



# Edward Byrne Memorial Justice Assistance Grant (JAG) Program Frequently Asked Questions (FAQs)\*

Updated February 2022

*The Department of Justice is committed to advancing work that promotes civil rights, increases access to justice, supports crime victims, protects the public from crime and evolving threats, and builds trust between law enforcement and the community.*

## Index

### Reference Information

[Authorizing Legislation for the JAG Program Awards Assistance Listing Number](#)

### Award Eligibility/Formula Information

[Eligibility](#)

[Formula Calculation](#)

[Eligible Jurisdictions](#)

[Other Funding Resources \(Ineligibility\)](#)

[State Pass-Through](#)

[National Incident-Based Reporting System \(NIBRS\)](#)

[NIBRS 3 Percent Set-Aside](#)

### Potential Funding Reductions

[SORNA Penalty](#)

[SORNA Compliance Bonus Funds](#)

[PREA Reduction](#)

### Application Requirements

[How to Apply](#)

\*These FAQs are for reference only and to assist states and units of local government. These FAQs do not supersede any conflicting guidance provided in the relevant JAG State or JAG Local solicitations or grant award documents.

[Data Universal Number System \(DUNS\) Number](#)  
[System for Award Management \(SAM\)](#)  
[Project and Budget Periods](#)  
[30-day Governing Body Review Requirement](#)  
[Public Comment Requirements](#)  
[OJP Certified Standard Assurances](#)

## **Use of Funds**

[Allowable and Unallowable Uses of JAG Funds](#) (Updated – February 2022)  
[Prohibited Expenditure Request Guidance](#) (Updated – February 2022)  
[Administrative Funds](#)  
[Sole Source](#)  
[Supplanting and Commingling](#)  
[Confidential Funds](#)  
[Body Armor Purchases](#)  
[Body-Worn Camera Purchases](#)  
[Purchase of Naloxone and Similar Drugs](#)  
[Membership Dues](#)  
[GPS Trackers](#)  
[Funds for Indigent Defense](#)  
[DNA Testing and Allowable Purchases](#) (Updated – February 2022)  
[Caps on Overtime Pay](#)  
[Contraband Cell Phones](#)  
[Canines](#)

## **Disparate Information**

[Understanding Disparity](#)  
[Determining the Fiscal Agent for a Disparate Application](#)  
[Disparate Memorandum of Understanding \(MOU\) Requirements](#) (Updated – February 2022)  
[Chief Executive Certification: Governing Body Review/ Public Comment Requirements](#)  
[Disclosure of Duplication in Cost Items](#)

## **Reporting and Special Condition Requirements**

[Reporting Requirements](#) (Updated – February 2022)  
[Task Force Training](#)  
[Death in Custody Reporting Act \(DCRA\) Reporting Requirement](#) (Updated – February 2022)

## **Award Administration**

\*These FAQs are for reference only and to assist states and units of local government. These FAQs do not supersede any conflicting guidance provided in the relevant JAG State or JAG Local solicitations or grant award documents.

[Award Notification and Post-Award Instructions](#) (Updated – February 2022)

[Updating Contact Information](#)

[Post-Award Instructions \(including award acceptance and declination\)](#)

[JAG Award Payments](#)

[JAG Trust Fund Requirement for Full Upfront Drawdowns](#)

[Period of Expenditure](#)

[State Administering Agency \(SAA\) Strategic Plan](#)

[State Administering Agency \(SAA\) Pass-Through Waiver](#) (Updated – February 2022)

[Budget Modification Process](#)

[Closeout Policies and Procedures](#) (Updated – February 2022)

[Feature Stories](#)

\*These FAQs are for reference only and to assist states and units of local government. These FAQs do not supersede any conflicting guidance provided in the relevant JAG State or JAG Local solicitations or grant award documents.

## 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, (codified at 34 U.S.C. 10151-10158); Title I of Pub. L. No. 90-351 (generally codified at 34 U.S.C. 10151-10726); see also 28 U.S.C. 530C(a).

What is Assistance Listing number for the JAG program?

The Assistance Listing number for the JAG program (state and local) is [16.738](#).

## Award Eligibility/Formula Information

What entity is eligible and where is the eligibility list located?

There are two kinds of formula awards available under the JAG program.

- **JAG State awards:** Only states may apply under this solicitation, and states must designate a single State Administering Agency (SAA) that has authority to apply on their behalf. By law, for purposes of the JAG Program, the term “states” includes the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the U.S. Virgin Islands, Guam, and American Samoa.
- **JAG Local awards:** Only units of local government appearing on the JAG Allocations List may apply under this solicitation. The full list of eligible units of local governments for the current fiscal year, once available, will be posted on the JAG web page at: [Edward Byrne Memorial Justice Assistance Grant \(JAG\) Program | Overview | Bureau of Justice Assistance \(ojp.gov\)](#). By law, for purposes of the JAG Program, the term “units of local government” includes a town, township, village, parish, city, county, borough, or other general-purpose political subdivision of a state, or it may be a federally recognized Indian tribal government that performs law enforcement functions (as determined by the Secretary of the Interior). 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; for example, in Louisiana, a unit of local government means a district attorney or parish sheriff.

Why are two eligibility categories included within the Local JAG solicitation?

Beginning in Fiscal Year (FY) 2020, there are two categories for eligible units of local government to apply under as stipulated below. This change was intended to streamline and expedite the application process, as well as reduce the burden of certain types of reporting for eligible applicants receiving awards of less than \$25,000.

\*These FAQs are for reference only and to assist states and units of local government. These FAQs do not supersede any conflicting guidance provided in the relevant JAG State or JAG Local solicitations or grant award documents.

Category 1 – Eligible Allocation Amounts of Less than \$25,000: Units of local government that are listed on the JAG web page as eligible for an allocation amount of less than \$25,000 should apply under Category 1. This includes direct and joint (disparate) allocations. Category 1 awards of less than \$25,000 are 2 years in length. Extensions of up to 2 years can be requested for these awards via JustGrants no fewer than 30 days prior to the grant end date, and will be automatically granted upon request.

Category 2 – Eligible Allocation Amounts of \$25,000 or More: Units of local government that are listed on the JAG web page as eligible for an allocation amount of \$25,000 or more should apply under Category 2. This includes direct and joint (disparate) allocations. Category 2 awards of at least \$25,000 are 4 years in length. Extensions beyond this period may be made on a case-by-case basis at the discretion of the BJA and must be requested via JustGrants no fewer than 30 days prior to the grant end date.

All awards are subject to the availability of appropriated funds and to any modifications or additional requirements that may be imposed by [statute](#).

#### How is the formula calculated?

JAG awards are based on a statutory formula as described below:

Once each fiscal year's overall JAG Program funding level is determined, BJA works with the Bureau of Justice Statistics (BJS) to begin a four-step grant award calculation process, which, in general, consists of:

- Computing an initial JAG allocation for each state based on its share of violent crime and population (weighted equally).
- Reviewing the initial JAG allocation amount to determine if the state allocation is less than the minimum award amount defined in the JAG legislation (0.25 percent of the total). If this is the case, the state is funded at the minimum level, and the funds required for this are deducted from the overall pool of JAG funds. Each of the remaining states receives the minimum award plus an additional amount based on its share of violent crime and population.
- Dividing each state's final award amount (except for the territories and District of Columbia) between the state and its units of local governments at a rate of 60 and 40 percent, respectively.
- Determining the unit of local government award allocations, which are based on their proportion of the state's 3-year violent crime average. If the "eligible award amount" for a particular unit of local government as determined on this basis is \$10,000 or more, then the unit of local government is eligible to apply directly to the Office of Justice Programs (OJP) (under the JAG Local solicitation) for a JAG award. If the "eligible

\*These FAQs are for reference only and to assist states and units of local government. These FAQs do not supersede any conflicting guidance provided in the relevant JAG State or JAG Local solicitations or grant award documents.

award amount” to a particular unit of local government as determined on this basis would be less than \$10,000, the funds are not made available for a direct award to that particular unit of local government, but instead are added to the amount that otherwise would have been awarded to the state. (The state's obligations with respect to this additional amount for the “less-than-\$10,000 jurisdictions” are summarized below.)

*Why would a jurisdiction (state or local) not receive an allocation?*

Eligible allocations under the JAG Program are posted annually on the JAG web page under “Funding.”

Certain units of local government within a state are ineligible for a direct award of JAG funds because of their small size. (These small-size units of local government are sometimes referred to as “less-than-\$10,000 jurisdictions.”) The state must provide the additional funds included in its award to state police departments that provide criminal justice services to the “less-than-\$10,000 jurisdictions” within the state and/or subaward the funds to such jurisdictions.

*Is there funding available for jurisdictions that do not qualify for a direct award?*

Jurisdictions that do not qualify for a direct award under the JAG Program may reach out to their respective SAA to determine whether subaward funding is available. SAA contact information can be found at: [State Administering Agencies | Overview | Office of Justice Programs \(ojp.gov\)](#).

*Are states required to pass-through funding to ineligible local jurisdictions?*

A state that applies for and receives a JAG award must:

- Pass-through a predetermined percentage of funds to “units of local government.” (For purposes of the JAG Program, a “unit of local government” includes a city, county, township, town, and certain federally recognized Indian tribes.) This predetermined percentage (often referred to as the “variable pass-through” or “VPT”) is calculated by OJP’s BJS, based on the total criminal justice expenditures by the state and its units of local government. The variable pass-through percentages that will apply to an award to a recipient state can be found at: [Edward Byrne Memorial Justice Assistance Grant \(JAG\) Program | JAG Variable Pass-Through \(VPT\) Information | Bureau of Justice Assistance \(ojp.gov\)](#). (If a state believes the VPT percentage has been calculated incorrectly, the state may provide pertinent, verifiable data to BJA and ask OJP to reconsider.)
- Appropriately use or distribute those funds that are *added* to the state’s award because certain units of local government within the state are ineligible for a direct award of JAG funds because of their small size. (These small-size units of local government sometimes are referred to as “less-than-\$10,000 jurisdictions.”) The state must provide these additional funds included in its JAG award to state police departments that provide criminal justice services to the “less-than-\$10,000 jurisdictions” within the state and/or subaward the funds to such jurisdictions.

\*These FAQs are for reference only and to assist states and units of local government. These FAQs do not supersede any conflicting guidance provided in the relevant JAG State or JAG Local solicitations or grant award documents.

*What is the National Incident-Based Reporting System (NIBRS)?*

NIBRS was implemented to improve the overall quality of crime data collected by law enforcement, and captures details on each single crime incident — as well as on separate offenses within the same incident — including information on victims, known offenders, relationships between victims and offenders, arrestees, and property involved in the crime.

Unlike data reported through the Federal Bureau of Investigation's (FBI's) Uniform Crime Reporting (UCR) Program's traditional Summary Reporting System (SRS) — an aggregate monthly tally of crimes — NIBRS data goes much deeper because of its ability to provide circumstances and context for crimes. NIBRS includes all offenses within a single incident and additional aspects about each event like location, time of day, and whether the incident was cleared. Ultimately, NIBRS will improve the detail and overall quality of crime data, which will help law enforcement and communities around the country use resources more strategically and effectively.

*Why is BJA requiring a 3 percent set-aside related to NIBRS compliance?*

In FY 2016, the FBI formally announced its intention to sunset the UCR Program's traditional Summary Reporting System and replace it with the UCR Program's National Incident-Based Reporting System. As of January 1, 2021, the FBI's NIBRS is the law enforcement crime data reporting standard for the nation and SRS data are no longer accepted by the UCR Program. By statute, JAG Program awards are calculated using summary Part 1 violent crime data from the FBI's UCR Program. (See [34 U.S.C. § 10156](#).) Eventually, JAG Program awards will be calculated using NIBRS data and NIBRS compliance will impact JAG Program eligibility.

Beginning in FY 2018, BJA required, through the application of an award condition, direct JAG award recipients not certified by the FBI as NIBRS compliant to set aside 3 percent of their JAG award toward achieving full compliance with the FBI's NIBRS data submission requirements under the UCR Program.

*How should a state or unit of local government communicate NIBRS compliance to BJA?*

The pre-award and post-award processes by which BJA will assess NIBRS compliance is as follows:

Pre-award: The FBI will be providing a list of states that have been certified as NIBRS compliant by the FBI and lists of units of local government that have been certified as NIBRS compliant by the FBI or the state. BJA will waive the set-aside requirement for these states and units of local government at the time of the annual JAG solicitation posting.

Post-award: Grant recipients that achieve full compliance with NIBRS **after** receiving an award should email evidence of NIBRS compliance (written documentation from the FBI and/or their

\*These FAQs are for reference only and to assist states and units of local government. These FAQs do not supersede any conflicting guidance provided in the relevant JAG State or JAG Local solicitations or grant award documents.

state-certified NIBRS compliance) to their State Policy Advisor listed in OJP's JustGrants System. Upon review of the documentation submitted, BJA will confirm the NIBRS compliance and then clear any withholding special condition associated with the NIBRS set-aside requirement. Grant recipients must retain documentation on file that demonstrates the FBI certification of NIBRS compliance. Such documentation must be made available for BJA review upon request.

*Does the NIBRS set-aside requirement apply to subawards?*

The requirement for a NIBRS set-aside will not be applied to subawards from states. Rather, state JAG recipients must ensure that at least 3 percent of the total award amount is used toward NIBRS compliance, unless the FBI has certified that the state is already NIBRS compliant. States must clearly indicate in their application narratives and budgets what projects will be supported with this 3 percent set-aside.

The requirement for a NIBRS set-aside will be applicable to all jurisdictions in a disparate group, but will not otherwise be applied to subawards. Recipients serving as fiscal agent for "disparate jurisdictions" (as defined at [34 U.S.C. 10156\(d\)\(4\)](#)) have to pass this requirement through to subawards in other localities in the disparate jurisdiction so that each locality in a disparate jurisdiction group dedicates at least 3 percent of award funds to NIBRS compliance, unless, with respect to each locality in the disparate jurisdiction group, evidence of NIBRS compliance has been submitted to and approved by BJA.

*What are some examples of costs and projects that relate to NIBRS implementation?*

Examples of costs and projects that relate to NIBRS implementation at the state or local level that could be funded under the JAG Program include: software, hardware, and labor that directly support or enhance a state or agency's technical capacity for collecting, processing, and analyzing data reported by local law enforcement (LE) agencies and then submitting NIBRS data to the FBI; training personnel responsible for the state's Incident Based Reporting (IBR) program on receiving, processing, analyzing, and validating incident-based data from local LE agencies in their state; training local agencies in how to collect and submit NIBRS data; and technical assistance for LE agency personnel responsible for (1) managing the agency's crime incident data, (2) processing and validating the data, and (3) extracting and submitting IBR data to the state UCR Program according to the states and/or directly to the FBI according to the NIBRS standard.

*If our state or unit of local government has already budgeted funding for NIBRS-related projects, should JAG funds still be set aside for this purpose?*

Yes, the 3 percent set-aside is applicable until the FBI (or state for local units) has certified NIBRS compliance. States and units of local government should be cognizant of supplanting and not budget JAG funds for the exact same NIBRS-related project. For example, if local funds are budgeted for software, then JAG funds could be set aside to support training. Once a state or unit of local government is certified as NIBRS compliant, the grantee may submit a change-of-

\*These FAQs are for reference only and to assist states and units of local government. These FAQs do not supersede any conflicting guidance provided in the relevant JAG State or JAG Local solicitations or grant award documents.

scope Grant Award Modification to BJA and reallocate any remaining set-aside funds.

*Is it possible for a SAA to make subawards to a public or private school or private nonprofit organizations?*

Yes, an SAA can make a subaward for the following purposes: (1) criminal justice projects that would benefit the entire state, (2) a criminal justice project that will benefit a local jurisdiction, and (3) a private nonprofit that is in partnership with a local law enforcement agency to provide criminal justice services to designated "units of local government." The primary purpose of the subawards, however, must meet the requirements of JAG Program areas under 34 U.S.C. § 10152 (a) (1).

See reference: [34 U.S.C. § 10152\(b\)](#),

[a] State or unit of local government may, in using a grant under [the JAG award], use all or a portion of that grant to contract with or make one or more subawards to one or more

- (1) Neighborhood or community-based organizations that are private and nonprofit
- (2) Units of local government

## **Potential Funding Reductions**

*Are JAG awards subject to any automatic statutory reductions?*

A state allocation of a JAG award is subject to two potential funding reductions for noncompliance under the Sex Offender Registration and Notification Act (SORNA) and the Prison Rape Elimination Act (PREA).

*What is the potential funding reduction under the Sex Offender Registration and Notification Act (SORNA)?*

SORNA, which is Title I of the Adam Walsh Child Protection and Safety Act of 2006, mandates a 10 percent reduction in JAG award to a "state" that has failed to substantially implement SORNA. For such states, the 10 percent reduction has been applied to JAG awards since FY 2012 and will continue to be applied in each subsequent year until the JAG recipient has substantially implemented SORNA. Further, states that have substantially implemented SORNA have an ongoing obligation to maintain that status each year. A JAG reduction will be applied each year that a jurisdiction fails to substantially implement SORNA.

A reduction of a JAG award to a state under the provisions of SORNA will **not** affect the portion of the JAG award that is reserved for local jurisdictions.

*How is the SORNA funding reduction calculated?*

\*These FAQs are for reference only and to assist states and units of local government. These FAQs do not supersede any conflicting guidance provided in the relevant JAG State or JAG Local solicitations or grant award documents.

The example below illustrates how the SORNA funding reduction is assessed against a state that did not implement SORNA.

If BJA initially calculated that the state is eligible to receive a JAG allocation of \$3,000,000, the 10 percent JAG reduction would be calculated as follows:

1. The mandatory pass-through amount of \$1,200,000 (based on the state'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 the state (\$250,000) is then added to the \$1,800,000 — resulting in \$2,050,000.
3. The 10 percent JAG reduction is then assessed on the \$2,050,000 amount ( $\$2,050,000 \times .10$ ) — resulting in a SORNA penalty of \$205,000 for the state.

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

*Is a state eligible for additional JAG funding based on its SORNA compliance status?*

Yes, SORNA-compliant states and territories may have bonus funds applied to their next fiscal year JAG application. This bonus allocation is calculated based on total funds resulting from the JAG reductions from non-implementing states and territories during that current fiscal year. For example, if a state substantially implemented SORNA in FY 2014, then that state would have additional bonus funds added to its FY 2015 State JAG award, which will be comprised of JAG reductions from non-implementing states and territories in FY 2014. The amounts available for bonus funds will vary from year to year, depending on the amount of JAG reductions that are assessed.

*Who can I contact for more information on the JAG reduction (or SORNA penalty), SORNA compliance, or the implementation of SORNA?*

For additional information regarding SORNA implementation, including requirements and a list of states that will be affected by the 10 percent reduction to JAG awards, contact the OJP Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART Office) at [ASKSMART@usdoj.gov](mailto:ASKSMART@usdoj.gov) or 202-514-9320.

*What is required under the Prison Rape Elimination Act (PREA) certification requirement and what is the funding reduction for failure to comply?*

In 2012, DOJ published the National PREA Standards, which were promulgated to prevent, detect, and respond to sexual victimization and abuse in confinement settings. The PREA

\*These FAQs are for reference only and to assist states and units of local government. These FAQs do not supersede any conflicting guidance provided in the relevant JAG State or JAG Local solicitations or grant award documents.

Standards are set out at 28 C.F.R. Part 115, and apply to confinement facilities including adult prisons and jails, juvenile facilities, police lockups, and community corrections facilities.

Under PREA, if a state's chief executive (e.g., governor) does not certify full compliance with the National PREA Standards, the state is subject to the loss of 5 percent of certain DOJ grant funds, including JAG award funds, unless the chief executive submits an assurance to DOJ that no less than 5 percent of such funds will be used solely for the purpose of enabling the state to achieve and certify full compliance with the PREA Standards in future years. See [34 U.S.C. § 30307\(e\)\(2\)](#).

Note: Separate, detailed PREA FAQs can be found at: [Edward Byrne Memorial Justice Assistance Grant \(JAG\) Program Frequently Asked Questions \(FAQs\) Regarding the Prison Rape Elimination Act \(PREA\) Certification Requirement and 5 percent Reduction \(ojp.gov\)](#).

## Application Requirements

### How do eligible entities apply for JAG funds?

Beginning in FY 2021, DOJ funding opportunities follow a two-part application process. Applicants must begin the application process within Grants.gov. After applying in Grants.gov, the application information and SF-424 and the SF-LLL forms will be transferred to JustGrants, where the full application will be completed.

Applicants MUST have a valid Data Universal Number System (DUNS) number and a valid System of Award Management (SAM) registration in order to begin the application process in Grants.gov. See the [OJP Grant Application Resource Guide | Office of Justice Programs](#) for detailed instructions.

Note: The application must be submitted by an applicant with a DUNS number associated with an entity that is eligible to apply in order to receive an award. See the [Eligibility](#) section for more information and the following illustrative examples:

- Example 1: City of X is submits an application to apply based on the formula allocation for City of X, and their DUNS number is registered in SAM for City of X. This applicant meets the eligibility requirements of JAG and is eligible to receive an award.
- Example 2: City of X Police Department submits an application to apply based on the formula allocation for City of X, and their DUNS number is registered in SAM for City of X, with a Doing Business As (DBA) listed for City of X Police Department. The Applicant meets the eligibility requirements of JAG and is eligible to receive an

\*These FAQs are for reference only and to assist states and units of local government. These FAQs do not supersede any conflicting guidance provided in the relevant JAG State or JAG Local solicitations or grant award documents.

award.

- Example 3: City of X Police Department submits an application to apply based on the formula allocation for City of X and their DUNS number is registered in SAM for City of X Police Department. City of X Police Department is not a law enforcement district or judicial enforcement district established under applicable state law with authority to independently establish a budget and impose taxes. **The applicant does NOT meet the eligibility requirements of JAG and is NOT eligible to receive an award.**

**Please note that by April of 2022, the federal government will stop using the DUNS number to uniquely identify entities. At that point, entities doing business with the federal government will use a Unique Entity Identifier (SAM) created in SAM.gov. Further guidance will be forthcoming prior to April, 2022.**

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 a sheriff may be listed as the authorized representative if, and only if, the “Organizational Unit” line in the application indicates the sheriff’s office or police department.**

**The authorized representative may not necessarily be the same person authorized to sign the Chief Executive Certification.**

What is the System for Award Management (SAM) database and how does a jurisdiction register?

SAM is the repository for certain standard information about federal financial assistance applicants, recipients, and subrecipients. For further information, please refer to the [OJP Grant Application Resource Guide | Office of Justice Programs](#).

What are the project and budget periods for the awards?

The project and budget periods for the awards vary depending on the type of award.

- For Local JAG awards:

Awards of at least \$25,000 are 4 years in length. Extensions beyond this period may be made on a case-by-case basis at the discretion of BJA and must be requested via JustGrants no fewer than 30 days prior to the grant end date.

Awards of less than \$25,000 are 2 years in length. For example, an award period for an FY 2018 award will be from October 1, 2017, through September 30, 2019. Extensions of up to 2 years can be requested for these awards via JustGrants no fewer than 30 days

\*These FAQs are for reference only and to assist states and units of local government. These FAQs do not supersede any conflicting guidance provided in the relevant JAG State or JAG Local solicitations or grant award documents.

prior to the grant end date and will be automatically granted upon request.

- For State JAG awards:

BJA makes awards for a 4-year period of performance. For example, for FY 2018 awards, the award period will begin on October 1, 2017. An extension should not exceed 12 months. An extension beyond this period may be made on a case-by-case basis at the discretion of BJA and must be requested via JustGrants no fewer than 30 days prior to the end of the period for performance.

*What are the governing body requirements related to a JAG application?*

Pursuant to the JAG statute ([at 34 U.S.C. § 10153\(a\)\(2\)](#)), a JAG application must be made available for review by the governing body of the applicant jurisdiction, or to an organization designated by that governing body, at least 30 days prior to that application being submitted to the awarding agency for funding.

To satisfy this requirement, BJA requires the submission of a properly completed “Certifications and Assurances by the Chief Executive of the Applicant Government” to attest to these facts. If the governing body review requirement has not been completed at the time of application, a locality can still apply for JAG funding; however, it will not be able to submit a properly completed form with its application. In this event, the award will be made with a withholding special condition for the “Certifications and Assurances by the Chief Executive of the Applicant Government” form, which a grantee must submit to BJA post-award when all of the requirements attested to in this form are met. The “Certifications and Assurances by the Chief Executive of the Applicant Government” form associated with the most recent JAG solicitations can be accessed the JAG web page at: [Edward Byrne Memorial Justice Assistance Grant \(JAG\) Program | Overview | Bureau of Justice Assistance \(ojp.gov\)](#). Forms from prior JAG solicitations can be accessed at: [Edward Byrne Memorial Justice Assistance Grant \(JAG\) Program | Archives | Bureau of Justice Assistance \(ojp.gov\)](#).

*What are the public comment requirements related to a JAG application?*

Pursuant to the JAG statute ([at 34 U.S.C. § 10153\(a\)\(3\)](#)), a JAG application, prior to being submitted to the awarding agency, must be made available for public comment by citizens and neighborhood- and community-based organizations to the extent applicable law or established procedures make such opportunity available.

To satisfy this requirement, BJA requires the submission of a properly completed “Certifications and Assurances by the Chief Executive of the Applicant Government” to attest to these facts. If the public comment requirement has not been completed at the time of application, a locality can still apply for JAG funding; however, it will not be able to submit a properly completed “Certifications and Assurances by the Chief Executive of the Applicant Government” form with its application. In this event, the award will be made with a withholding special condition for the “Certifications and Assurances by the Chief Executive of the Applicant Government” form, which

\*These FAQs are for reference only and to assist states and units of local government. These FAQs do not supersede any conflicting guidance provided in the relevant JAG State or JAG Local solicitations or grant award documents.

a grantee must submit to BJA post-award when all of the requirements attested to in this form are met. The “Certifications and Assurances by the Chief Executive of the Applicant Government” form associated with the most recent JAG solicitations can be accessed the JAG web page at: [Edward Byrne Memorial Justice Assistance Grant \(JAG\) Program | Overview | Bureau of Justice Assistance \(ojp.gov\)](#). Forms from prior JAG solicitations can be accessed at: [Edward Byrne Memorial Justice Assistance Grant \(JAG\) Program | Archives | Bureau of Justice Assistance \(ojp.gov\)](#).

*Who may sign the “Certifications and Assurances by the Chief Executive of the Applicant Government” as the chief executive for state or unit of local government applicants?*

The “Certifications and Assurances by the Chief Executive of the Applicant Government” form must be signed by the jurisdiction’s chief executive. The chief executive is the person who has the ultimate executive authority for the jurisdiction. Further, as set forth in the certification itself, the chief executive is the person that has the authority to make representations on behalf of the unit of local government. Typically, the chief executive is the highest elected official of the jurisdiction (e.g. governor, mayor, or county board chair).

**This chief executive may not delegate signature authority to another person under any circumstances.**

## **Use of Funds**

*What can JAG funds be used for?*

In general, JAG funds may be used to provide additional personnel, equipment, supplies, contractual support, training, technical assistance, and information systems for criminal justice, including for any one or more of the following:

- Law enforcement programs
- 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)
- Mental health programs and related law enforcement and corrections programs, including behavioral programs and crisis intervention teams

In connection with all of the above purposes, it should be noted that the [statute](#) defines “criminal justice” as “activities pertaining to crime prevention, control, or reduction, or the enforcement of the criminal law, including, but not limited to, police efforts to prevent, control, or reduce crime or to apprehend criminals, including juveniles, activities of courts having criminal jurisdiction, and related agencies (including but not limited to prosecutorial and defender services, juvenile

\*These FAQs are for reference only and to assist states and units of local government. These FAQs do not supersede any conflicting guidance provided in the relevant JAG State or JAG Local solicitations or grant award documents.

delinquency agencies and pretrial service or release agencies), activities of corrections, probation, or parole authorities and related agencies assisting in the rehabilitation, supervision, and care of criminal offenders, and programs relating to the prevention, control, or reduction of narcotic addiction and juvenile delinquency.”

Under the JAG Program, states and units of local government may use award funds for broadband deployment and adoption activities as they relate to criminal justice activities. Additional information can be found at [Purposes for Which Funds Awarded Under the Edward Byrne Memorial Justice Assistance Grants \(JAG\) Program May Be Used \(ojp.gov\)](#).

*Can JAG funds be used by state and local governments to increase patrols and deployments that bolster the security of at-risk nonprofit organizations?*

Yes. JAG funds can be used by state and local governments for crime prevention efforts to increase patrols and deployments that bolster the security of at-risk nonprofit organizations including synagogues, churches, mosques, and other places of worship.

*Can JAG funding be utilized to support election security projects?*

The broad criminal justice purposes supported by the JAG Program permit JAG funds to be used to deter, detect, and protect against threats of violence against election workers, administrators, officials, and others associated with the electoral process.

Please note that JAG funds cannot be used to support any security enhancements or any equipment to any nongovernmental entity that is not engaged in criminal justice or public safety.

*Are there any limitations on the use of JAG funds, including expenditures that are specifically prohibited under JAG?*

The JAG statute, at [34 U.S.C. § 10152\(d\)](#), specifically identifies a list of prohibited items. JAG funds provided under this part may **NOT** be used, directly or indirectly, to provide any of the following matters:

- 1) Any security enhancements or any equipment to any nongovernmental entity that is not engaged in criminal justice or public safety.
- 2) Unless the Attorney General certifies that extraordinary and exigent circumstances exist that make the use of such funds to provide such matters essential to the maintenance of public safety and good order—
  - a. vehicles (excluding police cruisers), vessels (excluding police boats), or aircraft (excluding police helicopters);
  - b. luxury items;
  - c. real estate;
  - d. construction projects (other than penal or correctional institutions); or
  - e. any similar matters.

**\*Police cruisers, police boats, and police helicopters are allowable expenditures under JAG and do not require BJA certification.**

\*These FAQs are for reference only and to assist states and units of local government. These FAQs do not supersede any conflicting guidance provided in the relevant JAG State or JAG Local solicitations or grant award documents.

For purposes of JAG, a vehicle is considered a “police cruiser” only if it is used in the ordinary course for routine police patrol within the United States. Vehicles (including motorcycles, SUVs, and ATVs) used as “police cruisers” are not prohibited under JAG, and therefore may be acquired with JAG funds in the ordinary course, to the extent otherwise allowable under the award.

Please note that JAG awards made in fiscal years 2015, 2016, and 2017 include certain limitations on expenditures for items on the “controlled expenditure list” and the “prohibited expenditure list.” However, as of August 29, 2017, there are no items on the “controlled expenditure list,” and the “prohibited expenditure list” replicates the statutory prohibitions set forth above. More information on the “controlled expenditure list” and the “prohibited expenditure list” may be found at: [JAG Prohibited and Controlled Expenditures Guidance](#).

*How are vehicle, vessel, and aircraft defined under JAG?*

“Vehicles” includes, without limitation:

- Wheeled armored vehicles/tactical vehicles
- Buses and recreational vehicles
- Command vehicles/mobile command and control centers
- Trucks, including pickup trucks
- Vans, including passenger vans
- Motorcycles
- Sport utility vehicles (SUVs)
- Segways, golf carts, all-terrain vehicles (ATVs), and similar items — when and if applicable state or local law requires licensing or registration of such items.

For purposes of the JAG Program, a vehicle is considered a “**police cruiser**” only if it is used in the ordinary course for routine police patrol within the United States. Vehicles (including motorcycles, SUVs, and ATVs) used as “police cruisers” are not prohibited under JAG, and therefore may be acquired with JAG funds in the ordinary course, to the extent otherwise allowable under the award.

“Vessels” includes, without limitation, any form of boat or watercraft capable of holding or transporting instruments, other cargo, and/or at least one person.

For purposes of the JAG Program, a vessel is considered a “**police boat**” only if it is used in the ordinary course to conduct law enforcement operations within the United States. Vessels used as “police boats” are not prohibited under JAG, and therefore may be acquired with JAG funds in the ordinary course, to the extent otherwise allowable under the award.

\*These FAQs are for reference only and to assist states and units of local government. These FAQs do not supersede any conflicting guidance provided in the relevant JAG State or JAG Local solicitations or grant award documents.

**“Aircraft\*\*”** includes, without limitation:

- Any craft designed to move instruments, other cargo, and/or at least one person through the air such as helicopters or airplanes (rotary-wing or fixed-wing aircraft)

For purposes of the JAG Program, a helicopter is considered a **“police helicopter”** only if it is used in the ordinary course to conduct law enforcement operations within the United States. Aircraft used as “police helicopters” are not prohibited under JAG, and therefore may be acquired with JAG funds in the ordinary course, to the extent otherwise allowable under the award.

**The use of BJA grant funds for unmanned aircraft systems (UAS), including unmanned aircraft vehicles (UAV), and all accompanying accessories to support UAS or UAV, is unallowable.**

*How can a jurisdiction request prior approval (a waiver) from BJA to utilize JAG funds for prohibited item(s)?*

The recipient may not obligate (or “use”) any JAG award funds for the item until and unless the Department of Justice makes the required certification.

To request a Department of Justice certification of “extraordinary and exigent circumstances ... that make use of [award funds for the requested item or matter] ... essential to the maintenance of public safety and good order,” the recipient must:

1. Using OJP’s JustGrants system, submit a “Programmatic Costs” Grant Award Modification (GAM), marked “Other” and with “JAG – DOJ Certification request – extraordinary and exigent; essential” typed in the available text box.
2. Attach to the GAM a letter, on the letterhead of the recipient jurisdiction and signed by the recipient’s “authorized representative” for the particular JAG award in question, that:
  - (a) Indicates the use of JAG award funds as to which the recipient requests the required certification and the award number of the JAG award from which funds would be obligated and used.
  - (b) Provides a general description of the recipient (or subrecipient, if applicable) that will use award funds for the requested purpose.
  - (c) Indicates the amount of award funds that would be used for the requested purpose, if the Department of Justice makes the required certification.
  - (d) Sets out a detailed justification that provides sufficient information to support a Department of Justice finding and certification that “extraordinary and exigent

\*These FAQs are for reference only and to assist states and units of local government. These FAQs do not supersede any conflicting guidance provided in the relevant JAG State or JAG Local solicitations or grant award documents.

circumstances” exist that make use of the JAG award funds for the requested purpose “essential to the maintenance of public safety and good order.”

If the Department of Justice makes the required certification, the recipient will be notified and will receive a copy of the Department certification.

*May a jurisdiction obligate or expend its own funds prior to receipt of a JAG award?*

The period of performance for JAG awards typically begins with each federal fiscal year, even though recipients may not apply for or receive the JAG award until several months later.

JAG recipients may not obligate federal award funds before validly accepting the JAG award. However, as of the first day of the period of performance for the award (typically October 1 of the relevant federal fiscal year), the recipient may choose to incur project costs using nonfederal funds. Any project costs incurred before valid acceptance of the JAG award are incurred at the recipient's risk until, at a minimum, (1) the recipient makes a valid acceptance of the award, and (2) all applicable withholding conditions are removed by BJA (via a Grant Award Modification [GAM]).

If and when the recipient makes a valid acceptance of the award and OJP removes each applicable withholding condition through a GAM, the recipient will be able to obligate JAG award funds to reimburse itself for project costs incurred earlier during the period of performance (such as project costs incurred prior to award acceptance or prior to removal of an applicable withholding condition), provided that those project costs are allowable costs under the award.

For example, in anticipation of applying for a JAG award during OJP's next grant fiscal year, a state orders police cruisers that will not be delivered until the next fiscal year. The state should not use any funds from an expected JAG award, but may use funds from another source. The state is incurring project costs at its own risk pending (1) a valid acceptance of a JAG award, and (2) removal of all applicable withholding conditions (via a GAM).

*May a jurisdiction use JAG funds to purchase firearms and drugs for an undercover operation?*

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 [34 U.S.C 10152\(d\)](#). 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 Grants Financial Guide](#).

*Is prior approval from the BJA Program Office required to lease or rent vehicles with JAG funding?*

\*These FAQs are for reference only and to assist states and units of local government. These FAQs do not supersede any conflicting guidance provided in the relevant JAG State or JAG Local solicitations or grant award documents.

A jurisdiction may use JAG funds to purchase, lease, or rent police cruisers (marked or unmarked) without specific prior approval.

The purchase, lease, or renting of any other police vehicle (e.g., pickup trucks, passenger vans, luxury vehicles, command centers, etc.) is prohibited unless a certification is granted by the Department of Justice, as described above.

*Can JAG funds be used by a recipient to renovate its current facility or to rebuild a new one?*

Construction and/or major renovation projects related to penal or correctional institutions are allowable expenditures, without specific prior approval. All other construction and/or major renovation projects are prohibited, unless a certification is granted by the Department of Justice, as described above.

***NOTE: Any project that involves construction or major renovation will be subject to environmental analysis requirements pursuant to the National Environmental Policy Act (NEPA). Additional information on NEPA can be found at [National Environmental Policy Act \(NEPA\) Guidance | Bureau of Justice Assistance \(ojp.gov\)](#).***

*Would costs related to the Fugitive Safe Surrender (FSS) and Countering Violent Extremism (CVE) programs be allowable expenses with JAG funds?*

Through its eight program areas, JAG funding may be used to support a broad range of criminal justice activities, projects, and 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 otherwise prohibited under JAG. To verify that activities are not prohibited under JAG, please refer to the FAQ above.

*Can Byrne JAG awards be used for administrative expenses?*

A state or unit of local government may use up to 10 percent of a JAG award, including up to 10 percent of any earned interest, for costs associated with administering the award. Administrative costs (when utilized) must be tracked separately; a recipient must report in separate Federal Financial Reports (SF-425) those expenditures that specifically relate to each particular JAG award during any particular reporting period.

*Can indirect costs be charged to an award? Are these costs related to administrative expenses capped at 10 percent?*

Up to 10 percent of a JAG award, including up to 10 percent of any earned interest, may be used for costs associated with administering the award. The 10 percent statutory cap on administrative costs also includes indirect costs. For additional information on indirect costs, please see the [DOJ Grants Financial Guide](#).

*What are the rules pertaining to tracking and expending funds, including administrative funds*

\*These FAQs are for reference only and to assist states and units of local government. These FAQs do not supersede any conflicting guidance provided in the relevant JAG State or JAG Local solicitations or grant award documents.

*across active JAG awards?*

Both the recipient and all subrecipients of JAG funds are prohibited from commingling funds on a program-by-program or project-by-project basis. For this purpose, use of the administrative JAG funds to perform work across all active awards in any one year is not considered commingling.

*If an agency proposes to use JAG funding to enter into a sole source contract greater than \$250,000, what is the process?*

If a proposed procurement contract would exceed the simplified acquisition threshold — currently \$250,000 — a recipient of an OJP award may not proceed without competition, unless and until the recipient receives specific advance authorization from OJP to use a noncompetitive approach for the procurement. For more information, please see the OJP Sole Source Procurement Fact Sheet and Checklist at: [Sole Source Justification Fact Sheet \(ojp.gov\)](#).

An applicant that intends — without competition — to enter into a procurement contract post award that would exceed \$250,000 should include a detailed justification that explains to OJP why, in the particular circumstances, it is appropriate to proceed without competition. The justification must be included as part of a sole source Grant Award Modification (GAM) in the JustGrants System. Various considerations that may be pertinent to the justification are outlined in the [DOJ Grants Financial Guide](#).

*What is meant by supplanting funds? Does it apply to JAG funding?*

JAG funds may not be used to supplant state or local funds but must be used to increase the amounts of such funds that would, in the absence of federal funds, be made available for criminal justice activities. For additional information, see the [DOJ Grants Financial Guide](#).

Although supplanting is prohibited, the leveraging of federal funding is encouraged.

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

Each applicant is required to disclose whether it has (or is proposed as a subrecipient under) any pending applications for federally funded grants or cooperative agreements that (1) include requests for funding to support the same project being proposed in the application under this solicitation and (2) would cover identical cost items outlined in the budget submitted to OJP as part of the application under this solicitation. The applicant is required to disclose applications made directly to federal awarding agencies and also applications for subawards of federal funds (e.g., applications to state agencies that will subaward (“subgrant”) federal funds).

Leveraging multiple funding sources in a complementary manner to implement comprehensive programs or projects is encouraged and is not seen as inappropriate duplication.

\*These FAQs are for reference only and to assist states and units of local government. These FAQs do not supersede any conflicting guidance provided in the relevant JAG State or JAG Local solicitations or grant award documents.

*Is it permissible to use JAG funds in conjunction with Patrick Leahy Bulletproof Vest Partnership (BVP) Program funds to satisfy the BVP 50 percent match requirement?*

States and units of local government should note that JAG funds may not be used as any part of the 50 percent match required by the BVP Program. Absent specific federal statutory authority to do so, JAG award funds may not be used as “match” for the purposes of other federal awards. The JAG Program does not require a match.

For additional cost sharing and match information, see the [DOJ Grants Financial Guide](#).

*Is it permissible for a recipient to use JAG funds to purchase body armor?*

Yes; however, if a JAG grantee uses grant funds to purchase armored vests, that grantee cannot also receive funding under the Patrick Leahy Bulletproof Vest Partnership (BVP) Program in the same fiscal year. Pursuant to the BVP Program [statute](#), at the use of JAG funding by a unit of local government may impact its eligibility for funding under the BVP Program. If a unit of local government uses JAG funds to purchase armor vests, that unit of local government cannot also receive funding under the BVP Program in the same fiscal year.

The BVP Program is designed to provide critical resources to local law enforcement through the purchase of ballistic-resistant and stab-resistant body armor. For more information on the BVP Program, including eligibility and application, refer to the [BVP web page](#).

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

As is the case with Patrick Leahy Bulletproof Vest Partnership (BVP) Program, jurisdictions that propose to purchase body armor with JAG funds must certify that law enforcement agencies receiving body armor have a written “mandatory wear” policy in effect. This policy must be in place for at least all uniformed officers before any current year awards can be used by the jurisdiction for body armor. There are no requirements regarding the nature of the policy other than it specify when mandatory wear is required for uniformed officers on duty. Additional guidance regarding the mandatory wear requirement can be found in the [BVP FAQs](#).

A mandatory wear concept-and-issues paper and a model policy are available by contacting the BVP Customer Support Center at [vests@usdoj.gov](mailto:vests@usdoj.gov) or toll free at 1-877-758-3787.

This policy can be signed by the grantee’s authorized representative or a person officially delegated/authorized to sign on their behalf.

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

The certification form for mandatory wear can be found at: [Justice Assistance Grant \(JAG\)](#)

\*These FAQs are for reference only and to assist states and units of local government. These FAQs do not supersede any conflicting guidance provided in the relevant JAG State or JAG Local solicitations or grant award documents.

[Program - Body Armor Mandatory Wear Policy Certification \(ojp.gov\).](#)

If the recipient proposes to change project activities to utilize JAG funds to purchase body armor after the award is accepted, the recipient must submit the signed certification to BJA at that time.

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

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 following requirements are met:

- The body armor must have been tested and found to comply with the latest applicable National Institute of Justice (NIJ) ballistic or stab standards.
- The body armor purchased must be made in the United States.
- The body armor purchased with JAG funds must be “uniquely fitted vests,” which means protective (ballistic or stab-resistant) armor vests that conform to the individual wearer to provide the best possible fit and coverage, through a combination of (1) correctly sized panels and carrier, determined through appropriate measurement, and (2) properly adjusted straps, harnesses, fasteners, flaps, or other adjustable features. The requirement that body armor be "uniquely fitted" does not necessarily require body armor that is individually manufactured based on the measurements of an individual wearer. In support of OJP’s efforts to improve officer safety, the American Society for Testing and Materials (ASTM) International has made available the *Standard Practice for Body Armor Wearer Measurement and Fitting of Armor* ([Active Standard ASTM E3003](#)) available at no cost. [The Personal Armor Fit Assessment checklist](#) is excerpted from ASTM E3003.

*Does OJP support a policy on denying federal benefits to an officer or to an officer’s survivors if the officer is injured and/or killed in the line of duty and was NOT wearing a vest as required by a jurisdiction’s policy?*

No blanket policy or automatic disqualification shall be implemented regarding OJP’s requirement for policy on the use of body armor and its effects on federal death, disability, or educational benefits through the [Public Safety Officers' Benefits Program \(PSOB\)](#).

*May a recipient use JAG funds 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 purpose is present and documented.

*Are the purchases of body-worn cameras, data storage, and other related costs allowable expenses under the JAG Program?*

\*These FAQs are for reference only and to assist states and units of local government. These FAQs do not supersede any conflicting guidance provided in the relevant JAG State or JAG Local solicitations or grant award documents.

Yes, as long as the items would comply with any of the eight program areas under JAG. Note that apart from the JAG Program, BJA provides funds under the Body-Worn Camera Policy and Implementation Program (BWC Program). Interested units of local government may wish to refer to the [Body-Worn Cameras \(BWCs\) | Overview | Bureau of Justice Assistance \(ojp.gov\)](#) for more information. A jurisdiction that proposes to use JAG award funds to purchase BWC equipment or to implement or enhance BWC programs must provide to OJP a certification(s) that each jurisdiction's law enforcement agency receiving the equipment or implementing the program has policies and procedures in place related to BWC equipment usage, data storage and access, privacy considerations, and training. The certification form related to BWC policies and procedures can be found at:

[Edward Byrne Memorial Justice Assistance Grant \(JAG\) Program - Body-Worn Camera \(BWC\) Policy Certification \(ojp.gov\)](#).

**This policy can be signed by the grantee's authorized representative or a person officially delegated/authorized to sign on their behalf.**

**JAG funds may not be used as any part of the 50 percent match required by the BWC Program.**

For additional cost sharing and match information, see the [DOJ Grants Financial Guide](#).

*Are there any requirements for using JAG funds to purchase body-worn cameras (BWCs) that must be satisfied?*

A jurisdiction that proposes to use the current year's funding award to purchase BWC equipment, or to implement or enhance BWC programs, must provide to OJP a certification(s) that the recipient (or, if applicable, that any subrecipient that will receive funds from the recipient for BWC purposes) has policies and procedures in place related to BWC equipment usage, data storage and access, privacy considerations, and training. A recipient that proposes to use JAG funds for BWC-related expenses will have funds withheld until the required certification is submitted and approved by OJP. **The BJA [BWC Toolkit](#) provides model BWC policies and best practices to assist departments in implementing BWC programs.**

*Is the purchase of overdose reversal drugs, or the use of JAG funds to support medication-assisted treatment for addiction, permissible under JAG?*

Medication-assisted treatments, as the purchase of overdose reversal drugs (e.g. naloxone), which are approved by the Food and Drug Administration, 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 at: [Naloxone Background | Working with BJA NTTAC \(ojp.gov\)](#).

\*These FAQs are for reference only and to assist states and units of local government. These FAQs do not supersede any conflicting guidance provided in the relevant JAG State or JAG Local solicitations or grant award documents.

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 may be used only to pay for the nonlobbying-related portion of the membership fees.

Is the purchase of GPS trackers where there is a significant vulnerable population a permissible use of JAG funds?

Yes, so long as the purchase is reasonably related to an allowable JAG programmatic purpose. Refer here for more information: [TrackingDeviceFunding.pdf \(ojp.gov\)](#).

Would the costs for indigent defense under the Prosecution and Court Programs be considered allowable expenses under the JAG Program?

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 the use of JAG funds for DNA testing?

If JAG Program funds will be 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. No profiles generated with JAG funding may be entered into any other nongovernmental DNA database without prior express written approval from BJA (exceptions include forensic genealogy).

In addition, funds may not be used for the purchase of DNA equipment and supplies when the resulting DNA profiles from such technology are not acceptable for entry into CODIS.

Award recipients utilizing funds for forensic genealogy testing must adhere to the United States Department of Justice Interim Policy Forensic Genealogical DNA Analysis and Searching available at: [United States Department of Justice Interim Policy: Forensic Genetic Genealogical DNA Analysis and Searching](#).

Finally, in accordance with Section IX, grantees utilizing funds for this purpose must collect and report the following metrics to BJA:

- (1) The type of crime investigated
- (2) Whether forensic genetic genealogical DNA analysis (FGG)/forensic genetic genealogical DNA analysis and searching (FGGS) was conducted on a forensic sample or a reference sample
- (3) The type of forensic sample subjected to FGG and a description of the total amount, condition, and concentration of that sample (e.g., single source, mixed profile,

\*These FAQs are for reference only and to assist states and units of local government. These FAQs do not supersede any conflicting guidance provided in the relevant JAG State or JAG Local solicitations or grant award documents.

degradation status, etc.)

- (4) Whether FGG analysis resulted in a searchable profile
- (5) The identity of the vendor laboratory used to conduct FGG and the genetic genealogy service(s) used to search the FGG profile
- (6) Whether the investigation resulted in an arrest that was based, in part, on the use of FGGS
- (7) The total amount of federal funding used to conduct FGG/FGGS in each case

*Can JAG funds be used to purchase Rapid DNA instruments?*

JAG funds may be used to support Rapid DNA projects that meet the requirements for participation in Rapid DNA, including those involving the purchase of Rapid DNA instruments that have been approved for use by the FBI for use in the booking environment (see [National Rapid DNA Booking Operational Procedures Manual](#)). Rapid DNA Instruments, or Rapid DNA Analysis, is a term used to describe the fully automated (hands free) process of developing a DNA profile from a reference sample mouth swab in 1-2 hours without the need of a DNA laboratory and without any human intervention. The overall goal of the Rapid DNA initiative is to immediately enroll qualifying arrestees in CODIS and search unsolved crimes of special concern in near real time during the [booking process](#).

Below is an abbreviated list of prerequisites for federal, state, and local booking agencies to participate in Rapid DNA:

- The state must have implemented an arrestee DNA collection law that authorizes DNA sample collection from a person arrested for a specified offense at the time of arrest and for which there are no additional requirements (i.e., determination of probable cause) for the analysis of that arrestee DNA sample. Federal booking agencies already meet this prerequisite.
- Electronic Fingerprint (Live Scan) integration during the booking process for obtaining State Identification Numbers (SID) (UCN for federal booking agencies) from the State Identification Bureau (FBI for federal) in near real time.
- The booking agency must have network connectivity with the State Identification Bureau (SIB)/CJIS Systems Agency (CSA).
- The booking agency and/or state must technically integrate Rapid DNA within their automated fingerprint process in a way that must ensure only qualifying arrestees are processed.

It will be critical for booking agencies to work with their state CODIS agency to ensure all requirements are met for participation in Rapid DNA (see [National Rapid DNA Booking Operational Procedures Manual](#)). BJA encourages those states with arrestee DNA collection laws that meet the prerequisites above to consider using JAG funds to implement Rapid DNA technology (or the defined prerequisites above, such as Live Scan integration) in booking stations within their states.

\*These FAQs are for reference only and to assist states and units of local government. These FAQs do not supersede any conflicting guidance provided in the relevant JAG State or JAG Local solicitations or grant award documents.

*Is there a cap on the amount of overtime pay for law enforcement officers?*

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

*Can JAG funds be used to support projects related to combatting contraband cell phones in prisons and jails?*

JAG funds can be used to support projects related to preventing, detecting, seizing, and/or stopping the presence and use of contraband cellphones by detainees and inmates. This includes the purchasing of managed access systems and other mitigation technologies (as permitted by applicable law).

*What considerations must be taken in to account for projects involving technological devices, artificial intelligence, and other data-driven solutions?*

Technological devices, artificial intelligence, predictive analytics, and other data-driven solutions (“Technological Enhancements”) are increasingly used to augment crime reduction strategies and efforts. Care must be taken to assess and address any potential harm that could be activated by these solutions to ensure privacy, civil rights, and civil liberties are protected. Recipients utilizing grant funds to support technological enhancements directly should ensure those projects address the tenants of digital trust to include:

- How the technology will be carefully implemented through training of personnel and the setting and enforcement of policies governing its use to ensure that it contributes to positive outcomes for public safety, the community and/or the criminal justice system.
- How the recipient will safeguard privacy, civil rights, and civil liberties throughout the duration of the project period.

*Can JAG funds be used to purchase canines, including those used for drug detection?*

JAG funds may be used to purchase canines to be utilized for any criminal justice purpose, including drug detection. Additionally, JAG funds may be used to support any project involving canines that includes a criminal justice nexus.

## **Disparate Information**

*What does it mean when two or more units of local government are listed under the column “Joint Application (Disparate) Award Amount” in the JAG allocation tables?*

In some cases, as defined by the legislation, a disparity may exist between the funding eligibility of a county and its associated municipalities. Three different types of disparities may exist:

- The first type is a zero-county disparity. This situation exists when one or more municipalities within a county are eligible for a direct award, but the county is not; yet, the county is

\*These FAQs are for reference only and to assist states and units of local government. These FAQs do not supersede any conflicting guidance provided in the relevant JAG State or JAG Local solicitations or grant award documents.

responsible for providing criminal justice services (such as prosecution and incarceration) for the municipality. In this case, the county is entitled to part of the municipality's award because it shares the cost of criminal justice operations, although it may not report crime data to the FBI. This is the most common type of disparity.

- A second type of disparity exists when both a county and a municipality within that county qualify for a direct award, but the award amount for the municipality exceeds 150 percent of the county's award amount.
- The third type of disparity occurs when a county and multiple municipalities within that county are all eligible for direct awards, but the sum of the awards for the individual municipalities exceeds 400 percent of the county's award amount.

*How should units of local government determine how to split the award in a disparate situation?*

Jurisdictions certified as disparate must identify a fiscal agent that will submit a joint application for the aggregate eligible allocation on behalf of all the disparate municipalities. The joint application must determine and specify the award distribution to each unit of local government and the purposes for which the funds will be used.

*How is it determined which unit of local government will be the fiscal agent responsible for applying for the disparate funds?*

When beginning the JAG application process, a Memorandum of Understanding (MOU) that identifies which jurisdiction will serve as the applicant or fiscal agent for joint funds must be completed and signed by the "Authorized Representative" for each participating jurisdiction. The signed MOU should be attached to the application. For a sample MOU, go to: [JAG SAMPLE MOU](#).

*What is the process if one or more disparate jurisdictions do not agree to sign an MOU and intend to decline funding?*

If a disparate unit of local government does not agree to sign an MOU (even an MOU that states that the disparate unit of local government will be receiving \$0 as part of the award), BJA will accept an official letter of declination in lieu of the disparate unit of local government's signature on the MOU. This official letter of declination must clearly state that the unit of local government understands that they will not be receiving funds under the subject award and must be signed by the highest ranking official for the unit of local government.

*When there is a group of disparate jurisdictions applying for a JAG award, 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 by the applicant/fiscal agent to OJP. The subrecipients in the disparate group are

\*These FAQs are for reference only and to assist states and units of local government. These FAQs do not supersede any conflicting guidance provided in the relevant JAG State or JAG Local solicitations or grant award documents.

not required to submit such a certification by their chief executive, although each unit of local government must abide by state/local policies and procedures regarding governing body review and public comment opportunity.

*Does the disclosure of duplication in cost items (formerly the disclosure of pending applications) applications requirement apply to each disparate jurisdiction or just the unit of local government that is the fiscal agent?*

For disparate jurisdictions, the disclosure of duplication in cost items should cover all projects and activities proposed to be funded under the award, whether by the applicant/fiscal agent or by other jurisdictions. The fiscal agent will submit the Disclosure of Pending Applications (now called Applicant Disclosure of Duplication in Cost Items) in JustGrants. See the [OJP Grant Application Resource Guide | Office of Justice Programs](#) for more information.

## Reporting and Special Condition Requirements

*What are the standard programmatic and financial reporting requirements once a JAG grant is awarded?*

State and Local recipients under the JAG Program are required to submit the following reports and data:

- Quarterly Federal Financial Reports (and one final Federal Financial Report after all funds have been obligated and expended) through OJP's [JustGrants System](#).
- Quarterly performance measurement reports (once all funds have been obligated and expended, that report may be marked final) through the [BJA Performance Measurement Tool](#) (Note that if a law enforcement agency receives JAG funds from a state, the state must submit quarterly accountability metrics data related to training that officers have received on use of force, racial and ethnic bias, de-escalation of conflict, and constructive engagement with the public).
- Semi-annual progress reports (once all funds have been obligated and expended, that report may be marked final) through OJP's [JustGrants System](#) for all JAG recipients **except for FY 2020 and forward Category 1 Local JAG awards less than \$25,000.**
- **For FY 2020 and forward Category 1 Local JAG awards Only** - An annual progress report and final progress report through OJP's JustGrants. If all project activity has concluded at the time the first annual progress report is submitted, that report may be marked final.

**\*Please note that future awards and fund drawdowns may be withheld if reports are delinquent. (In appropriate cases, OJP may require additional reports.)**

\*These FAQs are for reference only and to assist states and units of local government. These FAQs do not supersede any conflicting guidance provided in the relevant JAG State or JAG Local solicitations or grant award documents.

*When are the first performance measurement, progress and financial reports due for JAG?*

The first performance measurement (submitted through the [BJA Performance Measurement Tool](#)), progress and financial reports (submitted through OJP's [JustGrants System](#)) are due once the award has been accepted in JustGrants. The reporting period for both coincides with the project start date which is back dated to the beginning of the fiscal year. For example, for an FY 21 award, the initial reporting period will start on October 1, 2020.

Please note that all performance reports (completed quarterly in the PMT and uploaded semi-annually in JustGrants) and quarterly financial reports must be submitted back to the start date of the award, which is always October 1 of the Fiscal Year. This is due to obligations being allowable retroactively back to the award start date under JAG. If no activity occurred prior to award acceptance, submitted quarterly financial reports for the periods prior should simply show no activity.

*What reports beyond standard programmatic and financial reports may be required once a JAG grant is awarded?*

- If applicable, an annual audit report in accordance with the Part 200 Uniform Requirements or specific award conditions;
- Awards that exceed \$500,000 will include an additional condition that, under specific circumstances, will require the recipient to report to Federal Awardee Performance and Integrity Information System (FAPIIS) information on civil, criminal, and administrative proceedings connected with (or connected to the performance of) either the OJP award or any other grant, cooperative agreement, or procurement contract from the federal government. Additional information on this reporting requirement appears in the text of the award condition posted on the OJP website at: [Award Condition: Recipient Integrity and Performance Matters \(including Recipient Reporting to FAPIIS\) | Office of Justice Programs \(ojp.gov\)](#); and
- Consistent with the Federal Funding Accountability and Transparency Act (FFATA) of 2006, all direct award recipients will be required to report award information on any first-tier subawards totaling \$30,000 or more, and, in certain circumstances, to report information on the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients. The details of recipient obligations, which derive from the FFATA, are posted on the OJP website at: [Award Condition: Reporting Subawards and Executive Compensation \(Updated as of September 2016\) | Office of Justice Programs \(ojp.gov\)](#).

*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

\*These FAQs are for reference only and to assist states and units of local government. These FAQs do not supersede any conflicting guidance provided in the relevant JAG State or JAG Local solicitations or grant award documents.

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 4 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 ([Center for Task Force Training Online Training Portal \(centf.org\)](http://centf.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 website and the Center for Task Force Integrity and Leadership ([Center for Task Force Training Online Training Portal \(centf.org\)](http://centf.org)).

*What is the Death in Custody Reporting Act (DCRA) reporting requirement?*

The Death in Custody Reporting Act of 2013 ([DCRA; Pub. L. No. 113-242.](#)) provides in part that, “the State shall report to the Attorney General . . . information regarding the death of any person who is detained, under arrest, or is in the process of being arrested, is en route to be incarcerated, or is incarcerated at a municipal or county jail, State prison, State-run boot camp prison, boot camp prison that is contracted out by the State, any State or local contract facility, or other local or State correctional facility (including any juvenile facility).”

State Administering Agencies (SAAs) are responsible for collecting data on a quarterly basis from local entities including local jails, law enforcement agencies, medical examiners, and other state agencies. SAAs are responsible for compiling and aggregating the data for submission to BJA.

Each quarter, states should either (1) report all deaths in custody that occurred in their jurisdictions during the corresponding quarter and provide basic information about the circumstances of those deaths or (2) affirm that no deaths in custody occurred in their jurisdictions during the reporting period. States must answer questions related to deaths in custody in BJA's [Performance Measurement Tool \(PMT\)](#) and submit the information by the reporting deadline. The [reporting deadline](#) is the last day of the month following the close of the quarter (January, April, July, October).

For each death in custody, states must enter the following information into the PMT:

- The decedent's name, date of birth, gender, race, and ethnicity
- The date, time, and location of the death
- The law enforcement or correctional agency involved
- Manner of death
- Description of the circumstances leading to the death

\*These FAQs are for reference only and to assist states and units of local government. These FAQs do not supersede any conflicting guidance provided in the relevant JAG State or JAG Local solicitations or grant award documents.

States must sufficiently answer all questions related to deaths in custody before they can submit the information in the PMT. If a state does not have sufficient information to complete certain data elements, they may enter “unknown” data values (when allowed in the PMT). For cases that remain under investigation, the “manner of death” should be reported as “unavailable, investigation pending,” and the state should specify when it anticipates obtaining the information. Once the information is available, states **will** need to have the PMT Helpdesk unlock their reports to update them. If the information is not updated, BJA will follow up with states in subsequent reporting periods to update previous entries.

For additional information on DCRA reporting requirements, please reference the [BJA DCRA Factsheet](#) and the supplementary [FAQ document](#) on BJA’s Performance Measurement web page.

## **Award Administration**

### *How will prospective recipients be notified when an award is made?*

An email notification will also be sent to the Application Submitter, the Authorized Representative, and the Entity Administrator to sign and accept their award and discuss how to enroll in Automated Standard Application for payments (ASAP). Prior to accepting an award, the Entity Administrator must assign a Financial Manager, a Grant Award Administrator, and an Authorized Representative for each award. When the Authorized Representative logs into their JustGrants account, they can view accepted awards and awards that need to be accepted in their Worklist if the award has been assigned to them, or they can view all applications under the Applications menu. For more information on award acceptance, please refer to the [Grantee Acceptance Job Aid Reference Guide](#).

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

An applicant with a current, active award(s) must ensure that its JustGrants profile is current. If the profile is not current, the Entity Administrator should log into DIAMD and update the information on its JustGrants profile prior to applying under this solicitation. For more information please refer to the [DIAMD FAQs](#).

### *Now that I received my JAG award acceptance notification email, are there any written post-award instructions related to award acceptance?*

Upon notification that an award is available to accept, grant recipients should refer to OJP’s post-award instructions located at: [Grantee Acceptance Job Aid Reference Guide](#).

### *What is the process for a recipient to decline a JAG award?*

Whenever an award is initiated in JustGrants, it must also be closed in JustGrants. To close the award in JustGrants, select an award from *My Worklist*, then select the decline button to proceed. More information can be found in the [Grantee Acceptance Job Aid](#)

\*These FAQs are for reference only and to assist states and units of local government. These FAQs do not supersede any conflicting guidance provided in the relevant JAG State or JAG Local solicitations or grant award documents.

[Reference Guide](#) on the [JustGrants training page](#).

*What is the process for a recipient to receive JAG award payments?*

JAG award payments are processed through the Department of the [Treasury's Automated Standard Application for Payments \(ASAP\)](#). Grantees should use the [ASAP Registration Checklist](#) to guide them through the steps they must take to complete their ASAP registration.

For more information on how to request funds using ASAP, please reference [this user guide](#). For **questions related to the use of the ASAP system**, please contact the OCFO Customer Service Center by email at [Ask.OCFO@usdoj.gov](mailto:Ask.OCFO@usdoj.gov) or by phone at 800-458-0786.

The Department of the Treasury organizes ASAP webinar trainings on a regular basis. Please refer to the [ASAP website](#) for more information on ASAP-related training and resources.

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

States (or State Administering Agencies) or units of local government may draw down JAG funds either in advance or on a reimbursement basis. To draw down in advance, a trust fund must be established in which to deposit the funds. The trust fund **must** be in an interest-bearing account, unless one of the exceptions in 2 C.F.R. § 200.305.b.8 apply. If subrecipients draw down JAG funds in advance, they also must establish a trust fund in which to deposit funds. For additional information, see [2 C.F.R. § 200.305](#).

*What is the period of an obligation and an expenditure under a JAG award?*

All JAG funds, including interest earned, must be obligated by the award end date and liquidated no later than **120 days** thereafter. Any unobligated or unexpended funds, including interest earned, must be returned to the Office of Justice Programs at the time of closeout.

*If a SAA intends to request a pass-through waiver, which requires BJA certification, what is the process?*

As noted in the previous FAQ titled "[Are states required to pass-through funding to ineligible local jurisdictions](#)", there are two types of pass-through SAAs are required to administer (VPT and Less-than \$10,000).

In certain circumstances, some or all of a project administered by a recipient state may count as part of the variable pass-through or the less than \$10,000 pass through. In general, a state may do so to the extent that (1) the state-administered project will directly benefit a unit of local government, and (2) one unit (or more) of local government voluntarily agrees and acknowledges in an appropriate written certification that the specified amount of state-administered funds would directly benefit the unit of local government in question and agrees that funding the project at the state level is in the

\*These FAQs are for reference only and to assist states and units of local government. These FAQs do not supersede any conflicting guidance provided in the relevant JAG State or JAG Local solicitations or grant award documents.

best interests of the unit of local government.

To request a waiver of the VPT or less than \$10,000 pass-through requirement a recipient must:

1. Using OJP's JustGrants system, submit a "Programmatic Costs" Grant Award Modification (GAM), marked "Other" and with "JAG – Pass-Through Waiver" typed in the available text box.
2. Attach to the GAM a letter, on the letterhead of the recipient jurisdiction and signed by the recipient's "authorized representative" for the particular JAG award in question, that:
  - (a) Provides a summary of the project(s) and stipulates the project(s) will directly benefit one or more units of local government; and
  - (b) Lists one or more units of local government that agrees funding of the project is in the best interest of the unit of local government.

*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 \$10,000) requirements have been satisfied?*

States are strongly encouraged to use JAG funding in support of an existing statewide strategic plan. An applicant state should attach a current version of the state strategic plan to its application, if one exists.

Training and technical assistance (TTA) is available from [BJA's TTA providers](#) to assist states with the development of their strategic planning process and plan.

To help ensure that states consider the impact of JAG funding decisions across the entire criminal justice system, BJA strongly encourages each state to bring all criminal justice system stakeholders together in the strategic planning process. The strategic planning process should include local governments and representatives of all segments of the criminal justice system, including judges, prosecutors, law enforcement personnel, and corrections personnel, as well as providers of indigent defense services, victim services, juvenile justice delinquency prevention programs, community corrections, and reentry services. For more information, see the [National Center for Justice Planning website](#).

*What is the process for modifying budgets under JAG?*

If your agency would like to modify its JAG budget, email your Grant Manager with the details of all requested changes. Your grant manager will help you determine if a Grant Award Modification (GAM) must be submitted in JustGrants. If a GAM is deemed necessary, a Programmatic Cost Change GAM must be submitted with supporting justification that indicates the reason the modification is requested, as well as a revised budget worksheet and budget narrative. All

\*These FAQs are for reference only and to assist states and units of local government. These FAQs do not supersede any conflicting guidance provided in the relevant JAG State or JAG Local solicitations or grant award documents.

reporting requirements must be met in order for the GAM to be approved. The assigned BJA Grant Manager listed in JustGrants, and the full JAG Grant Manager listing can be found on the [BJA Website](#):

- [Contact list](#) for state and local JAG grants with award amounts of \$25,000 or more.
- [Contact list](#) for local JAG grants with award amounts of less than \$25,000.

*Can a recipient request to have a JAG award be closed prior to its end date? If so, are there any advantages for doing so?*

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 and final progress report must be submitted in JustGrants 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 JustGrants. 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 are the requirements to close out a JAG award and when must closeouts be submitted?*

In order to close a JAG award in compliance, final progress and financial reports must be submitted and approved and all withholding special conditions must be resolved. A closeout must be submitted 120 days after the project end date. For assistance with submitting a closeout in JustGrants, please refer to the [Entity Users Closeout: Job Aid Reference Guide](#) on the [JustGrants training page](#).

*What are "Feature Stories" and how can a JAG grantee submit a success story to BJA?*

The [Feature Stories](#) webpage contains stories highlighting how BJA grant funds are being used across the country and the impact the funding has had on the recipient agencies and organizations, as well as the communities they serve. This webpage will be a valuable resource for states, localities, territories, tribes, and criminal justice professionals who seek to identify and learn about JAG and other successful BJA-funded projects linked to innovation, crime reduction, and evidence-based practices. If you have a story you would like to share for possible inclusion on the BJA site, you can access the Success Story submission form on the [Contact Us](#) page or at [Submit a Success Story | Bureau of Justice Assistance \(ojp.gov\)](#).

\*These FAQs are for reference only and to assist states and units of local government. These FAQs do not supersede any conflicting guidance provided in the relevant JAG State or JAG Local solicitations or grant award documents.