

**Edward Byrne Memorial Justice Assistance Grant (JAG) Program
Frequently Asked Questions (FAQs)* – Updated August 2017**

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Reference Information:

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

The JAG program statute is Subpart I of Part E of Title I of the Omnibus Crime Control and Safe Streets Act of 1968. Title I of the “Omnibus Act” generally is codified at Chapter 26 of Title 42 of the United States Code; the JAG program statute is codified at 42 U.S.C. §§ 3750-3758. See also 28 U.S.C. § 530C(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.

Where can I find Questions & Answers related to 8 U.S.C. § 1373 and new express conditions on Department of Homeland Security access and notice requirements.

A list of Questions & Answers related to 8 U.S.C. § 1373 and new express conditions on Department of Homeland Security access and notice requirements, which is being updated regularly, can be found here: <https://www.bja.gov/publications/8U.S.C.1373QuestionsandAnswers.pdf>.

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 U.S. 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.

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) for the current fiscal year. 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.

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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.

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 VPT percentages can be found at:
<https://www.bja.gov/Jag/vpt.html>.

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) make subawards 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 agency to provide criminal justice services to designated "units of local government"?

As permitted by the JAG program statute, an SAA can award JAG subawards 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. 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 subaward 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 subaward 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".

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Can a State Administering Agency (SAA) make subawards 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 eight 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 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.

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).

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 Sex Offender Registration and Notification Act (SORNA) penalty will be applied to current FY JAG funding for nonimplementing States/territories.

The Adam Walsh Child Protection and Safety Act of 2006, established a penalty for jurisdictions that failed to substantially implement 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.

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:

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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.

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 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 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.

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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).

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. For Local JAG awards, 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 Central Contractor Registration (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 CCR database as the repository for standard information about federal financial assistance applicants, recipients, and subrecipients. 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 Grants Management System (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 GMS no less than 30 days prior to the grant end date.

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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 GMS no less than 30 days prior to the grant end date.

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.

Recipients may incur project costs using their own funds starting on the first day of the period of performance for the award, but any project costs incurred are at the recipient’s risk until-- (1) the recipient makes a valid acceptance of the award, and (2) all applicable withholding conditions are removed (via a Grant Adjustment Notice (GAN)).

Will BJA deny my application if the certifications and assurances are not included with my application submission?

OJP will not deny an application for an FY 2017 award for failure to submit the “Certifications and Assurances by the Chief Executive of the Applicant Government” by the application deadline, but an award recipient will not receive award funds (and its award will include a condition that withholds funds) until it submits these certifications and assurances, properly-executed by the chief executive of the applicant jurisdiction (e.g., the governor or mayor, as appropriate).

Applicants must submit information via the Certification and Assurances by the Chief Executive of the Applicant Government (Chief Executive Certification which documents that the JAG application was made available for review by the governing body of the jurisdiction, or to an organization designated by that governing body, for a period that was not less than 30 days before the date of the certification. The same Chief Executive Certification will also specify that an opportunity to comment on this application was provided to citizens to the extent applicable law or established procedures make such opportunity available. In the past, this has been accomplished via submission of specific review dates; now OJP will only accept a Chief Executive Certification to attest to these facts. Applicants may continue to submit actual dates of review should they wish to do so, in addition to the submission of the Chief Executive Certification.

What is required as part of the “Certifications and Assurances by Chief Executive of Applicant Government”?

A JAG application is not complete, and a jurisdiction may not receive award funds, unless the chief executive of the applicant (e.g., the governor or mayor, as appropriate) properly executes, and the jurisdiction submits, the “Certifications and Assurances by Chief Executive of Applicant Government”. Also, a jurisdiction may not receive award funds (and its award will include a condition that withholds funds) until it submits a properly-executed “Certifications and Assurances by Chief Executive of Applicant Government.”

If an applicant does not submit the certification by the deadline, the Office of Justice Programs (OJP) will **not** deny an application for an FY 2017 JAG award for failure to submit the required “Certifications and Assurances by the Chief Executive...” (e.g., the governor or mayor, as appropriate) by the application deadline. The application, however, **will not be complete**, and any award will include a condition that withholds **all** award funds, until the jurisdiction submits these certifications and

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assurances, properly-executed by the chief executive of the jurisdiction (*e.g.*, the governor or mayor, as appropriate).

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.

What does the public comment requirement entail?

The public comment requirement stipulates the application must be made public, with an opportunity for comment, to the extent applicable law or established procedure make such an opportunity available. The 30-day timeframe associated with the governing body review requirement does not apply to the public comment requirement. Additionally, a public hearing is not required unless relevant State/local law requires such a hearing. Common forms of publicizing the application include postings on a public web site or local newspaper and providing copies for disclosure at city council, tribal council, and county board hearings that are open to the public.

Note that applicants must submit the Certification and Assurances by the Chief Executive of the Applicant Government (Chief Executive Certification) which documents that an opportunity to comment on this application was provided to citizens to the extent applicable law or established procedures make such opportunity available. In the past, this has been accomplished via submission of specific review dates; now OJP will only accept a Chief Executive Certification to attest to these facts. Applicants may continue to submit actual dates of review should they wish to do so, in addition to the submission of the Chief Executive Certification.

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; crime victim and witness programs (other than compensation); and mental health programs and related law enforcement and corrections programs, including behavioral programs and crisis intervention teams. 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

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What type of projects and/or items require prior approval under JAG?

Please refer to the [JAG Waiver Required chart](#) for a list of all items/projects which are restricted by the JAG statute and require prior approval from BJA. The process for obtaining prior BJA approval through the submission of a waiver request is outlined below.

What is the process to obtain a waiver to purchase items identified on the JAG Waiver Required chart?

All requests for projects/items that require prior approval under the JAG statute (42 U.S.C. §§ 3750-3758) must be submitted post-award via a “Program Office Approval” GAN marked “Other” and must be submitted with “JAG Waiver Request” typed in the available text box. The GAN must include an attached letter, on agency letterhead and signed by an agency’s authorized representative (highest ranking official), with justification language that describes: 1) A general description of the requesting agency; and 2) A detailed justification for supporting the project and/or acquiring the item(s), including a clear and persuasive explanation of the need for and appropriate criminal justice purpose that it will serve. (If applicable, please describe any previous instances in which the requested item was used in a manner that deviated from the detailed justification supporting the application for that equipment.). 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](#).

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.) requires prior approval from BJA to expend funds. The process for obtaining approval from BJA expenditures requiring prior approval is outlined within the FAQ, “*What is the process to obtain a waiver to purchase items identified on the JAG Waiver Required chart*”.

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 require prior approval from BJA to expend funds. The process for obtaining approval from BJA expenditures requiring prior approval is outlined within the FAQ, “*What is the process to obtain a waiver to purchase items identified on the JAG Waiver Required chart*”.

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

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

Through its eight 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 do not require prior approval under JAG. To verify that items/projects do not require prior approval under JAG, please refer to the [JAG Waiver Required chart](#).

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Who is eligible to utilize administrative funds?

A JAG recipient 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 percent allowance is not being exceeded and must occur within the project period. For local JAG recipients in disparate situations, subrecipients 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 subrecipients are prohibited from commingling funds on a program-by-program or project-by-project basis. Use of the administrative JAG funds to perform work across all active awards in any one year is not considered commingling.

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

Yes, the JAG program statute at 42 U.S.C § 3751(e), limits administrative costs to 10 percent of the award. Administrative cost activities, whether direct or indirect costs (IDC), are subject to the 10 percent cap. Other IDCs 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 proposes to use JAG funding to enter into a sole source contract greater than \$150,000, what is the process?

An applicant that (at the time of its application) intends—without competition—to enter into a procurement contract that would exceed \$150,000 should include a detailed justification that explains why, in the particular circumstances, it is appropriate to proceed without competition. Various considerations that may be pertinent to the justification are outlined in the [DOJ Grants Financial Guide](#).

A “Sole Source Approval” GAN must be submitted post-award with a detailed 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 [DOJ Grants 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 [DOJ Grants Financial Guide](#).

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

Yes, provided that 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 subrecipients 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 [DOJ Financial Guide](#).

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

No, JAG funds may not be used as any part of the 50 percent match required by the BVP program. Although JAG funds may not be used as the 50 percent match for BVP purposes they may be used to purchase body armor, in conformance with the requirements set forth in the relevant JAG solicitation.

Are jurisdictions required to have a mandatory wear policy in place to purchase body armor?

Yes, jurisdictions must certify that law enforcement agencies receiving body armor 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 subrecipients 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” 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 refer to the [GMS Computer-](#)

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[Based Training web page](#). Fiscal agents and State agencies must keep signed certifications on file for any subrecipients planning to utilize JAG funds for body armor purchases.

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

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

Yes. Body armor purchased with JAG funds may be purchased at any threat level, make, or model from any distributor or manufacturer, as long as the body armor has been tested and found to comply with applicable National Institute of Justice ballistic or stab standards and is listed on the NIJ Compliant Body Armor Model List (<http://nij.gov/>). In addition, body armor purchased must be made in the United States. 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 /or killed in the line of duty and was NOT wearing a vest as required by policy, would the officer or 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 firefighters or Emergency Medical Service (EMS) personnel?

Yes, JAG funds can be used for these purchases if a criminal justice nexus is present and documented.

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. Recipients and subrecipients 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 any part of the 50% match required for the BWC Program. 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 BWCs and/or data storage capacity.

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

Recipients 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 and access, privacy considerations, 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 an allowable JAG 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, so long as the purchase is reasonably related to an allowable JAG programmatic purpose. 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:

<https://www.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 Certifications and Assurances by Chief Executive of Applicant apply to each disparate jurisdiction, or just the fiscal agent?

The Certifications and Assurances by the Chief Executive of the Applicant Government must be submitted

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by the Applicant/fiscal agent, and are required from the other jurisdictions in the disparate group. Each unit of local government must abide by State/local policies and procedures regarding governing body review and public comment opportunity. The Applicant/fiscal agent will have the primary responsibility for reviewing and maintaining the Chief Executive and Chief Legal Officer certifications from the proposed jurisdiction, including whether the certifications are fully executed using the appropriate OJP forms. OJP does not intend to impose any general requirement that all FY 2017 JAG recipients submit all such certifications to OJP for review. However, all certifications should be maintained by the Applicant.

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

For disparate jurisdictions, the disclosure of pending applications should cover all projects and activities proposed to be funded under the award, whether it be the applicant/fiscal agent or by other jurisdictions. The disclosure could take the form of a single, compiled attachment, or separate attachments from the disparate jurisdictions. If there are multiple agencies in the disparate group, 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](#).

Federal Financial Report (FFR) and performance measurement tool (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 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 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 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

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engagement with the public. Any recipients that fail to submit this data will have their grant funds frozen.

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 subrecipients. Reports regarding subawards must be made through the FFATA Subaward Reporting System (FSRS), found at www.fsrs.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.fsrs.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.

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 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."

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A GAN must be submitted in GMS to document any change in POC, 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.

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.

Note: See also Questions & Answers related to 8 U.S.C. § 1373 and new express conditions on Department of Homeland Security access and notice requirements for information about the award acceptance requirements related to the Certification of Compliance with 8 U.S.C. § 1373.

How do I receive my JAG award payments?

Payment requests are made through the Grant Payment Request System (GPRS). Once you request a payment and make the required certifications, 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 subrecipients 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 is the period of obligation and expenditure 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 OJP at the time of closeout.

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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 the State's strategic plan with the 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 for State applications 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 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.**

In December of 2016, Congress passed the [Justice for All Reauthorization Act](#) stating that by 2019 States will be required to have a strategic plan in place that identifies stakeholders, describes evidence-based approaches, and illustrates how the State will allocate funding. For States that do not have a current plan in place, technical assistance will be provided through the [National Training and Technical Assistance Center \(NTTAC\)](#). Plans should be updated every five years according to this requirement.

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.bjatrain.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, a 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

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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 VPT 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, a SAA must submit a “Program Office Approval” GAN in the 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, a 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, a 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 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, a 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 FFR and programmatic report must be submitted in GMS in order to begin the closeout process. In addition, a final PMT report must be completed and uploaded as an attachment to the final

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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](#).