



COPS
Community Oriented Policing Services
U.S. Department of Justice

2017 COPS Hiring Program (CHP) Award Owner's Manual

2017 COPS Hiring Program (CHP) Award Owner's Manual

This manual was created to assist COPS Hiring Program (CHP) recipients with the administrative and financial matters associated with their award.

For more information about your CHP award, please contact your COPS Office Grant Program Specialist. If you do not know the name or telephone number of your Grant Program Specialist, please contact the COPS Office Response Center at 800-421-6770.



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Office of Community Oriented Policing Services
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Visit the COPS Office online: www.cops.usdoj.gov

Published November 2017

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Getting Started

Congratulations on receiving an award from the US Department of Justice, Office of Community Oriented Policing Services (COPS Office). COPS Hiring Program (CHP) awards provide funding directly to law enforcement agencies to hire or rehire career law enforcement officers for the advancement of public safety through an increase in their community policing capacity and crime prevention efforts.

2017 CHP awards will cover up to 75 percent of the approved entry-level salary and fringe benefits of each newly hired or rehired full-time sworn career law enforcement officer over the three-year (36-month) award period, with a minimum 25 percent local cash match requirement and a maximum federal share of \$125,000 per officer position. CHP award funding is based on your agency's entry-level salary and fringe benefits for full-time officers at the time of the award application. Any additional costs above the approved entry-level salaries and fringe benefits are the responsibility of the recipient agency. Furthermore, all award recipients must retain any CHP-funded officer positions for at least 12 months after the 36 months of federal funding has ended for each position.

Recipients are required to use CHP award funds for the specific hiring categories awarded. Funding under this program may be used to do the following:

- Hire new officers, which includes filling existing officer vacancies that are no longer funded in your agency's budget. These positions must be in addition to your current budgeted (funded) level of sworn officer positions, and the officers must be hired on or after the official award start date as it appears on your agency's award document.
- Rehire officers laid off by any jurisdiction as a result of state, local, or Bureau of Indian Affairs (BIA) budget reductions. The rehired officers must be rehired on or after the official award start date as it appears on your agency's award document. Documentation must be maintained showing the date(s) that the positions were laid off and rehired.
- Rehire officers who were, at the time of award application, *scheduled to be laid off (by your jurisdiction) on a specific future date* as a result of state, local, or BIA budget reductions. Recipients will be required to continue funding the positions with local funding until the date(s) of the scheduled layoffs. The dates of the scheduled layoffs and the number of positions affected must have been identified in the 2017 CHP application. In addition, documentation must be maintained detailing the dates and reason(s) for the layoffs. Furthermore, agencies are required to maintain documentation demonstrating that the scheduled layoffs are occurring for local economic reasons unrelated to the availability of CHP award funds. Such documentation may include local council meeting minutes, memoranda, notices, or orders discussing the layoffs, budget documents ordering jurisdiction-wide budget reductions, or notices provided to the individual officers regarding the layoffs.

The allowable uses of your agency's CHP awards are specified on the CHP Financial Clearance Memorandum (FCM). If your agency's local fiscal conditions have changed since submitting the 2017 CHP application and your agency wishes to modify its CHP award to reprogram awarded funding into a different hiring funding category, please refer to "Modification conditions" in this manual for detailed information on requesting a post-award modification.

This CHP Award Owner's Manual will assist your agency with the administrative and financial matters associated with your award. It was developed by the COPS Office to ensure that all CHP recipients clearly understand and meet the requirements of their award. Please review this manual carefully because a failure to follow award requirements can have serious ramifications. Please do not hesitate to call the COPS Office Response Center at 800-421-6770 if you need assistance with the implementation of your award.

Please note that the Federal Bureau of Investigation (FBI) is retiring the current Summary Reporting System (SRS) and will transition to an all-National Incident-Based Reporting System (NIBRS) data collection system within the next five years. The transition to NIBRS will provide a more complete and accurate picture of crime at the national, state, and local level. Beginning in 2021, the FBI will no longer collect summary data and will only accept data in the NIBRS format, and COPS Office awards will be based on submitted NIBRS data. Transitioning all law enforcement agencies to NIBRS is the first step in gathering more comprehensive crime data. The COPS Office encourages its award recipients to submit NIBRS data to the FBI Criminal Justice Information Services Division in a timely manner, thereby ensuring sufficient and complete crime and arrest data is available for consideration. For more information regarding NIBRS reporting, please see <https://www.fbi.gov/about-us/cjis/ucr/nibrs-overview>.

Thank you for providing us with the opportunity to work in partnership with your community.

I. Award Acceptance, Terms, and Conditions

To officially accept and begin your COPS Hiring Program award, your agency must access www.cops.usdoj.gov and select the "Account Access" link in the upper-right corner to log in, review, and electronically sign the award document (including the award terms and conditions), the Financial Clearance Memorandum and, if applicable, the special award conditions or high risk conditions within 90 days of the date shown on the award congratulatory letter.

Your agency will **not** be able to draw down award funds until the COPS Office receives your signed award document. For more information on drawing down award funds, please see the section "Accessing Award Funds" in this manual.

The award document

The award document is the document indicating your official award funding amount, the number of officer positions awarded, the type of positions awarded, the award number, the award conditions, and the award start and end dates.

The award document is pre-printed with your agency's law enforcement and government executives' names. If this information is incorrect or has changed, please update your "Agency Contacts" online at www.cops.usdoj.gov through the "Account Access" tab. If the law enforcement or government official has changed since the time of application, please have the current law enforcement executive or government executive for your agency create an account through the "Account Access" link, log in, and sign the award document once your agency contacts have been updated online. Once you have reviewed your award document, please electronically sign it and make a copy of all pages of the document for your records, along with all award condition pages, within 90 days of the date shown on the award congratulatory letter. Please see the section "Accepting the award" in this manual.

The award start date indicated on the award document means that your agency may be reimbursed for any allowable costs incurred on or after this date. The duration of your CHP award is three years (36 months) of funding for each position awarded.

Your award number is in the following format: 2017-ULWX-0000 or 2017-UMWX-0000 for awards funded in Fiscal Year (FY) 2017. The COPS Office tracks award information based upon this number. Therefore, it is important to have your agency's award number (or your agency's ORI number) readily available when corresponding with the COPS Office.

Your originating agency identifier (ORI) number begins with your state abbreviation followed by five numbers or letters (e.g., VA00000). This number is assigned by the Federal Bureau of Investigation (FBI) for use in tracking information for the Uniform Crime Report (UCR). The COPS Office tracks programmatic award information based upon this ORI number. If your agency does not have an ORI number assigned by the FBI, the COPS Office will assign a non-official ORI code to use as an agency identifier (in such cases, the last two characters will be "ZZ"). If you have any questions regarding your award, please refer to your award number or your agency's ORI number when you contact the COPS Office.

Your Office of Justice Programs (OJP) vendor number, in most circumstances, is your agency's nine- or 13-digit federal tax identification number assigned to you by the Internal Revenue Service (IRS). If your OJP vendor number differs from your tax identification number, the OJP vendor number is only to be used for administrative purposes in connection with this program, and should not be used for IRS purposes.

Award conditions

The award conditions are listed on your agency's award document. By accepting this award, you are obtaining federal funds from the COPS Office. As part of that agreement, your agency acknowledges that it will comply with these conditions (and, if applicable, additional special or high risk conditions specific to your agency). The section that follows describes, in detail, all of the award conditions, their rationales, and their implications. It also addresses many frequently asked questions. If you have additional questions concerning any of these award conditions, please contact your COPS Office Grant Program Specialist at 800-421-6770.

In limited circumstances, your award may be subject to special or high risk conditions that prevent your agency from drawing down or accessing award funds until the special conditions are satisfied, as determined by the COPS Office. Any special or high risk conditions will be included with your award, which may be accessed at www.cops.usdoj.gov via the "Account Access" link. However, if you have questions about the special conditions, please call your COPS Office Grant Program Specialist at 800-421-6770.

Reasons for award conditions

The requirements of your CHP award are established within

- the Public Safety Partnership and Community Policing Act of 1994, which established the COPS Office;
- applicable rules, regulations, and policies issued by the US Department of Justice, Office of Management and Budget (OMB), the Government Accountability Office (GAO), and the United States Treasury;
- the specific CHP programmatic requirements established by the COPS Office.

A list of source documents for this manual is provided in the appendices. You may request copies of any source reference document from:

Office of Administration, Publication Unit
New Executive Office Building
725 17th Street NW, Room G 236
Washington, DC 20503

COPS Office-specific documents may be requested directly from the COPS Office.

Review of award conditions

By signing the award document to accept this COPS Hiring Program award, your agency agrees to abide by the following award conditions:

1. *Award Owner's Manual*

Condition:

Award Owner's Manual. The recipient agrees to comply with the terms and conditions in the applicable COPS Office Program Award Owner's Manual; COPS Office statute (42 U.S.C. § 3796dd, et seq.); the requirements of 2 C.F.R. Part 200 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards) as adopted by the U.S. Department of Justice in 2 C.F.R. § 2800.101; 48 C.F.R. Part 31 (FAR Part 31) as applicable (Contract Cost Principles and Procedures); the Cooperative Agreement as applicable; representations made in the application; and all other applicable program requirements, laws, orders, regulations, or circulars.

Why this condition:

This manual has been designed to inform you of the requirements, laws, regulations, and policies that apply to your award. Your agency will be responsible for the information and rules contained in this manual and for implementing your award in compliance with the applicable terms, conditions, and regulations. More detailed guidance regarding any particular award requirement or your agency's specific circumstances can be requested through your COPS Office Grant Program Specialist.

What you should do:

Please read the entire CHP Award Owner's Manual carefully prior to signing the award document. If you have any questions, please contact your COPS Office Grant Program Specialist. When accepting your award, you should ensure that the proper reporting and financial systems are in place to satisfy the award requirements.

2. *Assurances and Certifications*

Condition:

The recipient acknowledges its agreement to comply with the Assurances and Certifications forms that were signed as part of its application.

Why this condition:

Although the COPS Office has made every effort to simplify the process of applying for and receiving awards, several provisions of federal law require us to obtain the recipient's signed Assurances and Certifications regarding certain matters. Most of the Assurances and Certifications apply to all federal award programs.

What you should do:

Applicants to COPS Office award programs are required to sign the Assurances and Certifications forms at the time of application and application update. Signing these documents assures the COPS Office that you have read, understood, and accepted the award terms and conditions outlined in the Assurances and Certifications. Please read these documents carefully, because signatures on these documents are treated as a material representation

of fact upon which reliance was placed when the US Department of Justice determined whether to fund the covered award. Additional copies of the Assurances and Certifications forms are contained in the appendices of this manual. If you have any questions about them, please contact your COPS Office Grant Program Specialist at 800-421-6770.

3. Allowable Costs

Condition:

The funding under this project is for the payment of approved full-time entry-level salaries and fringe benefits over three years (for a total of 36 months of funding) up to a maximum federal share of \$125,000 per officer position for career law enforcement officer positions hired and/or rehired on or after the official award start date. Any salary and fringe benefit costs higher than entry-level that your agency pays a CHP-funded officer must be paid with local funds.

Your agency is required to use CHP award funds for the specific hiring categories awarded. Funding under this program may be used for the following categories:

- *Hiring new officers, which includes filling existing officer vacancies that are no longer funded in your agency's budget;*
- *Rehiring officers laid off by any jurisdiction as a result of state, local, or Bureau of Indian Affairs (BIA) budget reductions; and/or*
- *Rehiring officers who were, at the time of award application, scheduled to be laid off (by your jurisdiction) on a specific future date as a result of state, local, or BIA budget reductions.*

If your agency's local fiscal conditions have changed and your agency needs to change one or more of the funded hiring categories, your agency should request an award modification and receive prior approval before spending CHP funding under the new category.

The Financial Clearance Memorandum (FCM), included in your award package, specifies the amount of CHP funds awarded to your agency. You should carefully review your FCM, which contains the final officer salary and fringe benefit categories and amounts for which your agency was approved. Please note that the salary and fringe benefit costs requested in your CHP application may have been adjusted or removed. Your agency may only be reimbursed for the approved cost categories that are documented within the FCM, up to the amounts specified in the FCM. Your agency may not use CHP funds for any costs that are not identified as allowable in the Financial Clearance Memorandum.

Only actual allowable costs incurred during the award period will be eligible for reimbursement and drawdown. If your agency experiences any cost savings over the course of the award (for example, your award application overestimated the total entry-level officer salary and fringe benefits package), your agency may not use that excess funding to extend the length of the award beyond 36 months. Any funds remaining after your agency has drawn down for the costs of approved salaries and fringe benefits incurred for each awarded position during the 36-month funding period will be deobligated during the closeout process and should not be spent by your agency.

Why this condition:

CHP funds may only be used to pay for entry-level salaries and fringe benefits for 36 months for full-time career law enforcement officers hired or rehired on or after the award start date. You may use the CHP award to hire or rehire experienced officers, but award funding must be limited to paying your agency's entry-level salary and fringe benefits; any costs higher than entry-level must be paid by your agency with local funds.

What you should do:

All recipients should keep and maintain the most recent, approved version of your 2017 CHP application. To view and print this document, you can log into your account at www.cops.usdoj.gov. Please select "COPS Applications" from the menu of services and click on the "Print" icon to download the most recent version of your application in .pdf format.

Refer to your FCM for the list of approved allowable costs. Salaries covered by CHP must be based on your agency's standard entry-level salary and fringe benefits package under the laws or rules that govern hiring by your agency. Salary and fringe benefit payments must be based on payroll records supported by time and attendance records or their equivalent. Examples of the types of records your agency must keep to document allowable costs are described in the section "Financial Record Management" in this manual. Any additional costs above the approved entry-level salaries and fringe benefits are the responsibility of the recipient agency. Civilian positions, salaries and fringe benefits of part-time officer positions, overtime, training, weapons, communication equipment, and vehicles cannot be funded with your CHP award.

CHP award funding may be used to pay the approved entry-level salaries and fringe benefits of newly hired officer recruits while they are in basic academy training prior to swearing them in if it is your agency's standard practice to pay recruits while in training.

Please be advised that recipients may not use COPS Office funding for the same item or service also funded by another US Department of Justice award. See also award condition "Duplicative Funding" for more information.

4. Supplementing, Not Supplanting

Condition:

State, local, and tribal government recipients must use CHP funds to supplement, and not supplant, state, local, or Bureau of Indian Affairs (BIA) funds that are already committed or otherwise would have been committed for award purposes (officer hiring) during the award period. In other words, recipients may not use COPS Office funds to supplant (replace) state, local, or BIA funds that would have been dedicated to the COPS Office-funded item(s) in the absence of the COPS Office award (42 U.S.C. § 3796dd-3(a)) .

Why this condition:

The COPS Office statutory nonsupplanting requirement mandates that award funds will not be used to replace state or local funds (or, for tribal recipients, BIA funds) that would, in the absence of federal aid, be made available for the award purposes. Instead, CHP award funds must be used to increase the total amount of funds that would otherwise be made available for hiring or rehiring law enforcement officers.

What you should do:

Your agency may not reduce its sworn officer budget just to take advantage of the CHP award. Any budget reductions must be for fiscal or other reasons unrelated to the receipt of CHP award funds to avoid a violation of the nonsupplanting requirement.

Your agency may not reduce its locally funded number of sworn officer positions during the three-year CHP award period as a direct result of receiving CHP funding. Reductions in locally funded sworn officer positions that occur for reasons unrelated to CHP funding—such as citywide budget reductions—do not violate the nonsupplanting requirement, but your agency must maintain documentation demonstrating the date(s) and reason(s) for the budget reductions to prove that they were unrelated to the receipt of CHP funding in the event of an audit, monitoring site visit, or other form of award compliance review.

Under CHP, the nonsupplanting requirement means that a recipient receiving CHP funds to hire a new officer position, including filling an existing officer vacancy that is no longer funded in the recipient's local budget, must hire the additional position on or after the official award start date, above its current budgeted (funded) level of sworn officer positions.

The nonsupplanting requirement also means that a recipient receiving CHP funds to rehire an officer laid off as a result of state, local, or BIA budget reductions must rehire the officer on or after the official award start date. The recipient must maintain documentation in its CHP award file showing the dates that the officer was laid off and rehired.

In addition, the nonsupplanting requirement means that a recipient that receives CHP funds to rehire an officer who was, at the time of award application, scheduled to be laid off on a specific future date as a result of state, local, or BIA budget reductions, must continue to fund the officer with its own funds through the award start date until the date of the scheduled layoff. [For example, if the award start date is July 1 and the layoff is scheduled for November 1, then the COPS Office funds may not be used to fund the officer until November 1, the date of the scheduled layoff.] Your agency must have identified the date(s) of the scheduled layoffs and the number of officers to be laid off in its application. Your agency must maintain documentation showing the date(s) and reason(s) for the layoffs, the number of officers laid off, the number of officers rehired, and the dates the officers were rehired. [Please note that your agency may rehire the officers scheduled for layoff with CHP funding on or immediately after the date of the scheduled layoff. Unless required by your jurisdiction, your agency is not required to formally complete the administrative steps associated with the layoff of the individual officers you are seeking to rehire so long as your agency can document that a final, approved budget decision was made to layoff those particular individual officers on the identified layoff date.]

Documentation that may be used to prove that scheduled layoffs or budget reductions are occurring for local economic reasons that are unrelated to the availability of CHP award funds may include (but are not limited to) council or departmental meeting minutes, memoranda, notices, or orders discussing the layoffs; notices provided to the individual officers regarding the date(s) of the layoffs; or final budget documents ordering departmental or jurisdiction-wide budget reductions. These records must be maintained with your agency's CHP award records during the award period and for three years following the official closeout of the CHP award in the event of an audit, monitoring, or other evaluation of your award compliance.

For more information regarding complying with the nonsupplanting requirement, including implementing your award when you have locally funded vacancies, please see the Grant Monitoring Standards and Guidelines at www.cops.usdoj.gov/pdf/e081420661_Grant%20Monitoring_Final.pdf.

5. Extensions

Condition:

Your agency may request an extension of the award period to receive additional time to implement your award program. Such extensions do not provide additional funding. Awards may be extended a maximum of 36 months beyond the initial award expiration date. Any request for an extension beyond 36 months will be evaluated on a case-by-case basis. Only those recipients that can provide a reasonable justification for delays will be granted no-cost extensions. Reasonable justifications may include difficulties in filling COPS Office-funded positions, officer turnover, or other circumstances that interrupt the 36 month award funding period. An extension allows your agency to compensate for such delays by providing additional time to complete the full 36 months of funding for each position awarded. Extension requests must be received prior to the end date of the award.

Why this condition:

Under federal regulations, requests to extend the award period require prior written approval from the COPS Office. Without an approved extension, your agency is not permitted to draw down federal funding for costs incurred beyond the official award end date. However, if justified, the COPS Office seeks to accommodate reasonable requests for no-cost time extensions in order to fully implement the COPS Office award.

What you should do:

The COPS Office will contact your agency during the last quarter of the award period to determine whether a no-cost time extension is needed; extensions will not be processed prior to 90 days of the award end date. Requests to extend the award period must be submitted online and received by the COPS Office before the official award end date. Extension requests received after the expiration date will only be considered when the recipient provides justification of extraordinary circumstances; an example of this would be an instance where an unforeseen natural disaster prevented a recipient from requesting an extension. Failure to submit a request for a no-cost time extension by the end date may result in the immediate deobligation of any remaining award funds.

If your agency has excess funds remaining at the end of the award due to salary and fringe benefit costs that were lower than anticipated, your agency may not extend the 36-month funding period for the purpose of expending those excess funds. Recipients are entitled to a maximum of 36 months of federal funding based on the approved salary and fringe benefit costs in the FCM. The COPS Office will deobligate any remaining award funds during the closeout process. If you have any additional questions regarding a no-cost time extension, please contact your COPS Office Grant Program Specialist at 800-421-6770.

6. Modifications

Condition:

During the CHP award period, it may become necessary for an agency to modify its CHP award due to changes in an agency's fiscal or law enforcement situation. Modification requests should be submitted to the COPS Office when an agency determines that it will need to shift officer positions awarded in one hiring category into a different hiring category, reduce the total number of positions awarded, shift funds among benefit categories, and/or reduce the entry-level salary and fringe benefit amounts. For example, an agency may have been awarded CHP funding for 10 new, additional full-time sworn officer positions, but due to severe fiscal distress/constraints, the agency determines it is unable to sustain all 10 positions and must reduce its request to five full-time positions; or an

agency may have been awarded CHP funding for two new, additional sworn officer positions, but due to fiscal distress/constraints the agency needs to change the hiring category from the new hire category to the rehire category for officers laid off or scheduled for layoff on a specific future date post-application. Award modifications under CHP are evaluated on a case-by-case basis. The COPS Office will only consider a modification request after an agency makes final, approved budget and/or personnel decisions. An agency may implement the modified award following written approval from the COPS Office. Please be aware that the COPS Office will not approve any modification request that results in an increase of federal funds.

Why this condition:

Under federal regulations, you are required to expend federal funds only as approved in the FCM. In addition, under CHP you are expected to expend funding only for the specific hiring categories awarded, as indicated on your Award Document. Any requests to change or alter an award should be submitted to the COPS Office for prior approval. Following written approval from the COPS Office, implementation of the modified award may begin.

What you should do:

You should notify the COPS Office if you determine that your agency will need to change hiring categories, reduce the total number of positions awarded, or make other changes to the entry-level salary and benefit amounts or categories. To modify your award from the new hire category to the rehire category, your agency must complete a hiring category change modification and submit supporting documentation by accessing www.cops.usdoj.gov and selecting the "Account Access" link in the upper right corner to log in and submit your request to the COPS Office through the Grants Management Portal, providing the proposed changes, details of why the change is needed, etc.

For additional information about the process for submitting your specific award modification request, please contact your COPS Office Grant Program Specialist at 800-421-6770. The COPS Office will then evaluate your request and notify your agency of our decision in writing. Implementation of the modified award may begin following written approval from the COPS Office. Please note that modification approvals for active awards will often be accompanied by a modified award document reflecting the approved changes. If applicable, your agency is required to sign and submit the modified award document via the "Account Access" link to officially accept the award modification.

7. Evaluations

Condition:

The COPS Office may conduct monitoring or sponsor national evaluations of its award programs. The recipient agrees to cooperate with the monitors and evaluators.

Why this condition:

The Public Safety Partnership and Community Policing Act of 1994 states that evaluations of the program may be carried out or commissioned by the attorney general for the furtherance of the purposes of the act. The COPS Office conducts evaluations to determine which programs are working, how programs may be improved, and why certain programs are more successful than others. Specifically, the COPS Office may assess the way in which your agency implements its CHP award. In some jurisdictions, COPS Office staff members or evaluators may study the effectiveness of funded programs, projects, and activities. Evaluators may collect information about the programs' effect on crime, victims of crime, and the quality of life in communities. In addition, they may ask questions about

the challenges encountered during project implementation, how residents feel about community policing, and how police feel about their work. This information will be useful to other communities and police agencies across the country.

What you should do:

When evaluations are undertaken, you may be contacted in writing with specific requests for information. In general, evaluators may need to speak with individuals in your department, observe activities, and obtain written reports about and from your department. You will be asked to facilitate any site visits and information gathering activities. In addition, you will be asked to provide accurate and timely information about your award activities. You should fully comply with any requests made regarding these evaluations.

8. Reports/Performance Goals

Condition:

To assist the COPS Office in monitoring and tracking the performance of your award, your agency will be responsible for submitting quarterly programmatic progress reports that describe project activities during the reporting period and quarterly Federal Financial Reports using Standard Form 425 (SF-425). The progress report is used to track your agency's progress toward implementing community policing strategies and to collect data to gauge the effectiveness of increasing your agency's community policing capacity through COPS Office funding.

Why this condition:

The Public Safety Partnership and Community Policing Act of 1994 and other federal regulations and policies require that financial assistance provided by the Federal Government must be monitored carefully to ensure the proper use of federal funds. In addition, the COPS Office seeks to document, on a continuing basis, the progress of our programs and recipients.

What you should do:

This award condition is designed to make your agency aware of reporting requirements associated with CHP awards. Quarterly programmatic progress reports and a final programmatic closeout report must be submitted directly to the COPS Office through the "Account Access" link of the COPS Office website at www.cops.usdoj.gov. Your agency is also required to submit quarterly Federal Financial Reports using Standard Form 425 (SF-425) within 30 days after the end of each calendar quarter. A final SF-425 will be due within 90 days after the end of the award period. This report reflects the actual cumulative federal expenditures incurred during the funding period and the remaining unobligated balance of federal funds. Under federal regulations, your agency is not permitted to draw down federal funding for costs incurred after the official award end date; however, you will have a 90 day grace period after the award end date during which you can draw down funds for eligible expenditures incurred before the award end date. Agencies with more than one delinquent programmatic or financial report submission per fiscal year may be subject to delays in receiving reimbursement for allowable expenses, and may be required to receive technical assistance to improve compliance with reporting. These reports are discussed in greater detail in the section "Reports" in this manual. All reports should be submitted within the deadlines given to avoid suspension or possible termination of award funds or other remedial actions; failure to submit required reports may also impact future funding opportunities.

9. Award Monitoring Activities

Condition:

Federal law requires that law enforcement agencies receiving federal funding from the COPS Office must be monitored to ensure compliance with their award conditions and other applicable statutory regulations. The COPS Office is also interested in tracking the progress of our programs and the advancement of community policing. Both aspects of award implementation—compliance and programmatic benefits—are part of the monitoring process coordinated by the U.S. Department of Justice. Award monitoring activities conducted by the COPS Office include site visits, office-based grant reviews, alleged noncompliance reviews, financial and programmatic reporting, and audit resolution. As a COPS Office award recipient, you agree to cooperate with and respond to any requests for information pertaining to your award.

Why this condition:

The Public Safety Partnership and Community Policing Act of 1994 states that each award program must contain a monitoring component. The COPS Office actively monitors how recipients are complying with COPS Office award requirements. In addition, the monitoring component provides customer service and technical assistance to help ensure recipients understand how to remain in compliance while implementing their awards.

What you should do:

Your agency may be required to accommodate routine and non-routine efforts by the COPS Office, or an entity designated by the COPS Office, to examine your agency's use of federal funds both programmatically and financially. The four primary means of ensuring recipients' compliance with the terms and conditions of their awards are as follows:

1. **Site Visits.** The COPS Office strategically selects award recipients based on a variety of risk factors to conduct site visits to ensure compliance with award terms and conditions. The purpose of site visits is three-fold:
 - i. To review for compliance with the terms and conditions of the award
 - ii. To review the recipient's community policing strategies
 - iii. To provide customer service and technical assistance

If selected, recipients will be notified in writing in advance with detailed instructions for how to prepare for the review of their COPS Office awards. This review is generally performed over a period of one or more days. Recipients will have an opportunity to resolve any identified noncompliance issues while on-site or, if necessary, following the site visit. In addition, recipients will have an opportunity to seek customer service and/or technical assistance on the implementation of their award.

2. **Enhanced Office-Based Grant Reviews (EOBGR).** In lieu of a site visit, awards may be selected for an EOBGR conducted at the COPS Office via teleconference or video conference. EOBGRs serve as an alternative for conducting award monitoring reviews in support of the COPS Office's overall award monitoring strategy. The purpose of the EOBGR is three-fold:
 - i. To review for compliance with the terms and conditions of the award
 - ii. To review the recipient's community policing strategies
 - iii. To provide customer service and technical assistance

If selected, the recipient will be notified in writing in advance of any EOBGR of its COPS Office awards. This review is generally performed over a one- to two-day period. Recipients will have an opportunity to

resolve any identified noncompliance issues if necessary following the EOBGR interview. In addition, award recipients will have an opportunity to seek customer service and/or technical assistance on the implementation of their award.

3. **Alleged Noncompliance Referral (ANCR).** An ANCR is an allegation of suspected noncompliance that originates from an internal source within the COPS Office or an external referral from one of many sources. Internal ANCRs generally originate from the COPS Office Grants Administration Division, the COPS Office Finance Division, or the COPS Office Legal Division, although any COPS Office component may refer a noncompliance issue to the ANCR. External noncompliance referrals may be received from anonymous complainants, media, citizens, law enforcement agencies, other federal agencies, or other outside sources. On a case-by-case basis, COPS Office ANCR staff members determine the appropriate course of action to take to investigate complaints of alleged noncompliance. This may include phone or letter contact or a site visit by COPS Office staff or the OIG. Each ANCR referral is resolved as a violation or nonviolation based upon supporting documentation and/or other factors used to make a determination for compliance or noncompliance.
4. **Audit Liaison.** The OIG may conduct a random audit for any recipient of a COPS Office award. In the event your agency has undergone an OIG audit and there are audit recommendations (findings) resulting from noncompliance and/or poor accountability practices, the COPS Office Audit Liaison Section will work with your agency to resolve and close these recommendations. Remedies to close recommendations may include repayment of award funds and/or providing adequate documentation to demonstrate compliance and/or providing proof of policies or procedures that were created or revised to directly address the causes for the noncompliance as a proactive preventative measure to avoid future noncompliance.

Recipients are responsible for remedying any award noncompliance that is identified during site visits, EOBGRs, and/or ANCRs. In addition, recipients are responsible for remedying noncompliance stemming from audit recommendations identified in audits of COPS Office awards conducted by the OIG and the Office of the Chief Financial Officer (OCFO). Remedies for noncompliance may include but are not limited to repayment of award funds for unallowable or unsupported costs, providing adequate documentation to demonstrate compliance, suspending active award funding, voluntary withdrawal from or involuntary termination of remaining award funds, or a restriction from receiving future COPS Office awards for a period of time. Under certain conditions, additional actions may include referral and placement on the US Department of Justice's High Risk List, which will include mandatory completion of the Office of Justice Programs Financial Management Training and being subject to increased monitoring of current and future awards while on the list. In the event of criminal misuse of award funds, recipients may also be subject to fines and imprisonment. To avoid findings of noncompliance, recipients are strongly encouraged to become familiar with the COPS Office Grant Monitoring Division's Grant Monitoring Standards and Guidelines and with the Award Owner's Manual for the year in which the award is funded. Recipients should also contact the COPS Office or their Grant Program Specialist at any time during the life of a COPS Office award with questions concerning award conditions, terms, or requirements to seek guidance to avoid noncompliance. It is necessary for recipients to maintain all relevant documentation (administrative, financial, and programmatic) used to develop the application and implement the award that may be necessary or required to demonstrate award compliance. For more information, please contact the COPS Office Response Center at 800-421-6770 or at AskCopsRC@usdoj.gov.

10. Federal Civil Rights Laws

Condition:

As a condition of receipt of federal financial assistance, you acknowledge and agree that you will not (and will require any subrecipient, contractors, successors, transferees, and assignees not to), on the grounds of race, color, religion, national origin, sex, or disability unlawfully exclude any person from participation in, deny the benefits of, or employment to any person, or subject any person to discrimination in connection with any programs or activities funded in whole or in part with federal funds. You will also not discriminate in the delivery of benefits or services based on age. These civil rights requirements are found in the non-discrimination provisions of Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. § 2000d); the Omnibus Crime Control and Safe Streets Act of 1968, as amended (42 U.S.C. § 3789d); Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794); the Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101); Title IX of the Education Amendments of 1972, as amended (20 U.S.C. § 1681); and the corresponding U.S. Department of Justice regulations implementing those statutes at 28 C.F.R. Part 42 (subparts C, D, E, G, and I). You also agree to comply with Executive Order 13279, as amended by Executive Order 13559, and the implementing regulations at 28 C.F.R. Part 38, Partnerships With Faith-Based and Other Neighborhood Organizations, which requires equal treatment of religious organizations in the funding process and prohibits religious discrimination against beneficiaries.

Why this condition:

In establishing financial assistance programs, Congress linked the receipt of federal funding to compliance with federal civil rights laws. As a result, recipients are required to comply with the civil rights requirements found in the nondiscrimination provisions referenced above. A hold may be placed on your award if it is deemed that your agency is not in compliance with federal civil rights laws or is not cooperating with an ongoing federal civil rights investigation. If a hold is placed on your award, you will not be able to obligate or draw down federal funds under your agency's COPS Office award until you comply with federal civil rights laws or cooperate with any ongoing federal civil rights investigation.

What you should do:

Included with your award package is a memorandum from the Office for Civil Rights, Office of Justice Programs, US Department of Justice, which addresses the federal civil rights statutes and regulations applicable to your award. You should review this memorandum to understand your agency's civil rights responsibilities.

As a recipient of federal financial assistance from the COPS Office, you are required to comply with the applicable federal civil rights laws and to collect data and information sufficient to permit effective enforcement of such laws and to cooperate with any federal civil rights investigation, which includes providing access to records, accounts, documents, information, facilities, and staff.

11. Equal Employment Opportunity Plan (EEO)

Condition:

All recipients of funding from the COPS Office must comply with the federal regulations pertaining to the development and implementation of an Equal Employment Opportunity Plan (EEO) (28 C.F.R. Part 42 subpart E).

Why this condition:

It is the experience of the US Department of Justice in implementing its responsibilities under the Omnibus Crime Control and Safe Streets Act of 1968 (Safe Streets Act), the statute that funds the COPS Office, that “the full and equal participation of women and minority individuals in employment opportunities in the criminal justice system is a necessary component to the Safe Streets Act’s program to reduce crime and delinquency in the United States” (28 CFR § 42.301). EEOs do not impose quotas or hiring requirements on recipients.

What you should do:

The obligations to comply with the EEO requirement differ depending on your organization’s legal status, the number of its employees, and the amount of the award.

If your organization is a government agency or private business and has received a single award for \$25,000 or more and has fifty or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare a Utilization Report and submit it to the Office for Civil Rights (OCR) within 120 days from the date of the award. Although the OCR has discretion to review all submitted Utilization Reports, it will review the Utilization Reports from recipients that receive an award of \$500,000 or more.

To begin developing a Utilization Report, please consult the OCR's website at <https://www.ojp.usdoj.gov/about/ocr/eeop.htm> and click EEO Reporting Tool Login. Additional assistance can be found online at the bottom of the same webpage by clicking the EEO Reporting Tool Job Aid and Frequently Asked Questions.

If your organization has less than fifty employees or receives an award of less than \$25,000 or is a nonprofit organization, a medical institution, an educational institution, or an Indian tribe, then it is exempt from the EEO requirement. To claim the exemption, however, your organization must certify that it is exempt by logging into the EEO Reporting Tool on the OCR website at <https://www.ojp.usdoj.gov/about/ocr/eeop.htm>, providing the contact and organizational profile information, and then submitting a Certificate of Exemption.

If you have further questions regarding the EEO requirements, you may contact an EEO specialist at the OCR by telephone at 202-307-0690, by TTY at 202-307-2027, or by e-mail at EEOforms@usdoj.gov.

12. False Statements

Condition:

False statements or claims made in connection with COPS Office awards may result in fines, imprisonment, debarment from participating in federal awards or contracts, and/or any other remedy available by law.

Why this condition:

This condition advises recipients of the consequences of submitting false claims or statements on applications, financial and programmatic reports, or other award documents.

What you should do:

Ensure that all documentation related to your agency's receipt and use of award funding (award applications, progress reports, Federal Financial Reports, etc.) is true and accurate.

13. Duplicative Funding

Condition:

The recipient understands and agrees to notify the COPS Office if it receives, from any other source, funding for the same item or service also funded under this award.

Why this condition:

This award was provided to your agency to address its law enforcement needs that are not funded with other funds, including federal, state, local, tribal, or BIA funds. Consequently, your agency may not use this funding for items or services that you already have funding for from other sources.

What you should do:

If your agency receives funding from another source for the same item(s) or services(s) also funded under this award, please contact your COPS Office Grant Program Specialist at 800-421-6770.

14. Additional High-Risk Recipient Requirements

Condition:

The recipient agrees to comply with any additional requirements that may be imposed during the award performance period if the awarding agency determines that the recipient is a high-risk recipient (2 C.F.R. § 200.207).

Why this condition:

In accordance with 2 C.F.R. § 200.207, the DOJ may impose additional requirements specific to your award, as needed, when it determines that there is unsatisfactory performance, financial or administrative instability, noncompliance with award terms and conditions, or other lack of responsibility risk factors. In such cases, the DOJ may impose special conditions or restrictions that may include requiring the production of documentation, financial award administration training, on-site monitoring, prior approval for expenditure of funds, quarterly progress reports, separate bank accounts, or other requirements.

What you should do:

In order to obtain a COPS Office award, recipients must agree to comply with any additional requirements that may be imposed during the award performance period if the awarding agency determines that the recipient is a high-risk recipient.

15. System for Award Management (SAM) and Universal Identifier Requirements

Condition:

The Office of Management and Budget requires federal agencies to include the following standard award term in all awards and cooperative agreements made on or after October 1, 2010:

I. SYSTEM FOR AWARD MANAGEMENT AND UNIVERSAL IDENTIFIER REQUIREMENTS

A. Requirement for System for Award Management

Unless you are exempted from this requirement under 2 CFR 25.110, you as the recipient must maintain the currency of your information in the SAM until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another award term.

B. Requirement for unique entity identifier

If you are authorized to make subawards under this award, you:

1. Must notify potential subrecipients that no entity (see definition in paragraph C of this award term) may receive a subaward from you unless the entity has provided its unique entity identifier to you.
2. May not make a subaward to an entity unless the entity has provided its unique entity identifier to you.

C. C. Definitions

For purposes of this award term:

1. System for Award Management (SAM) means the Federal repository into which an entity must provide information required for the conduct of business as a recipient. Additional information about registration procedures may be found at the SAM Internet site (currently at <http://www.sam.gov>).
2. Unique entity identifier means the identifier required for SAM registration to uniquely identify business entities.
3. Entity, as it is used in this award term, means all of the following, as defined at 2 CFR part 25, subpart C:
 - a. A Governmental organization, which is a State, local government, or Indian Tribe;
 - b. A foreign public entity;
 - c. A domestic or foreign nonprofit organization;
 - d. A domestic or foreign for-profit organization; and
 - e. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.
4. Subaward:
 - a. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
 - b. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see 2 CFR 200.330).
 - c. A subaward may be provided through any legal agreement, including an agreement that you consider a contract.
5. Subrecipient means an entity that:
 - a. Receives a subaward from you under this award; and
 - b. Is accountable to you for the use of the Federal funds provided by the subaward.

Why this condition:

The purpose of this standard award term is to ensure government-wide uniformity in establishing the DUNS number as the universal identifier for federal financial assistance applicants, as well as recipients and their direct subrecipients (if applicable), and to establish the SAM as the repository for standard information about applicants and recipients.

What you should do:

At the time of award application, your agency was required to provide its DUNS number and be registered in the SAM database.

Your agency should continue to use the same DUNS number provided in your award application and update, as needed, the information associated with that DUNS number. If your agency is authorized to make subawards under its award, your agency may make subawards only to entities that have DUNS numbers. For more information about your DUNS number, please contact D&B using the toll-free number 866-705-5711 or visit <http://fedgov.dnb.com/webform>.

Your agency must maintain active registration and current information in the SAM until you submit the final financial report or receive the final payment under your award, whichever is later. **Your agency must review and update its SAM information at least once per year to maintain an active registration status.** For more information about SAM registration, please visit www.sam.gov.

16. Reporting Subawards and Executive Compensation

Condition:

The Office of Management and Budget requires federal agencies to include the following standard award term in all awards and cooperative agreements made on or after October 1, 2010:

I. Reporting Subawards and Executive Compensation.

A. *Reporting of first-tier subawards.*

1. *Applicability. Unless you are exempt as provided in paragraph d. of this award term, you must report each action that obligates \$25,000 or more in Federal funds that does not include Recovery funds (as defined in section 1512(a)(2) of the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5) for a subaward to an entity (see definitions in paragraph e. of this award term).*
2. *Where and when to report.*
 - i. *You must report each obligating action described in paragraph a.1. of this award term to <http://www.fsrs.gov>.*
 - ii. *For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)*
3. *What to report. You must report the information about each obligating action that the submission instructions posted at <http://www.fsrs.gov> specify.*

B. *Reporting Total Compensation of Recipient Executives.*

1. *Applicability and what to report. You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if—*
 - i. *the total Federal funding authorized to date under this award is \$25,000 or more;*

D. *Exemptions*

If, in the previous tax year, you had gross income, from all sources, under \$300,000, you are exempt from the requirements to report:

- i. Subawards,
and*
- ii. The total compensation of the five most highly compensated executives of any subrecipient.*

E. *Definitions. For purposes of this award term:*

- 1. Entity means all of the following, as defined in 2 CFR part 25:*
 - i. A Governmental organization, which is a State, local government, or Indian tribe;*
 - ii. A foreign public entity;*
 - iii. A domestic or foreign nonprofit organization;*
 - iv. A domestic or foreign for-profit organization;*
 - v. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.*
- 2. Executive means officers, managing partners, or any other employees in management positions.*
- 3. Subaward:*
 - i. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.*
 - ii. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. __ .210 of the attachment to OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations").*
 - iii. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.*
- 4. Subrecipient means an entity that:*
 - i. Receives a subaward from you (the recipient) under this award; and*
 - ii. Is accountable to you for the use of the Federal funds provided by the subaward.*
- 5. Total compensation means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):*
 - i. Salary and bonus.*
 - ii. Awards of stock, stock options, and stock appreciation rights. Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.*
 - iii. Earnings for services under non-equity incentive plans. This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.*
 - iv. Change in pension value. This is the change in present value of defined benefit and actuarial pension plans.*
 - v. Above-market earnings on deferred compensation which is not tax-qualified.*
 - vi. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.*

If the recipient does or is authorized to make subawards or contracts under this award, in accepting, the recipient

- represents that it has or will determine that no other entity that the recipient proposes may or will receive award funds (whether through a subaward, contract, or subcontract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above;
- represents that it has or will make appropriate inquiry, or otherwise has an adequate factual basis, to support this representation;
- represents that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict) reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

24. Recipient Integrity and Performance Matters

The Office of Management and Budget requires federal awarding agencies to include the following standard award term in all awards over \$500,000 made on or after January 1, 2016:

A. Reporting of Matters Related to Recipient Integrity and Performance

1. General Reporting Requirement

If the total value of your currently active awards, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this Federal award, then you as the recipient during that period of time must maintain the currency of information reported to the System for Award Management (SAM) that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)) about civil, criminal, or administrative proceedings described in paragraph 2. of this award term and condition. This is a statutory requirement under section 872 of Public Law 110-417, as amended (41 U.S.C. 2313). As required by section 3010 of Public Law 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.

2. Proceedings About Which You Must Report

Submit the information required about each proceeding that:

- Is in connection with the award or performance of an award, cooperative agreement, or procurement contract from the Federal Government;*
- Reached its final disposition during the most recent five year period; and*
- Is one of the following:*
 - (1) A criminal proceeding that resulted in a conviction, as defined in paragraph 5. of this award term and condition;*
 - (2) A civil proceeding that resulted in a finding of fault and liability and payment of a monetary fine, penalty, reimbursement, restitution, or damages of \$5,000 or more;*
 - (3) An administrative proceeding, as defined in paragraph 5. of this award term and condition, that resulted in a finding of fault and liability and your payment of either a monetary fine or*

*penalty of \$5,000 or more or reimbursement, restitution, or damages in excess of \$100,000;
or*

(4) Any other criminal, civil, or administrative proceeding if:

- i. It could have led to an outcome described in paragraph 2.c.(1), (2), or (3) of this award term and condition;*
- ii. It had a different disposition arrived at by consent or compromise with an acknowledgment of fault on your part; and*
- iii. The requirement in this award term and condition to disclose information about the proceeding does not conflict with applicable laws and regulations.*

3. Reporting Procedures

Enter in the SAM Entity Management area the information that SAM requires about each proceeding described in paragraph 2. of this award term and condition. You do not need to submit the information a second time under assistance awards that you received if you already provided the information through SAM because you were required to do so under Federal procurement contracts that you were awarded.

4. Reporting Frequency

During any period of time when you are subject to the requirement in paragraph 1. of this award term and condition, you must report proceedings information through SAM for the most recent five year period, either to report new information about any proceeding(s) that you have not reported previously or affirm that there is no new information to report. Recipients that have Federal contract, award, and cooperative agreement awards with a cumulative total value greater than \$10,000,000 must disclose semiannually any information about the criminal, civil, and administrative proceedings.

5. Definitions

For purposes of this award term and condition:

- a. Administrative proceeding means a non-judicial process that is adjudicatory in nature in order to make a determination of fault or liability (e.g., Securities and Exchange Commission Administrative proceedings, Civilian Board of Contract Appeals proceedings, and Armed Services Board of Contract Appeals proceedings). This includes proceedings at the Federal and State level but only in connection with performance of a Federal contract or award. It does not include audits, site visits, corrective plans, or inspection of deliverables.*
- b. Conviction, for purposes of this award term and condition, means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere.*
- c. Total value of currently active awards, cooperative agreements, and procurement contracts includes—*
 - (1) Only the Federal share of the funding under any Federal award with a recipient cost share or match; and*
 - (2) The value of all expected funding increments under a Federal award and options, even if not yet exercised.*

27. Retention

Condition:

At the time of award application, your agency committed to retaining all sworn officer positions awarded under the CHP award with state and/or local funds for a minimum of 12 months following the conclusion of 36 months of federal funding for each position, over and above the number of locally funded sworn officer positions that would have existed in the absence of the award. Your agency cannot satisfy the retention requirement by using CHP-funded positions to fill locally funded vacancies resulting from attrition.

Why this condition:

The retention requirement ensures that the increased officer staffing level under the CHP award continues with state or local funds for a minimum of 12 months after federal funding ends.

What you should do:

At the time of award application, your agency was required to affirm that it plans to retain all sworn officer positions funded under the CHP award and identify the planned source(s) of retention funding. Your agency committed to retaining each awarded position for at least 12 months following the conclusion of 36 months of federal funding for that position. The retention period begins for an awarded officer position once that position has completed the 36-month implementation period. If an agency is awarded several officer positions, the retention period for each individual officer position begins upon completion of 36 months of funding for that position (not based on the cumulative award end date).

The retained CHP-funded position(s) must be added to your agency's law enforcement budget with state or local funds at the conclusion of award funding, over and above the number of locally funded sworn officer positions that would have existed in the absence of the award. Absorbing CHP-funded positions through attrition (rather than adding the extra positions to your budget with additional funding) does not meet the retention requirement. In addition, COPS Office award funding may not be used to retain positions awarded under a previous COPS Office hiring award.

Your agency should maintain documentation demonstrating when the 36-month award funding period expired for each awarded position and that each retained position was above and beyond the number of officer positions that your agency would have otherwise funded with state or local funds. We understand that your agency's identified source(s) of retention funding may change during the life of the award, so your agency should maintain documentation of any changes in the event of an audit, monitoring, or other evaluation of your award compliance.

Please note that your agency is required to retain the officer position(s) awarded under the CHP award and not the specific officer(s) hired to fill the award position(s). If a position funded by the CHP award becomes vacant during the retention period, your agency is required to take active and timely steps consistent with your agency's hiring policies and procedures to fill the position with a new officer to complete the remainder of the 12-month retention period. Your agency should maintain documentation demonstrating that you did not delay filling the position and that the steps your agency took to fill the position were consistent with your hiring policies and procedures.

What you should do:

The recipient must ensure all COPS Office-funded SROs complete the NASRO training no later than nine months after the date on the award congratulatory letter. If possible, SROs should complete training prior to beginning work in a partner school or school district.

If a COPS Office-funded SRO leaves his or her position after completing the NASRO training, the recipient is required to pay for the new SRO who is assigned to backfill the position to attend a NASRO basic training course. The new officer backfilling the SRO position must complete the NASRO training no later than nine months after being placed in the schools. If there are less than nine months left in the award, then the officer needs to receive training prior to the end of the award. After completing the training, the recipient should email a copy of the NASRO course certificate to COPS-SRO@usdoj.gov.

If the COPS Office-funded SRO already completed the NASRO basic training within the last 12 months, the recipient should contact the COPS Office Response Center by phone at 800-421-6770 or by e-mail at AskCopsRC@usdoj.gov and provide the location and date of the training so the COPS Office can confirm with NASRO and determine if this training requirement has been satisfied.

For additional information regarding this mandatory training, view the SRO Mandatory Training Fact Sheet at www.cops.usdoj.gov/pdf/2017AwardDocs/chp/SRO_Mandatory_Training_Fact_Sheet.pdf.

What are the specific rules regarding termination of award funding?

The COPS Office has the right to sanction or terminate your agency's project when there is reason to believe that your agency is

- failing to make satisfactory progress toward the goals or strategies outlined in its application;
- filing false statements or certifications in connection with an application, periodic report, or other award-related documents;
- not adhering to award requirements or conditions;
- not submitting financial or programmatic reports in a timely manner;
- not substantially complying with the award requirements or other applicable provisions of federal law;
- proposing substantial plan changes to the extent that, if originally submitted, would have resulted in the application being denied funding;
- providing other good cause for sanctions or termination as determined by the COPS Office.

In these instances, the COPS Office may

- condition a future award or elect not to provide future award funds to your agency until appropriate actions are taken to ensure compliance;
- disallow all or part of the cost of the activity or action not in compliance;
- recommend civil or criminal enforcement by other agencies;
- require that some or all of the award funds be remitted to the US Department of Justice;
- temporarily withhold payments pending correction of the situation by your agency;
- wholly or partly suspend or terminate your award;
- withhold or restrict your agency from obtaining future awards;
- take other remedies that may be legally available.

In the event that sanctions are imposed or your award is terminated, your agency will be notified in writing of our decision and the reason(s) for that decision.

Awards terminated due to noncompliance with the federal statutes, regulations, or award terms and conditions will be reported to the integrity and performance system accessible through SAM (currently FAPIIS).

Accepting the award

After you have reviewed the conditions of your CHP award and your agency agrees with these conditions, you are ready to accept the award. The Director of the COPS Office has signed the award document indicating approval of your award, an obligation of federal funds to your organization, and our commitment to the award. As stated at the beginning of this section, to officially begin your award and draw down your funds, the authorized officials (see the Glossary of Terms in the appendices) of your agency must access www.cops.usdoj.gov and select the "Account Access" link in the upper-right corner to log in, review, and electronically sign the award document with the award terms and conditions; the Financial Clearance Memorandum and, if applicable, the special award conditions and high risk conditions in the award document supplement within 90 days of the date shown on the award congratulatory letter.

Who should sign the award document for our agency?

The authorized officials are the law enforcement and government executives who have ultimate and final responsibility for all programmatic and financial decisions regarding this award as representatives of the legal recipient. COPS Office awards require that both the top law enforcement executive (e.g., chief of police, sheriff, or equivalent) and the top government executive (e.g., mayor, board chairman, or equivalent) sign the award document. For non-law enforcement agencies (universities, etc.), the authorized officials are the programmatic and financial officials who have the ultimate signatory authority to sign contracts on behalf of your organization. Typically, these are the same executives named on your agency's 2017 CHP application. If one or both of these individuals have changed, please update your "Agency Contacts" online at www.cops.usdoj.gov through the "Account Access" link and create accounts for them so that they may electronically sign the award. If you have any questions as to who should sign the award, please contact your jurisdiction's local legal advisor.

By when must the award document be signed?

Please electronically sign the award document and all award condition pages within 90 days of the date on the award congratulatory letter. Award funds will not be released until we have received your agency's signed award document, your budget has received final clearance, and any other relevant award conditions particular to your agency have been satisfied. Failure to submit your signed award document within the 90-day award acceptance period may result in your CHP award being withdrawn and the funds deobligated without additional notification. If your agency requires an extension for accepting the award beyond the 90-day acceptance timeframe, you will be able to request an extension through the online system. Be sure to explain the circumstances that prevent your agency from signing the award document within the 90-day period, and identify the date by which the award document will be electronically signed. The COPS Office will review such requests on a case-by-case basis. The COPS Office reserves the right to deny requests to extend the 90-day award acceptance period. If you have any questions, please contact your COPS Office Grant Program Specialist at 800-421-6770.

What are the steps in an OIG audit?

The COPS Office Grant Monitoring Division's Audit Liaison Section serves as the liaison between recipients and the OIG's Audit Division, which conducts the audit. The OIG steps in the audit process will determine the interactions between the OIG, the recipient, and the COPS Audit Liaison Section.

- **Call for award data.** The OIG requests award documentation from the COPS Office.
- **Entrance conference.** The OIG schedules to meet with the recipient to gather documentation and conduct audit.
- **Draft audit report.** The OIG reviews documentation and presents initial findings to the recipient and copies the COPS Office. The COPS Office interacts with the recipient to coordinate any repayments and/or policy or procedure documents to be submitted to the OIG before release of Final Audit Report.
- **Final audit report.** The OIG has completed its direct interaction with the recipient. The COPS Office directs the recipient to formulate a Corrective Action Plan to address recommendations (findings). As each recommendation is successfully addressed by the recipient, the COPS Office requests closure on the recommendation.
- **Closing the audit.** When all recommendations have been closed, the COPS Office requests closure on the audit from the OIG and notifies the recipient that the audit is closed.

If you have any questions regarding an OIG audit, please contact the COPS Office Grant Monitoring Division's Audit Liaison Section, via the COPS Office Response Center at 800-421-6770. Questions and comments regarding the administration of your COPS Office CHP award, not specifically related to an audit, should be referred to your COPS Office Grant Program Specialist.

Typical audit findings

The OIG has typically reported the following audit findings pertaining to awards as a result of lack of proper documentation, poor business practices, or inadequate accounting and record keeping systems:

- **Unallowable costs.** Recipient incurred costs that were not approved in the original budget or a budget modification, were in excess of the approved budget, or were charged to the award after the expiration date and an award extension was not obtained.
- **Unsupported costs.** Specific award expenditures and reimbursements could not be supported by adequate documentation (including but not limited to receipts or purchase orders), that may have been allowable under the program, but for which no prior written approval was obtained from the COPS Office, or award expenditures were in excess of actual approved award costs.
- **Lack of complete/timely programmatic and financial reporting.** Recipient failed to submit required programmatic and financial reports in a timely manner and/or had inadequate record keeping systems.
- **Failure to retain.** Recipient lacked documentation to support retention planning efforts during the award period and/or failed to demonstrate an increase in the baseline of locally funded sworn officer positions at the conclusion of the 36 months of federal funding, over and above what the recipient would have funded in absence of the award.
- **Supplanting.** Recipient could not document efforts to backfill vacant local sworn officer positions, or recipient could not explain reductions in local law enforcement budget or in sworn officer positions during the award period.
- **Lack of adequate community policing.** Recipient had difficulty demonstrating community policing activities.

- **Funds to better use.** Funds could be used more efficiently based on management actions such as reductions in outlays; deobligation of funds; withdrawal; costs not incurred by implementing recommended improvements; and other identified savings.
- **Questioned costs.** Costs that are questioned by the auditor because of an audit finding which resulted from a violation or possible violation of a provision of law, regulation, award terms and conditions, or other document governing the use of federal funds; or because costs incurred appear unreasonable and do not reflect the actions a prudent person would take under the same circumstances; or because costs at the time of the audit are not supported by adequate documentation.
- **Policy and procedure.** Weaknesses are identified in a recipient's accounting practices, fiscal stewardship, accuracy of data used in the development of the award applications, and/or inventory controls that led to the recommendation cited in the audit. The recipient is required to develop or revise policies and/or procedures consistent with their existing practices and submit to the COPS Office to forward to the OIG to close the recommendation.

After the final OIG audit report has been issued, the COPS Office Grant Monitoring Division will continue working as the liaison between your agency and the OIG to obtain closure on any audit findings. The COPS Office will issue a closure letter once all audit recommendations have been closed by the OIG. You must keep all documentation related to the audit for a period of three years following the audit's closure.

V. Reports

As part of CHP, your agency will be required to submit quarterly Federal Financial Reports as well as quarterly Programmatic Progress Reports. Awarded agencies should be prepared to track and report CHP funding separately from other funding sources (including other COPS Office and federal awards) to ensure accurate financial and programmatic reporting on a timely basis. Your agency should ensure that you have financial internal controls in place to monitor the use of CHP funding and ensure that its use is consistent with the award terms and conditions. Good stewardship in this area includes written accounting practices and use of an accounting system that tracks all award drawdowns and expenditures and has the ability to track when CHP award-funded positions are filled or vacant (including if the position was for a new hire or a rehire). *Failure to submit complete reports, or submit them in a timely manner, may result in the suspension and possible termination of your agency's COPS Office award funding or other remedial actions.*

Federal Financial Reports

Your agency is required to submit quarterly Federal Financial Reports using Standard Form 425 (SF-425) within 30 days after the end of each calendar quarter. A final SF-425 will be due within 90 days after the end of the award period. This report reflects the actual cumulative federal expenditures incurred during the funding period and the remaining unobligated balance of federal funds. Under federal regulations, your agency is not permitted to draw down federal funding for costs incurred after the official award end date; however, you will have a 90-day grace period after the award end date during which you can drawdown funds for eligible expenditures incurred before the award end date.

How do we file a Federal Financial Report (SF-425)?

All COPS Office award recipients are required to submit quarterly Federal Financial Reports using the SF-425. Award recipients are strongly encouraged to submit the quarterly SF-425 online. Visit the COPS Office website at www.cops.usdoj.gov and select the "Account Access" link in the upper-right corner to log in; once you are logged in, select "Applications" from the agency portal menu, click on the "SF-425" icon, and follow the instructions to complete and submit your reports. The online SF-425 requires the same reporting information as the paper version. The use of this online application enables authorized users to view past SF-425s and allows them to file or amend the SF-425 for the current quarter.

When are Federal Financial Reports (SF-425) due?

SF-425s for COPS Office awards must be submitted every quarter and no later than 30 days after the last day of each reporting quarter, as detailed in table 1 on page 46.

Table 1. Due dates of SF-425 by quarter

Reporting quarter	SF-425 due date
January 1–March 31	April 30
April 1–June 30	July 30
July 1–September 30	October 30
October 1–December 31	January 30

For your initial SF-425 submission, determine when the most recent SF-425 reporting quarter ended and complete an SF-425 to cover the period from the award start date to the end of that period. **You are required to submit an SF-425 even if you have not spent any money or incurred any costs during a reporting period.** The due dates for online filing of SF-425s are the same as for the submission of paper copies.

Example:

If your award start date is 02-01-13 and the current date is 04-15-13, then your first SF-425 would be due no later than 04-30-13 and would cover the period 02-01-13 (award start date) through 03-31-13 (end of the most recent reporting period). This SF-425 must be on file with the COPS Office so that you can successfully complete a drawdown of funds through GPRS.

Award recipients who do not submit SF-425s by the due date each quarter will be unable to draw down award funds until the report has been successfully submitted. The payment system contains a function which checks for SF-425 delinquency and will reject a drawdown attempt if the SF-425 is not up to date. Subsequent outreach through e-mail, fax, or hard copy reminders may be sent to the recipient if the SF-425 is delinquent.

For general information concerning online filing of SF-425 reports, go to www.cops.usdoj.gov or contact the COPS Office Response Center by phone at 800-421-6770 or by e-mail at AskCopsRC@usdoj.gov.

For assistance in completing the SF-425, contact the COPS Office Response Center at 800-421-6770 or by e-mail at AskCopsRC@usdoj.gov or review the “Helpful Hints Guide for Completing the Federal Financial Report (SF-425)” at www.cops.usdoj.gov/pdf/SF-425_Helpful_Hints_Guide_5.9.13.pdf.

How will awards be monitored?

The COPS Office and designated representatives from the Office of the Chief Financial Officer, Office of Justice Programs monitor the financial aspects of your agency’s award through financial reports, on-site visits, office-based grant reviews, meetings, telephone contacts, reports, audits, reviews of grant change requests, and special request submissions.

Program Progress Reports

Quarterly Program Progress Reports and a Final Program Progress (Closeout) Report are required to be submitted directly to the COPS Office through the “Account Access” link of the COPS Office website at www.cops.usdoj.gov.

How do we file a Program Progress Report?

Please access the COPS Office website at www.cops.usdoj.gov and click on the “Account Access” tab at the top right side of the page. Once you are logged in, select “Applications” from the agency portal menu, click on the “Progress Report” icon, and follow the instructions to complete your report.

How do we obtain online access to complete the Program Progress Report?

If you do not have login access, you should contact your agency portal administrator to set up an account for you.

If you have a registered account but do not remember your password, you may reset your password by going to the agency portal homepage at <https://portal.cops.usdoj.gov> and enter your e-mail address, and click on the “Forgot Password” link. If you do not have your user name or password, please contact the COPS Office Response Center by phone at 800-421-6770 (from Monday through Friday between 9:00 a.m. and 5:00 p.m. Eastern time) or by e-mail at AskCopsRC@usdoj.gov.

Do we need to request a Program Progress Report?

No. The COPS Office will notify your agency directly when the report is due. A notification for submitting your quarterly Program Progress Report will be sent electronically in January, April, July, and October covering activities for the preceding calendar quarter. Notification for submitting your Final Program Progress (Closeout) Report will be sent to your agency in the month following your award end date.

When are Program Progress Reports due?

Program Progress Reports for COPS Office awards must be submitted every quarter and no later than 30 days after the last day of each reporting quarter, as detailed in table 2:

Table 2. Due dates of Program Progress Reports by quarter

Reporting quarters	Program Progress Report due date
January 1–March 31	April 30
April 1–June 30	July 30
July 1–September 30	October 30
October 1–December 31	January 30

What kind of information will these reports require?

They will request information about the status of your agency’s hiring or rehiring of additional career law enforcement officers and your award-related community policing activities.

What if we make a mistake or need to modify the report after it is submitted?

Recipients may need to make a change or may be asked by a subsequent COPS Office reviewer to make a correction to a submission. The recipient can update the submission by logging on to the COPS Office website or by calling the COPS Office Progress Report Team at 800-659-7379.

Will the data that we submit be publicly available?

Program Progress Reports submitted to the COPS Office may be reported publicly in response to a Freedom of Information Act (FOIA) request.

If your agency has any questions regarding the submission of these required reports, please call the COPS Office Progress Report Team at 800-659-7379.

Contact points to obtain technical assistance and report violations

Any alleged violations, serious irregularities, or acts that may result in the use of public funds in a manner inconsistent with the Public Safety Partnership and Community Policing Act of 1994 or the purposes of this award, may be reported to the US Department of Justice. Furthermore, the COPS Office welcomes the opportunity to provide assistance regarding the implementation of award provisions to help ensure that federal award funds are spent responsibly. As such, the following contacts are provided to address noncompliance and technical assistance issues:

- If you suspect violations of a criminal nature, please contact the US Department of Justice, Office of the Inspector General (OIG) at <https://oig.justice.gov/hotline>, OIG.hotline@usdoj.gov, or 800-869-4499.
- If you suspect award violations (not criminal in nature) related to the award conditions listed in this manual, please contact the COPS Office Grant Monitoring Division at 202-514-9202.
- If you have any questions or need assistance regarding your award, please contact your COPS Office Grant Program Specialist via the COPS Office Response Center at 800-421-6770.

VI. Community Policing Activities

The COPS Office defines community policing as a philosophy that promotes organizational strategies that support the systematic use of partnerships and problem-solving techniques to proactively address the immediate conditions that give rise to public safety issues such as crime, fear of crime, and social disorder. CHP awards must be used to initiate or enhance community policing activities. All newly hired, additional, or rehired officers funded under CHP (or an equal number of redeployed veteran officers) must implement your agency's approved community policing strategy, which you described in your award application, and advance your agency's community policing activities over the life of the award.

In your application, you specified a community policing implementation strategy for the CHP award with specific reference to a specific crime or disorder problem and the following elements of community policing:

- **Problem solving**—your agency's strategy to assess and respond to the problem identified
- **Community partnerships** and support, including related governmental and community initiatives that complement your agency's proposed use of CHP funding
- **Organizational transformation**—how your agency will use these funds to reorient its mission to community policing or enhance its involvement in and commitment to community policing

Your organization may be audited or monitored to ensure that it is initiating or enhancing community policing in accordance with the community policing strategy or strategies you indicated in your application and that the officers hired (or an equal number of redeployed veteran officers) are used to implement this strategy. We understand that your community policing needs may change during the life of your award. We also recognize that this strategy may incorporate a broad range of possible community policing strategies and activities and that your agency may implement particular community policing strategies from the plan on an as-needed basis throughout the life of the award. Minor changes to this plan may be made without prior approval of the COPS Office; however, recipients will be required to report on progress or changes to the community policing strategy (if any) through required quarterly progress reports. Any changes to the community policing scope or strategies originally identified in your CHP application should be documented within your quarterly progress report. If your agency's community policing strategy changes significantly, you must submit those changes to the COPS Office for approval through the quarterly progress report. Changes are significant if they deviate from the specific crime problem(s) originally identified and approved in the community policing strategy submitted with the application. Additional information about community policing may be found in the appendices of this manual.

VII. When the Award Period Has Ended

At the end of your agency's award period, the COPS Office is responsible for the closeout of your award. As part of this process, the COPS Office requires documentation demonstrating that your agency has met all of the financial and programmatic requirements of the award.

After the end of the award period, your agency will be asked to submit a final Federal Financial Report (SF-425) and any applicable final program reports.

Final Federal Financial Report

The final Federal Financial Report (SF-425) for your award is due to the COPS Office no later than 90 days after the end of the award period. The final report should reflect the total amount of allowable federal expenditures that were incurred during the life of the award, as well as the amount of unobligated funds remaining, if any. The federal funds expended should reflect only the actual allowable incurred salary and fringe benefit costs for the 36-month award period that each award position was occupied. In addition, once you have completed your final drawdown, this report should reconcile with the total amount of federal funds drawn down by your agency. The final SF-425 should also report the total amount of the local cash match contributed over the 36-month award period, which should be at least 25 percent of the total award project, unless waived by the COPS Office in writing.

When should all of the award monies be spent?

Award funds reflecting allowable project costs must be obligated before the end of the award period. Obligated funds cover monies spent and expenses for all approved items in the FCM that your agency has incurred but has not yet paid. Your agency has up to 90 days after the end of the award period to request reimbursement for funds obligated.

Please be advised that 2 CFR Part 200.343(a) requires recipients to submit final SF-425s and 2 CFR Part 200.343(b) requires recipients to draw down the final reimbursement for expended funds within 90 days after the expiration of the award. In addition, be advised that failure to complete the drawdown of funds within the 90-day period following award expiration will result in the forfeiture of the remaining eligible balance.

It is possible that your agency may have excess award funds remaining in your account following the award period due to an overestimate of item costs during the award period. Your agency should review its records carefully to ensure that it draws down and expends only the amount required for actual costs incurred during the award period. Any excess unobligated or unspent funds should remain in your account and will be deobligated during the closeout process.

Final Program Progress (Closeout) Report

After your award period has ended, your agency may be sent a final progress or closeout report from the COPS Office and asked to complete it. This report will serve as your agency's final programmatic report on the award, and the information your agency provides in this report will be used to make a final assessment of your award progress.

Retention

At the conclusion of 36 months of federal funding for each awarded officer position, your agency must implement its plan, submitted at the time of award application, to retain the additional COPS Office-funded officer position(s) with state or local funds for a minimum of 12 months as required by the award conditions in this manual. If an agency is awarded several officer positions, the retention period for each individual officer position begins upon completion of 36 months of federal funding for each position (not based on the cumulative award end date). The additional officer positions should be added to your agency's law enforcement budget with state or local funds for at least 12 months over and above the number of locally funded officer positions that would have existed in the absence of the award. If a position becomes vacant during the retention period, your agency must take active and timely steps consistent with its hiring policies and procedures to fill the position with a new, additional officer to complete the remainder of the 12-month retention period.

Absorbing CHP-funded officers through attrition (rather than adding the extra positions to your budget with additional funding) does not meet the retention requirement. In addition, your agency may not use federal funding from other COPS Office awards to retain positions awarded under a previous COPS Office hiring award.

If you have any questions regarding the retention requirement, please contact your COPS Office Grant Program Specialist at 800-421-6770 or via e-mail at AskCopsRC@usdoj.gov.

VIII. Conclusion

We hope that this manual has assisted you and your agency with your award questions. We welcome and encourage any comments you have regarding CHP and the materials we have developed for its administration. If you have specific comments regarding this manual, please send them to:

**US Department of Justice
Office of Community Oriented Policing Services
Attn: CHP Control Desk
145 N Street NE
Washington, DC 20530**

If you have any questions about your award, please call your COPS Office Grant Program Specialist or the COPS Office Response Center at 800-421-6770.

Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," the COPS Office encourages recipients of US Department of Justice funds to adopt and enforce policies that ban text messaging while driving and to establish workplace safety policies to decrease crashes caused by distracted drivers.

Appendices

Appendix A. List of source documents

A. Primary sources

Public Safety Partnership and Community Policing Act of 1994, 42 U.S.C. § 3796dd et seq.

B. Secondary sources

Code of Federal Regulations (CFR)/Office of Management and Budget (OMB):

2 C.F.R. Part 200 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards) as adopted by the US Department of Justice in 2 C.F.R. § 2800.101

4 C.F.R. Parts 101-105, US Department of Justice/Government Accountability Office, "Joint Federal Claims Collections Standards"

5 C.F.R. Part 1320, "Controlling the Paperwork Burden on the Public"

5 C.F.R. Part 151, "Political Activity of State and Local Officers or Employees"

28 C.F.R. Part 83, "Government-Wide Requirements for Drug-Free Workplaces (Grants)"

28 C.F.R. Part 69, "New Restrictions on Lobbying"

31 C.F.R. Part 205, "Rules and Procedures for Efficient Federal-State Funds Transfers"

OMB Circular A-129, "Policies for Federal Credit Programs and Non-Tax Receivables"

Executive orders:

Executive Order 12291, "Regulations"

Executive Order 12372, 28 C.F.R. Part 30 "Intergovernmental Review of Federal Programs"

Executive Order 12547, "Non-Procurement Debarments and Suspension"

Appendix B. Assurances and Certifications

Assurances

Several provisions of federal law and policy apply to all award programs. The Office of Community Oriented Policing Services ("COPS Office") needs to secure your assurance that the applicant will comply with these provisions. If you would like further information about any of these assurances, please contact your state's COPS Office Grant Program Specialist at 800-421-6770.

By signing this form, the applicant assures that it will comply with all legal and administrative requirements that govern the applicant for acceptance and use of federal award funds. In particular, the applicant assures us of the following:

1. It has been legally and officially authorized by the appropriate governing body (for example, mayor or city council) to apply for this award and that the persons signing the application and these assurances on its behalf are authorized to do so and to act on its behalf with respect to any issues that may arise during processing of this application.
2. It will comply with the provisions of federal law, which limit certain political activities of employees whose principal employment is in connection with an activity financed in whole or in part with this award. These restrictions are set forth in 5 U.S.C. § 1501 et seq.
3. It will comply with the minimum wage and maximum hours provisions of the Fair Labor Standards Act (29 U.S.C. § 201 et seq.), if applicable.
4. It will establish safeguards, if it has not done so already, to prohibit employees from using their positions for a purpose that is, or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business or other ties. In addition, it will disclose (in writing) to the COPS Office any potential conflict of interest arising during the course of performance of the award and also will require such written disclosures by any subrecipients.
5. As required by 42 U.S.C. § 3796dd-6, it will give the U.S. Department of Justice or the Comptroller General access to and the right to examine records and documents related to the award.
6. It will comply with all requirements imposed by the U.S. Department of Justice as a condition or administrative requirement of the award, including but not limited to: the requirements of 2 C.F.R. Part 200 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards) as adopted by the U.S. Department of Justice in 2 C.F.R. § 2800.101 ; 48 C.F.R. Part 31 (FAR Part 31) (Contract Cost Principles and Procedures); the applicable provisions of the Omnibus Crime Control and Safe Streets Act of 1968, as amended; 28 C.F.R. Part 38 (Partnerships With Faith-Based and Other Neighborhood Organizations); the applicable COPS Office application guide; the applicable COPS Office award owner's manual; and with all other applicable program requirements, laws, orders, or regulations.
7. As required by 42 U.S.C. § 3796dd-1(c) (11), it will, to the extent practicable and consistent with applicable law, seek, recruit and hire qualified members of racial and ethnic minority groups and qualified women in order to further effective law enforcement by increasing their ranks within the sworn positions in the agency.
8. It will not (and will require any subrecipient, contractors, successors, transferees, and assignees not to), on the grounds of race, color, religion, national origin, sex, or disability unlawfully exclude any person from participation in, deny the benefits of, or employment to any person, or subject any person to discrimination in connection with any programs or activities funded in whole or in part with federal funds. It will also not discriminate in the delivery of benefits or services based on age. These civil rights requirements are found in

the non-discrimination provisions of Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. § 2000d); the Omnibus Crime Control and Safe Streets Act of 1968, as amended (42 U.S.C. § 3789d); Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794); the Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101); Title IX of the Education Amendments of 1972, as amended (20 U.S.C. § 1681); and the corresponding U.S. Department of Justice regulations implementing those statutes at 28 C.F.R. Part 42 (subparts C, D, E, G, and I). It will also comply with Executive Order 13279, as amended by Executive Order 13559, and the implementing regulations at 28 C.F.R. Part 38, Partnerships With Faith-Based and Other Neighborhood Organizations, which requires equal treatment of religious organizations in the funding process and prohibits religious discrimination against beneficiaries.

- A. In the event that any court or administrative agency makes a finding of discrimination on grounds of race, color, religion, national origin, or sex against the applicant after a due process hearing, it agrees to forward a copy of the finding to the Office for Civil Rights, Office of Justice Programs, 810 7th Street, NW, Washington, D.C. 20531.
- B. If your organization is a government agency or private business and has received a single award for \$25,000 or more and has fifty or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare a Utilization Report and submit it to the Office for Civil Rights (OCR) within 120 days from the date of the award. Although the OCR has discretion to review all submitted Utilization Reports, it will review the Utilization Reports from recipients that receive an award of \$500,000 or more.

To begin developing a Utilization Report, please consult the OCR's website at <http://www.ojp.usdoj.gov/about/ocr/eeop.htm> and click EEOP Reporting Tool Login. Additional assistance can be found online at the bottom of the same webpage by clicking the EEO Reporting Tool Job Aid and Frequently Asked Questions.

If your organization has less than fifty employees or receives an award of less than \$25,000 or is a nonprofit organization, a medical institution, an educational institution, or an Indian tribe, then it is exempt from the EEOP requirement. To claim the exemption, however, your organization must certify that it is exempt by logging into the EEO Reporting Tool on the OCR website at <http://www.ojp.usdoj.gov/about/ocr/eeop.htm>, providing the contact and organizational profile information, and then submitting a Certificate of Exemption.

If you have further questions regarding the EEOP requirements, you may contact an EEOP specialist at the OCR by telephone at 202-307-0690, by TTY at 202-307-2027, or by e-mail at EEOPforms@usdoj.gov.

9. Pursuant to U.S. Department of Justice guidelines (June 18, 2002 Federal Register, Volume 67, Number 117, pages 41455-41472), under Title VI of the Civil Rights Act of 1964, it will ensure meaningful access to its programs and activities by persons with limited English proficiency.
10. It will ensure that any facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the project are not listed on the Environmental Protection Agency' (EPA) list of Violating Facilities and that it will notify us if advised by the EPA that a facility to be used in this grant is under consideration for such listing by the EPA.
11. If the applicant's state has established a review and comment procedure under Executive Order 12372 and has selected this program for review, it has made this application available for review by the state Single Point of Contact.
12. It will submit all surveys, interview protocols, and other information collections to the COPS Office for submission to the Office of Management and Budget for clearance under the Paperwork Reduction Act of 1995 if required.

13. It will comply with the Human Subjects Research Risk Protections requirements of 28 C.F.R. Part 46 if any part of the funded project contains non-exempt research or statistical activities which involve human subjects and also with 28 C.F.R. Part 22, requiring the safeguarding of individually identifiable information collected from research participants.
14. Pursuant to Executive Order 13043, it will enforce on-the-job seat belt policies and programs for employees when operating agency-owned - or - rented or personally-owned vehicles.
15. As required by 42 U.S.C. § 3796dd-3(a), it will not use COPS Office funds to supplant (replace) state, local, or Bureau of Indian Affairs funds that otherwise would be made available for the purposes of this award, as applicable.
16. If the award contains a retention requirement, it will retain the increased officer staffing level or the increased officer redeployment level, as applicable, with state or local funds for a minimum of 12 months following expiration of the award period.
17. It will not use any federal funding directly or indirectly to influence in any manner a Member of Congress, a jurisdiction, or an official of any government, to favor, adopt, or oppose, by vote or otherwise, any legislation, law ratification, policy or appropriation whether before or after the introduction of any bill, measure, or resolution proposing such legislation, law, ratification, policy or appropriation as set forth in the Anti-Lobby Act, 18 U.S.C. § 1913.
18. In the event that a portion of award reimbursements are seized to pay off delinquent federal debts through the Treasury Offset Program or other debt collection process, it agrees to increase the nonfederal share (or, if the award does not contain a cost sharing requirement, contribute a nonfederal share) equal to the amount seized in order to fully implement the award project.

False statements or claims made in connection with COPS Office award may result in fines, imprisonment, debarment from participating in federal awards or contracts, and/or any other remedy available by law.

I certify that the assurances provided are true and accurate to the best of my knowledge.

Elections or other selections of new officials will not relieve the recipient of its obligations under this award.

Signature of Law Enforcement Executive/Agency Executive

Date

(For your electronic signature, please type in your name)

Signature of Government Executive/Financial Official

Date

(For your electronic signature, please type in your name)

Certifications

Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; Federal Taxes and Assessments; Drug-Free Workplace Requirements; and Coordination with Affected Agencies.

Although the US Department of Justice has made every effort to simplify the application process, other provisions of federal law require us to seek your agency's certification regarding certain matters. Applicants should carefully review the statutes and regulations cited below and the instructions for certification to understand the requirements and whether they apply to a particular applicant. Signing this form complies with the certification and notice requirements under 28 C.F.R. Part 69 "New Restrictions on Lobbying"; 2 C.F.R. Part 2867 "Nonprocurement Debarment and Suspension"; 2 C.F.R. Part 200 "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards"; the general provisions in the applicable Appropriations Act; 28 C.F.R. Part 83 "Government-Wide Requirements for Drug-Free Workplace (Grants)"; and the Public Safety Partnership and Community Policing Act of 1994. The certifications shall be treated as a material representation of fact upon which reliance will be placed when the US Department of Justice determines to make the covered award.

1. Lobbying

As required by 31 U.S.C. § 1352, implemented at 28 C.F.R. Part 69, for persons entering into a grant or cooperative agreement over \$100,000, and 2 C.F.R. § 200.450 as adopted by the U.S. Department of Justice in 2 C.F.R. § 2800.101, the applicant certifies to the following:

- A. No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the making of any federal grant; the entering into of any cooperative agreement; or the extension, continuation, renewal, amendment or modification of any federal grant or cooperative agreement.
- B. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.
- C. If applicant is a nonprofit organization or an institution of higher education, it will comply with the additional lobbying restrictions set forth in 2 C.F.R. § 200.450(c) as adopted by the U.S. Department of Justice in 2 C.F.R. § 2800.101.
- D. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

2. Debarment, Suspension and Other Responsibility Matters (Direct Recipient)

Pursuant to Executive Order 12549, Debarment and Suspension, as implemented at 2 C.F.R. Part 2867, for prospective participants in primary covered transactions, as defined at 2 C.F.R. § 2867.20(a), and other requirements, the applicant certifies that it and its principals:

- A. Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of federal benefits by a state or federal court, or voluntarily excluded from covered transactions by any federal department or agency;
- B. Have not within a three-year period preceding this application been convicted of a felony criminal violation under any federal law, or been convicted or had a civil judgment rendered against them for

commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state or local) or private agreement or transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion or receiving stolen property, making false claims, or obstruction of justice, or commission of any offense indicating a lack of business integrity or business honesty that seriously and directly affects your present responsibility;

- C. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any of the offenses enumerated in paragraph B. of this certification; and
- D. Have not within a three-year period preceding this application had one or more public transactions (federal, state or local) terminated for cause or default.

3. Mandatory Disclosure

Pursuant to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. § 200.113 as adopted by the U.S. Department of Justice in 2 C.F.R. § 2800.101, the applicant certifies that it:

- A. Has not violated any federal criminal law involving fraud, bribery, or gratuity that may potentially affect the federal award;
- B. Shall timely disclose in writing to the federal awarding agency or pass-through entity, as applicable, any violation of federal criminal law involving fraud, bribery, or gratuity that may potentially affect the federal award; and
- C. Shall require that the language of this certification be included in the award documents for all subawards (including subgrants and cooperative agreements) and shall require all subrecipients certify and disclose accordingly.

4. Federal Taxes and Assessments

- A. If applicable, an applicant who receives an award in excess of \$5,000,000 certifies that, to the best of its knowledge and belief, the applicant has filed all federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.
- B. The applicant certifies that it does not have any unpaid federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability.

5. Drug-Free Workplace

As required by the Drug-Free Workplace Act of 1988 (41 U.S.C. § 8103), implemented at 28 C.F.R. Part 83, for recipients other than individuals as defined at 28 C.F.R. § 83.660 –

- A. The applicant certifies that it will, or will continue to, provide a drug-free workplace by doing the following:
 - (i) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
 - (ii) Establishing an on-going drug-free awareness program to inform employees about –
 - (a) the dangers of drug abuse in the workplace;

- (b) the grantee's policy of maintaining a drug-free workplace;
 - (c) any available drug counseling, rehabilitation and employee assistance programs; and
 - (d) the penalties that may be imposed upon employees for drug-abuse violations occurring in the workplace;
- (iii) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (i);
 - (iv) Notifying the employee in the statement required by paragraph (i) that, as a condition of employment under the grant, the employee will –
 - (a) abide by the terms of the statement; and
 - (b) notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
 - (v) Notifying the agency in writing within 10 calendar days after receiving notice under subparagraph (iv)(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: COPS Office, 145 N Street, NE, Washington, D.C. 20530. Notice shall include the identification number(s) of each affected grant;
 - (vi) Taking one of the following actions within 30 calendar days of receiving notice under subparagraph (iv)(b) with respect to any employee who is so convicted –
 - (a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - (b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement or other appropriate agency;
 - (vii) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (i), (ii), (iii), (iv), (v), and (vi).
- B. The applicant further certifies that it will identify all known workplaces under each COPS Office award, keep the identification documents on file, and make them available for inspection upon request by the U.S. Department of Justice officials or their designated representatives.
6. Coordination
- As required by 42 U.S.C. § 3796dd-1(c)(5) of the Public Safety Partnership and Community Policing Act of 1994, applicants must certify that there has been appropriate coordination with all agencies that may be affected by the applicant's grant proposal if approved. Affected agencies may include, among others, the Office of the United States Attorney, state or local prosecutors, or correctional agencies. The applicant certifies that there has been appropriate coordination with all affected agencies.

Where the applicant is unable to certify to any of the statements in this Certifications form, he or she shall attach an explanation to this application regarding the particular statement that cannot be certified. Please check the box if an explanation is attached to this application. Please note that the applicant is still required to sign the Certifications form to certify to all the other applicable statements.

False statements or claims made in connection with COPS Office awards may result in fines, imprisonment, debarment from participating in federal awards or contracts, and/or any other remedy available by law.

I certify that the assurances provided are true and accurate to the best of my knowledge.

Elections or other selections of new officials will not relieve the recipient entity of its obligations under this award.

Signature of Law Enforcement Executive/Agency Executive

Date

(For your electronic signature, please type in your name)

Signature of Government Executive/Financial Official

Date

(For your electronic signature, please type in your name)

Appendix C. Community policing defined

Community policing is a philosophy that promotes organizational strategies and supports the systematic use of partnerships and problem-solving techniques to proactively address the immediate conditions that give rise to public safety issues such as crime, fear of crime, and social disorder.

Problem solving

Problem solving is the process of engaging in the proactive and systematic examination of identified problems to develop effective responses that are evaluated rigorously.

- Scanning: Identifying and prioritizing problems
- Analysis: Analyzing problems
- Response: Responding to problems
- Assessment: Assessing problem-solving initiatives
- Using the crime triangle to focus on immediate conditions (victim/offender/location)

Community policing emphasizes proactive problem solving in a systematic and routine fashion. Rather than responding to crime only after it occurs, community policing encourages agencies to proactively develop solutions to the immediate underlying conditions contributing to public safety problems. Problem solving must be infused into all police operations and guide decision-making efforts. Agencies are encouraged to think innovatively about their responses and view making arrests as only one of a wide array of potential responses. A major conceptual vehicle for helping officers to think about problem solving in a structured and disciplined way is the SARA (Scanning, Analysis, Response, and Assessment) problem-solving model.

Scanning: Identifying and prioritizing problems

The objectives of scanning are to identify a basic problem, determine the nature of that problem, determine the scope of severity, and establish baseline measures. An inclusive list of stakeholders for the selected problem is typically identified in this phase. A problem can be thought of as two or more incidents similar in one or more ways, and that is of concern to the police and the community. Problems can be a type of behavior, a place, a person or persons, a special event or time, or a combination of any of these. The police, with input from the community, should identify and prioritize concerns.

Analysis: Analyzing

Analysis is the heart of the problem-solving process. The objectives of analysis are to develop an understanding of the dynamics of the problem, develop an understanding of the limits of current responses, establish correlation, and develop an understanding of cause and effect. As part of the analysis phase, it is important to find out as much as possible about each aspect of the crime triangle by asking who? what? when? where? how? why? and why not? about the victim, offender, and crime location.

Response: Responding to problems

The response phase of the SARA model involves developing and implementing strategies to address an identified problem by searching for strategic responses that are both broad and uninhibited. The response should follow logically from the knowledge learned during the analysis and should be tailored to the specific problem. The goals of the response can range from totally eliminating the problem through substantially reducing the problem to reducing the amount of harm caused by the problem or improving the quality of community cohesion.

Assessment: Assessing problem-solving initiatives

Assessment attempts to determine if the response strategies were successful by determining if the problem declined and if the response contributed to the decline. This information not only assists the current effort but also gathers data that builds knowledge for the future. Strategies and programs can be assessed for process, outcomes, or both. If the responses implemented are not effective, the information gathered during analysis should be reviewed. New information may have to be collected before new solutions can be developed and tested. The entire process should be viewed as circular rather than linear.

Using the crime triangle to focus on immediate conditions (victim/offender/location)

To understand a problem, many problem solvers have found it useful to visualize links among the victim, offender, and location (the crime triangle) and those aspects that could have an impact on them—for example, capable guardians for victims, handlers for offenders, and managers for locations. Rather than addressing root causes of a problem, the police focus on the factors that are within their reach, such as limiting criminal opportunities and access to victims, increasing guardianship, and associating risk with unwanted behavior.

Community partnerships

Community partnerships are collaborative partnerships between the law enforcement agency and the individuals and organizations they serve to develop solutions to problems and increase trust in police.

- Other government agencies
- Community members and groups
- Nonprofits and service providers
- Private businesses
- Media

Community policing, recognizing that police rarely can solve public safety problems alone, encourages interactive partnerships with relevant stakeholders. The range of potential partners is large, and these partnerships can be used to accomplish the two interrelated goals of developing solutions to problems through collaborative problem solving and improving public trust. The public should play a role in prioritizing public safety problems.

Other government agencies

Law enforcement organizations can partner with a number of other government agencies to identify community concerns and offer alternative solutions. Examples of agencies include legislative bodies, prosecutors, probation and parole departments, public works departments, neighboring law enforcement agencies, health and human services departments, child support, ordinance enforcement, and schools.

Community members and groups

Individuals who live, work, or otherwise have an interest in the community—volunteers, activists, formal and informal community leaders, residents, visitors and tourists, and commuters—are a valuable resource for identifying community concerns. Partnerships with these factions of the community can engage the community in achieving specific goals at town hall meetings, neighborhood association meetings, decentralized offices/storefronts in the community, and team beat assignments.

Nonprofits and service providers

Advocacy and community-based organizations that provide services to the community and advocate on its behalf can be powerful partners. These groups often work with or are composed of individuals who share certain interests and can include such entities as victims groups, service clubs, support groups, issue groups, advocacy groups, and the faith community.

Private businesses

For-profit businesses also have a great stake in the health of the community and can be key partners because they often bring considerable resources to bear on problems of mutual concern. Businesses can help identify problems and provide resources for responses, often including their own security apparatus and community outreach. The local chamber of commerce can also assist in disseminating information about police and business partnerships and initiatives.

Media

The media represent a powerful mechanism by which to communicate with the community. It can assist with publicizing community concerns and available solutions, such as services from government or community agencies or new laws or codes that will be enforced. In addition, the media can have a significant impact on public perceptions of the police, crime problems, and fear of crime.

Organizational transformation

Organizational transformation is the alignment of organizational management, structure, personnel, and information systems to support community partnerships and proactive problem solving.

Agency management

- Climate and culture
- Decision making
- Despecialization
- Geographic assignment of officers
- Labor relations
- Leadership
- Organizational evaluations
- Organizational structure
- Policies

- Resources and finances
- Strategic planning
- Transparency

Personnel

- Recruitment, hiring, and selection
- Personnel supervision/evaluations
- Training

Information systems (technology)

- Communication / access to data
- Quality and accuracy of data

The community policing philosophy focuses on the way that departments are organized and managed and how the infrastructure can be changed to support the philosophical shift behind community policing. It encourages the application of modern management practices to increase efficiency and effectiveness. Community policing emphasizes changes in organizational structures to institutionalize its adoption and infuse it throughout the entire department, including the way the department is managed and organized, its personnel, and its technology.

Agency management

Under the community policing model, police management needs to infuse community policing ideals throughout the agency by making a number of critical changes in climate and culture, leadership, formal labor relations, decentralized decision-making and accountability, strategic planning, policing and procedures, organizational evaluations, and increased transparency.

Climate and culture

Changing the climate and culture means supporting a proactive orientation that values systematic problem solving and partnerships. Formal organizational changes should support the informal networks and communication that take place within agencies to support this orientation.

Leadership

Leaders serve as role models for taking risks and building collaborative relationships to implement community policing, and they use their position to influence and educate others about it. Leaders, therefore, must constantly emphasize and reinforce community policing's vision, values, and mission within their organization and support and articulate a commitment to community policing as the dominant way of doing business.

Labor relations

If community policing is going to be effective, police unions and similar forms of organized labor need to be a part of the process and function as partners in the adoption of the community policing philosophy. Including labor groups in agency changes can ensure support for the changes that are imperative to community policing implementation.

Decision making

Community policing calls for decentralization both in command structure and in decision making. Decentralized decision making allows front-line officers to take responsibility for their role in community policing. When an officer is able to create solutions to problems and take risks, he or she ultimately feels accountable for those solutions and assumes a greater responsibility for the well-being of the community. Decentralized decision making involves flattening the hierarchy of the agency, increasing tolerance for risk taking in problem-solving efforts, and allowing officers discretion in handling calls. In addition, providing sufficient authority to coordinate various resources to attack a problem and allowing the officers the autonomy to establish relationships with the community will help define problems and develop possible solutions.

Strategic planning

The department should have a written statement reflecting a department-wide commitment to community policing and a plan that matches operational needs to available resources and expertise. If a strategic plan is to have value, the members of the organization should be well-versed in it and be able to give examples of their efforts that support the plan. Components such as the organization's mission and value statement should be simple and communicated widely. Everything should connect back to this plan.

Policies

Community policing affects the nature and development of department policies and procedures to ensure that community policing principles and practices have an effect on activities on the street. Problem solving and partnerships, therefore, should become institutionalized in policies, along with corresponding sets of procedures where appropriate.

Organizational evaluations

In addition to the typical measures of police performance (arrests, response times, tickets issued, and crime rates), community policing calls for a broadening of police outcome measures to include increased community satisfaction, less fear of crime, the alleviation of problems, and improvement in quality of life. Community policing calls for a more sophisticated approach to evaluation—one that looks not only at measured outcomes but also at how feedback information is used.

Transparency

Community policing involves decision-making processes that are more open than traditional policing. If the community is to be a full partner, the department needs mechanisms for readily sharing relevant information on crime and social disorder problems, as well as police operations with the community.

Organizational structure

It is important that the organizational structure of the agency ensures that local patrol officers have decision-making authority and are accountable for their actions. This can be achieved through long-term assignments, the development of officers who are generalists, and using special units appropriately.

Geographic assignment of officers

With community policing, there is a shift to the long-term assignment of officers in specific neighborhoods or areas. Geographic deployment plans can help enhance customer service and facilitate more contact between police and citizens, thus establishing strong relationships and mutual accountability. Beat boundaries should correspond to neighborhood boundaries, and other government services should recognize these boundaries when coordinating government public-service activities.

Despecialization

To achieve community policing goals, officers must be able to handle multiple responsibilities and take a team approach to collaborative problem solving and partnering with the community. Community policing encourages its adoption agency-wide, not just in special units, although there may be a need for specialist units that are tasked with identifying and solving particularly complex problems or managing complex partnerships.

Resources and finances

Agencies must devote the necessary human and financial resources to support community policing to ensure that problem-solving efforts are robust and that partnerships are sustainable and effective.

Personnel

The principles of community policing need to be infused throughout the entire personnel system of an agency, including recruitment, hiring, selection, and retention of all law enforcement agency staff including sworn officers, nonsworn officers, civilians, and volunteers, as well as personnel evaluations, supervision, and training.

Recruitment, hiring, and selection

Agencies need a systematic means of incorporating community policing elements into their recruitment, selection, and hiring processes. Job descriptions should recognize community policing and problem-solving responsibilities and encourage the recruitment of officers who have a spirit of service, not just a spirit of adventure. A community policing agency must also thoughtfully examine where it looks for recruits, whom it is recruiting and hiring, and what is being tested. Some community policing agencies also look for the involvement of the community in this process through the identification of competencies and participation in review boards.

Personnel supervision/evaluations

Tie performance evaluations to community policing principles and activities that are incorporated into job descriptions. Performance, reward, and promotional structures should support sound problem-solving activities, proactive policing and community collaboration, and citizen satisfaction with police services.

Training

Training at all levels—academy, field, and in-service—must support community policing principles and tactics. It also needs to encourage creative thinking, a proactive orientation, communication and analytical skills, and techniques for dealing with quality-of-life concerns and maintaining order. Officers can be trained to (a) identify and correct conditions that could lead to crime, (b) raise public awareness, and (c) engage the community in

finding solutions to problems. Field training officers and supervisors can encourage problem solving and help officers learn from other problem-solving initiatives. Until community policing is institutionalized within the organization, training in its fundamental principles will need to take place regularly.

Information systems (technology)

Community policing is information-intensive and technology plays a central role in providing ready access to quality information. Accurate and timely information makes problem-solving efforts more effective and ensures that officers are informed about the crime and community conditions of their beat. In addition, technological enhancements can greatly assist with improving two-way communication with citizens and developing agency accountability systems and performance outcome measures.

Communication / access to data

Technology provides agencies with the ability to communicate externally with the public and internally with their own staff. To communicate with the public, community policing encourages agencies to develop two-way communication systems through the Internet to provide online reports, reverse 911 and e-mail alerts, discussion forums, and feedback on interactive applications (surveys, maps), thereby creating ongoing dialogs and increasing transparency.

Technology also encourages effective internal communication through memos, reports, newsletters, e-mail and enhanced incident reporting, dispatch functions, and communications interoperability with other entities for more efficient operations. Community policing advocates the use of technology to develop accountability and performance measurement systems that are timely and contain accurate metrics and a broad array of measures and information.

Community policing also promotes the use of technology to provide officers with ready access to timely information on crime and community characteristics within their beats, either through laptop computers in their patrol cars or through personal data devices. In addition, technology can support crime/problem analysis functions by enabling agencies to gather information on greater aspects of events including more detailed information on offenders, victims, crime locations, and quality-of-life concerns, and to further enhance analysis.

Quality and accuracy of data

Information is only as good as its source; therefore it is not useful if it is not high quality and accurate. Community policing encourages agencies to put safeguards in place to ensure that information from various sources is collected in a systematic fashion and entered into central systems that are linked to one another and checked for accuracy so that the information can be used effectively for strategic planning, problem solving, and performance measurement.

Appendix D. COPS Hiring Program (CHP) file management: Documents to maintain in CHP award file

Records must be maintained throughout the three-year CHP award period and for at least three years following the official closeout of the CHP award.

AWARD PROGRAM ___ CHP _____ AWARD # _____

AWARD START DATE _____ ORIGINAL AWARD END DATE _____

EXTENDED AWARD END DATE (if applicable) _____

COPY OF AWARD APPLICATION (You can access the final copy of your CHP application through the COPS Office website at www.cops.usdoj.gov. Using the "Account Access" link, print a copy of the application and keep it with your agency's CHP award records.)

_____ COPY OF AWARD DOCUMENT

_____ FINANCIAL CLEARANCE MEMO

AWARD MODIFICATION APPROVAL LETTERS (with revised budget information) OR AWARD EXTENSION APPROVAL LETTERS (if applicable)

_____ QUARTERLY FEDERAL FINANCIAL REPORT – SF-425 (for each quarter of the award period)

_____ PROGRAMMATIC PROGRESS REPORTS

- CHP quarterly progress report(s) (for each quarter of the award period)
- Closeout report

_____ SUPPORTING DOCUMENTATION FOR DRAWDOWNS

- W2 employee forms (copy)
- Records of salary / approved fringe benefits rates for each person hired under the award
- Records of hire dates for each person hired under the award
- Payroll records / time & attendance records
- Postal receipts / fax transmission reports (to prove submission dates)
- Log of reimbursement requests made via GPRS
- Copies of checks or wire transfer documents (if applicable)
- Copies of financial office journal entries (if applicable)

_____ ADDITIONAL SUPPORTING DOCUMENTATION FOR MILITARY VETERAN HIRES

- Copy of Certificate of Release or Discharge from Active Duty (DD-214)

_____ ADDITIONAL SUPPORTING DOCUMENTATION FOR REHIRES

- Records of the date of layoff(s)
- Records demonstrating the reason(s) for the layoff(s), specifically showing fiscal reasons that are unrelated to the availability or receipt of CHP funds. [Records that may be used to prove that scheduled layoffs are occurring for local economic reasons that are unrelated to the availability of CHP award funds may include

(but are not limited to) council or departmental meeting minutes, memoranda, notices, or orders discussing the layoffs; notices provided to the individual officers regarding the date(s) of the layoffs; or budget documents ordering departmental and/or jurisdiction-wide budget reductions.]

- Records demonstrating that your agency continued funding the officers with local funds until the date of the scheduled layoffs and did not draw down on CHP funding for the positions until the layoffs otherwise would have occurred.
- Records demonstrating that your agency paid any higher-than-entry-level salary and benefits costs to rehired officers with local funds and used CHP funds only for the approved entry-level salary and benefits package.

_____ SUPPORTING DOCUMENTATION FOR RETENTION

- Records (e.g., council meeting minutes) demonstrating that your agency plans to retain.
- Personnel records (e.g., employee action forms) with the employment dates of each officer. [If a position becomes vacant during the award or retention period, your agency must maintain records of the employment dates of any new officer(s) hired to fill the position.]
- Records demonstrating that your agency took timely and active steps to fill all vacancies occurring during the retention period in accordance with the agency's standard hiring practices and procedures.
- Records demonstrating the date each officer position was retained with local funds and that each position was retained with local funds for at least 12 months following the 36-month award period.

_____ AWARD CORRESPONDENCE (all other general correspondence between COPS Office and recipient)

_____ MEDIA REPORTS

- [Newspaper clippings, magazine articles, certificates, or other noteworthy items should be included to illustrate achievements and successes of the award, such as community policing highlights and other award-related accomplishments. In addition, any CDs, DVDs, electronic newsletters, brochures, website addresses, or other similar information published in connection with the award should be referenced.]

In the event of a COPS Office award monitoring review, the following information should be retained:

Reduction-in-force review

- Identification of the number of sworn officer positions (both full-time and part-time) funded in the agency's budget with local or other non-COPS Office funding during each fiscal year as of the threshold review date (please note that this may include vacant but funded positions).
- Identification of the current number of vacancies among the agency's locally funded sworn personnel, the dates on which the positions were vacated, whether the agency intends to fill the vacancies, and the steps, if any, that were taken to fill the vacancies.
- Provision of supporting documentation from the time the reduction in force occurred indicating the reason(s) for the reduction in force (examples of supporting documentation may include minutes from council meetings, budget directives, contemporaneous memoranda, etc.).
- Identification of the number of COPS Office-funded officers the agency currently employs.

- Documentation regarding whether other local departments in the city/township have experienced similar manpower or budget reductions for the same reasons as the PD.
- Letters from the agency's government executive and law enforcement executive explaining the reduction in force and addressing whether the reduction in force was unrelated to the receipt of the COPS Office CHP funding and therefore would have occurred even in the absence of the CHP award.
- Provision of a request to continue implementing all applicable COPS Office awards (identifying which awards are in place) despite the reduction in force.

Failure to retain review

- Evidence to show that attempts have failed to add the COPS Office-funded positions to a request for local funding during local budget negotiations; attempts have failed to obtain other nonfederal funding sources (such as state awards) to support the additional positions at the termination of the COPS Office award; and attempts have failed to seek additional law enforcement funding from private sources, including corporate, nonprofit, and foundation donations or awards.
- Documentation of any of the following mitigating circumstances that may have hindered agency attempts to implement the retention plan: evidence to show that the jurisdiction has been declared bankrupt by a court of law; jurisdiction has been placed in receivership, or its functional equivalent, by the state or Federal Government; jurisdiction has been declared a financially distressed area by its state; budgetary imbalance or expenditure cutbacks resulting in significant reductions in other services provided by the agency or significant layoffs of the agency's personnel; extraordinary and unanticipated nonrecurring expenses or loss of revenue (including closure or relocation of major employers) resulting in a material effect on the jurisdiction's fiscal condition; significant downgrading of the jurisdiction's bond rating for fiscal-related reasons; filing for bankruptcy, receivership, or similar measures, with the request for relief pending; location within an area in which a declaration of major disaster has been made pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act; or other events or conditions demonstrating *severe fiscal distress*.

Excess cash review

- Identification of the total amount of award funding drawn down from the award.
- Summary and supporting documentation of how the agency expended award funding.
- Revised Federal Financial Reports.

Local match review

- Documentation that specifically identifies the sources of the local match such as written memoranda, local government council minutes, or other documentation to support the appropriation or designation of local funds for the sole purpose of paying local match for the specific award.
- Written requests for waiver of local match and written approval from the COPS Office waiving local match.
- Federal Quarterly Financial Reports (SF-425) that identify the amount of local match paid each quarter.

Unallowable/unsupported costs review

- Payroll ledgers for all expenses charged to the award.

Community policing review

- Brochures, newsletters, or any documents detailing the agency's community policing efforts as specified in your award application, particularly in the following key areas:
- Organizational Commitment

- Community policing principles found in mission and values statements, policy and procedures manuals, etc.
- Promoting community policing as part of the law enforcement culture.
- Community policing training disseminated during recruit training in the academy and/or during in-service training.
- Strategic planning that incorporates community policing initiatives as part of the overall law enforcement approach to provide public safety.
- Problem Solving Activities
 - Building on information systems to enhance crime analysis capabilities.
 - Identifying crime problems by looking at crime trends.
 - Identifying crime problems with members of the community or other government agencies.
 - Preventing crime by focusing on conditions that lead to crime.
- Community Partnerships
 - Meetings with community members to learn about specific problems.
 - Locating offices or stations within neighborhoods.
 - Use of volunteers and/or reserve officers.
 - Providing community policing training to citizens.
 - Police participation in community organization working groups and/or special programs for schools and other interest groups which enhance crime prevention.

Appendix E. Memorandum of Understanding guidance

Developing your school-based partnership

School and law enforcement partnerships are built on a foundation of shared goals and objectives, which are approached in a constructive and positive manner and achieved through open communication. When schools, communities, and law enforcement agencies work together to creatively tackle problems, they may be able to achieve a number of positive outcomes, including the following:

- An increased ability of law enforcement agencies, schools, and community groups to gather and analyze useful and timely information about crime and fear of crime in schools in accordance with applicable privacy laws;
- An increased ability of law enforcement agencies, schools, and community groups to work together in developing innovative, systemic, long-term approaches to reducing and preventing different kinds of crime in and around their schools and preventing unnecessary law enforcement involvement in non-criminal student misbehavior. Measurable outcomes may be determined by implementing strategies focused on targeted crimes, thereby improving the quality of life for those affected (students, teachers, school personnel, and parents), promoting a safer environment that is conducive for learning, and decreasing the fear of crime and violence among students, school employees, and the surrounding community;
- An increased understanding of how to effectively interact with youth through coordinated training on topics such as basic childhood and adolescent development and age-appropriate responses, disability and special education issues, conflict resolution and de-escalation techniques, bias-free policing including implicit bias and cultural competence, restorative justice techniques, and working with specific student groups such as students with disabilities or limited English proficiency and students who are lesbian, gay, bisexual, and transgender (LGBT);
- An increased understanding of an SRO's roles and responsibilities, including an understanding that school code of conduct violations and routine discipline of students remains the responsibility of school administrators and that law enforcement actions (such as arrest, citations, ticketing, or court referrals) are only to be used as a last resort for incidents that involve criminal behavior or when it becomes necessary to protect the safety of students, faculty, and staff from the threat of immediate harm;
- An increased ability through coordinated training for schools and law enforcement agencies to properly train and respond to school safety threats;
- An increased ability to plan for and respond appropriately to emergencies.

Developing a Memorandum of Understanding

An MOU, also referred to as an interagency agreement or Memorandum of Agreement (MOA), is an instrument used to build mutual respect and trust between partners while delineating specific roles and responsibilities of the partnering agencies. Every jurisdiction with a school and law enforcement partnership should have an MOU that clearly defines the roles and responsibilities of the individual partners involved, including school districts, boards or departments of education, school administration officials, law enforcement agencies (including SROs), and students and parents. As a policy instrument, all parties should sign and abide by the MOU, and it should be considered a living document that operates within the context created by applicable federal and state laws—including, but not limited to, federal civil rights laws and privacy laws.

Memorandum of Understanding guidelines

The COPS Office strongly encourages law enforcement agencies to work collaboratively with school partners to formulate additional information that will help successfully implement their overall school safety plans. The MOU must be submitted to the COPS Office within 90 days of the date shown on the award congratulatory letter. The implementation of the CHP award without submission and acceptance of the required MOU may result in expenditures not being reimbursed by the COPS Office and/or award de-obligation. The following information should be included within an MOU.

Purpose of the MOU

This statement may already exist within your ongoing partnership or may need to be developed jointly to assist in defining the primary purpose of your partnership. The statement of purpose should describe the agencies that are entering into the partnership and the effective date of the agreement.

Description of partner roles and responsibilities

This description must include the roles and responsibilities of the school, the school district, and the law enforcement agency, and each partner should be specifically listed within the document. It must clearly indicate that SROs will not be responsible for requests to resolve routine discipline problems involving students. The administration of student discipline, including student code of conduct violations and student misbehavior, is the responsibility of school administrators unless the violation or misbehavior involves criminal conduct.

The placement of law enforcement officers in schools carries a risk of contributing to a “school-to-prison pipeline” process where students are arrested or cited for minor, nonviolent behavioral violations and then diverted to the juvenile court system. This pipeline wastes community resources and can lead to academic failure and greater recidivism rates for these students. Recipient agrees that any officers deployed while implementing school-based policing under the COPS Hiring Program award cannot be involved in the administrative discipline of the students.

The MOU must include the roles and responsibilities of the school partner. These roles may include providing a secure work space for the SRO to conduct interviews and maintain confidential records; establishing standing meetings; and working with school administrators in identifying problems and evaluating progress under the MOU, including data collection and evaluation. The school administrator should ensure that staff cooperates with police investigations and any subsequent actions related to crime or criminal activity on campus.

The law enforcement partner is responsible for the selection of officer(s) assigned to the school, and these officer(s) should adhere to the principles of community policing. This section of the MOU must define the roles and responsibilities of the SRO and the assigned hours of SRO duty, including arrival and departure times and specifying if after-hour duties may be performed and if time spent in court, attending interagency meetings, and investigating school-related crimes are within the scope of SRO duties.

The MOU should include examples of the activities that the SRO will engage in, such as

- handling requests for calls for service in and around schools;
- conducting comprehensive safety and security assessments;
- developing emergency management and incident response systems based on the National Incident Management System (NIMS) and the four phases of emergency management: mitigation/prevention, preparedness, response, and recovery;

- developing and implementing safety plans or strategies;
- integrating appropriate security equipment/technology solutions, including incorporating Crime Prevention Through Environmental Design (CPTED) as appropriate to enhance school safety;
- responding to unauthorized persons on school property;
- serving as liaisons between the school and other police agencies, investigative units, or juvenile justice authorities when necessary and consistent with applicable civil rights laws and privacy laws;
- serving as a member of a multidisciplinary school team to refer students to professional services within both the school (guidance counselors or social workers) and the community (youth and family service organizations);
- building relationships with juvenile justice counselors to help connect youth with needed services;
- developing and expanding crime prevention efforts for students;
- developing and expanding community justice initiatives for students.

Information sharing

This section must address the type of and the extent to which information will be shared between the law enforcement agency and school or school district partners. For example, it should define the type of information that the school is permitted or willing to share with law enforcement, as well as information flow from law enforcement to school partner(s). When entering into an MOU, agencies should consider all federal or state laws that govern the collection, use, and dissemination of student records.

Federal privacy laws, including the Family Educational Rights and Privacy Act of 1974 (FERPA), the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and civil rights and other laws must be considered when developing plans for information sharing that involves personally identifiable information from student education records. For more information on FERPA, see the US Department of Education's FERPA home page at www.ed.gov/policy/gen/guid/fpco/ferpa/index.html; for more information on HIPAA, see the US Department of Health and Human Service's Health information privacy site at www.hhs.gov/ocr/privacy/index.html; and for an overview of FERPA issues relevant to emergency planning and SRO programs, please see the "Closer Look" section of the Guide for Developing High-Quality School Emergency Operations Plans at http://rems.ed.gov/docs/rems_k-12_guide_508.pdf.

Supervision responsibility and chain of command for the SRO

This section should clearly establish a definitive chain of command for the SRO, including the individual(s) responsible for the supervision of the SRO. With rare exception, this responsibility lies with the law enforcement executive or his or her law enforcement designee.

Signatures

The MOU must be signed and dated by both the highest ranking law enforcement executive (i.e., police chief or sheriff) and the school official(s) who will have general educational oversight and decision-making authority (i.e., board of education chairperson, superintendent, or school principal). The MOU should be developed with participation from school administrators and officers assigned to the school(s) so that staff members who are impacted by the agreement clearly understand their roles and responsibilities. Successful MOUs are often developed by teams that include students, parents, and other community members committed to keeping schools safe, in addition to school and law enforcement members. The MOU should be publicly available to members of the school community.

Appendix F. Enhancement of contractor protection from reprisal for disclosure of certain information (41 U.S.C. 4712)

(a) Prohibition of reprisals.--

- (1) **In general.**--An employee of a contractor, subcontractor, grantee, or subgrantee or personal services contractor may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body described in paragraph (2) information that the employee reasonably believes is evidence of gross mismanagement of a Federal contract or grant, a gross waste of Federal funds, an abuse of authority relating to a Federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a Federal contract (including the competition for or negotiation of a contract) or grant.
- (2) **Persons and bodies covered.**--The persons and bodies described in this paragraph are the persons and bodies as follows:
 - (A) A Member of Congress or a representative of a committee of Congress.
 - (B) An Inspector General.
 - (C) The Government Accountability Office.
 - (D) A Federal employee responsible for contract or grant oversight or management at the relevant agency.
 - (E) An authorized official of the Department of Justice or other law enforcement agency.
 - (F) A court or grand jury.
 - (G) A management official or other employee of the contractor, subcontractor, or grantee who has the responsibility to investigate, discover, or address misconduct.
- (3) **Rules of construction.**--For the purposes of paragraph (1)--
 - (A) an employee who initiates or provides evidence of contractor, subcontractor, or grantee misconduct in any judicial or administrative proceeding relating to waste, fraud, or abuse on a Federal contract or grant shall be deemed to have made a disclosure covered by such paragraph; and
 - (B) a reprisal described in paragraph (1) is prohibited even if it is undertaken at the request of an executive branch official, unless the request takes the form of a non-discretionary directive and is within the authority of the executive branch official making the request.

(b) Investigation of complaints.--

- (1) **Submission of complaint.**--A person who believes that the person has been subjected to a reprisal prohibited by subsection (a) may submit a complaint to the Inspector General of the executive agency involved. Unless the Inspector General determines that the complaint is frivolous, fails to allege a violation of the prohibition in subsection (a), or has previously been addressed in another Federal or State judicial or administrative proceeding initiated by the complainant, the Inspector General shall investigate the complaint and, upon completion of such investigation, submit a report of the findings of the investigation to the person, the contractor or grantee concerned, and the head of the agency.
- (2) **Inspector General action.**--
 - (A) **Determination or submission of report on findings.**--Except as provided under subparagraph (B), the Inspector General shall make a determination that a complaint is frivolous, fails to allege a violation of the prohibition in subsection (a), or has previously been addressed in another Federal or State judicial or administrative proceeding initiated by the complainant or submit a report under paragraph (1) within 180 days after receiving the complaint.

- (4) Enforcement of orders.**--Whenever a person fails to comply with an order issued under paragraph (1), the head of the executive agency concerned shall file an action for enforcement of such order in the United States district court for a district in which the reprisal was found to have occurred. In any action brought under this paragraph, the court may grant appropriate relief, including injunctive relief, compensatory and exemplary damages, and attorney fees and costs. The person upon whose behalf an order was issued may also file such an action or join in an action filed by the head of the executive agency.
- (5) Judicial review.**--Any person adversely affected or aggrieved by an order issued under paragraph (1) may obtain review of the order's conformance with this subsection, and any regulations issued to carry out this section, in the United States court of appeals for a circuit in which the reprisal is alleged in the order to have occurred. No petition seeking such review may be filed more than 60 days after issuance of the order by the head of the executive agency. Review shall conform to chapter 7 of title 5. Filing such an appeal shall not act to stay the enforcement of the order of the head of an executive agency, unless a stay is specifically entered by the court.
- (6) Burdens of proof.**--The legal burdens of proof specified in section 1221(e) of title 5 shall be controlling for the purposes of any investigation conducted by an Inspector General, decision by the head of an executive agency, or judicial or administrative proceeding to determine whether discrimination prohibited under this section has occurred.
- (7) Rights and remedies not waivable.**--The rights and remedies provided for in this section may not be waived by any agreement, policy, form, or condition of employment.
- (d) Notification of employees.**--The head of each executive agency shall ensure that contractors, subcontractors, and grantees of the agency inform their employees in writing of the rights and remedies provided under this section, in the predominant native language of the workforce.
- (e) Construction.**--Nothing in this section may be construed to authorize the discharge of, demotion of, or discrimination against an employee for a disclosure other than a disclosure protected by subsection (a) or to modify or derogate from a right or remedy otherwise available to the employee.
- (f) Exceptions.**
- (1)** This section shall not apply to any element of the intelligence community, as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).
 - (2)** This section shall not apply to any disclosure made by an employee of a contractor, subcontractor, or grantee of an element of the intelligence community if such disclosure--
 - (A)** relates to an activity of an element of the intelligence community; or
 - (B)** was discovered during contract, subcontract, or grantee services provided to an element of the intelligence community.
- (g) Definitions.**--In this section:
- (1)** The term "abuse of authority" means an arbitrary and capricious exercise of authority that is inconsistent with the mission of the executive agency concerned or the successful performance of a contract or grant of such agency.
 - (2)** The term "Inspector General" means an Inspector General appointed under the Inspector General Act of 1978 and any Inspector General that receives funding from, or has oversight over contracts or grants awarded for or on behalf of, the executive agency concerned.
- (h) Construction.**--Nothing in this section, or the amendments made by this section, shall be construed to provide any rights to disclose classified information not otherwise provided by law.
- [(i) Repealed by Pub.L. 114-261, § 1(a)(3)(A)(ii), Dec. 14, 2016, 130 Stat. 1362]**

Appendix G. 2 CFR Appendix II to Part 200: Contract provisions for nonfederal entity contracts under federal awards

In addition to other provisions required by the federal agency or nonfederal entity, all contracts made by the nonfederal entity under the federal award must contain provisions covering the following, as applicable.

(A) Contracts for more than the simplified acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

(B) All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.

(C) Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of "federally assisted construction contract" in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, "Equal Employment Opportunity" (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and implementing regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor."

(D) Davis-Bacon Act, as amended (40 U.S.C. 3141-3148). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, "Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction"). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland "Anti-Kickback" Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

(E) Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard

work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

(F) Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of “funding agreement” under 37 CFR §401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency.

(G) Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended—Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

(H) Debarment and Suspension (Executive Orders 12549 and 12689)—A contract award (see 2 CFR 180.220) must not be made to parties listed on the governmentwide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), “Debarment and Suspension.” SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

(I) Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)—Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

(J) See §200.322 Procurement of recovered materials.

Appendix H. Remittance of Interest Earned Amounts

2 CFR § 200.305 (b)(9) – Payment (remittance of interest earned)

1. *Interest earned amounts up to \$500 per year may be retained by the non-federal entity for administrative expense. Any additional interest earned on federal advance payments deposited in interest-bearing accounts must be remitted annually to the Department of Health and Human Services Payment Management System (PMS) through an electronic medium using either Automated Clearing House (ACH) network or a Fedwire Funds Service payment. Remittances must include pertinent information of the payee and nature of payment in the memo area (often referred to as “addenda records” by Financial Institutions) as that will assist in the timely posting of interest earned on federal funds. Pertinent details include the Payee Account Number (PAN) if the payment originated from PMS, or Agency information if the payment originated from ASAP, NSF or another federal agency payment system. The remittance must be submitted as follows:*

- i. For ACH Returns:

Routing Number: 051036706

Account number: 303000

Bank Name and Location: Credit Gateway - ACH Receiver St. Paul, MN

- ii. For Fedwire Returns*:

Routing Number: 021030004

Account number: 75010501

Bank Name and Location: Federal Reserve Bank Treas NYC/Funds Transfer Division New York, NY

(* Please note organization initiating payment is likely to incur a charge from your Financial Institution for this type of payment)

- iii. For International ACH Returns:

Beneficiary Account: Federal Reserve Bank of New York/ITS (FRBNY/ITS)

Bank: Citibank N.A. (New York)

Swift Code: CITIUS33

Account Number: 36838868

Bank Address: 388 Greenwich Street, New York, NY 10013

Payment Details (Line 70): Agency

Name (abbreviated when possible) and ALC Agency POC: Michelle Haney, 301-492-5065

For recipients that do not have electronic remittance capability, please make check** payable to:
“The Department of Health and Human Services.”

Mail Check to Treasury approved lockbox:

HS Program Support Center, P.O. Box 530231, Atlanta, GA 30353-0231

(** Please allow 4-6 weeks for processing of a payment by check to be applied to the appropriate PMS account)

- iv. Any additional information/instructions may be found on the PMS Web site at <http://www.dpm.psc.gov/>.

Glossary of Terms

allowable costs. Allowable costs are costs that will be paid for by this award program. The only allowable costs under CHP are the approved full-time entry-level salaries and fringe benefits of sworn career law enforcement officers hired or rehired on or after the award start date. CHP award funds may be used to hire or rehire experienced officers, but any costs higher than entry-level must be paid by your agency with local funds. Award funding must be limited to your agency's entry-level sworn officer salary and benefits. Upon review of your submitted budget, any unallowable costs were removed. The Financial Clearance Memorandum (FCM), included in your award package, specifies the final amount of CHP funds awarded to your agency for officer salaries and approved fringe benefits. *Approved entry-level salaries and benefits paid during basic academy training are allowable when it is the agency's policy to pay all newly hired officers during this training.*

audit. Work done by auditors, including both the Office of the Inspector General (OIG) and state or local auditors, to examine financial statements and to review

- compliance with laws and regulations;
- economy and efficiency of operations;
- effectiveness in achieving program results; and
- allowability of costs claimed against the award.

authorized officials. The authorized officials are the individuals in your organization who have final authority and responsibility for all programmatic and financial decisions regarding this award. At the time of award application, your agency listed the law enforcement executive (usually the chief of police, Sheriff, etc.) and the government executive (usually the mayor, board president, etc.) for your agency. These executives are listed on your award document and are understood to be your authorized officials. If any of the executive information is incorrect, please make any updates online through the "Account Access" link on the COPS Office website.

award number. The award number identifies your agency's specific CHP award and can be found on your award document. This number should be used as a reference when corresponding with the COPS Office. Your award number is in the following format: 2017-ULWX-0000 or 2017-UMWX-0000. The COPS Office tracks award information based upon this number.

award package. The award package includes your CHP award document, Financial Clearance Memorandum (FCM), and award congratulatory letter; it may be accessed through the "Account Access" tab on the COPS Office website (www.cops.usdoj.gov). Your agency's CHP award document will list your award number, law enforcement executive, government executive, award amount, number and hiring category of positions awarded, award start and end dates, and all terms and conditions (including any special conditions placed on your agency's CHP award). Your law enforcement and government executives have 90 days from the date on your award congratulatory letter to log on to their accounts at <https://portal.cops.usdoj.gov> and electronically sign the award document and submit it to the COPS Office. Your agency's FCM will specify the final amount of CHP funds awarded to your agency for officer salaries and approved fringe benefits.

award start date. This is the date on or after which your agency is authorized to hire or rehire positions that were approved by the COPS Office. The award start date is found on your award document. *Recipients may not expend funds or hire or rehire award-funded officers prior to this date without written approval from the COPS Office.*

career law enforcement officer. The COPS Office statute defines a career law enforcement officer as a person hired on a permanent basis who is authorized by law or by a state or local public agency to engage in or oversee the prevention, detection, or investigation of violations of criminal laws.

Catalogue of Federal Domestic Assistance (CFDA). The CFDA is an annual government-wide publication that contains a description and index of all forms of federal assistance. Each program is assigned a CFDA number, which is used by auditors to track award revenues under the Single Audit Act. It is also used in participating states by State Single Points of Contact in conducting the required intergovernmental reviews under Executive Order 12372. The CFDA number for the COPS Office CHP award is 16.710.

closeout. The process in which the awarding agency, the COPS Office, determines that all applicable administrative actions and all required work and conditions of the award have been completed and met by the recipient and awarding agency.

cognizant federal agency. Your cognizant federal agency is generally the federal agency that provides your agency with the most federal money. The Office of Management and Budget (OMB) may have already assigned your cognizant federal agency to you. If this is the first federal award that your organization has received, the US Department of Justice is your cognizant federal agency.

community policing. Community policing is a philosophy that promotes organizational strategies that support the systematic use of partnerships and problem-solving techniques to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime. All newly hired, additional, or rehired officers (or an equal number of redeployed veteran officers) funded under COPS Office programs must engage in community policing activities, and in the implementation of your community policing strategy.

COPS Office. Created under the 1994 Crime Bill, the Office of Community Oriented Policing Services (COPS Office) is an independent office within the US Department of Justice that is the grantor or awarding agency for your award or cooperative agreement. The COPS Office is responsible for assisting your agency with the administration and maintenance of your award for the entire award period. If you have any questions regarding the COPS office, please call the COPS Office Response Center at 800-421-6770 or visit the COPS Office website at www.cops.usdoj.gov.

COPS Office Finance Staff Accountants. The COPS Office finance staff accountants are responsible for your agency's financial and budgetary needs related to this award. A staff accountant is assigned to each state and is available to answer any questions that you may have concerning the Quarterly Financial Status Report (SF-425) and other financial aspects of your award. To identify your staff accountant, please call the COPS Office Response Center at 800-421-6770 or visit the COPS Office website at www.cops.usdoj.gov.

criminal intelligence officer. A criminal intelligence officer, whether working directly with a law enforcement agency or assigned to the appropriate state or regional fusion center, works in the field of criminal intelligence and may conduct data collection, research, and analysis to produce finished intelligence reports or other products designed to assist in the prevention, detection, or investigation of violations of criminal laws.

Data Universal Numbering System (DUNS) Number. Since FY 2004, the Office of Management and Budget (OMB) has required all agencies applying for federal funding to obtain this number prior to application. The DUNS number is a unique nine- or thirteen-digit identification number that is assigned upon request to agencies by Dun &

Bradstreet (D&B). This number will be used by the Federal Government to better track award recipient information throughout the award cycle and to provide consistent name and address data for electronic award application systems. To obtain a DUNS number, visit the Dun & Bradstreet website at www.dnb.com or call 866-705-5711.

Employer Identification Number (EIN) / OJP vendor number. This number is usually your agency's nine-digit federal tax identification number as assigned to you by the Internal Revenue Service (IRS). Your accounting/bookkeeping department should have this number. In some cases, the EIN has been previously assigned to another agency within your jurisdiction. In this instance, a new vendor number will be assigned to you by the Office of the Chief Financial Officer. The newly assigned number is to be used for COPS Office administrative purposes only and should not be used for IRS purposes.

federally recognized tribe. Federally recognized tribes are Native American Indian tribal entities that are recognized by the Bureau of Indian Affairs (BIA) and are eligible for funding and services by virtue of their status as sovereign Native American Indian tribes. They are acknowledged to have the immunities and privileges available to federally acknowledged Indian tribes by virtue of their government-to-government relationship with the United States, as well as the responsibilities, power, limitation, and obligations of such tribes. For further information, contact: BIA, Division of Tribal Government Services, MS-4631-MIB, 1849 C Street NW, Washington, DC 20240, 202-208-2475.

Geographic Names Information System (GNIS) ID. The Geographic Names Information System (GNIS) database is maintained by the US Geological Survey, US Department of the Interior. The database assigns a unique, permanent feature identifier, the feature ID, which is the only standard federal key for integrating or reconciling feature data from multiple datasets.

Grant Monitoring Specialist. COPS Office Grant Monitoring Specialists are trained and available to assist you in addressing any compliance-related questions regarding your award. Grant monitoring specialists plan and conduct site visits and office-based grant reviews. During the life of your award, you may be selected for a monitoring site visit to assess your compliance with the terms and agreements of the award program, to review your community policing initiatives, and to provide technical and administrative support for your award. Please contact the COPS Office Response Center at 800-421-6770 if you have any compliance-related questions.

Grant Program Specialist. COPS Office Grant Program Specialists are trained to assist you with implementing and maintaining your award. A Grant Program Specialist is assigned to your state and is available to answer any questions that you may have concerning the administrative aspects of your award. Your Grant Program Specialist can assist you with requesting an extension on your award or modifying the award. To obtain the name and phone number of your Grant Program Specialist, please contact the COPS Office Response Center at 800-421-6770.

local budget cycle. Your agency's fiscal year. Some common examples include January 1 to December 31, October 1 to September 30, and July 1 to June 30. Some local budget cycles may extend up to 24 months.

matching funds. What a locality must contribute as a cash match toward total allowable project costs over the life of the program. Under the 2017 CHP, the matching funds must be paid with state, local, or other non-COPS Office funds and may not be from any funds previously budgeted for law enforcement purposes. There is a minimum 25 percent matching fund requirement for 2017 CHP, unless waived in writing by the COPS Office.

military veteran. Under the 2017 CHP, a military veteran is any individual who has served on active duty at any time in the armed forces for a period of more than 180 consecutive days, any part of which occurred on or after September 11, 2001, and who has been discharged or released from active duty in the armed forces under honorable conditions.

obligation of funds. The COPS Office obligates federal funds when the award document is signed by the COPS Office Director or his or her designated official. For the recipient, award funds are obligated when monies are spent hiring approved personnel under the award. The term encumbrance is often used at the local and state levels to describe this type of transaction. Liquidated obligations are considered cash outlays or monies actually spent. Unliquidated obligations are obligations incurred and recorded but not yet paid (accrual basis of accounting) or not yet recorded and not yet paid (cash basis of accounting).

Originating Agency Identifier (ORI) number. This number is assigned by the Federal Bureau of Investigation (FBI), and it is your agency's unique identifier. The first two letters are your state abbreviation, the next three numbers are your county's code, and the final two numbers identify your jurisdiction within your county. If your agency does not have an ORI number assigned by the FBI, the COPS Office assigns a non-official ORI code to use as an agency identifier (in such cases, the last two characters will be "ZZ"). It can be found on your award document. When you contact the COPS Office with a question, please reference your ORI number (and/or your award number).

primary law enforcement authority. An agency with primary law enforcement authority is the agency that is the first responder to calls for service, and has ultimate and final responsibility for the prevention, detection, or investigation of violations of criminal laws within its jurisdiction.

The Public Safety Partnership and Community Policing Act of 1994. The COPS Office is charged with fulfilling the mandates of this law. The purposes of the law are to

- increase the number of community policing officers on the beat;
- provide additional and more effective training to law enforcement officers to enhance their problem-solving, service, and other skills needed in interacting with members of the community;
- encourage the development and implementation of innovative programs to permit members of the community to assist law enforcement agencies in the prevention of crime; and
- encourage the development of new technologies to assist law enforcement agencies in reorienting the emphasis of their activities from reacting to crime to preventing crime.

rehire. CHP provides funding to rehire full-time officers who were laid off (from any jurisdiction) or who were scheduled to be laid off on a specific future date at the time of award application as a result of state, local, or BIA budget reductions. A recipient may use CHP funding to rehire an experienced full-time officer, but any additional costs higher than entry-level that your agency pays the rehired officer must be paid with local agency funds, not CHP funds.

retention period. After 36 months of COPS Office funding, CHP recipients are required to retain each additional COPS Office-funded position awarded using local, state, or other sources of non-COPS Office funds. Each awarded position must be retained for at least 12 months following the conclusion of the 36 months of federal funding for that position. This time span is referred to as the retention period.

School Resource Officer (SRO). A career law enforcement officer with sworn authority, deployed in community-oriented policing and assigned by the employing police department or agency to work in collaboration with schools and community-based organizations to

- address crime problems, gangs, and drug activities affecting or occurring in or around an elementary or secondary school;
- deploy or expand crime prevention efforts for students;
- educate likely school-age victims in crime prevention and safety;
- develop or expand community justice initiatives for students;
- train students in conflict resolution, restorative justice, and crime awareness;
- assist in the identification of physical changes in the environment that may reduce crime in or around the school; and
- assist in developing school policy that addresses crime and to recommend procedural changes.

supplanting. COPS Office award funds may not be used to supplant (replace) state, local, or Bureau of Indian Affairs (BIA) funds that would be made available in the absence of federal COPS Office award funding. CHP funds must be used to increase the amount of state, local, or BIA funds otherwise budgeted for sworn officer positions, plus any additional state, local, or BIA funds budgeted for these purposes.

System for Award Management (SAM). The SAM database is the repository for standard information about federal financial assistance applicants, recipients, and subrecipients. Organizations that have previously submitted applications via www.grants.gov are already registered with SAM, as it is a requirement for www.grants.gov registration. Please note, however, that applicants must update or renew their SAM at least once per year to maintain an active status. Information about registration procedures can be accessed at www.sam.gov.

COPS Office Resources

Websites

COPS Office Newsletter: <http://cops.usdoj.gov/html/dispatch/index.asp>

COPS Office Beat Podcast: <http://www.cops.usdoj.gov/Default.asp?Item=2370>

Grants information: <http://www.cops.usdoj.gov/grants>

Policing Task Force One Year Progress Report:

http://www.cops.usdoj.gov/pdf/taskforce/TaskForce_Annual_Report.pdf

SRO Resources: <http://www.cops.usdoj.gov/supportingsafeschools>

Updated Publication list: <http://www.cops.usdoj.gov/COPSpublications>

Publications

Beyond the Badge: Profile of a School Resource Officer DVD: <http://ric-zai-inc.com/ric.php?page=detail&id=COPS-CD050>

Intelligence-Led Community Policing, Community Prosecution, and Community Partnerships: <http://ric-zai-inc.com/ric.php?page=detail&id=COPS-P322>

Officer-Involved Shootings: A Guide for Law Enforcement Leaders: <http://ric-zai-inc.com/ric.php?page=detail&id=COPS-P350>

Police Perspectives: Building Trust in a Diverse Nation - No. 1. How to Increase Cultural Understanding: <http://ric-zai-inc.com/ric.php?page=detail&id=COPS-P344>

Police Perspectives: Building Trust in a Diverse Nation - No. 2. How to Serve Diverse Communities: <http://ric-zai-inc.com/ric.php?page=detail&id=COPS-P345>

Police Perspectives: Building Trust in a Diverse Nation - No. 3. How to Support Trust Building in Your Agency: <http://ric-zai-inc.com/ric.php?page=detail&id=COPS-P346>

Rank and File: Leaders in Building Trust and Community Policing: <http://ric-zai-inc.com/ric.php?page=detail&id=COPS-P351>

References

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<https://nasro.org/cms/wp-content/uploads/2013/11/NASRO-To-Protect-and-Educate-nosecurity.pdf>.

2017 COPS Hiring Program (CHP) Award Owner's Manual

This manual was created to assist COPS Hiring Program (CHP) program recipients with the administrative and financial matters associated with their award.

For more information about your CHP award, please contact your COPS Office Grant Program Specialist. If you do not know the name or telephone number of your Grant Program Specialist, please contact the COPS Office Response Center at 800-421-6770.



US Department of Justice
Office of Community Oriented Policing Services
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To obtain details about COPS Office programs, call the COPS Office Response Center at 800-421-6770.

Visit the COPS Office online at www.cops.usdoj.gov.

Published November 2017