

# Appendix C

## West Virginia Community Corrections Grant **Program Guidelines** FY 2020



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## SECTION 1: GENERAL INFORMATION

### 1.1. The West Virginia Community Corrections Act

The West Virginia Community Corrections Act (Chapter 62, Article 11C of the West Virginia State Code) was originally passed by the West Virginia Legislature in 2001 and was then amended and signed into law during the 2002 Legislative Session. The Act provides a mechanism for communities to develop, establish and maintain community-based corrections programs to provide the judicial system with sentencing alternatives for those adult offenders who may require less than institutional custody.

### 1.2. Special revenue account

The West Virginia Community Corrections Act created a special revenue account in the state treasury. The West Virginia Division of Justice and Community Services (DJCS) has been designated by Code as the state agency responsible for the administration of the community corrections fund for the State of West Virginia.

### 1.3. Beginning the process

Applications for funds by eligible agencies are initiated by completing a West Virginia Community Corrections (WVCC) proposal application for a project and submitting it to DJCS. The same process is applicable to programs applying for approval without a request for state funds. Application should be submitted to the following:

West Virginia Division of Justice and Community Services  
1124 Smith Street, Suite 3100  
Charleston, WV 25301

### 1.4. Community corrections program goals.

The following goals have been identified for the State of West Virginia Community Corrections Grant Program:

- Flexibility and involvement. Allowing individual counties or combinations of a county, counties and Class I and II municipalities greater flexibility and involvement in responding to the problems of crime in their communities.
- Community protection. Providing more effective protection of society and promoting efficiency and economy in the delivery of correctional services.
- Opportunities. Providing increased opportunities for offenders to make restitution to victims of crime through financial reimbursement.
- Accountability. Promoting accountability of offenders to their community

- Ensure bed space for dangerous criminals. Diverting offenders from the state regional jail and/or correctional facilities by punishing them with community-based sanctions, thereby reserving space in state regional jail and correctional facilities for those offenders who are deemed to be most dangerous to the community
- Local criminal justice needs. Permitting counties or combinations of a county, counties and Class I and II municipalities to designate community-based programs to address local criminal justice needs
- Rehabilitative programs. Permitting counties or combinations of a county, counties and Class I and II municipalities to operate programs specifically designed to meet the rehabilitative needs of offenders
- Recidivism reduction. Providing appropriate sentencing alternatives with the goal of reducing the incidence of repeat offenders

## **SECTION 2: PROGRAM STANDARDS**

### **2.1. Community corrections program core elements.**

All community corrections programs must include the following core elements:

#### **2.1.a. Intake and risk and needs assessment.**

Programs shall utilize a research-based intake and risk/needs assessment tool that addresses **(1)** drug and alcohol screening; **(2)** criminal history; **(3)** known associates; **(4)** community support system; **(5)** education needs; **(6)** treatment needs; **(7)** mental health needs; **(8)** employment needs; and **(9)** substance abuse history.

The West Virginia Community Corrections Subcommittee of the Governor's Committee on Crime, Delinquency and Correction has approved and required the use of the Level of Service/Case Management Inventory (LS/CMI) Online System for all community corrections programs funded by the West Virginia community corrections grant program funds. Detailed policies regarding; the process for becoming a certified LS/CMI user, Recertification, Online Security, and Quality Assurance can be obtained by contacting the WV Division of Justice and Community Services.

#### **2.1.b. Services.**

Based on program type, necessity and availability, programs must provide the following services: case management, individual and group treatment, education, community service and restitution, victim/offender mediation, cognitive restructuring, mental health services, drug/alcohol screening, monitoring of court-ordered medications, and home-placement services.

**2.1.c. Re-entry and aftercare.**

Programs may link with a local workforce investment board or similar entities that provide one or more of the following types of services: job and vocational training, job placement, GED testing, and treatment services.

**2.1.d. Program evaluation.**

A written plan shall be developed which measures the success of the program. The plan should include the following elements: goals, objectives, and data to be captured regarding each offender utilizing standardized forms. This offender data should include all of the information listed in Legislative Rule 149-4-3.2. d.3.A through T.

**SECTION 3: OTHER ELIGIBILITY REQUIREMENTS**

In order to be eligible for WVCC funding or program approval, a program must be designed to provide a sentencing alternative for local judicial systems and meet the following requirements:

**3.1. Record of effective services.**

Programs must demonstrate a record of providing effective services. This includes having the support and approval of its services by the community, a history of providing direct services in a cost-effective manner, and financial support from other sources.

**3.2. New programs.**

Those programs that have not yet demonstrated a record of providing services may be eligible to receive WVCC funding, if the program can demonstrate that a minimum of 10% of its financial support comes from local community sources. It is important that programs have a variety of funding sources in order to ensure their financial stability.

**3.3. Promote community efforts**

Programs must promote, within the community, coordinated public and private efforts to assist and support the project. Coordination may include, but is not limited to, serving on state, federal, or local, task forces, commissions, working groups, coalitions, and/or multi-disciplinary teams. Coordination efforts may also include developing written agreements that contribute to better and more comprehensive services. Coordination efforts qualify an organization to receive WVCC funds and are also activities that can be supported with said funds. It is required that each project develop a local community corrections board that includes all key community leaders.

**3.4. Resolutions.**

Programs must have obtained a resolution, passed by the governing body that



authorizes the president of the county commission (local governments) to make an application for WVCC funding.

**3.5. Compliance with rules regulating grants.**

Programs shall comply with State of West Virginia rules regulating grants. These rules include maintaining appropriate programmatic and financial records that fully disclose the amount and disposition of WVCC funds received. This includes, but is not limited to, financial documentation for disbursements; daily time and attendance records specifying time dedicated to providing allowable services under the WVCC program; client files; that portion of the project supplied by other sources of revenue; job descriptions; contracts for services; and other records which facilitate an effective audit.

**3.6. Compliance with additional state criteria.**

Programs must abide by any additional eligibility or service criteria as established by the State of West Virginia including submitting upon request, statistical and programmatic information of the use and impact of WVCC funds. The most current additional state criteria include the following:

**3.6.a. Client eligibility criteria**

This includes a written, formal agreement between the local courts and the local community criminal justice board (or local community corrections program, if there is not a local board in place), which details requirements for client eligibility into the local community corrections program. These criteria must be signed by both parties and kept on file with the local program.

**3.6.b. Eligibility criteria for individual service components**

This includes a written, formal guideline/policy that describes client eligibility requirements for individual service components offered by the local community corrections program. These criteria must be kept on file with the local program.

**3.6.c. Victim safety planning component.**

This includes a written, formal guideline or policy that describes the steps taken by the local program to provide victim safety planning to victims of clients being served by local community corrections programs. This victim safety planning component should incorporate the collaboration of the local victim services provider and the local licensed domestic violence program. These criteria must be signed by the local program administrator, the local victim service provider and the local domestic violence program representative and should be kept on file with the local program.

**3.6.d. Statistical information maintenance.**

Programs shall maintain statistics required by code on offenders serviced

and services offered by the community corrections project, within the timetable established by DJCS; and permit reasonable access to its books, documents, papers, and records regarding these statistics.

The WV Community Corrections Subcommittee has approved and required the utilization of the West Virginia Supreme Court of Appeals Offender Case Management System (OCMS) for all community corrections programs funded by the WV community corrections grant program funds. Details on how to get a program account in the OCMS can be obtained by contacting the WV SCA Administrative Office.

**3.6.e.** Promotion of increased participation on a local level.

Local participation and support is a vital component to the operation of a successful community corrections program. In order to promote increased local participation, programs should strive to become self-sustaining, which includes increased county support through cash matching funds requirements.

**3.6.f.** Criteria for removal of an offender.

Criteria for removal of an offender must follow general principles of accountability, structure, and supervision. Lack of offender participation and/or performance must result in a progressive form of discipline. Such progressive consequences for non-compliance must be predictable and consistently implemented by supervising agents and program staff.

## **SECTION 4: APPLICATION AND RECEIPT OF FUNDS**

**4.1.** Eligible applicants

An agency must provide sentencing alternatives to local judicial systems, provide direct services to offenders ordered to the program, and must be a county commission applying on behalf of a county or a combination of counties or a combination of a county and a municipality, in order to be eligible to receive WVCC funding.

**4.2.** Ineligible applicants

**4.2.a** Federal agencies.

Federal “agencies” are ineligible to receive WVCC funds.

**4.2.b.** Private, For-Profit and Non-Profit Agencies.

The intent of WVCC program is for local units of government, in cooperation with community organizations, to provide sentencing alternatives for the judicial system. **Private agencies are encouraged to be a part of the grant project and can receive a portion of grant funds for services provided**, but they are not intended to serve as fiscal or applicant agencies.

## **SECTION 5: ELIGIBLE/INELIGIBLE PROJECTS**

### **5.1. Eligible projects.**

These projects may include, but are not limited to the following:

- Probation Supervision
- Day Fines
- Community Service Restitution
- Home Incarceration
- Substance Abuse Treatment
- Sex Offender Containment
- Licensed Domestic Violence Offender Treatment
- Day Reporting Centers
- Educational or Counseling Services
- Drug Courts

### **5.2. Ineligible projects**

These projects may include, but are not limited to the following:

- Juvenile Programs
- Pre-Trial Diversion Domestic Violence Programs

## **SECTION 6: MATCHING FUNDS REQUIREMENTS**

### **6.1. Graduated cash matching funds.**

Beginning in Fiscal Year 2008, the requirement for matching funds will increase by 5% each year for the first three (3) years and 10% the fourth (4<sup>th</sup>) year in order to encourage programs to become more self-sufficient as well as to increase each county's commitment and financial participation. The year of funding refers to the number of years the applicant county has received funding from the community corrections grant program, whether the applying county received those funds as a direct award or through a different fiscal agency (i.e. applying agency received grant funds in previous years through a multi-county project). The following formula will be used when calculating required cash matching funds:

- First Year – 10% Cash Match
- Second Year – 15% Cash Match
- Third Year – 20% Cash Match
- Fourth Year and beyond – 30% Cash Match (Cap)

\*Each individual county that is recommended for funding by the Community Corrections Subcommittee, whether the county is part of a multi-county project or is establishing its own project, will be required to contribute a minimum 10% cash match funding in order to qualify for state funding. Counties must demonstrate a fiscal commitment to supplement the project.

### **6.2. Multi-county projects, cooperative agreements and fiscal agent appointments.**

Where a group of counties combine and submit a joint application for funds, such application shall contain a cooperative agreement indicating each jurisdiction's willingness to collaborate and describing in detail each counties role and responsibility to the project.

Such multi-county applications shall provide for the appointment of one (1) fiscal agent to coordinate the financial activities of the grant award.

**6.3.** Expending matching funds.

The grantee matching share must be expended in the same manner and proportion as budgeted in the proposal application. The grantee share must also be expended in the same time frame (grant period) as the state funds are expended.

**6.4.** Records of matching funds.

Since the requirement for grantee matching funds is mandatory, accurate records must be maintained which demonstrate the amount and timing of these contributions. These records are subject to audit in the same manner and to the same extent as books and records dealing with the receipt and expenditure of WVCC funds.

**SECTION 7: ALLOWABLE COSTS**

**7.1.** General principles.

Community corrections funds are to be used to provide flexibility and involvement in responding to crime at the community level. The funded projects are to provide effective protection of society and efficiency in the delivery of correctional services. These community-based programs shall be designed to address the local criminal justice needs which include sentencing alternatives to reduce recidivism, promoting accountability of offenders in the community, providing an opportunity for offenders to make restitution to their victims, and providing programs specifically designed to meet the needs of offenders. Activities unrelated or only tangentially related to the provision of these services are not eligible for support.

**7.2.** Basic guidelines.

The basic guidelines for determining allowability of costs will be the extent to which these costs contribute to the purpose and execution of state-assisted programs. In general, project costs are "all necessary charges made by a grantee to accomplish the objectives of a project during the grant period." It will be assumed that

- Applicant agencies will each bear their appropriate share of allocated costs as allowable under federal, state and local law or regulation;
- DJCS and its grantees have the primary responsibility for employing whatever form of organization and management techniques necessary to

assure proper and efficient fiscal administration and cost allocation, including accounting, budgeting, reporting, auditing and other review controls;

- Costs pertinent to carrying out any unrelated functions (e.g., unrelated to programs receiving grant support) are not allowable and therefore cannot be recognized of “profit” or increment above true costs in executing grants.

### **7.3.** Direct services.

The following services are considered direct service project expenses:

#### **7.3.a.** Personnel costs.

Personnel costs are those that are directly related to providing administration and direct services, such as staff salaries and fringe benefits, including malpractice insurance, the cost of advertising to recruit WVCC funded personnel, and the cost of training paid and volunteer staff.

#### **7.3.b.** Special services.

Special services are those necessary to operate an effective community corrections program and meet the core elements of the program guidelines. These special services include intake and risk/needs assessment tools; direct services such as offender therapy and treatment, education programs, restorative justice, mental health services, and home-placement services; reentry and aftercare services such as job training and placement; and program evaluation.

### **7.4.** Other allowable costs.

The services, activities, and costs listed below are not generally considered direct services but are often necessary and essential components to ensure that quality direct services are provided. Before these costs can be supported with WVCC funds, the state grantee and subrecipient must agree that direct services to offenders or the community cannot be offered without support for these expenses, that the subrecipient has no other source of support for them, and that only limited amounts of WVCC funds will be used for these purposes. The following list provides examples of such items:

#### **7.4.a.** Skills training for staff.

WVCC funds designated for training are to be used exclusively for developing the skills of direct service providers, including paid staff and volunteers, so that they are better able to offer quality services to offenders, the criminal justice system and the community. **All** trainings must be approved by the Division of Justice and Community Services prior to attending by submitting to DJCS a written request for training approval.

#### **7.4.b.** Training materials.

WVCC funds can be used to purchase materials such as books, training

manuals, and videos for direct service providers within the funded organization and can support the costs of a trainer for in-service staff development. Staff from other organizations can attend in-service training activities that are held for the subrecipient's staff.

**7.4.c.** Training related travel.

WVCC funds can support costs such as travel, meals, lodging, and registration fees to attend training within the state or a similar geographic area. This limitation encourages programs to look first for available training within their immediate geographical areas, since travel costs should be minimal. However, when necessary training is unavailable within the immediate geographical area, funds may be used to support training outside of the geographical area. All travel expenses must adhere to State of West Virginia travel regulations.

**7.4.d.** Equipment and furniture.

WVCC funds may be used to purchase furniture and equipment that provides or enhances direct services to offenders and the community, as demonstrated by the WVCC program.

Funds cannot support the entire cost of an item that is not used exclusively for community corrections activities. However, WVCC funds can support a prorated share of such an item. In addition, subrecipients cannot use funds to purchase equipment for another organization or individual to perform services that are not related to the community corrections program. Examples of allowable costs may include beepers, computers, printers, video camera, two-way mirrors, and other equipment and furniture necessary for the program.

**NOTE:** Any one item that costs \$1,000.00 or more is considered equipment for purposes of this grant program.

**7.4.e.** Purchasing or leasing vehicles.

Recipients may use WVCC funds to purchase or lease vehicles if they can demonstrate to DJCS that such an expenditure is essential to delivering services to a community corrections program. The DJCS must give prior approval for all such purchases.

**7.4.f.** Advanced technologies.

At times, computers and other advanced technologies such as TTY/TDD machines may increase a program's ability to reach and serve the criminal justice system and the community. In order to receive a grant for advanced technologies, each subrecipient must meet the program eligibility requirements set forth in this document. In making such expenditures, WVCC programs must describe to DJCS how the advanced technology will enhance services to the program and/or the

community; how it will be integrated into and/or enhance the subrecipient's current system; and how these additional costs will be supported. Property insurance is an allowable expense as long as WVCC funds support a share of the cost of the insurance payments.

**7.4.g.** Contracts for professional services.

WVCC funds generally should not be used to support contracts for professional services. At times, however, it may be necessary for a recipient to use a portion of its grant to contract for specialized services. Examples of these services include mental health services, perpetrator intervention and prevention programs, or sign and/or interpretation for deaf/speech impaired offenders or for offenders whose primary language is not English.

**NOTE:** Programs are prohibited from using a majority of WVCC funds for contracted services, which contain administrative, overhead, and other indirect costs included in the hourly or daily rate.

**7.4.h.** Operating costs.

Operating costs are allowable under the WVCC Program. Examples of allowable operating costs include supplies; equipment use fees, when supported by usage logs; printing, photocopying, and postage; brochures which describe available services; and books and other program-related materials. Funds may support administrative time to complete WVCC-required time and attendance sheets and programmatic documentation and statistics as well as to maintain required client records and program reports.

**7.4.i.** Supervision of direct service providers.

DJCS may provide WVCC funds for supervision of direct service providers when it is determined that such supervision is necessary and essential to provide direct services to the community corrections project. For example, DJCS may determine that using WVCC funds to support a coordinator of staff and volunteers is a cost-effective way of serving more offenders.

**7.4.j.** Repair and/or replacement of essential items.

WVCC funds may be used for repair or replacement of items that contribute to maintaining a healthy and/or safe environment for clients, staff, and the community. In the event that a vehicle is purchased with WVCC funds, related items such as routine maintenance and repair costs and automobile insurance are allowable.

**7.4.k.** Public presentations.

WVCC funds may be used to support presentations that are made in the community, to criminal justice professionals, or other public forums, and

that are designed to identify needs of the community and the local criminal justice system and provide or refer them to needed services. Specifically, activities and costs related to such programs including presentation materials, brochures, and newspaper notices can be supported by WVCC funds.

## **SECTION 8: UNALLOWABLE COSTS**

### **8.1. List of unallowable costs**

Some services, activities, and costs cannot be supported with WVCC funds. These include, but are not limited to, the following:

- Activities determined to be outside the purposes and activities specifically covered by the approved program description and project budget.
- Lobbying, Legislative and Administrative Advocacy. WVCC funds cannot support corrections legislation or administrative reform, whether conducted directly or indirectly.
- Fundraising Activities. Fundraising is an unallowable expense.
- Indirect Organizational Costs. For example, capital improvements, security guards and bodyguards, property losses and expenses, real estate purchases and construction may not be supported with WVCC funds.
- The purchase of real estate.
- Bad debts.
- Contingencies.
- Contributions or donations.
- Entertainment.
- Fines and penalties.
- Interest and other financial costs
- Prior obligations.
- Under-recovery of costs under grant agreements.
- Legislative expenses.
- Relocation Expenses. WVCC funds cannot support relocation expenses such as moving expenses, security deposits on housing, ongoing rent, and mortgage payments for offenders or program staff.
- Development of Protocols, Interagency Agreements, and Other Working



Agreements. These activities benefit programs, but they are considered examples of the types of activities that programs undertake as part of their role as a community corrections services organization.

- Unlicensed domestic violence perpetrator intervention or batterer's intervention prevention programs.

## **SECTION 9: PROGRAM APPLICATION PROCESS**

### **9.1. Application steps.**

Applications for the WV Community Corrections grant program funds are submitted and reviewed on a competitive annual basis. There is no guarantee of funding beyond an initial one-year award period. The application process consists of the following steps;

#### **9.1.a. Requests for proposals**

Requests for proposals (RFPs) will be mailed to all county commissions, circuit judges, probation offices, Class I and Class II municipalities, and prosecuting attorneys in the state. If an agency is interested in an application kit, a section of the RFP will be returned to DJCS with appropriate mailing and contact information.

#### **9.1.b. Application kits.**

A notification that the application kits have been released will be e-mailed to all current WVCC project directors during the same period the RFPs are distributed. The application kit will be on the DJCS' website under "Current Funding Opportunities" and the Community Corrections Section. Application kits will also be mailed to anyone completing and submitting an RFP request form. The application kits will include the new fiscal year proposal application and program guidelines as well as DJCS contact information and the proposal application deadline date.

#### **9.1.c. Acknowledgement of receipt of applications and initial review.**

Applications will be promptly acknowledged upon receipt and reviewed for completeness by DJCS staff. The applicant will be immediately contacted if omissions appear.

#### **9.1.d. Staff assessment.**

Staff will assess the merit and overall need of the project as well as evaluate how the specific project will satisfy state goals and objectives. Comments and/or recommendations will be attached, and the application will be forwarded to the West Virginia Community Corrections Subcommittee for consideration. Staff assessment may be based on, but will not necessarily be limited to the following:

- Compliance of the proposed project application with the priority programs described in the state code, legislative rule, and grant program guidelines.
- Organization of the project, including eventual assumption of costs by the applicant agency (plan of sustainability).
- Probability that the grant will achieve its stated goals and objective(s).
- Adequate fiscal responsibility and resources.
- Coordination of efforts with other local jurisdictions, particularly local criminal justice systems, to include resources and financial support.
- Need for the project.
- Reasonableness of the proposed budget, clearly itemized budget, and total sources of funding for the project.
- Geographic area(s) to be served.
- Record of effective services.
- Determination that the program does contain the stipulated core elements.
- Coordination of efforts between counties in developing a multi-jurisdictional or multi-county program in order to effectively serve a broader community.
- Ability to adequately address the needs of the population to be served.
- Legislative support/intent

**9.1.e.** Applicant presentation.

A representative(s) of the applicant agency who is familiar with the proposed project will be requested to attend the West Virginia Community Corrections Subcommittee meeting to make a brief presentation and/or answer any questions regarding the proposal.

**9.1.f.** Funding recommendations.

§62-11C-2. (a) of the West Virginia State Code designates the Community Corrections Subcommittee as the entity responsible for “making recommendations as to the disbursement of funds for approved community corrections programs.” The Subcommittee will make one (1) of the following four (4) recommendations:

1. Approve the application.

2. Approve the application with conditions, budget adjustments, or amendments to the application
3. Return the application for revision: the required revision will be appended to the application
4. Denial

**9.1.g.** Funding decisions.

Staff will take the necessary actions to affect the Subcommittee's recommendations which include conveying those recommendations to the Governor via predetermined format.

**Applicants should note**, applications for program without funding requests will receive approval or denial of the program proposal directly from the West Virginia Community Corrections Subcommittee.

**9.2.** Award limitations.

Enhanced programs (*i.e.*, enhanced home confinement, enhanced supervision) or programs providing minimal services as determined by the West Virginia Community Corrections Subcommittee will receive funding for one (1) year, depending on the type of program and at the discretion of the Subcommittee. Recipients will be notified of the maximum years possible to receive WVCC funds for that particular program at the time the initial award is made. A recipient may be eligible for extended funding if the enhanced program broadens the scope of the original program to the degree that it includes additional services, such as GED or mental health services.

**9.3.** Funding preferences.

When reviewing an application for funding, preference may be given to programs that have community corrections fee collection programs in place. When reviewing fee collection programs, the committee will consider the adequacy and effectiveness of the program.

Programs which have well developed, committed and active local community criminal justice boards and demonstrate good community support for the community corrections program may be given funding preference.

Preference may also be given to those programs demonstrating coordination of efforts with several counties to develop a multi-jurisdictional program in order to effectively serve a broader community.

**9.4.** Requirements regarding time-frame for a program to be operational following an award.

Each approved project not operational within sixty (60) days of the approved starting date of the grant period must report by letter to DJCS the steps taken to initiate the project, the reasons for delay, and the expected starting date.

If a project is not operational within ninety (90) days of the original starting date of the grant period, the grantee must submit a second statement to DJCS explaining the implementation delay. Upon receipt of the ninety-day letter, DJCS may cancel the project and redistribute the funds to other project areas or, under extenuating circumstances, extend the project period.

## **SECTION 10: APPROVAL OF PROGRAMS**

### **10.1. Community corrections program approval requirement.**

The West Virginia Community Corrections Act mandates that all Community Corrections programs in the State of West Virginia meet specific guidelines and be approved by the Community Corrections Subcommittee, regardless of whether or not the program requires subsidy from the Community Corrections fund to function.

This circumstance creates two “approval tracks” – (1) those programs which are requesting approval but **are not requesting** state funding to function; and (2) those programs which are requesting approval and **are requesting** state funding to function.

Regardless of whether a community is requesting approval with or without state funding, an official community corrections program proposal application must be submitted to the Community Corrections Subcommittee through DJCS. All applicants must follow all special conditions and assurances in the proposal application as well as meet all program standards established by Legislative Rule 149-4-3.

### **10.2. Approved process: Programs requesting approval **without** a request for state funding**

Those community corrections programs requesting approval without a request for state funding shall adhere to the following process/guidelines:

- Proposal applications may be submitted to the WVCC Subcommittee at any time. The proposal application will be reviewed and considered at the next regularly scheduled Subcommittee meeting.
- The approval will remain in effect for a period of three years from the date of the WV Community Corrections Subcommittee approval.
- Programs that are modified following approval prior to the end of the three-year approval period must submit a new request for approval to the Subcommittee.
- Approved programs must submit quarterly progress reports.
- Approved programs must submit an annual progress report.
- All approved programs must collect statistical data and submit the data on a quarterly basis.

**10.3.** Approval process: Programs requesting approval **with** a request for state funding

Those community corrections programs requesting approval, accompanied by a request for state funding for the implementation of the program, shall adhere to the following process/guidelines:

- Proposal applications must be submitted to the WVCC Subcommittee on or before application deadline.
- The proposal application will be reviewed and considered during the scheduled Subcommittee meeting in which grant reviews take place.
- All applicants will be required to present their application to the Subcommittee.
- The grant, upon approval, will begin on July 1 and end on June 30.
- Funding awards will be for a one-year period on a competitive basis.
- Programs must provide a minimum of 10% local cash match as well as adhere to all other graduated matching requirements explained herein.
- Applicants must submit all administrative paperwork including the award contract, an award resolution, a certification of debarment, and an Equal Opportunity Employer certification.
- State funds will be disbursed to the applicants through a monthly reimbursement system.
- Applicants must submit monthly progress reports.
- Applicants must collect statistical data and submit the data on a monthly basis.
- Applicants must submit an annual progress report.

**SECTION 11: LOCAL COMMUNITY CRIMINAL JUSTICE BOARDS**

**11.1.** Local community criminal justice board requirement.

Each county seeking to establish a community-based corrections program must establish a community criminal justice board.

**11.2.** Local community criminal justice board composition.

A local community criminal justice board shall include no more than fifteen (15) voting members, who are all residents of the county or counties represented in the proposal. These members should include, but not be limited to, the following

members:  
Sheriff(s) or Chief(s) of Police

- Prosecutor(s)
- Public Defender(s)
- Representative from Board(s) of Education
- Representative from local Mental Health service provider(s)
- Two (2) Crime Victims Rights Organization/Program Representatives, with preference given to:
  1. Local licensed domestic violence program; and
  2. Mother's Against Drunk Driving or other related program for victims of the crime of driving under the influence
- Three (3) at large representatives
- One (1) representative with a background in substance abuse treatment and services.

Additionally, the local board may include a Judge(s), a Magistrate(s), and a Probation Officer, but these members shall not have voting privileges. They serve as ex officio members.

If a community criminal justice board represents more than one county, the appointed membership of the board, excluding ex officio members, must have an equal number of members from each county, unless the county commission of each county agrees to something different in writing.

### **11.3** Minimum governance standards for local community criminal justice boards

Standards for the function of local community criminal justice boards are set by West Virginia Code and by guidelines adopted by the West Virginia Community Corrections Subcommittee.

#### **11.3.a.** During the establishment period of new community corrections programs.

The following are minimum standards set forth in WV Code for the local community criminal justice boards during the establishment period, which in general, is prior to the submission of an application for state community corrections grant funding:

- Provide for the purchase, development and operation of community corrections services;
- Coordinate with local probation departments in establishing and modifying programs and services for offenders;

- Evaluate and monitor community corrections programs, services and facilities to determine their impact on offenders; and
- Develop and apply for approval of community corrections programs by the governor's committee on crime, delinquency and correction

**11.3.b.** After the establishment period

- Once the board has been established and a community corrections program has been developed, the following minimum standards apply to the local board for implementation of the program:
- A community corrections program shall be governed by a local community criminal justice board (known as local board) which shall be responsible for and have authority over the policies of the local program, and which is broadly representative of the community served as described in §62-11C-6 of the WV Code.
- The local board shall adopt, and review on a bi-annual basis, written and detailed by-laws and policies that define the powers and duties of the governing body, its committees, the executive director, and advisory group(s), where they exist. Copies of the by-laws shall be maintained by the local board.
- The local board is responsible for ensuring the program's continual compliance and conformity with:
  - a. Provisions of the program's mission;
  - b. All federal, state and local laws, rules and regulations governing the operation of the program; and
  - c. Terms of all leases, contracts, or other legal agreements to which the program is a party as a political subdivision as defined in **§29-12A-3(c)** of the WV Code.
- The local board may appoint an executive committee consisting of the elected officers of the board. The only action of the executive committee to take place outside of regular board meetings is in emergency or crisis situations and only in close consultation with the executive director of the community corrections program. Key reasons for emergency/crisis meetings of the executive committee include: 1) situation causing harm to client(s); 2) situation causing harm to the program and/or program staff; and 3) immediate financial crisis. NOTE: All actions of the executive committee must be brought before the full board at the next regularly scheduled meeting for confirmation.
- The local board shall designate an individual to act as executive director and shall delegate necessary authority to such individual to manage the day-to-day affairs of the program(s).

- The local board will require the program director to submit a written programmatic and financial report at each board meeting.
- Every member of the local board shall disclose in writing any financial transactions with the program in which any member of the board or her or his immediate family is involved. The local board must approve any contract or transaction where financial interests of this nature have been made.
- The local board shall establish internal operating procedures, including by-laws and meeting dates.
- The local board shall meet at a minimum on a quarterly basis and shall keep written or electronic minutes of all meetings, including attendance and whether or not a quorum was present, and make those meeting minutes available to the public. If a quorum is not present, no binding decisions can be made during the meeting. Quorum should be defined in the approved by-laws of the local board but should not be less than one-third (1/3) of the fifteen (15) voting members.
- Local board meetings are subject to all conditions of the Open Governmental Proceedings Act which requires the meetings be open to the public unless a specific statutory exception applies. The Act applies to all state, county, and municipal administrative or legislative units of government, including their departments, agencies, committees, boards and commissions. Every public board is required to give advance notice to the public and news media of the date, time, place and agenda of all regular meetings and the date, time, place and purpose of all special meetings, except in case of an emergency requiring immediate action. Meeting minutes must include all measures proposed and the results of all votes taken.
- The Open Governmental Proceedings Act does not require non-State agencies to register public meeting notices on the WV Secretary of State's Register; however, the WV Community Corrections Subcommittee does require all local community criminal justice boards to register their meetings on the State Register. Public meeting notices can be registered online by visiting the WV Secretary of State's website at <http://www.wvsos.com/meeting-notices/index.aspx>.
- The West Virginia Ethics Commission oversee the Open Governmental Proceedings Act. For any specific issues such as the keeping of minutes, executive session, and others, the WVEC operates a hotline you can call, and a commission employee can provide you with guidance. The hotline number is 304.558.0664 and can be found at the following URL (<http://www.sos.wv.gov/administrative-law/Pages/online-meeting-notices.aspx>). The WVEC also has a very comprehensive database of



the opinions they have issues relating to various OGPA topics on the Secretary of State's website (<http://www.ethics.wv.gov/advisoryopinion/Pages/OpenMeetingsOpinions.aspx#agenda>). This database is searchable by category and each decision lists a brief synopsis of the issues addressed.

- The local board shall maintain a current listing of its members, including the name, the position, and the term of membership (if applicable) for each member.
- The local board shall ensure that the program is adequately funded and fiscally sound. To this end, the local board is responsible for the following:
  - a. Reviewing and approving the program's annual budget and community corrections grant applications;
  - b. Monitoring collections and disbursement of all funds on a quarterly basis to assure that they are made in accordance with the program's objectives as specified by the local board;
  - c. Assuring that the program maintains liability insurance and bond for all staff, volunteers and members of the local board;
  - d. Providing a financial bond for all individuals delegated the authority to sign checks or manage funds. The bond shall assure the full operation of the community corrections program for a period of thirty (30) days should those individuals misappropriate or mismanage the program's funds or assets or engage in any illegal act which results in the loss of funds or assets.
- The local board shall adopt and monitor implementation of written personnel policies that shall, at a minimum:
  - a. Pertain to all paid staff;
  - b. Include requirements for equal employment opportunity, selection procedures, orientation, on-going staff development and training, and termination of employment;
  - c. List, in definitive terms, all benefits that are available to staff and volunteers, including specifics of any insurance program;
  - d. Specify eligibility for vacation, personal leave and adjusted work week, yearly carry-over and accumulation, approval procedures, and payment upon termination;
  - e. Specify actions that will be taken by the agency if an employee fails to comply with employee policies, including written notification of the nature of misconduct or poor performance, the discipline being taken, the effective date of the discipline, future consequences for reoccurrence, and appeal rights. The policy

shall allow the employee the opportunity to respond to the charges of misconduct or poor performance before a disciplinary decision is made;

- f. Specify grievance procedures for the employees, including grievable issues, steps of appeal, required time frames and who has the authority for resolution;
- g. Delineate the lines of authority within the agency, and outline the authority of the supervisor(s) regarding personnel activities such as promotion, discipline, leave approval, performance evaluations, grievances, assignment of work and training;
- h. Include job descriptions and position qualifications for each position within the program;
- i. Set forth, in written form, rules of conduct which include such topics as appropriate attire, work hours, confidentiality, insubordination, misuse of authority or equipment, absences without leave and falsification of records;
- j. Require that individuals providing professional or therapeutic counseling, and/or professional social work have appropriate credentials and are licensed when applicable.

## **SECTION 12: ROLES AND RESPONSIBILITIES OF COMMUNITY CORRECTIONS PARTNERS**

### **12:1 Standard Role/Responsibility of Local Community Criminal Justice Board**

The following are minimum standards for the role of the local community criminal justice board:

- Serve as a governing board to the local community corrections program.
- Operate as a political subdivision pursuant to §29-12A-3(c) of the WV Code
- Establish, maintain, and oversee: 1) client eligibility and fee structure; and, 2) the hiring, disciplinary action, and evaluation of the Executive Director of the local community corrections program.
- Oversee personnel and budgetary issues
- Appoint committees and workgroups under the local board (as needed)
- Designate Executive Director and delegate necessary authority to Executive Director to manage affairs of the program in an effective manner

### **12:2 Standard Role/Responsibility of Executive Director of the Community Corrections Program**

The following are minimum standards for the role of the executive director of the local community corrections program:

- Provide comprehensive oversight of day-to-day operation of the community corrections program
- Report directly to the local community criminal justice board
- Act as primary contact for the WV Division of Justice and Community Services
- Hire, take disciplinary action, and evaluate community corrections program staff
- Secure appropriate funding sources for program
- Provide continued assessment of the program operation and makes recommendations to the local board regarding any necessary changes
- Assure program compliance with all grant requirements, standards, guidelines and recommendations
- Coordinate public relations and serve as liaison between community and court system

**12:3** Standard Role/Responsibility of Fiscal Agent

The following are minimum standards for the role of the fiscal agency for the local community corrections program:

- Serve as fiscal agent for grant application and awards which includes:
  - a. Review and sign grant application and awards and other related paperwork for the local community criminal justice board
  - b. Maintain funding source for local board and maintain separate community corrections account or line item in the county budget
  - c. Cover on a reimbursement basis, expenditures associated with payroll and benefits for community corrections program staff
- Appoint three (3) members-at-large to serve on the local community criminal justice board

**SECTION 13: GUIDANCE FOR PROGRAMS ACCEPTING PAROLEES**

- 13:1** Minimum standards for programs accepting parolees  
The Subcommittee hereby affirms W.V. Code §62-12-17(f) that only parolees classified as moderate to high risk according to the results of the risk/need assessment adopted by the WV Supreme Court of Appeals may be admitted to a community corrections program, provided however that the local program

must have established or otherwise demonstrated the ability and capacity to provide the services anticipated by the program. It is the responsibility of each community corrections program to develop the following in collaboration with their local parole services office:

- A formal process/procedure for referral of a parolee client to the community corrections program from the local parole services office.
- A case plan detailing which treatment and supervision services are to be provided by Parole Services and which are to be provided by the Community Corrections Program.
- A process for the collection and sharing of collateral information (e.g. pre-sentence investigation (PSI) reports, institutional records, arrest records, any other criminal history reports and risk/need, mental health, and other assessments) to ensure thorough and complete evaluations and assessments as well as case plans that remain responsive to changing client needs.

In the event a parolee client is terminated from the community corrections program due to a failed case plan or some other violation, the community corrections program must notify the local parole office and/or assigned parole officer in writing and provide details regarding the area(s) the client failed to comply.

In the event a parolee client completes the services and/or programs in their case plan, written notification of their completion should be sent to the local parole office and/or assigned parole officer.

## **SECTION 14: PROGRAM REQUIREMENTS AND GUIDANCE REGARDING STATE LICENSED DOMESTIC VIOLENCE PROGRAMS AND PERPETRATOR INTERVENTION PROGRAMS**

### **14.1.** Inclusion of a local licensed domestic violence program.

It is strongly recommended that all community corrections grant programs include a local licensed domestic violence program on their community criminal justice board and include them in the community network. Applicants should be advised, however, that a community corrections program is **not required** to provide services to perpetrators of domestic violence.

### **14.2.** Local licensed perpetrator intervention program requirement.

**14.2.a.** Although perpetrator intervention services (also known as batterer's intervention prevention programs or BIPP) are not a requirement, they may be a service option. In the event that a community corrections program would provide an educational/treatment services for perpetrators of domestic violence, then it is **required** that the program enter into a contractual agreement with the local **licensed** perpetrator intervention program.

**14.2.b.** Applicants who do not have a local licensed perpetrator intervention program within their county or within fifty (50) miles of their community corrections program may request training funds in their community corrections grant to send a facilitator for appropriate training and to purchase the intervention program curriculum. However, the training and curriculum received must meet all the requirements of licensed perpetrator intervention programs in the State of West Virginia. Specific requirements for licensed programs can be found in Title 191, Series 3 of the Legislative Rule for the Family Protection Services Board.

Additionally, any community corrections program that uses community corrections grant funds to pay for training of perpetrator intervention facilitator(s) and/or program curriculum must work with the West Virginia Family Protection Services Board through the application process to obtain a licensed perpetrator intervention program. The Community Corrections Subcommittee will not support the use of unlicensed perpetrator intervention programs.

The Community Corrections Subcommittee also recommends that all facilitators participate in the statewide quarterly meetings of facilitators of perpetrator intervention programs coordinated by the West Virginia Coalition Against Domestic Violence (WVCADV). Programs should contact the WVCADV for information regarding these meetings and additional training opportunities.

**14.3.** Monitoring requirement for services provided to offenders of domestic violence.

All community corrections programs providing services to offenders of domestic violence crimes **must closely monitor and report** the activity of each offender during their involvement in the intervention program. Community corrections programs must monitor the attendance, the participation level, progress and completion of the intervention program. It is the responsibility of the community corrections program to supervise the perpetrator as well as ensure victim safety planning. It is also the responsibility of the community corrections programs to require offenders to fully complete the intervention program as a condition of their community corrections program. This will require a cooperative agreement between the community corrections program, the licensed domestic violence program, and the licensed perpetrator intervention program.

**14.4.** Guidance regarding the differences between domestic violence and anger control issues.

It is imperative that all community corrections programs understand the difference between domestic violence and the issue of anger control. The key factor in domestic violence is **the use of a “pattern coercive violence”** as a means of power and control over an intimate partner (and many times his/her children). This violence may include physical, sexual, verbal, emotional and economic abuse. (A domestic violence perpetrator uses coercion and/or intimidation to keep the victims of his/her violence in a state of fear.)

Anger management treatment/services are not appropriate for offenders who fit the profile of a perpetrator of domestic violence. For purposes of the community corrections programs, a domestic violence perpetrator includes any offender who is currently charged with a crime involving domestic violence and/or has a history of criminal conviction(s) involving domestic violence or who has admitted to the court system and/or community corrections program personnel that he/she has committed domestic violence act(s). Anger management methods are never appropriate for use in perpetrator intervention services because they do not properly reveal or address the cause of domestic violence. Anger management programs do not involve accountability by the offender and may misrepresent the depth of the problem in the community.

Perpetrator intervention programs are specifically designed to work with domestic violence offenders. These programs require perpetrators to accept responsibility for their violent actions and to admit that domestic violence is a behavior that they have chosen. Perpetrator intervention services place a very high priority on victims' safety, empowerment and rights as well as community safety.

Community corrections programs should be advised that if offenders do not meet the criteria of a domestic violence perpetrator, then anger management services may be provided.

## **SECTION 15: ACCOUNTING BOOKS AND RECORDS**

### **15.1. Generally accepted accounting procedures**

Grantees must maintain accounting records in accordance with generally accepted accounting procedures.

### **15.2. Special accounting procedures.**

In addition to complying with its regular accounting procedure, the grantee must keep special accounting records, which will accomplish the following:

- Account for the receipt of state funds approved for each grant project.
- Account for the expenditure of state and matching funds approved for each grant project by the broad budget categories set forth below:
  - Personnel/Contractual: Salaries, employee benefits, and contracts for hiring of consultants. Consultant services require advance DJCS approval. **\*Please note, the WV Community Corrections Grant will not fund over \$75,000.00 for a director's salary.**
  - Travel/Training: Lodging, transportation, registration fees, and subsistence expenses for project personnel. Training projects require advance DJCS approval. Expenses may not exceed ceiling established by West Virginia state travel regulations.
  - Equipment: Computers and software and advanced technologies over the amount of \$1,000.00.

- Other: Allowable expenses not otherwise classified. *Please note that computer, software, and printer purchases under \$1,000 are allocated to this category; however, an equipment listing form must be completed for all computer purchases regardless of the amount.*

### 15.3 Program audits.

All agencies will be subject to annual audit reviews by the State of West Virginia Auditor's Office. All irregularities reported during these audit reviews must be issued in full to the Division of Justice and Community Services within thirty (30) days of receiving the formal audit report and findings.

## SECTION 16: TRAVEL REGULATIONS AND RATES

### 16.1. State of West Virginia travel regulations.

Project travel expenses are to be determined in accordance with the State of West Virginia travel regulations and rates, unless the grantee's travel regulations are more restrictive; then its regulations will govern. **Reimbursement is limited to actual expenses incurred.** A complete copy of the current state rates and regulations can be found at [www.state.wv.us/admin/purchase/Travel](http://www.state.wv.us/admin/purchase/Travel). A copy of the most current *per diem* rates can be found at [www.dtic.mil/perdiem/pdrates](http://www.dtic.mil/perdiem/pdrates).

#### 16.1.a. Meal allowance.

Costs are **ONLY** allowable for overnight stay travel and at 75% maximum on the first and last day of travel. **Please refer to the State of West Virginia Travel Regulations and nationwide *per diem* rates available from the U.S. General Services Administration. Their website is:** [http://www.gsa.gov/portal/content/104877?utm\\_source=OCM&utm\\_medium=print-radio&utm\\_term=HP\\_01\\_Requested\\_perdiem&utm\\_campaign=shortcuts](http://www.gsa.gov/portal/content/104877?utm_source=OCM&utm_medium=print-radio&utm_term=HP_01_Requested_perdiem&utm_campaign=shortcuts).

#### 16.1.b. Motor vehicle.

Reimbursement for the use of an employee's personal car in connection with grant business will be based on the State Government rate. As of the release of the FY 2018 Community Corrections Grant Application, the statewide mileage rate is \$0.54 per mile. Any changes to the mileage rate will be conveyed to the Project Director's when the Community Corrections Specialist confirms the new rate(s). Such reimbursement rates shall apply between the employee's headquarters and any designated location of work as approved by the project director. There will be no reimbursement of expense for commuting purposes other than in cases where an employee has completed his/her workday and is called out to return to his/her headquarters.

#### 16.1.c. Duplicate reimbursements.

Notwithstanding any provision of these rules and regulations to the contrary, no official or employee shall be permitted to receive reimbursement for any expenses incurred in instances in which such expenses have been paid or are to be paid by any person, firm, corporation, partnership, association or any other third party. No official or employee shall receive reimbursements for any expense incurred in instances in which such expenses have been paid or are to be paid by DJCS as part of registration fee.

**16.1.d. Registration fees.**

Registration fees for conferences and/or seminars must be supported by receipts and attached to the attendee's expense report. Lodging and/or food that are included in the registration should be indicated on the expense report. Additional reimbursement will not be made for lodging or food that is included in registration fees.

**SECTION 17: PROJECT INCOME**

**17.1. General rules of project income.**

- *Project income* is defined to be “gross income earned by grant supported activities.” The following general rules apply to project income:
  - All other program income earned during the grant period shall be retained by the grantee and, in accordance with the grant agreement, shall be
  - Added to funds committed to the project by the grantor and grantee and be used to further eligible program objectives; or
- Deducted from the total project costs for the purpose of determining the net costs on which the state share of costs will be based.
- Programs must maintain and follow accounting guidelines which address the collection and remittance process of any program fees and other program funding, such as multiple grant resources, private foundation funding, and program donations
- All agencies will be subject to annual audit reviews by the State of West Virginia Auditor's Office

**SECTION 18: REPORTING**

**18.1 Monthly Reports**

Monthly reports are required to be submitted with financial reimbursement requests. Monthly reporting should include:

- General activity, progress, achievements, and difficulties encountered;



- Activity, progress, achievements, and difficulties related to EACH goal and objective stated in approved grant;
- Corresponding meeting minutes from local criminal justice board meetings and County Commission meetings (if no meeting was held, indicate in writing that none was held and state when the next meeting is scheduled);
- Monthly statistical data;
- Training information (trainings attended, attendees, certifications received, upcoming trainings)

## 18.2 Annual Report

An annual report is required with the financial reimbursement request that is submitted for the month of June of each year. The annual report should include all the same information as a monthly report as well as:

- Final numbers for clients admitted by referral source, clients terminated, and clients that successfully completed the program for the fiscal year and;
- If approved goals and objectives were met and an explanation as to why or why they were not met.

## **SECTION 19: MONITORING**

### 19.1. Annual on-site visits.

Each project receiving state grant funds will be subject to an annual on-site visit by DJCS staff to monitor the performance of grant-supported activities. Monitoring visits will be conducted to

- Determine progress made toward achieving project objectives;
- Determine compliance with terms, conditions, and purpose of grant;
- Identify technical assistance needs; and,
- Provide guidance of future design or funding of similar projects.