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AMERICAN CIVIL LIBERTIES UNION
 FOUNDATION OF NORTHERN CALIFORNIA
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Attorneys for Plaintiffs

Additional counsel listed on signature page of Plaintiffs' Motions

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

WILEY GILL; JAMES PRIGOFF; TARIQ
 RAZAK; KHALID IBRAHIM; and AARON
 CONKLIN,

Plaintiffs,

v.

DEPARTMENT OF JUSTICE; LORETTA
 LYNCH, in her official capacity as the
 Attorney General of the United States;
 PROGRAM MANAGER – INFORMATION
 SHARING ENVIRONMENT;
 KSEMENDRA PAUL, in his official
 capacity as the Program Manager of the
 Information Sharing Environment,

Defendants.

Case No. 3:14-cv-03120-RS-KAW

**DECLARATION OF LINDA LYE IN
 SUPPORT OF PLAINTIFFS'
 OPPOSITION TO DEFENDANTS'
 MOTION FOR SUMMARY
 JUDGMENT AND CROSS-MOTION
 FOR SUMMARY JUDGMENT**

Hearing Date: December 8, 2016
 Time: 1:30 p.m.
 Judge: Hon. Richard Seeborg
 Courtroom: 3, 17th Floor
 Date Of Filing: July 10, 2014
 Trial Date: None Set

1 I, Linda Lye, declare as follows:

2 1. I am counsel for Plaintiffs in this matter. The information in this declaration is
3 based upon my personal knowledge, except as otherwise indicated. If called upon to testify, I
4 would competently testify thereto.

5 2. In July 2013, I submitted a California Public Records Act ("PRA") request to the
6 fusion center in Northern California, which is known as the National California Regional
7 Intelligence Center ("NCRIC"). A true and correct copy of the letter I sent is attached as Exhibit
8 1 to this declaration. My request asked for, among other things: "Records regarding sources of
9 funding used to support information systems containing suspicious activity reports, in particular,
10 name and amount of funding sources."

11 3. On August 2, 2013, NCRIC responded to my request and stated: "The NCRIC
12 spent \$690,125 on the information systems containing SAR information. The funding source was
13 from 2009 ARRA funding." A true and correct copy of NCRIC's to me is attached as Exhibit 2
14 to this declaration.

15 4. On March 7, 2016, I submitted a follow-up PRA request to NCRIC requesting
16 "[d]ocuments reflecting funding sources – and identifying the federal entities that administered
17 any such sources – relating to information systems containing Suspicious Activity Reports." In
18 particular, I requested documents related to the \$690,125 expended on information systems
19 containing SAR information, funded from 2009 ARRA funding, and referenced in NCRIC's
20 August 2, 2013 response to my prior PRA request. A true and correct copy of my March 7, 2016
21 PRA request to NCRIC is attached as Exhibit 3 to this declaration.

22 5. On March 21, 2016, NCRIC responded to my request and provided multiple
23 documents in response. Only one of the documents pertained to a 2009 funding award. A true
24 and correct copy of NCRIC's March 21, 2016 response letter and the 2009 funding award
25 document are attached as Exhibit 4 to this declaration.

26 6. NCRIC's 2009 funding award involves funds from the "BJA FY 09 Recovery
27 Act" and provides funding to enhance Intelligence-led Policing capabilities through the
28 implementation of a Regional Intelligence Management System (IMS)....Grant funds

1 will...complete initial system implements, provide training, and incrementally add data sources.”
 2 Exhibit 4 at 16. The document states that the grant award is subject to various “Special
 3 Conditions,” including that “any information technology system funded or supported by OJP
 4 funds will comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies.”
 5 Exhibit 4 at 2 and 14.

6 7. In short, NCRIC’s August 2, 2013 and March 21, 2016 response to my PRA
 7 requests indicate that NCRIC used funds from a federal grant that was administered by the Office
 8 of Justice Programs to support information systems containing SAR information. The documents
 9 produced by NCRIC further indicate that the Office of Justice Programs specifically attached a
 10 special condition requiring any information system funded or supported by that grant to comply
 11 with 28 C.F.R. Part 23.

12 8. The Office of Justice Programs maintains a website on which it posts, among other
 13 things, information about the programs it funds. One such program is the Regional Information
 14 Sharing System, also known as RISS. A true and correct copy of a description of the program
 15 that I obtained from the Office of Justice Program’s website
 16 (http://ojp.gov/about/pdfs/BJA_RISS%20Prog%20Summary_For%20FY%2017%20PresBud.pdf
 17) on August 25, 2016 is attached as Exhibit 5 to this declaration. The document states that the
 18 purpose of RISS is “[t]o enable multi-jurisdictional information sharing across law enforcement
 19 and criminal justice agencies at all levels to resolve criminal cases while promoting officer
 20 safety.” The document further states that it “supports federal, state, local, territorial, and tribal
 21 law enforcement agencies and other criminal justice agencies through the six regional RISS
 22 centers by providing,” among other things, “[a] secure online information and intelligence sharing
 23 network.” The document identifies the program’s “Authorizing Legislation” as “Omnibus Crime
 24 Control and Safe Streets Act of 1968 (42 USC 3796h(d)) as amended.” In addition, the document
 25 states that additional information about RISS can be obtained on the following website:
 26 “<http://www.riss.net/>.”

27 9. I visited the website www.riss.net on August 25, 2016, and it contains a page titled
 28 “28 CFR Part 23 Frequently Asked Questions.” A true and correct copy of that page

1 (<https://www.riss.net/Policy/CFR>) is attached as Exhibit 6 to this declaration. It states:
2 “What criminal intelligence systems are affected by Criminal Intelligence Systems Operating
3 Policies (Federal Regulation 28 CFR Part 23)? Criminal Intelligence Systems Operating Policies
4 (Federal Regulation 28 CFR Part 23) standards apply to all multijurisdictional criminal
5 intelligence systems operating under Title I of the Omnibus Crime Control and Safe Streets Act
6 of 1968, as amended. This includes any Office of Justice Programs and Bureau of Justice
7 Assistance programs such as RISS, the Byrne Formula or Discretionary Grants Programs, the
8 Local Law Enforcement Block Grants (LLEBG) Program, and Community Oriented Policing
9 Services (COPS) grants.”
10

11 I declare under penalty of perjury under the laws of the United States that the foregoing is true
12 and correct. Executed on September 18, 2016 in San Francisco, California.
13

14 /s/ Linda Lye

15 Linda Lye
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FILER'S ATTESTATION

I, Phillip J. Wiese, am the ECF user whose identification and password are being used to file this DECLARATION OF LINDA LYE IN SUPPORT OF PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT AND CROSS-MOTION FOR SUMMARY JUDGMENT. Pursuant to L.R. 5-1(i)(3), I hereby attest that concurrence in the electronic filing of this document has been obtained from each of the other signatories.

Dated: September 22, 2016

By /s/ Phillip J. Wiese
Phillip J. Wiese

EXHIBIT 1



July 12, 2013

Via U.S. Mail and Email

Mike Sena, Deputy Director
Northern California Regional Intelligence Center
P.O. Box 36102
San Francisco, CA 94102
info@ncric.org

Re: Public Records Act Request Regarding Intelligence Gathering

Dear Public Records Coordinator:

I am writing on behalf of the American Civil Liberties Union of Northern California to request records pursuant to the California Public Records Act (Government Code §§ 6250, et. seq.) and Article I § 3(b) of the California Constitution for the following records¹:

- 1) Records regarding sources of funding used to support information systems containing automated license plate records, in particular, name and amount of funding sources.
- 2) Records regarding sources of funding used to support information systems containing suspicious activity reports, in particular, name and amount of funding sources.
- 3) Records reflecting the amount of financial support received by the Central California Intelligence Center through the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. §3711, *et seq.*, and the purpose(s) for which such funds are allocated or used.

Please provide the foregoing information for Fiscal Year 2011-12, FY 2012-13, and FY 2013-14.

¹"Records" covered by this request include but are not limited to: internal and external correspondence (including email), memoranda, drafts, notes, outlines, policies, procedures, regulations, directives, instructions, orders, bulletins, pamphlets or brochures, scripts, handouts, analyses, evaluations, reports, summaries, writings, logs and other written records or records by any other means, including but not limited to records kept on computers, computer source and object code, electronic communications, computer disks, CD-ROM, video tapes or digital video disks.

MICHELLE A. WELSH, CHAIRPERSON | DENNIS MCNALLY, AJAY KRISHNAN, FARAH BRELVI, ALLEN ASCH, VICE CHAIRPERSONS | KENNETH J. SUGARMAN, SECRETARY/TREASURER
ABDI SOLTANI, EXECUTIVE DIRECTOR | CHERI BRYANT, DEVELOPMENT DIRECTOR | SHAYNA GELENDER, ORGANIZING & COMMUNITY ENGAGEMENT DIRECTOR | REBECCA FARMER, COMMUNICATIONS DIRECTOR
ALAN SCHLOSSER, LEGAL DIRECTOR | MARGARET C. CROSBY, ELIZABETH GILL, LINDA LYE, JULIA HARUMI MASS, LINNEA NELSON, MICHAEL RISHER, JORY STEELE, STAFF ATTORNEYS
PHYLLIDA BURLINGAME, ALLEN HOPPER, NATASHA MINSKER, NICOLE A. OZER, POLICY DIRECTORS | STEPHEN V. BOMSE, GENERAL COUNSEL

Public Records Coordinator

July 12, 2013

Page 2

The California Public Records Act requires within ten (10) days either production of the requested documents and/or notice of the specific reasons why the materials requested (or portions thereof) are exempt from disclosure. Further, we request a summary of the information contained within any records you claim to be exempt under Government Code § 6254(f), as required by Government Code § 6254(f)(2).

Please send copies of the requested records to me at the address shown above, or email them to me at llye@aclunc.org. If necessary, we will reimburse you for reasonable copying costs.

If you have any questions regarding this request, please feel free to contact me at (415) 621-2493. Thank you in advance for your timely cooperation.

Sincerely,



Linda Lye
Staff Attorney

cc: David A. Silberman (via United States mail and email)
Office of County Counsel
County of San Mateo
Hall of Justice and Records, 6th Floor
400 County Center
Redwood City, CA 94063-1662
dsilberman@smcgov.org

EXHIBIT 2

Linda Lye

From: Hugh A. Cotton <hcotton@ncric.org>
Sent: Friday, August 02, 2013 2:38 PM
To: Linda Lye
Cc: PrivacyOfficer
Subject: RE: Public Records Act Request Regarding Intelligence Gathering

Dear Ms. Lye,

I am writing in response to your July 24, 2013 correspondence which was in response to my July 22, 2013 answer to your original Public Records Act request. In your most recent letter, you clarify the intent of some of your initial questions and seek additional information. I understand your questions as follows and have attempted to answer them in good faith as set forth below.

Question 1: What are the funding sources for ALPR's?

- The NCRIC spent \$163,660 from the FY08 UASI Grant (referenced below) on ALPR systems in November – December of 2010.

Question 2: What are the funding sources relating to information systems containing SAR information?

- The NCRIC spent \$690,125 on the information systems containing SAR information. The funding source was from 2009 ARRA funding. The NCRIC entered into an agreement with Palantir in January of 2012. There are ongoing maintenance costs, however, the NCRIC has yet to expend such funds. Maintenance costs will likely be funded out of the UASI or SHSP funding.

Question 3: Are there any *other* sources of funding, not listed below, that NCRIC received for FY 11, 12 and 13 and if so, in what amounts?

- The NCRIC previously disclosed the following funding sources in response to your initial request:
 - FY2011 State Homeland Security Grant (DHS grant passed through to Cal OES) \$2,011,000
 - FY12 State Homeland Security Grant (DHS grant passed through to Cal OES) \$1,761,000
 - FY11 Urban Area Security Initiative Grant (DHS passed through to Cal OES then to the Bay Area UASI as a sub-recipient) \$3,393,158
 - FY12 Urban Area Security Initiative Grant (DHS passed through to Cal OES then to the Bay Area UASI as a sub-recipient) \$3,393,158
 - Southwest Border Grant - FY09 Recovery Act - JAG (US DOJ-BJA) \$800,700
- The previously disclosed funding sources were DHS grants that included the title "FY11, FY12, and FY13." However, if you are requesting information for all NCRIC grants **active** during the actual fiscal year periods of FY11, FY12, and FY13, then below is a more accurate and comprehensive accounting:
 - 2010 Anti-Terrorism Funding (Direct from Cal OES) \$200,000
 - FY2008 State Homeland Security Grant (DHS passed through to Cal OES) \$1,000,000
 - FY2009 State Homeland Security Grant (DHS passed through to Cal OES) \$1,000,000
 - FY2010 State Homeland Security Grant (DHS passed through to Cal OES) \$1,150,000
 - FY2008 Urban Area Security Initiative(DHS passed through to Cal OES then to the Bay Area UASI as a sub-recipient) \$2,267,252

- FY2009 Urban Area Security Initiative(DHS passed through to Cal OES then to the Bay Area UASI as a sub-recipient) \$2,909,951
- FY2010 Urban Area Security Initiative(DHS passed through to Cal OES then to the Bay Area UASI as a sub-recipient) \$3,718,623
- 2011 National Justice Information Sharing Initiative (Direct from DHS BJA) \$90,240
- 2009 ARRA Funding US DOJ BJA/OJP, \$800,700

- Fiscal year periods for the NCRIC are as follows:

- FY11: 7/1/10-6/30/11
- FY12: 7/1/11-6/30/12
- FY13: 7/1/12-6/30/13
- FY14: 7/1/13-6/30/14

Additionally, for clarification, the NCRIC has not received funding yet for FY 13.

I will assume that by this letter I have satisfied your request. However, if you have any further questions or concerns please do not hesitate to contact me at your convenience.

Sincerely,

Hugh A. Cotton
Northern California Regional Intelligence Center
Privacy Officer
P.O. Box 36102
San Francisco, California 94102
HCotton@ncric.org



24/7: (866) 367-8847

Unclassified//Law Enforcement Sensitive

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From: Linda Lye [mailto:llye@aclunc.org]
Sent: Tuesday, July 23, 2013 6:16 PM
To: Hugh A. Cotton
Cc: PrivacyOfficer
Subject: RE: Public Records Act Request Regarding Intelligence Gathering

Dear Mr. Cotton,

Thank you for the response and apologies for my typographical error. I did intend the third request to seek records reflecting the amount of financial support received by the Northern, not Central, California Intelligence Center. To follow up, the information I sought was somewhat different from that which you have provided. In requests 1 and 2, I sought information about the sources of funding used to support systems containing data received from automated license plate readers and suspicious activity reports, respectively. You have instead provided more general information about sources of funding received by NCRIC in general. Can you please provide information about the funding sources for the two systems referenced in requests 1 and 2. Separately, you have now provided information about NCRIC funding in FY 09, 11, and 12. Are there any *other* sources of funding, not listed below, that NCRIC received in FY 11, 12 and 13 and if so, in what amounts and for what purposes? Thanks so much for your assistance.
Best, Linda

Linda Lye
Staff Attorney, ACLU-NC

From: Hugh A. Cotton [<mailto:hcotton@ncric.org>]
Sent: Monday, July 22, 2013 4:19 PM
To: Linda Lye
Cc: PrivacyOfficer
Subject: Re: Public Records Act Request Regarding Intelligence Gathering

Dear Ms. Lye,

I am writing in response to your attached July 12, 2013 letter in which you requested information relating to the funding sources of the Northern California Regional Intelligence Center (NCRIC) for the Fiscal years 2011-12, FY 2012-13, and FY 2013-14. The NCRIC received funding for the fiscal years in question from each of the following sources:

- FY2011 State Homeland Security Grant (DHS grant passed through to Cal OES) \$2,011,000
- FY12 State Homeland Security Grant (DHS grant passed through to Cal OES) \$1,761,000
- FY11 Urban Area Security Initiative Grant (DHS passed through to Cal OES then to the Bay Area UASI as a sub-recipient) \$3,393,158
- FY12 Urban Area Security Initiative Grant (DHS passed through to Cal OES then to the Bay Area UASI as a sub-recipient) \$3,393,158
- Southwest Border Grant - FY09 Recovery Act - JAG (US DOJ-BJA) \$800,700

Additionally, you requested information related to the amount of financial support received by the Central California Intelligence Center through the Omnibus Crime Control and Safe Streets Act of 1968. The NCRIC did not receive any financial support from the Central California Intelligence Center or the Omnibus Crime Control and Safe Streets Act of 1968. I suspect this portion of your request to be a typographical error, but I have answered your question to the best of my ability based upon my understanding the question.

I will assume that by this letter I have satisfied your request. However, if you disagree or otherwise have any questions or concerns please do not hesitate to contact me at your convenience.

Hugh A. Cotton
Northern California Regional Intelligence Center
Privacy Officer
P.O. Box 36102
San Francisco, California 94102
HCotton@ncric.org



24/7: (866) 367-8847

Unclassified//Law Enforcement Sensitive

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EXHIBIT 3



March 7, 2016

VIA EMAIL AND U.S. MAIL

Northern California Regional Intelligence Center

Attn: Privacy Officer

P.O. Box 36102

San Francisco, CA 94102

privacyofficer@ncric.ca.gov

re: Public Records Act request regarding Suspicious Activity Reporting Program

Dear Privacy Officer,

I am writing on behalf of the American Civil Liberties Union of Northern California to request records of the Northern California Regional Intelligence Center regarding funding for the Nationwide Suspicious Activity Reporting Initiative ("NSI"). This request is made pursuant to the California Public Records Act (Government Code §§ 6250, et. seq.) and Article I § 3(b) of the California Constitution for the following records¹:

- 1) Documents reflecting funding sources -- and identifying the federal entities that administered any such sources -- relating to information systems containing Suspicious Activity Reports.

An August 2, 2013 response by your office to a prior Public Records Act request from my office stated: "The NCRIC spent \$690,125 on the information systems containing SAR information. The funding source was from 2009 ARRA funding. The NCRIC entered into an agreement with Palantir in January of 2012. There are ongoing maintenance costs, however, the NCRIC has yet to expend such funds. Maintenance costs will likely be funded out of the UASI or SHSP funding."

¹"Records" covered by this request include but are not limited to: internal and external correspondence (including email), memoranda, drafts, notes, outlines, policies, procedures, regulations, directives, instructions, orders, bulletins, pamphlets or brochures, scripts, handouts, analyses, evaluations, reports, summaries, writings, logs and other written records or records by any other means, including but not limited to records kept on computers, computer source and object code, electronic communications, computer disks, CD-ROM, video tapes or digital video disks.

March 7, 2016

Page 2

My current request seeks documents that reflect the funding sources for the \$690,125 expended on information systems containing SAR information, as well as documents that identify that federal entity or entities that administered such funding.

It also seeks documents that reflect any subsequent expenditures related to the information system(s) containing SAR information – in particular, the funding sources and federal entity or entities that administer such funding.

- 2) Grant documents (including grant applications as well as documentation reflecting approvals/acceptance of such grants) pertaining to any grant administered by the Office of Justice Programs from 2013 to present.

The California Public Records Act requires within ten (10) days either production of the requested documents and/or notice of the specific reasons why the materials requested (or portions thereof) are exempt from disclosure. Further, we request a summary of the information contained within any records you claim to be exempt under Government Code § 6254(f), as required by Government Code § 6254(f)(2).

Please send copies of the requested records to me at the address shown above, or email them to me at llye@aclunc.org. We request that you waive any fees that would be normally applicable to a Public Records Act request. In addition, if you have the records in electronic form you can simply email them to me without incurring any copying costs. *See* Gov't. Code § 6253.9. However, should you be unable to do so, the ACLU will reimburse your agency for the direct costs of copying these records plus postage. *See* Gov't. Code § 6253(b). If you have any questions regarding this request, please feel free to contact me at (415) 621-2493. Thank you in advance for your timely cooperation.

Sincerely,

A handwritten signature in blue ink, appearing to read "Linda Lye", with a stylized flourish at the end.

Linda Lye
Senior Staff Attorney

Enclosure

cc: Mike Sena (msena@ncric.org)

EXHIBIT 4



Daniel J. Mahoney
Deputy Director & Privacy Officer
Northern California Regional Intelligence Center
450 Golden Gate Avenue, 14th Floor
San Francisco, CA 94102

Sent via E-Mail to:

March 21, 2016

Linda Lye - llye@aclunc.org

Ms. Lye,

In response to your California Public Records Act requests (dated March 7, 2016):

1) Documents reflecting funding sources -- and identifying the federal entities that administered any such sources -- relating to information systems containing Suspicious Activity Reports.

An August 2, 2013 response by your office to a prior Public Records Act request from my office stated: "The NCRIC spent \$690,125 on the information systems containing SAR information. The funding source was from 2009 ARRA funding. The NCRIC entered into an agreement with Palantir in January of 2012. There are ongoing maintenance costs, however, the NCRIC has yet to expend such funds. Maintenance costs will likely be funded out of the UASI or SHSP funding."

My current request seeks documents that reflect the funding sources for the \$690,125 expended on information systems containing SAR information, as well as documents that identify that federal entity or entities that administered such funding.

It also seeks documents that reflect any subsequent expenditures related to the information system(s) containing SAR information – in particular, the funding sources and federal entity or entities that administer such funding.

2) Grant documents (including grant applications as well as documentation reflecting approvals/acceptance of such grants) pertaining to any grant administered by the Office of Justice Programs from 2013 to present.

Attached in 4 separate e-mails (due to the size of the files) are documents responsive to this request.

Most Cordially,

NORTHERN CALIFORNIA REGIONAL INTELLIGENCE CENTER

Daniel J. Mahoney

Deputy Director & Privacy Officer



Department of Justice
Office of Justice Programs

Office of the Assistant Attorney General

Washington, D.C. 20531

July 15, 2009

Sheriff Greg Munks
San Mateo County
400 County Center
1st Floor
Redwood City, CA 94063-1662

Dear Sheriff Munks:

On behalf of Attorney General Eric Holder, it is my pleasure to inform you that the Office of Justice Programs has approved your application for funding under the FY 09 Recovery Act Combating Criminal Narcotics Activity Stemming from the Southern Border of the United States: Facilitating Justice Information Sharing, Collaboration and Problem Solving in the amount of \$800,700 for San Mateo County.

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, Kerri Vitalo Logan, Program Manager at (202) 353-9074; 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,

A handwritten signature in black ink, appearing to read "L. Robinson", is written over a horizontal line.

Laurie Robinson
Acting Assistant Attorney General

Enclosures



Department of Justice
Office of Justice Programs
Office of Civil Rights

Washington, D.C. 20531

July 15, 2009

Sheriff Greg Munks
San Mateo County
400 County Center
1st Floor
Redwood City, CA 94063-1662

Dear Sheriff Munks:

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

Ensuring Access to Federally Assisted Programs

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

Providing Services to Limited English Proficiency (LEP) Individuals

In accordance with Department of Justice 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). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website at <http://www.lep.gov>.

Ensuring Equal Treatment for Faith-Based Organizations

The Department of Justice has published a regulation specifically pertaining to the funding of faith-based organizations. In general, the regulation, Participation in Justice Department Programs by Religious Organizations; Providing for Equal Treatment of all Justice Department Program Participants, and known as the Equal Treatment Regulation 28 C.F.R. part 38, requires State Administering Agencies to treat these organizations the same as any other applicant or recipient. The regulation prohibits State Administering Agencies from making award or grant administration decisions on the basis of an organization's religious character or affiliation, religious name, or the religious composition of its board of directors.

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

State Administering Agencies and faith-based organizations should also note that the Safe Streets Act, as amended; the Victims of Crime Act, as amended; and the Juvenile Justice and Delinquency Prevention Act, as amended, contain prohibitions against discrimination on the basis of religion in employment. Despite these nondiscrimination provisions, the Justice Department has concluded that the Religious Freedom Restoration Act (RFRA) is reasonably construed, on a case-by-case basis, to require that its funding agencies permit faith-based organizations applying for funding under the applicable program statutes both to receive DOJ funds and to continue considering religion when hiring staff, even if the statute that authorizes the funding program generally forbids considering of religion in employment decisions by grantees.

Questions about the regulation or the application of RFRA to the statutes that prohibit discrimination in employment may be directed to this Office.

Enforcing Civil Rights Laws

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

Complying with the Safe Streets Act or Program Requirements

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

1) Meeting the EEOP Requirement

In accordance with Federal regulations, Assurance No. 6 in the Standard Assurances, COPS Assurance No. 8.B, or certain Federal grant program requirements, your organization must comply with the following EEOP reporting requirements:

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

If your organization received an award between \$25,000 and \$500,000 and has 50 or more employees, your organization still has to prepare an EEOP, but it does not have to submit the EEOP to OCR for review. Instead, your organization has to maintain the EEOP on file and make it available for review on request. In addition, your organization has to complete Section B of the Certification Form and return it to OCR. The Certification Form can be found at <http://www.ojp.usdoj.gov/ocr/eeop.htm>.

If your organization received an award for less than \$25,000; or if your organization has less than 50 employees, regardless of the amount of the award; or if your organization is a medical institution, educational institution, nonprofit organization or Indian tribe, then your organization is exempt from the EEOP requirement. However, your organization must complete Section A of the Certification Form and return it to OCR. The Certification Form can be found at <http://www.ojp.usdoj.gov/ocr/eeop.htm>.

2) Submitting Findings of Discrimination

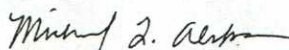
In the event a Federal or State court or Federal or State administrative agency makes an adverse finding of discrimination against your organization after a due process hearing, on the ground of race, color, religion, national origin, or sex, your organization must submit a copy of the finding to OCR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

Ensuring the Compliance of Subrecipients

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

If we can assist you in any way in fulfilling your civil rights responsibilities as a recipient of Federal funding, please call OCR at (202) 307-0690 or visit our website at <http://www.ojp.usdoj.gov/ocr/>.

Sincerely,



Michael L. Alston
Director

cc: Grant Manager
Financial Analyst



Department of Justice
Office of Justice Programs
Office of the Chief Financial Officer

Washington, D.C. 20531

July 15, 2009

Sheriff Greg Munks
San Mateo County
400 County Center
1st Floor
Redwood City, CA 94063 - 1662

Reference Grant Number: 2009-SS-B9-0029

Dear Sheriff Munks:

I am pleased to inform you that my office has approved the following budget categories for the aforementioned grant award in the cost categories identified below:

Category	Budget
Personnel	\$0
Fringe Benefits	\$0
Travel	\$4,300
Equipment	\$649,000
Supplies	\$0
Construction	\$0
Contractual	\$147,400
Other	\$0
Total Direct Cost	\$800,700
Indirect Cost	\$0
Total Project Cost	\$800,700
Federal Funds Approved:	\$800,700
Non-Federal Share:	\$0
Program Income:	\$0

Match is not required for this grant program.

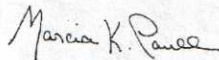
All Sole Source procurement in excess of \$100,000 requires written justification and the prior approval of OJP.

If you have questions regarding this award, please contact:


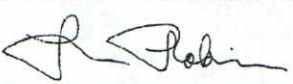
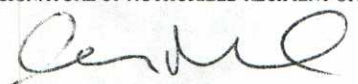
- Program Questions, Kerri Vitalo Logan, Program Manager at (202) 353-9074
- Financial Questions, the Office of Chief Financial Officer, Customer Service Center(CSC) at (800) 458-0786, or you may contact the CSC at ask.ocfo@usdoj.gov.

Congratulations, and we look forward to working with you.

Sincerely,



Marcia K. Paull
Chief Financial Officer

		Department of Justice Office of Justice Programs Bureau of Justice Assistance		Grant		PAGE 1 OF 9																	
1. RECIPIENT NAME AND ADDRESS (Including Zip Code) San Mateo County 400 County Center 1st Floor Redwood City, CA 94063-1662				4. AWARD NUMBER: 2009-SS-B9-0029																			
				5. PROJECT PERIOD: FROM 07/01/2009 TO 06/30/2011 BUDGET PERIOD: FROM 07/01/2009 TO 06/30/2011																			
				6. AWARD DATE 07/15/2009		7. ACTION																	
1A. GRANTEE IRS/VENDOR NO. 946000563				8. SUPPLEMENT NUMBER 00		Initial																	
				9. PREVIOUS AWARD AMOUNT		\$ 0																	
3. PROJECT TITLE Enhancing Intelligence-Led Policing (ILP) Capabilities in the Area of Responsibility of the NCHIDTA and Northern California Regional Intelligence Center through Implementation of a Regional Intelligen				10. AMOUNT OF THIS AWARD		\$ 800,700																	
				11. TOTAL AWARD		\$ 800,700																	
12. SPECIAL CONDITIONS THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).																							
13. STATUTORY AUTHORITY FOR GRANT This project is supported under FY09 Recovery Act (BJA – Southern Border/HIDTA (Criminal Narcotics Activity)) Pub. L. No. 111-5, 123 Stat. 115, 130																							
15. METHOD OF PAYMENT PAPRS																							
AGENCY APPROVAL				GRANTEE ACCEPTANCE																			
16. TYPED NAME AND TITLE OF APPROVING OFFICIAL Laurie Robinson Acting Assistant Attorney General				18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL Greg Munks Sheriff County of San Mateo																			
17. SIGNATURE OF APPROVING OFFICIAL 				19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL 		19A. DATE 7/21/09																	
AGENCY USE ONLY																							
20. ACCOUNTING CLASSIFICATION CODES <table border="1"> <thead> <tr> <th>FISCAL YEAR</th> <th>FUND CODE</th> <th>BUD. ACT.</th> <th>OFC.</th> <th>DIV. REG.</th> <th>SUB.</th> <th>POMS</th> <th>AMOUNT</th> </tr> </thead> <tbody> <tr> <td>9</td> <td>B</td> <td>SS</td> <td>80</td> <td>00</td> <td>00</td> <td></td> <td>800700</td> </tr> </tbody> </table>				FISCAL YEAR	FUND CODE	BUD. ACT.	OFC.	DIV. REG.	SUB.	POMS	AMOUNT	9	B	SS	80	00	00		800700	21. ISSUGT1901			
FISCAL YEAR	FUND CODE	BUD. ACT.	OFC.	DIV. REG.	SUB.	POMS	AMOUNT																
9	B	SS	80	00	00		800700																

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

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



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

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PROJECT NUMBER 2009-SS-B9-0029

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SPECIAL CONDITIONS

1. The recipient agrees to comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide.
2. The recipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if recipient is required to submit one pursuant to 28 C.F.R. Section 42.302), that is approved by the Office for Civil Rights, is a violation of its Certified Assurances and may result in suspension or termination of funding, until such time as the recipient is in compliance.
3. The recipient agrees to comply with the organizational audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, and further understands and agrees that funds may be withheld, or other related requirements may be imposed, if outstanding audit issues (if any) from OMB Circular A-133 audits (and any other audits of OJP grant funds) are not satisfactorily and promptly addressed, as further described in the current edition of the OJP Financial Guide, Chapter 19.
4. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of OJP.
5. The recipient must promptly refer to the DOJ OIG any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor, or other person has either 1) submitted a false claim for grant funds under 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 involving grant funds. This condition also applies to any subrecipients. Potential fraud, waste, abuse, or misconduct should be reported to the OIG by -

mail:

Office of the Inspector General
U.S. Department of Justice
Investigations Division
950 Pennsylvania Avenue, N.W.
Room 4706
Washington, DC 20530

e-mail: oig.hotline@usdoj.gov

hotline: (contact information in English and Spanish): (800) 869-4499

or hotline fax: (202) 616-9881

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

6. **RECOVERY ACT – Conflict with Other Standard Terms and Conditions**
The recipient understands and agrees that all other terms and conditions contained in this award, or in applicable OJP grant policy statements or guidance, apply unless they conflict or are superseded by the terms and conditions included here that specifically implement the American Recovery and Reinvestment Act of 2009, Public Law 111-5 ("ARRA" or "Recovery Act") requirements. Recipients are responsible for contacting their grant managers for any needed clarifications.



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PROJECT NUMBER 2009-SS-B9-0029

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7. RECOVERY ACT – Access to Records; Interviews

The recipient understands and agrees that DOJ (including OJP and the Office of the Inspector General (OIG)), and its representatives, and the Government Accountability Office (GAO), shall have access to and the right to examine all records (including, but not limited to, books, papers, and documents) related to this Recovery Act award, including such records of any subrecipient, contractor, or subcontractor.

The recipient also understands and agrees that DOJ and the GAO are authorized to interview any officer or employee of the recipient (or of any subrecipient, contractor, or subcontractor) regarding transactions related to this Recovery Act award.

8. RECOVERY ACT – One-time funding

The recipient understands and agrees that awards under the Recovery Act will be one-time awards and accordingly that its proposed project activities and deliverables are to be accomplished without additional DOJ funding.

9. RECOVERY ACT – Separate Tracking and Reporting of Recovery Act Funds and Outcomes

The recipient agrees to track, account for, and report on all funds from this Recovery Act award (including specific outcomes and benefits attributable to Recovery Act funds) separately from all other funds, including DOJ award funds from non-Recovery Act awards awarded for the same or similar purposes or programs. (Recovery Act funds may be used in conjunction with other funding as necessary to complete projects, but tracking and reporting of Recovery Act funds must be separate.)

Accordingly, the accounting systems of the recipient and all subrecipients must ensure that funds from this Recovery Act award are not commingled with funds from any other source.

The recipient further agrees that all personnel (including subrecipient personnel) whose activities are to be charged to the award will maintain timesheets to document hours worked for activities related to this award and non-award-related activities.

10. RECOVERY ACT – Subawards – DUNS and CCR for Reporting

The recipient agrees to work with its first-tier subrecipients (if any) to ensure that, no later than the due date of the recipient's first quarterly report after a subaward is made, the subrecipient has a valid DUNS profile and has an active registration with the Central Contractor Registration (CCR) database.

11. RECOVERY ACT – Subawards – Monitoring

The recipient agrees to monitor subawards under this Recovery Act award in accordance with all applicable statutes, regulations, OMB circulars, and guidelines, including the OJP 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 Recovery Act funds by subrecipients. The recipient agrees to submit, upon request, documentation of its policies and procedures for monitoring of subawards under this award.

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Department of Justice
Office of Justice Programs
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SPECIAL CONDITIONS

12. RECOVERY ACT – Recovery Act Transactions Listed in Schedule of Expenditures of Federal Awards and Recipient Responsibilities for Informing Subrecipients

(a) The recipient agrees to maintain records that identify adequately the source and application of Recovery Act funds, to maximize the transparency and accountability of funds authorized under the Recovery Act as required by the Act and in accordance with 2 CFR 215.21, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-profit Organizations" and OMB A-102 Common Rules provisions (relating to Grants and Cooperative Agreements with State and Local Governments).

(b) The recipient agrees to separately identify the expenditures for Federal awards under the Recovery Act on the Schedule of Expenditures of Federal Awards (SEFA) and the Data Collection Form (SF-SAC) required by OMB Circular A-133. This condition only applies if the recipient is covered by the Single Audit Act Amendments of 1996 and OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations." This shall be accomplished by identifying expenditures for Federal awards made under the Recovery Act separately on the SEFA, and as separate rows under Item 9 of Part III on the SF-SAC by CFDA number, and inclusion of the prefix "ARRA-" in identifying the name of the Federal program on the SEFA and as the first characters in Item 9d of Part III on the SF-SAC.

(c) The recipient agrees to separately identify to each subrecipient the Federal award number, CFDA number, and amount of Recovery Act funds, and to document this identification both at the time of subaward and at the time of disbursement of funds. When a recipient awards Recovery Act funds for an existing program, the information furnished to subrecipients shall distinguish the subawards of incremental Recovery Act funds from regular subawards under the existing program.

(d) The recipient agrees to require its subrecipients to specifically identify Recovery Act funding on their SEFA information, similar to the requirements for the recipient SEFA described above. This information is needed to allow the recipient to properly monitor subrecipient expenditure of Recovery Act funds as well as facilitate oversight by the Federal awarding agencies, the DOJ OIG, and the GAO.

13. RECOVERY ACT – Reporting and Registration Requirements under Section 1512 of the Recovery Act.

(a) This award requires the recipient to complete projects or activities which are funded under the Recovery Act and to report on use of Recovery Act funds provided through this award. Information from these reports will be made available to the public.

(b) The reports are due no later than ten calendar days after each calendar quarter in which the recipient receives the assistance award funded in whole or in part by the Recovery Act.

(c) Recipients and their first-tier recipients must maintain current registrations in the Central Contractor Registration (www.ccr.gov) at all times during which they have active federal awards funded with Recovery Act funds. A Dun and Bradstreet Data Universal Numbering System (DUNS) Number (www.dnb.com) is one of the requirements for registration in the Central Contractor Registration.

(d) The recipient shall report the information described in section 1512(c) of the Recovery Act using the reporting instructions and data elements that will be provided online at www.FederalReporting.gov and ensure that any information that is pre-filled is corrected or updated as needed.

(e) The recipient shall notify the OJP program manager of submission of its section 1512(c) report at the time the report is submitted per (d) above. Notification to OJP may be either by submission of a copy of the section 1512(c) data report, or (if not practicable) by electronic notification to the OJP program manager confirming submission of the report. Failure to provide the required notification to OJP will be deemed a failure to report under section 1512(c).

REMINDEES: EARLY

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**AWARD CONTINUATION
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14. RECOVERY ACT – Reporting Potential Fraud, Waste, and Abuse, and Similar Misconduct

The recipient must promptly refer to the DOJ OIG any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor, or other person has either 1) submitted a false claim for Recovery Act funds under 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 involving Recovery Act funds. This condition also applies to any subrecipients. Potential fraud, waste, abuse, or misconduct should be reported to the OIG by –

mail:

Office of the Inspector General
U.S. Department of Justice
Investigations Division
950 Pennsylvania Avenue, N.W.
Room 4706
Washington, DC 20530

e-mail: oig.hotline@usdoj.gov

hotline: (contact information in English and Spanish): (800) 869-4499

or hotline fax: (202) 616-9881

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

15. RECOVERY ACT – Protecting State and Local Government and Contractor Whistleblowers (Recovery Act, section 1553)

The recipient recognizes that the Recovery Act provides certain protections against reprisals for employees of non-Federal employers who disclose information reasonably believed to be evidence of gross mismanagement, gross waste, substantial and specific danger to public health or safety, abuse of authority, or violations of law related to contracts or grants using Recovery Act funds. For additional information, refer to section 1553 of the Recovery Act. The text of Recovery Act is available at www.ojp.usdoj.gov/recovery.

16. RECOVERY ACT – Limit on Funds (Recovery Act, section 1604)

The recipient agrees that none of the funds under this award may be used by any State or local government, or any private entity, for construction costs or any other support of any casino or other gambling establishment, aquarium, zoo, golf course, or swimming pool.

17. RECOVERY ACT – Infrastructure Investment (Recovery Act, sections 1511 and 1602)

The recipient agrees that it may not use any funds made available under this Recovery Act award for infrastructure investment absent submission of a satisfactory certification under section 1511 of the Recovery Act. Should the recipient decide to use funds for infrastructure investment subsequent to award, the recipient must submit appropriate certifications under section 1511 of the Recovery Act and receive prior approval from OJP. In seeking such approval, the recipient shall give preference to activities that can be started and completed expeditiously, and shall use award funds in a manner that maximizes job creation and economic benefits. The text of the Recovery Act (including sections 1511 and 1602) is available at www.ojp.usdoj.gov/recovery.



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SPECIAL CONDITIONS

18. RECOVERY ACT – Buy American Notification (Recovery Act, section 1605)

The recipient understands that this award is subject to the provisions of section 1605 of the Recovery Act (“Buy American”). No award funds may be used for iron, steel, or manufactured goods for a project for the construction, alteration, maintenance, or repair of a public building or public work, unless the recipient provides advance written notification to the OJP program office, and a Grant Adjustment Notice is issued that modifies this special condition to add government-wide standard conditions (anticipated to be published in subpart B of 2 C.F.R. part 176) that further implement the specific requirements or exceptions of section 1605.

Section 1605 of the Recovery Act prohibits use of any Recovery Act funds for a project for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel, and manufactured goods used in the project are produced in the United States, subject to certain exceptions, including United States obligations under international agreements.

For purposes of this special condition, the following definitions apply:

“Public building” and “public work” means a public building of, and a public work of, a governmental entity (the United States; the District of Columbia; commonwealths, territories, and minor outlying islands of the United States; State and local governments; and multi-State, regional, or interstate entities which have governmental functions). These buildings and works may include, without limitation, bridges, dams, plants, highways, parkways, streets, subways, tunnels, sewers, mains, power lines, pumping stations, heavy generators, railways, airports, terminals, docks, piers, wharves, ways, lighthouses, buoys, jetties, breakwaters, levees, and canals, and the construction, alteration, maintenance, or repair of such buildings and works.

“Manufactured good” means a good brought to the construction site for incorporation into the building or work that has been--

- (1) Processed into a specific form and shape; or
- (2) Combined with other raw material to create a material that has different properties than the properties of the individual raw materials.

“Steel” means an alloy that includes at least 50 percent iron, between .02 and 2 percent carbon, and may include other elements.

For purposes of OJP grants, projects involving construction, alteration, maintenance, or repair of jails, detention facilities, prisons, public crime victims’ shelters, police facilities, or other similar projects will likely trigger this provision.

NOTE: The recipient is encouraged to contact the OJP program manager – in advance – with any questions concerning this condition, including its applicability to particular circumstances.



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

**AWARD CONTINUATION
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SPECIAL CONDITIONS

19. **RECOVERY ACT – Wage Rate Requirements under Section 1606 of the Recovery Act**
(a) Section 1606 of the Recovery Act requires that all laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in whole or in part by and through the Federal Government pursuant to the Recovery Act shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code.

Pursuant to Reorganization Plan No. 14 and the Copeland Act, 40 U.S.C. 3145, the Department of Labor has issued regulations at 29 CFR Parts 1, 3, and 5 to implement the Davis-Bacon and related Acts. Regulations in 29 CFR 5.5 instruct agencies concerning application of the standard Davis-Bacon contract clauses set forth in that section. The standard Davis-Bacon contract clauses found in 29 CFR 5.5(a) are to be incorporated in any covered contracts made under this award that are in excess of \$2,000 for construction, alteration or repair (including painting and decorating).

(b) For additional guidance on the wage rate requirements of section 1606, contact your awarding agency. Recipients of grants, cooperative agreements and loans should direct their initial inquiries concerning the application of Davis-Bacon requirements to a particular federally assisted project to the Federal agency funding the project. The Secretary of Labor retains final coverage authority under Reorganization Plan Number 14.
20. **RECOVERY ACT – Misuse of award funds**
The recipient understands and agrees that misuse of award funds may result in a range of penalties, including suspension of current and future funds, suspension or debarment from federal grants, recoupment of monies provided under an award, and civil and/or criminal penalties.
21. **RECOVERY ACT – Additional Requirements and Guidance**
The recipient agrees to comply with any modifications or additional requirements that may be imposed by law and future OJP (including government-wide) guidance and clarifications of Recovery Act requirements.
22. **RECOVERY ACT - Quarterly Financial Reports**
The recipient agrees to submit quarterly financial status reports to OJP. At present, these reports are to be submitted on-line (at <https://grants.ojp.usdoj.gov>) using Standard Form SF 269A, not later than 45 days after the end of each calendar quarter. The recipient understands that after October 15, 2009, OJP will discontinue its use of the SF 269A, and will require award recipients to submit quarterly financial status reports within 30 days after the end of each calendar quarter, using the government-wide Standard Form 425 Federal Financial Report form (available for viewing at www.whitehouse.gov/omb/grants/standard_forms/ffr.pdf). Beginning with the report for the fourth calendar quarter of 2009 (and continuing thereafter), the recipient agrees that it will submit quarterly financial status reports to OJP on-line (at <https://grants.ojp.usdoj.gov>) using the SF 425 Federal Financial Report form, not later than 30 days after the end of each calendar quarter. The final report shall be submitted not later than 90 days following the end of the grant period.

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Department of Justice
Office of Justice Programs
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23. RECOVERY ACT – Provisions of Section 1512(c)

The recipient understands that section 1512(c) of the Recovery Act provides as follows:

Recipient Reports- Not later than 10 days after the end of each calendar quarter, each recipient that received recovery funds from a Federal agency shall submit a report to that agency that contains--

- (1) the total amount of recovery funds received from that agency;
- (2) the amount of recovery funds received that were expended or obligated to projects or activities; and
- (3) a detailed list of all projects or activities for which recovery funds were expended or obligated, including--
 - (A) the name of the project or activity;
 - (B) a description of the project or activity;
 - (C) an evaluation of the completion status of the project or activity;
 - (D) an estimate of the number of jobs created and the number of jobs retained by the project or activity; and
 - (E) for infrastructure investments made by state and local governments, the purpose, total cost, and rationale of the agency for funding the infrastructure investment with funds made available under this Act, and name of the person to contact at the agency if there are concerns with the infrastructure investment.
- (4) Detailed information on any subcontracts or subgrants awarded by the recipient to include the data elements required to comply with the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109-282), allowing aggregate reporting on awards below \$25,000 or to individuals, as prescribed by the Director of the Office of Management and Budget.

24. RECOVERY ACT – Inapplicability of General Non-supplanting Requirement to this Award

The recipient understands that, for purposes of this award, the general non-supplanting requirement of the OJP Financial Guide (Part II, Chapter 3) does not apply.

25. 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.

26. To support public safety and justice information sharing, OJP requires the grantee to use the National Information Exchange Model (NIEM) specifications and guidelines for this particular grant. Grantee shall publish and make available without restriction all schemas generated as a result of this grant to the component registry as specified in the guidelines. For more information on compliance with this special condition, visit <http://www.niem.gov/implementationguide.php>.

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 jurisdiction, 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 grantee agrees that within 120 days of award, for any law enforcement task force funded with these funds, the task force commander, agency executive, task force officers, and other task force members of equivalent rank, will complete required online (internet-based) task force training to be provided free of charge through BJA's Center for Task Force Integrity and Leadership. This training will address 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. Additional information will be provided by BJA regarding the required training and access methods via BJA's web site and the Center for Task Force Integrity and Leadership (www.ctfli.org).



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

**AWARD CONTINUATION
SHEET**
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PROJECT NUMBER 2009-SS-B9-0029

AWARD DATE 07/15/2009

SPECIAL CONDITIONS

29. All contracts under this award should be competitively awarded unless circumstances preclude competition. When a contract amount exceeds \$100,000 and there has been no competition for the award, the recipient must comply with rules governing sole source procurement found in the current edition of the OJP Financial Guide.
30. No portion of these federal grant funds shall be used towards any part of the annual cash compensation of any employee of the grantee whose total annual cash compensation exceeds 110% of the maximum salary payable to a member of the Federal government's Senior Executive Service at an agency with a Certified SES Performance Appraisal System for that year.

This prohibition may be waived on an individual basis at the discretion of the Assistant Attorney General for OJP.
31. **RECOVERY ACT - Active CCR Registration**
The recipient agrees expeditiously to obtain active registration with the Central Contractor Registration (CCR) database, and to notify the program office in writing of its registration. Following satisfaction of this requirement, a Grant Adjustment Notice will be issued to remove this special condition.

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Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

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

Grant

PROJECT NUMBER

2009-SS-B9-0029

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This project is supported under FY09 Recovery Act (BJA – Southern Border/HIDTA (Criminal Narcotics Activity)) Pub. L. No. 111-5, 123 Stat. 115, 130

1. STAFF CONTACT (Name & telephone number)

Kerri Vitalo Logan
(202) 353-9074

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

Michelle Mojas
Grant Administrator
400 County Center Third Floor
3rd Floor
Redwood City, CA 94063-1662
(650) 363-1974

3a. TITLE OF THE PROGRAM

BJA FY 09 Recovery Act Combating Criminal Narcotics Activity Stemming from the Southern Border of the United States: Facilitating Justice Information Sharing, Collaboration and Problem Solving

**3b. POMS CODE (SEE INSTRUCTIONS
ON REVERSE)**

4. TITLE OF PROJECT

Enhancing Intelligence-Led Policing (ILP) Capabilities in the Area of Responsibility of the NCHIDTA and Northern California Regional Intelligence Center through Implementation of a Regional Intelligen

5. NAME & ADDRESS OF GRANTEE

San Mateo County
400 County Center 1st Floor
Redwood City, CA 94063-1662

6. NAME & ADDRESS OF SUBGRANTEE

7. PROGRAM PERIOD

FROM: 07/01/2009 TO: 06/30/2011

8. BUDGET PERIOD

FROM: 07/01/2009 TO: 06/30/2011

9. AMOUNT OF AWARD

\$ 800,700

10. DATE OF AWARD

07/15/2009

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 State and Local Law Enforcement Assistance Program: Combating Criminal Narcotics Activity Stemming from the Southern border of the United States under the American Recovery and Reinvestment Act of 2009 is designed to provide resources for hiring, retention, assistance, and equipment to local law enforcement along the Southern border and in High-Intensity Drug Trafficking Areas in order to combat criminal narcotics activity stemming from the Southern border of the United States. For the purpose of this solicitation, the term "criminal narcotics activity" includes all drugs controlled by the Controlled Substance Act 21 USC Section 801.

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

Under Category III: Facilitating Justice Information Sharing, Collaboration, and Problem Solving, San Mateo County, in conjunction with the San Mateo Sheriff's Office and the Northern California High-Intensity Drug Trafficking Area (NCHIDTA), will use the grant funds to enhance Intelligence-Led Policing capabilities through the implementation of a Regional Intelligence Management System (IMS). The region's law enforcement agencies currently lack an automated intelligence management system. Mexican drug trafficking organizations facilitate national-level distribution of wholesale quantities of illicit drugs from the San Francisco Bay Area to drug markets throughout the country. San Mateo County will leverage existing partnerships forged through NCHIDTA and the Northern California Regional Intelligence Center to provide the IMS. Grant funds will define Memoranda of Agreement, acquire the IMS, complete initial system implements, provide training, and incrementally add data sources.

CA/NCF



Department of Justice

Office of Justice Programs

Bureau of Justice Assistance

Washington, D.C. 20531

Memorandum To: Official Grant File

From: Maria Berry, Environmental Coordinator

Subject: Categorical Exclusion for San Mateo County

The State and Local Law Enforcement Assistance Program: Combating Criminal Narcotics Activity Stemming from the Southern Border of the United States under the American Recovery and Reinvestment Act of 2009 seeks to address the needs of state, local, and tribal law enforcement agencies engaged in combating the flow of illicit narcotics across the Southern border of the United States with Mexico, while simultaneously preserving and creating jobs and promoting economic recovery. Awards under this program will be used to provide resources for hiring and retention of, and assistance and equipment to local law enforcement along the Southern border and in High-Intensity Drug Trafficking Areas.

None of the following activities will be conducted either under the OJP federal action or a related third party action:

- (1) new construction;
- (2) any renovation or remodeling of a property located in an environmentally or historically sensitive area, including property , (a) listed on or eligible for listing on the National Register of Historic Places, or (b) located within a 100-year flood plain, a wetland, or habitat for an endangered species;
- (3) a renovation that will change the basic prior use of a facility or significantly change its size;
- (4) research and technology whose anticipated and future application could be expected to have an effect on the environment; and
- (5) implementation of a program involving the use of chemicals.

Consequently, an agency-wide analysis has determined that the program meets the Office of Justice Programs' (OJP) criteria for a categorical exclusion under the provisions of 28 CFR, Part 61, Appendix D, paragraph 4(b).

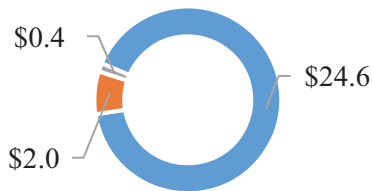
EXHIBIT 5

OFFICE OF JUSTICE PROGRAMS**Program Name: Regional Information Sharing Systems (RISS)****FY 2017 Request**

Total Funding: \$25.0M
 Vs. FY 2016 Enacted: -\$10.0M

FY 2014 Activities Chart

(\$ in millions)



- Awards to the Regional RISS Centers
- RISS Information Sharing and Network Technology Support
- Collaboration Support and Technical Assistance

Program Description

Purpose: To enable multi-jurisdictional information sharing across law enforcement and criminal justice agencies at all levels to resolve criminal cases while promoting officer safety.

This program supports federal, state, local, territorial, and tribal law enforcement agencies and other criminal justice agencies through the six regional RISS centers by providing the following services:

- A secure online information and intelligence sharing network;
- Officer safety information and deconfliction services;
- Investigative and analytical support services;
- Loans of specialized investigative equipment and confidential investigative funds; and
- Training, conferences, and publications designed to assist RISS users in investigating and prosecuting regional, national, and transnational criminal activity.

Authorizing Legislation: Omnibus Crime Control and Safe Streets Act of 1968 (42 USC 3796h(d)) as amended

Administering Agency: Bureau of Justice Assistance (BJA)

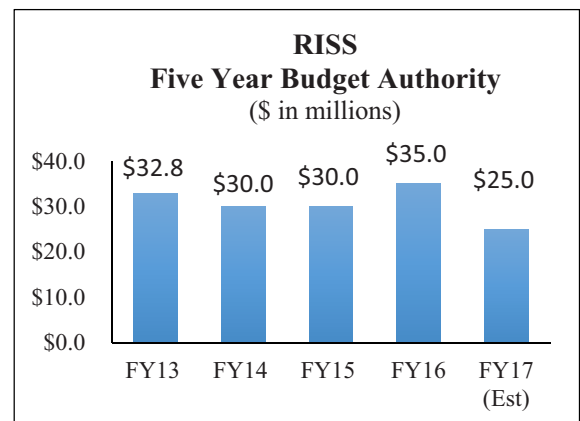
DOJ Strategic Objective 3.1: Promote and strengthen relationships and strategies for the administration of justice with law enforcement agencies, organizations, prosecutors, and defenders through innovative leadership and programs

Who Can Apply for Funding: The six regional RISS Centers and the RISS Technology Support Center

How Funds are Distributed: Discretionary grants are awarded on an annual basis based the number of users each regional center serves, anticipated needs for the coming year, and overall RISS Program funding levels.

Program Goals:

- 1) Recruit more law enforcement agencies – particularly small agencies that would benefit tremendously from the RISS resources such as analysts, equipment, information-sharing, and trainings. Currently, RISS has about 9,000 member agencies but there are over 15,000 agencies in the country.
- 2) Work in conjunction with other national data sources to create a nationwide subject deconfliction search capability to allow law enforcements agencies to know when other agencies are investigating the same subject (individual, type of crime, etc.). Currently, only event deconfliction exists on a nationwide basis which is limited to a particular time, date, and location.
- 3) Annually, RISS aims to increase the number of search requests for information by 3%.

**Accomplishments:**

- RISS staff responded to over 184,000 requests for intelligence research support.
- Responded to 5.6 million requests through the automated federated search tool.

- Produced over 32,000 analytical products –such as link charts, telephone toll analysis, and crime scene diagrams – to support criminal investigations. RISS also provides computer forensics and video and audio enhancement services at some centers.
- Loans over 4,500 pieces of specialized equipment annually to agencies which could not afford to buy it.
- Increased to 26 (from 19) in FY 2011 the number of RISS Watch Centers where dedicated staff identify conflicts in law enforcement operations and inform officers.
- Sponsored or co-sponsored 952 training opportunities and helped train over 44,000 individuals.
- RISS and partner organizations announced in mid-2015 the integration of the three nationally-recognized event deconfliction systems¹ to create a single nationwide event deconfliction capability for officer safety.

FY 2017 Proposed Policy Changes to the Program: N/A

FY 2017 Proposed Funding Changes to the Program: N/A

Application and Award History

(\$ in millions)	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
Amount Appropriated	\$32.8	\$30.0	\$30.0	\$35.0	\$25.0 Requested
Total Funding Awarded [^]	\$29.6	\$27.0	\$27.0	TBD	TBD
Awards to Regional RISS Centers:					
1. Mid Atlantic –Great Lakes (MAGLOCLN)	\$4.6	\$4.4	\$4.1	TBD	TBD
2. Mid-States (MOCIC)	\$2.7	\$4.0	\$3.8	TBD	TBD
3. New England (NESPIN)	\$3.2	\$3.1	\$2.9	TBD	TBD
4. Rocky Mountain (RMIN)	\$4.6	\$4.3	\$4.1	TBD	TBD
5. “Regional” Southern States (ROCIC)	\$4.5	\$4.4	\$4.2	TBD	TBD
6. Western States (WSIN)	\$4.6	\$4.4	\$4.3	TBD	TBD
Award to RISS Information Sharing and Network Technology Support Center	\$3.6	\$2.0	\$3.5	TBD	TBD
Award to RISS Collaboration Support and Technical Assistance	\$0.4	\$0.4	\$0.0	TBD	TBD

[^] Total Funding Awarded does not include funds used for management and administration, peer review, or other authorized purposes.

For additional information, please visit: <http://www.riss.net/>.

¹ Case Explorer, SAFETNet*, and RISSafe

EXHIBIT 6

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Law Enforcement™
Regional Information Sharing Systems®



28 CFR Part 23 Frequently Asked Questions

Guidelines

[28 CFR Part 23 Guideline](#)[28 CFR Part 23 Policy Clarification](#)

What is Criminal Intelligence Systems Operating Policies (Federal Regulation 28 CFR Part 23)?

Criminal Intelligence Systems Operating Policies (Federal Regulation 28 CFR Part 23) is a guideline for law enforcement agencies. It contains implementing standards for operating federally grant-funded multijurisdictional criminal intelligence systems. It specifically provides guidance in five primary areas: submission and entry of criminal intelligence information, security, inquiry, dissemination, and review-and-purge process. Criminal Intelligence Systems Operating Policies (Federal Regulation 28 CFR Part 23) does not provide specific, detailed information on how the standards should be implemented by the operating agency but, instead, provides the ability for each agency to develop its own policies and procedures.

What criminal intelligence systems are affected by Criminal Intelligence Systems Operating Policies (Federal Regulation 28 CFR Part 23)?

Criminal Intelligence Systems Operating Policies (Federal Regulation 28 CFR Part 23) standards apply to all multijurisdictional criminal intelligence systems operating under Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended. This includes any Office of Justice Programs and Bureau of Justice Assistance programs such as RISS, the Byrne Formula or Discretionary Grants Programs, the Local Law Enforcement Block Grants (LLEBG) Program, and Community Oriented Policing Services (COPS) grants. Many state and local law enforcement agencies have voluntarily adopted, as an agency policy, the operating standards of Criminal Intelligence Systems Operating Policies (Federal Regulation 28 CFR Part 23).

Where can I get more information about 28 CFR Part 23?

The Institute for Intergovernmental Research (IIR) is a Florida-based nonprofit research and training organization specializing in law enforcement, juvenile justice, and criminal justice issues. They provide information, technical assistance, and training on 28 CFR Part 23. For additional information, please visit:

<http://www.iir.com/28CFR>

Policy

Policy Governance
Privacy Policy
Social Media Policy
RISSProp Policy
OJP

RISS Centers

MAGLOCLEN
MOCIC
NESPIN
RMIN
ROCIC
WSIN

RISS Resources

RISS Overview
RISSafe
RISSIntel
RISS ATIX
RISSGang
Analytical Products
Confidential Funds
Equipment Loans
Field Services Support
Training and Publications

Miscellaneous

Federation Partners
RISS Insider
RISS Impact Website
Annual Report
Help
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