

Grants Management Branch

# JUSTICE ASSISTANCE GRANT PROGRAM

# **PROGRAM & FINANCIAL GUIDELINES**

# JUSTICE ASSISTANCE GRANT

#### **PROGRAM REQUIREMENTS**

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|-----------------------|--|
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#### **INTRODUCTION**

This document is prepared by the Kentucky Justice & Public Safety Cabinet, Grants Management Branch, (and is consistent with that developed by the Bureau of Justice Assistance) to establish program and financial policy and administrative guidance for the management of the Justice Assistance Grant Program, authorized by the Consolidated Appropriations Act of 2005. This document also describes procedures and requirements to apply for and manage grant funds.

## **KEY IMPLEMENTATION ELEMENTS**

#### **Coordination**

The fight against drugs requires coordination and cooperation of all levels. The development of the Commonwealth's strategy for statewide drug control and violent crime prevention includes the participation of federal, state, and local criminal justice agencies. The Justice and Public Safety Cabinet is charged with increasing coordination among the criminal justice, treatment and education systems to achieve a comprehensive and effective approach to drug control and violent crime prevention. Multi-jurisdictional and interagency activities that result in increased coordination and cooperation among criminal justice agencies are a priority of this program.

#### PURPOSE

The purpose of the JAG Program is to assist state agencies and units of local government in carrying out specific programs which offer a high probability of improving the functioning of the criminal justice system. Funding may be requested for projects conforming to one of the seven federally defined purpose areas. Those areas are:

- Law enforcement programs.
- Prosecution and court programs.
- Prevention and education programs.
- Corrections and community corrections programs.
- Drug treatment programs.
- Planning, evaluation, and technology improvement programs.
- Crime victim and witness programs (other than compensation).

The Commonwealth of Kentucky places special emphasis on regional and multi-jurisdictional projects and projects that advance statewide drug control priorities. Programs and projects are encouraged to be developed in order to assist multi-jurisdictional organizations in the drug control problem and to support state and national drug control priorities.

## ADMINISTRATIVE REQUIREMENTS

#### **Eligible Applicants**

Any state agency, local unit of government (i.e., city, county, township, town, or Area Development District) or not-for-profit organization may apply for funding under the formula grant program. Jurisdictions designated as direct award recipients, as determined by the United States Department of Justice, *may not* apply for additional funds *except* for funds requested for Drug Task Forces.

Applicants will be able to choose from one of three funding categories: **Restricted**, **Unrestricted**, and **Drug Task Force**. The **Restricted** category is intended for smaller scope projects consisting primarily of equipment and/or overtime, similar to the former Local Law Enforcement Block Grants, and have a total project cost of \$10,000 or less. Restricted grant applicants are only required to complete an abbreviated application. The **Unrestricted** category has no funding limit, and is intended to fund larger scale programs. The **Drug Task Force** category is set aside for those entities applying as multi-jurisdictional drug or narcotics task forces, and have certain additional requirements. (See "Special Requirements for Drug Task Forces" page.)

#### **Application Process**

All grant activities are managed through the Kentucky Justice & Public Safety's electronic grants management system (egms). JAG applications must be submitted via the egms system within the required time frame. Applicants must establish a system account prior to submission at <u>www.kyjusticegms.com</u>. General instructions for system access may also be accessed at this site. For additional information, see the GMB Management Policies and Procedures Manual, <u>www.justice.ky.gov/departments/gmb/</u>.

## **Designated Grant Officials**

The following persons are eligible to serve as the designated grant officials:

<u>Authorized Official/Agency Representative/CEO</u> - The person authorized to apply for, accept, decline, or cancel the grant for the applicant agency (e.g., state agency head, county judge executive, city mayor).

<u>Project Director/Agency Administrator</u> - The employee of the applicant agency who will be responsible for operation of the project and program activity reporting.

<u>Financial Officer</u> - The chief financial officer of the applicant agency (e.g., county auditor, city treasurer, comptroller, etc.) who will be responsible for all financial aspects of the grant's management, including financial report submission.

## **Distribution of Funds**

Funds granted to Kentucky by US Department of Justice are further subgranted by the Justice and Public Safety Cabinet to state agencies, units of local government, and not-for-profits to carry out programs and projects contained in an approved application that complies with the priorities established by the Commonwealth.

The Justice and Public Safety Cabinet is required to distribute to local units of government, in the aggregate, the portion of Kentucky's grant funds equal to the local government share of total state and local criminal justice expenditures for the previous fiscal year. As determined by the United States Department of Justice, Kentucky's minimum pass-through requirement is 38.5% of the amount of federal grant funds received. Any funds not required to be passed through to local units of government may be used for programs administered by state agencies.

# Period of Project Support

Applicants may request funding for projects for twelve months, on an annual basis. There is no overall limit on the period of time a project may be funded. The JAG program is an annual, competitive grants program.

These federal grant funds are to provide the seed for new projects or to enhance existing projects that address specific purposes. The Grants Management Branch encourages that applicants plan for ultimate responsibility for federally funded programs in the likelihood that federal funds may expire or other priorities may redirect those funds. Because funding beyond the initial award is not guaranteed, projects should be designed with objectives achievable within the grant period - not more than one year. In addition, JAG funds administered by GMB will be subject to an incremental match schedule to ensure increasing agency participation over time. (See Matching Requirements in this guide.)

# **Evaluation and Monitoring**

Each program funded by the Justice & Public Safety Cabinet under the JAG Program shall contain an evaluation component. Project Reports (required reporting of a subgrantee) will be analyzed for evaluation purposes. However, some projects may receive intensive evaluations.

Grants Management Branch monitoring includes desk audits, a review of financial and program reports submitted by the subgrantee on a quarterly and/or monthly basis and periodic on-site monitoring to review grant compliance, assess management controls, evaluate the applicable activities and provide technical assistance. In addition, the subgrantee agrees to maintain and provide any data or information requested for the purposes of monitoring and program evaluation. For additional information, see GMB Management Policies and Procedures Manual, <u>www.justice.ky.gov/departments/gmb/</u>.

# GENERAL FINANCIAL REQUIREMENTS

Grants funded under the JAG Program are governed by the financial management requirements of the Financial Guide, published by the U.S. Department of Justice, Office of Justice Programs, Office of the Comptroller, <u>http://www.ojp.usdoj.gov/financialguide/index.htm</u>, as well as, the Kentucky Justice and Public Safety Cabinet, Grants Management Branch, Policies and Procedures Manual, <u>www.justic.ky.gov/departments/gmb</u>. However, many projects funded under the JAG Program require more specific management procedures, which are provided in an award binder.

All JAG awards funded through the Grants Management Branch will be made on a reimbursable basis. Requests for reimbursement may be submitted on a quarterly basis. Reimbursement payments may be delayed if awardees do not adhere to program and financial reporting requirements.

# Matching Requirement

All JAG grants awarded by the Grants Management Branch require a cash match. The amount of match required is calculated on an incremental scale, the rate determined by years of funding received for the project. The incremental scale is as follows:

- o 25% match, years 1-4\*
- o 35% match, years 5-8
- o 50% match, years 9-10
- o 75% match, year 11 and beyond

Funds required as the nonfederal portion of the cost of each program and project for which a grant is made shall be in addition to funds that would otherwise be made available by the recipients of the grant funds. Match is restricted to the same use as allowed for the federal funds.

The source for the match funds must be identified in the original grant application. All applicants must maintain records that clearly show the source, the amount, and the timing of all matching contributions. The match requirement must be calculated on the total project cost.

A state or local unit of government may use forfeiture funds as match, but may not use other federal funds.

\*Special Note for the 2009 JAG application only: Due to the current economic crisis, applicants entering their fifth year of funding may request waiver of the related match increase (from 25% to 35%). To do so, applicants must provide evidence of sufficient financial hardship that would otherwise prevent their continued participation in the JAG program. Such waivers will be subjected to detailed review and granted only at the discretion of GMB. Match increment waiver request and evidence of hardship should be included as a separate document in the Attachments Section. Agencies requesting a match increment waiver must contact the Program Internal Policy Analyst prior to submission to request a system override.

## Nonsupplanting Requirement

Federal funds cannot be used to supplant state or local funds. All applicants must certify that JAG formula grant monies will be used to increase the amount of funds available for criminal justice activities. For personnel involved in a project, these guidelines apply:

- If a new person is going to be hired to conduct project activities (i.e., the department's personnel strength is increased), his/her salary may be charged to the project.
- The salaries of existing personnel transferred to grant activities may be charged to the project as federal and/or match expenditures only if the original positions are filled with new personnel.

# **Prorating Costs**

Proration requirements are applicable if program funds are used for projects involving a combination of JAG-funded activities and other criminal justice activities.

## Fund Raising

Costs of organized fund raising, including financial campaigns, solicitation of gifts and similar expenses solely to raise capital or obtain contributions, may not be charged as costs against the grant. Neither the salary of persons engaged in such activities nor indirect costs associated with those salaries may be charged to the grant. Nothing in this section should be read to prohibit a subgrantee from engaging in fund raising activities, as long as such activities are not financed by federal or match grant funds.

#### **Project Income**

Project income means gross income earned as a direct result of the grant award. Examples of project income could include sale of property, attorney's fees and costs, registration/tuition fees, and asset forfeitures.

The federal portion of project income must be accounted for up to the same ratio of federal participation as funded in the project. Where a project is funded by 75% federal funds, the subgrantee must report 100% of the total project income, but only 75% of the total project income is subject to the federal limitation of spending. The federal portion of all project income must be used to reduce the amount of federal funds requested during the grant period with the exception of project income resulting from asset forfeitures as stated below.

The following policies apply to project income resulting from asset seizures and forfeitures:

- A. States or local units of government <u>may use project income funds from seized and forfeiture assets as</u> <u>match</u> when assets are adjudicated by a State Court, in accordance with state laws. In addition, state and local units of government <u>may</u> use cash received under the equitable sharing program for the non-Federal portion (match) of project costs, as provided for in the guidelines established by the DOJ Asset Forfeiture Office, when the assets are adjudicated by a Federal Court.
- B. Project income resulting from forfeitures obtained as a result of activities of the grant and adjudicated to the subgrantee must be used for any purpose that furthers the objectives of the legislation under which the grant was made. GMB prior approval is required for all expenditures made with this program income.

- C. Amounts received from asset seizures and forfeitures are considered earned when the property has been adjudicated on the benefit of the plaintiff (i.e., law enforcement entity) and should be reported at the time of the adjudication, or court award, regardless of date of seizure.
- D. Project income resulting from forfeitures obtained as a result of activities of the grant and adjudicated to the subgrantee must be used within the 12-month grant period in which the funds were adjudicated.
- E. Subgrantees may request up to a one-year extension through a grant adjustment notice for large forfeiture awards or forfeitures adjudicated near the end of the 12-month grant period.

All income generated as a direct result of an agency-funded project shall be deemed project income (e.g., if the purpose of the grant is to conduct conferences, any training fees that are generated would be considered project income). Project income must be used for the purposes and under the conditions applicable to the award. Unless specified by the awarding agency, project income should be used as earned and expended as soon as possible. If the cost is allowable under the federal grant program, then the cost would be allowable using project income.

NOTE: Fines as a result of law enforcement activities are not considered project income.

# **Expenditures by Budget Categories**

NOTE: A budget checklist is provided at the end of these guidelines to assist in completing the JAG application.

The following is an overall view of all costs associated with JAG Program funds:

# I. Personnel

No grants will be made to supplement salaries for existing positions. Salaries for federal funded and match positions shall comply with state, city, county, or other relevant classification systems and shall be documented by appropriate time and attendance records. Charges of the employees' time assigned to grant projects may be reimbursed or recognized only to the extent they are directly and exclusively related to grant purposes. In no case is dual compensation allowable.

Where salaries apply to both project operation and non-project activity, or apply to two or more separate projects, pro-ration of costs to each activity must be made based on time and attendance reports.

Each position must be listed by title (and name of employee, if available), monthly salary rate for the employee, the percentage of the employee's time to be devoted to the project and total employee cost for the project.

Funded part-time positions (positions devoting less than 100% of a standard work shift to the grant project) should be supported by a brief explanation of the incumbent employee's duties outside the grant project or by a statement that the employee is not employed elsewhere by the grantee.

Positions that existed prior to the grant and were funded from any source other than Grants Management Branch grant funds are not eligible for JAG grant funds. Existing employees of the applicant may be transferred from other positions to fill the positions in the grant project; however, the new positions vacated must be filled by new hires so that the applicant's full staff of non-grant employees is not reduced in number by the award of the grant.

Payments for fringe benefits are allowable personnel costs and cannot exceed the amount paid by the employer. The fringe benefits must be reasonable and in line with state, city or county rates. Documentation must be submitted with the budget to reflect the actual rates being paid by the employer. The following are considered allowable benefits:

- A. Health, Dental and Life Insurance
- B. FICA
- C. Retirement
- D. Worker's Compensation
- E. Unemployment Insurance

# II. <u>Overtime</u>

Overtime pay can be funded for personnel funded by the grant on a full-time basis, whose duties are consistent with the statewide drug strategy. Overtime pay may be approved through the original grant application.

# III. <u>Contractual Services</u>

Compensation for individual consultant services is to be reasonable and consistent with that paid for similar services in the market place. The maximum rate for consultants is \$450 (excluding travel and subsistence costs) for an 8-hour day or \$56.25 per hour. An 8-hour day may include preparation, evaluation and travel time in addition to the time required for the actual performance. Additionally, travel and subsistence costs may be paid. A request for compensation for over \$450 per day requires prior approval and additional justification.

Contractual Arrangements with individuals must ensure that:

- A. Dual compensation is not involved (i.e., the individual may not receive compensation from his regular employer and the applicant for work performed during a single period of time even though the services performed benefit both).
- B. The contractual agreement is written, formal, proper and otherwise consistent with the applicant's usual practices.
- C. Time and/or services for which payment will be made and rates of compensation must be supported by adequate documentation.
- D. Travel and subsistence costs are at an identified rate consistent with the cost allowed in Section III, Travel.

# IV. <u>Travel and Training</u>

Funds may be used for transportation, subsistence and registration fees for applicants to attend conferences and training seminars. Travel must be approved through the original grant application or a subsequent grant adjustment notice. Requested travel expenses shall not exceed the established mileage and subsistence policy as set forth by the Commonwealth of Kentucky, Finance and Administration Cabinet. Please see 200 KAR 2:006 and <a href="http://finance.ky.gov/internal/travel">http://finance.ky.gov/internal/travel</a> for current rates and regulations.

Transportation must be the most economical. Bus, subway and taxi fares are allowed for city travel. Commercial airline travel shall be coach/tourist class. Additional expense for first class travel will not be allowed. The cost of rental cars in lieu of ordinary transportation will be allowed only with acceptable justification. Actual parking, bridge and toll charges are reimbursable. Reasonable expenses for baggage handling, for delivery to or from a common carrier or lodging and for storage are reimbursable. Registration fees required for admittance to official travel meetings are reimbursable. If the fee entitles registrants to meals, claims for subsistence must be reduced accordingly. Telephone, tip charges, and laundry charges are not reimbursable with grant funds.

All expenses shall be supported by documentation that indicates destination, time and purpose of travel.

# NOTE: If the travel and reimbursement requirements of the applicant agency are more stringent than that of the Commonwealth, the more stringent of the two must be followed.

## V. <u>Operating Expenses</u>

Operating expenses include items necessary and essential for the ongoing operation of the project. Items must be individually listed and approved through the original grant application or in subsequent grant adjustment notices prior to the actual expense.

Confidential fund expenditures are limited to the purchase of evidence (physical), purchase of information (informant fees), and purchase of services (for undercover purposes). Guidelines related to confidential expenditures and management may be obtained from the Kentucky Justice and Public Safety Cabinet, Grants Management Branch. All applications for projects that will utilize funds for confidential expenditures must contain an assurance that the guidelines will be followed.

# VI. <u>Capital Equipment</u>

Capital equipment is defined as items with a unit price of \$5,000 and over and usefulness greater than one year. Items with a unit price under \$5,000 should be included under operating expenses. Authorization for equipment will be based on the applicant's demonstration that the requested equipment is necessary and essential to the successful operation of the grant project. The applicant must adhere to the following principles:

- A. No other equipment owned by the applicant is suitable for the effort.
- B. Grant funds are not used to provide reimbursement for the purchase of equipment already owned by the applicant. Equipment that has already been purchased and charged to other activities of the applicant will not be an allowable expense to the grant.
- C. Equipment purchased and used commonly for two or more programs has been appropriately prorated to each activity.

Items of equipment must be individually listed and approved through the original grant application or in subsequent grant adjustment notices prior to the purchase of the equipment.

Title to all expendable and nonexpendable personal property purchased with funds made available under this program shall vest in the criminal justice agency or nonprofit organization that purchased the property if it certifies to the Grants Management Branch that it will use the property for criminal justice purposes. If such certification is not made, title to the property shall vest in the Justice and Public Safety Cabinet which shall seek to have the property used for criminal justice purposes elsewhere in the state prior to using it or disposing of it in any other manner.

#### **Procurement Procedures**

Applicants shall use procurement procedures and regulations as set forth by the Commonwealth of Kentucky, Finance and Administration Cabinet. Please see <u>http://finance.ky.gov/business/eprocurement/state-laws</u> for more information.

# NOTE: If the procurement policy of an agency is more restrictive than the Commonwealth's, the more restrictive of the two must be followed.

## **Prohibitions/Unallowable Costs**

Use of formula grant funds for construction projects is prohibited except when facilities to be constructed are penal or correctional institutions, as found in Section 505(c) of the Act. Correctional institutions include prisons, jails, juvenile correctional institutions and residential community corrections' facilities.

Acquisition of land with grant funds is prohibited, as found in Section 501(d) of the Consolidated Appropriations Act of 2005.

Formula grant funds may not be used for indirect or solely administrative costs.

#### **Grant Period**

All JAG grant awards are made on a fiscal year basis, July 1 through June 30.

#### **Additional Information Resources**

For additional information regarding Grants Management Branch requirements, please refer to the GMB Management Policies and Procedures Manual, <u>www.justice.ky.gov/departments/gmb/</u>. To access the Office of Justice Program's financial guide, go to <u>http://www.ojp.usdoj.gov/financialguide/index.htm</u>

# **Special Requirements for Drug Task Forces**

- > Drug Task Forces must communicate with GMB and ODCP staff to review their budgets before being considered for funding.
- > Drug Task Forces must submit an operating budget which includes all sources and amounts of program funding for the agency as a separate attachment with the grant application.
- Drug Task forces must submit forfeiture reports at the close of each fiscal year from all participating cities and counties as required by KRS 218A.440 to the Kentucky Justice and Public Safety Cabinet.
- > Drug Task Forces may not request JAG funds for costs related to out-of-state travel and training.
- > Drug Task Forces must have a commonwealth/county attorney from their service region on their board of directors. A current list of board members must be submitted as a separate attachment with the grant application, with updates submitted to GMB as necessary.
- > All drug task forces must work in partnership with Kentucky State Police, when applicable.
- > In addition to these requirements, Drug Task Forces will comply with all other requirements, terms and special conditions as described in the grant application.

#### **Upon Award:**

- Drug Task Forces will be required to comply with standards of operations and best practices, including deconfliction and intelligence sharing, as set forth by the Office of Drug Control Policy (ODCP) and its standards committee.
- > Drug Task Forces must participate in periodic site visits coordinated by ODCP and GMB.
- Drug Task Forces must adhere to special data collection requirements stipulated by ODCP and the GMB.
  - Drug Task Forces must report their monthly citation and offense data, along with disposition information, to Kentucky State Police using KY OPS software. The ORI (Originating Agency Identifier) assigned to the Drug Task Force must be used. Drug Task Forces will be required to utilize Kentucky State Police's National Incident Based Reporting Software (NIBRS), a component of KY OPS.

#### **BUDGET CHECKLIST**

| This checklist is for your convenience in preparing your budget, along with a budget narrative, as part of your grant application. It is for your use only and does not need to be submitted. |     |    |     |  |
|---|-----|----|-----|--|
| Section I. PERSONNEL  | Yes | No | N/A |  |
| SALARIES  |     |    |     |  |
| 1. Is the basis for determining each employee's compensation described?   |     |    |     |  |
| 2. Is each position identified by title?  |     |    |     |  |
| 3. Will vacant positions be filled by new hires or transfers from within?<br>If transfers, will replacements be hired?  |     |    |     |  |
| 4. Are time commitments stated?   |     |    |     |  |
| 5. Is the amount of each employee's annual compensation stated?   |     |    |     |  |
| 6. Are salary increases anticipated during the grant period?  |     |    |     |  |
| 7. Are the increases justified?   |     |    |     |  |
| 8. Are any personnel costs dual compensation?   |     |    |     |  |
| FRINGE BENEFITS   |     |    |     |  |
| 1. Is each type of benefit indicated separately?  |     |    |     |  |
| 2. Has the appropriate percentage and calculation been provided?  |     |    |     |  |
| 3. Is the authority for the percentage provided?  |     |    |     |  |
| 4. Are the listed benefits provided for all employees of the agency?  |     |    |     |  |
| 5. Are fringe benefit increases anticipated during the grant period?  |     |    |     |  |
| 6. Are the increases justified?   |     |    |     |  |
| Section II. CONTRACTUAL SERVICES  |     |    |     |  |
| 1. Is the type of each service to be rendered described?  |     |    |     |  |
| 2. For individuals:   |     |    |     |  |
| a. Is an hourly or daily rate given?  |     |    |     |  |
| b. Are base rates justified and reasonable?   |     |    |     |  |
| c. Is the total amount for any contract in excess of \$10,000?<br>If so, has the applicant indicated that services have been or will be obtained by<br>acceptable procurement procedures?     |     |    |     |  |
| <ul><li>d. Is "sole source" an issue?</li><li>If so, is justification included?</li></ul>   |     |    |     |  |

| <b>BUDGET CHECKLIST</b> (cont.)<br>This checklist is for your convenience in preparing your budget, along with a budget narrative, as part of your grant application. It is for your use only and does not need to be submitted. |     |    |     |  |
|--|-----|----|-----|--|
| Section III. TRAVEL  | Yes | No | N/A |  |
| 1. Is a basis for computation provided?  |     |    |     |  |
| 2. Is the purpose of requested travel project-related?   |     |    |     |  |
| 3. Are per diem, lodging and transportation costs listed separately?   |     |    |     |  |
| 4. Have the most economical costs been provided?   |     |    |     |  |
| 5. Have the appropriate project personnel been identified for the travel?  |     |    |     |  |
| Section IV. OPERATING EXPENSES   |     |    |     |  |
| 1. Are operating expenses listed by major types (e.g., Supplies, Rent, Postage, Confidential Fund)?  |     |    |     |  |
| 2. Are unit costs or monthly estimates provided?   |     |    |     |  |
| 3. Will proper procurement procedures be followed?   |     |    |     |  |
| Section V. EQUIPMENT   |     |    |     |  |
| 1. Are equipment items specified by units and cost?  |     |    |     |  |
| 2. Is the requested equipment project-related?   |     |    |     |  |
| 3. Will the purchased equipment be used 100% in the project?<br>If not, has the cost been prorated and the computation provided?   |     |    |     |  |
| 4. Is no other equipment owned by the agency suitable for the project?   |     |    |     |  |
| 5. Will the appropriate procurement procedures be followed?  |     |    |     |  |
| Section VI. SOURCE OF MATCH  |     |    |     |  |
| 1. Is the source of match identified?  |     |    |     |  |
| 2. Is the minimum cash match requirement met?  |     |    |     |  |
| Section VII. BUDGET SUMMARY  |     |    |     |  |
| 1. Are all line item computations correct and do they equal the category totals?   |     |    |     |  |
| 2. Have the appropriate costs/percentages been identified as federal and match?  |     |    |     |  |
| 3. Are all requested costs in line with actual costs in previous grants?   |     |    |     |  |
| 4. Are all requested costs:  |     |    |     |  |
| a. Justified?  |     |    |     |  |
| b. Reasonable?   |     |    |     |  |
| c. Allowable?  |     |    |     |  |