

EAST TEXAS COUNCIL OF GOVERNMENTS CRIMINAL JUSTICE DEPARTMENT POLICIES AND PROCEDURES

This document was created to clarify the standard policies and procedures of the Criminal Justice Department of the East Texas Council of Governments, and to comply with the requirements of the “Interagency Cooperation Contract between the Office of the Governor, Criminal Justice Division (CJD) and The East Texas Council of Governments (ETCOG).” It documents policies and procedures which have been followed by the ETCOG Criminal Justice Department in the past, and which will be followed by the ETCOG Criminal Justice Department in the future. This document shall become effective immediately upon approval by the ETCOG Criminal Justice Advisory Committee (CJAC) and by the ETCOG Executive Committee, and shall remain in effect until it is rescinded or revised by the CJAC, with the consent of the ETCOG Executive Committee.

SECTION I. MEMBERSHIP OF THE CJAC

- A. Twenty members shall be appointed to the CJAC at the beginning of each calendar year, each member to serve for a term of two years. Any current and/or past member may be re-appointed to serve for an additional term. Appointments shall be made by the Chairman of the ETCOG Executive Committee. Recommendations may be made by Executive Committee members, Board Members, CJAC members, and/or ETCOG staff.
- B. The CJAC membership shall include individuals from the following groups/disciplines:
 - 1. Citizens and/or Parents;
 - 2. Drug Abuse Prevention;
 - 3. Education;
 - 4. Juvenile Justice;
 - 5. Law Enforcement;
 - 6. Mental Health;
 - 7. Nonprofit Organizations;
 - 8. Prosecutors and/or Courts; and
 - 9. Victim Services.
- C. No one group may constitute more than one-third (1/3) of the CJAC. This means that no more than six (6) members of the CJAC may be from any one group.
- D. An individual may represent more than one group. Group representation shall be declared in writing by each individual member, on a form which shall be provided annually at or before the first meeting of the CJAC.

SECTION II - OFFICERS OF THE CJAC AND THEIR DUTIES

- A. Chair:
 - 1. Preside at all meetings of the CJAC.
 - 2. Call regular and special meetings of the CJAC.
 - 3. Appoint temporary sub-committees at his/her discretion to perform specific tasks related to the business of the CJAC.
- B. Vice-Chair. During the absence or incapacity of the Chair the Vice-Chair shall have all the duties, responsibilities, powers, and privileges of the Chair.
- C. Term of Office. Term of office for all officers shall be limited to two consecutive one-year terms. Each officer must be a Committee member. Any current and/or past member may be re-appointed to serve for an additional term. The proposed slate of officers shall be recommended to the Executive Board of ETCOG for confirmation annually.
- D. Vacancy. In the event of a vacancy for the position of any officer, the CJAC will recommend a replacement to the Executive Board of ETCOG no later than the next regular meeting following notification that such vacancy exists.

SECTION III - MEETINGS OF THE CJAC

- A. Regular meetings to conduct business of the CJAC shall be called by the Chairperson or ETCOG staff. Notice shall be 5 business days in advance of all meetings.
- B. A special meeting may be held at any reasonable time and place if called by the Committee Chairman, or by agreement of three Committee members, or at the request of ETCOG staff. At least one week (5 business days) notice shall be given of any special meeting.
- C. All CJAC meetings shall be held at the ETCOG office in Kilgore, Texas, unless members are notified at least 5 business days in advance of an alternate location where a meeting is to be held.
- D. All members are expected to be present at each meeting. Any member who cannot be present at a regularly scheduled or specially called CJAC meeting shall contact ETCOG at least 24 hours in advance of the meeting, stating his inability to be present and the reasons for same.
- E. Any member who is absent from two consecutive CJAC meetings without a valid excuse (as determined by the Committee Chairman) shall be considered to have resigned from membership in the CJAC, and shall be replaced at the discretion of the Chair, with the consent of the ETCOG Executive Committee.

- F. All meetings shall be held in compliance with the requirements of the Open Meetings Act in the Texas Government Code, Chapter 551, which can be viewed online at <http://www.sos.state.tx.us/texreg/index.shtml>.
- G. ETCOG will maintain a written record documenting all CJAC proceedings related to CJD business. Processed minutes must be certified with the signature of a CJAC member who was in attendance at the meeting and was not disqualified from voting by any conflict of interest.
- H. ETCOG must maintain all scoring sheets, prioritization documents, minutes, grant applications, and written records of meetings, in addition to working papers stored on paper, electronic, or other media related to the services and requirements identified in the Interagency Cooperation Contract for a minimum of three years after the final payment by CJD under the terms of the contract.

SECTION IV - ACTIVITIES OF THE CJAC

- A. Criminal Justice planning, including but not limited to the following:
 - 1. Identifying Criminal Justice problems;
 - 2. Determining the needs of the region;
 - 3. Analyzing the existing Criminal Justice system and available resources;
 - 4. Establishing goals and priorities;
- B. Review and prioritization of all grant applications received for consideration in the following funding groups:
 - 1. General Victim Assistance – Direct Services Programs (VOCA)
 - 2. Violence Against Women Criminal Justice and Training Projects (VAWA)
 - 3. General Juvenile Justice and Delinquency Prevention Programs (JJDP)
 - 4. Criminal Justice Programs (SF421)

SECTION V - GRANT APPLICATION REVIEW AND SCORING

- A. Project Scoring Criteria
 - 1. The approved application review score sheet will be used to evaluate each application submitted for review. A copy of the current score sheet shall be attached to this document as Exhibit A. The score sheet may be changed by majority vote of the CJAC; however, all changes for the upcoming year must be made by the CJAC prior to the Grant Application Workshop for the first application year in which that score sheet will be used.
 - 2. The approved definitions of key factors will be used to evaluate each application submitted for review. Any relevant guidance received from CJD for the current application cycle will be provided to the CJAC prior to its initiation of the scoring process.

B. Project Scoring Process

1. Once CJD determines the eligibility of applications within a funding source, the eligible applications will be provided to the COG for scoring.
2. Eligible applications received by the COG from CJD, will be forwarded to the CJAC by email or by distribution at a regularly scheduled CJAC meeting in advance of the meeting at which the applications are to be scored.
3. The CJAC members will review and pre-score all applications using the preferred scoring factors identified by CJD.
4. A CJAC prioritization meeting will be held to approve the priorities set by the scores from high score to low score.
5. Each grant applicant shall be invited to send a representative to the prioritization meeting, at which time each applicant present will be given a specific amount of time (usually five minutes) to make a brief presentation to the CJAC. After each presentation, questions may be asked by CJAC members and answered by the applicant.
6. CJAC members will then assign a final score to each application, recording that score in ink on the approved scoring document. All scoring documents will be collected by ETCOG staff at the end of each prioritization meeting.
7. Ten (10) points will be deducted from a grant application, for current grantees, where an agency is on "vendor hold" during the prioritization process. Per CJD guidelines – “The COG shall develop a scoring instrument that deducts points from a grant application for current grantees that are on "vendor hold" at the time the CJAC scores the application.”
8. ETCOG staff shall tally all scores and report on the resulting rankings for each funding source. Said reports may be transmitted to the members of the CJAC by e-mail, fax, and/or postal service. After all CJAC members have received the results and have had an opportunity to verify the accuracy of same, the results will be presented to the ETCOG Executive Committee for approval.
9. The CJAC rankings shall be provided to each applicant by e-mail, fax, and/or postal service, within two (2) business days of CJAC result verification. Ranking notice shall include information about the procedure available to applicants for making an appeal to the ETCOG Executive Committee.
10. Minimum Score Required. A project must receive a minimum score of sixty percent (60%) of the maximum total points available, or that project will not be recommended for funding, regardless of funding source.

- C. Maximum of \$80,000.00 per project for VOCA and VAWA applications. No single project shall be recommended for funding by the Victims of Crime Act (VOCA) or STOP Violence Against Women Act (VAWA) at a rate of more than \$80,000.00. Any agency which was awarded two VOCA or VAWA grants in the same year on or before FY 2007, and had those projects combined into one grant by CJD, may continue to apply for future funding in one combined application, for an amount not to exceed \$80,000.00 per project. All other VOCA or VAWA applications are limited to \$80,000.00 or less. The Criminal Justice Advisory Committee shall not recommend funding any grant application for more than the amount requested by the applicant.
- D. Continuation Projects
1. Continuation applications will be ranked in the same manner as new projects; however, continuation projects may earn additional points if all required reporting is complete, and if the previous year's reports were submitted to CJD on time.
 2. A continuation application may lose points if the previous year's monitoring reports indicate non-compliance with certified assurances, failure to complete program progress reports, failure to submit financial reports required by CJD, failure to comply with quality and assurance recommendations, or at the discretion of the CJAC.
- E. Tiebreaker Procedure. Should any two or more applicants for any Criminal Justice grant program receive the identical number of total points during the CJAC prioritization procedure, the tie shall be resolved as follows: The highest score and the lowest score of each applicant shall be removed, and the applicant with the highest remaining score shall be ranked ahead of the other(s). This process shall continue until all ties have been resolved. Should any two or more applicants have identical scores, resulting in a tie which cannot be resolved in the manner stated above, that tie shall be resolved by majority vote of all eligible scoring members of the Committee who originally participated in the scoring of that group of applications.
- F. Appeal Procedure. Any applicant who wishes to appeal the ranking given to any application may appear before the Executive Committee at the same regularly scheduled meeting at which the CJAC rankings will be presented for approval. The appealing applicant will be given a brief presentation (usually five minutes) to present his or her appeal. The decision of the Executive Committee shall be final.
- G. Notification of Funding Recommendations: Following approval by the Executive Board of the CJAC Priority Ranking, ETCOG staff shall notify all grant applicants by email or fax, within ten (10) business days, that their application was either "Recommended for Funding" or "Not Recommended for Funding" to CJD. Such notice shall include the following statement:

"Pursuant to the provisions of the Texas Administrative Code, after the CJAC reviews and prioritizes the grant applications, and the COG's

governing body approves the priority listing, the COG submits the written priority listing and the grant applications to CJD. Based upon the COG's priority listing CJD will verify the eligibility, reasonableness and cost-effectiveness of the proposed project, and the availability of funding, and will render final funding decisions on these grant applications. The COG will notify grantees of any changes in the funding recommendations."

- H. Notification of CJD Grant Awards: ETCOG staff shall contact each grantee by telephone, email, or fax, informing the grantee of a grant award within forty-eight (48) hours after the COG receives notice that the grant is awarded to the grantee by CJD. CJD will notify grantees by e-mail that a grant is awarded, or that a grant application has been denied funding.

SECTION VI - CONFLICT OF INTEREST POLICY

- A. Members of the COG governing body, CJAC members and criminal justice planners must abstain from reviewing, voting or commenting on, or taking any action on any grant application during the prioritization process if the member or an individual related to the member within the third degree by consanguinity or within the second degree by affinity:
1. Is employed by the applicant agency and works for the unit or division that would administer the grant, if awarded;
 2. Serves on any board that oversees the unit or division that would administer the grant, if awarded;
 3. Owns or controls any interest in a business entity or other non-governmental organization that benefits, directly or indirectly, from activities with the applicant;
 4. Receives any funds from the applicant agency as a result of the grant, if awarded; or
 5. Uses or receives a substantial amount of tangible goods, services, or funds from the applicant agency.
- B. If a member must abstain from reviewing, voting, commenting, or taking any action on any grant application, the member must also abstain from reviewing, voting, commenting, or taking any action on any competing grant applications within that funding source during the prioritization process.

SECTION VII - COMPLIANCE WITH ADMINISTRATIVE RULES

- A. All policies, rules, and regulations set forth in this document are in compliance with the Texas Administrative Code (TAC), Title 1, Part 1, Chapter 3, and the state and federal statutes, rules and regulations adopted by reference in Texas Administrative Code. The above can be viewed on the Internet at:
<http://www.sos.state.tx.us/tac/index.shtml>.
- B. The Texas Administrative Code applies to all applications for funding and grants submitted to the Criminal Justice Division (CJD) Office of the Governor. Subchapter A covers the general provisions for grant funding. Subchapter B addresses general

eligibility and budget rules for grant funding. Subchapter C outlines specific eligibility and budget rules applicable to various funding sources available to CJD; these rules are in addition to all other general rules in this chapter. Subchapter D provides rules detailing the conditions CJD may place on grants. Subchapter E sets out the rules related to administering grants. Subchapter F specifies rules regarding program monitoring and audits. Grant applicants are encouraged to be familiar with all these rules prior to submitting an application to CJD.

SECTION VIII - GRANT APPLICATION WORKSHOPS

- A. At the beginning of each new CJD grant cycle ETCOG will hold one or more Grant Application Workshops, which shall be scheduled by the Council of Governments, Director of Public Safety (COG Planner). All workshops shall be open to anyone who wishes to attend. Notification of the workshop date shall be sent via e-mail, regular mail, fax, and/or telephone message to every potential applicant who has contacted the COG and requested such notification.
- B. At each workshop, the COG Planner will provide current grantees, potential grantees, and other requestors with a copy of the scoring instrument to be used by the CJAC during grant prioritization, the criteria to be used in the scoring of applications, all available information about CJD grant application forms, CJD application deadlines, and any other relevant information or materials.
- C. **MANDATORY ATTENDANCE:** Attendance is mandatory each year for all current and new applicant agencies. At least one person per agency must attend the current year's CJD grant workshop as presented by ETCOG. Attending a grant application workshop conducted by a COG outside of the ETCOG region does not substitute for the required attendance at the grant application meeting conducted by ETCOG.
- D. If attendance at the regularly scheduled workshops is not possible for an applicant, the applicant must contact the Director of Criminal Justice Programs in advance of the workshop date, to make other arrangements.
- E. **TECHNICAL ASSISTANCE:** New applicants will be provided technical assistance during the drafting of applications prior to submission by appointment as time permits. Criminal Justice Program staff will answer questions for both current grantees and new applicants via telephone consultation as much as practical. CJD staff will provide technical assistance on the operation of the interactive, web based application.
- F. **DEADLINES:** Application submission deadlines will be set by CJD and applications for all CJD funding sources will be submitted directly to the Criminal Justice Division electronically. ETCOG will notify, by e-mail, fax, telephone, and/or postal service, all potential applicants who have requested grant information, of the CJD deadlines established for the various grant applications. Such notification will be made within forty-eight (48) hours of ETCOG being notified by CJD of the deadlines, and/or within

forty-eight (48) hours of ETCOG's receipt of the request from the potential grant applicant.

SECTION IX - FUNDING GUIDELINES

A. GENERAL APPLICANT ELIGIBILITY.

1. To be eligible for funding through the East Texas Council of Governments (ETCOG), the applicant agency must be an ETCOG, a unit of local government, crime control and prevention districts, community supervision and corrections departments, faith-based organizations, independent school districts or colleges/universities, juvenile boards, nonprofit corporations, Native American tribes, or regional education service centers within the ETCOG region.
2. Agencies within the ETCOG region may expand their service area outside the ETCOG region to contiguous counties provided their headquarters are within the ETCOG region and the majority of services provided by the applicant agency are within the ETCOG region.

B. ELIGIBILITY FOR 421 FUND GRANTS.

In order to be eligible to apply for a grant under the State 421 fund, cities and counties must have contributed to the State Criminal Justice Planning fund in the previous year of record, as determined by CJD.

C. FUNDING DETERMINATIONS.

1. The CJAC and the Executive Committee of ETCOG will make priority list recommendations to CJD for each funding source.
2. Grant funding is determined by CJD, and is dependent upon the following variables:
 - a. COG priorities, as officially reported to CJD;
 - b. The current community plan for the community or communities to be affected;
 - c. The eligibility, reasonableness and cost-effectiveness of the proposed project;
 - d. The availability of appropriate funding; and
 - e. Current CJD policies and procedures.

SECTION X - COMMUNITY PLANNING

- A. Each County or group of counties within the ETCOG region will convene a Community Planning Committee. The development of the Community Plan will be structured around a set of guidelines identified by CJD.
- B. The Community Plan will combine the guidelines of all funding sources including but not limited to the State Criminal Justice Planning Fund, Juvenile Justice and Delinquency

Prevention Fund, Victims of Crime Act, Violence Against Women Act and any other grant programs that require a community plan for submission.

- C. Each Community Planning Committee shall develop a list of issues of concern in Criminal Justice within their respective counties and participate in a Community Action Plan. A copy of each completed plan shall be placed on file with ETCOG.
- D. The problem addressed in any application for funding by CJD must be identified in the current community plan for that County, or the applying agency must have participated in the Community Planning focus groups for its home county for the fiscal year of application.
- E. Criminal Justice Community Plans should be reviewed annually and revised, at a minimum, of every 5 years.

CJ Policies and Procedures History:

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