



Department of
**Finance &
Administration**

Alternative Electronic Monitoring Indigency Fund (EMIF)

Overview & Solicitation Training

Welcome and Introduction

- Gary Lee
 - Senior Program Manager
- Mike Holt,
 - Program Manager
- Introducing Jeff Dooley
 - Program Manager



Tennessee Tower – Home of OCIP

Photo Credit: Michael Rivera, no changes. https://en.wikipedia.org/wiki/en:Creative_Commons

Agenda

- Share Information about FY25 Alternative Electronic Monitoring Indigency Fund (A-EMIF)
- The A-EMIF Program is not new but there are significant changes for FY25.
- Question and Answer Session



Background

- 55-10-419 – 2010 *et al.*
 - DUI Monitoring Fund and the Interlock Assistance Fund (IAF)
 - Administered by Department of Treasury
- Amended +/-2016 to create a separate EMIF fund
 - **Installation, Lease, Maintenance, Removal** of alcohol, drug and/or GPS monitoring devices as a condition of probation or pre-trial release for indigent defendants and offenders.
 - Local government and State cost sharing program.
 - Administered by Department of Treasury
 - Required a local government resolution, MOU and budgeted funds deposited in Treasury Account or accessible to them thru LGIP.
 - Vendors submitted Invoices to and were paid by the Treasury.

AMENDED 2023 and NEW FOR FY24

- Effective October 1, 2023
- A-EMIF program transfers from Department of the Treasury to the Department of Finance and Administration's Office of Criminal Justice Programs (OCJP).
- Funding transitions from a cost share program to a direct grant appropriation to the counties.
- Counties manage the funds, handle the vendors and pay the invoices.
- **Ignition Interlock devices are NOT eligible.**
 - The Ignition Interlock program has not changed.
 - It remains with the Treasury.

Effective July 1, 2024...

- Pursuant to 113th General Assembly Public Act 1033, domestic violence offenders who are ordered to wear a GPS device on domestic violence offenses are no longer eligible for AEMIF regardless of their indigency status. They must self pay for the device and for the proximity monitor/phone app for the victim.
- The wording of the change to the statutes indicates July 1 as a hard date regardless of pre-existing court orders.

PUBLIC CHAPTER NO. 1033 Eff: 7/1/2024

- *SECTION 6. Tennessee Code Annotated, Section 40-11-152, “Global positioning monitoring system as a condition of bail” is amended by deleting subsection (h) and substituting:*
- *(h) A defendant ordered to wear a global positioning monitoring system device or to provide the victim with a cellular device application or an electronic receptor device pursuant to subsection (b) shall pay all costs associated with operating that system in relation to the defendant and all costs associated with providing the victim with a cellular device application or an electronic receptor device. **The defendant is not eligible for assistance from the electronic monitoring indigency fund, as established pursuant to § 55-10-419, regardless of whether the defendant is indigent.***
- *SECTION 10. This act takes effect July 1, 2024...*

What does that mean for OCJP and Counties.

- OCJP is bound by the plain language of the change to the Statute regarding grant funds that it is responsible for managing at the direction of the Legislature in the TCA.
- Counties and Courts should carefully review PC1033 as there are significant requirements being placed on them regarding the pre-trial release of defendants charged with domestic violence offenses,
- OCJP cannot offer advice regarding implementing and managing the other changes in PC1033 requiring GPS on DV offenses other than refer you to the plain language in the Act that amended the Tennessee Code.

GPS under AEMIF as of July 1, 2024

- The ONLY GPS eligible circumstances post sentencing under AEMIF are found with respect to certain DUI Offenders in:
- 55-10-402(d)(2)(A)(i)(ii), & (iv) Drug, Alcohol and GPS Monitoring as A Penalty, Condition of Probation or Alternative Sentencing for DUI.
- 55-10-402(h)(7), Penalty for violations of § 55-10-401 (Driving under the Influence of alcohol or intoxicant / DUI) as a requirement in addition to intensive outpatient treatment.
- NOTE: There is no other statutorily authorized use of AEMIF funds for GPS devices as a condition of release, probation or parole EXCEPT as listed specifically in 55-10-402 as a penalty for conviction for 55-10-401, DUI.

What is eligible under AEMIF going forward?

- 55-10-419 establishes the AEMIF eligible offenses for electronic or transdermal monitoring devices or other alternative alcohol or drug monitoring devices that may be ordered as a condition of release, probation, or alternative sentence directly or by reference.
- 40-11-118(d)(2), Drug and alcohol monitoring as a Special Condition of Release of Defendant Pre-trial with one or more prior offenses involving DUI.
- 40-11-148 Special Condition Required When Defendant Charged with Commission of Crime While Free on Bail for a DUI related offense as a condition of pre-trial release.

What is eligible under AEMIF going forward Cont.

- 55-10-402(h)(7), Penalty for violations of § 55-10-401 (Driving under the Influence of alcohol or intoxicant / DUI) as a requirement in addition to intensive outpatient treatment.
- T.C.A. 69-9-219(c)(3) Boating Under the Influence BUI Probation Condition.
- (Drug and alcohol monitoring devices) as a condition of probation, pre-trial or judicial diversion sentence pursuant to “any other applicable law...” **“where defendant’s use of alcohol or drugs was a contributing factor in the defendant’s unlawful conduct”.**
- T.C.A. 40-35-303 (d)(12)(A) Probation Condition
- T.C.A. 40-15-105 (a)(2)(I) Pre-Trial Diversion Condition
- T.C.A. 40-35-313 (a)(1)(B)(iii) Judicial Diversion Condition

Managing AEMIF

- The County will manage their total budgeted funds for A-EMIF plus the appropriation from the state in accordance with state and local laws and procedures.
- Vendors will submit their invoices to the county per the county's procedure set out for them.
- The County can charge up to *half* of the vendor's invoice to the grant but should not count the indigent person's responsibility as part of that calculation.
- The County can charge *no more than* \$85 per device per month to the *grant appropriation* portion of the funds.
- Reference TCA 55-10-419

How does funding work?

- Funding is a supplement for the counties and may not offset 50% of EMIF device costs for an entire year.
 - Once EMIF funds are fully expended Counties are solely responsible for costs exceeding their appropriated amount.
- Funding for each county will be determined by formula.
- $\text{Total Fund Pool} \div \text{Total all applicant device months} =$
Rate per device per month (up to \$85)
- $\text{Rate per device month} \times \text{county's reported FY24 device months} = \text{County's appropriation for Y25.}$
- A non-variable rate potential supplementing the formula's variable rate has not yet been determined

Lets talk about billing a minute.

- The statutory cap for a device for a FULL month is \$200
 - That includes the \$30(+) defendant portion.
- It is appropriate that providers pro-rate for devices worn less than a month.
 - It's not \$200 for any part of a month, it's \$200 max a month.
- If providers are using some daily rate formula for periods less than a month, the defendant's \$30 must be applied toward that.
 - Not \$30 from the defendant + the daily rate
 - \$30 applied to the rate.

What is required of participating counties?

- A quarterly activity report. (Due the 15th of the month following the quarter.
- An accounting will be made at the end of the fiscal year as a report to OCJP.
- Any unspent State appropriation funds earmarked for A-EMIF at the end of FY24 may be retained by the County but must be budgeted in FY25 for A-EMIF. – same for FY25 to FY26.
- The amount of A-EMIF earmarked funds retained by the County will be deducted from the County's FY25 appropriation so that the total effective appropriation does not change.

Applying – What you will need

- Counties will have to determine the number of electronic monitoring devices ordered by their courts where the court issued an order finding the defendant/offender indigent for the purpose of the EMIF.
- Identify and determine the number of eligible indigent persons in FY24 (July 1, 2023 – June 30, 2024).
 - This will be the answer to B.1. on the application
- Then, determine the total months paid per device for all defendants/offenders in FY24 (July 1, 2023 – June 30, 2024) .
 - Round up.
 - This will be the answer to B.2. on the application

Where to start



A screenshot of a web browser displaying the website for the Office of Criminal Justice Programs. The browser's address bar shows the URL <https://www.tn.gov/finance/office-of-criminal-justice-programs.html>. The website header features a navigation menu with items like "Looking For", "Financial", "F&A News", "Employee Resources", "Local Government Financial", "OEI", and "Careers at F&A". The main banner area has a dark blue background with a wooden gavel and the text "Office of Criminal Justice Programs" in white. To the left of the banner is the "Strong Families Grant Program" logo, and to the right is a "Grant Applications" button. Below the banner, the page is organized into five columns, each with a title and a list of links:

- OCJP Overview**
 - Mission & Vision Statement
 - Announcements
 - Contacts
 - Our Work in the News
- Grants**
 - OCJP Grants Manual
 - Grant Applications
 - Reporting
 - Civil Rights
- Strategic Planning**
 - Annual Strategic Plans
 - Annual Reports
- Best Practices/Innovations**
 - Family Justice Centers
 - Lethality Assessment Initiative
 - TCCRP
 - Resources Links
- Training**
 - Videos and Powerpoints
 - Webinars
 - Conferences & Meetings
 - Helpful Resources

The browser's sidebar on the right contains various utility icons, and a "TN" logo is visible in the bottom right corner of the browser window.



Application and Intent are due no later than 4:30 pm central time, August 15, 2023

Looking For ▾ Financial ▾ F&A News Employee Resources ▾ Local Government Financial OEI ▾ Careers at F&A

Grants

OCJP Grants Manual

Grant Applications

Reporting

Civil Rights

Grant Applications

The Tennessee Office of Criminal Justice Programs (OCJP) announces grant opportunities on this webpage.

How to Write an Application: Project Narrative Overview *NOTE: This Power Point was used during a live WebEx training. Some slides may lack specific context without the addition of the webinar live recording. OCJP is working to publish the training in its entirety as soon as possible. Once published that training will be available under the Grants Management Resources section of our website.

FAQs NOTE: All questions must be sent to the CriminalJustice.Program@tn.gov email address. Questions will be answered on this page under either the FAQ section or under the solicitation itself - so it is very important to include this information in your email.

Turn around for posting responses to questions is 2-3 business days. OCJP can elect not to respond to questions which are too specific to an agency's application. All solicitations posted on this page are open and competitive, and as such, agencies should reference the available solicitations materials, General FAQs, and the OCJP Subrecipient grants manual available online prior to submitting a question.

Upcoming Funding Opportunities

> [Alternative Electronic Monitoring Indigency Fund](#)

> [Evidence Based Programming](#)



Application and Intent are due June 30

Alternative Electronic Monitoring Indigency Fund

Program Purpose

The Alternative Electronic Monitoring Indigency Fund ("A-EMIF") provides financial reimbursement to local jurisdictions who provide or install devices ordered by a judge for indigent persons.

Alternative EMIF devices, such as transdermal, mobile breathalyzer, and GPS monitoring devices, are funded out of a local government and State 50/50 cost-sharing program. If a jurisdiction is in the local government cost-sharing plan, then Non-Interlock monitoring devices funded by the A-EMIF fund include:

- Transdermal devices
- Electronic monitoring devices with random alcohol or drug testing
- GPS monitoring devices

Reimbursement to vendors shall be handled by the applicant agency.

Interlock devices are not eligible for reimbursement under this solicitation.

Eligibility

Counties and Metropolitan governments who are responsible for the installation and monitoring of "alternative devices" pursuant to a court order and who are mandated under TCA 55-10-419 to pay a portion of these costs for indigent persons. An alternative device is defined as a transdermal monitoring device, alternative drug or alcohol monitoring device, or global monitoring device.

Only one application will be accepted per county or metropolitan government if a county or metropolitan government contains multiple agencies responsible for the installation and monitoring of "alternative devices" then they are encouraged to collaborate and aggregate their data for the purpose of making a single application.

Interlock devices are not eligible for reimbursement under this solicitation.

Application Training: OCJP will host an application training for interested parties on August 3, 2023 from 1 pm to 2pm Central Standard Time. You can access the training at this link: [Click here to join the meeting](#)

[Intent to apply](#) date: 8/25/2023

[Application](#) due date: 8/25/2023

Interlock devices are not eligible for reimbursement under this solicitation

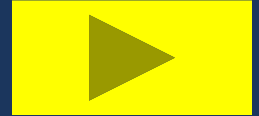
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[Intent to apply](#) date: 8/25/2023

[Application](#) due date: 8/25/2023



- Counties must identify and designate a single point of contact as the Project Director.
 - For OCJP, the Project Director is the go-to person and ultimately responsible for compliance managing and filing the required reports for the county.
- Counties must identify and designate a single point of contact as the Fiscal Director.
 - The Fiscal and Project Director cannot be the same person.
 - The Fiscal Director should be the person who manages the funds and reconciles payments. We would anticipate they might also have a role in determining whether the correct amounts are being charged to the grant.

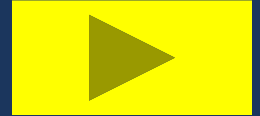


Application Completion Check-off (Retain for your own purposes)

To ensure compliance with funding consideration requirements, please read the entire solicitation.

- [Intent to Apply](#) (Grant Solicitation Title, Applicant Contact & Profile Information) completed online no later than August 25, 2023.
- The next step is to create a Scope of Services / Narrative form. You may find it at: [Scope of Services](#).
- Although it is not required this tool will can be used to assist with answering question B.2. in the scope of services. You may find it at: [B2 Tool](#).

Scope of Services



A. AGENCY INFORMATION

A.1. Is this application being made by a county or metropolitan government that is responsible for the installation and monitoring of "alternative devices" pursuant to a court order and who is mandated under TCA 55-10-419 to pay a portion of these costs for indigent persons.

A.1.1 What is the name of your government agency? (eg. Anderson County Government)

A.2. Who is the contact person at your agency for this program? Please provide name, title, phone number, and e-mail address.

Scope of Services

B. INPUTS

- B.1. From July 1, 2023, until June 30, 2024, how many persons found to be indigent by the court were ordered to use an alternative electronic monitoring device? **Do not include individuals whose device was an Interlock Ignition Device. Do not include individuals who were ordered to wear a GPS device as a result of a domestic violence offense.**
- B.2. From July 1, 2023, until June 30, 2024, what was the total number of months all individuals found to be indigent by the court were ordered to use an alternative electronic monitoring device. **Round partial months to the next month. If a person was on multiple devices count the number of months for each device.**

Do not include GPS devices ordered as a result of a domestic violence offense. Effective FY25 these devices are now excluded from the AEMIF Program.

Example:

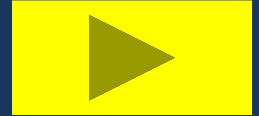
John Doe was found to be indigent and ordered to utilize an alternate monitoring device for 6 months. His total is 6 months.

Jane Doe was found to be indigent and ordered to utilize an alternate monitoring device for 4 months. Her total is 4 months.

Joe Public was found to be indigent and ordered to utilize an alternate monitoring device for 11 months and 29 days. His total is 12 months.

The total number of months for all individuals in this example is: 22 months (6 + 4 + 12).

B2 Tool



Info	Last Name	First Name	Number of Months (Round up)

Your B.2 Answer
0

Enter each person once per device. In some instances, defendants/offenders may be ordered to wear two devices. Count as two devices.

SUBMIT the SCOPE by EMAIL

- **Criminaljustice.Program@tn.gov**

No later than 4:30 pm central time, July 31, 2024

What happens next

- OCJP will calculate the counties appropriation based on the application by the formula described earlier.
- The Authorized Official, Project Director and Fiscal Director will receive a Letter of Agreement drafted by OCJP with the funding amount.
 - ONE COPY must be signed by the Authorized Official – Mayor, County Executive
 - Return to OCJP as instructed by email along with an updated W-9.
- Please make sure the information and address on the
- W-9 and in Edison match exactly. Any deviation will delay fund distribution.

- OCJP will work with Office of Business and Finance to get the funds deposited electronically to the county's account through normal ETF procedures.
- Shooting for late September
- Meanwhile work of carryover
- And/or reconcile against the funding when received back to July 1.
- Regardless of when funding is received, the first quarterly report will be due October 15.

OCJP Manual – Operational Status Notifications

- The OCJP Grants Manual is online and applies to MHT
- II. Achievement of Operational Status and Notifications
- Please note the requirement to notify OCJP of significant changes. The 10 day rule.
 - Any significant changes affecting the operation of the grant or the relationship with OCJP – changes of official positions ie: Project Director changes.



Questions and Answers