

DEPARTMENT OF JUSTICE**28 CFR Part 92**

RIN 1105-AA58

FY 1998 Police Recruitment Program

AGENCY: Office of Community Oriented Policing Services, U.S. Department of Justice.

ACTION: Interim rule with requests for comments.

SUMMARY: This rule establishes a framework for the Police Recruitment Project, authorized by the Police Recruitment Act, Subtitle H of the Violent Crime Control and Law Enforcement Act of 1994. For Fiscal Year 1998, Congress has appropriated \$1 million for the funding of pilot projects under the Police Recruitment Program. This regulation is being published under the statutory grant of authority of the Police Recruitment Act to issue guidelines governing the content and results of programs receiving grants under the Police Recruitment Program.

DATES: This interim rule is effective on September 21, 1998. All comments must be received by close of business (5:30 p.m. EST) on October 21, 1998.

ADDRESSES: All comments should be addressed to Rob Chapman, Program Coordinator, Office of Community Oriented Policing Services, U.S. Department of Justice, 1100 Vermont Avenue, N.W., Washington, D.C. 20530.

FOR FURTHER INFORMATION CONTACT: The Department of Justice Response Center at 1-800-421-6770 or (202) 307-1480, or Rob Chapman, Community Oriented Policing Services, at (202) 633-1295.

SUPPLEMENTARY INFORMATION: The purpose of this rule is to provide guidance to the non-profit community groups interested in applying to participate in the Police Recruitment Program. The rule addresses program purposes and goals, and project and eligibility requirements. The rule is not intended to be a comprehensive compilation of the administrative requirements of the Police Recruitment Program. Other program requirements and procedures will be formulated by the participating community organizations and police departments in light of their circumstances and needs.

The rule amends 28 CFR Part 92 by designating existing section 92.1 through 92.6 as Subpart A to read as follows: "Police Corps Eligibility and Selection Criteria." The rule further amends 28 CFR Part 92 by adding Subpart B to read as follows: "Police Recruitment Program Guidelines."

Overview

The Office of Community Oriented Policing Services administers the Police Recruitment Program, U.S. Department of Justice. This program is designed to develop pilot projects to meet the ongoing need for additional improvement in recruiting, selecting and retaining police officer applicants. The Police Recruitment program will make grants to a limited number of qualified community organizations to assist in meeting the cost of qualified programs designed to recruit and retain applicants to police departments.

To do this, applicants under this program are expected to utilize innovative and effective methods in meeting the program guidelines. Successful applicants will be funded for a total of up to \$500,000 for a one-year grant period only, though two additional years of no-cost extensions will be permitted.

The successful applicants funded under the Police Recruitment program will ultimately design programs to enhance opportunities and increase inroads for individuals within their local police agencies. These advances will be accomplished through a variety of methods, including, but not limited to, targeted recruitment efforts; tutorial programs to enable individuals to meet police force academic requirements and pass entrance examinations; counseling for those applicants who may encounter problems throughout the application process; and programs to aid in the retention of these applicants throughout the application and hiring process.

Request for Comment: The COPS Office seeks comments on any aspect of this rule.

Administrative Requirements

Administrative Procedure Act 5 U.S.C. 553

The rule is implemented as an Interim Rule based on the good cause exceptions of the Administrative Procedure Act found at 5 U.S.C. 553, with provision of post-promulgation public comments. The COPS Office will address any comments received in a final rule. Immediate implementation is necessary to expedite the availability of funds to qualified community organizations to provide recruiting and retention services through qualified programs to police department candidates. The immediate implementation of the rules serves the public benefit of ensuring that funds flow as quickly as possible to support the costs of programs involving tutorial, counseling, and retention services for such individuals. The length of the

comment period has been limited to thirty days in order to provide qualified non-profit community groups timely access to the available program funds. It would be contrary to the public interest to delay implementation of the program.

Regulatory Flexibility Act

The Director of the Office of Community Oriented Policing Services, in accordance with the Regulatory Flexibility Act, codified at 5 U.S.C. 605(b), has reviewed this regulation and, by approving it, certifies that this regulation will not have a significant economic impact on a substantial number of small entities. This Interim Rule builds upon the statutory outline of a program providing federal grant assistance to programs sponsored by non-profit organizations providing recruiting and retention services to police department applicants. The award of such grants imposes no significant economic impacts on substantial numbers of small businesses or other entities.

Executive Order 12866

This regulation has been drafted and reviewed in accordance with Executive Order 12866, section 1(b), Principles of Regulation. The Office of Community Oriented Policing Services has determined that this Interim Rule is not a significant regulatory action under Executive Order 12866, section 3(f), Regulatory Planning and Review, and accordingly this rule has not been reviewed by the Office of Management and Budget.

Executive Order 12612

This regulation will not have substantial direct effects on the States, on the relationship between the national government and the States, or on distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federal Assessment.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This rule will not result in an annual effect on the economy of \$100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Paperwork Reduction Act

The interim rule is not subject to the Paperwork Reduction Act requirements because the information collected as part of the grant application process will be collected from fewer than ten respondents.

List of Subjects in 28 CFR Part 92

Law enforcement officers, Scholarships and fellowships.

Accordingly, chapter I of title 28 of the Code of Federal Regulations is amended as follows:

PART 92 HEADING [REVISED]**PART 92—OFFICE OF COMMUNITY ORIENTED POLICING SERVICES (COPS)**

1. The heading for part 92 is revised as set forth above.

2. The authority citation for part 92 is revised to read as follows:

Authority: 42 U.S.C. 13811–13812; 42 U.S.C. 14091–14102.

3. Existing sections 92.1 through 92.6 are designated as Subpart A and a new subpart heading is added to read as follows:

Subpart A—Police Corps Eligibility and Selection Criteria

4. Part 92 is amended by adding a new Subpart B to read as follows:

Subpart B—Police Recruitment Program Guidelines

Sec.

92.7 Scope.

92.8 Providing recruitment services.

92.9 Publicizing Police Recruitment program.

92.10 Providing tutorials and other academic assistance programs.

92.11 Content of the recruitment and retention programs.

92.12 Program funding length.

92.13 Program eligibility.

Subpart B—Police Recruitment Program Guidelines**§ 92.7 Scope.**

(a) The Police Recruitment program offers funds to qualified community organizations to assist in meeting the costs of programs which are designed to recruit and train police applicants from a variety of neighborhoods and localities.

(b) Individual participants encountering problems throughout the police department application process shall receive counseling, tutorials, and other academic assistance as necessary to assist them in the application process of a police department.

(c) Program goals should include increasing the retention in the hiring process for police applicants participating in the program.

(d) Programs funded under the Police Recruitment program will have a one-year grant period, with allowances for two additional years of no-cost extensions.

§ 92.8 Providing recruitment services.

The non-profit community organizations that wish to receive a grant under this program should provide for an overall program design with the objective of recruiting and retaining applicants from a variety of populations to a police department. The recruitment strategies employed may include:

(a) A process for recruiting applicants for employment by a police department. These processes should include working in cooperation with a local law enforcement department to develop selection criteria for the participants. The selection criteria may include, but are not limited to:

(1) Demonstrated interest in policing as a career;

(2) Scholastic record (except that failure to meet the satisfactory academic scores shall not disqualify the applicant since the program is designed to provide tutorial service so to help applicant pass the required examinations);

(3) Background screening;

(4) Work experience;

(5) Letters of recommendation.

(b) The recruitment services must ensure that applicants possess the necessary mental and physical capabilities and emotional characteristics to be an effective law enforcement officer.

§ 92.9 Publicizing the Police Recruitment Program.

Participating organizations should have experience in or an ability to develop procedures to publicize the

availability of like programs. These programs should be widely publicized throughout the affected geographic area. The methods for publicizing the Police Recruitment programs may include, but are not limited to:

(a) Sending press releases to community bulletins, college and local newspapers, and television stations, as well as public service announcements to local and college radio stations;

(b) Sending information to and/or making presentations at:

(1) Local community colleges;

(2) Colleges and universities serving populations in the geographic area of the program;

(3) Local nonprofit groups;

(4) Academic counseling departments within public and private nonprofit colleges and universities;

(5) Academic counseling departments within public and private nonprofit high schools;

(6) High school and college student associations;

(7) Local religious groups;

(8) Local social services agencies.

(c) Disseminating press releases and/or translated materials to non-English language newspapers and magazines; and

(d) Maintaining toll-free or other easy-access telephone numbers for obtaining application materials.

§ 92.10 Providing tutorials and other academic assistance programs.

(a) The program designed by the community organization must include academic counseling, tutorials and other academic assistance programs to enable individuals to meet police force academic requirements, pass entrance examinations, and meet other requirements. The program should include:

(1) Processes for evaluating educational assistance needs of young adults and adults. These processes should include, but are not limited to: screening procedures and testing batteries to assess individual needs;

(2) Tutorial programs designed to meet the specific and varied academic needs of individual applicants; and

(3) Academic and guidance counseling for adults. Specific counseling programs must be designed for individuals who encounter problems with passing the entrance examinations, and may include specialized counseling in self discipline, study habits, taking written and oral exams, and physical fitness.

(b) These tutorial and academic assistance programs must be provided by individuals or groups that have experience in developing and providing

tutorial programs for young adults and adults.

(c) The program provider must also have experience in providing counseling for participants who encounter other problems with the police department application process.

§ 92.11 Content of the recruitment and retention programs.

Applicants must describe in detail the intended program strategies for providing academic and guidance counseling activities for members of the community, as described in §§ 92.2 through 92.4. A review of mandatory topics to be addressed in a detailed concept paper/application to be provided by all applicants follows.

(a) Applicants must address program strategies for responding to program and applicant needs throughout the recruitment process. The process should be based on an examination and understanding of the needs of the population in meeting the qualification requirements of the police department. The project strategy should subsequently be tailored based on the understanding of the current and anticipated problems in meeting police department requirements.

(b) Applicants must describe the manner in which academic services and tutorials, and guidance counseling programs that would assist applicants to pass the entrance examination and related tests will be provided. This should also include the anticipated length of the academic and guidance counseling programs, qualifications of the counselors, and the content of the counseling programs.

(c) Applicants must provide retention services to assist in keeping individuals in the application process of a police department. These may include:

(1) Counseling programs aimed at meeting the needs of potential police applicants before they are eligible to apply for a sworn position;

(2) Pre-police employment programs, such as junior police cadet programs, reserve programs, and police volunteer activities and

(3) Mentoring activities utilizing sworn officers.

(d) Applicants must estimate the number of police applicants to be served by the prospective program, along with an estimation of the total number of potential or actual applicants who will be successfully hired and eventually deployed as police officers.

§ 92.12 Program funding length.

Funding for these programs will be for one year only, but will allow for two additional years of no-cost extension.

§ 92.13 Program eligibility.

(a) Eligible organizations for the Police Recruitment program grant are certified nonprofit organizations that have training and/or experience in:

(1) Working with a police department and with teachers, counselors, and similar personnel;

(2) Providing services to the community in which the organization is located;

(3) Developing and managing services and techniques to recruit and train individuals, and in assisting such individuals in meeting requisite standards and provisions;

(4) Developing and managing services and techniques to assist in the retention of applicants to like programs; and

(5) Developing other programs that contribute to the community.

(b) A program is qualified to receive a grant if:

(1) The overall design of the program is to recruit and retain applicants to a police department;

(2) The program provides recruiting services that include tutorial programs to enable individuals to meet police force academic requirements and to pass entrance examinations;

(3) The program provides counseling to applicants to police departments who may encounter problems throughout the application process; and

(4) The program provides retention services to assist in retaining individuals to stay in the application process of the police department.

(c) To qualify for funding under the Police Recruitment program, the intended activities must support the recruitment services, tutorial and other academic assistance programs, and retention services for individuals. The qualified non-profit organization must submit an application which identifies the law enforcement department with which it will work and includes documentation showing:

(1) The need for the grant;

(2) The intended use of the funds;

(3) Expected results from the use of grant funds;

(4) Demographic characteristics of the population to be served, including age, disability, race, ethnicity, and languages used;

(5) Status as a non-profit organization; and

(6) Contains satisfactory assurances that the program for which the grant is made will meet the applicable requirements of the program guidelines prescribed in this document.

Dated: September 2, 1998.

Joseph E. Brann,

Director.

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DEPARTMENT OF THE TREASURY

Financial Crimes Enforcement Network

31 CFR Part 103

RIN 1506-AA12

Amendment to the Bank Secrecy Act Regulations—Exemptions from the Requirement To Report Transactions in Currency—Phase II

AGENCY: Financial Crimes Enforcement Network, Treasury.

ACTION: Final rule.

SUMMARY: This document contains a final rule that further reforms and simplifies the process by which depository institutions may exempt transactions of retail and other businesses from the requirement to report transactions in currency in excess of \$10,000, and restates generally, to reflect such changes, the text of the Bank Secrecy Act regulation requiring the reporting by financial institutions of transactions in currency. The final rule, as issued by the Financial Crimes Enforcement Network ("FinCEN"), constitutes a further step in achieving the reduction set by the Money Laundering Suppression Act of 1994 in the number of currency transaction reports required to be filed annually by depository institutions, as part of a continuing program to reduce unnecessary burdens imposed upon financial institutions by the Bank Secrecy Act and increase the cost-effectiveness of the counter-money laundering policies of the Department of the Treasury.

DATES: Effective date, October 21, 1998.

Applicability date. See § 103.22(d)(11) of the final rule contained in this document.

FOR FURTHER INFORMATION CONTACT:

Peter Djinis, Associate Director, FinCEN, (703) 905-3930; Charles Klingman, Financial Institutions Policy Specialist, FinCEN, (703) 905-3602; Stephen R. Kroll, Chief Counsel, Cynthia L. Clark, Deputy Chief Counsel, and Albert R. Zarate, Attorney-Advisor, Office of Chief Counsel, FinCEN, (703) 905-3590.

SUPPLEMENTARY INFORMATION: