

State of Texas §

County of Fort Bend §

**RESOLUTION**

**WHEREAS,** The Fort Bend County Commissioners Court finds it in the best interest of the citizens of Fort Bend County, that the **Special Crimes Detective Program** be operated for the 2013 fiscal year; and

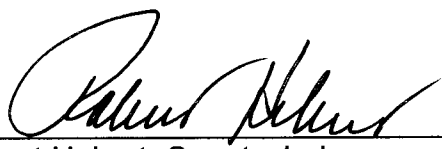
**WHEREAS,** The Fort Bend County Commissioners Court has agreed to provide applicable matching funds for the said project in the future, as required by the **Criminal Justice Programs Solicitation** grant application; and

**WHEREAS,** The Fort Bend County Commissioners Court has agreed that in the event of loss or misuse of the Criminal Justice Division funds, the Fort Bend County Commissioners Court assures that the funds will be returned to the Criminal Justice Division in full; and

**WHEREAS,** The Fort Bend County Commissioners Court has authorized the County Judge, Robert Hebert to electronically apply for the grant; and has further authorized the County Judge to accept, reject, alter, or terminate the grant on behalf of the grant applicant;

**NOW THEREFORE, BE IT RESOLVED** that the Fort Bend County Commissioners Court approves submission of the Grant application for the **Special Crimes Detective Program** to the Office of the Governor, Criminal Justice Division not to exceed \$54,215 with no local match required.

PASSED, APPROVED AND RESOLVED ON THIS 24 DAY OF January, 2012.

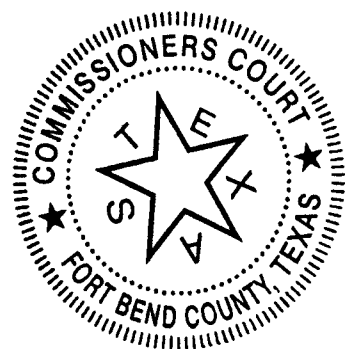


Robert Hebert, County Judge

ATTEST:



Dianne Wilson, County Clerk



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**Agency Name:** Fort Bend County

**Grant/App:** 2018005 **Start Date:** 9/1/2012 **End Date:** 8/31/2013

**Project Title:** Special Crimes Detective

**Status:** Application Pending Submission

## Narrative Information

### Primary Mission and Purpose

The purpose of the Edward Byrne Justice Assistance Formula Grant (JAG) Program is to prevent and control crime and make improvements to the criminal justice system.

### Funding Levels

The anticipated funding levels for the JAG program are as follows:

- Minimum Award - \$10,000
- Maximum Award - None
- Match Required - None

For more information regarding grantee match, please click on the **Budget** tab, and then click on the **Source of Match** tab in eGrants.

**Note:** *If you voluntarily include matching funds that exceed the minimum match requirement, you will be held to that amount throughout the grant period.*

*\* The requirements for this fund source are subject to change pursuant to actions of the U.S. Congress and federal guidance.*

**Preferences** – Preference will be given to projects that perform the following activities:

1. Promote intelligence sharing, crime reporting and communication.
2. Target statistically supported areas of violent crime.
3. Promote the use of inter-local agreements (Texas Government Code, Chapter 791) to target statistically supported crime threats to a specified geographical area.
4. Promote comprehensive solutions to local criminal justice priorities.

### Purpose Areas

Applicant assures that its proposed project meets at least one of the following Purpose Areas to be eligible for funding:

Law Enforcement - Supports state and local law enforcement agencies that address violent crime or statistically supported major crime initiatives at the local level.

Prosecution and Court - Programs that improve the prosecution of serious and violent crimes, including those that reduce the time from arrest to disposition.

Technology – Programs that implement or expand a law enforcement agency's ability to report and analyze crime. Applicant assures that any criminal intelligence databases developed under this program will comply with 28 CFR Part 23.

Corrections and Community Corrections – Programs that reintegrate adults and juveniles into the community.

Drug Treatment – Programs that target substance abuse treatment for juveniles or adults who have been court ordered to participate, including drug courts and projects that serve as alternatives to incarceration.

### Drug Court Program Requirements

Drug Court programs that provide court-supervised substance abuse treatment as an alternative to traditional criminal sanctions, as defined in Chapter 469 of the Texas Health and Safety Code must incorporate the following ten (10) essential characteristics of drug courts noted below and codified in Texas Health and Safety Code §469.001 to be eligible for funding:

#### Ten Essential Characteristics

Describe in detail how your program meets each of the 10 essential characteristics of a drug court.

Integration of Services – The integration between alcohol and other drug treatment services in the processing of cases in the judicial system.

Non-Adversarial Approach – The use of a non-adversarial approach involving prosecutors and defense attorneys to promote public safety and to protect the due process rights of program participants.

Prompt Placement – Early identification and prompt placement of eligible participants in the program.

Access – Access to a continuum of alcohol, drug, and other related treatment and rehabilitative services.

Abstinence Monitoring – Monitoring of abstinence through weekly alcohol and other drug testing.

Compliance Strategy – A coordinated strategy to govern program responses to participants' compliance.

Judicial Interaction – Ongoing judicial interaction with program participants.

Evaluation – Monitoring and evaluation of program goals and effectiveness.

Education – Continuing interdisciplinary education to promote effective program planning, implementation, and operations.

Partnerships – Development of partnerships with public agencies and community organizations.

### General Approaches

- Pre-adjudication - The defendant is diverted to the treatment program in lieu of prosecution before charges are filed or before final case.
- Post-adjudication - The drug offender begins the drug court program after entering a plea of guilty or nolo contendere or having been found guilty, often as a condition of probation.
- Reentry - Offenders completing sentences of incarceration or lengthy terms of residential treatment are ordered into the treatment program to facilitate their transition and reintegration into society.
- Civil - Participants enter the drug court program in relation to suits affecting the parent-child relationship, including child welfare / CPS cases, child support cases, or other civil matters.

Select the **general approach(es)** that best fit this drug court.

Select all that apply:

- Pre-adjudication
- Post-adjudication
- Reentry
- Civil
- N/A

**Observation** – The drug court team (judge, prosecutor, defense counsel, treatment provider, supervision officer, court coordinator, etc.) of a new program must observe at least one drug court staffing session and hearing, in Texas, prior to program implementation.

**Policies and Procedures** – The drug court will develop and maintain written policies and procedures for the operation of the program.

**Information Sharing** – 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.

**Jurisdiction** - Provide the name of the court administering the Drug Court program (*e.g., 999th Judicial District Court, Somewhere County Criminal Court, or City of Somewhere Municipal Court*). If this has not been decided enter 'To Be Determined', or enter 'N/A' if this item does not apply.

**Drug Court Date** - If the Court has commenced operations, provide the date that the Court was established.

Enter the date [mm/dd/yyyy]:

### Drug Court Type

- Adult - Programs serving adults (either pre-adjudication, post-adjudication, or reentry).
- Family - Programs serving parents who enter the drug court in relation to suits affecting the parent-child relationship, including child welfare / CPS cases, child support cases, or other civil matters.
- Juvenile - Programs serving juveniles (either pre-adjudication, post-adjudication, or reentry).
- Veterans - Programs serving veterans or current members of the United States armed forces, including members of the Reserves, National Guard or State Guard.

Select the type of drug court that will be operated:

- Adult
- Veterans
- Family
- Juvenile
- N/A

Will the drug court accept **DWI offenders**?

Select the appropriate response:

- Yes
- No
- N/A

**Presiding Judge** - The presiding judge of a drug court funded through this program must be an active judge holding elective office, an associate judge or magistrate assigned to preside over drug court, or a retired judge available as a sitting judge.

Enter the name, phone number, and email address of the **Presiding Judge** for the Drug Court. If this has not been decided enter 'To Be Determined', or enter 'N/A' if this item does not apply. Applicant must notify CJD with this information when a judge is appointed.

**Drug Court Coordinator** - Enter the name, phone number and email address of the Drug Court Coordinator. If this has not been decided enter 'To Be Determined', or enter 'N/A' if this item does not apply. Applicant must notify CJD with this information when a coordinator is appointed.

**Note:** *The Drug Court Coordinator usually monitors the operation of the Drug Court, supervises Drug Court staff, participates in Drug Court judicial staff meetings, prepares and oversees Drug Court contracts with service providers, maintains data on Drug Court operations, and communicates with legal staff, government officials, social service agencies, and the public regarding matters of the Drug Court.*

**Federal Funding** - Applicant agrees to apply for federal grant funding from the Bureau of Justice Assistance to support operations of the court. Applicant also agrees to notify CJD immediately of any additional state or federal grants or other funds that may become available to support operation of the court. At that time, CJD may deobligate a portion of the funds awarded under this solicitation.

Has the drug court ever applied for **federal funding**?

Select the appropriate response:

- Yes
- No
- N/A

Has the drug court ever received **federal funding**?

Select the appropriate response:

- Yes
- No
- N/A

If you selected **Yes** above, provide the federal award amount, grant period [mm/dd/yyyy to mm/dd/yyyy], and how the funds were used or will be used if the federal grant period overlaps with the grant period for this solicitation.

Enter the federal funding description:

### **TDSHS - CMBHS Registration**

Applicant assures that it is currently registered or will register with the Texas Department of State Health Services (TDSHS) - Clinical Management for Behavioral Health Services (CMBHS) database. Information about registration procedures can be accessed [here](#).

### **Program Requirements Cont'd.**

**Program Income**

Applicant agrees to comply with all federal and state rules and regulations for program income and agrees to report all program income that is generated as a result of the project's activities. Applicant agrees to report program income to CJD through a formal grant adjustment and to secure CJD approval prior to use of the program income. Applicant agrees to use program income for allowable costs and agrees to expend program income immediately after CJD's approval of a grant adjustment and prior to requesting reimbursement of CJD funds.

Deduction Method - Program income shall be deducted from total allowable costs to determine the net allowable costs. Program income shall be used for current costs unless CJD authorizes otherwise. Program income which the grantee did not anticipate at the time of the award shall be used to reduce the CJD award and grantee match rather than to increase the funds committed to the project.

Asset Seizures and Forfeitures - Program income from asset seizures and forfeitures is considered earned when the property has been adjudicated to the benefit of the plaintiff (e.g., law enforcement entity).

**Uniform Crime Reporting**

Applicant assures that if it operates a law enforcement agency, the agency is current and has been current in reporting required Part I violent crime data for the three previous years to the Texas Department of Public Safety, and will continue timely reporting of required crime data throughout the grant period.

**Criminal History Reporting**

Applicant assures that they are currently reporting at an average of 90% or above on disposition completeness and will maintain timely reporting of all information as required under the *Texas Code of Criminal Procedure, Chapter 60*. Disposition completeness percentage is defined as the percentage of arrest charges a county reports to the Texas Department of Public Safety to be entered into the computerized criminal history system under Chapter 60 that were brought against a person in the county for which a disposition has been subsequently reported and entered into the computerized criminal history system.

**Constitutional Compliance**

Applicant assures that they will engage in no activity that violates Constitutional law including profiling based upon race.

**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.

Applicant assures that if its agency was eligible to apply, it did apply for a 2010 direct award from the Bureau of Justice Assistance for JAG funds under the Edward Byrne Memorial Justice Assistance Formula Grant Program: Local Solicitation.

Was your agency eligible for a (direct award) in the current federal fiscal year?

Yes

No

Did your agency apply for these funds?

Yes

No

If you selected **Yes** above, provide the amount you are eligible to receive, or have already received.

Enter the amount (\$) of JAG Funds:

87258

If you selected **Yes** above, describe how you plan to use the funds.

Purchase law enforcement equipment.

**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.

Enter the Name of the Civil Rights Liaison:

Kathy Novosad

Enter the Address for the Civil Rights Liaison:

4520 Reading Road, Rosenberg, Texas 77471

Enter the Phone Number for the Civil Rights Liaison [(999) 999-9999 x9999]:

2813418698

**Certification**

Each applicant agency will certify to the specific criteria detailed above under **Program Requirements** to be eligible for funding under the Justice Assistance Grant (JAG) Program Solicitation.

**X I certify to all of the above eligibility requirements.**

### **Problem Statement:**

Please provide a detailed account in the Problem Statement section of the existing issues your project will target.

**Enter your problem statement:**

The County's accelerated growth correlates with an increase in child physical/sexual abuse cases, adult sexual assaults, family violence, and other family related and sex offenses. As the case load has increased, the ability to investigate and refer these cases for prosecution has not kept pace. As a result, the recidivism rate for family violence cases has increased, the prosecution of cases involving sexual predators is being delayed, and the healing processes for victims is being prolonged for unnecessary periods of time.

### **Supporting Data:**

Provide as much supporting data, to include baseline statistics and the sources of your data, which are pertinent to where the grant project is located and/or targeted. Do not use statewide data for a local problem or national data for a statewide problem.

**Enter your supporting data:**

Special Crimes Detective; Fort Bend County has seen a 15% increase in family violence, child abuse investigations, and sex crimes since 2007 with no increase in manpower to investigate the cases. The addition of a special crimes detective will provide increased investigation and referral for prosecution in these specialized areas. This position will provide a specialized detective to investigate family violence, adult sexual assaults, child physical/sexual abuse, and other family related offenses and sex crime cases. The position will increase the number of investigations that can be conducted in a timely manner, which will in essence expedite the referral of cases to the District Attorneys Office for prosecution. Once again, the Fort Bend County Sheriff's Office had a fifteen percent (15%) increase in these types of cases over the last three years and, as the County grows, the number of cases will continue to increase. Fort Bend County is one of the fastest growing counties in the Nation and has increased to a population of approximately 575,000. Following is statistical information for the need of a Special Crimes Detective; Case Investigation Breakdowns 2007 2008 2009 FORT BEND COUNTY SHERIFF'S OFFICE Child Abuse Investigations 763 933 1010 (24% Increase from 07) (Includes Injury to Child) Child Abuse for prosecution 20 24 26 (2.6% referral) Sex Crimes Investigations 341 276 335 (No Increase) (includes sex assault child & adult, Indecent Exposure) Sex Crimes for prosecution 112 91 111 (33% referral) Family Violence Investigations 1630 1709 1888 (13% Increase from 07) (Includes Agg. Assault, Assault, Violation of Protective Order) Family Violence Crimes for prosecution 374 393 435 (23% referral) 2007 2008 2009 TOTAL INVESTIGATIONS 2734 2918 3233 (15% increase from 07) TOTAL REFERRALS FOR 506 508 572 (18% referral) PROSECUTION During 2007, 2,734 child abuse investigations (includes injury to a child); sex crime investigations (includes sexual assault child and adult, and indecent exposure); and, family violence investigations (includes agg. assault, assault, and violation of protective orders) were investigated by detectives. Of those, 506 or 19 % were referred to the District Attorney's Office. In 2008, 2,918 similar cases were investigated and of those, 508 or 17 % were referred to the District Attorney's Office. In 2009, 3,233 similar cases were investigated and of those, 572 or 18 % were referred to the District Attorney's Office. This is an overall increase in these three categories of 15% since 2007. Refer to the chart for individual category breakdowns for each year.

### **Community Plan:**

For projects that have a local or regional impact target area, provide information regarding the community plan need(s) that your project will address.

**Enter your community planning needs:**

The Fort Bend County Community Plan identifies all law enforcement needs beginning on page 21 through page 38. The Fort Bend County Community Plan addresses the rapid growth of our county (projected population 761,473 by 2020), encourages inter-agency collaboration with present agencies, and identifies 16 other law enforcement area needs. Addressing the Special Crimes Detective, page 21, priority #1, addresses the need to expand law enforcement personnel with the proportionate growth of the County. On page 22, priority #3 addresses the need for detectives specifically assigned to investigate violent crimes against women. Victim Issues on pages #15, priority #1, address the lack of collaborative efforts to meet the needs of abused and neglected children, and on page #19, identify domestic violence sexual assault as priority #2. This program will share information with other law enforcement agencies, Child Welfare, and other associated agencies to properly investigate family violence, child abuse, and sex crimes in the unincorporated areas of Fort Bend County.

### **Goal Statement:**

Provide a brief description of the overall goals and objectives for this project.

**Enter a description for the overall goals and objectives:**

The goal of the Special Crimes Detective is to provide expertise investigation in family violence, sexual assault, physical/sexual child abuse, and other family related and sex crime cases by conducting more thorough investigations in a timely manner and increase the number of cases referred for prosecution.

### **Cooperative Working Agreement (CWA):**

When a grantee intends to carry out a grant project through cooperating or participating with one or more outside organizations, the grantee must obtain authorized approval signatures on the cooperative working agreement (CWA) from each participating organization. Grantees must maintain on file a signed copy of all cooperative working agreements, and they must submit to CJD a list of each participating organization and a description of the purpose of each **CWA**. Cooperative working agreements do not involve an exchange of funds.

For this project, provide the name of the participating organization(s) and a brief description of the purpose(s) for the **CWA(s)**. You should only provide information here that this project's successful operation is contingent on for the named service or participation from the outside organization.

Note: A **Sample CWA** is available [here](#) for your convenience.

Enter your cooperating working agreement(s):

N/A

**Continuation Projects:**

For continuation projects only, if your current or previous year's project is NOT on schedule in accomplishing the stated objectives, briefly describe the major obstacles preventing your organization from successfully reaching the project objectives as stated within your previous grant application. (Data may be calculated on a pro-rated basis depending on how long the current or previous year's project has been operating.)

Enter your current grant's progress:

**Project Summary:**

Briefly summarize the entire application, including the project's problem statement, supporting data, goal, target group, activities, and objectives. Be sure that the summary is easy to understand by a person not familiar with your project and that you are confident and comfortable with the information if it were to be released under a public information request.

Enter your summary statement for this project:

The Special Crimes Detective position is created to increase the number of family violence, sex related offenses (adult/children), child abuse investigations, and other family related cases investigated and referred for prosecution to the Fort Bend County District Attorney's Office. The Special Crimes Detective would be solely dedicated to the types of investigations involving child/adult family related and sex offenses. The components of the investigation conducted by the Special Crimes Detective would be working in partnership with Children's Protective Services and the Fort Bend County Children's Advocacy Center, whom we have collaborative working agreements (see Upload files tab), to have children who have been abused or suspected of being abused, interviewed by trained forensic interviewers to obtain disclosures. The Special Crimes Detective would be responsible for the thorough review of the outlined special cases reported with our agency for investigation, conduct comprehensive interviews, obtain affidavits/statements from victims, witnesses, and suspects involved in the investigations, schedule and attend polygraph examinations of suspects, draft and present photo line-ups, and conduct surveillance operations when necessary. The Detective would respond to crimes scenes and assist in the collection, documentation, processing, and review of evidence collected. The Special Crimes Detective would be responsible for working with family violence and child abuse prosecutors from the District Attorney's Office to obtain their input, advice, and direction in cases, and would obtain their assistance in drafting arrest/search warrants, and would further be involved in the execution of both when necessary. The overall duties of the Special Crimes Detective would be to conduct a complete, thorough investigation based on facts and evidence, and submit cases to the District Attorney's Office for prosecution expeditiously. The position of a Special Crimes Detective along with the partnerships we have with the Fort Bend County Children's Advocacy, Children's Protective Services, and the Fort Bend County District Attorney's Office, will provide for more expertise in the handling of cases and the process will be expedited, so that crime victims are not unnecessarily emotionally victimized over time, while perpetrators are being denied their right to a speedy trial, and are remaining free to potentially harm again. It is anticipated that this position will investigate at least 230 cases and refer a minimum of 60 for prosecution, with at least 10 being felonies, and a minimum of 5 resulting in a conviction. The Special Crimes Detective will only investigate cases involving family violence, sexual assaults, physical/sexual child abuse, and other family related and sex crime cases. The Special Crimes Detective will help manage and investigate the high volume of family violence, sexual assault, physical/sexual child abuse, and other family related and sex crime cases reported with this agency. The Special Crimes Detective will aid other detectives in such investigations to insure timely and quality investigations are being conducted and charges are referred for prosecution.

You are logged in as **User Name:** Dennis

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**Agency Name:** Fort Bend County**Grant/App:** 2018005 **Start Date:** 9/1/2012 **End Date:** 8/31/2013**Project Title:** Special Crimes Detective**Status:** Application Pending Submission**Budget Details Information****Budget Information by Budget Line Item:**

CATEGORY	SUB CATEGORY	DESCRIPTION	CJD	CASH MATCH	IN-KIND MATCH	GPI	TOTAL	UNIT/%
Personnel	Certified Peace Officer - Sheriff's Office	RETAIN-Sheriff's Office, Certified Peace Officer in the Criminal Investigation Division, Special Crimes Detective specializing in investigating child abuse,sex crimes,and family violence.	\$54,215.00	\$0.00	\$0.00	\$0.00	\$54,215.00	100

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**Agency Name:** Fort Bend County

**Grant/App:** 2018005 **Start Date:** 9/1/2012 **End Date:** 8/31/2013

**Project Title:** Special Crimes Detective

**Status:** Application Pending Submission

### Budget Summary Information

#### Budget Summary Information by Budget Category:

CATEGORY	CJD	CASH MATCH	IN-KIND MATCH	GPI	TOTAL
Personnel	\$54,215.00	\$0.00	\$0.00	\$0.00	\$54,215.00

#### Budget Grand Total Information:

CJD	CASH MATCH	IN-KIND MATCH	GPI	TOTAL
\$54,215.00	\$0.00	\$0.00	\$0.00	\$54,215.00

You are logged in as **User Name:** Dennis

## COMPREHENSIVE CERTIFICATION AND ASSURANCES

### ASSURANCES

*The applicant must assure and certify compliance with any and all applicable federal and state statutes, regulations, policies, guidelines and requirements, including, but not limited to, OMB Circulars No. A-21, A-110, A-122, A-87, A-133; Office of Justice Programs (OJP) Financial Regulations; Education Department General Administrative Regulations (EDGAR); E.O. 12372 Uniform Administrative Requirements for Grants and Cooperative Agreements — 28 CFR, Part 66, Common Rule; the Uniform Grant Management Standards (UGMS); and Title 1, Part 1, Chapter 3 of the Texas Administrative Code, that govern the application, acceptance and use of Federal and State funds for this project. In instances where multiple requirements apply to a grantee, the more restrictive requirement applies. Specifically, the following applicable requirements must be certified:*

1. **LEGAL AUTHORITY** - It possesses legal authority to apply for the grant. A resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative, or their designee of the organization to act in connection with the application and to provide such additional information as may be required. State agencies are not required to adopt a resolution.
2. **DISPLACED PERSONS** - It will comply with requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisitions (42 USC §§ 4601 - 4655) which provide for fair and equitable treatment of persons displaced as a result of Federal and federally assisted programs.
3. **POLITICAL ACTIVITY** - It will comply with provisions of Federal law which limit certain political activities of employees of State or local unit of government whose principal employment is in connection with an activity financed in whole or in part by Federal grants. (5 USC § 1501, et seq.)
4. **LABOR FAIR STANDARDS ACT** - It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act (29 USC §§ 201 - 219) if applicable.
5. **CONFLICT OF INTEREST** - It will establish safeguards to prohibit employees from using their positions for a purpose that is, or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
6. **EXAMINATION OF RECORDS** - It will give the sponsoring agency, the Office of the Governor, or the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant.
7. **COMPLIANCE WITH REQUIREMENTS** - It will comply with all requirements imposed by the Federal sponsoring agency, the Office of the Governor, or the Comptroller General, concerning special requirements of law, program requirements, and other administrative requirements.
8. **EPA VIOLATING FACILITIES** - It will insure that the facilities under its ownership, lease or supervision, which shall be utilized in the accomplishment of the project, are not listed in the Environmental Protection Agency's (EPAs) list of Violating Facilities, and that it will notify the Federal grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.
9. **FLOOD INSURANCE** - It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act (50 USC § 4001), which states that, on or after March 2, 1975, communities must purchase flood insurance, where such insurance is available in those communities. This requirement is a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that had been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.
10. **HISTORIC PRESERVATION** - It will assist the federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966 (16 USC § 470), Executive Order 11593 (identification and protection of historic properties), Archeological and Historical Preservation Act of 1974 (16 U.S.C. § 469a-1, et seq.), by (a) consulting with the State Historic Preservation Officer (SHPO) on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.
11. **NATIONAL ENVIRONMENTAL POLICY ACT** - It will assist the federal grantor agency in its compliance with the National Environmental Policy Act of 1969 (P.L. 91-190, 42 U.S.C. 4321-4347, January 1, 1970, 83 Stat. 852) as amended by P.L. 94-52, July 3, 1975, 89 Stat. 258, and P.L. 94-83, August 9, 1975, 89 Stat. 424), by (a) identifying if any of the following activities will be related to the use of grant funds: (1) new construction; (2) minor renovation or remodeling of a property either listed on or eligible for listing on the National Register of Historic Places or located within a 100-year flood plain; (3) a renovation, lease or any proposed use of a building or facility that will either result in a change in its basic prior use or significantly change its size; and (4) implementation of a new program involving the use of chemicals other than chemicals that are purchased as an incidental component of a funded activity and traditionally used, for example, in office, household, recreational, or education environments; and (b) by complying with the following conditions relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories: (1) provide medical screening of personnel assigned or to be assigned by the grantee to the seizure or closure of clandestine methamphetamine laboratories; (2) provide Occupational Safety and Health Administration (OSHA) required initial and refresher training for law enforcement officials and all other personnel assigned

- to either the seizure or closure of clandestine methamphetamine laboratories; (3) as determined by their specified duties, equip the personnel with OSHA required protective wear and other required safety equipment; (4) assign properly trained personnel to prepare a comprehensive contamination report on each seized/closed laboratory; (5) utilize qualified disposal personnel to remove all chemicals and associated glassware, equipment, and contaminated materials and wastes from the site(s) of each seized laboratory; (6) dispose of the chemicals, equipment, and contaminated materials and wastes at properly licensed disposal facilities or, when allowable, at properly licensed recycling facilities; (7) monitor the transport, disposal, and recycling components of subsections numbered (5) and (6), immediately above, in order to ensure proper compliance; (8) have in place and/or implement any required written agreements with the Texas Department of Protective and Regulatory Services regarding the safety of any minors located at the clandestine laboratory site, the Texas Commission for Environmental Quality, and other entities deemed necessary by the State Administrative Agency.
12. **COMPLIANCE WITH LAWS AND GUIDES** - It will comply, and assure the compliance of all its sub grantees and contractors, with the applicable provisions of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, the Juvenile Justice and Delinquency Prevention Act, or the Victims of Crime Act, as appropriate; the provisions of the current edition of the Office of Justice Programs Financial and Administrative Guide for Grants, M7100.1; and all other applicable Federal laws, orders, circulars, or regulations.
  13. **COMPLIANCE WITH CODE OF FEDERAL REGULATIONS** - It will comply with the provisions of 28 CFR applicable to grants and cooperative agreements including Part 18, Administrative Review Procedure; Part 20, Criminal Justice Information Systems; Part 22, Confidentiality of Identifiable Research and Statistical Information; Part 23, Criminal Intelligence Systems Operating Policies; Part 30, Intergovernmental Review of Department of Justice Programs and Activities; Part 42, Nondiscrimination/ Equal Employment Opportunity Policies and Procedures; Part 61, Procedures for Implementing the National Environmental Policy Act; Part 63, Floodplain Management and Wetland Protection Procedures; and Federal laws or regulations applicable to Federal Assistance Programs.
  14. **NONDISCRIMINATION** -
    - A. It will comply with all State and Federal statutes relating to nondiscrimination and ensure, in accordance with federal civil rights laws, that the subrecipient shall not retaliate against individuals for taking action or participating in action to secure rights protected by these laws.
    - B. It will comply, and all its contractors will comply, with the nondiscrimination requirements which may include the Omnibus Crime Control and Safe Streets Act of 1968 (42 USC § 3789(d)); Victims of Crime Act (42 U.S.C. § 10604(e)); Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. § 5672(b)); the Civil Rights Act of 1964 (42 U.S.C. § 2000d); the Rehabilitation Act of 1973 (29 U.S.C. § 7 94); the Americans With Disabilities Act (ADA) of 1990 (42 U.S.C. § 12131-34); the Education Amendments of 1972 (U.S.C. §§ 1681, 1683, 1685-86); the Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-07); and 28 CFR 38 (Equal Treatment for Faith-Based Organizations); see Ex. Order 13279 (equal protection of the laws for faith-based and community organizations) and Ex. Order 13559 (fundamental principles and policymaking criteria for partnerships with faith-based and neighborhood organizations).
    - C. In the event a federal or state court or federal or state administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, sex, or disability against a recipient of funds, the recipient will forward a copy of the finding to the Office of Justice Programs, Office for Civil Rights (OCR).
    - D. It will provide an Equal Employment Opportunity Plan (EEO) to OCR and to the Office of the Governor (OOG), if required to submit one; otherwise, it will provide a certification to the OCR and the OOG that it has a current EEO on file, if required to maintain one. For public grantee agencies receiving less than \$25,000, or public grantee agencies with fewer than 50 employees, regardless of the amount of the award, no EEO is required. Information about civil rights obligations of grantees can be found at <http://www.ojp.usdoj.gov/ocr>.
  15. **LIMITED ENGLISH PROFICIENCY**-It will comply with Ex. Order 13166 (Improving Access to Services for Persons with Limited English Proficiency) and resulting agency guidance which states that national origin discrimination includes discrimination on the basis of limited English proficiency (LEP). To ensure compliance with the Omnibus Crime Control and Safe Streets Act of 1968 and Title VI of the Civil Rights Act of 1964, a recipient must take reasonable steps to ensure the LEP persons have meaningful access to its programs. Meaningful access may entail providing language assistance services, including oral interpretation and written translation, where necessary. In conducting its programs and activities, the recipient is encouraged to consider the language service needs of LEP persons whom it serves or encounters. Additional assistance and information regarding LEP obligations can be found at <http://www.lep.gov>.
  16. **COASTAL BARRIERS** - It will comply with the provisions of the Coastal Barrier Resources Act (16 USC § 3501, et seq.) which prohibits the expenditure of most new Federal funds within the units of the Coastal Barrier Resources System.
  17. **SUPPLANTING PROHIBITION** - It will use funds to supplement existing funds for program activities and may not replace (supplant) non-Federal funds that have been appropriated for the same purpose. The applicant understands that potential supplanting will be the subject of monitoring and audit. Violations can result in a range of penalties, including suspension of future funds under this Program, suspension or debarment from Federal grants, recoupment of monies provided under this grant, and civil and/or criminal penalties.
  18. **TAXES** - It will comply with all State and Federal laws and are solely responsible for filing all required State and Federal tax forms.
  19. **GRANT ADMINISTRATION** - It will maintain an appropriate grant administration system to ensure that all terms, conditions and specifications of the grant, including these standard assurances, are met.
  20. **PUBLIC INFORMATION** - It will ensure that all information collected, assembled or maintained by the applicant relative to a project will be available to the public during normal business hours in compliance with Texas Government Code, Chapter 552, unless otherwise expressly prohibited by law.
  21. **CHILD SUPPORT PAYMENTS** - It will comply with Section 231.006, Texas Family Code, which prohibits payments to a person who is in arrears on child support payments.
  22. **SUSPECTED CHILD ABUSE** - It will comply with Section 261.101 of the Texas Family Code, which requires reporting of all suspected cases of child abuse to local law enforcement authorities and to the Texas Department of Child Protective

and Regulatory Services. Grantees shall also ensure that all program personnel are properly trained and aware of this requirement.

23. **RELATIVES** - It will comply with Texas Government Code, Chapter 573, by ensuring that no officer, employee, or member of the applicant's governing body or of the applicant's contractor shall vote or confirm the employment of any person related within the second degree of affinity or the third degree of consanguinity to any member of the governing body, or to any other officer or employee authorized to employ or supervise such person. This prohibition shall not prohibit the employment of a person, who shall have been continuously employed for a period of two years, or such other period stipulated by local law, prior to the election or appointment of the officer, employee, or governing body member related to such person in the prohibited degree.
24. **OPEN MEETINGS** - If the applicant is a governmental entity, it will comply with Texas Government Code, Chapter 551, which requires all regular, special or called meeting of governmental bodies to be open to the public, except as otherwise provided by law or specifically excluded in the Texas Constitution.
25. **HEALTH, HUMAN SERVICES, PUBLIC SAFETY OR LAW ENFORCEMENT AGENCY** - If the applicant is a health and human services agency or public safety or law enforcement agency, it will not contract with or issue a license, certificate or permit to the owner, operator or administrator of a facility if the license, permit or certificate has been revoked by another health and human services agency or public safety or law enforcement agency.
26. **LAW ENFORCEMENT AGENCY** - If the applicant is a law enforcement agency regulated by Texas Government Code, Chapter 415, it will comply with all rules adopted by the Texas Commission on Law Enforcement Officer Standards and Education pursuant to Texas Government Code, Chapter 415, or it must provide the Criminal Justice Division with a certification from the Texas Commission on Law Enforcement Officer Standards and Education stating that the agency is in the process of achieving compliance with such rules.

## **CERTIFICATIONS**

1. **DRUG-FREE WORKPLACE** - The applicant certifies that it will provide a drug-free workplace by:
  - A. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition.
  - B. Establish a drug-free awareness program to inform employees about:
    - i. the dangers of drug abuse in the workplace;
    - ii. the applicant's policy of maintaining a drug-free workplace;
    - iii. any available drug counseling, rehabilitation, and employee assistance programs; and
    - iv. the penalties that may be imposed upon employees for drug abuse violations.
  - C. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a).
  - D. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:
    - i. abide by the terms of the statement, and
    - ii. notify the employer of any criminal drug statute conviction for a violation occurring in the workplace not later than five days after such conviction.
  - E. Notifying the agency within ten days after receiving notice under subparagraph (d) (ii) from an employee or otherwise receiving actual notice of such conviction.
  - F. Taking one of the following actions with respect to any employee who is so convicted:
    - i. taking appropriate personnel action against such an employee, up to and including termination; or
    - ii. requiring such employee to participate satisfactorily in drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.
  - G. Making a good faith effort to continue to maintain a drug-free workplace through the implementation of paragraphs (a), (b), (c), (d), (e), and (f).
2. **LOBBYING** - The applicant certifies that:
  - A. It will not use grant funds, either directly or indirectly, in support of the enactment, repeal, modification, or adoption of any law, regulation or policy, at any level of government, without the express prior approval of the Criminal Justice Division.
  - B. If any non-grant funds have been or will be used in support of the enactment, repeal, modification, or adoption of any law, regulation or policy, at any level of government, it will notify the Criminal Justice Division to obtain the appropriate disclosure form.
  - C. It will include the language of paragraphs A. and B. of this section in the award documents for all sub-awards at all tiers and will require all sub-recipients to certify accordingly.