anticipation of and conditional on the submission of a satisfactory grant application demonstrating compliance with all program and legal requirements.

5.3 It is projected that COPS AHEAD funds will be sufficient to enable interested agencies to increase the level of sworn law enforcement officers by up to a maximum of three percent of the actual number of sworn officers performing law enforcement functions employed on October 1, 1994 (subject to the limitation of 5.1.1).

5.3.1 In reporting the number of officers performing law enforcement functions, agencies should not include officers assigned to court security and

jailing duties.

- 5.4 Agencies interested in participating in COPS AHEAD have been asked to submit a letter of intent in a form prescribed by the COPS Office postmarked by November 10, 1994. In light of the quick turn-around time required, agencies should make early submission of materials to avoid logistical problems caused by deliveryrelated problems. The percentage of force increase (up to three percent) available to the interested agencies under COPS AHEAD will be determined based upon the response received.
- 5.4.1 If requests from interested agencies exceed the funds allocated to COPS AHEAD, the Attorney General or her designee has discretion to adjust the amount or starting date of grants. Any such adjustments shall seek to distribute the available funds in a manner that best serves the objectives of the Act.

5.5 Interested agencies will receive further notification from the COPS Office on or about December 19, 1994.

- 5.5.1 If eligibility is confirmed and no other matters are identified that would preclude a subsequent grant award, this "Go Ahead" notification will confirm eligibility to participate in COPS AHEAD and will set forth the number of officers that the applicant is eligible to begin hiring, recruiting and training pending submission and approval of a grant application. The application kit also will be transmitted with this notification.
- 5.5.2 If the level of response to COPS AHEAD requires the Attorney General or her designee to adjust the starting date of grants, the notification will advise an affected agency that it is anticipated that its COPS AHEAD application will not be funded during this fiscal year. Such a notification does not affect the agency's right to seek funding under any other COPS grant programs for this fiscal year.

5.5.3 A "Go Ahead" notification does not constitute a grant award or a

decision or commitment to make a grant award. A grant decision will be made only upon submission of a formal grant application and approval requires demonstrated compliance with all program conditions and other requirements of applicable law. No enforceable obligation is created by the Go Ahead notification, rather, this notification, and the COPS AHEAD program itself, has been designed in response to requests from interested agencies for a procedure by which hiring and training of new officers could commence prior to completion of grant application processing. The risk of nonapproval remains entirely upon the applicant.

5.5.4 If any issues related to compliance with legal requirements (e.g., ongoing violations of Title VI of the Civil Rights Act of 1964) that would or may preclude federal funding are known to the COPS Office as of the date of preparation of the notification letters, the COPS Office will seek to identify such issues in the notification letter and, if appropriate, seek to resolve such issues in conjunction with the applicant. Failure to identify such an issue in the notification letter does not waive the Department of Justice's right to require compliance with the applicable legal requirements as a condition of grant approval.

5.6 Officers proposed to be funded under COPS AHEAD must be hired no later than the agency's first entering class of new officers with available capacity in the calendar year 1995.

5.6.1 Absent other circumstances, hiring undertaken in response to a COPS AHEAD Go Ahead letter (and thus prior to a grant approval or award) will not be considered to constitute nonfederal expenditures for purposes of determining the presence of supplanting. If other information indicates that the hiring ostensibly undertaken in response to a COPS AHEAD Go Ahead letter was likely to have been undertaken regardless of the availability of a COPS AHEAD grant, then it may be concluded that supplanting in fact occurred.

5.6.2 A COPS AHEAD grant may not be used to pay for the salary or benefits of an officer hired or rehired prior to October 1, 1994, absent a clear and convincing demonstration by the applicant that the hiring or rehiring of such officer was specifically contingent upon the receipt of a COPS grant.

5.7 COPS AHEAD application kits will be mailed to all eligible agencies that receive a Go Ahead notification. In addition, application kits may be obtained upon request from the COPS Office, but may not be submitted by an

agency that did not receive a Go Ahead notification.

5.7.1 The COPS AHEAD application kit will contain detailed instructions on how to complete the application. In addition to standard assurances and certifications (see 4.10), each COPS AHEAD application will require the applicant to submit an application summary, a budget narrative, and to:

(a) include a long-term strategy and detailed implementation plan that reflects the participation of, and consultation and cooperation with community members and groups (e.g., school, civic, neighborhood and tenant associations), organizations of police employees, and appropriate private and public agencies and reflects consideration of the applicable state's statewide Byrne Grant strategy developed under section 503(a)(1) of the Omnibus Crime Control and Safe Streets Act (42 U.S.C. 3753(a)(1));

(i) describe steps taken to consult with the organization which acts as the legally authorized bargaining representative of the applicant's law enforcement officer employees, if applicable, and submit any correspondence or other documentation reflecting such consultation;

(b) demonstrate a specific public safety need:

(c) explain the applicant's inability to address the need without federal assistance:

(d) identify related governmental and community initiatives which complement or will be coordinated with the proposal;

(e) certify that there has been appropriate coordination with all affected agencies;

(f) outline the initial and ongoing level of community support for implementing the proposal including financial and in-kind contributions or other tangible commitments;

(g) specify plans for obtaining necessary support and continuing the proposed program, project, or activity following the conclusion of federal

support;

(h) specify plans for the assumption by the applicant of a progressively larger share of the cost in the course of time, looking toward the continuation of the increased hiring level using State or local sources of funding following the conclusion of Federal support;

(i) assess the impact, if any, of the increase in police resources on other components of the criminal justice

system;

(j) explain how the grant will be utilized to reorient the affected law enforcement agency's mission toward community-oriented policing or