

## § 31.502

## 28 CFR Ch. I (7-1-05 Edition)

### § 31.502 Assurances and plan information.

(a) In its application for a Juvenile Accountability Incentive Block Grant (JAIBG), each State must provide assurances to the Office of Juvenile Justice and Delinquency Prevention (OJJDP), absent a waiver as provided in the JAIBG Program Guidance Manual, that:

(1) The State will subgrant at least 75% of the State's allocation of funds to eligible units of local government to implement authorized programs at the local level; and

(2) The State, and each unit of local government applying for a subgrant from the State, will expend not less than 45% of any grant provided to such State or unit of local government, other than funds set aside for administration, for program purposes 3-9 in § 31.500 (c) through (i) of this subpart, and will not spend less than 35% for program purposes 1, 2, and 10 in § 31.500 (a), (b), and (j) of this subpart, unless the State certifies to OJJDP, or the unit of local government certifies to the State, that the interests of public safety and juvenile crime control would be better served by expending the grant award for purposes set forth in the twelve program areas in a different ratio. Such certification shall provide information concerning the availability of existing structures or initiatives within the intended areas of expenditure (or the availability of alternative funding sources for those areas), and the reasons for the State or unit of local government's alternative use.

(3) The funds provided under this part shall be administered in compliance with the standards set forth in part 38 (Equal Treatment for Faith-based Organizations) of this chapter.

(b) Following award of JAIBG funds to a State by OJJDP, but prior to obligation of program funds by the State or of subgrant funds by a unit of local government for any authorized program purpose, a State administering JAIBG funds must provide to OJJDP information that demonstrates that the State, or a unit of local government that receives JAIBG funds, has established a coordinated enforcement plan for reducing juvenile crime, devel-

oped by a Juvenile Crime Enforcement Coalition (JCEC).

(c) State coordinated enforcement plans must be developed by a Juvenile Crime Enforcement Coalition consisting of representatives of law enforcement and social service agencies involved in juvenile crime prevention. To assist in developing the State's coordinated enforcement plan, States may choose to utilize members of the State Advisory Group (SAG) established by the State's Chief Executive under section 223(a)(3) of Part B of the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974, as amended, codified at 42 U.S.C. 5633(a)(3), if appropriate membership exists, or use or establish another planning group that constitutes a coalition of law enforcement and social service agencies.

(d) When establishing a local Juvenile Crime Enforcement Coalition (JCEC), units of local government must include, unless impracticable, individuals representing:

- (1) Police,
- (2) Sheriff,
- (3) Prosecutor,
- (4) State or local probation services,
- (5) Juvenile court,
- (6) Schools,
- (7) Business, and
- (8) Religious affiliated, fraternal, nonprofit, or social service organizations involved in crime prevention.

(e) Units of local government may utilize members of Prevention Policy Boards established pursuant to section 505(b)(4) of Title V of the JJDP Act, codified at 42 U.S.C. 5784(b)(4), to meet the JCEC requirement, provided that each JCEC meets the membership requirements listed in paragraph (d) of this section.

[64 FR 19676, Apr. 21, 1999, as amended by Order No. 2703-2004, 69 FR 2838, Jan. 21, 2004]

### § 31.503 Notice of proposed use of funds.

The mechanism for a State to report on the proposed use of funds by the State or by a subgrantee unit of local government is by electronic submission of a "Follow Up Information Form" to be provided to each participating State. The purpose of this report is for the State to provide assurances to OJJDP that funds expended by the

## Department of Justice

## § 32.1

State and its subgrantee units of local government will be used for authorized program purpose areas. Although no actual program descriptions will be required, information about the distribution of funds among the authorized program purpose areas must be provided. Upon receipt and review of the "Follow Up Information Form" by OJJDP, States may obligate program funds retained for expenditure at the State level. Similarly, the State shall require that each recipient unit of local government submit its proposed use of non-administrative funds to the State prior to drawdown of subgrant funds to implement local programs and projects. Upon receipt and review of the local unit of government's proposed fund use, the State shall authorize the local unit of government to obligate local subgrant funds. The State shall electronically submit a copy of the local subgrant information to OJJDP, as provided in the award package, within 30 days of the date that the local unit of government is authorized to obligate program funds under its subgrant award.

### PART 32—PUBLIC SAFETY OFFICERS' DEATH AND DISABILITY BENEFITS

#### Subpart A—Death and Disability Benefits

Sec.

- 32.1 Purpose and OMB control number.
- 32.2 Definitions.

##### OFFICERS COVERED

- 32.3 Coverage.
- 32.4 Reasonable doubt of coverage.
- 32.5 Findings of State, local, and Federal agencies.
- 32.6 Conditions on payment.
- 32.7 Intentional misconduct of the officer.
- 32.8 Intention to bring about death or permanent and total disability.
- 32.9 Voluntary intoxication.

##### BENEFICIARIES

- 32.10 Order of priority.
- 32.11 Contributing factor to death.
- 32.12 Determination of relationship of spouse.
- 32.13 Determination of relationship of child.
- 32.14 Determination of relationship of parent.
- 32.15 Determination of dependency.

##### INTERIM AND REDUCED DEATH PAYMENTS

- 32.16 Interim payment in general.

- 32.17 Repayment and waiver of repayment.
- 32.18 Reduction of payment.

##### FILING AND PROCESSING OF CLAIMS

- 32.19 Persons executing claims.
- 32.20 Claims.
- 32.21 Evidence.
- 32.22 Representation.

##### DETERMINATION, HEARING, AND REVIEW

- 32.23 Finding of eligibility or ineligibility.
- 32.24 Request for a hearing.

##### NATIONAL PROGRAMS FOR FAMILIES OF PUBLIC SAFETY OFFICERS WHO HAVE DIED IN THE LINE OF DUTY

- 32.25 National programs.

#### Subpart B—Public Safety Officers' Educational Assistance

- 32.31 Purpose.
- 32.32 Definitions.
- 32.33 Eligibility for assistance.
- 32.34 Application for assistance.
- 32.35 Retroactive benefits.
- 32.36 Action on applications for assistance.
- 32.37 Determination of benefits.
- 32.38 Denial of benefits.
- 32.39 Appeals.
- 32.40 Repayment.

##### APPENDIX TO PART 32—PSOB HEARING AND APPEAL PROCEDURES

AUTHORITY: Part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (42 U.S.C. 3711 *et seq.*).

SOURCE: 57 FR 24913, June 11, 1992, unless otherwise noted.

#### Subpart A—Death and Disability Benefits

##### § 32.1 Purpose and OMB control number.

(a) The purpose of this subpart is to implement the Public Safety Officers' Benefits Act of 1976, as amended, which authorizes the Bureau of Justice Assistance, Office of Justice Programs, to pay a benefit of \$100,000, adjusted in accordance with § 32.3(b), to specified survivors or public safety officers found to have died as the direct and proximate result of a personal injury sustained in the line of duty, and to claimant public safety officers found to have been permanently and totally disabled as the direct result of a catastrophic injury sustained in the line of duty. The Act also authorizes funds to establish national programs to assist the families of public safety officers who have died