

COMMISSION OPERATIONAL POLICIES

Revised: 5/05

The following Commission policies are in effect for the Juvenile Justice and Delinquency Prevention Act (JJDP), Juvenile Accountability (JABG), Crime Victims Assistance Act (CVA), Violence Against Women (VAWA) and the Byrne Justice Assistance Grants Programs pursuant to LAC 22:4511.

Incorporation

The operational policies of the various Advisory boards are hereby made part of these policies as applicable to those grant programs under the jurisdiction of the respective Advisory Board(s). In the case of a conflict between these operational policies and those adopted by an Advisory Board and approved by the Commission, the more restrictive shall apply.

Eligibility of Agencies and Organizations

- (1) State and local criminal justice agencies, local governmental units, and private, nonprofit organizations are eligible to apply for OJP funding in Louisiana.
- (2) Private, non-profit organization who are first-time JJDP, CVA, and VAWA applicants, or JJDP/CVA applicants who have not met federal and agency requirements, must furnish security in the form of a surety bond in the amount of the subgrant.
- (3) Agency eligibility is determined by the respective Advisory Board(s) in accordance with Federal guidelines. In addition to those agencies and organizations deemed ineligible to receive grant funds, the following are deemed ineligible by the Commission, such ineligibility is however subject to waiver by the Commission on a case by case basis:
 - a. University Campus Police
 - b. Airport Security
 - c. Capitol Police
 - d. Wildlife & Fisheries Enforcement Unit
 - e. Hospital Security
 - f. Harbor, Bridge, River and Levee Board Police
 - g. Justices of the Peace
 - h. Park Rangers
 - i. Crosslake Patrols, and other related agencies

- (4) The Regional Planning Units (RPU) or Criminal Justice Coordinating Councils (CJCC) are eligible for funding **only**:
 - a. When receiving administrative grants;
 - b. Block training grants;
 - c. Grants that will serve to benefit the entire district served by the RPU or CJCC;
 - d. JJDP exception: An RPU or CJCC may receive funding for certain types of programs, such as detention reimbursement and emergency shelter/holdovers on the recommendation of the JJDP Advisory Board and approval of the Commission.
- (5) Agencies or organizations otherwise eligible for funding shall lose their eligibility for failure to respond to requests for information or data from LCLE.

Explanatory Note: Any state or local agency or private organization that fails to respond to the LCLE annual surveys or fail to report criminal statistical data when required by state and federal statute, or by LCLE request, will be ineligible for any OJP funding. Any agency failing to report nine or more months of acceptable returns within a reporting year (all schedules) to the UCR Program is ineligible to receive any funding. Such ineligibility will apply to the fiscal year following such failure to report.

Eligibility of Programs

- (1) To be eligible for funding consideration, project that involve multi-agency agreements and/or operations must include with their applications signed copies of the written agreement between the participating agencies outlining the nature and extent of the cooperative effort.
- (2) The following program types are not eligible for funding:
 - a. Programs that have traffic enforcement as a major purpose, except when part of a drug interdiction, enforcement, or crime control program;
 - b. Programs that have DWI enforcement as their primary purpose;
 - c. Programs that are solely or primarily recreational in nature or primarily involve the purchase of recreational equipment.

Fiscal Limitations

- (1) Duration: The Commission shall determine an appropriate length for a project prior to funding any portion of a project within the limitations set forth in applicable federal law or guidance. Any project may be terminated prior to the date established under this policy, if:
 - a. The level of federal funding to the state under JJDP, JABG, VAWA, CVA, or Byrne JAG is decreased materially;
 - b. The applicant fails to comply with the terms and conditions of the award;
 - c. The applicant fails to receive a satisfactory evaluation, monitoring or audit report.
- (2) The Commission, in the course of funding project, will fund only one retirement and one health and hospitalization insurance program, notwithstanding the fact that another program or retirement system may be funded by some other source; but in no event should the additional funds provided for insurance or retirement be used as match for a project. In any event, “fringe” benefits shall be limited to no more than 30% of salary costs. Exceptions: (a) when employees are covered by Workmen’s Compensation, and (b) for Federal Discretionary programmatic funding. NOTE: Liability bonds are not considered to be a “fringe” benefit.
- (3) Training funds shall be spent for only structured meetings or conferences for which agendas may be provided. Training funds shall not be used to reimburse personnel for visits to other jurisdictions for non-specific training purposes or on-site visits.
- (4) Members or participants attending meetings of boards, committees, councils, commissions, etc., may not be paid per diem, travel subsistence, or other related expenses from OJP federal funds or funds used as minimum match for a grant. An exception is allowed for the JJDP Board since the JJDP Act requires the use of Federal funds to support an advisory board. The support shall be in the form of travel and other related expenses, but shall not include a per diem.
- (5) Any grant or subgrant shall be limited to no more than six (6) months of pre-award costs. Agencies or organizations allowed pre-award costs will be held accountable for the period to be covered by the pre-award costs.

- (6) The acquisition of furniture or equipment is allowable only as part of a program or when an agency can demonstrate that the acquisition of such equipment is necessary for the expansion of services provided by the agency. This provision shall not apply to grants made pursuant to Act 562.
- (7) Requests for auxiliary and/or reserve police will not be considered for funding.
- (8) No federal or state grant funds may be used for travel outside the continental United States (48 contiguous states).
- (9) Construction policy:
 - a. JJDP Funding: Not more than 50% per cent of the cost of the construction of any innovative community-based facility for fewer than 20 persons. Construction means acquisition, expansion, remodeling, and alteration of existing building, and initial equipment of such buildings, or any combination of such activities (including architect's fees but not the cost of acquisition of land for buildings). All construction project must be matched 50/50 cash and must have prior approval from both OJJDP and Office of the Comptroller.
 - b. JABG funding: Construction costs for a permanent juvenile corrections facility must be cash matched 50% of the total cost of the project.
 - c. Construction is prohibited with CVA, VAWA or Byrne JAG Funds.

Process

- (1) All grant or subgrant applications must be reviewed by the responsible Advisory Board(s) prior to presentation to the Commission for approval. Applications for funding under a program that has not been assigned by the Commission to an Advisory Board may be presented directly to the Commission.
- (2) All waiver requests must be reviewed and approved by the respective Advisory Boards either verbally or in writing. The Board's recommendation will be forwarded to the full Commission for final approval.

Regional Planning Units and Criminal Justice Coordinating Councils

- (1) As a condition of receiving Federal Administrative Funds, RPU and CJCCs will be required to monitor project funded in their districts and to assist in JJDP compliance monitoring.
- (2) All regional law enforcement councils shall publish the dates, times, and places of their council meetings in all major newspapers in their districts with sufficient time for the public to be notified, in accordance with the provisions of the Sunshine Act. The Louisiana Commission on Law Enforcement and all local criminal justice agencies in the district shall be notified of the date, time and place of the council meetings and be furnished an agenda of the meeting prior to the meeting.
- (3) RPU and CJCCs must have victim service professionals represented on their council and priorities committee.

Non-Operational and Non-Compliant Grants and Subgrants

In accordance with Federal requirements if a project is not operational within 60 days of the original starting date of the subgrant period, the subgrantee must report by letter to the Louisiana Commission on Law Enforcement (state administrating agency) the steps taken to initiate the project, the reasons for delay, and the expected starting date.

If a letter of explanation has not been received and approved by the Louisiana Commission on Law Enforcement staff and the project is not operational within 90 days of the original starting date of the subgrant period, then the more restrictive Commission policy will be imposed. All federal and state grants shall be canceled if not commenced by the subgrantee within 90 days of the date of Commission (the governing board) approval. Commenced shall be understood to mean that the project has begun to meet its grant timetable and objectives. Additionally, any requested information and/or documents must be submitted to the Louisiana Commission on Law Enforcement within this same 90-day period.

A request for a waiver may be submitted in writing to the Louisiana Commission on Law Enforcement explaining the extenuating circumstances warranting an extension of the implementation date of the project past the 90-day period. This waiver will require Commission approval.

The Louisiana Commission on Law Enforcement will send a notice of cancellation for non-compliance. Non-compliance will result in withdrawal of funds for reallocation for similar projects. The subgrantee can appeal the cancellation of subgrant through the Commission's appeal process.

Any agency that loses funding as a result of non-compliance will be further penalized on future application for funds. The time period to submit requested information and/or documents will be reduced from 90 days to 60 days after the date of Commission approval.

The Commission on Law Enforcement's required documents submission such as subgrant adjustments, quarterly progress, monitoring, and expenditure reports will be subject to a similar penalty. Documents and/or documents requiring additional information that are not received within 60 days of the due date will result in a foreclosure notice to the subgrantee giving 14 days from the date of the notice to submit the required documents or additional information. Non-Compliance will result in cancellation of subgrant and withdrawal of remaining funds.

Additionally, 12 months prior to the federal end date of a grant program, and continuously thereafter, the Louisiana Commission on Law Enforcement will review unexpended funds because of non-submission of application for planned projects by the Planning District. The Louisiana Commission on Law Enforcement staff will make recommendation to the respective Boards for redistribution of funds and will forward to the Commission for approval.

Any and all federal deadlines and time frames on grant funds will supersede all aspects of this policy.

**POLICY AMENDMENT – INCREASE IN SUBGRANT
THRESHOLD REQUIREMENT FOR COMMISSION
MEETING ATTENDANCE**

The Louisiana Commission on Law Enforcement and Administration of Criminal Justice voted at its January 26, 2006 meeting to amend its long-standing subgrant threshold requirement for attendance at Commission meetings. The Commission voted unanimously to increase the amount whereby a representative of an agency is required to be in attendance at the Commission meeting during which their subgrant would be voted on from \$10,000.00 to \$20,000.00. This change in policy only affects subgrants involving the continuation of an existing subgrant program.

The threshold requirement for attendance at Commission meetings for subgrant for new programs/purposes remains at \$10,000, and agency representatives for such subgrants are still required to attend the Commission meeting during which their subgrant would be voted on by the Commission.

Agencies submitting continuation subgrant applications under \$20,000.00 are still required to attend the meeting of the respective program's Advisory Board – usually held the day before the Commission meeting – but are no longer required to attend the Commission meeting itself. During the discussion of the subject by Commission members, it was pointed out that if questions arise at the Advisory Board meeting about an agency's continuation subgrant, and the question still lingers, it would be in the best interest of the subgrantee agency to attend the Commission meeting the next day. Such attendance, however, is no longer required and would be on a voluntary basis by the subgrantee agency.