



AGENDA REPORT

Meeting Date: April 21, 2009
Item Number: F-6
To: Honorable Mayor & City Council
From: David L. Snowden
Subject: **RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS
APPLYING FOR THE EDWARD BYRNE MEMORIAL JUSTICE
ASSISTANCE GRANT PROGRAM UNDER THE RECOVERY ACT**

Attachments:

1. Resolution
2. Grant Program and Budget Narrative

RECOMMENDATION

It is recommended that the City Council adopt the resolution authorizing the City Manager to negotiate the terms of and execute a memorandum of understanding (MOU) with the City of Los Angeles and apply for the Edward Byrne Memorial Justice Assistance Grant program under the American Recovery and Reinvestment Act of 2009 (Recovery Act).

INTRODUCTION

The Edward Byrne Memorial Justice Assistance Grant (JAG) program is the primary provider of federal criminal justice funding to state and local jurisdictions. JAG funds support all components of the criminal justice system, from multijurisdictional drug and gang task forces to crime prevention and domestic violence programs, courts, corrections, treatment, and justice information sharing initiatives. Established to streamline justice funding and grant administration, the JAG Program allows states, tribes, and local governments to support a broad range of activities to prevent and control crime based on their own local needs and conditions.

The stated purposes of the Recovery Act are: to preserve and create jobs and promote economic recovery; to assist those most impacted by the recession; to provide investments needed to increase economic efficiency by spurring technological advances in science and health; to invest in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits; and to stabilize State and

local government budgets, in order to minimize and avoid reductions in essential services and counterproductive State and local tax increases.

DISCUSSION

Under the Recovery Act, the City has received a \$67,514 formula allocation from the Bureau of Justice Assistance's (BJA) JAG program. The resolution before the City Council allows the Police Department to submit an application for these funds and, if awarded, hire a consultant to provide computer forensic examination services. This consultant will assist sworn law enforcement personnel in the investigation of crimes which involve suspects who use computers and other digital media to store evidence of their crimes or use computers to commit crimes.

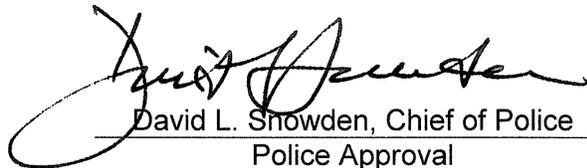
For purposes of the JAG program under the Recovery Act, and with the input of the state's Attorney General, BJA has determined that the City is part of the Los Angeles county disparate allocation region along with 78 other jurisdictions. This disparate allocation occurs because the cities of Los Angeles County are collectively eligible to receive four times more than the County of Los Angeles. Per BJA guidelines, disparate allocation regions must identify a fiscal agent and submit a joint application for JAG funds. Additionally, a Memorandum of Understanding (MOU) that identifies which jurisdiction will serve as the applicant and fiscal agent for joint funds must be completed and signed by the Authorized Representative for each participating jurisdiction. The City of Los Angeles has been designated as the applicant and fiscal agent for the Los Angeles County region.

FISCAL IMPACT

While the City has received a \$67,514 formula allocation from BJA, this amount is subject to change due to administrative costs that may be imposed by the City of Los Angeles for serving as the fiscal agent for the grant. Ultimately, the number of consulting hours that the City will be able to procure will be determined by the formula allocation, less the City of Los Angeles' administrative fees. If awarded, an appropriation for the net grant award will be requested to hire the consultant. The City will be reimbursed by the City of Los Angeles for authorized grant expenditures.



Scott G. Miller, Director
Finance Approval



David L. Snowden, Chief of Police
Police Approval

Attachment 1

Resolution

RESOLUTION NO. 09-R-_____

RESOLUTION OF THE COUNCIL OF THE CITY
OF BEVERLY HILLS APPLYING FOR THE
EDWARD BYRNE MEMORIAL JUSTICE
ASSISTANCE GRANT PROGRAM UNDER THE
RECOVERY ACT

The Council of the City of Beverly Hills does hereby resolve as follows:

Section 1. The Bureau of Justice Assistance (BJA) administers the Edward Byrne Memorial Justice Assistance Grant program.

Section 2. The City of Los Angeles has been designated as the fiscal agent for the Los Angeles County Region for the Edward Byrne Memorial Justice Assistance Grant program (the “Grant”) under the American Recovery and Reinvestment Act of 2009 (“Recovery Act”).

Section 3. The City Manager is authorized and directed by the City Council to negotiate the terms of and execute a memorandum of understanding with the City of Los Angeles to apply for Recovery Act funds under the Grant.

Section 4. The City hereby appoints the City Manager or his designee as agent of the City of Beverly Hills to apply for and accept Grant funds from BJA, and to execute and submit all documents including, but not limited to, applications, agreements, amendments, and payment requests, which may be necessary for administration of the Grant.

Section 5. The City Clerk shall certify to the adoption of the Resolution and shall cause the Resolution and his certification to be entered in the Book of Resolutions of the Council of the City.

Adopted:

NANCY KRASNE
Mayor of the City of Beverly Hills,
California

ATTEST:

_____(SEAL)
BYRON POPE
City Clerk

APPROVED AS TO FORM:



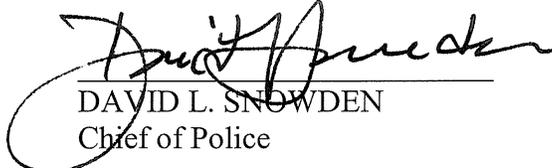
LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

RODERICK J. WOOD, CCM
City Manager



SCOTT G. MILLER
Director of Administrative Services/
Chief Financial Officer



DAVID L. SNOWDEN
Chief of Police

Attachment 2

Grant Program and Budget Narrative

City of Beverly Hills - Police Department

**RECOVERY ACT: EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT
(JAG) FORMULA PROGRAM – LOCAL SOLICITATION**

PROGRAM NARRATIVE

SUMMARY OF PROPOSED PROGRAM ACTIVITIES

The City of Beverly Hills proposes to hire a consultant to provide computer forensic examination services with the \$67,514 it has been allocated by the Recovery Act Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program. This consultant will assist sworn law enforcement personnel in the investigation of crimes which involve suspects who use computers and other digital media to store evidence of their crimes or use computers to commit crimes. The project period will begin on July 1, 2009 and will end on June 30, 2013.

BACKGROUND

The Beverly Hills Police Department (BHPD) operates a satellite office of the Southern California High Tech Task Force (SCHTTF). This satellite office serves cities on the westside of Los Angeles County and assists law enforcement efforts to investigate and solve “high tech crimes” and uncover evidence of crimes located on personal computers, digital video recorders, and other digital storage devices. BHPD has dedicated two full-time sworn staff members (one police sergeant and one police officer) to this task force assignment. Additionally, the Santa Monica Police Department and the Los Angeles County Sheriff’s Department have both contributed full-time personnel to support this regional effort.

BRIEF ANALYSIS – NEED FOR PROGRAM

Law enforcement agencies nationwide are confronted with the ever increasing problem of computers and other digital devices involved in the commission of crimes. While these types of devices used to be significantly involved in Part II crimes (forgery, fraud, embezzlement, etc.), they are now becoming a prime source of evidence for Part I crimes as well. With the mass availability of cellular telephones, laptop computers, and other digitally-based equipment, criminals are using these devices to commit crimes or store evidence of their crimes. BHPD needs powerful and effective technology tools to aid in the investigation, solving, and prosecution of these crimes.

Computer forensic work is, by its very nature, time-consuming and labor-intensive. Extensive training is required in order to develop the highly specialized skills to become a proficient computer forensic examiner, and it can often take many hours to extract key evidence from electronic devices. In 2008, BHPD formed a Computer Forensics Unit to handle an increased volume of digital evidence that was seized by investigators. This unit was staffed by two sworn personnel who had received extensive training in the acquisition and examination of digital evidence; the unit was tasked with supporting the entire department's computer forensics needs. Over the past year, the unit has been requested by BHPD and other law enforcement agencies in the region to examine over 400 devices. Since digital devices are becoming involved in more and more crimes, BHPD believes that a backlog of evidence will grow without the addition of more personnel to the unit.

In attempt to increase both efficiency and effectiveness, BHPD uses civilian personnel—where appropriate—to perform specialized tasks and assist its sworn staff.

BHPD has identified an opportunity to augment the Computer Forensics Unit's sworn staff in their examination of digital devices by hiring a consultant to provide computer forensic examination services. This consultant would work with the Computer Forensic Unit staff, and other members of the SCHTTF, under the direction of a police sergeant. The consultant will assist with enhancing digital audio and video recordings and performing examinations of legally seized storage media for the purposes of discovering digital evidence to present in court. By utilizing the services of a consultant for computer forensic examinations, BHPD will be able to solve crimes and apprehend suspects in a timelier manner while minimizing its backlog of digital evidence.

ANTICIPATED COORDINATION EFFORTS INVOLVING JAG AND RELATED JUSTICE FUNDS

The City of Beverly Hills will utilize the Recovery Act JAG funds to expand its growing Computer Forensics Unit. The City is also applying for the Recovery Act's Edward Byrne Memorial Competitive Grant Program to fund a Crime Analyst position to also assist BHPD in the identification and apprehension of crime suspects. Should the opportunity arise, the City would apply for other Department of Justice grants that would further expand the City's ability to solve crimes.

SPECIFIC REQUIREMENTS OF THE RECOVERY ACT

Project Objectives:

The City of Beverly Hills has identified the following project objectives that are consistent with the goals of the Recovery act:

- Use JAG funding to create 0.71 FTE of a job (1,485 hours) during grant period.
- Increase economic efficiency and avoid reductions in law enforcement services by using a consultant to augment sworn personnel.

The volume of evidence that the Computer Forensics Unit has been requested to process over the past year clearly shows that BHPD will be able to achieve these objectives prior to the end of the project period.

Organization Capabilities and Competencies

BHPD's Computer Forensic Unit is already in operation and has the immediate need for the additional support that will be provided by the consultant. The City maintains an accounting system that will track all drawdown and grant expenditures in a separate fund. This system is already used to track other grants awarded to the City by the Department of Justice.

Expediting Activities and Maximization of Job Creation and Economic Benefits

- BHPD's Computer Forensics Unit has an existing backlog of cases that the consultant can immediately begin working on.
- The City's plan to use its Recovery Act JAG funds will maximize job creation by creating 0.71 FTE of a job.
- The City's plan to use its Recovery Act JAG funds will maximize economic resources by hiring a consultant to assist full-time employees and allowing those

employees to focus their attention on cases that require investigations by sworn police officers.

Timeline

Task	Year	Month
Finalize Grant Award and Contractual Matters	1	3
Set Up Internal Grant Accounting and Tracking	1	3
Quarterly Reporting	1	3
Enter into Agreement with Consultant to Perform Services	1	3
Consultant Provides Computer Forensic Examination Services - Start	1	4
Quarterly Reporting	1	6
Quarterly Reporting	1	9
Quarterly Reporting	1	12
Quarterly Reporting	2	3
Quarterly Reporting	2	6
Quarterly Reporting	2	9
Consultant Provides Computer Forensic Examination Services - End	2	12
Quarterly Reporting	2	12
Submit Final Report and Evaluation to BJA	2	12

City of Beverly Hills - Police Department

**RECOVERY ACT: EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT
(JAG) FORMULA PROGRAM – LOCAL SOLICITATION**

BUDGET AND BUDGET NARRATIVE

BUDGET

G. Consultants/Contracts

Consultant Fees

Name of Consultant	Service Provided	Computation	Total
Unknown	Computer Forensic Examination Services	\$45.46/hour x 1,485.13 hours	\$67,514.00

Budget Summary

Budget Category	Total
G. Consultants/Contracts	\$67,514.00
Total Project Costs	\$67,514.00
Total Federal Funds Request	\$67,514.00

BUDGET NARRATIVE

G. Consultants/Contracts

The City of Beverly Hills will follow its formal, written procurement policy to hire a consultant to provide computer forensic examination services. This consultant will assist sworn law enforcement personnel in the investigation of crimes which involve suspects who use computers and other digital media to store evidence of their crimes or use computers to commit crimes. The consultant will be paid \$45.46 per hour. JAG funding under the Recovery Act will provide \$67,514 for these consulting services and will enable the City to create one job (0.71 FTE) by hiring a consultant to work for a total of 1,485 hours.