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

COPS
COMMUNITY ORIENTED POLICING SERVICES
U.S. DEPARTMENT OF JUSTICE

Tribal Resources Grant Program

TRGP 2003
Grant Owner's Manual

A step-by-step guide to assist law enforcement agencies in carrying out and reporting on the Tribal Resources Grant Program

COPS Tribal Resources Grant Program 2003
Grant Owner's Manual

The following manual was created to assist Tribal Resources Grant Program (TRGP) grantees with administrative and financial matters associated with the grant.

For more information about your TRGP 2003 grant, contact your COPS Tribal Grant Program Specialist. If you do not know the name or telephone number of your Tribal Grant Program Specialist, please contact the U.S. Department of Justice Response Center at 800.421.6770.

Office of Community Oriented Policing Services
1100 Vermont Avenue, NW
Washington, DC 20530
(For overnight delivery, please use 20005 as the zip code.)

COPS Online: www.cops.usdoj.gov

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Getting Started

Congratulations on receiving a grant from the Office of Community Oriented Policing Services (COPS). You have received a grant under the COPS Tribal Resources Grant Program, which provides funding directly to Federally Recognized Tribal jurisdictions with established law enforcement agencies or those Federally Recognized Tribes that wish to establish law enforcement agencies. The Tribal Resources Grant Program offers a variety of funding options, including entry-level salaries and benefits of newly hired, additional officers, and training, uniforms, basic issue equipment, technology, and vehicles for new and existing police officers. The Tribal Resources Grant Program was designed to expand the implementation of community policing and meet the most serious needs of law enforcement in tribal communities through a broadened comprehensive program. All officers hired under the TRGP grant program (or an equal number of veteran, locally funded officers) must engage in community policing. The TRGP grant program is intended to strengthen the overall law enforcement infrastructure in tribal communities.

This Grant Owner's Manual will assist you with the administrative and financial matters associated with your grant. It was developed by the COPS Office to ensure that all COPS Tribal Resources Grant Program grantees clearly understand and meet the requirements of their grants. Please do not hesitate to call the COPS Office at 800.421.6770 if you need assistance with the implementation of your grant.

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

For assistance, call the
U.S. Department of Justice
Response Center at
800.421.6770
or visit www.cops.usdoj.gov

I. Grant Acceptance, Terms, and Conditions

In order to officially begin your grant, you will need to review the Award Document(s) and Conditions, sign the Award Document(s) and any applicable special conditions, and return them to the:

Office of Community Oriented Policing Services
COPS Tribal Resources Grant Program
Control Desk, 8th floor
1100 Vermont Ave., NW
Washington, DC 20530

(For overnight delivery please use 20005 as the zip code)

You will be able to draw down grant funds after:

1. The COPS Office approves your budget.
2. You sign your Award Document(s) and return it to the COPS Office.
3. You sign any special conditions of your award and return them to the COPS Office.
4. After steps one through three are completed, you may access your grant funds through the PAPRS or LOCES systems. The Office of Justice Programs, Office of the Comptroller will forward information to you regarding how to access funds.

See Section III, Accessing Grant Funds, for more information on the steps you need to take to ensure that you have met all of the financial reporting requirements and have completed the payment enrollment forms.

The Award Document

The Award Document is the one-page, double-sided document indicating your official grant funding amount, the award number, the award date, and the official grant period.

The Award Document also contains preprinted information of your law enforcement and government officials' names and addresses. If this information is incorrect or has changed, please correct it on the change of information sheet provided in the Award Packet.

Your grant award number is in this format: YEAR HHWX 0000 for hiring awards and/or YEAR HEWX 0000 for equipment and training awards. It is used for financial purposes and should be referred to when you contact the Office of Justice Programs, Office of the Comptroller or the COPS Office.

Your ORI number begins with your state abbreviation followed by numbers and/or letters. This number is assigned by the Federal Bureau of Investigation for use in tracking information for the Uniform Crime Report (UCR). The COPS Office tracks grant information based upon this ORI number. If your agency does not report UCR data, you will not have an ORI number. In this case, the COPS office will assign you one (ending in "ZZ") for COPS identification purposes only.

If you have any questions regarding your grant, please refer to your grant award number or your agency's ORI number when you contact your COPS Tribal Grant Program Specialist.

Grant Conditions

The grant conditions are the terms listed on the back of your Award Document. By accepting this grant, you are entering into an agreement with the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS). As part of that agreement, **you agree to these grant conditions (and possibly additional conditions specific to your agency)**. The section that follows describes in detail each of the award conditions, their rationale and their implications. It also addresses many commonly asked questions.

Reasons for Grant Conditions

The grant requirements of your Tribal Resources Grant Program grant are established within:

- The Public Safety Partnership and Community Policing Act of 1994 under which the COPS Office was established; and
- Applicable rules, regulations, and policies issued by the U.S. Department of Justice, Office of Management and Budget (OMB), the General Accounting Office (GAO), and the United States Treasury.

You may request copies of any source reference document from:

Office of Administration
Publication Unit, Room G 236
New Executive Office Building
Washington, DC 20503

You may request COPS documents from the COPS Office.

Review of Grant Conditions

1. Allowable Costs

A. Allowable Costs: Salaries and approved fringe benefits for new additional career law enforcement officers hired or rehired on or after the award start date.
Unless a waiver of the local match was granted, the federal share cannot exceed 75% of the total project cost up to a cap of $75,000 per officer position.

The funding under this project is for the payment of entry-level SALARIES AND APPROVED FRINGE BENEFITS for three years for newly hired or rehired additional sworn career law enforcement officers or lateral transfers. Grant funds may not be applied to portions of salaries above entry-level. Rather, such amounts must be provided for by the grant recipient in addition to the required local match.

Why This Condition: The COPS Tribal Resources Grant Program is a program that can only fund entry-level salaries and benefits for the hiring or rehiring of additional career law enforcement officers under the personnel portion of the grant program. Rehires are officers who have been laid off because of local budget cuts.

What You Should Do: Salaries covered by COPS grants must be based on your agency's standard entry-level salary and benefits packages and paid to a newly hired, additional officer hired on or after the grant award start date under the laws or rules governing hiring by your law enforcement agency. Salary payments must be based on payroll records supported by time and attendance records or the equivalent. The types of records you must keep to document that you are following this grant condition are described in Section V of this manual. If you plan to use this grant to rehire officers, you must obtain approval from the COPS Office.

Fringe benefits may be paid if they are part of a reasonable compensation package offered to your employees and if they fall within the categories authorized by the COPS Office on your Financial Clearance Memorandum which include FICA, Social Security, health insurance, life insurance, vacation, sick leave, retirement, worker's compensation, and unemployment insurance. Overtime and compensatory time costs are not allowed. However, if you train your officers prior to swearing them in, grant funds may be applied to salaries and benefits paid to the new officers during training. As long as you spend the funds on salary and benefits that were approved on your Financial Clearance Memorandum this condition will be satisfied.

B. Allowable Costs: Background Investigations.
Unless a waiver of the local match was granted, the federal share cannot exceed 75% of the total project cost.

Background investigations are mandatory for all TRGP-funded officer positions. The background investigations must be completed before reimbursements for the approved salaries and fringe benefits under the grant can be paid for new hires.

C. Allowable Costs: Training.
Unless a waiver of the local match was granted, the federal share for community policing and grant management training cannot exceed $600 per officer; and the federal share for basic, specialized and computer training cannot exceed 75% of the total cost.

Community policing training and grant management training are mandatory for all TRGP grantees that have not been awarded a previous TRGP grant. Community policing training must be completed through one of the following training facilities sponsored by the COPS Office: Regional Community Policing Institutes (RCPI), or the Federal Law Enforcement Training Center.

All newly hired, additional officers under this grant are required to attend basic training. You must ensure that each newly hired recruit is registered for basic training within six months from their date of hire. COPS funding will pay for only one attempt at basic training. If a recruit fails to pass basic training, any additional costs associated with additional training must be incurred solely by the grantee agency.

D. Allowable Costs: Uniforms and Basic Issue Equipment.
Unless a waiver of the local match was granted, the federal share for these categories cannot exceed 75% of the total cost.

Uniform

- Standard attire (uniform shirts, trousers, ties, belts)
- Dress attire (dress coat, dress shirts, dress pants, ties)
- Outerwear (raincoat, coat, jacket, reflective vest)
- Footwear (dress shoes, athletic shoes, boots)
- Hat, caps, or gloves
- Identification badges/other insignia (name plates, etc.)
- Hazmat suits
- Gas masks
- Other standard issue apparel/uniform accessories (subject to approval)

Basic Issue Equipment

- Primary issue handgun
- Holster
- Body armor/vest
- Portable radio and holder
- Gun belt and belt accessories
- Pepper spray and holder
- Baton and holder
- Handcuffs and case
- Manuals, reference books, notebooks, etc.
- Other miscellaneous items issued to police recruits (flashlight, templates, whistles, etc.)

E. Allowable Costs: Technology.
Unless a waiver of the local match was granted, the federal share cannot exceed 75% of the total cost.

Allowable technology items include computer hardware, software, mobile data computers, communication systems, NCIC systems, dispatch systems, NIBRS/UCR-compliant data systems, automated booking systems, fingerprint identification systems, records management systems, mobile data terminals, GPS systems, and night vision equipment.

F. Allowable Costs: Police Vehicles.

Unless a waiver of the local match was granted, the federal share cannot exceed 75% of the total cost.

Allowable items include: police cars, basic vehicle accessory packages, and special conveyances such as sport utility vehicles, bicycles, motorcycles, snowmobiles, and ATVs based on demonstrated need.

G. Unallowable Costs

This is not an all-inclusive list. The COPS Office reserves the right to deny funding for items that may not have been included in the Tribal Resources Grant Program application kit. You may not apply for nor request to reprogram funds for these items under TRGP:

- Ammunition
- Civilian salaries and benefits
- Construction/renovation costs
- Dictation systems
- Dogs (K-9)
- Indirect costs
- Office equipment (copiers, fax machines)
- Office furniture/supplies
- Office rental space
- Overtime hours for sworn officers or civilians
- Phone lines/utilities
- Radar equipment
- Salaries and benefits of existing employees
- Surveillance equipment
- Televisions/VCRs
- Vehicle leasing or rental agreements
- Vehicle parts, service, or maintenance
- Video cameras (other than vehicle mounted)/film

In addition, this program will not provide funding for any items or position(s) which are funded in the grantee agency's budget with other sources of funding (state, local, or BIA). You may apply only for otherwise unfunded positions or items to supplement your agency's law enforcement budget.

2. Supplementing, Not Supplanting

The COPS statute requires that grant funds may not be used to replace state, local, or Bureau of Indian Affairs funds that would be made available in the absence of COPS grant funding. This means that Tribal Resources Grant Program funds must be used to increase the amount of state, local, or Bureau of Indian Affairs funds otherwise budgeted for the grant purposes. This means that you may not use COPS funds to pay for any allowable cost that was budgeted for with non-COPS funds.

Why This Condition: The Public Safety Partnership and Community Policing Act of 1994 specifically states that federal funds under COPS programs may not be used to supplant existing local, state, or Bureau of Indian Affairs funds which otherwise would have been made available for these purposes.

What You Should Do: Tribal Resources Grant Program grantees may not use grant funds to pay for any sworn officer positions that the grantee has already committed to fund with state, local, or Bureau of Indian Affairs funds. Instead, the grant funds may be used only to hire and fund new, additional sworn officer positions after the official award start date to increase the grantee's total number of sworn law enforcement positions. For example, if a TRGP grantee committed to hire ten new officer positions with Bureau of Indian Affairs funds prior to receiving a TRGP grant for five officer positions, then the grantee must hire those ten officer positions with committed Bureau of Indian Affairs funds and then also hire five additional officers with the TRGP funds.

This requirement applies to all items or costs requested under the TRGP program. Grantees may not use TRGP funding for any item such as a vehicle or cost such as officer training if that item or cost was otherwise budgeted with tribal, state, local, or Bureau of Indian Affairs funds, or committed to the grantee's budget. TRGP funds may not be used to hire officers or purchase any items prior to the official grant award start date.

In addition, grantees may not reallocate state, local, or Bureau of Indian Affairs funds from one area within the law enforcement budget to another as a result of applying for or receiving TRGP funds. For example, grantees who have budgeted funds to pay for ten new, additional officer positions may not reallocate those funds to pay for any other law enforcement cost as a result of applying for or receiving

TRGP funds for additional officer positions. Grantees also may not reallocate funds from within their law enforcement budget to pay for the required local match to the TRGP grant, but must obtain other sources of local match funds in addition to the state, local, or Bureau of Indian Affairs funds which otherwise would be budgeted for law enforcement purposes.

To meet this grant condition, you will need to ensure that:

- Each officer that you hire under the COPS Tribal Resources Grant Program is newly hired on or after the award start date. You may not fill the TRGP funded position with any officer hired prior to the award start date unless an exception is authorized in writing by the COPS Office.
- The officer(s) that you are hiring brings your force to a number over and above your budgeted (funded) sworn force as of the date of your TRGP 2003 grant application, plus any positions budgeted with local (non-COPS) funds during the grant period.
- During the life of your grant, you must continue to hire as many new, locally (non-COPS) funded officers as you would have if you had not received your grant. (You may not cancel or postpone spending money in your budget that is committed to hiring other new officers.)
- You must take positive and timely steps to fill vacancies and locally-funded sworn officer positions that were created on or after your grant award date by retirement, resignation, or other reasons with new locally (non-COPS) funded officers.
- No items that are authorized to be purchased with TRGP funds, such as training, technology, or equipment, for example, can be purchased prior to the official grant award start date.

3. Retention

Your agency is expected to implement its plan to retain the positions funded by the COPS Tribal Resources Grant Program at the conclusion of the 36-month grant term. The COPS Office will monitor retention for one full local budget cycle after the expiration of the grant funding period for each COPS-funded grant position.

The retention requirement is a condition of the TRGP grant. When your agency accepts officer positions under this COPS program, it must plan to commit to retaining the additional COPS-funded officer positions once the 36-month COPS grant period ends. COPS-funded

positions must be retained over and above the number of locally funded officer positions that the agency would fund regardless of the grant. Officer positions must be retained with local (non-COPS) funds for one full local budget cycle after the expiration of the 36-month grant funding period for each officer position awarded. These positions must be retained using state, local, tribal, or other (non-COPS) funding. You cannot use attrition to meet the retention requirement. If a grantee is unable to retain at the end of the grant period, they may request an exemption from the retention requirement based on severe fiscal distress. Any exemptions from the retention requirement must be authorized in writing by the COPS Office.

Why This Condition: The Public Safety Partnership and Community Policing Act of 1994 envisions that positions for officers should be maintained by localities beyond the federal funding period. The local match and the provision of a decreasing federal share were established to enable communities to adequately plan for paying the salaries and benefits of the new officers without burdening them with the full cost of hiring a new officer. It is up to your agency to determine how the federal share decreases from year to year. Please refer to your application budget information sheet that you provided to the COPS Office to review your proposed federal/local share plan.

What You Should Do: Your retention plan should focus on maintaining the newly hired, additional officer position(s) rather than a specific officer for a minimum of one full local budget cycle beyond the 36-month life of the grant per position. If, for any reason, the officer originally filling the position funded by the COPS Tribal Resources Grant Program grant leaves your department during the retention period, you are required to fill the position with a new locally (non-COPS) funded officer.

4. Reports

In order to assist the COPS Office in the monitoring of the award, your agency will be responsible for submitting Progress Reports and quarterly Financial Status Reports.

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 be monitored carefully to ensure the proper use of funds. In addition, the COPS Office seeks to document, on a continuing basis, the progress of our programs and our grantees.

What You Should Do: This grant condition is to make you aware of your responsibilities in assisting us with reporting requirements. These reports are discussed extensively in Section VII of this manual. To meet this condition, you will fill out four Financial Status Reports per year and Program Progress Reports as requested by the COPS Office (not to exceed one per year). The failure to submit timely reports may result in grant enforcement actions against your agency.

5. Extensions

Requests for extensions, without additional funding, of the grant award period should be submitted in writing to your Grant Program Specialist within 90 days of the official end date of the award.

Why This Condition: Under federal regulations, requests to extend the grant period require prior approval. Without an approved extension, your funding will automatically stop at the end of the grant period.

What You Should Do: In an effort to reduce the number of extensions during the grant period, the COPS Office asks that you delay any request for an extension until 90 days prior to the official end date of the award. The COPS Office will contact your agency in the last quarter of your grant period to determine if you need an extension of your grant. When the COPS Office receives and approves your extension request, we will ensure that you have continued access to your grant monies.

6. Modifications

Occasionally, a change in your agency's fiscal situation or law enforcement needs necessitates a change in your TRGP award. For example, your agency was awarded two additional full-time officer positions, but now prefers to modify the grant award to one full-time and two part-time positions due to changing law enforcement needs. A modification to an equipment grant might occur if your agency is awarded a desktop computer, but would now like to modify the awarded item to a laptop computer due to changing law enforcement needs.

You must seek prior approval if you plan to make grant changes relating to any of the following issues:

- Changes in grant officer position(s);
- Salary and benefit changes;
- Budget changes (e.g., your agency was awarded four computers but now wants to purchase five with the same amount of funding);
- Changes in plans to retain the COPS funded officer position(s) at the conclusion of the federal grant term;
- Major programmatic changes, such as changes to your community policing plan.

Modifications are evaluated on a case-by-case basis. In order to make one of these changes, you are required to submit your plans in writing to the COPS Office for prior approval.

Why This Condition: Under federal regulations, requests to change or alter your grant award require prior written approval. Without prior written approval, you must continue to implement your grant as it was originally awarded and accepted by your agency.

What You Should Do: If you wish to modify your grant award, you must submit a written request on your agency's letterhead referencing your grant number, the proposed changes, details of why the change is needed, etc. Please submit a new budget detailing the proposed changes and accounting for all total project costs. In addition, please be aware that the COPS Office will not approve any modification requests that result in an increase in federal funds.

If your request is approved, you must wait until receiving the approval in writing before implementing the proposed changes to your grant award. Please call your Tribal Grant Program Specialist at 800.421.6770 for additional assistance.

7. Evaluations

The COPS Office may conduct national evaluations of the community policing activities of its grantees and other COPS-funded initiatives. The grantee agrees to cooperate with the 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 plans to conduct evaluations to determine what programs are working, how programs may be improved, and why certain programs are working better than others.

Specifically, the COPS Office may assess the way in which you implement your community policing program. In some jurisdictions, COPS staff 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 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 of your department, 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 grant activities.

8. Grant Owner's Manual

The grantee agrees to abide by the terms, conditions, and regulations as found in the COPS Tribal Resources Grant Program Grant Owner's Manual (and the Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, 28 C.F.R. Part 66.)

Why This Condition: This manual has been tailored to inform you of the policies, procedures, and regulations that apply to your grant. You will be responsible for the information and rules contained in this manual. More detailed guidance can be requested through your Grant Program Specialist.

What You Should Do: Please read the entire COPS Tribal Resources Grant Program Grant Owner's Manual carefully prior to signing the grant Award Document. If you have any questions, please contact your Grant Program Specialist. When you sign the Award Document, you should ensure that the proper reporting and financial systems are in place to satisfy the requirements.

9. Employment Eligibility

The grantee agrees to complete and keep on file, as appropriate, an Immigration and Naturalization Service Employment Eligibility Verification Form (I-9). This form is to be used by recipients of federal funds to verify that persons are eligible to work in the United States.

10. Grant Benefits

Officers funded under the TRGP grant may only be involved in activities or perform services that exclusively benefit your agency and the population that it serves.

Likewise, equipment, technology, training, and vehicles awarded may only be used for law enforcement activities or services that exclusively benefit your agency and the population that it serves. Equipment, technology, and vehicles funded under the TRGP grant cannot be utilized by other agencies unless it would exclusively benefit the population that your agency serves.

Why This Condition: The TRGP grant program was created under a congressional appropriation specifically designated for tribal law enforcement agencies to improve public safety in Indian communities.

What You Should Do: Your law enforcement agency should avoid any agreements with other jurisdictions to share officer positions, or other awarded equipment, technology, and/or vehicles unless the agreement specifically addresses the requirement that COPS funded officer positions or other items must exclusively benefit the grantee service population. For example, if your jurisdiction has both a tribal police department and a Bureau of Indian Affairs (BIA) Department, items funded under the grant might be able to be utilized by the BIA department as long as this would result in an exclusive benefit to the population that you serve. You may not, however, allow equipment, technology, or vehicles funded under the grant to be utilized by any agency or transferred to any agency that does not exclusively benefit the population that you serve. For example, you cannot during the grant term loan two of your awarded computers to a neighboring county's sheriff's department. Before you enter into any agreement with another law enforcement agency, you should contact your COPS Grant Program Specialist at 800.421.6770 for additional guidance.

11. Criminal Intelligence Systems

Grantees using TRGP funds to operate an interjurisdictional criminal intelligence system must comply with the operating principles of 28 C.F.R. Part 23.

Why This Condition: If your agency receives TRGP grant funding for equipment or technology that will be used to operate an *interjurisdictional* criminal intelligence system, you must comply with the operating principles found at 28 C.F.R. Part 23. An "interjurisdictional criminal intelligence system" is generally defined as a system which receives, stores, analyzes, and exchanges or disseminates data regarding ongoing pre-arrest criminal activities (examples of such activities include, but are not limited to, loan sharking, drug or stolen property trafficking, gambling, extortion, smuggling, bribery, and public corruption) and shares this data with other law enforcement jurisdictions. 28 C.F.R. Part 23 contains operating principles for these interjurisdictional criminal intelligence systems which protect individual privacy and constitutional rights.

If your agency will use the TRGP equipment or technology grant funds simply to operate a single agency database (or other unrelated forms of technology) and will not share criminal intelligence information data with other jurisdictions, 28 C.F.R. Part 23 does not apply to this grant.

What You Should Do: All TRGP grantees were required to submit the signed Criminal Intelligence Systems/28 C.F.R. Part 23 Compliance Special Condition as part of the TRGP application kit so that the COPS Office can track which agencies intend to use their TRGP funds to operate interjurisdictional criminal intelligence systems. If your agency intends to use TRGP funds to operate an interjurisdictional criminal intelligence system, you should have indicated this on the Special Condition and certified your agency's agreement to comply with the operating principles found at 28 C.F.R. Part 23. Your agency now must comply with 28 C.F.R. Part 23 in operating the interjurisdictional criminal intelligence system funded by the TRGP grant.

12. Sole Source Justification

Grantees who have been awarded funding for the procurement of an item (or group of items) in excess of $100,000 and who have already identified a vendor through a non-competitive process must provide a written sole source justification to the COPS Office prior to obligating, expending, or drawing down grant funds for that item.

Why This Condition: In general, grant recipients are required to procure funded items through open and free competition. However, in some instances, grantees may already have determined that competition is not feasible.

What You Should Do: If you have received an award for an item (or group of items) or service in excess of $100,000, and have already identified a vendor through the solicitation of only one source, you must provide a written justification that explains why it is necessary to contract noncompetitively.

The initial determination that competition is not feasible can be made if one of the following circumstances exists:

1. The item (or group of items) or service is available only from a single source;
2. A competitive solicitation would create an undesirable delay affecting the grantee's ability to meet program requirements; or
3. A number of sources were solicited but were considered inadequate.

The COPS Office will review your request and the supporting information that you provide and will make a determination as to whether or not an exception can be granted to the general rule regarding competition. Please use the format described in Section II, Procurement Process, when submitting your sole source justification to your Grant Program Specialist.

13. Community Policing

TRGP grants must be linked to the implementation or enhancement of community policing. All newly hired, additional officers (or an equal number of redeployed veteran officers) under the TRGP grant must engage in community policing. All equipment and technology items must be used to enhance community policing as outlined in your application.

Why This Condition: Community oriented policing is a policing philosophy that promotes and supports organizational strategies to address the causes and reduce the fear of crime and social disorder. This is achieved through problem-solving approaches and community-police partnerships. It enhances police professionalism by providing officers with the skills, technology, and motivation to act in innovative ways to solve community crime-related problems. Among other things, the COPS Office is charged with fulfilling the mandates under the Public Safety Partnership and Community Policing Act of 1994 in regards to enhancing community policing.

What You Should Do: You should ensure that any newly hired, additional law enforcement officers under the TRGP grant (or an equal number of redeployed veteran officers) engage in community policing. In addition, any training, equipment, or technology awarded must enhance your agency's ability to implement or enhance community policing. How community policing will be implemented or enhanced by such items was stated in your grant application and you will be required to adhere to these plans as outlined in your application. Significant changes to the community policing activities identified in your grant application must receive prior written approval from the COPS Office. Changes are "significant" if they deviate from the range of possible community policing activities identified and approved in your grant application.

14. Training

Basic law enforcement training is mandatory for all newly hired, additional law enforcement officers hired under the TRGP grant. Officers must be registered for basic training within six months from their date of hire. In addition, for those grantees who have not previously been awarded a TRGP grant, community policing and grant management training are mandatory. Grantees must send at least two representatives to community policing training, and two representatives to grant management training.

Why This Condition: The TRGP grant program is designed to increase police professionalization and officer training in tribal communities.

What You Should Do: You should ensure that any officer hired with TRGP funds be registered for basic training at a recognized training provider (such as the BIA Indian Police Academy or a state police academy) within six months from their date of hire. COPS TRGP funds will pay for one attempt per officer at basic training. If an officer fails to pass basic training on the first attempt, any additional costs associated with basic training would be at the grantee agency's expense. You may also meet this grant requirement by hiring an officer who has already completed basic training. Information on both community policing and grant management training will be sent to the grantee law enforcement executive. You should ensure that the number of persons approved to attend community policing training and grant management training (as outlined in your TRGP Final Funding Memo) attend this training within the grant term.

15. Grant Monitoring Activities

The COPS Office performs various functions to ensure compliance with grant requirements, assess the implementation of community policing, and provide technical assistance. The following monitoring activities are routine during the grant period, and may occur up to three years following the end of the grant funding. These functions, and others, may require the production of grant-related documentation and other materials. You agree to cooperate with any such requests for information.

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 purposes of the Act. The COPS Office plans to conduct evaluations to determine the total effect of COPS hiring and redeployment programs on the number of law enforcement officers implementing community policing, to measure how closely its grantees are adhering to COPS grant regulations, and to develop the best technical assistance based on this feedback.

What You Should Do: Your agency may be required to accommodate routine and non-routine efforts by the COPS Office to examine what you are doing with federal funds, both programmatically and financially. The most common ways are:

1. Site Visits – Your agency will be notified in writing in advance of any on-site review of your COPS grants. This review is generally performed over a one- or two-day period and also provides an opportunity for your agency to seek assistance on any grant implementation issues. A report is written following the visit and your agency is notified in writing of the results.
2. Office Based Grant Reviews – Certain grants are selected for a review conducted at the COPS Office. Your agency is contacted at the start of this review and our staff attempts to correct any grant problems or deficiencies through telephone, fax, or written correspondence with your agency.
3. Allegations of Noncompliance – The COPS Office responds to allegations of noncompliance from citizens, labor associations, media, and other sources. Written complaints or allegations can be mailed to the COPS Office Grant Monitoring Division, which may contact your agency to determine its compliance with grant conditions or federal regulations. The Grant Monitoring Division can be reached by calling 800.421.6770 or 202.514.9202, or by mail at 1100 Vermont Avenue, NW, Washington, DC 20530.

Grantees are responsible for remedying any grant noncompliance that is identified through these or other monitoring or auditing activities. Remedies for noncompliance may include, but are not limited to, repaying misused grant funds, voluntary withdrawal from or involuntary termination of remaining grant funds, and bars from receiving future COPS grants. To avoid findings of noncompliance, grantees are strongly encouraged to contact the COPS Office at any time during the life of a COPS grant with questions concerning grant requirements and also to produce all relevant documentation which may demonstrate grant compliance.

Assurances & Certifications

In addition to the grant conditions, your agency remains bound by the signed Assurances and Certifications that it provided to the COPS Office upon application to the Tribal Resources Grant Program.

Although the U.S. Department of Justice has made every effort to simplify the process for applying for and receiving grants, provisions of federal law require us to seek your certification regarding certain matters. Most of these Assurances and Certifications apply to all grants provided by the Federal Government. When you have completed your original application, the Assurances and Certifications that you agreed to by signing the application were included in the application kit. Another copy of the Assurances and Certifications is contained in Appendix B of this manual. If you have any questions about them, please contact your Grant Program Specialist.

Accepting the Grant Award

After you have reviewed the conditions of the award and your agency agrees with those conditions, you are ready to accept the award. At the bottom of the Award Document are three signature lines. The Director of the COPS Office has signed the Award Document indicating approval of your grant, an obligation of federal funds to your organization, and our commitment to the award. To officially begin the grant and to be able to draw down your funds, your law enforcement executive and government executive must sign the Award Document and return the original copy to:

COPS Tribal Resources Grant Program Control Desk
Office of Community Oriented Policing Services
1100 Vermont Ave., NW 8th Floor
Washington, DC 20530

(For overnight delivery, please use 20005 as the zip code.)

Faxed awards cannot be accepted.

Who should sign the award for my agency?

The law enforcement executive and government executive who have final responsibility for all programmatic and financial decisions regarding this grant award must sign the Award Document. The police chief or director of public safety is generally the law enforcement executive. The head of the tribal government is the government executive. If you have any questions as to who should sign the award, please contact your COPS Tribal Grant Program Specialist.

When do the grant materials need to be returned?

You must return the signed Award Document within 90 days of receipt. No funds may be released until we have received your original signed Award Document, and any other relevant grant conditions particular to your agency have been satisfied.

If you require an extension for accepting the award beyond the 90-day time frame from the postmark date, please request the extension in writing, stating the reason for the delay.

What are the specific rules regarding termination of grant funding?

The COPS Office has the right to sanction or to terminate your grant when there is reason to believe through periodic monitoring or review that you:

- Are not substantially complying with the requirements of the Act, the guidelines or with other provisions of federal law;
- Are failing to make satisfactory progress toward the goals or strategies in your application, as reflected by performance and status reports;
- Do not adhere to grant agreement requirements or conditions;
- Propose substantial plan changes to the extent that, if originally submitted, would have resulted in the application not being selected for funding;
- Do not submit reports (in a timely manner);
- File false certification in connection with an application, periodic report, or other document submitted to the COPS Office or to the Office of the Comptroller; or
- Provide other good cause for termination as determined by the COPS Office.

In these instances, we may:

- Temporarily withhold payments pending correction of the situation;
- Disallow all or part of the cost of the activity or action not in compliance;
- Wholly or partly suspend or terminate the current award;
- Require that some or all of the grant amounts be remitted to the U.S. Department of Justice;
- Condition a future grant or elect not to provide future grant funds until appropriate actions are taken to ensure compliance;
- Withhold further awards for the program;
- Recommend civil or criminal enforcement by other agencies; or
- Take other remedies that are legally available.

In the event that sanctions are imposed or a grant is terminated, you will be notified in writing of our decision and the reason(s) for that decision. You also will receive reasonable time to either discontinue operations or seek support from other sources.

Be advised that false statements or claims made in connection with COPS grants may result in fines, imprisonment, debarment from participating in federal grants or contracts, and/or any other remedy available by law to the Federal Government.

How Are Changes to the Grant Made?

You must seek prior approval if you plan to make grant changes relating to any of the following issues:

- Changes in the number of officers that will be hired under your COPS grant;
- Extensions to the length of the standard grant period;
- Salary and benefit changes resulting in a decrease of the award amount;
- Major programmatic changes;
- Major budget changes (e.g., your department was awarded four computers, but will purchase five with the same amount of money);
- Changes in plans to retain positions following the expiration of the COPS grant; or
- Significant changes to your community policing plan.

In order to make one of these changes, you will need to submit your plans in writing to the COPS Office for prior approval. Please document your reasons for the proposed changes and add any other information that will assist us in reviewing the changes.

1) Extending the grant

No-cost time extensions will be given, if necessary, to grantees in order to complete grant requirements and draw down all grant funds. Extensions do not affect the amount of the grant, only the end date of the grant. If extensions to complete grant requirements are necessary, they may be requested no earlier than 90 days before the end of the grant period. The COPS Office will send information to you regarding the criteria and procedure for an extension before the end of the initial grant period.

2) Modifying the grant

You must seek prior approval if you plan to make grant changes relating to any of the following issues:

- changes in grant officer position(s);
- salary and benefit changes;
- major programmatic changes;
- major budget changes (e.g., your department was awarded ten laptop computers, but will purchase two special conveyance vehicles with the same amount of money).

In order to make one of these changes, you are required to submit your plans in writing to the COPS Office for prior approval. Please submit a new budget detailing the proposed changes and accounting for all total project costs. Please document your reasons for the proposed changes and any information that will assist us in reviewing the changes.

3) Withdrawing from the grant

The COPS Office allows grantees to request to withdraw from their Tribal Resources Grant Program award at any point during the grant period. However, if federal funding has been drawn down, grantees must comply with all COPS grant conditions (such as the local match) and may not withdraw to avoid remedying any previous grant violations.

If you wish to withdraw from your Tribal Resources Grant Program grant, there is a specific withdrawal process which includes (1) sending your withdrawal request to the COPS Office in writing and (2)

sending an up-to-date Financial Status Report (SF269A). There may also be other requirements that you must complete. Please contact your Tribal Grant Program Specialist at 800.421.6770 for further guidance on the withdrawal procedures.

4) Other questions about accepting the grant

If for any reason you have questions about accepting this grant, please contact your Grant Program Specialist by calling 800.421.6770.

If you have decided not to accept this grant, please send us a letter advising us of your decision. However, prior to deciding not to accept your COPS Tribal Resources Grant Program grant, please do not hesitate to contact your Grant Program Specialist to discuss other options such as modifying your grant to fund fewer officers.

II. Procurement Process

- Grantees will be required to submit a Sole Source Justification (SSJ) request if a competitive bidding process will not be possible and the threshold of $100,000 for goods or services procured from a sole source is met. The COPS Office will review your request and supporting information to determine whether an exception can be granted to the general rule of open competition. All grantees are expected to review and abide by 28 C.F.R. Part 66.36 Procurement (or 28 C.F.R. Part 70.40 - 70.48 for institutions of higher education, hospitals and other non-profit organizations) in determining if an SSJ must be completed. Please contact your Grant Program Specialist at 1.800.421.6770 for further assistance with this federal regulation.

- The initial determination that competition is not feasible can be made if one of the following circumstances exists:
  1. The item (or group of items) or service is available only from a single source;
  2. A competitive solicitation would create an undesirable delay affecting the grantee's ability to meet program requirements;
  3. A number of sources were solicited but were considered inadequate.

If your agency is submitting the written request for approval for a Sole Source Justification, the documentation should follow the format provided below.

Paragraph 1 – A brief explanation of the program and what requested goods or services will be procured without competition (from a sole source).

Paragraph 2 – An explanation of why it is necessary to procure non-competitively, including the following information:

- Expertise of contractor/consultant/manufacturer
- Management
- Responsiveness
- Knowledge of program
- Experience of contractor/consulting/manufacturing personnel
- Results of a market survey to determine competition availability, or if one was not conducted, an explanation why not

Paragraph 3 – Time Constraints

- When goods or services are required and why
- Impact on the program if dates are not met
- How long it would take another contractor/consultant/manufacturer to reach the same level of competence (equate to dollars, if possible)

Paragraph 4 – Uniqueness

Paragraph 5 – Other points that should be covered to justify the sole source

Paragraph 6 – A declaration that this action is in the "best interests" of the agency.

III. Accessing Grant Funds

This section provides information about how your department receives funds and gives answers to payment-related questions. If you are a new COPS grantee, you should receive a packet of financial documents shortly after we receive your signed Award Document. This packet will contain all of the information that you need in order to set up your payment method. For assistance with financial management and grant administration, please refer to the COPS Office's Grant Monitoring Standards and Guidelines, available online at www.cops.usdoj.gov or by calling the U.S. Department of Justice Response Center at 800.421.6770. For first-time grantees, there is currently only one method of payment available to you for accessing your federal funds, which is PAPRS (phone activated). Existing grantees who are already using PAPRS for previously awarded grants must also use PAPRS for the TRGP program. Only existing grantees who are currently using LOCES for previously awarded COPS grants can elect to use LOCES for any new grants.

Payment Methods

A. PAPRS (Phone Activated Paperless Request System)

PAPRS enables grantees to use their touch-tone telephone to request funds. Requests for payment that are approved will be automatically scheduled for payment through the U.S. Treasury Department. The system also provides online information to grantees about the status of their requests.

If you do not have a touch-tone telephone, please contact the U.S. Department of Justice Response Center at 800.421.6770 for further instructions of the payment process.

How do we set up a PAPRS account?

If you are a new grantee to the COPS Office, you should receive a packet of financial documents shortly after we receive your signed Award Document. This packet will contain all of the information that you need to set up your payment method. You will receive a PAPRS user's manual under separate cover from the Office of the Comptroller, Accounting Division. Once you receive your OJP Vendor Number (which may or may not be the same as your taxpayer identification number), PIN number, and Grant ID number, you can follow the directions in the user's manual to access your funds.

B. LOCES (Letter of Credit Electronic Certification System)

Only existing grantees who are currently using LOCES for previously awarded COPS grants can elect to use LOCES for any new grants.

LOCES is a communication system that allows recipients of COPS funds to electronically request payment from any of their grant funds, and receive direct deposit to their bank accounts within 48 hours. You will need a computer with a dedicated modem in order to use this system.

1. To make requests for payments through LOCES, you must have a personal computer operating DOS 3.1 or higher. We recommend at least a 28.8-baud modem.
2. Complete and return the LOCES Automation Survey Form. Upon receipt, your LOCES software will be customized for your use and forwarded to you.
3. Complete an ACH Vendor / Miscellaneous Payment Enrollment Form (SF-3881) and forward it to your bank.

If you have any questions about LOCES, contact the U.S. Department of Justice Response Center at 800.421.6770.

Setting Up Your Account

How do I fill out the payment enrollment forms?

In the packet of financial documents you received is an Automated Clearinghouse (ACH) Vendor / Miscellaneous Payment Enrollment Form (SF-3881). The ACH Vendor / Miscellaneous Payment Enrollment Form (SF-3881) needs to be filled out regardless of the payment method. Prior to trying to access your funds, you must mail the original to:

Office of Justice Programs
Office of the Comptroller
810 7th Street, NW 5th Floor
Washington, DC 20531

The "Agency Information" section has been filled out by COPS. Your agency needs to fill out the "Payee / Company Information" section following the directions on the back of the form. You also need to provide the grant number (printed on the Award Document) on this form. Then you must have your financial institution complete the "Financial Institution Information" section and have the appropriate financial official sign the form.

If you are already a COPS grantee, you should already have completed an ACH Vendor / Miscellaneous Payment Enrollment Form (SF-3881). If you have any questions, please call the U.S. Department of Justice Response Center at 800.421.6770.

Do I need a Financial Status Report to open my account?

After your agency returns the signed award to the COPS Office, you are required to begin submitting quarterly Financial Status Reports (FSRs) using a Standard Form 269A (SF-269A). This report reflects the actual monies spent and unliquidated obligations incurred by your agency. You will not be able to draw down from your grant account if the SF-269A for the most recent reporting quarter is not on file with the COPS Office.

For your first SF-269A submission, use the chart below to check to see when the most recent SF-269A reporting quarter ended and complete a SF-269A to cover the period from the award start date of your grant to that particular end date. You are required to submit a SF-269A even if you have not spent any money or incurred any costs during a reporting period.

SF-269A Reporting Quarter End Date	Due Date
3/31/YY	No later than 5/15/YY
6/30/YY	No later than 8/15/YY
9/30/YY	No later than 11/15/YY
12/31/YY	No later than 2/15/YY

Example:

Your award start date is 2/1/02 and your signed award was received and processed at COPS on 4/15/02. If the current date is 4/15/02, your first SF-269A would be due no later than 5/15/02 and would cover the period 2/1/02 (award start date) through 3/31/02 (most recent reporting quarter ended date). This SF-269A must be on file with the COPS Office so that you can successfully request a draw down of funds through PAPRS (or LOCES as applicable).

For information as to how to complete and where to submit your quarterly FSRs, see the section of this Grant Owner's Manual entitled "Reports."

Additional Payment Questions

Can we receive advances?

Yes. If you receive funds through electronic transfer, the period allowed is 10 days in advance. In general, the concept of "minimum cash on hand" applies to COPS grants. The minimum cash on hand concept requires that you request funds based upon immediate cash disbursement needs. You should time your request for payment to ensure that federal cash on hand is the minimum that you need. There should be no excess federal grant funds on hand, except for approved advances discussed above.

The Federal Government has four basic rules regarding advances. Advances can be terminated if the grantee:

- Is unwilling or unable to attain project goals;
- Retains excessive cash on hand;
- Does not adhere to the terms and conditions of the grant; or
- Fails to submit reliable and timely reports.

How often do we request reimbursement of costs?

There is no set number of times you should request reimbursements. Only reimbursements for allowable training, technology, equipment, and actual salaries and benefits of TRGP officers can be made. Please refer to your Financial Clearance Memorandum(s) for an outline of your allowable costs.

Can we earn interest on our grant funds?

You should minimize the time between your drawdown of grant funds and your payment of grant costs to avoid earning excess interest on grant funds. You must account for interest earned on advances of federal funds as follows:

- You may keep interest earned on all advances of federal grant funds up to $250 per fiscal year; and
- Annually pay back interest earned (over and above $250 per fiscal year) on advances of federal grant funds to the U.S. Department of Health and Human Services, Payment Management Systems, Rockville, MD 20852.

IV. Meeting the Local Match

The COPS Tribal Resources Grant Program provides up to 75 percent of the cost of allowable items. Grantees are responsible for at least 25 percent of the total cost of allowable items unless the requirement of a local match has been waived in whole or in part. The match must be a cash match made from tribal, local, state, or other non-COPS funds. For Equipment and Training grants, contributions may be applied at any time during the life of your grant, provided that the full matching share is obligated by the end of the grant period. If you were awarded a three-year hiring grant, as a percentage of the total the local share must increase every year during the grant period and the federal share must decrease. The local match may not be paid from funds already budgeted for a specific law enforcement purpose (you may not reallocate funds from within your law enforcement budget to pay the local match). The local match must be in addition to funds previously budgeted for specific law enforcement purposes.

Matching Funds

What are some sources of matching funds?

Sources for match requirements may include:

- Program income funds from asset forfeitures;
- Funds from state, local, and/or tribal government that are committed to matching funds for your program;
- Funds from federal programs which specifically authorize use as matching funds, such as the Housing Community Development Act of 1974, the Equitable Sharing Program or Bureau of Indian Affairs Funding; or
- Funds contributed by private sources.

When and how must the match be made?

For Equipment and Training grants, matching contributions may be applied at any time during the life of your grant provided that the full matching share is obligated by the end of the grant period. **If you were awarded a three-year hiring grant, as a percentage of the total, the local share must increase every year during the grant period and the federal share must decrease.** This means that if you received $60,000 from the Federal Government for your COPS Tribal Resources Grant Program officer, you could spend the federal share at $38,000 for year one, $15,000 for year two, and $7,000 for

year three and meet this requirement. If you have any questions about adjusting your match from what is stated in your budget, please contact your Grant Program Specialist or Staff Accountant.

Should I maintain records of the match?

You should maintain records of your local share. These records should clearly show the source of the match, the amount of the match, and when the match was contributed.

Waivers of the Local Match

Can the matching requirement be waived?

In order to maximize the number of communities that can take advantage of COPS grants, waivers of the local match are considered. Waiver requests will only be considered when a jurisdiction makes the request at the time of application. Applicants that were able to provide satisfactory documentation of severe fiscal distress were eligible for waivers. Except in extreme situations, requests for waivers after an award has been made will not be considered and are always subject to funding availability.

How were waivers granted?

It is the burden of the jurisdiction to demonstrate extreme fiscal distress at the time of application. Waivers fall under two categories: **presumptive and case by case**. If, at the time of application, the applicant is declared bankrupt by a court of law or placed in financial receivership by the state or Federal Government, a presumptive waiver is granted. Case by case waivers are reviewed based on a demonstration of severe fiscal distress, including:

- Budgetary imbalance or expenditure cutbacks resulting in significant reductions in other services provided by the applicant;
- Significant lay-offs of personnel in the applicant department;
- Significant downgrading of the applicant's bond rating due to fiscal distress;
- Bureau of Indian Affairs funding cuts that have negatively impacted your ability to serve tribal community members and have caused financial hardship;
- Other federal or state funding cuts that have negatively impacted your ability to serve tribal community members and have caused financial hardship;

- Funding cuts that have caused:
  a) Lay-offs within the tribal government
  b) Lay-offs within the police department
  c) A reduction in necessary overtime expenses for your law enforcement agency
  d) A reduction in your law enforcement agency's ability to purchase necessary supplies, equipment, and/or vehicles;
- Loss or relocation of a primary employer and how this has caused financial hardship;
- Private enterprises in which the tribal government engages that are currently experiencing financial hardship;
- Budget deficit within the tribal community;
- Poverty rate within the tribal community;
- Unemployment rate within the tribal community;
- 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. This includes both federal and state disaster areas;
- A natural disaster that has recently affected your tribal lands and has caused financial hardship;
- Extraordinary and/or unanticipated non-recurring expenses and/or loss of revenue resulting in severe financial distress;
- A current determination by another federal or state agency of qualification of matching funds based on severe fiscal distress;
- A declaration as a fiscally distressed area by the state where the tribe is located;
- Declaration of bankruptcy by a court of law;
- Being placed in receivership, or its functional equivalent, by a state or the Federal Government;
- Filing for bankruptcy, receivership, or similar measure, with the request for relief pending; or
- Other documentation of severe financial distress that is not accounted for by the above criteria.

How are we notified about whether we received a waiver or not?

The cover letter and Financial Clearance Memo in your grant award package will indicate whether your request for a waiver was granted. If you received a waiver and have additional questions, please contact your Grant Program Specialist.

Please note that even if you did receive a waiver, you are still required to develop and implement your retention plan for the continuation of the funded activity following the conclusion of the federal assistance.

How do we appeal the denial of a waiver?

If your waiver request was denied and you would like to appeal the decision, please make your appeal in writing to:

U.S. Department of Justice
Office of Community Oriented Policing Services (COPS)
Attn: Assistant Director for Grants Administration
1100 Vermont Avenue, NW
Washington, DC 20530

(For overnight delivery, please use 20005 as the zip code.)

V. Financial Record Maintenance

Under your COPS Tribal Resources Grant Program grant, you are required to establish and maintain accounting systems and financial records to accurately account for funds awarded and disbursed. These records need to include both federal and matching funds.

Accounting Systems

You need to establish and maintain accounting systems and financial records to accurately account for funds awarded to you. These records should include both federal funds and matching funds of your agency.

Your accounting system should:

- Present and itemize approved costs of training, equipment, technology, and salaries and benefits and show the actual costs of these items;
- Assure responsible use of grant funds;
- Assure that funds are spent in conformance with your grant conditions; and
- Be able to provide the necessary information for periodic review and audit.

What records should be kept?

Your fiscal control and accounting systems should enable you to make accurate, current, and complete disclosure of the financial activity under your COPS Tribal Resources Grant Program grant. Your accounting records should contain information showing expenditures under the grant and must be supported by items such as payrolls, time and attendance records, canceled checks, or similar documents.

You must adequately safeguard grant funds and make sure that they are used for authorized purposes. You will be responsible for refunding expenditures disallowed by your grant.

How long should documents be kept?

All financial records, including payroll, time and attendance records, canceled checks, and similar documents associated with your COPS Tribal Resources Grant Program grant should be kept for at least three years from the date that the COPS Office officially closes the grant. If any litigation, claim, negotiation, audit, or other action

Records should be kept for at least three years from the date that the COPS Office officially closes the grant.

involving these records has been started before the end of the three-year period, the records should be kept until completion of the action. These records should be easily located and should be properly protected against fire or other damage. You should maintain your records so that you can identify them by grant year or by your fiscal year, whichever you find more convenient.

What if we have more than one grant?

If you have more than one federal grant, funds received under one project may not be used to support another project. Your accounting systems and financial records must reflect expenditures for each project separately.

Federal funds (other than other COPS Office funds) may be used to meet your match only if they are specifically approved as allowable expenditures by the federal agency providing those funds to your agency and the COPS Office. If federal funds are being used to meet your local match, your accounting system should accurately document how the funds are being used and the programmatic intent of the match funds.

Who may access our records?

Authorized federal representatives, including representatives of the U.S. Department of Justice and the Comptroller General, may access these records as long as they exist for the purposes of making audits, examinations, excerpts, or transcripts.

VI. Federal Audit Requirements

Audit Requirements

In addition to oversight, guidance and counsel provided by the COPS Office, your grant may be subject to an audit by independent examiners. The two primary types of audit are Single Audit Act (SAA) audits and Department of Justice (DOJ) Office of the Inspector General (OIG) audits.

What are the regulations governing SAA requirements?

The Single Audit Act of 1984 established uniform guidelines for state and local governments receiving federal financial assistance. The 1984 Act was amended in July 1996 to reflect revised audit criteria and reporting requirements. The Office of Management and Budget Circular A-133, Audits of States, Local Governments and Non-Profit Organizations, provides additional guidelines regarding the implementation of SAA requirements.

Who must have an SAA audit?

Each non-federal entity that expends a total amount of federal awards equal to or in excess of $300,000 in a fiscal year is required to have an SAA audit for that fiscal year. SAA audits are conducted annually unless a state or local government is required by constitution or statute, in effect on January 1, 1987, to undergo audits less frequently than annually. The primary objective of an SAA audit is to express opinions on the grantee's financial statements, internal controls, major and non-major grant programs, and compliance with government laws and regulations. Single audits may also address specific compliance issues with respect to COPS grant requirements.

If the U.S. Department of Justice is your Cognizant Federal Agency (see Glossary of Terms for definition), your Single Audit Act reports should be sent to the U.S. Department of Justice Clearinghouse at:

Federal Audit Clearinghouse
Bureau of Census
1201 E. 10th Street
Jeffersonville, IN 47132

What is the role of the Office of the Inspector General?

The OIG is a separate component of the Department of Justice and is independent of the COPS Office. The primary objective of OIG audits is to assess compliance with grant conditions. OIG audits are designed to promote economy, efficiency, and effectiveness in the administration of grants by evaluating compliance with laws, regulations, and policies/procedures governing the operations encompassed in the scope of the audit.

On what basis are COPS grants selected for an OIG audit?

Occasionally, the OIG conducts a COPS grant audit in response to a referral that the OIG believes warrants further evaluation. The OIG also surveys DOJ agencies on an annual basis to solicit input on suggested audit areas for the upcoming fiscal year. In most instances, however, the OIG selects grants based on a number of factors, including the geographical distribution of grants awarded, award amount, population served, and type of grant. As such, the fact that your grant has been selected for an OIG audit is not necessarily indicative of a suspected concern or problem area.

The COPS Audit Division serves as the liaison between grantees and auditors in the conduct of OIG audits. The U.S. Department of Justice, Office of Justice Programs (OJP) serves as the liaison between grantees and auditors in the conduct of SAA audits. Questions and comments regarding OIG audits and SAA audits may be directed to the U.S. Department of Justice Response Center at 800.421.6770. Questions and comments regarding the administration of your TRGP grant, not specifically related to an audit, should be referred to your Grant Program Specialist.

VII. Reports

Periodically, you will be asked to provide two types of reports: Program Progress Reports and Financial Status Reports. Funds and future awards may be withheld if reports are not returned or are excessively late.

Program Progress Reports

The Program Progess Report – This report is required as requested by the COPS Office during the life of the grant (not to exceed one per year.) It will be mailed to the grantee and must be completed and returned within 45 days of its receipt.

How often will Progress Reports be requested?

The Program Progress Report will be requested not more than once a year.

What kind of information will these reports require?

These reports will request information about the status of your grant in terms of selection, hiring, or training; characteristics of the officers you have hired; descriptions of officer activities; purchase of equipment and technology; and general information about your department. You also will be asked about progress you have achieved in implementing community policing.

Financial Status Reports

How will grant funds be monitored?

The COPS Office and designated representatives from the Office of the Comptroller, Office of Justice Programs monitor the financial aspects of your grant through financial reports, meetings, telephone contacts, reports, audits, review of grant change requests, and special request submissions. In specific cases, information may be requested during an on-site visit.

How do I file Financial Status Reports under PAPRS?

Your agency is required to submit quarterly Financial Status Reports (FSRs) using a Standard Form 269A (SF-269). This report reflects the actual federal monies spent and unliquidated obligations incurred, local matching contributions, and the unobligated balance of federal

funds. The FSR is due at the COPS Office no later than 45 days following each calendar quarter. A chart showing the reporting quarter dates and due dates is provided in the section of this manual entitled "Setting Up Your Account." A Helpful Hints Guide for Completing FSRs is available at COPS online (www.cops.usdoj.gov) or by calling the U.S. Department of Justice Response Center at 800.421.6770.

A blank copy of the SF-269A form is included in your award package. Please make copies of the SF-269 form (both sides) and retain these forms for future use. Fax completed forms to:

COPS Finance Control Desk: 202.616.9004
Alternative Fax: 202.514.2852

Or mail to:

U.S. Department of Justice
Office of Community Oriented Policing Services
1100 Vermont Ave., NW
Attention: COPS Finance Control Desk
Washington, DC 20530

How do I file Financial Status Reports under LOCES?

Under the LOCES payment method, you are required to complete and return quarterly Financial Status Reports (SF-269) within 45 days after the end of the calendar quarter. However, you have the option of completing those reports electronically each quarter.

Contact Points to Obtain Technical Assistance and Report Non-Compliance

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 grant must be reported to the U.S. Department of Justice. Furthermore, the COPS Office welcomes the opportunity to provide assistance regarding the implementation of grant provisions to help ensure that federal grant funds are spent responsibly. As such, the following contacts are provided to address non-compliance and technical assistance issues:

- If you suspect violations of a criminal nature, please contact the Office of the Inspector General's Hotline at 800.869.4499.
- If you suspect non-compliance (not criminal in nature) as it relates to the grant conditions listed in this manual, please contact the COPS Grant Monitoring Division at 202.514.9202.
- If you have any questions and/or need assistance regarding your grant, please contact your COPS Grant Program Specialist at 800.421.6770.

VIII. When the Grant Period Has Ended

Grant Closeout

At the end of your grant period, the COPS Office is responsible for the "closeout" of your grant. To fulfill this requirement, we must determine that you, as well as the COPS Office, have completed all of the work required of the grant. The COPS Office will send you a Closeout Notification Toolkit to assist you with the official closeout of your grant.

Final Financial Status Report

The final Financial Status Report of your grant award is due within 120 days after the end of the grant period. (Example: If the training and equipment award period is August 1, 2001 to July 31, 2002, the final report is due by November 30, 2002). This final report should reflect the total amount of federal expenditures, the total amount of matching contributions, and the amount of unobligated funds, if any. Any unobligated or unspent funds will be deobligated from the award amount.

When should all of the grant monies be spent?

Grant funds must be obligated by the end of the grant period. Obligated funds cover expenses that you have incurred but not yet paid. You have up to 90 days after the end of the grant period to request reimbursement for the funds that your organization has obligated.

Final Progress Report

At the end of your grant award period, the COPS Office will ask you to submit a final Progress Report. The final Progress Report and its instructions will be mailed to you. It will request information similar to the Progress Reports.

IX.Conclusion

We hope that this manual has assisted you with your grant questions. We welcome and encourage any comments you have regarding the COPS Tribal Resources Grant Program and the materials we are developing for its administration. If you have specific comments regarding this manual, please send them to:

COPS Tribal Resources Grant Program
Grant Owner's Manual
1100 Vermont Ave., NW
Washington, DC 20530

(For overnight delivery, please use 20005 as the zip code.)

We will review these comments and make revisions as appropriate.

If you have any questions about your grant, please call your Grant Program Specialist at 800.421.6770.

Glossary of Terms

Allowable Costs

Allowable costs are expenses that may be funded by this grant program. COPS Tribal Resources Grant Program (TRGP) provides for funding of entry-level salary and benefits for newly hired, additional sworn officer positions, and background checks for new and existing officers, as well as funding for training and equipment for new and existing officers. Upon review of your submitted budget, any unallowable costs were removed, and your total budget amount was revised accordingly. The Financial Clearance Memorandum that was included in your award package will outline your allowable costs and note any relevant revisions that were made to your original budget submission.

Authorized Official

The authorized official is the individual in your organization who has final responsibility for all programmatic and financial decisions regarding this grant award. The Law Enforcement and Government Executives listed on your Award Document should be the authorized officials for your grant award. If the authorized official(s) change during the grant term, you are required to notify the COPS Office and submit a Change of Information Form.

Award Start Date

This is the date on or after which your agency is authorized to spend funds to hire new, additional officers and/or purchase any allowable items approved under your TRGP grant. This date is found on your original Award Document. Grantees may not expend funds or hire COPS-funded officers prior to this date without the written approval of the COPS Office.

Career Law Enforcement Officer

A career law enforcement officer is an officer hired on a permanent basis who is authorized by law or by a state or local public agency to engage in or supervise the prevention, detection, or investigation of violations of criminal law.

Catalog of Federal Domestic Assistance (CFDA)

The CFDA is a government-wide publication orchestrated by the General Services Administration. It is published annually. The CFDA contains a description and index of all forms of federal assistance available from the federal government. Each grant-making agency is responsible for submitting descriptions of their programs. Each program is assigned a "CFDA number" by the editors of the catalog. The CFDA number is used by auditors in tracking grant revenues under the Single Audit Act and State Single Points of Contact in conducting the required intergovernmental reviews under Executive Order 12372 in those states that participate in that program. The COPS CFDA number is 16.710.

Closeout

After the end of your grant period, the COPS Office is responsible for the "closeout" of your grant. To fulfill this requirement, we will determine that you, as well as the COPS Office, have completed all of the work required by the grant.

Cognizant Federal Agency

This is the federal agency that generally provides the most federal financial assistance to the recipient of funds. Cognizance is assigned by the Office of Management and Budget (OMB).

Community Policing

Community policing is a policing philosophy that promotes and supports organizational strategies to address the causes and reduce the fear of crime and social disorder through problem solving tactics and community-police partnerships. A fundamental shift from traditional, reactive policing, community policing stresses the prevention of crime before it occurs. Community policing is an integral part of combating crime and improving the quality of life in the nation's cities, towns, tribal communities, and rural areas. Core components of community policing include partnering with the community; problem solving; and transforming policing agencies to support and empower frontline officers, decentralize command and encourage innovative problem solving.

All federal funds received from the COPS Office are to be applied to the implementation and promotion of the community policing philosophy in law enforcement.

Under the Tribal Resources Grant Program, community policing training is mandatory for all grantees that have not previously been awarded a TRGP grant. Training will be delivered by the Regional Community Policing Institutes under the auspices of the COPS Office. If you are a first-time TRGP grantee, your agency will be contacted about such training in the near future.

Information about the Regional Community Policing Institutes may be obtained from COPS Online at www.cops.usdoj.gov or by contacting COPS at 800.421.6770.

COPS Finance Team

The COPS Finance Team handles the financial and budgetary aspects of your grant. A Staff Accountant has been assigned to your state to answer any financial questions that you may have. To identify your Staff Accountant, refer to COPS Online at www.cops.usdoj.gov or call 800.421.6770. Please note that the Staff Accountant listed on your Financial Clearance Memorandum(s) may not be the same as the accountant assigned to your state post-award.

COPS Office

The Office of Community Oriented Policing Services (COPS) is your "grantor" or "awarding" agency for your Tribal Resources Grant Program grant. The COPS Office is responsible for administering your grant for the entire grant period. You can reach the COPS Office at 800.421.6770.

Federally Recognized Tribes

These are tribal entities that are Federally Recognized and are eligible for funding and services from the Bureau of Indian Affairs by virtue of their status as Indian tribes. They are acknowledged to have the immunities and privileges available to other 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: Bureau of Indian Affairs, Division of Tribal Government Services, MS-4631-MIB, 1849 C Street N.W., Washington, D.C. 20240, 202.208.2475.

Financial Clearance Memorandum

A Financial Clearance Memorandum is generated and signed by a Finance Staff Accountant providing approval of the budget and detailing the total project cost, federal share, and applicant share.

Grant Number

This number is in the following format: YEAR-HHWX-0000 for three-year hiring grants and YEAR-HEWX-0000 for one-year equipment and training grants. It can be found on your grant Award Document. When calling the COPS Office, please have your grant number available, as it will assist staff in determining to which grant you are referring.

Matching Funds

Under the COPS Tribal Resources Grant Program, unless a waiver has been granted because of severe fiscal distress, the COPS Office provides up to 75 percent of the total project costs. This means that the maximum that the COPS Office can pay per new law enforcement officer for the three-year grant period is $75,000 for entry-level salary and fringe benefits and 75 percent of project costs associated with training, technology, equipment, and/or vehicles. COPS Tribal Resources Grant Program grantees are responsible for a cash match of at least 25 percent of the total cost of allowable items. Matching funds may not be taken from your agency's law enforcement budget, but must be additional funds made available specifically to pay the local match. Bureau of Indian Affairs funding may be used for this purpose. Grantees are responsible for any additional project costs in excess of approved funding as outlined in the agency's Financial Clearance Memorandum(s).

Obligation of Funds

The COPS Office "obligates" federal funds when the grant award document is signed by the Director or his designated official. Funds are reserved against the grant and made available to a grantee for draw down to cover allowable costs incurred during the period of the grant. For the grantee, grant funds are "obligated" when monies are spent or orders are placed for purchasing approved items under the TRGP program. 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).

OJP Vendor Number/EIN Number

The EIN number is your agency's nine-digit federal tax identification number as assigned to you by the IRS. In some cases, the EIN has been previously assigned to another agency within your jurisdiction. In that instance, a new vendor number will be assigned to you by the Office of the Comptroller. The newly assigned OJP vendor number is to be used for administrative purposes only and should not be used for IRS purposes.

ORI Number [Originating Agency Identifier]

This number is assigned by the FBI, as a law enforcement 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. It can be found on your grant Award Document. It is also a shortened version of the law enforcement agency National Crime Information Center (NCIC) identifier. 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 (the last two digits will be "Z" if your code is a non-official ORI code). When you contact the COPS Office with a question, you can use the ORI number or your grant number, and we will be able to assist you.

The Public Safety Partnership and Community Policing Act of 1994

The COPS Office is charged with fulfilling the mandates of this law. Among other things, 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.

Supplanting

For the purpose of your COPS grant, supplanting means replacing state, local, or Bureau of Indian Affairs funds which otherwise would have been spent on law enforcement purposes with federal COPS funds. You are prohibited from supplanting throughout the three-year hiring grant period, which means that you may not use COPS funds to pay for any sworn officers (full-time, part-time, reserve, or other paid officer positions) who otherwise would have been employed in the absence of the COPS program. You are also prohibited from supplanting throughout the one-year equipment grant period, which means that you may not use COPS funds to purchase anything that otherwise would have been purchased with state, local, or BIA funds in the absence of the COPS program. COPS funds must instead be used to supplement your law enforcement budget. This means that you can only use COPS TRGP funds to pay for new officers hired, or equipment purchased, after the official award start date. In assessing the presence of supplanting, throughout the grant period we will expect you to hire new officers at a level consistent with recent historical practice and to take positive and timely steps to fill all vacancies in your locally funded sworn personnel resulting from attrition. For further information, please review grant condition #2.

Technology

Allowable technology items can include computer hardware, software, mobile data computers, communication systems, dispatch systems, NIBRS-compliant crime data systems, and installation and training costs associated with technologies.

Training

Basic law enforcement training is required for all new officer positions awarded under TRGP. All new officers hired should be registered to attend training within six months from their date of hire. Community policing and grant management training are required for all grantees that have not previously been awarded a TRGP grant. Computer training and/or technical assistance for systems, hardware, and/or software are allowable as set forth in your approved Financial Clearance Memorandum.

Uniforms and Basic Issue Equipment

Allowable uniforms and basic issue equipment include items that are standard issue for new recruits, such as standard attire, dress attire, outerwear, footwear, hats, caps, gloves, badges, primary issue handgun, holster, bullet-proof vest, portable radio and holder, gun belt and accessories, pepper spray and holder, baton and baton holder, handcuffs and case/holder, manuals, reference books, notebooks, etc. All approved items were outlined on your Financial Clearance Memorandum.

Vehicles

Allowable vehicles include standard police vehicles and basic vehicle accessories. Allowable vehicles may also include special conveyances such as motorcycles, snowmobiles, ATVs, or vehicles standard to the law enforcement agency and based on demonstrated need.

Waivers of the Local Match

A waiver of the 25 percent local match requirement is available to applicants that demonstrate severe fiscal distress resulting in an inability to provide adequate law enforcement services. Requests for a waiver are considered on a case-by-case basis and must be made at the time of the application. Waivers are described in their entirety in the "Guidelines for Waivers of Local Match" section of the Tribal Resources Grant Program Application Kit and Instructions. Contact your Grant Program Specialist for further assistance. Except in extreme circumstances, and subject to funding availability, waiver requests will not be considered if they were not submitted with the original TRGP application.

X. Appendices

Appendix A – List of Source Documents

Primary Sources:

Public Safety Partnership and Community Policing Act of 1994, 42 U.S.C.

COPS Office Grant Monitoring Standards and Guidelines.

Additional Sources:

Code of Federal Regulations (CFR)

28 CFR Part 23 Criminal Intelligence Systems Operating Procedures

28 CFR Part 66 Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments

28 CFR Part 67 Government-wide Requirements for Drug-Free Workplaces (Grants)

28 CFR Part 69 Government-wide New Restrictions on Lobbying

28 CFR Part 70 Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations

31 CFR Part 205 Treasury Department Regulations Implementing for Cash Management Improvement Act of 1990

OMB Circular A-87 Cost Principles for State and Local Governments

OMB Circular A-133 Audits of Educational Institutions

Assurances for COPS TRGP 2003 (Included)

Executive Order 12547 "Non-Procurement Debarments and Suspension"

Executive Order 12372, 28 CFR Part 30 "Intergovernmental Review of Federal Programs"

OMB Circular A-129 Managing Federal Credit Programs

4 CFR Parts 101-105 Department of Justice/General Accounting Office, "Joint Federal Claims Collections Standards"

5 CFR Part 1320 "Controlling the Paperwork Burden on the Public"

Executive Order 12291 "Regulations"

5 CFR Part 151 "Political Activities of State and Local Officials or Employees"

Appendix B – Assurances

Several provisions of federal law and policy apply to all grant programs. We (the Office of Community Oriented Policing Services) need 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 Grant Program Specialist at (800) 421-6770.

By the applicant's authorized representative's signature, the applicant assures that it will comply with all legal and administrative requirements that govern the applicant for acceptance and use of federal grant funds. In particular, the applicant assures us that:

1. It has been legally and officially authorized by the appropriate governing body (for example, mayor or city council) to apply for this grant 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 grantee employees whose principal employment is in connection with an activity financed in whole or in part with this grant. 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 Federal Fair Labor Standards Act, 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.

5. It will give the Department of Justice or the Comptroller General access to and the right to examine records and documents related to the grant.

6. It will comply with all requirements imposed by the Department of Justice as a condition or administrative requirement of the grant, including but not limited to: the requirements of OMB Circulars A-87, A-21, A-122, or the Federal Acquisition Regulations, as applicable (governing cost principles); OMB Circulars A-102 or A-110, as applicable (Uniform Administrative Requirements for Grants and Cooperative Agreements); OMB Circular A-133 (governing audits); the applicable provisions of the Omnibus Crime Control and Safe Streets Act of 1968, as amended; the current edition of the COPS Grant Monitoring Standards and Guidelines; and with all other applicable program requirements, laws, orders, regulations, or circulars.

7. If applicable, 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, on the ground of race, color, religion, national origin, gender, disability or age, 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. These civil rights requirements are found in the non-discrimination provisions of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (42 U.S.C. § 3789(d)); Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. § 2000d); the Indian Civil Rights Act (25 U.S.C. §§ 1301-1303); Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794); Title II, Subtitle A of the Americans with Disabilities Act (ADA) (42 U.S.C. § 12101, et seq.); the Age Discrimination Act of 1975 (42 U.S.C. § 6101, et seq.); and Department of Justice Non-Discrimination Regulations contained in Title 28, Parts 35 and 42 (subparts C, D, E and G) of the Code of Federal Regulations.

A. In the event that any court or administrative agency makes a finding of discrimination on grounds of race, color, religion, national origin, gender, disability or age against the applicant after a due process hearing, it agrees to forward a copy of the finding to the Office of Civil Rights, Office of Justice Programs, 810 7th Street, NW, Washington, D.C. 20531.

B. Grantees that have 50 or more employees and grants over $500,000 (or over $1,000,000 in grants over an eighteen-month period), must submit an acceptable Equal Employment Opportunity Plan ("EEOP") or EEOP short form (if grantee is required to submit an EEOP under 28 CFR 42.302), that is approved by the Office of Justice Programs, Office for Civil Rights within 60 days of the award start date. For grants under $500,000, but over $25,000, or for grantees with fewer than 50 employees, the grantee must submit an EEOP Certification. (Grantees of less than $25,000 are not subject to the EEOP requirement.)

9. Pursuant to 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's (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. Pursuant to Executive Order 13043, it will enforce on-the-job seat belt policies and programs for employees when operating agency-owned, rented or personally-owned vehicles.

13. It will not use COPS funds to supplant (replace) state, local, or Bureau of Indian Affairs funds that otherwise would be made available for the purposes of this grant, as applicable.

14. If the awarded grant contains a retention requirement, it will retain the increased officer staffing level and/or the increased officer redeployment level, as applicable, with state or local funds for a minimum of one full local budget cycle following expiration of the grant period.

False statements or claims made in connection with COPS grants (including cooperative agreements) may result in fines, imprisonment, disbarment from participating in federal grants 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 grantee entity of its obligations under this grant.

_____ _____

Signature of Law Enforcement Executive (or Official with Programmatic Authority, as applicable) — Date

_____ _____

Signature of Government Executive (or Official with Financial Authority, as applicable) — Date

Appendix C – Certifications

Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements Coordination with Affected Agencies; Non-Supplanting; and Retention.

Although the Department of Justice has made every effort to simplify the application process, other provisions of federal law require us to seek your certification regarding certain matters. Applicants should read the regulations cited below and the instructions for certification included in the regulations to understand the requirements and whether they apply to a particular applicant. Signature of this form provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying," and 28 CFR Part 67, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)," and the coordination and non-supplanting requirements of 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 Department of Justice determines to award the covered grant.

1. Lobbying

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over $100,000, as defined at 28 CFR Part 69, the applicant certifies that:
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; and 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. 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 sub-recipients shall certify and disclose accordingly.

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

As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 CFR Part 67, for prospective participants in primary covered transactions, as defined at 28 CFR Part 67, Section 67.510 -

A. The applicant certifies that it and its principals:

(i) 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;

(ii) Have not within a three-year period preceding this application been convicted of 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) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(iii) 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 (A)(ii) of this certification; and

(iv) 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; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. Drug-Free Workplace (Grantees Other Than Individuals)

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67, Sections 67.615 and 67.620 -
A. The applicant certifies that it will, or will continue to, provide a drug-free workplace by:

(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, 1100 Vermont Ave., NW, Washington, DC 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 grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:
Place of performance (street address, city, county, state, zip code)
_____
_____

Check ❒ if there are workplaces on file that are not identified here.
Section 67.630 of the regulations provides that a grantee that is a state may elect to make one certification in each federal fiscal year, a copy of which should be included with each application for Department of Justice funding. States and state agencies may elect to use OJP Form 4061/7.
Check ❒ if the state has elected to complete OJP Form 4061/7.

4. Coordination

The Public Safety Partnership and Community Policing Act of 1994 requires applicants to 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.

Grantee Name and Address: _____

Application No. and/or Project Name: _____ Grantee IRS/ Vendor Number: _____

Typed Name and Title of Law Enforcement Executive: _____

Signature: _____ Date: _____

As the duly authorized representative of the governing body, I hereby certify that I am binding the governing body to the above certifications. Elections of new officials will not relieve the governing body of its obligations under this grant.

Typed Name and Title of Government Executive: _____

Signature: _____ Date: _____

Appendix D – National Institute of Justice (NIJ)

The following information was adapted from NIJ Guide 100-98, "Selection and Application Guide to Police Body Armor." The publication in its entirety may be requested from:

National Institute of Standards and Technology
Office of Law Enforcement Standards (OLES)
Technology Building (225), Room A323
Gaithersburg, MD 20899
(301) 975-2757

"NIJ's policy on body armor has always been that preserving the life of the police officer is the sole criteria on which to judge body armor effectiveness. At present, an officer may select a garment that corresponds to an appropriate threat level and be confident that armor in compliance with NIJ's standard will defeat the stated threat level."

Type I (.22 LR; .38 Special)
Type I body armor is light. This is the minimum level of protection every officer should have and the armor should be routinely worn at all times while on duty. Type I body armor was the armor issued during the NIJ demonstration project in the mid-1970's. Most agencies today, however, because of increasing threats, opt for a higher level of protection.

This armor protects against .22 Long Rifle High-Velocity lead bullets, with nominal masses of 2.6 g (40gr), impacting at a velocity of 320 m/s (1,050 ft/s) or less, and against .38 Special roundnose lead bullets, with nominal masses of 10.2 g (158 gr), impacting at a velocity of 259 m/s (850 ft/s) or less. It also provides protection against most other .25 and .32 caliber handgun rounds.

Type II-A (Lower Velocity .357 Magnum; 9mm)
Type II-A body armor is well suited for full-time use by police departments, particularly those seeking protection for their officers from lower velocity .357 Magnum and 9mm ammunition.

This armor protects against .357 Magnum jacketed soft-point bullets, with nominal masses of 10.2 g (158 gr), impacting at a velocity of 381 m/s (1,250 ft/s) or less, and against 9mm full-metal jacketed bullets, with nominal masses of 8.0 g (124 gr), impacting at a velocity of 332 m/s (1,175 ft/s). It also protects against such threats as .45 Auto., .38 Special +P, and some other factory loads in caliber .357 Magnum and 9mm, as well as the Type I threats.

Type II (Higher Velocity .357 Magnum; 9mm)
Type II body armor is heavier and more bulky than either Types I or II-A. It is worn full-time by officers seeking protection against higher velocity .357 Magnum and 9mm ammunition.

This armor protects against .357 Magnum jacketed soft-point bullets, with nominal masses of 10.2 g (158 gr), impacting at a velocity of 425 m/s (1,395 ft/s) or less, and against 9mm full-jacketed bullets, with nominal velocities of 358 m/s (1,175 ft/s). It also protects against most other factory loads in caliber .357 Magnum and 9mm, as well as the Type I and II-A threats.

Type III-A (.44 Magnum; Submachine Gun 9mm)
Type III-A body armor provides the highest level of protection currently available from concealable body armor and is generally suitable for routine wear in many situations. However, departments located in hot, humid climates may need to evaluate the use of Type III-A armor carefully.

This armor protects against .44 Magnum lead semi-wadcutter bullets with gas checks, nominal masses of 15.55 g (240 gr), impacting at a velocity of 426 m/s (1,400 ft/s) or less. It also provides protection against most handgun threats, as well as the Type I, II-A and II threats.

Type III (High-Powered Rifle)
Type III body armor is clearly intended only for tactical situations when the threat warrants such protection, such as barricade confrontations involving sporting rifles.

This armor, normally of hard or semi-rigid construction, protects against 7.62 mm full-metal jacketed bullets (U.S. military designation M80), with nominal masses of 9.7 g (150 gr), impacting at a velocity of 838 m/s (2,750 ft/s) or less. It also provides protection against threats such as 223 Remington (5.56 mm FMJ), 30 Carbine FMJ, and 12-gauge rifled slug, as well as the Type I through III-A threats.

Type IV (Armor-Piercing Rifle)
Type IV body armor provides the highest level of protection currently available. Because this armor is intended to resist "armor-piercing" bullets, it often uses ceramic materials. Such materials are brittle in nature and may provide only single-shot protection, since the ceramic tends to break up when struck. As with Type III armor, Type IV armor is clearly intended only for tactical situations when the threats warrant such protection.

This armor protects against .30-06 caliber armor-piercing bullets (U.S. military designation AMP2), with nominal masses of 10.8 g (166 gr), impacting at a velocity of 868 m/s (2,850 ft/s) or less. It also provides at least single-hit protection against the Type I through III threats.

Special Type
A purchaser who has a special requirement for a level of protection other than one of the above standard threat levels should specify the exact test rounds and minimum impact velocities to be used and indicate that this standard shall govern in all other respects.

FOR MORE INFORMATION:

U.S. Department of Justice
Office of Community Oriented Policing Services
1100 Vermont Avenue, NW
Washington, D.C. 20530

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