

**MIDDLE RIO
GRANDE
DEVELOPMENT
COUNCIL**

Policy Manual

**CRIMINAL JUSTICE ADVISORY
COMMITTEE**

POLICY MANUAL

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CRIMINAL JUSTICE

The Governor's Office, Criminal Justice Division (CJD) is the entity responsible for administering and awarding a number of grant programs across the State of Texas. These projects can be local, regional, or statewide projects. The Criminal Justice Division has several funding sources for criminal justice projects.

FUND SOURCES

Texas Border Gang Prevention Coordination Assistance
Violence against Women Act Recovery Act
Juvenile Accountability Block Grant
Justice Assistance Grant (JAG) Program Recovery
Act: Border Security & Trafficking
General Victim Assistance—Direct Service Programs
Violent Crimes Against Women Criminal Justice
Training Projects –Domestic Violence, Sexual
Assault, Dating Violence and Stalking
General Juvenile Justice Delinquency Prevention
Criminal Justice Programs
Drug Courts Solicitation
Residential Substance Abuse Treatment (RSAT)
Coverdell Forensic Sciences Program
State Planning Assistance Program (SPAG)
Crimes Stoppers Assistance Program
Child ID Program Solicitation
County Essential Service Program

Eligible Projects

ALL applications must have activities that reflect a comprehensive project. Under funding sources that require a match, a project is considered comprehensive if it can stand alone without funds from sources other than CJD funds, matching funds, in-kind donations, and program income listed and approved in a grant budget. For sources with a decreasing funding ratio, a project is comprehensive if, while in its first year of CJD funding, it can stand alone without funds in addition to the CJD funds or other funds listed and approved in the grant budget.

Local applications must be in response to priorities set in a community plan.

Funds are for core elements of a project, not for basic services or as a supplement to an existing project's budget.

Community based alternative projects must target problems and needs not provided for by the Texas Department of Criminal Justice, the Texas Commission on Alcohol and Drug Abuse, the Texas Education Agency, or other agencies.

Juvenile Justice Projects

CJD encourages school-based prevention projects to target their activities on middle school and junior high age youths, in addition to the usual elementary school projects. Additionally, we encourage such projects to use parenting components.

Additionally, all juvenile justice projects that receive CJD funds from any source must address the representation of minority youths in the juvenile justice system. This requirement of the Juvenile Justice and Delinquency Prevention Act may be met in a wide range of ways, depending on local needs. Methods include early prevention projects and projects designed to divert juveniles from the justice system in appropriate cases.

Criminal Justice Projects

All applications for projects that are not juvenile justice or youth projects must comply with the following rules:

CJD will limit funding for community-based alternative projects to those that can document problems and needs not provided for by the Texas Department of Criminal Justice, the Texas Commission on Alcohol and Drug Abuse, the Texas Education Agency, or other agencies.

Projects must not include any services for adult offenders charged with, given deferred adjudication for, or convicted of murder, rape, arson, armed robbery, aggravated assault, sexual assault, aggravated sexual assault, child molestation, felony drug crimes, and manslaughter.

CJD does not fund projects for adult offenders in correctional facilities with the exception of the Residential Substance Abuse Treatment fund. Information regarding this fund is released annually in a Request for Applications.

Projects that target auto theft are not eligible. The appropriate source of funding for such projects is the Automobile Theft Prevention Authority in the Texas Department of Transportation.

FUNDING CATEGORIES

Following are brief descriptions for six of the funding categories:

Violence Against Women Recovery Act

Eligible Applicants

Programs applying to operate projects focused on violent crimes against women including: domestic violence, sexual assault, dating violence or stalking.

- Units of Local Government
- Judicial Districts
- Non-Profit Corporations

Other Notes

- No match is required
- Each region will receive separate estimated allocation amounts for the following VAWA activity areas:

Non-profit victim service providers

Law enforcement programs or programs benefitting law enforcement

Prosecution programs or programs benefitting prosecution

Contributing Fund Sources — Violence Against Women Act Recovery Act Program

General Victim Assistance –Direct Service Programs

Eligible Applicants

Programs applying to provide services directly to victims of violent crime in an effort to promote restoration to physical, mental, and emotional health.

- Local Units of Government
- Non-Profit Corporations
- Judicial Districts

Other Notes

- 20% match is required
- Contributing Fund Sources

Victims of Crime Act

Violence Against Women Act (30% set aside for victim services programs)

State Criminal Justice Planning Fund

Violent Crimes Against Women Criminal Justice Training Projects, Domestic Violence, Sexual Assault, Dating Violence and Stalking.

Eligible Applicants

Programs applying to operate either training projects or project within the criminal justice system (i.e. law enforcement, prosecution, or courts) focused on violent crimes against women including: domestic violence, sexual assault, dating violence or stalking.

- Local Units of Government
- Non-Profit Corporations
- Judicial Districts
- Regional Councils of Governments
- Colleges or Universities

Other Notes

- 35% match is required
- Contributing Fund Sources — Violence Against Women Act

General Juvenile Justice Delinquency Prevention Programs

Eligible Applicants

Programs applying to improve the juvenile justice system and develop effective education, training, research, prevention, diversion, treatment, and rehabilitation programs in the area of juvenile delinquency.

- Local Units of Government
- Juvenile Boards
- School Districts
- Non-Profit Corporations
- Judicial Districts
- Regional Council of Governments
- Colleges or Universities

Other Notes

- No match required.
- Contributing Fund Sources:

Juvenile Justice and Delinquency Prevention Act Funds
Safe and Drug Free Schools and Communities Act Funds
State Criminal Justice Planning Fund

Criminal Justice Programs

Eligible Applicants

Entities applying to operate programs geared towards reducing crime and improving the criminal justice system.

- Local Units of Government
- Non-Profit Corporations
- Hospital Districts
- Judicial Districts
- Community Supervision and Corrections Departments
- Regional Councils of Governments
- Colleges or Universities

Other Notes

- No match required.

●Units of local government providing law enforcement services must be current on reporting Part I violent crime data to the Texas Department of Public Safety for inclusion in the annual Uniform Crime Report (UCR) and have been current in reporting UCR data for the three preceding years.

●Contributing Fund Sources:

Byrne Justice Assistance Grant Fund
State Criminal Justice Planning Fund

Justice Assistance Grant (JAG) Program Recovery Act: Border Security & Trafficking

Eligible Applicants

Cities applying to operate programs that enhance border security. More information to follow at a later date.

Local Units of Government

- Cities within specific border regions to be identified by CJD.

Other Notes

- No match required.

●Units of local government providing law enforcement services must be current on reporting Part I violent crime data to the Texas Department of Public Safety for inclusion in the annual Uniform Crime Report (UCR) and have been current in reporting UCR data for the three preceding years.

●Contributing Fund Sources:

Byrne Justice Assistance Grant Recovery Act Fund

DECREASING FUNDING RATIO POLICY

The following funds will have a decreasing funding ratio over THREE (3) years:

Criminal Justice Planning (421) Fund (Juvenile & Adult)
Juvenile Justice and Delinquency Prevention Act (JJDP) Fund

The Decreasing Funding Ratio (DFR) provides for funding of 100% of the costs in the first year, 80% in the second year, and 60% in the third year.

BENCHMARK – The first year award, regardless of the funding source, sets the benchmark for the funding levels of any subsequent awards.

Example: A \$60,000 CJD award is funded in full the first year. The second year CJD award is \$ 48,000, and the balance including salary and expense inflation is the responsibility of the grantee. The third year CJD award is \$36,000.

Beginning FY09, should an applicant return for a subsequent continuation for the same project that has completed a three-year cycle, the following rules will apply:

- Subsequent continuation will not exceed two years.
- Applicants may request no more than 40% of the original benchmark amount in each year.

Example:

Benchmark year 1 of 3-year continuation:	100%
Year 2 of 3-year continuation:	80%
Year 3 of 3-year continuation:	60%

Following the initial 3-year continuation, applicants may submit same project to be scored:

Year 1 of additional 2-year continuation will not exceed 40% of original benchmark.

Year 2 of additional 2-year continuation will not exceed 40% of original benchmark.

At the end of five (5) Years, this project will no longer be eligible for funding.

Exception – The Regional Law Enforcement Training Academy as submitted by the MRGDC is to be funded at 100% on a continuation basis based on the projected need. The Academy’s Budget will be required to be review by the Criminal Justice Advisory Committee each year of submission.

ELIGIBILITY for PLANNING 421 FUND – In order to be eligible to apply for a grant under these funds, cities and counties must have contributed to the State Criminal Justice Planning fund in the previous year of record from CJD.

Applicants will submit a complete application for FY 2009 directly to CJD electronically via the e-Grants system.

The CJAC and the Executive Board of MRGDC will make priority list recommendations for a period of three years:

- funding is solely dependant upon the COG priorities;
- the current community plan;
- the eligibility, reasonableness and cost effectiveness of the proposed project;

- the availability of funding; and
- current policies and procedures

The CJD will not make allocations of funds directly to the COG's, therefore a recommendation for a three year period only means the application will be scored the first year, and will move up the priority level for the second and third year without being scored again.

All funding decisions are made by CJD based on the availability of funds, and a COG recommendation is not a guarantee of funding for three years.

CONTINUATION FUNDING POLICIES

There is no commitment on the part of the Office of the Governor that a grant, once funded, will be granted subsequent funding. CJD will consider continuation projects only if: a local or regional project is included in a regional council of governments' (COG) regional priority list; a statewide project is ranked high enough in the CJD review rankings to receive funding; the project is eligible for funding in accordance with the requirements of the local Community Plan; all administrative, program, and financial requirements are complete and have been regularly followed; the grantee has a history of timely progress and financial reports; CJD has funded the project fewer years than the maximum number of years allowed; and CJD has the funds available.

Continuation applications must follow all guidelines in this Policy Manual and are subject to the same review, selection, award, and other procedures as all other applicants. In some situations, however, continuation projects may be given priority in an effort to provide consistency in funding and to allow projects time to show results.

The COG will provide up to three years of funding with a single application. Only one budget is submitted for the first year. When it is time to renew a grant, CJD will notify grantee requesting a new budget for the following grant year. This policy is based on a workload issue and is intended to provide another way to simplify the grant application process for all entities involved. CJD recognizes that circumstances may occur due to a lack of performance or noncompliance that may lead a CJAC to reevaluate the application.

Applicants for projects currently funded under any grant funding source wishing to apply under a different funding source may not request more money under the new fund than they were eligible to receive **under the original** fund. Additionally, the project must comply with all policies and guidelines applicable to the new funding source beginning on the first day of the grant period.

TECHNICAL ASSISTANCE WORKSHOP

Applicants are required to attend at least one Technical Assistance Workshop sponsored by the MRGDC CJ staff prior to submitting an application to be eligible for funding. This requirement is mandatory for **ALL APPLICANTS**, new or existing. No exceptions. These workshops are necessary since there can be changes made every year to the CJAC or CJD process. If attendance cannot be made to a group Technical Assistance Workshop then the grantee must make arrangements themselves to attend a one-to-one technical

assistance training with the MRGDC CJ Coordinator.

COMMUNITY PLANNING

In 1996, the Criminal Justice Division began an initiative called community planning. It is an incentive program where only communities willing to come together to discuss their problems and plan for the future are eligible for grant funding from CJD. The purpose is to encourage coordination and to allow for more local control. Our goal is that these plans will become vehicles to ensure Texas communities get the services they need.

The purpose of a community plan is to get the players from a single geographic area together to look at their problems and to find creative solutions. Communities with multiple plans for the same area are not planning in a way that promotes inclusiveness and teamwork.

The criminal justice planners are not responsible for writing them. The criminal justice planners can tell you how to get involved with the community-planning group in your area. The criminal justice planner also accepts the community plans and revisions.

Community Planning Requirements

The community-planning group must include a wide variety of people. The composition should include public agencies, nonprofit organizations, education, health, mental health, juvenile justice, criminal justice, child welfare, law enforcement, the private sector, community associations, faith-based organizations, victim services, and concerned citizens. A community planning group must be comprised many interests and must be written around the general public safety topic and not a single issue.

When the community plan is submitted to the COG it must include a list of everyone who participated in the planning process and the organization, agency, or interest they represent. Additionally, members of the community planning group intending to apply for funding from CJD under this community plan should indicate their intent to do so.

Plans should be revised and updated annually, but we urge groups to replace outdated plans on file at the COG with new revisions whenever they are available. The COGs will set deadlines each year for community plan revisions that are at least 30 days prior to accepting any grant application for that fiscal year. If a group does not have a current plan on file by that deadline, the community will not be eligible for CJD funds during the next grant cycle.

The COGs and CJD use the plans only to determine whether or not a community is eligible to receive CJD funds. Neither CJD nor the COGs score community plans or rate them competitively for use in prioritizing grant applications.

Community Plan Eligibility Form

If you will be applying for a local project, answer each of the questions on the Community

Plan Eligibility Form. This form simply allows CJD to determine under which community plan you are applying and to find the relevant portions of that plan. This information allows COG and CJD staff members to determine if your application is eligible for funding under a community plan.

INELIGIBLE APPLICATIONS

The MRGDC CJAC may consider certain applications ineligible. Those will be applications in which the applicant has failed to attend a technical assistance training, or failed to address a priority need outlined in a locally filed community plan, or failure to submit additional information as requested by the MRGDC staff, CJAC or subcommittees of the CJAC. The other will be those applicants, which bring in their applications after the specified deadline. Ineligible applications will not be accepted. Applications that have completed the five and/or four year funding cycle are not eligible.

DEADLINES

All projects must be submitted to the local COG for review and priority. Application deadlines are set by the local COG's Criminal Justice (CJ) Department. A copy of application deadlines will be provided by COG staff.

CRIMINAL JUSTICE ADVISORY COMMITTEE

Each of the 24 COGs will have an established Criminal Justice Advisory Committee. This committee should be widely representative of the regional community. The purpose of the local CJAC is to furnish policy guidance to the COG Board of Directors and shall recommend plans and programs to reduce crime and improve the Criminal Justice System within the region.

The CJAC shall carry out the following:

1. Prepare and annually up-date a Multi-Year Plan to reduce crime and improve the Regional Criminal Justice System.
2. Maintain a continuous planning program to identify criminal justice problems; determine regional needs; and analyze existing Criminal Justice Systems and available resources.
3. Act as a catalyst in the development of new services, and provide information programs to create more realistic attitudes toward Criminal Justice problems.
4. Conduct on a continuing basis, an evaluation of Criminal Justice programs to insure maximum program effectiveness.

The CJAC will be comprised of an equitable number of representatives from within the COG's nine county area. CJAC membership may consist of representatives from, but not limited to the following categories: law enforcement, juvenile justice, drug abuse

prevention programs, non-profit victim services, mental health and other related health fields, Prosecution and/or courts, education, citizens and faith based organizations,

The CJAC shall meet at a minimum four (4) times out of the year. The MRGDC By-Laws Committee has the authority to recommend changes to the CJAC By-Laws due to ineligible items or availability of funds. Applicants will be notified of these recommendations before the priority meeting. The CJAC will recommend projects to be considered to the MRGDC Board of Directors. The final local decision will lie with the MRGDC Board of Directors.

ORGANIZATION OF THE CRIMINAL JUSTICE ADVISORY COMMITTEE

The composition of the Criminal Justice Advisory Committee is dictated by the Office of the Governor Criminal Justice Division in order to comply with federal review requirements. The CJAC may be composed of members of law enforcement, juvenile justice, drug abuse prevention, non-profit organizations, victim services, mental health, prosecution/courts, education and faith-based organizations.

ROLE OF THE CRIMINAL JUSTICE ADVISORY COMMITTEE

The role of each Criminal Justice Advisory Committee is to participate in the process for determining regional priorities and to share in the scoring of applications in a fair and equitable manner to ensure that the identified needs of the region are met. Each Criminal Justice Advisory Committee's function is to advise the COG's Board of Directors on matters relating to law enforcement and criminal justice. The Committee provides a forum for discussion and resolution of common problems in law enforcement and the administration of criminal justice. The Criminal Justice Advisory Committee's responsibilities include major participation in the development of the annual regional criminal justice plan and recommendation of funding priorities for the annual criminal justice work program. The committee evaluates each criminal justice funding proposal to determine their consistency with applicable regional plans and prioritize these evaluations to the MRGDC Board of Directors. The Committee operates in an advisory capacity to the Board of Directors of the COG's.

PROCEDURAL REQUIREMENTS OF THE CRIMINAL JUSTICE ADVISORY COMMITTEE

A. General Requirements

1. In lieu of the requirements of the Texas Open Meetings Act, the COG shall abide by the following:
 - a. Notify eligible applicants in the region in writing of the date, time and place of the CJAC scoring meeting at least five days prior to each respective meeting. This notice may be sent by one of the following methods: (1) Certified mail, (2) First Class (regular) mail, with a return receipt for local signature enclosed, (3) Deliver in person (i.e. at a Council of Governments meeting), and/or (4) by e-mail correspondence. The use of e-mail correspondence will require a return e-mail

confirmation that notification has been received.

- b. A published newspaper article will be acceptable in lieu of a public notice if it meets the content (date, time, location and purpose) and timing requirements.
 - c. Provide that all discussions, deliberations and votes be taken in public except for items which would be specifically exempted under the Texas Open Meetings Act.
2. A meeting of the CJAC requires a thirty-three percent (33%) of the total membership (regardless of status of term or elected office) appointed by the MRGDC Board of Directors. Each Criminal Justice Advisory Committee is encouraged to establish a policy that does not allow committee members who arrive late or do not attend the entire scoring meeting to score any of the applications. Allowing scoring under these circumstances can change the final score.
 3. Only appointed CJAC members or appointed alternates may vote on CJAC actions. An appointed member may designate an alternate from his or her organization to participate in the CJAC's deliberation and actions. This alternate person must be authorized in writing from by the official member being represented prior to his/her participation at any CJAC meeting where voting is to occur.
 4. CJAC members or designated alternates will not deliberate or vote on issues and/or applications where a conflict of interest has been identified. Under the provision, CJAC members may neither discuss nor vote on an application in the following situations: (a) if the application is from the locality in which he or she is on the local government body; or (b) in cases where that member has a personal or pecuniary interest as defined under state law. Further, members may not vote on applications which they represent or any applications in competition or the same funding category.

APPLICATION SCORING MEETING

1. CJAC will hold an application scoring meeting of which, COG staff will notify each applicant. Each applicant shall be allowed to make a presentation on their application. Scoring applications must take place at the same meeting at which the presentations are made. Committee members may pencil-in preliminary scores and descriptive notes following each presentation, and then finalize scores after all presentations are made. CJAC members shall commit themselves to remain for the entirety of the priority session, especially when scoring is accomplished at the end of the day. If a two day scoring meeting is required, a commitment from the committee members to attend both days of the meeting will be required. However, CJAC support staff must not accept scores ballots from Committee members, and final scoring calculations must not begin until all presentations have been made.
2. COG's will retain voting records. The CJAC, with the cooperation of its support staff, will be required to retain all ballots or the voting records used the CJAC members during the scoring meeting. These records will be appropriately stored and made available upon request for inspection by the public and the Criminal Justice Division. If

a two-day scoring meeting is conducted, the CJAC will withhold disclosure of ballots until the end of the second day of the meeting. CJAC scores are public information and must be available upon request to interested parties. For any appeals pertaining to alleged procedural errors committed by the CJAC, the procedures outlined in Policy Manual will be implemented.

CONFLICT OF INTEREST STATEMENT

Under the conflict of interest provisions (Section 570.489 (h), which are included in the regulations governing state administration) no persons who exercise or have exercised any function or responsibilities with respect to CJD activities, or who are in a position to participate in a decision making process, or gain inside information regarding activities, may obtain a financial interest or benefit from the activity, or have interest in any contract, subcontract, or agreement or the proceeds thereunder, either for themselves or those with whom they have family or business ties, during their tenure, or for one year thereafter.

These conflict of interest provisions apply to any person who is an employee, agent, consultant, officer, or elected official of the state, or of a unit of general local government, or of any designated public agencies, or sub-recipient which are receiving funds.

CJAC Members must abstain from voting or commenting on any application during the prioritization process if the member, planner, or individual related to the member within the third degree by consanguinity or within the, second degree by affinity or:

Is employed by the applicant agency and works for the unit or division that would administer the grant, if awarded.

Serves on any board that oversees the unit or division that would administer the grant, if awarded,

Owns or controls any interest in a business entity or other non-governmental organization that benefits, directly or indirectly, from activities with the applicant,

Receives any funds from the applicant as a result of the grant, or

Uses or receives a substantial amount of tangible goods, services, or funds from the applicant.

APPEALS PROCESS

An applicant applying for funding to CJD may appeal the disposition of its application based on one or more of the following grounds only: (1) misplacement of an application, if all or a portion of an application is lost, misfiled, etc. by COG staff resulting in unequal consideration of the applicant's proposal or (2) a mathematical error; if in rating the application, the score on any selection criteria is arrived at incorrectly by the COG staff due to human or computer error. All appeals must include the specific alleged procedural

violation(s) and must be submitted in writing to the MRGDC Board of Directors President. When received, one of the following actions may be taken: (1) Concur with the appeal and the appropriate adjustments will be made to the applicant's scores or (2) Disagree with the appeal and provide the basis for rejecting the appeal to the applicant. Decisions made by the MRGDC Board of Directors will be final.