



Office of the Governor

Criminal Justice Division

Application Resource:

***Standard Certifications and Requirements
for Grant Awards***

December 11, 2017

Standard Certifications and Requirements for Grant Awards

Orientation

Standard CJD Requirements

This document contains standard requirements for accepting a grant award from the Criminal Justice Division (CJD) of the Office of the Governor (OOG). Most of these requirements can be found in the policies listed in the *Grantee Conditions and Responsibilities* document or the *Guide to Grants* (both available at <http://gov.texas.gov/cjd/resources>). However, there are additional requirements drawn from state and federal law and regulation, as well as OOG and CJD policies.

The individual funding announcements for each grant program may contain additional requirements and should be reviewed thoroughly before accepting a CJD grant award.

Standard Certifications

As a resource to grant applicants, the certifications contained in most regular CJD grant programs are also listed in this document. These certifications can be found on the Narrative tab of the application in eGrants. There are two different standard sets of certifications:

- **Victim-oriented program certifications:** Victims of Crime Act - General Victim Assistance, child sex trafficking victim services grant programs, and the Violence Against Women Justice and Training Program.
- **Justice system-oriented programs:** Justice Assistance Grant (JAG) Program, Juvenile Justice Grant Program, Body-Worn Camera Program, National Incident-Based Reporting System (NIBRS) Grant Program, Truancy Prevention and Intervention Program, Specialty Courts Program, and Rifle-Resistant Body Armor Grant Program.

However, the certifications listed on the Narrative tab are the most up-to-date and authoritative version of the certifications for any particular grant program. The listings here are for applicant convenience only. Any certifications in this document that are not present in eGrants or are different from those in eGrants should be disregarded.

Contents

Standard CJD Requirements	4
Required Certifications.....	4
Justice System-Oriented Grants.....	4
Victim-Oriented Grants.....	6
About CJD.....	10

Standard CJD Requirements

The following are requirements for all grant awards made by CJD, as applicable.

CJD Regulations: Grantees must comply with the standards applicable to this funding source cited in the Texas Administrative Code (1 TAC Chapter 3), and all statutes, requirements, and guidelines applicable to this funding. For more information on these statutes, requirements, and guidelines, consult the *Guide to Grants* and the *Grantee Conditions and Responsibilities*.

Uniform Crime Reports: Eligible applicants operating a law enforcement agency must be current on reporting Part I violent crime data to the Texas Department of Public Safety (DPS) for inclusion in the annual Uniform Crime Report (UCR). To be considered eligible for funding, applicants must have submitted a full 12 months of accurate data to DPS for the most recent calendar year.

Criminal History Reporting: The county (or counties) in which the applicant is located must have a 90% average on both adult and juvenile criminal history dispositions reported to the Texas Department of Public Safety for calendar years 2011 through 2015.

Immigration and Customs Enforcement Requests: An application requirement pertaining to full compliance with Department of Homeland Security detainer requests applies to all municipal or county governments that operate a subdivision or department that detains individuals after arrest for a criminal violation. Full text of this certification can be found on the Narrative tab of each application or at http://gov.texas.gov/cjd/dhs_detainerrequest. All applicants must select one of four options in their eGrants application to be considered for funding under this announcement.

Indemnification: The grantee shall, to the extent applicable, indemnify and hold harmless the Office of the Governor (OOG), or any employee, director, or agent of OOG from and against all claims, damages, losses, and expenses (including attorney's fees and court costs incurred to defend litigation), any decrees or judgments whatsoever arising from any and all injuries, including death or damages to or destruction of property resulting from the grantee's acts or omissions, willful misconduct, negligence, or breach of the grantee's obligations under the OOG program by the grantee, its agents, employees, Board Members, or other persons under its supervision and direction.

Required Certifications

Applicants must certify that they will comply with the following requirements to the extent that they are applicable. CJD, at its sole discretion, will determine the applicability of requirements. By affirming the overall certification, applicants also agree to all requirements within the CJD funding announcement and *Criminal Justice Division & Homeland Security Grants Division Grantee Conditions and Responsibilities*.

Justice System-Oriented Grants

A. Constitutional compliance: Applicant assures that it will not engage in any activity that violates Constitutional law including profiling based upon race.

B. Information systems: Applicant assures that any new criminal justice information systems will comply with data sharing standards for the Global Justice XML Data Model and the National Information Exchange Model.

C. Bulletproof vests: Applicant assures that if it plans to purchase body armor with grant funds, that it has adopted a mandatory wear policy and that all vests purchased have been tested and found to comply with the latest applicable National Institute of Justice (NIJ) ballistic or stab standards. Additionally, vests purchased must be American-made.

D. Uniform Crime Reports: Eligible applicants operating a law enforcement agency must be current on reporting Part I violent crime data to the Texas Department of Public Safety for inclusion in the annual Uniform Crime Report (UCR) and must have been current for the twelve previous months.

E. Criminal History Reporting: The county (or counties) in which the applicant is located must have a 90% average on both adult and juvenile criminal history dispositions reported to the Texas Department of Public Safety for calendar years 2011 through 2015.

F. DNA Testing of Evidentiary Materials. All grantees that perform DNA testing of evidentiary materials, whether supported by this grant or not, must upload any resulting eligible DNA profiles to the Combined DNA Index System (CODIS) by a government DNA lab with access to CODIS.

G. Interoperable Communications. Funds to support emergency communications activities must ensure compliance with the *FY 2015 SAFECOM Guidance on Emergency Communications Grants*; adherence to the technical standards set forth in the FCC Waiver Order, or any succeeding FCC orders, rules, or regulations pertaining to broadband operations in the 700 MHz public safety band; and are fully coordinated with the full-time Statewide Interoperability Coordinator (SWIC) for Texas.

H. Twelve-Step Programs. Grant funds may not be used to support or directly fund programs such as the Twelve Step Program which courts have ruled are inherently religious. OOG grant funds cannot be used to support these programs, conduct meetings, or purchase related materials.

I. Specialty Court Certifications. If the applicant is a specialty court operated under Ch. 121 of the Texas Government Code, the following certifications apply:

1. The specialty court will develop and maintain written policies and procedures for the operation of the program.
2. The applicant will submit a copy of any project evaluations, evaluation plans, recidivism studies, or related reports that are completed during the grant period to CJD.

I. Generated Program Income. Unless specifically and explicitly authorized to do otherwise by OOG, at OOG's sole discretion, the applicant will report Generated Program Income (GPI), which includes any portion of fees collected from program participants and retained by the grantee. GPI will be applied to the grant through a grant adjustment. GPI must be used to offset project costs and must be expended prior to seeking payment from OOG.

J. Immigration and Customs Enforcement Requests: The full text of this certification is found at http://gov.texas.gov/cjd/dhs_detainerrequest. To be in compliance with this requirement, any county or

municipal government that includes a department that detains individuals after arrest for a criminal violation must provide a letter signed by the head of each such department certifying to the requirements. This letter may be used for any application submitted to OOG for a period of up to two years from the date it is signed. If that period expires during the project period of any grant, the grantee must submit an updated letter for each such grant to remain in compliance with this requirement. All applicants must select one of the following options:

- Applicant is not a county or municipal government.
- Applicant is a county or municipal government and does not include any department that detains individuals after arrest for a criminal violation at any time.
- Applicant is a county or municipal government that includes department(s) that detain individuals after arrest for a criminal violation. Letters certifying compliance and signed by the heads of all such departments have been uploaded to this application.
- Applicant is a county or municipal government that includes department(s) that detain individuals after arrest for a criminal violation. The Authorized Official has read the certification found at http://gov.texas.gov/cjd/dhs_detainerrequest. Further, the Authorized Official will not be submitting signed letters certifying compliance from the heads of all such departments and understands that failure to comply with this certification may result in OOG, at its sole discretion, rejecting this application and any other application from the relevant county or municipal government.

K. Civil Rights Liaison: A civil rights liaison who will serve as the grantee's civil rights point of contact and who will be responsible for ensuring that the grantee meets all applicable civil rights requirements must be designated. The designee will act as the grantee's liaison in civil rights matters with CJD and with the federal Office of Justice Programs.

Victim-Oriented Grants

A. Forensic Medical Examination Payments: Health care facilities shall conduct a forensic medical examination of a victim of an alleged sexual assault if the victim arrived at the facility within 96 hours after the assault occurred and the victim consents to the examination. The victim is not required to participate in the investigation or prosecution of an offense as a condition of receiving a forensic medical examination, nor pay for the forensic examination or the evidence collection kit. The evidence collection portion of the exam is to be paid by law enforcement per state law. Crime Victim Compensation funds may be used to pay for the medical portion of the exam unless the victim of sexual assault is required to seek reimbursement for the examination from their insurance carrier. If a health care facility does not provide diagnosis or treatment services for sexual assault victims, the facility is required to refer the victim to a facility that provides those services.

B. Confidentiality and Privacy: Applicant agrees to maintain the confidentiality of client-counselor information and research data, as required by state and federal law. Personally identifying information or individual information collected in connection with services requested, utilized, or denied may not be disclosed; or, reveal individual client information without informed, written, reasonably time-limited consent of the person about whom information is sought. If release of information is compelled by statutory or court mandate, reasonable attempts to provide notice to victims affected by the disclosure

of information will be made and steps necessary to protect the privacy and safety of the persons affected by the release of information will be taken.

C. Civil Rights Liaison: A civil rights liaison who will serve as the grantee's civil rights point of contact and who will be responsible for ensuring that the grantee meets all applicable civil rights requirements must be designated. The designee will act as the grantee's liaison in civil rights matters with CJD and with the federal Office of Justice Programs.

D. Activities that Compromise Victim Safety and Recovery: Applicant agrees to not engage in activities that jeopardize victim safety, deter or prevent physical or emotional healing for victims, or allow offenders to escape responsibility for their actions.

E. Legal Assistance for Victims (LAV) Certification: The applicant certifies that it meets the following federal statutory requirements in regards to the provision of legal advocacy:

1. Any person providing legal assistance through a program funded under this VAWA Program:
 - a. has demonstrated expertise in providing legal assistance to victims of domestic violence, dating violence, sexual assault or stalking in the targeted population; or
 - b. is partnered with an entity or person that has demonstrated expertise described in subparagraph (a) and has completed or will complete training in connection with domestic violence, dating violence, sexual assault or stalking and related legal issues, including training on evidence-based risk factors for domestic and dating violence homicide.
2. Any training program conducted in satisfaction of the requirement of paragraph (1) has been or will be developed with input from and in collaboration with a state, local, territorial, or tribal domestic violence, dating violence, sexual assault, or stalking victim service provider or coalition, as well as appropriate tribal, State, territorial, and local law enforcement officials.
3. Any person or organization providing legal assistance through a program funded under this Program has informed and will continue to inform state, local, or tribal domestic violence, dating violence or sexual assault programs and coalitions, as well as appropriate State and local law enforcement officials of their work.
4. The grantee's organizational policies do not require mediation or counseling involving offenders and victims physically together, in cases where sexual assault, domestic violence, dating violence, or child sexual abuse is an issue.

F. Polygraph Testing Prohibition: A peace officer or attorney representing the state may not require an adult or child victim of an alleged sex offense to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of such an offense. Additionally, the refusal of a victim to submit to a polygraph or other truth telling examination will not prevent the investigation, charging, or prosecution of an alleged sex offense or on the basis of the results of a polygraph examination.

G. Protection Orders: Victims applying for a protective order or their attorney may not bear the costs associated with the filing of an order of protections.

H. Offender firearm prohibition: Per 18 USC § 992(g), offenders convicted of a felony or misdemeanor level crime of domestic violence and anyone subject to a domestic violence protective order is prohibited from possessing a firearm.

I. Criminal Charges: In connection with the prosecution of any misdemeanor or felony domestic violence offense, the victim may not bear the costs associated with the filing of criminal charges against a domestic violence offender, issuance or service of a warrant, or witness subpoena.

J. Uniform Crime Reports: Eligible applicants operating a law enforcement agency must be current on reporting Part I violent crime data to the Texas Department of Public Safety for inclusion in the annual Uniform Crime Report (UCR) and must have been current for the previous year.

K. Criminal History Reporting: The county (or counties) in which the applicant is located must have a 90% average on both adult and juvenile criminal history dispositions reported to the Texas Department of Public Safety for calendar years 2011 through 2015.

L. Immigration and Customs Enforcement Requests: The full text of this certification is found at http://gov.texas.gov/cjd/dhs_detainerrequest. To be in compliance with this requirement, any county or municipal government that includes a department that detains individuals after arrest for a criminal violation must provide a letter signed by the head of each such department certifying to the requirements. This letter may be used for any application submitted to OOG for a period of up to two years from the date it is signed. If that period expires during the project period of any grant, the grantee must submit an updated letter for each such grant to remain in compliance with this requirement. All applicants must select one of the following options:

- Applicant is not a county or municipal government.
- Applicant is a county or municipal government and does not include any department that detains individuals after arrest for a criminal violation at any time.
- Applicant is a county or municipal government that includes department(s) that detain individuals after arrest for a criminal violation. Letters certifying compliance and signed by the heads of all such departments have been uploaded to this application.
- Applicant is a county or municipal government that includes department(s) that detain individuals after arrest for a criminal violation. The Authorized Official has read the certification found at http://gov.texas.gov/cjd/dhs_detainerrequest. Further, the Authorized Official will not be submitting signed letters certifying compliance from the heads of all such departments and understands that failure to comply with this certification may result in OOG, at its sole discretion, rejecting this application and any other application from the relevant county or municipal government.

M. Immigration Legal Services: CJD prioritizes funding of projects that provide a full spectrum of counseling, crisis services, and other direct victim services. CJD will not fund projects that focus primarily on immigration legal services and do not provide a significant level of other types of victim services.

N. Services to Victims of Crime: Applicant agrees to provide services to victims of crime which include: responding to the emotional and physical needs of crime victims; assisting victims in stabilizing their

lives after victimization; assisting victims to understand and participate in the criminal justice system; and providing victims with safety and security. If the application is for a project that serves victims of sexual assault, applicant agrees to provide services to victims of sexual assault which includes providing core services, direct intervention, and related assistance to victims of sexual assault to assist with their recovery from the physical and psychological trauma of rape and sexual assault.

O. Volunteers: If awarded VOCA funds, applicant agrees to use volunteers to support either the project or other agency-wide services/activities, unless CJD determines that a compelling reason exists to waive this requirement.

P. Crime Victims' Compensation: Applicant agrees to assist crime victims in applying for crime victims' compensation benefits.

Q. Community Efforts: Applicant agrees to promote community efforts to aid crime victims. Applicants should promote, within the community, coordinated public and private efforts to aid crime victims. Coordination efforts qualify an organization to receive these funds, but are not activities that can be supported with these funds.

R. Records: Applicant agrees to maintain daily time and attendance records specifying the time devoted to allowable victim services.

S. Civil Rights Information: Applicant agrees to maintain statutorily required civil rights statistics on victims served by race, national origin, sex, age, and disability of victims served, within the timeframe established by CJD. This requirement is waived when providing services, such as telephone counseling, where soliciting the information may be inappropriate or offensive to the crime victim.

T. Victims of Federal Crime: Applicant agrees to provide equal services to victims of federal crime. (Note: Victim of federal crime is a victim of an offense that violates a federal criminal statute or regulation; federal crimes also include crimes that occur in an area where the federal government has jurisdiction, such as Indian reservations, some national parks, some federal buildings, and military installations.)

U. No Charge: Applicant agrees to provide grant-funded services at no charge to victims of crime. Applicants are also prohibited from billing Crime Victims Compensation, private insurance, Medicaid, or Medicare for services provided using VOCA funds.

V. Discrimination: Applicant agrees not to discriminate against victims because they disagree with the State's prosecution of the criminal case.

W. Effective Services: Applicants applying for funds to provide victim services must demonstrate a record of providing effective services to crime victims. If the applicant cannot yet demonstrate a record of providing effective services, the applicant must demonstrate that at least 25 percent of its financial support comes from non-federal sources. (See the "*Capacity & Capabilities*" instructions in the Funding Announcement.)

About CJD

Our mission at the Criminal Justice Division is to direct much needed resources to those who are committed to making Texas a safer place and those who help victims of crime to recover and feel safe again. In carrying out this mission, we are committed to helping our grantees by actively finding ways for them to accomplish their goals and by making sure that we always have our eye to identifying the approaches that work best. We envision positive and beneficial working relationships with our grantees where we provide as much assistance as is needed and where we are always ready with answers, not burdensome restrictions or requirements.

CJD will make over \$275 million in funding available to hundreds of organizations during state fiscal year 2018 for juvenile justice, delinquency prevention, victims services, law enforcement, prosecution, courts, specialty courts, prevention of child sex trafficking, and other types of projects to benefit Texans.