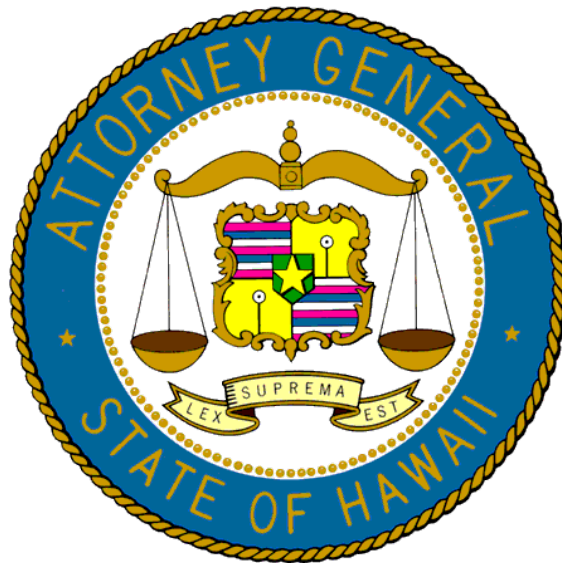


GRANT MANUAL

EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM



**Grants and Planning Branch
Crime Prevention and Justice Assistance Division
Department of the Attorney General
235 South Beretania Street, Suite 401
Honolulu, Hawaii 96813
Telephone: 586-1150
FAX: 586-1097**

Grant Manual
Edward Byrne Memorial Justice Assistance Grant (JAG) Program

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FOREWORD

This manual is for recipients of the Edward Byrne Memorial Justice Assistance Grant (JAG) from the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice. The Hawaii Department of the Attorney General is the State Administering Agency (SAA) for the grant.

The purpose of this manual is to provide:

- information on the policies and procedures for projects funded with JAG Program funds, and
- information on the fiscal, program, and reporting responsibilities of the Grantee.

The Bureau of Justice Assistance (BJA), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ), has published program policy and administrative guidance for implementation of the formula grant program. This manual incorporates BJA guidance and describes state procedures and requirements for administering the funds.

Units of state and local governments (Grantees) are advised to study the complete manual. This manual incorporates the BJA performance accountability measures, Performance Measurement Tool (PMT). The reporting tool helps BJA in fulfilling its responsibilities under the Government Performance and Results Act of 1993 (GPRA), Public Law 103-62, and the GPRA Modernization Act of 2010, that measures the results of projects funded by JAG funds.

Since not all pertinent information can be furnished in a manual such as this, Grantee should consult their assigned specialist at the Grants and Planning Branch, Crime Prevention and Justice Assistance Division for answers to questions not specifically or adequately covered by this manual.

SECTION I. BACKGROUND INFORMATION

A. **STATUTORY AUTHORITY**

The statutory authority for the guidance of the program is the:

- Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3711, et seq., (P.L. 90-351), § 501 et seq., as amended.

B. **PURPOSE OF FORMULA GRANT FUNDS**

The purpose of the Edward Byrne Memorial Justice Assistance Grant (JAG) Program is to assist states and units of local government in carrying out specific programs that offer a high probability of improving the functioning of the criminal justice system. Each state is responsible for developing its strategy in accordance with these purposes.

The formula grant funds are awarded to designated State Administering Agencies (SAA) and units of local government to enforce state and local laws that establish offenses similar to offenses established in the Controlled Substances Act (21 U.S.C. 801 et. seq.) and to improve the functioning of the criminal justice system, with emphasis on violent crime and serious offenders. All projects must fall under one of the legislatively authorized JAG program areas detailed in Appendix A and should also focus on one of the Governor's Committee on Crime (GCOC) priority areas detailed in Appendix B.

C. **ELIGIBLE APPLICANTS**

State and county agencies are eligible to receive grants from a participating state. Government agencies may contract with another organization or agency to carry out all or part of the approved program with prior approval of the Department of the Attorney General, Crime Prevention and Justice Assistance Division (CPJAD).

As a requirement to receiving the JAG funds, Grantee must be registered with the System for Award Management (SAM) and maintain active status throughout the duration of the project period. Grantee must also have a valid Data Universal Numbering System (DUNS) number.

D. **FUNDING**

Congress appropriates the overall JAG Program funding each fiscal year. The Bureau of Justice Statistics (BJS) calculates, for each state and territory, a minimum base allocation which, based on the statutory JAG formula, can be enhanced by (1) the state's share of the national population and (2) the state's share of the country's Part I violent crime statistics. Each state's final award (except for the territories and the District of Columbia) is divided between state (60%) and local (40%) government.

BJS also calculates the “variable pass-through” percentage which is established by assessing the total criminal justice expenditures by the state and units of local government. The “variable pass-through” percentage is applied to the state portion of the JAG funds, and the SAA is responsible for passing through this amount to units of local government. The remaining funds are available for projects administered by state agencies and/or units of local government. The pass-through percentage for the state may vary from year to year. Grantee may contact their assigned specialist to obtain the annual pass-through percentage for Hawaii.

In Hawaii, a three-tiered review process is used to select applications for funding. The first tier is a peer review. Teams comprised of criminal justice professionals and representatives from the Department of the Attorney General review and score the applications. The second tier is an in-house review conducted by the Department of the Attorney General, Grants and Planning Branch, which develops funding recommendations that are forwarded to the GCOC. The GCOC is the third tier reviewers, who make funding recommendations to the Attorney General. The Attorney General makes the final determination on which applications are funded and the award amount.

SECTION II. AWARD AND CONTRACTING PROCEDURES

APPLICATION TO CONTRACT FLOWCHART

(1)

**Grantee submits application.
Application is selected for funding.**

(2)

**Grantee receives award letter from
the Department of the Attorney General, CPJAD.**

(3)

If instructed, Grantee submits revised application to CPJAD.

(4)

CPJAD reviews the revised application.

If the application is not approved, the assigned specialist notifies the Grantee as to what changes are needed.

(5)

CPJAD approves the application and prepares the Contract.

CPJAD attaches the application (Parts I to III and Part IV – Attachments – certifications & assurances), marked as “Exhibit A”, to the Contract.

(6)

CPJAD sends the Contracts (2 originals) to the Grantee for signing.

The number of signatures that are required differs between state and county agencies and may take a few weeks. Monitor the contract’s whereabouts to avoid unnecessary delays.

(7)

Grantee returns the signed Contracts to CPJAD.

CPJAD forwards the contracts to the Administration Division for legal review.

(8)

Administration Division approves Contract to form.

(9)

Contract is sent to the Attorney General for signing.

(10)

Contract is executed.

(11)

CPJAD keeps a contract and the other contract is sent to the Grantee.

(12)

Grantee can begin project activities.

SECTION III. ADMINISTRATIVE AND FISCAL REQUIREMENTS

Grantee should become familiar with the administrative and fiscal conditions applicable to the JAG grant. Failure to comply with these conditions may result in the denial, reduction, or termination of funding. Grantee must comply with the provisions of the effective edition of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements in Guidance 2 CFR Part 200, and the Department of Justice (DOJ) “Grants Financial Guide.” Grantee may call the Office of the Chief Financial Officer (OCFO) Customer Service Center at 1-800-458-0786 for additional copies or download the Guide directly from <http://ojp.gov/financialguide/DOJ/>. OCFO periodically revises the Financial Guide and issues changes which are also available on-line.

Contact your assigned specialist if you have any questions or concerns. If you do not know the name and phone number of the assigned specialist, call CPJAD at (808) 586-1150. CPJAD assigned specialists also conduct grant orientations with first time project directors and upon request.

A. ADMINISTRATIVE CONDITIONS

All grants are subject to, and incorporate by reference, the following general conditions:

A.1.0 Project Self-Assessment

To assist with monitoring and oversight of projects, Grantee is required to complete the Project Self-Assessment form (Appendix F, AG/CPJAD #32). Upon contract execution, the assigned specialist will forward a copy of the form to the project director. The project director will have three weeks to complete and return the form to CPJAD.

A.2.0 Delayed Projects

The Grantee organization is responsible for proceeding with as little delay as possible in commencing its grant project.

If the project has not begun within 30 days following the execution of the contract, the Grantee organization shall report in writing to CPJAD the reasons for the delay, the steps being taken to initiate the project, and the anticipated starting date.

If after an additional 60 days, the project is still not operational, a further statement outlining reasons for the additional delay shall be submitted to CPJAD. The CPJAD Administrator may, at his/her discretion, determine such delay to be excessive, cancel the grant authorization, and reallocate the funds to other projects.

A.3.0 Reporting Requirements

Quarterly Performance Measurement Tool Reports

The BJA JAG Performance Measurement Tool (PMT) reports are due quarterly. The PMT report is completed by the Grantee on-line at <https://bjapmt.ojp.gov>. Grantee shall report on data and activities that occurred during the reporting period. The on-line reporting system requires users to have their own unique UserID and Password to log on. Additional instructions on creating a unique PMT user account is provided by CPJAD after the contract is executed.

The BJA PMT reporting periods and due dates are:

- January 1 to March 31 Due: April 15
- April 1 to June 30 Due: July 15
- July 1 to September 30 Due: October 15
- October 1 to December 31 Due: January 15

Appendix D lists the performance accountability measures provided by BJA. The accountability measures to be reported on by Grantee depends on the project's purpose area and activities. The assigned specialist will review with the Grantee the accountability measures that are applicable to their project. PMTs are subject to change as BJA periodically revises the accountability measures and issues change set(s) which is also available on-line.

Semi-Annual Progress Reports

A semi-annual progress report shall be submitted to CPJAD for the following reporting periods by the specified due dates:

- | | |
|-----------------------|-----------------|
| January 1 to June 30 | Due: July 15 |
| July 1 to December 31 | Due: January 15 |

The appropriate report form will be provided to each project by CPJAD (Appendix F, AG/CPJAD #20). The semi-annual progress report shall contain the goals and objectives for the project and the progress made towards achieving each of them, program activities to date, performance indicators that document the accomplishment of the objectives, any problems that occurred during the reporting period, and any additional information specified by the CPJAD. The progress reports should reflect activities that occurred within the reporting period.

Final Progress Report

The last Progress Report for the project shall be marked as FINAL and is due 30 days after the project has ended. This report will document all relevant project activities

during the entire project period. This report should reflect the information collected in each of the semi-annual progress reports as stated above.

Failure to submit progress reports may result in the withholding of payments until such time as the reports are received by CPJAD. Grantee shall continue to provide the services, programs, and activities during the period that payment(s) is being withheld.

A.4.0 Project Activities

Grantee must complete all project activities during the project period. The project's start and end dates are listed on the Application for Grant, Part. I. Title Page.

Project activities are often supported by employees paid by the grant-funded project and/or by purchases of services, supplies, and equipment that are approved by CPJAD. An obligation occurs when grant funds are encumbered, such as in a valid purchase order or requisition to cover the cost of purchasing an authorized item on or after the project start date but not later than the project end date. All obligations must be liquidated within 60 days after the end of the project.

A.5.0 Project Supplies and Equipment Inventory/Title to Property

The Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 U.S.C. §3789, et seq., Section 808, requires that the title to all equipment and supplies purchased with funds made available under the Crime Control Act shall vest in the criminal justice agency or nonprofit organization that purchased the property, if it provides written certification to the state office that it will use the property for criminal justice purposes. If such written certification is not made, title to the property shall vest in the state office, which shall seek to have the equipment and supplies used for criminal justice purposes elsewhere in the state prior to using it or disposing of it in any other manner.

An inventory of equipment and supplies purchased during the project period must be maintained. The inventory should include a list of all the equipment and unused supplies purchased, the cost, and identification numbers, as applicable. If a project has received more than one award, a cumulative inventory of equipment should be kept. Refer to the DOJ Grants Financial Guide for additional information.

The Certification for Title to Property (Appendix F, AG/CPJAD #13) with an inventory of personal property purchased shall be submitted no later than 60 days after project end date.

A.6.0 Project Revisions

Grantee shall submit a written request to the CPJAD to revise any aspect of the project. Modifications, alterations, or changes to the project may be requested in writing by the Grantee up to 45 days before the project end date. Project revisions include, but are not

limited to, extending the project period, revising the budget, revising the objectives, or changing the project director/fiscal officer. Project revisions are reviewed and approved by CPJAD's Grants and Planning Branch Chief. To revise the project's:

End date, the Grantee is to submit to CPJAD a written request and explanation indicating the revised end date that the project is seeking as well as a new timeline of activities.

Description (goal, objectives, activities, evaluation), the Grantee is to submit to CPJAD a written request and explanation that includes the revised Application for Grant, Part II. Description of the Project.

Budget, the Grantee is to submit to CPJAD a written request and explanation that includes the revised Application for Grant, Part III. Budget Detail and Explanation. For additional information, refer to B.7.0 Modification of Approved Budget.

Other, the Grantee is to submit to CPJAD any changes to program staff, including but not limited to the Project Director or Fiscal Officer. The request shall include the name of the new staff member, their title, and contact information (phone and email).

To increase or decrease the contracted amount, a supplemental agreement to amend the contract will be executed. If a supplemental agreement is required, then the assigned specialist will walk the Grantee through the process. All other project revisions are executed with a project grant modification notice from CPJAD. No oral modification, alteration, amendment, change or extension of any term, provision, or condition of the contract shall be permitted.

A.7.0 Press Releases, Printed Materials, Publications, Training Materials

Grantee agrees to submit to CPJAD for review and approval any curricula, training materials, proposed publications, reports, or any other written materials that will be published, including web-based materials and web site content, through funds from this grant at least 45 days prior to the targeted dissemination date.

Any written, visual, or audio publication (excluding press releases) issued by the Grantee describing programs funded in whole or in part with Federal funds, shall contain the following statement acknowledging the awarding agency(ies) assistance:

"This project was supported by Grant No. _____, awarded by the Bureau of Justice Assistance through the Hawaii Department of the Attorney General. The Bureau of Justice Assistance is a component of the Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not*

necessarily represent the official position or policies of the U.S. Department of Justice or the Hawaii Department of the Attorney General.”

(*) Grantee should contact the assigned specialist for the Federal award number.

This statement shall appear on the first page of written publications. For audio and video publications, it shall be included immediately after the title of the publication in the audio or video file.

Grantee is permitted to display the official Office of Justice (OJP) logo in connection with the activities supported by the award. In this respect, the logo must appear in a separate space, apart from any other symbol or credit. The words “Funded/Funded in part by OJP” shall be printed as a legend, either below or beside the logo, each time it is displayed. Use of the logo must be approved by CPJAD.

Any written material or product intended for public release requires prior approval. Grantee must submit a publication and distribution plan to CPJAD for approval, 45 days before any materials that have been developed under an award are commercially published or distributed.

- The plan must include a description of the materials, the rationale for commercial publication and distribution, the criteria to be used in the selection of a publisher, and – to assure reasonable competition – the identification of firms that will be approached.
- Grantee must obtain prior approval from CPJAD of this plan for publishing project activities and results when it uses Federal funds to pay for the publication.

A.8.0 Confidentiality of Research/Statistical Information

The 28 CFR Part 22 regulations provide that: (1) identifiable research and statistical data may only be used (without the consent of the individual) for research or statistical purposes; (2) data may only be transferred in identifiable form upon Grantee’s compliance with confidentiality limitations; (3) (except in unique circumstances) subjects must be notified of research participation; and, (4) upon completion of a project, identifiers must be destroyed or otherwise separated from data and permanently secured. The regulations further provide that copies of identifiable data are immune from administrative or judicial process.

The regulations require that a Privacy Certification (Appendix E, AG/CPJAD #11) be submitted as part of any application for a project in which research/statistical data identifiable to a private person is to be collected. Privacy Certifications are, therefore, required of programs that include an evaluation component in which evaluation data will be collected in identifiable form.

A Transfer Agreement (Appendix E, AG/CPJAD #12) must be submitted to transfer such research/statistical data. Since the regulations apply to projects funded under all

sections of the ADAA legislation, Privacy Certifications must be submitted to CPJAD for all projects falling within the scope of the regulations together with the Application for Grant. These certifications will be reviewed, approved, and retained by CPJAD. Since Grantee may not in all cases initially anticipate collection of data in identifiable form, a condition is included in the contract requiring that, where a Privacy Certification is not initially submitted, such certification must be submitted and approved prior to the expenditure of funds for collection of identifiable research/statistical data.

Procedural questions and legal issues arising in connection with the Privacy Certification review may be referred directly to BJA.

A.9.0 Monitoring Subawards

If applicable, Grantee agrees to monitor any subawards under this JAG award in accordance with all applicable statutes, regulations, Office of Management and Budget (OMB) circulars, and guidelines, including the DOJ Grants Financial Guide. Grantee is responsible for oversight of subrecipient spending and monitoring of specific outcomes and benefits attributable to use of JAG funds by subrecipients. Grantee agrees to submit, upon request, documentation of its policies and procedures for monitoring of subawards under this award.

A.10.0 Assurances and Certifications

A.10.1 General Conditions

OJP requires that CPJAD pass down certain requirements and provisions to Grantees. Grantee must complete the “Acceptance of Conditions” (Appendix E, AG/CPJAD #14 JAG) that is attached to the contract.

A.10.2 Non-Supplanting

Federal funds may not be used to replace state or local funds that would, in the absence of federal assistance, be available or forthcoming for law enforcement and criminal justice programs. Instead, Federal funds must be used to increase the total amount of such other funds the Grantee agency uses.

Grantee may not use Federal grant funds to defray any costs that the Grantee is already obligated to pay. For example, if a Grantee, prior to applying to participate in the grant program, had committed to purchase 10 new computers for crime analysis, then the Grantee must purchase those 10 computers in addition to any computers requested for the grant program.

Grantee must complete the “Certification of Non-Supplanting” (Appendix E, AG/CPJAD #3) that is attached to the contract.

A.10.3 Drug-Free Workplace

If Grantee is a state agency, Grantee must complete the “Certification Regarding Drug-Free Workplace Requirements” (Appendix E, AG/CPJAD #16). If applicable, the certificate is attached to the contract.

A.10.4 Debarment, Suspension, Ineligibility, and Voluntary Exclusion

Grantee must complete the “Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion Lower Tier Covered Transactions” (Appendix E, OJP #4061/1) that is attached to the contract.

A.10.5 Lobbying

The Anti-Lobbying Act (18 U.S.C. § 1913) was amended to expand significantly the restriction on use of appropriated funding for lobbying. This expansion also makes the anti-lobbying restrictions enforceable via large civil penalties, with civil fines between \$10,000 and \$100,000 per each individual occurrence of lobbying activity. These restrictions are in addition to the anti-lobbying and lobbying disclosure restrictions imposed by 31 U.S.C. § 1352.

Grantee must understand that no federally appropriated funding made available under OJP grant programs may be used, either directly or indirectly, to support the enactment, repeal, modification or adoption of any law, regulation, or policy, at any level of government, without the express approval by OJP. Any violation of this prohibition is subject to a minimum \$10,000 fine for each occurrence. This prohibition applies to all activity, even if currently allowed within the parameters of the existing OMB regulations.

Grantee with projects that total \$100,000 or more (per project) must complete a “Certification Regarding Lobbying.” (Appendix E, AG/CPJAD #22). If applicable, the certificate is attached to the contract.

A.10.6 Confidential Funds

JAG grant funds may be used for confidential purchases of evidence and information, such as the purchase of services, physical evidence, and information related to undercover operations. Confidential funds should only be allocated when 1) the merit of a program/investigation warrants the expenditure of these funds, and 2) the Grantee is unable to obtain confidential funds from other sources. BJA delegates the authority to approve such expenses to the CPJAD. (Refer to B.4.1 g. Confidential Funds for more information). Grantee must complete the “Confidential Funds Certification.” (Appendix E, AG/CPJAD #18). If applicable, the certificate is attached to the contract.

A.10.7 Civil Rights

All organizations that receive Federal funds are subject to prohibitions against discrimination in the provision of services under a program or in their employment practices.

a. Non-Discrimination

No person shall, on the grounds of race, religion, color, national origin, sex, disability, or age, be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or denied employment in connection with any programs or activity funded in whole or in part with funds made available under this title. Grantee will comply with:

The Omnibus Crime Control and Safe Streets Act of 1968, as amended, which prohibits discrimination on the basis of race, color, national origin, religion, or sex, in OJP, COPS, and OVW funded programs or activities. (42 U.S.C. § 3789d and 28 C.F.R. §42.201 et seq.);

Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin in OJP, COPS, and OVW funded programs or activities. (42 U.S.C. § 2000d and 28 C.F.R. §42.101 et seq.);

Section 504 of the Rehabilitation Act, which prohibits discrimination on the basis of disability in OJP, COPS, and OVW funded programs or activities. (29 U.S.C. § 794 and 28 C.F.R. § 42.501 et seq.);

Section 1407 of the Victims of Crime Act (VOCA), which prohibits discrimination on the basis of race, color, national origin, religion, sex, or disability in VOCA funded programs or activities. (42 U.S.C. § 10604);

Title II of the Americans with Disabilities Act of 1990, as it relates to discrimination on the basis of disability in OJP, COPS, and OVW funded programs or activities. (42 U.S.C. § 12132 and 28 C.F.R. Pt. 35);

Title IX of the Education Amendments of 1972, as it relates to discrimination on the basis of sex in OJP, COPS, and OVW funded training or educational programs. (20 U.S.C. § 1681 and 28 C.F.R. Pt. 54);
and

The Age Discrimination Act of 1975 as it relates to services discrimination on the basis of age in OJP, COPS, and OVW funded programs or activities. (42 U.S.C. § 6102 and 28 C.F.R. § 42.700 et seq.).

Executive Order 13166, 65 Fed. Reg. 50121(2000) and the U.S. Department of Justice, Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41455 (2002) is the obligation that Grantees of Federal financial assistance provide meaningful access to funded programs and activities for persons with limited English proficiency (LEP). Additional information on LEP is available on-line at www.lep.gov.

Executive Order 13279 and Executive Order 13559 regarding equal protection of the laws for faith based organizations (28 C.F.R pt. 38); The Equal Treatment Regulation provides in part that Department of Justice grant awards of funding may not be used to fund any inherently religious activities, such as worship, religious instruction, or proselytization. Grantee may still engage in inherently religious activities, but such activities must be separate in time or place from the Department of Justice funded program, and participation in such activities by individuals receiving services from the Grantee or a Sub-grantee must be voluntary. The Equal Treatment Regulation also makes clear that organizations participating in funding by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. Notwithstanding any other special condition of this award, faith-based organizations may, in some circumstances, consider religion as a basis for employment. See http://www.ojp.gov/about/ocr/equal_fbo.htm.

The Violence Against Women Reauthorization Act of 2013, Pub. L. No. 113-4, 127 Stat. 54 § 3(b)(2013) which prohibits excluding, denying benefits to, or discriminating against any person on the basis of actual or perceived race, color, religion, national origin, sex, gender identity, sexual orientation, or disability in any program or activity funded in whole or in part with funds made available through VAWA or the Office on Violence Against Women.

These grant conditions shall not be interpreted to require the imposition in Grantee programs of any percentage ratio, quota system, or other program to achieve racial balance or eliminate racial imbalance in a law enforcement agency. The Office of Justice Programs reserves the right to seek judicial enforcement to insure compliance with the foregoing conditions. Grantee must complete the “Certification of Non-Discrimination” (Appendix E, AG/CPJAD #15) that is attached to the contract.

b. Equal Employment Opportunity Plan (EEOP)

An EEOP is a comprehensive document that analyzes a Grantee’s relevant labor market data, as well as the Grantee’s employment practices, to

identify possible barriers to the participation of women and minorities in all levels of a Grantee's workforce. Its purpose is to ensure the opportunity for full and equal participation of men and women in the workplace, regardless of race, color, or national origin.

Title 28 of the Code of Federal Regulations (CFR), § 42.301 *et seq*; requires that governmental Grantees of Federal funds or any private entity to which federal financial assistance is extended directly or through such government or agency, which have received \$25,000 or more in grants and have 50 or more employees must formulate, implement, and maintain a written Equal Employment Opportunity Plan (EEOP).

Grantee must certify that an EEOP is not required, that an EEOP has been formulated and is on file, or that an EEOP short form has been submitted to the Office for Civil Rights (Appendix E, "EEOP Certification," OMB Approval No. 1121-0340, Expiration Date 12/31/15). Nonprofit organizations, educational institutions, Indian tribes, or medical institutions are exempt from the EEOP requirement and should certify that the EEOP is not required. The certificate is attached to the contract.

By OJP policy, state and local Grantees must submit an EEOP Short Form for review to the OJP Office for Civil Rights when receiving a single award of \$500,000 or greater. This does not apply to Grantees who are exempt from the EEOP requirement.

The number of employees refers to employees within the organization's entire workforce and not simply the number of employees within the unit directly responsible for the JAG funded project.

Additional information on completing an EEOP is available on-line at <http://ojp.gov/about/ocr/eeop.htm>.

c. Procedures for Processing Complaints Alleging Violations of Federal Non-Discrimination Requirements

Grantee should have a non-discrimination complaint procedure/process in place, which includes the following:

- An identified coordinator who is responsible for overseeing the complaint process,
- A procedure to ensure that beneficiaries or employees are aware that they may complain of discrimination and to whom,
- A procedure to investigate the complaint,
- A procedure to notify the Department of the Attorney General, CPJAD of the complaint, and

- A procedure to notify the Department of the Attorney General of the findings of the investigation.

Grantee must complete the “Certification of Non-Discrimination Complaint Procedures” (Appendix E, AG/CPJAD #30) that is attached to the contract.

In the event that a federal or state court or federal or state administrative agency makes a finding of discrimination after a due process hearing, on the grounds of race, color, religion, national origin, sex, age, or disability against the state or local government unit, Grantee shall forward a copy of the finding to OJP, Office for Civil Rights and CPJAD.

Any individual or group who believes that it is aggrieved by the funded agency can file a complaint with the U.S. Department of Justice, Office for Civil Rights, which investigates all individual complaints of discrimination filed against Grantees of funding from the Office of Justice Programs and its component organizations, Office on Violence Against Women, and the Community Oriented Policing Services Office. If voluntary compliance is not achieved, suspension or termination of funding may result.

A.10.8 10% De Minimis Indirect Cost Rate

The 2 CFR Part 200 Uniform Guidance allows for a 10% de minimis indirect cost rate if an agency has never received a federally approved indirect cost rate.

- The de minimis rate of 10% will be applied to the Modified Total Direct Costs (MTDC) which means all direct salaries and wages, applicable fringe benefits, materials and supplies, services, travel, and up to the first \$25,000 of each subaward (regardless of the period of performance of the subawards under the award).
- The MTDC will exclude equipment, capital expenditures, rental costs, and the portion of each subaward in excess of \$25,000. Other items will only be excluded when necessary to avoid a serious inequity in the distribution of indirect costs, and with the approval of the cognizant agency for indirect costs.
- The project costs will be consistently charged as either indirect or direct and will not be double charged or inconsistently charged as both.
- The Department of the Attorney General may perform an audit to ensure compliance with 2 CFR Part 200. If it is determined that the Grantee is inconsistently charging costs, or not in compliance with 2 CFR Part 200, it may be required to return grant funds.

If applicable, Grantee must complete the “Certification of 10% De Minimis Indirect Cost Rate” (Appendix E, AG/CPJAD #37). If applicable, the certificate is attached to the contract.

A.10.9 JAG Special Conditions

OJP requires that CPJAD pass down requirements and provisions related to the JAG grant to Grantees. Grantee must complete the “Acceptance of JAG Special Conditions” (Appendix E, AG/CPJAD # 26) that is attached to the contract.

A.11.0 Body Armor Mandatory Wear Policy Certification

A Grantee purchasing vests in whole or in part with JAG funds are required to have a “mandatory wear” policy in place for all uniformed officers before grant funds can be used. OJP requires Grantee to complete and sign the “Body Armor Mandatory Wear Policy Certification” (Appendix F). A copy of the policy and signed certification must be submitted to CPJAD. Refer to section 4.1.n. Bulletproof Vests/Ballistic-Resistant and Stab Resistant Body Armor for additional information.

A.12.0 Termination of Aid

Projects may be terminated or payments discontinued by the CPJAD where it finds a substantial failure to comply with the provisions or regulations of the grant or the project plan. CPJAD has the right to terminate the contract with a Grantee by providing written notice of such termination 10 calendar days before the effective date of such termination, or without a statement of cause at any time by providing written notice to a Grantee of such termination at least 30 calendar days before the effective date of such termination.

A.13.0 Grant Closeout Procedures

The project director, in concert with the CPJAD assigned specialist, is responsible for all detailed actions and controls necessary for timely accomplishment of the grant closeout process.

The final fiscal reports must be received by CPJAD within 60 days after the date the contract terminates or unless mandated earlier by CPJAD. Records and financial accounts shall be retained by the Grantee and shall be accessible to CPJAD and the United States DOJ for at least three years after CPJAD’s grant with BJA is closed. Grantee is to contact CPJAD before destroying any project files and project related documents.

The required Grantee documents are: final Request for Funds (RFF) and Cash Balance Report, final Project Expenditures and Obligations (PEO) Report, final PMT, final Progress Report, and Certificate for Title (if applicable).

A.14.0 Retention and Access Requirement of Records

Project files, including all pertinent programmatic and financial documents relating to the project must be retained for at least three years after the Federal award between BJA and the Department of the Attorney General is closed. Documentation includes all books of original entry, source documents* supporting accounting transactions, the general ledger, subsidiary ledgers, personnel and payroll records, canceled checks, and related documents and records. Agencies considering disposal of records should call CPJAD regarding the date of grant closure by BJA.

(*). Source documents include copies of all awards, applications, and required Grantee financial and narrative reports. Personnel and payroll records shall include the time and activity reports for all individuals paid under the project, whether they are employed full-time or part-time. Time and activity reports are also required for consultants.

The DOJ, BJA, Office of the Inspector General, OJP OCFO, or any of their authorized representatives, shall have the right of access to any pertinent books, documents, papers, or other records of Grantee which are pertinent to the award, in order to make audits, examinations, excerpts, and transcripts.

B. FISCAL CONDITIONS

Grantee shall comply with the financial and administrative requirements set forth in 2 CFR Part 200 and the current edition of the DOJ Grants Financial Guide (refer to page 5 for additional information on obtaining a copy). Not all of these requirements and conditions are included in this document; however, in general, CPJAD grants are subject to and incorporate by reference, the following fiscal requirements and conditions:

B.1.0 Purpose

Federal funds may be expended only for the purposes and activities specified in the Grantee's approved plan and budget.

If a Grantee materially fails to comply with the terms and conditions of an award, CPJAD may take one or more of the following actions, as appropriate in the circumstances.

- Temporarily withhold cash payments pending correction of the deficiency by the Grantee.
- Disallow all or part of the cost of the activity or action not in compliance.
- Wholly or partly suspend or terminate the current award.
- Withhold further awards for the project or program.
- Take other remedies that may be legally available.

B.2.0 Project Period

The project director can select the project's start and end date with CPJAD approval. For projects receiving continuation funding, the project period should run consecutively with the prior contract. Once a contract for the grant is executed, the project's start date cannot be modified.

B.3.0 Non-Supplanting

Federal funds may be used only to supplement and not supplant local funds otherwise available for law enforcement and criminal justice programs. (Refer to A.10.2 for more information.)

B.4.0 Use of Funds

B.4.1. Project Expenditures

a. Procurement of Goods and Services

Funds budgeted in the award to the Grantee for, among other purposes, the procurement of goods and services, shall be expended in strict compliance with applicable county, state, and Federal procurement requirements.

b. Equipment

The purchase or acquisition of equipment with Federal funds is allowable if the costs are a necessary part of an approved project.

c. Computer Equipment and Software

The purchase of computer equipment and software (CES) with Federal funds is allowable if the costs are a necessary part of an approved project.

The following procurement criteria must be met:

The CES type to be purchased is identified within the grant application and is necessary and sufficient to meet project goals.

If CES equipment procurement is to be sole source, Grantee has submitted adequate documentation to justify the action. Refer to B.5.0 Non-Competitive Procurement (Sole Source) for additional information.

Grantee has conducted a purchase/lease comparison demonstrating that it is more advantageous to purchase rather than lease the equipment under consideration, or leasing is not allowed by the jurisdiction.

If software development is involved, Grantee has demonstrated that existing computer software already produced and available will not meet the needs of the Grantee.

In order to promote information sharing and enable interoperability among disparate systems across the justice and public safety community, Grantee must comply with the DOJ Global Justice Information Sharing Initiative (DOJ's Global) guidelines and recommendations for this particular grant. Grantee shall conform to the Global Standards Package (GSP) and all constituent elements, where applicable, as described at: http://www.it.ojp.gov/gsp_grantcondition. Grantee shall document planned approaches to information sharing and describe compliance to the GSP and appropriate privacy policy that protects shared information, or provide detailed justification for why an alternative approach is recommended.

d. Salaries, Wages, and Fringe Benefits

Payment of salaries and wages with Federal funds is permitted if the costs are a necessary part of an approved project. Grant-funded personnel are required to maintain daily time and activity reports (timesheets) whether they are employed full or part-time.

- Grant-funded full-time personnel whose salaries are charged/supported solely on a *single* Federal award are also required to complete the Certification of Grant-Funded Employment (Appendix F, Form AG/CPJAD #38) on a semi-annual basis. The certification must be signed by the employee and a supervisory official having firsthand knowledge of the work performed by the employee.

The fringe benefit cost is also allowable. For the current approved fringe benefit rate for the State of Hawaii, go to the Department of Budget and Finance website www.budget.hawaii.gov and search under the "Statewide Policies, Finance Memorandum."

The state approved fringe benefit rate is set by Hawaii's Department of Budget and Finance (B&F) and approved by the U.S. Department of Health and Human Services. Grant recipients from county agencies should consult with the county's B&F counterpart for the county approved fringe benefit rate. The county rate used cannot include fringe items that are not included in the state's approved rate.

Overtime cost is allowable but cannot exceed 30% of the total project budget. An individual shall not incur overtime with project funds in excess of 10% of the individual's gross annual salary.

Fringe benefits on overtime hours are limited to FICA, Workers' Compensation, and Unemployment Compensation.

e. Consultants

Compensation for individual consultant services is to be reasonable and consistent with that paid for similar services in the marketplace. Effective June 1, 2014, the maximum allowable rate is \$650 per day (excluding travel and subsistence costs) for an eight-hour day or \$81.25 per hour. An eight-hour day may include preparation, evaluation, and travel time in addition to the time required for actual performance. Please note, however, that this does not mean that the rate can or should be the maximum limit for all consultants.

Consultants who are contracted through a competitive bidding process are not subject to the maximum consultant rate threshold. Those consultants who have been contracted without a competitive bidding process (e.g., sole source) are subject to the maximum consultant rate threshold.

When the rate exceeds the limit for an eight-hour day, or a proportionate hourly rate (excluding travel and subsistence costs), Grantee must request written approval from CPJAD, prior to obligating grant funds.

In order to calculate a rate of compensation for consultants associated with and employed by educational institutions, divide the total compensation projected for 12 months by 260. If the resulting rate of compensation exceeds the maximum consultant rate established, written prior approval must be obtained from CPJAD.

Compensation for consultants employed by state and local government will only be allowed when the unit of government will not provide these services without cost.

- If a state or local government employee has been contracted to provide services that are related to his or her employment with the state or local government, the rate of compensation is not to exceed the daily salary rate for the employee paid by the unit of government.
- If a state or local government employee has been contracted to provide services that are unrelated to his or her employment with the state or local government, then the rate of compensation is based on the necessary and reasonable cost principles which cannot exceed the maximum rate allowed by the awarding agency without prior written approval.

Refer to the DOJ Grants Financial Guide for additional information. It is recommended that Grantee contact CPJAD to ensure that the compensation

they are planning to pay a consultant is at the market rate and meets Federal requirements.

Time and activity reports are required for consultants.

f. Construction

Use of JAG grant funds for construction projects is prohibited except when facilities to be constructed are penal or correctional institutions. Correctional institutions refer to prisons, jails, juvenile correctional institutions, and residential community corrections facilities. Grantee with a project involving construction, expansion, renovation, facility planning, site selection, site preparation, and security or facility upgrades must ensure compliance with the National Environmental Policy Act (NEPA). Refer to B.4.1.o Environmental Assessment.

g. Confidential Funds

CPJAD approval is required for the allocation, use, and expenditure of confidential funds. Confidential funds can be used for the purchase of services, physical evidence, or information. Confidential funds should only be allocated when 1) the merit of a program/investigation warrants the expenditure of these funds, and 2) the Grantee is unable to obtain confidential funds from other sources. Grantee must follow guidelines in the effective edition of the DOJ Grants Financial Guide and must submit to the CPJAD a completed "Confidential Funds Certification" (Appendix E, AG/CPJAD #18).

h. Evaluation Costs

Expenses associated with conducting evaluations of programs/projects funded with JAG grant funds are allowable expenses.

i. Participation in U.S. Drug Enforcement Administration Task Force

JAG grant funds may be used for expenses associated with participation of state or units of local government, or combinations thereof, in the state and local Task Force Program established by the U.S. Drug Enforcement Administration.

j. Travel, Per Diem Rate, and Rental Cars

Project-funded travel must fall within the project period. For additional information refer to A.4.0 Project Activities.

Travel to attend specialized training on the mainland is allowable, if necessary to carry out the project objective(s), and the Grantee can demonstrate that similar training is not available locally, or cannot be brought to Hawaii at a comparable price. Prior approval from CPJAD is required for each trip.

The allowable per diem rate and excess lodging costs for travel is based on the county and state approved rates.

All contracts funded by OJP awards for events that include 30 or more participants (both Federal and non-Federal) must ensure that lodging costs for any number of attendees do not exceed the prevailing Federal rate for lodging. If the lodging rate is not the Federal rate or less, none of the lodging costs associated with the event are allowable costs to the award. As a result, Grantee would be required to pay for all lodging costs for the event with non-grant funds, not just the amount in excess of the Federal rate. For example, if the Federal rate for lodging is \$78 per night, and the lodging rate for the event is \$100 per night, Grantee would be required to pay the full \$100 per night with non-grant funds, not just the difference of \$22 per night.

Car rental while attending mainland conferences or training is not allowable except in special circumstances, and require prior approval from CPJAD. It is expected that a taxi or shuttle service will be used whenever possible. Variances in special situations (for example, when a rental car is more cost effective, when a taxi or shuttle service is not practicable) will be done on a case-by-case basis.

k. Training/Conference Cost Thresholds and Conditions

Reasonable conference-related activity costs are allowable uses of funds as long as the grant budget has been approved by CPJAD.

Grantee shall comply with all applicable laws, regulations, policies, and guidance (including specific cost limits, prior approval, and reporting requirements, where applicable) governing the use of Federal funds for expenses related to conferences, meetings, training, and other events. Information on pertinent laws, regulations, policies, and guidance is available at

<http://ojp.gov/financialguide/DOJ/PostawardRequirements/chapter3.10a.htm>.

Grantee should become familiar with the Policy and Guidance for Conference Costs applicable to the JAG grant found in the DOJ Grants Financial Guide. OJP periodically revises the policy and guidance for conference costs, therefore, Grantee must comply with the provisions of the most current policy/guidance. Failure to comply with these conditions may result in the denial, reduction, or termination of funding.

In general, conferences (defined broadly to include meetings, retreats, seminars, symposiums, events, and group training activities) conducted by Grantee is an allowable cost. However, Grantee must ensure compliance with the following limitations and cost thresholds:

- Meeting room/audio-visual services (cost limit, lesser of \$25 per day per attendee or \$20,000)
 - Cost allowed for conference space and audio-visual equipment and services is limited to \$25 per day per attendee not to exceed a cumulative cost of \$20,000. Cost in excess of these limits require additional justification and approval outside of OJP.
- Printing - Every effort should be made to provide conference materials to participants electronically or via print-on-demand services/options. Printed materials should maximize paper usage (printing on both sides) and minimize higher cost options (color printing) where possible.
- Logistical Planners (cost limit, lesser of \$50 per attendee or \$8,750).
- Programmatic Planners (cost limit, lesser of \$200 per attendee or \$35,000).
- Food and Beverage (not allowed).
- Refreshments (not allowed).

Training or training materials developed or delivered with JAG funds must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <http://ojp.gov/funding/Implement/TrainingPrinciplesForGrantees-Subgrantees.htm>.

Trinkets (items such as hats, mugs, portfolios, t-shirts, coins, gift bags, etc., regardless of whether they include the conference name or OJP/DOJ logo) must not be purchased with grant funds as giveaways for conferences. Basic supplies that are necessary for use during the conference (e.g., folders, name tags) may be purchased. Gifts, honorariums, lei, etc. cannot be purchased with grant funds.

1. DNA Testing and Processing Forensic Evidence

If JAG funds are used for DNA testing of evidentiary materials, any resulting eligible DNA profiles must be uploaded to the Combined DNA Index System (CODIS, the national DNA database operated by the Federal Bureau of Investigation) by a government DNA lab with access to CODIS. Profiles generated with JAG funds may not be entered into any non-government DNA database without prior written approval from CPJAD/BJA. Grantee must contact their assigned specialist for further guidance/instructions.

Funds may not be used for purchase of DNA equipment and supplies when the resulting DNA profiles from such technology are not accepted for entry into CODIS. Refer to Appendix G, JAG Frequently Asked Questions (FAQs).

For any project involving the use of chemicals in the processing of forensic evidence Grantee must ensure compliance with NEPA. Refer to B.4.1.o Environmental Assessment.

m. Use of Chemicals (Including Clandestine Methamphetamine Laboratory Operations)

Grantee with a project involving the use of chemicals, including clandestine methamphetamine laboratory operations (such as clean up) must obtain approval from CPJAD of a mitigation plan before moving forward with project implementation. Additional information regarding the mitigation plan is available at <https://www.bja.gov/Funding/nepa.html>. Refer also to B.4.1.o. Environmental Assessment.

n. Bulletproof Vests/Ballistic-Resistant and Stab Resistant Body Armor

Ballistic-resistant and stab-resistant body armor are allowable use of funds as long as the body armor is not standard issued law enforcement uniform and gear. Prior approval from CPJAD is required to purchase bulletproof vests, and Grantee must adhere to the following conditions:

- Vests purchased cannot be used as the 50% match for purposes of the Bulletproof Vest Partnership (BVP) program;
- Vests can be purchased at any threat level, make, or model from any distributor or manufacturer, as long as the vests have been tested and found to comply with the latest applicable National Institute of Justice (NIJ) ballistic or stab standards (information on the latest NIJ standards can be found at www.nij.gov/topics/technology/body-armor/safety-initiative.htm);
- Vests purchased must be American-made; and
- Grantee must certify that the law enforcement agencies receiving the vests have a written “mandatory wear” policy in effect. (Refer to Appendix G, JAG FAQs, for additional information related to the mandatory wear policy).

The “mandatory wear” policy must be in place for at least all uniformed officers before grant funds can be used to purchase vests. There are no requirements regarding the nature of the policy other than it being a mandatory wear policy for all uniformed officers while on duty.

Grantee must submit to CPJAD a copy of the policy and the JAG Program Body Armor Mandatory Wear Policy Certification found in Appendix F.

o. Environmental Assessment

Grantee agrees to assist BJA and CPJAD in complying with the NEPA, the National Historic Preservation Act, and other related federal environmental impact analyses requirements in the use of the JAG funds. Accordingly, the Grantee agrees to first determine if any of the following activities will be funded by the grant, prior to obligating funds for any of these purposes. If it is determined that any of the following activities will be funded by the grant, the Grantee agrees to contact CPJAD.

- 1) New construction;
- 2) Minor renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100 year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- 3) A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
- 4) Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
- 5) Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

Grantee understands and agrees that complying with NEPA may require the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement, as directed by BJA. The Grantee further understands and agrees to the requirements for implementation of a Mitigation Plan, if applicable. Additional information and guidance is available at <https://www.bja.gov/Funding/nepa.html>.

Grantee may not obligate, expend, or draw down any funds until the program office has verified that the Grantee has submitted all necessary documentation required to comply with the DOJ Procedures for Implementing the NEPA found at 28 CFR Part 61.

p. Printing and Publication

Printing and publication costs are allowed. Refer to A.7.0. Press Releases, Printed Materials, Publications, Training Materials, and DOJ Financial

Guide for additional guidance on allowable printing and publication activities.

To be considered allowable, publication costs must be incurred for work done according to a process that the Grantee has described in writing. This process should include writing, editing, and preparing the illustrated material (including videos). Refer to the current edition of the DOJ Financial Guide for additional guidance on allowable printing and publication activities.

q. Indirect Costs

Indirect costs are allowed if the Grantee has a current federally approved indirect cost rate. Grantee must provide a copy of the federally approved indirect cost rate agreement to CPJAD. A Grantee that has never received a federally approved indirect cost rate may use the Certification of 10% De Minimis Indirect Cost Rate. Refer to A.10.8 for more information.

B.4.2 Unallowable Costs

The expenses listed below are not permitted:

a. Costs Incurred Outside the Project Period

Any costs that are incurred either before the start of the project period or after the expiration of the project period are not allowable. For additional information, refer to B.2.0 Project Period.

b. Land Acquisition

Acquisition of land with Federal funds is prohibited.

c. Food and Beverage Expenditures

JAG grant funds cannot be used to purchase food and/or beverages for any meeting, conference, training, or other event.

d. BJA's Prohibited and Controlled Expenditures List

Items or costs listed on BJA's Prohibited and Controlled Expenditure List are not allowable. The complete listing of Prohibited and Controlled Expenditures under JAG may be accessed online at: www.bja.gov/Funding/JAGControlledPurchaseList.pdf. This list may be amended from time to time.

e. Firearms, Standard Law Enforcement Uniforms and Gear

The purchase of firearms, ammunition, and standard law enforcement uniforms and gear with Federal funds is prohibited. Specialized law enforcement uniforms can be purchased if it is identified within the grant application and is necessary to meet project goals.

f. Fundraising

Costs of organized fund raising, including financial campaigns, endowment drives, solicitation of gifts and bequests, and similar expenses incurred solely to raise capital or obtain contributions, may not be charged either as direct or indirect costs against the award. Neither the salary of persons engaged in such activities nor indirect costs associated with those salaries may be charged to the award, except insofar as such persons perform other funding-related activities.

An organization may accept donations (i.e., goods, space, services) as long as the value of the donations is not charged as a direct or indirect cost to the award.

Nothing in this section should be read to prohibit a Grantee from engaging in fundraising activities as long as such activities are not financed by Federal or matching funds.

g. Lobbying

Refer to A.10.5. Lobbying.

h. Payment for Unused Accrued Vacation

Payout for unused accrued vacation cannot be made with Federal funds.

i. Replacing Loss, Damage, Theft of Equipment

Refer to B.12.0. Loss, Damage, Theft of Equipment.

j. DNA Equipment and Supplies

Refer to B.4.1.1. DNA Testing and Processing of Forensic Evidence.

k. Other

- Entertainment, including amusement, diversion, and social activities, and any costs directly associated with such costs (such as tickets to shows or sports events, meals, lodging, rentals, transportation, and gratuities)

- Fines and penalties (except when incurred as a result of compliance with specific provisions of an award or instructions in writing from the awarding agency)
- Credit card fees
- Passport charges
- Tips
- Bar charges/alcoholic beverages
- Membership fees to organization whose primary activity is lobbying
- Premium (overtime) pay:
 - You should not pay overtime costs solely because you are using Federal funds.
 - Overtime pay must be authorized in advance through written approval from CPJAD.

B.5.0 Non-Competitive Procurement (Sole Source)

CPJAD authorization is needed for sole source procurements over \$150,000 in Federal funds. Grantee is required to submit a completed Justification for Non-Competitive Procurement Form (Appendix F, AG/CPJAD #21) to CPJAD. Upon authorization by the CPJAD Grants and Planning Branch Chief, Grantee may proceed with the process to obtain approval utilizing state and county procurement rules. The authorization from CPJAD is not approval for sole source procurement, it only authorizes Grantee to proceed with the process to obtain approval. All procurement transactions, whether negotiated or competitively bid and without regard to value, must comply with Grantee's procurement requirements that provide maximum open and free competition.

B.6.0 Program Income

Program income means gross income earned by the Grantee that is directly generated by a supported activity or earned as a result of the Federal award during the project period. Grantee can use program income to advance program objectives or refund the income to CPJAD. Program income may only be used for allowable program costs. Unless otherwise stipulated in the award, any program income earned during the project period but not utilized for the project must be refunded to CPJAD. Prior approval to expend the funds for program purposes must be obtained from CPJAD prior to the expenditure of such funds. Program income from asset seizures and forfeitures is considered earned when the property has been adjudicated to the benefit of law enforcement. Program income shall be reported by Grantee on the quarterly Project Expenditures and Obligations Report (Appendix C, AG/CPJAD #8). Refer to B.9.0 Project Expenditures and Obligations Report.

B.7.0 Modification of Approved Budget

Modification of an approved budget must be submitted in writing to CPJAD in advance of the obligation of expenditures. Upon approval by the CPJAD Grants and Planning Branch Chief, a project grant modification notice will be initiated.

All requests for budget modifications must be submitted by the Grantee no later than 45 days prior to the project end date. All requests for modification to the approved budget shall be reviewed by CPJAD for consistency with Federal requirements and project goals and objectives. Grantee is to submit a revised Application for Grant, Part III. Budget Detail and Explanation.

The following conditions require a budget modification and CPJAD approval:

- Change in approved budget line item in excess of 5% of the total category amount in which the line item is listed.
- Moving monies into any budget category with a zero dollar amount.

For additional information, refer to A.6.0 Project Revisions.

B.8.0 Request for Funds and Payments

Once the contract between the Department of the Attorney General and the Grantee is executed, payments to Grantee shall be made in accordance with and subject to the following provisions:

- Payments shall be made monthly upon receipt of Grantee's completed Request for Funds. Funds are not paid in lump sum but rather distributed over time as project costs are incurred or anticipated.
- Drawdown requests should be based upon the minimum needed for disbursements/reimbursements to be made immediately or within 10 days to ensure that Federal cash on hand is kept to a minimum. If the requested funds are not disbursed within 10 days of receipt, Grantee may be requested to return funds to CPJAD.
- Payments shall be made in accordance with and subject to Chapter 40, Hawaii Revised Statutes, which specifies the accounting procedures and controls applicable to payments out of the Treasury of the State of Hawaii.
- If an amount of reported expenditures is determined by CPJAD to be inappropriate and unallowable, CPJAD may deduct an equivalent amount from the next payable installment and may withhold payment of the amount of the monies equivalent to the questioned expenditures until resolution of the discrepancy by audit or other means.

If, after payment of the last installment, investigation and examination reveal additional expenditures that are determined by CPJAD to be inappropriate and unallowable, CPJAD may require that an equivalent amount of monies be refunded to CPJAD notwithstanding CPJAD's preliminary determination of appropriateness and allowability.

Grantee must submit the completed Request for Funds and Cash Balance Report (Appendix C, AG/CPJAD #7) to request funds. The Request for Funds form must be received by CPJAD by the 15th of each month, even if no funds are being requested. CPJAD also uses this report to monitor a project's cash balance. Refer to B.11.0 for allowable cash on hand.

The final drawdown for funds shall be received by CPJAD no later than 30 days after the contract terminates.

Refer to Appendix C. Financial Forms for a copy of the form and the instructions for completing it. The form is also available on the G&P website at www.ag.hawaii.gov/cpja/gp. Also refer to A.13.0 Grant Closeout Procedures for additional information on final reports.

B.9.0 Project Expenditures and Obligations Report

Grantee must submit the completed Project Expenditures and Obligations Report (Appendix C, AG/CPJAD #8) at the end of each calendar quarter. The Project Expenditures and Obligations Report must be received by CPJAD by the 15th day following the end of each calendar quarter. The Project Expenditures and Obligations Report is due as follows:

January to March calendar quarter	due April 15 th
April to June calendar quarter	due July 15 th
July to September calendar quarter	due October 15 th
October to December calendar quarter	due January 15 th

Non-adherence to these deadlines may result in the withholding of grant funds. The quarterly report allows CPJAD to monitor cumulative project expenditures that were paid with Federal funds, and the collection and dispersion of program income.

Refer to Appendix C. Financial Forms for a copy of the form and the instructions for completing it. The form is also available on the G&P website at www.ag.hawaii.gov/cpja/gp. Also refer to A.13.0 Grant Closeout Procedures for additional information on final reports.

B.10.0 Fiscal Administration

Grantee's records concerning the grant project must be made available for inspection and audit by authorized Federal and state officials in accordance with the DOJ Grants Financial Guide.

B.10.1 Accounting System

- Establish a separate account for the grant project with separate accountability of receipts, obligations, expenditures, and balances for each fiscal budget period.
- Itemize all supporting records of grant receipts and expenditures in sufficient detail to document the exact nature of fiscal activity for each fiscal budget period.
- Provide data and information for each expenditure with proper reference to a supporting voucher or bill properly approved.
- Maintain payroll authorizations and vouchers.
- Maintain a time-reporting system for personnel charged to grant.
- Maintain adequate records supporting charges for fringe benefits.
- Maintain adequate records supporting charges for equipment.
- Project accounting records should also reflect program income received, if any, through fees, contributions, or payments by third party. Maintain supporting records of income received, expended, and balances for each fiscal budget period.

B.10.2 Audit

The DOJ Grants Financial Guide and the Uniform Guidance 2 CFR Part 200 state that if a Grantee is a non-Federal entity that expended \$750,000 or more in Federal funds during the Grantee agency's fiscal year, Grantee is required to arrange for a single organization-wide audit conducted in accordance with the provisions of Title 2 CFR Subpart F. If applicable, Grantee shall submit a copy of their audit report to the Federal Audit Clearinghouse at <https://harvester.census.gov/facweb/> and to CPJAD.

Grantee shall comply with the applicable audit requirements of 2 CFR Part 200, and further understands that funds may be withheld, or other related requirements may be imposed, if outstanding audit issues (if any) are not satisfactorily and promptly addressed as further described in the audit requirements and current edition of the DOJ Grants Financial Guide.

Failure to comply with audit requirements may result in the withholding of new awards and/or withholding of funds.

B.10.3 Catalog of Federal Domestic Assistance (CFDA)

Title: Edward Byrne Memorial Justice Assistance Grant (JAG)
Program/Grants to States and Territories

Number: 16.738

Agency: Department of Justice

B. 10.4 Unencumbered/Unexpended Funds

Funds provided to Grantee that are unencumbered on the date the project terminates shall be returned to CPJAD. Funds that are encumbered but not disbursed within 60 days after the project terminates shall be returned to CPJAD.

B.11.0 Cash on Hand

Excess cash on hand is unallowable. Grantee should request funds based upon the minimum needed for disbursements/reimbursements to be made immediately or within 10 days of receipt. Grantee should time drawdown requests to ensure that Federal cash on hand is kept to a minimum.

B.12.0 Loss, Damage, Theft of Equipment

Grantee is responsible for replacing or repairing equipment that is willfully or negligently lost, stolen, damaged, or destroyed. Any loss, damage, or theft of the property must be investigated and fully documented and made part of the official project records.

Grantee cannot use Federal funds to replace or repair equipment that is willfully or negligently lost, stolen, damaged, or destroyed.

APPENDIX A

JAG AUTHORIZED PROGRAM AREAS

JAG Authorized Program Areas

- Law Enforcement Programs
- Prosecution and Court Programs (including indigent defense)
- Prevention and Education Programs
- Corrections and Community Corrections Programs
- Drug Treatment and Enforcement Programs
- Planning, Evaluation, and Technology Improvement Programs
- Crime Victim and Witness Programs (other than compensation)

APPENDIX B

**GOVERNOR'S COMMITTEE ON CRIME (GCOC)
PRIORITY AREAS**

Governor's Committee on Crime (GCOC) Priority Areas

- Drug Threats and Drug Related Crime
 - *Reducing drug threats and drug related crimes*
- Juvenile Offenses
 - *Reducing juvenile offenses utilizing a coordinated response*
- Language Access
 - *Improving language access within the CJS*
- Recidivism and Reentry Efforts
 - *Reducing recidivism rates or improving reentry efforts*
- Property Crime
 - *Reducing property crime*
- Technological Improvement
 - *Improving records management systems and integrated justice information sharing*
- Technological Improvement
 - *Improving forensic science capabilities*
- Violent Crimes
 - *A comprehensive response to sex assault or elder abuse*
- Evidence-Based Initiatives and/or Multi-Agency Collaboration to Improve Criminal Justice System are included in all priority areas

APPENDIX C

FINANCIAL FORMS

**DEPARTMENT OF THE ATTORNEY GENERAL
REQUEST FOR FUNDS AND CASH BALANCE REPORT**

check one: MONTHLY DRAWDOWN (due at CPJAD by the 15th day of each month)
 FINAL DRAWDOWN (due at CPJAD by the 30th day after project end date)
 FINAL REPORT (due at CPJAD by the 60th day after project end date)

PROJECT NO. _____

PROJECT TITLE: _____

REPORT NO. _____

PART A. REQUEST FOR GRANT FUNDS

	GRANT	AGENCY MATCH	TOTAL
1. AMOUNT OF GRANT AWARD	\$ 0	\$ 0	\$ 0
2. PERCENT OF TOTAL GRANT	#DIV/0!	#DIV/0!	#DIV/0!
3. ADVANCES REQUESTED TO DATE	\$ 0	Leave Blank	Leave Blank
4. BALANCE OF AWARD AVAILABLE	\$ 0	Leave Blank	Leave Blank
5. AMOUNT OF THIS REQUEST	\$ 0	Leave Blank	Leave Blank

For State Agencies -- transfer of funds to Appropriation Code: _____

PART B. CASH BALANCE REPORT

	GRANT	AGENCY MATCH	TOTAL
1. TOTAL CASH RECEIVED AS OF _____	\$ 0.00	\$ Leave Blank	Leave Blank
2. LESS: CUMULATIVE EXPENDITURES AS OF _____	\$ 0.00	\$ 0.00	\$ 0.00
3. ENDING CASH BALANCE	\$ 0.00	\$ Leave Blank	Leave Blank

I CERTIFY THAT THE INFORMATION CONTAINED HEREINABOVE IS IN ALL RESPECTS TRUE AND CORRECT AND THE DISBURSEMENTS BEING MADE ARE IN ACCORDANCE WITH THE GRANT AWARD CONTRACT FOR THE SUBJECT PROGRAM.

ADMINISTERING AGENCY: _____

AGENCY ADDRESS: _____

SIGNATURE OF

AUTHORIZED AUTHORITY: _____

DATE: _____

TYPED NAME & TITLE: _____

PREPARER NAME: _____

PHONE #: _____

FAX #: _____

FOR USE BY THE DEPARTMENT OF THE ATTORNEY GENERAL ONLY

Payment Approved: _____

Goods/Svs. Satisfactorily Received: _____

By: _____

Date Goods/Svs. Received: _____

Date Invoice Received: _____

Specialist _____

INSTRUCTIONS
REQUEST FOR FUNDS AND CASH BALANCE REPORT
(AG/CPJAD #7)

DUE: Monthly Drawdown: Submit a completed form (one original and two copies), by the 15th of each month, even if no funds are being requested. If no funds are being requested, submit one original only.
Final Drawdown: Submit a completed form (one original and two copies), by the 30th day after the project end date. This will be the project's final request for cash.
Final Report: Submit a completed form (one original and two copies), by the 60th day after the project end date.

PURPOSE: (1) To request funds.
(2) To monitor cash balance (grant cash balance should be kept at a minimum).

PART A. REQUEST FOR GRANT FUNDS

1. Enter amounts (Grant, Agency Match, Total) awarded to the project in the appropriate column. "GRANT" means the State or Federal portion of the project's budget. NOTE: See Exhibit A, "Application for Grant, Part I, Title Page," of the Contract or any applicable Supplemental Agreement, for the Grant, Agency Match, and Total information.
2. Percentages will be automatically entered as Part A. Line 1 is completed. The percentages are also listed on Exhibit A, "Application for Grant, Part I, Title Page," of the Contract or applicable Supplemental Agreement. The sum of Grant and Agency percentages should equal 100%.
3. Enter cumulative requests for Grant made prior to this submittal in the Grant column. If Grant funds are returned to CPJAD, then the amount "Advances Requested to Date" is reduced proportionally.
4. The Balance of Award Available (Line 1 less Line 3) will be automatically entered in the Grant column as Lines 1 and 3 are completed.
5. **Enter amount requested, rounded to the nearest dollar,** in the Grant column.

PART B. CASH BALANCE REPORT

1. Enter total cash received to date in the Grant column. Enter the date in the space provided.
2. Enter total cumulative (not monthly) project expenditures to date in the appropriate column(s). Enter the date in the space provided. The amount entered in this column(s) should be actual expenditures. Do not include obligated costs. By the end of the project, the expenditures should match the percentages in Part A, Line 2.
3. The Ending Cash Balance (Line 1 less Line 2) will be automatically entered in the Grant column as Lines 1 and 2 are completed. **A federal requirement is that the cash balance should be kept to a minimum.**

SUBMITTING FINAL REPORT (due at CPJAD by the 60th day after the project end date)

1. Check the "Final Report" box to indicate that this is the agency's final report.

2. PART B. Line 3. Ending Cash Balance must be \$0 on the “final” report. If an amount more than \$0 is listed, then the project is required to return this amount to CPJAD. If the agency is in the process of returning funds to CPJAD or has not returned the funds to CPJAD, then do not check the “Final Report” box.

**DEPARTMENT OF THE ATTORNEY GENERAL
PROJECT EXPENDITURES & OBLIGATIONS REPORT**

RPT. # _____

PROJECT TITLE: _____

PROJECT # _____

REPORTING PERIOD: CALENDAR QUARTER ENDING: _____

PART A. EXPENDITURE CATEGORIES				
	APPROVED BUDGET	EXPENDITURES TO DATE	UNPAID OBLIGATIONS	BALANCE
SALARIES & WAGES				\$0.00
FRINGE BENEFITS				\$0.00
CONSULTANT SERVICES/CONTRACTS				\$0.00
TRANSPORTATION/SUBSISTENCE				\$0.00
OFFICE SUPPLIES				\$0.00
EQUIPMENT				\$0.00
OTHER COSTS				
1.				\$0.00
2.				\$0.00
List Total Other Cost from Page 2				\$0.00
EXPENDITURE TOTAL	\$0.00	\$0.00	\$0.00	\$0.00
PROGRAM INCOME SOURCES:				
1.				\$0.00
2.				\$0.00
PROGRAM INCOME TOTAL	\$0.00	\$0.00		\$0.00
GRAND TOTAL	\$0.00	\$0.00	\$0.00	\$0.00

PART B. SOURCE OF FUNDS				
	APPROVED BUDGET	EXPENDITURES TO DATE	UNPAID OBLIGATIONS	BALANCE
GRANT FUNDS: 0%				\$0.00
AGENCY MATCH: 0%				\$0.00
SUBTOTAL	\$0.00	\$0.00	\$0.00	\$0.00
PROGRAM INCOME	\$0.00	\$0.00	\$0.00	\$0.00
GRAND TOTAL	\$0.00	\$0.00	\$0.00	\$0.00

I CERTIFY THAT THIS IS A TRUE AND CORRECT STATEMENT OF EXPENDITURES AND OBLIGATIONS OF THE PROJECT IDENTIFIED ABOVE FOR THE PERIOD NOTED AND THAT THE APPROPRIATE DOCUMENTATION TO SUPPORT THESE EXPENDITURES AND OBLIGATIONS ARE AVAILABLE IN THE OFFICE NOTED BELOW.

ADMINISTERING AGENCY: _____

PREPARER: _____

PHONE: _____

FAX: _____

SIGNATURE OF

AUTHORIZED AUTHORITY: _____

DATE: _____

TYPED NAME & TITLE: _____

SUBMIT ORIGINAL PLUS 2 COPIES

MUST BE RECEIVED WITHIN 15 DAYS AFTER THE END OF EACH CALENDAR QUARTER DURING THE PROJECT PERIOD

FINAL REPORT MUST BE RECEIVED WITHIN 60 DAYS AFTER THE PROJECT END DATE

**DEPARTMENT OF THE ATTORNEY GENERAL
PROJECT EXPENDITURES & OBLIGATIONS REPORT, PAGE 2**

RPT. # _____

PROJECT TITLE: _____

PROJECT # _____

REPORTING PERIOD: CALENDAR QUARTER ENDING: _____

PART A. EXPENDITURE CATEGORIES Continued from Page 1	APPROVED BUDGET	EXPENDITURES TO DATE	UNPAID OBLIGATIONS	BALANCE
OTHER COSTS				
3.				\$0.00
4.				\$0.00
5.				\$0.00
6.				\$0.00
7.				\$0.00
8.				\$0.00
9.				\$0.00
10.				\$0.00
11.				\$0.00
12.				\$0.00
13.				\$0.00
14.				\$0.00
15.				\$0.00
16.				\$0.00
17.				\$0.00
18.				\$0.00
19.				\$0.00
20.				\$0.00
TOTAL	\$0.00	\$0.00	\$0.00	\$0.00

SUBMIT ORIGINAL PLUS 2 COPIES

MUST BE RECEIVED WITHIN 15 DAYS AFTER THE END OF EACH CALENDAR QUARTER DURING THE PROJECT PERIOD

FINAL REPORT MUST BE RECEIVED WITHIN 60 DAYS AFTER THE PROJECT END DATE

INSTRUCTIONS
PROJECT EXPENDITURES & OBLIGATIONS REPORT
(AG/CPJAD #8)

DUE: Fifteen (15) calendar days after the end of each calendar quarter. NOTE: Due dates are April 15th, July 15th, October 15th, and January 15th, regardless of project start date. Submit one original and two copies.
Final Report: Due by the 60th day after the project end date. Submit one original and two copies.

PURPOSE: For CPJAD and Grantee to monitor project expenditures to ensure that project funds are spent in a timely manner, within budget, and by the end of the project. The information on this form is reported to the Office of the Chief Financial Officer, Department of Justice. This is a requirement for all federally funded projects .

PART A. EXPENDITURE CATEGORIES

1. Approved Budget: Enter total (not quarterly) amounts in each category established by the project's current approved budget. The approved budget includes both the grant funds and the agency funds. NOTE: Project Directors should provide Fiscal Officers with a copy of the project's current approved budget.
2. Expenditures to Date: Enter cumulative (not quarterly) expenditures in each category as of the end date of the calendar quarter. The cumulative expenditures includes both the grant expenditures and the agency expenditures.
3. Unpaid Obligations: Enter unpaid obligations in each category as of the end date of the calendar quarter. The unpaid obligations includes both the grant obligations and the agency obligations. Unpaid obligations are obligations for which funds have been obligated but have not been paid (e.g., issued purchase orders, invoices that have not been paid, etc. (Do not complete shaded cells.)
4. Balance: The balance (approved budget less expenditures to date and unpaid obligations) will be automatically entered as the approved budget, expenditures to date, and unpaid obligations columns are completed.
5. Program Income Sources: Enter any sources of program income. Examples of program income include royalties, registration/tuition fees, and asset seizures and forfeitures. Program income from asset seizures and forfeitures is considered earned when the property has been adjudicated to the benefit of law enforcement. Program income earned as a result of project activities should be returned to the program.
6. Expenditure Total, Program Income Total, and Grand Total: The Excel spreadsheet includes formulas that will compute these items. The amounts in the "Grand Total" for both Parts A and B must be the same.

PART B. SOURCE OF FUNDS

1. Source of Funds: Enter the percentage of grant and agency funds. NOTE: See Exhibit A, “Application for Grant, Part I, Title Page,” of the Contract or any applicable Supplemental Agreement, for this information.
2. Approved Budget: Enter the grant and agency match amounts as established in the project’s current approved budget.
3. Expenditures to Date: Enter cumulative (not quarterly) grant and agency match expenditures as of the end date of the calendar quarter. (The grant and agency match expenditure amounts listed here should be the same amounts listed in the corresponding Request for Funds and Cash Balance Report, AG/CPJAD #7, Part B. Line 2.)
4. Unpaid Obligations: Enter cumulative (not quarterly) grant and agency match unpaid obligations as of the end date of the calendar quarter.
5. Balance: The balance (approved budget less expenditures to date and unpaid obligations) will be automatically entered as the approved budget, expenditures to date, and unpaid obligations columns are completed.
6. Subtotal, Program Income, and Grand Total: The Excel spreadsheet includes formulas that will compute these items. The amounts in the “Grand Total” for both Parts A and B must be the same.

SUBMITTING FINAL REPORT

1. After entering the RPT# (top right corner), type “Final” to indicate that this is the agency’s final report. A report cannot be “Final” if unpaid obligations remain.

APPENDIX D

JAG PERFORMANCE ACCOUNTABILITY MEASURES
(For Awards from Fiscal Year 2015 and Beyond)

Reporting Data on the Use of JAG Funds Pursuant to the U.S. Department of Justice, Bureau of Justice Assistance

BJA has established a web-based Performance Measurement Tool (PMT) for Grantees to enter data on-line at <https://bjapmt.ojp.gov>. The PMT provides Grantees the ability to identify, collect, and report performance measurement data on activities funded by their award. The assigned planning specialist will work with each project director to establish a username and password and, as requested, conduct training on how to enter the data into the PMT system. PMT reports will be due on a quarterly basis. PMT reporting periods and deadlines are listed in the Grant Manual under Section III., Administrative and Fiscal Requirements, A.3.0 Reporting Requirements, Quarterly Performance Measurement Tool Reports.

Revised Measures:

The JAG accountability measures have been revised and updated for awards from fiscal year 2015 and beyond.

Note: The revised measures discussed in this section do not apply to JAG awards for fiscal year 2014 and prior.

The following information is a list of the program accountability measures that have been released by BJA for the JAG Program. (Refer to the PMT website for additional information). The revised JAG accountability measures link your use of JAG funds to specific activity areas based on project goals, objectives, and activities. The activity areas include:

- **Law Enforcement:** Includes all programs (e.g., crime prevention, intervention), activities, or spending conducted by a law enforcement organization. This includes all task force activity but does not include crime lab/forensics activity/programs.
- **Crime Lab/Forensics:** Includes all programs, activity, or spending focused on the identification, collection, or processing of forensic evidence; for example, a sexual assault nurse examiner or sexual assault response team, or a sexual assault kit testing initiative or DNA backlog reduction program.
- **Crime Prevention (NOT as part of a law enforcement agency):** Includes all programs, activities, or spending for crime or juvenile delinquency prevention conducted through engaging communities, institutions (e.g., schools), or individuals. These include such programs as a rape aggression defense class, an alcohol/drug awareness class for students, or a bullying-prevention program.
- **Prosecution:** Includes all programs, activities, or spending related to the prosecution of criminal defendants.
- **Public Defense:** Includes all programs, activities, or spending for the defense of individuals.
- **Courts:** Includes all programs, activities, or spending for courts. This includes drug courts and other specialty courts.

- **Corrections:** Includes all programs, activities, or spending by a residential correctional agency such as a jail or prison. This includes corrections programs focused on reentry services for inmates.
- **Community Corrections:** Includes all programs, activities, or spending by a community corrections agency. This includes community corrections programs focused on reentry.
- **Reentry Services** (NOT as part of a corrections, community corrections, or court program): Includes all programs, activities, or spending for reentry. This includes reentry programs run by private, nonprofit, or other non-correctional government organizations.
- **Behavioral Health** (NOT as part of a corrections, community corrections, or court program): Includes all programs, activities, or spending for mental health, substance abuse, or co-occurring treatment that are run by private, nonprofit, or other non-correctional government organizations.
- **Assessment and Evaluation:** Includes all programs, activities, or spending for the assessment or evaluation of programs, policies, practices, or technology. This also includes strategic planning activities. For example, this could be the development of a strategic plan, an evaluation of a drug treatment service, or the cost-benefit analysis of adopting body-worn cameras.
- **Other:** Includes all uses of JAG funding not captured in any other activity area.

A complete listing of all reporting questions by program modules/activity area may be accessed at the PMT website. Grantees are required to select and report on all accountability measures that pertain to the project's JAG-funded activities. The accountability measures will then be compiled by the PMT based on responses to a series of questions posed to each project.

Training on the Revised Measures

CPJAD strongly encourages Grantees to review BJA's web-based training for additional information on the revised JAG Measures and reporting requirements. The training(s) are posted on the JAG Training Page at: <https://bjapmt.ojp.gov/help/jagtraining.html>.

APPENDIX E

CERTIFICATES AND ASSURANCES

DEPARTMENT OF THE ATTORNEY GENERAL
Crime Prevention and Justice Assistance Division

ACCEPTANCE OF CONDITIONS

The undersigned agrees, on behalf of the applicant agency, that:

1. This project, upon approval, shall constitute an official part of Hawaii's Drug Control and System Improvement Formula Grant Program established under Title VI, Subtitle C, Part E, Subpart 1, of the Anti-Drug Abuse Act of 1988 (Public Law 100-690).
2. Any grant awarded pursuant to this application shall be subject to and will be administered in conformity with:
 - (a) general conditions applicable to administration of grants under Title VI, Subtitle C, Part E, Subpart 1, of the Anti-Drug Abuse Act of 1988 (Public Law 100-690), as amended, as applicable;
 - (b) conditions applicable to the fiscal administration of grants under Title VI, Subtitle C, Part E, Subpart 1, of the Anti-Drug Abuse Act of 1988 (Public Law 100-690), as amended, as applicable;
 - (c) any special conditions contained in the grant award; and
 - (d) general and fiscal regulations of the Crime Prevention and Justice Assistance Division.
3. Any grant received as a result of this application may be terminated, or fund payment may be discontinued, by the Crime Prevention and Justice Assistance Division when it finds a substantial failure to comply with the foregoing provisions, the application obligations or for non-availability of funds.

SUBMITTED BY:

Signature: _____ Date: _____

Name: _____ Title: _____

Agency: _____

DEPARTMENT OF THE ATTORNEY GENERAL
Crime Prevention and Justice Assistance Division

ACCEPTANCE OF JAG SPECIAL CONDITIONS

The undersigned Grantee understands and agrees, on behalf of its agency that:

1. Applicability of Part 200 Uniform Requirements

Grantee agrees to comply with the financial and administrative requirements set forth in 2 C.F.R. Part 200 and the current edition of the Department of Justice (DOJ) Grants Financial Guide.

Grantee agrees to comply with the applicable audit requirements of 2 C.F.R. Part 200 or OMB Circular A-133, and further understands and agrees that funds may be withheld, or other related requirements may be imposed, if outstanding audit issues (if any) are not satisfactorily and promptly addressed as further described in the audit requirements and current edition of the DOJ Grants Financial Guide.

2. Grantee shall comply with all reporting, data collection and evaluation requirements, as prescribed by law and detailed by the BJA in program guidance for the Justice Assistance Grant Program.

Grantee shall complete BJA-required reports on-line using the Performance Measurement Tool (PMT). The on-line reporting system will require a username and password to log on. The username and password will be provided by CPJAD after the contract is executed. The PMT web address is <https://www.bjaperformancetools.org>

The BJA reporting periods and due dates are:

- January 1 - March 31 Due: April 15
- April 1 – June 30 Due: July 15
- July 1 - September 30 Due: October 15
- October 1 - December 31 Due: January 15

3. Grantee shall submit a Semi-Annual Progress Report to the CPJAD every six (6) months following the calendar year. The progress reports are to cover activities that the Grantee has completed during that reporting period.

The semi-annual reporting periods and due dates are:

- January 1 - June 30 Due: July 15
- July 1 - December 31 Due: January 15

A Final Progress report is due 30 days after the project end date and should report cumulatively on the entire project period. The appropriate report form will be provided to each project by CPJAD (AG/CPJAD #20). The report shall contain information describing progress, accomplishments, activities, changes, and problems during the report period and any additional information specified by the CPJAD.

4. Funds Subcontracted to Faith Based Organizations

Grantee shall comply with the applicable requirements of 28 C.F.R. Part 38, the Department of Justice regulation governing “Equal Treatment for Faith Based Organizations” (the “Equal Treatment Regulation”). The Equal Treatment Regulation provides in part that Department of Justice grant awards of funding may not be used to fund any inherently religious activities, such as worship, religious instruction, or proselytization. Recipients of grants may still engage in inherently religious activities, but such activities must be separate in time or place from the Department of Justice funded program, and participation in such activities by individuals receiving services from the grantee or a sub-grantee must be voluntary. The Equal Treatment Regulation also makes clear that organizations participating in programs funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. Notwithstanding any other special condition of this award, faith-based organizations may, in some circumstances, consider religion as a basis for employment. See http://www.ojp.gov/about/ocr/equal_fbo.htm.

5. Reporting Potential Fraud, Waste, and Abuse, and Similar Misconduct

Grantee shall promptly refer to the DOJ OIG any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor, or other person has either 1) submitted a false claim for grant funds under the False Claims Act; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds. Potential fraud, waste, abuse, or misconduct should be reported to the OIG by:

Mail: Office of the Inspector General
U.S. Department of Justice
Investigations Division
950 Pennsylvania Avenue, N.W.
Room 4706
Washington, DC 20530

E-mail: oig.hotline@usdoj.gov
Hotline: (contact information in English and Spanish): (800) 869-4499, or
Hotline fax: (202) 616-9881

Additional information is available from the DOJ OIG website at www.usdoj.gov/oig.

6. Federal Leadership on Reducing Text Messaging While Driving

Pursuant to Executive Order 13513, “Federal Leadership on Reducing Text Messaging While Driving,” 74 Fed. Reg. 51225 (October 1, 2009), the CPJAD encourages Grantees and Sub-grantees to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this grant, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

7. Training(s)/Conference(s) Compliance

Grantee agrees to comply with all applicable laws, regulations, policies, and guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences, meetings, trainings, and other events. Information on pertinent laws, regulations, policies, and guidance is available in the DOJ Grants Financial Guide Conference Cost Chapter.

Grantee understands and agrees that any training or training materials developed or delivered with funding provided under this award must adhere to the OJP Training Guiding Principles for Grantees and Sub-grantees, available at <http://www.ojp.usdoj.gov/funding/ojptrainingguidingprinciples.htm>

8. Information Technology Compliance

To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdictions, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the Grantee can demonstrate to the satisfaction of BJA that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.

Grantee agrees that – (a) No award funds may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography, and (b) Nothing in subsection (a) limits the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

9. Duplicate Award of Federal Funds

Grantee agrees that if it currently has an open award of federal funds or if it receives an award of federal funds other than this CPJAD award, and those award funds have been,

are being, or are to be used, in whole or in part, for one or more of the identical cost items for which funds are being provided under this CPJAD award, the Grantee will promptly notify, in writing, the assigned Criminal Justice Planning Specialist for this CPJAD award, and, if so requested by CPJAD, seek a budget or project narrative modification to eliminate any inappropriate duplication of funding.

10. Restrictions and Certifications Regarding Non-Disclosure Agreements and Related Matters

No Grantee or subgrantee under this award, or entity that receives a contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

11. Integrity and Leadership Online Training for Task Force Projects

Grantee agrees that within 60 days of award for any law enforcement task force receiving these funds, the task force commander, agency executive, task force officers, and other task force members of equivalent rank, will complete required online (internet-based) task force training to be provided free of charge through the BJA's Center for Task Force Integrity and Leadership (www.ctfli.org). This training will address task force performance measurement, personnel selection, and task force oversight and accountability. When BJA funding supports a task force, a task force personnel roster should be compiled and maintained, along with course completion certificates, by the Grantee. Additional information will be provided by BJA regarding required training and access methods via BJA's web site and Center for Task Force Integrity and Leadership.

SUBMITTED BY:

Signature: _____ Date: _____

Name: _____ Title: _____

Agency: _____

DEPARTMENT OF THE ATTORNEY GENERAL
Crime Prevention and Justice Assistance Division

CERTIFICATION OF NON-SUPPLANTING

I certify that federal funds will not be used to supplant State, local or other non-federal funds that would, in the absence of such federal aid, be made available for law enforcement, criminal justice, and victim compensation and assistance activities.

SUBMITTED BY:

Signature: _____ Date: _____

Name: _____ Title: _____

Agency: _____

DEPARTMENT OF THE ATTORNEY GENERAL
Crime Prevention and Justice Assistance Division

CERTIFICATION OF NON-DISCRIMINATION

I certify that the applicant agency will comply with and will insure compliance by its subgrantees and contractors with the non-discrimination requirements of:

- The Omnibus Crime Control and Safe Streets Act of 1968, as amended, which prohibits discrimination on the basis of race, color, national origin, religion, or sex, in Office of Justice Programs, Office of Community Oriented Policing Services, and Office on Violence Against Women funded programs or activities. (42 U.S.C. §3789d and 28 C.F.R. §42.201 et seq.)
- Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color or national origin in Office of Justice Programs, Office of Community Oriented Policing Services, and Office on Violence Against Women funded programs or activities. (42 U.S.C. §2000d and 28 C.F.R. §42.101 et seq.)
- Section 504 of the Rehabilitation Act, which prohibits discrimination on the basis of disability in Office of Justice Programs, Office of Community Oriented Policing Services, and Office on Violence Against Women funded programs or activities. (29 U.S.C. §794 and 28 C.F.R. §42.501 et seq.)
- Section 1407 of the Victims of Crime Act (VOCA), which prohibits discrimination on the basis of race, color, national origin, religion, sex, or disability in VOCA funded programs or activities. (42 U.S.C. §10604)
- Title II of the Americans with Disabilities Act of 1990, as it relates to discrimination on the basis of disability in Office of Justice Programs, Office of Community Oriented Policing Services, and Office on Violence Against Women funded programs or activities. (42 U.S.C. §12132 and 28 C.F.R. Pt. 35)
- Title IX of the Education Amendments of 1972, as it relates to discrimination on the basis of sex in Office of Justice Programs, Office of Community Oriented Policing Services, and Office on Violence Against Women funded training or educational programs. (20 U.S.C. §1681 and 28 C.F.R. Pt. 54)
- The Age Discrimination Act of 1975 as it relates to services discrimination on the basis of age in Office of Justice Programs, Office of Community Oriented Policing Services, and Office on Violence Against Women funded programs or activities. (42 U.S.C. §6102 and 28 C.F.R. §42.700 et seq.)
- Executive Order No. 13166 prohibiting discrimination of Limited English Proficient Persons.
- Executive Order No. 13279 and 28 C.F.R. pt. 38 regarding equal protection of the laws for faith-based organizations.
- The Violence Against Women Reauthorization Act of 2013, Pub. L. No. 113-4, 127 Stat. 54 § 3(b)(2013) which prohibits excluding, denying benefits to, or discriminating against any person on the basis of actual or perceived race, color, religion, national origin, sex, gender identity, sexual orientation, or disability in any program or activity funded in whole or in part with funds made available through VAWA or the Office on Violence Against Women. (42 U.S.C. § 13925(b)(13)).

No person shall, on the grounds of race, color, religion, national origin, sex, or disability, be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with any program or activity funded in whole or in part with funds made available under this title from the U.S. Department of Justice through the Department of the Attorney General, Crime Prevention and Justice Assistance Division. Noncompliance with the discrimination regulations may result in the suspension or termination of funding.

SUBMITTED BY:

Signature: _____ Date: _____
Name: _____ Title: _____
Agency: _____

DEPARTMENT OF THE ATTORNEY GENERAL
Crime Prevention and Justice Assistance Division

CERTIFICATION OF NON-DISCRIMINATION COMPLAINT PROCEDURES

The U.S. Department of Justice, Office of Justice Programs (OJP), Office for Civil Rights (OCR) has jurisdiction to investigate complaints of discrimination against recipients of funding from OJP (which includes component agencies such as the Bureau of Justice Assistance, the Office for Victims of Crime, and the National Institute of Justice), Office on Violence Against Women, and the COPS Office. OCR has indicated that recipients and subrecipients of federal funding should have non-discrimination complaint procedures. Therefore,

I certify that the _____ (name of agency) has non-discrimination complaint procedures which include:

- (1) a coordinator who is responsible for overseeing the complaint process. The agency's coordinator is:

_____	_____	_____
Name	Title	Phone

- (2) a procedure to ensure that beneficiaries or employees of funded subrecipients are aware that they may complain of discrimination directly to a subrecipient, to the Department of the Attorney General, or to the Office for Civil Rights.
- (3) a procedure to investigate the complaint. (The procedure may be an internal investigation or forwarding the complaint to the Department of the Attorney General, the OCR, or another appropriate external agency.)
- (4) a procedure to notify the Department of the Attorney General, Crime Prevention and Justice Assistance Division of the complaint. (The Department will forward the complaint information to OCR and may conduct an investigation of the complaint.)
- (5) a procedure to notify the Department of the Attorney General of the findings of the investigation.

SUBMITTED BY:

Signature: _____ Date: _____

Name: _____ Title: _____
(Head of Agency or Designee)

CERTIFICATION FORM

Compliance with the Equal Employment Opportunity Plan (EEOP) Requirements

Please read carefully the Instructions (see below) and then complete Section A or Section B or Section C, not all three. If recipient completes Section A or C and sub-grants a single award over \$500,000, in addition, please complete Section D.

Recipient's Name:	
Address:	
Is agency a; <input type="checkbox"/> Direct or <input type="checkbox"/> Sub recipient of OJP, OVW or COPS funding?	Law Enforcement Agency? <input type="checkbox"/> Yes <input type="checkbox"/> No
DUNS Number:	Vendor Number (only if direct recipient)
Name and Title of Contact Person:	
Telephone Number:	E-Mail Address:

Section A—Declaration Claiming Complete Exemption from the EEOP Requirement

Please check all the following boxes that apply.

- | | | |
|---|--|--|
| <input type="checkbox"/> Less than fifty employees. | <input type="checkbox"/> Indian Tribe | <input type="checkbox"/> Medical Institution. |
| <input type="checkbox"/> Nonprofit Organization | <input type="checkbox"/> Educational Institution | <input type="checkbox"/> Receiving a single award(s) less than \$25,000. |

I, _____ [responsible official], certify that _____ [recipient] is not required to prepare an EEOP for the reason(s) checked above, pursuant to 28 C.F.R § 42.302. I further certify that _____ [recipient] will comply with applicable federal civil rights laws that prohibit discrimination in employment and in the delivery of services.

If recipient sub-grants a single award over \$500,000, in addition, please complete Section D

Print or Type Name and Title

Signature

Date

Section B—Declaration Claiming Exemption from the EEOP Submission Requirement and Certifying That an EEOP Is on File for Review

If a recipient agency has fifty or more employees and is receiving a single award or, subaward, of \$25,000 or more, but less than \$500,000, then the recipient agency does not have to submit an EEOP to the OCR for review as long as it certifies the following (42 C.F.R. § 42.305):

I, _____ [responsible official], certify that _____ [recipient], which has fifty or more employees and is receiving a single award or subaward for \$25,000 or more, but less than \$500,000, has formulated an EEOP in accordance with 28 CFR pt. 42, subpt. E. I further certify that within the last twenty-four months, the proper authority has formulated and signed into effect the EEOP and, as required by applicable federal law, it is available for review by the public, employees, the appropriate state planning agency, and the Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice. The EEOP is on file at the following office:

[organization],

[address].

Print or Type Name and Title

Signature

Date

Section C—Declaration Stating that an EEOP Short Form Has Been Submitted to the Office for Civil Rights for Review

If a recipient agency has fifty or more employees and is receiving a single award, or subaward, of \$500,000 or more, then the recipient agency must send an EEOP Short Form to the OCR for review.

I, _____ [responsible official], certify that _____ [recipient], which has fifty or more employees and is receiving a single award of \$500,000 or more, has formulated an EEOP in accordance with 28 CFR pt. 42, subpt. E, and sent it for review on _____ [date] to the Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice.

If recipient sub-grants a single award over \$500,000, in addition, please complete Section D

Print or Type Name and Title

Signature

Date

INSTRUCTIONS

Completing the Certification Form

Compliance with the Equal Employment Opportunity Plan (EEOP) Requirements

The federal regulations implementing the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, as amended, require some recipients of financial assistance from the U.S. Department of Justice subject to the statute's administrative provisions to create, keep on file, submit to the Office for Civil Rights (OCR) at the Office of Justice Programs (OJP) for review, and implement an Equal Employment Opportunity Plan (EEOP). *See* 28 C.F.R. pt. 42, subpt. E. All awards from the Office of Community Oriented Policing Services (COPS) are subject to the EEOP requirements; many awards from OJP, including awards from the Bureau of Justice Assistance (BJA), the Office of Juvenile Justice and Delinquency Prevention (OJJDP), and the Office for Victims of Crime (OVC) are subject to the EEOP requirements; and many awards from the Office on Violence Against Women (OVW) are also subject to the EEOP requirements. If you have any questions as to whether your award from the U.S. Department of Justice is subject to the Safe Streets Act's EEOP requirements, please consult your grant award document, your program manager, or the OCR.

Recipients should complete *either* Section A *or* Section B *or* Section C, not all three. If recipient completes Section A *or* C and sub-grants a single award over \$500,000, in addition, please complete Section D.

Section A

The regulations exempt some recipients from all of the EEOP requirements. Your organization may claim an exemption from all of the EEOP requirements if it meets any of the following criteria: it is a nonprofit organization, an educational institution, a medical institution, or an Indian tribe; *or* it received an award under \$25,000; *or* it has less than fifty employees. To claim the complete exemption from the EEOP requirements, complete Section A.

Section B

Although the regulations require some recipients to create, maintain on file, and implement an EEOP, the regulations allow some recipients to forego submitting the EEOP to the OCR for review. Recipients that (1) are a unit of state or local government, an agency of state or local government, or a private business; *and* (2) have fifty or more employees; *and* (3) have received a single grant award of \$25,000 or more, but less than \$500,000, may claim the limited exemption from the submission requirement by completing Section B. In completing Section B, the recipient should note that the EEOP on file has been prepared within twenty-four months of the date of the most recent grant award.

Section C

Recipients that (1) are a unit of state or local government, an agency of state or local government, or a private business, *and* (2) have fifty or more employees, *and* (3) have received a single grant award of \$500,000 or more, must prepare, maintain on file, *submit to the OCR for review*, and implement an EEOP. Recipients that have submitted an EEOP Utilization Report (or in the process of submitting one) to the OCR, should complete Section C.

Section D

Recipients that (1) receive a single award over \$500,000; *and* (2) subaward a single award of \$500,000 or more must provide a list; including, name, address and DUNS # of each such sub-recipient by completing Section D.

Submission Process

Recipients should download the online Certification Form, complete required sections, have the appropriate official sign it, electronically scan the signed document, and then send the signed document to the following e-mail address: EEOPForms@usdoj.gov. *The document must have the following title: EEOP Certification.* If you have questions about completing or submitting the Certification Form, please contact the Office for Civil Rights, Office of Justice Programs, 810 7th Street, NW, Washington, DC 20531 (Telephone: (202) 307-0690 and TTY: (202) 307-2027).

Public Reporting Burden Statement

Paperwork Reduction Act Notice. Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a current valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you to provide us with information. The estimated minimum average time to complete and file this application is 20 minutes per form. If you have any comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to the Office of Justice Programs, 810 7th Street, N.W., Washington, D.C. 20531.



U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS
OFFICE OF THE COMPTROLLER

**Certification Regarding
Debarment, Suspension, Ineligibility and Voluntary Exclusion
Lower Tier Covered Transactions
(Sub-Recipient)**

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 28 CFR Part 67, Section 67.510, Participants' responsibilities. The regulations were published as Part VII of the May 26, 1988 *Federal Register* (pages 19160-19211).

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)

- (1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Name and Title of Authorized Representative

Signature

Date

Name of Organization

Address of Organization

Instructions for Certification

- 1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.**
- 2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.**
- 3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.**
- 4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549.**
- 5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.**
- 6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.**
- 7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may check the Nonprocurement List.**
- 8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.**
- 9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.**

DEPARTMENT OF THE ATTORNEY GENERAL
Crime Prevention and Justice Assistance Division

PRIVACY CERTIFICATION

This certification is submitted in compliance with the Department of Justice regulations governing confidentiality of research/statistical information (28 CFR Part 22, 12/15/76).

For National Institute of Justice (NIJ) grants, a Privacy Certificate must be submitted as part of ALL applications that contain a research or statistical component regardless of whether the project involves the collection of identified data. In cases where no personally identifiable information will be collected, this form is considered complete following insertion of the project description and the phrase “No data identifiable to a private person will be collected here.” All other questions should be answered as “Not applicable since this study is not collecting identifiable data.” The form must be signed and dated.

GRANTEE: _____

PROJECT TITLE: _____

PROJECT NUMBER: _____

Grantee¹, _____, certifies that the data *identifiable to a private person*² will not be used or revealed, except as authorized in 28 CFR Part 22, Sections 22.21 & 22.2.

Brief Description of Project (required by 28 CFR §22.23(b):

Grantee certifies that any private person from whom identifiable information is collected or obtained shall be notified, in accordance with 28 CFR §22.27, that such data will only be used or revealed for research or statistical purposes and that compliance with the request for information is not mandatory and participation in the project maybe terminated at any time. In addition, grantee certifies that where findings in a project cannot, by virtue of sample size or uniqueness of

subject, be expected to totally conceal the identity of an individual, such individual shall be so advised.

Procedures to notify subjects that such data will only be used or revealed for research or statistical purposes and that compliance with the request for information is not mandatory and participation in the project maybe terminated at any time as required by 28 CFR §22.23(b)(4):

NOTE: Informed consent procedures and forms as approved by the IRB should be attached.

If notification of subjects is to be waived, pursuant to 28 CFR §22.27(c), please provide a justification:

Grantee certifies that project plans will be designed to preserve the confidentiality of private persons to whom information relates, including where appropriate, name-stripping, coding of data, or other similar procedures.

Procedures developed to preserve the confidentiality of personally identifiable information, as required by 28 CFR §22.23(b)(7):

Grantee certifies that, if applicable, a log will be maintained indicating that (1) identifiable data have been transferred to persons other than employees of NIJ, BJA, BJS, OJJDP, OVC, OJP, OVW, or grantee/contractor/subcontractor staff; and (2) such data have been returned or that alternative arrangements have been agreed upon for future maintenance of such data, in accordance with 28 CFR §22.23(b)(6).

Justification for the collection and/or maintenance of any data in identifiable form, if applicable:

Procedures for data storage, as required by 28 CFR §22.23(b)(5):

Grantee certifies that all contractors, subcontractors, and consultants requiring access to identifiable data will agree, through conditions in their subcontract or consultant agreement, to comply with the requirements of 28 CFR §22.24, regarding information transfer agreements. Grantee also certifies that CPJA will be provided with copies of any and all transfer agreements before they are executed as well as the name and title of the individual(s) with the authority to transfer data.

Description of any institutional limitations or restrictions on the transfer of data in identifiable form, if applicable:

Name and title of individual with the authority to transfer data:

Grantee certifies that access to the data will be limited to those employees having a need for such data and that such employees shall be advised of and agree in writing to comply with the regulations in 28 CFR Part 22.

Grantee certifies that all project personnel, including subcontractors, have been advised of and have agreed, in writing, to comply with all procedures to protect privacy and the confidentiality of personally identifiable information.

Access to data is restricted to the following individuals, as required by 28 CFR §22.23(b)(2):

Principal Investigator(s)

Project staff, contractors, subcontractors, and/or consultants

Grantee certifies that adequate precautions will be taken to ensure administrative and physical security of identifiable data and to preserve the confidentiality of the personally identifiable information.

Procedures to ensure the physical and administrative security of data, as required by 28 CFR §22.25(b), including, if applicable, a description of those procedures used to secure a name index:

Procedures for the final disposition of data, as required by 28 CFR §22.25:

Name and title of individual authorized to determine the final disposition of data:

Grantee certifies that copies of all questionnaires, informed consent forms and informed consent procedures designed for use in the project are attached to this Privacy Certification.

Grantee certifies that project findings and reports prepared for dissemination will not contain information which can reasonably be expected to be identifiable to a private person, except as authorized by 28 CFR §22.22.

Grantee certifies that the procedures described above are correct and shall be carried out.

Grantee certifies that the project will be conducted in accordance with all the requirements of the Omnibus Crime Control and Safe Streets Act of 1968 as amended and the regulations contained in 28 CFR Part 22.

Grantee certifies that CPJA shall be notified of any material change in any of the information provided in this Privacy Certification.

Notes:

¹Please include the name of the Principal Investigator(s) for this project as well as the name of the grantee organization on line 1. In the signature blocks, the PI(s) should sign, as well as the person representing the institution receiving the grant funds. Where a research project involves human subjects, the chair of the Institutional Review Board (IRB) should sign as authorizing official.

²*Information identifiable to a private person* is defined in 28 CFR section 22.2(e) as “information which either -- (1) Is labeled by name or other personal identifiers, or (2) Can, by virtue of sample size or other factors, be reasonably interpreted as referring to a particular person.”

Signature(s):

Principal Investigator: _____ Date: _____

Principal Investigator: _____ Date: _____

Institutional Representative: _____ Date: _____

DEPARTMENT OF THE ATTORNEY GENERAL
Crime Prevention and Justice Assistance Division

TRANSFER AGREEMENT

This agreement is prepared in accordance with the Department of Justice regulations governing confidentiality of research/statistical information (28 CFR Part 22, 12/25/76).

Name of Individual or Organization to Which the Information is Being Transferred (Transferee)

Title of Project for Which Data Will be Used

Project Number

Title of Project for Which Information was Originally
Complied, Obtained, or Used

Project Number

1. Describe the research/statistical component of the intended project and provide a statement of how the project will be designed to preserve the anonymity of private persons to whom the information to be transferred relates.

2. Describe the administrative and physical precautions that will be taken by transferee to assure the security of information obtained.

3. Describe the procedures for the final disposition of the information transferred in accordance with Section 22.24 (h).

DEPARTMENT OF THE ATTORNEY GENERAL
Crime Prevention and Justice Assistance Division

INSTRUCTIONS

CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS
(AG/CPJAD #16)

1. By signing and/or submitting this application or grant agreement, the grantee, is providing the certification set out on the form entitled Crime Prevention and Justice Assistance Division, Department of the Attorney General, Certification Regarding Drug-Free Workplace Requirements (hereinafter referred to as the AG/CPJAD Form #16).
2. The certification set out on AG/CPJAD Form #16 is a material representation of fact upon which reliance will be placed when the Department of the Attorney General, State of Hawaii (hereinafter referred to as “grantor”) determines to subgrant federal funds to the grantee. Pursuant to the contract which grantor will offer grantee in the event a subgrant is awarded to grantee, false certification or violation of the conditions set forth in the certification shall be grounds for suspension of payments, or suspension or termination of the subgrant. Such false certification or violation of the conditions contained in the certification shall subject the State of Hawaii to governmentwide suspension or debarment, which shall, in turn, result in the withdrawal of funds from the grantee and/or the unavailability of future funding for the grantee.

DEPARTMENT OF THE ATTORNEY GENERAL
Crime Prevention and Justice Assistance Division

CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS

I. _____(hereinafter referred to as “grantee”) certifies that it will provide a drug-free workplace by:

- (a) publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee’s workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) establishing a drug-free awareness program to inform employees about:
 - (1) the dangers of drug abuse in the workplace;
 - (2) the grantee’s policy of maintaining a drug-free workplace;
 - (3) any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) the penalties that may be imposed upon employees for drug abuse violations;
- (c) making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:
 - (1) abide by the terms of the statement; and
 - (2) notify the employer of any criminal drug statute conviction for a violation occurring in the workplace not later than five (5) days after such conviction;
- (e) notifying the Department of the Attorney General, State of Hawaii, within ten (10) days after receiving notice under subparagraph (d) (2) from an employee or otherwise receiving actual notice of such conviction;
- (f) taking one of the following actions with respect to any employee who is so convicted:
 - (1) taking appropriate personnel action against such an employee, up to and

including termination; or

- (2) requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- (g) making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

II. The grantee shall insert in the space provided below the site(s) for the performance of work done in connection with this specific grant:

_____	_____
Street Address	Street Address
_____	_____
City, State, Zip Code	City, State, Zip Code
_____	_____
County	County

SUBMITTED BY:

Signature: _____ Date: _____

Name: _____ Title: _____

Agency: _____

DEPARTMENT OF THE ATTORNEY GENERAL
Crime Prevention and Justice Assistance Division

CONFIDENTIAL FUNDS CERTIFICATION

This is to certify that I have read all of the conditions for confidential funds as set forth in the effective edition of Office of Justice Program's Financial Guide, and I agree to abide by all the conditions for confidential funds as set forth in the manual.

SUBMITTED BY:

Signature: _____ Date: _____

Name: _____ Title: _____

Agency: _____

DEPARTMENT OF THE ATTORNEY GENERAL
Crime Prevention and Justice Assistance Division

CERTIFICATION REGARDING LOBBYING

Each person shall file the most current edition of this certification and disclosure form, if applicable, with each submission that initiates agency consideration of such person for an award of a Federal contract, grant, or cooperative agreement of \$100,000 or more; or Federal loan of \$150,000 or more.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan or cooperative agreement.
- (2) If any non-Federal funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall initial here ____ and complete and submit Standard Form # LLL, A Disclosure of Lobbying Activities, in accordance with its instructions.
- (3) Recipient understands and agrees that it cannot use any Federal funds, either directly or indirectly, in support of the enactment, repeal, modification, or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of the U.S. Department of Justice, Office of Justice Programs.
- (4) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers and that all subrecipients shall certify and disclose accordingly.

SUBMITTED BY:

Signature: _____
Name: _____
Title: _____

Date: _____
Project No: _____

Name and Address of Organization

Name of OJP Agency

DEPARTMENT OF THE ATTORNEY GENERAL
Crime Prevention and Justice Assistance Division

CERTIFICATION OF 10% DE MINIMIS INDIRECT COST RATE

Any Grantee that proposes to use federal grant funds to pay for indirect costs but has never received a federally negotiated indirect cost rate may elect to charge a de minimis rate of 10% of its modified total direct costs (MTDC) which may be used indefinitely. (2 CFR § 200.414) In order to charge a de minimis rate of 10% of its MTDC, the Grantee must submit this certification form to the Department of the Attorney General.

I certify that the _____ (name of Grantee) meets the following eligibility criteria to use the 10% de minimis indirect cost rate:

1. The Grantee has never received a Federally-negotiated indirect cost rate for any federal awards.
2. The Grantee has received less than \$35 million in direct federal funding for the fiscal year requested.

In addition, the undersigned certifies on behalf of the Grantee that:

1. The de minimis rate of 10% will be applied to the Modified Total Direct Costs (MTDC) which means all direct salaries and wages, applicable fringe benefits, materials and supplies, services, travel, and up to the first \$25,000 of each subaward (regardless of the period of performance of the subawards under the award).
2. The MTDC will exclude equipment, capital expenditures, rental costs, and the portion of each subaward in excess of \$25,000. Other items will only be excluded when necessary to avoid a serious inequity in the distribution of indirect costs, and with the approval of the cognizant agency for indirect costs.
3. The project costs will be consistently charged as either indirect or direct and will not be double charged or inconsistently charged as both.
4. The documentation to support the methodology (as set forth in 2 CFR Part 200.403) used to determine the MTDC (as set forth in 2 CFR Part 200.68) will be provided as part of the Grantee's budget.
5. The proper use and application of the de minimis rate is the responsibility of _____ (name of Grantee). The Department of the Attorney General may perform an audit to ensure compliance with 2 CFR Part 200. If it is determined that the Grantee is inconsistently charging costs, or is not in compliance with 2 CFR Part 200, the Grantee may be required to return grant funds.

SUBMITTED BY:

Signature: _____

Date: _____

Name: _____

Title: _____

(Head of Grantee Agency or Designee)

APPENDIX F

MISCELLANEOUS FORMS

DEPARTMENT OF THE ATTORNEY GENERAL
Crime Prevention and Justice Assistance Division

CERTIFICATION FOR TITLE TO PROPERTY

This certifies that all expendable and non-expendable personal property purchased with federal funds by _____, (agency) will be used for criminal justice purposes.

(SEE ATTACHED LIST)

SUBMITTED BY:

Signature: _____ Date: _____

Name: _____ Title: _____

Agency: _____

DEPARTMENT OF THE ATTORNEY GENERAL
Crime Prevention and Justice Assistance Division

PROGRESS REPORT

Grantee must complete and submit a **Semi-Annual Progress Report** to CPJAD every six months following the calendar year. The progress report is to cover activities that occurred or were completed during the identified reporting period.

The due dates for the **Semi-Annual Progress Report** are:

January 1 - June 30	Due: July 15
July 1 - December 31	Due: January 15

Grantee must complete and submit a **Final Progress Report** at the end of the project period. The Final Progress Report is to cover activities that occurred or were completed during the entire project period. The due date for the **Final Progress Report** is 30 days after the project end date.

(Note: If the project end date falls on either June 30th or December 31st, Grantee must complete and submit a Final Progress Report in lieu of a Semi-Annual Progress Report.)

The completed report is to be emailed to the assigned Planning Specialist.

Report Period:	<u> Select </u>	Year:	<u> Select </u>
Project Number:	<u> </u>		
Report Completed by:	<u> </u>	Phone #:	<u> </u>
Report Date:	<u> </u>		

1. Is this a final report? (Please check one)
 Yes
 No
2. What were your major accomplishments during this reporting period? Please describe.
3. What goals and objectives were accomplished during this reporting period, as they relate to your grant application? Please list each goal and objective as stated in your application, and describe the progress made towards achieving each of them.
4. Describe the project activities, as stated in your application, that occurred during the reporting period.
5. Please report on all performance indicators, as stated in your application. If this is the final

report, describe how the project impacted/improved the criminal justice system.

6. What problems/barriers did you encounter, if any, within the reporting period that prevented you from reaching your goals or milestones? Please include details on how the problems/barriers impacted the project and how they were resolved.
7. Is there any assistance that CPJAD can provide to address any problems/barriers identified in question #6 above?
8. Are you on track to fiscally and programmatically complete your program as outlined in your grant application? (Please answer YES or NO and if no, please explain.)
 Yes
 No
9. What major activities are planned for the next 6 months?
10. Based on your knowledge of the criminal justice field, are there any innovative programs/accomplishments that you would like to share with CPJAD?
11. Based on your knowledge, are there any gaps/needs you see in the criminal justice system that should be addressed? Please describe.

DEPARTMENT OF THE ATTORNEY GENERAL
Crime Prevention and Justice Assistance Division

JUSTIFICATION FOR NON-COMPETITIVE PROCUREMENT
(SOLE SOURCE JUSTIFICATION)

All sole source procurements in excess of the Simplified Acquisition Threshold set in accordance with 41 U.S.C. 1908 (currently set at \$150,000), must receive prior approval from CPJAD before entering into the contract. This authorization from CPJAD is not approval for non-competitive sole source procurement; it only authorizes you to proceed with the process to obtain approval utilizing state and county procurement rules. All procurement transactions, whether negotiated or competitively bid and without regard to value, must comply with procurement requirements that provide maximum open and free competition.

Provide a brief description of the program and the project or service to be procured, including the expected procurement amount.

Check which circumstance has led to the need for a non-competitive procurement process:

- The item or service is available only from a single source.
- The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation.
- After solicitation of a number of sources, competition is determined to be inadequate.

Provide an explanation of why it is necessary to procure non-competitively. The justification may include the following contractor qualities: (1) organizational expertise; (2) management; (3) knowledge of the program; (4) responsiveness; or (5) expertise of personnel.

Provide a statement of when contractual coverage is required and, if dates are not met, what impact it will have on the program (e.g., how long it would take another contractor to reach the same level of competence). Make sure to include the financial impact in dollars.

Outline the unique qualities of the contractor.

Indicate whether the established procurement rules for non-competitive sole source for goods and services will be followed:

_____ YES

_____ NO: please explain

Describe how this action is in the best interest to the agency.

AUTHORIZED TO PURSUE NON-COMPETITIVE PROCUREMENT

NOT AUTHORIZED TO PURSUE NON-COMPETITIVE PROCUREMENT

CPJAD Branch Chief

Date

DEPARTMENT OF THE ATTORNEY GENERAL
 Crime Prevention and Justice Assistance Division
 Project Self-Assessment

Agency:					
Project No:					
Contact Name:					
Email Address:					
Phone:				Date:	
<i>Instructions: Place an "x" in the appropriate column.</i>		Yes	No	N/A	N/A=Not Applicable <i>A comment is required for N/A to be considered</i>
General					
1	Has the project director operated or managed state and/or federal funds at any agency within the past 5 years?				
2	Has the fiscal officer operated or managed state and/or federal funds at any agency within the past 5 years?				
3	Is this project new for the agency (operational for less than two years)?				
4	Has there been staff turnover or agency reorganization that affects this project?				
5	Have the majority of project staff worked in the project for less than 2 years?				
6	Does the project have effective procedures and controls (standard policies & procedures)?				
Legal					
1	For Non-Government Organizations: Does the agency/entity have or previously had a lawsuit(s) filed against them? If yes, list all pending and/or previous lawsuits with detailed information regarding who filed the lawsuit, the reason for filing and the final judgment rendered.				
2	Is agency currently or previously been suspended or debarred?				
3	Have any agency staff connected to the project been convicted of a crime linked to any area related to the grant or, if the individual handles money relating to the grant convicted of any crime such as fraud, embezzlement or other crimes involving handling of money?				
Financial Systems					
1	For Government Organizations: Does the agency use a state or county uniform financial management/accounting system? If yes, proceed to question 3.				
2	For Non-Government Organizations: Does the agency have a financial management system in place to track and record the program expenditures? (Example: Quickbooks, Visual Bookkeeper, Socrates Media, Peachtree or a Custom Proprietary System)				
3	Does the accounting system identify the receipts and expenditures of program funds separately for each award?				

DEPARTMENT OF THE ATTORNEY GENERAL
 Crime Prevention and Justice Assistance Division
 Project Self-Assessment

Agency:					
Project No:					
Contact Name:					
Email Address:					
Phone:				Date:	
<i>Instructions: Place an "x" in the appropriate column.</i>		Yes	No	N/A	N/A=Not Applicable <i>A comment is required for N/A to be considered</i>
4	Does the accounting system provide for the recording of expenditures for each award by the budget cost categories shown in the approved budget?				
5	Does the agency require project-funded staff to complete time and activity sheets identified by funding source?				
6	As applied to this project, does the agency have an indirect cost rate that is approved and current?				
	a) If yes, who approved the rate?				

DEPARTMENT OF THE ATTORNEY GENERAL
Crime Prevention and Justice Assistance Division

CERTIFICATION OF GRANT-FUNDED EMPLOYMENT

Per Title 2 Code of Federal Regulations (CFR) Part 225, *Cost Principles for State, Local, and Indian Tribal Governments*, Appendix B, *Selected Items of Cost*, this is to certify that the below listed employee has worked solely on the specified single Federal award or cost objective, and that charges for the named employee(s) salary and wages are supported by this periodic certification for the period covered by this certification.

This certification is for the Project Period (max 6 months): _____

Employee Name: _____

Position: _____

Project Number: _____

Project Title: _____

Employee Signature: _____ Date: _____

Supervisor Signature: _____ Date: _____

Note: The completed certification is to be filed with the official project records along with the employee's time and activity sheets.

U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS

Justice Assistance Grant (JAG) Program

Body Armor Mandatory Wear Policy Certification

On behalf of the applicant entity named below, I certify the following to the Office of Justice Programs, U.S. Department of Justice:

I have personally read and reviewed the section entitled "Body Armor Certification" in the program announcement for the grant program identified above. I certify that our agency currently has a written "mandatory wear" policy in effect.

I acknowledge that a false statement in this certification may be subject to criminal prosecution, including under 18 U.S.C. § 1001. I also acknowledge that Office of Justice Program grants, including certifications provided in connection with such grants, are subject to review by the Office of Justice Programs, and/or by the Department of Justice's Office of the Inspector General.

I have authority to make this certification on behalf of the applicant entity (that is, the entity applying directly to the Office of Justice Programs).

Fiscal Year of JAG Award:

Signature of Certifying Official

Printed Name of Certifying Official

Title of Certifying Official

Full Name of Applicant Entity

Date

APPENDIX G

FREQUENTLY ASKED QUESTIONS & ANSWERS

Cash on Hand

1. What is the maximum allowed for Cash on Hand?

ANSWER: \$0. Grantee should request funds based upon immediate disbursement requirements. Funds are to be requested as project costs are incurred or anticipated. Grantee should time their drawdown requests to ensure that the cash on hand is the minimum for disbursements to be made immediately or within a few days. CPJAD will ask for the return of funds if the cash on hand is excessive and/or will not be expended in a timely manner.

2. For the final Request for Funds and Cash Balance Report (RFF) (AG/CPJAD #7), is it okay to leave a balance of more than \$0 in Part B.3. Ending Cash Balance?

ANSWER: No, any federal monies that were requested and not expended should be returned to CPJAD. The ending cash balance should be \$0 when submitting the final RFF report.

Time Sheets

1. Who is responsible for monitoring all of the time sheets completed by the staff paid with federal funds?

ANSWER: The Project Director and Financial Officer. The Project Director and the Financial Officer should have completed time sheets from all grant-funded staff to verify that the time spent by staff working on the project is consistent with the contract. During monitoring visits, the specialists are looking for whether the Financial Officer and Project Director are providing both cost and program management.

Allowable Cost

1. Can grant funds be obligated if the project period ends September 30, 2016 but the training will be held on October 15, 2016?

ANSWER: No. The project-funded activities (training) as well as the obligation must fall within the project period

Procuring Goods and Services and/or Health and Human Services

1. Are federal funds subject to state and/or county procurement rules?

ANSWER: Yes. State and county procurement rules are to be followed by the Grantee. While state and county procurement rules apply, additional federal rules for expenditures may also apply.

2. Is the Grantee subject to the purchasing policies of its own agency even though the policy may be higher than the federal requirements?

ANSWER: Yes, it could be. If the policy is an agency or department-wide policy that is implemented regardless of the source of the funds, then the policy shall apply to the federally-funded project as well.

**Edward Byrne Memorial Justice Assistance Grant (JAG) Program
Frequently Asked Questions (FAQs) - Updated June 2016**

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Edward Byrne Memorial Justice Assistance Grant (JAG) Program Frequently Asked Questions (FAQs) - Updated June 2016

Reference Information:

What is the authorizing legislation for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program?

Edward Byrne Memorial JAG Program awards are authorized by the 42 U.S.C. § 3751(a).

What is the Catalog of Federal Domestic Assistance (CFDA) number for the Edward Byrne Memorial JAG Program?

The CFDA number for the Edward Byrne Memorial JAG Program (State and Local) is 16.738.

Award Eligibility/Formula Information:

Who is eligible and where is the eligibility list located?

Applicants for JAG State awards are limited to states, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, and American Samoa.

Applicants for JAG Local awards are limited to units of local government appearing on the JAG Allocations List. The full list of eligible units of local governments for the current Fiscal Year, once available, will be posted on the JAG web page here:

https://www.bja.gov/ProgramDetails.aspx?Program_ID=59

For JAG Program purposes, a unit of local government is: a town, township, village, parish, city, county, borough, or other general purpose political subdivision of a state; or, it may also be a federally recognized Indian tribe that performs law enforcement functions (as determined by the Secretary of the Interior). Otherwise a unit of local government may be any law enforcement district or judicial enforcement district established under applicable state law with authority to independently establish a budget and impose taxes. In Louisiana, a unit of local government means a district attorney or parish sheriff. The full list of eligible units of local governments for the current Fiscal Year, once available, will be posted on the JAG web page here: https://www.bja.gov/ProgramDetails.aspx?Program_ID=59

I don't see my jurisdiction on the allocation list? Why?

If your city/county is not on the Edward Byrne Memorial Justice Assistance Grant (JAG) allocation list found on the [JAG web page](#), it does not qualify for a direct JAG award from the Bureau of Justice Assistance (BJA). The JAG legislation specifies that allocations to local governments must be at least \$10,000 to qualify for a direct JAG award. The [Bureau of Justice Statistics Technical Report](#) explains the JAG allocation formula that is statutorily-based.

How is the formula calculated?

The Bureau of Justice Statistics (BJS) calculates, for each *state and territory*, a minimum base allocation which, based on the statutory JAG formula, can be enhanced by (1) the state's share of the national population and (2) the state's share of the country's Part 1 violent crime statistics. Once the state funding is calculated, 60 percent of the allocation is awarded to the state and 40 percent to eligible units of local government.

Edward Byrne Memorial Justice Assistance Grant (JAG) Program Frequently Asked Questions (FAQs) - Updated June 2016

States also have a variable percentage of the allocation that is required to “pass-through” to units of local government. This amount, also calculated by BJS, is based on each state’s crime expenditures. In addition, the formula calculates direct allocations for local governments within each state, based on their share of the total violent crime reported within the state. Local governments that are entitled to at least \$10,000 awards may apply directly to BJA for local JAG funds.

My city/county/parish/township/tribe is not listed as qualifying for a direct award. Is there other JAG Funding available?

Yes, JAG funding may be available through your respective State Administering Agency (SAA) as a result of variable pass-through (VPT). JAG requires that states pass through a predetermined percentage (variable pass-through) of funds to units of local government, such as a city, county, township, or town. Calculated by BJS, this percentage is established by assessing the total criminal justice expenditures by the state and units of local government. Current Variable Pass-through percentages (VPT) can be found at: <https://www.bja.gov/Funding/JAGvpt.pdf>.

In addition to the predetermined pass-through percentage, states must also distribute or pass-through funds from the “less than \$10,000 jurisdictions” which have been added to the state’s award. These less- than \$10,000 funds must be awarded by the state to state police departments that provide criminal justice services to units of local government and/or units of local government whose allocation is less than \$10,000.

For questions regarding whether your agency is eligible to receive VPT funds contact your SAA. A list of all SAAs and their respective contact information can be found using the following link: <http://ojp.gov/saa/index.htm>.

Can a State Administering Agency (SAA) award sub-grants to private non-profit organizations for:

- a. Criminal justice projects that would benefit the entire state?
- b. A criminal justice project that will benefit a local jurisdiction?
- c. A private non-profit (PNP) that is in partnership with a local Law Enforcement (LE) agency to provide criminal justice services to designated "units of local government"?

As permitted by the JAG program statute, an SAA can award JAG sub-grants to private non-profit neighborhood or community-based organizations (PNPs) in any of the above scenarios. If the funding being provided to the PNP represents the state's portion of its JAG award, then the intended use must fulfill the statutory purpose areas for the JAG Program. However, if the funding provided to the PNP represents the variable pass-through portion of the state's award, then additional requirements must be met. The PNP sub-grant must benefit a “unit of local government” (as that term is defined at 42 U.S.C. §3791(a) (3) or 42 U.S.C. §3755(h)), and each unit of local government benefiting from the PNP sub-grant must voluntarily sign a waiver as required by the solicitation. For guidance on the process for obtaining a pass-through waiver for SAAs, please refer to the FAQ titled “State Administering Agency (SAA) Pass-Through Waiver”.

Can a State Administering Agency (SAA) award sub-grants to a public or private school?

JAG funds can be sub-awarded to a public or private school as long as the intended program falls within one of the seven JAG program areas. If a state wishes to sub-award funds to a school instead of a unit of local government, it can do so with any state funds that remain after the variable pass-through (VPT) and less than \$10,000 portions of their total award have been distributed. If the school is private or non-profit, please refer to the JAG FAQ that describes the guidance for those organizations.

Edward Byrne Memorial Justice Assistance Grant (JAG) Program Frequently Asked Questions (FAQs) - Updated June 2016

Where can I find Uniform Crime Report (UCR) Part I violent crime data and crime expenditure data for my city or county?

Data is available on the [FBI's UCR web site](#).

What is the FBI/UCR Modernization Project, and can JAG funds be used to support the FBI/UCR Modernization Project?

JAG funding may be utilized in support of systems upgrades (hardware/software), including potential upgrades necessary for State, Territories, Units of Local Government and/or Tribes to come into compliance with the FBI's UCR Redevelopment Project (UCRRP). For more information on the UCRRP please refer here: <http://www.fbi.gov/about-us/cjis/ucr/ucr-redevelopment-project>.

Will the 10 percent penalty for failure to substantially implement the Sex Offender Registration and Notification Act (SORNA) apply to current Fiscal Year (FY) JAG funding?

Yes, the SORNA penalty will be applied to current FY JAG funding for non-compliant States/Territories.

The Adam Walsh Child Protection and Safety Act of 2006 (AWA) established a penalty for jurisdictions that failed to substantially implement the Sex Offender Registration and Notification Act (SORNA) by July 27, 2011, and for any year thereafter. See 42 U.S.C. § 16925(a). The Attorney General has delegated the task of determining when a jurisdiction has substantially implemented SORNA's requirements to the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART Office).

For those jurisdictions that did not substantially implement SORNA by the annual deadline set by the SMART Office, the SORNA penalty will be calculated by subtracting 10 percent from the state government's allocation (60 percent of the total award), after deduction of the "mandatory variable pass-through" that states are required to send to local governments. The penalty **does apply** to the portion of JAG funding that is awarded to the state to be shared with local governments that were not eligible for a direct JAG award ("less than \$10,000 jurisdictions") because the states retain control over these funds and may award the funds to another state agency (i.e., state police) in lieu of awarding them to a local government in localities where the state provides direct services to these localities.

The penalty **is not** assessed against the mandatory pass-through, which is the portion of JAG funds awarded directly to local law enforcement, as the state cannot retain any portion of that award. Penalizing local agencies would also seriously undermine the purpose of the statute, since doing so would be detrimental to local law enforcement efforts, which include the investigation, prosecution, and apprehension of sex offenders.

Below is an illustration of how the SORNA penalty is assessed:

If State X is to receive an initial state allocation of \$3,000,000, the 10 percent SORNA penalty would be calculated as follows:

1. The mandatory pass-through amount of \$1,200,000 (based on State X's mandatory 40-percent pass-through) is subtracted from the \$3,000,000; resulting in \$1,800,000.
2. The "less than \$10,000" allocation for State X, \$250,000, is then added to the \$1,800,000; resulting in \$2,050,000.
3. The 10 percent SORNA penalty is then assessed on the \$2,050,000 amount ($\$2,050,000 \times .10$); resulting in a SORNA penalty of \$205,000 for State X.

Edward Byrne Memorial Justice Assistance Grant (JAG) Program Frequently Asked Questions (FAQs) - Updated June 2016

For the District of Columbia and the territories, the penalty will be assessed on the full allocation because the entire allocation goes to the District or territorial government.

OJP strongly encourages all jurisdictions that have not yet substantially implemented SORNA to continue to work expeditiously to implement SORNA's requirements in order to better protect their communities from sexual violence and exploitation. The SMART Office will continue to provide technical assistance and other resources to jurisdictions to support them in these efforts.

My state has substantially implemented SORNA. Are we eligible for additional JAG funding based on that compliance status?

Yes, SORNA compliant states/territories will have bonus funds applied to their next Fiscal Year (FY) JAG application. This bonus allocation is calculated based on SORNA penalty funds from non-implementing states and territories during that current FY. For example, if State X substantially implemented SORNA in FY 2014, State X would have an additional bonus funds added to their FY 2015 State JAG award, which will be comprised of SORNA penalty funds from non-implementing states and territories in FY 2014. The amounts available for compliant bonus funds will vary from year to year, depending on the amount of SORNA penalty funds that are assessed.

Who can I contact for more information on the SORNA penalty, SORNA compliance, or the implementation of SORNA?

Contact the [Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking \(SMART\)](#) for additional information on SORNA compliance and/or implementation.

What is the Prison Rape Elimination Act (PREA) certification requirement and does the five percent non-compliance penalty apply to JAG funds?

Separate, detailed PREA FAQs can be found at <https://www.bja.gov/Programs/JAG-PREA-FAQ.pdf>.

Application Requirements:

What name should be listed as the Legal Name on a JAG application?

The legal name and address on the application must be a state, county (e.g., Wayne County), municipality (e.g., City of Wayne), or other eligible unit of local government. Please see 42 U.S.C. §3791(a) (3) and 42 U.S.C. §3755(h) for a listing of eligible units of local government for JAG purposes. *Per the JAG statute, in Louisiana the term 'unit of local government' means a District Attorney or a Parish Sheriff and therefore a District Attorney or Parish Sheriff may be entered as the Legal name by JAG applicants within the state of Louisiana.

Can a Sheriff's Office or Police Department apply for JAG funding on behalf of a unit of local government?

Unless designated by statute as an eligible unit of local government, the legal name and address cannot be a sheriff or police department (except in the state of Louisiana). However, a sheriff or police department can apply for JAG funding on behalf of a unit of local government as long as they are listed in the organization unit line (e.g. Legal Name: City of York, Address: legal address for the City of York. Organizational Unit: City of York Police Department).

Edward Byrne Memorial Justice Assistance Grant (JAG) Program Frequently Asked Questions (FAQs) - Updated June 2016

Who should be listed as the Authorized Representative on a JAG Application?

The authorized representative must have the authority to enter the state, county, municipality, or other eligible unit of local government into a legal contract with the federal government. This person is typically a county commissioner, mayor, city manager, or other similarly designated official. **A Police Chief or Sheriff may be listed as the authorized representative if and only if the Organizational Unit line in the application indicates Sheriff's Office or Police Department.**

How do I obtain a Data Universal Number System (DUNS) number? / Why is a DUNS number needed?

Ask the grant administrator, chief financial officer, or authorizing official of your organization to identify your DUNS number. If your organization does not know its DUNS number or needs to register for one, visit Dun & Bradstreet at <http://fedgov.dnb.com/webform/displayHomePage.do>. The federal government has adopted the use of DUNS numbers to track how federal grant money is allocated. DUNS numbers identify your organization. The time it takes to request and obtain a DUNS number is approximately one day.

How do I register my jurisdiction with the System for Award Management (SAM) database?

Applicants that were not previously registered in the CCR database must register in SAM prior to registering in Grants.gov. Information about SAM registration procedures can be accessed at www.sam.gov. SAM replaces the Central Contractor Registration (CCR) database as the repository for standard information about federal financial assistance applicants, recipients, and sub-recipients. OJP requires that all applicants maintain current registrations in the SAM database. Applicants must update or renew their SAM registration annually to maintain an active status.

The claim must be submitted in GMS in order to confirm your agency's DUNS number is registered and active. Once you are logged in to GMS, click the SAM claim link on the bottom left side. Then hit submit and the SAM claim will automatically be submitted. You will be required to do this every year that the award is active in GMS.

What project and budget period should be listed on our application?

State JAG awards and Local JAG awards of at least \$25,000 are four years in length and award periods will be from October 1st (beginning of the current Fiscal Year of funding) through September 30th four years later (e.g., 2015 awards would have a project period of 10/01/2014 – 09/30/2018). Extensions beyond this period may be approved on a case-by-case basis at the discretion of BJA and must be requested via the Grants Management System (GMS) no less than 30 days prior to the grant end date.

Awards that are less than \$25,000 are two years in length and award periods will be from October 1st (beginning of the current Fiscal Year of funding) through September 30th two years later (e.g., 2015 awards would have a project period of 10/01/2014 – 09/30/2016). Requests for up to two additional years to complete performance of the award, will be granted automatically, pursuant to 42 U.S.C. § 3751(f). Extensions beyond a four- year period may be approved on a case-by-case basis at the discretion of BJA and must be requested via the Grants Management System (GMS) no less than 30 days prior to the grant end date.

Edward Byrne Memorial Justice Assistance Grant (JAG) Program Frequently Asked Questions (FAQs) - Updated June 2016

The budget/project period should be the same as described above; four years for all State JAG awards and Local JAG awards of at least \$25,000 and two years for all Local JAG awards that are less than \$25,000. FY 2015 JAG awards that are \$25,000 or more and two years for all awards that are less than \$25,000. **Grantees may begin to obligate (but not expend) funds retroactively to the project period start date onward for all JAG awards; absent a withholding special condition(s) in the award document that specifically prohibits this.**

What is a governing body and what does the Governing Body Review process entail?

Examples of governing bodies are a state commission, city council, tribal council, county commission, county board of supervisors, or other legislative body at the local level.

Direct state or local applicants (including the fiscal agent in a disparate group) for JAG awards must make the grant application available for review by the governing body of the state or unit of local government, or an organization designated by that governing body, not fewer than 30 days before the application is submitted to BJA. Governing body approval is not required, nor is any type of public hearing unless state/local law requires one. Follow your local laws and procedures for providing the application to the governing body. The manner in which the application was provided to the governing body and the date that provision took place must be documented in the Review Narrative portion of an application (along with information regarding the separate public comment requirement).

Example: If City X makes its JAG application available to the City's Governing Body on May 1st, City X may not submit its application to BJA prior to June 1st. In this example, the review narrative statement from city X should simply read "The city of X provided this JAG application to its Governing Body for review on Month/Day/Year".

There are two special circumstances that allow for application submission prior to 30 days if documented appropriately in the review narrative attachment:

1. Time did not permit the applicant to fulfill the 30 day governing body review requirement AND therefore the applicant acknowledges in a written statement (in the review narrative) that a withholding of funds special condition will be applied to the award restricting draw-down until the 30 day governing body review requirement has been satisfied; or
2. The applicant's governing body reviewed and approved the application prior to the 30 day requirement being met and that approval date is documented in the review narrative attachment.

What does the Public Comment requirement entail?

Applicants must provide an opportunity for the public to comment on their JAG application. The manner in which the public is notified and given an opportunity to comment, as well as the dates, should be included in the Review Narrative portion of the application (along with information regarding the governing body review). Common forms of public notification include web site and newspaper postings, and city council, tribal council, and county board hearings that are open to the public. **The 30 day timeframe associated with the governing body review requirement does not apply to the public comment requirement. The public comment stipulates the application must be made public, with an opportunity for comment, any time prior to application submission. Additionally, a public hearing is not required unless relevant state/local law require such a hearing.**

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If the requirement is not met at the time of submission, BJA will process the application, but BJA will add a special condition to the award that will withhold the expenditure of grant funds. That withholding of funds special condition can be cleared once the applicant accepts the award and confirms the public comment requirement has been satisfied.

What must a JAG application include?

For more detailed guidance on required application inclusions, please see the current Fiscal Year State and Local JAG guidance here: https://www.bja.gov/ProgramDetails.aspx?Program_ID=59

Use of Funds:

What can JAG funds be used for?

Grantees may utilize JAG funds for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice, as well as research and evaluation activities that will improve or enhance law enforcement programs related to criminal justice. Some examples include: prosecution and court programs; prevention and education programs; corrections and community corrections programs; drug treatment and enforcement programs; planning, evaluation, and technology improvement programs; and crime victim and witness programs (other than compensation). For more detailed information on JAG fund usage, please see the current Fiscal Year State and Local JAG guidance here: https://www.bja.gov/ProgramDetails.aspx?Program_ID=59

Does Executive Order (EO) 13688 and associated controlled/prohibited expenditures apply to all of my open JAG awards?

No, EO 13688 only applies to Fiscal Year 2015 and forward. All other JAG awards should follow the previous guidance for purchasing equipment with their JAG awards. Please see the FAQs below for detailed guidance for all award years.

What type of projects and/or items are strictly prohibited under JAG?

For Fiscal Year 2014 and prior there are no strictly prohibited expenditures; however prior approval by BJA is required to expend JAG funds on any projects and/or items listed within the [JAG Waiver Required List](#). The process for obtaining prior BJA approval through the submission of a waiver request is outlined within the [“What is the process to submit a waiver request for a Fiscal Year 2014 or prior award under JAG?”](#) FAQ.

For Fiscal Year 2015 and forward, page one of the [JAG Prohibited and Controlled Expenditures](#) chart lists all expenditures which are strictly prohibited (cannot be approved under any circumstances) pursuant to the [Executive Order 13688 on Federal Support for Local Law Enforcement Equipment Acquisition](#).

What is the process to submit a waiver request for a Fiscal Year 2014 or prior award under JAG?

If an agency wishes to submit a waiver request after an award has been accepted, for a project and/or item found on the [JAG Waiver Required List](#), a “Program Office Approval” Grant Adjustment Notice (GAN) marked “Other” must be submitted with “Waiver Request” typed in the available text box. A letter, on agency letterhead, fully justifying the waiver request should be attached with the GAN. The justification must indicate the extraordinary and exigent circumstances existing that make the proposed purchase and/or project essential to the maintenance of public safety and good order. The letter should be signed by your agency’s authorized representative. For step by step instructions regarding how to submit a GAN please refer to the [GMS Computer-Based Training web page](#).

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What is the process to submit a controlled expenditure request for a Fiscal Year 2015 or forward award under JAG?

Pre-Award: If an agency wishes to obtain approval for a controlled item and/or project at the time of application, the agency must attach a letter with their application. The letter must be on their agency's letterhead, should be addressed to the BJA Director and must address all elements outlined in the JAG controlled expenditures justification template. For a list of controlled expenditures and the 11 elements that must be addressed in the letter, please click here: [JAG Prohibited and Controlled Expenditures](#).

Post-Award: If an agency wishes to obtain approval for a controlled item and/or project post-award, the agency must submit a Program Office (PO) Approval Grant Adjustment Notice (GAN) marked "Other" with Controlled Expenditure Request typed in the available text box. The PO approval GAN should include an attached letter on their agency's letterhead. The letter should be addressed to the BJA Director and must address all elements outlined in the JAG controlled expenditures justification template. For a list of controlled expenditures and the 11 elements that must be addressed in the narrative, please click here: [JAG Prohibited and Controlled Expenditures](#).

Do vehicles leased or rented with JAG funding require prior approval?

You can use JAG funds to purchase, lease, or rent police cruisers (marked or unmarked). For the purposes of this grant program, a police cruiser is defined as a vehicle that is used in the ordinary course for performing routine patrolling duties. Depending on the jurisdiction, a police cruiser could include sedans, sport utility vehicles (SUVs), motorcycles, segways, etc. BJA will confirm that vehicles purchased as police cruisers are actually used for patrol duties in accordance with the conditions of the grant award.

The purchase, lease, or renting of any other police vehicle (e.g., pick-up trucks, passenger vans, command centers, etc.) is controlled and requires prior approval from BJA to expend funds. The pre and post-award processes for obtaining approval from BJA for a controlled JAG expenditure are outlined within the "What is the process to submit a waiver request for a Fiscal Year 2014 or prior award under JAG?" and/or "What is the process to submit a controlled expenditure request for a Fiscal Year 2015 or forward award under JAG?" FAQs.

Can JAG funds be used for construction or major renovation projects?

Only construction and/or major renovation projects related to penal or correctional institutions are allowable. All other construction and/or major renovation projects are controlled and require prior approval from BJA to expend funds. The pre and post-award processes for obtaining approval from BJA for a controlled expenditure are outlined within the *"What is the process to submit a waiver request for a Fiscal Year 2014 or prior award under JAG?"* and/or *"What is the process to submit a controlled expenditure request for a Fiscal Year 2015 or forward award under JAG?"* FAQs.

**Any project that involves construction or major renovation will be subject to environmental analysis requirements pursuant to the National Environmental Policy Act (NEPA).*

Are activities that are allowable under programs such as Fugitive Safe Surrender (FSS) and Countering Violent Extremism (CVE) also allowable under JAG?

Through its seven program areas, JAG funding may be used to support a broad range of criminal justice activities/projects/programs. Activities under programs such as FSS and CVE would be allowable as long as they are specifically tied to a JAG program area and not controlled/prohibited under JAG. To verify that activities are not controlled or prohibited under JAG, please refer to the [JAG Prohibited and Controlled Expenditures](#) guidance.

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Who is eligible to utilize administrative funds?

A unit of local government may use up to 10 percent of the award, including up to 10 percent of any earned interest, for costs associated with administering JAG funds. Administrative funds (when utilized) must be tracked by award number to ensure the 10% allowance is not being exceeded and must occur within the project period. For local JAG recipients in disparate situations, sub-recipients can use administrative funds if agreed upon in a Memorandum of Understanding (MOU) that is attached with the application or to a Grant Adjustment Notice (GAN) if the decision to share administrative funds is decided upon post-award. The total administrative funds used must not exceed 10 percent of the total award, and administrative funds may also include indirect costs.

What are the rules pertaining to tracking and expending funds, including administrative funds, across our active JAG awards?

Per the OJP and DOJ Financial Guides grant recipients must track funds separately and report on SF-425s those expenditures that specifically relate to each grant number and established grant period. Additionally, recipients and sub-recipients are prohibited from commingling funds on a program-by-program or project-by-project basis. More specifically, administrative funds under JAG are utilized for the same purpose each year (i.e. the administration of JAG funding) and therefore not considered separate programs/projects (commingling is not occurring) when utilized across all active JAG awards.

Under JAG, are indirect costs related to administrative expenses capped at 10%?

Yes, The JAG program statute at 42 U.S.C § 3751(e) limits administrative costs to 10% of the award. Administrative cost activities, whether direct or indirect costs, are subject to the 10% cap. Other indirect costs charged to the award should be within the federally approved IDC rate.

Can State JAG funds be utilized for criminal justice planning purposes after any administrative funds are subtracted and all pass-through (variable pass-through and less than \$10k) requirements have been satisfied?

Yes, once a state/territory has accounted for administrative costs and passed-through all required funds (variable pass-through and less than \$10K), remaining funds at the state level can be utilized for criminal justice planning in accordance with program area six under JAG. States who do so must also be cognizant of supplanting rules.

If my agency decides to use JAG funding to enter into a sole source contract greater than \$150,000, what is the process?

If your agency wishes to enter into a sole source contract greater than \$150,000, a “Sole Source Approval” Grant Adjustment Notice (GAN) must be submitted post-award with an attached sole source justification. For step by step instructions regarding how to submit a GAN please refer to the [GMS Computer-Based Training web page](#). For more information on sole source justifications, please review the [OJP Financial Guide](#).

What supplanting rules apply to JAG funding?

Supplanting is prohibited under JAG. Applicants cannot replace or supplant non-federal funds that have been appropriated for the same purpose. For additional guidance regarding supplanting, refer to the information provided in the [Financial Guide](#).

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Can multiple federal grant awards be used to supplement, not duplicate the same project?

Yes, providing there are no prohibitions against using multiple federal awards for a project. For example, a city may utilize JAG and Homeland Security Grant Program (HSGP) money to fund different portions of a fusion center project. In instances where leveraging occurs, all federal grant funds must be tracked and reported separately and may not be used to fund the same line items. Additionally, federal funds cannot be used as match for other federal awards absent explicit federal statutory authority.

Can JAG funds be used to purchase firearms and drugs during undercover operations?

Yes, JAG funds may be used as confidential funds for the purchase of services (buy money), evidence (narcotics, firearms, stolen property, etc.), and specific information (informant money) for undercover purposes in accordance with 42 U.S.C 3751(d). Prior to the expenditure of any confidential funds, the recipient and any sub-recipients must agree to sign a certification indicating that they have read, understood and agree to abide by all of the conditions pertaining to confidential fund expenditures as set forth in the [OJP Financial Guide](#).

Can JAG funds be used in conjunction with Bulletproof Vest Partnership (BVP) Program funds to satisfy the 50 percent match requirement?

No, matching funds may not come from another federal source; including JAG. Prior to using JAG funds to purchase ballistic-resistant and stab-resistant body armor, a jurisdiction must certify that JAG funds will not be used to pay for the portion of a vest (50 percent) that is not covered by BVP funds. Although JAG funds may not be used as the 50 percent match for BVP purposes, they may be used to purchase vests for an agency.

Are jurisdictions required to have a mandatory wear policy in place to purchase body armor vest carriers and/or vest armor plates?

Yes, jurisdictions must certify that law enforcement agencies receiving body armor carriers purchased with JAG funds have a written “mandatory wear” policy in effect. In order to meet this requirement, a signed certification must be submitted. A copy of the necessary certification form can be found at <https://www.bja.gov/funding/BodyArmorMandatoryWearCert.pdf>. Fiscal agents and state agencies must keep signed certifications on file for any sub-recipients planning to utilize JAG funds for body armor purchases. This policy must be in place for at least all uniformed officers before any funding can be used by the agency for ballistic-resistant and stab-resistant body armor. Please note that a copy of the mandatory wear policy is not required to be submitted at the time of application; however this information may be requested by BJA post-award to ensure compliance. For more information, please refer to the [BVP mandatory wear FAQs](#).

Where can a copy of the certification related to body armor mandatory wear requirements be found?

A copy of the certification related to body armor mandatory wear requirements can be found at: <https://www.bja.gov/funding/BodyArmorMandatoryWearCert.pdf>.

If my agency decides post award that it wants to use JAG funding for the purchase of body armor, what is the process to submit a mandatory wear certification?

If your agency did not request and receive approval to use JAG funding for body armor at the time of application, a “Program Office Approval” Grant Adjustment Notice (GAN) must be submitted with an attached signed mandatory wear certification. The certification must be signed by the agency’s authorized representative making the purchase. For step by step instructions regarding how to submit a GAN please

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refer to the [GMS Computer-Based Training web page](#). Fiscal agents and state agencies must keep signed certifications on file for any sub-recipients planning to utilize JAG funds for body armor purchases.

***This requirement only pertains to FY 2012 and future funding.**

Is there any particular vest that a jurisdiction must purchase to meet the JAG requirements?

Yes. Vests purchased with JAG funds may be purchased at any threat level, make, or model from any distributor or manufacturer, as long as the vests have been tested and found to comply with applicable National Institute of Justice ballistic or stab standards and are listed on the NIJ Compliant Body Armor Model List (<http://nij.gov/>). In addition, vests purchased must be American-made. The latest NIJ standard information can be found at <http://www.nij.gov/topics/technology/body-armor/Pages/standards.aspx>

If an officer is injured and/or killed in line of duty and was NOT wearing a vest as required by policy, would the officer's survivors risk losing federal benefits?

No blanket policy or automatic disqualification shall be implemented regarding this policy and its effects on federal death, disability or educational benefits through the [Public Safety Officers' Benefits Program \(PSOB\)](#).

Can JAG funds be used to purchase body armor for fire fighters or Emergency Medical Service (EMS) personnel?

Yes, JAG funds can be used for these purchases.

Are body-worn cameras, data storage, and other related costs allowable expenses in the JAG program?

Yes, JAG funds can be utilized to purchase Body-Worn Cameras (BWC), data storage capacity and other related costs. Grantees utilizing JAG funds for this purpose should have a BWC policy in place or under development. For additional information on BWCs, **please refer to the [BWC Tool Kit](#)**.

Can JAG program funds be used as matching funds for the Body-Worn Camera Program?

No, JAG funds cannot be used as matching funds for the Body-Worn Camera (BWC) Program or any other Federal grant program; matching funds must be state or local funding. JAG funds can be used to leverage different components of BWC program funding (or other Federal program funding) but may not duplicate line item expenditures. For example, BWC program funds could be used to support policy development and training while JAG funds are used to purchase body-worn cameras and/or data storage capacity.

What is required to utilize JAG funds for Body-Worn Camera (BWC) purchases?

Grantees who wish to use JAG funds to purchase BWC equipment, or to implement or enhance BWC programs, must certify that they or the law enforcement agency receiving the BWC funding have policies and procedures in place related to equipment usage, data storage, privacy, victims, access, disclosure, training, etc. A copy of the required BWC certification can be found at: www.bja.gov/Funding/BodyWornCameraCert.pdf.

Any grantees that wish to use JAG funds for BWC related expenses who do not have BWC policies and procedures in place will have funds withheld until a certification is submitted and approved by BJA.

The [BWC Toolkit](#) provides model BWC policies, resources, and best practices to assist departments in implementing BWC programs.

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Can JAG funds be used to purchase FDA approved drugs such as Buprenorphine and Naloxone or to support Medication-Assisted Treatment (MAT) for addiction?

BJA allows the choice of three medication assisted treatments (naltrexone, methadone or buprenorphine) to be determined at the state, local and tribal level. All three medication assisted treatments, as well as naloxone, the overdose reversal drug, may be purchased with JAG funds. However, as always, any JAG Program expenditure must fall under at least one of the statutory JAG program areas and have a clear criminal justice nexus. For more information about law enforcement use of these types of drugs please refer to the Naloxone Toolkit available here: <https://www.bjatraining.org/tools/naloxone/Naloxone%2BBackground>

Can JAG funds be used for membership dues?

Yes, so long as the organizational membership is reasonably related to the programmatic purpose. Any use of JAG funds to support lobbying, however, is unallowable. JAG funds could go to pay for the non-lobbying-related portion of the membership fees.

Can JAG funds be used for GPS trackers for vulnerable populations?

Yes; however, potential applicants for this funding must work through their State Administering Agency and/or local police department to determine if funding is available within existing resources. Refer here for more information: <https://www.bja.gov/Funding/TrackingDeviceFunding.pdf>.

Do allowable Prosecution and Court Programs funded under JAG include Indigent Defense?

Yes, grantees may utilize JAG funds for a wide range of state, local, and/or tribal prosecution and court programs; including indigent defense.

Are there any restrictions on JAG funds being used for DNA testing?

Yes, if JAG program funds will be used for DNA testing:

- Any eligible DNA profiles must be uploaded to the Combined DNA Index System (CODIS) by a government lab.
- Profiles generated with JAG funds may not be entered into any non-government database without prior BJA approval.
- JAG funds cannot be used for DNA equipment if profiles are not accepted by CODIS

For more information, refer to the DNA Backlog Reduction Program: <http://nij.gov/topics/forensics/lab-operations/evidence-backlogs/Pages/backlog-reduction-program.aspx>.

Is there a cap on the amount of overtime pay for state and local law enforcement officers?

No; however, federal regulations do require that personnel compensation always be reasonable in light of the services rendered.

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Disparate Information:

My city is listed along with my county under the column “Joint Application (Disparate) Award Amount.” What does this mean?

If your jurisdiction is listed with another city or county government, you are in a funding disparity. The JAG statute requires that if a city qualifies for one-and-one-half times (150 percent) more funding or if multiple cities receive four times (400 percent) more funding than a qualifying county with concurrent jurisdiction, there is a funding disparity. In this situation, the units of local government must apply for an award with a single, joint application. For more information about the disparate allocation process, see the [Bureau of Justice Statistics Technical Report](#).

How do we determine which single unit of local government will be the fiscal agent responsible for applying for the disparate funds?

This is a decision to be made by the units of local government. Consider which local government is most capable of adhering to the financial and programmatic requirements according to federal guidelines governing expenditure, monitoring, and reporting for JAG funding.

How do we determine how to split the award in a disparate situation and what is the Memorandum of Understanding (MOU) Requirement?

The units of local government within a group of jurisdictions identified as disparate must agree upon an allocation process. BJA is not involved in this decision process. Disparate jurisdictions do not need to abide by the individual allocations listed on the website, which are provided for information only.

A JAG MOU, signed by each jurisdiction’s authorized representative (City/County highest ranking official or designee), is required from all disparate applicants, regardless of the manner in which funds will be used or distributed. As an example, the county would like to administer a drug court that would benefit all cities listed as disparate. The cities agree with this strategy, and the total allocation is awarded to the county. In this scenario, each city must be included in the JAG MOU, and indicate agreement that the county will receive the total allocation. The JAG MOU must certify that the city or county that does not receive funds: 1) recognizes the funds in question will be provided for a single project; 2) believes the proposed project will provide a direct local benefit to their city or county; and 3) agrees providing funding for a single project is in the best interest of their city/county.

When completing your application in GMS, upload the signed JAG MOU as an attachment to that application. If your JAG grant has already been awarded, fax or email the signed JAG MOU to your [State Policy Advisor](#). Funds from your JAG award will be withheld until the JAG MOU is received and approved by BJA. **A withholding special condition will be placed on an award restricting the draw-down of funds if a complete JAG MOU, as described above, has not been submitted at the time of application.**

Our jurisdiction will be submitting an application as the fiscal agent for our group of disparate jurisdictions. Do the Governing Body and Public Notice requirements apply to each disparate jurisdiction, or just the fiscal agent?

The governing body and public comment requirements apply to the applicant. Each unit of local government must abide by state/local policies and procedures, but the requirements under JAG apply to the applicant.

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Does the disclosure of pending applications requirement apply to each disparate jurisdiction, or just the fiscal agent?

For disparate jurisdictions, **all** agencies that will receive JAG funds are required to submit a disclosure of pending applications. The only exception is agencies that choose not to receive any JAG funds, and state so on the signed memorandum of understanding (MOU). If there are multiple agencies in the disparate, and none have any identical items to disclose, the standard language can be included in the MOU. This information can also be submitted separately from the MOU, but must be part of the JAG application. If all disclosures are not attached to your application, BJA will add a special condition to the award that will withhold grant funds until this requirement has been met, BJA has completed its review of the information submitted, and the recipient has made any adjustments necessary to eliminate inappropriate duplication.

Reporting and Special Condition Requirements:

What are the specific reporting requirements once a JAG grant is awarded?

All JAG grantees must follow the reporting guidance found within the [JAG Reporting Requirements document](#).

FFR and PMT Reports are due 30-days after the end of each reporting cycle. On an annual basis, the PMT report must be uploaded as an attachment to the programmatic report in GMS.

For additional information regarding JAG Program reporting requirements, please refer to the [JAG Program solicitations](#).

Do the revised JAG Accountability measures apply to my JAG award?

For Fiscal Year (FY) 2014 and prior you will continue to use the previous version of the JAG accountability measures found here: <https://www.bjaperformancetools.org/help/JAGMeasuresQuestionnaire.pdf>

For FY 2015 and forward you will use the newly revised measures found here: <https://www.bjaperformancetools.org/help/jagdocs.html>

Where can I access training on the revised JAG accountability measures?

Training and information on the revised JAG accountability measures can be found here: <https://www.bjaperformancetools.org/help/JAGTraining.html>

Do all law enforcement agencies have to report on training information or is it just those who use funding for training?

Yes, all law enforcement agencies are required to respond to the new law enforcement training questions that have been added to the performance measurement tool (PMT), not just agencies receiving funding for training. These new questions pertain to officer training on use of force, racial and ethnic bias, de-escalation of conflict, and constructive engagement with the public. Any grantees that fail to submit this data will have their grant funds frozen.

What is the process for updating contact information related to my grant award?

All JAG awards made during FY 2010 and beyond will have the following special condition attached: "Award recipients must verify Point of Contact (POC), Financial Point of Contact (FPOC), and

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Authorized Representative contact information in GMS, including telephone number and e-mail address. If any information is incorrect or has changed, a Grant Adjustment Notice (GAN) must be submitted via the Grants Management System (GMS) to document changes.”

A Grant Adjustment Notice (GAN) must be submitted in GMS to document any change in Point of Contact (POC), Financial Point of Contact (FPOC) or Authorized Representative. Step by step instructions for submitting a GAN are available at [GMS Computer-Based Training web page](#). If the FPOC has changed, step by step instructions on updating this can be found at www.ojp.usdoj.gov/training/pdfs/gms_userguide.pdf.

Does BJA have additional information on the Task Force Training Special Condition?

When a task force is supported in whole or in part by BJA funding, each current member of a law enforcement task force funded with these funds who is a task force commander, agency executive, task force officer, or other task force member of equivalent rank, is required to complete the online (internet-based) task force training. This training must be completed within 120 days of award acceptance. Additionally, all future task force members are required to complete this training once during the life of this award, or once every four years if multiple awards include this requirement. The training is provided free of charge online through BJA's Center for Task Force Integrity and Leadership (www.ctfli.org). This training addresses task force effectiveness as well as other key issues including privacy and civil liberties/rights, task force performance measurement, personnel selection, and task force oversight and accountability. When BJA funding supports a task force, a task force personnel roster should be compiled and maintained, along with course completion certificates, by the grant recipient. This information may be requested by BJA post-award to ensure compliance. Additional information is available regarding this required training and access methods via BJA's web site and the Center for Task Force Integrity and Leadership (www.ctfli.org).

What is the Federal Funding Accountability and Transparency Act (FFATA) of 2006 and how does it affect JAG recipients?

Consistent with the FFATA, all direct award recipients of \$25,000 or more in JAG funding, made after FY 11, will be required to report award information on any first-tier sub-awards totaling \$25,000 or more, and, in certain cases, to report information on the names and total compensation of the five most highly compensated executives of the recipient and first-tier sub-recipients. Reports regarding sub-awards must be made through the FFATA Sub-award Reporting System (FSRS), found at www.fsr.gov/.

The prime recipient will have until the end of the month plus one additional month after an award or sub-award is obligated to fulfill the reporting requirement. For example, if a sub-award is made on October 15, 2014, the prime recipient has until November 30, 2014 to report the sub-award information. Additional FFATA FAQs can be found at <https://www.fsr.gov/#a-faqs>.

Award Administration:

How will I be notified when my award is made?

When an award is ready for acceptance by a grantee, an automated email is sent out by [the OJP Grants Management System \(GMS\)](#) notifying the Point of Contact and Authorized Representatives listed on an application that an award is available to be accepted in [GMS](#). Because of this, it is critical that contact information entered into grant applications is accurate.

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Now that I received my JAG award acceptance notification email, are there any written post-award instructions related to award acceptance and/or declination?

Yes. The online Office of Justice Programs (OJP) [Post-Award Instructions](#) includes detailed guidance. If your jurisdiction does not intend to utilize the JAG award, please contact your [State Policy Advisor](#) (SPA) immediately. A declination statement on letterhead must be sent to your assigned SPA via email, fax, or mail. The declination statement must be signed by the Authorized Representative from the legal entity (City, County, or Tribe). If you are part of a disparate jurisdiction, the Authorized Representative for each jurisdiction in the group must sign the declination letter as well. A JAG award cannot be marked as declined until this letter is received by BJA.

How do I receive my JAG award payments?

Payment requests are made through the Grant Payment Request System (GPRS). Once you request a payment, funds are electronically deposited to your bank account. You must have an up-to-date Automated Clearing House (ACH) banking form on file with the Office of the Chief Financial Officer prior to attempting to access funds. Please see Step 5 Accessing Payment in the OJP [Post Award Instructions](#) for step-by-step guidance.

Up front draw down of all funds is allowable under the JAG Program. However, the OJP Grant Payment Request System (GPRS) may not allow you to complete the draw down in one transaction. If GPRS denies your draw down request and there are no withholding special conditions or holds on your award funds, attempt to draw down in two separate transactions. If you still encounter issues, contact the Office of the Chief Financial Officer Customer Service at 1-800-458-0786.

Are JAG funds that are drawn down fully up front required to be deposited into a trust fund account?

Yes. Per the JAG legislation, “a State or unit of local government shall establish a trust fund in which to deposit amounts.” The trust fund may be interest or non-interest bearing. For assistance with trust funds, please contact the Office of the Chief Financial Officer’s Customer Service Center at 1-800-458-0786 (option 2). This also applies to any sub-recipients that receive JAG funds from a fiscal agent. **The trust fund requirement does not apply if a state or unit of local government chooses to draw down funds on a reimbursement basis rather than draw down the full amount up front.**

What are the obligation and expenditure rules under JAG?

All JAG funds, including interest earned, must be obligated by the award end date and liquidated no later than **90 days** thereafter. Any unobligated or unexpended funds, including interest earned, must be returned to the Office of Justice Programs at the time of closeout.

Is the State Administering Agency (SAA) required to have a strategic plan in place, and does this plan have to be attached with the State JAG application?

States and Territories are strongly encouraged to use JAG funding in support of their existing statewide strategic plan, and should attach a current version of your state’s strategic plan with this application. If such a plan does not now exist, states/territories should develop and undertake a strategic planning process, using a community engagement model, in order to guide spending under this and future Fiscal Year allocations.

At a minimum, the program narrative should describe the state's strategic planning process that guides its priorities and funding strategy. This should include a description of how local communities are engaged in the planning process and the data and analysis utilized to support the plan; it should identify the

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stakeholders currently participating in the strategic planning process, the gaps in the state's needed resources for criminal justice purposes, and how JAG funds will be coordinated with state and related justice funds. **If applicable, a current version of your state's strategic plan should be attached with the State JAG application.**

Beginning in FY 2014, BJA posted each state's strategic plan on the BJA web site in order to promote transparency in each state's spending priorities, the process by which funding decisions are made, and which stakeholders are involved. If you do not have a strategic plan, BJA will use the program narrative that is submitted with your application. As BJA's web site is publicly available, please ensure that law-enforcement sensitive material is removed prior to submission.

For information regarding training and technical assistance provided through BJA please visit the National Training and Technical Assistance Center at: <https://www.bjatrainning.org/>. For assistance or to learn more about developing a strategic plan for your state, including identifying the stakeholders, gathering and analyzing data and drafting actual plans, you may contact the National Criminal Justice Association at: <http://www.ncja.org/>.

If our State Administering Agency (SAA) intends to request a pass-through waiver which requires BJA certification, what is the process?

1. Variable Pass-Through (VPT) waiver requests:

If, at the time of application, an SAA wishes to fund a project that will be administered by the state but be counted as variable pass-through for JAG purposes, it may do so if the project will directly benefit a unit(s) of local government and each local jurisdiction to benefit voluntarily signs a waiver. This waiver must certify that the local jurisdiction: (1) recognizes that the funds in question are set aside for local government use; (2) believes that the proposed project will provide a direct local benefit; and, (3) agrees that funding the project at the state level is in the best interests of the unit of local government. To request a waiver, an SAA must attach a formal request on agency letterhead to the application in GMS. This request must detail how funds will be used to serve the local jurisdictions, demonstrate that the local jurisdictions have agreed and signed on to the reduced pass through amount, and be signed by an authorized representative.

If, after an award has been made, an SAA wishes to fund a project that will be administered by the state but be counted as variable pass-through for JAG purposes, it may do so if the project will directly benefit a unit(s) of local government and each local jurisdiction to benefit voluntarily signs a waiver. To request a waiver, an SAA must submit a "Program Office Approval" Grant Adjustment Notice (GAN) in the Grants Management System (GMS) and attach a formal request on agency letterhead. This request must detail how funds will be used to serve the local jurisdictions, demonstrate that the local jurisdictions have agreed and signed on to the reduced pass through amount, and be signed by an authorized representative.

2. Less than \$10,000 allocation waiver requests:

If, at the time of application, an SAA wishes to fund a project that will be administered by the state but be counted as less than \$10,000 pass-through for JAG purposes, it may do so if the project will directly benefit a unit(s) of local government that is not eligible for direct JAG funding, and if each ineligible local jurisdiction to benefit voluntarily signs a waiver. This waiver must certify that the local jurisdiction: (1) recognizes that the funds in question are set aside for local government use; (2) believes that the proposed project will provide a direct local benefit; and, (3) agrees that funding the project at the state level is in the best interests of the unit of local government. To request a waiver, an SAA must attach a formal request on agency letterhead to the application in GMS. This request must detail how funds will be used to serve the local jurisdictions, demonstrate that the

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local agencies have agreed and signed on to the reduced pass through amount, and be signed by an authorized representative.

If, after an award has been made, an SAA wishes to fund a project that will be administered by the state but be counted as less than \$10,000 pass-through for JAG purposes, it may do so if the project will directly benefit a unit(s) of local government that is not eligible for direct JAG funding, and if each local jurisdiction to benefit voluntarily signs a waiver. To request a waiver, an SAA must submit a "Program Office Approval" Grant Adjustment Notice (GAN) in the Grants Management System (GMS) and attach a formal request on agency letterhead. This request must detail how funds will be used to serve the local jurisdictions, demonstrate that the local agencies have agreed and signed on to the reduced pass through amount, and be signed by an authorized representative.

What is the process for modifying budgets under JAG?

If your agency would like to modify its JAG budget, email your [State Policy Advisor](#) with the details of all requested changes. If a change in project scope is not occurring, email approval is sufficient. If there is a change in project scope, a Change Project Scope GAN must be submitted. Supporting justification that indicates the reason the modification is requested, as well as a breakdown of all new costs and a narrative supporting those costs, should be attached. You must be current on the reporting requirements in order for the GAN to be approved. For step by step instructions on submitting a GAN, please refer to the [GMS Computer-Based Training web page](#).

Can my JAG award be closed prior to its end date and what are the advantages?

Yes, JAG awards may be closed as soon as all funds have been obligated and all project activities have concluded. A final Federal financial report (FFR) and programmatic report must be submitted in GMS in order to begin the closeout process. In addition, a final performance measurement tool (PMT) report must be completed and uploaded as an attachment to the final programmatic report in GMS. Step by step closeout instructions can be found here: [GMS Computer-Based Training web page](#). The early closure of JAG awards helps demonstrate the effectiveness/impact of JAG funding, and saves time for grantees since no additional reports are required after closeout.

What is the JAG Showcase and how can I submit a JAG success story to BJA?

The [JAG Showcase](#) was designed to identify and highlight JAG projects that have demonstrated success or shown promise in reducing crime, positively impacting communities, etc. BJA has now expanded the concept of the JAG Showcase to other BJA funded grant programs and created a new [BJA Success Story web page](#). This page will be a valuable resource for state, localities, territories, tribes and criminal justice professionals in the field who seek to identify and learn about JAG and other successful BJA funded projects linked to innovation, crime reduction, evidence based practices, etc. Additionally, successful projects posted here may be utilized in BJA's Annual Report to Congress or other important documents.

If you have a JAG Success Story you would like to submit, sign in to your [My BJA account](#) to access the Success Story Submission form. If you do not yet have a [My BJA account](#), please [register](#). Once you register, one of the available areas on your My BJA page will be "My Success Stories". Within this box, you will see an option to add a *Success Story*. Once reviewed and approved by BJA, all success stories will appear on the new [BJA Success Story web page](#).