

# Kansas Governor's Grants Program

- ▶ 2024 Federal Edward Byrne Memorial Justice Assistance Grant (JAG)
- ▶ Grant Assurances Training
- ▶ January 4, 2024

[www.grants.ks.gov](http://www.grants.ks.gov)



# Training Agenda

Welcome and  
Introduction -

JAMIE BOWSER,  
DIRECTOR OF  
OPERATIONS



Assurances

ERICA HAAS,  
ATTORNEY

# As we get started...

- ▶ This webinar is being recorded.
- ▶ Please mute your microphone/turn off video.
- ▶ Have the JAG Assurances document available for reference, either in print or on your computer.
- ▶ Closed captioning is available - Click the CC button in the toolbar at the bottom to access
- ▶ We want this to be helpful for you! Please ask questions in the chat throughout- **all questions will be answered at the end of the webinar.**
- ▶ Let us know in the chat if you are having technical issues or send an email to [kggp@ks.gov](mailto:kggp@ks.gov).
- ▶ The link to the PowerPoint and the recorded training will be sent to the Subgrantee's primary contact and posted on [www.grants.ks.gov](http://www.grants.ks.gov).

# JAG Assurances

**PRESENTED BY**  
ERICA HAAS, ATTORNEY

# 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.
- ▶ 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>

# What are Grant Assurances?

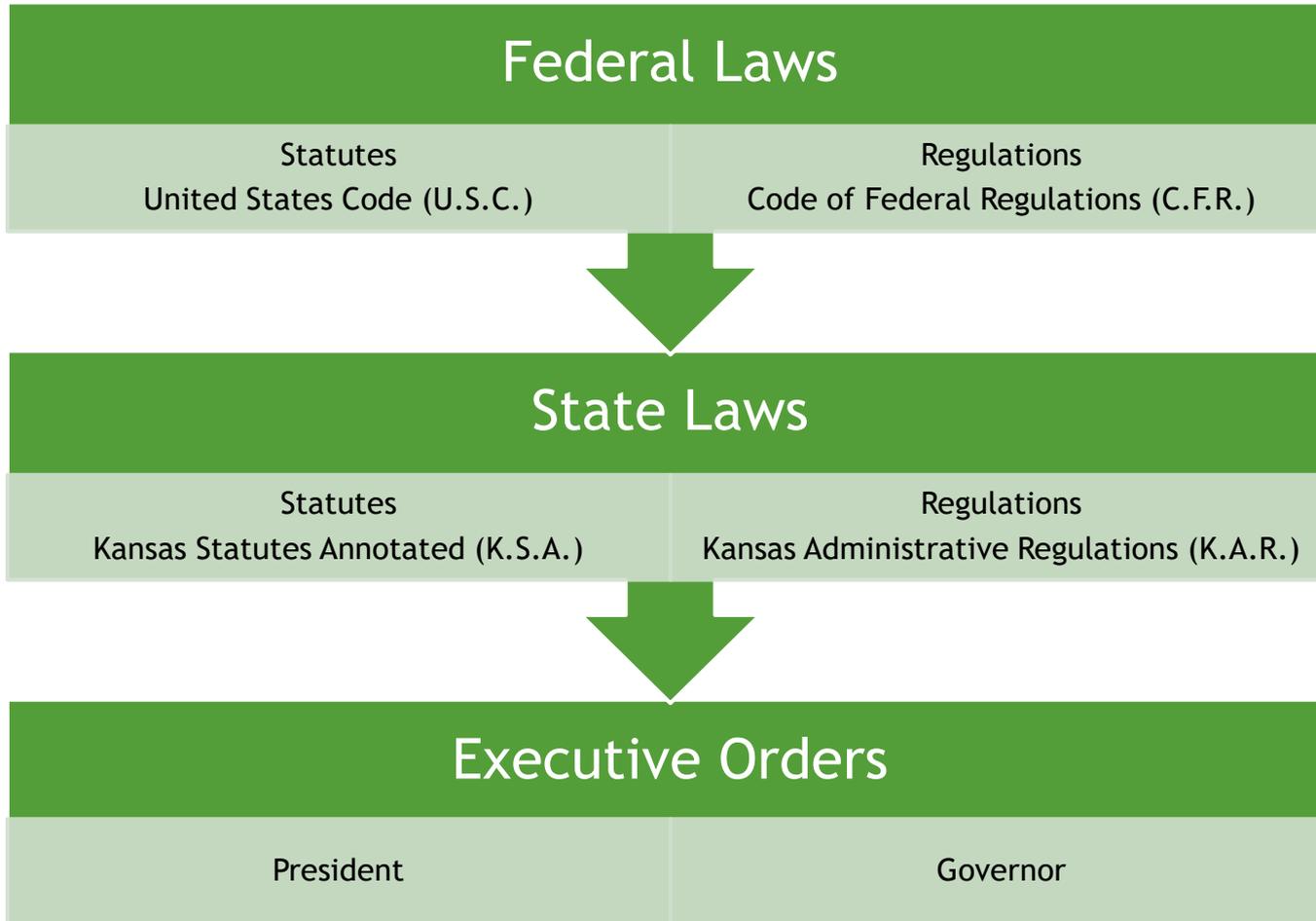
- ▶ Grant Assurances are specific requirements set forth by awarding agencies (the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, and the KGGP) that must be followed by the grant recipient to be eligible for and in compliance with a federal grant award
- ▶ Terms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

\*Not negotiable



# Authority for Grant Assurances

Department of Justice (Federal Funding Agency)

Grant Program Guidelines

Grants Financial Guide



Kansas Criminal Justice Coordinating Council (KCJCC)  
Kansas Governor's Grants Program (State Administering Agency)

Grant Assurances

Reporting Requirements

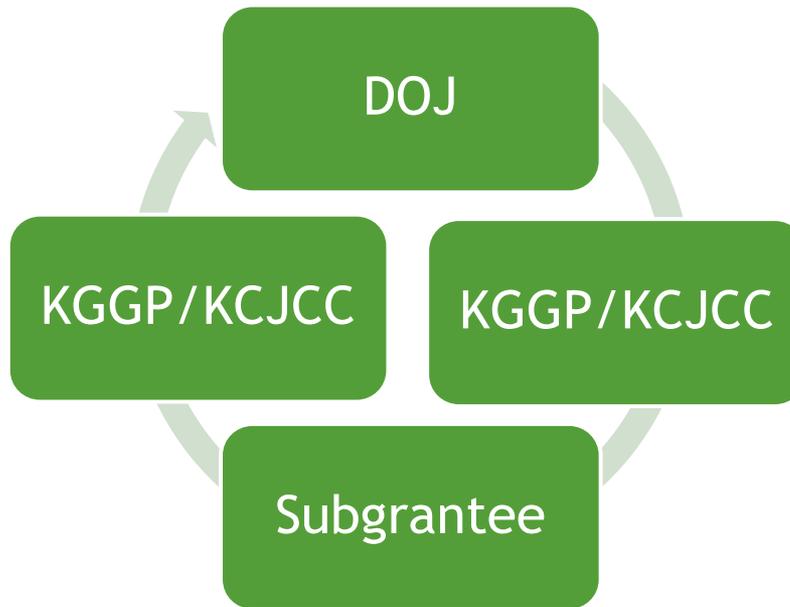


Subgrantees

Compliance

Written Policies

## Subgrantee Compliance grant conditions



# Subgrantee Compliance Audit

- ▶ KGGP and the Subgrantee must be able to understand and explain all Subgrantee activities
  - ▶ DOCUMENTATION
    - ▶ If it isn't documented it didn't happen

# General Provisions

- ▶ Award Period - Expenditures and activities are allowed only during grant award period **{1}**
  - ▶ October 1, 2023 - September 30, 2024
- ▶ 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}

## Subgrantee Responsibilities

- ▶ Comply with all provisions of the Grant Assurances document.
  - ▶ By signing the Grant Assurances, the Subgrantee documents compliance with all conditions as applicable to the JAG project.
- ▶ Ensure that any partnering entity on this JAG project also complies with all provisions of the Grant Assurances.

## 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 (PII) {6}

## Subgrantee Must Develop Written Procedures

Create, collect, processes, store, maintain, disseminate, disclose, or dispose of PII; OR

Use or operate a Federal information system

Response to an actual or imminent breach of PII

Report any actual or imminent breach of PII to the KGGP no later than 24 hours

Resources:  
Refer to 2 C.F.R. 200.79, OMB M-17-12, and OMB Circular A-130

# Integrity and Performance Matters {7}

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

# Training and Technical Assistance {8}

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

## Other Training Opportunities:

- ▶ Crime Victims' Rights Conference (CVRC)
  - ▶ [CVRC](#)
- ▶ Kansas Academy for Victim Assistance (KAVA)
  - ▶ [KAVA](#)

The Subgrantee has or will, for any grant 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

Determination  
of Suitability  
to Interact  
with Minors  
{10}

Covered Individual: A Covered Individual is any individual (other than a participating minor) who is expected, or reasonably likely, to interact with any participating minor.

Policies and Procedures should include how the Subgrantee determines who is a Covered Individual.

## Determination of Suitability to Interact with Minors {10}

If Subgrantee's grant funded activity does NOT benefit a set of individuals under 18 years of age:

- Submit to the KGGP certification on agency letterhead.

If Subgrantee's grant funded activity DOES benefit a set of individuals under 18 years of age:

- Submit to KGGP written policies.

## Subgrantee Responsibility {10}

## Determination timelines Initial:

- Within six months of required searches.

## Updates and Reexaminations:

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

# Subgrantee Written Policies {10}

Interaction with Minors DOES include:

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

Interaction does NOT include:

- Brief unintentional contact; or
- Personally-accompanied contact

# Subgrantee Written Policies {10}

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 (and/or tribe, if applicable) the individual has been connected to in the past five years;
    - Lived, worked, or attended school; and
- Public registries for each state (and/or tribe, if applicable) the individual will likely interact with a participating minor related to the grant award.

## Subgrantee Written Policies {10}

## Current and Appropriate Information (continued)

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:

- Criminal history registries:
  - Public registries for each state the individual has been connected to in the past five calendar years preceding the date of the search request;
    - Lived, worked, or attended school;  
and
  - Public registries for each state the individual will likely interact with a participating minor related to the grant award.

**\*\*Searches shall be conducted by using fingerprints when possible.**

**\*\* Searches shall be conducted by current and previous names, including aliases.**

# Subgrantee Written Policies {10}

Determination of Suitability 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;

## Subgrantee Written Policies {10}

Determination of Suitability 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

## Subgrantee Written Policies {10}

## Subgrantee Responsibility

Provide to KGGP a list of covered individuals and the following information about each covered individual:

- Name
- Position/Role
- Format of Determination (form, letter, email etc. \*Must be in writing)
- Date/s of Search Results
- Determination

**\*\*Subgrantee does NOT provide search results to KGGP**

Review of  
Determinations  
{10}

## KGGP Paraprofessional Responsibility

Select five or five percent (whichever is greater) of the covered individuals and review the following:

- Timely determination (made within six months of completed searches);
- Timely redetermination (every five years);
- Re-examinations (information becomes available to suggest unsuitability);
- Outcome; and
- Back up documentation.

Review of  
Determinations  
{10}

## KGGP Paraprofessional Responsibilities

In addition to reviewing the determinations, the Paraprofessional will:

- Review Subgrantee policies;
- Request additional information as needed;
- Sign, date, and file the checklist; and
- Inform the Subgrantee and Analyst by email when the review is complete.

Review of  
Determinations  
{10}

## Resources

### Checklist:

[Suitability to Interact with Minors Checklist](#)

### Details:

U.S. Department of Justice, Office of Justice Programs:

<https://www.ojp.gov/funding/explore/interact-minors>

### Funding:

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

### Training video:

<https://www.youtube.com/watch?v=Dlaj4xyBO2o>

Determination  
of Suitability  
to Interact  
with Minors  
{10}

**DOCUMENT,**

**DOCUMENT,**

**DOCUMENT!**

# Publications and Materials and Training {23 and 24}

Statements, publicity releases, or other documents

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

Acknowledgment required (see grant assurance for specific language)

- 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
- \*Media

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](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

# Forensic Genealogy Testing {36}

- ▶ Forensic genealogy testing supported by JAG funds:
  - ▶ Subgrantees must adhere to U.S. Department of Justice Interim Policy Forensic Genealogical DNA Analysis and Searching
    - ▶ <https://www.justice.gov/olp/page/file/1204386/download>

# Facial Recognition Technology {37)

- ▶ For any Facial Recognition Technology (FRT) purchased or used with JAG funds, the Subgrantee shall have policies and procedures in place to ensure the FRT will be utilized in an appropriate and responsible manner that promotes public safety, and protects privacy, civil rights, and civil liberties.
- ▶ A copy of such policies and procedures must be provided to the KGGP no less than 30 days prior to the use of JAG funds for this purpose.

# Computer Networks {38}

- ▶ 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 {39}

- ▶ 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](http://www.att.com/Common/about_us/txtng_driving/7_TWDTToolkit_Policy.pdf)

# Historic Preservation {40}

- ▶ 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 {41}

- ▶ 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 {42}

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

# Liability Issues and Insurance {43 and 44}

- ▶ Disclaimer of Liability **{43}**
  - ▶ Tort Claims Act
- ▶ Insurance **{44}**
  - ▶ KGGP does not purchase insurance against Subgrantee losses

## Additional Requirements {45}

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

# Misuse of Grant Funds {46}

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 {47}

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 {48}

- ▶ 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 {49}

- ▶ 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 {50 and 51}

## Failure to Commence Grant Project {50}

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

## Right to Terminate {51}

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

## Correspondence and Reports {52}

- ▶ Grant Portal - subgrant management
- ▶ Signatures and initials on Grant Assurances, completed Civil Rights Compliance Form, including relevant civil rights related documents.
  - ▶ **December 7, 2023**
  - ▶ **Per this Assurance #52, email signed Grant Assurances, and completed Civil rights Compliance Form if a special condition, including attachments to [kggp@ks.gov](mailto:kggp@ks.gov)**

# Special Conditions {53}

## 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

# Questions???

# KGGP Website

Visit the KGGP website at

[www.grants.ks.gov](http://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)

# How would you help?



**26th Annual Crime Victims' Rights Conference**

**April 10 - 11, 2024**

**Hyatt Regency, Wichita, Kansas**

# ***Thank you for attending the webinar!***

## **Contact Information**

**This webinar is just one opportunity to get your questions answered!  
For questions regarding the agency's JAG award contact the KGGP office.**

### **Kansas Governor's Grants Program**

**[kggp@ks.gov](mailto:kggp@ks.gov)**

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