

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: District Attorney

BOARD AGENDA # *B-3

Urgent

Routine

CEO Concurs with Recommendation YES NO
(Information Attached)

AGENDA DATE February 12, 2008

4/5 Vote Required YES NO

SUBJECT:

Approval to Accept the Fiscal Year 2007-2008 Grant from the Department of Justice for the District Attorney's Office Consumer Fraud Unit and Adjust the Budget

STAFF RECOMMENDATIONS:

1. Accept a grant from the Department of Justice Attorney General's Privacy and Piracy fund for the District Attorney's Office.
2. Authorize the District Attorney to sign and approve grant award agreements including any extensions, augmentation or amendments.
3. Direct the Auditor-Controller to increase estimated revenue and appropriations in the amount of \$23,490.00, according to the budget journal.

FISCAL IMPACT:

Grant revenue of \$23,490.00 will be received from the Department of Justice Attorney General's Privacy and Piracy fund. The funds will be used to purchase communications and recording equipment for the District Attorney's Consumer Fraud Unit to help engage in the investigation and prosecution of selling pirated entertainment media by private sellers. A budget journal increasing appropriations and revenues in the General Fund for the purchase of the equipment is attached. There will be no county match.

BOARD ACTION AS FOLLOWS:

No. 2008-101

On motion of Supervisor Grover, Seconded by Supervisor DeMartini
and approved by the following vote,

Ayes: Supervisors: O'Brien, Grover, Monteith, DeMartini, and Chairman Mayfield

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval to Accept the Fiscal Year 2007-2008 Grant from the Department of Justice for the District Attorney's Office Consumer Fraud Unit and Adjust the Budget

Page 2

DISCUSSION:

Consumer fraud affects the citizens of Stanislaus County through increased illegal sales and distribution of entertainment media. The District Attorney's Office is committed to the aggressive investigation and prosecution of those who commit consumer fraud. The funding from the Privacy and Piracy Fund would allow the District Attorney's Office to purchase necessary technical equipment to investigate and prosecute intellectual property rights violations by engaging in undercover operations. The undercover operations would primarily focus on the vendors of the pirated material who are currently found in flea market type venues throughout Stanislaus County. Six investigators from the District Attorney's Office will make up the undercover Consumer Fraud Unit. The investigators would be equipped with the covert audio/video equipment purchased with the funds.

The funding to be received from the Privacy and Piracy Fund should be \$23,490.00. A budget journal has been attached to increase appropriations for the equipment and increase revenues in the General Fund. There will be no county match.

POLICY ISSUES:

Acceptance of this grant will assist the District Attorney's Office in meeting the Board's goal of a safe community.

STAFFING IMPACTS:

There are no staffing impacts.

**AUDITOR-CONTROLLER
BUDGET JOURNAL**



Balance Type	Budget
Category	Budget - Upload
Source	
Currency	USD
Budget Name	LEGAL BUDGET
Batch Name	
Journal Name	
Journal description	Increase appropriations and revenue for Privacy and Piracy Grant
Period	Feb-08
Organization	Stanislaus Budget Org
	BO#

Line	Coding Structure						Debit		Credit		Description
	Fund	Org	Account	G/L Proj	Loc	Misc	incr appropriations decr est revenue	decr appropriations incr est revenue			
1	0100	0023110	60402	0	0	0.0	23,490.00				Inc appropriations
2	0100	0023110	25000	0	0	0.0		23,490.00			Inc revenue
3						0.0					
4						0.0					
5						0.0					
6						0.0					
7						0.0					
8						0.0					
9						0.0					
10						0.0					
11						0.0					
12						0.0					
13						0.0					
14						0.0					
15						0.0					
16						0.0					
17						0.0					
18						0.0					
19						0.0					
20						0.0					
21						0.0					
22						0.0					
23						0.0					
24						0.0					
25						0.0					
Totals							23,490.00	23,490.00			

Explanation: Increase appropriations and revenue for the Privacy and Pricacy grant to purchase communcations equipment for District Attorney's office investigations.

Requesting Department	CEO	Auditors Office Only	
<i>Nori Cree</i>	<i>Robert H. ...</i>	<i>B. ...</i>	
Signature	Signature	Prepared By	Admin Approval (\$75K+)
1-31-08	2/5/08		2/1/08
Date	Date	Date	Date

Contact Person & Phone Number



OFFICE OF THE
DISTRICT ATTORNEY

Stanislaus County
832 12th Street, Suite 300
Modesto, CA 95354

Mailing address: POB 442, Modesto, CA 95353
Telephone: (209) 525-5550 Fax: (209) 525-5545

Birgit Fladager
District Attorney

Carol Shipley
Assistant District Attorney
Chief Deputy District Attorneys

Jerry Begen
Steve Casey
John Goold
Dave Harris

November 27, 2007

Privacy and Piracy Fund Committee
Attention: Albert Norman Shelden
Senior Assistant Attorney General
California Office of the Attorney General
110 West A Street, Suite 1100
San Diego, California 92101

Re: 2007 Privacy and Piracy Fund Grant Application **Amendment**

Dear Mr. Shelden,

As discussed, we are submitting this amended Privacy and Piracy Fund Grant Application. After my staff submitted the original grant application our Board of Supervisors unexpectedly provided funding for some of the same communications equipment we requested from the fund.

Rather than using grant funds to purchase the equipment we have already funded, we have amended our request to the Privacy and Piracy Grant Fund to request alternate communications and surveillance equipment. This equipment will allow us to carry out the previously described undercover operations in partnership with our local law enforcement agencies in Stanislaus County.

Because the law enforcement agencies in Stanislaus County utilize radio frequencies in the VHF, UHF and 800 MHz frequency range, it is not economically feasible for each individual agency to purchase radio equipment for each of the alternate frequency bands. We are therefore requesting resources from the Privacy and Piracy Fund grant to purchase digital radio receivers, (Scanners) for each investigator. This would ensure communication interoperability and officer safety during our joint privacy and piracy operations. Investigators not able to communicate directly with neighboring agencies would at least be able to monitor their radio traffic utilizing the purchased scanners. Additionally, Investigators would make great use of the ability to communicate with the various law enforcement databases while in the field. Secure data communication with the county Integrated Criminal Justice Information System (ICJIS), Parolee Leads, and Cal-Photo would greatly enhance the investigator's ability to identify suspects and their associates while conducting their investigations. This task would be accomplished through the use of office shared, Verizon Wireless air cards and individually issued, and web enabled handheld communication devices.

We are requesting permission to use the funds previously allocated to purchase the following communications equipment:

Vendor: (Amended) Ten Four Communications:

- (20) Uniden, BCD-996T Digital Scanners - \$563.00 each, inc. tax - \$11,260.00
- (20) Vehicle Antenna splitters - \$25 each - \$500
- (20) Labor to install units into Investigator's vehicles- 1 hour each @ \$80 per hour - \$1,600

Total cost for scanners: **\$13,360.00**

Vendor: (Amended) Verizon Wireless:

- (2) Wireless Air Cards for remote data access, \$60 each monthly charge x 12 months - \$1,440.00

Total cost for Verizon air cards: **\$1,440.00**

Vendor: (Previously Submitted) Law Enforcement Associates (LEA):

- (1) Flash memory audio/video receiver/recorder system, model 95004BC- \$7,295.00
- (1) Hard wire camera kit, model 95080U- \$1,000.00
- (1) 14db gain antenna, model 95000R-390- \$395.00

Total cost for surveillance equipment- **\$8,690.00**

Total amended request: \$23,490.00
(\$185.36 less than the previously funded request)

Thank you for allowing us to amend our proposal. We look forward to using the equipment purchased with these funds to investigate and prosecute those who choose to violate the intellectual property and privacy rights of our citizens.

Sincerely,

Birgit Fladager
District Attorney

EDMUND G. BROWN JR.
Attorney General

State of California
DEPARTMENT OF JUSTICE



110 WEST A STREET, SUITE 1100
SAN DIEGO, CA 92101

P.O. BOX 85266
SAN DIEGO, CA 92186-5266

Public: (619) 645-2051
Telephone: (619) 645-2089
Facsimile: (619) 645-2062
E-Mail: albert.shelden@doj.ca.gov

November 14, 2007

Carol Shipley
Assistant District Attorney
Stanislaus County Office of the District Attorney
P.O. Box 442
Modesto, CA 95353

RE: *Attorney General's Privacy and Piracy Fund Recipient Award and Disbursement Approval Form*

Dear Ms. Shipley:

As I mentioned in my call to you of a few weeks ago, we are pleased to inform you that the Attorney General's Office has accepted your office's application for disbursements from the Privacy and Piracy Fund in its entirety, for the amount of \$23,675.36. Enclosed please find an approval form for disbursement from the Attorney General's Privacy and Piracy Fund, which must be completed in order for our office to process disbursements from the Fund to the Stanislaus County District Attorney's Office. Please have the appropriate representative from your office fill out the right side of the form and sign where indicated and return to my attention at your earliest convenience.

Thank you for your cooperation. Please do not hesitate to contact me at (619) 645-2089 if you have any questions regarding the foregoing.

Sincerely,

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

ALBERT NORMAN SHELDEN
Senior Assistant Attorney General

For EDMUND G. BROWN JR.
Attorney General

Encl.

STATE OF CALIFORNIA
**PRIVACY AND PIRACY
 RECIPIENT AWARD
 AND DISBURSEMENT
 APPROVAL**

JUS 8765 (REV. 4-07)



AWARD NUMBER 07-#03	AM. NO.
ORIGINAL AMOUNT REQUESTED \$23,675.36	
AWARD PERIOD July 1, 2007 - June 30, 2008	
APPROVED AWARD \$23,675.36	

THIS AGREEMENT, made and entered into this _____ day of November, 2007

TITLE OF OFFICER ACTING FOR STATE ATTORNEY GENERAL	AGENCY DEPARTMENT OF JUSTICE
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IMPLEMENTING/RECIPIENT AGENCY(S) / TASK FORCE NAME
 Stanislaus County District Attorney's Office

The recipient signifies acceptance of this award and agrees to administer the project in accordance with the Final Judgment and Permanent Injunction ("Judgment") in the case of *People v. Hewlett-Packard Company*, Case No. 106CV-076081, and the application for distribution from the Privacy and Piracy Fund prepared and submitted by the Implementing/Recipient Agency ("authorized prosecutors" or "Recipient," as defined in the Judgment) and as approved by the Department of Justice.

Albert Norman Shelden is designated as the Department of Justice Project Coordinator and _____ is designated as the Recipient's Representative. The Department of Justice reserves the right to change the Project Coordinator at any given time without Agreement amendment.

STATE OF CALIFORNIA	RECIPIENT/APPLICANT
AGENCY DEPARTMENT OF JUSTICE	Implementing/Recipient Agency / Task Force Representative Stanislaus County District Attorney's Office
BY (AUTHORIZED SIGNATURE) X	BY (AUTHORIZED SIGNATURE) X
PRINTED NAME OF PERSON SIGNING Albert Norman Shelden	PRINTED NAME AND TITLE OF PERSON SIGNING District Attorney
TITLE Senior Assistant Attorney General	ADDRESS 832 12th Street, Ste 300, Modesto
TELEPHONE (619) 645-2089	TELEPHONE (209) 525-5550
E-MAIL Albert.Shelden@doj.ca.gov	E-MAIL

I hereby certify upon my own personal knowledge that budgeted funds are available for the period and purpose of the expenditure stated above.

Signature of Accounting Officer	DATE
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Department of Justice
Use Only

CURRENT YEAR	YEAR 2	YEAR 3
AMOUNT APPROVED FOR PAYMENT \$23,675.36	AMOUNT APPROVED FOR PAYMENT N/A	AMOUNT APPROVED FOR PAYMENT N/A
PERIOD OF PAYMENT JULY 1, 2007 THROUGH JUNE 30, 2008	PERIOD OF PAYMENT JULY 1, 20 - JUNE 30, 20	PERIOD OF PAYMENT JULY 1, 20 - JUNE 30, 20

2007
Privacy and Piracy Fund
Grant Proposal

By the
Stanislaus County District Attorney's Office



Birgit Fladager
District Attorney

Background:

The County of Stanislaus is located in the center of the State of California, approximately 90 miles east of San Francisco and 80 miles south of Sacramento. The population of the County is approximately 481,000; the city of Modesto's population is estimated to be 208,000 and the Sheriff's Office jurisdiction encompasses a population of 174,000. As a result, the Sheriff's Office and the city of Modesto Police Department provide law enforcement services to 75 percent of the residents in the county. The cities of Turlock, Ceres, Oakdale and Newman also maintain their own Police Departments.

Office Organization:

The Stanislaus County District Attorney's Office mission statement:

"The mission of the office of the District Attorney is to vigorously and effectively seek justice by providing exemplary legal services and by treating all people in a professional, ethical, honest, courteous and respectful manner. Above all, the Office of the District Attorney is dedicated to keeping Stanislaus County a safe community"

The Stanislaus County District Attorney's Office has forty two Deputy District Attorneys, (DDA's) with heavy case loads. The Criminal Investigations Division has 18 full time, sworn, Criminal Investigator positions, 3 sworn supervisors, and one part time sworn investigator. The District Attorney's Office is the only law enforcement agency in Stanislaus County that has a dedicated, full time consumer fraud unit. This unit includes a full time prosecutor, investigator, and paralegal dedicated solely to consumer fraud violations.

Prosecutors and investigators from the District Attorney's Office are also assigned to other areas of fraud investigation including automobile and worker's compensation insurance fraud as well as real estate related fraud. While these investigators frequently liaison with local, state and federal law enforcement agencies and participate in various enforcement and intelligence related operations, they have not pursued media piracy type investigations in the past. This is in part due to the fact that the office does not possess the necessary technical equipment for these types of investigations.

Perceived Need:

Two major freeways, US Interstate 5 and State Highway 99 both pass through Stanislaus County. Both of these freeways serve as pipelines for pirated entertainment media as well as other illegal contraband from Mexico and southern California to northern California and points beyond.

Perceived Need (Continued):

Stanislaus County is home to several flea market type venues in its unincorporated areas as well as in the cities of Ceres, Turlock and Modesto. These venues currently allow private sellers to rent tables and sell pirated entertainment media, (audio CD's and video DVD's) without verifying that the sellers have secured the intellectual property rights to sell the media.

The need for this type of enforcement is demonstrated by the fact that in July of 2007, the Stanislaus County Sheriff's Office and the local office of the Sacramento Valley Hi-Tech Task Force made four arrests and seized 4,000 pirated videos from separate vendors at these flea market venues in a two day period alone. Due to manpower shortages and excessive case loads, these agencies are not able to engage in these types of operations on a regular basis. The Stanislaus County District Attorney's Office, Consumer Fraud Unit, has the personnel and motivation to conduct these types of investigations, but lacks the necessary communications and recording equipment.

The Stanislaus County District Attorney's Office is requesting from the Privacy and Piracy Fund the resources to purchase the communications and recording equipment necessary to successfully engage in these types of investigations and prosecutions.

Anticipated Public Benefit:

The Privacy and Piracy Fund Grant would allow the Stanislaus County District Attorney's Office to expand its consumer fraud crime fighting efforts into areas not previously focused on. Primarily the funding would allow the office to purchase the necessary technical equipment to investigate and prosecute intellectual property rights violations by engaging in undercover operations. These undercover operations would primarily be focused on the vendors of the pirated material who currently offer it for sale at the aforementioned flea market type venues held throughout Stanislaus County. The operations would be staffed by six Criminal Investigators from the Stanislaus county District Attorney's Office, Investigations Division. Two investigators would be equipped with the covert audio/video equipment purchased with the requested funds. The third and fourth investigators would be assigned as close cover for the undercover investigators. The fifth investigator would be used to monitor the audio/visual equipment in a nearby vehicle. The sixth investigator, (Lieutenant) assigned would be the supervisor of the operation and employees. This office proposes completing four such operations in 2008.

The sellers of the material would be audio and video recorded during the undercover operation. Once the sale has been made, the intellectual property rights owner of the purchased media would be established. The seller would then be arrested, their pirated material seized, and the cases would be prosecuted in either the local superior court or the United States District Court depending on which legal venue was deemed most appropriate. The Stanislaus County District Attorney's Office would collaborate with investigators from the Motion Pictures Association of America (MPAA) in order to utilize their expertise on these types of investigations.

Anticipated Public Benefit (Continued):

It is hoped through these types of programs law enforcement can reduce media piracy and related crime in several different ways. By using the US District Courts and their stiffer sentencing guidelines, defendants are more apt to become cooperating witnesses and debrief with law enforcement about other people engaging in this same type or other criminal activity. Specifically we would seek information about other criminals who may be producing and/or importing pirated entertainment media. We would pursue those criminals who engage in the commerce of this pirated material by arresting those higher up the distribution chain, seizing the evidence and equipment used to manufacture the media, and publicizing the arrests with the expectation that others engaged in the same illegal commerce would cease their activity.

Additionally, investigators from the Stanislaus County District Attorney's Office would embark on a public education program making vendors and potential buyers aware of the enforcement program and the punishment associated with these violations. This would be accomplished by investigators handing out printed media at the flea market venues in both English and Spanish.

Cost Detail:

This communications and recording equipment purchase would be a one time, non-recurring cost. This equipment is not currently budgeted for purchase as the funds are not available for this type of equipment. The Stanislaus County District Attorney's Office has only requested the equipment necessary to equip a six person undercover investigative team and agrees to use this equipment for the purpose of investigating intellectual property rights and/or privacy related crimes. The useful service life of the equipment is expected to be in excess of 10 years.

Funds are requested for the following communications and recording equipment:

MOTOROLA

- (6) Motorola XTS-2500, Model 3, VHF, Digital Portable Radios- **\$1950 each**
- (6) Motorola Programming software for radio- **\$790 each**
- (6) Motorola ADP Digital encryption modules - **\$10 each**
- (6) Motorola Audio accessory adapters for surveillance kits- **\$52.50 each**
- (6) Motorola 3-wire surveillance kit- **\$150.00 each**
- (6) Motorola IMPRES Battery chargers- **\$165.00 each**
- (1) Motorola six gang charger - **\$788 each**
- (12) Motorola Nimh batteries, (2) per radio- **\$110.00 each** **\$20,813.00**

Western States Contractors Association Discount (-28%) **\$5827.64**

Motorola Total \$14,985.36

Cost Detail (Continued):

LAW ENFORCEMENT ASSOCIATES (LEA):

- (1) Flash Memory Audio/Video Receiver/Recorder System, Model 95004BC - **\$7,295 ea**
- (1) Hard Wire Camera Kit, Model 95080U- **\$1,000 each**
- (1) 14 db gain antenna, Model 95000R-390- **\$395 each**

LEA Total \$8,690.00

Total Funds Requested \$23,675.36

Stipulations:

The Stanislaus County District Attorney's Office agrees to the following as it relates to this request for funding:

1. There are no competing requests for funding for this equipment.
2. This office has not received any prior disbursements from the Privacy and Piracy Fund.
3. This office will provide a report to the Committee with the results obtained from the use of the funds.
4. This office will cooperate with any planned audit by the Committee to ensure the funds are used for the authorized purpose.
5. The planned use of the funds will have a significant positive impact on the community as this area of enforcement has not been explored in depth previously. The subsequent publicity surrounding the operations should have a deterrent effect on other potential violators.
6. None of the requested funds will be used for employee costs, travel, food or lodging.

Conditions:

This office agrees to the following specified conditions as part of the application:

1. This office will comply with each and every order of the court in connection with the Privacy and piracy Fund and the disbursement received.
2. This office will vigilantly safeguard the monies disbursed hereunder and maintain financial controls sufficient to protect such monies and ensure that the use of the monies fully comports with the application for disbursement, and will provide a detailed written description of such financial controls upon request by the Committee.
3. The funding request will not be used to pay for regular staff of this office.

Conditions (Continued):

4. This office is authorized to accept funds under state and local law and the receipt of such funds from the Committee will not reduce the budget of this office. The funds received will only be used to augment and not supplant the budget of the Stanislaus County District Attorney's office.
5. This funding will not be used for purposes of litigation.
6. This office will notify the Committee of the status of all investigations resulting from the use of such funds at the six month and 12 month anniversary of the receipt of the funds, as required.
7. No excess funds are expected as a result of the nature of the request for funding.

Closing Statement:

The mission statement of the Stanislaus County District Attorney's Office is to "Seek Justice, Serve Justice, Do Justice." We strive to accomplish this on a daily basis through aggressive and innovative enforcement of the law, while ensuring the rights of both victims and defendants are protected. It is our belief that, with the funding assistance of the Privacy and Piracy Fund, justice can be found, justice can be served, and justice can be done in the area of intellectual and private property rights.



OFFICE OF THE
DISTRICT ATTORNEY

Stanislaus County
832 12th Street, Suite 300
Modesto, CA 95354

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Telephone: (209) 525-5550 Fax: (209) 525-5545

Birgit Fladager
District Attorney

Carol Shipley
Assistant District Attorney
Chief Deputy District Attorneys

Jerry Begen
Steve Casey
John Goold
Dave Harris

August 15, 2007

Privacy and Piracy Fund Committee
Attention: Albert Norman Shelden
Senior Assistant Attorney General
California Office of the Attorney General
110 West A Street, Suite 1100
San Diego, California 92101

Re: 2007 Privacy and Piracy Fund Grant Application

Dear Mr. Shelden,

Thank you for this opportunity for my office to participate in the Privacy and Piracy Fund grant application process. My staff and I look forward to using the equipment purchased with these funds to investigate and prosecute those who choose to violate the intellectual property and privacy rights of our citizens.

Please contact my office if any additional information is needed.

Sincerely,

Carol Shipley
Assistant District Attorney

**CONFIDENTIAL LAW ENFORCEMENT
COMMUNICATION**

**APPLICATION FOR DISTRIBUTION FROM PRIVACY AND PIRACY FUND
ADMINISTERED BY THE CALIFORNIA ATTORNEY GENERAL'S OFFICE
YEAR 2007-2008 CYCLE**

I. NAME OF APPLICANT(s): JOINT APPLICANT (if applicable):

Stanislaus County District Attorney's Office

Address: 832 12th Street, Suite 300

Modesto, California 95354

Phone Number: 209-525-5916

Fax Number: 209-525-5918

E-mail (if available): David.Hutchinson@Standa.org

Contact Person(s): David Hutchinson

II. STATUS OF APPLICANT (check and provide information as appropriate)

- A. Is Applicant an "Authorized Prosecutor" Within the Meaning of Section 17206?
Yes No

If no, the Applicant is not eligible to receive disbursements from the Privacy and Piracy Fund.

If yes, describe the governmental entity's function and responsibilities.

Identify the Program Manager who will oversee the proposed project and who will be the contact person for purposes of the disbursement application. Attach a resume and contact information for the Program Manager.

III. APPLICANT'S PROPOSAL

In a separate document, describe the proposal for which Applicant seeks a disbursement. Please include:

- A. The perceived need for the program and how Applicant identified such need.
- B. The anticipated public benefit to be served by the disbursement, and how the benefit would be achieved. Please explain how the proposed project and any materials developed through disbursement funds may produce benefits extending

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COMMUNICATION**

beyond the specific project for which the disbursement is sought, if there will be such benefits.

- C. Where the application concerns an investigation and/or potential litigation, a description of the potential investigation and/or litigation.
- D. A description of all equipment and of all materials, including brochures, pamphlets, and audio, video, and electronic materials, that will be prepared, developed, used, purchased, or rented with disbursement funds in connection with the proposed project. If possible, drafts, detailed descriptions, or copies of content to be used in the Applicant's project should be submitted to provide as much specificity as possible.
- E. Of the materials set forth in response to paragraph D, a description of how those materials may have use or application outside of the proposed project.
- F. A *detailed itemization* of all costs and expenses related to the proposed project that are expected to be paid from the disbursement. (If applicable, include a description of how other elements such as volunteer labor or collaboration with other agencies will be integrated into the project.)
- G. A detailed description of goods and services, such as personnel, travel and transportation, and materials to be used in connection with the proposed project that are funded from sources other disbursements from the Fund.
- H. The name, address, and telephone number of each provider of funds (other than the Privacy and Piracy Fund) expected to be used in connection with the proposed project.
- I. A statement of whether the Applicant intends to continue with the proposed project after the end of the initial disbursement term and, if so, the Applicant's expected source of funding for continuing the project.
- J. A description of how the proposed project relates to the Applicant's other projects in the program area, *e.g.*, whether the proposed project supplements or duplicates other programs.
- K. A description of how the Applicant:
 - 1) will ensure that distribution by the Committee will be used solely for purposes proposed in the application; and

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2) intends to report to the Committee concerning the results of the project, including a discussion of how the Applicant intends to measure the success of the project. Appropriate non-staffing costs for such measurement may be included in the monies sought by the application.

- L. If the application is for continuation of a project approved during a previous Disbursement Cycle, a description of the steps taken by Applicant to determine the efficacy of the program during the prior Disbursement Cycle.

**IV. REPRESENTATIONS BY APPLICANT REGARDING ACCEPTANCE OF
CONDITIONS FOR DISBURSEMENT**

- A. The undersigned is the responsible person for this application, has been duly authorized by the Applicant to act as its agent in connection with this application, and hereby certifies that the information in this application, including attached documents, is true. The undersigned has read the Judgment governing the Privacy and Piracy Fund and understands its terms. The undersigned further represents that the funding requested will not be used to pay for current staff of the Applicant applying for this project, and that the existing budget of Applicant will not be reduced should the application be approved. If a project is accepted, the undersigned further represents that he/she will sign a form(s) that acknowledges that the Applicant's project has been selected for receipt of disbursement, and that the Applicant will comply with the terms and conditions of the disbursement.
- B. The Applicant will comply with each and every order of the Court in connection with the Privacy and Piracy Fund and the disbursement received.
- C. The Applicant will vigilantly safeguard the monies disbursed hereunder and maintain financial controls sufficient to protect such monies and ensure that the use of monies fully comports with the recipient's application for the disbursement, and will provide detailed written description of such financial controls upon request by the Committee.
- D. The undersigned represents that his/her office is authorized to accept disbursement funds under applicable state and local laws and that the budget of the office will not be reduced by the receipt of disbursement funds. Disbursement funds shall be used to augment but not supplant the budget of the disbursement recipient's office/unit.
- E. The funds, except as otherwise expressly agreed by the Committee in writing, will

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COMMUNICATION**

only be used for the purposes described in this application, as approved or modified by the Committee.

- F. If the project is for the purpose of investigation or litigation, any civil settlement the Applicant enters will provide for full reimbursement of the amount of the disbursement to the Privacy and Piracy Fund. The Fund shall be reimbursed before any settlement funds are used for any other purpose.
- G. In the event the Applicant is the prevailing party after trial, the Applicant will use its best efforts to reimburse the Privacy and Piracy Fund in full from any monetary recovery ordered by trial and appellate courts and paid by the defendant(s).
- H. The Applicant will notify the Committee in writing of litigation results, including any settlement, judgment or other resolution, within 30 days of such settlement, judgment or other resolution.
- I. The Applicant will submit a self-evaluation report within six months after receipt of disbursement funds, and a final report to the Committee within 60 days of completing the project for which a one-year disbursement was awarded. Applicants for a multi-year project will, in addition to submitting the six-month report after receipt of disbursement funds, also submit an annual progress report (at, i.e., 12, 24 and 36 months after receipt of disbursement funds) in each year of a multi-year project and a final report to the Committee within 60 days of completing the project for which a multi-year disbursement was awarded. These reports shall specify how disbursement funds were used, as well as a description of the progress and/or outcome of the project for which the disbursements were awarded. All reports submitted to the Committee pursuant to the reporting requirements of these instructions shall be treated by the Attorney General's Office as confidential law enforcement communications.
- J. All correspondence with the Committee shall be directed to Senior Assistant Attorney General Albert Norman Sheldon, Office of the California Attorney General, 110 West A Street, Suite 1100, San Diego, CA 92101, phone: (619) 645-2089, fax: (619) 645-2062, e-mail: Albert.Shelden@doj.ca.gov.
- K. The Applicant will notify the Committee in writing of the status of all outstanding litigation or investigations related to this project six months after the funds are disbursed to the recipient and then every 12 months on the anniversary date of the disbursement.

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COMMUNICATION**

- L. The Applicant will cooperate with the Committee and its agents in providing all information and documents concerning the use of disbursement funds as the Committee reasonably requests and will maintain sufficient records for auditing purposes to substantiate any expenditure. In the event of a multi-agency project, the initial Applicant shall be solely responsible for complying with this paragraph, except as otherwise expressly agreed by the Committee in writing.
- M. The Applicant will comply with all additional requirements the Committee imposes.
- N. Approval of this application does not constitute Committee or California Attorney General endorsement of this project.
- O. Except as otherwise expressly agreed by the Committee in writing, within 60 days after the conclusion of the investigation, litigation, or training for which the disbursement was requested, the Applicant will return unused or excess funds to the Committee by check made payable to the California Attorney General's Office, with the notation "Privacy and Piracy Fund Reimbursement."
- P. If the project is for the purchase of non-case specific goods or services, the Applicant will return any excess or unused funds to the Committee within 60 days after purchase of such goods or services by check made payable to the California Attorney General's Office, with the notation "Privacy and Piracy Fund Reimbursement."

Signed: Carol Shuplin
Title: Assistant District Attorney

Return Four Copies of Applications and attachments to:
Privacy and Piracy Fund Committee
Attention: Albert Norman Shelden, Senior Assistant Attorney General
Office of the California Attorney General
110 West A Street, Suite 1100
San Diego, CA 92101

For additional information, please contact:

Privacy and Piracy Fund Committee
Attention: Albert Norman Shelden, Senior Assistant Attorney General
Office of the California Attorney General

**CONFIDENTIAL LAW ENFORCEMENT
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