



Grants Management Branch

Law Enforcement Service Fee

PROGRAM & FINANCIAL GUIDELINES

KRS 189A.050 provides that all persons convicted of the violation of operating a motor vehicle while under the influence of alcohol or other substances shall be sentenced “to pay a service fee in the amount of \$325.00, in addition to any other penalties. 200 KAR 38:020 designates that 14% of the service fees be allocated to the Justice and Public Safety Cabinet for “enforcement activities.”

The Justice and Public Safety Cabinet has established the Law Enforcement Service Fee (LSF) Grant Program in response to these directives. The program establishes a competitive grant application process to assist local law enforcement agencies in carrying out programs which offer a high probability of improving the enforcement, investigation and prosecution of DUI violations. The following program categories are eligible for grant awards as Law Enforcement Service Fee Programs:

Overtime Enforcement

This category supplements alcohol and drug related traffic enforcement by increasing the number of officers assigned to DUI enforcement and increasing the number of hours of patrol for officers assigned to DUI enforcement. No cash match is required for this category.

Equipment Purchase

This category funds the purchase by law enforcement agencies of equipment designated to facilitate DUI enforcement, such as portable breath testing devices (PBT) and video recording equipment. All equipment purchases require a twenty-five (25%) percent cash match.

Overtime/Equipment

This category funds both the overtime of officers assigned to DUI enforcement (with no cash match) as well as equipment related directly to DUI enforcement (with a cash match of twenty-five (25%) percent for the equipment portion of the grant).

Prevention/Education/Public Awareness

This category seeks to improve DUI prevention by providing information to the public or targeted high-risk populations about the effects of alcohol and drugs on driving ability. No cash match is required for this category.

The Cabinet has established the following Goals and Objectives for the Law Enforcement Service Fee (LSF) Grant Program and all applications must reflect these priorities.

➤ **GOAL:** Increase the potential of arrest and conviction of the drunk driver and remove the drunk driver from the roadway.

➤ **OBJECTIVES:**

- ✓ Reduce the number of alcohol and drug related crashes, thereby reducing the serious injuries and fatalities.
- ✓ Provide stricter enforcement of laws of the Commonwealth of Kentucky as they relate to driving while under the influence of an intoxicant.

REQUIREMENTS:

The following are essential to operate an effective Law Enforcement Service Fee Grant Program, and should be fully described in any applicant submission:

- A needs assessment identifying the problem, supporting need for additional enforcement or equipment (i.e., statistical data referencing the number of accidents, fatalities, injuries, previous drunk driving arrests, or other measurable information).

- A full time (twenty-four hour protection) enforcement department which enforces traffic laws as part of its normal operation, including the use of marked vehicles and uniformed personnel.
- A written plan of operation indicating the number of hours worked per week, the anticipated days of each week in which the project will be operated, and the sites which will be patrolled. This shall include the method of supervision and indicate the project director.
- Quarterly reports must be submitted timely, and an assessment of the impact of the project must be submitted at the conclusion of the reporting period. Projects will be evaluated on arrest data, conviction data, program costs, and related information.
- The applicant's fiscal officer shall maintain complete detailed records of expenses, including sufficient personnel information regarding individual sworn officers paid through the grant for the purpose of overtime reimbursement. This fiscal officer must sign an affidavit stating the officer's base salary, overtime rate, benefit costs, and the number of regular hours for which an officer was paid during the appropriate time period, as well as the number of overtime hours worked.

APPLICATION AND REVIEW PROCESS:

As part of the application, Grants Management Branch has provided two tables (City and County) with DUI specific data from Kentucky State Police's three most current Traffic Crash Analysis Reports as a resource to support your jurisdiction's driving under the influence needs assessment. Applicants may also include statistics collected internally representing your agency's accomplishments to date. Staff and subject matter experts will review the applicant's proposed program, and any related materials and information, and score the applications based on established criteria.

ALLOWABLE EXPENSES:

All approved expenses must be supported by sufficient documentation. Only expenses approved in an awardee's originally approved budget, or a subsequently approved modification, will be reimbursed.

Personnel Costs: The overtime rate is equivalent to base pay plus longevity plus Kentucky Law Enforcement Foundation Program Funds (KLEFPF) x 1.5. Additional benefit costs (e.g., retirement, FICA, insurance) may be included as personnel costs only if additional costs are to be born by the implementing agency or government body. Only sworn officers who have successfully completed the following KLEC approved training programs are eligible to work under this program: Basic Training Academy (400/640 hours); DUI Detection, Field Sobriety (40 hours); and Basic Breath Operator's Course (40 hours). DUI Detection and Field Sobriety Training conducted in an agency's Formal Training Academy Program may be considered in lieu of the 40-hour Department of Criminal Justice Training Academy (640 hours). Also, elected sheriffs cannot work overtime under this program as their salary is set by KRS. Agencies funded will be granted some flexibility in scheduling; however, any major change from the original schedule will require Grants Management Branch approval.

Court Appearances: Agencies may be reimbursed overtime costs incurred when officers are required to be in court for cases which are a result of this program. The reimbursement rate shall be whatever an agency's normal rate would be in these cases.

Mileage Costs: Calculation for mileage reimbursement is based on a formula of 10 miles for every hour of DUI overtime worked. Mileage for all vehicles driven shall be reimbursed at the rate of **.37** cents per mile, or the applicant agency rate, whichever is lower.

Equipment Costs: Agencies may be reimbursed for approved items of equipment which have been deemed necessary or helpful in the enforcement of KRS 189A.010. Examples of approved equipment are in-car cameras and portable breath testing devices. The Justice and Public Safety Cabinet will reimburse agencies for up to seventy-five percent (75%) of the equipment cost.

Prevention/Education/Public Awareness: Agencies may receive reimbursement for programs that support drunk driving enforcement, heighten public awareness of the problem, or educate youth as to the problems of alcohol, drugs, and driving.

UNALLOWABLE EXPENSES:

- Travel (except for mileage charged for enforcement purposes), including transportation, food and lodging.
- Training.
- Construction.
- Any equipment, activity, or expense not clearly (and primarily) intended for DUI enforcement purposes.
- Supplanted funds.
- Any expense not reflected in the awardee's approved budget or subsequent modification.

REPORTING PROCEDURES: The project director of each Law Enforcement Service Fee Grant Program must maintain daily activity reports along with copies of officer overtime sheets or agency payroll reports as supporting documentation for their award. All LSF activity must be reported on the Quarterly Report. In addition to reporting all LSF activity, subgrantees are required to complete a Project Narrative, providing GMB with progress on achieving the goals in the approved application. The expenditure summary report shall be compiled indicating the number of hours worked each month and the costs of the projects. All subgrantees awarded equipment will be required to complete the Inventory Report for reimbursement purposes. All quarterly reports shall be submitted to the Grants Management Branch via the electronic grants management system (eGMS) fifteen (15) days after the end of each quarter for reimbursement. It is the responsibility of the subgrantee to contact the LSF program manager if their quarterly reports will not be submitted by the posted deadline found on the eGMS financial report.

MONITORING: All projects funded by the Law Enforcement Service Fee Grant Program are subject to monitoring. The Grants Management Branch will notify the project director in advance that an on-site visit will be made, designating a date and time.