



**AGENDA REPORT**  
**October 23, 2018**

**Permission to Apply and Accept the 2018 Edward Byrne Memorial Justice Assistance Local Solicitation; BCSO**

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**SUBJECT:**

Permission to apply and accept the 2018 Edward Byrne Memorial Justice Assistance - Local Solicitation

**FISCAL IMPACT:**

This grant provides funding in the amount of \$56,248 and does not require a local match.

**DEPT/OFFICE:**

Agenda Coordinator

**REQUESTED ACTION:**

It is requested that the Board of County Commissioners grant permission to apply for and accept the 2018 Edward Byrne Memorial Justice Assistance Grant - Local Solicitation and authorize the Chairman to execute the necessary documents and Budget Adjustments.

**SUMMARY EXPLANATION and BACKGROUND:**

The U.S. Department of Justice has notified the Sheriff's Office of the availability of the FY 2018 Edward Byrne Memorial JAG - Local Solicitation. Brevard County is eligible to receive a direct allocation of \$56,248. Units of local government applying for this grant must use the funding for law enforcement purposes.

The funding is used to enhance Criminal Investigations by funding a Deputy Agent position that focuses on Fraud and Identity theft. The Sheriff's Office is proposing to continue using the funding for this position and associated operational expenses. The financial and investigative impact of fraud and identity theft is impacting state and local law enforcement and these crimes are rapidly becoming one of the most prevalent crimes in Brevard County. The Agency believes this position and the operational expenses continue to be the best use of the grant funds.

Therefore, the Sheriff's Office is requesting permission to apply for and accept the funding from the 2018 Edward Byrne Memorial Assistance Grant Application - Local Solicitation.

Contact: Greg Pelham  
Phone/e-mail (321) 264-5206; gregory.pelham@bcso.us

**ATTACHMENTS:**

**Description**

- **2017 Edward Byrne grant**



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001  
Fax: (321) 264-6972  
Tammy.Rowe@brevardclerk.us

October 24, 2018

Honorable Wayne Ivey  
Brevard County Sheriff  
700 South Park Avenue  
Titusville, FL 32780

Attn: Greg Pelham

Dear Sheriff Ivey:

Re: Item J.5., Permission to Apply and Accept the 2018 Edward Byrne Memorial Justice Assistance Grant - Local Solicitation

The Board of County Commissioners, in regular session on October 23, 2018, granted permission to apply for and accept the 2018 Edward Byrne Memorial Justice Assistance Grant – Local Solicitation; and authorized the Chair to execute the necessary documents and budget adjustments. Enclosed is a fully-executed grant.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

*Tammy Rowe*

Tammy Rowe, Deputy Clerk

Encl. (1)

cc: Finance  
Budget

U.S. DEPARTMENT OF JUSTICE  
OFFICE OF JUSTICE PROGRAMS

**Edward Byrne Justice Assistance Grant Program FY 2018 Local Solicitation**

**Certifications and Assurances by the Chief Executive of the Applicant Government**

On behalf of the applicant unit of local government named below, in support of that locality's application for an award under the FY 2018 Edward Byrne Justice Assistance Grant ("JAG") Program, and further to 34 U.S.C. §10153(a), I certify under penalty of perjury to the Office of Justice Programs ("OJP"), U.S. Department of Justice ("USDOJ"), that all of the following are true and correct:

1. I am the chief executive of the applicant unit of local government named below, and I have the authority to make the following representations on my own behalf and on behalf of the applicant unit of local government. I understand that these representations will be relied upon as material in any OJP decision to make an award, under the application described above, to the applicant unit of local government.
2. I certify that no federal funds made available by the award (if any) that OJP makes based on the application described above will be used to supplant local funds, but will be used to increase the amounts of such funds that would, in the absence of federal funds, be made available for law enforcement activities.
3. I assure that the application described above (and any amendment to that application) was submitted for review to the governing body of the unit of local government (e.g., city council or county commission), or to an organization designated by that governing body, not less than 30 days before the date of this certification.
4. I assure that, before the date of this certification— (a) the application described above (and any amendment to that application) was made public; and (b) an opportunity to comment on that application (or amendment) was provided to citizens and to neighborhood or community-based organizations, to the extent applicable law or established procedure made such an opportunity available.
5. I assure that, for each fiscal year of the award (if any) that OJP makes based on the application described above, the applicant unit of local government will maintain and report such data, records, and information (programmatic and financial), as OJP may reasonably require.
6. I certify that— (a) the programs to be funded by the award (if any) that OJP makes based on the application described above meet all the requirements of the JAG Program statute (34 U.S.C. §§ 10151-10158); (b) all the information contained in that application is correct; (c) in connection with that application, there has been appropriate coordination with affected agencies; and (d) in connection with that award (if any), the applicant unit of local government will comply with all provisions of the JAG Program statute and all other applicable federal laws.
7. I have examined certification entitled "State or Local Government: FY 2018 Certification of Compliance with 8 U.S.C. §§ 1373 & 1644" executed by the chief legal officer of the applicant government with respect to the FY 2018 JAG program and submitted in support of the application described above, and I hereby adopt that certification as my own on behalf of that government. (This provision is not applicable to Indian tribal government applicants.)
8. I have examined certification entitled "State or Local Government: FY 2018 Certification Relating to 8 U.S.C. §§ 1226(a) & (c), 1231(a)(4), 1357(a), & 1366(1) & (3)" executed by the chief legal officer of the applicant government with respect to the FY 2018 JAG program and submitted in support of the application described above, and I hereby adopt that certification as my own on behalf of that government. (This provision is not applicable to Indian tribal government applicants.)

I acknowledge that a materially false, fictitious, or fraudulent statement (or concealment or omission of a material fact) in this certification, or in the application that it supports, may be the subject of criminal prosecution (including under 18 U.S.C. §§ 1001 and/or 1621, and/or 34 U.S.C. §§ 10271-10273), and also may subject me and the applicant unit of local government to civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. §§ 3729-3730 and §§ 3801-3812). I also acknowledge that OJP awards, including certifications provided in connection with such awards, are subject to review by USDOJ, including by OJP and by the USDOJ Office of the

Inspector General.

Signature of Chief Executive of the Applicant Unit of  
Local Government

Rita Pritchett

Printed Name of Chief Executive

October 23, 2018

Date of Certification

Chair

Title of Chief Executive

Brevard County Board of County Commissioners  
Name of Applicant Unit of Local Government

DEPARTMENT OF JUSTICE  
OFFICE OF JUSTICE PROGRAMS

Local Government: FY 2018 Certification of Compliance with 8 U.S.C. §§ 1373 & 1644

On behalf of the applicant government entity named below, and in support of its application, I certify under penalty of perjury to the Office of Justice Programs ("OJP"), U.S. Department of Justice ("USDOJ"), that all of the following are true and correct:

(1) I am the chief legal officer of the State or local government of which the applicant entity named below is a part ("the jurisdiction"), and I have the authority to make this certification on behalf of the jurisdiction and the applicant entity (that is, the entity applying directly to OJP). I understand that OJP will rely upon this certification as a material representation in any decision to make an award to the applicant entity.

(2) I have carefully reviewed 8 U.S.C. §§ 1373(a) & (b), and 1644, including the prohibitions on certain actions by State and local government entities, -agencies, and -officials regarding information on citizenship and immigration status. I also have reviewed the provisions set out at (or referenced in) 8 U.S.C. § 1551 note ("Abolition ... and Transfer of Functions"), pursuant to which references to the "Immigration and Naturalization Service" in 8 U.S.C. §§ 1373 & 1644 are to be read, as a legal matter, as references to particular components of the U.S. Department of Homeland Security.

(3) I (and also the applicant entity) understand that the U.S. Department of Justice will require States and local governments (and agencies or other entities thereon to comply with 8 U.S.C. §§ 1373 & 1644, with respect to any "program or activity" funded in whole or in part with the federal financial assistance provided through the FY 2018 OJP program under which this certification is being submitted (the "FY 2018 OJP Program" identified below), specifically including any such "program or activity" of a governmental entity or -agency that is a subrecipient (at any tier) of funds under the FY 2018 OJP Program.

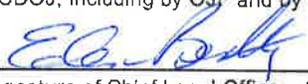
(4) I (and also the applicant entity) understand that, for purposes of this certification, "program or activity" means what it means under title VI of the Civil Rights Act of 1964 (see 42 U.S.C. § 2000d-4a), and that terms used in this certification that are defined in 8 U.S.C. § 1101 mean what they mean under that section 1101, except that the term "State" also shall include American Samoa (cf. 34 U.S.C. § 10251(a)(2)). Also, I understand that, for purposes of this certification, neither a "public" institution of higher education (i.e., one that is owned, controlled, or directly funded by a State or local government) nor an Indian tribe is considered a State or local government entity or -agency.

(5) I have conducted (or caused to be conducted for me) a diligent inquiry and review concerning both—

- (a) the "program or activity" to be funded (in whole or in part) with the federal financial assistance sought by the applicant entity under this FY 2018 OJP Program; and
- (b) any prohibitions or restrictions potentially applicable to the "program or activity" sought to be funded under the FY 2018 OJP Program that deal with sending to, requesting or receiving from, maintaining, or exchanging information of the types described in 8 U.S.C. §§ 1373(a) & (b), and 1644, whether imposed by a State or local government entity, -agency, or -official.

(6) As of the date of this certification, neither the jurisdiction nor any entity, agency, or official of the jurisdiction has in effect, purports to have in effect, or is subject to or bound by, any prohibition or any restriction that would apply to the "program or activity" to be funded in whole or in part under the FY 2018 OJP Program (which, for the specific purpose of this paragraph 6, shall not be understood to include any such "program or activity" of any subrecipient at any tier), and that deals with either— (1) a government entity or -official sending or receiving information regarding citizenship or immigration status as described in 8 U.S.C. §§ 1373(a) & 1644; or (2) a government entity or -agency sending to, requesting or receiving from, maintaining, or exchanging information of the types (and with respect to the entities) described in 8 U.S.C. § 1373(b).

I acknowledge that a materially false, fictitious, or fraudulent statement (or concealment or omission of a material fact) in this certification, or in the application that it supports, may be the subject of criminal prosecution (including under 18 U.S.C. §§ 1001 and/or 1621, and/or 34 U.S.C. § 10271-10273), and also may subject me and the applicant entity to civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. §§ 3729-3730 and §§ 3801-3812). I also acknowledge that OJP awards, including certifications provided in connection with such awards, are subject to review by USDOJ, including by OJP and by the USDOJ Office of the Inspector General.

  
\_\_\_\_\_  
Signature of Chief Legal Officer of the Jurisdiction

Eden Bentley  
\_\_\_\_\_  
Printed Name of Chief Legal Officer

10/23/18  
\_\_\_\_\_  
Date of Certification

County Attorney  
\_\_\_\_\_  
Title of Chief Legal Officer of the Jurisdiction

Brevard County Board of County Commissioners

\_\_\_\_\_  
Name of Applicant Government Entity (i.e., the applicant to the FY 2018 OJP Program identified below)

FY 2018 OJP Program: Byrne Justice Assistance Grant (JAG) Program: Local

<b>APPLICATION FOR FEDERAL ASSISTANCE</b>	<b>2. DATE SUBMITTED</b> August 21, 2018	Applicant Identifier
<b>1. TYPE OF SUBMISSION</b> Application Non-Construction	<b>3. DATE RECEIVED BY STATE</b>	State Application Identifier
	<b>4. DATE RECEIVED BY FEDERAL AGENCY</b>	Federal Identifier
<b>5. APPLICANT INFORMATION</b>		
Legal Name Brevard County		Organizational Unit County
Address 2725 Judge Fran Jamieson Way Building C Viera, Florida 32940-6605		Name and telephone number of the person to be contacted on matters involving this application  Pelham, Greg (321) 264-7753
<b>6. EMPLOYER IDENTIFICATION NUMBER (EIN)</b> 59-6000528		<b>7. TYPE OF APPLICANT</b> County
<b>8. TYPE OF APPLICATION</b> New		<b>9. NAME OF FEDERAL AGENCY</b> Bureau of Justice Assistance
<b>10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE</b> NUMBER: 16.738 CFDA Edward Byrne Memorial Justice Assistance Grant TITLE: Program		<b>11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT</b> Investigative Fraud Agent Position
<b>12. AREAS AFFECTED BY PROJECT</b> All incorporated and unincorporated areas of Brevard County		
<b>13. PROPOSED PROJECT</b> Start Date: October 01, 2017 End Date: September 30, 2021		<b>14. CONGRESSIONAL DISTRICTS OF</b>  a. Applicant b. Project FL15
<b>15. ESTIMATED FUNDING</b>		<b>16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?</b>  Program is not covered by E.O. 12372
Federal	\$56,248	
Applicant	\$0	
State	\$0	
Local	\$0	

Other	\$0	
Program Income	\$0	17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?
TOTAL	\$56,248	
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS REQUIRED.		

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## Program Narrative

The Brevard County Sheriff's Office is proposing to continue a position created in 2010 to investigate Fraud and Identity Theft.

The Sheriff's Office will track all grant draw downs and grant expenditures separately from all other funding sources, including Federal, by creating a separate fund for the receipt of the funds and for the personnel costs and expenses. The creation of the separate fund will ensure that the grant funds are not co-mingled with any other funds or expenses received or incurred by the agency.

The financial and investigative impact of fraud and identity theft is being felt by state and local law enforcement. The reality of this concerning issue is that these crimes have become one of the most prevalent crimes in Brevard County. For the past 3 years (2015, 2016 and 2017) the Federal Trade Commission has ranked Florida as one of the top states in the nation in complaints with Identity Theft as well as other fraud.

Residents and visitors of Brevard County are prime targets of identity thieves due to the numerous tourist attractions, military installations and senior population. Today's economic crime suspects are utilizing technology, opportunity and jurisdictional boundaries to their advantage. Criminals have "no Boundaries" and to effectively combat their illegal activities, law enforcement must work from a coordinated and centralized approach that allows for the sharing of resources and communication to effectively identify fraudulent schemes that target multiple victims reaching across many jurisdictional boundaries.

There are two factors in Brevard County that breeds fraudulent activity. The first is the fact that millions of tourists in the State of Florida rely on credit card use to facilitate their visits, activities, and expenditures while patronizing the many attractions that our county offers. This fact alone makes Brevard County a target rich environment for the many aspects of fraud related crimes. The tourist arena makes the instruments needed for credit card and other forms of fraud related crimes easily assessable to the criminal element.

The second perspective that must be considered is that the tourist attractions not only make credit card information assessable to the criminal element, but also draws the criminal element to our county. Tourism also provides a fertile ground to the many types of counterfeiters. The passing and usage of counterfeit instruments such as checks, currency and credit cards has been on the increase both due to the economy and the ease of production with the technological advance in laser jet printers available to regular consumers. In addition, contractor fraud has remained prevalent on the Space Coast of Florida, particularly in reference to the many contractors that show up to victimize the citizens of Brevard County following natural disasters. This goes beyond the norm of the fraud perpetrated on the senior citizen community by fraudulent contractors.

The investigation of Consumer Fraud and Identity Theft cases in Brevard County include Credit Card Fraud, Forgery and Uttering of Monetary Instruments, Theft of Identity and other schemes to defraud.

In order to track and collect the data to report on the progress of the grant, all consumer fraud and identity theft cases will maintained and tracked independently from all other BCSO investigative casework.

The agent will work closely with local and state law enforcement jurisdictions, the State Attorney's Office and the Office of Statewide Prosecution to present evidence of impact of fraud and identity theft, investigating, assembling, and presenting evidence on consumer fraud, identity theft or credit card skimming styled cases for prosecution. In addition, the agent will work toward building stronger public/private partner relationships and establish a strong multi-jurisdictional partnership to effectively and efficiently address this problem by sharing information, resources and remove jurisdictional boundaries.

## Abstract

Brevard County

Investigative Fraud Agent

Consumer fraud and identity theft have become one of the most prevalent crimes in Brevard County. During calendar year 2017, the state of Florida was ranked No.1 in these crimes. Residents and visitors of Brevard County are prime targets of identity thieves due to the numerous tourist attractions, military installations and senior population. In addition, contractor fraud has remained prevalent on the Space Coast of Florida, particularly in reference to the many contractors that show up to victimize the citizens of Brevard County following natural disasters. This goes beyond the norm of the fraud perpetrated on the senior citizen community by fraudulent contractors.

Our strategy involves going beyond traditional management approaches by availing all of our resources to our criminal justice partners and the community with the enhancement of our Economic Crimes Task Force, a comprehensive multi-jurisdictional and multi-discipline approach to combating fraud and identity theft. As part of this effort, a dedicated computer forensic examiner will be available to assist in cases where suspects are utilizing technology, opportunity and jurisdictional boundaries to their advantage.

Specifically this position will:

- Provide a coordinated approach that allows for the sharing of resources and communication to effectively identify fraudulent schemes that target multiple victims reaching across many jurisdictional boundaries.
- Enhance the ability to investigate complex cases through the examination of computer and other electronic media by a trained forensic specialist who is able to examine, uncover and extract data that identifies victims and evidence of these intricate schemes.
- Enhance our investigative efforts by improving and enhancing the investigator's technological capability, improved Digital Forensics support with enhanced technology and specialized training of criminal justice staff and partners on the latest trends and techniques associated with the investigation and prosecution of consumer fraud and identity theft.

### Program Identifiers

- 1) Crimes Against the Elderly
- 2) Identity Theft
- 3) Internet Crime
- 4) Mortgage Fraud
- 5) Victimization
- 6) Computer Software/Hardware
- 7) Equipment General
- 8) Fraud
- 9) Diagnostic Evaluation
- 10) White Collar Crime

Budget Narrative

		Annual Salary 2,080 hrs.	Grant 1,209 hrs.
Agent	\$30.38/hr.	63,190	36,729
FICA	7.65%	4,834	2,810
FRS	24.50%	15,482	8,999
Wrk Comp	3.45%	2,180	1,267
Life Ins	0.50%	316	183
Health	\$5.19/hr.	10,795	6,260
		96,797	56,248
			58.11%

The total funds for the grant are used for 58% of Personnel Costs for a Fraud Agent.

The salary detail is the breakout as to how the grants funds will be allocated.

The Fraud Agent is in a cost center only for the Fraud Grant so expenses can be easily monitored and audited.

### Review Narrative

The Brevard County Board of County Commissioners will receive this JAG application for review on September 18, 2018. The public comment requirement will be satisfied on October 23, 2018, at a regularly scheduled Board of County Commissioners meeting. This amendment hereby serves as acknowledgment that, on October 23, 2018, both the Governing Body Review process and the public comment requirement will be met.

**No Pending Applications**

Brevard County does not have pending applications submitted within the last 12 months for federally funded assistance that include requests for funding to support the same project being proposed under this solicitation and will cover the identical cost items outlined in the budget narrative and worksheet in the application under this solicitation.