

**FY 2009: Edward Byrne Memorial Justice Assistance Grant (JAG) Program  
Frequently Asked Questions**

<u><b>Table of Contents</b></u>	<u><b>Page</b></u>
<b>Reference Information:</b>	
Authorizing legislation for the JAG Program Awards.....	1
Catalog of Federal Domestic Assistance (CFDA) number .....	1
<b>Award Eligibility/Formula Information:</b>	
Transition Rule.....	1
Eligibility .....	1
Formula Calculation .....	2
Eligible Jurisdictions.....	2
Resources if not eligible .....	2
State pass-through to non-profits .....	2
FBI’s Uniform Crime Report (UCR) website .....	3
SORNA penalties non-applicable .....	3
Jurisdictions not on the allocation list .....	3
<b>Application Requirements:</b>	
Legal Name .....	3
Data Universal Number System (DUNS) number .....	3
Jurisdiction Central Contractor Registration (CCR) .....	3
Letter of declination.....	4
Who must apply / application information .....	4
Award amount and project period.....	4
Period of expenditure .....	4
Governing body and governing body review .....	5
30-day governing body review requirement .....	5
Governing body approval .....	5
Public comment requirements.....	6
Match not required. ....	6
<b>Use of Funds:</b>	
Utilization and purpose of JAG funds .....	6
Prohibited use of JAG funds .....	7
Vehicle purchases .....	7
Construction and renovation .....	7
Requesting BJA certification .....	8
Caps on overtime pay .....	8
Purchase of Buprenorphine .....	8
Supplanting .....	8
<b>Disparate Information:</b>	
Joint Application (Disparate) Award Amount .....	8
Determining the fiscal agent .....	8
EEOP Requirements .....	9
Governing body review and public notice .....	9
Disparate project or purpose area requirements .....	9

Memorandum of Understanding (MOU) .....	9
Determining split award amounts.....	9
Cannot agree on JAG funds distribution .....	9
Determining a jurisdiction’s potential allocation .....	9
Providing the JAG MOU to BJA .....	10
<b>Reporting:</b>	
Reporting requirements .....	10
<b>Administration:</b>	
JAG award payments .....	10
GMS instructions .....	10
Award notification .....	10
Post-award instructions .....	10
BJA staff contact information .....	10

## **Reference Information:**

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

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

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

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

## **Award Eligibility/Formula Information:**

What is the Transition Rule?

The JAG statute requires that local governments that have not reported at least 3 years of data (within the last 10 years for which UCR data are available) on Part I violent crimes of the UCR to the FBI are ineligible for direct JAG local formula funding. As a transition to implementing the grant program, the law permitted JAG units of local government during 2006, 2007, and 2008 to qualify for JAG formula funds based on the last three years of UCR data which they had submitted, in any prior years. That Transition Rule, by statute, has expired.

Who is eligible and where is the eligibility list located?

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

Applicants for JAG Local awards are limited to units of local government appearing on the FY 2009 JAG Allocations List. To view this list, go to [www.ojp.usdoj.gov/BJA/grant/09jagallocations.html](http://www.ojp.usdoj.gov/BJA/grant/09jagallocations.html).

For JAG program purposes, a unit of local government is: a town, township, village, parish, city, county, borough, or other general purpose political subdivision of a state; or, it may also be a federally recognized Indian tribe or Alaskan Native organization that performs law enforcement functions as determined by the Secretary of the Interior. Otherwise a unit of local government may be any law enforcement district or judicial enforcement district established under state law with authority to independently establish a budget and impose taxes. In Louisiana, a unit of local government also means the office of a district attorney or a parish sheriff. In the District of Columbia or any United States Trust Territory, a unit of local government is any agency of the District of Columbia or Federal government performing law enforcement functions for the District of Columbia or Trust Territories of the United States. For a listing of eligible units of local government, go to <http://www.ojp.usdoj.gov/BJA/grant/09jagallocations.html>.

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

If your city/county is not on the list, it does not qualify for a direct JAG award from the Bureau of Justice Assistance. The JAG legislation specifies that allocations to local governments are based on their share of the total violent crime reported to the FBI over 3 of the last 10 years. Either your jurisdiction did not submit 3 years of UCR data to the FBI since 1999, or the level of crime did not result in a minimum JAG award of at least \$10,000 as required by statute. The 2005 [Bureau of Justice Statistics Technical Report](#) explains the entire formula that is statutorily-based.

How is the formula calculated?

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

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

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

Yes. Your state government also receives a variable percentage of the allocation that is required *to be "passed through"* to units of local government. This amount, also calculated by BJS, is based on each state's crime expenditures. In addition, the formula then calculates direct allocations for local governments within each state, based on their share of the total violent crime reported within the state. BJA expects to have updated pass-through percentages available on June 2, and they will be posted on the JAG web page: <http://www.ojp.usdoj.gov/BJA/grant/jag.html>

Eligible state/territory recipients are entitled to the state allocation determined by the above formula plus any funds designated for the state's units of local government whose direct allocation would be less than \$10,000. Funds from these "less than \$10,000 jurisdictions" will be added to the state allocation and must be distributed by the state to state police departments that provide criminal justice services, to units of local government, and/or to any units of local government whose allocations would be less than \$10,000. Local governments that are entitled to at least \$10,000 awards may apply directly to BJA for local JAG funds. To view the FY 2009

Can a State Administering Agency (SAA) give out JAG subgrants to private non-profit organization (PNP) for

a. Criminal justice projects that would benefit the entire state?

b. A criminal justice project that will benefit a local jurisdiction?

c. A PNP that is in partnership with a local LE agency to provide criminal justice services to designated "units of local government"?

As permitted by the JAG program statute, an SAA can award JAG subgrants to private non-profit neighborhood or community-based organizations (PNPs) in any of the above scenarios. If the funding being provided to the PNP represents the state's portion of its JAG award, then the intended use must fulfill the statutory purpose areas for the JAG Program. However, if the funding provided to the PNP represents the variable pass-through portion of the state's award, then additional requirements must be met. The PNP subgrant must benefit a "unit of local government" (as that term is defined by the Omnibus Act), and each unit of local government benefiting from the PNP subgrant must voluntarily sign a waiver as required by the solicitation. This waiver must certify that the local jurisdiction recognizes that the funds in question are set aside for local government use; believes that the proposed project will provide a direct local benefit; and agrees that funding the project at the state level is in the best interests of the unit of local government.

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

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

Will the 10 percent penalty for failure to comply with the Sex Offender Registration and Notification Act (SORNA) apply to FY 09 JAG funding?

No. Any reduction required for failure to comply with SORNA (or to request an extension of time in which to do so) will be applied in the fiscal year following SORNA's deadline for compliance. Because the deadline for compliance until July 27, 2010—with the possibility for one additional one-year extensions—no FY 09 JAG funding will be affected.

**Application Requirements:**

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

The legal name and address on the application must be a state, county (i.e. Wayne County), municipality (City of Wayne), or other eligible unit of local government. Please see 42 U.S.C. 3791(a) (3) for a listing of eligible units of local government for JAG purposes. Unless designated by statute as an eligible unit of local government, the legal name and address can not be a sheriff or police department. In these situations, a sheriff or police department must be listed in the organization unit line if the authorized recipient is a sheriff or police department. In all cases, if the name listed on the organization line as an authorized recipient must be someone with the authority (county commissioner, mayor, city manager, or other designated official or agency.) to enter the state, county, municipality, or other eligible unit of local government into a legal contract with the federal government. The same procedures apply when the authorized recipient is a police chief, law enforcement agency, or other authorized official or agency that has not been designated as an eligible unit of local government for JAG purposes.

How do I obtain a Data Universal Number System (DUNS) number?

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

How do I register my jurisdiction with the Central Contractor Registration (CCR)?

Ask the grant administrator, chief financial officer, or authorizing official of your organization if your organization has registered with the CCR. If your organization is not registered, you can register and then renew your registration once a year.

If your organization already has an Employment Identification Number (EIN) or Taxpayer Identification Number (TIN), then you should allow one to three business days to complete the entire registration process with the CCR. Your EIN and TIN should be provided by the Internal Revenue Service (IRS). If your organization does not have an EIN or TIN, then you should allow two weeks for obtaining the information from the IRS when requesting the EIN or TIN via phone or Internet. The additional number of days needed is a result of security information that needs to be mailed to the organization.

You may apply by phone (1-888-227-2423) or register online at [www.ccr.gov](http://www.ccr.gov). CCR has developed a handbook ([www.ccr.gov/handbook.asp](http://www.ccr.gov/handbook.asp)) to help you with the process. When your organization registers with CCR, you must designate an E-Business Point of Contact (E-Biz POC). This person will identify a special password called an "M-PIN". This M-PIN gives the E-Biz POC authority to designate which staff member(s) from your organization are allowed to submit applications electronically. Staff members from your organization designated to submit applications are called Authorized Organization Representatives (AORs).

How should I notify BJA if my jurisdiction, although eligible for funding, will not apply for funding?

Send a letter of declination (on letterhead) via e-mail, or fax it to the [BJA State Policy Advisor](#) assigned to your state. The letter should indicate that your jurisdiction is declining the JAG funds, the reason(s) why, and should be signed by the jurisdiction's Chief Executive Officer or authorized representative.

Our local jurisdiction (e.g., city, county, parish, township, or tribe) is eligible to apply for a direct award from BJA. Who must apply, and where do I find more information on how to apply?

Only a unit of local government (e.g., city, county, parish, township, or tribe) may apply to BJA for Local JAG funding. The Chief Executive Officer (CEO) of a unit of local government is responsible for determining which government official will apply for funding, and may designate an agency head, such as a police chief or sheriff, to be the signing authority on the application. For example, if the applicant is a city and the project will be implemented by the police department, the chief of police can be designated, and the chief would then have signing authority for that application. In this instance, the city will be listed under the "Legal Name" section of the application, and the police department will be listed as the "Organizational Unit" on the application.

The Edward Byrne Memorial JAG Awards solicitations will be posted on the [BJA JAG Program web page](#). Applications for funding must be submitted via the online [Grants Management System \(GMS\)](#) within the prescribed application period. Detailed instructions on submitting an application, as well as guidance on managing your grant award, are available in the [GMS computer-based training tool](#).

Will our city/county receive the amount listed one time or for every year of the project period?

The amount listed on the eligible jurisdiction list is a one-time award amount. The project start period is October 1, 2008, and there is a statutory 4 year period within which to spend funds.

What is the period of expenditure? If we plan to obligate funds within the next several months, is a pre-agreement cost letter necessary or possible?

The budget/project period for JAG awards is October 1, 2008 through September 30, 2012. Because states and units of local government may obligate funds dating back to October 1, 2008, no pre-agreement cost letters are required.

What is a “Governing Body,” and what does the “Governing Body Review” entail?

Examples of governing bodies are a state commission, city council, tribal council, county commission, county board of supervisors, or other legislative body at the local level. Follow your local laws and procedures for providing the application to the governing body. For example, based on your internal procedures, you may need to provide a copy of your grant application to the administrative assistant for the city to distribute to the city council. The manner in which you notified your governing body, and the date this was completed should then be included in the Review Narrative portion of your application (along with information regarding public comment).

Applicants for a JAG award must make the grant application available for review by the governing body of the state or unit of local government, or an organization designated by that governing body, not fewer than 30 days before the application is submitted to BJA.

Our governing body meets only once a month. How can I meet the 30-day governing body review requirement and still submit my application before the application deadline?

The application must be *submitted* for review by a governing body at least 30 days prior to submission to BJA. Governing body *approval* is not required in order to submit the application to BJA. Submit your application via [GMS](#) no later than the application deadline, regardless of whether the local review process is complete. If the application is not complete, or you do not meet the 30-day governing body review requirement, BJA will add a special condition to the award that will withhold grant funds until you submit documentation confirming the requirement has been met.

If we have received an official document indicating “Governing Body Approval” of the application, do we still need to track the 30 days since the Governing Body received notice?

If Governing Body approval has been granted, please provide the date of approval rather than the date of notification in the review narrative. The 30 day notification requirement will have been satisfied at the time of approval.

What is the “Public Comment” requirement?

Applicants must provide an opportunity for the public to comment on their JAG application. The manner in which the public is notified and given an opportunity to comment, as well as the pertinent dates, should be included in the Review Narrative portion of the application (along with information regarding the governing body review). If the requirement is not met at the time of submission, BJA will process the application, but funds will be withheld until the grant recipient provides documentation that the public comment requirement is complete. Common forms of public notification include web site and newspaper postings, and city council, tribal council, and county board hearings that are open to the public.

Does the public comment requirement have to be completed 30 days prior to submitting the application?

No. The governing body notification must occur 30 days prior to application submission. This requirement should not be confused with the public comment requirement, which requires that the application be made public, with an opportunity for comment, anytime prior to application submission.

Am I required to hold a public hearing, or can I post a notice in our local newspaper or on our department’s web site in order to satisfy the public comment requirement?

The JAG statute does not specify how you notify the public. BJA recommends that you follow your local public notification process.

Is there a requirement to have an advisory board review the application?

No. There is no statutory requirement under the JAG Program to have an advisory board review the application.

Is match required?

While match is not required under the JAG Program, match is an effective strategy for states and units of local government to expand justice funds and build buy-in for local criminal justice initiatives.

**Use of Funds:**

What can JAG funds be used for?

Grantees may utilize JAG funds for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice, as well as research and evaluation activities that will improve or enhance law enforcement programs related to criminal justice. Some examples include: prosecution and court programs; prevention and education programs; corrections and community corrections programs; drug treatment and enforcement programs; planning, evaluation, and technology improvement programs; and crime victim and witness programs (other than compensation).



Is there anything that JAG funds cannot be used for?

Yes. JAG funds may not be expended outside of the JAG purpose areas. Even within the purpose areas, however, JAG funds may not be used directly or indirectly for security enhancements or equipment to nongovernmental entities not engaged in criminal justice or public safety. In addition, no JAG funds may be used directly or indirectly to provide for any of the following matters unless BJA certifies, in advance, that extraordinary and exigent circumstances exist, making them essential to the maintenance of public safety and good order: vehicles (excluding police cruisers); vessels (excluding police boats); aircraft (excluding police helicopters); luxury items; real estate; construction projects (other than penal or correctional institutions); and any similar matters.

Our agency intends to apply for a type of vehicle or construction project that requires BJA certification. What is the process?

Include, with your application, a letter (on letterhead) requesting certification by the BJA Director of the proposed purchase and/or project. The letter must indicate the extraordinary and exigent circumstances existing that make the proposed purchase and/or project essential to the maintenance of public safety and good order. The letter must be signed by your agency's authorized representative.

Alternatively, you may send the letter via e-mail, or fax it to the [BJA State Policy Advisor](#) assigned to your state.

What types of police vehicles may be purchased?

You can use JAG funds to purchase police cruisers (whether marked or unmarked), as well as police motorcycles. The purchase of any other vehicle may be permitted if the Director of BJA determines that extraordinary and exigent circumstances exist that make the use of funds to purchase the vehicle essential to the maintenance of public safety and good order. For information on how to request such a determination, please see the FAQ below regarding obtaining BJA certification.

Other modes of transportation, such as bicycles or segways, may be purchased with JAG funds without a showing of extraordinary and exigent circumstances, so long as that mode of transportation is not of a kind that requires licensing or registration with your state's department of motor vehicles.

Can we use JAG funds for construction or renovation?

JAG funds may be used for projects involving construction or major renovation of penal or correctional institutions, so long as the project fits within one of the JAG purpose areas.

In addition, use of JAG funds for projects involving construction or major renovations of facilities other than penal or correctional institutions may be permitted, if the Director of BJA determines that "extraordinary and exigent circumstances exist that make the use of such funds [for construction or major renovation of a facility other than a penal or correctional institution] essential to the maintenance of public safety and good order." For information on how to request such a determination, see the FAQ below regarding obtaining BJA certification.

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

Our agency intends to apply for a type of vehicle or construction project that requires BJA certification. What is the process?

Include, with your application, a letter (on letterhead) requesting certification by the BJA Director of the proposed purchase and/or project. The letter must indicate the extraordinary and exigent circumstances existing that make the proposed purchase and/or project essential to the maintenance of public safety and good order. The letter must be signed by your agency's authorized representative.

Alternatively, you may send the letter via e-mail, or fax it to the BJA State Policy Advisor assigned to your state.

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

Although the JAG program includes no specific cap on overtime pay for law enforcement officers, federal regulations do require that personnel compensation always be reasonable in light of the services rendered.

Can JAG funds be used to purchase Buprenorphine, an FDA approved opiate drug therapy for heroin addiction (similar to methadone)?

BJA is not aware of any specific restrictions regarding the purchase of Buprenorphine with JAG funding. However, as always, any JAG Program expenditure must fulfill at least one of the purpose areas specified by the JAG statute.

What supplanting rules apply to JAG funding?

JAG funds must be used to supplement existing nonfederal funds for program activities and cannot replace or supplant nonfederal funds that have been appropriated for the same purpose.

For additional guidance regarding supplanting, refer to the information provided at [www.ojp.usdoj.gov/funding/other\\_requirements.htm](http://www.ojp.usdoj.gov/funding/other_requirements.htm).

**Disparate Information:**

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

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

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

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

Who is responsible for EEOP requirements in a disparate funding situation? Is it only the fiscal agent or are the other funded partners also responsible?

Pursuant to 28 C.F.R. Section 42.302, all recipients of federal funding must be in compliance with federal EEOP requirements. In addition, the grant recipient must acknowledge that all programs funded through subawards, whether at the state or local level, conform to the grant program requirements.

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

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

Are the city and the county required to work on the same project or purpose area?

No. All units of local government within the disparate jurisdiction may fund individual projects. For example, the city may choose to purchase equipment, and the county may wish to fund a drug task force. Alternatively, funds may also be combined to fund one joint project.

Are disparate jurisdictions required to submit a Memorandum of Understanding (MOU) even if they agree to use the entire award amount for the same purpose?

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

How do we determine how to split the award in a disparate situation?

The units of local government within the disparate jurisdiction must agree upon an allocation process. BJA is not involved in that decision.

What happens if the disparate jurisdictions cannot reach an agreement on how JAG funds will be distributed?

JAG funds are withheld until a JAG MOU signed by the CEO, or the designee, of each unit of local government is submitted.

How do I find out what my jurisdiction's potential allocation is within the disparate allocation process?

Each disparate jurisdiction's eligible amount (based on the formula) is available at <http://www.ojp.usdoj.gov/BJA/grant/09jagallocations.html>.

### How do I provide the JAG MOU to BJA?

When completing your application in GMS, upload the signed JAG MOU as an attachment to that application. If your JAG grant has already been awarded, fax or email the signed JAG MOU to your [State Policy Advisor](#). Your JAG award will be withheld until the JAG MOU is received and approved by BJA.

### **Reporting:**

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

All JAG grantees must submit quarterly financial status reports and an annual programmatic report through the OJP Grants Management System (GMS). In addition, there are JAG Programmatic Measures required. They are customized dependent on activity type within each purpose area. Grantees and sub-grantees will report on performance measures for only those activities funded by JAG. Grantees are not required to report on all programmatic performance measures; only those applicable to your grant. These programmatic measures will be collected quarterly 30 days after the end of the quarter in our new online Performance Measurement Tool (PMT). BJA intends to publish additional detailed guidance related to JAG reporting requirements and procedures in the near future.

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

### **Administration:**

#### How do I receive my JAG award payments?

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

#### Where can I find instructions for submitting financial status reports, JAG progress reports, grant adjustment notices (GAN) and/or closeouts in GMS?

Detailed training guides are available on the [GMS Computer-Based Training web page](#).

#### How will I be notified when my award is made?

Grantees are automatically notified by email after BJA awards your grant. Because of this, it is critical that contact information entered into your grant application is accurate.

#### Now that I received my JAG award, are there any written post-award instructions?

Yes. The online Office of Justice Programs (OJP) [Post-Award Instructions](#) includes detailed guidance.

#### Can I speak to a live person at BJA regarding my JAG award?

Please refer to the [State Policy Advisor](#) list for the appropriate contact. Each state and territory has a designated BJA SPA.