

FY23 Comprehensive Community Corrections Act (CCCA) and Pretrial Services Act (PSA) Grant Program Special Conditions

Virginia Department of Criminal Justice Services (DCJS)
1100 Bank Street, 12th Floor
Richmond, Virginia 23219

Acceptance of this grant award by the grantee constitutes its agreement that it assumes full responsibility for the management of all aspects of the grant and the activities funded by the grant, including assuring proper fiscal management of and accounting for grant funds; assuring that personnel paid with grant funds are hired, supervised and evaluated in accordance with established employment and personnel policies; and assuring that all terms, conditions and assurances--those submitted with the grant application, and those issued with this award – are in compliance.

By signing the Statement of Grant Award/Acceptance, the grantee agrees to:

- Use the grant funds to carry out the activities described in the grant application, as modified by the terms and conditions attached to this award or by subsequent amendments approved by DCJS;
- Contact DCJS immediately of any significant changes to or problems with agency operations including, but not limited to resignation of, termination of, or change to agency director/coordinator/ primary contact , criminal investigations of agency staff, excessive staff turnover or long term staff vacancies, or other issues that interfere with the operations of the agency;
- Comply with all relevant sections of the *Code of Virginia*;
- Review and approve the required Standard Operating Procedures (SOPs);
- Adhere to the approved budget contained in this award and amendments made to it in accord with these terms and conditions; and,
- Comply with all terms, conditions and assurances either attached to this award or submitted with the grant application.

Failure to comply with one or more of the award requirements may result in DCJS taking appropriate action with respect to the recipient and the award. Actions include, but are not limited to, a written plan of correction, letter to the County Administrator/City Manager, disallowing costs, withholding award funds, or suspension or termination of the award.

1. Performance and Obligation Periods

Grant funds must be expended and/or obligated during the grant award period of performance. Grantees may only charge to the award allowable costs incurred during this grant award period. All properly incurred obligations must be liquidated no later than 45 days after the end of the award period. No new obligations may be made during the liquidation period. The grantee agrees to submit a final financial report and return all received and unexpended grant funds to DCJS within 45 days of the end of the grant award period.

2. Financial Management Systems

All grantees are required to establish and maintain adequate accounting systems, financial records, supervision fees, and to accurately account for funds awarded. They must have a financial management system in place that is able to record and report on the receipt, obligation, and expenditure of grant funds and supervision fees. Grantees must properly track the use of award funds and supervision fees, and maintain adequate supporting documentation including maintaining proper documentation for all paid grant and match staff.

3. Access to Grant Records

The grantee must authorize DCJS and the Virginia Auditor of Public Accounts (APA) access to, and the right to examine, all data, records, books, papers, or documents related to this grant.

4. Documentation Requirements

The grantee agrees to, upon request, promptly provide financial or programmatic-related documentation related to this award, including documentation of expenditures and achievements regardless of funding source.

5. Additional Monitoring Requirements

The grantee understands that it may be subject to additional financial and programmatic on-site monitoring, which may be on short notice, and agrees that it will cooperate with any such monitoring.

6. Record Retention and Access

Records pertinent to the CCCA and PSA grant programs must be retained for a period of five years from the date of submission of the final expenditure report. Grantee must provide access, including performance measurement information, in addition to the financial records, supporting documents, statistical records, and other pertinent records.

7. Non-Supplanting Requirement

Funds made available through this award will not be used to replace State or local funds that would, in the absence of this grant, be made available for the same purposes.

8. Travel Policy

Grantees may follow their own established travel rates if they have an established travel policy. DCJS reserves the right to determine the reasonableness of an organization's travel policy. If the grantee does not have an established policy, then they must adhere to State travel policy. DCJS allows reimbursement for actual reasonable expenses and meals according to per diem. Please refer to the following IRS website for the most

current mileage rate: <https://www.irs.gov/tax-professionals/standard-mileage-rates>.
Transportation costs for air and rail must be at coach rates.

9. Project Initiation

Within 60 days of the starting date of the grant, the grantee must initiate the project funded. If not, the grantee must report to DCJS, in writing, the steps taken to initiate the project, the reasons for the delay, and the expected starting date. If the project is not operational within 90 days of the start date, the grantee must obtain approval in writing from DCJS for a new implementation date or DCJS may cancel and terminate the project and redistribute the funds.

10. Contract Amendments

Contract amendments must be submitted for review in the On-line Grants Management System (OGMS). These contract amendments include, but are not limited to, the following:

- Budget Amendment – Revision
- Budget Amendment – In Line Adjustment
- Change Grant Funded Staff
- Change in Authorized Official
- Project Scope of Work Revision
- Reporting Extension
- Other

Check with your grant monitor for details regarding submitting contract amendments via OGMS.

No amendment to the approved budget may be made without the prior approval of DCJS. No more than two (2) budget amendments will be permitted during the grant period. Budget Revision – Amendment requests, along with accompanying narrative, are to be submitted using the On-line Grants Management System (OGMS). The submission deadline for budget amendments is 45 days prior to the end of the grant period.

11. Financial Audits

All funds utilized for the purpose of providing pretrial services as outlined in Article 5 (§[19.2-152.2](#) et seq.) of Chapter 9 of Title 19.2 or probation services as outlined in Article 9 (§[9.1-173](#)) et seq. of Chapter 1 of Title 9.1 of the *Code of Virginia* shall be subject to audit in accordance with the Virginia Auditor of Public Accounts guidelines. The grantee agrees to forward, to DCJS or to the Auditor of Public Accounts, a copy of the grantee's scheduled financial statement audit for the fiscal year that covers the grant award period.

12. Project Income

Any funds generated as a direct result of DCJS grant-funded projects are deemed project income. Project income must be reported on the Grantee Financial Report for Project

Income provided by DCJS. Instructions for the Project Income form can be downloaded at: <http://www.dcjs.virginia.gov/forms/grants/subgrantProjectIncomeInstructions.doc>. The Project Income form can also be downloaded from the DCJS website at: <http://www.dcjs.virginia.gov/forms/grants/subgrantProjectIncome.xls>. Examples of project income include supervision fees; service fees; client fees; usage or rental fees; sales of materials; income received from sale of seized and forfeited assets (cash, personal or real property included); and interest accrued from any of these fees.

13. Required Reports

The grantee agrees to submit, on or before scheduled due dates, such reports as required by DCJS. This includes filing required reports using the On-line Grants Management System (OGMS). Failure to submit reports by the deadline dates may result in delay for reimbursement requests and/or cancellation of the award. Progress reports are required even if no grant related activities have occurred during the reporting period.

The grantee will submit data and reports required by DCJS with the Quarterly Status report. These reports will include program evaluations, program audits, or other reports related to the agency's operations.

The grantee agrees to collect and maintain data that measures the performance and effectiveness of the work under this award.

The grantee agrees to cooperate with any assessments, local/state/national research or evaluation efforts, or information or data collection requests. This includes, but is not limited to, any information required for the assessment or evaluation of any activities within the project.

14. Delegation of Responsibility

The grantee understands that it is the responsibility of the applicant, the Project Administrator (County Administrator or City Manager), to oversee the management of the award. Any delegation of responsibility for carrying out grant-funded activities to an office or department not a part of the local government must be pursuant to a written memorandum of understanding by which the implementing office or department agrees to comply with all applicable grant terms, conditions and assurances. Any such delegation notwithstanding, the applicant acknowledges by its acceptance of the award its ultimate responsibility for compliance with all terms, conditions and assurances of the grant award, including reviewing and approving the local Standard Operating Procedures (SOPs).

15. Procurement

All purchases for goods and services must comply with local established written procurement policies. If a grantee does not have an established written policy, then they must adhere to the Virginia Public Procurement Act: <https://dgs.virginia.gov/procurement/policy-consulting--review/policy/> Procurement transactions, whether negotiated or advertised and without regard to dollar value, shall be conducted in a manner to provide maximum open and free competition. Any

exemption to this regulation requires the prior approval of DCJS and is only given in unusual circumstances. Any request for exemption must be submitted in writing to DCJS prior to purchase.

16. Change in Personnel

If the agency director/primary contact person will be out of the office for an extended period of time (planned or unplanned) or if the agency is going through a management transition due to a director/primary contact vacancy, DCJS must be notified of the effective dates, name, title, phone number and email for an alternative contact for daily operations by sending the form included at the end of the Agency Directory available on the DCJS website at:

<https://www.dcjs.virginia.gov/sites/dcjs.virginia.gov/files/publications/corrections/ccca-psa-program-directory.pdf> to CCCAPSA@DCJS.VIRGINIA.COM as soon as possible.

17. Nondiscrimination under State Grants and Programs

No person shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, sexual orientation, gender identity, disability, or status as a veteran under any program or activity receiving state financial assistance or under any program or activity conducted by or on behalf of any state agency. The formal grant awards that DCJS enters into with all recipients require compliance with all applicable federal, state, and local laws, regulations, executive orders and ordinances related to expenditure of the grant money and the activities financed with the grant money.

18. Comprehensive Community Corrections Act and Pretrial Services Act

The grantee assures that programs established, operated, and/or contracted with under the authority of the Comprehensive Community Corrections Act for Local-Responsible Offenders and the Pretrial Services Act will comply with all statutes, standards, regulations, state funding restrictions, policies, and guidelines put forth by DCJS and any others that may be applicable. This includes but is not limited to, those stated in the “Minimum Standards for Local Community-based Probation” and the “Minimum Standards for Pretrial Services.”

19. Community Criminal Justice Board

Each grantee is required to have a functional Community Criminal Justice Board (CCJB) serving as an advisory body to the local governing body on matters pertaining to local criminal justice issues. The composition and responsibilities of the CCJB are specified in § 9.1-178 et seq. of the *Code of Virginia* <https://law.lis.virginia.gov/vacode/title9.1/chapter1/section9.1-178/>. Other boards and committees (ASAP, Jail, Public Safety Committees, etc.) do not comply with this requirement. The CCJB must meet regularly, must have bylaws that stipulates how often they meet (at a minimum quarterly), and comply with the *Code of Virginia* and “Minimum Standards for Local Community-based Probation” and the “Minimum Standards for Pretrial Services.”

20. Consultants

Employees, full or part-time, under CCCA and PSA programs shall not serve in any paid consultant capacity for the program by which they are employed.

21. Continuation of Funding

The grantee understands that the continuation and/or level of funding will be based on the availability of funds, the performance of the project in meeting its targets, goals and objectives, and the recipient's compliance with the grant requirements and conditions.

22. Pretrial and Community Corrections Case Management System (PTCC) / Case Management System (CMS)

The grantee will comply with the automated data collection and case management system (PTCC/CMS) requirements and fully use PTCC/CMS as directed by DCJS. This means using all modules and sub-modules and all data elements as they apply to each individual even if not underlined. PTCC/CMS must be the primary data source for records management information and case management activities.

CCCA and PSA budgets must include a state funded line item under equipment for the PTCC network equipment and hardware replacement and repair for no less than 1% of the total state funding. For any new positions established, funds must be budgeted for computer equipment, software, licensing, and networking.

All computer equipment, software, and networking must meet DCJS specifications, including the mandatory secure, 24/7 site-to-site Virtual Private Network (VPN) tunnel between the DCJS offsite central servers and the local server and be compatible with the Pretrial/Local Community-based Probation (PTCC) case management system. Any exceptions must have documented approval and be provided to DCJS in the application.

DCJS requests one (1) month notice for any physical moves or connectivity changes, if possible.

DCJS requires that all staff have individual email accounts and internet access.

23. PTCC / CMS Memorandum of Understanding

All agencies must have a signed Memorandum of Understanding (MOU) for the PTCC or CMS between the administrative agent and DCJS to assure full cooperation with DCJS for information technology issues related to PTCC or CMS.

24. Program Guidelines

The grantee agrees to comply with the applicable Grant Program Guidelines and Attachments, available here:

<https://www.dcjs.virginia.gov/sites/dcjs.virginia.gov/files/grants/fy-2023-comprehensive-community-corrections-act-pretrial-services-act/fy-2023-comprehensive-community-corrections-act-pretrial-services-act-guidelines.pdf>

25. Funding Limits and Non-Supplanting Requirement

The grantee understands that funds made available through this award will not be used to

- A. Replace State or local funds that would, in the absence of this grant, be made available for the same purposes.
- B. Pay for any staff not designated for CCCA/PSA operations, and may not be used to pay for any portion of salary for the time not dedicated to CCCA/PSA programming and operations. For example, if a director or staff person's time is split between the CCCA/PSA grant operations and another program (e.g., drug court or other specialty dockets not part of the local agency, litter control programs) only the state grant funds contributing to the salary and fringe for CCCA/PSA grant operations can be paid for using state grant funds.
- C. Pay for capital construction, renovation, remodeling, or land acquisition.
- D. Pay for the purchase or lease of any vehicles.
- E. Pay for firearms, ammunition, or related equipment.
- F. Pay for clothing, uniforms, and/or badges.
- G. Pay for lobbying, political contributions, honoraria.
- H. Pay for overtime.
- I. Pay for bonuses unless specifically authorized in the Appropriations Act.
- J. Pay for personal entertainment, personal calls, or alcohol.
- K. Supervise individuals specifically for:
 - 1. Cases with a deferred prosecution which are deferred prior to a trial/preliminary hearing or deferred dispositions that have not had a disposition hearing in court (sometimes referred to as taken under advisement or pretrial diversion).
 - 2. Cases sentenced to community services in lieu of fines/costs.
 - 3. Cases solely for the collection of restitution, fines, costs, or supervision/intervention fees.
 - 4. Juvenile cases that have reached the age of 21 ("aged out" of the juvenile court system) unless they were sentenced to local probation pursuant to §19.2-303.3 at the initial trial and conviction.
- L. Approval of this award does not indicate approval of any consultant rate in excess of \$650 per day exclusive of travel or subsistence. A detailed justification must be submitted in writing and approved by DCJS prior to obligation or expenditure of such funds.

26. Indirect Costs

Indirect costs are fees charged against the grant for the local government's administration of the funds. Included in this are any administrative personnel and operational costs incurred by the

local government that cannot be attributed directly to a given project. If charging indirect costs against the grant is necessary, the following conditions apply:

- A. Indirect costs cannot exceed 1% of the total state funded grant award.
- B. Charging the grant for indirect costs cannot violate non-supplanting requirements.
- C. Only state grant funds may be used for indirect costs, supervision fees may not be used for indirect costs
- D. Charging the grant for indirect costs will reduce the total amount available for supervision, treatment, personnel, and other agency operating expenses.

27. Supervision / Intervention Fees

The collection of fees, including fees for drug testing and confirmation, from pretrial defendants for pretrial supervision is prohibited.

Supervision fees for CCCA agencies are governed by § 9.1-182 of the *Code of Virginia* and the statewide policy for supervision and intervention fees established by the DCJS. The same terms, conditions, and assurances that apply to state funds also apply to supervision fees collected by CCCA agencies with the following exceptions.

- A. Supervision/Intervention fees collected may replace local funds contributing to the grant.
- B. Unspent or unexpended supervision/intervention fees collected in one fiscal year must be rolled over from year to year into the CCCA/PSA budget and be used solely for the CCCA/PSA agency operations. The maximum allowable carryover amount is 25% of the total grant award. If the carryover amount exceeds the 25% maximum at any time, the agency is required to enact a moratorium on collecting fees immediately and inform their grant monitor to determine a plan to reinstate collecting fees.
- C. Supervision/Intervention fees collected, interest earned, and expenditures against fees must be reported on the Project Income Form.
- D. Supervision/Intervention fees may not be court ordered. Misuse of collecting supervision/intervention fees such as court violations for not paying fees may result in DCJS revoking the approval to collect fees.

Supervision/intervention fees are subject to the same auditing procedures as grant funding.

28. Restitution

It is the responsibility of CCCA officers to monitor the collection and payment of restitution to the victims of crime for individuals placed on local supervised probation. This does not include collecting fees or facilitating payment to victims or the Clerk of Court. Extending supervision solely to collect restitution beyond what is allowable by law, unless ordered by the court as a condition of probation supervision, is not allowable. The responsibility for the collection of costs, fines, and restitution is with the clerks of circuit and district courts and Commonwealth's Attorneys pursuant to § 19.2-305.1 of the *Code of Virginia*.

No local probation agency may collect restitution from individuals on probation, including legacy cases.

29. Standard Operating Procedures (SOPs)

All CCCA/PSA agencies are required to have written Standard Operating Procedures (SOPs) which address and comply with all current statutes, regulations, standards, guidelines, protocols, and policies and be approved in writing by the project administrator.

30. Other Operational Requirements

Long-term residential treatment and long-term residential placements (i.e. 28 days or more) are not an appropriate use of these state funds and not a substitute for supervision.

Local probation and pretrial services agencies must follow any applicable laws and standards of the Prison Rape Elimination Act (PREA).

All PSA agencies:

- A. Must provide both pretrial investigation and supervision services to all localities served.
- B. May assist adult drug courts or specialized dockets operating within their jurisdiction with the assessment and supervision of pretrial defendants.
- C. Must conduct a pretrial risk assessment approved by DCJS as part of the pretrial investigation.
- D. Must ensure that placements have a pretrial risk assessment linked to a previous screening in the DCJS case management system, or a pretrial risk assessment completed if the placement is a direct placement from the magistrate or judge without benefit of a pretrial investigation report.
- E. Must assign initial supervision level based on the Praxis unless it conflicts with the court order.
- F. Must make provisions, if providing GPS/electronic monitoring, to ensure that no defendant is prevented from release on bail or returned to jail solely based on the inability to pay fees or costs of GPS/electronic monitoring.
- G. Only allow sworn pretrial officers with the required CORE training to independently conduct pretrial investigations, supervise defendants, and conduct the duties and responsibilities of pretrial officers in the Code of Virginia § 19.2-152.4:3 <https://law.lis.virginia.gov/vacode/title19.2/chapter9/section19.2-152.4:3/>.

All CCCA agencies:

- A. Should ensure that the length of supervision does not exceed the maximum sentence allowable by law and the amount of time necessary for the individual to complete all measurable conditions of supervision.
- B. Must conduct the MOST and OST, if indicated, on all placements.

- C. Must assign initial supervision level based on the MOST if low or OST unless it conflicts with the court order.
- D. Must complete a success plan on all cases scoring medium and high on the OST.
- E. Must ensure that interventions are supported by assessment results, are least restrictive, and determined to be effective by research.
- F. May not participate in the Interstate Compact.
- G. Must conduct the MOST screening before transferring a placement.
- H. Only allow sworn probation officers with the required CORE training to independently supervise individuals on probation or conduct the duties and responsibilities of local probation officers in the *Code of Virginia* under § 9.1-176.1
<https://law.lis.virginia.gov/vacode/title9.1/chapter1/section9.1-176.1/> .

31. Technical Assistance

The grantee agrees to attend and participate in DCJS-sponsored technical assistance events. Technical assistance events includes, but is not limited to, regional trainings, audio conferences, peer-to-peer consultations, and workshops conducted by DCJS-designated technical assistance providers. The grantee's participation is critical for the effective administration of the CCCA/PSA grant program and to ensure adherence to all provisions of the grant.

32. Training Requirements

The following training requirements must be followed. Any exceptions, due to extenuating circumstances, must be approved, in writing, by the DCJS Adult Justice Programs (AJP) Training Coordinator or your grant monitor.

- A. All local pretrial and probation officers working in local agencies pursuant to the CCCA and PSA must successfully complete CORE training within six months of their date of hire.
- B. CCCA/PSA Agencies must enroll newly hired officers in CORE within fifteen working days of a new officer's date of hire. Officers must be enrolled in the first available CORE Training Cohort.
- C. CCCA/PSA agencies must notify the DCJS AJP Training Coordinator within five working days of any employment, or supervisory changes, and any extenuating circumstances that would affect an officer's participation in training, or compliance with CORE training requirements.
- D. It is the responsibility of the CCCA/PSA Director or designee to use the Learning Management System (LMS), CORE Agency Training Guide, and Participation Workbook to monitor officers' training progress (<https://www.dcjs.virginia.gov/core-documents>) and ensure each officer successfully completes all CORE training requirements in the established timeframe.

33. Additional “Action Item” encumbrances

Any additional “action item” encumbrances related to your award will be shown online via the DCJS On-line Grant Management System (OGMS) website under menu item Grants> Encumbrances. The subgrantee must comply with any items listed there prior to DCJS disbursing funds.

Unless otherwise stated, these encumbrances must be met by August 31, 2022. If they remain unmet after this date, then the subgrantee must report to the DCJS, by letter, the steps taken to achieve compliance, the reasons for non-compliance, and the expected date of compliance. DCJS may terminate grant funding based upon unexplained or unreasonable failure to substantially comply with encumbrances within reasonable specified time frames.

Other encumbrances may be added to the OGMS at any time during the grant period to address operations. These must also be met prior to continued disbursement of funds and require the same actions as noted above if they are not met by the deadline provided.

FY23 CCCA and PSA Reporting Requirements and Projected Due Dates

Virginia Department of Criminal Justice Services (DCJS)
1100 Bank Street, 12th Floor
Richmond, Virginia 23219

REPORTING REQUIREMENTS

By accepting the accompanying grant award, you are agreeing to submit online quarterly financial reports and programmatic progress reports for this grant throughout the grant period, as well as final reports to close the grant. No eligible current recipient of funding will be considered for continuation funding if, as of the continuation application due date, any of the required financial and progress reports for the current grant are more than 30 days overdue. For good cause, submitted in writing by the grant recipient, DCJS may waive this provision.

To submit reports, requests, and to view your grant award, refer to the On-line Grants Management System (OGMS) at our website: ogms.dcjs.virginia.gov. In order to use this web-based system, if you have not previously done so, you must register in OGMS.

- **FINANCIAL REPORTS & REIMBURSEMENTS (Claims)** – OGMS Detail of Expenditure/ Reimbursement forms are due within 30 days after the end of each calendar quarter. Claim reports are due even if no expenditures occurred during the quarter. If the due date falls on a weekend or non-business day, the report is due on the next business day. For financial questions, contact Joseph Thompson at (804) 225-2782 or via email at Joseph.thompson@dcjs.virginia.gov.¹
- **.PROGRESS (Status) REPORTS** for most grant programs are due within 30 days after the end of each calendar quarter and must be approved by your DCJS Grant Monitor.
- **BUDGET (Contract) AMENDMENTS** may be submitted for consideration through OGMS. Please review your Special Conditions carefully to determine the requirements and procedures for amending budgets. For budget amendment questions, contact your assigned Grant Monitor.
- **GRANT CLOSEOUT:** The grantee has up to 45 days from the end of the award period to liquidate any unpaid obligations and submit a final financial report. The liquidation period exists to allow projects time to receive final invoices and make final payments -- no new obligations may be incurred during this period. Closeout questions should be directed to Joseph Thompson at (804) 225-2782 or via email at Joseph.thompson@dcjs.virginia.gov.

¹ CCCA/PSA State General funded grantees are required to submit their 4th quarter financial report & reimbursement (claim) before the this 7/30/2023 deadline and will be notified by DCJS of this the exact deadline as soon as it is determined. CCCA/PSA grantees are required to submit a 5th and Final financial report & reimbursement (claim) to reconcile the budget.

CCCA/PSA Financial & Programmatic Reporting Schedule

CALENDAR QUARTER ENDING	REPORT DUE DATES
9/30/2022	10/30/2022
12/31/2022	1/30/2023
3/31/2023	4/30/2023
6/30/2023	7/30/2023 ²
Final	8/15/2023 ³

² CCCA/PSA State General funded grantees are required to submit their 4th quarter financial report & reimbursement (claim) before the this 7/30/2023 deadline and will be notified by DCJS of the exact deadline as soon as it is determined.

³ CCCA/PSA grantees are required to submit a 5th and Final financial report & reimbursement (claim) to reconcile the budget.