

File No. 111216

Committee Item No. 1

Board Item No. 8

COMMITTEE/BOARD OF SUPERVISORS AGENDA PACKET CONTENTS LIST

Committee PUBLIC SAFETY

Date 12/1/11

Board of Supervisors Meeting

Date 12/13/11

Cmte Board

- | | | |
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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form (for hearings) |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Grant Information Form |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER

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Completed by: Gail Johnson

Date 11/28/11

Completed by: Gg

Date 12/7/11

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.

1 [Accept and Expend Grant - Intellectual Property Crime Enforcement Program - \$198,676]

2
3 **Resolution authorizing the Department of the District Attorney of the City and County**
4 **of San Francisco to retroactively accept and expend a grant in the amount of \$198,676**
5 **through the United States Department of Justice, Bureau of Justice Assistance, for a**
6 **program entitled "Intellectual Property Crime Enforcement Program" for the grant**
7 **period of October 1, 2011, through September 30, 2012.**

8
9 WHEREAS, The City and County of San Francisco desires to create a certain project
10 designated the Intellectual Property Crime Enforcement Program to be funded in part from
11 funds made available through the United States Department of Justice Bureau of Justice
12 Assistance (hereafter "BJA"); and

13 WHEREAS, The grant does not require an ASO amendment; and

14 WHEREAS, The Department proposes to maximize use of available grant funds on
15 program expenditures by not including indirect costs in the grant budget; now, therefore, be it

16 RESOLVED, That the Board of Supervisors hereby authorizes the District Attorney of
17 the City and County of San Francisco to accept and expend funds from BJA for the purposes
18 of establishing a Intellectual Property Crime Enforcement Program; and be it

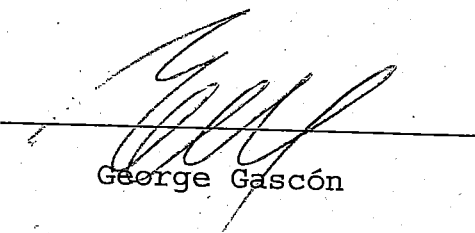
19 FURTHER RESOLVED, That the Board of Supervisors hereby waives inclusion of
20 indirect costs in the grant budget; and be it

21 FURTHER RESOLVED, That the District Attorney is authorized to execute on behalf of
22 the City and County of San Francisco the necessary Grant Award Agreements for Intellectual
23 Property Crime Enforcement Program implementation and operation purposes, including any
24 extensions, augmentations or amendments thereof; and be it


1 FURTHER RESOLVED, That the District Attorney is authorized and empowered to
2 execute, deliver and perform, in the name of the City and County of San Francisco, all
3 applications, contracts, agreements, amendments and payment requests necessary for the
4 purpose of securing Intellectual Property Crime Enforcement Program grant funds and to
5 implement and carry out the purposes specified in the applicable grant application; and be it

6 FURTHER RESOLVED, That any liability arising out of the performance of the Grant
7 Award Agreement, including civil court actions for damages, shall be the responsibility of the
8 grant recipient and the authorizing agency; and that the grant recipient and the authorizing
9 agency will hold BJA harmless from any claims that may arise from the use of grant funds.

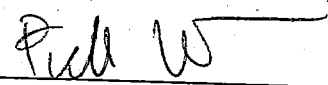
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11
12 APPROVED:
Office of the District Attorney

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16 
George Gascón

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19 APPROVED:
Office of the Controller

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21
22 By: 
ALAN PAVLOVIC
for Ben Rosenfield

23
24
25 APPROVED:
Office of the Mayor

By: 
for Edwin M. Lee

TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Tara Anderson, District Attorney's Office
DATE: October 20, 2011
SUBJECT: Accept and Expend Resolution for Subject Grant
GRANT TITLE: Federal Grant – Intellectual Property Crime Enforcement Program

Attached please find the original and 4 copies of each of the following:

- Proposed grant resolution; original signed by Department, Mayor, Controller
- Grant information form, including disability checklist
- Grant budget
- Grant narrative

Special Timeline Requirements:

*Please place on consent calendar for earliest possible committee!

Departmental representative to receive a copy of the adopted resolution:

Name: Tara Anderson Phone: 415-553-1203

Interoffice Mail Address: DAT, 850 Bryant Street, Ste. 322

Certified copy required Yes No

(Note: certified copies have the seal of the City/County affixed and are occasionally required by funding agencies. In most cases ordinary copies without the seal are sufficient).

File Number: _____
(Provided by Clerk of Board of Supervisors)

Grant Information Form
(Effective March 2005)

Purpose: Accompanies proposed Board of Supervisors resolutions authorizing a Department to accept and expend grant funds.

The following describes the grant referred to in the accompanying resolution:

1. Grant Title: Intellectual Property Crime Enforcement Program
2. Department: District Attorney
3. Contact Person: Tara Anderson Telephone: 415-553-1203
4. Grant Approval Status (check one):
 Approved by funding agency Not yet approved
5. Amount of Grant Funding Approved or Applied for: \$198,676
- 6a. Matching Funds Required: \$0
- b. Source(s) of matching funds (if applicable):
- 7a. Grant Source Agency: US Department of Justice, Bureau of Justice Assistance
- b. Grant Pass-Through Agency (if applicable): n/a
8. Proposed Grant Project Summary:
To expand the High Tech Crimes and Identity Theft Unit. Primary Goals: 1) Strengthen multi-jurisdictional law enforcement partnerships to more efficiently combat intellectual property rights (IPR) and High Technology (high tech) crimes, 2) Further develop SFDA office capacity to successfully investigate and prosecute high tech cases given an ever-changing landscape.
9. Grant Project Schedule, as allowed in approval documents, or as proposed:
Start-Date: October 1, 2011 End-Date: September 30, 2012
- 10a. Amount budgeted for contractual services: \$14,850
- b. Will contractual services be put out to bid? No, because the work requires highly specialized experts. There is a very limited amount of experts qualified to provide case specific consultation and training for intellectual property theft.
- c. If so, will contract services help to further the goals of the department's MBE/WBE requirements? No - federal procurement guidelines preclude the use of preferences in competitive bids.
- d. Is this likely to be a one-time or ongoing request for contracting out? One-time

11a. Does the budget include indirect costs? Yes No

b1. If yes, how much? \$0

b2. How was the amount calculated?

c. If no, why are indirect costs not included?

Not allowed by granting agency

To maximize use of grant funds on direct services

Other (please explain):

c2. If no indirect costs are included, what would have been the indirect costs? 10% indirect costs would have been \$19,867.60.

12. Any other significant grant requirements or comments:

****Disability Access Checklist****

13. This Grant is intended for activities at (check all that apply):

Existing Site(s)

Existing Structure(s)

Existing Program(s) or Service(s)

Rehabilitated Site(s)

Rehabilitated Structure(s)


New Program(s) or Service(s)

New Site(s)

New Structure(s)

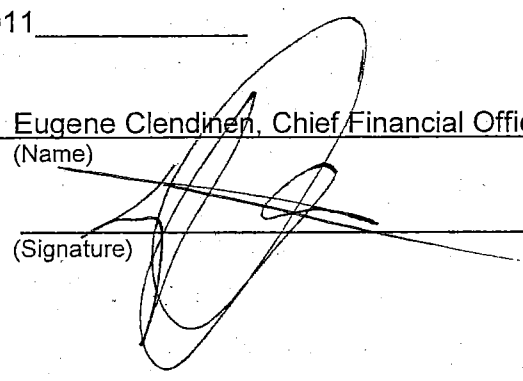
14. The Departmental ADA Coordinator and/or the Mayor's Office on Disability have reviewed the proposal and concluded that the project as proposed will be in compliance with the Americans with Disabilities Act and all other Federal, State and local access laws and regulations and will allow the full inclusion of persons with disabilities, or will require unreasonable hardship exceptions, as described in the comments section:

Comments:

Departmental or Mayor's Office of Disability Reviewer: Martha Knutzen 
(Name)

Date Reviewed: 10-18-2011

Department Approval: Eugene Clendinen, Chief Financial Officer
(Name) (Title)


(Signature)



Department of Justice
Office of Justice Programs

Office of the Assistant Attorney General

Washington, D.C. 20531

September 20, 2011

Mr. George Gascon
San Francisco District Attorney's Office
850 Bryant Street
3rd Floor
San Francisco, CA 94103

Dear Mr. Gascon

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 11 Intellectual Property Crime Enforcement Program in the amount of \$198,676 for San Francisco District Attorney's Office.

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, Esmeralda C. Womack, Program Manager at (202) 353-3450; 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 "Laurie Robinson".

Laurie Robinson
Assistant Attorney General

Enclosures



Department of Justice
Office of Justice Programs
Office for Civil Rights

Washington, D.C. 20531

September 20, 2011

Mr. George Gascon
San Francisco District Attorney's Office
850 Bryant Street
3rd Floor
San Francisco, CA 94103

Dear Mr. Gascon

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

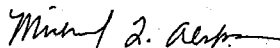
In the event a Federal or State court or Federal or State administrative agency makes an adverse finding of discrimination against your organization after a due process hearing, on the ground of race, color, religion, national origin, or sex, your organization must submit a copy of the finding to OCR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

September 20, 2011

Mr. George Gascon
San Francisco District Attorney's Office
850 Bryant Street
3rd Floor
San Francisco, CA 94103

Reference Grant Number: 2011-MU-BX-0026

Dear Mr. Gascon

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	\$100,125
Fringe Benefits	\$33,776
Travel	\$7,800
Equipment	\$17,500
Supplies	\$14,625
Construction	\$0
Contractual	\$14,850
Other	\$10,000
Total Direct Cost	\$198,676
Indirect Cost	\$0
Total Project Cost	\$198,676
Federal Funds Approved:	\$198,676
Non-Federal Share:	\$0
Program Income:	\$0

Match is not required for this grant program.

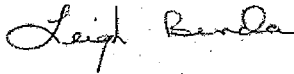
The approved budget clearance above includes the reclassification of \$10,000 from Supplies category to Other Cost category.

If you have questions regarding this award, please contact:

- Program Questions, Esmeralda C. Womack, Program Manager at (202) 353-3450
- 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,



Leigh Benda
Chief Financial Officer



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

Grant

PAGE 1 OF 4

1. RECIPIENT NAME AND ADDRESS (Including Zip Code) San Francisco District Attorney's Office 850 Bryant Street 3rd Floor San Francisco, CA 94103		4. AWARD NUMBER: 2011-MU-BX-0026					
		5. PROJECT PERIOD: FROM 10/01/2011 TO 09/30/2012 BUDGET PERIOD: FROM 10/01/2011 TO 09/30/2012					
1A. GRANTEE IRS/VENDOR NO. 946003417		6. AWARD DATE 09/20/2011	7. ACTION Initial				
		8. SUPPLEMENT NUMBER 00					
3. PROJECT TITLE San Francisco District Attorney's Office Intellectual Property Crime Enforcement Project		9. PREVIOUS AWARD AMOUNT \$ 0					
		10. AMOUNT OF THIS AWARD \$ 198,676					
		11. TOTAL AWARD \$ 198,676					
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 FY11 (BJA - Intellectual Property Enforcement) Pub. L. No. 112-10, div. B, secs. 1101-1104; Pub. L. No. 111-117, 123 Stat. 3034, 3134							
15. METHOD OF PAYMENT GPRS							
AGENCY APPROVAL		GRANTEE ACCEPTANCE					
16. TYPED NAME AND TITLE OF APPROVING OFFICIAL Laurie Robinson Assistant Attorney General		18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL George Gascon District Attorney					
17. SIGNATURE OF APPROVING OFFICIAL 		19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL 	19A. DATE 9-29-2011				
AGENCY USE ONLY							
20. ACCOUNTING CLASSIFICATION CODES		21. KMUUGT2276					
FISCAL YEAR	FUND CODE	BUD. ACT.	DIV. OFC.	REG.	SUB.	POMS	AMOUNT
X	B	BE	80	00	00	00	145003
X	B	D2	80	00	00	00	28856
X	B	BE	80	00	00	00	24817

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

**AWARD CONTINUATION
SHEET
Grant**

PAGE 2 OF 4

PROJECT NUMBER 2011-MU-BX-0026

AWARD DATE 09/20/2011

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.
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. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of any contract or subaward to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of OJP.
7. The recipient agrees to comply with any additional requirements that may be imposed during the grant performance period if the agency determines that the recipient is a high-risk grantee. Cf. 28 C.F.R. parts 66, 70.



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

**AWARD CONTINUATION
SHEET
Grant**

PAGE 3 OF 4

PROJECT NUMBER 2011-MU-BX-0026

AWARD DATE 09/20/2011

SPECIAL CONDITIONS

8. Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), the Department encourages recipients and sub recipients to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this grant, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.
9. The recipient agrees to comply with applicable requirements regarding Central Contractor Registration (CCR) and applicable restrictions on subawards to first-tier subrecipients that do not acquire and provide a Data Universal Numbering System (DUNS) number. The details of recipient obligations are posted on the Office of Justice Programs web site at <http://www.ojp.gov/funding/ccr.htm> (Award condition: Central Contractor Registration and Universal Identifier Requirements), and are incorporated by reference here. This special condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).
10. The recipient agrees to submit to BJA for review and approval any curricula, training materials, proposed publications, reports, or any other written materials that will be published, including web-based materials and web site content, through funds from this grant at least thirty (30) working days prior to the targeted dissemination date. Any written, visual, or audio publications, with the exception of press releases, whether published at the grantee's or government's expense, shall contain the following statements: "This project was supported by Grant No. 2011-MU-BX-0026 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, the Community Capacity Development Office, and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice." The current edition of the OJP Financial Guide provides guidance on allowable printing and publication activities.
11. Any Web site that is funded in whole or in part under this award must include the following statement on the home page, on all major entry pages (i.e., pages (exclusive of documents) whose primary purpose is to navigate the user to interior content), and on any pages from which a visitor may access or use a Web-based service, including any pages that provide results or outputs from the service: "This Web site is funded in whole or in part through a grant from the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice. Neither the U.S. Department of Justice nor any of its components operate, control, are responsible for, or necessarily endorse, this Web site (including, without limitation, its content, technical infrastructure, and policies, and any services or tools provided)." The full text of the foregoing statement must be clearly visible on the home page. On other pages, the statement may be included through a link, entitled "Notice of Federal Funding and Federal Disclaimer," to the full text of the statement.
12. The recipient agrees to cooperate with any assessments, national evaluation efforts, or information or data collection requests, including, but not limited to, the provision of any information required for the assessment or evaluation of any activities within this project.
13. 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.
14. Approval of this award does not indicate approval of any consultant rate in excess of \$450 per day. A detailed justification must be submitted to and approved by the Office of Justice Programs (OJP) program office prior to obligation or expenditure of such funds.



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

AWARD CONTINUATION
SHEET
Grant

PAGE 4 OF 4

PROJECT NUMBER 2011-MU-BX-0026

AWARD DATE 09/20/2011

SPECIAL CONDITIONS

15. The recipient acknowledges that the Office of Justice Programs reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use (in whole or in part, including in connection with derivative works), for Federal purposes: (1) the copyright in any work developed under an award or subaward; and (2) any rights of copyright to which a recipient or subrecipient purchases ownership with Federal support.

The recipient acknowledges that the Office of Justice Programs has the right to: (1) obtain, reproduce, publish, or otherwise use the data first produced under an award or subaward; and (2) authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes.

It is the responsibility of the recipient (and of each subrecipient, if applicable) to ensure that this condition is included in any subaward under this award.

16. Grantee agrees to comply with all confidentiality requirements of 42 U.S.C. section 3789g and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. Grantee further agrees, as a condition of grant approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, section 22.23.
17. The grantee agrees to comply with the applicable requirements of 28 C.F.R. Part 38, the Department of Justice regulation governing "Equal Treatment for Faith Based Organizations" (the "Equal Treatment Regulation"). The Equal Treatment Regulation provides in part that Department of Justice grant awards of direct funding may not be used to fund any inherently religious activities, such as worship, religious instruction, or proselytization. Recipients of direct grants may still engage in inherently religious activities, but such activities must be separate in time or place from the Department of Justice funded program, and participation in such activities by individuals receiving services from the grantee or a sub-grantee must be voluntary. The Equal Treatment Regulation also makes clear that organizations participating in programs directly funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. Notwithstanding any other special condition of this award, faith-based organizations may, in some circumstances, consider religion as a basis for employment. See http://www.ojp.gov/about/ocr/equal_fbo.htm.
18. Prior to developing, producing or engaging in public outreach and education efforts, the recipient is required to coordinate these activities with BJA's national public awareness campaign partner.
19. In accordance with applicable law, the recipient shall not use these funds for any of the following purposes:
1. land acquisition;
 2. construction projects; or
 3. security enhancements or security equipment to non-governmental entities that do not engage in law enforcement, law enforcement support, criminal or juvenile justice, or delinquency prevention.
20. The recipient agrees to comply with applicable requirements to report first-tier subawards of \$25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients of award funds. Such data will be submitted to the FFATA Subaward Reporting System (FSRS). The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the Office of Justice Programs web site at <http://www.ojp.gov/funding/ffata.htm> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here. This condition, and its reporting requirement does not apply to grant awards made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own operate in his or her name).



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

Washington, D.C. 20531

Memorandum To: Official Grant File

From: Orbin Terry, NEPA Coordinator

Subject: Categorical Exclusion for San Francisco District Attorney's Office

The Intellectual Property Crime Enforcement Program is designed to provide national support and improve the capacity of state, local, and tribal criminal justice systems to address intellectual property criminal enforcement, including prosecution, prevention, training, and technical assistance.

Awards under this program will be used to develop national demonstration, training, and technical assistance programs. None of the following activities will be conducted whether under the Office of Justice Programs federal action or a related third party action:

- (1) New construction.
- (2) Renovation or remodeling of a property either (a) listed on or eligible for listing on the National Register of Historic Places or (b) located within a 100-year flood plain.
- (3) A renovation which 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.
- (5) Implementation of a program involving the use of chemicals.

Consequently, the subject federal action meets the Office of Justice Programs' criteria for a categorical exclusion as contained in paragraph 4(b) of Appendix D to Part 61 of the Code of Federal Regulations. Additionally, the proposed action is neither a phase nor a segment of a project which when reviewed in its entirety would not meet the criteria for a categorical exclusion.



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

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

Grant

PROJECT NUMBER

2011-MU-BX-0026

PAGE 1 OF 1

This project is supported under FY11(BJA - Intellectual Property Enforcement) Pub. L. No. 112-10, div. B, secs. 1101-1104; Pub. L. No. 111-117, 123 Stat. 3034, 3134

1. STAFF CONTACT (Name & telephone number)

Esmeralda C. Womack
(202) 353-3450

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

Lauren Bell
Community Initiatives Director
850 Bryant Street
Room 322
San Francisco, CA 94103-4600
(415) 553-4919

3a. TITLE OF THE PROGRAM

BJA FY 11-Intellectual Property Crime Enforcement Program

3b. POMS CODE (SEE INSTRUCTIONS
ON REVERSE)

00, 00,

4. TITLE OF PROJECT

San Francisco District Attorney's Office Intellectual Property Crime Enforcement Project

5. NAME & ADDRESS OF GRANTEE

San Francisco District Attorney's Office
850 Bryant Street 3rd Floor
San Francisco, CA 94103

6. NAME & ADDRESS OF SUBGRANTEE

7. PROGRAM PERIOD

FROM: 10/01/2011 TO: 09/30/2012

8. BUDGET PERIOD

FROM: 10/01/2011 TO: 09/30/2012

9. AMOUNT OF AWARD

\$ 198,676

10. DATE OF AWARD

09/20/2011

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)

This program is authorized by the Full-Year Continuing Appropriations Act, 2011, Omnibus Consolidated Appropriations Act, 2011 (Pub. L. 112-1017, div. B, secs. 1101-1104) and Pub. L. No. 111-117, 123 Stat. 3034, 3134, and informed by section 401 of Public Law 110-403, which authorizes the Department to provide funding to support state and local intellectual property enforcement efforts. The Intellectual Property Crime Enforcement Program is designed to provide national support and improve the capacity of state, local, and tribal criminal justice systems to address intellectual property criminal enforcement, including prosecution, prevention, training, and technical assistance. This program is generally informed by section 401 of Public Law 110-403, which authorizes the Department to provide funding to support state and local intellectual property crime enforcement efforts.

The grantee will use funds to expand its High Tech Crimes and Identity Theft Unit. Primary project goals include the following: (1) Strengthen multi-jurisdictional law enforcement partnerships to more efficiently combat intellectual property rights (IPR) and High Technology (high tech) crimes; and (2) Further develop the San

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

Francisco District Attorney's Office's capacity to successfully investigate and prosecute high tech cases. Project strategies include investigations and prosecution; outreach, education, and training; coordination of project activities via partnerships with the US Attorney's Office CHIP (Computer Hacking and Intellectual Property) Unit, the recently established federal WHIP3 (World Hacking Intellectual Property Protection Program), the State REACT (Rapid Enforcement Allied Computer Task Force), and federal and state law enforcement. Funds will be used to hire investigative staff, acquire necessary equipment and supplies, send staff to trainings covering topics of intellectual property, and obtain contracted investigative or prosecutorial services.

CA/NCF

ABSTRACT

The San Francisco District Attorney's Office (SFDA) seeks \$198,676 to expand the High Tech Crimes and Identity Theft Unit. Primary Goals: 1) Strengthen multi-jurisdictional law enforcement partnerships to more efficiently combat intellectual property rights (IPR) and High Technology (high tech) crimes, 2) Further develop SFDA office capacity to successfully investigate and prosecute high tech cases given an ever-changing landscape. Description of Strategies: 1) *Investigations and Prosecution:* a) The SFDA's office will build forensic examination infrastructure to elevate investigation and prosecution caliber and become a model for best practices in local and federal law enforcement partnership; 2) *Outreach, Education and Training:* a) Engage in a multi-agency public education effort to raise awareness of IPR laws, protections and coordinated enforcement efforts; b) Conduct outreach to high tech companies in the private sector to explore collaborative enforcement efforts; c) Collaborate with the San Francisco Police Department (SFPD) to train Special Investigations Unit and district station inspectors on comprehensive IPR crimes and train patrol officers on identifying and reporting IPR crimes; and d) Learn about advancements in the intellectual property investigations field via state and federal intellectual property training. Coordination Plans: Via working partnerships with the US Attorney's Office's CHIP (Computer Hacking and Intellectual Property) unit, the recently established federal WHIP³ (World Hacking Intellectual Property Protection Program), and the state REACT (Rapid Enforcement Allied Computer Task Force) task forces, the SFDA's office, federal and state law enforcement will achieve grant deliverables. Deliverables: 1) 2-5 cases investigated and/or prosecuted; 2) 2-3 IPR awareness trainings; 3) 10-20 private industry contacts, 4) Up to 24 collaborative meetings with representatives of federal CHIP and WHIP³, REACT for information sharing, case review and troubleshooting.

Program Narrative

The San Francisco District Attorney's (SFDA) office investigates and prosecutes crime in San Francisco and supports victims of crime. The office contains four major divisions: the Criminal Division, the Investigations Bureau, the Victim Services Division and the Special Operations Division. The office's Criminal Division prosecutes felony and misdemeanor crimes and is divided into 12 different units, including misdemeanors, preliminary hearings, general litigation, narcotics, domestic violence, gangs, sexual assault, child assault, juvenile, cold hits, homicide, and writs and appeals. The Investigations Bureau is composed of sworn peace officers who work closely with our prosecutors to fully develop documentary, physical, and testimonial evidence for trial. The Victim Services Division provides comprehensive services and support to victims of crime and witnesses to crime. The Special Operations Division investigates and prosecutes various types of corruption and white-collar crime committed within San Francisco. The Division is divided into 5 units: public integrity, high technology and identity theft crimes, elder abuse, consumer protection, environmental justice, and insurance fraud. Aligned with key objectives of the Efficiency and Coordination goals outlined in the White House's 2010 Joint Strategic Plan on Intellectual Property Enforcement, the SFDA's office will use these funds to enhance and expand high tech crime investigations and prosecutions through strengthened federal law enforcement partnerships, advanced training and public and private sector IPR and high tech crimes education.

The High Technology and Identity Theft Unit of the Special Operations Division has already established a track record of investigating and prosecuting intellectual property, high tech and network hacking cases and maintains existing relationships with private sector industry investigators not exclusive to those from large retail companies, the Motion Picture Association

of America and the Recording Industry Association of America as well as active and collaborative partnership with the state level REACT task force (a task force of the statewide High Technology Theft Apprehension and Prosecution Program).

Statement of Need

Across the world IPR and high tech crimes are on the rise. Counterfeit and pirated goods in international trade amounted up to USD 250 billion according to a 2009 report by the Organization for Economic Co-operation and Development.¹ Domestically, U.S. Customs and Border Protection reported 14,841 IPR seizures with a domestic value of \$260.7 million in FY 2009 and revealed that the seizures of products violating IPR posing potential safety and security risks increased from \$27.8 million to \$62.5 million.² Looking at a snapshot of high tech crime infringements, the Business Software Alliance (BSA), the world's foremost advocate for the software industry, reported "for every \$100 worth of legitimate software sold in 2009, an additional \$75 worth of unlicensed software also made its way into the market."³ IPR crimes pose many additional risks. Consumers and governments may face financial and safety risks either to person, property or public safety because counterfeited goods aren't subject to industry standard quality control. In addition to safety risks, businesses risk loss of profits and jobs, and governments risk losses of business and payroll taxes.

California feels the serious impacts of the global intellectual property problems. Industry representatives of entertainment, high tech and other businesses and associations constantly struggle to maintain the integrity and quality of their trade secrets, brand names and the security of their trademarked processes, designs and systems, and call on government assistance to investigate and prosecute these cases. A February 5, 2011 news article, "Hackers Pierce System

¹ http://www.oecd.org/document/23/0,3746,en_2649_34173_44088983_1_1_1_1,00.html

² "They Left Their Fakes in San Francisco," Chamberpost Blog:<http://www.chamberpost.com/2010/08/they-left-their-fakes-in-san-francisco/>

³ sic

that Runs Nasdaq”⁴ underscores the gravity of cyber and high tech crimes. In this case, hackers broke into the network of a company that runs the Nasdaq Stock Market and while the hackers only appeared to be “looking around” and didn’t appear to get into the network’s trading platform, the ripple effects of the act could be astronomical – for examples, hackers could identify high tech information and sell it illegally to other criminals that seek a cyber portal for exploring deeper levels of damage to the network or investors may fear a loss of assets and pull out market funds which impacts economic stability. The disturbing collateral consequence of all sophisticated intellectual property crimes is the link to organized crime, child labor violations, violence and terrorism.

California remains extremely vulnerable to IPR threats on the high tech front because of its unique market position. A 2009 California Office of Emergency Services report, “High Technology Crime in California Annual” to the Governor and Legislature declares that California is the nation’s leader in high tech industries and cites both a Time Magazine article that describes California as “an unparalleled engine of innovation, the [M]ecca of high tech, biotech and now clean tech” as well as a Milken Institute report that touts five California metropolitan areas as among the top ten most notable high-tech centers in North America.⁵ This innovative, high tech success comes at a cost - California is hit hard by high tech crimes. The Internet Crime Complaint Center reported that California comprised a large proportion of internet crime complaints received by the Center in 2008.⁶ Further driving California’s high tech crime victimization is a Federal Trade Commission identity theft report from 2008 that ranked

⁴ <http://www.sfgate.com/cgi-bin/article.cgi?file=/n/a/2011/02/05/state/n081718S09.DTL>

⁵ “2009 High Technology Crime In California: Annual Report to the Governor and Legislature,” pg. 3

⁶ sic

six California metropolitan areas in the top ten largest metropolitan areas for identity theft related complaints.⁷

Program Design and Implementation

Currently, the SFDA's office enforces IPR through a couple of case processing mechanisms: 1) Horizontal Prosecution - Once a San Francisco Police Department (SFPD) arrest is made the basic information is analyzed and if there is reasonable cause, an Assistant District Attorney (ADA) will apply charges. The case then gets randomly assigned to an ADA and within a traditional horizontal prosecution framework – an IPR case could change hands several times. Many of these misdemeanor street-level cases and are handled by ADAs with limited IPR training. The SFDA's office currently lacks an internal information sharing mechanism that helps non-expert ADAs identify case connections or patterns resulting in a systematic crack through which investigative or evidentiary materials might fall. 2.) Vertical Prosecution – These cases may be generated through an SFPD arrest or through existing partnerships that the SFDA's office maintains with entertainment and high tech industry investigators or through the state REACT taskforce. Cases referred for vertical prosecution through the Special Operations Division are more complex and sophisticated in nature and require the expert knowledge of an ADA seasoned in IPR. Vertical prosecution of these cases affords many well-known benefits – concentrated attention on the particulars of evidence, a more rigorous and dynamic investigations process, the opportunity to develop strong relationships with investigators, victims and other federal and state IPR experts, opportunities to identify and work with possible informants and more generally to determine the best possible dispositional course of action. The SFDA typically charges IPR cases with the following California penal code violations: 502 (Comprehensive Computer Data Access and Fraud), 653w (Failure to Identify Origin of

⁷ "2009 High Technology Crime In California: Annual Report to the Governor and Legislature," pg. 3

Manufacturer), 350 (Manufacturing or Sale of a Counterfeit Mark), 351a (Misrepresenting the Name of a Maker of Goods Sold), 499c (b) (Theft of Trade Secrets), and 487(a) (Theft of Personal or Real Property, Goods, or Services). The SFDA's Office will continue to investigate and prosecute these crimes, but we will also establish new mechanisms for pursuing chargeable cases through tighter law enforcement coordination. The SFDA's office has identified Assistant District Attorney Conrad Del Rosario, a seasoned IPR and high tech crimes prosecutor to oversee the implementation of this grant. A grant assigned senior level investigator will work in close partnership with ADA Del Rosario, share multi-agency networking and information sharing responsibilities, and will drive grant related investigations. Their combined efforts will advance the grant's *Investigation and Prosecution* and *Outreach, Education and Training* objectives. Grant specific logs and spreadsheets will be used to track grant activities and to justify information included in grant reports.

Investigation and Prosecution: The WHIP³, a working component of the US Attorney's Computer Hacking and Intellectual Property (CHIP) Unit, is a comprehensive federal law enforcement effort designed to investigate and criminally prosecute worldwide IPR violators. WHIP³ coordinates investigative efforts with agencies such as Department of the Treasury, Homeland Security, Secret Service, US Postal Service, Federal Bureau of Investigations and the US Attorney's office, and now the San Francisco District Attorney's Office to investigate and criminally prosecute worldwide Intellectual Property Rights (IPR) violators. Via the CHIP and WHIP³ partnership, the SFDA's office can: a) follow up on investigative leads generated through private industry victim companies, the Internet, and informant tips in high technology sectors; b) gather evidence, records and testimony through grand jury subpoenas; c) summon the resources of the San Francisco Grand Jury process to secure indictments; d) issue search warrants for all

potential financial seizures and charges, including tax violations; e) assist with the conducting of probation searches of individuals on probation suspected of violating IPR laws; f) facilitate working with informants and participants in counterfeiting schemes to develop leads and further investigations; g) conduct independent criminal investigations using an assigned DA investigator to be trained by WHIP³; h) utilize state forfeiture statutes to seize monies gained from criminal activity from state convicted offenders; and i) conduct forensic examinations of computer and cell phone devices suspected of being involved in IPR violations.

The SFDA's office seeks to become a model for best practices in local and federal law enforcement partnership which requires the office to successfully build out and strengthen our High Tech Crimes and Identity Theft Unit. We believe that we have devised a staffing framework to achieve this goal and seek to use grant funds to purchase greatly needed forensic examination equipment and supplies. ADA Rosario and the senior level investigator will be deployed to a series of IPR and high tech conferences and trainings to ensure the office builds capacity needed to take full advantage of the new equipment and supplies. The office will also work with WHIP³ to secure additional forensic examination training for the investigator.

In preparing for this grant submission, the SFDA's office, US Attorney's CHIP and WHIP³ have met several times. All parties have committed to regular collaborative meetings of local, state and federal law enforcement for the purposes of a) developing leads for investigations to identify offenders and the scope of their illegal operations; b) assessing existing investigations and preparing plans of action for prosecution; and c) planning outreach efforts to business community executives and/or private investigators either employed or contracted by victim companies. This improved coordination will yield substantial benefits: 1.) Case clarity – Highly complex IPR cases will be identified collaboratively by local, state and federal partners; and 2.)

Improved Law Enforcement Efficiencies – By regularly sharing information and coordinating efforts, the collaborative reduces duplication and maximizes multi-jurisdictional resources.

Outreach, Education and Training: A plan for conducting private sector outreach will also be created during standing collaborative meetings. The plan will include outreach to high-tech companies like Adobe, Apple, Cisco, Dolby, eBay/PayPal, Electronic Arts, iOffer, Microsoft, MPAA, RIAA, Monster Cable, Rosetta Stone, Sega, Sony, Symantec, and Autocad and seeks to result in investigative leads and a greater private industry understanding of expanded collaborative law enforcement efforts. Complementing the outreach, will be the creation of a coordinated multi-agency IPR and high tech crimes enforcement seminar that clarifies IPR rights, explains the nuances of investigations and building strong cases and spells out pragmatic strategies for local, state, federal and private sector entities to collaborate more meaningfully to prevent and deter IPR crimes. The SFDA's looks forward to crafting a high-impact seminar in partnership with the CHIP and WHIP3. Grant funds will be used to identify private industry IPR and high tech experts whose knowledge and experience will strengthen the seminar's bottom line and also serve to attract other high tech industry and law enforcement professionals. Seminars will seek attendees from the private sector and local, state and federal law enforcement.

Another education and training activity includes work with the San Francisco Police Department (SFPD) officers and investigators. SFPD now deploys all general crimes investigations to local district station inspectors who are unfamiliar with the investigation and prosecution of these IPR and high tech crimes. Inspectors and patrol officers will be trained through this grant effort to identify and arrest individuals engaged in intellectual property violations.

The final education and training component is focused on advanced education for SFDA ADAs and investigators and in-house systematic improvements. Via memberships to the International Anti-Counterfeiting Coalition (IACC) and the National White Collar Crime Center (NWCC), outreach to the Global Anti-Counterfeiting Group (GACG), INTERPOL and the National Intellectual Property Rights Coordination Center, the SFDA's office seeks to connect with new high tech networks and resources. Additionally, ADA Rosario and the senior investigator will seek training opportunities through the National District Attorney's Association (NDAA), the California District Attorney's Association (CDAA), the California Attorney General's Office, the US Attorney's Office/ United States Department of Justice and other to be identified conferences. Through accessing federal partnership, expanding high tech networks and building skills through conferences, staff of the High Tech Crimes and Identity Theft Unit stay on the forefront of IPR and high tech advancements. In-house staff will benefit through a concentrated focus on training and developing competencies. ADA Del Rosario and the senior investigator will also schedule an in-house training with ADAs and the SFPD. The end result of which is raised ADA and SFPD, IPR and high tech awareness and the creation of an information sharing mechanism between line staff and the High Tech Crimes and Identity Theft Unit to explore possible evidentiary or investigative linkages between different cases.

Capabilities and Competencies

The SFDA's office has a track record of providing effective and innovative prosecution within specialized units. Over the past few years, specialized cold case, mortgage and investment fraud prevention and sexual assault units were created. Focused on success, the office identified expert staff to work in the units, connected staff with advanced trainings, built law enforcement and other public and private partnerships, identified funding and created opportunities for unit

staff to work with managing attorneys on operational strengths and challenges. This same spirit will be applied to this grant's activities. ADA Conrad Rosario has been a state prosecutor for 17 years, the last five of which has been in the High Tech Crimes and Identity Theft Unit. He is in a perfect position to work with the senior investigator and guide the grant's implementation. Highlights of his expertise include investigating, advising and reviewing high tech cases, drafting and filing felony and misdemeanor criminal complaints for vertical prosecution of crimes involving identity theft, network intrusion, digital software and entertainment piracy, credit card fraud, and computer cargo thefts, assisting local, state and federal law enforcement with investigations, search warrants and arrests and vertically handling of all stages of felony criminal prosecutions. A fairly recent High Tech Crimes Unit case involved an employee of the City and County of San Francisco (CCSF) who hacked into the network and manipulated devices of the city's multi-million dollar "FiberWAN" computer system. The defendant's withholding of passwords and administrative information prohibited city administrators from accessing its own intellectual property. Multiple departments that require CCSF services could have been impacted – payroll, retirement, tax collections, and municipal transportation were at risk of disruption. Through efforts of the SFPD, SF Department of Technology, specialized consultants, and the SFDA's office criminal investigation, the defendant was arrested before he could commit additional harm. The trial, which lasted six-months, resulted in a conviction and a four-year prison sentence. Another case of interest involved a referral from the Northern California Computer Crimes Task Force (NC³TF is a sister organization to the state REACT taskforce) on behalf of the Marin based AutoCad corporation. AutoCad identified a Craigslist vendor who was selling a pirated version of its proprietary software at a fraction of the \$5,000 retail price. Company investigators and then NC³TF conducted a buy operation of the pirated software and

then contacted the SFDA's office for search warrant assistance as well as case review and advice for building the case. This is a pending case. Another example of a role that the SFDA's office plays in high tech cases involved a hacking case filed by a major department store. In this case, a perpetrator hacked into the "reward certificates" section of the store's website, figured out the coding system that issued the reward certificates and generated counterfeit reward cards that were sold on eBay returning a profit of approximately \$80,000. At the request of the California Attorney General's Office, the SFDA's office provided expert review of the case which resulted in a filing of more extensive charges and a higher bail amount and search warrant assistance; and continues to be an available resource for court appearances as needed by the AG's office.

Plan for Collecting Data

The SFDA's office successfully manages the data collection and reporting for multiple federal and state grants. Case specific information is maintained in the in-house DAMIAN case management system and also through the CMS system of the San Francisco Superior Court. The office has devised drafts logs and spreadsheets that will accurately capture required US DOJ performance measure information, as well information specific to the outlined grant activities: number of cases prosecuted/investigated, trainings, private industry contacts and collaborative meetings. The SFDA's office will aggregate and analyze all of this information and provide as requested reports to the BJA. The SFDA's office has no doubt about the ability to sustain this work once the grant expires. The enhanced High Tech Crimes Unit will provide invaluable investigative and prosecutorial assistance to law enforcement and the high tech industry and will conversely benefit tremendously from the expertise, resources and leverage gained by the federal partnerships. The collaborative successes will serve as motivation for preserving the partnerships and related activities inspired through these grant funds.

SAN FRANCISCO DISTRICT ATTORNEY'S OFFICE – TIMELINE OF GRANT ACTIVITIES

Goals	Strategies/Objectives	Timeline	Data Tracking	Deliverables
<p>1. Strengthen multi-jurisdictional law enforcement partnerships to more efficiently combat IPR and high tech crimes.</p>	<p>1a. Investigations and Prosecution - In conjunction with the U.S. Attorney's Office and federal and state law enforcement, the SFDA's office will pursue IP and collateral property crimes cases. 1ai: Establish meeting calendar 1aii: Commence meetings 1aiii: Identify initial cases of mutual interest 1iv: Commence investigations 1v: Report back on status of grant related investigations and prosecution efforts.</p>	<p>October, 2011 October, 2011 October – December, 2011 October – December, 2011 August – September 2012</p>	<p>Log of mtgs. Log of cases Log of investigations and/or prosecutions Final Report</p>	<p>1a. 2- 5 cases investigated and/or prosecuted. 1b. Up to 24 collaborative meetings with local, state and federal law enforcement.</p>
<p>2. Further develop SFDA office capacity to successfully investigate and prosecute high tech cases given an ever-changing IPR crimes landscape.</p>	<p>2: a) Engage in a multi-agency public education effort to raise awareness of IPR laws, protections and coordinated enforcement efforts. 2ai: Determine target audience (s) 2aii: Public awareness training planning 2aiii: Contact as needed consultants and commence CCSF contracting process 2aiv: Finalize presentation(s) curriculum 2av: Create public education calendar (to include DA staff, local, state and federal law enforcement and private industry stakeholders. 2avii: Commence presentations 2aviii: Complete presentations b) Conduct outreach to high tech companies in the private sector to explore collaborative enforcement efforts; 2bi: Create contacts list 2bii: Discuss list with collaborative partners 2biii: Finalize messaging with partners 2biv: Commence outreach 2bv: Complete outreach c) Collaborate with the San Francisco Police Department (SFPD) to train Special Investigations Unit and district station inspectors on comprehensive IPR crimes and train patrol officers on identifying and reporting IP crimes 2ci: Schedule training with SFPD 2cii: Conduct training (s) 2ciii: Complete training (s) d) Learn about advancements in the intellectual property investigations field via state and federal intellectual property training. 2di: Subscribe to industry memberships 2dii: Purchase forensic examination equipment 2diii: Create attorney and investigator training calendar 2div: Conduct in-house IPR and high tech training for ADAs to tighten internal information sharing mechanism</p>	<p>October – November, 2011 October – December, 2011 October – January, 2012 December, 2011 December, 2011 Jan, 2011 – August, 2012 August, 2012 December, 2011 December, 2011 December, 2011 January, 2011 August, 2012 January, 2012 January, 2012 August, 2012 Nov, 2011 – Feb, 2012 December, 2011 December, 2011 January, 2012</p>	<p>Log of potential attendees Curriculum planning notes Log of expert consultants Finalized curriculum agenda Log of # of presentations Sign in sheets Info included in final report Log of contacts Contact planning notes Messaging meeting notes Log of contacts made Info included in final report Log of scheduled training Sign in sheet Info included in final report Proof of membership Proof of purchase Log of trainings Sign in sheet</p>	<p>2a. 2-3 IPR awareness cases 2b. 10 – 20 private industry contacts</p>

<p>3. Track solicitation required performance measures.</p>	<p>3a.) Create spreadsheet for capturing grant required performance measures.</p>	<p>September, 2011</p>	<p>Spreadsheet</p>	<p>3a. # of offenders arrested for violation of IP laws during the current reporting period. 3b. # of offenders arrested for violation of IP laws during the previous reporting period. 3c. # of state IP-related search warrants served during the current reporting period. 3d. # of state IP-related search warrants served during the previous reporting period. 3e. # of local IP-related search warrants served during the current reporting period. 3f. # of local IP-related search warrants served during the previous reporting period. 3g. # of IP-related tips/leads received during the current reporting period. 3h. # of intellectual property-related tips/leads</p>
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Budget Summary- When you have completed the budget worksheet, transfer the totals for each category to the spaces below. Compute the total direct costs and the total project costs. Indicate the amount of Federal requested and the amount of non-Federal funds that will support the project.

Budget Category	Amount
A. Personnel	<u>\$100,125.00</u>
B. Fringe Benefits	<u>\$33,776.00</u>
C. Travel	<u>\$7,800.00</u>
D. Equipment	<u>\$17,500.00</u>
E. Supplies	<u>\$24,625.00</u>
F. Construction	<u>\$0.00</u>
G. Consultants/Contracts	<u>\$14,850.00</u>
H. Other	<u>\$0.00</u>
Total Direct Costs	<u>\$198,676.00</u>
I. Indirect Costs	<u>\$0.00</u>
TOTAL PROJECT COSTS	<u>\$198,676.00</u>
Federal Request	<u>\$198,676.00</u>
Non-Federal Amount	<u>\$214,445.00</u>

**San Francisco District Attorney's Office
Intellectual Property Crime Enforcement Program
Budget Justification
October 1, 2011 – September 30, 2012**

PERSONNEL AND FRINGE

8147 Investigator - The 8147 Investigator classification is for a senior level investigator position. The office requests a senior level staff for this grant because of the highly complex nature of this grant's work. There is an associated fringe calculation per the union negotiated contract that oversees this classification. The listed 8147 personnel and fringe amounts reflect prorated figures for a seasoned investigator's grant work.

Personnel and Fringe Breakdown

Salary - \$100,125

Fringe:

Retirement @ .176 = \$17,662

Social Security @ .014 = \$1,402

Health Services 1 @ \$236.43 X 24 pay periods = \$5,674

Health Services 2 @ \$296.36 X 24 pay periods = \$7,113

Dental @ \$65.97 X 26 (2 more pay periods than health) = \$1,715

Unemployment @ .0025 = \$250

An in-kind SFDA's office 8177 Attorney position will be tasked with overseeing the implementation of grant objectives.

TRAVEL

The figures in this category are related to travel associated with trainings that will be attended by the grant's in-kind prosecutor and senior level investigator for the purposes of skills building and tracking new advancements in the intellectual property and high tech world. Travel costs are estimates based on similar past travel costs. Nailing down more specific figures has proven to be difficult because associations and companies have not yet posted a 2011/2012 training calendar. The SFDA's office feels strongly about including funds for travel (and conferences) as training and competency development is a strong part of the proposal. The SFDA's office will commit to informing the BJA of hard travel (and training) figures once they are posted.

EQUIPMENT

The SFDA's office sees this grant as an opportunity to truly expand and enhance the way it performs intellectual property and high tech crimes business. Equipment and supplies purchases will build infrastructure needed to take SFDA's office investigative caliber to a new level and will position the SFDA's office to provide more comprehensive assistance to local, state and federal law enforcement. The office conferred with other high tech industry professionals to discuss the listed forensics equipment. The costs reflect industry

expert opinion on prices. The purchase of forensic equipment will be complemented with a request to utilize grant funds for equipment (and supplies) training. The SFDA's office will ensure that staff complete competency building trainings needed to fully utilize and take advantage of the purchased equipment. We thought extensively about the costs associated with this grant's equipment and supplies requests and believe that the build out of this infrastructure is critical if the office is going to play an elevated role in a coordinated law enforcement effort.

The SFDA's office will follow all local procurement requirements for purchasing and monitoring equipment.

SUPPLIES

The SFDA's office offers a justification for supplies requests similar to the equipment request. We are committed to building high tech crimes infrastructure for the purpose of fulfilling our proposed grant goals and objectives and for the purpose of sustaining a high caliber role within a coordinated law enforcement effort focused on complex IPR and high tech crimes. The listed supplies and associated costs reflect consultation with industry experts. Commensurate training will be requested to ensure that SFDA's staff builds the skills needed to fully utilize the forensic examination supplies.

In addition to forensic software and other hardware supplies requests, the SFDA's office is also requesting funds for industry memberships. The membership figures reflect costs reported online by organizations. The memberships will help the SFDA's office develop new high tech networks and will connect staff to a new cache of high tech experts. The office also listed training/conferences in the supplies section. As was referenced in the travel section, this training component is core to successfully building High Tech Crimes and Identity Theft Unit infrastructure. The caveat is that none of the conference hosting organizations has the late 2011/2012 training calendar posted, so it is impossible to provide exact conference (and associated travel) costs. Consequently, the training figures are estimates. The conference information provided reflects general knowledge of costs associated with past association and private industry training.

The SFDA's office will follow all local procurement requirements for purchasing and monitoring supplies.

CONSULTANTS

The SFDA's proposal is focused on playing an elevated investigate and prosecutorial role within a multi-agency law enforcement effort focused on high tech crimes. Consultants may be used when a particularly complex case requires troubleshooting by an additional investigative or prosecutorial expert. Additionally, the SFDA's office in partnership with federal and state law enforcement will organize IPR and high tech crime training for high tech industry and law enforcement professionals. As multi-agency planning for this public education and training effort takes more shape, the SFDA's office will drill down on the expert assistance that is needed for a high-caliber educational training. The

SFDA's office will access membership organizations and established high tech networks to identify highly qualified consultants.

The SFDA's office will follow all local protocols needed to eventually get into contract with a consultant.

