

GRANTS MANAGEMENT BRANCH

LAW ENFORCEMENT SERVICE FEE GRANT

PROGRAM & FINANCIAL GUIDELINES

Revised 1/2015

Law Enforcement Service Fee Grant

Administering Agency: Kentucky Justice and Public Safety Cabinet
Grants Management Branch
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INTRODUCTION

KRS 189A.050 provides that all persons convicted of the violation of operating a motor vehicle while under the influence of alcohol or other substances shall be sentenced “to pay a service fee in the amount of \$375.00,” in addition to any other penalties. 200 KAR 38:020 designates that 14% of the service fees be allocated to the Justice and Public Safety Cabinet for “enforcement activities.”

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

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

➤ GOALS:

- ✓ Increase the potential of arrest and conviction of the intoxicated driver and remove the intoxicated driver from the roadway.

➤ OBJECTIVES:

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

PROGRAM CATEGORIES

The following program categories are eligible for grant awards as Law Enforcement Service Fee Programs:

Overtime Enforcement

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

Equipment Purchase

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

Overtime/Equipment

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

Administrative Requirements

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

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

Application Process

All grant activities are managed through the Kentucky Justice & Public Safety's electronic grants management system (EGMS). Applications must be submitted via the on-line EGMS by the due date and time referenced in EGMS, this document and other related information. Applicants are strongly encouraged to establish a user account and familiarize themselves with the system well in advance of the due date through use of the included user training materials prior to application submission at www.kyjusticegms.com. Please note validation of new user accounts will take 48 – 72 hours. Applicants who have previously applied for grants on EGMS do not need to establish an additional account. More information about the application process can be found at <http://justice.ky.gov>.

Applicants should also review the specific EGMS application in advance, as there are numerous required fields, information, and character limits.

Upon successful submission of an application, the agency authorized official will receive a confirmation email; this should be retained for agency records. Applicants may also access the system after application submission to confirm status in the "Information" section or the screen header. If a user is unable to confirm application submission status, believes they have cancelled an application in error, or believes a system error has occurred that prevented successful submission, they should contact GMB staff well in advance of the submission deadline in order to allow confirmation or further inquiry. Contact may be directed to the program staff identified in these Guidelines, or any GMB staff, at 502/564-3251 or askgmb@ky.gov. Requests for reconsideration of submission compliance will only be granted to users providing sufficient documentation of a) timely contact with GMB staff and b) identification

of specific, verifiable system errors. User error will not be considered sufficient justification for submission deadline reconsideration.

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

Designated Grant Officials

The following persons are eligible to serve as the designated grant officials:

- Authorized Official/Agency Representative/CEO - The person authorized to apply for, accept, decline, or cancel the grant for the applicant agency (e.g., state agency head, county judge executive, city mayor).
- Project Director/Agency Administrator - The employee of the applicant agency who will be responsible for operation of the project and program activity reporting.
- Financial Officer - The chief financial officer of the applicant agency (e.g., county auditor, city treasurer, comptroller, etc.) who will be responsible for all financial aspects of the grant's management, including financial report submission.

Segregation of Duties

Segregation of duties should be maintained among designated grant officials to ensure no individual has the ability to conceal or misdirect agency funds. **The Financial Officer should not be assigned dual roles.**

Grant Period

All LSF grant awards are made on a fiscal year basis, July 1 through June 30.

Application Review and Approval Process

When a completed application has been submitted, it shall be subject to programmatic and financial review. Applications are reviewed by appropriate GMB staff and also by an independent review committee of subject matter experts using set review criteria and assigned point values specific to the program (see tables below).

Following the initial review and scoring of the application, GMB may request additional information or explanation from the applicant in order to complete the review of the application. Notification may be in the form of a system-generated message, written letter, e-mail, or telephone call. Failure to respond in the time frame specified may result in the application not being further considered for funding during that application period. Responses to requests for follow-up information will be used to determine additional scoring consideration to justify the minimum required for funding.

An average score is determined from each reviewer's results, based on the criteria set forth here. Applications receiving a score of less than sixty-five percent (65%) of the total possible points will not be contacted for follow-up information; applications receiving a final score of less than seventy percent (70%) of the total possible points will not be funded.

Award recommendations are made by GMB to the Secretary of the Kentucky Justice and Public Safety Cabinet. Final approval of all grant applications rests with the Secretary and/or the Governor of the Commonwealth, who will provide GMB with approval to proceed with final funding decisions.

For additional information on the application review process, please access the Kentucky Justice and Public Safety Cabinet, Grants Management Branch, Policy and Procedure Manual at www.justice.ky.gov/departments/gmb.

Review Criteria:

1. Statement of the Problem

Describes the specific DUI enforcement problem that will be addressed with requested grant funds. Statement of the Problem includes referenced data from the DUI Statistical Data tables provided and other agency data (DUI fatalities, injuries, non-injuries, in addition to collaborative efforts or barriers with prosecuting offices) to support the seriousness of the problem in your jurisdiction.

2. Goals

States the long-term effects the project should achieve.

3. Objectives

Describes project objectives that are linked to meaningful and measurable results the project will attempt to achieve. Objectives statements address the realities of goal accomplishments quantitatively.

4. Agency Overview

Provides a clear description of the agency and key staff implementing the proposed project who would be working on this grant including detailed information regarding agency structure, competence, and management capabilities.

5. Project Activities

Project activities contain a concise summary of the proposed project, including a description of major tasks necessary to fully implement. Provides the who, what, where, when and how of the proposed project. Includes a comprehensive performance timetable identifying milestones to be achieved in this project. Ties program activities to goals and objectives applicable to the proposed project.

6. Past Progress Report (For Continuation Grants Only)

Clearly restates the goal(s) and objective(s) from the most recent prior year’s award and provides a cumulative summary of program achievements with data to support program achievements.

| Law Enforcement Service Fee Grant (LSF) New Application | |
|--|-----------|
| Statement of the Problem | 25 |
| Goals and Objectives | 15 |
| Agency Overview | 10 |
| Project Activities | 30 |
| Total Points | 80 |

| Law Enforcement Service Fee Grant (LSF) Continuation Application | |
|---|------------|
| Statement of the Problem | 25 |
| Goals and Objectives | 15 |
| Agency Overview | 10 |
| Project Activities | 30 |
| Past Progress Report | 20 |
| Total Points | 100 |

Evaluation and Monitoring

Each program funded by the Justice & Public Safety Cabinet under the LSF Program shall contain an evaluation component. Quarterly Reports (required reporting of an awardee) will be analyzed for evaluation purposes. However, some projects may receive intensive evaluations.

Grants Management Branch monitoring includes desk audits, a review of quarterly reports submitted by the awardee and periodic on-site monitoring to review grant compliance, assess management controls, evaluate the applicable activities and provide technical assistance.

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

FINANCIAL REQUIREMENTS

All LSF awards funded through the Grants Management Branch will be made on a reimbursable basis. Requests for reimbursement may be submitted on a quarterly basis. Reimbursement payments may be delayed if awardees do not adhere to program and financial reporting requirements.

ALLOWABLE EXPENSES:

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

Personnel Costs: The overtime rate is equivalent to base pay plus longevity plus Kentucky Law Enforcement Foundation Program Funds (KLEFPF) x 1.5. Additional benefit costs (e.g., retirement, FICA, insurance) may be included as personnel costs only if additional costs are to be borne by the implementing agency or government body. Only sworn officers who have successfully completed the following KLEC approved training programs are eligible to work under this program: Basic Training Academy (400/640 hours); DUI Detection, Field Sobriety (40 hours); and Current Breath Alcohol Certification (40 hours). DUI Detection and

Field Sobriety Training conducted in an agency's Formal Training Academy Program may be considered in lieu of the 40-hour Department of Criminal Justice Training Academy (640 hours). Also, elected sheriffs cannot work overtime under this program as their salary is set by KRS. Agencies funded will be granted some flexibility in scheduling; however, any major change from the original schedule will require Grants Management Branch approval.

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

Mileage Costs: Calculation for mileage reimbursement is based on a formula of 10 miles for every hour of DUI overtime worked. Mileage for all vehicles driven shall be reimbursed at the rate cited by the Commonwealth of Kentucky, Finance Administration Cabinet (<http://finance.ky.gov/services/statewideacct/Pages/travel.aspx>) at the time of the application, or the applicant agency rate, whichever is lower.

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

Procurement Procedures

Applicants shall use procurement procedures and regulations as set forth by the Commonwealth of Kentucky, Finance and Administration Cabinet. Please see <http://finance.ky.gov/business/eprocurement/state-laws> for more information.

NOTE: If the procurement policy of an agency is more restrictive than the Commonwealth's, the more restrictive of the two must be followed.

UNALLOWABLE EXPENSES:

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

Additional Information Resources

For additional information regarding Grants Management Branch requirements, please refer to the GMB Management Policies and Procedures Manual, www.justice.ky.gov/departments/gmb/.