

DEPARTMENT OF JUSTICE

CFDA 16.579 BYRNE FORMULA GRANT PROGRAM

I. PROGRAM OBJECTIVES

The Byrne Formula Grant Program (Byrne grants) provides funds to States, for use by State and local governments, to improve the functioning of the criminal justice system, with emphasis on drugs, violent crime and serious offenders, and to enforce State and local laws that establish offenses similar to those established in the Federal Controlled Substances Act (21 USC 801 *et seq.*).

II. PROGRAM PROCEDURES

Byrne grants are awarded to the States, which, in turn, subaward the funds to State and local agencies. Each State is required to develop a Statewide drug control and violent crime strategy as part of its application for funds. Strategies are developed in consultation with State and local criminal justice officials and are coordinated with the treatment and prevention block grant programs. Each State shall distribute to local units of governments a share of the State's formula grant funds that is equal to the ratio of all local criminal justice expenditures to the total criminal justice expenditures for the State.

Grants may provide personnel, equipment, training, technical assistance, and information systems for more widespread apprehension, prosecution, adjudication, detention, and rehabilitation of persons who violate such laws, and may provide assistance (other than compensation) to their victims.

Byrne grant funds may be used for confidential expenditures such as the purchase of services, physical evidence, and information, and for "buy money," and "flash rolls." By the very nature of this use, some traditional accounting controls may be impossible to implement, once funds are in the field. In addition, the personnel administering these funds are exposed to extreme risk in terms of bodily harm or death. Guidelines for the control of confidential funds are found in the Office of Justice Programs, Office of the Comptroller, Financial Guide (Chapter 8). Each grant recipient is provided a copy of this guide. Additional copies can be obtained from the Office of Justice Programs, Office of the Comptroller, Customer Service Center at 1-800-458-0786, or on the Internet (<http://www.ojp.usdoj.gov/oc>).

Source of Governing Requirements

This program is authorized under Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (Act) and codified at 42 USC 3750-3766b, Drug Control and System Improvement Grant Program.

Availability of Other Program Information

The Department of Justice's (DOJ), Bureau of Justice Assistance (BJA) home page (<http://www.ojp.usdoj.gov/BJA/>) under the selection titled Byrne Formula Grant Program provides information on program laws (as part of Byrne Formula Grant Program Guidance and Application Kit) and other general information about the program.

III. COMPLIANCE REQUIREMENTS

In developing the audit procedures to test compliance with the requirements for a Federal program, the auditor should first look to Part 2, Matrix of Compliance Requirements, to identify which of the 14 types of compliance requirements described in Part 3 are applicable and then look to Parts 3 and 4 for the details of the requirements.

A. Activities Allowed or Unallowed

1. Byrne grants may be used to implement programs that carry out any of the 29 authorized purposes as outlined in the Act (42 USC 3751 (b)):
 - a. Demand-reduction education programs in which law enforcement officers participate.
 - b. Multi-jurisdictional task force programs to integrate Federal, State, and local drug law enforcement agencies and prosecutors for the purpose of enhancing interagency coordination and intelligence and facilitating multi-jurisdictional investigations.
 - c. Programs to target the domestic sources of controlled and illegal substances, such as precursor chemicals, diverted pharmaceuticals, clandestine laboratories, and cannabis cultivations.
 - d. Community and neighborhood programs to assist citizens in preventing and controlling crime, including special programs that address crimes committed against the elderly and crime in rural jurisdictions.
 - e. Programs to disrupt illicit commerce in stolen goods and property.
 - f. Programs to improve the investigation and prosecution of white-collar crime, organized crime, public corruption crime, and fraud against the government, with priority attention to cases involving drug-related official corruption.
 - g. Programs to improve the operational effectiveness of law enforcement through the use of crime analysis techniques, street sales enforcement, schoolyard violator programs, and gang-related and low-income housing drug-control programs.

- h. Programs to develop and implement antiterrorism plans for deep draft ports, international airports, and other important facilities.
- i. Career criminal prosecution programs, including the development of model drug-control legislation.
- j. Financial investigative programs to identify money laundering operations and assets obtained through illegal drug trafficking, including the development of model legislation, financial investigative training, and financial information-sharing systems.
- k. Programs to improve the operational effectiveness of the court process by expanding prosecutorial, defender, and judicial resources and implementing court delay reduction programs.
- l. Programs to provide additional public correctional resources and improve the corrections system, including treatment in prisons and jails, intensive supervision programs, and long-range corrections and sentencing strategies.
- m. Prison industry projects to place inmates in a realistic working and training environment that enables them to develop marketable skills. With these skills inmates also are better able to support their families and themselves in the institution and make financial restitution to their victims.
- n. Programs to identify and meet the treatment needs of adult and juvenile drug-and alcohol-dependent offenders.
- o. Programs to provide assistance to jurors and witnesses and assistance (other than compensation) to victims of crime.
- p. Programs to improve drug-control technology such as pretrial drug-testing programs; programs to provide for the identification, assessment, referral to treatment, case management, and monitoring of drug-dependent offenders; and programs to enhance State and local forensic laboratories.
- q. Criminal justice information systems to assist law enforcement, prosecution, courts, and corrections organizations (including automated fingerprint identification systems).
- r. Programs to demonstrate innovative approaches to enforcement, prosecution, and adjudication of drug offenses and other serious crimes.
- s. Programs to address the problems of drug trafficking and the illegal manufacture of controlled substances in public housing.

- t. Programs to improve the criminal and juvenile justice system's response to domestic and family violence, including spouse abuse, child abuse, and abuse of the elderly.
 - u. Programs with which State and local units of government can evaluate State drug-control projects.
 - v. Programs to provide alternatives to detention, jail, and prison for persons who pose no danger to the community.
 - w. Programs to strengthen urban enforcement and prosecution efforts targeted at street drug sales.
 - x. Programs to prosecute driving-while-intoxicated charges and enforce other laws relating to alcohol use and the operation of motor vehicles.
 - y. Programs to address the need for effective bindover systems for the prosecution of violent 16- and 17-year-old juveniles for certain enumerated violent crimes in courts with jurisdiction over adults.
 - z. Law enforcement and prevention programs for gangs and youth who are involved in or are at risk of involvement in gangs.
 - aa. Programs to develop or improve forensic laboratory capability to analyze DNA for identification purposes.
 - bb. Programs to develop and implement antiterrorism training and procure equipment for local law enforcement authorities.
 - cc. Programs to improve the quality, timeliness, and credibility of forensic science services for criminal justice services.
 - dd. Enforcing child abuse and neglect laws, including laws protecting against child sexual abuse, and promoting programs designed to prevent child abuse and neglect.
 - ee. Establishing or supporting cooperative programs between law enforcement and media organizations, to collect, record, retain, and disseminate information useful in the identification and apprehension of suspected criminal offenders.
2. Grant funds shall not be used for land acquisition or construction projects other than penal and correctional institutions (42 USC 3755).

G. Matching, Level of Effort, Earmarking**1. Matching**

The Federal share may not exceed 75 percent of the cost of the program. The matching must be in cash and in-kind matching is not permitted. The 25 percent match is required on a project-by-project basis under this program, unless otherwise approved by the DOJ. The U. S. Virgin Islands, American Samoa, Guam, the Northern Mariana Islands and federally recognized Indian tribes are not required to provide matching funds (42 USC 3754 (a) and (e)).

2. Level of Effort - Not Applicable**3. Earmarking**

- a. Not more than 10 percent of a grant made to a State may be used by the State agency for costs incurred to administer the grant (42 USC 3754 (b)).
- b. Not less than 5 percent of the award shall be allocated by each State to improve criminal justice records (42 USC 3759 (a)).
- c. The State is required to pass through to units of local government a portion of the funds. This percentage will be stated in the grant award from DOJ (42 USC 3756).

H. Period of Availability of Federal Funds

The grant period is stated in the grant award documents from DOJ and is 3 years from the beginning of the Federal fiscal year of the award, regardless of when the award is actually made. Extensions of the grant period may be granted by the DOJ.

L. Reporting**1. Financial Reporting**

- a. SF-269, *Financial Status Report* - Applicable
- b. SF-270, *Request for Advance or Reimbursement* - Not Applicable
- c. SF-271, *Outlay Report and Request for Reimbursement for Construction Programs* - Not Applicable
- d. SF-272, *Federal Cash Transactions Report* - Not Applicable

2. Performance Reporting - Not Applicable**3. Special Reporting - Not Applicable**

DEPARTMENT OF JUSTICE

CFDA 16.710 PUBLIC SAFETY PARTNERSHIP AND COMMUNITY POLICING GRANTS (COPS)

I. PROGRAM OBJECTIVES

The Community Oriented Policing Services (COPS) Grant Program provides grants to law enforcement agencies to add police officers or sheriff's deputies to America's neighborhood streets and advance community policing nationwide, with emphasis on reducing levels of crime, reducing the fear of crime, and increasing trust between law enforcement and the communities they serve through problem solving tactics and community-policing partnerships.

II. PROGRAM PROCEDURES

COPS grant programs are awarded to law enforcement agencies, large and small, across the country. The overall intent of the grant programs is to help develop an infrastructure that will sustain community policing.

COPS grants may provide personnel, technology, equipment, training and technical assistance, and innovative community policing strategies. The three main categories of grants are Hiring, MORE (Making Officer Redeployment Effective), and Innovative.

Hiring Grants

Of the COPS hiring grants, there are five types, which provide funds for the hiring of community policing officers and deputies under five grant programs:

- Phase I
- Accelerated Hiring, Education, and Deployment (AHEAD)
- Funding Accelerated for Smaller Towns (FAST)
- Universal Hiring Program (UHP)
- COPS in Schools (CIS)

COPS MORE

The COPS MORE program allows law enforcement agencies to purchase technology and equipment or hire civilian support staff, allowing sworn officers to be redeployed back to the streets engaging in community policing initiatives. Equipment such as laptop computers, records management systems, and crime analysis and mapping software support community-based efforts and improve problem solving.

Innovative Grants

The Innovative grant programs promote innovative approaches to crime prevention and advancing community policing. For example, working with the Department of Justice's (DOJ) Violence Against Women Office, COPS-funded Community Policing to Combat Domestic Violence grants to assist communities to fight domestic violence through community policing. The School-Based Partnership Program assists community and school groups to partner with community police to stop violence. The COPS Methamphetamine Initiative targets prevention and eradication efforts in urban and rural America. The Interoperable Communications Technology Program provides grants to States and localities to improve communications within and among law enforcement agencies.

Source of Governing Requirements

This program is authorized under the Violent Crime Control and Law Enforcement Act of 1994, Pub. L. 103-322, Title I, Part Q (42 USC 3796dd - 3796dd-8).

Availability of Other Program Information

The DOJ-COPS home page (<http://www.cops.usdoj.gov/>) under the selection titled "Funding" provides information on regulations and other general information about the program.

Additional information about this program is found in the Grant Owner's Manuals developed by the COPS Office. Each grant recipient is provided a copy of appropriate manuals. Additional copies can be obtained from the U.S. Department of Justice Response Center at 1-800-421-6770, or on the Internet site referenced above. The Grant Monitoring Standards for Hiring and Redeployment are also available on the COPS home page.

III. COMPLIANCE REQUIREMENTS

In developing the audit procedures to test compliance with the requirements for a Federal program, the auditor should first look to Part 2, Matrix of Compliance Requirements, to identify which of the 14 types of compliance requirements described in Part 3 are applicable and then look to Parts 3 and 4 for the details of the requirements.

A. Activities Allowed or Unallowed

1. *Hiring Grant Projects* - Hiring grants may include programs, projects, and other activities to:
 - a. Rehire law enforcement officers who have been laid off as a result of State and local budget reductions for financial reasons unrelated to the availability of COPS grant funding for redeployment into community-oriented policing;
 - b. Hire and train new, additional career law enforcement officers for deployment in community-oriented policing (42 USC 3796dd(b)(1)); and

- c. Hire former members of the Armed Forces to serve as career law enforcement officers for deployment in community-oriented policing (42 USC 3796dd(c)).
2. *MORE Grant Projects* - MORE grants may include programs, projects, and other activities to procure equipment, technology, or support systems that results in an increase in the number of officers deployed in community- policing activities (42 USC 3796dd(b)(1)(C)).
3. *Innovative Grant Projects* - These grants include programs and projects that are very specific in terms of allowable and unallowable costs and activities. The individual grant must be evaluated to determine what is allowable (42 USC 3796dd(d)).

B. Allowable Costs/Cost Principles

Hiring Costs - Funding provided for the hiring or rehiring a career law enforcement officer may not exceed \$75,000 for UHP unless a waiver of this limitation is provided by the COPS Office. The CIS program provides up to \$125,000 per officer for approved entry-level salary and benefit costs over a three-year grant period. Any additional funding needed for salary and benefit costs exceeding \$125,000 per officer during the three-year period is the responsibility of the grant recipient (42 USC 3796dd-3(c)).

G. Matching, Level of Effort, Earmarking

1. Matching

Phase I, AHEAD, FAST, UHP, and MORE grantees are obligated to contribute at least 25 percent of the costs of the project or activity, as funded by the COPS Office, unless a waiver is obtained from the COPS Office. Grant awards may cover up to 75 percent of the costs over the grant period as outlined in the application submission (42 USC 3796dd(I)).

2 Level of Effort - Not Applicable

3. Earmarking - Not Applicable

L. Reporting

1. Financial Reporting

- a. SF-269, *Financial Status Report* - Applicable
- b. SF-270, *Request for Advance or Reimbursement* - Not Applicable
- c. SF-271, *Outlay Report and Request for Reimbursement for Construction Programs* - Not Applicable

- d. SF-272, *Federal Cash Transactions Report* - Not Applicable

2. Performance Reporting

- a. *Department Annual Report (OMB No. 1103-0081)* - This report is required once a year during the life of the grant for all COPS AHEAD, FAST and UHP grants.

Key Line Items - The following questions contain critical information:

- 1. Question 1 - *Number of actual full and part time sworn law enforcement officer positions, excluding COPS-funded officers.*
- 2. Question 2 - *Number of budgeted full and part time sworn law enforcement officer positions, excluding COPS-funded officers.*

3. Special Reporting - Not Applicable