

Kansas Governor's Grants Program

- ▶ 2022 Federal Edward Byrne Memorial Justice Assistance Grant (JAG)
- ▶ Grant Assurances Training
- ▶ Paragraphs 1-10, 12, 23-24, 28-30, and 32-52
- ▶ December 2, 2021



Training Agenda

Welcome and
Introduction -

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Assurances

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Webinar Information

This webinar is being recorded
All lines will be muted during the webinar

Please turn off your video during the webinar
Have the agency's Grant Assurances document available for reference, either in print or on your computer
Please do not put your phone on hold

Closed captioning is available - Click the CC button in the toolbar at the bottom to access
Use the "chat" box to type your questions or save them for the end of the webinar
All questions will be answered at the end of the webinar

This PowerPoint and link to the recorded training will be emailed at the conclusion of the webinar and posted on www.grants.ks.gov

Kansas Open Records Act

- ▶ K.S.A. 45-215 through 45-223
- ▶ Once grant awards are announced, grant applications and related documents are subject to the Kansas Open Records Act.
- ▶ KGGP staff are not authorized to release subgrantee information upon receipt of a verbal request. All open records requests must be made in writing and are reviewed and processed by the Attorney and Administrator in accordance with the Department of Administration's Open Records Request Policy and the Kansas Open Records Act.
 - ▶ <https://www.admin.ks.gov/offices/chief-counsel/kansas-open-records-act>

JAG Assurances

PRESENTED BY
ERICA HAAS, ATTORNEY

What are Grant Assurances?

- ▶ Grant Assurances are specific requirements set forth by awarding agencies (the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, and the KGGP) that must be followed by the grant recipient to be eligible for and in compliance with a federal grant award
- ▶ Terms of the Award are Non-Negotiable by the Grantee and the Subgrantee

The Importance of Grant Assurances

- ▶ If Grantees (KGGP) do not comply with federal grant assurances, the federal awarding agency can withdraw the grant funding
- ▶ If Subgrantees do not comply with federal and state grant assurances, the federal and/or state awarding agency can withdraw the grant funding

Authority for Grant Assurances

- ▶ Federal Statutes - U.S.C.
- ▶ Federal Regulations - C.F.R
- ▶ State Statutes - K.S.A.
- ▶ Administrative Purposes

Subgrantee Compliance

- ▶ Grantees are responsible to the federal awarding agency to ensure Subgrantees are in compliance with ALL grant assurances
- ▶ In the event of an audit, both the Grantee and the Subgrantee must be able to understand and explain all Subgrantee activities by providing appropriate documentation

Newer Grant Assurance: Interaction with Participating Minors {12}

- ▶ Checklist - **Beginning Calendar Year 2022**
- ▶ The Subgrantee has or will, for any JAG-funded activity benefitting a set of individuals under 18 years of age, make **written** determinations of suitability based on current and appropriate information before certain individuals may interact with participating minors, regardless of an individual's employment status.
 - ▶ Consultant, contractor, employee of a contractor, trainee, volunteer, or teacher.
- ▶ The Subgrantee shall refer to <https://www.justice.gov/ovw/page/file/1202141/download> for details of this requirement.

Interaction with Participating Minors {12}

Updates and Reexaminations:

- ▶ At least every five years; and
- ▶ Upon learning information that reasonably suggests unsuitability.

Interaction includes:

- ▶ Physical contact;
- ▶ Communication, written or oral; or
- ▶ Transmission of images or sound.

Interaction does not include:

- ▶ Brief unintentional contact; or
- ▶ Personally-accompanied contact.

Interaction with Participating Minors {12}

Current and Appropriate Information

In addition to checks or screenings required by federal, state, tribal, or local law, and the subgrantee's policies and procedures, the following searches must be conducted before a determination of suitability is made:

- ▶ Public sex offender and child abuse websites/registries:
 - ▶ Dru Sjodin National Sex Offender Public Website;
 - ▶ Public registries for each state the individual has been connected to in the past five years; and
 - ▶ Public registries for each state the individual will likely interact with a participating minor related to the grant award.
- ▶ Criminal history registries:
 - ▶ Public registries for each state the individual has been connected to in the past five years; and
 - ▶ Public registries for each state the individual will likely interact with a participating minor related to the grant award.

Interaction with Participating Minors {12}

An individual cannot be determined suitable if the individual:

- ▶ Withholds consent to a criminal history search;
- ▶ Knowingly makes (or made) a false statement that affects, or is intended to affect any required search;
- ▶ Is listed as a registered sex offender on the Dru Sjodin National Sex Offender Public Website;

Interaction with Participating Minors {12}

An individual cannot be determined suitable if the individual (con't):

- ▶ To the knowledge of the subgrantee, has been convicted of any of the following crimes (or substantially equivalent criminal offense):
 - ▶ Sexual or physical abuse, neglect, or endangerment of a person under age 18;
 - ▶ Rape / sexual assault, including conspiracy;
 - ▶ Sexual exploitation;
 - ▶ Kidnapping;
 - ▶ Voyeurism; or
 - ▶ Is determined by a federal, state, tribal, or local government not to be suitable.

** Grant funds may be obligated for the reasonable, necessary, and allocable costs to ensure compliance with this condition (supplanting restrictions still apply).

General Provisions

- ▶ Award Period - Expenditures and activities are allowed only during grant award period **{1}**
 - ▶ October 1, 2021 - September 30, 2022

- ▶ All grant award obligations must be paid within 30 days following the end of the project period **{1}**

- ▶ Expenditures and activities are allowed only for approved purposes **{2}**
 - ▶ Allowable costs / activities and limitations
 - ▶ Activities articulated in Subgrantee grant application

- ▶ Solicitation **{3}**
 - ▶ Allowable costs / activities and limitations of solicitation incorporated

Activities Not Allowed {2}

- ▶ Supplanting
 - ▶ These federal funds cannot be used to replace any other funds used for the same activity due to the availability of this JAG award
 - ▶ Utilize this JAG award to *Supplement* activities
- ▶ Matching funds for Bulletproof Vest Partnership Program or the Body-Worn Camera Program
- ▶ Research
- ▶ Fundraising
- ▶ Construction, renovation, and/or purchase/lease of land/buildings
- ▶ Capital outlay
- ▶ Direct payments to program participants or their dependents
- ▶ Payment of debt

Laws and Regulations {4}

- ▶ Grant program guidelines
- ▶ Applicable state and federal laws
- ▶ Applicable regulations
- ▶ Grant Assurances and Reporting Requirements of the Kansas Criminal Justice Coordinating Council (KCJCC) and the KGGP
- ▶ Federal DOJ Grants Financial Guide
www.ojp.gov/financialguide/DOJ/index.htm

Confidentiality of Data and Information {5}

- ▶ Must comply with confidentiality requirements of 34 U.S.C. §10231 and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information
- ▶ Must submit a Privacy Certificate in accordance with 28 C.F.R. Part 22, Section 22.23
 - ▶ <https://ojp.gov/funding/Apply/Resources/PrivacyCertification.pdf>

Breach of Personally Identifiable Information {6}

- ▶ Subgrantees are required to develop procedures to respond to an actual or imminent breach of personally identifiable information (PII)
- ▶ Procedures must include a requirement to report any actual or imminent breach of PII to the KGGP no later than 24 hours after an occurrence or the detection of an imminent breach
- ▶ Refer to 2 C.F.R. 200.79, OMB M-17-12, and OMB Circular A-130

Reporting Requirements {7}

- ▶ Compliance with all reporting requirements of the Federal JAG; the U.S. Department of Justice, Bureau of Justice Assistance; and the KCJCC and KGGP
- ▶ 2022 JAG Reporting Requirements
 - part of Award Documents
- ▶ Evaluative, Statistical, Narrative/Anecdotal, Financial
- ▶ Subject to change if necessary

SAM and Universal Identifier {8}

- ▶ Shall maintain an active registration status in the U.S. System for Award Management (SAM) at www.sam.gov
- ▶ Shall provide the KGGP with the subgrantee's unique entity identifier used to maintain SAM registration, including a full 9-digit zip code

Integrity and Performance Matters {9}

- ▶ Subgrantee shall comply with reporting of civil, criminal, and administrative proceedings connected with this JAG award
- ▶ <https://ojp.gov/funding/FAPIS.htm>

Training and Technical Assistance {10}

- ▶ Subgrantees must participate in KGGP and/or KCJCC sponsored training or technical assistance events as required

Other Training Opportunities:

- ▶ Crime Victims' Rights Conference
 - ▶ <https://www.grants.ks.gov/home>
- ▶ Kansas Academy for Victim Assistance (KAVA)
 - ▶ <https://www.grants.ks.gov/programs/kava/about-kava>

Personnel Information {11}

- ▶ Job descriptions, résumés, and compensation for all grant-funded staff maintained and available for review by the KGGP
- ▶ Grant funds shall be utilized for the provision of approved services only and the job descriptions must reflect this requirement

Interaction with Participating Minors {12}

- ▶ Applies to any services or activity involving individuals under 18 years of age
- ▶ <https://ojp.gov/funding/Explore/Interact-Minors.htm>

DOCUMENT,

DOCUMENT,

DOCUMENT!

Publications and Materials and Training {23 & 24}

Statements, publicity releases, or other documents

(written, web-based, audio-visual, or any other format)

Acknowledgment required

- Also applies to JAG project-funded website services
- Website services must also meet Assurance #2 and not contain fundraising or soliciting information if maintained with JAG funds

One copy of all materials published or posted must be submitted to KGGP 10 days prior to publication or use

Any training or training materials must adhere to OJP Training Guiding Principles
<https://www.ojp.gov/funding/implement/training-guiding-principles-grantees-and-subgrantees>

Debarment, Suspension, and Other Responsibility Matters {28}

- ▶ Required by Executive Order 12549, subgrantee certifies that it and its principles:
 - ▶ Are not presently debarred, suspended, proposed for debarment, declared ineligible, etc.
 - ▶ Have not within the preceding three-year period been convicted of or had a civil judgment rendered against them for commission of fraud, etc.
 - ▶ Are not presently indicted for or otherwise charged with any of these offenses
 - ▶ Have not within the preceding three-year period had one or more public transactions terminated for cause or default

Political Activity {29}

- ▶ Shall comply with all applicable federal and state statutes and regulations applicable to political activity restrictions and requirements
- ▶ Frequently asked questions regarding The Hatch Act can be found at
 - ▶ <https://osc.gov/Services/Pages/HatchAct-FAQ.aspx>

Lobbying Activities {30}

- ▶ Subgrantees cannot, directly or indirectly, use federal funds to effect law, regulation, policy at any level of government
- ▶ If funds other than federal funds have been or will be used, a “Disclosure of Lobbying Activities” form must be completed and submitted to the U.S. Department of Justice and the KGGP

Criminal Intelligence Systems {32}

For any information technology system funded or supported with this JAG project, the subgrantee shall conform to criminal intelligence systems operating policies and requirements

- ▶ 28 C.F.R. Part 23

Information Technology/Sharing {33}

- ▶ Compliance with the DOJ's Global Justice Information Sharing Initiative guidelines and recommendations for this grant, where applicable
- ▶ Shall conform to the Global Standards Package (GSP) and all constituent elements and shall document planned approaches to information sharing and describe compliance to the GSP
 - ▶ https://it.ojp.gov/gsp_grantcondition

National Instant Background Check System {34}

- ▶ Shall assure that “eligible records” will be made available to the Kansas repository/database that is electronically available to the National Instant Background Check System (NCIS)
 - ▶ Court dispositions or Information (formal criminal charge)
- ▶ 18 U.S.C. §922 and 34 U.S.C. ch. 409

DNA Testing {35}

- ▶ When JAG funds are used for DNA testing of evidentiary materials:
 - ▶ Subgrantee shall upload resulting eligible DNA profiles to the FBI's Combined DNA Index System (CODIS)
 - ▶ Subgrantee must obtain prior approval from the KGGP to enter or upload DNA profiles into any non-governmental DNA database
 - ▶ JAG funds shall not be used for the purchase of DNA equipment and supplies when DNA profiles may not be accepted for entry into CODIS

Computer Networks {36}

- ▶ Funds must not be used to maintain or establish a computer network unless such network blocks viewing, downloading and exchanging of pornography
- ▶ Does not limit the use of funds for carrying out criminal investigations, prosecution, or adjudication activities

Text Messaging {37}

- ▶ Encouraged to adopt and enforce policies banning employees from texting while driving any vehicle in the course of performing grant-funded work
- ▶ Should establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers
- ▶ Kansas law prohibits texting while driving
 - ▶ K.S.A. 8-15,111
- ▶ Sample company policy on texting while driving/distracted driving:
 - ▶ http://www.att.com/Common/about_us/txtng_driving/7_TWDTToolkit_Policy.pdf

Historic Preservation {38}

- ▶ Compliance with Section 106 National Historic Preservation Act of 1966
- ▶ Compliance with Archeological and Historic Preservation Act of 1966
- ▶ Compliance with all Federal, State, and local environmental laws and regulations applicable to the development and implementation of JAG funded activities

National Environment Policy Act {39}

- ▶ Subgrantees shall comply with the National Environmental Policy Act (NEPA) and other related federal environmental impact analysis requirements
- ▶ Activities covered by this provision:
 - ▶ New construction
 - ▶ Minor renovation or remodeling of a property in an environmentally or historically sensitive area
 - ▶ Renovation, lease, or proposed use of a building that will either result in a change in its basic prior use or significantly change its size
 - ▶ Implementation of a new program involving the use of chemicals other than chemicals that are purchased as an incidental and traditionally used in similar environments
 - ▶ Implementation of a program relating to clandestine methamphetamine laboratory operations

Trafficking of Persons {40}

- ▶ Prohibited conduct related to trafficking of persons
- ▶ <http://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm>

Liability Issues and Insurance {41 & 42}

- ▶ Disclaimer of Liability {41}
 - ▶ Tort Claims Act
- ▶ Insurance {42}
 - ▶ KGGP does not purchase insurance against Subgrantee losses

Additional Requirements {43}

- ▶ Subgrantee may be subject to additional requirements if KGGP/KCJCC determines that it is warranted

Misuse of Grant Funds {44}

Misuse of grant funds may result in various penalties

- ▶ Suspension of current and/or future funds
- ▶ Debarment from state and/or federal grants
- ▶ Recoupment of monies
- ▶ Civil and/or criminal penalties

Fraud, Waste, and Abuse {45}

The Subgrantee shall promptly refer to the U.S. Department of Justice Office of the Inspector General and the KGGP any credible evidence that any person has submitted a false claim for JAG funds under the False Claims Act or committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds.

Non-disclosure and Reprisal {46}

- ▶ Subgrantees shall not require employees or contractors to sign internal confidentiality agreements or statements as it relates to reporting of waste, fraud, or abuse
- ▶ Subgrantees shall not discriminate against an employee as reprisal for disclosure of such information
- ▶ Shall comply with 41 U.S.C. §4712 and inform employees of rights and remedies

Unused Funds {47}

- ▶ The Subgrantee shall return to the KGGP any unused grant funds on hand within 10 business days after the final Financial Status Report is due

Failure to Commence / Right to Terminate {48 & 49}

Failure to Commence Grant Project {48}

- Process articulated to terminate grant if extended delay in commencement of grant activities

Right to Terminate {49}

- Failure to comply with applicable laws, regulations, or terms of assurances
- Reimbursement of funds, equipment, etc.

Correspondence and Reports {50}

- ▶ Grant Portal - subgrant management
- ▶ Signatures and initials on Grant Assurances, completed Civil Rights Compliance Form, including relevant civil rights related documents.
 - ▶ Due (November 17, 2021)
 - ▶ Per this Assurance #50, email signed Grant Assurances, and completed Civil rights Compliance Form if a special condition, including attachments to kggp@ks.gov

Special Conditions {51}

Examples:

- ▶ Civil Rights Compliance Form
- ▶ New requirements and/or assurances
- ▶ Submission of delinquent reports
- ▶ Submission of requested documentation
- ▶ Budget adjustments when applicable
- ▶ Attendance at trainings
- ▶ Additional requirements if determined to be warranted

KGGP Website

Visit the KGGP website at

www.grants.ks.gov

for information on grant management.

- ▶ Grant Opportunities
- ▶ Resources - Managing a Grant Award*
- ▶ Resources - Civil Rights Information
- ▶ Kansas Academy for Victim Assistance (KAVA)

Save the Date!

2022 Virtual Conference

Crime Victims' Rights Conference

April 6-8, 2022

KCSDV Preconference Institute

April 5, 2022

Contact Information

This webinar is just one opportunity to get your questions answered!

For questions regarding the agency's JAG award throughout the year, please contact the KGGP office.

Kansas Governor's Grants Program

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