



AGENDA REPORT

Meeting Date: July 22, 2010
Item Number: E-3
To: Honorable Mayor & City Council
From: David L. Snowden
Subject: **RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS
APPLYING FOR THE FY 2010 EDWARD BYRNE MEMORIAL
JUSTICE ASSISTANCE GRANT PROGRAM**

Attachments:

1. Resolution
2. Grant Application

RECOMMENDATION

It is recommended that the City Council adopt the resolution approving the application for the FY 2010 Edward Byrne Memorial Justice Assistance Grant (JAG) Program.

INTRODUCTION

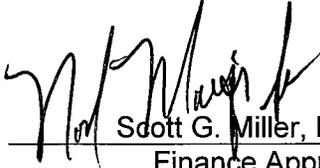
The Edward Byrne Memorial Justice Assistance Grant (JAG) program is the primary provider of federal criminal justice funding to state and local jurisdictions. JAG funds support all components of the criminal justice system, from multijurisdictional drug and gang task forces to crime prevention and domestic 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.

DISCUSSION

The City has received a \$15,176 formula allocation from the Bureau of Justice Assistance's (BJA) for the FY 2010 JAG program. The resolution before the City Council allows the Police Department to submit an application for these funds and, if awarded, fund the analysis of additional DNA evidence. The analysis of DNA evidence will be used by investigators to identify suspects and solve crimes.

FISCAL IMPACT

The City has received a \$15,176 formula allocation from BJA. This action requests the award of the allocated funds. If awarded, an appropriation for \$15,176 will be requested to fund DNA analysis. The City will be reimbursed by the United States Department of Justice for authorized grant expenditures.



Scott G. Miller, Director
Finance Approval



David L. Snowden, Chief of Police
Police Approval

Attachment 1

Resolution

RESOLUTION NO. 10-R-

RESOLUTION OF THE COUNCIL OF THE CITY OF
BEVERLY HILLS APPLYING FOR THE FY 2010
EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE
GRANT PROGRAM

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

Section 1. The Bureau of Justice Assistance administers the Edward Byrne Memorial Justice Assistance Grant program (“Grant”). The City of Beverly Hills (“City”) desires to apply for and accept the Grant.

Section 2. City hereby appoints the City Manager or his designee as its agent to apply for and accept the Grant, 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 3. 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.

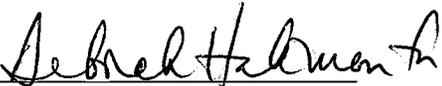
Adopted:

JIMMY DELSHAD
Mayor of the City of Beverly Hills,
California

ATTEST:

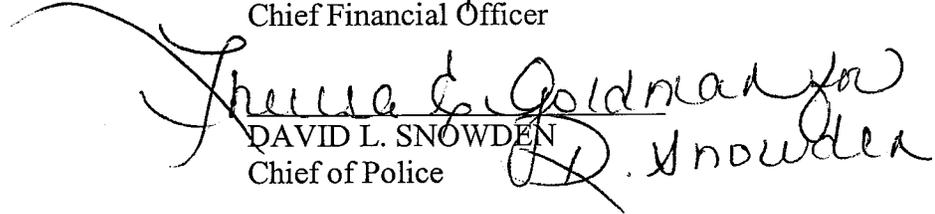
(SEAL)
BYRON POPE
City Clerk

APPROVED AS TO FORM:


LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:


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


DAVID L. SNOWDEN
Chief of Police

Attachment 2

Grant Application

City of Beverly Hills - Police Department

**EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM –
FY 2010 LOCAL SOLICITATION**

PROGRAM NARRATIVE
(Attachment 1)

SUMMARY OF PROPOSED PROGRAM ACTIVITIES

The City of Beverly Hills proposes to fund the analysis of additional DNA evidence with the \$15,176 it has been allocated by the 2010 Edward Byrne Memorial Justice Assistance Grant (JAG) Program. This DNA analysis will be used to provide for the presentation of scientific evidence in serious criminal cases. The project period will begin on October 1, 2010 and will end on September 30, 2013.

BRIEF ANALYSIS – NEED FOR PROGRAM

The Beverly Hills Police Department (BHPD) currently contracts with and routinely submits DNA evidence obtained from major crimes against persons cases (including homicides and sexual assaults) to the Orange County Sheriff's Department for analysis. However, budget limitations have prevented BHPD from submitting DNA evidence for analysis in other serious criminal cases and consequently have prevented it solving and/or successfully prosecuting suspects in these crimes. With additional funding, BHPD would be able to submit more DNA evidence for analysis and thereby will be able to identify more suspects and solve more crimes.

An increase in sexual assault and violent assault cases has occurred in the City of Beverly Hills wherein DNA evidence was crucial to successful prosecution. Based on the current trends and the impact of the nation's economic downturn on the emotional stability of the populace as a

whole, it is anticipated that BHPD will need to submit even more samples for DNA testing in the coming years. Additionally, BHPD recently investigated two major burglary cases in which suspects were arrested and DNA evidence proved crucial in connecting them to the crime scenes.

Perhaps the most beneficial reason for increasing BHPD's funding for analysis and enabling it to test more DNA evidence is the newest implementation phase of California's Proposition 69. Effective January 1, 2009, this law dramatically increased the number of people who are required to submit DNA samples to the State of California's database. Essentially all suspects who are arrested for felony offenses are required to submit buccal DNA samples. In contrast, the previous provisions called for testing for only certain specified offenses and in some cases required conviction as a condition for imposing sampling. With the large influx of DNA samples that is resulting from the implementation of this new phase of the law, the likelihood of successfully matching suspects to their crimes has increased significantly. By submitting more of its DNA evidence for analysis, BHPD will be more successful at solving crimes and prosecuting cases.

ANTICIPATED COORDINATION EFFORTS INVOLVING JAG AND RELATED JUSTICE FUNDS

The City of Beverly Hills will utilize the FY 2010 JAG funds to increase its ability to analyze DNA evidence and solve crimes. The City has also been awarded a grant from the FY 2009 Edward Byrne Memorial Justice Assistance Grant (JAG) Program to fund the analysis of additional DNA evidence. Should the opportunity arise, the City would apply for other Department of Justice grants that would further expand its ability to analyze DNA evidence to solve crimes.

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
Submit DNA Evidence for Analysis – 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
Quarterly Reporting	2	12
Quarterly Reporting	3	3
Quarterly Reporting	3	6
Quarterly Reporting	3	9
Submit DNA Evidence for Analysis – End	3	12
Submit Final Report and Evaluation to BJA	3	12

City of Beverly Hills - Police Department

**EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM –
FY 2010 LOCAL SOLICITATION**

**BUDGET AND BUDGET NARRATIVE
(Attachment 2)**

BUDGET

G. Consultants/Contracts

Consultant Fees

Name of Consultant	Service Provided	Computation	Total
Orange County Sheriff's Department	DNA Analysis	\$148.89 per hour X 101.93 hours	\$15,176

Budget Summary

Budget Category	Total
G. Consultants/Contracts	\$15,176
Total Project Costs	\$15,176
Total Federal Funds Request	\$15,176

BUDGET NARRATIVE

G. Consultants/Contracts

The City of Beverly Hills will follow its formal, written procurement policy to hire a consultant to provide DNA analysis services. This consultant will assist sworn law enforcement personnel in the identification of crime suspects. Currently, the consultant charges \$148.89 per hour for DNA analysis. FY 2010 JAG funding will provide \$15,176 for these consulting services.

City of Beverly Hills Police Department

**EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM
FY 2010**

REVIEW NARRATIVE
(Attachment 3)

The governing body of the City of Beverly Hills is the City Council. The City Council will review the JAG program application at its July 20, 2010 meeting and will provide an opportunity for public comment by citizens and neighborhood or community organizations. The City's proposed use of the funds will also be posted on the City's website and will inform citizens and neighborhood or community organizations of their opportunities to comment in person at the July 20, 2010 City Council meeting, via email by submitting comments to the Police Department Webmaster, or via U.S. Mail by submitting comments to the Police Department Grant Coordinator.

City of Beverly Hills Police Department

**EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM
FY 2010**

**ABSTRACT
(Attachment 4)**

Applicant Name: City of Beverly Hills
Project Title: Additional DNA Analysis

The City of Beverly Hills proposes to fund the analysis of additional DNA evidence with the \$15,176 it has been allocated by the 2010 Edward Byrne Memorial Justice Assistance Grant (JAG) Program. DNA evidence has proven to be instrumental in the successful prosecution of the rising number sexual assault and violent assault cases that have occurred in the City of Beverly Hills. Based on the current trends, the impact of the nation's economic downturn on the emotional stability of the populace as a whole, and the ever-growing database of DNA samples in California, it is anticipated that the City will need to submit even more samples for DNA testing in the coming years. This DNA analysis will be used to provide for the presentation of scientific evidence in serious criminal cases. The project period will begin on October 1, 2010 and will end on September 30, 2013.

CA	BANNING CITY	Municipal	\$20,986
CA	BELL CITY	Municipal	\$18,952
CA	BELL GARDENS CITY	Municipal	\$27,376
CA	BELLFLOWER CITY	Municipal	\$54,025
CA	BEVERLY HILLS CITY	Municipal	\$15,176
CA	BLYTHE CITY	Municipal	\$10,457
CA	BURBANK CITY	Municipal	\$27,630
CA	GALEXICO CITY	Municipal	\$11,001
CA	CAMARILLO CITY	Municipal	\$10,348
CA	CARLSBAD CITY	Municipal	\$31,733
CA	CARSON CITY	Municipal	\$72,143
CA	CATHEDRAL CITY	Municipal	\$24,616
CA	CERES CITY	Municipal	\$20,151
CA	CERRITOS CITY	Municipal	\$16,338
CA	CHULA VISTA CITY	Municipal	\$98,030
CA	CLOVIS CITY	Municipal	\$15,576
CA	COACHELLA CITY	Municipal	\$27,957
CA	COMMERCE CITY	Municipal	\$14,850
CA	COMPTON CITY	Municipal	\$182,735
CA	CORONA CITY	Municipal	\$34,528
CA	COVINA CITY	Municipal	\$19,424
CA	CUDAHY CITY	Municipal	\$15,176
CA	CULVER CITY	Municipal	\$19,170
CA	DELANO CITY	Municipal	\$31,442
CA	DESERT HOT SPRINGS CITY	Municipal	\$32,241
CA	DIAMOND BAR CITY	Municipal	\$11,800
CA	DINUBA CITY	Municipal	\$18,916
CA	DOWNEY CITY	Municipal	\$51,484
CA	EL CAJON CITY	Municipal	\$54,280
CA	EL DORADO COUNTY	County	\$31,987
CA	EL MONTE CITY	Municipal	\$76,754
CA	EL PASO DE ROBLES CITY	Municipal	\$11,473
CA	ELK GROVE CITY	Municipal	\$49,451
CA	ENCINITAS CITY	Municipal	\$16,484
CA	ESCONDIDO CITY	Municipal	\$70,327
CA	FOLSOM CITY	Municipal	\$10,565
CA	GARDENA CITY	Municipal	\$48,035
CA	GILROY CITY	Municipal	\$26,178
CA	GLENDALE CITY	Municipal	\$39,720
CA	HANFORD CITY	Municipal	\$20,659

APPLICATION FOR FEDERAL ASSISTANCE	2. DATE SUBMITTED	Applicant Identifier
1. TYPE OF SUBMISSION Application Non-Construction	3. DATE RECEIVED BY STATE	State Application Identifier
	4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier
5. APPLICANT INFORMATION		
Legal Name CITY OF BEVERLY HILLS		Organizational Unit POLICE DEPARTMENT
Address 455 N REXFORD DR BEVERLY HILLS, California 90210-4857		Name and telephone number of the person to be contacted on matters involving this application LEE, ERICK (310) 285-2185
6. EMPLOYER IDENTIFICATION NUMBER (EIN) 95-6000678		7. TYPE OF APPLICANT Municipal
8. TYPE OF APPLICATION New		9. NAME OF FEDERAL AGENCY Bureau of Justice Assistance
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: 16.738 CFDA EDWARD BYRNE MEMORIAL JUSTICE TITLE: ASSISTANCE GRANT PROGRAM		11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT Additional DNA Analysis
12. AREAS AFFECTED BY PROJECT City of Beverly Hills		
13. PROPOSED PROJECT Start Date: October 01, 2010 End Date: September 30, 2013		14. CONGRESSIONAL DISTRICTS OF a. Applicant b. Project CA30
15. ESTIMATED FUNDING		16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS? Program has not been selected by state for review
Federal	\$15,176	
Applicant	\$0	
State	\$0	
Local	\$0	

Other	\$0	17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT? N
Program Income	\$0	
TOTAL	\$15,176	
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS REQUIRED.		

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OMB APPROVAL
NUMBER 1121-0140

EXPIRES 12/31/2012

STANDARD ASSURANCES

The Applicant hereby assures and certifies compliance with all applicable Federal statutes, regulations, policies, guidelines, and requirements, including OMB Circulars A-21, A-87, A-102, A-110, A-122, A-133; Ex. Order 12372 (intergovernmental review of federal programs); and 28 C.F.R. pts. 66 or 70 (administrative requirements for grants and cooperative agreements). The applicant also specifically assures and certifies that:

1. It has the legal authority to apply for federal assistance and the institutional, managerial, and financial capability (including funds sufficient to pay any required non-federal share of project cost) to ensure proper planning, management, and completion of the project described in this application.
2. It will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
3. It will give the awarding agency or the General Accounting Office, through any authorized representative, access to and the right to examine all paper or electronic records related to the financial assistance.
4. It will comply with all lawful requirements imposed by the awarding agency, specifically including any applicable regulations, such as 28 C.F.R. pts. 18, 22, 23, 30, 35, 38, 42, 61, and 63, and the award term in 2 C.F.R. § 175.15(b).
5. It will assist the awarding agency (if necessary) in assuring compliance with section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. § 470), Ex. Order 11593 (identification and protection of historic properties), the Archeological and Historical Preservation Act of 1974 (16 U.S.C. § 469 a-1 et seq.), and the National Environmental Policy Act of 1969 (42 U.S.C. § 4321).
6. It will comply (and will require any subgrantees or contractors to comply) with any applicable statutorily-imposed nondiscrimination requirements, which may include the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3789d); the Victims of Crime Act (42 U.S.C. § 10604(e)); The Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. § 5672(b)); the Civil Rights Act of 1964 (42 U.S.C. § 2000d); the Rehabilitation Act of 1973 (29 U.S.C. § 7 94); the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131-34); the Education Amendments of 1972 (20 U.S.C. §§1681, 1683, 1685-86); and the Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-07); see Ex. Order 13279 (equal protection of the laws for faith-based and community organizations).
7. If a governmental entity:
 - a. it will comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. § 4601 et seq.), which govern the treatment of persons displaced as a result of federal and federally-assisted programs; and
 - b. it will comply with requirements of 5 U.S.C. §§ 1501-08 and §§ 7324-28, which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by federal assistance.

Accept

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h1>U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS
OFFICE OF THE CHIEF FINANCIAL OFFICER

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Acceptance of this form provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying," 2 CFR Part 2867, "DOJ Implementation of OMB Guidance of Nonprocurement Debarment and Suspension," and 28 CFR Part 83, "Government-wide Debarment and Suspension," and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Justice determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR Part 69, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all sub-recipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (DIRECT RECIPIENT)

As required by Executive Order 12549, Debarment and Suspension, and implemented at 2 CFR Part 2867, for prospective participants in primary covered transactions, as defined at 2 CFR Section 2867.20(a):

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default.

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 83, Subpart F, for grantees, as defined at 28 CFR Sections 83.620 and 83.650:

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 810 7th Street, N.W., Washington, D.C. 20531. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

Accept