


City of Fayetteville Staff Review Form

2022-0989

Legistar File ID

11/15/2022

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Jamie Fields 

10/24/2022

POLICE (200)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends acceptance of a non-matching grant award for the expansion of the Police Department's Wellness and Resiliency Program funded through the 2022 Law Enforcement Mental Health and Wellness Act (LEMHWA), and the approval of a budget adjustment in the amount of \$94,810.73.

Budget Impact:

| | |
|---|--|
| <p>1010.200.2920-various</p> <hr/> <p align="center">Account Number</p> <p align="center">32205.2022</p> <hr/> <p align="center">Project Number</p> | <p align="center">General</p> <hr/> <p align="center">Fund</p> <p align="center">Police - COPS 2022 LEMHWA Grant</p> <hr/> <p align="center">Project Title</p> |
| <p>Budgeted Item? <u>No</u></p> | <p>Current Budget \$ -</p> |
| | <p>Funds Obligated \$ -</p> |
| | <p>Current Balance \$ -</p> |
| <p>Does item have a cost? <u>No</u></p> | <p>Item Cost \$ -</p> |
| <p>Budget Adjustment Attached? <u>Yes</u></p> | <p>Budget Adjustment \$ 94,811.00</p> |
| | <p>Remaining Budget \$ 94,811.00</p> |

V20210527

Purchase Order Number: _____

Previous Ordinance or Resolution # _____

Change Order Number: _____

Approval Date: _____


Original Contract Number: _____

Comments:



MEETING OF NOVEMBER 15, 2022

TO: Mayor and City Council

FROM: Jamie Fields, Deputy Chief of Police 

DATE: October 24, 2022

SUBJECT: Law Enforcement Mental Health and Wellness Act Grant Award

RECOMMENDATION:

Staff recommends acceptance of a non-matching grant award for the expansion of the Police Department's Wellness and Resiliency Program funded through the 2022 Law Enforcement Mental Health and Wellness Act (LEMHWA), and the approval of a budget adjustment in the amount of \$94,810.73.

BACKGROUND:

The U.S. Department of Justice, Office of Community Oriented Policing Services has announced the 2022 LEMHWA grant awards. LEMHWA funds are used to improve the delivery of and access to mental health and wellness services for law enforcement officers through implementation and expansion of peer support, training, family resources, suicide prevention, and other promising practices for wellness programs. LEMHWA has a 2-year grant period, and LEMHWA grant awards are administered through the JustGrants web portal.

DISCUSSION:

The Fayetteville Police Department will use LEMHWA grant funds to expand its existing Wellness and Resiliency Program beyond the current peer team services. Grant award expenditures include training and certification; licensed mental health awareness, consultations, and therapy; overtime for peer team employees responding to crisis incidents; and supplies.

BUDGET/STAFF IMPACT:

The LEMHWA award is a non-matching grant. Approval of a budget adjustment to establish grant revenue and expense budgets in the amount of \$94,811 in the City's project account system. This grant award has no impact on current staffing levels.

Attachments:

Budget Adjustment
2022 LEMHWA Grant Award Documents

FY22 CPA Project Narrative

Law Enforcement Mental Health and Wellness Act

City of Fayetteville, Arkansas

Project Narrative

4-27-2022

Program Abstract

The purpose of the Peer to Peer Support Program is to provide all Fayetteville Police Department (FPD) employees the opportunity to receive tangible emotional support through times of personal or professional crisis, and to help anticipate and address potential difficulties. The FPD is determined to pursue the newest and most innovative knowledge, research, and understanding to ensure the best possible outcomes for the employees serving the community of Fayetteville. The FPD strives to create and build partnerships with community members to provide a healthy and safe community to live and work.

Chief Mike Reynolds has worked to enhance the department based on the six pillars of 21st century policing to include: building trust and legitimacy, training and education for employees and officer wellness and safety. Without a doubt, the wellness and resiliency of the agency is critical for not only the employees but also for the community in which they serve.

The FPD was not immune to the national debate about defunding law enforcement, their role in society, excessive use of force, deadly force, and response to calls. This issue has been a topic of discussion in Fayetteville for several years. Consequently, the public's attention and this national debate continue to erode the wellbeing, resiliency, and drive to continue in the law enforcement profession.

In late 2020, the FPD created the Peer to Peer Support Program and made it available to all FPD employees. A relationship with the Springdale Police Department, Rogers Police Department and Washington County Sheriff's Office was created and the FPD assisted with creating and implementing their peer programs. Between December of 2020 and December 2021, the FPD peer team was utilized 237.75 hours within the FPD and assisted surrounding agencies for another 241 hours. This resulted in assessing the needs, improvements, and desires of the FPD peer program. Four additional positions were added to the FPD peer team in early 2022. Through education, coordination with our peer team regional partners, our efforts to assist law enforcement officers with stress, accumulated stress, and critical incidents will lead to longer careers, safer communities, and retention.

If funded, the FPD would expand their efforts to lead the region as an example of compassionate care for law enforcement in Northwest Arkansas.

Proposal Narrative Protecting the Protectors

Summary

The Fayetteville Police Department (FPD) was established in 1870. Since that time, many officers have served the community with pride, professionalism, and distinction. The operational components of the department are designed to carry out the mission of the FPD. Its mission statement says:

This department through progressive thinking, credible, efficient, and responsive actions will provide our citizens with a safe and healthy community in which to live and work. We will provide impartial enforcement of all criminal and traffic laws. We will strive to interact and form a partnership with the citizens to provide education so they can learn ways of reducing opportunities for crime to occur.

Today, the FPD is full-service law enforcement agency. Police Chief Mike Reynolds is the chief executive officer (CEO) of the department and has ultimate control over the appointment and supervision of all employees. He also is responsible for the direction, planning, training, and regulation of discipline within the police department. All operational components report to the Deputy Chief, who then reports directly to the Chief. The agency is comprised of five major components to include Patrol Division, Criminal Investigation Division, Administration Division, Records Division, and the Central Dispatch Center.

The city of Fayetteville became a City of First Class on June 20, 1905, with 5000 inhabitants, and it is the location of the county seat of Washington County, Arkansas. As of 2021, the United State Census Bureau estimated Fayetteville had a population of 93,949. Consequently, this is the largest city in the Northwest Arkansas (NWA) area, and the second largest city in the state of Arkansas. Additionally, Fayetteville has been named by numerous publications as one of the top cities in the nation based upon a variety of quality-of-life metrics. The larger metropolitan area currently has a population of 566,1000 people and it is expected to grow to over 1 million residents by the year 2040. Along with this significant growth, challenges have occurred in providing adequate resources and services to this increased population.

As a result, the FPD has also shown steady growth since the early 1990s when the department had less than seventy sworn officers. The department has grown rapidly since that time to the current staffing number of 137 officers and 49 civilian employees. Similar to other police departments across the country, FPD has struggled to cope with the increasing demand, particularly responding to increased levels of violence, critical incidents, and call volume.

In 2020, Chief Reynolds tasked members of the FPD to develop a wellness and resiliency component for the employees of the department. A Peer-to-Peer Program was created and implemented in December 2020. A policy was developed which outlined program processes, certifications, protections, and confidentiality. The protections and confidentiality mirrored Arkansas State Code Annotated §16-40-106 which outline privileged communications made to a certified peer team member. The peer program selected ten members of the department to

complete introductory training and to be utilized by members of the department for emotional support, stress management, and training regarding their daily jobs and critical incidents. This team is made up of sworn personnel from every division and two civilian employees from the Central Dispatch Center and the Evidence Division. From December of 2020 to December of 2021, this team was utilized for 237.75 hours with 149 separate sessions from the FPD. The topics for discussion with the peer team were anxiety, response to calls, retention, family violence, work performance, sickness, death, marriage difficulties, anger, critical incidents, family, finances, use of force, suicide, and inability to sleep. During meetings with the peer team members, 23 employees were referred to a mental health employee assistance program or mental health professionals and 24 employees were referred to the peer team by a supervisor. The peer team has a hotline for all FPD employees to utilize that is monitored 24-hours a day by peer team members. In 2022, four additional sworn employees were added to the FPD peer team.

The FPD peer team has already assisted surrounding small-town agencies within Northwest Arkansas and the portions of Central Arkansas with critical incident response, defusing, debriefings, and individual peer discussions. The FPD peer team spent 241 hours in 2021 with the following agencies: Siloam Springs Police and Fire Departments, Prairie Grove Police and Fire Departments, Farmington Police Department, Pea Ridge Police and Fire Departments, Johnson County Sheriff's Office, Central Emergency Medical Services, and the Rogers Police and Fire Departments. These agencies encountered officer involved shootings, officers killed in the line of duty, officer suicide, and an officer assaulted and seriously wounded.

The FPD was not immune to the national debate about defunding law enforcement, their role in society, excessive use of force, deadly force, and response to calls. This issue has been a topic of discussion in Fayetteville for several years. Consequently, the public's attention and this national debate continue to erode the wellbeing, resiliency, and drive to continue in the law enforcement profession. In 2021, the FPD had a record year for employees leaving the department with 16.8% of the workforce due to retirement, resignation and termination. The Chief conducted exit interviews on all employees leaving the agency. Many discussed the similar items of contention for leaving: increased and too cumbersome of a work volume, stress, and leaving law enforcement for new professions. This is a resounding theme in Northwest Arkansas and across the nation.

Officer's involvement, training, and mental wellness create an environment for their ability to serve the community with a better understanding of their emotions, thoughts and processes. Employees that are trained in stress management, accumulated stress, reactions to critical incidents and mental wellness and resiliency creates an environment for better understanding the community we serve, and the obstacles many community members experience themselves. Our community demands a high caliber of professionalism from FPD officers. This comes at a time when the FPD has averaged a 6% increase in call volume from 2019 to 2020 and an additional 3% increase from 2020 to 2021. The rise in calls for service occurred during a time when violent crime rose 25% within the city during the year of 2020 and additional 2% in 2021. Based on a

2020 municipal survey of the largest 25 cities within the state of Arkansas, the FPD has the second largest city by population, but was ranked 24 out of 25 for officers per 1,000 inhabitants. The average for the 25 largest cities was 2.26 officers per 1,000 inhabitants whereas the FPD averaged 1.55 officers per 1,000 inhabitants. The same survey showed that FPD officers had the second highest total crime burden per officer.

The expansion of the FPD's peer team's initiative would help reduce a significant burden from the entire department as training would benefit all employees on how to understand and manage stress. Training would create more informed employees and supervisors on how to notice and assist employees that are struggling with accumulated stress and critical incidents. All employees would have a more accessible way of reaching out to the peer team and other assistance when in need. The peer team would also be better educated and informed on how to discuss critical incidents, accumulated stress and how to circumvent the ill effects it has on the personnel at the FPD.

Since the launch of the FPD's peer team, three other law enforcement agencies in Northwest Arkansas have been directly assisted by FPD peer team members in creating their own peer teams to include: Springdale Police Department, Rogers Police Department, and Washington County Sheriff's Office. These three agencies still rely heavily on the FPD for assistance, training and experience. Five agencies have reached out to the FPD peer team for assistance involving critical incidents at their agencies, assistance with debriefing, and insight on how to handle these stressful situations. These interactions have continued well past the initial debriefing. These agencies continue to reach out to the FPD peer team for assistance with the long term effects of these critical incidents. One additional agency has reached out for guidance to begin their own peer team. These requests demonstrated that other agencies throughout the region recognize the value in the FPD's peer team, and are monitoring the program's continued success.

In 2021, the Arkansas State Legislature passed House Bill 1680 that requires a law enforcement officer involved in a critical incident to participate in a debriefing by a mental health professional or a certified peer support member. It also requires the law enforcement agency to assist a law enforcement officer having been involved in a critical incident to obtain additional services that may assist the officer in recovering from psychological effects resulting from the critical incident. There are currently 29 law enforcement agencies in the Northwest Arkansas area and only four have peer teams. The FPD peer team has assisted our regional partners with training, experience, leadership, and implementation of these other three peer teams. The other peer teams are the Springdale Police Department, the Rogers Police Department, and the Washington County Sheriff's Office. There is still a significant need for peer teams in the State of Arkansas to include the Northwest Arkansas region. This new legislation has only increased the workload and the expectations of the FPD peer team and their regional partners.

In 2021, the four regional peer teams developed a quarterly family-based training and discussion panel termed Critical Conversations. This training is hosted by each individual agency once a year where topics of concern for families in law enforcement are discussed.

In 2022, The FPD peer team will be launching a web based in-house training called, Insight from Experience. This training will hold brief lessons from more tenured employees with the FPD on stress management, creating longevity in a high stress career, accumulated stress, sleeping, and other various topics concerning law enforcement.

The FPD peer team will continue to collect data on hours utilized at their own agency and separately when they are utilized at other agencies with a laptop that would keep all resources and information off of the FPD network and completely confidential. They will create bi-annual mental health and needs assessments to determine training topics and areas of interest. The tablets will be utilized for this to create an anonymous forum for the surveys. Topics discussed during the time with peer team members will continue to be collected, analyzed, and reoccurring themes will be discussed in training. This training will be done through the agencies computer document software system (PowerDMS) where all employees attend mandatory training that requires a signature, during patrol briefings and staff meetings, officer refresher training, through online training, Critical Conversations, and Insight from Experience. The FPD peer team will also be utilize anonymous questionnaires from the employees at the police department to better determine how to service our organization through training, teaching, and experience.

If the FPD was selected for the grant, law enforcement agencies throughout the region would have an educational resource available they could access for in-person meetings, guidance, lessons learned, demonstrations of techniques, and best practices. The FPD is a progressive law enforcement agency and this program could remove roadblocks for other agencies that may face difficulties establishing similar programs.

The funding from this grant would allow the FPD peer team access to critical training and equipment that is currently not in the department budget.

Goals and Objectives

Goal 1: Increase Collaboration with stakeholders

- Objective #1.1 – Host one Critical Conversation for each year of the 24-month grant period. A flyer will be created for this event and the three partnering agencies will be invited.
- Objective #1.2 – Invite the three partnering agencies to the Gap Relief 101: Experiencing a Strategic Plan for Pain course.
- Objective #1.3 – The FPD peer team members will attend staff meetings and briefings quarterly for short training and informational purposes.

- Objective #1.4 – The FPD peer team leader will meet bi-annually with the peer team leaders from surrounding agencies.
- Objective #1.5 – The FPD peer team will conduct joint training once a year for the 24-month grant period with partnering peer teams.

Goal 2: Continued training for the FPD peer team

- Objective #2.1. - International Critical Incident Stress Foundation, Inc. (ICISF) classes for basic training for new peer team members. These classes would be Assisting Individuals in Crisis and Group Crisis Intervention.
- Objective #2.2 – By the end of 24-month grant period the FPD will send six current team members to ICISF Advanced Group Crisis Intervention and ICISF Advanced Assisting Individuals in Crisis
- Objective #2.3 - The FPD will send eight FPD employees to the 2022 Concerns for Police Survivors Law Enforcement Wellness and Trauma Conference.
- Objective #2.4 – The FPD will send eight FPD employees to the 2023 Concerns for Police Survivors Law Enforcement Wellness and Trauma Conference.
- Objective #2.5 – By the end of the 24-month grant period the FPD will host Gap Relief 201: The Leadership Experience for all FPD peer team members.

Goal 3: Education for FPD employees

- Objective #3.1 – The FPD peer team will have employees complete anonymous mental health and needs assessment surveys.
- Objective #3.2 – By the end of the 24-month grant period the FPD will send four employees to the Arkansas Law Enforcement Assistance Program (ARLEAP).
- Objective #3.3 – By the end of the first 12 months of the grant period the FPD will have a mental health application available to all FPD employees.
- Objective #3.4 – By the end of the 24-month grant period the FPD will have hosted Gap Relief 101: Experiencing a Strategic Plan for Pain. A priority will be given to corporals, field training officers and employees with tenure.
- Objective #3.5 – By the end of the 24-month grant period the FPD will have hosted Gap Relief 201: The Leadership Experience.

Goal 4: Response to Critical Incidents

- Objective #4.1 – The FPD peer team will respond to all officer involved shootings or officers seriously injured in the line of duty calls.
- Objective #4.2 – The FPD peer team will hold critical incident debriefings for officer involved shootings, officers seriously injured in the line of duty, infant/child deaths, and any requests for critical incident debriefings.

- Objective #4.3 – The FPD peer team will be available and will respond to other agency requests for assistance when possible.

Timeline

| Activities | Responsible Staff | Timeline |
|--|--|---|
| Purchase (2) tablets and (1) computer, Flash drive, peer team shirts | Administrative Supervisor, Program Administrator, Finance Manager, Task Manager | 2022 |
| Prepare and submit progress reports | Program Administrator | Quarterly through period of performance |
| Attend staff meetings and briefings | Program Administrator | Quarterly through period of performance |
| Meeting with regional peer team leaders | Program Administrator, Administrative Supervisor | Bi-annually 2023, 2024 |
| Mental health and assessment needs survey | Program Administrator | Bi-annually 2023, 2024 |
| Host Critical Conversations | Program Administrator, Administrative Supervisor | 2023, 2024 |
| Training with regional peer teams | Program Administrator | 2023, 2024 |
| Attend COPS Conference | Program Administrator, Administrative Supervisor | 2022, 2023 |
| Lighthouse Phone App | Program Administrator, Administrative Supervisor, Finance Manager and Task Manager | 2023 |
| Training for FPD peer team, FPD employees | Program Administrator, Administrative Supervisor, Finance Manager and Task Manager | 2024 |

Deliverables

With the implementation of this program, the FPD can achieve the goals and specific objectives. These funds will allow the department to collect data on time spent with employees by the peer team, increase training and knowledge for all employees, and develop best practices for assisting those in agency and regional agencies during critical incidents. Ultimately this program will help promote wellness and resiliency in mental health, stress and critical incidents regionally.

As far as our specific goals are concerned, the FPD will produce the following:

Deliverables for Goal 1:

1. Course outline, curriculum, and presentation for civilian and sworn law enforcement employees for peer training with our regional peer team partners.
2. Course outline and host information for Critical Conversation event.

Deliverables for Goal 2:

1. Provide certificates from peer team members that attend ICISF Group Crisis Intervention and Assisting Individuals in Crisis.
2. Provide certificates from current peer team members that attend ICISF Advanced Group Crisis Intervention and Advanced Assisting Individuals in Crisis.
3. Provide certificates for all employees that attend the 2022 and 2023 Concerns for Police Survivors Law Enforcement Wellness and Trauma Conference.
4. Course outline for Host Gap Relief 201: The Leadership Experience for the peer team.
5. A summarized report detailing the number of hours and number of employees utilizing the peer team.

Deliverables for Goal 3:

1. Provide mental health and needs assessments questionnaires and results.
2. Complete mental health wellness phone app.
3. Show 15% of all FPD employees attend Gap Relief 101: Experiencing a Strategic Plan for Pain.
4. Show 25% of all FPD supervisors attended Gap Relief 201: Leadership Experience.
5. A summarized report detailing the number of critical incident debriefings hosted, agency assisted critical incident debriefings, the nature of the incident and the amount of time accumulated.

Stakeholder Experience and Capacity to Achieve Stated Outcomes

Key Personnel:

Program Administrator

Sergeant Stacy Dicus has worked for the FPD since 2007. During that time, she has worked multiple assignments to include patrol officer, criminal investigator, special events officer, first-

line supervisor, administrative sergeant, Crisis Negotiation Team leader, and Peer to Peer Team leader. In 2019, she was promoted to the first-line supervisory rank of sergeant, where she was tasked with supervising 15 employees. She was moved to administrative sergeant where she was tasked with creating and coordinating the peer to peer team. Sergeant Dicus is a certified peer team member.

Administrative Supervisor

Captain William Brown has worked with the FPD since 1989. He has served as a patrol officer, Public Information Officer, patrol sergeant, patrol lieutenant, Administrative Lieutenant, Criminal Investigations Captain, and Administrative Captain during his career. Captain Brown holds a Bachelor's Degree in Criminal Justice from the University of Arkansas, and he is a graduate of both the FBI National Academy and the Police Executive Research Forum's Senior Management Institute for Police. Captain Brown is a certified peer team member.

Finance Manager

Support Services Manager Willie Newman has worked for the Fayetteville Police Department since 2006. Mr. Newman supervises the FPD's Records Division, and he is responsible for managing the operating budget for the FPD. During his 16 years at the FPD, Mr. Newman successfully applied for, and was awarded, numerous grants at the State and Federal level. He currently administers and manages several federal grants, including the COPS hiring grant, Project Safe Neighborhood grant (PSN), the Edward Byrne Memorial Justice Assistance Grant (JAG), drug enforcement grants, and the Selective Traffic Enforcement Program (STEP).

Task Manager

Assistant Support Services Manager Tonyia Tannehill has extensive experience working within civilian roles throughout the public sector. Mrs. Tannehill facilitated the implementation of the social work internship program through personal relationships she developed with faculty members at the University of Arkansas. She has experience managing the grants that have been awarded to the FPD. Mrs. Tannehill received a Bachelor of Arts in Criminology from Arkansas State University.

Key Partnerships:

Gap Relief

Gap Relief is a 501c3, not-for-profit organization in the state of Arkansas that exists to train and support key community leaders who are impacted by stress and trauma in their line of work. Their demographic sectors include first responders, military, non-profit leaders, clergy, educators, and medical professionals. They are highly trained Licensed Professional Counselors with years of experience in the realms of trauma recovery and resiliency. Gap Relief is able to offer not only long-term trauma counseling, but also acute crisis response, trauma-informed consultation regarding organizational policies and procedures, critical incident debriefing, and strategic planning and pre-crisis preparation. In addition, Gap Relief offers training and consultation on a variety of topics including but not limited to: personal and organizational resiliency, the impact of stress and trauma (and how to recover from its impact), reducing organizational liability, and increasing intervention strategies for engaging trauma and mental illness in the community.

Ozark Guidance Center (OGC)

Ozark Guidance Center is a private Commission on Accreditation on Rehabilitation Facilities (CARF) non-profit behavioral health center that is committed to meeting the needs of the individual, family, and community for positive mental health outcomes. The organization operates several facilities within Fayetteville, and is contracted as the Employee Assistance Program through the City of Fayetteville.

University of Arkansas Medical Sciences (UAMS)

University of Arkansas Medical Sciences Employee Assistance Program provides consultation service provides assessment, short-term counseling, information and referral for employees who experience personal distress or trauma. The organization operates several facilities in the State of Arkansas, including Fayetteville, and is contracted as the Employee Assistance Program through the Fayetteville Police Department as an additional Employee Assistance Program for all employees.

Springdale Police Department

The Springdale Police Department (SPD) is located north of the City of Fayetteville and is part of the Northwest Arkansas region. The department currently has a peer team that works closely with the FPD. Their team leader is Wellness Coordinator and Licensed Associate Counselor Kade Curry.

Washington County Sheriff's Office

Washington County has 13 incorporated municipalities, including Fayetteville, the county seat, and Springdale. The Washington County Sheriff's Office currently has a peer team that works closely with the FPD. Their team leader is Sergeant Brad Cavender. He is currently assigned to the Patrol Division.

Rogers Police Department

Rogers Police Department is found in Benton County and are north of the City of Springdale. The Rogers Police Department currently has a peer team that works closely with the FPD. Their team leader is Sergeant Brad Abercrombie. He is currently assigned to the Special Events Division.

✓ **Award Letter**

October 13, 2022

Dear Mike Reynolds,

On behalf of Attorney General Merrick B. Garland, it is my pleasure to inform you the Office of Community Oriented Policing Services (the COPS Office) has approved the application submitted by FAYETTEVILLE POLICE DEPARTMENT for an award under the funding opportunity entitled 2022 FY22 Law Enforcement Mental Health and Wellness Act (LEMHWA) Implementation Projects. The approved award amount is \$94,810.73.

Review the Award Instrument below carefully and familiarize yourself with all conditions and requirements before accepting your award. The Award Instrument includes the Award Offer (Award Information, Project Information, Financial Information, and Award Conditions) and Award Acceptance. For COPS Office and OVW funding the Award Offer also includes any Other Award Documents.

Please note that award requirements include not only the conditions and limitations set forth in the Award Offer, but also compliance with assurances and certifications that relate to conduct during the period of performance for the award. These requirements encompass financial, administrative, and programmatic matters, as well as other important matters (e.g., specific restrictions on use of funds). Therefore, all key staff should receive the award conditions, the assurances and certifications, and the application as approved by the COPS Office, so that they understand the award requirements. Information on all pertinent award requirements also must be provided to any subrecipient of the award.

Should you accept the award and then fail to comply with an award requirement, DOJ will pursue appropriate remedies for non-compliance, which may include termination of the award and/or a requirement to repay award funds.

Prior to accepting the award, your Entity Administrator must assign a Financial Manager, Grant Award Administrator, and Authorized Representative(s) in the Justice Grants System (JustGrants). The Entity Administrator will need to ensure the assigned Authorized Representative(s) is current and has the legal authority to accept awards and bind the entity to the award terms and conditions. To accept the award, the Authorized Representative(s) must accept all parts of the Award Offer in the Justice Grants System (JustGrants), including by executing the required declaration and certification, within 45 days from the award date.

To access your funds, you will need to enroll in the Automated Standard Application for Payments (ASAP) system, if you haven't already completed the enrollment process in ASAP. The Entity Administrator should have already received an email from ASAP to initiate this process.

Congratulations, and we look forward to working with you.

ROBERT CHAPMAN
Acting Director

Office for Civil Rights Notice for All Recipients

The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) has been delegated the responsibility for ensuring that recipients of federal financial assistance from the OJP, the Office of Community Oriented Policing Services (COPS), and the Office on Violence Against Women (OVW) are not engaged in discrimination prohibited by law. Several

federal civil rights laws, such as Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973, require recipients of federal financial assistance to give assurances that they will comply with those laws. Taken together, these civil rights laws prohibit recipients of federal financial assistance from DOJ from discriminating in services and employment because of race, color, national origin, religion, disability, sex, and, for grants authorized under the Violence Against Women Act, sexual orientation and gender identity. Recipients are also prohibited from discriminating in services because of age. For a complete review of these civil rights laws and nondiscrimination requirements, in connection with DOJ awards, see <https://ojp.gov/funding/Explore/LegalOverview/CivilRightsRequirements.htm>.

Under the delegation of authority, the OCR investigates allegations of discrimination against recipients from individuals, entities, or groups. In addition, the OCR conducts limited compliance reviews and audits based on regulatory criteria. These reviews and audits permit the OCR to evaluate whether recipients of financial assistance from the Department are providing services in a nondiscriminatory manner to their service population or have employment practices that meet equal-opportunity standards.

If you are a recipient of grant awards under the Omnibus Crime Control and Safe Streets Act or the Juvenile Justice and Delinquency Prevention Act and your agency is part of a criminal justice system, there are two additional obligations that may apply in connection with the awards: (1) complying with the regulation relating to Equal Employment Opportunity Programs (EEOs); and (2) submitting findings of discrimination to OCR. For additional information regarding the EEO requirement, see 28 CFR Part 42, subpart E, and for additional information regarding requirements when there is an adverse finding, see 28 C.F.R. §§ 42.204(c), .205(c)(5).

The OCR is available to help you and your organization meet the civil rights requirements that are associated with DOJ grant funding. If you would like the OCR to assist you in fulfilling your organization's civil rights or nondiscrimination responsibilities as a recipient of federal financial assistance, please do not hesitate to contact the OCR at askOCR@ojp.usdoj.gov.

✓ Award Information

This award is offered subject to the conditions or limitations set forth in the Award Information, Project Information, Financial Information, and Award Conditions.

Recipient Information

Recipient Name

FAYETTEVILLE, CITY OF

UEI

ZGAZNS4HKFY3

ORI Number

Street 1
100 W ROCK ST

Street 2
STE A

City
FAYETTEVILLE

State/U.S. Territory
Arkansas

Zip/Postal Code
72701

Country
United States

County/Parish

Province

 **Award Details**

Federal Award Date
10/13/22

Award Type
Initial

Award Number
15JCOPS-22-GG-04114-LEMH

Supplement Number
00

Federal Award Amount
\$94,810.73

Funding Instrument Type
Grant

Assistance Listing Number Assistance Listings Program Title

16.710

Public Safety Partnership and Community Policing Grants

Statutory Authority

The Public Safety Partnership and Community Policing Act of 1994, 34 U.S.C. § 10381 et seq

I have read and understand the information presented in this section of the Federal Award Instrument.

✓ **Project Information**

This award is offered subject to the conditions or limitations set forth in the Award Information, Project Information, Financial Information, and Award Conditions.

Solicitation Title

2022 FY22 Law Enforcement Mental Health and Wellness Act (LEMHWA) Implementation Projects

Awarding Agency

COPS

Application Number

GRANT13598519

Grant Manager Name Phone Number

CAMISHA AMAKER
202-514-0197

E-mail Address

Camisha.Amaker@usdoj.gov

Project Title

FY22 Fayetteville, AR, LEMHWA Project Grant

Performance Period Start Date

09/01/2022

Performance Period End Date

08/31/2024

Budget Period Start Date

09/01/2022

Budget Period End Date

08/31/2024

Project Description

The Fayetteville Police Department LEMHWA Implementation project supports If funded, the FPD would expand their efforts to lead the region as an example of compassionate care for law enforcement in Northwest Arkansas. Grant is for Peer Support Program enhancements.

I have read and understand the information presented in this section of the Federal Award Instrument.

✓ **Financial Information**

This award is offered subject to the conditions or limitations set forth in the Award Information, Project Information, Financial Information, and Award Conditions.

A financial analysis of budgeted costs has been completed. All costs listed in the approved budget below were programmatically approved based on the final proposed detailed budget and budget narratives submitted by your agency to the COPS Office. Any adjustments or edits to the proposed budget are explained below.

Budget Clearance Date: 8/28/22 10:14 PM

Comments

No items

| Budget Category | Proposed Budget | Change | Approved Budget | Percentages |
|---------------------------------|------------------------|---------------|------------------------|--------------------|
| Sworn Officer Positions | \$0.00 | \$0.00 | \$0.00 | |
| Civilian or Non-Sworn Personnel | \$0.00 | \$0.00 | \$0.00 | |
| Travel | \$31,530.32 | \$0.00 | \$31,530.32 | |
| Equipment | \$0.00 | \$0.00 | \$0.00 | |
| Supplies | \$8,523.53 | \$0.00 | \$8,523.53 | |
| SubAwards | \$0.00 | \$0.00 | \$0.00 | |
| Procurement Contracts | \$37,180.00 | \$0.00 | \$37,180.00 | |
| Other Costs | \$17,576.88 | \$0.00 | \$17,576.88 | |
| Indirect Costs | \$0.00 | \$0.00 | \$0.00 | |

| | | | | |
|---------------------|-------------|--------|-------------|---------|
| Total Project Costs | \$94,810.73 | \$0.00 | \$94,810.73 | |
| Federal Funds: | | | \$94,810.73 | 100.00% |
| Match Amount: | | | \$0.00 | 0.00% |
| Program Income: | | | \$0.00 | 0.00% |

Budget Detail Summary View

Budget Category

Sworn Officer

Civilian Personnel

Travel

Equipment

Supplies

SubAwards

Procurement Contracts

Other Costs

Indirect Costs

I have read and understand the information presented in this section of the Federal Award Instrument.

✓ Other Award Documents

No other award documents have been added.

✓ Award Conditions

This award is offered subject to the conditions or limitations set forth in the Award Information, Project Information, Financial Information, and Award Conditions.



Restrictions on Internal Confidentiality Agreements: No recipient or subrecipient under this award, or entity that receives a contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts the lawful reporting of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information. Consolidated Appropriations Act, 2022, Public Law 117-103, Division E, Title VII, Section 742.



Duplicative Funding: The recipient understands and agrees to notify the COPS Office if it receives, from any other source, funding for the same item or service also funded under this award.



Contract Provision: All contracts made by the award recipients under the federal award must contain the provisions required under 2 C.F.R. Part 200, Appendix II to Part 200—Contract Provisions for Non-Federal Entity Contracts Under Federal Awards. Please see appendices in the Award Owner's Manual for a full text of the contract provisions.



Award Monitoring Activities: Federal law requires that recipients receiving federal funding from the COPS Office must be monitored to ensure compliance with their award conditions and other applicable statutes and regulations. The COPS Office is also interested in tracking the progress of our programs and the advancement of community policing. Both aspects of award implementation—compliance and programmatic benefits—are part of the monitoring process coordinated by the U.S. Department of Justice. Award monitoring activities conducted by the COPS Office include site visits, enhanced office-based grant reviews, alleged noncompliance reviews, financial and programmatic reporting, and audit resolution. As a COPS Office award recipient, you agree to cooperate with and respond to any requests for information pertaining to your award. This includes all financial records, such as general accounting ledgers and all supporting documents. All information pertinent to the implementation of the award is subject to agency review throughout the life of the award, during the close-out process and for three-years after the submission of the final expenditure report. 34 U.S.C. § 10385(a) and 2 C.F.R. §§ 200.334 and 200.337.



Authorized Representative Responsibility: The recipient understands that, in accepting this award, the Authorized Representatives declare and certify, among other things, that they possess the requisite legal authority to accept the award on behalf of the recipient entity and, in so doing, accept (or adopt) all material requirements throughout the period of performance under this award. The recipient further understands, and agrees, that it will not assign anyone to the role of Authorized Representative during the period of performance under the award without first ensuring that the individual has the requisite legal authority.



Termination: Recipient understands and agrees that the COPS Office may terminate funding, in whole or in part, for the following reasons:

- (1) When the recipient fails to comply with the terms and conditions of a Federal award.
- (2) When an award no longer effectuates the program goals or agency priorities, to the extent such termination is authorized by law.
- (3) When the recipient agrees to the termination and termination conditions.
- (4) When the recipient provides the COPS Office written notification requesting termination including the reasons, effective date, and the portion of the award to be terminated. The COPS Office may terminate the

entire award if the remaining portion will not accomplish the purposes of the award.

(5) Pursuant to any other termination provisions included in the award.

2. C.F.R. § 200.340.



Award Owner's Manual: The recipient agrees to comply with the terms and conditions in the applicable 2022 COPS Office Program Award Owner's Manual; DOJ Grants Financial Guide; COPS Office statute (34 U.S.C. § 10381, et seq.) as applicable; Students, Teachers, and Officers Preventing (STOP) School Violence Act of 2018 (34 U.S.C. § 10551, et seq.) as applicable; the requirements of 2 C.F.R. Part 200 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards) as adopted by the U.S. Department of Justice in 2 C.F.R. § 2800.101; 48 C.F.R. Part 31 (FAR Part 31) as applicable (Contract Cost Principles and Procedures); the Cooperative Agreement as applicable; representations made in the application; and all other applicable program requirements, laws, orders, regulations, or circulars.



Assurances and Certifications: The recipient acknowledges its agreement to comply with the Assurances and Certifications forms that were signed as part of its application.



Federal Civil Rights: The Applicant understands that the federal statutes and regulations applicable to the award (if any) made by the Department based on the application specifically include statutes and regulations pertaining to civil rights and nondiscrimination, and, in addition—

a. the Applicant understands that the applicable statutes pertaining to civil rights will include section 601 of the Civil Rights Act of 1964 (42 U.S.C. § 2000d); section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794); section 901 of the Education Amendments of 1972 (20 U.S.C. § 1681); and section 303 of the Age Discrimination Act of 1975 (42 U.S.C. § 6102);

b. the Applicant understands that the applicable statutes pertaining to nondiscrimination may include section 809(c) of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. § 10228(c)); section 1407(e) of the Victims of Crime Act of 1984 (34 U.S.C. § 20110(e)); section 299A(b) of the Juvenile Justice and Delinquency Prevention Act of 2002 (34 U.S.C. § 11182(b)); and that the grant condition set out at section 40002(b)(13) of the Violence Against Women Act (34 U.S.C. § 12291(b)(13)), which will apply to all awards made by the Office on Violence Against Women, also may apply to an award made otherwise;

c. the Applicant understands that it must require any subrecipient to comply with all such applicable statutes (and associated regulations); and

d. on behalf of the Applicant, I make the specific assurances set out in 28 C.F.R. §§ 42.105 and 42.204.

The Applicant also understands that (in addition to any applicable program-specific regulations and to applicable federal regulations that pertain to civil rights and nondiscrimination) the federal regulations applicable to the award (if any) made by the Department based on the application may include, but are not limited to, 2 C.F.R. Part 2800 (the DOJ "Part 200 Uniform Requirements") and 28 C.F.R. Parts 22 (confidentiality - research and statistical information), 23 (criminal intelligence systems), 38 (regarding faith-based or religious organizations participating in federal financial assistance programs), and 46 (human subjects protection).



Mandatory Disclosure: Recipients and subrecipients must timely disclose in writing to the Federal awarding agency or pass-through entity, as applicable, all federal criminal law violations involving fraud, bribery, or gratuity that may potentially affect the awarded federal funding. Recipients that receive an award over \$500,000 must also report certain civil, criminal, or administrative proceedings in SAM and are required to comply with the Term and Condition for Recipient Integrity and Performance Matters as set out in 2 C.F.R. Part 200, Appendix XII to Part 200. Failure to make required disclosures can result in any of the remedies, including suspension and debarment, described in 2 C.F.R. § 200.339, 2 C.F.R. § 200.113.



Enhancement of Contractor Protection from Reprisal for Disclosure of Certain Information: Recipients and subrecipients agree not to discharge, demote, or otherwise discriminate against an employee as reprisal for the employee disclosing information that he or she reasonably believes is evidence of gross mismanagement of a federal contract or award, a gross waste of federal funds, an abuse of authority relating to a federal contract or award, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a Federal contract (including the competition for or negotiation of a contract) or award. Recipients and subrecipients also agree to provide to their employees in writing (in the predominant native language of the workforce) of the rights and remedies provided in 41 U.S.C. § 4712. Please see appendices in the Award Owner's Manual for a full text of the statute.

12

False Statements: False statements or claims made in connection with COPS Office awards may result in fines, imprisonment, debarment from participating in federal awards or contracts, and/or any other remedy available by law. 31 U.S.C. § 3729-3733.

13

System for Award Management (SAM) and Universal Identifier Requirements: The recipient agrees to comply with the following requirements of 2 C.F.R. Part 25, Appendix A to Part 25 – Award Term:

I. System for Award Management and Universal Identifier Requirements

A. Requirement for System for Award Management

Unless you are exempted from this requirement under 2 CFR 25.110, you as the recipient must maintain current information in the SAM. This includes information on your immediate and highest level owner and subsidiaries, as well as on all of your predecessors that have been awarded a Federal contract or Federal financial assistance within the last three years, if applicable, until you submit the final financial report required under this Federal award or receive the final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another Federal award term.

B. Requirement for Unique Entity Identifier

If you are authorized to make subawards under this Federal award, you:

1. Must notify potential subrecipients that no entity (see definition in paragraph C of this award term) may receive a subaward from you until the entity has provided its Unique Entity Identifier to you.
2. May not make a subaward to an entity unless the entity has provided its Unique Entity Identifier to you. Subrecipients are not required to obtain an active SAM registration, but must obtain a Unique Entity Identifier.

C. Definitions

For purposes of this term:

1. System for Award Management (SAM) means the Federal repository into which a recipient must provide information required for the conduct of business as a recipient. Additional information about registration procedures may be found at the SAM internet site (currently at <https://www.sam.gov>).
2. Unique Entity Identifier means the identifier assigned by SAM to uniquely identify business entities.
3. Entity includes non-Federal entities as defined at 2 CFR 200.1 and also includes all of the following, for purposes of this part:
 - a. A foreign organization;
 - b. A foreign public entity;
 - c. A domestic for-profit organization; and
 - d. A Federal agency.

4. Subaward has the meaning given in 2 CFR 200.1.
5. Subrecipient has the meaning given in 2 CFR 200.1.

14

Reporting Subawards and Executive Compensation

The recipient agrees to comply with the following requirements of 2 C.F.R. Part 170, Appendix A to Part 170 – Award Term:

- I. Reporting Subawards and Executive Compensation
 - a. Reporting of first-tier subawards.

Applicability. Unless you are exempt as provided in paragraph d. of this award term, you must report each action that equals or exceeds \$30,000 in Federal funds for a subaward to a non-Federal entity or Federal agency (see definitions in paragraph e. of this award term).

2. Where and when to report.

- i. The non-Federal entity or Federal agency must report each obligating action described in paragraph a.1. of this award term to <http://www.fsr.gov>.
- ii. For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)

3. What to report. You must report the information about each obligating action that the submission instructions posted at <http://www.fsr.gov> specify.

b. Reporting total compensation of recipient executives for non-Federal entities.

1. Applicability and what to report. You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if—

- i. The total Federal funding authorized to date under this Federal award equals or exceeds \$30,000 as defined in 2 CFR 170.320;
- ii. in the preceding fiscal year, you received—

(A) 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards), and

(B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and,

iii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/excomp.htm>.)

2. Where and when to report. You must report executive total compensation described in paragraph b.1. of this award term:

- i. As part of your registration profile at <https://www.sam.gov>.
- ii. By the end of the month following the month in which this award is made, and annually thereafter.

c. Reporting of Total Compensation of Subrecipient Executives.

1. Applicability and what to report. Unless you are exempt as provided in paragraph d. of this award term, for each first-tier non-Federal entity subrecipient under this award, you shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if—

i. in the subrecipient's preceding fiscal year, the subrecipient received—

(A) 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards) and,

(B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and

ii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

2. Where and when to report. You must report subrecipient executive total compensation described in paragraph c.1. of this award term:

i. To the recipient.

ii. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (i.e., between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.

d. Exemptions.

If, in the previous tax year, you had gross income, from all sources, under \$300,000, you are exempt from the requirements to report:

i. Subawards, and

ii. The total compensation of the five most highly compensated executives of any subrecipient.

e. Definitions. For purposes of this award term:

1. Federal Agency means a Federal agency as defined at 5 U.S.C. 551(1) and further clarified by 5 U.S.C. 552(f).

2. Non-Federal entity means all of the following, as defined in 2 CFR part 25:

i. A Governmental organization, which is a State, local government, or Indian tribe;

ii. A foreign public entity;

iii. A domestic or foreign nonprofit organization; and,

iv. A domestic or foreign for-profit organization

3. Executive means officers, managing partners, or any other employees in management positions.

4. Subaward:

i. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an

eligible subrecipient.

ii. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see 2 CFR 200.331).

iii. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.

5. Subrecipient means a non-Federal entity or Federal agency that:

i. Receives a subaward from you (the recipient) under this award; and

ii. Is accountable to you for the use of the Federal funds provided by the subaward.

6. Total compensation means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)).

15

Equal Employment Opportunity Plan (EEOP): All recipients of funding from the COPS Office must comply with the federal regulations pertaining to the development and implementation of an Equal Employment Opportunity Plan. 28 C.F.R. Part 42 subpart E.

16

Reports/Performance Goals: To assist the COPS Office in monitoring and tracking the performance of your award, your agency will be responsible for submitting semi-annual programmatic performance reports that describe project activities during the reporting period and quarterly Federal Financial Reports using Standard Form 425 (SF-425). 2 C.F.R. §§ 200.328 - 200.329. The performance report is used to track your agency's progress toward implementing community policing strategies and to collect data to gauge the effectiveness of increasing your agency's community policing capacity through COPS Office funding. The Federal Financial Report is used to track the expenditures of the recipient's award funds on a cumulative basis throughout the life of the award.

17

Recipient Integrity and Performance Matters: For awards over \$500,000, the recipient agrees to comply with the following requirements of 2 C.F.R. Part 200, Appendix XII to Part 200 – Award Term and Condition for Recipient Integrity and Performance Matters:

A. Reporting of Matters Related to Recipient Integrity and Performance

1. General Reporting Requirement

If the total value of your currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this Federal award, then you as the recipient during that period of time must maintain the currency of information reported to the System for Award Management (SAM) that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)) about civil, criminal, or administrative proceedings described in paragraph 2 of this award term and condition. This is a statutory requirement under section 872 of Public Law 110-417, as amended (41 U.S.C. 2313). As required by section 3010 of Public Law 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.

2. Proceedings About Which You Must Report

Submit the information required about each proceeding that:

a. Is in connection with the award or performance of a grant, cooperative agreement, or procurement contract from the Federal Government;

b. Reached its final disposition during the most recent five-year period; and

c. Is one of the following:

(1) A criminal proceeding that resulted in a conviction, as defined in paragraph 5 of this award term and condition;

(2) A civil proceeding that resulted in a finding of fault and liability and payment of a monetary fine, penalty, reimbursement, restitution, or damages of \$5,000 or more;

(3) An administrative proceeding, as defined in paragraph 5. of this award term and condition, that resulted in a finding of fault and liability and your payment of either a monetary fine or penalty of \$5,000 or more or reimbursement, restitution, or damages in excess of \$100,000; or

(4) Any other criminal, civil, or administrative proceeding if:

(i) It could have led to an outcome described in paragraph 2.c.(1), (2), or (3) of this award term and condition;

(ii) It had a different disposition arrived at by consent or compromise with an acknowledgment of fault on your part; and

(iii) The requirement in this award term and condition to disclose information about the proceeding does not conflict with applicable laws and regulations.

3. Reporting Procedures

Enter in the SAM Entity Management area the information that SAM requires about each proceeding described in paragraph 2 of this award term and condition. You do not need to submit the information a second time under assistance awards that you received if you already provided the information through SAM because you were required to do so under Federal procurement contracts that you were awarded.

4. Reporting Frequency

During any period of time when you are subject to the requirement in paragraph 1 of this award term and condition, you must report proceedings information through SAM for the most recent five year period, either to report new information about any proceeding(s) that you have not reported previously or affirm that there is no new information to report. Recipients that have Federal contract, grant, and cooperative agreement awards with a cumulative total value greater than \$10,000,000 must disclose semiannually any information about the criminal, civil, and administrative proceedings.

5. Definitions

For purposes of this award term and condition:

a. Administrative proceeding means a non-judicial process that is adjudicatory in nature in order to make a determination of fault or liability (e.g., Securities and Exchange Commission Administrative proceedings, Civilian Board of Contract Appeals proceedings, and Armed Services Board of Contract Appeals proceedings). This includes proceedings at the Federal and State level but only in connection with performance of a Federal contract or grant. It does not include audits, site visits, corrective plans, or inspection of deliverables.

b. Conviction, for purposes of this award term and condition, means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere.

c. Total value of currently active grants, cooperative agreements, and procurement contracts includes—

(1) Only the Federal share of the funding under any Federal award with a recipient cost share or match; and

(2) The value of all expected funding increments under a Federal award and options, even if not yet exercised.

18

Debarment and Suspension: The recipient agrees not to award federal funds under this program to any party which is debarred or suspended from participation in federal assistance programs. 2 C.F.R. Part 180 (Government-wide Nonprocurement Debarment and Suspension) and 2 C.F.R. Part 2867 (DOJ Nonprocurement Debarment and Suspension).

19

Employment Eligibility: The recipient agrees to complete and keep on file, as appropriate, the Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form (I-9). This form is to be used by recipients of federal funds to verify that persons are eligible to work in the United States. Immigration Reform and Control Act of 1986 (IRCA), Public Law 99-603.

20

Conflict of Interest: Recipients and subrecipients must disclose in writing to the COPS Office or pass-through entity, as applicable, any potential conflict of interest affecting the awarded federal funding in 2 C.F.R. § 200.112.

21

Additional High-Risk Recipient Requirements: The recipient agrees to comply with any additional requirements that may be imposed during the award performance period if the awarding agency determines that the recipient is a high-risk recipient. 2 C.F.R. § 200.208.

22

Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment: Recipient agrees that it, and its subrecipients, will not use award funds to extend, renew, or enter into any contract to procure or obtain any covered telecommunication and video surveillance services or equipment as described in 2 CFR §200.216. Covered services and equipment include telecommunications or video surveillance services or equipment produced or provided by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities); Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities); or an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of China. The use of award funds on covered telecommunications or video surveillance services or equipment are unallowable.

2. C.F.R. §§ 200.216 & 471. See also Section 889 of the John S. McCain National Defense Authorization Act of Fiscal Year 2019, Public Law 115-232.

23

Travel Costs: Travel costs for transportation, lodging and subsistence, and related items are allowable with prior approval from the COPS Office. Payment for allowable travel costs will be in accordance with 2 C.F.R. § 200.475.

24

The Paperwork Reduction Act Clearance and Privacy Act Review: Recipient agrees, if required, to submit all surveys, interview protocols, and other information collections to the COPS Office for submission to the Office of Management and Budget (OMB) for clearance under the Paperwork Reduction Act (PRA). Before submission to OMB, all information collections that request personally identifiable information must be reviewed by the COPS Office to ensure compliance with the Privacy Act. The Privacy Act compliance review and the PRA clearance process may take several months to complete. 44 U.S.C. §§ 3501-3520 and 5 U.S.C. § 552a.

25

Supplementing, not Supplanting: State, local, and tribal government recipients must use award funds to supplement, and not supplant, state, local, or Bureau of Indian Affairs (BIA) funds that are already committed or otherwise would have been committed for award purposes (hiring, training, purchases, and/or activities) during the award period. In other words, state, local, and tribal government recipients may not use COPS Office funds to supplant (replace) state, local, or BIA funds that would have been dedicated to the COPS Office-funded item(s) in the absence of the COPS Office award. 34 U.S.C. § 10384(a).

26

Sole Source Justification: Recipients who have been awarded funding for the procurement of an item (or group of items) or service in excess of \$250,000 and who plan to seek approval for use of a noncompetitive procurement process must provide a written sole source justification to the COPS Office for approval prior to obligating, expending, or drawing down award funds for that item or service. 2 C.F.R. § 200.325(b)(2).

27

Evaluations: The COPS Office may conduct monitoring or sponsor national evaluations of its award programs. The recipient agrees to cooperate with the monitors and evaluators. 34 U.S.C. § 10385(b).

28

News Media: The recipient agrees to comply with the COPS Office policy on contact with the news media. The policy establishes the COPS Office Communications Division as the principal point of contact for the news media for issues relevant to the COPS Office or parameters of this award. The recipient agrees to refer all media inquiries on these topics directly to the COPS Office Communications Division at 202-514-9079.

29

Modifications: Award modifications are evaluated on a case-by-case basis in accordance with 2 C.F.R. § 200.308(f). For federal awards in excess of \$250,000, any modification request involving the reallocation of funding between budget categories that exceed or are expected to exceed 10 percent (10%) of the total approved budget requires prior written approval by the COPS Office. Regardless of the federal award amount or budget modification percentage, any reallocation of funding is limited to approved budget categories. In addition, any budget modification that changes the scope of the project requires prior written approval by the COPS Office.

30

Public Release Information: The recipient agrees to submit one copy of all reports and proposed publications resulting from this award ninety (90) days prior to public release. Any publications (written, curricula, visual, sound, or websites) or computer programs, whether or not published at government expense, shall contain the following statement:

"This project was supported, in whole or in part, by federal award number [YYYY-XX-XXXX] awarded to [Entity] by the U.S. Department of Justice, Office of Community Oriented Policing Services. The opinions contained herein are those of the author(s) or contributor(s) and do not necessarily represent the official position or policies of the U.S. Department of Justice. References to specific individuals, agencies, companies, products, or services should not be considered an endorsement by the author(s), contributor(s), or the U.S. Department of Justice. Rather, the references are illustrations to supplement discussion of the issues.

The Internet references cited in this publication were valid as of the date of publication. Given that URLs and websites are in constant flux, neither the author(s) nor the COPS Office can vouch for their current validity."

31

Human Subjects Research: The recipient agrees to comply with the provisions of the U.S. Department of Justice's common rule regarding Protection of Human Subjects, 28 C.F.R. Part 46, prior to the expenditure of Federal funds to perform such activities, if applicable. The recipient also agrees to comply with 28 C.F.R. Part 22 regarding the safeguarding of individually identifiable information collected from research participants.

32

Copyright: If applicable, the recipient may copyright any work that is subject to copyright and was developed, or for which ownership was acquired, under this award in accordance with 2 C.F.R. § 200.315(b). The COPS Office reserves a royalty-free, nonexclusive and irrevocable license to reproduce, publish, or otherwise use the work, in whole or in part (including create derivative works), for Federal Government purposes, and to authorize others to do so. The COPS Office also reserves the right, at its discretion, not to publish deliverables and other materials developed under this award as a U.S. Department of Justice resource.

Products and deliverables developed with award funds and published as a U.S. Department of Justice resource will contain the following copyright notice:

"This resource was developed under a federal award and may be subject to copyright. The U.S. Department of Justice reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, or otherwise use the work for Federal Government purposes and to authorize others to do so. This resource may be freely distributed and used for noncommercial and educational purposes only."

33

Computer Network Requirement: The recipient understands and agrees that no award funds may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography. Nothing in this requirement limits the use of funds necessary for any federal, state, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities. Consolidated Appropriations Act, 2022, Public Law 117-103, Division B, Title V, Section 527.

34

Allowable Costs: The funding under this award is for the payment of approved costs for program-specific purposes. The allowable costs approved for your agency's award are limited to those listed in your agency's award package. In accordance with 2 C.F.R. § 200.400(g), the recipient must forgo any profit or management fee. Your agency may not use award funds for any costs not identified as allowable in the award package.

35

Extensions: Recipients may request an extension of the award period to receive additional time to implement their award program. Such extensions do not provide additional funding. Only those recipients that can provide a reasonable justification for delays will be granted no-cost extensions. Extension requests must be received prior to the end date of the award. 2 C.F.R. §§ 200.308(e)(2) and 200.309.

36

Domestic preferences for procurements: Recipient agrees that it, and its subrecipients, to the greatest extent practicable, will provide a preference for the purchase, acquisition, or use of goods, products, and materials produced in, and services offered in, the United States. 2 C.F.R. § 200.322 and Executive Order 14005, Ensuring the Future is Made in All of America by All of America's Workers, January 25, 2021.

I have read and understand the information presented in this section of the Federal Award Instrument.

✓ **Award Acceptance**

Declaration and Certification to the U.S. Department of Justice as to Acceptance

By checking the declaration and certification box below, I--

A. Declare to the U.S. Department of Justice (DOJ), under penalty of perjury, that I have authority to make this declaration and certification on behalf of the applicant.

B. Certify to DOJ, under penalty of perjury, on behalf of myself and the applicant, to the best of my knowledge and belief, that the following are true as of the date of this award acceptance: (1) I have conducted or there was conducted (including by applicant's legal counsel as appropriate and made available to me) a diligent review of all terms and conditions of, and all supporting materials submitted in connection with, this award, including any assurances and certifications (including anything submitted in connection therewith by a person on behalf of the applicant before, after, or at the time of the application submission and any materials that accompany this acceptance and certification); and (2) I have the legal authority to accept this award on behalf of the applicant.

C. Accept this award on behalf of the applicant.

D. Declare the following to DOJ, under penalty of perjury, on behalf of myself and the applicant: (1) I understand that, in taking (or not taking) any action pursuant to this declaration and certification, DOJ will rely upon this declaration and certification as a material representation; and (2) I understand that any materially false, fictitious, or fraudulent information or statement in this declaration and certification (or concealment or omission of a material fact as to either) may be the subject of criminal prosecution (including under 18 U.S.C. §§ 1001 and/or 1621, and/or 34 U.S.C. §§ 10271-10273), and also may subject me and the applicant to civil penalties and administrative remedies under the federal False Claims Act (including under 31 U.S.C. §§ 3729-3730 and/or §§ 3801-3812) or otherwise.

Agency Approval

Title of Approving Official
Acting Director

Name of Approving Official
ROBERT CHAPMAN

Signed Date And Time
9/27/22 5:35 PM

Authorized Representative

Declaration and Certification (Law

Declaration and Certification (Government

Enforcement Executive/Program Official\

Executive/Financial Official\

