



KENTUCKY **DEPARTMENT of CORRECTIONS**

PROGRAM GUIDELINES FOR COMMUNITY CORRECTIONS PROGRAM

**Kentucky State Corrections Commission
Revised 02/2011**

Community Corrections Program

Statutory Authority:

KRS 196.700-Provisions of this Act will be administered by the Kentucky State Corrections Commission.

Purpose:

The overall goal of this Act is to fund programs which result in a reduction in commitments to the state correctional system. Utilization of this program will result in the following:

- a. Development of sentencing alternatives to incarceration for certain individuals convicted of a felony.
- b. Increased opportunities and requirements for certain individuals convicted of a felony to make restitution to victims of crime and the community through financial reimbursement or community service.
- c. Local involvement to assure that Community Corrections Programs are specifically designed to meet the needs of the sentencing court and the community.
- d. Reduced expenditures of state funds through an increase in alternatives to incarceration so that new prisons need not be built or new space added.

Eligible Offenders:

Persons charged with or convicted of one or more felonies are eligible for the program. The offender must be eligible for probation, suspension of sentence, shock probation, conditional release, or conditional discharge. Felony offenders originating in Circuit Court that are amended down to misdemeanors are eligible for this program.

By law, this program must target offenders who would have been committed to prison not those who would have been probated.

Kentucky State Corrections Commission

The Commission is a twenty-three member body responsible for the administrative provisions of the Community Corrections Act Program. The Commission shall make grants to assist local jurisdictions in the implementation and operation of the Community Corrections Programs. In addition, the Commission through the Department of Corrections will:

- a. Provide technical assistance to grantees;
- b. Conduct quarterly and annual fiscal and programmatic reviews

- c. Review annual plans/grant applications.

Eligible Applicants:

Any local government agency or combination of agencies, private non-profit or charitable organizations, who has an established Community Corrections Board.

Eligible Programs:

Grants may be made for the following types or combinations of programs:

- a. Victim Restitution
- b. Community Service Work
- c. Home Confinement
- d. Electronic Monitoring
- e. Drug and Alcohol Counseling
- f. Day Reporting Centers
- g. Other programs that are for a purpose outlined in KRS 196.705

Funding Cycle:

Grants are awarded on a year to year basis in accordance with the state fiscal year, July to June and based on the availability of funds.

Eligibility Requirements to Participate in Act:

Grant applicants must establish a Community Corrections Advisory Board to be comprised of not less than (8) eight members and shall include the following:

- a. Judge
- b. Commonwealth Attorney
- c. Defense Attorney
- d. Crime Victim or Survivor
- e. Community Leader
- f. Social Worker
- g. Law Enforcement Officer
- h. Probation Officer
- i. Other Interested Parties

The Board shall provide direction and assistance to the Community Corrections Program in the design, implementation, and evaluation of the Community Corrections Program Plan.

The Community Corrections Advisory Board shall be organized as a non-profit corporation under KRS 273. Articles of incorporation shall be filed with the Secretary of State. Members of the Advisory Board shall receive no compensation for their duties as board members. The Advisory Board shall be subject to the Open Meetings Law and the Open Records Law and shall meet on a regular basis, at least quarterly. Minutes of the meetings shall be on file at the local Community Corrections Program office.

Duties of the Advisory Board shall include but not be limited to:

- a. Development of an annual budget for the Community Corrections Program.
- b. Selection of new or additional board members.
- c. Development of procedures for contracting for service.
- d. Arranging for a private and independent annual audit.

Submission of Grant Application:

Notification of availability of funds will be sent to all county governments and judicial districts. Interested parties shall notify the Department of Corrections for grant applications. As a result, the requirements of the program, grant applications format, and timeframes for submitting necessary paperwork will be forwarded.

The applicant shall submit an hard copy of the completed application, type written on grant forms supplied by the Department of Corrections. Paperwork necessary for the awarding of this grant will need to be submitted according to the established schedule supplied by the Department of Corrections.

Grant Applications shall consist of the following components:

1. Completed grant application forms as supplied by the Department of Corrections.
2. Letters of certification of need and support from the Circuit Judge, Commonwealth Attorney and chief executive officer of the local governmental unit.
3. A current listing of Board Members and their job titles. (See Establishment of Local Community Corrections Advisory Board)
4. A copy of the Articles of Incorporation and current statement of good standing.
5. A copy of the Kentucky Sales Tax Exemption Certificate.
6. A signed statement affirming the program must target offenders who would have been committed to prison not those who would have been probated.

Submission of Community Corrections Plan:

The Community Corrections Plan shall be submitted in conjunction with the grant application for funding the Community Corrections Program. The plan shall have been approved or adopted by the local Community Corrections Board. The Community Corrections Plan shall encompass a judicial circuit and consist of the following:

1. Objectives of the Community Corrections program described in the community corrections program plan.
2. Specific information about the target population, i.e., KRS charges and historical information showing that these persons are currently being sent to prison.
3. Procedures for identifying targeted offenders, and a plan for referral of targeted offenders to the Community Corrections Program.
4. Procedures for preparing and presenting community penalty plans to the court, when applicable.
5. Procedures for obtaining services from existing public or private agencies, and a detailed budget for staff, contracted services, and all other costs.
6. Procedures for monitoring progress of offenders on community penalty plans and for cooperating with the probation personnel who have supervisory responsibility for the offender, when applicable.
7. Procedures for returning offenders that do not comply with their Community Penalty Plan to court for action by the court.
8. Procedures for evaluating the program's effect on numbers of prison commitments and revocations of probation and parole.

Reporting:

Grantees are required to file quarterly fiscal and programmatic reports. Reports will detail the fiscal and program activity that occurred in the previous quarter on prescribed forms supplied by Corrections.

Quarterly reporting must include the following: timely reconciled bank reconciliation, a current schedule of grant funded equipment to include date acquired, cost, description, and purpose, current listing of all Board Members to include their address and phone numbers, budget to actual financial statement comparison, employee payroll summary including copies of the quarterly payroll tax filings for federal, state, and local agencies. Grantee must submit copies of all annual W-2's and 1099's with their request for reimbursement for the quarter ended December 31. Quarterly reporting shall cover the periods and be submitted according to the following schedule.

| <u>Report for Quarter</u> | <u>Due to Corrections By:</u> |
|-------------------------------|-------------------------------|
| July – August – September | October 15 |
| October – November – December | January 31 |
| January – February- March | April 15 |
| April – May – June | July 07 |

Audits:

1. The Department of Corrections will make arrangements for an annual independent audit of all grants. A draft copy of the audit will be mailed to the Board for their review and, their comments will be included in the final report.
2. Community Corrections Boards shall ensure timely and appropriate resolution of negative findings and recommendations.
3. Audits will be reviewed in consideration for continuation funding.

Quarterly Allotments:

Quarterly payments will be made to grantees based upon receipt of timely and satisfactorily completed quarterly fiscal and program reports. Fiscal and Program Reports should be mailed together. Amounts of quarterly payments will be based on the expenditures on the previous quarterly report. Funds shall not be expended prior to services being rendered.

Fiscal:

1. Funds must be used in accordance with the approved budget and grant. Deviations from the approved budget require a written request and justification from the grantee to the Department of Corrections for review and approval. The grantee shall not expend any funds unless services have been rendered.
2. The fiscal officer and the person signing for applicant agency cannot be the same person. Both signors must review supporting documentation.
3. A uniform accounting system, which conforms to generally accepted accounting practices, must be maintained. Including the following:
 - a. Maintain checkbook.
 - b. Retain copies of all invoices/packing slips appropriately approved when received/paid.
 - c. Reconcile checkbook monthly.
 - d. Show invoices to those signing checks prior to their signing.
 - e. Submit Performance and Financial Accounting Information, and any other pertinent information on a quarterly basis as required.

4. Check issued through the program must have two signatures, preferably the applicant agency head and the fiscal officer.
5. The Community Corrections Program should establish a separate account for use of funds under this program.
6. Procedures for procurement must be developed which will avoid the purchase of unnecessary or duplicative items. When feasible and cost effective, local agencies shall participate in state and /or local intergovernmental agreements for procurement of equipment and supplies. These procedures must be submitted to the Department of Corrections for review and approval prior to expending grant dollars.
7. Funds unobligated at the end of the grant period must be returned to the Department of Corrections within 30 days of grant ending.
8. Financial obligations incurred after the effective grant termination date will be the responsibility of the grantee.
9. Travel and subsistence shall be reimbursed at current state rates for meals, travel, and lodging. Check with the Department of Corrections for current rates
10. Equipment is considered anything that has a value of \$500.00 or greater or a serial number. All equipment purchased with grant funds will be considered state property and inventoried accordingly. Upon discontinuance of the grant, the property will revert to the Department of Corrections. An inventory listing of equipment shall be maintained.
11. Financial records shall be maintained for a minimum of five years.
12. Individual time and attendance sheets shall be maintained on all employees hired under this grant. This should include: hours worked; activity; duties performed, and must be approved prior to issuing employee payroll checks. Contract employees must also meet this requirement. Appropriate annual employee evaluations must be submitted to Department of Corrections by January 15th of each grant year, for every employee who has wages funded by the grant, including employee improvement plan when necessary.
13. Interest earned from Community Corrections Program funds by the grantee shall be accounted for and turned back into the program.
14. Copies of all contractual agreements (this includes personal service contracts) entered into by the grantee as part of this grant must be submitted to the Department of Corrections for review and prior approval.
15. All supplies and equipment must be purchased in accordance with State Purchasing Regulations.

16. If personnel are hired under this grant, the following must be paid in addition to the gross salary: withholdings must be made for FICA taxes; all other applicable federal, state and local taxes; and any unemployment insurance or Workman's Compensation Insurance required by state, federal or local statutes. Deposit all withholdings in bank account to make quarterly tax payments for federal, state and local taxes. The employee's portion of withholdings is not eligible for reimbursement by the grant.

Restrictions:

1. Funds shall not be used to supplant funds previously committed to these types of programs.
2. Projects cannot expend any funds unless services have been provided.
3. Funds shall not be used for operating costs, construction, or other costs associated with local jail confinement.
4. Continuation funds shall not be provided to program, which has failed to reduce prison commitments.
5. Grant funds shall be used for the development and implementation of new or enhanced programs and services for the targeted offenders.
6. An employee shall not receive compensation from two jobs for the same hours being worked.
7. Any supervision fees collected from offenders must be forwarded to the state's General Fund in accordance with KRS 439.315.

Program Review:

Fiscal and program records shall be reviewed by the Kentucky State Corrections Commission staff at least once each fiscal year to determine compliance with the program plan. If the review indicates that a program or facility is not in substantial compliance with current requirements of the grant or program plan, the Kentucky State Corrections Commission and the Community Corrections Board will be notified. Within thirty days, the Community Corrections Board will determine if there is substantial compliance or satisfactory progress being made to achieve compliance. If substantial compliance is not being made; the Kentucky State Corrections Commission may suspend all or any portion of the grant.

Approval Procedure:

1. Review and approval/disapproval of grant applications by Kentucky State Corrections Commission.
2. Notification to applicants of award or rejection by Department of Corrections.
3. Department of Corrections will forward to the applicant the approved grant application, documentation, and required paperwork for filing reports and administration of the grant.

Evaluation:

1. The Department of Corrections will conduct an annual evaluation to determine the degree to which the prison commitments have been reduced and the project has accomplished the purposes set forth in KRS 196.705.
2. Grantees shall maintain data in the format determined by the Department of Corrections so that an evaluation can be completed.