



No. 09
9-20-16

CITY COUNCIL AGENDA

MEETING DATE: SEPTEMBER 20, 2016
TO: CITY COUNCIL/CITY MANAGER
FROM: POLICE DEPARTMENT
SUBJECT: 2016 JUSTICE ASSISTANCE GRANT (JAG) PROGRAM
AGREEMENT TO TRANSFER FUNDS

1200

Approved for Agenda:



City Manager's Office

APPROVED

SUMMARY

The City Council is being asked to approve the 2016 Edward Byrne Memorial Justice Assistance Grant (JAG) Agreement to Transfer Funds in the amount of \$28,234.57 to fund the 2016 JAG Cold Case Project.

RECOMMENDATION

That City Council approved the 2016 Edward Byrne Memorial JAG Agreement to transfer JAG grant funds from the County of Orange to the City of Fullerton and increase Police Department appropriations to Grant Fund 32 in the amount of \$28,234.57.

FISCAL IMPACT

JAG grant funds of \$28,234.57 will be used to fund the 2016 JAG Cold Case Project; an estimated \$6,000 in in-kind general fund costs has already been budgeted in the Police Department's non-regular wages.

DISCUSSION

Federal JAG grant funds are distributed to Orange County law enforcement agencies on an annual basis, and have provided funding for expenses such as equipment, supplies and salaries for both sworn and non-sworn personnel. In June 2016, a Memorandum of Understanding was signed by the City Manager and submitted with the 2016 JAG Expenditure Form to the County of Orange, the lead applicant/fiscal agency for JAG grant funds. The MOU and Expenditure Form have been incorporated into the

attached Agreement to Transfer Funds which must be signed and submitted to the County of Orange. Council approval is required for the 2016 JAG Agreement to Transfer Funds in the amount of \$28,234.57.

Grant funding for the JAG 2016 Cold Case Project will pay for two Consultants/Detectives to re-open, re-investigate and, where possible, solve cold cases of murder through the use of technology not available at the time the crime was committed.

CAPT. S. R. Hughes FOR CHIEF HUGHES

Dan Hughes
Chief of Police

Attachment: 2016 JAG Agreement to Transfer Funds

**2016 JUSTICE AGREEMENT GRANT
AGREEMENT TO TRANSFER FUNDS**

**AGREEMENT TO TRANSFER FUNDS
2016 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG)**

THIS AGREEMENT is entered into this 23rd day of August 2016, which date is enumerated for purposes of reference only, by and between the **COUNTY OF ORANGE**, a political subdivision of the State of California, hereinafter referred to as "**COUNTY**", and the City of Fullerton, a municipal corporation.

WHEREAS, COUNTY, acting through its Sheriff-Coroner Department, hereinafter referred to as **SHERIFF**, in its capacity as the lead agency on behalf of *10 (ten) units of local government*, including *SHERIFF* and the cities of *Anaheim, Buena Park, Costa Mesa, Fullerton, Garden Grove, Huntington Beach, Orange, Santa Ana and Westminster*, hereafter referred to as "**SUBGRANTEES**".

As required by the jurisdictional application, the **SHERIFF** has applied for, received and accepted the Edward Byrne Memorial Justice Assistance Grant from the U.S. Department of Justice, Office of Justice Programs, and Bureau of Justice Assistance (hereinafter referred to as "**JAG**").

WHEREAS, the purpose of the grant is to supplement the resources available to prevent and control crime within the County of Orange that are operated by individual agencies included in the above referenced *10 units of local government*, as set forth in **Attachment A** "Program Narrative", which is attached hereto and incorporated herein by reference.

WHEREAS, the terms of the grant require that certain grant funds be transferred to **SUBGRANTEE** to be used for grant purposes, which may include local initiatives, technical assistance, strategic planning, research and evaluation, data collection, training, personnel, equipment, forensic laboratories, supplies, contractual support, and information systems for law enforcement, as more particularly described in **Attachment A** hereto.

NOW, THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

1. COUNTY shall transfer to **SUBGRANTEE** grant funds, in arrears, as necessary to reimburse **SUBGRANTEE** for reasonable and permissible expenditures to support activities

**AGREEMENT TO TRANSFER FUNDS
2016 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG)**

related to proposed grant project(s). In order to obtain grant funds, SUBGRANTEE shall comply with the instructions and submit to SHERIFF all required information and documentation, as set forth in **Attachment B** ("How to Apply for JAG Grant Reimbursements"), which is attached hereto and incorporated herein by reference. In no event will the total amount of the grant funds transferred by COUNTY to SUBGRANTEE hereunder exceed SUBGRANTEE's allocation, as set forth in **Attachment C** ("JAG Program Allocation"); which is attached hereto and incorporated herein by reference, unless expressly approved in writing by the Department of Justice, Office of Justice Program's State assigned Policy Advisor.

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

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

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

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

6. SUBGRANTEE shall submit to the COUNTY grant program reporting documents and information in accordance with requirements set out in **Attachment D** ("Edward Byrne Memorial Justice Assistance Grant Reporting Requirements"), attached hereto and incorporated herein by reference.

**AGREEMENT TO TRANSFER FUNDS
2016 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG)**

7. SUBGRANTEE shall comply with all applicable terms of the certification(s) that are attached hereto as **Attachment E** ("2016 Grant Award & Special Conditions") and incorporated herein by reference.

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

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

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

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

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

**AGREEMENT TO TRANSFER FUNDS
2016 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG)**

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

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

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

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

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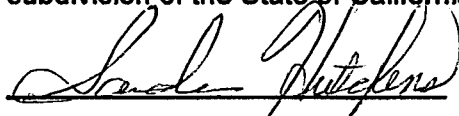
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**AGREEMENT TO TRANSFER FUNDS
2016 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG)**

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


DATED: 8/24, 2016

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

By 
Sandra Hutchens, Sheriff-Coroner
Sheriff-Coroner Department
"COUNTY"

APPROVED AS TO FORM:

OFFICE OF THE COUNTY COUNSEL

By 
Deputy

DATED: 7/26, 2016

SUBGRANTEE

By _____
Name and Title Joe Felz, City Manager
Fullerton
City

ATTEST:

DATED: _____, 2016

By _____
City Clerk

DATED: _____, 2016

2016 JAG EXPENDITURE FORM
PROGRAM NARRATIVE

General Description of Program Activities:

The Edward Byrne Memorial Justice Assistance Grant (JAG) Program is a major source of federal criminal justice funding to state and local jurisdictions. The JAG funds support programs in law enforcement; prosecution and court, including indigent defense; prevention and education programs; corrections and community corrections; drug treatment and enforcement; planning, evaluation, and technology improvement and crime victim and witness. The County of Orange has been certified as disparate; therefore, a jurisdictional application must be submitted on behalf of the eligible units of local government for which the applicant and fiscal agent is the County of Orange. The Bureau of Justice Statistics uses a formula for the allocations which is based on the JAG formula, population and Part 1 violent crime statistics as reported through the UCR by the FBI.

The Sheriff's Department will provide oversight for the grant; write the application and submit it to US DOJ; the application will include a Standard Form 424, program narrative, budget and budget narrative, review narrative, abstract and Memorandum of Understanding (MOU). The Department will also obtain approval from CEO, County Counsel, & the Board of Supervisors; and will communicate with all parties involved throughout the grant process. Quarterly financial reports, performance metrics and annual progress reports are required for the life of this grant. Technical assistance to meet compliance will also be provided to each grantee as necessary to achieve successful outcomes. Locally, JAG funds will be utilized to support a broad range of activities to prevent and control crime.

The grantee proposes to use the 2016 Justice Assistance Grant Program funding as follows:

PURPOSE AREAS:

JAG funds may be used for state and local initiatives, technical assistance, strategic planning, research and evaluation (including forensics), data collection, training, personnel, equipment, forensic laboratories, supplies, contractual support, and criminal justice information systems that will improve or enhance such areas as:

- . Law enforcement programs.

PROJECT NARRATIVE

Outline the Proposed program activities for the life of grant –

Funding for the proposed JAG 2016 Cold Case Project will pay for 2 part-time Consultants/Detectives to continue to re-open, re-investigate and, where possible, solve cold cases of homicide through the use of technology not available at the time the crime was committed.

Outline the type of programs to be funded by the JAG award –

The 2016 JAG grant will be used exclusively for the Cold Case Project noted above.

Provide a brief Analysis of the need for the programs –

Currently, the Fullerton Police Department has 25 unsolved cases of murder on its books going back over 40 years. Clearly, the crime of murder calls for the greatest use of police resources to ensure justice for the victim, the victim's loved ones, and the murderer. However, through a lack of evidence and witnesses, and - especially with decades-old crimes - a lack of technology, some crimes of murder were seemingly impossible to solve.

Now, recent and rather astounding advances in both the collection and analysis of evidence make it possible to solve previously unsolvable cases. Nonetheless, these cold cases will still require many hours of old-fashioned detective work, and with reduced budgets and a Police Department already stretched to its limits preventing and solving present-day crimes, these cold cases do not receive the attention and resources they deserve. The Department's ongoing Cold Case Project was initiated through JAG funding, and currently, our detectives are involved with four cold cases, two of which are close to completion.

2014 and 2015 JAG funds enabled these Cold Case detectives to identify a suspect for a 1983 homicide and submit their case to the District Attorney's Office. However, due to a finding of insufficient evidence and the inherent difficulties of cold cases, the DA's office chose not to pursue this case. Nonetheless, the detectives' hard work resulted in a measure of satisfaction and closure knowing that this 30-year old case had been given a very thorough second look and that everything that could be done was done, using current investigative techniques. The proposed JAG 2016 Cold Case Project would provide the needed manpower to continue three other cases which are especially time-consuming and difficult to investigate due to the many years which may have transpired since the crime was committed.

PROJECT GOALS

The primary goal of the project is to reopen and reinvestigate cold cases of homicide and, where possible, solve and prosecute these cases.

PROJECT STRATEGIES

With oversight from the Sergeant in charge of the Detective Unit, the Cold Case Project will utilize the expertise and experience of two retired police detectives acting as consultant/specialists to reopen, reinvestigate and, where possible, solve cold cases of murder. Having experienced retired detectives earning a modest hourly rate of \$32.87 per hour means that the funding dollars will go much further than paying regular detectives. Both of these detectives will work an estimated 10 hours per week (520 hours each) for

one year for a total of 1,040 man hours. The Fullerton Police Department will pay for any in-kind costs exceeding the JAG 2016 budget.

These detectives will review the Department's cold cases and give priority to those with DNA evidence which could now provide clues sufficient to bring a killer or killers to justice or at least bring closure to a case. Besides managing the newly-reopened cases and directing the processing of evidence, with the in-kind assistance of the CSI staff and the Orange County District Attorney's Lab, these detectives will also conduct interviews and other research as necessary. When sufficient evidence is produced and a murder suspect is identified, these cold cases will, whenever possible, be brought to the District Attorney's Office for prosecution.

The proposed 2016 JAG funding will allow our Cold Case detectives to continue focusing on two 2015 JAG-funded cold cases from 2001 and 2004, plus two very old cold cases from 1973 and 1977 that the detectives have just recently taken on.

PROJECT IDENTIFIERS

See 2016 JAG Identifiers (attached)

Cold Cases

BUDGET DETAIL AND NARRATIVE

Outline how JAG funds will be used to support and implement the program –

Include a **breakdown of costs** as well as an overview of how funds will be allocated across approved JAG purpose areas (i.e. Personnel, Training/Travel, Equipment, Supplies, Consultants/Contracts, and an Other category) –

All monies will be used to pay the \$32.87 per hour Personnel cost of the two Consultants/Detectives.

\$32.87/hr. x 2 detectives x 520 hrs.	\$34,184.80
Less In-Kind	<u>5,947.23</u>
TOTAL JAG 2016 COST	<u>\$28,237.57</u>

TIMELINE AND/OR PROJECT PLAN

Identify when the goals and objectives will be completed.

Due to the complexities of a cold case, a specific timeline and guarantee of solving a cold case is not possible. However, it is projected that cold case detectives will reopen, thoroughly investigate and, where possible, solve and bring for prosecution one to two cold cases within one year.

FUNDING

Total Allocation: \$31,027.00

Administrative Fee (9%): \$2,792.43

Funds Retained by City/County: \$28,234.57

Attachment B HOW TO APPLY FOR JAG GRANT REIMBURSEMENTS

2016-DJ-BX-0746

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

- A. Your agency's request for reimbursement in the amount of \$ _____;
- B. Reference the specific JAG Award Year and Number: 2016 JAG DJ-BX-0746.
- C. List of items purchased and types of costs being claimed for the quarter that match your city's initial write-up/request;
- D. 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;
- E. Letter is to be signed by the person authorized in the JAG Program MOU (City Manager).

2. Required attachments to the letter:

A. FEDERAL FINANCIAL REPORT

Your agency is required to submit quarterly Federal Financial Report using a Standard Form SF-425 (OMB). This report reflects the cumulative actual federal monies spent, unliquidated obligations incurred, and the unobligated balance of federal funds. The Federal Financial Report is due at the Sheriff's Department Financial Division by the due dates indicated below:

Qtr. ending 03-31-YY due no later than 4/10

Qtr. ending 06-30-YY due no later than 7/10

Qtr. ending 09-30-YY due no later than 10/10

Qtr. ending 12-31-YY due no later than 01/10

Reference guides for completing Federal Financial Reports is available at the DOJ-OJP website <http://www.ojp.usdoj.gov/funding/forms.htm>

B. INVOICE BILLING OCSD

- a. The package should include an invoice from the city billing the Orange County Sheriff's Department (OCSD). The invoice/bill should reference the grant name, grant number and quarter ending date.
- b. OCSD will reference your city's invoice number when reimbursement is made to your city.

C. BACKUP DOCUMENTS

- a. All invoices/receipts and relevant purchase orders pertaining to federal monies spent.
- b. Time Sheets and part of payroll register showing personnel name or other individual identifier and details of payroll costs claimed, if any.
- c. Copies of signed check(s) for purchase(s) and general ledger reports clearly indicating expenditures for the quarter.

All of the above documents must be provided to our office; otherwise your claim will not be processed. Please send your claims to:

Orange County Sheriff's Department-Financial/Admin. Division
Attn: Karla Lazaridis
320 N. Flower Street, Suite 108, Santa Ana, CA 92703

Contacts

*Please direct **program and compliance** related questions to Nancy Nguyen (NMNguyen@ocsd.org) and questions about **reporting** to Blanca Ramos (bramos@ocsd.org).*

Financial Inquiries: call Karla Lazaridis at Sheriff's Financial Management (714) 834-6675

9%

2016 Justice Assistance Grant (JAG) Local Allocations	Allocation	Admin Fee	Retained by City
CA ORANGE COUNTY (Sheriff's Department)	\$20,035.00	\$1,803.15	\$18,231.85
CA ANAHEIM CITY Municipal	\$93,640.00	\$8,427.60	\$85,212.40
CA BUENA PARK CITY Municipal	\$17,181.00	\$1,546.29	\$15,634.71
CA COSTA MESA CITY Municipal	\$21,983.00	\$1,978.47	\$20,004.53
CA FULLERTON CITY Municipal	\$31,027.00	\$2,792.43	\$28,234.57
CA GARDEN GROVE CITY Municipal	\$34,681.00	\$3,121.29	\$31,559.71
CA HUNTINGTON BEACH CITY Municipal	\$28,439.00	\$2,559.51	\$25,879.49
CA ORANGE CITY Municipal	\$11,311.00	\$1,017.99	\$10,293.01
CA SANTA ANA CITY Municipal	\$99,109.00	\$8,919.81	\$90,189.19
CA WESTMINSTER CITY Municipal	\$20,302.00	\$1,827.18	\$18,474.82
TOTALS	\$377,708.00	\$33,993.72	\$343,714.28

FY2016 EDWARD BYRNE MEMORIAL JUSTICE**ASSISTANCE GRANT PROGRAM REPORTING REQUIREMENTS****Programmatic Reporting****Categorical Assistance Progress Reports**

Reporting on the progress of the grant program is required. Some grants may require an annual submission of progress report information. Most programs require semiannual and/or quarterly reporting. Reporting requirements are specified in the grant solicitation and in the special conditions specified in the award. Questions concerning progress reporting should be directed to the Program Manager for the award.

Quarterly Programmatic (PMT) Reporting periods are:

January 1 – March 31

April 1 – June 30

July 1 – September 30

October 1 – December 31

Reporting requirements must be met during the life of the grant. A full explanation of these requirements can be found in the OJP *Financial Guide*, which may be accessed at <http://www.ojp.usdoj.gov/financialguide/index.htm>. Also check special conditions on awards for additional reporting requirements. GPRS will not permit access to funds if financial reporting is delinquent.

The following information concerns:

- Single Audit Reports
- Categorical Progress Reports
- Federal Financial Reports

Single Audit Reports

A special condition may be included with your award that details reporting requirements for audit reports. Please review and comply with that special condition. There is no form for submission of audit reports; however, a transmittal letter is needed. Information about the letter and the rules for single audits may be found in the OJP *Financial Guide*, Post award Requirements, Audit Requirements and in OMB Circular No. A-133, Audits of States, Local Governments, and Non-Profit Organizations.

The submission of audit reports for all grantees shall be as follows:

- **State and Local Governments, Institutions of Higher Education, and Nonprofit Institutions.** Completed audit reports for fiscal years earlier than 2007 should be mailed to the Federal Audit Clearinghouse, Bureau of Census, 1201 East 10th Street, Jeffersonville, IN 47132. Completed audit reports for fiscal years 2008 and later should be submitted on the Federal Audit Clearinghouse's Web site at <http://harvester.census.gov/sac>. **Do NOT submit your audit reports to OJP unless specifically requested.**

- **Commercial Organizations and Individuals.** One copy of all audit reports should be mailed to Office of Justice Programs, Office of the Chief Financial Officer, ATTN: Control Desk, 810 Seventh Street NW., Room 5303, Washington, DC 20531.

Contacts

*Please direct **program** and **compliance** related questions to Nancy Nguyen (NMNguyen@ocsd.org) and questions about **reporting** to Blanca Ramos (bramos@ocsd.org).*

Correspondence can be sent to:

Grant Operations
Orange County Sheriff-Coroner Dept.
Research & Development
431 The City Drive South
Orange, CA 92868
(714) 935-6869



U.S. Department of Justice
Office of Justice Programs

Bureau of Justice Assistance

Office of Justice Programs

Washington, D.C. 20531

August 16, 2016

Ms. Lisa Bartlett
County of Orange
10 Civic Center Plaza
Santa Ana, CA 92701

Dear Ms. Bartlett:

On behalf of Attorney General Loretta Lynch, it is my pleasure to inform you that the Office of Justice Programs has approved your application for funding under the FY 16 Edward Byrne Memorial Justice Assistance Grant (JAG) Program - Local Solicitation in the amount of \$377,708 for County of Orange.

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

If you have questions regarding this award, please contact:

- Program Questions, Gale Farquhar, Program Manager at (202) 598-9522; and
- Financial Questions, the Office of the Chief Financial Officer, Customer Service Center (CSC) at (800) 458-0786, or you may contact the CSC at ask.ocfo@usdoj.gov.

Congratulations, and we look forward to working with you.

Sincerely,

Denise O'Donnell
Director

Enclosures



OFFICE FOR CIVIL RIGHTS

Office of Justice Programs

U.S. Department of Justice

810 7th Street, NW
Washington, DC 20531

Tel: (202) 307-0690

TTY: (202) 307-2027

E-mail: askOCR@usdoj.gov

Website: www.ojp.usdoj.gov/ocr

August 16, 2016

Ms. Lisa Bartlett
County of Orange
10 Civic Center Plaza
Santa Ana, CA 92701

Dear Ms. Bartlett:

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

Ensuring Access to Federally Assisted Programs

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

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

Enforcing Civil Rights Laws

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

Providing Services to Limited English Proficiency (LEP) Individuals

In accordance with DOJ guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, recipients of federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). See U.S. Department of Justice, Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41,455 (2002). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website <http://www.lep.gov>.

Ensuring Equal Treatment for Faith-Based Organizations

The DOJ regulation, Equal Treatment for Faith-Based Organizations, 28 C.F.R. pt. 38, requires State Administering Agencies (SAAs) to treat faith-based organizations the same as any other applicant or recipient. The regulation prohibits SAAs from making awards or grant administration decisions on the basis of an organization's religious character or affiliation, religious name, or the religious composition of its board of directors.

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

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

Using Arrest and Conviction Records in Making Employment Decisions

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

Complying with the Safe Streets Act

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

Meeting the EEOP Requirement

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

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

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

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

Meeting the Requirement to Submit Findings of Discrimination


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

Ensuring the Compliance of Subrecipients

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


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

Sincerely,



Michael L. Alston
Director

cc: Grant Manager
Financial Analyst

 <p>U.S. Department of Justice Office of Justice Programs Bureau of Justice Assistance</p>	<p>Grant</p>	<p>PAGE 1 OF 13</p>																
<p>1. RECIPIENT NAME AND ADDRESS (Including Zip Code)</p> <p>County of Orange 10 Civic Center Plaza Santa Ana, CA 92701</p>	<p>4. AWARD NUMBER: 2016-DJ-BX-0746</p> <p>5. PROJECT PERIOD: FROM 10/01/2015 TO 09/30/2019 BUDGET PERIOD: FROM 10/01/2015 TO 09/30/2019</p> <p>6. AWARD DATE 08/16/2016</p> <p>7. ACTION Initial</p>																	
<p>2a. GRANTEE IRS/VENDOR NO. 950009281</p> <p>2b. GRANTEE DUNS NO. 111950874</p>	<p>8. SUPPLEMENT NUMBER 00</p> <p>9. PREVIOUS AWARD AMOUNT \$ 0</p>																	
<p>3. PROJECT TITLE FY 16 JAG Program</p>	<p>10. AMOUNT OF THIS AWARD \$ 377,708</p> <p>11. TOTAL AWARD \$ 377,708</p>																	
<p>12. SPECIAL CONDITIONS</p> <p>THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).</p>																		
<p>13. STATUTORY AUTHORITY FOR GRANT</p> <p>This project is supported under FY 16(BJA - JAG) 42 USC 3750, et seq.</p>																		
<p>14. CATALOG OF DOMESTIC FEDERAL ASSISTANCE (CFDA Number)</p> <p>16.738 - Edward Byrne Memorial Justice Assistance Grant Program</p>																		
<p>15. METHOD OF PAYMENT</p> <p>GPRS</p>																		
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>AGENCY APPROVAL</p> </div> <div style="width: 45%;"> <p>GRANTEE ACCEPTANCE</p> </div> </div>																		
<p>16. TYPED NAME AND TITLE OF APPROVING OFFICIAL</p> <p>Denise O'Donnell Director</p>	<p>18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL</p> <p>Lisa Bartlett Board of Supervisors Chair</p>																	
<p>17. SIGNATURE OF APPROVING OFFICIAL</p> <p><i>Denise O'Donnell</i></p>	<p>19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL</p> <p><i>Lisa Bartlett</i></p>	<p>19A. DATE</p> <p>8/23/16</p>																
<p>AGENCY USE ONLY</p>																		
<p>20. ACCOUNTING CLASSIFICATION CODES</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>FISCAL YEAR</th> <th>FUND CODE</th> <th>BUD. ACT.</th> <th>DIV. OFC.</th> <th>REG.</th> <th>SUB.</th> <th>POMS</th> <th>AMOUNT</th> </tr> </thead> <tbody> <tr> <td>X</td> <td>B</td> <td>DJ</td> <td>80</td> <td>00</td> <td>00</td> <td></td> <td>377708</td> </tr> </tbody> </table>	FISCAL YEAR	FUND CODE	BUD. ACT.	DIV. OFC.	REG.	SUB.	POMS	AMOUNT	X	B	DJ	80	00	00		377708	<p>21. RDJUGT0208</p>	
FISCAL YEAR	FUND CODE	BUD. ACT.	DIV. OFC.	REG.	SUB.	POMS	AMOUNT											
X	B	DJ	80	00	00		377708											

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

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

APPROVED AS TO FORM
OFFICE OF THE COUNTY COUNSEL
ORANGE COUNTY, CALIFORNIA

By: *Heidi R. De*
Date: 8/18/16 Deputy



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*SPECIAL 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 the Department of Justice (DOJ) in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this 2016 award from the Office of Justice Programs (OJP).

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

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

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

2. Compliance with DOJ Grants Financial Guide

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

3. Required training for Point of Contact and all Financial Points of Contact

Both the Point of Contact (POC) and all Financial Points of Contact (FPOCs) 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, 2015, will satisfy this condition.

In the event that either the POC or an FPOC for this award changes during the period of performance, the new POC or FPOC must have successfully completed an "OJP financial management and grant administration training" by 120 calendar days after -- (1) the date of OJP's approval of the "Change Grantee Contact" GAN (in the case of a new POC), or (2) the date the POC enters information on the new FPOC in GMS (in the case of a new FPOC). Successful completion of such a training on or after January 1, 2015, 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 <http://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.



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4. 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.

5. Requirement to report potentially duplicative funding

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

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

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

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

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

This special condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

7. 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 <http://ojp.gov/funding/Explore/SubawardAuthorization.htm> (Award condition: Award Condition: All subawards ("subgrants") must have specific federal authorization), and are incorporated by reference here.



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8. Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed \$150,000

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, \$150,000). 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 <http://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 \$150,000)), and are incorporated by reference here.

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

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

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

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

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

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

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

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

12. OJP Training Guiding Principles

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

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13. 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.

14. 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.

15. 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.

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

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

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

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

17. Restrictions on "lobbying"

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

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



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SPECIAL CONDITIONS**18. Compliance with general appropriations-law restrictions on the use of federal funds (FY 2016)**

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

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

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

The recipient and any subrecipients ("subgrantees") must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award -- (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

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

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



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

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

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

1. In accepting this award, the recipient--

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

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

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

a. it represents that--

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

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

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



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

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

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

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

22. 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.

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

24. The recipient agrees to comply with applicable requirements to report first-tier subawards of \$25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients of award funds. Such data will be submitted to the FFATA Subaward Reporting System (FSRS). The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the Office of Justice Programs web site at <http://ojp.gov/funding/Explore/FFATA.htm> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here. This condition, and its reporting requirement, does not apply to grant awards made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

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



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26. In order to promote information sharing and enable interoperability among disparate systems across the justice and public safety community, OJP requires the grantee to comply with DOJ's Global Justice Information Sharing Initiative (DOJ's Global) guidelines and recommendations for this particular grant. Grantee shall conform to the Global Standards Package (GSP) and all constituent elements, where applicable, as described at: http://www.it.ojp.gov/gsp_grantcondition. Grantee shall document planned approaches to information sharing and describe compliance to the GSP and appropriate privacy policy that protects shared information, or provide detailed justification for why an alternative approach is recommended.
27. To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdictions, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the grantee can demonstrate to the satisfaction of BJA that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.
28. The recipient agrees that any information technology system funded or supported by OJP funds will comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if OJP determines this regulation to be applicable. Should OJP determine 28 C.F.R. Part 23 to be applicable, OJP may, at its discretion, perform audits of the system, as per the regulation. Should any violation of 28 C.F.R. Part 23 occur, the recipient may be fined as per 42 U.S.C. 3789g(c)-(d). Recipient may not satisfy such a fine with federal funds.
29. 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.
30. Grantee agrees to comply with all confidentiality requirements of 42 U.S.C. section 3789g and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. Grantee further agrees, as a condition of grant approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, section 22.23.
31. Award recipients must verify Point of Contact(POC), Financial Point of Contact (FPOC), and Authorized Representative contact information in GMS, including telephone number and e-mail address. If any information is incorrect or has changed, a Grant Adjustment Notice (GAN) must be submitted via the Grants Management System (GMS) to document changes.
32. The grantee agrees that within 120 days of award acceptance, each current member of a law enforcement task force funded with these funds who is a task force commander, agency executive, task force officer, or other task force member of equivalent rank, will complete required online (internet-based) task force training. Additionally, all future task force members are required to complete this training once during the life of this award, or once every four years if multiple awards include this requirement. The training is provided free of charge online through BJA's Center for Task Force Integrity and Leadership (www.ctfli.org). This training addresses task force effectiveness as well as other key issues including privacy and civil liberties/rights, task force performance measurement, personnel selection, and task force oversight and accountability. When BJA funding supports a task force, a task force personnel roster should be compiled and maintained, along with course completion certificates, by the grant recipient. Additional information is available regarding this required training and access methods via BJA's web site and the Center for Task Force Integrity and Leadership (www.ctfli.org).
33. The recipient agrees to participate in BJA-sponsored training events, technical assistance events, or conferences held by BJA or its designees, upon BJA's request.



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34. Approval of this award does not indicate approval of any consultant rate in excess of \$650 per day. A detailed justification must be submitted to and approved by the Office of Justice Programs (OJP) program office prior to obligation or expenditure of such funds.
35. The grantee agrees to assist BJA in complying with the National Environmental Policy Act (NEPA), the National Historic Preservation Act, and other related federal environmental impact analyses requirements in the use of these grant funds, either directly by the grantee or by a subgrantee. Accordingly, the grantee agrees to first determine if any of the following activities will be funded by the grant, prior to obligating funds for any of these purposes. If it is determined that any of the following activities will be funded by the grant, the grantee agrees to contact BJA.

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

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

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

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

36. The recipient is required to establish a trust fund account. (The trust fund may or may not be an interest-bearing account.) The fund, including any interest, may not be used to pay debts or expenses incurred by other activities beyond the scope of the Edward Byrne Memorial Justice Assistance Grant Program (JAG). The recipient also agrees to obligate the grant funds in the trust fund (including any interest earned) during the period of the grant and expend within 90 days thereafter. Any unobligated or unexpended funds, including interest earned, must be returned to the Office of Justice Programs at the time of closeout.
37. JAG funds may be used to purchase vests for an agency, but they may not be used as the 50% match for purposes of the Bulletproof Vest Partnership (BVP) program.



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38. Ballistic-resistant and stab-resistant body armor purchased with JAG funds may be purchased at any threat level, make or model, from any distributor or manufacturer, as long as the vests have been tested and found to comply with applicable National Institute of Justice ballistic or stab standards and are listed on the NIJ Compliant Body Armor Model List (<http://nij.gov>). In addition, ballistic-resistant and stab-resistant body armor purchased must be American-made. The latest NIJ standard information can be found here: <http://www.nij.gov/topics/technology/body-armor/safety-initiative.htm>.
39. The recipient agrees to submit a signed certification that all law enforcement agencies receiving vests purchased with JAG funds have a written "mandatory wear" policy in effect. Fiscal agents and state agencies must keep signed certifications on file for any subrecipients planning to utilize JAG funds for ballistic-resistant and stab-resistant body armor purchases. This policy must be in place for at least all uniformed officers before any JAG funding can be used by the agency for body armor. There are no requirements regarding the nature of the policy other than it be a mandatory wear policy for all uniformed officers while on duty.
40. The recipient agrees to monitor subawards under this JAG award in accordance with all applicable statutes, regulations, OMB circulars, and guidelines, including the DOJ Financial Guide, and to include the applicable conditions of this award in any subaward. The recipient is responsible for oversight of subrecipient spending and monitoring of specific outcomes and benefits attributable to use of JAG funds by subrecipients. The recipient agrees to submit, upon request, documentation of its policies and procedures for monitoring of subawards under this award.
41. The recipient agrees that funds received under this award will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities.
42. Award recipients must submit quarterly Federal Financial Reports (SF-425) and semi-annual performance reports through GMS (<https://grants.ojp.usdoj.gov>). Consistent with the Department's responsibilities under the Government Performance and Results Act (GPRA), P.L. 103-62, applicants who receive funding under this solicitation must provide data that measure the results of their work. Therefore, quarterly performance metrics reports must be submitted through BJA's Performance Measurement Tool (PMT) website (www.bjaperformancetools.org). For more detailed information on reporting and other JAG requirements, refer to the JAG reporting requirements webpage. Failure to submit required JAG reports by established deadlines may result in the freezing of grant funds and future High Risk designation.
43. Any law enforcement agency receiving direct or sub-awarded JAG funding must submit quarterly accountability metrics data related to training that officers have received on the use of force, racial and ethnic bias, de-escalation of conflict, and constructive engagement with the public.
44. BJA strongly encourages the recipient to submit annual (or more frequent) JAG success stories. To submit a success story, sign in to your My BJA account at <https://www.bja.gov/Login.aspx> to access the Success Story Submission form. If you do not yet have a My BJA account, please register at <https://www.bja.gov/profile.aspx>. Once you register, one of the available areas on your My BJA page will be "My Success Stories". Within this box, you will see an option to add a Success Story. Once reviewed and approved by BJA, all success stories will appear on the new BJA Success Story web page at <https://www.bja.gov/SuccessStoryList.aspx>.
45. Recipient understands and agrees that award funds may not be used for items that are listed on the Controlled Expenditure List at the time of purchase or acquisition, including as the list may be amended from time to time, without explicit written prior approval from BJA. The Controlled Expenditure List, and instructions on how to request approval for purchase or acquisitions may be accessed here: <https://www.bja.gov/funding/JAGControlledPurchaseList.pdf>



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46. The recipient understands that, pursuant to recommendation 2.1 of Executive Order 13688, law enforcement agencies that acquire controlled equipment through Federal programs must adopt robust and specific written policies and protocols governing General Policing Standards and Specific Controlled Equipment Standards. General Policing Standards includes policies on (a) Community Policing; (b) Constitutional Policing; and (c) Community Input and Impact Considerations. Specific Controlled Equipment Standards includes policies specifically related to (a) Appropriate Use of Controlled Equipment; (b) Supervision of Use; (c) Effectiveness Evaluation; (d) Auditing and Accountability; and (e) Transparency and Notice Considerations. Upon OJP's request, the recipient agrees to provide a copy of the General Policing Standards and Specific Controlled Equipment Standards, and any related policies and protocols.
47. Recipient understands and agrees that the purchase or acquisition of any item on the Controlled Expenditure List at the time of purchase or acquisition, including as the list may be amended from time to time, with award funds by an agency will trigger a requirement that the agency collect and retain (for at least 3 years) certain information about the use of 1) any federally-acquired Controlled Equipment in the agency's inventory, and 2) any other controlled equipment in the same category as the federally-acquired controlled equipment in the agency's inventory, regardless of source; and make that information available to BJA upon request. Details about what information must be collected and retained may be accessed here: https://www.whitehouse.gov/sites/default/files/docs/le_equipment_wg_final_report_final.pdf
48. Recipient understands and agrees that failure to comply with conditions related to Prohibited or Controlled Expenditures may result in a prohibition from further Controlled Expenditure approval under this or other federal awards.
49. Recipient understands and agrees that award funds may not be used for items that are listed on the Prohibited Expenditure List at the time of purchase or acquisition, including as the list may be amended from time to time. The Prohibited Expenditure list may be accessed here: <https://www.bja.gov/funding/JAGControlledPurchaseList.pdf>.
50. Recipient understands and agrees that, notwithstanding 2 CFR § 200.313, no equipment listed on the Controlled Expenditure List that is purchased under this award may be transferred or sold to a third party, except as described below:
 - a. Agencies may transfer or sell any controlled equipment, except riot helmets and riot shields, to a Law Enforcement Agency (LEA) after obtaining prior written approval from BJA. As a condition of that approval, the acquiring LEA will be required to submit information and certifications to BJA as if it was requesting approval to use award fund for the initial purchase of items on the Controlled Expenditure List.
 - b. Agencies may not transfer or sell any riot helmets or riot shields purchased under this award.
 - c. Agencies may not transfer or sell any Controlled Equipment purchased under this award to non-LEAs, with the exception of fixed wing aircraft, rotary wing aircraft, and command and control vehicles. Before any such transfer or sale is finalized, the agency must obtain prior written approval from BJA. All law enforcement-related and other sensitive or potentially dangerous components, and all law enforcement insignias and identifying markings must be removed prior to transfer or sale.

Recipient further understands and agrees to notify BJA prior to the disposal of any items on the Controlled Expenditure List purchased under this award, and to abide by any applicable laws and regulations in such disposal.
51. The recipient may not expend or draw down any funds under this award until it has submitted to the Bureau of Justice Assistance (BJA) the required certification related to its body-worn camera policies and procedures and a Grant Adjustment Notice has been issued removing this special condition.



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52. Recipient may not expend or drawdown funds until the Bureau of Justice Assistance (BJA) has received documentation demonstrating that the state or local governing body review and public comment requirements have been met and a Grant Adjustment Notice (GAN) has been approved releasing this special condition.
53. The recipient may not expend or draw down any award funds until: (1) it has provided to the grant manager for this OJP award either an "applicant disclosure of pending applications" for federal funding or a specific affirmative statement that no such pending applications (whether direct or indirect) exist, in accordance with the detailed instructions in the program solicitation, (2) OJP has completed its review of the information provided and of any supplemental information it may request, (3) the recipient has made any adjustments to the award that OJP may require to prevent or eliminate any inappropriate duplication of funding (e.g., budget modification, project scope adjustment), (4) if appropriate adjustments to a discretionary award cannot be made, the recipient has agreed in writing to any necessary reduction of the award amount in any amount sufficient to prevent duplication (as determined by OJP), and (5) a Grant Adjustment Notice has been issued removing this special condition.

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

Washington, D.C. 20531

Memorandum To: Official Grant File

From: Orbin Terry, NEPA Coordinator

Subject: Incorporates NEPA Compliance in Further Developmental Stages for County of Orange

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

The specified activities requiring environmental analysis are:

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

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

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

VS



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

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

Grant

PROJECT NUMBER

2016-DJ-BX-0746

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

1. STAFF CONTACT (Name & telephone number)

Gale Farquhar
(202) 598-9522

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

Linh Vuong
Revenue/Audit Manager
320 N. Flower
Brad Gates Building - Financial Svcs
Santa Ana, CA 92703-5000
(714) 834-5460

3a. TITLE OF THE PROGRAM

2016 Edward Byrne Memorial Justice Assistance Grant Program

3b. POMS CODE (SEE INSTRUCTIONS
ON REVERSE)

4. TITLE OF PROJECT

FY 16 JAG Program

5. NAME & ADDRESS OF GRANTEE

County of Orange
10 Civic Center Plaza
Santa Ana, CA 92701

6. NAME & ADDRESS OF SUBGRANTEE

7. PROGRAM PERIOD

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

8. BUDGET PERIOD

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

9. AMOUNT OF AWARD

\$ 377,708

10. DATE OF AWARD

08/16/2016

11. SECOND YEAR'S BUDGET

12. SECOND YEAR'S BUDGET AMOUNT

13. THIRD YEAR'S BUDGET PERIOD

14. THIRD YEAR'S BUDGET AMOUNT

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

The Edward Byrne Memorial Justice Assistance Grant Program (JAG) allows states and units of local government, including tribes, to support a broad range of activities to prevent and control crime based on their own state and local needs and conditions. Grant funds can be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice, including for any one or more of the following program areas: 1) law enforcement programs; 2) prosecution and court programs; 3) prevention and education programs; 4) corrections and community corrections programs; 5) drug treatment and enforcement programs; 6) planning, evaluation, and technology improvement programs; and 7) crime victim and witness programs (other than compensation). The Orange County Sheriff Coroner Department will serve as the fiscal agent for the FY 16 JAG Grant and funds will be used to support a broad range of activities to prevent and control crime in Orange County, California.

NCA/NCF