

LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL

# Policy Manual 2017-2018

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## Criminal Justice Division and the LRGVDC

*“...a relationship between two agencies for the betterment of a State’s communities.”*

The Office of the Governor's Criminal Justice Division (CJD) is the entity responsible for administering and awarding a number of grant programs across the State of Texas. The Lower Rio Grande Valley Development Council (LRGVDC) is the liaison between CJD and regional local communities and agencies. Projects can be for local, regional, or statewide services and activities.

CJD has the final decision to any program including those administered by the Council of Governments (COG).

### CJD Application Process

CJD strongly encourages programs designed to serve juvenile populations to address one of the eight priorities developed by the Governor’s Juvenile Justice Advisory Board: 1.) Family Stability. 2.) Substance Abuse Early Intervention and Prevention. 3.) Education. 4.) Disproportionate Minority Contact (DMC). 5.) Justice System Impact. 6.) Gang Prevention. 7.) Rural Access. 8.) Training. All programs serving juveniles must describe how they address the problem of Disproportionate Minority Contact in the juvenile justice system.

## Funding Sources

The Criminal Justice Division has designated the Lower Rio Grande Valley Development Council's CJAC committee to prioritize the four (4) funding sources listed below.

### **General Victim Assistance – Direct Services Programs**

Minimum grant award - \$5,000.

Required Match: Grantees, other than Native American Tribes, may be required to provide matching funds of at least twenty percent (20%) of total project expenditures. Native American Tribes may be required to provide a five percent (5%) match. This requirement may be met through either cash or in-kind contributions or a combination of both.

### **Violent Crimes Against Women Criminal Justice and Training Projects - (Domestic Violence, Sexual Assault, Dating Violence, and Stalking)**

Minimum grant award - \$5,000.

Required Match: Grantees, other than Native American tribes and non-profit, non-governmental victim service providers, must provide matching funds of at least twenty-nine percent (29%) of total project expenditures. This requirement may be met through either cash or in-kind contributions or a combination of both.

### **Criminal Justice Programs**

Minimum grant award- \$10,000

Maximum award- None

Match requirement- None

### **General Juvenile Justice and Delinquency Prevention Programs**

Minimum grant award - \$5,000

Maximum award – None

Matching requirement - None

## Local Funding Source Descriptions

### **General Juvenile Justice and Delinquency Prevention Programs**

Eligible programs are prevention, diversion, intervention, and training projects related to juvenile justice or prevention activities for youths. Other Programs include law enforcement education partnerships, school resource officers, after school projects, comprehensive neighborhood drug- and violence-prevention projects, training projects, or any projects providing services not normally provided by the school. Also, programs applying to improve the juvenile justice system, reduce future crime and develop effective education, training, research, prevention, diversion, treatment, mental health, and rehabilitation programs in the area of juvenile delinquency.

### **Criminal Justice Programs**

These programs target crimes committed by adults or juveniles ranging from crime prevention, special law enforcement units, special prosecution units and/or special courts that dispose of cases involving violent and drug-related crimes. These programs will enhance information sharing among criminal justice agencies and provide advanced technology for law enforcement; prevention, diversion, and service delivery for juvenile programs. They will also provide regional delivery of services to crime victims, regional training for law enforcement personnel and statewide projects. Entities applying to operate programs geared towards reducing crime and improving the criminal justice system.

### **Violent Crimes Against Women Criminal Justice and Training Projects**

*“The CJAC shall in no event have a majority of members from one discipline or interest group.”*

These include projects that can aid in the training of law enforcement officers, prosecution; direct service activities for women; and courts for cases of violence against women. Another portion is set aside for discretionary funding purposes. The training of law enforcement officers and prosecutors shall serve to effectively identify and respond to violence crimes against women including sexual assault, domestic violence, and stalking/harassment. Direct service projects must address an un-served, under served and special population women in need of services. The services include crisis intervention, accompaniment, advocacy and support, safety planning and risk assessment, legal advocacy, information and referral, and public awareness and education. They also include programs applying to operate either training projects or projects within the criminal justice system (i.e. law enforcement, prosecution, or courts) focused on violent crimes against women including: domestic violence, sexual assault, dating violence.

### **General Victim Assistance**

Provide assistance and services directly to victims of crime. Eligible projects include services to victims of assault, spousal abuse, child abuse, stalking, bias or hate crimes, abuse of the elderly, other forms of physical assault, survivors of victims of homicide, and families of kidnapped children. Programs applying will provide services directly to victims of violent crime in an effort to promote restoration to physical, mental, and emotional health.

## Policies Authority

The following policies and procedures are established for the purpose of defining the rules and regulations that will govern the Lower Rio Grande Valley Development Council (LRGVDC) Criminal Justice Advisory Committee (CJAC) application review and prioritization process for designated funding streams controlled by the Criminal Justice Division (CJD) of the Governor’s Office. In addition, these policies and procedures govern the operation of LRGVDC’s Criminal Justice Planning as outlined in the Interagency Cooperation Agreement between the CJD and LRGVDC as it relates to LRGVDC’s Criminal Justice Advisory Committee (CJAC).

## Criminal Justice Advisory Committee

A. The CJAC is a volunteer committee comprised of a multi-disciplinary representation of members from the region per the requirements of the Governor's Office, CJD. These discipline areas include citizens or parents, drug abuse prevention, education, juvenile justice, law enforcement, mental health, nonprofit organizations, prosecution/courts, and victim services. CJAC members are appointed by LRGVDC's Executive Committee.

*The ideal tri-county representation which the CJAC will strive for is*  
39% Cameron,  
39% Hidalgo,  
14% Willacy  
7% Regional

B. The primary responsibility of the CJAC is to review criminal justice grant applications from throughout the region, listen to grant application presentations, and provide funding recommendations based on a standardized scoring instrument, as well as information contained in the community plans relating to community-identified priority areas.

CJAC membership will consist of representatives from:

- o law enforcement
- o juvenile justice
- o substance abuse prevention
- o prosecution/courts
- o education
- o mental health
- o victim services
- o nonprofit organization
- o citizens or parents

**No Single Group/Discipline May Constitute More Than 1/3 of the CJAC.**

## **MINIMUM REQUIREMENT FOR REVIEW**

*The LRGVDC will only consider for review applications that (1) attend technical assistance training (2) address priorities in the Regional Strategic Plan and (3) applied for eligible projects and are eligible applicants as outlined in the Texas Administrative Code. Any application not meeting these criteria will not be considered or recommended by the CJAC.*

# Rules and Policies

Chapter

# 2

## **APPLICATION REVIEW PROCEDURES**

The COG shall ensure that the funding recommendations on applications are based upon the COG's priorities, participation in the LRGVDC's Strategic Plan, applicant eligibility, reasonableness, cost effectiveness of the proposed project, and current policies. Upon notification from CJD, the COG's Criminal Justice Program Administrator will notify local eligible applicants that the new grant cycle has begun. Staff will also disseminate information regarding CJD application deadlines. All applicants regardless of funding status must meet **ALL** the necessary requirements, no exceptions. **Failure by any new or continuation grantee to follow the outlined process below will result in points being deducted from the scoring instrument.**

***The Application and selection procedures will consist of the following steps:***

### ***Regional Strategic Plan facilitated by the LRGVDC***

All eligible applications must address priorities outlined in the Criminal Justice Section of the Regional Strategic Plan. Applicants can obtain a copy of the most current plan on the LRGVDC's website [www.lrgvdc.org](http://www.lrgvdc.org).

### ***Application(s)***

The COG will notify current grantees and other requestors of the availability of CJD grant applications. All applications shall be submitted to CJD's online grant management system <https://egrants.governor.state.tx.us/>.

All submission deadlines shall be set by the Office of the Governor's Criminal Justice Division. To obtain CJD's deadline schedule please check their website at <https://egrants.governor.state.tx.us/fundopp.aspx>

### ***Ineligible Applications***

**Duplicate applications** submitted for more than one COG administered funding source will not be considered.

**Priority Meetings**

A representative from each applicant organization shall attend the prioritization meeting. A representative of the applicant agency/organization will be allowed a three (3) minute presentation of the application and shall have the opportunity to answer any questions relevant to the project posed by the CJAC members.

**Vendor Hold and Special Conditions for Current Grantees**

Prior to the scoring of grant applications by the CJAC, the COG will contact applicants that are current grantees that are delinquent in submitting progress and financial reports. The COG will provide the CJAC with a list of grantees that were contacted and remain delinquent in submitting both progress and financial reports. Points will be deducted from a grant application for current grantees that are on vendor hold at the time CJAC scores the application, and incorporate the point deduction into the final score for each effected application. Each application receiving a reduced score based on the vendor hold will be noted on the final prioritization list submitted to CJD. A grant application may be disqualified by CJD from the grant application process if an applicant is shown on CJD’s vendor hold list at the time the application is scored by the CJAC.

A. An applicant that has been placed on Vendor Hold for the current grant year will receive a point deduction on their application for funding for a subsequent year of their project through the LRGVDC CJAC application review process.

B. An applicant that has a current grant and has been placed on Vendor Hold for the previous plan year and again for the current plan year is ineligible to participate in the LRGVDC CJAC application review process for ONE calendar year after their current grant has ended.

**Criminal Justice Advisory Committee Prioritization**

CJAC will hold a prioritization meeting(s) to score and prioritize applications. **All applications must be represented at the CJAC priority meeting.** Representatives can be one of the three grant designated officials (i.e. Authorized Official, Project Director and Financial Officer), or any other knowledgeable agency / entity designee. Applicants will be provided with an opportunity to make a three minute presentation before the CJAC and answer any questions regarding their proposals. Once all questions and comments are answered, the CJAC will proceed to score each project individually.

*The local CJAC will make funding recommendations. CJD is the sole agency responsible for determining the amount of money available for projects in the region. Once CJD makes a funding decision, they will notify grantee and COGs simultaneously.*



A standard scoring instrument for each funding source, mandated by the CJD will be provided for each CJAC member. During the grant priority process alternates cannot have voting privileges unless the alternate was present during the entire grant category that is being presented.

The scoring instrument used will rate:

(Rating factors will be based on the final release of the scoring instrument for each funding source by CJD. Release is pending.)

Only COG staff will compute scores. CJAC members shall be asked to remain until the end of the scoring procedure. COG staff will prepare a priority list for LRGVDC Board of Directors and CJD's approval based on these scores.

**The COG will electronically submit a list to CJD with the following information:**

- (1.) The funding opportunities scored and voted on during the CJAC meeting.
- (2.) A complete list of the CJAC members and the group/discipline that each member represents.
- (3.) A complete list of CJAC members attendance that abstained and voted during the prioritization process for each program area (i.e. General Victim Assistance, Violent Crimes Against Women Criminal Justice and Training Projects, Criminal Justice Programs, and General Juvenile Justice and Delinquency Prevention Programs.

***Ten Regular Business Working Days for Appeals of CJAC Actions***

COG staff will send a copy of the CJAC recommended priority list to applicants through email. Any applicant may appeal the actions of the CJAC based on procedural violation(s). The appeal must be submitted in writing to the LRGVDC Board of Directors Chairman within ten regular business working days from the date of the CJAC priority meeting. Please note that appeals cannot be based on areas of discretion in the CJAC scoring criteria.

***Recommendations Forwarded to Board of Directors***

A priority list will be forwarded to the next LRGVDC Board of Directors Meeting. The LRGVDC Board of Directors regularly meets every fourth Wednesday of the month with exceptions in November and December. Applicants will have received notification of the next LRGVDC Board of Directors Meeting with the notice of the CJAC Priority Meeting. Representatives are encouraged to be present at the LRGVDC Board of Director's meeting for any questions or comments from the Board. The LRGVDC Board of Directors will take final action on the funding source's priority lists before forwarding all materials to the Governor's Office.

### ***Final Review by CJD***

A priority list of applications recommended for funding by the local Council of Governments will be forwarded to the Office of the Governor's Criminal Justice Division. If corrections are deemed necessary, CJD will forward Preliminary Review Reports directly to the grantee. Grantees will be expected to submit the corrections to CJD and a copy to the COG. CJD staff will make funding recommendations to the Governor's Office for issuance of a Statement of Grant Award. All funding decisions made by the Criminal Justice Division's Executive Director are final. **NO APPEALS WILL BE ACCEPTED BY THE CRIMINAL JUSTICE DIVISION REGARDING THEIR FUNDING DECISIONS.**

### ***Tie Breaking Procedure***

The highest and lowest score will be removed and recalculated to obtain the new aggregated score and will not affect the overall rankings of all the other applicants.

### **MANDATORY GRANT WORKSHOPS**

All applicants are required to attend at least one Grant Workshop sponsored by the LRGVDC Criminal Justice staff prior to submitting an application to be eligible for funding.

COG staff will electronically submit workshop materials and strategic plan provided, a list of workshops held to include the name, organization, address and telephone number of each attendee.

Applicants must have knowledge of the criminal justice priorities in the COG's Region and submit solicitation application(s) in accordance with the priorities identified in the strategic plan. The criminal justice needs relevant to the strategic plan include, but are not limited to, Criminal Justice System Improvements, Juvenile Justice System Improvements, Direct Victim Services, and Mental Health/Substance abuse treatment.

Applicants who fail to attend a mandatory grant workshop should be placed in a second tier of the category and prioritized by the committee to be eligible for any excess funding that may be available.

The responsibility of attending a technical assistance workshop will lie with the applying agency. Representatives can be one of the three Grant Designated Officials or any other knowledgeable agency / entity designee.

### **STRATEGIC PLANNING**

The regions' strategic plan describes the following:

- a. How local communities are engaged in the planning process;
- b. The data used to support the plan;
- c. The stakeholders participating in the planning process;
- d. The gaps in resources for criminal justice needs;

- e. The criminal justice priorities identified during the planning process; and
- f. How the plan will be used by the CJAC during the prioritization process.

**FUNDING RECOMMENDATION POLICY**

The Committee will analyze the availability of funding resources from previous funding years and review priorities and goals for the tri county area. Upon the Committee's recommendations, LRGVDC staff will seek LRGVDC Board of Director's approval and endorsement in regard to the Committee's recommendations. The LRGVDC Board of Directors reserves the right to endorse or disallow the Committee's recommendations.

The Committee reserves the right to recommend an amount less than the requested amount based on the budget cost effectiveness, reasonableness or whether the proposed project costs are realistic and previous performance under all funding sources.

The Committee reserves the right to deny recommendation for funding on any application, ineligible activity or line item that is not permitted under the funding source. In the event that the Committee deems not to recommend full or partial funding of an application, LRGVDC staff will notify the Criminal Justice Division.

**Criminal Justice Program Solicitation**

Equipment Only Funding Requests: Applicants requesting funding only for equipment and no programmatic services, will be considered a biennium only applicant.



The Regional Police Academy's application is not subject to the decreasing ratio rule and will be given priority above all other grants and ranked number one.

**CONFLICT OF INTEREST STATEMENT**

Under the conflict of interest provisions (Section 570.489 (h), which are included in the regulations governing state administration) no persons who exercise or have exercised any function or responsibilities with respect to CJD activities, or who are in a position to participate in a decision making process, or gain inside information regarding activities, may obtain a financial interest or benefit from the activity, or have interest in any contract, subcontract, or agreement or the proceeds there under, either for themselves or those with whom they have family or business ties, during their tenure, or for one year thereafter. These conflict of interest provisions apply to any person who is an employee, agent, consultant, officer, or elected official of the state, or of a unit of general local government, or of any designated public agencies, or sub-recipient which are receiving funds.

When a potential conflict of interest exists, CJAC Members and members of the COG governing body must abstain from REVIEWING, VOTING, COMMENTING, OR TAKING ACTION ON ANY grant application during the prioritization process if the member, planner, or an individual related to the member within the third degree by

consanguinity or within the, second degree by affinity:

- is employed by the applicant agency and works for the unit or division that would administer the grant, if awarded;
- serves on any board that oversees the unit or division that would administer the grant, if awarded;
- owns or controls any interest in a business entity or other non-governmental organization that benefits, directly or indirectly, from activities with the applicant agency;
- receives any funds from the applicant agency as a result of the grant, if awarded; or
- uses or receives a substantial amount of tangible goods, services, or funds from the applicant agency.

If a member must abstain from reviewing, voting, commenting, or taking any action on any grant application, the member must also abstain from reviewing, voting, commenting, or taking any action on any competing grant applications within that funding source during the prioritization process.

#### **LOCAL APPEALS PROCESS**

An applicant applying for local funding may appeal the disposition of its application based on one or more of the following grounds:

- Misplacement of an application. (if all or a portion of an application is lost, misfiled, etc. by COG staff resulting in unequal consideration of the applicant's proposal)
- Mathematical error. (in rating the application, the score on any selection criteria is arrived at incorrectly by the COG staff due to human or computer error)

All appeals must include the specific alleged procedural violation(s) and must be submitted in writing to the LRGVDC Board of Directors. The Board of Directors may take one of the following actions:

- Concur with the appeal and make the appropriate adjustments to the applicant's scores.
- Disagree with the appeal and provide the basis for rejecting the appeal to the applicant.

If an applicant appeals a decision made by the CJAC, it must submit its appeal in writing to the LRGVDC Board of Directors Chairperson within 10 working days from the date of denial. Appeals cannot be based on the scoring discretion of CJAC members.

An applicant must base their appeal upon a verifiable error made during the prioritization of review process and the applicant must show that the error actually caused the denial of the application (or a portion of the application). The applicant must

submit written documentation supporting the appeal.

Appeals made regarding a CJAC decision will be handled by the COG only. If an applicant appeals such a decision to CJD, they will be requested to go back to their COG for resolution. CJD does not accept or provide an appeals process.

The applicant will be entirely responsible to begin the appeals process within the given time frame. The responsibility and decision to consider initially filed appeals lies solely with the LRGVDC Board of Directors.

## **COG RESPONSIBILITIES AND STANDARD OPERATING PROCEDURES**

- A. Available upon request.**