

Attachment #1

NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE

OPERATING INSTRUCTION
NUMBER 2

~~October 21, 2014~~
January 24, 2014

COMMISSION ORGANIZATION, COMMITTEE ASSIGNMENTS AND MEETING PROCEDURES

PURPOSE: To prescribe the Nebraska Commission on Law Enforcement and Criminal Justice (Commission) organizational structure, assignments to committees and the conduct of Commission and committee meetings.

1. **REQUIREMENT:** Neb.Rev.Stat. 81-1417 prescribes the Commission membership and requires that, except for the Governor, the Attorney General, the Superintendent of the Nebraska State Patrol and the Director of the Department of Correctional Services, the members of the Commission shall be appointed by the Governor. Neb.Rev.Stat. 81-1419 and 81-1424 require that the Commission Chairperson and Executive Director be appointed by the Governor. Neb.Rev.Stat. 81-1407 provides that the chairperson of the Police Standards Advisory Council will serve as a member of the Crime Commission.

The Juvenile Justice and Delinquency Prevention Act requires the Commission to be designated as the sole agency for supervising the preparation and administration of the juvenile justice program and specifies minimum requirements regarding the relationship between the Commission and the Nebraska Coalition for Juvenile Justice.

2. **COMMISSION CHAIRPERSON:** The Commission Chairperson is the chief executive officer of the Commission and may delegate such duties to the Executive Director as may be authorized by the Commission. The Chairperson will designate a member to act as Chairperson when he or she is absent during Commission meetings or designate a Vice-Chairperson for this purpose.

The Chairperson will establish standing committees as required and appoint or reappoint members and committee chairpersons to serve two year terms.

3. **MEETINGS:**

- a. The Commission will normally meet quarterly (~~usually the last Friday of January, April, July and October.~~) The Commission will review activities of the committees as reported by their chairpersons and provide oversight of Commission activities and other business as required.
- b. The Executive Director will advise as to the meeting time and place, and arrange for the meeting site, recording of the minutes and related matters for Commission and committee meetings.

- c. The conduct of the Commission and the meetings of any of its committees will be in accordance with Robert's Rules of Order, and voting procedure will be determined by the chairperson. Those members whose agencies directly benefit from a Commission action are asked to participate fully in the discussion process leading to decision, but to abstain from voting, which will be noted in Commission minutes.
- d. The Chairperson will call the meeting to order and member attendance will be reported to the recording secretary.
- e. Ten members shall constitute a quorum for the transaction of any business or the exercise of any power of the Commission. The Commission shall have the power to act by a majority of the members present at any meetings at which a quorum is in attendance.
- f. Business items will normally be taken up in the order indicated by the public meeting notice.
- g. Commission policies and procedures will be published by the Executive Director in the form of Rules and Regulations, Operating Instructions, or Staff Memorandums.

4. OPEN PUBLIC MEETINGS:

- a. All regular, special, or called meetings of the Commission or any of its committees for the purposes of briefing, discussion of public business, formation of tentative policy, or the taking of any formal action shall be open to the public.
- b. At least seven days advance notice of the time and place of each meeting shall be given by the Executive Director by publishing in newspapers of general circulation. The notice shall contain an agenda of subjects to be discussed or a statement that the agenda, which shall be kept current, is available for public inspection at the office of the Commission.

When the Commission agenda or the agenda of any of its committees or boards includes public hearings on proposed rules and regulations, public notice of the agenda shall be published 30 days in advance of the meeting.

- c. Regular, special, or called meetings of any committee shall comply with these instructions, with the exception that advance published legal notice shall not be required unless the Commission has authorized a committee to take final action on grants or other business requiring a public hearing.

d. Section 84-1411(3) allows public bodies to hold emergency meetings without reasonable advance public notice. An item of an emergency nature is one that requires immediate resolution by the public body, and one which has arisen in circumstances impossible to anticipate at a time sufficient to place on the agenda of a regular, called or special meeting of the body. Statute requires 1) The nature of the emergency shall be stated in the minutes, and any formal action taken shall pertain only to the emergency, 2) the provisions of 84-1411(2) dealing with notice to the media shall be complied with in connection with an emergency meeting, 3) complete minutes of the emergency meeting specifying the nature of the emergency and any formal action taken at the meeting shall be made available to the public no later than the end of the next regular business day. Under 84-1411(3), emergency meetings may be held by electronic or telecommunications equipment.

e. The minutes shall record the manner and date by which advance public notices were given, a statement of how the availability of an agenda of then known subjects was communicated, the date, time and place of each meeting actually convened, and the names of each member of the Commission or committees or boards present or absent.

f. Any action taken on any question or motion duly moved and seconded shall be by roll call vote of the public body in open session, and the minutes shall state how each member voted, or if the member was absent or not voting.

g. Minutes will be written and available for inspection within ten working days after the meeting, or prior to the next convened meeting, whichever occurs earlier.

5. CLOSED SESSIONS:

a. A closed session may be held by the affirmative vote of a majority of the Commission or committee or board members if a closed session is clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual and if such individual has not requested a public meeting.

b. The vote to hold a closed session shall be taken in open session. The vote of each member on the question of holding a closed session, the reason for the closed session, and time the closed session commenced and concluded shall be recorded in the minutes. The meeting shall be reconvened in open session before any formal action may be taken.

- c. Any member of the Commission or committee or board which is in closed session shall have the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reasons stated in the original motion to hold a closed session. Such challenge shall be overruled only by a majority vote of the members and such challenge and its disposition shall be recorded in the minutes.

6. **COMMITTEE FUNCTIONS AND PROCEDURES:**

- a. Meetings will be called by the committee chairperson as the need arises.
- b. Staff assistance will be provided by the appropriate agency staff, which includes arranging for the meeting site, providing the agenda, and taking of minutes.
- c. The appropriate agency staff will formulate recommendations on matters before the committee and attend each meeting to assist the committee in its deliberations.
- d. Results of committee activities and actions will be reported to the Commission by the committee chairperson.

7. **STANDING COMMITTEES:** Members of the Crime Commission shall be appointed to these committees by the Commission chairperson to serve two year terms. Members may be reappointed to standing committees at the expiration of their terms. The Commission chairperson shall designate a chairperson for each committee.

- a. ~~**Education, Research and Planning Committee:** At least four members shall be appointed. This Committee is responsible for developing Commission policies and procedures relating to training, education, research and evaluation. This includes Commission policies and procedures pertaining to the operation of the Law Enforcement Training Center and coordination with the Police Standards Advisory Council and the County Attorneys' Standards Advisory Council to ensure Commission compliance with state statutes. A current membership listing is available from the Crime Commission Office.~~

- a. **Grant Review Committee:** At least six members shall be appointed. Responsibilities of this committee include review of grant applications requesting funds from the Victims of Crime Act and ~~Anti-Drug Abuse Act~~ Byrne/Justice Assistance. The committee shall make recommendations to approve or deny grant applications based upon federal and state guidelines, funding priorities established by the Crime Commission, and the availability of funds. The committee's recommendations shall be forwarded to the Crime

Commission for final action. A current membership listing is available from the Crime Commission Office.

~~e. **Statute Review Committee:** At least four members shall be appointed. This committee is responsible for conducting a comprehensive review of all Nebraska statutes relating to law enforcement officers (i.e. powers, responsibilities, training) and recommending revisions or changes to existing statutes. A current membership listing is available from the Crime Commission Office.~~

b. **Data Processing Committee:** At least four members shall be appointed to this committee. By Neb.Rev.Stat. 81-1423, the Commission has the authority to "conduct random annual audits of criminal justice agencies to verify the accuracy and completeness of criminal history record information maintained by such agencies and to determine compliance with laws and regulations dealing with the dissemination, security, and privacy of criminal history information." By Commission Rules and Regulations (Title 78, Chapter 4), the Data Processing Committee is designated to act as a hearing board for agencies that wish to appeal the results of a criminal history audit conducted by Commission staff. A current membership listing is available from the Crime Commission Office.

In the event a satisfactory solution cannot be reached between the Data Processing Committee and the agency filing an appeal, the committee shall forward pertinent information to the Office of the Attorney General for disposition.

c. **Criminal Justice Information Systems Advisory Committee:** Members are appointed by the Executive Director and may include non-Crime Commission members. The committee is responsible for examining data sharing, information systems, and information technology among state and local criminal justice agencies. The committee shall also promote the usability of criminal justice information systems by establishing voluntary standards, promoting coordination, and encouraging technical assistance. A current list of members is available from the Crime Commission Office.

8. **ADVISORY COUNCILS AND GROUPS:**

a. **NEBRASKA COUNTY ATTORNEY STANDARDS ADVISORY COUNCIL:** This council consists of ~~seven~~ eleven members appointed by the Governor to four year terms as per the provisions of Neb.Rev.Stat. 23-1213. Neb.Rev.Stat. 23-1216 requires this council to advise the Commission on the development of a continuing legal education curriculum for county attorneys and other deputies and establishing the annual number of hours required to complete the education. ~~The council also reviews and makes funding recommendations to the Crime Commission on applications for Crimes Against Children funds.~~ As per the provisions of Neb. Rev. Stat. 23-1213.03 the Council shall also determine continuing education requirements for coroners and deputy coroners. A current membership listing is available from the Crime Commission Office.

b. **NEBRASKA COALITION FOR JUVENILE JUSTICE:** Members are appointed by the Governor as per Neb. Rev. Stat. 43-2411. ~~and serve at his or her pleasure.~~ Federal statutes require that a minimum of fifteen (15) persons serve on this advisory group. This advisory group, required by the Juvenile Justice and Delinquency Prevention Act, provides recommendations to the Commission on juvenile matters; participates in the juvenile plan planning process, reviews and comments on all juvenile project grant applications, monitors the juvenile justice system processes, monitors the efforts to achieve compliance with the Act requirements, and prepares recommendations to the Governor and Legislature for the Commission. The Coalition may appoint task forces or subcommittees to carry out its work. A current listing is available from the Crime Commission Office.

c. **NEBRASKA JUVENILE SERVICES GRANT COMMITTEE:** This committee consists of six (6) members who serve according to the provisions of Neb.Rev.Stat. 43-2411.

d. **NEBRASKA CRIMINAL JUSTICE DRUG AND VIOLENT CRIME POLICY BOARD:** This advisory group, as recommended by the Anti-Drug Abuse and Violent Crime Formula Grant Program (Edward Byrne), oversees the development of the statewide drug and violent crime strategy and provides policy recommendations to the Commission. Members are appointed by the Governor and serve at his or her pleasure. A current listing is available from the Crime Commission Office.

9. STATUTORY COMMITTEES

a. **NEBRASKA POLICE STANDARDS ADVISORY COUNCIL:** Neb. Rev. Stat. 81-1406 requires this seven member council to act for the Commission in all matters relating to law enforcement training and the Training Center. The Commission retains control over personnel and budgetary matters. Members are appointed by the Governor to four year terms. Membership requirements are listed in Neb.Rev.Stat. 81-1407. The chairperson of this council also serves as a member of the Commission. A current listing is available from the Crime Commission Office.

b. **CRIME VICTIM'S REPARATIONS COMMITTEE:** This committee consists of five (5) Commission members and two (2) public members appointed by the Governor to four year terms subject to approval by the legislature. The committee makes decisions regarding the appeals of crime victim compensation award/denial decisions, as subject to Neb.Rev.Stat. 81-1801 to 81-1842. A current membership listing is available from the Crime Commission Office.

~~e. **COMMUNITY CORRECTIONS COUNCIL:** The 18 member Community Corrections Council was created through an amendment to Neb.Rev.Stat. '81-1423. The Council will develop standards for eligible community correctional facilities in which offenders can participate through probation and parole; develop, recommend and propose revised sentencing guidelines for consideration by the Supreme Court; analyze and mandate the use of offender risk assessment tools; and develop standards for eligibility of probation/parolee programs. A current membership listing is available from the Crime Commission.~~

~~The Crime Commission provides administrative and budgetary control to the Council as defined in Neb.Rev.Stat. '47-622. A Memorandum of Understanding was signed March 25, 2004 (see attached) between the Commission's executive director and the Council's director to clarify the relationship, duties, responsibilities and authority of and between the two directors.~~

c. **TASK FORCE ON HUMAN TRAFFICKING**

Neb. Rev. Stat. 81-1430 to 81-1431 established this committee within the Crime Commission for the purposes of investigating and studying human trafficking, examining the scope of efforts being taken to prevent human trafficking, and researching the services available to victims. The task force consists of twenty members, some of whom are appointed by the Governor and some who are designated by statute. Task Force members serve six year terms.

d. **ADVISORY COUNCIL FOR THE OFFICE OF VIOLENCE PREVENTION**

Neb. Rev. Stat. 81-1447 to 81-1451 established the Office of Violence Prevention within the Crime Commission to develop, foster, promote, and assess violence prevention programs. The advisory council is responsible for recommending rules and regulations regarding program fundraising, program evaluation, coordination of programs, and the criteria used to award funds to violence prevention programs. The advisory council consists of six (6) members appointed by the Governor to four (4) year terms.

e. **RACIAL PROFILING ADVISORY COMMITTEE**

Neb. Rev. Stat. 20-501 to 20-506 created the Racial Profiling Advisory Committee consisting of twelve (12) members, some of whom are appointed by the Governor and some who are designated by Statute. This committee advises the Crime Commission and the Executive Director regarding (1) written racial profiling prevention policies submitted by law enforcement agencies, (2) the collection and analysis of data, and (3) policy recommendations with respect to the prevention of racial profiling.

10. **GOVERNING RULES:** Operating Instructions governing the committees, councils and boards listed in Sections 6-8 shall be prepared as required.

Darrell Fisher
Executive Director

Distribution: Commission members
and staff

This OI supersedes OI#2 dated
~~May 5, 1995~~
October 21, 2011

Attachment #2

RESCIND - VIDEOS GIVEN TO TRAINING CENTER

NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE

OPERATING INSTRUCTION
NUMBER 8

May 4, 2012

CRIMINAL JUSTICE VIDEO LIBRARY

PURPOSE: To prescribe policies and procedures governing the administration of the Crime Commission's Video Library.

1. **SCOPE:** Applicable to all users of the Criminal Justice Video Library.
2. **GENERAL:** This instruction establishes operating procedures for rental of videos and the "McGruff the Crime Dog" costume, as well as the purchase of video catalogs. The fee is necessary to partially offset the costs of operating the library, including the purchase of videos. Videos include VHS tapes and DVDs.
3. **ELIGIBLE AGENCIES:**
 - A. User priority shall be given to the Law Enforcement Training Center and Nebraska criminal justice agencies. A fee per video shall be charged to all criminal justice agencies, state agencies, and schools. Catalogs are available for purchase.
 - B. Individuals and non-criminal justice agencies may order the videos. A fee per video shall be charged to non-criminal justice agencies and to individuals.
 - C. Usage priority shall be:
 - i. Statutory required training;
 - ii. In-service training;
 - iii. School resource officers;
 - iv. Public information.
 - D. The "McGruff" costume is available for use only by law enforcement agencies. A fee shall be is charged for a 5-day period. Return postage is paid by the Commission.
 - E. A "McGruff" puppet is also available for use only by law enforcement agencies. A fee shall be charged for a 5-day period.

4. FEES AND MAILING:

- A. The Commission will provide postage when mailing videos, but return postage will be paid by the user.
- B. The fee entitles users to borrow videos for up to a 7-day period if ordered in advance. Each additional 7-day period requires an additional charge.
- C. The borrower is responsible for returning videos in good condition. Any costs to repair damage beyond normal wear and tear will be charged to the borrower. If a video is damaged beyond repair or is lost by the borrower, the borrower will be charged for the cost of purchasing a replacement video. The same conditions apply to the "McGruff" costume and the "McGruff" puppet.

5. BILLING PROCEDURES:

- A. Agencies and individuals under (3)(A) and (3)(B) above shall be billed monthly unless prior arrangements have been made.
- B. All fees collected shall be deposited to the Law Enforcement Improvement Fund and shall be used to defray the operating costs of the Criminal Justice Video Library.

6. OTHER:

- A. Videos are not to be copied or duplicated by the borrower. This is a violation of U.S. copyright laws. If a borrower is found to have copied or duplicated any materials loaned from the library, his/her borrowing privileges will be terminated and appropriate action will be taken to report the violation.
- B. Videos borrowed from the library may not be shown where an admission fee is charged or for fund raising purposes.
- C. Certain videos contain sensitive information and shall be loaned only to law enforcement agencies.
- D. No videos may be used for television transmission without the borrower submitting a written statement of television clearance from the producers of the videotape.

- E. New videos added to the library will be reported in the Commission's newsletter and through periodic updates to the video catalog.
- F. Video usage will periodically be reported to the Commission.

Michael E. Behm
Executive Director

Distribution: Crime Commission Staff
Revises Operating Instruction #8
dated October, 2001

Attachment #3

NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE

OPERATING INSTRUCTION
NUMBER 10

May 7, 2010

GRANT PROCEDURES

- 001 PURPOSE:** The Nebraska Commission on Law Enforcement and Criminal (hereinafter referred to as the Crime Commission or Grantor) is designated to administer various federal and state grant programs by the Governor or by state statute. It is the responsibility of the Crime Commission to ensure that (1) the requirements for each grant program are met, (2) fair guidelines and procedures are implemented for the administration of all grants awarded to the Crime Commission, including procedures for awarding grant funds, sub grant adjustments, reprogramming of turn back funds, suspension and termination of awarded funds and the continued monitoring of sub grant projects.
- 002 SCOPE:** Applicable to Crime Commission members and staff, and all agencies receiving funds.
- 003 REFERENCES:** Neb. Rev. Stat. §43-2401 to §43-2414; §81-1415 to §81-1429.01; §81-843 to §81-1851.
- 004 DEFINITIONS OF TERMS:** The following terms and definitions will be utilized for the purpose of this operating instruction:
- 004.01 Administrator:** The individual within the Crime Commission who is the lead contact person and is responsible for the grant submission process for that specific funding source.
- 004.02 Applicant:** The agency that has submitted a grant application to the Crime Commission requesting funds from either a federal grant or state appropriated funds.
- 004.03 Cash Report:** A document prepared by the sub grantee that shows quarterly expenditures and requests for funds.
- 004.03 De-Obligated Funds:** Funds that are returned after a grant award contract was terminated, expired, or was voluntarily returned by a sub grantee.
- 004.04 Executive Director:** The individual who is responsible for the supervision of the policies as established by the Crime Commission and has the powers and duties as outlined in Neb. Rev. Stat. §81-1425.
- 004.05 Fiscal Officer:** The individual on the Grant Award who is responsible to the Grantor for fiscal oversight of the grant award made to the applicant and for providing quarterly fiscal reports.

004.06 Grant Activity Summary Report: A document prepared by the sub grantee which describes the activities which have occurred in connection with the funded project. This report includes the impact of the project, any problems encountered in the implementation of the funded project and how they were resolved, and any statistics related to the Performance Indicators listed in the grant application or as required by federal or state guidelines.

004.07 Grant Award: A contractual agreement between the Crime Commission and applicant that awards funds, specifies terms, conditions and approved project period.

004.08 Grant Award Information: The Grant Award Information shall consist of the Grant Award, Special Conditions and other forms required by the Grantor.

004.09 Grantor: The Crime Commission which awards and administers funds from various state or federal grant programs.

004.10 Grant Review: The Grant Review shall be the second review of grant applications at a public meeting by the Grantor's grant review committee. The Nebraska Coalition for Juvenile Justice review shall be the second review for any juvenile justice grant applications pursuant to Neb. Rev. Stat. §43-2411 at a public meeting conducted after a staff review.

004.11 Project Coordinator: The individual who serves as the secondary contact for an applicant/sub grantee to the Grantor. It is recommended this be a different person than the project director.

004.12 Project Director: The individual identified on the grant application and award as the main contact for the applicant/sub grantee to the Grantor and responsible for all correspondence between the two agencies. The project director cannot also be the fiscal officer.

004.13 Special Conditions: A contractual agreement that must be signed by the sub grantee agreeing to the terms and conditions outlined by federal and state law and Crime Commission Rules and Regulations.

004.14 Staff Review: The Staff Review shall be the first review of grant applications by a committee designated by the administrator which shall include recommendations on suitability of the grant application for the requested funds, conditions of any grant award and the amount to be awarded.

004.15 Sub grant Adjustment Request: A document signed by the project director and/or the fiscal officer submitted to the Grantor requesting a revision to one or more of the terms or conditions of the grant award.

004.16 Sub grantee: The agency that receives grant funds awarded by the Crime Commission.

004.17 Summary Comments: The detailed summary of a grant application through all phases of review, including recommendations and contingencies associated with the specific grant.

004.18 Suspension: The withholding of any unallocated funds that have yet to be disbursed to the sub grantee based upon failure to meet any terms or conditions of the grant award.

004.19 Termination: An action by the Grantor to rescind the grant award when the sub grantee has not complied with the special conditions of the grant award.

004.20 Turn back funds: Any funds that are returned to the Grantor after being awarded.

004.21 Withdraw: A request by an applicant to remove its application from consideration prior to any award recommendations.

005 GRANT APPLICATION PROCESS: Once federal or state funds have been received by the Grantor, notification of the availability of funds shall be made by the Grantor to the appropriate entities as defined by the funded program guidelines. Such notification will include information on how to access the program information.

005.01 Grant Application: The Grantor shall prepare grant application documents for each type of grant program it administers and shall make them available to potential applicants by posting them on the Crime Commission website. When possible, other means shall be attempted to announce the availability of funds to ensure widespread availability of the information. The content of all grant application documents will be reviewed and updated as necessary by Crime Commission staff.

005.02: All grant applications must be received by the Grantor on the designated date and time as specified in the grant application instructions. An application received after the deadline shall not be considered for funding. The Executive Director may extend the deadline for one or more grant applications if he or she determines that extenuating circumstances caused the application to be submitted after the deadline.

006 STAFF REVIEW OF GRANT APPLICATION: All applications for programs administered by the Grantor that were received by the appropriate deadline or accepted after the deadline upon the direction of the Executive Director shall be reviewed by a staff review group consisting of the administrator, and when possible, at least three other staff members knowledgeable in the particular grant area who are selected by the administrator.

006.01: Each member of the staff review shall assess each grant application as per the requirements and guidelines for each grant program.

006.02: Members of the staff review shall meet to discuss the merits of each grant application and determine funding recommendations.

006.03: Summary Comments shall be prepared for each grant application outlining strengths and weaknesses of the grant as well as the funding recommendation. If the staff review recommends denial for a particular application, the reason(s) for denial shall be included in the Summary Comments.

006.04: Staff Review funding recommendations will be based upon the same criteria as outlined in the grant review section.

007 GRANT REVIEW COMMITTEE: After the staff review, grant applications shall be reviewed and funding recommendations will be made by the appropriate grant review committee unless otherwise specified by the Governor or statute. Procedures for establishing the grant review committee are found in Operating Instruction Number 2.

007.01: The committee shall consider staff review recommendations, but otherwise act independently to evaluate grant applications and make funding recommendations for the federal and state programs.

007.02: Evaluation and funding recommendations will be based upon the following criteria:

007.02A: Eligibility of the applicant.

007.02B: Adherence to federal and/or state requirements and guidelines.

007.02C: Completeness, clarity, continuity and consistency of the written application. The written application shall include all sections and information as outlined in the grant application instructions.

007.02D: Ability and capacity of the proposed program to make an impact on the identified problem.

007.02E: Other resources available to address the problem including an explanation of how the grant applicant's proposal will work with and/or coordinate with existing resources.

007.02F: Cost effectiveness of the proposed project.

007.02G: Amount of funds available.

007.02H: If previously funded, the performance and ability of the applicant to manage a grant program, including the timely submission of required reports to the Crime Commission.

007.03: Applicants shall be notified after the grant review committee meeting regarding funding recommendations in the following manner:

007.03A: Applicants who have received favorable funding recommendations shall be notified, by the Executive Director or designee, within ten (10) ~~working~~-business days from the date of the grant review as to the funding recommendation. Notification will include information regarding recommended funding amount, summary comments stating strengths and weaknesses, and recommended conditions for funding.

007.03B: Applicants who have not been recommended for funding shall be notified in writing, via certified mail, by the Executive Director or designee, within ten (10) ~~working~~ business days from the date of the grant review. The notification shall include the reason(s) for denial, summary comments stating strengths and weaknesses of the application, and the basis for an appeal to the Crime Commission. Notification shall include the instructions and deadline for filing an appeal.

007.03C: Notification shall include the date for the next scheduled Crime Commission meeting where final funding decisions will be determined.

007.04: The recommendations from the appropriate grant review committee, along with the summary comments, shall be forwarded to the Crime Commission for final review and funding determination at its next meeting.

007.05: The Nebraska Coalition for Juvenile Justice will follow the procedures outlined in the preceding paragraphs of this section.

008 FINAL FUNDING DETERMINATIONS: Final funding of sub grant applications will be determined at a Crime Commission meeting.

008.01: For situations where the sub grant application has been recommended to receive funding by the grant review committee, the Crime Commission, in making its final determination, will consider the staff review committee recommendations, grant review committee recommendations, information contained in the summary comments, Commission member discussion and input from the administrator.

008.02: For situations where the sub grant application has not been recommended to receive funding by the grant review committee, the Crime Commission, in making its final determination, will consider the staff review committee recommendations, grant review committee recommendations, information contained in the summary comments, any written statements offered by the applicant, Commission member discussion and input from the administrator.

008.03: The basis for any appeal of the grant review committee's recommendation shall be limited to those outlined in section 015 of this operating instruction.

008.04: Final funding determinations will be made by majority vote of the Commission members. The Crime Commission may:

1. Vote to adopt the funding recommendations and conditions of the grant review committee;
2. Modify the recommendations of the grant review committee which may include additional conditions or requirements that the applicant must meet in order to receive funding; or
3. Reject any recommendation made by the grant review committee.

008.05: Notification of final funding determinations will be made to the applicants by the Executive Director or designee within ten (10)-~~working~~ business days from the date of the Crime Commission's decision.

008.05A: For applicants who received funding, the notification will inform the applicant of the final status of the application, including the requirement to meet any conditions, the need to submit a revised budget and the steps necessary to obtain the grant award.

008.05B: For applicants who were denied funding, the notification will inform the applicant of the final status of the application and the reason(s) for the denial.

009 GRANT AWARD PROCESS: Once an applicant has received final funding approval by the Crime Commission, the applicant will be required to accept a grant award and special conditions from the Grantor. A completed grant award signifies the applicant is now a sub grantee and agrees to adhere to all special conditions.

009.01: Applicants who are required to meet additional conditions and/or are required to submit revised budgets shall have thirty (30) days from the date of the notification as outlined in section 008 to satisfactorily meet those requirements. Exceptions to the 30 day deadline may be allowed when an extension has been approved by the administrator. The administrator will document when an extension has been granted.

009.02: Once an applicant has satisfactorily met any additional conditions or requirements, the Grantor shall prepare the grant award and special conditions and send to the applicant.

009.03: The applicant will be required to accept the award by having all necessary individuals from the program sign and return the grant award within thirty (30) days from the date of provision. Exceptions to the 30 day requirement may be allowed when an extension has been approved by the administrator. The administrator will document when an extension has been granted. In the event that the grant award is not received by the deadline and an extension has not been authorized by the administrator, and three contacts of the project personnel listed on the grant application have been attempted and

documented, the applicant will be considered to have withdrawn from the grant application process and the funds will be considered turn back funds. The Executive Director will notify the applicant via certified mail that the funds have been withdrawn.

009.04: Once all steps have been taken to accept the grant award and all necessary documents are received by the Grantor, the sub grantee (formerly applicant) will be eligible to receive funds from the Grantor as outlined in the grant award.

009.05: The sub grantee shall submit all required reports as outlined in the grant award special conditions.

009.06: Failure to satisfactorily meet any additional conditions and/or to submit the required reports or documents by the deadlines, after attempted efforts have been made by the Grantor, may result in the suspension of the sub grantee's funds by the Executive Director. Such suspension can be rescinded upon resolving the identified deficiencies. Reasonable efforts will be made by the administrator to work with the sub grantee prior to the suspension of funds.

010 MONITORING OF GRANT AWARDS: All sub grant programs shall be monitored based upon requirements as established by the Grantor which shall include a review of the program activities and financial review of the expenditure of program dollars.

010.01: Grants awarded to new projects shall be monitored at least once during the first twelve (12) months of funding. Grants awarded to existing projects shall be monitored at least once every thirty-six (36) months. All subgrantees are subject to a desk review on a yearly basis.

010.02: A written report shall be prepared and maintained regarding the monitoring of each sub grant program reflecting compliance with grant guidelines, program activities, audit requirements, accomplishments and problems encountered, and financial review and comments about the program's operations. Reports should be completed within thirty (30) days of the monitor visit.

010.03: If during the monitoring process, it appears that the conditions of the grant award/special conditions are not being fulfilled, the sub grantee shall be notified in writing regarding the results of the monitor. Failure to comply with the grant award/special conditions may cause the Grantor to notify the respective state or federal governing agency of the sub grantee's failure to comply with the grant award/special conditions.

010.04: Throughout the year, per the Administrators discretion, the following may be performed:

1. Review semi-monthly financial and performance reports submitted by the subgrantee;

2. Review detailed financial and program data and information submitted by the subrecipient when no site visit is conducted. Documents to review might include timesheets, invoices, contracts, and ledgers that tie back to financial reports; and
3. Regular communication with subrecipients and appropriate inquiries concerning program activities.

011 SUB-GRANT REPORTING: All sub grantees shall be required to submit activity and financial reports as prescribed by operating instructions and/or as required by the state or federal funding entity.

011.01 Cash Reports: Sub grantees shall be required to submit quarterly cash reports to the Grantor. If the sub grantee is not submitting the quarterly reports as required by the grant award/special conditions, a staff person of the Grantor shall contact the sub grantee's project director.

011.01A: In the event that the sub grantee does not respond to the initial inquiries of the Grantor or fails to promptly correct noted deficiencies by the deadline assigned by the Grantor, the Grantor shall provide notice to the project director and authorized official, via certified mail or designated electronic program of the steps necessary to correct the deficiencies.

011.01B: The sub grantee shall have ten (10)-~~working~~ business days from the date of the correspondence of the Grantor's notice to take action to eliminate the noted deficiencies and provide proof of such action to the Grantor. During this ten (10) day timeframe, the Executive Director may suspend the payment of funds to the sub grantee.

011.01C: After reasonable efforts have been made by the Grantor to address the deficiencies, the matter will then be referred to the Crime Commission for possible termination of the grant award. In such an event, the Executive Director may suspend the payment of any additional funds to the sub grant until the Crime Commission is informed of the situation and determines what action is necessary.

011.02 Activity Reports: Sub grantees shall be required to submit quarterly activity reports to the Grantor. If the sub grantee is not submitting the quarterly reports as required by the grant award/special conditions, a staff person of the Grantor shall contact the sub grantee's project director.

011.02A: When applicable, sub grantees may also be required to submit specific statistical data as part of a quarterly report or in a manner and timeline as required by the federal or state funding guidelines.

011.02 B: In the event that the sub grantee does not respond to the initial inquiries of the Grantor or fails to promptly correct noted deficiencies by the deadline assigned by the Grantor, the Grantor shall provide notice to the project director and authorized

official via certified mail or designated electronic program of the steps necessary to correct the deficiencies.

011.02C: The sub grantee shall have ten (10) working business days from the date of the correspondence of the Grantor's notice to take action to eliminate the noted deficiencies and provide proof of such action to the Grantor. During this ten (10) day timeframe, the Executive Director may suspend the payment of funds to the sub grantee.

011.02D: After reasonable efforts have been made by the Grantor to address the deficiencies, the matter will then be referred to the Crime Commission for possible termination of the grant award. In such an event, the Executive Director may suspend the payment of any additional funds to the sub grant until the Crime Commission is informed of the situation and determines what action is necessary.

012 SUBGRANT ADJUSTMENTS: Sub grantees must submit a sub grant adjustment request to the Grantor when any of the following has or will occur: the focus of the funded project changes, there is a change in the start or end date of the funded project, a new project director or fiscal officer is named for the awarded project, or a transfer of dollars between categories is needed which affects awarded dollars and any matching dollars. No budget revisions (awarded or matching dollars) are to be made by the sub grantee receiving funds without prior approval from the administrator unless otherwise provided by law.

012.01: The administrator or his or her designee shall review the sub grant request and if approved, the request will be processed further for final approval. The approved request will then be treated as an amendment to the grant award. Documentation will be provided to the sub grantee.

012.02: If the sub grant request is denied after review by the administrator, the program director will be contacted in order to determine what options, if any, exist for further consideration. If changes can be made to the sub grant request, a new sub grant request may be submitted for consideration. In the event that no options can be identified, the request will be denied and processed accordingly.

013 SUSPENSION AND TERMINATIONS: Funds for sub grants may be suspended or terminated for reasons outlined in this operating instruction. In order to suspend or terminate the funding for a sub grant, the following procedures shall be followed:

013.01: Suspension of sub grant funding may occur when the sub grantee is in non-compliance with any state or federal law, state or federal guidelines or requirements, or fails to adhere to the terms of the grant award or fails to follow the requirements of this operating instruction. Only the Executive Director can suspend sub grant funding.

013.01A: The Executive Director shall notify the sub grantee of the suspension and provide the reasons for such suspension.

- 013.01B:** The Executive Director may reinstate a suspended grant if the reason(s) for non-compliance is/are corrected prior to the next Crime Commission meeting.
- 013.01C:** If the suspended sub grant funds are not reinstated, the matter shall be forwarded to the Crime Commission either at its next scheduled meeting or, if necessary, at a special meeting called to specifically address the situation.
- 013.01D:** The Executive Director shall notify the Crime Commission, in writing, of all sub grant suspensions.
- 013.02:** Termination of sub grant funding may occur when the sub grantee is in noncompliance with any state or federal law, state or federal guidelines or requirements, or fails to adhere to the terms of the grant award or fails to follow the requirements of this operating instruction. Termination of sub grant funding may only occur by a majority vote of the Crime Commission after consideration of the matter at a scheduled [public] meeting.
- 013.02A:** The Executive Director shall notify the sub grantee of the recommended termination and provide the reasons for such recommendation.
- 013.02B:** The sub grantee may appeal following the process outlined in Section 15 of this operating instruction.
- 013.02C:** The matter shall be forwarded to the Crime Commission either at its next scheduled meeting or, if necessary, at a special meeting called to specifically address the situation.
- 014 TURNBACK FUNDS:** All turn back funds will be placed back into the state or federal source from which they were awarded for reallocation to sub grantees unless the block grant program has ended. If the grant program has ended, turn back funds shall either be lapsed to the state's general fund or returned to the federal grantor agency.
- 014.01:** The Executive Director is authorized to award turn back funds of \$10,000 or less to existing or new sub grants. This reallocation of funds by the Executive Director may be utilized in emergency situations or when the grant program is due to end before the next Commission meeting.
- 014.02:** If the Executive Director re-awards turn back funds, this action shall be reported to the Crime Commission at its next scheduled meeting.
- 015 GRANT APPEAL PROCESS:** Appeals from applicants or sub grantees may be taken to the Crime Commission in limited circumstances. Any appeal shall follow the procedures outlined in this section.
- 015.01:** An appeal may be filed with the Crime Commission only when:

015.01A: A grant applicant has been denied funding after the grant review.

015.01B: A sub grantee's funds have been terminated.

015.02: Any appeal must be made in writing and shall be received by the Grantor within ten (10) ~~working~~ business days from the date of the Grantor's written notification via certified mail. The Grantor's notification shall include the date and time of the review hearing by the Crime Commission. The appeal from the denied or terminated applicant shall be in writing and shall clearly explain the grounds of the appeal. The written appeal shall also include the signature of the project director. If the written appeal is not received by the deadline, the matter will be deemed closed and not subject to further review by the Crime Commission.

015.03 Basis for Appeal: The basis of the appeal shall be limited to one or more of the following grounds:

015.03A: The appealed decision was biased, arbitrary or prejudiced against the applicant or sub grantee;

015.03B: The appealed decision was reached without following the procedures outlined in this operating instruction; and/or

015.03C: The appealed decision was reached without following the guidelines of the specific grant program.

015.04: The Crime Commission shall review the appeal at its next scheduled meeting. The review will take into consideration the written appeal of the appellant and the written response of a designated staff person of the Grantor. Copies of both shall be provided to members of the Crime Commission prior to the hearing. At the discretion of the Crime Commission, questions may be posed by Commission members to the Appellant and/or personnel of the Grantor. At this review, the burden shall be on the appellant to demonstrate that one or more of the bases for appeal have been proven. The decision of the Crime Commission shall be final upon a majority vote of the Commission members.

016 CONFLICT OF INTEREST: Members of the Crime Commission shall recuse themselves from participating in any review of grants pursuant to Sections 07 or 08 and appeal hearings pursuant to Section 015 that directly involve their agency, institution or personnel.

016.01A: Any member of the grant review committee or the Crime Commission may raise the issue of a conflict of interest.

Darrell Fisher
Executive Director

Distribution: Commission members and staff
Revises: OI #10, dated ~~October 25, 1996~~ May 7, 2010

Attachment #4

NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE
OPERATING INSTRUCTION
NUMBER 35

January 31, 2003
January 24, 2014

NEBRASKA COALITION FOR JUVENILE JUSTICE

PURPOSE: To describe functions of the Nebraska Coalition for Juvenile Justice (NCJJ) and interrelationships with the Commission.

1. **SCOPE:** Applicable to Commission, NCJJ, and Commission staff.

2. **REFERENCES:**

- (A) Juvenile Justice and Delinquency Prevention Act, paragraph 223(a).
- (B) Nebraska State Statutes 43-2402-12

3. **GENERAL:** Paragraph 223(a) of the Juvenile Justice and Delinquency Prevention Act (JJDP A) requires the Governor to appoint members to the NCJJ to advise the Commission on juvenile justice needs and programs. The Act requires the Group to: at least annually submit recommendations to the Governor and Legislature with respect to matters related to its functions; review and comment on all juvenile justice and delinquency prevention applications submitted to the Commission; and to monitor deinstitutionalization of status offenders, removal of juveniles from adult jail and lockups, disproportionate confinement of minorities, and adult/juvenile separation in detention/confinement facilities.

Nebraska Revised Statute 43-2402-12 Establishes the Nebraska Coalition for Juvenile Justice in Statute and embodies the intent of the Federal Juvenile Justice and Delinquency Prevention Act as well as the state Juvenile Services Act for membership and responsibilities.

4. **NCJJ RESPONSIBILITIES:**

- (A) Monitor the criminal and juvenile justice system to permit development of mechanisms to further reduce the role of juveniles in crime and to identify areas susceptible to relief by implementation of programs designed for that purpose.
- (B) Provide recommendations to the Commission on juvenile justice matters.
- (C) Be involved pro-actively in the planning of improvements to the juvenile justice system.

- (D) Review all Crime Commission juvenile justice grant applications and provide input and recommendations for Commission funding considerations.
- (E) Develop a three year and annually updated juvenile justice plan for utilization of the allocation of funds.
- (F) Provide specialized technical assistance to units of local government and to local advisory groups constituted for similar purposes.
- (G) Provide guidance to the Commission in the development of juvenile justice guidelines and standards.
- (H) Prepare an annual report about activities and accomplishments of the Coalition and make recommendations on juvenile justice matters for submission to the Governor and Legislature.

5. **MEETINGS:**

- (A) The NCJJ will meet a minimum of four times a year.
- (B) The NCJJ serves an advisory role to the Commission. The intent is for the NCJJ to participate and have input in all Commission decisions relating to juvenile justice activities.
- (C) Crime Commission staff will advise NCJJ members to the date, time and place of meetings, secure the meeting site, and record the minutes of meetings for the Coalition.
- (D) The conduct of the Coalition will be in accordance with Robert's Rules of Order. Actions involving money require an individual vote of each Coalition member which is recorded by the secretary.
- (E) A quorum of any regular, special or emergency meeting shall be one-third of the full membership of the Coalition.
- (F) Only members of the Coalition as appointed by the Governor, will count toward a quorum and have the power to vote. Members who statutorily are allowed to appoint a designee must indicate to the Chairperson in writing that they wish to resign and appoint a named designee. The Chairperson will then forward their resignation and desired appointee to the Governor's office for approval.
- (G) All NCJJ meetings are subject to Public Meeting Law and Crime Commission Operating Instructions governing open public meetings.

- (H) An emergency meeting may be called by the Chairperson upon 24 hours notice. An emergency exists only when a decision must be made in fewer than the required 10 day period for notice of a public meeting and when such emergency exists due to extenuating circumstances not controllable by Crime Commission staff, NCJJ or funding applicants.
- (I) In the event that a full Coalition meeting or Sub-Committee meeting must be canceled due to lack of attendance, emergency, weather, etc., every effort should be made to give meeting cancellation notice at least 48 hours in advance. Should inclement weather arise on the day of the meeting Coalition members should contact the Crime Commission office and/or the juvenile justice specialists voice mail to determine the status of the meeting before departing. If the Chair of the Coalition or a Sub-committee is unable to chair a meeting, they should make every effort to contact the vice chair or designate someone to facilitate the meeting in their absence before actually canceling the meeting.
- (J) Members who know they will not be able to attend the meeting should notify the Crime Commission office staff no later than 3 working days prior to the meeting to be considered excused. In an emergency or in climate weather later notice will be accepted.

6. MEMBERSHIP:

- A. Members are, according to federal law and state statute, appointed by the Governor to serve at his/her pleasure. When a member of the Coalition has missed four consecutive regularly scheduled meetings, excused or unexcused, the Chairperson may request the Governor to replace the individual.
- B. In accordance with Nebraska Revised Statute 43-2411 (2) the Coalition shall select a Chairperson, Vice Chairperson, and such other officers as it deems necessary. Selection of officers shall occur every two years and be voted on at the last quarterly meeting of the second year term.
- C. Selection of Officers: Prior to the ~~third quarterly meeting~~ of the second year term, nomination forms will be included in the mailout information to the Coalition for Chairperson and Vice-chairperson. Interested individuals may submit their own name for officer consideration as well as members may also nominate other Coalition members for officer consideration. Nomination forms will be ~~given to Crime Commission staff at the third quarterly meeting or via mail by the deadline noted in the mailout materials~~ sent electronically to Crime Commission Staff. Crime commission staff will notify all nominated people to verify their interest in the position. If Coalition members are not interested in the position, they will be asked to submit a letter to Crime Commission staff stating their wish to decline. Crime Commission staff will prepare the ballots and include them in the fourth

quarter meeting mailout. Ballots will be collected at the fourth quarter meeting. Members who know they will be absent from this meeting should submit their written ballot to the Crime Commission staff prior to the meeting to be included in the count. The Chair and Crime Commission staff will count the ballots and announce the results. In case of a tie, Coalition members will re-vote. In case of a second tie, the Executive Committee will vote to break the tie.

- D. In accordance with Neb. Rev. Statute 43-2411(4) the Coalition may appoint task forces or subcommittees to carry out its work. Task force and subcommittee members shall have knowledge of, responsibility for, or interest in an area related to the duties of the Coalition.
- E. The following are standing sub-committees: Disproportionate Minority Confinement (DMC), Executive, Grant Review, Three Year Plan, and Youth. Subcommittee members can be reimbursed for travel to subcommittee meetings. In order for there to be reimbursement there must be an agenda and minutes from the meeting including a list of subcommittee members present. Non-members of the Coalition can be solicited to participate on subcommittees as needed to complete the functions of the subcommittee, however reimbursement for expenses will not be available.
- F. Membership on subcommittee's is voluntary and/or by appointment from the chair of the Coalition, with the exception of the Executive Committee. The Executive Committee shall be comprised of the Chairpersons of all other sub-committees, the Vice-Chair, and immediate past chair if that individual is a current member of the Coalition. Subcommittees shall each select a chair, vice-chair and secretary with the exception of the Executive Committee. Subcommittees will each determine how to select the officers and officers will serve for two year terms. NCJJ members are encouraged to participate on at least one sub-committee. Sub-committee membership shall be determined once every year.
- G. Activities of each committee shall be reported to the Coalition quarterly by the committee chairperson or designee.

7. **ADMINISTRATION:**

- (A) Staff support shall be provided by the Crime Commission's Juvenile Justice Specialist and other Grants Division staff as necessary. Staff shall organize and carry out the functions of the NCJJ in coordination with the chair.

- (B) A copy of the minutes of each meeting shall be available to the public and provided to NCJJ members within 10 days from the date of the last Coalition meeting as per Public Meeting Laws. The original minutes will be maintained in the Commission files.

8. FUNDING:

- (A) Funds for the NCJJ will be included in the Commission budget as justified and through the portion of the JDDPA award to the state allocated to the purposes of the NCJJ.
- (B) NCJJ funds shall be used to reimburse members for travel related to NCJJ meetings, sub-committee meetings or travel to the national Coalition for Juvenile Justice or Office of Juvenile Justice and Delinquency Prevention trainings. NCJJ members must abide by State of Nebraska rules for in and out of state travel. Crime Commission staff will provide detailed guidelines to members selected to travel.
- (C) Coalition members shall submit to the Crime Commission expense reimbursement forms, required documentation of expenses and required reports within 60 days from the date of the event. Coalition members who travel will be required to adhere to the state personnel rules governing in and out of state travel including least cost airfare, meal per diem, etc.
- (D) Members will be selected to attend training conferences based on the following: meeting attendance, other training recently attended, topic of the training, new member, level of activity on subcommittees. Coalition members shall approve members' attendance at training conferences and special meetings. If a member is unable to attend the conference every effort will be made to contact other interested members. Members who cancel at the last minute may be responsible for costs already incurred for the conference.

9. GRANT AWARD PROCESS:

- (A) The NCJJ will abide by the Crime Commission operating instructions governing the grant process. Operating Instructions #10;11;12;14;19;38 are attached. The NCJJ will make recommendations for funding to the Crime Commission for final consideration.

10. CONFLICTS OF INTEREST:

- (A) Conflict of Interest is defined for the purposes of this document as a situation in which a public official, an employee, or a professional, has a private or personal interest which is sufficient to influence a decision or appears to influence the objective exercise of his or her official duties.
- (B) Members who may have an interest in a project seeking funding should state this to the NCJJ. The member shall not participate in the discussion, and shall not vote. If there is a question of whether a member has a significant interest in a project, the NCJJ Chairperson will confer with the Accountability and Disclosure Commission prior to the meeting regarding the conflict of interest and other applicable rules to determine the course of action.
- (C) Members of the NCJJ are officials in the Executive branch of state government and are subject to the provisions of state statute 49-1499 Accountability and Disclosure Act.

Darrell Fisher
Executive Director

Distribution: All staff, Commission members, and NCJJ
Supersedes OI #35, dated ~~October 26, 2004~~ January 31, 2003

Attachment #5

