JAG GRANT REIMBURSEMENTS

1. A letter on your letterhead that includes or states the following:

- A. Your agency's request for reimbursement in the amount of \$ _____;
- B. Against Grant #2005DJBX1623;
- C. Certification that you complied with all procurement procedures outlined in your agency's procurement manual and financial and administrative requirements set forth in the current OJP Financial guide.
- D. Name of payee and address of where payment is to be sent
- E. Letter is to be signed by the person authorized in the JAG Program MOU.

2. Required attachments to the letter:

- A. Your agency is required to submit quarterly Financial Status Report (FSRs) using a Standard Form 269A (SF-269A). This report reflects the actual federal monies spent, unliquidated obligations incurred, and the unobligated balance of federal funds. The FSR is due at the Sheriff's Department Financial Division no later than 15 days following each calendar quarter, even if you don't have any reimbursement claims. The reporting quarter end dates and due dates are as follows:

Qtr. ending 03-31-YY due no later than 4/15
Qtr. ending 06-30-YY due no later than 7/15
Qtr. ending 09-30-YY due no later than 10/15
Qtr. ending 12-31-YY due no later than 01/15

A helpful hints guide for completing FSRs is available at the JAG website at: <http://www.ojp.gov/BJA/grant/jag.html>

- B. All invoices and relevant purchase orders pertaining to federal monies spent.
- C. Time Sheets and part of payroll register showing personnel name or other individual identifier and details of payroll costs claimed, if any.
- D. Copies of signed check(s) for purchase(s);

All of the above documentation must be provided or your claim cannot be processed.

If you have any questions please call Herminn Vengco at (714) 834-6684.
Send your claim to the Attention of Herminn Vengco at 320 North Flower Street Suite 108, Santa Ana, Calif. 92703.

ATTACHMENT C

JAG PROGRAM ALLOCATION:

AGENCY	TYPE	Allocation	% to PROACT	PROACT Amount	.5% TO ADMIN COSTS	TOTAL PROACT/ CITY	TOTAL FOR CITIES
ORANGE COUNTY	County	\$ 29,352.00	99.50%	\$ 29,205.24	\$ 146.76	\$ 29,352.00	\$ -
ANAHEIM CITY	Municipal	\$ 152,423.00	40%	\$ 60,969.20	\$ 762.12	\$ 61,731.32	\$ 90,691.68
BREA CITY	Municipal	\$ 11,807.00	99.50%	\$ 11,747.96	\$ 59.04	\$ 11,807.00	\$ -
BUENA PARK CITY	Municipal	\$ 28,316.00	40%	\$ 11,326.40	\$ 141.58	\$ 11,467.98	\$ 16,848.02
COSTA MESA CITY	Municipal	\$ 34,608.00	40%	\$ 13,843.20	\$ 173.04	\$ 14,016.24	\$ 20,591.76
FULLERTON CITY	Municipal	\$ 38,588.00	40%	\$ 15,427.20	\$ 192.84	\$ 15,620.04	\$ 22,947.96
GARDEN GROVE CITY	Municipal	\$ 85,761.00	40%	\$ 34,304.40	\$ 428.81	\$ 34,733.21	\$ 51,027.79
HUNTINGTON BEACH CITY	Municipal	\$ 39,235.00	40%	\$ 15,694.00	\$ 196.18	\$ 15,890.18	\$ 23,344.82
LA HABRA CITY	Municipal	\$ 17,915.00	89.50%	\$ 17,825.42	\$ 89.58	\$ 17,915.00	\$ -
NEWPORT BEACH CITY	Municipal	\$ 12,474.00	40%	\$ 4,989.60	\$ 62.37	\$ 5,051.97	\$ 7,422.03
ORANGE CITY	Municipal	\$ 35,644.00	40%	\$ 14,257.60	\$ 178.22	\$ 14,435.82	\$ 21,208.18
PLACENTIA CITY	Municipal	\$ 15,398.00	33%	\$ 5,061.34	\$ 76.99	\$ 5,158.33	\$ 10,239.67
SANTA ANA CITY	Municipal	\$ 207,388.00	40%	\$ 82,955.60	\$ 1,036.95	\$ 83,992.55	\$ 123,396.45
STANTON CITY	Municipal	\$ 17,137.00	0%	\$ -	\$ 85.68	\$ 85.69	\$ 17,051.31
TUSTIN CITY	Municipal	\$ 25,984.00	40%	\$ 10,393.60	\$ 129.92	\$ 10,523.52	\$ 15,460.48
LAKE FOREST CITY	Municipal	\$ 13,684.00	40%	\$ 5,433.60	\$ 67.92	\$ 5,501.52	\$ 8,082.48
MISSION VIEJO CITY	Municipal	\$ 13,843.00	40%	\$ 5,537.20	\$ 68.22	\$ 5,605.42	\$ 8,236.58
FOUNTAIN VALLEY CITY	Municipal	\$ 13,251.00	25%	\$ 3,312.75	\$ 68.26	\$ 3,379.01	\$ 8,871.99
WESTMINSTER CITY	Municipal	\$ 38,235.00	25%	\$ 9,558.75	\$ 191.18	\$ 9,749.93	\$ 28,485.07
IRVINE CITY	Municipal	\$ 19,052.00	40%	\$ 7,624.80	\$ 95.31	\$ 7,720.11	\$ 11,341.89
TOTAL		\$ 849,986.00		\$ 359,487.86	\$ 4,249.96	\$ 363,737.84	\$ 486,248.16

Attachment D

EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT
PROGRAM REPORTING REQUIREMENTS

Program Reports must be submitted to the Lead Agency (Sheriff's Department) by February 1, 2006, and each year thereafter. The reporting requirements are designed to provide the grantor agency with sufficient information to monitor grant implementation and goal achievement. The reports must be keyed to your problem statement, goal, objectives and quantifiable performance measures. Specifically, the report should:

1. Indicate the status of each goal that was due for completion during a previous reporting period but carried over due to implementation of other problems.
2. State the status of each goal which was scheduled to be achieved during the report.
3. State the corrective action planned to resolve implementation problems and state the effect of these problems on the remaining schedule for achieving the project remaining goals.
4. If appropriate, identify changes that are needed in the implementation plan specified in the grant application to overcome problems. Changes that alter plans and/or goals set forth in the application require prior grantor agency approval and issuance of a Grant Adjustment Notice (GAN).
5. State what technical assistance the grantor agency might provide during the next six month period to help resolve implementation problems. If technical assistance has been provided to resolve implementation problems, state the problems (or tasks) addressed and the results (or impact) of the assistance provided.
6. Based on the performance measures set forth in the grant application (implementation plan), indicate in quantitative terms the results (of the project) achieved both during the reporting period and cumulative-to-date. Explanatory and qualifying statements will be helpful here, especially if project objectives have changed.

SPECIAL REQUIREMENTS

Special reporting requirements or instructions may be prescribed for categorical projects in certain program or experimental areas to better assess impact and comparative effectiveness of the overall categorical grant program. These will be communicated to affected grantees by the agency.

Please submit all Program Reports via e-mail and direct any questions regarding the grant program reporting to Deputy Kim Donohue.

(714) 935-6869
kpdonohue@ocsd.org
431 The City Drive South
Orange, CA 92868

Attachment E

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

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

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

Complying with the EEOP Requirement

In accordance with Federal regulations, and Assurance No. 6 in the Standard Assurances, your organization must comply with the following EEOP reporting requirements:

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

If your organization received an award between \$25,000 and \$500,000 and has 50 or more employees, your organization still has to prepare an EEOP, but it does not have to submit the EEOP to OCR for review. Instead, your organization has to maintain the EEOP on file and make it available for review on request. In addition, your organization has to complete Section B of the enclosed Certification Form and return it to OCR.

If your organization received an award for less than \$25,000; or if your organization has less than 50 employees, regardless of the amount of the award; or if your organization is a medical institution, educational institution, nonprofit organization or Indian tribe, then your organization is exempt from the EEOP requirement. However, your organization must complete Section A of the enclosed Certification Form and return it to OCR.

Submitting Findings of Discrimination

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

Providing Services to Limited English Proficiency (LEP) Individuals

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

Ensuring the Compliance of Subrecipients

If your organization makes subawards to other agencies, you are responsible for assuring that subrecipients also

comply with all of the applicable Federal civil rights laws, including the requirements pertaining to developing and submitting an EEOP, reporting Findings of Discrimination, and providing language services to LEP persons. State agencies that make subawards must have in place standard grant assurances and review procedures to demonstrate that they are effectively monitoring the civil rights compliance of subrecipients.

Enforcing Civil Rights Laws

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

Ensuring Equal Treatment for Faith-Based Organizations

The Department of Justice has published a regulation specifically pertaining to the funding of faith-based organizations. In general, the regulation, 28 C.F.R. part 38, requires State Administering Agencies to treat these organizations the same as any other applicant or recipient. The regulation prohibits State Administering Agencies from making award or grant administration decisions on the basis of an organization's religious character or affiliation, religious name, or the religious composition of its board of directors. The regulation also prohibits faith-based organizations from using direct financial assistance from the Department of Justice to fund inherently religious activities. While faith-based organizations can engage in non-funded inherently religious activities, they must be held separately from the Department of Justice funded program, and customers or beneficiaries cannot be compelled to participate in them. The Equal Treatment Regulation also makes clear that organizations participating in programs directly funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. For more information on the regulation, please see OCR's website at <http://www.ojp.usdoj.gov/ocr/etfbo.htm>. State Administering Agencies and faith-based organizations should also note that the Safe Streets Act, as amended; the Victims of Crime Act, as amended; and the Juvenile Justice and Delinquency Prevention Act, as amended, contain prohibitions against discrimination on the basis of religion in employment. These employment provisions have been specifically incorporated into 28 C.F.R. Part 38.1(f) and 38.2(f). Consequently, in many circumstances, it would be impermissible for faith-based organizations seeking or receiving funding authorized by these statutes to have policies or practices that condition hiring and other employment-related decisions on the religion of applicants or employees. Programs subject to these nondiscrimination provisions may be found on OCR's website at <http://www.ojp.usdoj.gov/ocr/>.

SPECIAL CONDITIONS

1. The recipient agrees to comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide.
2. The recipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if recipient is required to submit one pursuant to 28 C.F.R. Section 42.302), that is approved by the Office for Civil Rights, is a violation of its Certified Assurances and may result in suspension or termination of funding, until such time as the recipient is in compliance.
3. The recipient agrees to comply with the organizational audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, as further described in the current edition of the OJP Financial Guide, Chapter 19.
4. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of OJP.
5. 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.

6. Recipient agrees that funds provided under this award may not be used to operate a "pay-to-stay" program in any Local jail. Recipient further agrees not to subaward funds to local jails which operate "pay-to-stay" programs.
7. To support public safety and justice information sharing, OJP requires the grantee to use the Global Justice Data Model specifications and guidelines for this particular grant. Grantee shall publish and make available without restriction all schemas (extensions, constraint, proxy) generated as a result of this grant to the component registry as specified in the guidelines. This information is available at www.it.ojp.gov/gjxdm.
8. The grantee agrees to assist BJA in complying with the National Environmental Policy Act (NEPA) 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, prior to obligating grant funds, the grantee agrees to first determine if any of the following activities will be related to the use of the grant funds.

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 either (a) listed on or eligible for listing on the National Register of Historic Places or (b) located within a 100-year flood plain;
- 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; and,
- 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.

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.

9. This special condition facilitates compliance with the provisions of the National Environmental Policy Act (NEPA) relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories [hereinafter, "meth lab operations"]. No monies from this award may be obligated to support meth lab operations unless the grantee implements this special condition.

The Office of Justice Programs (OJP), in consultation with the Bureau of Justice Assistance, the Drug Enforcement Administration, and the Office for Community Oriented Policing Services, prepared a Program-level Environmental Assessment (Assessment) governing meth lab operations. The Assessment describes the adverse environmental, health, and safety impacts likely to be encountered by law enforcement agencies as they implement specific actions under their methamphetamine laboratory operations. Consistent with the Assessment, the following terms and conditions shall apply to the grantee for any OJP funded methlab operations:

- A. The grantee shall ensure compliance by OJP funded sub-grantees with federal, state, and local environmental, health, and safety laws and regulations applicable to meth lab operations, to include the disposal of the chemicals, equipment, and wastes resulting from those operations.
- B. The grantee shall have a Mitigation Plan in place that identifies and documents the processes and points of accountability within its state. This plan will be used to ensure that the adverse environmental, health, and safety impacts delineated in the Assessment are mitigated in a manner consistent with the requirements of this condition.
- C. The grantee shall monitor OJP funded meth lab operations to ensure that they comply with the following nine

mitigation measures identified in the Assessment and whose implementation is addressed in the grantee's Mitigation Plan. These mitigation measures must be included as special conditions in all subgrants: (See Part II of this special condition)

10. 1. Provide medical screening of personnel assigned or to be assigned by the grantee to the seizure or closure of clandestine methamphetamine laboratories;
2. Provide Occupational Safety and Health Administration (OSHA) required initial and refresher training for law enforcement officials and all other personnel assigned to either the seizure or closure of clandestine methamphetamine laboratories;
3. As determined by their specified duties, equip the personnel with OSHA required protective wear and other required safety equipment;
4. Assign properly trained personnel to prepare a comprehensive contamination report on each seized/closed laboratory;
5. Utilize qualified disposal personnel to remove all chemicals and associated glassware, equipment, and contaminated materials and wastes from the site(s) of each seized laboratory;
6. Dispose of the chemicals, equipment, and contaminated materials and wastes at properly licensed disposal facilities or, when allowable, at properly licensed recycling facilities;
7. Monitor the transport, disposal, and recycling components of subparagraphs numbered 5. and 6. immediately above in order to ensure proper compliance;
8. Have in place and implement a written agreement with the responsible state environmental agency. This agreement must provide that the responsible state environmental agency agrees to (i) timely evaluate the environmental condition at and around the site of a closed clandestine laboratory and (ii) coordinate with the responsible party, property owner, or others to ensure that any residual contamination is remediated, if determined necessary by the state environmental agency and in accordance with existing state and federal requirements; and
9. Have in place and implement a written agreement with the responsible state or local service agencies to properly respond to any minor, as defined by state law, at the site. This agreement must ensure immediate response by qualified personnel who can (i) respond to the potential health needs of any minor at the site; (ii) take that minor into protective custody unless the minor is criminally involved in the meth lab activities or is subject to arrest for other criminal violations; (iii) ensure immediate medical testing for methamphetamine toxicity; and (iv) arrange for any follow-up medical tests, examinations, or health care made necessary as a result of methamphetamine toxicity.

11. The recipient shall submit to BJA one copy of all reports and proposed publications resulting from this agreement twenty (20) days prior to public release. 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. 2005-DJ-BX-1623 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the 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, and the Office for Victims of Crime. Points of view or opinions in this document are those of the author and do not represent the official position or policies of the United State Department of Justice."

The current edition of the OJP Financial Guide provides guidance on allowable printing activities.

12. The recipient is required to establish a trust fund account. (The trust fund may or may not be an interest-bearing account.) The fund may not be used to pay debts incurred by other activities beyond the scope of the Edward Byrne Memorial Justice Assistance Grant Program (JAG). The recipient also agrees to obligate and expend the grant funds in the trust fund (including any interest earned) during the period of the grant. Grant funds (including any interest earned) not expended by the end of the grant period must be returned to the Bureau of Justice Assistance no later than 120 days after the end of the grant period, along with the final submission of the Financial Status Report (SF-269).

13. The grantee agrees to comply with all reporting, data collection and evaluation requirements, as prescribed by the BJA in the program guidance for the Justice Assistance Grant (JAG). Compliance with these requirements will be monitored by BJA.

All grants funded under the Edward Byrne Memorial Justice Assistance Grant Program (JAG) will carry the following NEPA special condition:

1) The grantee agrees to assist BJA in complying with the National Environmental Policy Act (NEPA) 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, prior to obligating grant funds, the grantee agrees to first determine if any of the following activities will be related to the use of the grant funds. 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 either (a) listed on or eligible for listing on the National Register of Historic Places or (b) located within a 100-year flood plain;
- 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; and,
- 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.

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.