



**2014 Edward Byrne Memorial  
Justice Assistance Grant (JAG)  
Program  
Application  
(CFDA #16.738)**

**Submitted to:  
United States Department of Justice  
Bureau of Justice Assistance**

**Submitted by:  
New Mexico Department of Public Safety  
Administrative Service Division  
Grants Management Bureau**



**June 3, 2014**

**Susana Martinez**  
**Governor, State of New Mexico**

**Gregory J. Fouratt**  
**Cabinet Secretary**  
**New Mexico Department of Public Safety**  
**Chairman, Drug Enforcement Advisory Council**

**2014 EDWARD BYRNE MEMORIAL  
JUSTICE ASSISTANCE GRANT PROGRAM  
New Mexico Department of Public Safety**

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## INTRODUCTION

The Edward Byrne Memorial Justice Assistance Grant (JAG) Program is administered by the U.S. Department of Justice, Bureau of Justice Assistance (BJA), and the New Mexico Department of Public Safety is the State Administering Agency (SAA) of the JAG program.

The JAG Program is the primary provider of Federal Criminal Justice funding to state agencies and local jurisdictions, and JAG funds support all components of the criminal justice system, from multi-jurisdictional drug and gang task forces to violent crime prevention.

The New Mexico Drug Enforcement Advisory Council (DEAC) was established by Executive Order 96-14 to provide policy guidance concerning illegal drug issues and violent crime, and provides oversight of JAG program funding. DEAC is comprised of state, local, and federal officials, and public community members (Appendix I).

The State of New Mexico through DEAC has adopted the Southwest Border High Intensity Drug Trafficking Area New Mexico Region's annual Statewide Threat Assessment and Drug Strategy (HIDTA Strategy) to address drug and violent crime activities within the State. The objective of the New Mexico JAG Program is to provide state agencies and units of local government with the resources necessary to supplement funding in support of criminal justice activities in alignment with the HIDTA Strategy's approach to combating illicit drug issues and violent crime within eligible program purpose areas. These expenses include salaries, benefits, overtime, contractual support, travel, training, supplies and equipment, confidential funds, technical assistance, and information systems.

Based on guidance from DEAC, the Department of Public Safety's Administrative Services Division Grants Management Bureau (DPS-GMB) administers funding to support a number of community-level projects including multi-jurisdictional task forces, statewide gang task force activities, and felony and violent crime reduction.

## I. FUNDING PRIORITIES/SUB-GRANT AWARD PROCESS/ PROGRAM AREAS

### 1. Funding Priorities

On May 28, 2014, the DEAC reviewed the “DRAFT” FFY14 JAG Application and set the eligible program purpose area for the FFY14 funding cycle to be limited to:

#### ❖ Law Enforcement Programs

The “Law Enforcement” program purpose area is intended to sustain evidence-based, intelligence-driven multi-jurisdictional drug trafficking enforcement, highway interdiction initiatives, and criminal gang activity suppression. It includes 1) prevention and education activities related to teaching the community to identify gang activity within their communities and discourage youth involvement with gangs, and 2) support for statewide multi-jurisdictional task forces aimed at apprehending violent criminal and felony offenders, and reducing gun violence.

New Mexico utilizes the Multi-Jurisdictional Task Force (MJTF) model and recognizes nine (9) local unit of government MJTFs and the Statewide Law Enforcement Agency – the New Mexico Department of Public Safety. Additionally, New Mexico encourages collaboration amongst the State’s local and regional law enforcement agencies and Federal agencies including the Federal Bureau of Investigation; Drug Enforcement Agency; HIDTA, Alcohol, Tobacco, and Firearms; and Homeland Security Investigations.

NMDPS will continue to support agencies that demonstrate their ability to utilize the New Mexico HIDTA Threat Assessment and Drug Strategy, implement evidence-based projects and/or programs, and maintain their Uniform Crime Reporting (UCR) requirements.

In addition, in the aftermath of the Sandy Hook Elementary School tragedy and other public shootings, including in Roswell, New Mexico, DEAC encourages the investment of JAG Funds in programs to reduce gun violence and enforce existing firearms laws. As part of the flow-through application process, the national priority of Reducing Gun Violence is required to be addressed by applicants.

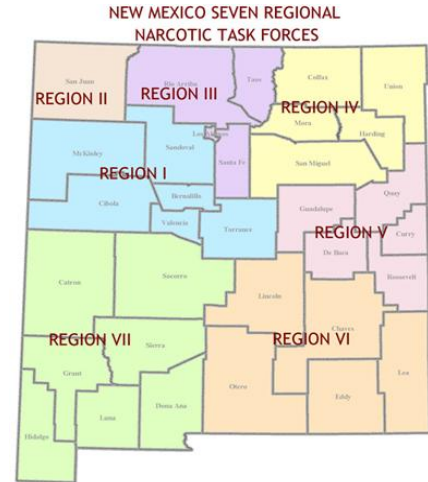
For the FFY14 JAG Program, the State of New Mexico will award funding to successful applicants in a two-phased approach.

- Phase I – funding will be provided to local units of government to support Multi-Jurisdictional Task Forces, as well as to the Statewide Law Enforcement Program.
- Phase II – if funding is available, Phase II will provide funding to local units of government that did not receive a direct DOJ JAG award in accordance with the maximum eligible funding levels established by DOJ-Bureau of Justice Statistics.

## Phase I:

Based on a competitive application process, funding will be prioritized to the following Local Unit of Government Multi-Jurisdictional Task Forces and the Statewide Law Enforcement agency:

- City of Albuquerque - Region I
- City of Farmington - Region II
- Santa Fe County - Region III
- City of Las Vegas - Region IV
- City of Clovis - Region V
- Lea County - Region VI
- Town of Silver City - Region VII
- New Mexico Gang Task Force
- Southwest Investigative Fugitive Taskforce
- New Mexico Department of Public Safety



## Phase II:

Upon completion of Phase I, and based on available funding, the New Mexico Department of Public Safety will release a competitive FFY14 JAG Local Unit of Government Program (“JAG Mini”). This program is geared to those local units of government that **did not** receive a direct DOJ JAG Award for FFY14. Local units of government, if eligible, may only apply for funding at the maximum amount as set forth by the DOJ-Bureau of Justice Statistics.

The JAG Mini program was successfully launched in FFY12 and has provided critical support to small, under-funded local law enforcement agencies.

## 2. Sub-grant Award Process

### Application

DPS-GMB has developed a competitive FFY14 JAG sub-grant application process to solicit formal proposals from eligible applicants (10.10.3.8 NMAC 2009 - Appendix III) whose evidence-based projects and programs are in line with the funding priorities established by the Edward Byrne Memorial Justice Assistance Grant, DEAC, and supported by DPS-GMB.

As part of the sub-grant application process, DPS-GMB will conduct two (2) Pre-Application Workshops intended to maximize partner participation and understanding of the requirements of program funding.

In addition, DPS-GMB has developed a formal grant application packet that includes:

- JAG Program Funding Overview
- OMB Circular Guidance
- Financial Guidance
- Statutory Authority
- Program Requirements
- Eligible Programs and Purpose Areas
- Ineligible Activities and Cost Items
- Application Requirements
- Evaluation Criteria
- Program Term
- Selection Process
- Reporting Requirements

Upon receipt of applications, DPS-GMB, in conjunction with DEAC, will make a determination on the responsiveness and completeness of each application (10.10.3.18 NMAC 2009 - Appendix III). Complete applications are then forwarded to the Budget and Funding sub-committee of DEAC for review and rating with the final recommendations submitted to the full DEAC Executive Council and the DPS Cabinet Secretary for review and approval.

DPS-GMB is required to notify all applicants in writing of the outcome of their application no later than thirty (30) days after the application deadline. Unsuccessful applicants are afforded the right to appeal the selection process (10.10.3.18 NMAC 2009 - Appendix III).

### **Timeline**

- May 2, 2014 DRAFT FFY14 JAG Application Presented to Drug Enforcement Advisory Council (DEAC)
- May 22, 2014 “Notice of Intent to Apply” published in Albuquerque Journal
- May 28, 2014 DEAC approval of application and purpose area
- June 3, 2014 NMDPS Submittal of State JAG Application
- June – August 2014 Pre-Application Workshops
- July 2014 Questions Due from potential sub-grantees
- July 2014 DPS-GMB Response to Questions Posted
- July 2014 Sub-grant Applications Due
- August 2014 DPS-GMB Review
- August 2014 DEAC Budget and Funding Sub-committee Review
- August 2014 DEAC Board Meeting
- August 2014 Sub-grantee recommendations to DPS Cabinet Secretary
- August 2014 Sub-grantee Written Notice of Selection/Non-Selection
- September 2014 Sub-grant Agreements Issued and Effective

### **3. Description of FFY14 Law Enforcement Programs**

#### **Multi-Jurisdictional Task Forces (MJTF)**

New Mexico has seven (7) multi-county regions that make up the geographic areas covered by Multi-Jurisdictional Task Forces (MJTF) and two (2) state-wide specialty task forces - New Mexico Gang Task Force and the Southwest Investigative Fugitive Team. In New Mexico, task

forces have proven to be one of the most effective law enforcement structures to address complex drug trafficking organizations and cross-jurisdictional investigations. MJTFs collaborate with New Mexico State Police, local and regional law enforcement agencies and a number of federal agencies including: FBI, DEA, HIDTA, ATF, and ICE.

### **New Mexico Gang Task Force (NMGTF)**

In Albuquerque and other urban areas of the state, violence is frequently associated with drug-related gang activity. In May 2014, 241 gangs with 8,709 members were documented in New Mexico, and most are involved in drug-related activities.

NMGTF facilitates partnerships throughout the State, including with the seven MJTFs, the FBI, the California Gang Investigators Association, and many local law enforcement agencies. In 2010, NMGTF initiated a connectivity project (*GangNet*) with the California Department of Justice to access gang information and track subjects. GangNet data indicate a trend of gang members from California relocating to New Mexico. In addition to conducting training seminars for law enforcement and providing real-time intelligence concerning gang-related incidents, NMGTF holds annual prevention and educational seminars for adult and youth community members on a variety of topics including basic gang identification, drug trends, and communicating with at-risk youth.

#### *GangNet*

New Mexico began sharing gang intelligence with California in July 2011. California's CalGang serves as the "hub" for all of the states, and New Mexico is able to share intelligence through an innovative virtual private network (VPN) that strongly encrypts the request and sends it across public internet. This connection allows New Mexico law enforcement agencies to query databases in other states without the need for an expensive leased private circuit cross county. DEAC will continue to support efforts by NMGTF in an effort to reduce violent criminal gang activity including narcotics trafficking.



### **Southwest Investigative Fugitive Team (SWIFT)**

SWIFT agents locate and capture outstanding violent crime and narcotics-related fugitives throughout New Mexico. Many repeat offenders apprehended by SWIFT are involved in violent crime, gang activity, and drug trafficking. SWIFT targets include:

- Felons wanted for drug crimes,
- Felons wanted for violent crimes, including, but not limited to sexual offenses/predation, gang activities, and weapons offenses,
- Probation/parole violators,



- On-line predators, and
- Individuals wanted for questioning in a criminal investigation.

To achieve these goals, SWIFT collaborates with numerous law enforcement and judicial agencies in New Mexico, including New Mexico State Police, New Mexico Corrections Department—Probation and Parole Division, United States Marshal’s Service, local police departments, sheriff’s offices, and district attorney’s offices.

### **New Mexico State Police (NMSP) – Statewide Law Enforcement Agency (NMSP)**

NMSP provides assistant to local Multi-Jurisdictional Task Forces and local and regional law enforcement agencies across the state. Often, aid takes the form of providing expertise and personnel in rural areas of the State who lack or have extremely limited local law enforcement capabilities. This can include providing assistance at crime scenes and with violent crime investigations. NMSP also assists with investigations on Tribal land.

NMSP frequently contributes undercover personnel, contingency funds, hazardous material response officers, and audio/visual surveillance equipment, and investigation of clandestine methamphetamine labs to other agencies.

In addition, NMSP focuses on IMPACT operations, which address quality of life issues including violent crimes, narcotics, property crimes, and outstanding warrants. These are generally one-day operations targeting crime issues in a particular community, and are evidence-based intelligence-driven. This strategy consistently results in increased arrests, a reduction in the cost of each arrest, and a decrease in calls for services, thus addressing both emerging and ongoing crime problems.

## **II. NEW MEXICO STRATEGIC PLANNING PROCESS**

Due to budget shortfalls across New Mexico’s communities, most law enforcement agencies are experiencing severe manpower shortages, thus limiting their ability to adequately provide necessary and meaningful law enforcement activities aimed at reducing drug, violent crime, and gang activities in their respective communities.

To address these shortfalls, DEAC has provided a coordinated focus on illegal drugs, violent crimes, criminal gang activity, and the nexus of crime across all areas, and stresses the coordination of information sharing among law enforcement agencies.

In September of 2012, DEAC established the DEAC Strategic Planning Sub-committee which, in coordination with DPS-GMB, is charged with the development of the State’s Annual Strategic Plan. The annual plan is geared at providing a blue-print for activities of DEAC, including the development of goals, strategic action programs, and related timelines. The 2014 Drug Enforcement Advisory Council’s Strategic Plan is attached (Appendix II) and will be further refined throughout the year.

DPS-GMB has also facilitated the development of thirteen (13) Multi-Jurisdictional Task Force and other partnering agencies' annual strategic plans.

To ensure a consistent utilization of a Statewide Drug and Violent Crime Strategy, DEAC, in collaboration with the Southwest Border New Mexico Region HIDTA (SWB HIDTA), has adopted the SWB HIDTA's Annual Threat Assessment and Drug Strategy (see attachment to this application) as the baseline for statewide criminal justice priorities, including the use of evidence-based strategies and programs that address drug trafficking and violent crime.

### **III. ADDITIONAL STRATEGIC PLANNING & COORDINATION EFFORTS**

The New Mexico Department of Public Safety (DPS) is involved in a number of planning and coordination initiatives throughout the state. Cabinet Secretary Greg Fouratt serves as the Chairman of the Drug Enforcement Advisory Council (DEAC), which supports a regionally coordinated approach to New Mexico's HIDTA Strategy. The DEAC recommends the multi-jurisdictional task force approach, and all nine regional task forces collaborate with federal, state, and local law enforcement agencies. HIDTA also funds five (5) of the seven (7) local units of government task forces and the New Mexico State Police with funding intended to disrupt and dismantle drug trafficking organizations. Coordination of intelligence and information exchange among federal, state, and local law enforcement agencies is a crucial element of an effective drug strategy.

DPS remains involved in mobilizing communities and active participation in community coalitions. The Northern New Mexico Implementation Team, a coalition of local, state, tribal, and federal law enforcement professionals, prosecutors, public and behavioral health administrators, government agency professionals, and technical specialists, conducts annual anti-drug summits. Participants of these summits have developed recommendations regarding the policies, priorities, and practices affecting anti-drug trafficking initiatives in three counties and several Native American Pueblos in Northern New Mexico. Participants have also coordinated reform efforts for interdiction, intelligence, investigation, and prosecution policies and procedures.

DPS continues to prioritize drug demand-reduction efforts in coordination with federal, state and local law enforcement agencies in New Mexico. Law enforcement will focus resources in communities affected by high crime and substance abuse, and collaborate with existing resources to maintain or increase resource capacity and avoid duplication of effort.

## **IV. REQUIRED REPORTING/DATA SUBMISSION AND MONITORING**

DPS-GMB uses the DPS-GMB Policy and Program Procedural Manual, various OMB Circulars, and the U.S. Department of Justice – Office of Justice Programs Financial Guide to administer and provide direct oversight of all activities related to all federal grants managed by the department. These resources provide guidance to DPS-GMB and sub-grantees in overall grant management activities, including financial and programmatic reporting requirements. The DPS-GMB manual sets forth specific mechanisms for reporting grant activities on a monthly, quarterly, and annual basis.

### ***Financial Reporting***

DPS-GMB monitors each sub-grant award through assigned project and activity codes specific to the federal funding source on a three-tier risk assessment model, including past performance, experience, and accuracy of documentation. The model requires annual on-site monitoring activities ranging from a minimum of four (4) on-site reviews with sub-grantees deemed “low-risk,” eight (8) on-site reviews with sub-grantees deemed “medium-risk,” and twelve (12) on-site reviews with sub-grantees deemed “high-risk.”

Sub-grantees are required to submit Request for Reimbursement Forms (RFR) and Monthly Financial Activity Reports (MFAR) no later than the 15<sup>th</sup> of the month after the preceding month to allow for DPS – GMB to review and address any issues related to the financial solvency of the program.

All reports are required to be accompanied by supporting documents including but not limited to copies of invoices, general ledgers, warrants/checks, overtime and payroll reports and certifications, and grant reconciliation worksheets.

### ***Programmatic Reporting***

Beginning in FFY14, sub-grantees will be required to submit quarterly programmatic activity reports to DPS-GMB via DPS reporting tools designed to enhance reporting clarity and consistency. DPS-GMB will compile the activity reports and submit the data via the Performance Measurement Tool (PMT). Sub-grantees will be required to submit their reports no later than the 15<sup>th</sup> of the month after the quarter ending to allow for DPS – GMB to review the programmatic activities and submit the required program reports no later than the 30<sup>th</sup> of the month after the quarter ending period.

**APPENDIX I: New Mexico Drug Enforcement Advisory Council Members**

Greg Fouratt, Cabinet Secretary  
Department of Public Safety, and DEAC  
Chair

Steve Sanders, Chief  
Clovis Police Department

Kari E. Brandenburg, District Attorney  
Second Judicial District Attorney's Office

Sean Waite, ASAC  
Drug Enforcement Administration

Andrea Reeb, District Attorney  
Ninth Judicial District Attorney's Office

Kenneth Nava, Colonel  
New Mexico National Guard

William Jacobs  
Public Member, Las Cruces New Mexico

Carol K. Lee, SAC  
Federal Bureau of Investigations

Damon Martinez, US District Attorney  
US District Attorney's Office

Ron Lopez, Designee  
US District Attorney's Office

Gregg Marcantel, Cabinet Secretary  
New Mexico Corrections Department and  
DEAC Vice-Chair

Gorden Eden, Jr., Chief  
Albuquerque Police Department

Pete Kassetas, Chief  
New Mexico State Police

Bruce Richardson  
Public Member, Chimayo New Mexico

Duwayne Honahni, ASAC  
US Department of the Interior – Bureau of  
Indian Affairs

Mark Payne, Regional Director  
New Mexico Southwest Border HIDTA

Conrad Candelaria  
U.S. Marshals Service, District of N.M.

Tamera Marcantel, Designee  
New Mexico Children, Youth, and Families  
Department

Vacant  
New Mexico Gang Task Force Coordinator

Rob Drager  
Albuquerque Police Department, Region I  
Coordinator

Neil Haws  
San Juan County Sheriff's Department,  
Region II Coordinator

Ralph Lopez  
Santa Fe County, Region III Coordinator

Eric Padilla  
City of Las Vegas Police Department, Region  
IV Coordinator

Heather Wike  
City of Clovis, Region V Coordinator

Wm. Robert Sullivan  
Eddy County, Region VI Coordinator

Vacant  
Silver City, Region VII Coordinator

Major Ryan Suggs

New Mexico State Police Investigations  
Bureau

Vacant  
Law Enforcement Association Representative

Fred Garcia  
U.S. Marshall's Service, Southwest  
Investigative Fugitive Team Coordinator

Vacant  
U.S. Border Patrol

Vacant  
Tribal Police Representative

Vacant  
New Mexico National Guard

## APPENDIX II: DEAC 2013 Strategic Plan



# NEW MEXICO DEPARTMENT OF PUBLIC SAFETY DRUG ENFORCEMENT ADVISORY COUNCIL

## STRATEGIC PLAN

May 2014

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This document comprises the strategic plan for the New Mexico Drug Enforcement Advisory Council (DEAC). It represents a series of fundamental statements relating to its vision, mission, values and objectives, and sets out DEAC's proposed strategies, goals and action programs.

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### Vision

The vision of the New Mexico Drug Enforcement Advisory Council in five years is to coordinate efforts aimed at reducing crime, violence, and drug abuse and improve the quality of life of the citizens of New Mexico.

### Mission

The mission of New Mexico's Drug Enforcement Advisory Council (DEAC) is to recommend policy to the Governor and the DEAC Chairman/Cabinet Secretary of the New Mexico Department of Public Safety on law enforcement issues to significantly impact the life of New Mexicans by effective positive change, utilizing increased and leveraged resources.

### Organizational Values

The organization values governing the New Mexico's Drug Enforcement Advisory Council include the following:

- DEAC operates in accordance with the highest standards set forth by the United States Department of Justice and the State of New Mexico in all its partnerships.
- DEAC encourages resource coordination, cooperation, collaboration, transparency, intelligence sharing and accountability in the programs it oversees.
- DEAC recognizes the value of all participating agencies and stakeholders working together to accomplish its mission.

### Organizational Objectives

Longer term organizational objectives of New Mexico's Drug Enforcement Advisory Council to reduce crime, violence and drug abuse in New Mexico are summarized as:

- To reduce the drug availability by disrupting or dismantling Drug Trafficking Organizations in New Mexico;
- To improve coordinated multi-jurisdictional law enforcement efforts;
- To improve training, education and outreach programs;
- To improve the gathering and sharing of criminal intelligence through coordinated investigations;
- To increase collaboration with prevention, treatment and intervention programs;
- Continually seek participation from federal, state, local and Native American tribal agencies.

### Key Strategies

The following critical strategies will be pursued by New Mexico's Drug Enforcement Advisory Council:

1. Seek additional participation of law enforcement agencies;
2. Increase intelligence/information sharing between law enforcement agencies;
3. Seek collaboration with the treatment and intervention community.

### Major Goals

The following key targets will be achieved by New Mexico's Drug Enforcement Advisory Council over the next **one to three** years:

1. Develop a statewide law enforcement funding strategy to maintain and attract future funding over the next three years;
2. Increase the number of intelligence driven investigations over the next three years;
3. Develop and implement a statewide outreach and education program over the next three years;
4. In coordination with stakeholders, develop a prevention, treatment and intervention program over the next three years.

### Strategic Action Programs

The following strategic action programs will be implemented:

1. Reduce the availability and amount of illicit and illegal drugs in New Mexico;
2. Coordinate law enforcement participation and intelligence driven investigations;
3. Develop and implement, in coordination with the High Intensity Drug Trafficking Area – New Mexico, an outreach and education program to include prevention, treatment and intervention activities;
4. Develop an annual strategic plan and funding strategy.

**Local, State and Federal Stakeholders**

Gregory J. Fouratt, DEAC Chairman  
Secretary – New Mexico Department of Public  
Safety

Gregg Marcantel, DEAC Vice Chairman  
Secretary – New Mexico Department of  
Corrections

Gorden E. Eden, Jr. Chief  
City of Albuquerque Police Department

Carol E. Lee  
SAC – Federal Bureau of Investigation

Andrea Reeb  
District Attorney – 9th Judicial District

Ron Lopez, Designee  
United States Attorney

Duwayne Honahni  
SAC – Bureau of Indian Affairs

Rob Drager  
Albuquerque Police Department  
Region I Coordinator

Neil Haws  
San Juan County Sheriff's Department  
Region II Coordinator

Ralph Lopez  
Santa Fe County  
Region III Coordinator

Eric Padilla  
City of Las Vegas Police Department  
Region IV Commander

Heather Wike  
City of Clovis  
Region V Coordinator

Wm. Robert Sullivan  
Eddy County  
Region VI Coordinator

Tamera Marcantel, Designee  
Children Youth and Families Department

Steve Sanders  
Chief – Clovis Police Department

William Jacobs  
Public Member – DEAC

Bruce Richardson  
Public Member – DEAC

Kari E. Brandenburg  
District Attorney – 2nd Judicial District

Sean Waite  
ASAC – Drug Enforcement Administration

Pete Kassetas  
Chief – New Mexico State Police

Mark Payne  
Regional Director – New Mexico High Intensity  
Drug Trafficking Area

Conrad Candelaria  
United States Marshal's Service

Vacant  
New Mexico Gang Task Force Coordinator

Major Ryan Suggs  
New Mexico State Police  
Investigations Bureau

Fred Garcia  
Southwest Investigative Fugitive Team  
Coordinator

Representative Tribal Police – Vacant

Representative Law Enforcement Department -  
Vacant

New Mexico National Guard – Vacant

U.S. Border Patrol - Vacant



**DEAC Strategic Planning Subcommittee**

Steve Sanders, Co-Chair  
Chief – Clovis Police Department

Ron Lopez  
U.S. Attorney’s Office Designee

William Jacobs  
Public Member – DEAC

Bruce Richardson  
Public Member – DEAC

Sean Waite  
ASAC – Drug Enforcement Administration

Rob Drager  
Albuquerque Police Department  
Region I Coordinator

Wm. Robert Sullivan  
Eddy County  
Region VI Coordinator

Gregg Marcantel, Co-Chair  
Secretary – New Mexico Department of  
Corrections

Vacant  
U.S. Border Patrol-New Mexico National Guard

Mark Payne  
Regional Director – New Mexico High Intensity  
Drug Trafficking Area

Major Ryan Suggs  
New Mexico State Police  
Investigations Bureau

Eric Padilla  
City of Las Vegas Police Department  
Region IV Coordinator

**APPENDIX III: NMAC 10.10.3**

**TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT**  
**CHAPTER 10 DRUG CONTROL PROGRAMS**  
**PART 3 APPLICATION PROCEDURES GOVERNING THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM**

**10.10.3.1 ISSUING AGENCY:** Department of Public Safety  
[10.10.3.1 NMAC - Rp, 10.10.3.1 NMAC, 3/29/2013]

**10.10.3.2 SCOPE:** All eligible Edward Byrne Justice Assistance Grant Program (JAG) applicants.  
[10.10.3.2 NMAC - Rp, 10.10.3.2 NMAC, 3/29/2013]

**10.10.3.3 STATUTORY AUTHORITY:** 42 U.S.C. 3751 (a), P.L. 108-447, “Consolidated Appropriations Act, 2005”, NMSA 1978 Section 9-19-6, and P.L. 109-162.  
[10.10.3.3 NMAC - Rp, 10.10.3.3 NMAC, 3/29/2013]

**10.10.3.4 DURATION:** Subject to award by federal agency.  
[10.10.3.4 NMAC - Rp, 10.10.3.4 NMAC, March 29, 2013]

**10.10.3.5 EFFECTIVE DATE:** March 29, 2013, unless a later date is cited at the end of a section.  
[10.10.3.5 NMAC - Rp, 10.10.3.5 NMAC, 3/29/2013]

**10.10.3.6 OBJECTIVE:**

**A.** The U.S. department of justice, bureau of justice assistance (BJA), under the Consolidated Appropriations Act, 2005, Public Law 108-447 provides states and units of local government with funds to provide additional personnel, equipment, supplies, contractual support, training, technical assistance, and information systems for criminal justice.

**B.** This initiative is intended to add to, augment or supplement, not replace, resources already committed to the drug and violent crime control effort.  
[10.10.3.6 NMAC - Rp, 10.10.3.6 NMAC, 3/29/2013]

**10.10.3.7 DEFINITIONS:** [Reserved]  
[10.10.3.7 NMAC - Rp, 10.10.3.7 NMAC, 3/29/2013]

**10.10.3.8 ELIGIBLE APPLICANTS:**

**A.** Eligible applicants are limited to state agencies and local units of government. A unit of local government is: a town, township, village, parish, city, county, or other general purpose political subdivision of a state; any law enforcement district or judicial enforcement district that is established under applicable state law and has authority to, in a manner independent of other state entities, establish a budget and impose taxes; or federally recognized Indian tribe or Alaskan native organization that performs law enforcement functions as determined by the secretary of the interior. State institutions of higher learning are considered to be “state agencies” for eligibility purposes.

**B.** Previous program recipients shall be in compliance with the stipulations of all previous awards in order to continue to be eligible.

**C.** Additionally, all applicants shall be in compliance with the required *uniform crime reporting* requirements under 29-3-11 NMSA.  
[10.10.3.8 NMAC - Rp, 10.10.3.8 NMAC, 3/29/2013]

**10.10.3.9 HOW TO APPLY:** To obtain an application packet in either electronic form or hard copy, contact: the grants management bureau, department of public safety, 4491 Cerrillos Road, Post Office Box 1628, Santa Fe, New Mexico 87504-1628 or by calling (505) 827-3347 or (505) 827-9112.  
[10.10.3.9 NMAC - Rp, 10.10.3.9 NMAC, 3/29/2013]

**10.10.3.10 DISTRIBUTION OF FUNDS:** Amounts of pass-through funding will be provided in the notice of funding availability and application packet and shall be as set forth by the U.S. department of justice – bureau of justice assistance. New Mexico may exceed the minimum pass-through amount as set forth by U.S. department of justice – bureau of justice assistance, by providing funds not used at the state level to local units of government.  
[10.10.3.10 NMAC - Rp, 10.10.3.10 NMAC, 3/29/2013]

**10.10.3.11 AUTHORIZED PROJECTS/PROGRAM AREAS:** Authorized purpose areas and programs eligible for funding will be further described in the notice of funding availability and application packet.  
[10.10.3.11 NMAC - Rp, 10.10.3.11 NMAC, 3/29/2013]

**10.10.3.12 APPLICATION REQUIREMENTS:** All applicants for funding under the JAG grant program must adhere to the following procedures.

**A.** Application deadline: All application packets must be received at the grants management bureau, department of public safety no later than the time and date stated in the application packet. It is the responsibility of the applicant to ensure that the application is received by the grants management bureau, department of public safety. Any application not received by the deadline will not be considered.

**B.** Each applicant shall forward **one original hard copy and an electronic copy** of the application to the grants management bureau, 4491 Cerrillos Road, Post Office Box 1628, Santa Fe, New Mexico 87504-1628, phone number (505) 827-3347.

**C.** Single purpose area rule: Only applications proposing to carry out a project in one single program area will be accepted for funding consideration projects with multiple purpose areas will not be considered.

**D.** Proposed project term: The term of the project proposed in the application shall follow the state of New Mexico's fiscal year.

**E.** Certification requirements: All applicants must adhere to all of DOJ's and NMDPS's certification application requirements, and any other requirements that may be imposed by DOJ.

**F.** Disclosure of federal participation requirement: Section 8136 of the Department of Defense Appropriations Act (Stevens Amendment) enacted in October 1988, requires that when issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with federal money, all grantees receiving federal funds, including but not limited to state and local governments, shall clearly state (1) the percentage of the total cost of the program or project which will be financed with federal money, and (2) the dollar amount of federal funds for the project or program. This applies only to partners who receive \$500,000 or more in the aggregate during a single funding year.

**G.** General financial requirements: grants funded under the formula grant program are governed by the provisions of 28 CFR Part 66, Common Rule, Uniform Administrative Requirements for Grants and Cooperative to financial assistance. These circulars along with additional information and guidance contained in "OJP financial guide for grants" (current edition), are available from OJP and from the grants management bureau. This guideline manual provides information on allowable costs, methods of payment, audits, accounting systems, and financial records.

**H.** Audit requirement: Agencies applying for federal funds must assure that they will comply with the appropriate audit requirement. Partners expending \$500,000 or more in a fiscal year in all sources of federal funding shall have a single-organization wide audit conducted in accordance with OMB circular A-133, as amended.

**I.** Confidential funds requirement: State agencies and local units of government may apply for and receive grants to conduct law enforcement undercover operations. Each agency must certify that it will develop policies and procedures to protect the confidentiality of the operations.

**J.** Civil rights requirement: The applicant certifies that it will comply with the non-discrimination requirements of the Omnibus Crime Control and Safe Streets Act of 1968, as amended; Title II of the Americans With Disabilities Act of 1990 42 U.S.C. 12131; Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973, as amended; title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; the Department of Justice Nondiscrimination Regulations 28 CFR part 35 and 42, Subparts C, D, E and G; and Executive Order 11246, as amended by Executive Order 11375, and their implementing regulations. This applicant further certifies that if a federal or state court or the administrative agency makes a finding of discrimination, it will immediately forward a copy of the finding to the grantor agency, for submission to the office of civil rights, office of justice programs, U.S. department of justice within 30 days of receipt.

[10.10.3.12 NMAC - Rp, 10.10.3.12 NMAC, 3/29/2013]

**10.10.3.13 APPLICATION FORMAT:** Upon approval of the notice of funding availability (NOFA) and application packet by New Mexico's drug enforcement advisory council, the GMB may release the NOFA and application. Upon release, all applications must follow the format outlined in the current notice of funding availability provided by the New Mexico department of public safety.  
[10.10.3.13 NMAC - Rp, 10.10.3.14 NMAC, 3/29/2013]

**10.10.3.14 ALLOWABLE/UNALLOWABLE EXPENSES:** In order to ensure the most efficient and effective use of grant funds, applicants must adhere to the following: All allowable and unallowable expenses will be clearly defined in the notice of funding availability and application packet and shall be in accordance with the current edition of the office of justice programs financial guidelines.  
[10.10.3.14 NMAC - Rp, 10.10.3.15 NMAC, 3/29/2013]

**10.10.15 SUPPLANTING:** Federal funds must be used to supplement existing funds for program activities and cannot replace or supplant nonfederal funds that have been appropriated for the same purpose.  
[10.10.3.15 NMAC - N, 3/29/2013]

**10.10.3.16 REPORTING AND OTHER REQUIREMENTS:**

**A.** Accountability and transparency: a strong emphasis will be placed on accountability and transparency, it is essential that all funds be tracked, accounted for, and reported. Sub-recipients must be prepared to track and report on the specific outcomes and benefits attributable. Each sub-recipient will be responsible for having completed reports sent to the grants management bureau pm the prescribed scheduled included within the NOFA, Application, and any subsequent sub-grant agreement. Each recipient that receives JAG funds shall submit a report to the grants management bureau that contains, at a minimum:

- (1) the total amount of JAG funds received;
- (2) the amount of JAG funds that was expended or obligated;
- (3) a detailed list of all projects or activities for which JAG funds were expended or obligated;
  - (a) the name of the project or activity;
  - (b) a description of the project or activity;
  - (c) an evaluation of the completion status of the project or activity.

**B.** Detailed information to include the data elements required to comply with the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109-282), allowing aggregate reporting on awards below \$25,000 or to individuals, as prescribed by the director to the office of management and budget.

**C.** To assist in fulfilling the accountability objectives, as well as the department's responsibilities under the Government Performance and Results Act of 1993 (GPRA), (Public Law 103-62), applicants who receive funding under this solicitation must provide data that measures the result of their work.

**D.** In accordance with 2 CFR Chapter 1, Part 170 REPORTING SUB-AWARD AND EXECUTIVE COMPENSATION INFORMATION, applicants should anticipate that all recipients (other than individuals) of awards of \$25,000 or more under this solicitation, consistent with the Federal Funding Accountability and Transparency Act of 2006 (FFATA), will be required to report award information on awards totaling \$25,000 or more, and, in certain cases, to report information on the names and total compensation of the five most highly compensated executives of the recipient.

**E.** Recipients shall also be required to submit quarterly progress reports. The department of public safety may withhold the reimbursement of funds if any award recipient is delinquent in submitting the required progress reports. Sub-grantees are required to submit any additional requirements as set forth by DOJ and NM DPS.

**F.** Financial requirements: Recipient agrees to comply with the financial and administrative requirements set forth in the current edition of the office of justice programs (OJP) financial guide.

**G.** Audit requirements: The recipient agrees to comply with the organizational audit of OMB circular A-133, audit of states, local government, and non-profit organizations, as further described in the current edition of the OJP financial guide, chapter 19.

[10.10.3.16 NMAC - Rp, 10.10.3.16 NMAC, 3/29/2013]

**10.10.3.17 RATING CRITERIA:** The rating criteria will be as set forth in the notice of funding of availability and application packet.  
[10.10.3.17 NMAC - Rp, 10.10.3.17 NMAC, 3/29/2013]

**10.10.3.18 SELECTION PROCESS:** The department of public safety, in conjunction with the drug enforcement advisory council (DEAC), will make a decision on each complete application. The failure of an application to conform to state program priorities, as outlined in the notice of funding availability and application packet, may deem the application ineligible. The selection process is as follows.

**A.** Upon receipt, the grants management bureau staff will review the applications for completeness and conduct an internal evaluation, review and ranking of each application.

**B.** Complete applications will be forwarded to the drug enforcement advisory council (DEAC) budget sub-committee for review and rating. The subcommittee, through the grants management bureau, will submit their recommendations to DEAC for ratification.

**C.** The final recommendations will be forwarded to the cabinet secretary of the department of public safety.

**D.** The cabinet secretary of the department of public safety has the final authority in the awarding of grants.

**E.** All applicants will be notified in writing of the outcome of their application no later than 30 days after the application deadline.

**F.** Unsuccessful applicants may appeal if the applicant believes any federal or state regulation involving selection was violated. Appeals must be received by the New Mexico department of public safety, grants management bureau within 15 calendar days of receipt of the outcome notification. A three-member appeal panel shall review the alleged violation, decide on its validity, and make a recommendation to the cabinet secretary of the department of public safety. If an appeal is received by the department of public safety all funding decisions will be delayed until the appeal has been reviewed and a final decision has been made by the cabinet secretary. The cabinet secretary's decision shall be final.

**G.** The New Mexico department of public safety reserves the right to reduce or deny any request based on funding availability and other factors as determined by the New Mexico department of public safety. [10.10.3.18 NMAC - Rp, 10.10.3.18 NMAC, 3/29/2013]

**10.10.3.19 SUSPENSION AND TERMINATION OF FUNDING:** The state may, after reasonable notice and informal efforts to effect resolution, suspend, in whole or in part, funding for program or project which fails to conform to the requirements of the program or financial regulations and policies or the terms and conditions of its grant award.

**A.** All successful applicants shall be required to expend at least thirty-five percent of their award by the end of the second quarter and at least seventy percent of their award by the end of the third quarter, of any award period.

**B.** If a successful applicant fails to expend their funds in accordance with the above-cited requirements, the difference between the actual expenditures and the required expenditures shall be reverted at the end of each milestone/benchmark accordingly.

**C.** If extenuating circumstances exist, applicants may petition the drug enforcement advisory council through its budget and funding subcommittee for relief of the reversion of un-expended funds.

**D.** Upon review and analysis of the petition, the budget and funding subcommittee through the grants management bureau, shall forward their recommendation to the secretary of the department for disposition.

**E.** The cabinet secretary of the department of public safety has the final authority in determining if the reversion shall occur.

[10.10.3.19 NMAC - Rp, 10.10.3.19 NMAC, 3/29/2013]

#### **HISTORY OF 10.10.3 NMAC:**

#### **HISTORY OF REPEALED MATERIAL:**

10.10.3 NMAC, Application Procedures Governing the Edward Byrne Memorial Justice Assistance Grant Program, filed 8/11/2009 - Repealed effective 3/29/2013.