

Section 2 Eligibility To Apply for Grants

2.1 In general, grants under the Act may be made to States, units of local government, Indian tribal governments, other public and private (nongovernmental) entities, and multi-jurisdictional or regional consortia thereof.

2.1.1 "Unit of local government" means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior, or, for the purpose of assistance eligibility, any agency of the District of Columbia government, or the United States Government performing law enforcement functions in and for the District of Columbia, and the Trust Territory of the Pacific Islands.

2.1.2 An "Indian tribe" means a tribe, band, pueblo, nation, or other organized group or community of Indians, including an Alaska Native village (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601, *et seq.*)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

Section 3 Apportionment and Allocation of Grant Funds

3.1 Unless all applications submitted by any State and grantee within the State have been funded, each qualifying State, together with grantees within the State, shall receive in each fiscal year at least 0.5 percent of the total amount appropriated in the fiscal year for public safety and community policing grants.

3.1.1 "Qualifying State" means any State which has submitted an application for a grant, or in which an eligible entity has submitted an application for a grant, which meets the application requirements established by the Department of Justice and complies with all requirements of the Act, these guidelines and other applicable provisions of federal law and regulations.

3.1.2 "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands. For purposes of 3.1, American Samoa and the Commonwealth of the Northern Mariana Islands shall be considered as one state with 67 percent of the amounts allotted per state to be allotted to American Samoa and 33 percent to the

Commonwealth of the Northern Mariana Islands.

3.1.3 For purposes of applying 3.1, "the total amount appropriated in the fiscal year for public safety and community policing grants" shall be determined by the total appropriation less sums allocated to training and technical assistance, evaluations or studies, other lawful purposes, and amounts not obligated at the end of the fiscal year.

3.1.4 In determining the geographic apportionment for purposes of 3.1, a grant award that is not accepted by a grantee in a particular state shall be included within the apportionment for that state as if such grant had been accepted, provided that, should an award not be accepted, the Director will reward the funds to another eligible applicant in the same state, if one exists, if necessary to meet the requirements of 3.1.

3.1.5 Compliance with the requirement of 3.1 shall be determined by reference to all grants made within a fiscal year and not on a phase-by-phase or any other less comprehensive basis.

3.2 One-half of the amount allocated for grants in any fiscal year shall be allocated for grants pursuant to applications submitted by units of local government or law enforcement agencies having jurisdiction over areas with populations exceeding 150,000 or by public and private entities that serve areas with populations exceeding 150,000, and one-half shall be allocated for grants pursuant to applications submitted by units of local government or law enforcement agencies having jurisdiction over areas with populations of 150,000 or less or by public and private entities that serve areas with populations of 150,000 or less.

3.2.1 For purposes of implementing this allocation requirement, as well as for purposes of determining eligibility for particular programs, each application for a COPS grant will require the applicant to certify the population of the area served by the applicant. "Population" means the total resident population based on the adjusted 1990 data compiled by the United States Bureau of the Census.

Section 4 Requirements Applicable to COPS AHEAD and COPS FAST

4.1 COPS AHEAD and COPS FAST grants will be made for programs, projects, and other activities to rehire law enforcement officers who have been laid off as a result of State and local budget reductions for deployment in community oriented policing, and/or to hire new, additional career law

enforcement officers in community oriented policing ("hire/rehire grants").

4.1.1 A "career law enforcement officer" means a person hired on a permanent basis who is authorized by law or by a State or local public agency to engage in or supervise the prevention, detection, or investigation of violations of criminal laws. "Career law enforcement officers" may include (but are not limited to) sworn municipal, county, state and tribal police officers, sheriffs' deputies, and certain officers employed by other law enforcement, investigative and prosecutorial agencies.

4.1.1 To be eligible for funding under a COPS grants, a rehired officer must have been separated from the force prior to October 1, 1994.

4.1.2 Grantees may transfer law enforcement officers who are experienced or trained in community oriented policing into positions funded by a COPS grant, while newly hired or rehired officers are assigned to training, probationary or other assignments as may be customary practice within the agency, provided that there must be an equal and contemporaneous transfer of current officers to community policing functions as newly hired or rehired officers are assigned to training and probationary assignments. Such transfers will not, however, affect the date on which grant funding for a newly hired or rehired officer commences.

4.1.2 "Community oriented policing" carries no single definition, nor is there a single approach to community oriented policing. However, community policing stresses the importance of police-citizen cooperation to control crime, maintain order, and improve the quality of life in America. The community is an active partner with police in defining the problems that are addressed, the tactics used, and how success is measured. Prevention, problem solving, and partnerships are tenets of community policing that have been emphasized by police, researchers, and policymakers. Community oriented policing can be distinguished from traditional reactive law enforcement activities.

4.2 The amount of hire/rehire grants is limited to 75 percent of the salary and benefits of a hired or rehired career law enforcement officer, subject to a ceiling of \$75,000 per officer. These restrictions apply over the life of a grant, not on an annual basis.

4.2.1 Benefits for purposes of a COPS AHEAD and COPS FAST grant include health insurance, retirement benefits, social security/FICA contributions, vacation and sick leave, and workers' compensation benefits. Benefits for purposes of a COPS AHEAD