

OMB No. 1121-0140
Expires 5/31/2019

U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS

CERTIFIED STANDARD ASSURANCES

On behalf of the Applicant, and in support of this application for a grant or cooperative agreement, I certify under penalty of perjury to the Office of Justice Programs (OJP), U.S. Department of Justice ("Department"), that all of the following are true and correct:

- (1) I have the authority to make the following representations on behalf of myself and the Applicant. I understand that these representations will be relied upon as material in any OJP decision to make an award to the Applicant based on its application.
- (2) I certify that the Applicant has the legal authority to apply for the federal assistance sought by the application, and that it has the institutional, managerial, and financial capability (including funds sufficient to pay any required non-federal share of project costs) to plan, manage, and complete the project described in the application properly.
- (3) I assure that, throughout the period of performance for the award (if any) made by OJP based on the application—
 - (a) the Applicant will comply with all award requirements and all federal statutes and regulations applicable to the award;
 - (b) the Applicant will require all subrecipients to comply with all applicable award requirements and all applicable federal statutes and regulations; and
 - (c) the Applicant will maintain safeguards to address and prevent any organizational conflict of interest, and also to prohibit employees from using their positions in any manner that poses, or appears to pose, a personal or financial conflict of interest.
- (4) The Applicant understands that the federal statutes and regulations applicable to the award (if any) made by OJP based on the application specifically include statutes and regulations pertaining to civil rights and nondiscrimination, and, in addition—
 - (a) the Applicant understands that the applicable statutes pertaining to civil rights will include section 601 of the Civil Rights Act of 1964 (42 U.S.C. § 2000d); section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794); section 901 of the Education Amendments of 1972 (20 U.S.C. § 1681); and section 303 of the Age Discrimination Act of 1975 (42 U.S.C. § 6102);
 - (b) the Applicant understands that the applicable statutes pertaining to nondiscrimination may include section 815(c) of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3789d(c)); section 1407(e) of the Victims of Crime Act of 1984 (42 U.S.C. § 10604(e)); section 299A(b) of the Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. § 5672(b)); and that the grant condition set out at section 40002(b)(13) of the Violence Against Women Act (42 U.S.C. § 13925(b)(13)) also may apply;
 - (c) the Applicant understands that it must require any subrecipient to comply with all such applicable statutes (and associated regulations); and
 - (d) on behalf of the Applicant, I make the specific assurances set out in 28 C.F.R. §§ 42.105 and 42.204.
- (5) The Applicant also understands that (in addition to any applicable program-specific regulations and to applicable federal regulations that pertain to civil rights and nondiscrimination) the federal regulations applicable to the award (if any) made by OJP based on the application may include, but are not limited to, 2 C.F.R. Part 2800 (the DOJ "Part 200 Uniform Requirements") and 28 C.F.R. Parts 22 (confidentiality - research and statistical information), 23 (criminal intelligence systems), and 46 (human subjects protection).
- (6) I assure that the Applicant will assist OJP as necessary (and will require subrecipients and contractors to assist as necessary) with the Department's compliance with section 106 of the National Historic Preservation Act of 1966 (54 U.S.C. § 306108), the Archeological and Historical Preservation Act of 1974 (54 U.S.C. §§ 312501-312508), and the National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321-4335), and 28 C.F.R. Parts 61 (NEPA) and 63 (floodplains and wetlands).
- (7) I assure that the Applicant will give the Department and the Government Accountability Office, through any authorized representative, access to, and opportunity to examine, all paper or electronic records related to the award (if any) made by OJP based on the application.
- (8) I assure that, if the Applicant is a governmental entity, with respect to the award (if any) made by OJP based on the application—
 - (a) it will comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. §§ 4801-4855), which govern the treatment of persons displaced as a result of federal and federally-assisted programs; and
 - (b) it will comply with requirements of 5 U.S.C. §§ 1501-1508 and 7324-7328, which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by federal assistance.

I acknowledge that a materially false, fictitious, or fraudulent statement (or concealment or omission of a material fact) in this certification, or in the application that it supports, may be the subject of criminal prosecution (including under 18 U.S.C. §§ 1001 and/or 1621, and/or 42 U.S.C. § 3795a), and also may subject me and the Applicant to civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. §§ 3729-3730 and 3801-3812). I also acknowledge that OJP awards, including certifications provided in connection with such awards, are subject to review by the Department, including by OJP and by the Department's Office of the Inspector General.

EXHIBIT C

CITY AND COUNTY OF SAN FRANCISCO



DENNIS J. HERRERA
City Attorney

OFFICE OF THE CITY ATTORNEY

DIRECT DIAL: (415) 554-4748
E-MAIL: brittany.feitelberg@sfgov.org

December 7, 2017

VIA U.S. MAIL AND E-MAIL

Alan R. Hanson
Acting Assistant Attorney General
Office of Justice Programs
United States Department of Justice
810 Seventh Street NW
Washington, D.C. 20531

Re: San Francisco's Compliance with 8 U.S.C. § 1373

Dear Mr. Hanson:

We write on behalf of the City and County of San Francisco in response to your November 15, 2017 letter to San Francisco Mayor Edwin Lee regarding San Francisco's compliance with 8 U.S.C. § 1373. Your letter states the Department of Justice is concerned that the following San Francisco laws, policies or practices may violate Section 1373:

- San Francisco Administrative Code Section 12H.2
- San Francisco Administrative Code Section 12I.3

As you are surely aware, San Francisco vigorously disputes your contention that these laws violate Section 1373. Indeed, San Francisco maintains that it is in full compliance with Section 1373 and is seeking a court declaration that it does so. The San Francisco City Attorney's Office and the United States Department of Justice have briefed this precise issue in *City and County of San Francisco v. Trump et al.*, Case No. 3:17-cv-00485-WHO (N.D. Cal., filed January 31, 2017), and there is likely to be further briefing on this issue in *City and County of San Francisco v. Sessions et al.*, Case No. 3-17-cv-04642-WHO (N.D. Cal., filed August 11, 2017). We refer you to San Francisco's briefs in these cases for a more complete explanation of San Francisco's compliance with Section 1373.

Your letter poses three specific questions, addressed below. We provide these responses without waiving any claim, argument, or defense that San Francisco may assert in any administrative or legal proceeding related to these issues.

1) **Does San Francisco have laws, policies, or practices that violate section 1373, including those discussed above?** No. As explained in *San Francisco v. Trump* briefing we have filed in court, San Francisco complies with Section 1373, properly construed. Section 1373 prohibits San Francisco from restricting the sharing or maintenance of information regarding an individual's "citizenship or immigration status." By its plain terms, Section 1373 does not address any other categories of information, nor does it impose any other obligations.

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CITY AND COUNTY OF SAN FRANCISCO

OFFICE OF THE CITY ATTORNEY

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December 7, 2017

The San Francisco laws identified in your letter—San Francisco Administrative Code Sections 12H.2 and 12I.3—do not restrict the sharing of citizenship or immigration status information, and they therefore comply with Section 1373. San Francisco’s other laws, policies and practices are consistent with these laws. This subject has previously been a source of confusion for the Department of Justice, which in *San Francisco v. Trump* referred the court to an outdated and superseded Sheriff’s policy. Should you have concerns about any particular San Francisco law, policy or practice, other than those specified above, please notify me by December 29, 2017.

2) In addition to San Francisco’s compliance in FY 2016, would San Francisco comply with Section 1373 throughout the award period, should San Francisco receive a FY 2017 Byrne JAG award? If San Francisco receives and accepts a FY 2017 Byrne JAG award, it will comply with all lawful grant conditions imposed on that award. San Francisco is challenging the Section 1373 certification condition, as well as two other immigration-related conditions, that the Department of Justice has imposed on the FY 2017 Byrne JAG awards.

3) To the extent San Francisco law or policies contain so called “savings clauses,” please explain the way these savings clauses are interpreted and applied, and whether these interpretations are communicated to San Francisco officers or employees. San Francisco Administrative Code Chapter 12H.2 contains a savings clause that requires compliance with federal law. As San Francisco explained in *San Francisco v. Trump* briefing, it interprets this savings clause—and other provisions of Chapters 12H and 12I—to comply with Section 1373 by allowing employees to share immigration status information. Indeed, San Francisco has affirmatively informed all employees about Section 1373, and explained that Chapters 12H and 12I impose *other* types of restrictions, which are consistent with federal law. Please see the enclosed memorandum from the Director of San Francisco’s Department of Human Resources.

We also direct you to the Department of Justice’s prior analysis of San Francisco’s savings clause, which was summarized in a 2007 report by the Office of the Inspector General:

San Francisco has designated itself as a “City and County of Refuge” and has limited the extent to which municipal agencies and employees may assist in immigration enforcement. The City Administrative Code states that “no department, agency, commission, officer or employee . . . shall use any City funds or resources to assist in the enforcement of federal immigration law or to gather or disseminate information regarding the immigration status of individuals . . . unless such assistance is required by federal or state statute, regulation or court decision.” The proviso requiring compliance with federal law reinforces our view that there is insufficient evidence to conclude that San Francisco fails to cooperate with ICE’s efforts to remove undocumented aliens.

U.S. Dep’t of Justice, Office of the Inspector Gen., *Cooperation of SCAAP Recipients in the Removal of Criminal Aliens from the United States* 24 (2007), available at <https://oig.justice.gov/reports/OJP/a0707/final.pdf> (emphasis in original). The report found that “in light of the specific provisions requiring compliance with federal law, we cannot conclude that San Francisco’s policies are contrary to 8 U.S.C. § 1373.” *Id.* at 26. That same analysis applies today.

CITY AND COUNTY OF SAN FRANCISCO

OFFICE OF THE CITY ATTORNEY

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December 7, 2017

In light of the ongoing litigation between the parties, please direct all further communications on this issue to my office. If you have any further questions please let us know.

Very truly yours,



DENNIS J. HERRERA
City Attorney

Enclosure: Memorandum to All City and County of San Francisco Employees
from San Francisco's Human Resources Director, dated January 19, 2017

City and County of San Francisco

Edwin M. Lee
Mayor



Department of Human Resources

Micki Callahan
Human Resources Director

MEMORANDUM

Date: Jan. 19, 2017
To: All City and County of San Francisco Employees
From: Micki Callahan
Human Resources Director
Subject: Reminder about Sanctuary City Obligations

This memo is being issued to remind City and County of San Francisco (City) departments and employees of their duties under the San Francisco Charter and Administrative Code. All people seeking or receiving City services must be treated with equal dignity, respect for human rights, and due process under the law, regardless of immigration status. This includes informing them of their rights and access to services, as well as giving out general and/or translated information on services and programs that is timely, accurate and complete.

Departments must ensure that their rules, regulations, and protocols adhere to San Francisco's sanctuary city laws, codified at Chapters 12H and 12I of the Administrative Code. Although federal law states that a "local government entity or official may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual" (8 U.S.C. § 1373), Chapters 12H and 12I impose other types of restrictions, which are consistent with federal law and are summarized below.

Department employees acting in their official capacities may not use City funds or resources to:

- a) Assist or cooperate with any investigation, detention, or arrest procedures, public or clandestine, conducted by federal immigration authorities (ICE) and relating to alleged violations of the civil provisions of federal immigration law.
- b) Request or give out information regarding the release status or personal information of any individual, except as permitted under Administrative Code Section 12I.3.
- c) Condition the receipt of City services or benefits on immigration status, except as required by federal or state statute or regulation, public assistance criteria, or court decision.
- d) Include any question regarding immigration status (other than those required by federal or state statute, regulation, or court decision) on any application, questionnaire, or interview form used in relation to benefits, services, or opportunities provided by the City.
- e) Detain an individual on the basis of a civil immigration detainer after that individual becomes eligible for release from custody. (See Administrative Code § 12I.3(a).)
- f) Respond to a federal immigration officer's request for notification of an individual's release, unless the individual meets specified criteria listed in Administrative Code section 12I.3(c).

It's important to make sure all City employees are aware of these rules. Departments may include education on the City's sanctuary city laws in regular employee trainings and orientations based on templates that will be established by the Office of Civic Engagement and Immigrant Affairs (OCEIA).

Departments are reminded to include education on Administrative Code Chapters 12H and 12I in regular community outreach.

Page 2 of 2

This memorandum is provided as a general summary of the City's sanctuary city laws and is not a substitute for legal advice. State and federal law may impose additional obligations. If you have any questions about how to apply the City's sanctuary city laws to a particular situation, please contact your manager or the Deputy City Attorney assigned to your department.

EXHIBIT D

OMB No. 1121-0329
Approval Expires 12/31/2018



U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

Edward Byrne Memorial

Justice Assistance Grant Program

FY 2017 State Solicitation

Applications Due: August 25, 2017

Eligibility

The [U.S. Department of Justice \(DOJ\)](#), [Office of Justice Programs \(OJP\)](#), [Bureau of Justice Assistance \(BJA\)](#) is seeking applications for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program. This program furthers the Department's mission by assisting State, local, and tribal efforts to prevent or reduce crime and violence.

Only States may apply under this solicitation. 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. (Throughout this solicitation, each reference to a State or States includes all of these 56 jurisdictions.)

A JAG application is not complete, and a State may not receive award funds, unless the chief executive of the applicant State (e.g., the governor) properly executes, and the State submits, the "Certifications and Assurances by Chief Executive of Applicant Government" attached to this solicitation as [Appendix I](#).

In addition, as discussed further [below](#), in order validly to accept an FY 2017 JAG award, the chief legal officer of the applicant State must properly execute, and the State must submit, the specific certification regarding compliance with 8 U.S.C. § 1373 attached to this solicitation as [Appendix II](#). (The text of 8 U.S.C. § 1373 appears in [Appendix III](#).)

The expected allocations by State for the FY 2017 JAG program can be found at: <https://www.bja.gov/Funding/17JAGStateAllocations.pdf>.

Deadline

Applicants must register in the [OJP Grants Management System \(GMS\)](#) prior to submitting an application under this solicitation. All applicants must register, even those that previously registered in GMS. Select the "Apply Online" button associated with the solicitation title. All registrations and applications are due by 5 p.m. eastern time on August 25, 2017.

This deadline does **not** apply to the certification regarding compliance with 8 U.S.C. § 1373. As explained [below](#), a State may not validly accept an award, however, unless that certification is submitted to OJP on or before the day the State submits the signed award acceptance documents.

For additional information, see [How to Apply](#) in [Section D. Application and Submission Information](#).

Contact Information

For technical assistance with submitting an application, contact the Grants Management System Support Hotline at 888-549-9901, option 3, or via email at GMS.HelpDesk@usdoj.gov. The [GMS](#) Support Hotline operates 24 hours a day, 7 days a week, including on federal holidays.

An applicant that experiences unforeseen GMS technical issues beyond its control that prevent it from submitting its application by the deadline must email the National Criminal Justice Reference Service (NCJRS) Response Center at grants@ncjrs.gov **within 24 hours after the application deadline** in order to request approval to submit its application. Additional information on reporting technical issues appears under “Experiencing Unforeseen GMS Technical Issues” in the [How to Apply](#) in [Section D. Application and Submission Information](#).

For assistance with any other requirement of this solicitation, applicants may contact the NCJRS Response Center by telephone at 1-800-851-3420; via TTY at 301-240-6310 (hearing impaired only); by email at grants@ncjrs.gov; by fax to 301-240-5830, or by web chat at <https://webcontact.ncjrs.gov/ncjchat/chat.jsp>. The NCJRS Response Center hours of operation are 10:00 a.m. to 6:00 p.m. eastern time, Monday through Friday, and 10:00 a.m. to 8:00 p.m. eastern time on the solicitation close date. Applicants also may contact the appropriate BJA [State Policy Advisor](#).

Grants.gov number assigned to this solicitation: BJA-2017-11360

Release date: July 25, 2017

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Edward Byrne Memorial Justice Assistance Grant Program

FY 2017 State Solicitation CFDA #16.738

A. Program Description

Overview

The Edward Byrne Memorial Justice Assistance Grant (JAG) Program is the primary provider of federal criminal justice funding to States and units of local government. BJA will award JAG program funds to eligible States under this FY 2017 JAG Program State Solicitation. (A separate solicitation will be issued for applications to BJA directly from units of local government.)

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

Program-Specific Information

Permissible uses of JAG Funds – In general

In general, JAG funds awarded to a State under this FY 2017 solicitation 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.

Under the JAG program, States may use award funds for broadband deployment and adoption activities as they relate to criminal justice activities.

Limitations on the use of JAG funds

Prohibited and controlled uses of funds. JAG funds may not be used (whether directly or indirectly) for any purpose prohibited by federal statute or regulation, including those purposes specifically prohibited by the JAG program statute as set out at 42 U.S.C. § 3751(d):

- (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.

For additional information on expenditures prohibited under JAG, as well as expenditures that are permitted but “controlled,” along with the process for requesting approval regarding controlled items, refer to the [JAG Prohibited and Controlled Expenditures Guidance](#). Information also appears in the [JAG FAQs](#).

Cap on use of JAG award funds for administrative costs – A State 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.

Prohibition of supplanting; no use of JAG funds as “match” – 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 law enforcement activities. See the [JAG FAQs](#) on BJA’s JAG web page for examples of supplanting.

Although supplanting is prohibited, as discussed under [“What An Application Should Include,”](#) the leveraging of federal funding is encouraged.

Absent specific federal statutory authority to do so, JAG award funds may not be used as “match” for the purposes of other federal awards.

Other restrictions on use of funds. If a State chooses to use its FY 2017 JAG funds for particular, defined types of expenditures, it must satisfy certain preconditions.

- Body-Worn Cameras (BWC)

A State that proposes to use FY 2017 JAG award funds to purchase BWC equipment, or to implement or enhance BWC programs, must provide to OJP a certification(s) that the State (or, if applicable, that any unit of local government that will receive funds from the State for BWC purposes) has policies and procedures in place related to BWC equipment usage, data storage and access, privacy considerations, training, etc. The certification can be found at <https://www.bja.gov/Funding/BodyWornCameraCert.pdf>.

A State that proposes to use JAG funds for BWC-related expenses (including through a unit of local government receiving funds from the State) 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.

Apart from the JAG program, BJA provides funds under the Body-Worn Camera Policy and Implementation Program (BWC Program). The BWC Program allows jurisdictions to develop and implement policies and practices required for effective program adoption, and address program factors including the purchase, deployment, and maintenance of camera systems and equipment; data storage and access; and privacy considerations. Interested States may wish to refer to the [BWC web page](#) for more information. States should note, however, that JAG funds may not be used as any part of the 50 percent match required by the BWC Program.

- Body Armor

Ballistic-resistant and stab-resistant body armor can be funded through the JAG Program, as well as through BJA's Bulletproof Vest Partnership (BVP) Program. The BVP Program is designed to provide a critical resource to State and 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](#). States should note, however, that JAG funds may not be used as any part of the 50 percent match required by the BVP Program.

Body armor purchased with JAG funds may be purchased at any threat level, make, or model from any distributor or manufacturer, as long as the body armor has been tested and found to comply with the latest applicable National Institute of Justice (NIJ) ballistic or stab standards. In addition, body armor purchased must be made in the United States.

As is the case in the BVP Program, States 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. FAQs related to the mandatory wear policy and certifications can be found at <https://www.bja.gov/Funding/JAGFAQ.pdf>. This policy must be in place for at least all uniformed officers before any FY 2017 funding can be used by the State for body armor. There are no requirements regarding the nature of the policy other than it being a mandatory wear policy for all uniformed officers while on duty. The certification must be signed by the Authorized Representative and must be attached to the application, if proposed as part of the application. If the State proposes to change project activities to utilize JAG funds to purchase body armor after the award is accepted, the State must submit the signed certification to BJA at that time. A mandatory wear concept and issues paper and a model policy are available by contacting the BVP Customer Support Center at vests@usdoj.gov or toll free at 1-877-758-3787. The certification form related to mandatory wear can be found at: www.bja.gov/Funding/BodyArmorMandatoryWearCert.pdf.

- DNA Testing of Evidentiary Materials and Upload of DNA Profiles to a Database

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 FBI) by a government DNA lab with access to CODIS. No profiles generated with JAG funding may be entered into any other non-governmental DNA database without prior express written approval from BJA.

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

- Interoperable Communication

States (including subrecipients) that use FY 2017 JAG funds to support emergency communications activities (including the purchase of interoperable communications equipment and technologies such as voice-over-internet protocol bridging or gateway devices, or equipment to support the build out of wireless broadband networks in the 700 MHz public safety band under the Federal Communications Commission [FCC] Waiver Order) should review [FY 2017 SAFECOM Guidance](#). The SAFECOM Guidance is updated annually to provide current information on emergency communications policies, eligible costs, best practices, and technical standards for State, local, tribal, and territorial grantees investing federal funds in emergency communications projects. Additionally, emergency communications projects should support the Statewide Communication Interoperability Plan (SCIP) and be coordinated with the full-time Statewide Interoperability Coordinator (SWIC) in the State of the project. As the central coordination point for their State's interoperability effort, the SWIC plays a critical role, and can serve as a valuable resource. SWICs are responsible for the implementation of the SCIP through coordination and collaboration with the emergency response community. The U.S. Department of Homeland Security Office of Emergency Communications maintains a list of SWICs for each of the States and territories. Contact OEC@hq.dhs.gov. All communications equipment purchased with FY 2017 JAG program funding should be identified during quarterly performance metrics reporting.

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

State obligations regarding use of JAG funds and units of local government

A State that applies for and receives an FY 2017 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 Bureau of Justice Statistics (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 FY 2017 award to a recipient State can be found at: <https://www.bja.gov/jag/pdfs/VPT-for-SAs-updated-June-2017.pdf>. (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.)

In certain circumstances, some or all of a project administered by a recipient State may count as part of the variable 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 best interests of the unit of local government. See the [JAG FAQs](#) for an example.

- Appropriately use or distribute the amount of funds that are *added* to the State's FY 2017 award because certain units of local government within the State are ineligible for a direct FY 2017 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 FY 2017 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.
- Ensure that any court disposition or other records generated by JAG-funded programs are made available to State repositories if they are relevant to the National Instant Background Check System (NICS) determinations.

Required compliance with applicable federal laws

By law, the chief executive (e.g., the governor) of each State that applies for an FY 2017 JAG award must certify that the State will "comply with all provisions of [the JAG program statute] and all other applicable Federal laws." To satisfy this requirement, each State applicant must submit two properly-executed certifications, using the forms shown at Appendix I and II.

All applicants should understand that OJP awards, including certifications provided in connection with such awards, are subject to review by DOJ, including by OJP and by the DOJ Office of the Inspector General. Applicants also should understand that a materially false, fictitious, or fraudulent statement (or concealment or omission of a material fact) in a certification submitted to OJP in support of an application may be the subject of criminal prosecution, and also may result in civil penalties and administrative remedies for false claims or otherwise. Administrative remedies that may be available to OJP with respect to an FY 2017 award include suspension or termination of the award, placement on the DOJ high-risk grantee list, disallowance of costs, and suspension or debarment of the recipient.

Potential funding reductions for noncompliance with PREA and SORNA

Prison Rape Elimination Act of 2003 (PREA). In 2012, DOJ published National PREA Standards, which were promulgated to prevent, detect, and respond to sexual victimization and abuse in confinement settings. The PREA 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: (1) 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 Standards in future years; or (2) the chief executive requests that the affected funds be held in abeyance by DOJ. See 42 U.S.C. § 15607(e)(2).

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

For additional information concerning PREA implementation, send inquiries to the PREA Management Office at PREACompliance@usdoj.gov and/or review the [PREA FAQs](#).

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 a jurisdiction has failed to have substantially implemented 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.

For additional information regarding SORNA implementation, including requirements and a list of States that will be affected in FY 2017 by the 10-percent reduction to JAG awards, contact Samantha Opong with the OJP Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART Office) at Samantha.Opong@usdoj.gov or 202-514-9320. Additional SORNA guidance can be found within the [SORNA FAQs](#).

BJA Areas of Emphasis

BJA recognizes that there are significant pressures on State and local criminal justice systems. In these challenging times, shared priorities and leveraged resources can make a significant impact. BJA intends to focus much of its work as a component of OJP on the areas of emphasis described below, and encourages each State recipient of an FY 2017 JAG award to join us in addressing these challenges.

Reducing Gun Violence – Gun violence has touched nearly every State and local government in America. While our nation has made great strides in reducing violent crime, some municipalities and regions continue to experience unacceptable levels of violent crime at rates far in excess of the national average. BJA encourages States to invest JAG funds in programs to combat gun violence, enforce existing firearms laws, and improve the process for ensuring that persons prohibited from purchasing guns are prevented from doing so, by enhancing reporting to the FBI’s NICS.

National Incident-Based Reporting System (NIBRS) – The FBI has formally announced its intentions to establish NIBRS as the law enforcement (LE) crime data reporting standard for the nation. The transition to NIBRS will provide a more complete and accurate picture of crime at the national, State, and local level. Once this transition is complete, the FBI will no longer collect summary data and will accept data only in the NIBRS format. Also, once the transition is

complete, JAG award amounts will be calculated on the basis of submitted NIBRS data. Transitioning all law enforcement agencies to NIBRS is the first step in gathering more comprehensive crime data. BJA encourages State recipients of FY 2017 JAG awards to use JAG funds to expedite the transition to NIBRS.

Officer Safety and Wellness The issue of law enforcement safety and wellness is an important priority for the Department of Justice. Preliminary data compiled by the National Law Enforcement Officers Memorial Fund indicates that there were 135 line-of-duty law enforcement deaths in 2016 – the highest level in the past five years, and a 10 percent increase from 2015 (123 deaths).

Firearms-related deaths continued to be the leading cause of death (64), increasing 56 percent from 2015 (41). Of particular concern is that, of the 64 firearms-related deaths, 21 were as a result of ambush-style attacks representing the highest total in more than two decades. Traffic-related deaths continued to rise in 2016 with 53 officers killed, a 10 percent increase from 2015 (48 deaths). Additionally, there were 11 job-related illness deaths in 2016, mostly heart attacks.

BJA sees a vital need to focus not only on tactical officer safety concerns, but also on health and wellness as they affect officer performance and safety. It is important for law enforcement to have the tactical skills necessary, and also be physically and mentally well, to perform, survive, and be resilient in the face of the demanding duties of the profession. BJA encourages States to use JAG funds to address these needs by providing training, such as paying for tuition and travel expenses related to attending trainings such as the [VALOR training](#), as well as funding for health and wellness programs for law enforcement officers.

Border Security – The security of the United States borders is critically important to the reduction and prevention of transnational drug-trafficking networks and combating all forms of human trafficking networks within the United States (sex and labor trafficking of foreign nationals and U.S. citizens of all sexes and ages). These smuggling operations on both sides of the border contribute to a significant increase in violent crime and United States deaths from dangerous drugs. Additionally, illegal immigration continues to place a significant strain on federal, State, and local resources—particularly those agencies charged with border security and immigration enforcement—as well as the local communities into which many of the illegal immigrants are placed. BJA encourages States to use JAG funds to support law enforcement hiring, training, and technology enhancement in the area of border security.

Collaborative Prosecution – BJA supports strong partnerships between prosecutors and police as a mean to improve case outcomes and take violent offenders off the street. BJA strongly encourages State and local law enforcement to foster strong partnerships with prosecutors to adopt new collaborative strategies aimed at combating increases in crime, particularly violent crime. (BJA's "Smart Prosecution" Initiative is a related effort by OJP to promote partnerships between prosecutors and researchers to develop and deliver effective, data-driven, evidence-based strategies to solve chronic problems and fight crime.)

Goals, Objectives, and Deliverables

In general, the FY 2017 JAG State program is designed to provide additional personnel, equipment, supplies, contractual support, training, technical assistance, and information systems for criminal justice. Although the JAG State program provides assistance directly to States, through pass-through (and similar) requirements, the JAG State program also is designed to assist units of local government with respect to criminal justice.

As discussed in more detail [below](#), a State that receives an FY 2017 JAG award will be required to make various types of reports and to submit data related to performance measures and accountability. The Goals, Objectives and Deliverables are directly related to the JAG Program accountability measures at <https://bjapmt.ojp.gov/help/jagdocs.html>.

Evidence-Based Programs or Practices

OJP strongly emphasizes the use of data and evidence in policy making and program development in criminal justice, juvenile justice, and crime victim services. OJP is committed to:

- Improving the quantity and quality of evidence OJP generates.
- Integrating evidence into program, practice, and policy decisions within OJP and the field.
- Improving the translation of evidence into practice.

OJP considers programs and practices to be evidence-based when their effectiveness has been demonstrated by causal evidence, generally obtained through one or more outcome evaluations. Causal evidence documents a relationship between an activity or intervention (including technology) and its intended outcome, including measuring the direction and size of a change, and the extent to which a change may be attributed to the activity or intervention. Causal evidence depends on the use of scientific methods to rule out, to the extent possible, alternative explanations for the documented change. The strength of causal evidence, based on the factors described above, will influence the degree to which OJP considers a program or practice to be evidence-based. The OJP [CrimeSolutions.gov](https://www.crimesolutions.gov) website is one resource that applicants may use to find information about evidence-based programs in criminal justice, juvenile justice, and crime victim services.

A useful matrix of evidence-based policing programs and strategies is available through the [Center for Evidence-Based Crime Policy](#) at George Mason University. BJA offers a number of program models designed to effectively implement promising and evidence-based strategies through the BJA “Smart Suite” of programs including Smart Policing, Smart Supervision, Smart Pretrial, Smart Defense, Smart Prosecution, Smart Reentry, and others (see <https://www.bja.gov/Programs/CRPPE/smartsuite.html>). BJA encourages States to use JAG funds to support these “smart on crime” strategies, including effective partnerships with universities and research partners and with non-traditional criminal justice partners.

BJA Success Stories

The [BJA Success Stories](#) web page features projects that have demonstrated success or shown promise in reducing crime and positively impacting communities. This web page 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. **BJA strongly encourages the recipient to submit success stories annually (or more frequently).**

If a State has a Success Story it would like to submit, it may be submitted through [My BJA account](#), using “add a Success Story” and the Success Story Submission form. Register for a My BJA account using this [registration](#) link.

B. Federal Award Information

BJA expects to make up to 56 awards of up to \$17.7 million, with an estimated total amount awarded of up to \$174.4 million.

BJA plans to make awards for a four-year period of performance, to begin on October 1, 2016. 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 GMS no less than 30 days prior to the end of the period for performance.

The expected allocations by State for the FY 2017 JAG program can be found at: <https://www.bja.gov/Funding/17JAGStateAllocations.pdf>.

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

Type of Award

BJA expects that any award under this solicitation will be in the form of a grant. See [Statutory and Regulatory Requirements; Award Conditions](#), under [Section F. Federal Award Administration Information](#), for a brief discussion of important statutes, regulations, and award conditions that apply to many (or in some cases, all) OJP grants.

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 BJS to begin a four-step grant award calculation process, which, in general, consists of:

1. Computing an initial JAG allocation for each State, based on its share of violent crime and population (weighted equally).
2. 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 receive the minimum award plus an additional amount based on its share of violent crime and population.
3. 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.
4. Determining 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 OJP (under the JAG Local solicitation) for a JAG award. If the "eligible award amount" to a particular unit of local government as determined on this basis would be less than \$10,000, however, 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 [above](#).)

Financial Management and System of Internal Controls

Award recipients and subrecipients (including recipients or subrecipients that are pass-through entities¹) must, as described in the Part 200 Uniform Requirements² as set out at 2 C.F.R. 200.303:

- (a) Establish and maintain effective internal control over the Federal award that provides reasonable assurance that [the recipient (and any subrecipient)] is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award. These internal controls should be in compliance with guidance in “Standards for Internal Control in the Federal Government” issued by the Comptroller General of the United States and the “Internal Control Integrated Framework”, issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).
- (b) Comply with Federal statutes, regulations, and the terms and conditions of the Federal awards.
- (c) Evaluate and monitor [the recipient’s (and any subrecipient’s)] compliance with statutes, regulations, and the terms and conditions of Federal awards.
- (d) Take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings.
- (e) Take reasonable measures to safeguard protected personally identifiable information and other information the Federal awarding agency or pass-through entity designates as sensitive or [the recipient (or any subrecipient)] considers sensitive consistent with applicable Federal, State, local, and tribal laws regarding privacy and obligations of confidentiality.

To help ensure that applicants understand administrative requirements and cost principles, OJP encourages prospective applicants to enroll, at no charge, in the DOJ Grants Financial Management Online Training, available [here](#).

Budget and Financial Information

Trust Fund – SAAs 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 may or may not be an interest-bearing account. If subrecipients draw down JAG funds in advance, they also must establish a trust fund in which to deposit funds.

Tracking and reporting regarding JAG funds used for State administrative costs – As indicated earlier, a State 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 financial status reports

¹ For purposes of this solicitation, the phrase “pass-through entity” includes any recipient or subrecipient that provides a subaward (“subgrant”) to carry out part of the funded award or program.

² The “Part 200 Uniform Requirements” refers to the DOJ regulation at 2 C.F.R Part 2800, which adopts (with certain modifications) the provisions of 2 C.F.R. Part 200.

(SF-425) those expenditures that specifically relate to each particular JAG Award during any particular reporting period.

No commingling. Both the State 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 comingling.*

Cost Sharing or Match Requirement

The JAG program does not require a match.

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

Pre-Agreement Costs (also known as Pre-award Costs)

Pre-agreement costs are costs incurred by the applicant prior to the start date of the period of performance of the grant award.

OJP does **not** typically approve pre-agreement costs. An applicant must request and obtain the prior written approval of OJP for any such costs. All such costs incurred prior to award and prior to approval of the costs are incurred *at the sole risk* of the applicant. (Generally, no applicant should incur project costs *before* submitting an application requesting federal funding for those costs.)

Should there be extenuating circumstances that make it appropriate for OJP to consider approving pre-agreement costs, the applicant may contact the point of contact listed on the title page of this solicitation for the requirements concerning written requests for approval. If approved in advance by OJP, award funds may be used for pre-agreement costs, consistent with the recipient's approved budget and applicable cost principles. See the section on "Costs Requiring Prior Approval" in the [DOJ Grants Financial Guide](#) for more information.

Prior Approval, Planning, and Reporting of Conference/Meeting/Training Costs

OJP strongly encourages every applicant that proposes to use award funds for any conference-, meeting-, or training-related activity (or similar event) to review carefully—before submitting an application—the OJP and DOJ policy and guidance on approval, planning, and reporting of such events, available at <https://www.ojp.gov/financialguide/DOJ/PostawardRequirements/chapter3.10a.htm>.

OJP policy and guidance (1) encourage minimization of conference, meeting, and training costs; (2) require prior written approval (which may affect project timelines) of most conference, meeting, and training costs for cooperative agreement recipients, as well as some conference, meeting, and training costs for grant recipients; and (3) set cost limits, which include a general prohibition of all food and beverage costs.

Costs Associated with Language Assistance (if applicable)

If an applicant proposes a program or activity that would deliver services or benefits to individuals, the costs of taking reasonable steps to provide meaningful access to those services or benefits for individuals with limited English proficiency may be allowable. Reasonable steps to provide meaningful access to services or benefits may include interpretation or translation services, where appropriate.

For additional information, see the “Civil Rights Compliance” section under [“Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2017 Awards”](#) in the [OJP Funding Resource Center](#).

C. Eligibility Information

For information on eligibility, see the title page of this solicitation.

Note that, as discussed in more detail [below](#), the certification regarding compliance with 8 U.S.C. § 1373 must be executed and submitted before a State can make a valid award acceptance. Also, a State may not receive award funds (and its award will include a condition that withholds funds) until it submits a properly-executed “Certifications and Assurances by Chief Executive of Applicant Government.”

D. Application and Submission Information

What an Application Should Include

This section describes in detail what an application should include. An applicant should anticipate that if it fails to submit an application that contains all of the specified elements, it may negatively affect the review of its application; and, should a decision be made to make an award, it may result in the inclusion of award conditions that preclude the recipient from accessing or using award funds until the recipient satisfies the conditions and OJP makes the funds available.

An applicant may combine the Budget Narrative and the Budget Detail Worksheet in one document. If an applicant submits only one budget document, however, it must contain **both** narrative and detail information. Please review the “Note on File Names and File Types” under [How to Apply](#) to be sure applications are submitted in permitted formats.

OJP strongly recommends that applicants use appropriately descriptive file names (e.g., “Program Narrative,” “Budget Detail Worksheet and Budget Narrative,” “Timelines,” “Memoranda of Understanding,” “Résumés”) for all attachments. Also, OJP recommends that applicants include résumés in a single file.

In general, if a State fails to submit required information or documents, OJP either will return the State's application in the Grants Management System (GMS) for submission of the missing information or documents, or will attach a condition to the award that will withhold award funds until the necessary information and documents are submitted. (As discussed elsewhere in this solicitation, the certification regarding compliance with 8 U.S.C. § 1373 – which is set out at [Appendix II](#) – will be handled differently. Unless and until that certification is submitted, the State will be unable to make a valid acceptance of the award.)

1. Information to Complete the Application for Federal Assistance (SF-424)

The SF-424 is a required standard form used as a cover sheet for submission of pre-applications, applications, and related information. GMS takes information from the applicant's profile to populate the fields on this form.

To avoid processing delays, an applicant must include an accurate legal name on its SF-424. Current OJP award recipients, when completing the field for "Legal Name," should use the same legal name that appears on the prior year award document, which is also the legal name stored in OJP's financial system. On the SF-424, enter the Legal Name in box 5 and Employer Identification Number (EIN) in box 6 exactly as it appears on the prior year award document. An applicant with a current, active award(s) must ensure that its GMS profile is current. If the profile is not current, the applicant should submit a Grant Adjustment Notice updating the information on its GMS profile prior to applying under this solicitation.

A new applicant entity should enter the Official Legal Name and address of the applicant entity in box 5 and the EIN in box 6 of the SF-424.

Intergovernmental Review: This solicitation ("funding opportunity") is within the scope of [Executive Order 12372](#), concerning State opportunities to coordinate applications for federal financial assistance. See 28 C.F.R. Part 30. An applicant may find the names and addresses of State Single Points of Contact (SPOCs) at the following website: https://www.whitehouse.gov/omb/grants_s poc/. If the State appears on the SPOC list, the applicant must contact the State SPOC to find out about, and comply with, the State's process under E.O. 12372. In completing the SF-424, an applicant whose State appears on the SPOC list is to make the appropriate selection in response to question 19 once the applicant has complied with its State E.O. 12372 process. (An applicant whose State does not appear on the SPOC list should answer question 19 by selecting the response that the "Program is subject to E.O. 12372 but has not been selected by the State for review.")

2. Project Abstract

Applications should include a high-quality project abstract that summarizes the proposed project in 400 words or less. Project abstracts should be:

- Written for a general public audience.
- Submitted as a separate attachment with "Project Abstract" as part of its file name.
- Single-spaced, using a standard 12-point font (Times New Roman) with 1-inch margins.
- Include applicant name, title of the project, a brief description of the problem to be addressed and the targeted area/population, project goals and objectives, a description of the project strategy, any significant partnerships, and anticipated outcomes.
- Identify up to 10 project identifiers that would be associated with proposed project activities. The list of identifiers can be found at www.bja.gov/funding/JAGIdentifiers.pdf.

3. Program Narrative

The following sections **should** be included as part of the program narrative³:

- a. Statement of the Problem – Identify the State's strategy/funding priorities for the FY 2017 JAG funds, the subgrant award process and timeline, and a description of the programs to be funded over the 4-year grant period. States are strongly encouraged to prioritize the funding on evidence-based projects.
- b. Project Design and Implementation – Describe the State's strategic planning process that guides its priorities and funding strategy. This should include a description of how local communities are engaged in the planning process and the data and analysis utilized to support the plan; it should identify the stakeholders currently participating in the strategic planning process, the gaps in the State's needed resources for criminal justice purposes, and how JAG funds will be coordinated with State and related justice funds.
- c. Capabilities and Competencies – Describe any additional strategic planning/coordination efforts in which the State participates with other criminal justice criminal/juvenile justice agencies in the State.
- d. Plan for Collecting the Data Required for this Solicitation's Performance Measures – OJP will require each successful applicant to submit specific performance measures data as part of its reporting under the award (see "[General Information about Post-Federal Award Reporting Requirements](#)" in [Section F. Federal Award Administration Information](#)). The performance measures correlate to the goals, objectives, and deliverables identified under "[Goals, Objectives, and Deliverables](#)" in [Section A. Program Description](#). Post award, recipients will be required to submit quarterly performance metrics through BJA's PMT, located at <https://bjapmt.ojp.gov>. The application should describe the applicant's plan for collection of all of the performance measures data listed in the JAG Program accountability measures at: <https://bjapmt.ojp.gov/help/jagdocs.html>.

BJA does not require applicants to submit performance measures data with their application. Performance measures are included as an alert that BJA will require successful applicants to submit specific data as part of their reporting requirements. For the application, applicants should indicate an understanding of these requirements and discuss how they will gather the required data, should they receive funding.

Note on Project Evaluations

An applicant that proposes to use award funds through this solicitation to conduct project evaluations should be aware that certain project evaluations (such as systematic investigations designed to develop or contribute to generalizable knowledge) may constitute "research" for purposes of applicable DOJ human subjects protection regulations. However, project evaluations that are intended only to generate internal improvements to a program or service, or are conducted only to meet OJP's performance measure data reporting requirements, likely do

³ For information on subawards (including the details on proposed subawards that should be included in the application), see "Budget and Associated Documentation" under [Section D. Application and Submission Information](#).

not constitute “research.” Each applicant should provide sufficient information for OJP to determine whether the particular project it proposes would either intentionally or unintentionally collect and/or use information in such a way that it meets the DOJ regulatory definition of research that appears at 28 C.F.R. Part 46 (“Protection of Human Subjects”).

Research, for the purposes of human subjects protection for OJP-funded programs, is defined as “a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge.” 28 C.F.R. 46.102(d).

For additional information on determining whether a proposed activity would constitute research for purposes of human subjects protection, applicants should consult the decision tree in the “Research and the Protection of Human Subjects” section of the “Requirements related to Research” web page of the [“Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2017”](#) available through the OJP Funding Resource Center. Every prospective applicant whose application may propose a research or statistical component also should review the “Data Privacy and Confidentiality Requirements” section on that web page.

4. Budget and Associated Documentation

a. Budget Detail Worksheet

A sample Budget Detail Worksheet can be found at www.ojp.gov/funding/Apply/Resources/BudgetDetailWorksheet.pdf. An applicant that submits its budget in a different format should use the budget categories listed in the sample budget worksheet. The Budget Detail Worksheet should break out costs by year.

For questions pertaining to budget and examples of allowable and unallowable costs, see the [DOJ Grants Financial Guide](#).

b. Budget Narrative

The budget narrative should thoroughly and clearly describe every category of expense listed in the proposed budget detail worksheet. OJP expects proposed budgets to be complete, cost effective, and allowable (e.g., reasonable, allocable, and necessary for project activities). This narrative should include a full description of all costs, including administrative costs (if applicable).

An applicant should demonstrate in its Budget Narrative how it will maximize cost effectiveness of award expenditures. Budget narratives should generally describe cost effectiveness in relation to potential alternatives and the goals of the project. For example, a budget narrative should detail why planned in-person meetings are necessary, or how technology and collaboration with outside organizations could be used to reduce costs, without compromising quality.

The Budget Narrative should be mathematically sound and correspond clearly with the information and figures provided in the Budget Detail Worksheet. The narrative should explain how the applicant estimated and calculated all costs, and how those costs are necessary to the completion of the proposed project. The narrative may include tables for clarification purposes, but need not be in a spreadsheet format. As with the Budget Detail Worksheet, the budget narrative should describe costs by year.

c. Information on Proposed Subawards (if any), as well as on Proposed Procurement Contracts (if any)

Applicants for OJP awards typically may propose to make “subawards.” Applicants also may propose to enter into procurement “contracts” under the award.

Whether—for purposes of federal grants administrative requirements—a particular agreement between a recipient and a third party will be considered a “subaward” or instead considered a procurement “contract” under the award is determined by federal rules and applicable OJP guidance. It is an important distinction, in part because the federal administrative rules and requirements that apply to “subawards” and procurement “contracts” under awards differ markedly.

In general, the central question is the relationship between what the third-party will do under its agreement with the recipient and what the recipient has committed (to OJP) to do under its award to further a public purpose (e.g., services the recipient will provide, products it will develop or modify, research or evaluation it will conduct). If a third party will provide some of the services the recipient has committed (to OJP) to provide, will develop or modify all or part of a product the recipient has committed (to OJP) to develop or modify, or conduct part of the research or evaluation the recipient has committed (to OJP) to conduct, OJP will consider the agreement with the third party a subaward for purposes of federal grants administrative requirements.

This will be true **even if** the recipient, for internal or other non-federal purposes, labels or treats its agreement as a procurement, a contract, or a procurement contract. Neither the title nor the structure of an agreement determines whether the agreement—for purposes of federal grants administrative requirements—is a “subaward” or is instead a procurement “contract” under an award.

Additional guidance on the circumstances under which (for purposes of federal grants administrative requirements) an agreement constitutes a subaward as opposed to a procurement contract under an award is available (along with other resources) on the [OJP Part 200 Uniform Requirements](#) web page.

(1) Information on proposed subawards and required certification regarding 8 U.S.C. § 1373 from certain subrecipients

General requirement for federal authorization of any subaward; statutory authorizations of subawards under the Byrne JAG program statute. Generally, a recipient of an OJP award may not make subawards (“subgrants”) unless the recipient has specific federal authorization to do so. Unless an applicable statute or DOJ regulation specifically authorizes (or requires) particular subawards, a recipient must have authorization from OJP before it may make a subaward.

JAG subawards that are required or specifically authorized by statute (see 42 U.S.C. § 3751(a) and 42 U.S.C. § 3755) do not require prior approval to authorize subawards. This includes subawards made by States under the JAG program.

A particular subaward may be authorized by OJP because the recipient included a sufficiently detailed description and justification of the proposed subaward in the application as approved by OJP. If, however, a particular subaward is not authorized by federal statute or regulation, and is not sufficiently described and justified in the application as approved by OJP, the recipient will be required, post-award, to request and obtain written authorization from OJP before it may make the subaward.

If an applicant proposes to make one or more subawards to carry out the federal award and program, and those subawards are not specifically authorized (or required) by statute or regulation, the applicant should: (1) identify (if known) the proposed subrecipient(s), (2) describe in detail what each subrecipient will do to carry out the federal award and federal program, and (3) provide a justification for the subaward(s), with details on pertinent matters such as special qualifications and areas of expertise. Pertinent information on subawards should appear not only in the Program Narrative, but also in the Budget Detail Worksheet and budget narrative.

NEW Required certification regarding 8 U.S.C. § 1373 from any proposed subrecipient that is a unit of local government or “public” institution of higher education. Before a State may subaward FY 2017 award funds to a unit of local government or to a public institution of higher education, it will be required (by award condition) to obtain a properly-executed certification regarding compliance with 8 U.S.C. § 1373 from the proposed subrecipient. (This requirement regarding 8 U.S.C. § 1373 will not apply to subawards to Indian tribes). The specific certification the State must require from a unit of local government will vary somewhat from the specific certification it must require from a public institution of higher education. The forms will be posted and available for download at <https://ojp.gov/funding/Explore/SampleCertifications-8USC1373.htm>.

(2) Information on proposed procurement contracts (with specific justification for proposed noncompetitive contracts over \$150,000)

Unlike a recipient contemplating a subaward, a recipient of an OJP award generally does not need specific prior federal authorization to enter into an agreement that—for purposes of federal grants administrative requirements—is considered a procurement contract, **provided that** (1) the recipient uses its own documented procurement procedures and (2) those procedures conform to applicable federal law, including the Procurement Standards of the (DOJ) Part 200 Uniform Requirements (as set out at 2 C.F.R. 200.317 - 200.326). The Budget Detail Worksheet and budget narrative should identify proposed procurement contracts. (As discussed above, subawards must be identified and described separately from procurement contracts.)

The Procurement Standards in the (DOJ) Part 200 Uniform Requirements, however, reflect a general expectation that agreements that (for purposes of federal grants administrative requirements) constitute procurement “contracts” under awards will be entered into on the basis of full and open competition. If a proposed procurement contract would exceed the simplified acquisition threshold—currently, \$150,000—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 non-competitive approach for the procurement.

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

d. Pre-Agreement Costs

For information on pre-agreement costs, see [Section B. Federal Award Information](#).

5. Indirect Cost Rate Agreement (if applicable)

Indirect costs may be charged to an award only if:

- a) The recipient has a current (that is, unexpired), federally-approved indirect cost rate; or
- b) The recipient is eligible to use, and elects to use, the “de minimis” indirect cost rate described in the (DOJ) Part 200 Uniform Requirements, as set out at 2 C.F.R. 200.414(f).

Note: This rule does not eliminate or alter the JAG-specific restriction in federal law that charges for administrative costs may not exceed 10 percent of the award amount, regardless of the approved indirect cost rate.

An applicant with a current (that is, unexpired) federally-approved indirect cost rate is to attach a copy of the indirect cost rate agreement to the application. An applicant that does not have a current federally-approved rate may request one through its cognizant federal agency, which will review all documentation and approve a rate for the applicant entity, or, if the applicant’s accounting system permits, applicants may propose to allocate costs in the direct cost categories.

For assistance with identifying the appropriate cognizant federal agency for indirect costs, please contact the OCFO Customer Service Center at 1-800-458-0786 or at ask.ocfo@usdoj.gov. If DOJ is the cognizant federal agency, applicants may obtain information needed to submit an indirect cost rate proposal at www.ojp.gov/funding/Apply/Resources/IndirectCosts.pdf.

Certain OJP recipients have the option of electing to use the “de minimis” indirect cost rate. An applicant that is eligible to use the “de minimis” rate that wishes to use the “de minimis” rate should attach written documentation to the application that advises OJP of both: (1) the applicant’s eligibility to use the “de minimis” rate, and (2) its election to do so. If an eligible applicant elects the “de minimis” rate, costs must be consistently charged as either indirect or direct costs, but may not be double charged or inconsistently charged as both. The “de minimis” rate may no longer be used once an approved federally-negotiated indirect cost rate is in place. (No entity that ever has had a federally-approved negotiated indirect cost rate is eligible to use the “de minimis” rate.)

6. Financial Management and System of Internal Controls Questionnaire (including applicant disclosure of high-risk status)

Every State is to download, complete, and submit the [OJP Financial Management and System of Internal Controls Questionnaire](#) as part of its application.

Among other things, the form requires each applicant to disclose whether it currently is designated “high-risk” by a federal grant-making agency outside of DOJ. For purposes of this disclosure, high risk includes any status under which a federal awarding agency provides additional oversight due to the applicant’s past performance, or other programmatic or financial concerns with the applicant. If an applicant is designated high risk by another federal awarding agency, the applicant must provide the following information:

- The federal awarding agency that currently designates the applicant high risk.
- The date the applicant was designated high risk.
- The high-risk point of contact at that federal awarding agency (name, phone number, and email address).
- The reasons for the high-risk status, as set out by the federal awarding agency.

OJP seeks this information to help ensure appropriate federal oversight of OJP awards. An applicant that is considered “high-risk” by another federal awarding agency is not automatically disqualified from receiving an OJP award. OJP may, however, consider the information in award decisions, and may impose additional OJP oversight of any award under this solicitation (including through the conditions that accompany the award document).

7. Disclosure of Lobbying Activities

An applicant that expends any funds for lobbying activities is to provide all of the information requested on the form [Disclosure of Lobbying Activities \(SF-LLL\)](#).

8. Certifications and Assurances by the Chief Executive of the Applicant Government

A JAG application is not complete, and a State may not receive award funds, unless the chief executive of the applicant State (e.g., the governor) properly executes, and the State submits, the “Certifications and Assurances by the Chief Executive of the Applicant Government” attached to this solicitation as [Appendix I](#).

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

9. Certification of Compliance with 8 U.S.C. § 1373 by the Chief Legal Officer of the Applicant Government

The chief legal officer of an applicant State (e.g., the Attorney General of the State) is to carefully review the “State or Local Government: FY 2017 Certification of Compliance with 8

U.S.C. § 1373” that is attached as [Appendix II](#) to this solicitation. If the chief legal officer determines that he or she may execute the certification, the State is to submit the certification as part of its application.

As discussed further [below](#), a State applicant will be *unable to make a valid award acceptance* of an FY 2017 JAG award unless and until a properly-executed certification by its chief legal officer is received by OJP on or before the day the State submits an executed award document.

10. State Strategic Plan (if applicable)

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. If a State does not have such a plan, the program narrative should describe the State’s timeline and process for developing such a strategic plan.

ALERT A recent amendment to the JAG program statute requires, starting with the FY 2019 JAG program, that States have in place and submit a strategic plan that identifies stakeholders, describes evidence-based approaches that will be used, and illustrates how the State will allocate funding. By law, strategic plans are to be updated every five years.

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](#).

11. Additional Attachments

a. Applicant Disclosure of Pending Applications

Each applicant is 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 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).

OJP seeks this information to help avoid any inappropriate duplication of funding. Leveraging multiple funding sources in a complementary manner to implement comprehensive programs or projects is encouraged and is not seen as inappropriate duplication.

Each applicant that has one or more pending applications as described above is to provide the following information about pending applications submitted within the last 12 months:

- The federal or State funding agency.
- The solicitation name/project name.
- The point of contact information at the applicable federal or State funding agency.

Federal or State Funding Agency	Solicitation Name/Project Name	Name/Phone/Email for Point of Contact at Federal or State Funding Agency
DOJ/Office of Community Oriented Policing Services (COPS)	COPS Hiring Program	Jane Doe, 202/000-0000; jane.doe@usdoj.gov
Health & Human Services/ Substance Abuse & Mental Health Services Administration	Drug-Free Communities Mentoring Program/ North County Youth Mentoring Program	John Doe, 202/000-0000; john.doe@hhs.gov

Each applicant should include the table as a separate attachment to its application. The file should be named "Disclosure of Pending Applications." The applicant Legal Name on the application must match the entity named on the disclosure of pending applications statement.

Any applicant that does not have any pending applications as described above is to submit, as a separate attachment, a statement to this effect: "[Applicant Name on SF-424] does not have (and is not proposed as a subrecipient under) any pending applications submitted within the last 12 months for federally-funded grants or cooperative agreements (or for subawards under federal grants or cooperative agreements) that request funding to support the same project being proposed in this application to OJP and that would cover identical cost items outlined in the budget submitted as part of this application."

b. Research and Evaluation Independence and Integrity (if applicable)

If an application involves research (including research and development) and/or evaluation, the applicant must demonstrate research/evaluation independence and integrity, including appropriate safeguards, before it may receive award funds. The

applicant must demonstrate independence and integrity regarding both this proposed research and/or evaluation, and any current or prior related projects.

Each application should include an attachment that addresses **both** i. and ii. below.

- i. For purposes of this solicitation, each applicant is to document research and evaluation independence and integrity by including one of the following two items:
 - a. A specific assurance that the applicant has reviewed its application to identify any actual or potential apparent conflicts of interest (including through review of pertinent information on the principal investigator, any co-principal investigators, and any subrecipients), and that the applicant has identified no such conflicts of interest – whether personal or financial or organizational (including on the part of the applicant entity or on the part of staff, investigators, or subrecipients) – that could affect the independence or integrity of the research, including the design, conduct, and reporting of the research.

OR

- b. A specific description of actual or potential apparent conflicts of interest that the applicant has identified – including through review of pertinent information on the principal investigator, any co-principal investigators, and any subrecipients – that could affect the independence or integrity of the research, including the design, conduct, or reporting of the research. These conflicts may be personal (e.g., on the part of investigators or other staff), financial, or organizational (related to the applicant or any subrecipient entity). Some examples of potential investigator (or other personal) conflict situations are those in which an investigator would be in a position to evaluate a spouse's work product (actual conflict), or an investigator would be in a position to evaluate the work of a former or current colleague (potential apparent conflict). With regard to potential organizational conflicts of interest, as one example, generally an organization would not be given an award to evaluate a project, if that organization had itself provided substantial prior technical assistance to that specific project or a location implementing the project (whether funded by OJP or other sources), because the organization in such an instance might appear to be evaluating the effectiveness of its own prior work. The key is whether a reasonable person understanding all of the facts would be able to have confidence that the results of any research or evaluation project are objective and reliable. Any outside personal or financial interest that casts doubt on that objectivity and reliability of an evaluation or research product is a problem and must be disclosed.
 - ii. In addition, for purposes of this solicitation, each applicant is to address possible mitigation of research integrity concerns by including, at a minimum, one of the following two items:

- a. If an applicant reasonably believes that no actual or potential apparent conflicts of interest (personal, financial, or organizational) exist, then the applicant should provide a brief narrative explanation of how and why it reached that conclusion. The applicant also is to include an explanation of the specific processes and procedures that the applicant has in place, or will put in place, to identify and prevent (or, at the very least, mitigate) any such conflicts of interest pertinent to the funded project during the period of performance. Documentation that may be helpful in this regard may include organizational codes of ethics/conduct and policies regarding organizational, personal, and financial conflicts of interest. There is no guarantee that the plan, if any, will be accepted as proposed.

OR

- b. If the applicant has identified actual or potential apparent conflicts of interest (personal, financial, or organizational) that could affect the independence and integrity of the research, including the design, conduct, or reporting of the research, the applicant is to provide a specific and robust mitigation plan to address each of those conflicts. At a minimum, the applicant is expected to explain the specific processes and procedures that the applicant has in place, or will put in place, to identify and eliminate (or, at the very least, mitigate) any such conflicts of interest pertinent to the funded project during the period of performance. Documentation that may be helpful in this regard may include organizational codes of ethics/conduct and policies regarding organizational, personal, and financial conflicts of interest. There is no guarantee that the plan, if any, will be accepted as proposed.

OJP will assess research and evaluation independence and integrity based on considerations such as the adequacy of the applicant's efforts to identify factors that could affect the objectivity or integrity of the proposed staff and/or the applicant entity (and any subrecipients) in carrying out the research, development, or evaluation activity; and the adequacy of the applicant's existing or proposed remedies to control any such factors.

c. State Governing Body Review

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

How to Apply

An applicant must submit its application through the [Grants Management System \(GMS\)](#), which provides support for the application, award, and management of awards at OJP. Each applicant entity **must register in GMS for each specific funding opportunity**. Although the registration and submission deadlines are the same, OJP urges each applicant entity to **register promptly**, especially if this is the first time the applicant is using the system. Find complete instructions on how to register and submit an application in GMS at www.ojp.gov/gmscbt/. An applicant that experiences technical difficulties during this process should email GMS.HelpDesk@usdoj.gov or call 888-549-9901 (option 3), 24 hours every day, including during federal holidays. OJP recommends that each applicant **register promptly** to prevent delays in submitting an application package by the deadline.

Note on File Types: GMS does not accept executable file types as application attachments. These disallowed file types include, but are not limited to, the following extensions: “.com,” “.bat,” “.exe,” “.vbs,” “.cfg,” “.dat,” “.db,” “.dbf,” “.dll,” “.ini,” “.log,” “.ora,” “.sys,” and “.zip.”

Every applicant entity must comply with all applicable System for Award Management (SAM) and unique entity identifier (currently, a Data Universal Numbering System [DUNS] number) requirements. If an applicant entity has not fully complied with applicable SAM and unique identifier requirements by the time OJP makes award decisions, OJP may determine that the applicant is not qualified to receive an award and may use that determination as a basis for making the award to a different applicant.

All applicants should complete the following steps:

- 1. Acquire a unique entity identifier (DUNS number).** In general, the Office of Management and Budget requires every applicant for a federal award (other than an individual) to include a “unique entity identifier” in each application, including an application for a supplemental award. Currently, a DUNS number is the required unique entity identifier.

A DUNS number is a unique nine-digit identification number provided by the commercial company Dun and Bradstreet. This unique entity identifier is used for tracking purposes, and to validate address and point of contact information for applicants, recipients, and subrecipients. It will be used throughout the life cycle of an OJP award. Obtaining a DUNS number is a free, one-time activity. Call Dun and Bradstreet at 866-705-5711 to obtain a DUNS number or apply online at www.dnb.com. A DUNS number is usually received within 1-2 business days.

- 2. Acquire registration with the SAM.** SAM is the repository for certain standard information about federal financial assistance applicants, recipients, and subrecipients. All applicants for OJP awards (other than individuals) must maintain current registrations in the SAM database. Each applicant must **update or renew its SAM registration at least annually** to maintain an active status. SAM registration and renewal can take as long as 10 business days to complete.

Information about SAM registration procedures can be accessed at <https://www.sam.gov/>.

- 3. Acquire a GMS username and password.** New users must create a GMS profile by selecting the “First Time User” link under the sign-in box of the [GMS](#) home page. For more

information on how to register in GMS, go to www.ojp.gov/gmscbt. Previously registered applicants should ensure, prior to applying, that the user profile information is up-to-date in GMS (including, but not limited to, address, legal name of agency and authorized representative) as this information is populated in any new application.

4. **Verify the SAM (formerly CCR) registration in GMS.** OJP requires each applicant to verify its SAM registration in GMS. Once logged into GMS, click the “CCR Claim” link on the left side of the default screen. Click the submit button to verify the SAM (formerly CCR) registration.
5. **Search for the funding opportunity on GMS.** After logging into GMS or completing the GMS profile for username and password, go to the “Funding Opportunities” link on the left side of the page. Select BJA and **FY 17 Edward Byrne Memorial State Justice Assistance Grant (JAG) Program**.
6. **Register by selecting the “Apply Online” button associated with the funding opportunity title.** The search results from step 5 will display the “funding opportunity” (solicitation) title along with the registration and application deadlines for this solicitation. Select the “Apply Online” button in the “Action” column to register for this solicitation and create an application in the system.
7. **Follow the directions in GMS to submit an application consistent with this solicitation.** Once the application is submitted, GMS will display a confirmation screen stating the submission was successful. **Important:** In some instances, applicants must wait for GMS approval before submitting an application. OJP urges each applicant to submit its application **at least 72 hours prior** to the application due date.

Note: Application Versions

If an applicant submits multiple versions of the same application, OJP will review **only** the most recent system-validated version submitted.

Experiencing Unforeseen GMS Technical Issues

An applicant that experiences unforeseen GMS technical issues beyond its control that prevent it from submitting its application by the deadline may contact the [GMS Help Desk](#) or the [SAM Help Desk](#) (Federal Service Desk) to report the technical issue and receive a tracking number. The applicant is expected to email the NCJRS Response Center identified in the Contact Information section on the title page **within 24 hours after the application deadline** to request approval to submit its application after the deadline. The applicant’s email must describe the technical difficulties, and must include a timeline of the applicant’s submission efforts, the complete grant application, the applicant’s DUNS number, and any GMS Help Desk or SAM tracking number(s).

Note: OJP does not automatically approve requests to submit a late application. After OJP reviews the applicant’s request, and contacts the GMS Help Desk to verify the reported technical issues, OJP will inform the applicant whether the request to submit a late application has been approved or denied. If OJP determines that the untimely application submission was due to the applicant’s failure to follow all required procedures, OJP will deny the applicant’s request to submit its application.

The following conditions generally are insufficient to justify late submissions to OJP solicitations:

- Failure to register in SAM or GMS in sufficient time (SAM registration and renewal can take as long as 10 business days to complete).
- Failure to follow GMS instructions on how to register and apply as posted on the GMS website.
- Failure to follow each instruction in the OJP solicitation.
- Technical issues with the applicant's computer or information technology environment, such as issues with firewalls.

E. Application Review Information

Review Process

OJP is committed to ensuring a fair and open process for making awards. BJA reviews the application to make sure that the information presented is reasonable, understandable, measurable, and achievable, as well as consistent with the solicitation. BJA will also review applications to help ensure that JAG program-statute requirements have been met.

Pursuant to the (DOJ) Part 200 Uniform Requirements, before awards are made, OJP also reviews information related to the degree of risk posed by applicants. Among other things, to help assess whether an applicant that has one or more prior federal awards has a satisfactory record with respect to performance, integrity, and business ethics, OJP checks whether the applicant is listed in SAM as excluded from receiving a federal award. In addition, if OJP anticipates that an award will exceed \$150,000 in federal funds, OJP also must review and consider any information about the applicant that appears in the non-public segment of the integrity and performance system accessible through SAM (currently, the Federal Awardee Performance and Integrity Information System; "FAPPIIS").

Important note on FAPPIIS: An applicant, at its option, may review and comment on any information about itself that currently appears in FAPPIIS and was entered by a federal awarding agency. OJP will consider any such comments by the applicant, in addition to the other information in FAPPIIS, in its assessment of the risk posed by the applicant.

The evaluation of risks goes beyond information in SAM, however. OJP itself has in place a framework for evaluating risks posed by applicants. OJP takes into account information pertinent to matters such as—

1. Applicant financial stability and fiscal integrity.
2. Quality of the management systems of the applicant, and the applicant's ability to meet prescribed management standards, including those outlined in the DOJ Grants Financial Guide.
3. Applicant's history of performance under OJP and other DOJ awards (including compliance with reporting requirements and award conditions), as well as awards from other federal agencies.
4. Reports and findings from audits of the applicant, including audits under the (DOJ) Part 200 Uniform Requirements.
5. Applicant's ability to comply with statutory and regulatory requirements, and to effectively implement other award requirements.

Absent explicit statutory authorization or written delegation of authority to the contrary, the Assistant Attorney General will make all final award decisions.

F. Federal Award Administration Information

Federal Award Notices

OJP expects to issue award notifications by September 30, 2017. OJP sends award notification by email through GMS to the individuals listed in the application as the point of contact and the authorizing official. The email notification includes detailed instructions on how to access and view the award documents, and steps to take in GMS to start the award acceptance process. GMS automatically issues the notifications at 9:00 p.m. eastern time on the award date.

NOTE: In order validly to accept an award under the FY 2017 JAG program, a State must submit to GMS the certification by its chief legal officer regarding compliance with 8 U.S.C. § 1373, executed using the form that appears in [Appendix II](#). (The form also may be downloaded at <https://ojp.gov/funding/Explore/SampleCertifications-8USC1373.htm>.) Unless the executed certification either— (1) is submitted to OJP together with the signed award document, or (2) is uploaded in GMS no later than the day the signed award document is submitted, **OJP will reject as invalid** any submission by a State that purports to accept an award under this solicitation.

Rejection of an initial submission as an invalid award acceptance is not a denial of the award. Consistent with award requirements, once the State **does** submit the necessary certification regarding 8 U.S.C. § 1373, the State **will** be permitted to submit an award document executed by the State on or after the date of that certification.

Also, in order for a State applicant validly to accept an award under the FY 2017 JAG program, an individual with the necessary authority to bind the applicant will be required to log in; execute a set of legal certifications and a set of legal assurances; designate a financial point of contact; thoroughly review the award, including **all** award conditions; and sign and accept the award. The award acceptance process requires physical signature of the award document by the authorized representative and the scanning of the fully-executed award document (along with the required certification regarding 8 U.S.C. § 1373, if not already uploaded in GMS) to OJP.

Statutory and Regulatory Requirements; Award Conditions

If selected for funding, in addition to implementing the funded project consistent with the OJP-approved application, the recipient must comply with all award requirements (including all award conditions), as well as all applicable requirements of federal statutes and regulations (including those referred to in assurances and certifications executed as part of the application or in connection with award acceptance, and administrative and policy requirements set by statute or regulation).

OJP strongly encourages prospective applicants to review information on post-award legal requirements generally applicable to FY 2017 OJP awards and common OJP award conditions **prior** to submitting an application.

Applicants should consult the “[Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2017 Awards](#),” available in the [OJP Funding Resource Center](#). In addition, applicants should examine the following two legal documents, as each successful applicant must execute both documents in GMS before it may receive any award funds.

- [Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements](#)
- [OJP Certified Standard Assurances](#) (attached to this solicitation as [Appendix IV](#))

The web pages accessible through the “[Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2017 Awards](#)” are intended to give applicants for OJP awards a general overview of important statutes, regulations, and award conditions that apply to many (or in some cases, all) OJP grants and cooperative agreements awarded in FY 2017. Individual OJP awards typically also will include additional award conditions. Those additional conditions may relate to the particular statute, program, or solicitation under which the award is made; to the substance of the funded application; to the recipient's performance under other federal awards; to the recipient's legal status (e.g., as a for-profit entity); or to other pertinent considerations.

Individual FY 2017 Byrne JAG awards will include two new express conditions that, with respect to the “program or activity” that would be funded by the FY 2017 award, are designed to ensure that States and units of local government that receive funds from the FY 2017 Byrne JAG award: (1) permit personnel of the U.S. Department of Homeland Security (“DHS”) to access any correctional or detention facility in order to meet with an alien (or an individual believed to be an alien) and inquire as to his or her right to be or remain in the United States; and (2) provide at least 48 hours’ advance notice to DHS regarding the scheduled release date and time of an alien in the jurisdiction’s custody when DHS requests such notice in order to take custody of the alien pursuant to the Immigration and Nationality Act.

Compliance with the requirements of the two foregoing new award conditions will be an authorized and priority purpose of the award. The reasonable costs (to the extent not reimbursed under any other federal program) of developing and putting into place statutes, rules, regulations, policies, or practices as required by these conditions, and to honor any duly-authorized request from DHS that is encompassed by these conditions, will be allowable costs under the award.

General Information about Post-Federal Award Reporting Requirements

A State recipient of an award under this solicitation will be required to submit the following reports and data.

Required reports. Recipients typically must submit quarterly financial status reports, semi-annual progress reports, final financial and progress reports, and, if applicable, an annual audit report in accordance with the (DOJ) Part 200 Uniform Requirements or specific award conditions. Future awards and fund drawdowns may be withheld if reports are delinquent. (In appropriate cases, OJP may require additional reports.)

Awards that exceed \$500,000 will include an additional condition that, under specific circumstances, will require the recipient to report (to 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 <https://ojp.gov/funding/FAPIIS.htm>

Data on performance measures. In addition to required reports, each recipient of an award under this solicitation also must provide data that measure the results of the work done under the award. To demonstrate program progress and success, as well as to assist DOJ with fulfilling its responsibilities under GPRA and the GPRA Modernization Act of 2010, OJP will require State recipients to provide accountability metrics data. Accountability metrics data must be submitted through BJA's Performance Measurement Tool (PMT), available at <https://bjapmt.ojp.gov>. The accountability measures are available at: <https://bjapmt.ojp.gov/help/jagdocs.html>. (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.)

OJP may restrict access to award funds if a recipient of an OJP award fails to report required performance measure data in a timely manner.

G. Federal Awarding Agency Contact(s)

For OJP contact(s), see the title page of this solicitation.

For contact information for GMS, see the title page.

H. Other Information

Freedom of Information Act and Privacy Act (5 U.S.C. § 552 and 5 U.S.C. § 552a)

All applications submitted to OJP (including all attachments to applications) are subject to the federal Freedom of Information Act (FOIA) and to the Privacy Act. By law, DOJ may withhold information that is responsive to a request pursuant to FOIA if DOJ determines that the responsive information either is protected under the Privacy Act or falls within the scope of one of nine statutory exemptions under FOIA. DOJ cannot agree in advance of a request pursuant to FOIA not to release some or all portions of an application.

In its review of records that are responsive to a FOIA request, OJP will withhold information in those records that plainly falls within the scope of the Privacy Act or one of the statutory exemptions under FOIA. (Some examples include certain types of information in budgets, and names and contact information for project staff other than certain key personnel.) In appropriate circumstances, OJP will request the views of the applicant/recipient that submitted a responsive document.

For example, if OJP receives a request pursuant to FOIA for an application submitted by a nonprofit or for-profit organization or an institution of higher education, or for an application that involves research, OJP typically will contact the applicant/recipient that submitted the

application and ask it to identify—quite precisely—any particular information in the application that applicant/recipient believes falls under a FOIA exemption, the specific exemption it believes applies, and why. After considering the submission by the applicant/recipient, OJP makes an independent assessment regarding withholding information. OJP generally follows a similar process for requests pursuant to FOIA for applications that may contain law-enforcement sensitive information.

Provide Feedback to OJP

To assist OJP in improving its application and award processes, OJP encourages applicants to provide feedback on this solicitation, the application submission process, and/or the application review process. Provide feedback to OJPSolicitationFeedback@usdoj.gov.

IMPORTANT: This email is for feedback and suggestions only. OJP does **not** reply to messages it receives in this mailbox. A prospective applicant that has specific questions on any program or technical aspect of the solicitation **must** use the appropriate telephone number or email listed on the front of this solicitation document to obtain information. These contacts are provided to help ensure that prospective applicants can directly reach an individual who can address specific questions in a timely manner.

If you are interested in being a reviewer for other OJP grant applications, please email your résumé to ojppeerreview@lmsolas.com. (Do not send your résumé to the OJP Solicitation Feedback email account.) **Note:** Neither you nor anyone else from your organization or entity can be a peer reviewer in a competition in which you or your organization/entity has submitted an application.

Application Checklist

Edward Byrne Memorial Justice Assistance Grant (JAG) Program: FY 2017 State Solicitation

This application checklist has been created as an aid in developing an application.

What an Applicant Should Do:

Prior to Registering in GMS:

- _____ Acquire a DUNS Number (see page 28)
- _____ Acquire or renew registration with SAM (see page 28)

To Register with GMS:

- _____ For new users, acquire a GMS username and password* (see page 28)
- _____ For existing users, check GMS username and password*
to ensure account access (see page 29)
- _____ Verify SAM registration in GMS (see page 29)
- _____ Search for correct funding opportunity in GMS (see page 29)
- _____ Select correct funding opportunity in GMS (see page 29)
- _____ Register by selecting the "Apply Online" button associated with the funding opportunity
title (see page 29)
- _____ Read OJP policy and guidance on conference approval, planning, and reporting
available at ojp.gov/financialguide/DOJ/PostawardRequirements/chapter3.10a.htm
(see page 15)
- _____ If experiencing technical difficulties in GMS, contact the NCJRS Response Center (see
page 29)

*Password Reset Notice – GMS users are reminded that while password reset capabilities exist, this function is only associated with points of contact designated within GMS at the time the account was established. Neither OJP nor the GMS Help Desk will initiate a password reset unless requested by the authorized official or a designated point of contact associated with an award or application.

Overview of Post-Award Legal Requirements:

- _____ Review the "[Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2017 Awards](#)" in the OJP Funding Resource Center.

Scope Requirement:

- _____ The federal amount requested is within the allowable limit(s) of the FY 2017 JAG Allocations List as listed on BJA's [JAG web page](#).

What an Application Should Include:

- _____ Application for Federal Assistance (SF-424) (see page 17)

_____	Intergovernmental Review	(see page 17)
_____	Project Abstract	(see page 17)
_____	Program Narrative	(see page 18)
_____	Budget Detail Worksheet	(see page 19)
_____	Budget Narrative	(see page 19)
_____	Indirect Cost Rate Agreement (if applicable)	(see page 22)
_____	Financial Management and System of Internal Controls Questionnaire	(see page 22)
_____	Disclosure of Lobbying Activities (SF-LLL) (if applicable)	(see page 23)
_____	Certifications and Assurances by Chief Executive	(see page 23)
_____	Certification of Compliance with 8 U.S.C. § 1373 by Chief Legal Officer	(see page 23)
_____	State Strategic Plan (if applicable)	(see page 24)
_____	Additional Attachments	
_____	Applicant Disclosure of Pending Applications	(see page 24)
_____	Research and Evaluation Independence and Integrity (if applicable)	(see page 25)

Appendix I

Certifications and Assurances by the Chief Executive of the Applicant Government

Template for use by *chief executive* of the “State” (e.g., the governor)

Note: 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.

**U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS**

**Edward Byrne Justice Assistance Grant Program
FY 2017 State Solicitation**

**Certifications and Assurances
by the Chief Executive of the Applicant Government**

On behalf of the applicant "State" named below, in support of that State's application for an award under the FY 2017 Edward Byrne Justice Assistance Grant ("JAG") Program, and further to 42 U.S.C. § 3752(a), I certify under penalty of perjury to the Office of Justice Programs ("OJP"), U.S. Department of Justice ("USDOJ"), that all of the following are true and correct:

1. I am the chief executive of the applicant State named below, and I have the authority to make the following representations on my own behalf and on behalf of the applicant State. I understand that these representations will be relied upon as material in any OJP decision to make an award, under the application described above, to the applicant State.
2. I certify that no federal funds made available by the award (if any) that OJP makes based on the application described above will be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of federal funds, be made available for law enforcement activities.
3. I assure that the application described above (and any amendment to that application) was submitted for review to the governing body of the State (e.g., the State legislature), or to an organization designated by that governing body, not less than 30 days before the date of this certification.
4. I assure that, before the date of this certification— (a) the application described above (and any amendment to that application) was made public; and (b) an opportunity to comment on that application (or amendment) was provided to citizens and to neighborhood or community-based organizations, to the extent applicable law or established procedure made such an opportunity available.
5. I assure that, for each fiscal year of the award (if any) that OJP makes based on the application described above, the applicant State will maintain and report such data, records, and information (programmatic and financial), as OJP may reasonably require.
6. I certify that— (a) the programs to be funded by the award (if any) that OJP makes based on the application described above meet all the requirements of the JAG Program statute (42 U.S.C. §§ 3750-3758); (b) all the information contained in that application is correct; (c) in connection with that application, there has been appropriate coordination with affected agencies; and (d) in connection with that award (if any), the applicant State will comply with all provisions of the JAG Program statute and all other applicable federal laws.
7. I have examined certification entitled "State or Local Government: FY 2017 Certification of Compliance with 8 U.S.C. § 1373" executed by the chief legal officer of the applicant government with respect to the FY 2017 JAG program and submitted in support of the application described above, and I hereby adopt that certification as my own on behalf of that government.

I acknowledge that a materially false, fictitious, or fraudulent statement (or concealment or omission of a material fact) in this certification, or in the application that it "supports, may be the subject of criminal prosecution (including under 18 U.S.C. §§ 1001 and/or 1821, and/or 42 U.S.C. § 3795a), and also may subject me and the applicant State to civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. §§ 3729-3730 and §§ 3801-3812). I also acknowledge that OJP awards, including certifications provided in connection with such awards, are subject to review by USDOJ, including by OJP and by the USDOJ Office of the Inspector General.

Signature of Chief Executive of the Applicant "State"

Date of Certification

Printed Name of Chief Executive

Title of Chief Executive

Name of Applicant State

Appendix II

State or Local Government:

Certification of Compliance with 8 U.S.C. § 1373

Template for use by *chief legal officer* of the “State” (e.g., the State Attorney General)

Available for download at:

<https://ojp.gov/funding/Explore/SampleCertifications-8USC1373.htm>

U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS

State or Local Government: FY 2017 Certification of Compliance with 8 U.S.C. § 1373

On behalf of the applicant government entity named below, and in support of its application, I certify under penalty of perjury to the Office of Justice Programs ("OJP"), U.S. Department of Justice ("USDOJ"), that all of the following are true and correct:

- (1) I am the chief legal officer of the State or local government of which the applicant entity named below is a part ("the jurisdiction"), and I have the authority to make this certification on behalf of the jurisdiction and the applicant entity (that is, the entity applying directly to OJP). I understand that OJP will rely upon this certification as a material representation in any decision to make an award to the applicant entity.
- (2) I have carefully reviewed 8 U.S.C. § 1373(a) and (b), including the prohibitions on certain actions by State and local government entities, -agencies, and -officials regarding information on citizenship and immigration status. I also have reviewed the provisions set out at (or referenced in) 8 U.S.C. § 1551 note ("Abolition ... and Transfer of Functions"), pursuant to which references to the "Immigration and Naturalization Service" in 8 U.S.C. § 1373 are to be read, as a legal matter, as references to particular components of the U.S. Department of Homeland Security.
- (3) I (and also the applicant entity) understand that the U.S. Department of Justice will require States and local governments (and agencies or other entities thereof) to comply with 8 U.S.C. § 1373, with respect to any "program or activity" funded in whole or in part with the federal financial assistance provided through the FY 2017 OJP program under which this certification is being submitted ("the FY 2017 OJP Program" identified below), specifically including any such "program or activity" of a governmental entity or -agency that is a subrecipient (at any tier) of funds under the FY 2017 OJP Program.
- (4) I (and also the applicant entity) understand that, for purposes of this certification, "program or activity" means what it means under title VI of the Civil Rights Act of 1964 (see 42 U.S.C. § 2000d-4a), and that terms used in this certification that are defined in 8 U.S.C. § 1101 mean what they mean under that section 1101, except that the term "State" also shall include American Samoa (cf. 42 U.S.C. § 901(a)(2)). Also, I understand that, for purposes of this certification, neither a "public" institution of higher education (i.e., one that is owned, controlled, or directly funded by a State or local government) nor an Indian tribe is considered a State or local government entity or -agency.
- (5) I have conducted (or caused to be conducted for me) a diligent inquiry and review concerning both—
 - (a) the "program or activity" to be funded (in whole or in part) with the federal financial assistance sought by the applicant entity under this FY 2017 OJP Program; and
 - (b) any prohibitions or restrictions potentially applicable to the "program or activity" sought to be funded under the FY 2017 OJP Program that deal with sending to, requesting or receiving from, maintaining, or exchanging information of the types described in 8 U.S.C. § 1373(a) or (b), whether imposed by a State or local government entity, -agency, or -official.
- (6) As of the date of this certification, neither the jurisdiction nor any entity, agency, or official of the jurisdiction has in effect, purports to have in effect, or is subject to or bound by, any prohibition or any restriction that would apply to the "program or activity" to be funded in whole or in part under the FY 2017 OJP Program (which, for the specific purpose of this paragraph 6, shall not be understood to include any such "program or activity" of any subrecipient at any tier), and that deals with either— (1) a government entity or -official sending or receiving information regarding citizenship or immigration status as described in 8 U.S.C. § 1373(a); or (2) a government entity or -agency sending to, requesting or receiving from, maintaining, or exchanging information of the types (and with respect to the entities) described in 8 U.S.C. § 1373(b).

I acknowledge that a materially false, fictitious, or fraudulent statement (or concealment or omission of a material fact) in this certification, or in the application that it supports, may be the subject of criminal prosecution (including under 18 U.S.C. §§ 1001 and/or 1621, and/or 42 U.S.C. § 3795a), and also may subject me and the applicant entity to civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. §§ 3729-3730 and §§ 3801-3812). I also acknowledge that OJP awards, including certifications provided in connection with such awards, are subject to review by USDOJ, including by OJP and by the USDOJ Office of the Inspector General.

Signature of Chief Legal Officer of the Jurisdiction

Printed Name of Chief Legal Officer

Date of Certification

Title of Chief Legal Officer of the Jurisdiction

Name of Applicant Government Entity (i.e., the applicant to the FY 2017 OJP Program identified below)

FY 2017 OJP Program: Byrne Justice Assistance Grant ("JAG") Program

Appendix III

8 U.S.C. § 1373

8 U.S.C. § 1373 (as in effect on June 21, 2017)

Communication between government agencies and the Immigration and Naturalization Service

(a) In general

Notwithstanding any other provision of Federal, State, or local law, a Federal, State, or local government entity or official may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual.

(b) Additional authority of government entities

Notwithstanding any other provision of Federal, State, or local law, no person or agency may prohibit, or in any way restrict, a Federal, State, or local government entity from doing any of the following with respect to information regarding the immigration status, lawful or unlawful, of any individual:

- (1) Sending such information to, or requesting or receiving such information from, the Immigration and Naturalization Service.
- (2) Maintaining such information.
- (3) Exchanging such information with any other Federal, State, or local government entity.

(c) Obligation to respond to inquiries

The Immigration and Naturalization Service shall respond to an inquiry by a Federal, State, or local government agency, seeking to verify or ascertain the citizenship or immigration status of any individual within the jurisdiction of the agency for any purpose authorized by law, by providing the requested verification or status information.

See also provisions set out at (or referenced in) 8 U.S.C. § 1551 note (“Abolition ... and Transfer of Functions”)

Appendix IV

OJP Certified Standard Assurances

OMB No. 1121-0140
Expires 5/31/2019

U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS

CERTIFIED STANDARD ASSURANCES

On behalf of the Applicant, and in support of this application for a grant or cooperative agreement, I certify under penalty of perjury to the Office of Justice Programs (OJP), U.S. Department of Justice ("Department"), that all of the following are true and correct:

- (1) I have the authority to make the following representations on behalf of myself and the Applicant. I understand that these representations will be relied upon as material in any OJP decision to make an award to the Applicant based on its application.
- (2) I certify that the Applicant has the legal authority to apply for the federal assistance sought by the application, and that it has the institutional, managerial, and financial capability (including funds sufficient to pay any required non-federal share of project costs) to plan, manage, and complete the project described in the application properly.
- (3) I assure that, throughout the period of performance for the award (if any) made by OJP based on the application—
 - (a) the Applicant will comply with all award requirements and all federal statutes and regulations applicable to the award;
 - (b) the Applicant will require all subrecipients to comply with all applicable award requirements and all applicable federal statutes and regulations; and
 - (c) the Applicant will maintain safeguards to address and prevent any organizational conflict of interest, and also to prohibit employees from using their positions in any manner that poses, or appears to pose, a personal or financial conflict of interest.
- (4) The Applicant understands that the federal statutes and regulations applicable to the award (if any) made by OJP based on the application specifically include statutes and regulations pertaining to civil rights and nondiscrimination, and, in addition—
 - (a) the Applicant understands that the applicable statutes pertaining to civil rights will include section 601 of the Civil Rights Act of 1964 (42 U.S.C. § 2000d); section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794); section 901 of the Education Amendments of 1972 (20 U.S.C. § 1681); and section 303 of the Age Discrimination Act of 1975 (42 U.S.C. § 6102);
 - (b) the Applicant understands that the applicable statutes pertaining to nondiscrimination may include section 815(c) of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3789d(c)); section 1407(e) of the Victims of Crime Act of 1984 (42 U.S.C. § 10604(e)); section 289A(b) of the Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. § 5672(b)); and that the grant condition set out at section 40002(b)(13) of the Violence Against Women Act (42 U.S.C. § 13925(b)(13)) also may apply;
 - (c) the Applicant understands that it must require any subrecipient to comply with all such applicable statutes (and associated regulations); and
 - (d) on behalf of the Applicant, I make the specific assurances set out in 28 C.F.R. §§ 42.105 and 42.204.
- (5) The Applicant also understands that (in addition to any applicable program-specific regulations and to applicable federal regulations that pertain to civil rights and nondiscrimination) the federal regulations applicable to the award (if any) made by OJP based on the application may include, but are not limited to, 2 C.F.R. Part 2800 (the DOJ "Part 200 Uniform Requirements") and 28 C.F.R. Parts 22 (confidentiality - research and statistical information), 23 (criminal intelligence systems), and 46 (human subjects protection).
- (6) I assure that the Applicant will assist OJP as necessary (and will require subrecipients and contractors to assist as necessary) with the Department's compliance with section 106 of the National Historic Preservation Act of 1966 (54 U.S.C. § 306108), the Archeological and Historical Preservation Act of 1974 (54 U.S.C. §§ 312501-312508), and the National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321-4335), and 28 C.F.R. Parts 61 (NEPA) and 63 (floodplains and wetlands).
- (7) I assure that the Applicant will give the Department and the Government Accountability Office, through any authorized representative, access to, and opportunity to examine, all paper or electronic records related to the award (if any) made by OJP based on the application.
- (8) I assure that, if the Applicant is a governmental entity, with respect to the award (if any) made by OJP based on the application—
 - (a) it will comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. §§ 4801-4855), which govern the treatment of persons displaced as a result of federal and federally-assisted programs; and
 - (b) it will comply with requirements of 5 U.S.C. §§ 1501-1508 and 7324-7328, which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by federal assistance.

I acknowledge that a materially false, fictitious, or fraudulent statement (or concealment or omission of a material fact) in this certification, or in the application that it supports, may be the subject of criminal prosecution (including under 18 U.S.C. §§ 1001 and/or 1621, and/or 42 U.S.C. § 3795a), and also may subject me and the Applicant to civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. §§ 3729-3730 and 3801-3812). I also acknowledge that OJP awards, including certifications provided in connection with such awards, are subject to review by the Department, including by OJP and by the Department's Office of the Inspector General.

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

THE CITY OF PHILADELPHIA,

Plaintiff,

v.

JEFFERSON BEAUREGARD SESSIONS III, in his
official capacity as Attorney General of the United States,

Defendant.

Case No. 2:17-cv-03894-MMB

**AMENDED COMPLAINT FOR DECLARATORY, INJUNCTIVE,
AND MANDAMUS RELIEF**

Plaintiff, the City of Philadelphia, hereby alleges as follows:

INTRODUCTION

1. The City of Philadelphia (“Philadelphia” or “the City”) brings this action to enjoin the Attorney General of the United States from imposing new and unprecedented requirements on the Edward Byrne Memorial Justice Assistance Grant (“Byrne JAG”). Philadelphia seeks a declaratory judgment that the new conditions are contrary to law, unconstitutional, and arbitrary and capricious. Philadelphia also seeks a declaratory judgment confirming that its policies comply with 8 U.S.C. § 1373 (“Section 1373”), to the extent that statute is lawfully deemed applicable to the Byrne JAG program. Additionally, given the Court’s granting of the City’s motion for preliminary injunction and the continued failure to disburse the City’s fiscal year 2017 Byrne JAG funds for months after the end of that fiscal year, the City seeks mandamus relief pursuant to 28 U.S.C. § 1361, compelling the immediate release of its award.

2. Philadelphia has a vibrant immigrant community. Immigrants are an integral part of Philadelphia's workforce, small business sector, school and college population, and civic associations; their success is vital to the City's success. To ensure that Philadelphia's immigrant community continues to thrive, the City has adopted policies that seek to foster trust between the immigrant population and City officials and employees, and to encourage people of all backgrounds to take full advantage of the City's resources and opportunities. Several of those policies protect the confidentiality of individuals' immigration and citizenship status information, and prevent the unnecessary disclosure of that information to third parties. The rationale behind these policies is that if immigrants, including undocumented immigrants, do not fear adverse consequences to themselves or to their families from interacting with City officers, they are more likely to report crimes, apply for public benefits to which they are entitled, enroll their children in Philadelphia's public schools, request health services like vaccines, and all in all contribute more fully to the City's health and prosperity.

3. Philadelphia also practices community policing. And, like most major cities, it has determined that public safety is best promoted *without* the City's active involvement in the enforcement of federal immigration law. To the contrary, Philadelphia has long recognized that a resident's immigration status has no bearing on his or her contributions to the community or on his or her likelihood to commit crimes, and that when people with foreign backgrounds are afraid to cooperate with the police, public safety in Philadelphia is compromised. For this reason, the Philadelphia Police Department ("PPD") has for many years prohibited its officers from asking individuals with whom they interact about their immigration status. Police officers also do not stop or question people on account of their immigration status, do not in any way act as immigration enforcement agents, and are particularly protective of the confidential information

of victims and witnesses to crimes. In Philadelphia's experience with property crimes currently at their lowest since 1971, robberies at their lowest since 1969, and violent crime the lowest since 1979 these policies have promoted the City's safety by facilitating greater cooperation with the immigrant community writ large.

4. For over a decade, Philadelphia has pursued the above policies while also relying upon the funding supplied by the Byrne JAG program to support critical criminal justice programming in the City. Indeed, the Byrne JAG award has become a staple in Philadelphia's budget and is today an important source of funding for the PPD, District Attorney's Office, and local court system. Since the grant was created in 2005, Philadelphia has applied for and successfully been awarded its local allocation every year. Philadelphia has never had any conflicts with the federal government in obtaining Byrne JAG funds.

5. That is all changing. On July 25, 2017, the Department of Justice ("DOJ" or "the Department") notified Philadelphia that, as a condition to receiving any Byrne JAG funds in fiscal year 2017, Philadelphia must comply with three conditions. Philadelphia must: (1) certify, as part of its FY 2017 grant application, that the City complies with Section 1373, a statute which bars states and localities from adopting policies that restrict immigration-related communications between state and local officials and the federal government; (2) permit officials from the U.S. Department of Homeland Security ("DHS") (which includes U.S. Immigration and Customs Enforcement ("ICE")) to access "any detention facility" maintained by Philadelphia in order to meet with persons of interest to DHS; and (3) provide at least 48 hours' advance notice

to DHS regarding the “scheduled release date and time” of an inmate for whom DHS requests such advance notice.¹

6. The Department has since revised the latter two conditions to instead require Byrne JAG recipients to have in place (1) a “local ordinance, -rule, -regulation, -policy, or -practice . . . that is designed to ensure that [any, not just DHS] agents of the United States . . . are given access [to] a local-government . . . correctional facility” to meet with individuals believed to be aliens and question them, and (2) a “local ordinance, -rule, -regulation, -policy, or -practice . . . that is designed to ensure that, when a local-government . . . correctional facility receives from DHS a formal written request . . . [for] advance notice of the scheduled release date and time for a particular alien in such facility, then such facility will honor such request and as early as practicable . . . provide the requested notice to DHS.”²

7. The imposition of these conditions marks a radical departure from the Department of Justice’s past grant-making practices. No statute permits the Attorney General to impose these conditions on the Byrne JAG program. Although Congress delegated certain authorities to the Attorney General to administer Byrne JAG awards, the Attorney General has far exceeded that delegation here. Moreover, even if Congress *had* intended to authorize the Attorney General to attach conditions of this nature to JAG grants (which it did not), that would have been unlawful: Demanding that localities certify compliance with Section 1373, allow ICE agents unrestrained access to their prisons, or provide ICE advance notification of inmates’ scheduled release dates as conditions of receiving Byrne JAG funds, would flout the limits of Congress’ Spending Clause powers under the United States Constitution.

¹ U.S. Dep’t of Justice, *Backgrounder On Grant Requirements* (July 25, 2017), available at <https://goo.gl/h5uxMX>; see also Dkt. 1-1.

² See, e.g., Dkt. 21-6 (County of Greenville Award Letter).

8. Simply put, the Attorney General's imposition of these three conditions on the FY 2017 Byrne JAG grant is contrary to law, unconstitutional, and arbitrary and capricious. That action should be enjoined and the City's award should be made and disbursed.

9. The Department of Justice's decision to impose its sweeping conditions upon Byrne JAG grantees represents the latest affront in the Administration's ever-escalating attempts to force localities to forsake their local discretion and act as agents of the federal government. Within the President's first week in office, he signed an Executive Order commanding federal agencies to withhold funds from so-called "sanctuary cities" *i.e.*, cities that have exercised their basic rights to self-government and have chosen to focus their resources on local priorities rather than on federal immigration enforcement.³ After a federal court enjoined much of that Order,⁴ the Department of Justice singled out Philadelphia along with eight other jurisdictions by demanding that these jurisdictions certify their compliance with Section 1373 by June 30, 2017. The Department warned the localities that their failure to certify compliance "could result in the withholding of [Byrne JAG] funds, suspension or termination of the [Byrne JAG] grant, ineligibility for future OJP grants or subgrants, or other action."⁵ By this time in the grant funding schedule, Philadelphia had already appropriated and in most cases obligated the funds it received under the FY 2016 JAG award to a number of important programs to strengthen its criminal justice system. None of the planned FY 2017 JAG funds have been able to be obligated or spent.

³ Exec. Order No. 13768, "Enhancing Public Safety in the Interior of the United States," 82 Fed. Reg. 8799 (Jan. 25, 2017).

⁴ *County of Santa Clara v. Trump*, --- F. Supp. 3d ----, 2017 WL 1459081 (N.D. Cal. Apr. 25, 2017).

⁵ Letter from Alan R. Hanson, Acting Assistant Attorney General, Office of Justice Programs, to Major Jim Kenney, City of Philadelphia (Apr. 21, 2017).

10. Without any facts or support, the Attorney General has claimed that “the lawless practices” of cities he characterizes as “so-called ‘sanctuary’ jurisdictions . . . make our country less safe.”⁶ Philadelphia’s experience is quite the opposite: Philadelphia has witnessed a reduction in crime of over 17 percent since the City formally adopted policies protecting the confidentiality of its constituents.

11. Philadelphia certified its compliance with Section 1373 on June 22, 2017. Fundamentally, Philadelphia explained that it complies with Section 1373 because its agents do not collect immigration status information in the first place, and, as a result, the City is in no position to share or restrict the sharing of information it simply does not have. At the same time, the City explained, if immigration status information does inadvertently come into the City’s possession, Philadelphia’s policies allow local law enforcement to cooperate with federal authorities and to share identifying information about criminal suspects in the City. For these reasons and others, Philadelphia certified that it complies with all of the obligations that Section 1373 can constitutionally be read to impose on localities.

12. In response to the certifications filed in June 2017 by Philadelphia and other jurisdictions, the Attorney General issued a press release condemning those submissions. He did not offer his definition of compliance or any details on the aspects of any locality’s policies he considered illegal; he said only that “[i]t is not enough to assert compliance” and that “jurisdictions must actually be in compliance.”⁷

⁶ Press Release, U.S. Dep’t of Justice, *Attorney General Jeff Sessions Delivers Remarks on Violent Crime to Federal, State and Local Law Enforcement* (Apr. 28, 2017), available at <https://goo.gl/sk37qN>.

⁷ Press Release, U.S. Dep’t of Justice, *Department of Justice Reviewing Letters from Ten Potential Sanctuary Jurisdictions* (July 6, 2017), available at <https://goo.gl/of8UhG>; see also Dkt. 1-2.

13. Against this backdrop, the Department of Justice announced in a July 25, 2017 press release that it would now be imposing two additional conditions on jurisdictions applying for FY 2017 Byrne JAG funding, along with another mandatory certification of compliance with Section 1373. The fiscal year 2017 application was due on September 5, 2017. Philadelphia submitted a timely application.

14. The Attorney General's action was an unlawful, *ultra vires* attempt to force Philadelphia to abandon its policies and accede to the Administration's political agenda. It is one thing for the Department of Justice to disagree with Philadelphia as a matter of policy; it is quite another thing for the Department to violate both a congressionally-defined program and the Constitution in seeking to compel Philadelphia to forfeit its autonomy.

15. In response, Philadelphia now seeks a declaration from this Court that the Department of Justice's imposition of the new conditions to Byrne JAG funding was unlawful. That agency action is contrary to federal statute, contrary to the Constitution's separation of powers, and arbitrary and capricious. Further, even if Congress had intended to permit the Attorney General's action, it would violate the Spending Clause. The City also seeks a declaration from this Court that, to the extent Section 1373 can be made an applicable condition to the receipt of Byrne JAG funds, Philadelphia is in full compliance with that provision.

16. The City also seeks injunctive relief. It requests that this Court permanently enjoin the Department of Justice from imposing these three conditions in conjunction with the FY 2017 Byrne JAG application, and any future grants under the Byrne JAG program. Further, the City seeks any other injunctive relief the Court deems necessary and appropriate to allow Philadelphia to receive its FY 2017 JAG allocation as Philadelphia has since the inception of the JAG program, and as Congress intended.

17. Finally, given the Court's granting the City's motion for a preliminary injunction and the Department's continued refusal to disburse Philadelphia's FY 2017 JAG award, the City now seeks a writ of mandamus, pursuant to 28 U.S.C. § 1361, compelling the Attorney General and the Department of Justice to disburse the City's FY 2017 Byrne JAG allocation, in accordance with the Byrne JAG authorizing statute and its formula established by Congress. Importantly, Congress allocated the JAG funds specifically for fiscal year 2017, the fiscal year is now over, and the money is still not disbursed.

PARTIES

18. Plaintiff Philadelphia is a municipal corporation, constituted in 1701 under the Proprietor's Charter. William Penn, its founder, was a Quaker and early advocate for religious freedom and freedom of thought, having experienced persecution firsthand in his native England. He fashioned Philadelphia as a place of tolerance and named it such. "Philadelphia," the City of Brotherly Love, derives from the Greek words "philos," meaning love or friendship, and "adelphos," meaning brother.

19. Philadelphia is now the sixth-largest city in the United States and is home to almost 1.6 million residents. About 200,000 Philadelphia residents, or 13 percent of the City's overall population, are foreign-born, which includes approximately 50,000 undocumented immigrants. The number of undocumented Philadelphia residents therefore account for roughly one of every four foreign-born Philadelphians.

20. Defendant Jefferson Beauregard Sessions III is the Attorney General of the United States. The Attorney General is sued in his official capacity. The Attorney General is the federal official in charge of the United States Department of Justice, which took and threatens imminently to take the governmental actions at issue in this lawsuit.

JURISDICTION AND VENUE

21. The Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1346. The Court is authorized to issue the relief sought here under the Administrative Procedure Act, 5 U.S.C. §§ 702, 705, 706, the Declaratory Judgment Act, 28 U.S.C. §§ 2201, 2202, and the Mandamus Statute, 28 U.S.C. § 1361.

22. Venue is proper in the Eastern District of Pennsylvania under 28 U.S.C. § 1391(e)(1) because substantial events giving rise to this action occurred therein and because Philadelphia resides therein.

FACTUAL ALLEGATIONS

I. PHILADELPHIA'S POLICIES

23. As the City of Brotherly Love, Philadelphia is recognized as a vital hub for immigrants from across the globe who seek good jobs and better futures for themselves and their families. A study by the Brookings Institute found “Philadelphia’s current flow of immigrants [to be] sizable, varied, and . . . grow[ing] at a moderately fast clip.”⁸

24. Philadelphia’s policies developed over time to address the needs and concerns of its growing immigrant community. Today, Philadelphia has four sets of policies relevant to the present suit, as each concern the City’s efforts to engender trust with the City’s immigrant community and bring individuals from that community into the fold of City life. These policies work. They are discussed in turn below.

⁸ Audrey Singer et al., *Recent Immigration to Philadelphia: Regional Change in a Re-Emerging Gateway*, Metropolitan Policy Program at Brookings (Nov. 2008), <https://goo.gl/pZOnJx>.

A. Philadelphia’s Police Department Memorandum 01-06

25. Decades ago, the Philadelphia Police Department recognized that a resident’s immigration status was irrelevant to effective policing and, if anything, that asking about an individual’s immigration status hampers police investigations. For that reason, PPD officers were trained to refrain from asking persons about their immigration status when investigating crimes or conducting routine patrols.

26. That practice was formalized into policy on May 17, 2001, when Philadelphia’s then-Police Commissioner John F. Timoney issued Memorandum 01-06, entitled “Departmental Policy Regarding Immigrants” (“Memorandum 01-06”).⁹ The Memorandum states that one of its overarching goals is for “the Police Department [to] preserve the confidentiality of all information regarding law abiding immigrants to the maximum extent permitted by law.” Memorandum 01-06 ¶ 2B.

27. Memorandum 01-06 generally prohibits police officers in Philadelphia from unnecessarily disclosing individuals’ immigration status information to other entities. The Memorandum sets out this non-disclosure instruction, and three exceptions, as follows: “In order to safeguard the confidentiality of information regarding an immigrant, police personnel will transmit such information to federal immigration authorities only when: (1) required by law, or (2) the immigrant requests, in writing, that the information be provided, to verify his or her immigration status, or (3) the immigrant is suspected of engaging in criminal activity, including attempts to obtain public assistance benefits through the use of fraudulent documents.” Memorandum 01-06 ¶¶ 3A-3B.

⁹ See Dkt. 1-3 (Memorandum 01-06).

28. Notwithstanding the instruction to “safeguard the confidentiality of information regarding an immigrant,” Memorandum 01-06 also directs police officers to continue adhering to typical law enforcement protocols for the reporting and investigating of crimes. Section 3B of the Memorandum provides that “[s]worn members of the Police Department who obtain information on immigrants suspected of criminal activity will comply with normal crime reporting and investigating procedures.” *Id.* ¶ 3B. This mandate applies irrespective of the criminal suspect’s identity or immigration status. Section 3C further instructs that “[t]he Philadelphia Police Department will continue to cooperate with federal authorities in investigating and apprehending immigrants suspected of criminal activities.” *Id.* ¶ 3C. But as to “immigrants who are victims of crimes,” the Memorandum provides a blanket assurance of confidentiality. Such persons “will not have their status as an immigrant transmitted in any manner.” *Id.*

29. The Philadelphia Police Department’s policy was motivated by the desire to encourage members of Philadelphia’s immigrant community to make use of City services and to cooperate with the police without fear of negative repercussions. *See id.* ¶¶ 2B, 3C. Indeed, an essential tenet of modern policing is that police departments should engender trust from the communities they serve so that members of those communities will come forward with reports of criminal wrongdoing, regardless of their immigration status or that of their loved ones. Numerous police chiefs and criminal law enforcement experts have echoed that finding.¹⁰

¹⁰ *See* Hearing before the Comm. on Homeland Security & Gov’t Affairs of the United States Senate, May 24, 2014 (statement of J. Thomas Manger, Chief of Police of Montgomery County, Maryland) (conveying that the “moment” immigrant “victims and witnesses begin to fear that their local police will deport them, cooperation with their police then ceases”); Chuck Wexler, *Police Chiefs Across the Country Support Sanctuary Cities Because They Keep Crime Down*, L.A. Times (Mar. 6, 2017), <https://goo.gl/oQs9AT> (similar).

30. Philadelphia has witnessed firsthand the positive effects that increased trust between communities, including immigrant communities, and the police, has on law and order. In part due to the tireless efforts of the PPD to forge that trust with the immigrant community, the City has seen a drop in its overall crime rate.

31. The success of Philadelphia's policies should come as no surprise. A systematic review of municipalities' "sanctuary city" policies, defined as "at least one law or formal resolution limiting local enforcement of immigration laws as of 2001," found that policies of this nature were *inversely correlated* with rates of robbery and homicide meaning that "sanctuary policies" made cities safer.¹¹ Indeed, cities with these policies saw lower rates of crime even among immigrant populations.¹² Social science research confirms that when there is a concern of deportation, immigrant communities are less likely to approach the police to report crime.¹³

32. Recent events also confirm the positive relationship between policies that forge community trust with immigrant populations and the overall reporting of crimes. Since President Trump was elected and announced plans to increase deportations and crack down on so-called

¹¹ See Christopher Lyons, Maria B. Ve'lez, & Wayne A. Santoro, *Neighborhood Immigration, Violence, and City-Level Immigrant Political Opportunities*, 78 *American Sociological Review*, no. 4, pp. 9, 14-19 (June 17, 2013).

¹² *Id.* at 14, 18.

¹³ Cecilia Menjiyar & Cynthia L. Bejarano, *Latino Immigrants' Perceptions of Crime and Police Authorities in the United States: A Case Study from the Phoenix Metropolitan Area*, 27 *Ethnic and Racial Studies*, no. 1, pp. 120-148 (Jan. 2004) ("As these cases illustrate, when there is a threat of immigration officials' intervention, immigrants (particularly those who fear any contacts with these officials due to their uncertain legal status, as is the case of the Mexicans and Central Americans in this study) are more reluctant to call the police because they are aware of the links between the two.").

sanctuary cities, overall crime reporting by Latinos in three major cities including in Philadelphia “markedly decline[d]” as compared to reporting by non-Latinos.¹⁴

B. Philadelphia’s Confidentiality Order

33. Philadelphia’s policies that engender confidence between its immigrant population and City officials extend beyond its police-related protocols. Indeed, the City’s hallmark policy in building trust with all city service offerings is its “Confidentiality Order,” signed by then-Mayor Michael A. Nutter on November 10, 2009. *See* Executive Order No. 8-09, “Policy Concerning Access of Immigrants to City Services” (“Confidentiality Order”).¹⁵ That policy recognizes that the City as a whole fares better if all residents, including undocumented immigrants, pursue health care services, enroll their children in public education, and report crimes.

34. The Confidentiality Order instructs City officials to protect the confidentiality of individuals’ immigration status information in order to “promote the utilization of [City] services by all City residents and visitors who are entitled to and in need of them, including immigrants.” *See* Confidentiality Order preamble. It intends that all immigrants, regardless of immigration status, equally come forward to access City services to which they are entitled, without having to fear “negative consequences to their personal lives.” *Id.* The Order defines “confidential information” as “any information obtained and maintained by a City agency related to an individual’s immigration status.” *Id.* § 3A.

¹⁴ Rob Arthur, *Latinos in Three Cities Are Reporting Fewer Crimes Since Trump Took Office*, FiveThirtyEight (May 18, 2017), <https://goo.gl/ft1fwW> (surveying trends in Philadelphia, Dallas, and Denver).

¹⁵ *See* Dkt. 1-4 (Confidentiality Order).

35. The Confidentiality Order directs City officers and employees to refrain from affirmatively collecting information about immigration status, unless that information is necessary to the officer or employee's specific task or the collection is otherwise required by law. The Order states: "No City officer or employee, other than law enforcement officers, shall inquire about a person's immigration status unless: (1) documentation of such person's immigration status is legally required for the determination of program, service or benefit eligibility . . . or (2) such officer or employee is required by law to inquire about such person's immigration status." *Id.* § 2A.

36. The Confidentiality Order has additional mandates for law enforcement officers. It directs that officers "shall not" stop, question, detain, or arrest an individual solely because of his perceived immigration status; shall not "inquire about a person's immigration status, unless the status itself is a necessary predicate of a crime the officer is investigating or unless the status is relevant to identification of a person who is suspected of committing a crime"; and shall not "inquire regarding immigration status for the purpose of enforcing immigration laws." *Id.* §§ 2B(1), (2), (4). Witnesses and victims are afforded special protection: Law enforcement officers "shall not . . . inquire about the immigration status of crime victims, witnesses, or others who call or approach the police seeking help." *Id.* § 2B(3).

37. The Confidentiality Order also requires City officers and employees to avoid making unnecessary disclosures of immigration status information that may inadvertently come into their possession. *Id.* § 3B ("No City officer or employee shall disclose confidential information[.]"). But the Order permits disclosure both by City "officer[s] or employee[s]," when "such disclosure is required by law," or when the subject individual "is suspected . . . of engaging in criminal activity." *Id.* § 3B(2)-(3).

38. Philadelphia’s Confidentiality Order, like the PPD’s Memorandum 01-06, is motivated by concerns among officials across local government from the City’s health and social services departments to its law enforcement departments that members of Philadelphia’s immigrant community, especially those who are undocumented, would otherwise not access the municipal services to which they and their families are entitled and would avoid reporting crimes to the police, for fear of exposing themselves or their family members to adverse immigration consequences. The City’s Confidentiality Order and Memorandum 01-06 play a vital role in mitigating undesired outcomes like neighborhoods where crimes go unreported, where families suffer from preventable diseases, and where children do not go to school.

39. Indeed, notwithstanding the Attorney General’s claim that “[t]he residents of Philadelphia have been victimized” because the City has “giv[en] sanctuary to criminals,”¹⁶ Philadelphia’s crime statistics tell a very different story. Since 2009, when the Confidentiality Order was enacted, Philadelphia has witnessed a decrease in crime of over 17 percent, including a 20 percent decrease in violent crime. Tellingly, the Administration offers not a single statistic or fact to support their allegations otherwise either publicly or as a part of the JAG solicitation announcing the requirement of the three new conditions. This is because the Administration has no support for its claims that sanctuary cities promote crime or lawlessness.

C. Philadelphia’s Policies on Responding to ICE Detainer and Notification Requests

40. On April 16, 2014, shortly after the United States Court of Appeals for the Third Circuit issued a decision concluding that “detainer” requests sent by ICE are voluntary upon localities, *see Galarza v. Szalczyk*, 745 F.3d 634, 640 (3d Cir. 2014), then-Mayor Nutter signed

¹⁶ Rebecca R. Ruiz, *Sessions Presses Immigration Agenda in Philadelphia, a Sanctuary City*, N.Y. Times (July 21, 2017), <https://goo.gl/4EDuuo>.

Executive Order No. 1-14, entitled “Policy Regarding U.S. Immigration and Customs Enforcement Agency Detainer Requests” (“Detainer Order I”).¹⁷

41. Detainer Order I stated that under the “Secure Communities” program, the U.S. Immigration and Customs and Enforcement Agency had been “shift[ing] the burden of federal civil immigration enforcement onto local law enforcement, including shifting costs of detention of individuals in local custody who would otherwise be released.” Detainer Order I preamble.

42. Accordingly, Detainer Order I announced a policy that “[n]o person in the custody of the City who otherwise would be released from custody shall be detained pursuant to an ICE civil immigration detainer request . . . nor shall notice of his or her pending release be provided, unless such person is being released after conviction for a first or second degree felony involving violence and the detainer is supported by a judicial warrant.” *Id.* § 1. The Order instructed the “Police Commissioner, the Superintendent of Prisons and all other relevant officials of the City” to “take appropriate action to implement this order.” *Id.* § 2.

43. Detainer Order I was partly rescinded at the end of then-Mayor Nutter’s term. After his election and upon taking office, on January 4, 2016, Mayor James F. Kenney signed a new order dealing with ICE detainer and notification requests. Its title was the same as Mayor Nutter’s prior order and it was numbered Executive Order No. 5-16 (“Detainer Order II”).¹⁸

44. Detainer Order II states that, although ICE had “recently discontinued its ‘Secure Communities’ program” and “the Department of Homeland Security and ICE have initiated the new Priority Enforcement Program (PEP) to replace Secure Communities[,] . . . it is incumbent upon the Federal government and its agencies to both listen to individuals concerned with this

¹⁷ See Dkt. 1-5 (Detainer Order I).

¹⁸ See Dkt. 1-6 (Detainer Order II).

new program, and ensure that community members are both informed and invested in the program's success." Detainer Order II preamble. Until that occurs, Detainer Order II directs that Philadelphia officers "should not comply with detainer requests unless they are supported by a judicial warrant and they pertain to an individual being released after conviction for a first or second-degree felony involving violence." *Id.*

45. Detainer Order II therefore provides: "No person in the custody of the City who otherwise would be released from custody shall be detained pursuant to an ICE civil immigration detainer request . . . nor shall notice of his or her pending release be provided, unless such person is being released after conviction for a first or second degree felony involving violence and the detainer is supported by a judicial warrant." *Id.* § 1. The Order instructs "the Police Commissioner, the Prisons Commissioner and all other relevant officials of the City" to "take appropriate action to implement this order." *Id.* § 2.

46. As a result of Detainer Orders I and II, Philadelphia prison authorities stopped notifying ICE of the forthcoming release of inmates, unless ICE provided the authorities a notification request that was accompanied by a judicial warrant. This has been the practice in the prisons since the signing of Detainer Order I in April 2014 through the date of this filing. Because the vast majority of individuals in Philadelphia's prison facilities are pre-trial or pre-sentence detainees, however, the vast majority of detainer or notification requests that the City receives from ICE concern persons without scheduled release dates. Since January 2016, only three individuals for whom ICE sent Philadelphia detainer or notification requests and who were in City custody had been serving a sentence after being convicted of a crime. Every other individual for whom ICE sent a detainer or notification request during that time period was an

individual in a pre-trial, pre-sentencing, or temporary detention posture, whose release could often be ordered with no advance notification to local authorities.

47. On March 22, 2017, the City's First Deputy Managing Director, Brian Abernathy, clarified by memorandum that, although Executive Order 5-16 (Detainer Order II) suggested that in order for the City to cooperate with an ICE notification request, there needed to be both a "judicial warrant" and a prior conviction by the inmate for a first or second degree felony, that text did not and does not reflect the practice of the City's prisons.¹⁹ Mr. Abernathy explained that the historical practice of the Department of Prisons has been to "cooperat[e] with all federal criminal warrants, including criminal warrants obtained by Immigration and Customs Enforcement," and "[b]y signing Executive Order 5-16, Mayor Kenney did not intend to alter this cooperation." Accordingly, Mr. Abernathy's memorandum stated that "the Department is directed to continue to cooperate with all federal agencies, including ICE, when presented with a warrant to the same extent it cooperated before Executive Order 5-16." Philadelphia therefore continues to comply with ICE advance notification requests, regardless of the crime for which the individual was convicted, when ICE also presents a "judicial warrant."

48. Philadelphia's policies on detainer requests—that is, of complying with ICE requests to detain an individual for a brief period of time or to provide advance notification of a person's release *only* if ICE presents a judicial warrant—serve an important function in the City. Like Police Memorandum 01-06 and the Confidentiality Order, these policies forge trust with the immigrant community because they convey the message that Philadelphia's local law enforcement authorities are not federal immigration enforcement agents. They tell residents that if they find themselves in the City's custody and are ordered released, they *will* be released—not

¹⁹ See Dkt. 1-7 (Abernathy's March 22, 2017 internal memorandum).

turned over to ICE unless a judge has determined such action is warranted. For instance, if a member of the immigrant community is arrested for a petty infraction and is temporarily detained in a Philadelphia Prison facility, or if he or she is arrested and then released the next morning, the City will not voluntarily detain that individual at the request of ICE or alert ICE to their release unless, in the rare circumstance, ICE presents a judicial warrant. This message of assurance is important to community trust: Philadelphia's residents do not have to fear that each and every encounter with the local police is going to land them in an ICE detention center. After all, lawful immigrants and even citizens can be wrongfully caught up in alleged immigration enforcement actions.

49. Philadelphia's detainer policies also ensure fair treatment for all of Philadelphia's residents, immigrants and non-immigrants alike. Just as Philadelphia would not detain an individual at the request of the FBI for 48 hours without a judicial warrant, Philadelphia will not do so at the request of ICE. The City believes that all persons should be treated with equal dignity and respect, whatever their national origin or immigration status.

D. Philadelphia's Policies on ICE Access to Prisons

50. The Philadelphia Prison System ("PPS") is managed by the Philadelphia Department of Prisons ("PDP"). PDP operates six facilities: (1) the Curran-Fromhold Correctional Facility, which is PPS' largest facility and contains 256 cells; (2) the Detention Center; (3) the House of Correction; (4) the Philadelphia Industrial Correctional Center ("PICC"); (5) the Riverside Correctional Facility; and (6) the Alternative & Special Detention facilities.

51. Across these six facilities, the inmate population is roughly 6,700. Approximately 17 percent of those inmates are serving time for criminal sentences imposed, and

the remaining 83 percent inmates are all in a pre-trial posture (roughly 78 percent of inmates), a pre-sentencing posture (roughly 2 percent of inmates), or some other form of temporary detention (roughly 3 percent of inmates). Of the 17 percent serving sentences, none are serving sentences longer than 23 months, and approximately 30 percent are serving sentences of one year or less.

52. In May 2017, the Philadelphia Department of Prisons implemented a new protocol providing that ICE may only interview an inmate if the inmate consents in writing to that interview. To implement this protocol, the Department of Prisons created a new “consent form,” to be provided to any inmate in a PPS facility whom ICE seeks to interview. The consent form informs the individual that “Immigration and Customs Enforcement (“ICE”) wants to interview you” and that “[y]ou have the right to agree or to refuse this interview.”²⁰

53. The new consent-based policy for ICE access to PPS facilities was put in place to help protect prisoners’ constitutional rights to decline speaking with law enforcement authorities against their will or to speak only with such authorities in the presence of counsel if they so choose. The consent-based policy also ensures the orderly administration of Philadelphia’s prisons, by avoiding the unnecessary expenditure of time and resources that would otherwise occur were inmates to be delivered to interviews with ICE only then to exercise their constitutional rights to remain silent or have counsel present.

E. Other Relevant Policies and Practices

54. In addition to the above policies, each of which are important for strengthening Philadelphia’s relationship with its immigrant communities and fostering the health and welfare of the City, Philadelphia also believes that combatting crime is a leading and entirely

²⁰ See Dkt. 1-8 (Philadelphia Department of Prisons “Inmate Consent Form ICE Interview”).

consistent policy priority. To that effect, the Philadelphia Police Department routinely cooperates with federal law enforcement authorities in detecting, combatting, and holding people accountable for crimes committed in the City or by residents of the City, irrespective of the identity of the perpetrator or their immigration status. For instance, Philadelphia actively participates in a number of federal task forces, including the Violent Crimes Task Force; the Alcohol, Tobacco, Firearms and Explosive (ATF) Task Force; the FBI Terrorism Task Force; Joint Terrorism Task Force; the Human Trafficking Task Force; and the U.S. Marshals Service's Task Force.

55. Philadelphia also uses a number of databases as part of its regular police work and law enforcement activities. Philadelphia's use of these databases provides the federal government notice about and identifying information for persons stopped, detained, arrested, or convicted of a crime in the City. In turn, federal authorities can use information derived from those databases to obtain knowledge about undocumented persons of interest in the City. The databases Philadelphia uses include:

- a. The FBI's National Crime Information Center ("NCIC") database: The Philadelphia Police Department's protocol is for its officers to voluntarily and regularly use the NCIC database as they engage in criminal law enforcement. For instance, Philadelphia police officers are trained to run an NCIC "look-up" for all individuals who are subjected to "investigative detention" by the police, for the purpose of determining if an outstanding warrant has been issued for the individual whether in Philadelphia or another jurisdiction. If the officer is able to collect the person's date of

birth or license plate information, NCIC protocols mandate that that information will also be entered into NCIC.

- b. The Automated Fingerprint Identification System (“AFIS”)²¹: As part of a routine and longstanding protocol, at the time a person in Philadelphia is arrested, his or her fingerprints are inputted into Philadelphia’s AFIS platform, which feeds automatically into Pennsylvania’s identification bureau and then to the FBI. The FBI in turn has the capacity to run fingerprints against the Integrated Automated Fingerprint Identification System (“IAFIS”), a national fingerprint and criminal history system maintained by the FBI, and the Automated Biometric Identification System (“IDENT”), a DHS-wide system for storing and processing biometric data for national security and border management purposes.
- c. The Preliminary Arraignment System (“PARS”): PARS is a database maintained by the First Judicial District of Pennsylvania, the Philadelphia Police Department, and the Philadelphia District Attorney. The purpose of the database is to give information that the police collect upon an arrest directly to the District Attorney’s Office. Based upon an end-user license agreement signed with ICE in 2008 and amended in 2010, ICE has access to criminal information in the PARS database, *i.e.*, to information about people suspected of criminal activity and entered into the system.

²¹ Philadelphia recently transitioned to the Multimodal Biometric Identification System (“MBIS”), which is the next generation to AFIS. But because the FBI refers to the Integrated Automated Fingerprint Identification System (“IAFIS”), we use AFIS here.

56. Philadelphia does not have visibility into how various federal agencies use or share information derived from the above databases with one another. But ICE itself admits that it obtains the notice it needs to send detainer requests from the Automated Fingerprint Identification System (AFIS), maintained by the FBI and regularly used by the City.²²

II. THE BYRNE JAG PROGRAM AND 2017 GRANT CONDITIONS

A. Overview of the Byrne JAG Program

57. Congress created the modern-day Byrne JAG program in 2005 as part of the Violence Against Women and Department of Justice Reauthorization Act. *See* Pub. L. No. 109-162 (codified at 42 U.S.C. § 3751 *et seq.*). In fashioning the present-day Byrne JAG grant, Congress merged two prior grant programs that had also provided criminal justice assistance funding to states and localities. These two predecessor grant programs were the Edward Byrne Memorial Formula Grant Program, created in 1988, and the Local Law Enforcement Block Grant Program.²³

58. Today, grants under the Byrne JAG program are the primary source of federal criminal justice funding for states and localities. As stated in a 2005 House Report accompanying the bill, the program’s goal is to provide State and local governments the “flexibility to spend money for programs that work for them rather than to impose a ‘one size fits all’ solution” for local policing. *See* H.R. Rep. No. 109-233, at 89 (2005).

²² *See* U.S. Immigration & Customs Enforcement, *Declined Detainer Outcome Report FAQ’s: How is an individual placed under a detainer?*, <https://goo.gl/oUsD3T> (last visited Jan. 5, 2018 12:38 PM ET) (“When an individual is booked into custody by a law enforcement agency, his or her biometric data is automatically routed through federal databases to the FBI. The FBI shares this information with ICE.”).

²³ *See* Nathan James, *Edward Byrne Memorial Justice Assistance Grant (“JAG”) Program*, Congressional Research Service (Jan. 3, 2013), <https://goo.gl/q8Tr6z>.

59. The authorizing statute for the Byrne JAG program provides that localities can apply for funds to support a range of local programming to strengthen their criminal justice systems. For instance, localities can apply for funds to support “law enforcement programs, prosecution and court programs, prevention and education programs, corrections and community corrections programs, drug treatment and enforcement programs,” and “crime victim and witness programs.” 42 U.S.C. § 3751(a)(1).

60. Byrne JAG funding is structured as a formula grant, awarding funds to all eligible grantees according to a prescribed formula. *See* 42 U.S.C. § 3755(d)(2)(A). The formula for states is a function of population and violent crime, *see id.* § 3755(a), while the formula for local governments is a function of the state’s allocation and of the ratio of violent crime in that locality to violent crime in the state as a whole, *see id.* § 3755(d).

61. Unlike discretionary grants, which agencies award on a competitive basis, “formula grants . . . are not awarded at the discretion of a state or federal agency, but are awarded pursuant to a statutory formula.” *City of Los Angeles v. McLaughlin*, 865 F.2d 1084, 1088 (9th Cir. 1989). States and local governments are entitled to their share of the Byrne JAG formula allocation as long as their proposed programs fall within at least one of eight broadly-defined goals, *see* 42 U.S.C. § 3751(a)(1)(A)-(H), and their applications contain a series of statutorily prescribed certifications and attestations, *see id.* § 3752(a).

62. Philadelphia has filed direct applications for Byrne JAG funding every year since the program’s inception in 2005. All of its applications have been granted; the City has never been denied Byrne JAG funds for which it applied. For instance, in FY 2016, Philadelphia received \$1.67 million in its direct Byrne JAG award. That award was dated August 23, 2016. In FY 2015, the City received \$1.6 million in its direct Byrne JAG award. Over the past eleven

years, excluding funds received as part of the 2009 Recovery Act, Philadelphia's annual Byrne JAG award has averaged \$2.17 million and has ranged between \$925,591 (in 2008) to \$3.13 million (in 2005).

63. Over the last five years, the Department has routinely disbursed Philadelphia's JAG award in September and August of the particular grant year, and the money is immediately obligated by the City's criminal justice agencies to fund pressing needs. The Department has represented in this litigation that it has no plans to make any JAG awards to Philadelphia, or to any jurisdiction, in the immediate future.

64. The City is also eligible for, and has previously been awarded, competitive subgrants from the annual Byrne JAG award to the State of Pennsylvania.

65. Philadelphia uses the federal funding provided by the Byrne JAG program to support a number of priorities within and improvements to its criminal justice system. In recent years, a significant portion of Philadelphia's Byrne JAG funding has gone towards Philadelphia Police Department technology and equipment enhancements, training, and over-time payments to police officers. Philadelphia has also drawn upon Byrne JAG funds to finance upgrades to courtroom technology in the City; to enable the District Attorney's Office to purchase new technology and invest in training programs for Assistant District Attorneys; to support juvenile delinquency programs for the City's youth; to bolster reentry programs for formerly incarcerated individuals seeking to reenter the community; to operate alternative rehabilitation programs for low-level offenders with substance use disorders; to make physical improvements to blighted communities with Clean and Seal teams; and to improve indigent criminal defense services. It is clear, then, that the funds that the City receives from the Byrne JAG program play a vital role in many facets of the City's criminal justice programming.

66. For FY 2017, Philadelphia intends to use its JAG award for, among other things, to support Philadelphia's Police Commissioner's "Crime Fighting Strategy," including overtime funding for "Quality of Life" police initiatives; the enhancement of a Reality Based Training Unit to emphasize best practices on the use of force; and to procure supplies for a citywide collaboration to support inner-city youth. Philadelphia also intends to use its FY 2017 funding to purchase life-saving naloxone for Philadelphia police officers responding to opioid overdoses. The City faces a devastating opioid epidemic, with an estimated 1,200 overdose deaths in 2017, a 30 percent increase from 900 deaths in 2016. Philadelphia's FY 2017 JAG funds will, without hyperbole, save human lives.

B. Conditions for Byrne JAG Funding

67. The statute creating the Byrne JAG program authorizes the Attorney General to impose a limited set of conditions on applicants. First, the statute authorizes the Attorney General to require that applicants supply information about their intended use of the grant funding, and to demonstrate that they will spend the money on purposes envisioned by the statute. *See* 42 U.S.C. § 3752(a)(2) & (5) (the Attorney General can insist upon assurances by applicants that "the programs to be funded by the grant meet all the requirements of this part" and "that Federal funds . . . will not be used to supplant State or local funds"). Second, the statute allows the Attorney General to require that applicants provide information about their budget protocols; for instance, he can insist that a recipient of a Byrne JAG "maintain and report such data, records, and information (programmatic and financial) as [he] may reasonably require." *Id.* § 3752(a)(4). Third, the Attorney General can demand that localities "certif[y]," in conjunction with their applications for funding, that they "will comply with all provisions of this

part and all other applicable Federal laws.” *Id.* § 3752(a)(5)(D). Finally, the statute authorizes the Attorney General to “issue Rules to carry out this part.” *Id.* § 3754.

68. That is all. The above delegations of authority do not include a general grant of authority to the Attorney General to impose new obligations the Attorney General himself creates and that are neither traceable to existing “applicable Federal law[]” nor reflected in “provisions of this part” (*i.e.*, the JAG statute itself). *See id.* § 3752(a)(5)(D). Congress’ decision *not* to delegate to the Attorney General such a broad scope of authority was intentional and clear.

69. Time and time again, Congress has demonstrated that it knows how to confer agency discretion to add substantive conditions to federal grants when it wants to. *See, e.g.*, 42 U.S.C. § 3796gg-1(e)(3) (authorizing the Attorney General to “impose reasonable conditions on grant awards” in a different program created by the Omnibus Control and Safe Streets Act); 42 U.S.C. § 14135(c)(1) (providing that the Attorney General shall “distribute grant amounts, and establish grant conditions . . .”); *see also Andrus v. Glover Const. Co.*, 446 U.S. 608, 616-617 (1980) (“Where Congress explicitly enumerates certain exceptions,” its “omission” of a different exception means “only one inference can be drawn: Congress meant to” exclude that provision).

70. Furthermore, the Attorney General has never imposed conditions on Byrne JAG applicants beyond the bounds of his statutory authority, *i.e.*, conditions that neither reflect “applicable Federal laws” nor that relate to the disbursement of the grants themselves. For instance, the FY 2016 JAG funds awarded to Philadelphia on August 23, 2016 included many “special conditions.” Philadelphia had to certify, among other things, that it:

- a. complies with the Department of Justice’s “Part 200” Uniform Administrative Requirements, Cost Principles, and Audit Requirements;

- b. adheres to the “DOJ Grants Financial Guide”;
- c. will “collect and maintain data that measure the performance and effectiveness of activities under this award”;
- d. recognizes that federal funds “may not be used by the recipient, or any subrecipient” on “lobbying” activities;
- e. “agrees to assist BJA in complying with the National Environmental Policy Act (NEPA) . . . in the use of these grant funds”;
- f. will ensure any recipients, subrecipients, or employees of recipients do not engage in any “conduct related to trafficking in persons”;
- g. will ensure that any recipient or subrecipient will “comply with all applicable requirements of 28 C.F.R. Part 42” (pertaining to civil rights and non-discrimination).²⁴

71. These conditions almost all relate to the administration and expenditure of the grant itself. The few conditions that apply to the general conduct of the recipient or subrecipient are expressly made applicable to federal grantees by statute. The Department of Justice’s new conditions do not apply to the expenditure of the grant funding, and neither the jail access nor advance notification conditions discussed below invoke any existing federal law or statute. Meanwhile, the Section 1373 condition refers to a federal law that is wholly inapplicable to the JAG grant. The Department offered no statistics, studies, or legal authority to support its imposition of these 2017 conditions as promoting public safety and the law enforcement purposes of the JAG program.

²⁴ See Dkt. 1-9 (Philadelphia’s FY 2016 JAG award).

72. Had Congress authorized the Attorney General to create new substantive conditions for Byrne JAG funds at his choosing, that would have upended Congress' formula approach for distributing funds under the program based on population and violent crime. That in turn would have resulted in the allocating of grants according to criteria invented by the Department of Justice. That is not the program Congress created. *See Amalgamated Transit Union v. Skinner*, 894 F.2d 1362, 1364 (D.C. Cir. 1990) (“Where Congress prescribes the form in which an agency may exercise its authority, . . . we cannot elevate the goals of an agency’s action, however reasonable, over that prescribed form.”).

73. Congress’s decision to use a formula grant mechanism, namely, “in accordance with the formula established under section 10156 of this title,” impacts its use of the phrase “may . . . make grants to States and units of local government.” 34 U.S.C. § 10152(a)(1). Read together, this language demonstrates that Congress imposed a non-discretionary duty to issue JAG awards. It is, as in other statutory schemes, a mandate to issue JAG awards, not a delegation of discretion to the Attorney General. *See, e.g., United Hosp. Ctr., Inc. v. Richardson*, 757 F.2d 1445, 1453 (4th Cir. 1985) (“While the term ‘may’ in a statute or agency regulation dealing with agency power is generally construed as permissive rather than mandatory, the construction of such term whether discretionary or mandatory is reached in every case ‘on the context of the statute [or regulation], and on whether it is fairly to be presumed that it was the intention of the legislature [or agency] to confer a discretionary power or to impose an imperative duty.’” (brackets in original)); *id.* (“There can be no question that the board intended the challenged provision in this regulation, even though stated in terms of ‘may,’ to be mandatory.”); *Wilson v. United States*, 135 F.2d 1005, 1009 (3d Cir. 1943) (“[T]he word ‘may’, ordinarily permissive in quality, is frequently given a mandatory meaning where a public body or

officer is clothed by statute with power to do an act which concerns the public interest, or the rights of third persons. In such cases, what they are empowered to do for the sake of justice, or the public welfare, the law requires shall be done. The language, although permissive in form, is, in fact peremptory.” (ellipsis omitted) (citing *Bd. of Supervisors of Rock Island Cty. v. U.S. ex rel. State Bank*, 71 U.S. 435 (1866)).

C. Section 1373 Condition

74. On February 26, 2016, Congressman John Culberson, Chairman of the House Appropriations Subcommittee on Commerce, Justice, Science and Related Agencies, sent a letter to then-Attorney General Loretta Lynch, inquiring whether recipients of Department of Justice grants were complying with Section 1373.²⁵

75. The Culberson letter spurred the Office of Justice Programs (“OJP”) at the Department of Justice to ask that the Department’s Office of Inspector General (“OIG”) investigate local jurisdictions’ compliance with Section 1373. In an email sent from OJP to Inspector General Michael Horowitz on April 8, 2016, OJP indicated that it had “received information” indicating that several jurisdictions who receive OJP funding may be in violation of Section 1373 and attached a spreadsheet of over 140 state and local jurisdictions that it wanted OIG to investigate.²⁶

²⁵ See Letter from Cong. Culberson to Attorney General Lynch (Feb. 26, 2016), available at <https://goo.gl/Cytb3B>. Congressman Culberson’s letter was accompanied by analysis from the Center for Immigration Studies, a non-profit institute that describes itself as “animated by a ‘low-immigration, pro-immigrant’ vision of America that admits fewer immigrants but affords a warmer welcome for those who are admitted.” *About the Center for Immigration Studies*, Center for Immigration Studies (last visited August 29, 2017 2:42 PM EDT), <https://goo.gl/GrsfoQ>.

²⁶ See Dkt. 1-10 (Memorandum from Department of Justice Inspector General Michael Horowitz to Assistant Attorney General Karol Mason (May 31, 2016) (describing OJP’s earlier email to OIG)).

76. On May 31, 2016, Inspector General Horowitz transmitted a report to Department of Justice Assistant Attorney General Karol Mason, reviewing the policies of ten state and local jurisdictions, including Philadelphia, and whether they comply with Section 1373.²⁷ The other jurisdictions analyzed were: Connecticut, California, City of Chicago (Illinois), Clark County (Nevada), Cook County (Illinois), Miami-Dade (Florida), Milwaukee County (Wisconsin), Orleans Parish (Louisiana), and New York City. The report expressed “concerns” with several of the localities’ laws and policies. The report did not analyze the effects of any of the ten local jurisdictions’ policies on crime rates or public safety.

77. On July 7, 2016, Assistant Attorney General Mason, who then oversaw the Office of Justice Programs, sent a Memorandum to Inspector General Horowitz conveying that, in response to OIG’s report, “the Office of Justice Programs has determined that Section 1373 is an applicable federal law for the purposes of the Edward Byrne Memorial Justice Assistant Grant (JAG) program and the State Criminal Alien Assistance Program (SCAAP).”²⁸ There was no analysis supporting this conclusion whatsoever, nor any explanation for why OJP had not reached that conclusion during the prior ten years that it administered the JAG program.

78. Also on July 7, 2016, the Office of Justice Programs released a Question and Answer “Guidance” document, entitled “Office of Justice Programs Guidance Regarding Compliance with 8 U.S.C. § 1373.”²⁹ The Q&A Guidance document stated that under the Department’s new policy, “[a] JAG grantee is required to assure and certify compliance with all applicable federal statutes, including Section 1373.” The document explained that Section 1373

²⁷ *Id.*

²⁸ *See* Dkt. 1-11 (Memorandum from Assistant Attorney General Karol Mason to Inspector General Michael Horowitz (July 7, 2016)).

²⁹ *See* Dkt. 1-12.

“prevents federal, state, and local government entities and officials from ‘prohibit[ing] or in any way restrict[ing]’ government officials or entities from sending to, or receiving from, federal immigration officers information concerning an individual’s citizenship or immigration status.” But it further stated that “Section 1373 does not impose on states and localities the affirmative obligation to collect information from private individuals regarding their immigration status, nor does it require that statutes and localities take specific actions upon obtaining such information.”

79. On October 6, 2016, OJP released a document entitled “Additional Guidance Regarding Compliance with 8 U.S.C. § 1373.”³⁰ That document addressed the question, “Does OJP’s guidance on 8 U.S.C. § 1373 impact FY 2016 funding?” And it answered: “No FY 2016 or prior year Byrne/JAG or SCAAP funding will be impacted. However, OJP expects that JAG and SCAAP recipients will use this time to examine their policies and procedures to ensure they will be able to submit the required assurances when applying for JAG and SCAAP funding in FY 2017.”

80. As DOJ has conceded, Section 1373 imposes no affirmative obligation on state or local entities to collect immigration status information or take any specific actions upon receiving immigration status information. Nor does the statutory provision address ICE detainer requests or release-date notification requests.

81. Within a week of taking office, on January 25, 2017, President Trump issued Executive Order 13768, a sweeping order aimed at punishing “sanctuary” jurisdictions. Entitled “Enhancing Public Safety in the Interior of the United States,” the order announced that it is the policy of the Executive Branch to withhold “Federal funds” from “jurisdictions that fail to comply with applicable Federal law” by acting as “sanctuary jurisdictions.” Exec. Order 13768

³⁰ See Dkt. 1-13.

§§ 1, 2(c). The Order directed the Attorney General and the Secretary of Homeland Security to “ensure that jurisdictions that willfully refuse to comply with 8 U.S.C. § 1373 (sanctuary jurisdictions) are not eligible to receive Federal grants,” and authorized the Secretary of DHS to “designate, in his discretion and to the extent consistent with law, a jurisdiction as a sanctuary jurisdiction.” *Id.* § 8(a). The Order was ultimately enjoined in large part by the United States District Court for the Northern District of California because the court found that it violated multiple constitutional provisions. *County of Santa Clara v. Trump*, --- F. Supp. 3d ----, 2017 WL 1459081 (N.D. Cal. Apr. 25, 2017).

82. As the *Santa Clara* case unfolded, the Trump Administration sharpened its focus both within the context of that lawsuit and more broadly on denying local jurisdictions grants disbursed by the Departments of Justice and Homeland Security *in particular*, as the mechanism for carrying out the Administration’s efforts to crack down on so-called sanctuary cities. At the preliminary injunction hearing in March in the *Santa Clara* case, the lawyer for the government represented that the Executive Order only applied to three federal grants administered by the Departments of Justice and Homeland Security. *Id.* at *1.

83. On April 21, 2017, the Department of Justice sent letters to Philadelphia and eight other jurisdictions “alert[ing]” the recipients that “under the terms of your FY 2016 Byrne JAG grant, award 2016 DJ-BX-0949 from the Office of Justice Programs (‘OJP’), your jurisdiction is required to submit documentation to OJP that validates your jurisdiction is in compliance with 8 U.S.C. § 1373.”³¹ The letter went on that “this documentation must be accompanied by an official legal opinion from counsel . . . [and] must be submitted to OJP no later than June 30,

³¹ Letter from Alan R. Hanson to Mayor Jim Kenney, *supra* note 5. Connecticut does not appear to have received such a letter, but the other nine jurisdictions in the OIG report did. See <https://goo.gl/r16Gmb> (collecting letters from Alan R. Hanson dated April 21, 2017).

2017.” It provided that “[f]ailure to comply with this condition could result in the withholding of grant funds, suspension, or termination of the grant, ineligibility for future OJP grants or subgrants, or other action, as appropriate.”

84. On June 22, 2017, Philadelphia City Solicitor Sozi Pedro Tulante signed a formal “certification” memorandum declaring that the City determined it is in compliance with Section 1373 and explaining why.³² The letter was addressed to Tracey Trautman, Acting Director of the Bureau of Justice Assistance at the Department of Justice and submitted to DOJ that day.

85. Philadelphia certified that, as a general matter, it does not collect immigration status information from its residents. Both Memorandum 01-06 and the Confidentiality Order bar City officials and employees from asking residents or other persons within the City for such information, subject to discrete exceptions. Philadelphia certified that it neither restricts nor prohibits its officials and employees from sharing immigration-status information with the federal government in contravention of Section 1373, because as a result of the City’s aforementioned policies, the City is rarely in possession of that type of information.

86. Philadelphia also certified that it complies with Section 1373 because its policies allow for the sharing of immigration-status and other identifying information with federal authorities in the case of criminals or persons suspected of crime. Both the Confidentiality Order and Memorandum 06-01 mandate the continued cooperation between local officers and federal authorities in combating crime. Further, those policies allow for the disclosure and “transmi[ssion] . . . to federal authorities” of confidential information (*i.e.*, immigration status information) by Philadelphia police officers when the individual is suspected of engaging in

³² See Dkt. 1-14 (City’s certification memorandum).

criminal activity.³³ The Confidentiality Order and Memorandum 01-06 also contain “savings clauses,” which permit inquiry into or disclosure of immigration status information if “required by law.”

87. Philadelphia also explained how its everyday law enforcement practices comply with Section 1373. Specifically, Philadelphia’s use of the FBI’s National Crime Information Center (“NCIC”) database, its sharing access with ICE to certain information in the City’s Preliminary Arraignment System (“PARS”) database, and its use of the Automated Fingerprint Identification System (“AFIS”), all enable federal immigration authorities to access identifying information about any persons stopped, detained, arrested, or convicted of a crime in the City.

88. Philadelphia acknowledged that for witnesses of crimes, victims of crimes, and law-abiding persons seeking City services, its policies do mean that immigration status information, to the extent it inadvertently comes into the City’s possession, is ordinarily not disclosed to the federal government. But Philadelphia contended that Section 1373 cannot be construed to require the City to disclose confidential information about those persons because reading the statute in such a manner would raise constitutional problems. Specifically, construing Section 1373 to impose that type of mandate on the City would undermine its core police powers under the U.S. Constitution and its critical interests in protecting the safety and welfare of its residents.

89. Philadelphia reserved the right to challenge the Section 1373 certification requirement on several grounds in its June 22, 2017 submission. Notably, it reserved the argument that the DOJ’s insistence that localities certify compliance with Section 1373 as a

³³ See Dkt. 1-14, at 7 (citing Sections 2B and 2C of the Confidentiality Order and Parts 3B and 3C of Memorandum 06-01).

condition of receiving Byrne JAG grants is itself unlawful and beyond the authority that Congress delegated to the Attorney General. It also argued that making JAG grants contingent on compliance with Section 1373 violates the Spending Clause.

90. Days after receiving certifications from Philadelphia and other jurisdictions, the Department of Justice expressed non-specific concerns with those submissions. It issued a press release saying that “some of these jurisdictions have boldly asserted that they will not comply with requests from federal immigration authorities,” and that “[i]t is not enough to assert compliance, the jurisdictions must actually be in compliance.”³⁴

91. On October 11, 2017, the Department of Justice notified Philadelphia that two aspects of Philadelphia’s policies are “in violation of 8 U.S.C. § 1373(a),” and that an additional three aspects of its policies will also be found to violate Section 1373 unless the City sends “communicat[ions] . . . to its officers and employees” (by October 27) to not follow the City’s confidentiality and non-disclosure mandates as to federal officials.³⁵ The Department maintains that this letter constitutes only a “preliminary” determination, leaving the City with no information as to what actions the Department considers a “final” determination. Yet the Department asks the City to change its policies and purports to dictate the substance of what the City communicates to its employees.

D. July 2017 Announcement Regarding Advance Notification and Jail Access Conditions

92. On July 25, 2017, the Department of Justice announced two *more* significant changes that it would be unilaterally making without authority to the Byrne JAG application process. In a two-paragraph press release and accompanying press “backgrounder,” the

³⁴ See Dkt. 1-2.

³⁵ Dkt. 28-1 (Hanson Decl., Ex. A, pp. 1-2).

Department announced that in addition to requiring applicants for the FY 2017 Byrne JAG award to again certify their compliance with Section 1373, applicants would be required to adhere to two additional conditions.³⁶ These conditions are (1) the “advance notification” condition and (2) the “jail access” condition.

93. On August 24, 2017, the Department revised and indeed expanded what the “advance notification” condition and the “jail access” condition would entail.³⁷

94. Under the revised advance notification condition, the Department of Justice will now require Byrne JAG grantees to have in place a “local ordinance, -rule, -regulation, -policy, or -practice . . . that is designed to ensure that, when a local-government . . . correctional facility receives from DHS a formal written request . . . [for] advance notice of the scheduled release date and time for a particular alien in such facility, then such facility will honor such request and as early as practicable . . . provide the requested notice to DHS.”³⁸

95. The Department did not define the term “scheduled release date” as a part of the advance notification condition. The Federal Bureau of Prisons defines “date of release” as the “date of the expiration of the prisoner’s term of imprisonment, less any time credited toward the service of the prisoner’s sentence” 18 U.S.C. § 3624. Similarly, within the Philadelphia Department of Prisons, only inmates serving sentences would have “scheduled release dates.” Accordingly, the advance notification condition appears to apply only to those inmates in Philadelphia’s prisons who have been convicted of crimes and are serving sentences not to the

³⁶ Press Release, U.S. Dep’t of Justice, *Attorney General Sessions Announces Immigration Compliance Requirements for Edward Byrne Memorial Justice Assistance Grant Programs* (July 25, 2017), available at <https://goo.gl/KBwVNP>.

³⁷ See *City of Chicago v. Sessions* (“*Chicago*”), No. 1:17-cv-05720 (N.D. Ill. Aug. 24, 2017), ECF No. 32, Def.’s Opp. to Mot. for Prelim. Inj. at Ex. 1.

³⁸ See, e.g., Dkt. 21-6 (County of Greenville Award Letter).

roughly 83% of inmates in PPS facilities who are in a pre-trial, pre-sentence, or other temporary detention posture, many of whom may be ordered released with less than 48 hours' notice (i.e., because they post bond or the charges against them are dropped). But this is far from clear.

96. Under the revised jail access condition, the Department of Justice will now require Byrne JAG grantees to have in place a “local ordinance, -rule, -regulation, -policy, or -practice . . . that is designed to ensure that [any, not just DHS] agents of the United States . . . are given access [to] a local-government . . . correctional facility” to meet with individuals believed to be aliens and question them.³⁹ Like the advance notification condition, the jail access condition is vague and ambiguous; it gives no indication of what “access” means, and whether jurisdictions will be deemed compliant as long as they permit ICE personnel to access their facilities in order to meet with inmates who have in turn consented to such meetings. By its broadest construction, this requirement appears to mandate that federal immigration agents be given unprecedented and unfettered access to local correctional or detention facilities, including to meet with and to question inmates on a non-consensual basis and/or without notice of their right to have counsel present.

97. The application deadline for local FY 2017 Byrne JAG funding the grant for which cities, such as Philadelphia, apply was September 5, 2017.⁴⁰ The City timely filed its application.

98. The Department of Justice's July 25, 2017 announcement was accompanied by virtually no explanation for the change in policy and no opportunity for public notice and

³⁹ *Id.*

⁴⁰ U.S. Dep't of Justice, Office of Justice Programs, *Edward Byrne Memorial Justice Assistance Grant Program: FY 2017 Local Solicitation* (Aug. 3, 2017), <https://goo.gl/SfiKMM>; *see also* Dkt. 1-16.

comment. The Department of Justice's pronouncement on August 24, 2017 that it had revised its conditions was likewise unaccompanied by an explanation for the change and had no comment opportunity. It noted only that it had already awarded two other jurisdictions and applied the same conditions. The Department thus did not explain how it arrived at these conditions or what alternatives it considered. The initial press release is also noticeably silent as to the purpose of the Byrne JAG program and the ways in which the newly-imposed conditions or even complying with Section 1373 relate to, let alone serve to advance, the interests of the Byrne JAG program. The Department also failed to provide law enforcement with any guidance as to how the conditions will operate in practice.

99. As a result of the Department of Justice's actions, in order for Philadelphia to have applied for the FY 2017 Byrne JAG grant on September 5, 2017, the City must have (1) certified again its compliance with Section 1373, and confirmed that it was (2) prepared to adhere to the advance notification condition, and (3) prepared to comply with the jail access condition, despite the ambiguity about what each condition will entail.

100. At the time of the City's application, the Department had not yet informed Philadelphia whether it had concluded Philadelphia was in violation of 8 U.S.C. § 1373. No court has countenanced the Department's startlingly expansive reading of the Immigration and Nationality Act that it advanced in its October 11, 2017 letter. Philadelphia submits that it complies with Section 1373, as constitutionally construed.

101. Likewise, Philadelphia believes that its jail access policy may comply with the new jail access condition, because Philadelphia allows ICE agents to enter PPS facilities to meet with individuals who have consented to such meetings; and Philadelphia believes its detainer and notification policies do not meaningfully interfere with the Department of Justice's prerogatives,

because while Philadelphia does not provide advance notification of release without a judicial warrant, it rarely if ever gets notification requests from ICE for inmates who have scheduled release dates. However, Philadelphia is left only to wonder whether the Department of Justice will accept these contentions because the jail access and advance notification conditions are inscrutably vague.

III. IMPACT OF THE NEW JAG CONDITIONS ON PHILADELPHIA

102. None of the three new conditions imposed by the Department of Justice upon applicants for FY 2017 Byrne JAG funding can withstand legal scrutiny.

103. The authorizing statute creating the Byrne JAG grant program does not delegate authority to the Attorney General to impose these conditions. Rather, the authorizing statute allows the Attorney General to insist that applicants “comply with all ... applicable Federal laws.” 42 U.S.C. § 3752(a)(5)(D). None of the three conditions constitutes “applicable” federal requirements. Each deals with civil immigration enforcement something wholly *inapplicable* to criminal justice grants. And the last two conditions are not reflected in any existing federal law whatsoever: There is no federal law requiring local jurisdictions to provide ICE “at least 48 hours’ advance notice” before they release alleged aliens in their custody, and there is no federal law requiring jurisdictions to grant access to DHS officials to their detention facilities.

104. In fact, Congress has considered and failed to enact legislation that would have stripped federal funding from states and localities that do not provide ICE advance notification of the release of persons for whom detainer requests have been sent. *See, e.g.*, Stop Dangerous Sanctuary Cities Act §3(a)(2), S. 1300, 114th Cong. (rejected by Senate July 6, 2016) (entities that do not “comply with a detainer for, or notify about the release of, an individual” in response to requests made by ICE shall be ineligible for public works and economic

development grants and community development block grants). The fact that Congress failed to pass bills of this type demonstrates that Congress considered and then chose not to link federal spending to advance notification.

105. The Department of Justice's new conditions also represent a sharp break with past agency practice. The agency has never before attached any conditions of this nature to Byrne JAG funds.

106. The Department of Justice's imposition of the conditions violates several bedrock constitutional principles. The Department's actions violate the Separation of Powers between Congress and the Executive. They also exceed limits on the federal government's ability to place conditions on federal funds under the Spending Clause. In particular, although conditions on federal funds must be germane to the purpose of the federal program, the Department's new conditions bear no relation to the purpose of the Byrne JAG program. Moreover, the conditions are woefully ambiguous, leaving cities like Philadelphia guessing as to how to comply. At its worst, this ambiguity threatens to induce unconstitutional action, as the conditions could potentially be construed to require localities to detain individuals of interest to ICE even after they have been ordered released.

107. If the City is forced to comply with the Department's new conditions in order to receive its FY 2017 JAG award, and if those conditions are not construed in accordance with constitutional and reasonable limits, the result would be that Philadelphia would be forced to significantly change several of its policies. In turn, such changes would compromise the City's criminal enforcement, public safety, and health and welfare.

108. Philadelphia believes that it does already comply with Section 1373 when read in light of the U.S. Constitution. But if Section 1373 is interpreted to extend to victims, witnesses,

and law-abiding persons in the City and to require that Philadelphia allow for the unfettered disclosure to federal authorities of those persons' immigration status information that would require Philadelphia to overhaul several of its policies, including Memorandum 01-06 and the Confidentiality Order. The trust that Philadelphia has worked so hard to build with its immigrant population would be broken, and the City's efforts to prosecute crimes to completion, provide redress to victims, and ensure full access to City services, would be hindered.

109. Philadelphia also believes that it may already comply with the jail access condition. The Department of Justice did not define the term "access" or explicitly state that jurisdictions must permit entry to ICE even when an inmate refuses to speak with ICE; Philadelphia, meanwhile, allows for meetings to which inmates consent. However, the condition as written is exceedingly vague, and in its most unreasonable light could be read to insist that jurisdictions provide federal agents unrestrained entry to their detention facilities. Requiring Philadelphia to apply for the FY 2017 grant amidst this uncertainty is harmful in itself, and if the Department takes an extreme reading, it could result in forcing Philadelphia to sacrifice an important local prerogative. Philadelphia should not be compelled to abandon its efforts to protect the constitutional rights of its inmates, nor to take actions that will sow the very fear and mistrust among the immigrant population that the City has worked so hard to overcome.

110. Philadelphia further believes that its notification and detainer policies do not meaningfully conflict with the Department of Justice's policy concerns that underlie the advance notification condition. Although Philadelphia only provides advance notification of an inmate's release when ICE presents a judicial warrant, ICE rarely sends advance notification requests for inmates who have scheduled release dates. Given the ambiguity and lack of explanation for the

condition, however, Philadelphia cannot be sure that the Department will accept the City's position.

111. If the City's application for the FY 2017 Byrne JAG award is rejected or withheld, or if its award is clawed back, either because the Department of Justice rejects the City's Section 1373 certification, or because the Department insists on certain activities pursuant to the advance notification and jail access conditions and the City refuses to comply, the vitality of Philadelphia's criminal justice programs would be placed in jeopardy.

112. As a result of the injuries Philadelphia will suffer in all of the above circumstances, Philadelphia faces a significant danger of harm due to the Department of Justice's imposition of the new conditions for the FY 2017 grant.

CAUSES OF ACTION

COUNT I

(Violation of the Administrative Procedure Act through *Ultra Vires* Conduct Not Authorized by Congress in the Underlying Statute)

113. Plaintiff incorporates by reference the allegations in the preceding paragraphs.

114. The Department of Justice may only exercise authority conferred by statute. *See City of Arlington v. FCC*, 133 S. Ct. 1863, 1869 (2013).

115. The Byrne JAG statute provides no authority to the Attorney General to impose conditions on the receipt of Byrne JAG funds that are neither reflected in "applicable Federal laws" nor concern the administration of the JAG program itself.

116. The three conditions added to the FY 2017 grant by the Department of Justice are neither "applicable Federal laws" nor conditions that deal with the administration and spending of the Byrne JAG funds.

117. The Attorney General's imposition of the new conditions is unauthorized by statute.

118. The Attorney General's imposition of the new conditions also contradicts the formula-grant structure of the Byrne JAG program. *See* 42 U.S.C. § 3755(d)(2)(A).

119. The APA requires courts to hold unlawful and set aside any agency action that is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law"; "contrary to constitutional right, power, privilege, or immunity"; or "in excess of statutory jurisdictions, authority, or limitations[.]" 5 U.S.C. § 706(2)(A)-(C). The Act further demands courts to "compel agency action [that is] unlawfully withheld or unreasonably delayed." *Id.* § 706(1).

120. Pursuant to 5 U.S.C. § 706 and 28 U.S.C. § 2201, Plaintiff is entitled to a declaration that the Attorney General is without the statutory authority to impose the Section 1373, advance notification, and jail access conditions on FY 2017 Byrne JAG funds, and in doing so, has acted contrary to law under the APA. Plaintiff is also entitled to a permanent injunction preventing the Attorney General from putting those conditions into effect.

121. Pursuant to 28 U.S.C. § 1361 and 5 U.S.C. § 706(1), Plaintiff is further entitled to a writ of mandamus to compel the Attorney General to disburse Philadelphia's FY 2017 Byrne JAG award as the Attorney General is unreasonably delaying its issuance and doing so for reasons that are contrary to law

COUNT II
(Violation of the Administrative Procedure Act through Violation of the Constitution's Separation-of-Powers)

122. Plaintiff incorporates by reference the allegations of the preceding paragraphs.

123. The Constitution vests Congress, not the President or officials in the Executive Branch, with the power to appropriate funding to “provide for the . . . general Welfare of the United States.” U.S. Const. art I, § 8, cl. 1.

124. The President’s constitutional duty and that of his appointees in the Executive Branch is to “take Care that the Law be faithfully executed.” U.S. Const. art. II, § 3, cl. 5.

125. The President “does not have unilateral authority to refuse to spend . . . funds” that have already been appropriate by Congress “for a particular project or program.” *In re Aiken Cnty.*, 725 F.3d 255, 261 n.1 (D.C. Cir. 2013); *see also Train v. City of New York*, 420 U.S. 35, 44 (1975).

126. The President also cannot amend or cancel appropriations that Congress has duly enacted because doing such violates the Presentment Clause of the Constitution and results in the President purporting to wield a constitutional power not vested within his office. *See Clinton v. City of New York*, 524 U.S. 417, 438 (1998).

127. Imposing a new condition on a federal grant program amounts to refusing to spend money appropriated by Congress unless that condition is satisfied.

128. The Section 1373 condition was not imposed by Congress, but rather by the Department of Justice in issuing its Office of Justice Program Guidance for FY 2016 Byrne JAG awards and its FY 2017 Byrne JAG application. Therefore, the Section 1373 condition amounts to an improper usurpation of Congress’s spending power by the Executive Branch.

129. The advance notification and jail access conditions were not imposed by Congress, but rather by the Department in issuing the FY 2017 Byrne JAG application. Therefore, the imposition of the advance notification and jail access conditions amounts to an improper usurpation of Congress’s spending power by the Executive Branch.

130. Pursuant to 28 U.S.C. § 2201, Plaintiff is entitled to a declaration that the Attorney General's imposition of the Section 1373, advance notification, and jail access conditions violates the constitutional principle of separation of powers and impermissibly arrogates to the Executive Branch power that which is reserved for the Legislative Branch. Plaintiff is also entitled to a permanent injunction preventing the Attorney General from putting those conditions into effect.

131. Pursuant to 28 U.S.C. § 1361 and 5 U.S.C. § 706(1), Plaintiff is further entitled to a writ of mandamus to compel the Attorney General to disburse Philadelphia's FY 2017 Byrne JAG award as the Attorney General is unreasonably delaying its issuance and doing so for reasons that are contrary to law.

COUNT III
(Violation of the Administrative Procedure Act through Arbitrary and Capricious Agency Action)

132. Plaintiff incorporates by reference the allegations of the preceding paragraphs.

133. The Department of Justice's decision to impose the Section 1373, advance notification, and jail access conditions on the receipt of FY 2017 Byrne JAG funds deviates from past agency practice without reasoned explanation or justification.

134. Pursuant to 28 U.S.C. § 2201, Plaintiff is entitled to a declaration that the Attorney General's imposition of the Section 1373, advance notification, and jail access conditions is arbitrary and capricious. Plaintiff is also entitled to a permanent injunction preventing the Attorney General from putting those conditions into effect.

135. Pursuant to 28 U.S.C. § 1361 and 5 U.S.C. § 706(1), Plaintiff is further entitled to a writ of mandamus to compel the Attorney General to disburse Philadelphia's FY 2017 Byrne

JAG award as the Attorney General is unreasonably delaying its issuance and doing so for reasons that are contrary to law.

**COUNT IV
(Spending Clause)**

136. Plaintiff incorporates by reference the allegations of the preceding paragraphs.

137. Congress could not have authorized the immigration-related conditions attached the Byrne JAG award here because they do not satisfy the requirements of the Spending Clause of the Constitution.

138. None of the three conditions is “reasonably related” or “germane[]” to the federal interest that underlies the Byrne JAG grant program. *See South Dakota v. Dole*, 483 U.S. 203, 207-08 & n.3 (1987) (conditions must be “reasonably related,” or “germane[],” to the particular program); *see also New York v. United States*, 505 U.S. 144, 167 (1992) (the attached “conditions must . . . bear some relationship to the purpose of the federal spending”). The three conditions all deal with federal civil immigration enforcement, not localities’ enforcement of state or local criminal law.

139. The three conditions threaten the federal interest that underlies the Byrne JAG program. They undermine Congress’s goals of dispersing funds across the country, targeting funds to combat violent crime, and respecting local judgment in setting law enforcement strategy.

140. The Department’s imposition of the conditions also violates the requirement that Spending Clause legislation “impose unambiguous conditions on states, so they can exercise choices knowingly and with awareness of the consequences.” *Koslow v. Commonwealth of Pennsylvania*, 302 F.3d 161, 175 (3d Cir. 2002).

141. Moreover, because the conditions are ambiguous, they arguably require cities to infringe on individuals' Fourth and Fifth Amendment rights, violating the prohibition on Spending Clause conditions that "induce unconstitutional action." *Koslow*, 302 F.3d at 175.

142. Pursuant to 28 U.S.C. § 2201, Plaintiff is entitled to a declaration that the imposition of the three immigration-related conditions for the FY 2017 Byrne JAG violates the Constitution's Spending Clause as well as an injunction preventing those conditions from going into effect.

143. Pursuant to 28 U.S.C. § 1361 and 5 U.S.C. § 706(1), Plaintiff is further entitled to a writ of mandamus to compel the Attorney General to disburse Philadelphia's FY 2017 Byrne JAG award as the Attorney General is unreasonably delaying its issuance and doing so for reasons that are contrary to law.

COUNT V
(Tenth Amendment: Commandeering)

144. Plaintiff incorporates by reference the allegations of the preceding paragraphs.

145. The Tenth Amendment prohibits the federal government from "requir[ing]" states and localities "to govern according to Congress's instructions," *New York*, 505 U.S. at 162, and from "command[ing] the States' officers . . . to administer or enforce a federal regulatory program," *Printz v. United States*, 521 U.S. 898, 935 (1997).

146. Where the "whole object" of a provision of a federal statute is to "direct the functioning" of state and local governments, that provision is unconstitutional, *Printz*, 521 U.S. at 932, and must be enjoined, *id.* at 935; *New York*, 505 U.S. at 186-187. That description precisely fits each of the three immigration-related conditions.

147. If Section 1373 is interpreted to extend to information sharing about witnesses, victims, and law-abiding persons in the City, and to require that Philadelphia provide federal

authorities unfettered access to immigration status information about such persons, that would hamper Philadelphia's ability to ensure law and order. As a result, Philadelphia's personnel would be "commandeered" to perform federal functions rather than to pursue local priorities, in violation of the Tenth Amendment.

148. The advance notification and jail access conditions, in their most extreme and unreasonable lights, could be construed to require that Philadelphia change its policies concerning the administration of its detention facilities and the providing of advance notification of release to ICE only pursuant to a judicial warrant. That federalization of bedrock local police power functions would violate the Tenth Amendment's anti-commandeering principle.

149. Pursuant to 28 U.S.C. § 2201, Plaintiff is entitled to a declaration that if Section 1373 or the other two grant conditions are construed by the Department to conflict with Philadelphia's local policies, that would result in a violation of the Tenth Amendment. Plaintiff is entitled to a permanent injunction preventing the Department from taking such an interpretation.

150. Pursuant to 28 U.S.C. § 1361 and 5 U.S.C. § 706(1), Plaintiff is further entitled to a writ of mandamus to compel the Attorney General to disburse Philadelphia's FY 2017 Byrne JAG award as the Attorney General is unreasonably delaying its issuance and doing so for reasons that are contrary to law.

COUNT VI

(Declaratory Judgment Act: Philadelphia Complies with 8 U.S.C. § 1373)

151. Plaintiff incorporates by reference the allegations of the preceding paragraphs.

152. Philadelphia certified its compliance with Section 1373 to the Department of Justice in a June 22, 2017 legal opinion signed by the City's Solicitor and describing the basis for the City's certification.

153. Philadelphia complies with Section 1373 to the extent it can be constitutionally enforced vis-a-vis the City.

154. Philadelphia's policies, namely Memorandum 01-06 and the Confidentiality Order, direct City officials and employees not to collect immigration status information unless such collection is required by state or federal law. Because Philadelphia cannot restrict the sharing of information it does not collect, the City's policy of non-collection renders it necessarily compliant with Section 1373 for all cases covered by the non-collection policy.

155. Where City officials or agents do incidentally come to possess immigration status information, the City has no policy prohibiting or restricting the sharing of such information contrary to Section 1373. Both Memorandum 06-01 and the Confidentiality Order contains "saving clauses" that limits the disclosure of an individual's citizenship or immigration status information "unless such disclosure is required by law." Both policies also direct City police officers to cooperate with federal authorities in the enforcement of the criminal law, and to provide identifying information to federal authorities, when requested, about criminals or criminal suspects within the City.

156. Any non-disclosure about immigration status information that the City's policies directs in the case of witnesses of crimes, victims of crimes, and law-abiding individuals seeking City services, is consistent with Section 1373 when read in light of the Constitution.

157. Pursuant to 28 U.S.C. § 2201, Plaintiff is entitled to a declaration that it complies with Section 1373 as properly construed.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays this Court:

- a. Declare that all three immigration-related conditions for the FY 2017 Byrne JAG are unlawful;
- b. Declare that Philadelphia complies with 8 U.S.C. § 1373 as properly construed;
- c. Permanently enjoin the Department of Justice from enforcing the advance notification, jail access, or Section 1373 conditions for the FY 2017 Byrne JAG and retain jurisdiction to monitor the Department's compliance with this Court's judgment;
- d. Issue a writ of mandamus compelling the Attorney General to immediately disburse Philadelphia's FY 2017 JAG award, without further delay;
- e. Grant such other relief as this Court may deem proper; and
- f. Award Philadelphia reasonable costs and attorneys' fees.

DATED: January 5, 2018

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on January 5, 2018, the foregoing document was served on all counsel by electronic mail.

January 5, 2018

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

**STATE OF CALIFORNIA, ex rel. XAVIER
BECERRA, in his official capacity as
Attorney General of the State of California**

Plaintiff,

v.

**JEFFERSON B. SESSIONS, in his official
capacity as Attorney General of the United
States; ALAN R. HANSON, in his official
capacity as Acting Assistant Attorney
General; UNITED STATES
DEPARTMENT OF JUSTICE; and DOES
1-100,**

Defendants.

Case No. 17-cv-4701

**FIRST AMENDED COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF**

INTRODUCTION

1
2 1. Plaintiff State of California, ex rel. Xavier Becerra, California Attorney General
3 (“Plaintiff”) brings this complaint to protect California from the Trump Administration’s attempt
4 to usurp the State and its political subdivisions’ discretion to determine how to best protect public
5 safety in their jurisdictions. The Administration has threatened to withhold congressionally
6 appropriated federal funds unless the State and local jurisdictions acquiesce to the President’s
7 immigration enforcement demands, and is misinterpreting federal law to do so. The State now
8 faces the immediate prospect of losing \$31.1 million between two federal grants as a byproduct of
9 the federal government’s pattern of trying to intimidate state and local governments into altering
10 their public-safety oriented laws and policies. This is unconstitutional and should be halted.

11 2. Congress has appropriated \$28.3 million in law enforcement funding to California and
12 its political subdivisions pursuant to the Edward Byrne Memorial Justice Assistance Grant
13 (“JAG”) program. The United States Department of Justice (“USDOJ”), led by Attorney General
14 Jefferson B. Sessions III, and the Office of Justice Programs (“OJP”), led by Acting Assistant
15 Attorney General Alan R. Hanson (collectively, with USDOJ and Attorney General Sessions, the
16 “Defendants”), are responsible for administering these grants.

17 3. JAG awards are provided to each state, and certain local jurisdictions within each
18 state, to, among other things, support law enforcement programs, reduce recidivism, conduct
19 crime prevention and education programs for at-risk youth, and support programs for crime
20 victims and witnesses. Every state is entitled by law to a share of these funds.

21 4. The JAG authorizing statute, 34 U.S.C. § 10151 *et seq.*, requires that jurisdictions
22 comply with “applicable Federal laws.” The statute governing OJP, 34 U.S.C. § 10102(a)(6)
23 (“Section 10102”), also allows for the imposition of “special conditions,” which historically have
24 been understood to refer to conditions imposed to address performance issues with particular
25 high-risk grantees, and not as conditions to be placed on *all* grantees.

26 5. Defendants have added three immigration enforcement related conditions to JAG,
27 each of which are relevant to this lawsuit. First, in Fiscal Year 2016, USDOJ added a condition
28 requiring recipient jurisdictions to comply with 8 U.S.C. § 1373 (“Section 1373”), which

1 prohibits restrictions on certain exchanges of immigration and citizenship status information, and
2 the maintaining of immigration status information (the “JAG Section 1373 Condition”).
3 Defendants kept the Section 1373 condition in the JAG Fiscal Year 2017 State Solicitation that
4 they announced on July 25, 2017.¹ Meanwhile, in Fiscal Year 2017, USDOJ has added a similar
5 Section 1373 condition to the Community Oriented Policing Services (“COPS”) grant, for which
6 the California Department of Justice (“CalDOJ”) has two applications pending worth \$2.8 million
7 dollars for investigating illicit drug distribution (“COPS Section 1373 Condition,” collectively
8 with the JAG Section 1373 Condition, the “Section 1373 Conditions”).²

9 6. Also in this year’s JAG Solicitations, for the first time, Defendants imposed two
10 additional so-called “special conditions” on all JAG recipients that require compliance with
11 immigration enforcement activities. These conditions require jurisdictions to: (a) provide federal
12 immigration enforcement agents with the Department of Homeland Security (“DHS”) access to
13 detention facilities to interview inmates who are “aliens” or believed to be “aliens” (the “Access
14 Condition”); and (b) provide 48 hours advance notice to DHS regarding the scheduled release
15 date of an “alien” upon request by DHS (the “Notification Condition”). In another litigation by
16 the City of Chicago surrounding these same conditions, USDOJ attached to a declaration by
17 Defendant Hanson submitted in opposition to the city’s motion for preliminary injunction what
18 USDOJ represented to be the final conditions. Those represented final conditions show that
19 jurisdictions will have to enact an *affirmative* “statute,” “rule,” “regulation,” “policy” or
20 “practice” that is “designed to ensure” compliance with these conditions. In effect, Defendants
21 attempt to create, without congressional approval, a national requirement that state and local law
22 enforcement engage in specific behaviors to assist in the Executive’s approach to federal
23 immigration enforcement.

24 ¹ U.S. Dep’t of Justice, Edward Byrne Memorial Justice Assistance Grant Program: FY
25 2017 State Solicitation (“JAG State Solicitation”) (attached as Ex. A); *see also* U.S. Dep’t of
26 Justice, Edward Byrne Memorial Justice Assistance Grant Program: FY 2017 Local Solicitation
27 (“JAG Local Solicitation, collectively with the JAG State Solicitation, “JAG Solicitations”)
28 (attached as Ex. B).

² U.S. Dep’t of Justice, 2017 COPS Anti-Methamphetamine (CAMP) Application Guide
27 (“CAMP Solicitation”) (attached as Ex. C); U.S. Dep’t of Justice, 2017 COPS Office Anti-Heroin
28 Task Force (AHTF) Program Application Guide (“AHTF Solicitation,” collectively with the
CAMP Solicitation, the “COPS Solicitations”) (attached as Ex. D).

1 7. Moreover, while Section 10102 allows for the imposition of “special conditions,” it
2 does not provide OJP with the authority to add these particular substantive immigration
3 conditions. These are not special conditions, as that term is generally understood, since they are
4 applicable to all recipients, not just high-risk grantees. In addition, they conflict with the JAG
5 authorizing statute’s Congressional intent to: (a) guarantee the delivery of appropriated formula
6 grant funding to particular state and local jurisdictions so long as they satisfy the requirements
7 found in federal law; and (b) not condition funding on immigration enforcement related activities.

8 8. Defendants also have exceeded constitutional limits under the Spending Clause of the
9 United States Constitution. The JAG Section 1373, Access, and Notification Conditions are not
10 sufficiently related to the federal purpose areas of the JAG funding scheme designed by Congress,
11 and the Access and Notification Conditions are too ambiguous to provide clear notice to the State
12 or its political subdivisions as to what is needed to comply.

13 9. The JAG Section 1373, Access, and Notification Conditions also violate the
14 Administrative Procedure Act (“APA”), 5 U.S.C. § 551 *et seq.*, because of their constitutional
15 infirmities, and because Defendants acted in excess of their statutory authority and in an arbitrary
16 and capricious manner.

17 10. Defendants have threatened to find California in violation of Section 1373, indicating
18 they will enforce the Section 1373 Conditions against the State and its local jurisdictions, thus
19 disqualifying them from receiving the JAG and COPS awards. Since California’s laws comply
20 with Section 1373, the State is left to guess what Defendants may possibly do, and which laws
21 Defendants may find to be offensive. Defendants have made statements indicating that they find
22 one group of State statutes that define the circumstances where state or local law enforcement
23 may assist in federal immigration enforcement, *i.e.* the Transparency and Responsibility Using
24 State Tools Act (“TRUST Act”), Cal. Gov’t Code § 7282 *et seq.*, the Transparent Review of
25 Unjust Transfers and Holds (“TRUTH Act”), Cal. Gov’t Code § 7283 *et seq.*, and the California
26 Values Act, Cal. Gov’t Code § 7284 *et seq.*, as violating Section 1373, although they do not
27 restrict the exchanging or maintaining of immigration and/or citizenship status information. With
28 respect to the California Values Act, recently signed into law on October 5, 2017, President

1 Trump directly threatened that he would use de-funding “as a weapon” against the State if the bill
2 became law.

3 11. Alternatively, the only arguably relevant State statutes that even touch upon
4 immigration or citizenship status information are the State’s confidentiality statutes that protect
5 residents’ personal information, and are necessary for the State and its local governments to
6 effectuate governmental activities (“Shield Confidentiality Statutes”). Interpreting Section 1373
7 as to the first group of statutes (the TRUST, TRUTH, and Values Acts) would be in contravention
8 of the intent of Section 1373, which only limits restrictions on the exchanging and maintaining of
9 immigration and/or citizenship status information. Reading Section 1373 as applying to the
10 Shield Confidentiality Statutes would be inconsistent with the intent of the rest of the
11 Immigration and Naturalization Act (“INA”), substantially interfere with fundamental State and
12 local governmental functions, and amount to an infringement on the State’s sovereignty that the
13 Tenth Amendment of the U.S. Constitution does not allow.

14 12. Since the State has a credible fear that Defendants will find the State non-compliant
15 with Section 1373, there is a case and controversy, and the State is entitled to a declaration that
16 these State laws comply with Section 1373. Such a declaration is particularly necessary now
17 when the State entity that receives the State’s share of JAG funding, the Board of State and
18 Community Corrections (“BSCC”) was one of ten jurisdictions that already provided Defendants
19 with a requested legal opinion confirming compliance with Section 1373. Defendants have failed
20 to timely respond to inform the State whether they believe the State complies with Section 1373.
21 Instead, on October 12, 2017, Defendants announced the results of a preliminary compliance
22 assessments on all of the other nine jurisdictions except California, including determining that
23 five jurisdictions do not appear to comply with Section 1373. Defendants’ letters communicating
24 preliminary non-compliance determinations to these five jurisdictions only add to the State’s
25 credible fear because Defendants’ assessments demonstrate that they are wrongfully seeking to
26 enforce Section 1373 as to laws and policies that regulate the disclosure of release dates, protect
27 the disclosure of information regarding victims of crime, and potentially, to laws and policies that
28 prohibit the initiation of immigration status investigations. The State and its local jurisdictions

1 will soon have to submit an unqualified certification of compliance with Section 1373 under
2 penalty of perjury without knowing Defendants' position on the State's laws in the face of
3 Defendants' determinations on other jurisdictions.

4 13. All three conditions, in conjunction with Defendants likely enforcement of Section
5 1373 against the State, harm California and its local jurisdictions. If California and local
6 jurisdictions do not accept the funds authorized by the JAG statute and appropriated by Congress,
7 important programs will need to be cut. The same holds true with respect to the State and the
8 COPS grants. And if these conditions pressure the State and/or its localities to change their
9 public-safety oriented laws and policies in order to ensure they comply with these ambiguous
10 conditions or Defendant's incorrect interpretation of Section 1373, they will have abandoned
11 policies that the State and local jurisdictions have found to be effective in their communities. As
12 a result, the State and its localities will lose control of their ability to focus their resources on
13 fighting crime rather than on federal immigration enforcement. And the trust and cooperation
14 that the State's laws and local ordinances are intended to build between law enforcement and
15 immigrant communities will be eroded.

16 14. The California Legislature, as well as local governments throughout the State,
17 carefully crafted a statutory scheme that allows law enforcement resources to be allocated in the
18 most effective manner to promote public safety for all people in California, regardless of
19 immigration status, national origin, ancestry, or any other characteristic protected by California
20 law. The Defendants' actions and statements threaten that design and intrude on the sovereignty
21 of California and its local jurisdictions.

22 15. Defendants originally indicated that they aimed to send JAG and COPS award
23 notifications by September 30, 2017. The State has yet to receive an award notification, and upon
24 information and belief, its local jurisdictions have yet to receive award notifications either. Once
25 Defendants send the JAG award notification to the State and its localities, according to USDOJ,
26 the State and its local jurisdictions will have 45 days to accept the award conditions and execute
27 the necessary certifications. Defendants have announced that they will not provide any awards to
28 jurisdictions that do not meet the JAG Section 1373, Access, and Notification Conditions.

1 Defendants' actions and statements also raise doubt as to whether the State will receive COPS
2 funding conditioned on compliance with Section 1373, which USDOJ expects to award "as
3 quickly as possible." In light of Defendants' actions with respect to California, and their Section
4 1373 determinations as to other jurisdictions, the State therefore immediately confronts the
5 prospect of losing \$31.1 million for these critical law enforcement programs between these two
6 programs. Without this grant funding, California's award recipients and the programs funded will
7 be harmed, which will have a detrimental effect on state and local law enforcement and budgets.

8 16. For these reasons, and those discussed below, the Court should strike down the
9 Section 1373, Access, and Notification Conditions in the JAG Solicitations as unconstitutional
10 and/or as a violation of the APA, and declare that the State's statutes identified in this Complaint
11 comply with Section 1373 and do not render the State or its jurisdictions ineligible for JAG
12 funding, and the State ineligible for COPS funding.

13 **JURISDICTION AND VENUE**

14 17. Jurisdiction is proper in this Court pursuant to 28 U.S.C. § 1331 because this case
15 involves a civil action arising under the Constitution and the laws of the United States. The Court
16 also has jurisdiction under 28 U.S.C. § 1346 because this is a civil action against the federal
17 government founded upon the Constitution and an Act of Congress. Jurisdiction is proper under
18 the judicial review provisions of the Administrative Procedure Act, 5 U.S.C. §§ 701-06. The
19 Court has authority to provide relief under the Declaratory Judgment Act, 28 U.S.C. § 2201.

20 18. Pursuant to 28 U.S.C. § 1391(e)(1) and (3), venue is proper in the Northern District of
21 California because the Attorney General and the State of California have offices at 455 Golden
22 Gate Avenue, San Francisco, California and at 1515 Clay Street, Oakland, California and
23 Defendants have offices at 450 Golden Gate Avenue, San Francisco, California.

24 **INTRADISTRICT ASSIGNMENT**

25 19. Assignment to the San Francisco Division of this District is proper pursuant to Civil
26 Local Rule 3-2(c)-(d) because Plaintiff, the State of California, and Defendants both maintain
27 offices in the District in San Francisco.

28 ///

PARTIES

1
2 20. Plaintiff State of California is a sovereign state in the United States of America.

3 21. Xavier Becerra is the Attorney General of California, and as such, is the chief law
4 officer in the State and has “direct supervision over every ... sheriff and over such other law
5 enforcement officers as may be designated by laws, in all matters pertaining to their respective
6 offices.” Cal. Const., art. V, § 13; Cal. Gov’t Code § 12500, *et seq.*; *see Pierce v. Super.*, 1
7 Cal.2d 759, 761-62 (1934) (Attorney General “has the power to file any civil action or proceeding
8 directly involving the rights and interests of the state. . . and the protection of public rights and
9 interests.”).

10 22. California is aggrieved by the actions of Defendants and has standing to bring this
11 action because of the injury to its sovereignty as a state caused by the challenged federal actions.
12 The inclusion of unconstitutional and unlawful conditions as part of the JAG award impairs the
13 State’s exercise of its police power in a manner it deems necessary to protect the public safety.
14 The JAG Access and Notification Conditions, and Defendants’ actions with respect to the Section
15 1373 Conditions, burden California’s exercise of its sovereign power to enforce its laws. The
16 JAG Section 1373, Access, and Notification Conditions place a regulatory burden on California
17 as a funding recipient, obligating the State to continuously monitor compliance of all subgrantees
18 throughout the State, which will result in increased staff time and expenses. Defendants’
19 imposition of the Access and Notification Conditions also place a burden on any entity with a
20 State or State-contracted correctional or detention facility that receives JAG funds to impose
21 affirmative policies to comply with the conditions.

22 23. As a result of Defendants’ unconstitutional actions, the State of California, including
23 its political subdivisions, is in imminent danger of losing federal funding, including \$28.3 million
24 from the JAG program this fiscal year, of which \$17.7 million is owed to the State itself, and \$2.8
25 million from the COPS grants.

26 24. Plaintiff Attorney General Xavier Becerra is the chief law officer of the State and the
27 head of the California Department of Justice, which is a subgrantee for JAG and recipient of
28 COPS grant funding. Cal. Const., art. V, § 13. Attorney General Becerra, on behalf of

1 California, has standing to bring this action because funding for law enforcement throughout the
2 State is at stake. As the Chief Law Officer, the Attorney General is responsible for ensuring that
3 the laws of the State are enforced. *Id.* The JAG Access and Notification Conditions, and
4 Defendants' apparent interpretation of Section 1373, threaten California statutes. In addition, the
5 Attorney General has standing on the basis of the requirement that his office certify compliance
6 with Section 1373, as applicable to the "program or activity" to be funded, for CalDOJ with
7 respect to the COPS grants and for the State and "any entity, agency, or official" of the State for
8 JAG.

9 25. Defendant U.S. Department of Justice ("USDOJ") is an executive department of the
10 United States of America pursuant to 5 U.S.C. § 101 and a federal agency within the meaning of
11 28 U.S.C. § 2671. As such, it engages in agency action, within the meaning of 5 U.S.C. § 702
12 and is named as a defendant in this action pursuant to 5 U.S.C. § 702. USDOJ is responsible for
13 administering the JAG and COPS funds appropriated by Congress.

14 26. Defendant Jefferson B. Sessions III, is Attorney General of the United States, and
15 oversees the USDOJ, including the Office of Justice Programs ("OJP"), which administers JAG,
16 and the Office of Community Oriented Policing Services, which administers COPS grants.
17 Defendant Sessions made statements announcing the JAG Access and Notification Conditions on
18 the USDOJ website on July 25, 2017. He is sued in his official capacity pursuant to 5 U.S.C. §
19 702.

20 27. Defendant Alan R. Hanson is Acting Assistant Attorney General in charge of the OJP,
21 which administers JAG funding and which set forth the so-called "special conditions" at issue.
22 He is sued in his official capacity pursuant to 5 U.S.C. § 702.

23 28. Each of the Defendants named in this Complaint are acting in their official capacity
24 for the United States government bearing responsibility, in whole or in part, for the acts
25 enumerated in this Complaint.

26 29. The true names and capacities of Defendants identified as DOES 1-100 are unknown
27 to Plaintiff, and Plaintiff will amend this Complaint to insert the true names and capacities of
28 those fictitiously named Defendants when they are ascertained.

FACTUAL ALLEGATIONS

I. CALIFORNIA’S LAWS SEEK TO PROTECT THE STATE RESIDENTS’ SAFETY AND WELFARE BY FOCUSING LAW ENFORCEMENT ON CRIMINAL ACTIVITY AND BY BUILDING TRUST BETWEEN LAW ENFORCEMENT AND COMMUNITIES

30. California state and local law enforcement agencies (“LEAs”), guided by the duly enacted laws of the State and ordinances of local jurisdictions, are tasked with effectively policing, protecting, and serving all residents, including more than 10 million foreign-born individuals, who live in the State. California’s laws implicated in this suit are a valid exercise of the State’s police power to regulate regarding the health, welfare, and public safety of its residents. These laws strengthen community policing efforts by encouraging undocumented victims to report crimes to local law enforcement so that perpetrators are apprehended before harming others.

31. The purpose of these California laws is to ensure that law enforcement resources are focused on a core public safety mission and to build trust and cooperation between law enforcement and the State’s immigrant communities. When local and state LEAs engage in immigration enforcement, as Defendants contemplate, vulnerable victims and witnesses are less likely to come forward to report crimes.

32. California’s laws are not unique. Many jurisdictions across the country have policies that define the circumstances under which local law enforcement personnel may expend time and resources in furtherance of federal immigration enforcement. Those jurisdictions variously impose limits on compliance with Immigration and Customs Enforcement (“ICE”) detainer requests, ICE notification requests about release dates, and ICE’s access to detainees, or provide additional procedural protections to them.

A. The TRUST Act

33. In 2013, California enacted the TRUST Act, Cal. Gov’t Code § 7282 *et seq.* The TRUST Act defined the circumstances under which local LEAs may detain an individual at the request of federal immigration authorities. The TRUST Act went into effect on January 1, 2014.

34. The TRUST Act was intended to address numerous public safety concerns regarding the federal practice of issuing detainers to local law enforcement. Among the Legislature’s

1 concerns were that federal courts have concluded that detainer requests do not provide sufficient
2 probable cause, and data showing that detainer requests “have erroneously been placed on United
3 States citizens, as well as immigrants who are not deportable.” Assem. Bill No. 4, Reg. Sess.
4 (Cal. 2013) § 1(c).

5 35. The Legislature found that “immigration detainers harm community policing efforts
6 because immigrant residents who are victims of or witnesses to crime, including domestic
7 violence, are less likely to report crime or cooperate with law enforcement when any contact with
8 law enforcement could result in deportation.” *Id.* § 1(d). The Legislature also considered data
9 demonstrating that the vast majority of individuals detained had no criminal history or were only
10 convicted of minor offenses, and research establishing that “immigrants, including undocumented
11 immigrants, do not commit crimes at higher rates than American-born residents.” *Id.*

12 36. The TRUST Act set forth two conditions that local law enforcement must meet to
13 have discretion to detain a person pursuant to an “immigration hold” (also known as a “detainer
14 request” or “detainer hold”) that occurs when a federal immigration agent requests that the law
15 enforcement official “maintain custody of the individual for a period not to exceed 48 hours,
16 excluding Saturdays, Sundays, and holidays.” Cal. Gov’t Code § 7282(c). First, the detention
17 could not “violate any federal, state, or local law, or any local policy,” which includes the Fourth
18 Amendment of the U.S. Constitution. *Id.* § 7282.5(a). Second, law enforcement officers could
19 only detain someone with certain, specified criminal backgrounds, an individual on the California
20 Sex and Arson Registry, or a person charged with a serious or violent felony who was the subject
21 of a probable cause determination from a magistrate judge. *Id.* § 7282.5(a)(1)-(6). Only when
22 both of these conditions were met could local law enforcement detain an individual “on the basis
23 of an immigration hold after the individual becomes eligible for release from custody.” *Id.* §
24 7282.5(b).

25 **B. The TRUTH Act**

26 37. In 2016, California enacted the TRUTH Act, Cal. Gov’t Code § 7283 *et seq.*, which
27 took effect on January 1, 2017. The purpose of the TRUTH Act is to increase transparency about
28 immigration enforcement and “to promote public safety and preserve limited resources because

1 entanglement between local law enforcement and ICE undermines community policing strategies
2 and drains local resources.” Assem. Bill No. 2792, Reg. Sess. (Cal. 2016) § 2(a)-(c), (g)-(i).

3 38. Under the TRUTH Act, before an interview with ICE takes place, a local law
4 enforcement officer must provide the detained individual with a “written consent form that explains
5 the purpose of the interview, that the interview is voluntary, and that he or she may decline to be
6 interviewed or may choose to be interviewed only with his or her attorney present.” Cal. Gov’t
7 Code § 7283.1(a). In addition, when a local LEA receives a detainer hold, notification, or transfer
8 request, the local LEA must “provide a copy of the request to the [detained] individual and inform
9 him or her whether the law enforcement agency intends to comply with the request.” *Id.* §
10 7283.1(b). If the LEA complies with ICE’s request to notify ICE as to when the individual will be
11 released, it must also “promptly provide the same notification in writing to the individual and to
12 his or her attorney or to one additional person who the individual shall be permitted to designate.”
13 *Id.*

14 39. The TRUTH Act has never prohibited a jurisdiction from allowing ICE to access its
15 jails to interview inmates.

16 **C. The California Values Act**

17 40. On October 5, 2017, Governor Edmund G. Brown Jr. signed the California Values
18 Act, Cal. Gov’t Code § 7284 *et seq.*, into law effective January 1, 2018. In conjunction with this
19 measure, California amended the TRUST Act.

20 41. Consistent with the Legislature’s purpose in passing the TRUST and TRUTH Acts, in
21 its findings, the Legislature emphasized that “a relationship of trust between California’s
22 immigrant community and state and local agencies” is “central to the public safety of the people
23 of California.” Cal. Gov’t Code § 7284.2(b). The Legislature recognized “[t]his trust is
24 threatened when state and local agencies are entangled with federal immigration enforcement,
25 with the result that immigrant community members fear approaching police when they are
26 victims of, and witnesses to, crimes, seeking basic health services, or attending school, to the
27 detriment of public safety and the well-being of all Californians.” *Id.* § 7284.2(c). The
28 Legislature declared that the focus of the Value Act is on “[e]nsur[ing] effective policing, to

1 protect the safety, well-being, and constitutional rights of the people of California, and to direct
2 the state’s limited resources to matters of greatest concern to state and local governments.” *Id.* §
3 7284.2(f).

4 42. The Values Act generally prohibits LEAs from using agency money or personnel to
5 ask an individual about his or her immigration status for immigration enforcement purposes. *See*
6 *id.* § 7284.6(a)(1)(A) (effective Jan. 1, 2018).

7 43. The Values Act, expanding upon the limitations contained in the prior iteration of the
8 TRUST Act, prohibits compliance with detainer requests. *See id.* § 7284.6(a)(1)(B) (effective
9 Jan. 1, 2018). In conjunction with the passage of the Values Act, the TRUST Act was amended
10 to identify the circumstances when local law enforcement has discretion to respond to
11 “notification requests.” *Id.* § 7282.5(a) (effective Jan. 1, 2018). “Notification requests” are
12 requests by an immigration authority asking that a law enforcement official inform it “of the
13 release date and time in advance of the public of an individual in its custody.” *See id.* §§ 7282(c)
14 (effective Jan. 1, 2018), 7283(f).

15 44. Under the Values Act, LEAs have discretion to comply with notification requests if
16 doing so would not “violate any federal, state, or local law, or any local policy.” *Id.* § 7282.5(a)
17 (effective Jan. 1, 2018); *see id.* § 7284.6(a)(1)(C) (effective Jan. 1, 2018). In addition, the Values
18 Act allows LEAs to comply with notification requests under one of two scenarios. First, LEAs
19 may respond to notification requests regarding someone who was previously convicted of one or
20 more of a multitude of felonies or misdemeanors identified in the TRUST Act, a person charged
21 with one or more of an array of felonies who was subject to a probable cause determination from
22 a magistrate judge, or an individual on the California Sex and Arson Registry. *Id.* § 7282.5(a)(1)-
23 (5) (effective Jan. 1, 2018). Alternatively, LEAs may comply with a notification request if the
24 information requested is already “available to the public.” *Id.* § 7284.6(a)(1)(C) (effective Jan. 1,
25 2018).

26 45. The Values Act also prohibits LEAs from using agency or department money or
27 personnel to “provid[e] personal information, as defined in Section 1798.3 of the Civil Code,
28 about an individual” “for immigration enforcement purposes,” unless that information is publicly

1 available. *Id.* § 7284.6(a)(1)(D) (effective Jan. 1, 2018). “Personal information” is defined in the
2 Civil Code as any information “that identifies or describes an individual, including, but not
3 limited to, his or her name, social security number, physical description, home address, home
4 telephone number, education, financial matters, and medical or employment history” and
5 “includes statements made by, or attributed to, the individual.” Cal. Civ. Code § 1798.3(a).

6 46. The Values Act includes a savings clause that permits compliance with all aspects of
7 Section 1373:

8 This section does not prohibit or restrict any government entity or official from sending to,
9 or receiving from, federal immigration authorities, information regarding the citizenship
10 or immigration status, lawful or unlawful, of an individual, or from requesting from
11 federal immigration authorities immigration status information, lawful or unlawful, of any
12 individual, or maintaining or exchanging that information with any other federal, state, or
13 local government entity, pursuant to Sections 1373 and 1644 of title 8 of the United States
14 Code.

15 Cal. Gov’t Code § 7284.6(e).

16 47. Neither the Values nor TRUTH Acts prohibit a jurisdiction from allowing ICE to
17 access its jails to interview inmates. The Values Act explicitly reaffirms the absence of any such
18 restriction, and requires only that state and local law enforcement, including the California
19 Department of Corrections and Rehabilitation, comply with the TRUTH Act when providing such
20 access to immigration authorities. *Id.* §§ 7284.6(b)(5), 7284.10(a) (both effective Jan. 1, 2018).

21 **D. State Shield Confidentiality Statutes**

22 48. California has also enacted statutes aimed at protecting the confidentiality of sensitive
23 information the State and its localities collect and maintain in a number of discrete circumstances.
24 California does this, in part, by directing governmental employees, officers, and agents to
25 affirmatively act, as part of their official duties, to protect information and records containing the
26 citizenship or immigration status of individuals, along with other types of personal information.

27 49. These statutes are not intended to be a “sword” to interfere with the federal
28 government’s programs. Rather, these confidentiality statutes are a “shield” meant to protect

1 residents' personal information from third parties when the State has determined that such
2 confidentiality is essential to the performance of particular state and local government functions.
3 Assurances of confidentiality in these instances are necessary for the proper operation of the state
4 and local criminal and juvenile justice systems.

5 50. The Shield Confidentiality Statutes discussed below are those that are arguably
6 applicable to the "program or activity" to be funded for State recipients of a JAG award.

7 51. California Penal Code sections 679.10 (effective January 1, 2016) and 679.11
8 (effective January 1, 2017) are the State laws that implement a federal process of immigration
9 benefits for victims of certain enumerated crimes who have cooperated or are currently
10 cooperating with law enforcement in the investigation or prosecution of a crime (U-Visas),
11 including victims of human trafficking (T-Visas). *See* 8 C.F.R. § 214.14. Under both California
12 Penal Code sections 679.10 and 679.11, certifying entities are prohibited from disclosing the
13 immigration status of a victim to anyone, except to comply with federal law or legal process, or if
14 authorized by the victim or person requesting the certification form. Cal. Pen. Code §§
15 679.10(k), 679.11(k). The purpose for preserving this confidentiality is to promote the shared
16 federal and state mission to encourage victims of rape, torture, and human trafficking to report
17 these serious crimes to law enforcement.

18 52. Similarly, California Penal Code section 422.93, effective January 1, 2005, protects
19 information provided by victims and witnesses of hate crimes. The Legislature's purpose for
20 section 422.93 is to further California's interest in protecting the public from hate crimes and
21 violence by "encouraging all persons who are victims of or witnesses to crimes, or who otherwise
22 can give evidence in a criminal investigation, to cooperate with the criminal justice system, and
23 not to penalize these persons for being victims or for cooperating with the criminal justice
24 system." *Id.* § 422.93(a). Subdivision (b) of section 422.93 accomplishes this legislative purpose
25 by providing:

26 Whenever an individual is a victim of or witness to a hate crime, or who otherwise can
27 give evidence in a hate crime investigation, is not charged with or convicted of
28 committing any crime under state law, a peace officer may not detain the individual

1 exclusively for any actual or suspected immigration violation or report or turn the
2 individual over to federal immigration authorities.

3 *Id.* § 422.93(b).

4 53. California has a well-established policy of preserving the confidentiality of juvenile
5 case files and information collected in the juvenile justice system. The Legislature has found that
6 “[c]onfidentiality is integral to the operation of the juvenile justice system in order to avoid
7 stigma and promote rehabilitation for all youth.” Cal. Welf. & Inst. Code § 831(a). Thus, as a
8 general rule, juvenile court records are kept confidential and only made available to statutorily
9 designated parties or by court order. *See id.* § 827; Cal. R. of Ct. 5.552(b)-(c). Declaratory of
10 this long-standing law, California Welfare and Institutions Code section 831, effective January 1,
11 2016, makes clear that this prohibition applies equally to immigration status information in
12 juvenile case files as to all other covered personal information. Cal. Welf. & Inst. Code § 831.

13 54. This prohibition is consistent with California’s implementation of the “Special
14 Immigrant Juvenile” federal process through which certain abused, neglected, or abandoned
15 undocumented immigrant children may seek legal immigration status only after obtaining a
16 predicate order from a state court. 8 U.S.C. § 1101(a)(27)(J). California Code of Civil Procedure
17 section 155, effective January 1, 2015, guides California courts in making the judicial
18 determinations that are necessary for a predicate order. Under the statute, information about the
19 child’s immigration status must “remain confidential and shall be available for inspection only by
20 the court, the child who is the subject of the proceeding, the parties, the attorneys for the parties,
21 the child’s counsel and the child’s guardian.” Cal. Civ. Proc. Code § 155(c). Preserving this
22 confidentiality protects already vulnerable children who may apply for Special Immigrant
23 Juvenile status in order to provide for their long-term safety and security.

24 **II. CONGRESS DID NOT INTEND JAG TO BE CONDITIONED ON STATE AND LOCAL LAW**
25 **ENFORCEMENT ASSISTING IN FEDERAL IMMIGRATION ENFORCEMENT**

26 55. JAG is a formula grant administered by OJP within USDOJ. JAG funding is
27 authorized by Congress under 34 U.S.C. § 10151, *et seq.* The authorizing statute has been
28 amended numerous times since its inception in 1988, evolving into the JAG program as it exists

1 today.

2
3 56. The Anti-Drug Abuse Act of 1988 amended the Omnibus Crime Control and Safe
4 Streets Act of 1968 to create the Edward Byrne Memorial State and Local Law Enforcement
5 Assistance Programs grants (“Byrne Grants”) “to assist States and units of local government in
6 carrying out specific programs which offer a high probability of improving the functioning of the
7 criminal justice system.” Anti-Drug Abuse Act of 1988, Pub. L. No. 100-690, tit. VI, § 6091(a),
8 102 Stat. 4181 (1988) (repealed 2006). Congress placed a “special emphasis” on programs that
9 support national drug control priorities across states and jurisdictions. *Id.* Congress identified 21
10 “purpose areas” for which Byrne Grants could be used. Many of the purpose areas relate to the
11 investigation, enforcement, and prosecution of drug offenses. *See id.*, tit. V, § 5104. Immigration
12 enforcement was never specified in any of the grant purpose areas.

13 57. In amendments between 1994 and 2000, Congress identified eight more purpose areas
14 for which Byrne funding could be used, bringing the total to 29. 42 U.S.C. § 3751(b) (as it
15 existed on Dec. 21, 2000) (repealed 2006). Immigration enforcement was not specified in any of
16 these eight additional purpose areas.

17 58. For Fiscal Year 1996, Congress separately authorized Local Law Enforcement Block
18 Grants (“LLEBG”) that directed payment to units of local government for the purpose of hiring
19 more police officers or “reducing crime and improving public safety.” Local Government Law
20 Enforcement Block Grants Act of 1995, H.R. 728, 104th Cong. (1995). Congress identified eight
21 “purpose areas” for LLEBG, none of which were immigration enforcement.

22 59. The Byrne Grant and LLEBG programs were then merged to eliminate duplication,
23 improve their administration, and to provide State and local governments “more flexibility to
24 spend money for programs that work for them rather than to impose a ‘one size fits all’ solution”
25 to local law enforcement. Pub. L. No. 108-447, 118 Stat. 2809 (2004); H.R. Rep. No. 109-233, at
26 89 (2005); *see also* 34 U.S.C. § 10151(a), (b)(1).

27 60. Now the JAG authorizing statute enumerates eight purpose areas for: (A) law
28 enforcement programs; (B) prosecution and court programs; (C) prevention and education

1 programs; (D) corrections and community corrections programs; (E) drug treatments and
2 enforcement programs; (F) planning, evaluation, and technology improvement programs; (G)
3 crime victim and witness programs; and (H) mental health programs related to law enforcement
4 and corrections. 34 U.S.C. § 10152(a)(1).

5 61. The purpose areas for these grants are to support “criminal justice” programs;
6 immigration enforcement is generally civil in nature. *See Arizona v. U.S.*, 567 U.S. 387, 396
7 (2012). Immigration enforcement was also never specified in the purpose areas for any of these
8 grants throughout this entire legislative history.

9 62. In 2006, Congress repealed the only immigration enforcement related requirement that
10 had ever existed for JAG funding, a requirement that the chief executive officer of the state
11 receiving JAG funding provide certified records of criminal convictions of “aliens.” *See*
12 Immigration Act of 1990, Pub. L. No. 101-649, tit. V, § 507(a), 104 Stat. 4978, 5050-51 (1990);
13 Miscellaneous and Technical Immigration and Naturalization Amendments of 1991, Pub. L. No.
14 102-232, tit. III, § 306(a)(6), 105 Stat. 1733, 1751 (1991) (repealed 2006). The repeal of this
15 provision evidences Congress’ intent *not* to condition JAG funding on immigration enforcement
16 related activities. This is consistent with the statutory scheme that does not include a purpose
17 area connected to immigration enforcement.

18 63. In addition, more recently, Congress has considered but declined to adopt legislation
19 that would penalize cities for setting their own law enforcement priorities and attempt to impose
20 conditions similar to those here.³

21 **III. THE JAG AUTHORIZING STRUCTURE REQUIRES THAT STATE AND LOCAL**
22 **JURISDICTIONS RECEIVE FORMULA GRANTS**

23 **A. The JAG Formula Structure and Conditions**

24 64. When creating the merged JAG funding structure in 2006, Congress set a formula to
25 apportion JAG funds to state and local jurisdictions. 34 U.S.C. § 10156. Population and violent
26 crime rates are used to calculate each state’s allocation. 34 U.S.C. § 10156(a)(1). Congress

27 _____
28 ³ *See, e.g.*, Stop Dangerous Sanctuary Cities Act, S. 3100, 114th Cong. (2016) (cloture on the
motion to proceed rejected).

1 guarantees to each state a minimum allocation of JAG funds. 34 U.S.C. § 10156(a)(2).

2 65. In addition to determining the amount of money received by grantees within each
3 state, Congress set forth how that money is to be shared between state and local jurisdictions.
4 Under the statutory formula, 60 percent of the total allocation to a state must be given directly to
5 the state. 34 U.S.C. § 10156(b)(1).

6 66. The statutory formula also provides that 40 percent of the total allocation to a state
7 must be given to local governments within the state. 34 U.S.C. § 10156(d)(1). Each unit of local
8 government receives funds based on its crime rate. 34 U.S.C. § 10156(d)(2)(A).

9 67. According to Congress's JAG funding scheme, states and local governments that
10 apply for JAG funds are required to make limited certifications and assurances. Beyond
11 ministerial requirements identified in the authorizing statute, the chief executive officer of each
12 applicant must certify that: (A) the law enforcement programs to be funded meet all requirements
13 of the JAG authorizing statute; (B) all information in the application is correct; (C) there was
14 coordination with affected agencies; and (D) the applicant will comply with all provisions of the
15 JAG authorizing statute. 34 U.S.C. § 10153(a)(5).

16 68. Congress has enacted reductions or penalties in JAG funds when certain conditions
17 occur, such as a state failing to substantially implement the Sex Offender Registration and
18 Notification Act or a governor not certifying compliance with the national Prison Rape
19 Elimination Act standards. *See* 34 U.S.C. §§ 20927, 30307(e)(2). Unlike the Access and
20 Notification Conditions, these conditions were explicitly added by Congress.

21 **B. California's Allocation and Use of the JAG Award**

22 69. Based on the formula prescribed by statute, California is expected to receive
23 approximately \$28.3 million in JAG funding in Fiscal Year 2017, with \$17.7 million going to the
24 Board of State and Community Corrections ("BSCC"), the entity that receives the formula grant
25 funds that are allocated to the State.

26 70. The BSCC disburses JAG funding using subgrants predominately to local jurisdictions
27 throughout California to fund programs that meet the purpose areas identified in the JAG
28 authorizing statute. Between Fiscal Years 2015-17, the BSCC funded 32 local jurisdictions and

1 CalDOJ.

2 71. In the past, the BSCC prioritized subgrants to those jurisdictions that focus on
3 education and crime prevention programs, law enforcement programs, and court programs,
4 including indigent defense. Some examples of California jurisdictions' purpose-driven use of
5 JAG funds include: (a) implementing programs to improve educational outcomes, increase
6 graduation rates, and curb truancy; (b) providing youth and adult gang members with multi-
7 disciplinary education, employment, treatment, and other support services to prevent gang
8 involvement, reduce substance abuse, and curtail delinquency and recidivism; (c) implementing
9 school-wide prevention and intervention initiatives for some of the county's highest-risk students;
10 (d) providing comprehensive post-dispositional advocacy and reentry services to improve
11 outcomes and reduce recidivism for juvenile probationers; (e) providing a continuum of detention
12 alternatives to juvenile offenders who do not require secure detention, which includes assessment,
13 referral, case advocacy, home detention, reporting centers, non-secure shelter, intensive case
14 management and wraparound family support services; and (f) funding diversion and re-entry
15 programs for both minors and young adult offenders.

16 **IV. DEFENDANTS ADDED THE SECTION 1373 CONDITION AND THE AMBIGUOUS ACCESS**
17 **AND NOTIFICATION CONDITIONS WITHOUT SUFFICIENTLY EXPLAINING THE**
18 **RELATIONSHIP BETWEEN THE CONDITIONS TO THE JAG PROGRAM**

19 **A. Description of the JAG Solicitation**

20 72. On July 25, 2017, OJP announced the Fiscal Year 2017 State JAG Solicitation. OJP
21 set the deadline for applications as August 25, 2017. On August 3, 2017, OJP announced the
22 Fiscal Year 2017 JAG Local Solicitation with a deadline of September 5, 2017.

23 73. In the JAG Solicitations, OJP announced that jurisdictions will have to comply with
24 three conditions that are related to immigration enforcement. To start, recipients will have to
25 certify compliance with Section 1373. Section 1373 is entitled "Communication between
26 government agencies and the Immigration and Naturalization Services" (the "JAG Section 1373
27 Condition"). Section 1373(a) provides:

28 Notwithstanding any other provision of Federal, State, or local law, a Federal state or local
government entity or official may not prohibit, or in any way restrict any government

1 entity or official from sending to, or receiving from [federal immigration enforcement
2 authorities] information regarding the citizenship or immigration status, lawful or
3 unlawful, of any individual.

4 8 U.S.C. § 1373(a).

5 74. Section 1373(b) also prohibits any “person or agency” from restricting federal, state,
6 or local government entities from “requesting” immigration status information from federal
7 immigration authorities, “maintaining” such information, or “exchanging” such information with
8 federal, state, or local government entities. *Id.* § 1373(b).

9 75. In Fiscal Year 2016, OJP first announced that Section 1373 was an “applicable law”
10 under JAG, and would be a required condition for all grantees receiving JAG funds. For that
11 fiscal year, OJP required the BSCC to submit a legal opinion validating its compliance with
12 Section 1373.

13 76. In addition to the requirement that jurisdictions certify compliance with Section 1373,
14 for the first time in Fiscal Year 2017, OJP announced two additional substantive “special
15 conditions” related to federal immigration enforcement. To receive a JAG award, jurisdictions
16 must:

- 17 • permit personnel of the U.S. Department of Homeland Security (“DHS”) to access any
18 correctional or detention facility in order to meet with an “alien” (or an individual
19 believed to be an “alien”) and inquire as to his or her right to be or remain in the
20 United States (the “Access Condition”); and
- 21 • provide at least 48 hours’ advance notice to DHS regarding the scheduled release date
22 and time of an “alien” in the jurisdiction’s custody when DHS requests such notice in
23 order to take custody of the individual pursuant to the Immigration and Nationality
24 Act (the “Notification Condition”).

25 Ex. A, at 32. Both of these conditions, as well as the JAG Section 1373 Condition, exist in the
26 State and Local JAG Solicitations.

27 77. The State and its local jurisdictions will also have to make the following
28 representations about the immigration enforcement related conditions in order to receive a grant

1 or subgrant:

- 2 • The chief law officer of the jurisdiction, including the California Attorney General,
3 must sign an affidavit certifying compliance with Section 1373, under penalty of
4 perjury, on behalf of the State and “any entity, agency, or official” of the State as
5 applicable to the “program or activity” to be funded. *See* Exh. A, Appx. II.
- 6 • The chief executive officer of the jurisdiction, including the Governor of the State of
7 California, must sign an affidavit making a number of assurances, under penalty of
8 perjury, including that the chief executive adopts the chief law officer’s certification of
9 compliance with Section 1373. *See* Exh. A, Appx I.
- 10 • The subrecipients must certify compliance with Section 1373, as applicable to the
11 program and award to be funded, and assure that they will comply with all award
12 conditions, including the Access and Notification Conditions. *See id.* at 20-21.

13 78. Based on information and belief, Plaintiff understands that Defendants instructed
14 applicants that they would not accept altered certifications.

15 79. On August 25, 2017, the BSCC submitted the State’s application for JAG. In that
16 application, the BSCC stated that it “withholds any commitment at this time concerning new
17 grant conditions, pending receipt of the award documents.”

18 80. In the JAG Solicitations, OJP anticipated that it would “issue award notifications by
19 September 30, 2017.” *Id.* at 31. The USDOJ Financial Guide explains that jurisdictions “have
20 45 days from the award date to accept [an] OJP ... award document or the award may be
21 rescinded.”⁴

22 81. At no point has any Defendant provided an explanation as to how the Section 1373,
23 Access, and Notification Conditions are consistent with Congress’s intent in adopting and
24 authorizing funds for the JAG program.

25 **B. Description of the Represented JAG Award Final Conditions**

26 82. The State has not received the final award conditions as of the date of this filing.

27
28 ⁴ U.S. Dep’t of Justice, *2015 DOJ Grants Financial Guide*, § 2.2,
<https://www.justice.gov/ovw/file/892031/download>.

1 83. USDOJ identified what it represented to be the final award conditions in its filing in
2 the lawsuit challenging these same conditions pending in the Northern District of Illinois. *See Ex.*
3 *A and B to the Decl. of Alan R. Hanson, City of Chicago v. Sessions*, Case No. 17-cv-5720 (N.D.
4 Ill. Aug. 24, 2017), ECF No. 32-1. Paragraphs 53 and 54 of those represented final conditions
5 describe the JAG Section 1373 Condition. In addition to completing the Section 1373
6 certification described above, the grant recipient for the state must obtain a certification of
7 compliance with Section 1373 from any subgrantees before issuing an award. *Id.*, Ex. A, ¶ 53(2).
8 The grant recipient must also monitor the subgrantee’s compliance with the JAG Section 1373
9 Condition and “promptly notify OJP (in writing) if the recipient, from its requisite monitoring of
10 compliance with award conditions or otherwise, has credible evidence that indicates that the
11 funded ‘program or activity’ of the recipient, or of any [governmental] subrecipient” does not
12 comply with Section 1373. *Id.* at ¶¶ 53(3), 54(1)(D).

13 84. Paragraph 55 of the represented final conditions describes the Access and Notification
14 Conditions as requiring states to have an affirmative statute, rule, regulation, policy, or practice
15 “designed to ensure” compliance with the conditions for state or state-contracted correctional
16 facilities “[w]ith respect to the ‘program or activity’ that is funded.” The “[r]equirement” in full
17 says:

18 1. Requirement

19 With respect to the “program or activity” that is funded (in whole or in part) by this
20 award, as of the date the recipient accepts this award, and throughout the remainder of
21 the period of performance for the award

22 A. A State statute, or a State rule, -regulation, -policy, or practice, must be in place
23 that is designed to ensure that agents of the United States acting under color of federal
24 law in fact are given to access any State (or State-contracted) correctional facility for
25 the purpose of permitting such agents to meet with individuals who are (or are
26 believed by such agents to be) aliens and to inquire as to such individuals’ right to be
27 or remain in the Unites States.

28 B. A State statute, or a State rule, -regulation, -policy, or practice, must be in place

1 that is designed to ensure that, when a State (or State-contracted) correctional facility
 2 receives from DHS a formal written request authorized by the Immigration and
 3 Nationality Act that seeks advance notice of the scheduled release date and time for a
 4 particular alien in such facility, then such facility will honor such request and as early
 5 as practicable (see para. 4.B. of this condition) provide the requested notice to
 6 DHS.⁵

7 *Id.* at ¶ 55(1).

8 85. Paragraph 56 of the represented final conditions impose similar obligations on local
 9 government recipients and subrecipients. Recipients that disburse funding to subrecipients must
 10 “monitor[] subrecipient compliance with the requirements of this condition.” *Id.* at ¶ 55(2).

11 **C. The Access and Notification Conditions do not Provide Jurisdictions with**
 12 **Clear Notice of what the Conditions Require**

13 86. It is ambiguous whether the Access and Notification Conditions prohibit grant
 14 recipients from possessing certain laws and practices. For example, it is unclear whether the
 15 condition requiring jurisdictions to provide ICE jail access for interview purposes prohibits grant
 16 recipients from informing inmates of their right to have a lawyer present or decline an interview
 17 with ICE, which would implicate the notice requirements in the TRUTH Act.

18 87. Both conditions also fail to provide clear notice of what affirmative actions are
 19 required by grant recipients to comply with the conditions. For example, the represented final
 20 Access and Notification Conditions require that a state “rule, -regulation, -policy, or practice,
 21 must be in place that is designed to ensure” either access for DHS agents or compliance with
 22 DHS notification requests. The conditions provide no guidance or further information as to the

23 _____
 24 ⁵ The represented final conditions state that “[n]othing in this condition shall be
 25 understood to authorize or require any recipient, any subrecipient at any tier, any State or local
 26 government, or any other entity or individual to maintain (or detain) any individual in custody
 27 beyond the date and time the individual would have been released in the absence of this
 28 condition.” *Id.* at ¶ 55(4)(B). The condition also states that it “imposes NO requirements as to ...
 DHS requests for detention.” *Id.* (emphasis added). If these clarifications do not appear in the
 actual final conditions that the State receives, the condition would otherwise be ambiguous and/or
 unconstitutional for the independent reason that it would condition funding on LEAs, in at least
 some instances, violating the Fourth Amendment because DHS notification and detainer
 requests are not typically supported by probable cause.

1 meaning of the ambiguous term “designed to ensure.” Among other issues, this term is unclear
2 whether the “policy” or “practice” must be directed specifically to the Access and Notification
3 Conditions, or may be encompassed in other regulations or practices dealing with the treatment of
4 detention facilities more generally.

5 **V. OJP HAS EXCEEDED ITS STATUTORY AUTHORITY BY IMPOSING THE ACCESS AND**
6 **NOTIFICATION CONDITIONS**

7 88. JAG’s authorizing statute provides no authority for OJP to impose the Access and
8 Notification Conditions (the so-called “special conditions”) on all grant recipients. Indeed, the
9 same statute that authorizes JAG funding, the Omnibus Crime Control and Safe Streets Act of
10 1968, also authorizes funding pursuant to the Violence Against Women Act (“VAWA”) that
11 permits the Attorney General to “impose reasonable conditions on grant awards.” 34 U.S.C. §
12 10446(e)(3). Congress’s clear direction to USDOJ to add “reasonable conditions” pursuant to
13 VAWA, but not for JAG, indicates that Congress did not intend to confer discretion on OJP to
14 add unlimited substantive conditions at its whim.

15 89. Although nothing related to the Access and Notification Conditions is found within
16 the statutory text or legislative history related to JAG, OJP claims it has the authority to add these
17 conditions under Section 10102, which allows OJP to add “special conditions on all grants.” 34
18 U.S.C. § 10102(a)(6).

19 90. OJP’s basis for using its purported authority to add these conditions here, without
20 limitation, is statutorily and constitutionally flawed.

21 91. In 2006, when this provision was amended to permit OJP to “plac[e] special
22 conditions on all grants,” the term “special conditions” had a precise meaning. According to a
23 USDOJ regulation in place at the time, the agency could impose “special grant or subgrant
24 conditions” on “high-risk grantees” if the grant applicant: (a) had a history of poor performance;
25 (b) was not financially stable; (c) had a management system that did not meet certain federal
26 standards; (d) had not conformed to the terms and conditions of a previous grant award; or (e)
27 was not otherwise responsible. 28 C.F.R. § 66.12 (removed December 25, 2014). This language
28 was based on the grants management common rule adopted by the Office of Management and

1 Budget (“OMB”), and followed by “all Federal agencies” when administering grants to state and
2 local governments. OMB Circular A-102 (as amended Aug. 29, 1997). Other federal statutes
3 and regulations have also historically identified “special conditions” as those that federal agencies
4 may place on particular high-risk grantees who have struggled or failed to comply with grant
5 conditions in the past, not on all grantees irrespective of performance.

6 92. Interpreting OJP’s authority to permit it to impose any substantive conditions with
7 respect to formula grants, like JAG, beyond what is allowed under federal law further conflicts
8 with Congressional intent in establishing a prescribed formula grant structure. Congress designed
9 JAG so that “*each State*” receives an allocation according to a precise statutory formula. 42
10 U.S.C. § 10156(a) (emphasis added). Likewise, Congress’s formula provides allocation to “*each*
11 *unit of local government.*” 34 U.S.C. § 10156(d)(2) (emphasis added). As such, if USDOJ
12 makes grants from funds that Congress appropriated to JAG, OJP must disburse the funds
13 according to the statutory formula enacted by Congress so long as the jurisdiction complies with
14 the conditions that exist in federal law.

15 93. The conditions also conflict with the immigration enforcement scheme set forth by
16 Congress in the INA that makes cooperation with immigration enforcement agencies voluntary.
17 There is no provision in the INA, or any federal law, that requires jurisdictions to assist with
18 otherwise voluntary immigration enforcement related activities in order to receive these federal
19 funds.

20 94. While USDOJ has the ability to add conditions to JAG awards, it cannot add
21 substantive grant conditions such as these, that are not tethered to any federal statute. For
22 instance, it could add “special conditions” for high-risk grantees as described above. It could add
23 conditions that stem from the authorizing JAG statute. And it could add conditions that Congress
24 directed be applied to federally funded programs. *See, e.g.*, 42 U.S.C. § 2000d-1; 29 U.S.C. §
25 794(a)(1); 20 U.S.C. § 1681(a)(1); 42 U.S.C. § 6102.

26 **VI. FOR FISCAL YEAR 2017, USDOJ IMPOSED A REQUIREMENT OF CERTIFYING**
27 **COMPLIANCE WITH SECTION 1373 ON COPS GRANTS THAT THE STATE RECEIVES**

28 **A. California’s Prior Use of COPS Grant Funds**

1 95. COPS is a competitive grant administered by the Office of Community Oriented
2 Policing Services (“COPS Office”) within USDOJ. 28 C.F.R. §§ 0.119-0.121. COPS funding is
3 authorized by Congress under 34 U.S.C. § 10381 *et seq.*

4 96. Beginning in Fiscal Year 2014, Congress appropriated funds for “competitive grants
5 to State law enforcement agencies” for “investigative purposes to locate or investigate illicit
6 activities, including precursor diversion, laboratories, or methamphetamine traffickers,” and has
7 continued to set aside COPS grant funds for that purpose ever since. *See, e.g.,* Consolidated
8 Appropriations Act, 2014, Pub. L. No. 113-76, div. B, tit. II, 128 Stat. 65 (2014). Beginning in
9 2015, Congress appropriated funds for “competitive grants to State law enforcement agencies” for
10 “investigative purposes to locate or investigate illicit activities, including activities related to the
11 distribution of heroin and prescription opioid traffickers,” and has done so ever since.
12 Consolidated Appropriations Act, 2015, Pub. L. No. 113-235, div. B, tit. II, 128 Stat. 2196
13 (2015).

14 97. Since the inception of the COPS program, CalDOJ has received over \$11 million to
15 support law enforcement efforts around the State, including work on multi-jurisdictional task
16 forces. Every year since Congress appropriated funds for the COPS Anti-Methamphetamine
17 Program (“CAMP”) in 2014, CalDOJ has applied for and received funds to support Group 22, a
18 part of the Los Angeles Interagency Metropolitan Police Apprehension Crime Task Force (LA
19 IMPACT). Group 22 is responsible for targeted enforcement efforts of large-scale
20 methamphetamine drug trafficking organizations, including dismantling operations in California
21 or elsewhere in the country. A CalDOJ special agent is the Executive Director of LA IMPACT
22 and in 2016, CalDOJ used its \$1,447,880 COPS grant to cover salaries, benefits, and other costs
23 in support of the State’s anti-methamphetamine efforts. CalDOJ’s 2017 CAMP application seeks
24 to continue and expand its support of Group 22.

25 98. Similarly, every year since Congress appropriated funds for the COPS Anti-Heroin
26 Task Force (“AHTF”) Program, CalDOJ has applied for and received funds to support efforts to
27 combat heroin in the State’s 14 multi-disciplinary and interdisciplinary task forces. These task
28 forces conduct large-scale heroin investigations, seize heroin, share data and intelligence among

1 law enforcement personnel throughout the state, and conduct education sessions in the
2 community about drug abuse awareness. In 2016, California received \$1,276,924 to cover
3 equipment, consultants, and other costs in support of the State's anti-heroin efforts. CalDOJ's
4 2017 ATHF application seeks to continue and expand its support of these task forces.

5 **B. California Applied for Fiscal Year 2017 COPS Funding that was**
6 **Conditioned on Section 1373**

7 99. On or about May 22, 2017, the COPS Office announced the Fiscal Year 2017 COPS
8 Solicitations. The COPS Office set July 10, 2017 as the deadline for applications.

9 100. In the COPS Solicitations, the COPS Office announced that applicant entities must
10 certify compliance with Section 1373 ("COPS Section 1373 Certifications"). *See* Ex. C at 2, 30,
11 and Appx. D; Ex. D at 2, 29, and Appx. D. Specifically, to be considered for COPS funding, the
12 chief legal office of the applicant entities had to certify that:

13 As of the date of this certification, no state or local government entity or official has in
14 effect (or purports to have in effect) any prohibition that is applicable to the program or
15 activity to be funded in whole or in part under the FY 2017 program and that deals with
16 sending to, requesting or receiving from, maintaining, or exchanging information of the
17 types described in 8 U.S.C. §1373(a) or (b).

18 101. CalDOJ's Division of Law Enforcement ("DLE") applied for AHTF and CAMP
19 COPS grants on July 7 and 10, respectively. As part of the applications, DLE included the COPS
20 Section 1373 Certifications.

21 102. As part of its applications, the DLE included a supplemental statement by CalDOJ in
22 connection with the COPS Section 1373 Certifications. In the supplemental statement, CalDOJ
23 clarified that the COPS Section 1373 Certifications were made "as that federal statute is lawfully
24 interpreted." CalDOJ also expressly reserved its rights to challenge "any unconstitutional
25 enforcement of Section 1373."

26 103. As of the date of this filing, DLE has not yet received any response to its applications.
27 USDOJ acknowledged that it would not meet its intended September 30 deadline for making
28 award announcements, but in a September 7, 2017 e-mail, USDOJ "committed to finishing

1 application reviews and announcing this year’s award recipients as quickly as possible.”

2 **VII. DEFENDANTS’ STATEMENTS REVEAL THAT THEY INTEND TO WRONGFULLY**
3 **WITHHOLD FUNDING FROM CALIFORNIA BASED ON A MISTAKEN BELIEF THAT THE**
4 **STATE DOES NOT COMPLY WITH SECTION 1373**

5 104. Although California’s laws comply with the Section 1373 Conditions, Defendants
6 have consistently stated or suggested their perception that California and its local jurisdictions
7 potentially violate Section 1373, and will withhold and/or take JAG and COPS funding away
8 from the State on that basis.

9 105. Now that the State has enacted the Values Act, that fear is more immediate. In
10 response to a question from Bill O’ Reilly about what he would do if California enacted the
11 Values Act, President Trump said that he would use de-funding “as a weapon” against
12 California.⁶

13 **A. An Office of Inspector General Report that Defendants Have Relied Upon**
14 **Indicates that they Mistakenly Believe California’s Laws Violate Section**
15 **1373**

16 106. In May 2016, the USDOJ’s Office of Inspector General (“OIG”) completed a report
17 analyzing practices of ten state or local jurisdictions that limit compliance with requests from
18 immigration authorities (“OIG Report”). The OIG Report was in response to a request by
19 Congressman John Culberson to determine whether USDOJ grant recipients violate Section 1373.
20 The State of California was identified as one of the ten jurisdictions on the basis of the TRUST
21 Act, although its laws were not discussed in detail in the OIG Report.⁷

22 107. Although the OIG Report acknowledged that Section 1373 only governs immigration
23 and citizenship status information, it said “[a] reasonable reading of Section 1373, based on its ‘in
24 any way restrict’ language, would be that it applies not only to the situation where a local law or
25 policy specifically prohibits or restricts an employee from providing citizenship or immigration
26 status information, but also where the actions of local officials result in prohibitions or restrictions

27 ⁶ *Donald Trump Super Bowl interview transcript with Fox News’ Bill O’ Reilly*, SBNation
28 (released Feb. 5, 2017), <https://www.sbnation.com/2017/2/5/14516156/donald-trump-interview-transcript-bill-oreilly-super-bowl-2017>.

⁷ Memorandum from Michael E. Horowitz, Inspector Gen., U.S. Dep’t of Justice, to Karol V. Mason, Assistant Attorney Gen., Office of Justice Program, U.S. Dep’t of Justice, Department of Justice Referral of Allegations of Potential Violations of 8 U.S.C. § 1373 by Grant Recipients, U.S. Department of Justice, Office of the Inspector General 13 (May 31, 2016).

1 on employees providing such information to ICE.” *OIG Rep.* at 7 n.9. *OIG* remarked that laws
 2 and policies that “apply to the handling of ICE detainer requests, may have a broader practical
 3 impact on the level of cooperation afforded to ICE by these jurisdictions and may, therefore, be
 4 inconsistent with at least the intent of Section 1373.” *Id.* at 7. *OIG* identified several
 5 jurisdictions as possibly violating Section 1373 because they either prohibited the disclosure of
 6 release dates or defined the parameters under which the jurisdictions may respond to such
 7 requests. *Id.* at 7-8. Furthermore, it noted that one jurisdiction that both prohibited the initiation
 8 of immigration status investigations and regulated law enforcement’s response to an ICE request
 9 for an inmate’s release date, “raises a ... concern as to the limits it places on the authority of [law
 10 enforcement] officials to share information on that topic with ICE.” *Id.*

11 108. Defendants appear to rely on *OIG*’s findings. On March 27, 2017, in formal
 12 “Remarks Announcing Sanctuary Jurisdictions” discussing Section 1373, Defendant Sessions
 13 cited the *OIG* Report to support his statement that policies that limit compliance with detainer
 14 requests “violate federal laws.” Defendant Sessions claimed that such policies limiting
 15 compliance with detainer requests put jurisdictions “at risk of losing valuable federal dollars.”⁸

16 109. In Congressional testimony three months later, ICE Acting Director Thomas Homan
 17 told Congress that he viewed violators of Section 1373 as those that “have some sort of policy
 18 where they don’t honor detainees or allow [ICE] access to the jails.”⁹ Homan also said in that
 19 testimony that Section 1373 not only covers “sharing the information, but allow[ing] us access to
 20 the jails.” *Id.* at 45-46.¹⁰

21 ⁸ Attorney General Jeff Sessions, *Attorney General Jeff Sessions Delivers Remarks on*
 22 *Sanctuary Jurisdictions*, U.S. Dep’t of Justice (Mar. 27, 2017),
 23 [https://www.justice.gov/opa/speech/attorney-general-jeff-sessions-delivers-remarks-sanctuary-](https://www.justice.gov/opa/speech/attorney-general-jeff-sessions-delivers-remarks-sanctuary-jurisdictions)
 24 [jurisdictions.](https://www.justice.gov/opa/speech/attorney-general-jeff-sessions-delivers-remarks-sanctuary-jurisdictions)

25 ⁹ *ICE and CBP F.Y. 2018 Budget Request: Hearing Before the Subcomm. on Homeland*
 26 *Security of the H. Appropriations Comm. Hr’g Tr.*, 115th Cong., Fed. News Serv. Transcripts,
 27 2017 WLNR 18737622, 33-34 (June 13, 2017) (statement of ICE Acting Director Thomas
 28 Homan).

¹⁰ Although, California’s laws do not prohibit ICE’s access to detention facilities, in a
 letter to the Chief Justice of California sent on March 31, 2017, Defendant Sessions and then-
 DHS Secretary John F. Kelly said that the “the State of California and many of its largest counties
 and cities, have enacted statutes and ordinances designed to specifically prohibit or hinder ICE
 from enforcing immigration law by ... denying requests by ICE officers and agents to enter
 prisons and jails to make arrests.” *Attorney General Jefferson B. Sessions and Secretary John F.*

1 110. On April 21, 2017, Defendant Hanson sent letters to nine of the ten jurisdictions
 2 identified in the OIG Report that received a JAG award in 2016, including the BSCC, demanding
 3 that they submit an official legal opinion validating their compliance with Section 1373.¹¹ In a
 4 connected press release, Defendant USDOJ claimed that OIG had previously identified these
 5 jurisdictions, including the State of California, “as having laws that potentially violate 8 U.S.C. §
 6 1373.”¹² In a speech that same day in San Diego, California, Defendant Sessions reiterated that
 7 “the Department of Justice sent letters to jurisdictions that were identified (by the Obama
 8 administration) as having policies that potentially violate federal law to receive millions in federal
 9 grants.”¹³ Defendant Sessions identified the State of California as being one of those jurisdictions
 10 potentially in violation of Section 1373.

11 **B. Defendants’ Actions since California’s Submission of a Legal Opinion**
 12 **Validating Compliance Support a Credible Fear that Defendants Will**
 13 **Wrongfully Withhold Funding on the Basis of Section 1373**

14 111. Given Defendants’ reliance on OIG’s erroneous interpretation of Section 1373,
 15 California has a credible fear that Defendants will withhold JAG and COPS funding away from
 16 the State.

17 112. On June 29, 2017, the BSCC, the State entity that directly receives the JAG award,
 18 submitted its legal opinion explaining that the State’s laws, including the TRUST and TRUTH
 19 Acts, do not violate Section 1373.

20 113. Subsequently, on July 6, 2017, Defendant Sessions suggested, without any support,
 21 that the jurisdictions that submitted the Section 1373 legal opinions may not be in compliance
 22 with Section 1373, saying, “It is not enough to assert compliance, the jurisdictions must actually

23 _____
 24 *Kelly Letter to the Honorable Tani G. Cantil*, N.Y. Times (Mar. 31, 2017),
 25 <https://www.nytimes.com/interactive/2017/03/31/us/sessions-kelly-letter.html>.

26 ¹¹ Press Release, U.S. Dep’t of Justice, *Department of Justice Sends Letter to Nine*
 27 *Jurisdictions Requiring Proof of Compliance with 8 U.S.C. § 1373* (Apr. 21, 2017),
 28 <https://www.justice.gov/opa/pr/department-justice-sends-letter-nine-jurisdictions-requiring-proof-compliance-8-usc-1373>.

¹² *Id.*

¹³ Attorney General Jeff Sessions, *Attorney General Jeff Sessions Delivers Remarks Before Media Availability in San Diego, California*, U.S. Dep’t of Justice (Apr. 21, 2017), <https://www.justice.gov/opa/speech/attorney-general-jeff-sessions-delivers-remarks-media-availability-san-diego-california>.

1 be in compliance.”¹⁴

2 114. On that same date, Defendant USDOJ asserted that it would make a determination
3 soon whether the jurisdictions that submitted the requested legal opinions comply with Section
4 1373.

5 115. In August 2017, Defendants informed at least two of those jurisdictions that they
6 comply with Section 1373.

7 116. On October 12, 2017, Defendants announced results of their preliminary compliance
8 assessments for the remaining jurisdictions except California. Defendants announced that they
9 had found no evidence that two of the jurisdictions are currently out of compliance with Section
10 1373. Defendants announced that they had preliminarily determined that five of the jurisdictions
11 do not appear to comply with Section 1373. Defendants determined that four of the five
12 jurisdictions appear to violate Section 1373 on its face because they regulate the sharing of
13 release dates. Defendants determined that one of the five jurisdictions appears to violate Section
14 1373 because it protects the disclosure of information regarding victims of crime. And
15 Defendants noted that all five of the jurisdictions that limit inquiries into one’s immigration status
16 may violate Section 1373, depending on how their laws or policies are applied.¹⁵

17 117. As a result of the above, California must assume, based on Defendants USDOJ and
18 Sessions’ rhetoric and Defendants’ determinations as to other jurisdictions, that California is in
19 danger of being found not to be in compliance with Section 1373.

20 **VIII. THE IMPOSITION OF THE ILLEGAL FUNDING CONDITIONS WILL CREATE**
21 **IRREPARABLE HARM TO THE STATE AND ITS LOCAL JURISDICTIONS**

22 118. Defendants’ actions create the prospect that the State and/or its local jurisdictions will
23 have to decide whether they may have to forego acceptance of their JAG awards, unless there is

24 _____
25 ¹⁴ Press Release, U.S. Dep’t of Justice, *Department of Justice Reviewing Letters from Ten*
Potential Sanctuary Jurisdictions (July 6, 2017), <https://www.justice.gov/opa/pr/department-justice-reviewing-letters-ten-potential-sanctuary-jurisdictions>.

26 ¹⁵ Press Release, U.S. Dep’t of Justice, *Justice Department Provides Last Chance for*
27 *Cities to Show Section 1373 Compliance* (Oct. 12, 2017), <https://www.justice.gov/opa/pr/justice-department-provides-last-chance-cities-show-1373-compliance> (Section 1373 Compliance
28 Determination Letters sent to Chicago, Cook County, New Orleans, New York, and Philadelphia).

1 clarification about the scope of the new conditions and Defendants' interpretation of Section
2 1373. That means a loss of critical law enforcement funds of up to \$28.3 million for JAG and
3 \$2.8 million for COPS, in the event those monies are withheld by Defendants, that would
4 otherwise go toward programs throughout the State that reduce recidivism for at-risk youth,
5 counter the distribution of illegal drugs, advance community policing, and improve educational
6 outcomes.

7 119. Another prospect is that the State and/or its localities accept the funding and change
8 their public-safety oriented laws and policies in order to ensure they are viewed as complying
9 with these ambiguous JAG Access and Notification Conditions, and with Section 1373 based on
10 the Defendants' actions seeking to interpret and enforce Section 1373 in an erroneous and
11 unconstitutional manner. Abandoning these policies, that law enforcement has found to be
12 effective in their communities, would divert resources away from fighting crime and erode trust
13 between the State and local governments and their immigrant communities that the TRUST and
14 TRUTH Acts, the Values Act, and the Shield Confidentiality Statutes, as well as local ordinances,
15 are intended to build.

16 120. In order to compel jurisdictions to adopt its federal immigration enforcement
17 program, the Administration has admitted that it intends to force state and local jurisdictions to
18 abandon policies these jurisdictions have adopted based on their considered judgment on how
19 best to enhance public safety. The ambiguity of these conditions is part and parcel of the
20 Administration's plan to create a chilling effect that makes state and local jurisdictions think
21 twice about maintaining their current policies. If Defendants clarify the JAG Access Condition to
22 explain that they expect jurisdictions to not provide any procedural protections to detainees before
23 an ICE interview, jurisdictions will still feel pressured to change their laws or policies to avoid
24 losing any federal funding. Defendants' (perhaps intentional) silence on how they interpret the
25 State's compliance with Section 1373 only adds to this pressure.

26 121. By their actions, Defendants are compelling state and local governments to make a
27 decision about whether to modify or abandon public safety policies or forego federal funding
28 without providing clarity about the scope of the conditions, or even Defendant's interpretation of

1 Section 1373 as applied to the State. This forces jurisdictions to sign an unqualified certification
2 under penalty of perjury within 45 days of receiving the final JAG award conditions in the face of
3 the doubt that Defendants have created through their specious interpretations of Section 1373 and
4 their failure to timely respond to the BSCC’s legal opinion. And this makes it unlikely that the
5 State will receive the COPS awards that will be granted soon. Defendants’ scheme undermines
6 public safety, is unconstitutional, and should be halted.

7 **FIRST CLAIM FOR RELIEF**

8 **VIOLATION OF CONSTITUTIONAL SEPARATION OF POWERS**

9 **(JAG Access and Notification Conditions)**

10 122. Plaintiff incorporates the allegations of the preceding paragraphs by reference.

11 123. Article I, Section I of the United States Constitution enumerates that “[a]ll legislative
12 Powers herein granted shall be vested in [the] Congress.”

13 124. Article I, Section VIII of the United States Constitution vests exclusively in Congress
14 the spending power to “provide for . . . the General Welfare of the United States.”

15 125. Defendants have exceeded Congressional authority by adding conditions requiring
16 jurisdictions to provide access to detention facilities to interview inmates and to comply with
17 notification requests that are not conferred by the JAG authorizing statute or any other federal
18 law. *See* 34 U.S.C. §§ 10151-58 *et seq.* The new Access and Notification Conditions therefore
19 unlawfully exceed the Executive Branch’s powers and intrude upon the powers of Congress.

20 126. For the reasons stated herein, the Access and Notification Conditions in the JAG
21 Solicitations are unlawful, unconstitutional, and should be set aside under 28 U.S.C. § 2201.

22 **SECOND CLAIM FOR RELIEF**

23 **VIOLATION OF CONGRESSIONAL SPENDING AUTHORITY**

24 **(JAG Section 1373, Access, and Notification Conditions)**

25 127. Plaintiff incorporates the allegations of the preceding paragraphs by reference.

26 128. Congress’ spending power is not unlimited. When “Congress desires to condition the
27 States’ receipt of federal funds, it ‘must do so (a) unambiguously . . . , enabl[ing] the States to
28 exercise their choice knowingly, cognizant of the consequences of their participation;’” and (b)

1 by placing conditions that are related “to the federal interest in particular national projects or
2 programs.” *South Dakota v. Dole*, 483 U.S. 203, 207 (1987).

3 129. To the extent that Congress delegated its authority to impose conditions (special
4 conditions or otherwise) on JAG funding (which Plaintiff does not concede), the Section 1373,
5 Access, and Notification Conditions violate the Spending Clause of the U.S. Constitution.

6 130. The Section 1373, Access, and Notification Conditions are unrelated to the “federal
7 interest in particular national projects or programs” for which Congress intended JAG funding to
8 be used.

9 131. The Access and Notification Conditions violate the Spending Clause because they
10 are ambiguous and do not provide the State with notice to make a “choice knowingly” of whether
11 to comply.

12 132. For the reasons stated herein, the Section 1373, Access, and Notification Conditions
13 in the JAG Solicitations are unlawful, unconstitutional, and should be set aside under 28 U.S.C. §
14 2201.

15 **THIRD CLAIM FOR RELIEF**

16 **VIOLATION OF ADMINISTRATIVE PROCEDURE ACT**

17 **(Constitutional Violations and Excess of Statutory Authority as to the JAG Section 1373,
18 Access, and Notification Conditions)**

19 133. Plaintiff incorporates the allegations of the preceding paragraphs by reference.

20 134. Defendant USDOJ is an “agency” under the APA, 5 U.S.C. § 551(1), and the JAG
21 Solicitations are “agency action[s]” under the APA, *id.* § 551(13).

22 135. The JAG Solicitations constitute “[a]gency action[s] made reviewable by statute and
23 final agency action for which there is no other adequate remedy in a court.” *Id.* § 704.

24 136. The APA requires that a court “hold unlawful and set aside agency action, findings,
25 and conclusions found to be ... contrary to constitutional right, power, privilege, or immunity,” or
26 “in excess of statutory jurisdiction, authority, or limitations, or short of statutory right.” *Id.* §
27 706(2)(B)-(C).

28 137. Defendants’ imposition of the Access and Notification Conditions in the JAG

1 Solicitations is unconstitutional because Defendants overstepped their powers by exercising
2 lawmaking authority that is solely reserved to Congress under Article I, Section I of the U.S.
3 Constitution. Also, Defendants' imposition of the Access and Notification Conditions in the JAG
4 Solicitations was in excess of their statutory authority. Furthermore, the Section 1373, Access,
5 and Notification Conditions violate the Spending Clause because they are unrelated to the federal
6 purpose of the grant and/or are ambiguous.

7 138. Because Defendants acted unconstitutionally and in excess of their statutory authority
8 through the JAG Solicitations, these actions are unlawful and should be set aside under 5 U.S.C. §
9 706.

10 **FOURTH CLAIM FOR RELIEF**

11 **VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT**

12 **(Arbitrary and Capricious as to the JAG Section 1373, Access, and Notification Conditions)**

13 139. Plaintiff incorporates the allegations of the preceding paragraphs by reference.

14 140. Defendant USDOJ is an "agency" under the APA, 5 U.S.C. § 551(1), and the JAG
15 Solicitations are "agency action[s]" under the APA, *id.* § 551(13).

16 141. The JAG Solicitations constitute "[a]gency action[s] made reviewable by statute and
17 final agency action for which there is no other adequate remedy in a court." *Id.* § 704.

18 142. The APA requires that a court "hold unlawful and set aside agency action, findings,
19 and conclusions found to be ... arbitrary, capricious, an abuse of discretion, or otherwise not in
20 accordance with law." *Id.* § 706(2)(A).

21 143. The imposition of the Section 1373, Access, and Notification Conditions is arbitrary
22 and capricious and an abuse of discretion because Defendants have relied on factors that
23 Congress did not intend by adding these conditions to JAG funding.

24 144. For the reasons discussed herein, the Section 1373, Access and Notification
25 Conditions in the JAG Solicitations are unlawful and should be set aside under 5 U.S.C. § 706 for
26 being arbitrary and capricious and an abuse of discretion.

27 **FIFTH CAUSE OF ACTION**

28 **DECLARATORY RELIEF**

(JAG and COPS Section 1373 Conditions)

145. Plaintiff incorporates the allegations of the preceding paragraphs by reference.

146. An actual controversy exists as to whether the State of California and its localities comply with the Section 1373 Conditions in the JAG and COPS Solicitations on the basis of the TRUST, TRUTH, and Values Acts and California's Shield Confidentiality Statutes. Although California law complies with Section 1373, Defendants' statements indicate that they will determine that California does not comply with Section 1373, and thus, the conditions.

147. Section 1373 only governs restrictions on the sharing and receiving of immigration and citizenship status information, and requesting from federal immigration enforcement agents, and maintaining of, immigration status information. Section 1373 does not prohibit restrictions on asking an individual about his or her immigration status, detainer requests, notification requests, ICE's access to jails, or requests for other personal information. *See Steinle v. City and County of San Francisco*, 230 F. Supp.3d 994, 1015-16 (N.D. Cal. 2017). Therefore, the TRUST, TRUTH, and Values Acts comply with Section 1373

148. Section 1373 must be read in the context of the entire INA and in light of limitations set forth in the U.S. Constitution. The Supreme Court has often "read significant limitations into . . . immigration statutes in order to avoid their constitutional invalidation." *Zadvydas v. Davis*, 533 U.S. 678, 689 (2001).

149. The Tenth Amendment further prohibits the federal government from requiring states and localities "to govern according to Congress's instructions" or "command[ing] state officers . . . to administer or enforce a federal regulatory program." *Printz v. United States*, 521 U.S. 898, 935 (1997); *see also New York v. United States*, 505 U.S. 144, 161 (1992). Specifically, where the "whole object" of a provision of a federal statute is to "direct the functioning" of state and local governments, that provision is unconstitutional. *Printz*, 521 U.S. at 932.

150. If Section 1373 is read to extend to the TRUST, TRUTH, and Values Act and/or California's Shield Confidentiality Statutes, that would undermine the State's ability to ensure law and order, and execute over sovereign state and local government functions. As a result, the

1 federal government would be commandeering the State and its political subdivisions by directing
2 their personnel how to act and handle data under State and local control in order to advance a
3 federal program. Such an interference would be a violation of the Tenth Amendment. *See Printz*,
4 521 U.S. at 932 & n.17, 935.

5 151. Thus, any non-disclosure about immigration status information that the State's Shield
6 Confidentiality Statutes direct is consistent with Section 1373 when read in light of the U.S.
7 Constitution.

8 152. Pursuant to 28 U.S.C. § 2201, Plaintiff is entitled to a declaration that the TRUST,
9 TRUTH, and Values Acts and the State's Shield Confidentiality Statutes comply with Section
10 1373 as properly interpreted and construed, and thus, should not be a basis for withholding and
11 terminating federal funding, or disbaring and making ineligible the State and its political
12 subdivisions.

13 153. Alternatively, Plaintiff is entitled to a declaration that Section 1373 cannot be
14 constitutionally enforced against the TRUST, TRUTH, and Values Act and the State's Shield
15 Confidentiality Statutes under the Tenth Amendment of the U.S. Constitution, and thus, should
16 not be a basis for withholding and terminating federal funding, or disbaring and making
17 ineligible the State and its political subdivisions.

18 **PRAYER FOR RELIEF**

19 WHEREFORE, Plaintiff, including the State of California, respectfully requests that this
20 Court enter judgment in its favor, and grant the following relief:

21 1. Issue a declaration that the Section 1373, Access, and Notification Conditions in the
22 JAG Solicitations are unconstitutional and/or unlawful because (a) they exceed the Congressional
23 authority conferred to the Executive Branch; (b) to the extent there is Congressional
24 authorization, they exceed the Congress's spending powers under Article I of the Constitution;
25 and/or (c) they violate the Administrative Procedure Act;

26 2. Permanently enjoin Defendants from using the Section 1373, Access, and
27 Notification Conditions as restrictions for JAG funding;
28

1 3. Permanently enjoin Defendants from withholding and terminating, or disbaring and
2 making ineligible the State and its political subdivisions for JAG and COPS funding on account
3 of the TRUST, TRUTH, and Values Acts;

4 4. Permanently enjoin Defendants from withholding, terminating, disbaring, or making
5 any state entity or local jurisdiction ineligible for JAG and COPS funding on account of the
6 State's Shield Confidentiality Statutes;

7 5. Issue a declaration that the TRUST, TRUTH, and Values Acts comply with Section
8 1373;

9 6. Issue a declaration that California's Shield Confidentiality Statutes comply with
10 Section 1373;

11 7. In the alternative, issue a declaration that Section 1373 cannot be lawfully enforced as
12 to the TRUST, TRUTH, and Values Acts;

13 8. In the alternative; issue a declaration that Section 1373 cannot be lawfully enforced as
14 to California's Shield Confidentiality Statutes; and

15 9 Award the State costs and grant such other relief as the Court may deem just and
16 proper.

17 Dated: October 13, 2017

Respectfully submitted,

18
19 XAVIER BECERRA
20 Attorney General of California
21 ANGELA SIERRA
22 Senior Assistant Attorney General
23 SATOSHI YANAI
24 Supervising Deputy Attorney General
25 SARAH BELTON
26 Deputy Attorney General

27
28 */s/Lee Sherman*
 /s/Lisa C. Ehrlich
 LEE SHERMAN
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 Attorneys for the State of California

EXHIBIT A – STATE JAG SOLICITATION

OMB No. 1121-0329
Approval Expires 12/31/2018

U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance



The U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA) is seeking applications for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program. This program furthers the Department's mission by assisting State, local, and tribal efforts to prevent or reduce crime and violence.

Edward Byrne Memorial Justice Assistance Grant Program FY 2017 State Solicitation Applications Due: August 25, 2017

Eligibility

Only States may apply under this solicitation. 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. (Throughout this solicitation, each reference to a State or States includes all of these 56 jurisdictions.)

A JAG application is not complete, and a State may not receive award funds, unless the chief executive of the applicant State (e.g., the governor) properly executes, and the State submits, the "Certifications and Assurances by Chief Executive of Applicant Government" attached to this solicitation as Appendix I.

In addition, as discussed further below, in order validly to accept an FY 2017 JAG award, the chief legal officer of the applicant State must properly execute, and the State must submit, the specific certification regarding compliance with 8 U.S.C. § 1373 attached to this solicitation as Appendix II. (The text of 8 U.S.C. § 1373 appears in Appendix III.)

The expected allocations by State for the FY 2017 JAG program can be found at:
<https://www.bja.gov/Funding/17JAGStateAllocations.pdf>.

Deadline

Applicants must register in the OJP Grants Management System (GMS) prior to submitting an application under this solicitation. All applicants must register, even those that previously registered in GMS. Select the "Apply Online" button associated with the solicitation title. All registrations and applications are due by 5 p.m. eastern time on August 25, 2017.

This deadline does **not** apply to the certification regarding compliance with 8 U.S.C. § 1373. As explained below, a State may not validly accept an award, however, unless that certification is submitted to OJP on or before the day the State submits the signed award acceptance documents.

For additional information, see How to Apply in Section D. Application and Submission Information.

Contact Information

For technical assistance with submitting an application, contact the Grants Management System Support Hotline at 888-549-9901, option 3, or via email at GMS.HelpDesk@usdoj.gov. The GMS Support Hotline operates 24 hours a day, 7 days a week, including on federal holidays.

An applicant that experiences unforeseen GMS technical issues beyond its control that prevent it from submitting its application by the deadline must email the National Criminal Justice Reference Service (NCJRS) Response Center at grants@ncjrs.gov **within 24 hours after the application deadline** in order to request approval to submit its application. Additional information on reporting technical issues appears under "Experiencing Unforeseen GMS Technical Issues" in the How to Apply in Section D. Application and Submission Information.

For assistance with any other requirement of this solicitation, applicants may contact the NCJRS Response Center by telephone at 1-800-851-3420; via TTY at 301-240-6310 (hearing impaired only); by email at grants@ncjrs.gov; by fax to 301-240-5830, or by web chat at <https://webcontact.ncjrs.gov/ncjchat/chat.jsp>. The NCJRS Response Center hours of operation are 10:00 a.m. to 6:00 p.m. eastern time, Monday through Friday, and 10:00 a.m. to 8:00 p.m. eastern time on the solicitation close date. Applicants also may contact the appropriate BJA State Policy Advisor.

Grants.gov number assigned to this solicitation: BJA-2017-11360

Release date: July 25, 2017

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Edward Byrne Memorial Justice Assistance Grant Program

FY 2017 State Solicitation CFDA #16.738

A. Program Description

Overview

The Edward Byrne Memorial Justice Assistance Grant (JAG) Program is the primary provider of federal criminal justice funding to States and units of local government. BJA will award JAG program funds to eligible States under this FY 2017 JAG Program State Solicitation. (A separate solicitation will be issued for applications to BJA directly from units of local government.)

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

Program-Specific Information

Permissible uses of JAG Funds -- In general

In general, JAG funds awarded to a State under this FY 2017 solicitation 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.

Under the JAG program, States may use award funds for broadband deployment and adoption activities as they relate to criminal justice activities.

Limitations on the use of JAG funds

Prohibited and controlled uses of funds. JAG funds may not be used (whether directly or indirectly) for any purpose prohibited by federal statute or regulation, including those purposes specifically prohibited by the JAG program statute as set out at 42 U.S.C. § 3751(d):

- (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.

For additional information on expenditures prohibited under JAG, as well as expenditures that are permitted but "controlled," along with the process for requesting approval regarding controlled items, refer to the JAG Prohibited and Controlled Expenditures Guidance. Information also appears in the JAG FAQs.

Cap on use of JAG award funds for administrative costs – A State 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.

Prohibition of supplanting; no use of JAG funds as "match" – 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 law enforcement activities. See the JAG FAQs on BJA's JAG web page for examples of supplanting.

Although supplanting is prohibited, as discussed under "What An Application Should Include," the leveraging of federal funding is encouraged.

Absent specific federal statutory authority to do so, JAG award funds may not be used as "match" for the purposes of other federal awards.

Other restrictions on use of funds. If a State chooses to use its FY 2017 JAG funds for particular, defined types of expenditures, it must satisfy certain preconditions.

- Body-Worn Cameras (BWC)

A State that proposes to use FY 2017 JAG award funds to purchase BWC equipment, or to implement or enhance BWC programs, must provide to OJP a certification(s) that the State (or, if applicable, that any unit of local government that will receive funds from the State for BWC purposes) has policies and procedures in place related to BWC equipment usage, data storage and access, privacy considerations, training, etc. The certification can be found at <https://www.bja.gov/Funding/BodyWornCameraCert.pdf>.

A State that proposes to use JAG funds for BWC-related expenses (including through a unit of local government receiving funds from the State) 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.

Apart from the JAG program, BJA provides funds under the Body-Worn Camera Policy and Implementation Program (BWC Program). The BWC Program allows jurisdictions to develop and implement policies and practices required for effective program adoption, and address program factors including the purchase, deployment, and maintenance of camera systems and equipment; data storage and access; and privacy considerations. Interested States may wish to refer to the BWC web page for more information. States should note, however, that JAG funds may not be used as any part of the 50 percent match required by the BWC Program.

▪ Body Armor

Ballistic-resistant and stab-resistant body armor can be funded through the JAG Program, as well as through BJA's Bulletproof Vest Partnership (BVP) Program. The BVP Program is designed to provide a critical resource to State and 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. States should note, however, that JAG funds may not be used as any part of the 50 percent match required by the BVP Program.

Body armor purchased with JAG funds may be purchased at any threat level, make, or model from any distributor or manufacturer, as long as the body armor has been tested and found to comply with the latest applicable National Institute of Justice (NIJ) ballistic or stab standards. In addition, body armor purchased must be made in the United States.

As is the case in the BVP Program, States 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. FAQs related to the mandatory wear policy and certifications can be found at <https://www.bja.gov/Funding/JAGFAQ.pdf>. This policy must be in place for at least all uniformed officers before any FY 2017 funding can be used by the State for body armor. There are no requirements regarding the nature of the policy other than it being a mandatory wear policy for all uniformed officers while on duty. The certification must be signed by the Authorized Representative and must be attached to the application, if proposed as part of the application. If the State proposes to change project activities to utilize JAG funds to purchase body armor after the award is accepted, the State must submit the signed certification to BJA at that time. A mandatory wear concept and issues paper and a model policy are available by contacting the BVP Customer Support Center at vests@usdoj.gov or toll free at 1-877-758-3787. The certification form related to mandatory wear can be found at: www.bja.gov/Funding/BodyArmorMandatoryWearCert.pdf.

▪ DNA Testing of Evidentiary Materials and Upload of DNA Profiles to a Database

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 FBI) by a government DNA lab with access to CODIS. No profiles generated with JAG funding may be entered into any other non-governmental DNA database without prior express written approval from BJA.

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

▪ Interoperable Communication

States (including subrecipients) that use FY 2017 JAG funds to support emergency communications activities (including the purchase of interoperable communications equipment and technologies such as voice-over-internet protocol bridging or gateway devices, or equipment to support the build out of wireless broadband networks in the 700 MHz public safety band under the Federal Communications Commission [FCC] Waiver Order) should review FY 2017 SAFECOM Guidance. The SAFECOM Guidance is updated annually to provide current information on emergency communications policies, eligible costs, best practices, and technical standards for State, local, tribal, and territorial grantees investing federal funds in emergency communications projects. Additionally, emergency communications projects should support the Statewide Communication Interoperability Plan (SCIP) and be coordinated with the full-time Statewide Interoperability Coordinator (SWIC) in the State of the project. As the central coordination point for their State's interoperability effort, the SWIC plays a critical role, and can serve as a valuable resource. SWICs are responsible for the implementation of the SCIP through coordination and collaboration with the emergency response community. The U.S. Department of Homeland Security Office of Emergency Communications maintains a list of SWICs for each of the States and territories. Contact OEC@hq.dhs.gov. All communications equipment purchased with FY 2017 JAG program funding should be identified during quarterly performance metrics reporting.

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

State obligations regarding use of JAG funds and units of local government

A State that applies for and receives an FY 2017 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 Bureau of Justice Statistics (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 FY 2017 award to a recipient State can be found at: <https://www.bja.gov/iag/pdfs/VPT-for-SAAs-updated-June-2017.pdf>. (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.)

In certain circumstances, some or all of a project administered by a recipient State may count as part of the variable 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 best interests of the unit of local government. See the JAG FAQs for an example.

- Appropriately use or distribute the amount of funds that are *added* to the State's FY 2017 award because certain units of local government within the State are ineligible for a direct FY 2017 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 FY 2017 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.
- Ensure that any court disposition or other records generated by JAG-funded programs are made available to State repositories if they are relevant to the National Instant Background Check System (NICS) determinations.

Required compliance with applicable federal laws

By law, the chief executive (e.g., the governor) of each State that applies for an FY 2017 JAG award must certify that the State will "comply with all provisions of [the JAG program statute] and all other applicable Federal laws." To satisfy this requirement, each State applicant must submit two properly-executed certifications, using the forms shown at Appendix I and II.

All applicants should understand that OJP awards, including certifications provided in connection with such awards, are subject to review by DOJ, including by OJP and by the DOJ Office of the Inspector General. Applicants also should understand that a materially false, fictitious, or fraudulent statement (or concealment or omission of a material fact) in a certification submitted to OJP in support of an application may be the subject of criminal prosecution, and also may result in civil penalties and administrative remedies for false claims or otherwise. Administrative remedies that may be available to OJP with respect to an FY 2017 award include suspension or termination of the award, placement on the DOJ high-risk grantee list, disallowance of costs, and suspension or debarment of the recipient.

Potential funding reductions for noncompliance with PREA and SORNA

Prison Rape Elimination Act of 2003 (PREA). In 2012, DOJ published National PREA Standards, which were promulgated to prevent, detect, and respond to sexual victimization and abuse in confinement settings. The PREA 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: (1) 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 Standards in future years; or (2) the chief executive requests that the affected funds be held in abeyance by DOJ. See 42 U.S.C. § 15607(e)(2).

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

For additional information concerning PREA implementation, send inquiries to the PREA Management Office at PREACompliance@usdoj.gov and/or review the [PREA FAQs](#).

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 a jurisdiction has failed to have substantially implemented 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.

For additional information regarding SORNA implementation, including requirements and a list of States that will be affected in FY 2017 by the 10-percent reduction to JAG awards, contact Samantha Opong with the OJP Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART Office) at Samantha.Opong@usdoj.gov or 202-514-9320. Additional SORNA guidance can be found within the [SORNA FAQs](#).

BJA Areas of Emphasis

BJA recognizes that there are significant pressures on State and local criminal justice systems. In these challenging times, shared priorities and leveraged resources can make a significant impact. BJA intends to focus much of its work as a component of OJP on the areas of emphasis described below, and encourages each State recipient of an FY 2017 JAG award to join us in addressing these challenges.

Reducing Gun Violence – Gun violence has touched nearly every State and local government in America. While our nation has made great strides in reducing violent crime, some municipalities and regions continue to experience unacceptable levels of violent crime at rates far in excess of the national average. BJA encourages States to invest JAG funds in programs to combat gun violence, enforce existing firearms laws, and improve the process for ensuring that persons prohibited from purchasing guns are prevented from doing so, by enhancing reporting to the FBI's NICS.

National Incident-Based Reporting System (NIBRS) – The FBI has formally announced its intentions to establish NIBRS as the law enforcement (LE) crime data reporting standard for the nation. The transition to NIBRS will provide a more complete and accurate picture of crime at the national, State, and local level. Once this transition is complete, the FBI will no longer collect summary data and will accept data only in the NIBRS format. Also, once the transition is

complete, JAG award amounts will be calculated on the basis of submitted NIBRS data. Transitioning all law enforcement agencies to NIBRS is the first step in gathering more comprehensive crime data. BJA encourages State recipients of FY 2017 JAG awards to use JAG funds to expedite the transition to NIBRS.

Officer Safety and Wellness – The issue of law enforcement safety and wellness is an important priority for the Department of Justice. Preliminary data compiled by the National Law Enforcement Officers Memorial Fund indicates that there were 135 line-of-duty law enforcement deaths in 2016 – the highest level in the past five years, and a 10 percent increase from 2015 (123 deaths).

Firearms-related deaths continued to be the leading cause of death (64), increasing 56 percent from 2015 (41). Of particular concern is that, of the 64 firearms-related deaths, 21 were as a result of ambush-style attacks representing the highest total in more than two decades. Traffic-related deaths continued to rise in 2016 with 53 officers killed, a 10 percent increase from 2015 (48 deaths). Additionally, there were 11 job-related illness deaths in 2016, mostly heart attacks.

BJA sees a vital need to focus not only on tactical officer safety concerns, but also on health and wellness as they affect officer performance and safety. It is important for law enforcement to have the tactical skills necessary, and also be physically and mentally well, to perform, survive, and be resilient in the face of the demanding duties of the profession. BJA encourages States to use JAG funds to address these needs by providing training, such as paying for tuition and travel expenses related to attending trainings such as the VALOR training, as well as funding for health and wellness programs for law enforcement officers.

Border Security – The security of the United States borders is critically important to the reduction and prevention of transnational drug-trafficking networks and combating all forms of human trafficking networks within the United States (sex and labor trafficking of foreign nationals and U.S. citizens of all sexes and ages). These smuggling operations on both sides of the border contribute to a significant increase in violent crime and United States deaths from dangerous drugs. Additionally, illegal immigration continues to place a significant strain on federal, State, and local resources—particularly those agencies charged with border security and immigration enforcement—as well as the local communities into which many of the illegal immigrants are placed. BJA encourages States to use JAG funds to support law enforcement hiring, training, and technology enhancement in the area of border security.

Collaborative Prosecution – BJA supports strong partnerships between prosecutors and police as a mean to improve case outcomes and take violent offenders off the street. BJA strongly encourages State and local law enforcement to foster strong partnerships with prosecutors to adopt new collaborative strategies aimed at combating increases in crime, particularly violent crime. (BJA's "Smart Prosecution" Initiative is a related effort by OJP to promote partnerships between prosecutors and researchers to develop and deliver effective, data-driven, evidence-based strategies to solve chronic problems and fight crime.)

Goals, Objectives, and Deliverables

In general, the FY 2017 JAG State program is designed to provide additional personnel, equipment, supplies, contractual support, training, technical assistance, and information systems for criminal justice. Although the JAG State program provides assistance directly to States, through pass-through (and similar) requirements, the JAG State program also is designed to assist units of local government with respect to criminal justice.

As discussed in more detail below, a State that receives an FY 2017 JAG award will be required to make various types of reports and to submit data related to performance measures and accountability. The Goals, Objectives and Deliverables are directly related to the JAG Program accountability measures at <https://bjapmt.ojp.gov/help/jagdocs.html>.

Evidence-Based Programs or Practices

OJP strongly emphasizes the use of data and evidence in policy making and program development in criminal justice, juvenile justice, and crime victim services. OJP is committed to:

- Improving the quantity and quality of evidence OJP generates.
- Integrating evidence into program, practice, and policy decisions within OJP and the field.
- Improving the translation of evidence into practice.

OJP considers programs and practices to be evidence-based when their effectiveness has been demonstrated by causal evidence, generally obtained through one or more outcome evaluations. Causal evidence documents a relationship between an activity or intervention (including technology) and its intended outcome, including measuring the direction and size of a change, and the extent to which a change may be attributed to the activity or intervention. Causal evidence depends on the use of scientific methods to rule out, to the extent possible, alternative explanations for the documented change. The strength of causal evidence, based on the factors described above, will influence the degree to which OJP considers a program or practice to be evidence-based. The OJP CrimeSolutions.gov website is one resource that applicants may use to find information about evidence-based programs in criminal justice, juvenile justice, and crime victim services.

A useful matrix of evidence-based policing programs and strategies is available through the Center for Evidence-Based Crime Policy at George Mason University. BJA offers a number of program models designed to effectively implement promising and evidence-based strategies through the BJA "Smart Suite" of programs including Smart Policing, Smart Supervision, Smart Pretrial, Smart Defense, Smart Prosecution, Smart Reentry, and others (see <https://www.bja.gov/Programs/CRPPE/smartsuite.html>). BJA encourages States to use JAG funds to support these "smart on crime" strategies, including effective partnerships with universities and research partners and with non-traditional criminal justice partners.

BJA Success Stories

The [BJA Success Stories](#) web page features projects that have demonstrated success or shown promise in reducing crime and positively impacting communities. This web page 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. **BJA strongly encourages the recipient to submit success stories annually (or more frequently).**

If a State has a Success Story it would like to submit, it may be submitted through [My BJA account](#), using "add a Success Story" and the Success Story Submission form. Register for a My BJA account using this [registration](#) link.

B. Federal Award Information

BJA expects to make up to 56 awards of up to \$17.7 million, with an estimated total amount awarded of up to \$174.4 million.

BJA plans to make awards for a four-year period of performance, to begin on October 1, 2016. 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 GMS no less than 30 days prior to the end of the period for performance.

The expected allocations by State for the FY 2017 JAG program can be found at: <https://www.bja.gov/Funding/17JAGStateAllocations.pdf>.

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

Type of Award

BJA expects that any award under this solicitation will be in the form of a grant. See Statutory and Regulatory Requirements: Award Conditions, under Section F. Federal Award Administration Information, for a brief discussion of important statutes, regulations, and award conditions that apply to many (or in some cases, all) OJP grants.

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 BJS to begin a four-step grant award calculation process, which, in general, consists of:

1. Computing an initial JAG allocation for each State, based on its share of violent crime and population (weighted equally).
2. 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 receive the minimum award plus an additional amount based on its share of violent crime and population.
3. 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.
4. Determining 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 OJP (under the JAG Local solicitation) for a JAG award. If the "eligible award amount" to a particular unit of local government as determined on this basis would be less than \$10,000, however, 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 above.)

Financial Management and System of Internal Controls

Award recipients and subrecipients (including recipients or subrecipients that are pass-through entities¹) must, as described in the Part 200 Uniform Requirements² as set out at 2 C.F.R. 200.303:

- (a) Establish and maintain effective internal control over the Federal award that provides reasonable assurance that [the recipient (and any subrecipient)] is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award. These internal controls should be in compliance with guidance in "Standards for Internal Control in the Federal Government" issued by the Comptroller General of the United States and the "Internal Control Integrated Framework", issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).
- (b) Comply with Federal statutes, regulations, and the terms and conditions of the Federal awards.
- (c) Evaluate and monitor [the recipient's (and any subrecipient's)] compliance with statutes, regulations, and the terms and conditions of Federal awards.
- (d) Take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings.
- (e) Take reasonable measures to safeguard protected personally identifiable information and other information the Federal awarding agency or pass-through entity designates as sensitive or [the recipient (or any subrecipient)] considers sensitive consistent with applicable Federal, State, local, and tribal laws regarding privacy and obligations of confidentiality.

To help ensure that applicants understand administrative requirements and cost principles, OJP encourages prospective applicants to enroll, at no charge, in the DOJ Grants Financial Management Online Training, available [here](#).

Budget and Financial Information

Trust Fund – SAAs 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 may or may not be an interest-bearing account. If subrecipients draw down JAG funds in advance, they also must establish a trust fund in which to deposit funds.

Tracking and reporting regarding JAG funds used for State administrative costs – As indicated earlier, a State 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 financial status reports

¹ For purposes of this solicitation, the phrase "pass-through entity" includes any recipient or subrecipient that provides a subaward ("subgrant") to carry out part of the funded award or program.

² The "Part 200 Uniform Requirements" refers to the DOJ regulation at 2 C.F.R Part 2800, which adopts (with certain modifications) the provisions of 2 C.F.R. Part 200.

(SF-425) those expenditures that specifically relate to each particular JAG Award during any particular reporting period.

No commingling. Both the State 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 comingling.*

Cost Sharing or Match Requirement

The JAG program does not require a match.

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

Pre-Agreement Costs (also known as Pre-award Costs)

Pre-agreement costs are costs incurred by the applicant prior to the start date of the period of performance of the grant award.

OJP does **not** typically approve pre-agreement costs. An applicant must request and obtain the prior written approval of OJP for any such costs. All such costs incurred prior to award and prior to approval of the costs are incurred *at the sole risk* of the applicant. (Generally, no applicant should incur project costs *before* submitting an application requesting federal funding for those costs.)

Should there be extenuating circumstances that make it appropriate for OJP to consider approving pre-agreement costs, the applicant may contact the point of contact listed on the title page of this solicitation for the requirements concerning written requests for approval. If approved in advance by OJP, award funds may be used for pre-agreement costs, consistent with the recipient's approved budget and applicable cost principles. See the section on "Costs Requiring Prior Approval" in the [DOJ Grants Financial Guide](#) for more information.

Prior Approval, Planning, and Reporting of Conference/Meeting/Training Costs

OJP strongly encourages every applicant that proposes to use award funds for any conference-, meeting-, or training-related activity (or similar event) to review carefully—before submitting an application—the OJP and DOJ policy and guidance on approval, planning, and reporting of such events, available at

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

OJP policy and guidance (1) encourage minimization of conference, meeting, and training costs; (2) require prior written approval (which may affect project timelines) of most conference, meeting, and training costs for cooperative agreement recipients, as well as some conference, meeting, and training costs for grant recipients; and (3) set cost limits, which include a general prohibition of all food and beverage costs.

Costs Associated with Language Assistance (if applicable)

If an applicant proposes a program or activity that would deliver services or benefits to individuals, the costs of taking reasonable steps to provide meaningful access to those services or benefits for individuals with limited English proficiency may be allowable. Reasonable steps to provide meaningful access to services or benefits may include interpretation or translation services, where appropriate.

For additional information, see the "Civil Rights Compliance" section under "Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2017 Awards" in the OJP Funding Resource Center.

C. Eligibility Information

For information on eligibility, see the title page of this solicitation.

Note that, as discussed in more detail below, the certification regarding compliance with 8 U.S.C. § 1373 must be executed and submitted before a State can make a valid award acceptance. Also, a State may not receive award funds (and its award will include a condition that withholds funds) until it submits a properly-executed "Certifications and Assurances by Chief Executive of Applicant Government."

D. Application and Submission Information

What an Application Should Include

This section describes in detail what an application should include. An applicant should anticipate that if it fails to submit an application that contains all of the specified elements, it may negatively affect the review of its application; and, should a decision be made to make an award, it may result in the inclusion of award conditions that preclude the recipient from accessing or using award funds until the recipient satisfies the conditions and OJP makes the funds available.

An applicant may combine the Budget Narrative and the Budget Detail Worksheet in one document. If an applicant submits only one budget document, however, it must contain **both** narrative and detail information. Please review the "Note on File Names and File Types" under How to Apply to be sure applications are submitted in permitted formats.

OJP strongly recommends that applicants use appropriately descriptive file names (e.g., "Program Narrative," "Budget Detail Worksheet and Budget Narrative," "Timelines," "Memoranda of Understanding," "Résumés") for all attachments. Also, OJP recommends that applicants include résumés in a single file.

In general, if a State fails to submit required information or documents, OJP either will return the State's application in the Grants Management System (GMS) for submission of the missing information or documents, or will attach a condition to the award that will withhold award funds until the necessary information and documents are submitted. (As discussed elsewhere in this solicitation, the certification regarding compliance with 8 U.S.C. § 1373 – which is set out at Appendix II – will be handled differently. Unless and until that certification is submitted, the State will be unable to make a valid acceptance of the award.)

1. Information to Complete the Application for Federal Assistance (SF-424)

The SF-424 is a required standard form used as a cover sheet for submission of pre-applications, applications, and related information. GMS takes information from the applicant's profile to populate the fields on this form.

To avoid processing delays, an applicant must include an accurate legal name on its SF-424. Current OJP award recipients, when completing the field for "Legal Name," should use the same legal name that appears on the prior year award document, which is also the legal name stored in OJP's financial system. On the SF-424, enter the Legal Name in box 5 and Employer Identification Number (EIN) in box 6 exactly as it appears on the prior year award document. An applicant with a current, active award(s) must ensure that its GMS profile is current. If the profile is not current, the applicant should submit a Grant Adjustment Notice updating the information on its GMS profile prior to applying under this solicitation.

A new applicant entity should enter the Official Legal Name and address of the applicant entity in box 5 and the EIN in box 6 of the SF-424.

Intergovernmental Review: This solicitation ("funding opportunity") is within the scope of Executive Order 12372, concerning State opportunities to coordinate applications for federal financial assistance. See 28 C.F.R. Part 30. An applicant may find the names and addresses of State Single Points of Contact (SPOCs) at the following website: https://www.whitehouse.gov/omb/grants_spoc/. If the State appears on the SPOC list, the applicant must contact the State SPOC to find out about, and comply with, the State's process under E.O. 12372. In completing the SF-424, an applicant whose State appears on the SPOC list is to make the appropriate selection in response to question 19 once the applicant has complied with its State E.O. 12372 process. (An applicant whose State does not appear on the SPOC list should answer question 19 by selecting the response that the "Program is subject to E.O. 12372 but has not been selected by the State for review.")

2. Project Abstract

Applications should include a high-quality project abstract that summarizes the proposed project in 400 words or less. Project abstracts should be:

- Written for a general public audience.
- Submitted as a separate attachment with "Project Abstract" as part of its file name.
- Single-spaced, using a standard 12-point font (Times New Roman) with 1-inch margins.
- Include applicant name, title of the project, a brief description of the problem to be addressed and the targeted area/population, project goals and objectives, a description of the project strategy, any significant partnerships, and anticipated outcomes.
- Identify up to 10 project identifiers that would be associated with proposed project activities. The list of identifiers can be found at www.bja.gov/funding/JAGIdentifiers.pdf.

3. Program Narrative

The following sections **should** be included as part of the program narrative³:

- a. Statement of the Problem – Identify the State's strategy/funding priorities for the FY 2017 JAG funds, the subgrant award process and timeline, and a description of the programs to be funded over the 4-year grant period. States are strongly encouraged to prioritize the funding on evidence-based projects.
- b. Project Design and Implementation – Describe the State's strategic planning process that guides its priorities and funding strategy. This should include a description of how local communities are engaged in the planning process and the data and analysis utilized to support the plan; it should identify the stakeholders currently participating in the strategic planning process, the gaps in the State's needed resources for criminal justice purposes, and how JAG funds will be coordinated with State and related justice funds.
- c. Capabilities and Competencies – Describe any additional strategic planning/coordination efforts in which the State participates with other criminal justice criminal/juvenile justice agencies in the State.
- d. Plan for Collecting the Data Required for this Solicitation's Performance Measures – OJP will require each successful applicant to submit specific performance measures data as part of its reporting under the award (see "General Information about Post-Federal Award Reporting Requirements" in Section F. Federal Award Administration Information). The performance measures correlate to the goals, objectives, and deliverables identified under "Goals, Objectives, and Deliverables" in Section A. Program Description. Post award, recipients will be required to submit quarterly performance metrics through BJA's PMT, located at <https://bjapmt.ojp.gov>. The application should describe the applicant's plan for collection of all of the performance measures data listed in the JAG Program accountability measures at: <https://bjapmt.ojp.gov/help/jagdocs.html>.

BJA does not require applicants to submit performance measures data with their application. Performance measures are included as an alert that BJA will require successful applicants to submit specific data as part of their reporting requirements. For the application, applicants should indicate an understanding of these requirements and discuss how they will gather the required data, should they receive funding.

Note on Project Evaluations

An applicant that proposes to use award funds through this solicitation to conduct project evaluations should be aware that certain project evaluations (such as systematic investigations designed to develop or contribute to generalizable knowledge) may constitute "research" for purposes of applicable DOJ human subjects protection regulations. However, project evaluations that are intended only to generate internal improvements to a program or service, or are conducted only to meet OJP's performance measure data reporting requirements, likely do

³ For information on subawards (including the details on proposed subawards that should be included in the application), see "Budget and Associated Documentation" under Section D. Application and Submission Information.

not constitute "research." Each applicant should provide sufficient information for OJP to determine whether the particular project it proposes would either intentionally or unintentionally collect and/or use information in such a way that it meets the DOJ regulatory definition of research that appears at 28 C.F.R. Part 46 ("Protection of Human Subjects").

Research, for the purposes of human subjects protection for OJP-funded programs, is defined as "a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge." 28 C.F.R. 46.102(d).

For additional information on determining whether a proposed activity would constitute research for purposes of human subjects protection, applicants should consult the decision tree in the "Research and the Protection of Human Subjects" section of the "Requirements related to Research" web page of the ["Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2017"](#) available through the OJP Funding Resource Center. Every prospective applicant whose application may propose a research or statistical component also should review the "Data Privacy and Confidentiality Requirements" section on that web page.

4. Budget and Associated Documentation

a. Budget Detail Worksheet

A sample Budget Detail Worksheet can be found at www.ojp.gov/funding/Apply/Resources/BudgetDetailWorksheet.pdf. An applicant that submits its budget in a different format should use the budget categories listed in the sample budget worksheet. The Budget Detail Worksheet should break out costs by year.

For questions pertaining to budget and examples of allowable and unallowable costs, see the [DOJ Grants Financial Guide](#).

b. Budget Narrative

The budget narrative should thoroughly and clearly describe every category of expense listed in the proposed budget detail worksheet. OJP expects proposed budgets to be complete, cost effective, and allowable (e.g., reasonable, allocable, and necessary for project activities). This narrative should include a full description of all costs, including administrative costs (if applicable).

An applicant should demonstrate in its Budget Narrative how it will maximize cost effectiveness of award expenditures. Budget narratives should generally describe cost effectiveness in relation to potential alternatives and the goals of the project. For example, a budget narrative should detail why planned in-person meetings are necessary, or how technology and collaboration with outside organizations could be used to reduce costs, without compromising quality.

The Budget Narrative should be mathematically sound and correspond clearly with the information and figures provided in the Budget Detail Worksheet. The narrative should explain how the applicant estimated and calculated all costs, and how those costs are necessary to the completion of the proposed project. The narrative may include tables for clarification purposes, but need not be in a spreadsheet format. As with the Budget Detail Worksheet, the budget narrative should describe costs by year.

c. Information on Proposed Subawards (if any), as well as on Proposed Procurement Contracts (if any)

Applicants for OJP awards typically may propose to make "subawards." Applicants also may propose to enter into procurement "contracts" under the award.

Whether—for purposes of federal grants administrative requirements—a particular agreement between a recipient and a third party will be considered a "subaward" or instead considered a procurement "contract" under the award is determined by federal rules and applicable OJP guidance. It is an important distinction, in part because the federal administrative rules and requirements that apply to "subawards" and procurement "contracts" under awards differ markedly.

In general, the central question is the relationship between what the third-party will do under its agreement with the recipient and what the recipient has committed (to OJP) to do under its award to further a public purpose (e.g., services the recipient will provide, products it will develop or modify, research or evaluation it will conduct). If a third party will provide some of the services the recipient has committed (to OJP) to provide, will develop or modify all or part of a product the recipient has committed (to OJP) to develop or modify, or conduct part of the research or evaluation the recipient has committed (to OJP) to conduct, OJP will consider the agreement with the third party a subaward for purposes of federal grants administrative requirements.

This will be true **even** if the recipient, for internal or other non-federal purposes, labels or treats its agreement as a procurement, a contract, or a procurement contract. Neither the title nor the structure of an agreement determines whether the agreement—for purposes of federal grants administrative requirements—is a "subaward" or is instead a procurement "contract" under an award.

Additional guidance on the circumstances under which (for purposes of federal grants administrative requirements) an agreement constitutes a subaward as opposed to a procurement contract under an award is available (along with other resources) on the [OJP Part 200 Uniform Requirements](#) web page.

(1) Information on proposed subawards and required certification regarding 8 U.S.C. § 1373 from certain subrecipients

General requirement for federal authorization of any subaward; statutory authorizations of subawards under the Byrne JAG program statute. Generally, a recipient of an OJP award may not make subawards ("subgrants") unless the recipient has specific federal authorization to do so. Unless an applicable statute or DOJ regulation specifically authorizes (or requires) particular subawards, a recipient must have authorization from OJP before it may make a subaward.

JAG subawards that are required or specifically authorized by statute (see 42 U.S.C. § 3751(a) and 42 U.S.C. § 3755) do not require prior approval to authorize subawards. This includes subawards made by States under the JAG program.

A particular subaward may be authorized by OJP because the recipient included a sufficiently detailed description and justification of the proposed subaward in the application as approved by OJP. If, however, a particular subaward is not authorized by federal statute or regulation, and is not sufficiently described and justified in the application as approved by OJP, the recipient will be required, post-award, to request and obtain written authorization from OJP before it may make the subaward.

If an applicant proposes to make one or more subawards to carry out the federal award and program, and those subawards are not specifically authorized (or required) by statute or regulation, the applicant should: (1) identify (if known) the proposed subrecipient(s), (2) describe in detail what each subrecipient will do to carry out the federal award and federal program, and (3) provide a justification for the subaward(s), with details on pertinent matters such as special qualifications and areas of expertise. Pertinent information on subawards should appear not only in the Program Narrative, but also in the Budget Detail Worksheet and budget narrative.

NEW Required certification regarding 8 U.S.C. § 1373 from any proposed subrecipient that is a unit of local government or "public" institution of higher education. Before a State may subaward FY 2017 award funds to a unit of local government or to a public institution of higher education, it will be required (by award condition) to obtain a properly-executed certification regarding compliance with 8 U.S.C. § 1373 from the proposed subrecipient. (This requirement regarding 8 U.S.C. § 1373 will not apply to subawards to Indian tribes). The specific certification the State must require from a unit of local government will vary somewhat from the specific certification it must require from a public institution of higher education. The forms will be posted and available for download at <https://ojp.gov/funding/Explore/SampleCertifications-8USC1373.htm>.

(2) Information on proposed procurement contracts (with specific justification for proposed noncompetitive contracts over \$150,000)

Unlike a recipient contemplating a subaward, a recipient of an OJP award generally does not need specific prior federal authorization to enter into an agreement that—for purposes of federal grants administrative requirements—is considered a procurement contract, **provided that** (1) the recipient uses its own documented procurement procedures and (2) those procedures conform to applicable federal law, including the Procurement Standards of the (DOJ) Part 200 Uniform Requirements (as set out at 2 C.F.R. 200.317 - 200.326). The Budget Detail Worksheet and budget narrative should identify proposed procurement contracts. (As discussed above, subawards must be identified and described separately from procurement contracts.)

The Procurement Standards in the (DOJ) Part 200 Uniform Requirements, however, reflect a general expectation that agreements that (for purposes of federal grants administrative requirements) constitute procurement "contracts" under awards will be entered into on the basis of full and open competition. If a proposed procurement contract would exceed the simplified acquisition threshold—currently, \$150,000—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 non-competitive approach for the procurement.

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

d. Pre-Agreement Costs

For information on pre-agreement costs, see Section B. Federal Award Information.

5. Indirect Cost Rate Agreement (if applicable)

Indirect costs may be charged to an award only if:

- a) The recipient has a current (that is, unexpired), federally-approved indirect cost rate; or
- b) The recipient is eligible to use, and elects to use, the “de minimis” indirect cost rate described in the (DOJ) Part 200 Uniform Requirements, as set out at 2 C.F.R. 200.414(f).

Note: This rule does not eliminate or alter the JAG-specific restriction in federal law that charges for administrative costs may not exceed 10 percent of the award amount, regardless of the approved indirect cost rate.

An applicant with a current (that is, unexpired) federally-approved indirect cost rate is to attach a copy of the indirect cost rate agreement to the application. An applicant that does not have a current federally-approved rate may request one through its cognizant federal agency, which will review all documentation and approve a rate for the applicant entity, or, if the applicant’s accounting system permits, applicants may propose to allocate costs in the direct cost categories.

For assistance with identifying the appropriate cognizant federal agency for indirect costs, please contact the OCFO Customer Service Center at 1-800-458-0786 or at ask.ocfo@usdoj.gov. If DOJ is the cognizant federal agency, applicants may obtain information needed to submit an indirect cost rate proposal at www.ojp.gov/funding/Apply/Resources/IndirectCosts.pdf.

Certain OJP recipients have the option of electing to use the “de minimis” indirect cost rate. An applicant that is eligible to use the “de minimis” rate that wishes to use the “de minimis” rate should attach written documentation to the application that advises OJP of both: (1) the applicant’s eligibility to use the “de minimis” rate, and (2) its election to do so. If an eligible applicant elects the “de minimis” rate, costs must be consistently charged as either indirect or direct costs, but may not be double charged or inconsistently charged as both. The “de minimis” rate may no longer be used once an approved federally-negotiated indirect cost rate is in place. (No entity that ever has had a federally-approved negotiated indirect cost rate is eligible to use the “de minimis” rate.)

6. Financial Management and System of Internal Controls Questionnaire (including applicant disclosure of high-risk status)

Every State is to download, complete, and submit the OJP Financial Management and System of Internal Controls Questionnaire as part of its application.

Among other things, the form requires each applicant to disclose whether it currently is designated "high-risk" by a federal grant-making agency outside of DOJ. For purposes of this disclosure, high risk includes any status under which a federal awarding agency provides additional oversight due to the applicant's past performance, or other programmatic or financial concerns with the applicant. If an applicant is designated high risk by another federal awarding agency, the applicant must provide the following information:

- The federal awarding agency that currently designates the applicant high risk.
- The date the applicant was designated high risk.
- The high-risk point of contact at that federal awarding agency (name, phone number, and email address).
- The reasons for the high-risk status, as set out by the federal awarding agency.

OJP seeks this information to help ensure appropriate federal oversight of OJP awards. An applicant that is considered "high-risk" by another federal awarding agency is not automatically disqualified from receiving an OJP award. OJP may, however, consider the information in award decisions, and may impose additional OJP oversight of any award under this solicitation (including through the conditions that accompany the award document).

7. Disclosure of Lobbying Activities

An applicant that expends any funds for lobbying activities is to provide all of the information requested on the form Disclosure of Lobbying Activities (SF-LLL).

8. Certifications and Assurances by the Chief Executive of the Applicant Government

A JAG application is not complete, and a State may not receive award funds, unless the chief executive of the applicant State (e.g., the governor) properly executes, and the State submits, the "Certifications and Assurances by the Chief Executive of the Applicant Government" attached to this solicitation as Appendix I.

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

9. Certification of Compliance with 8 U.S.C. § 1373 by the Chief Legal Officer of the Applicant Government

The chief legal officer of an applicant State (e.g., the Attorney General of the State) is to carefully review the "State or Local Government: FY 2017 Certification of Compliance with 8

U.S.C. § 1373” that is attached as Appendix II to this solicitation. If the chief legal officer determines that he or she may execute the certification, the State is to submit the certification as part of its application.

As discussed further below, a State applicant will be *unable to make a valid award acceptance* of an FY 2017 JAG award unless and until a properly-executed certification by its chief legal officer is received by OJP on or before the day the State submits an executed award document.

10. State Strategic Plan (if applicable)

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. If a State does not have such a plan, the program narrative should describe the State’s timeline and process for developing such a strategic plan.

ALERT A recent amendment to the JAG program statute requires, starting with the FY 2019 JAG program, that States have in place and submit a strategic plan that identifies stakeholders, describes evidence-based approaches that will be used, and illustrates how the State will allocate funding. By law, strategic plans are to be updated every five years.

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.

11. Additional Attachments

a. Applicant Disclosure of Pending Applications

Each applicant is 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 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).

OJP seeks this information to help avoid any inappropriate duplication of funding. Leveraging multiple funding sources in a complementary manner to implement comprehensive programs or projects is encouraged and is not seen as inappropriate duplication.

Each applicant that has one or more pending applications as described above is to provide the following information about pending applications submitted within the last 12 months:

- The federal or State funding agency.
- The solicitation name/project name.
- The point of contact information at the applicable federal or State funding agency.

Federal or State Funding Agency	Solicitation Name/Project Name	Name/Phone/Email for Point of Contact at Federal or State Funding Agency
DOJ/Office of Community Oriented Policing Services (COPS)	COPS Hiring Program	Jane Doe, 202/000-0000; jane.doe@usdoj.gov
Health & Human Services/ Substance Abuse & Mental Health Services Administration	Drug-Free Communities Mentoring Program/ North County Youth Mentoring Program	John Doe, 202/000-0000; john.doe@hhs.gov

Each applicant should include the table as a separate attachment to its application. The file should be named "Disclosure of Pending Applications." The applicant Legal Name on the application must match the entity named on the disclosure of pending applications statement.

Any applicant that does not have any pending applications as described above is to submit, as a separate attachment, a statement to this effect: "[Applicant Name on SF-424] does not have (and is not proposed as a subrecipient under) any pending applications submitted within the last 12 months for federally-funded grants or cooperative agreements (or for subawards under federal grants or cooperative agreements) that request funding to support the same project being proposed in this application to OJP and that would cover identical cost items outlined in the budget submitted as part of this application."

b. Research and Evaluation Independence and Integrity (if applicable)

If an application involves research (including research and development) and/or evaluation, the applicant must demonstrate research/evaluation independence and integrity, including appropriate safeguards, before it may receive award funds. The

applicant must demonstrate independence and integrity regarding both this proposed research and/or evaluation, and any current or prior related projects.

Each application should include an attachment that addresses **both** i. and ii. below.

- i. For purposes of this solicitation, each applicant is to document research and evaluation independence and integrity by including one of the following two items:

- a. A specific assurance that the applicant has reviewed its application to identify any actual or potential apparent conflicts of interest (including through review of pertinent information on the principal investigator, any co-principal investigators, and any subrecipients), and that the applicant has identified no such conflicts of interest – whether personal or financial or organizational (including on the part of the applicant entity or on the part of staff, investigators, or subrecipients) – that could affect the independence or integrity of the research, including the design, conduct, and reporting of the research.

OR

- b. A specific description of actual or potential apparent conflicts of interest that the applicant has identified – including through review of pertinent information on the principal investigator, any co-principal investigators, and any subrecipients – that could affect the independence or integrity of the research, including the design, conduct, or reporting of the research. These conflicts may be personal (e.g., on the part of investigators or other staff), financial, or organizational (related to the applicant or any subrecipient entity). Some examples of potential investigator (or other personal) conflict situations are those in which an investigator would be in a position to evaluate a spouse's work product (actual conflict), or an investigator would be in a position to evaluate the work of a former or current colleague (potential apparent conflict). With regard to potential organizational conflicts of interest, as one example, generally an organization would not be given an award to evaluate a project, if that organization had itself provided substantial prior technical assistance to that specific project or a location implementing the project (whether funded by OJP or other sources), because the organization in such an instance might appear to be evaluating the effectiveness of its own prior work. The key is whether a reasonable person understanding all of the facts would be able to have confidence that the results of any research or evaluation project are objective and reliable. Any outside personal or financial interest that casts doubt on that objectivity and reliability of an evaluation or research product is a problem and must be disclosed.
- ii. In addition, for purposes of this solicitation, each applicant is to address possible mitigation of research integrity concerns by including, at a minimum, one of the following two items:

- a. If an applicant reasonably believes that no actual or potential apparent conflicts of interest (personal, financial, or organizational) exist, then the applicant should provide a brief narrative explanation of how and why it reached that conclusion. The applicant also is to include an explanation of the specific processes and procedures that the applicant has in place, or will put in place, to identify and prevent (or, at the very least, mitigate) any such conflicts of interest pertinent to the funded project during the period of performance. Documentation that may be helpful in this regard may include organizational codes of ethics/conduct and policies regarding organizational, personal, and financial conflicts of interest. There is no guarantee that the plan, if any, will be accepted as proposed.

OR

- b. If the applicant has identified actual or potential apparent conflicts of interest (personal, financial, or organizational) that could affect the independence and integrity of the research, including the design, conduct, or reporting of the research, the applicant is to provide a specific and robust mitigation plan to address each of those conflicts. At a minimum, the applicant is expected to explain the specific processes and procedures that the applicant has in place, or will put in place, to identify and eliminate (or, at the very least, mitigate) any such conflicts of interest pertinent to the funded project during the period of performance. Documentation that may be helpful in this regard may include organizational codes of ethics/conduct and policies regarding organizational, personal, and financial conflicts of interest. There is no guarantee that the plan, if any, will be accepted as proposed.

OJP will assess research and evaluation independence and integrity based on considerations such as the adequacy of the applicant's efforts to identify factors that could affect the objectivity or integrity of the proposed staff and/or the applicant entity (and any subrecipients) in carrying out the research, development, or evaluation activity; and the adequacy of the applicant's existing or proposed remedies to control any such factors.

c. State Governing Body Review

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

How to Apply

An applicant must submit its application through the Grants Management System (GMS), which provides support for the application, award, and management of awards at OJP. Each applicant entity **must register in GMS for each specific funding opportunity**. Although the registration and submission deadlines are the same, OJP urges each applicant entity to **register promptly**, especially if this is the first time the applicant is using the system. Find complete instructions on how to register and submit an application in GMS at www.ojp.gov/gmscbt/. An applicant that experiences technical difficulties during this process should email GMS.HelpDesk@usdoj.gov or call 888-549-9901 (option 3), 24 hours every day, including during federal holidays. OJP recommends that each applicant **register promptly** to prevent delays in submitting an application package by the deadline.

Note on File Types: GMS does not accept executable file types as application attachments. These disallowed file types include, but are not limited to, the following extensions: ".com," ".bat," ".exe," ".vbs," ".cfg," ".dat," ".db," ".dbf," ".dll," ".ini," ".log," ".ora," ".sys," and ".zip."

Every applicant entity must comply with all applicable System for Award Management (SAM) and unique entity identifier (currently, a Data Universal Numbering System [DUNS] number) requirements. If an applicant entity has not fully complied with applicable SAM and unique identifier requirements by the time OJP makes award decisions, OJP may determine that the applicant is not qualified to receive an award and may use that determination as a basis for making the award to a different applicant.

All applicants should complete the following steps:

1. **Acquire a unique entity identifier (DUNS number).** In general, the Office of Management and Budget requires every applicant for a federal award (other than an individual) to include a "unique entity identifier" in each application, including an application for a supplemental award. Currently, a DUNS number is the required unique entity identifier.

A DUNS number is a unique nine-digit identification number provided by the commercial company Dun and Bradstreet. This unique entity identifier is used for tracking purposes, and to validate address and point of contact information for applicants, recipients, and subrecipients. It will be used throughout the life cycle of an OJP award. Obtaining a DUNS number is a free, one-time activity. Call Dun and Bradstreet at 866-705-5711 to obtain a DUNS number or apply online at www.dnb.com. A DUNS number is usually received within 1-2 business days.

2. **Acquire registration with the SAM.** SAM is the repository for certain standard information about federal financial assistance applicants, recipients, and subrecipients. All applicants for OJP awards (other than individuals) must maintain current registrations in the SAM database. Each applicant must **update or renew its SAM registration at least annually** to maintain an active status. SAM registration and renewal can take as long as 10 business days to complete.

Information about SAM registration procedures can be accessed at <https://www.sam.gov/>.

3. **Acquire a GMS username and password.** New users must create a GMS profile by selecting the "First Time User" link under the sign-in box of the GMS home page. For more

information on how to register in GMS, go to www.ojp.gov/gmscbt. Previously registered applicants should ensure, prior to applying, that the user profile information is up-to-date in GMS (including, but not limited to, address, legal name of agency and authorized representative) as this information is populated in any new application.

4. **Verify the SAM (formerly CCR) registration in GMS.** OJP requires each applicant to verify its SAM registration in GMS. Once logged into GMS, click the "CCR Claim" link on the left side of the default screen. Click the submit button to verify the SAM (formerly CCR) registration.
5. **Search for the funding opportunity on GMS.** After logging into GMS or completing the GMS profile for username and password, go to the "Funding Opportunities" link on the left side of the page. Select BJA and FY 17 Edward Byrne Memorial State Justice Assistance Grant (JAG) Program.
6. **Register by selecting the "Apply Online" button associated with the funding opportunity title.** The search results from step 5 will display the "funding opportunity" (solicitation) title along with the registration and application deadlines for this solicitation. Select the "Apply Online" button in the "Action" column to register for this solicitation and create an application in the system.
7. **Follow the directions in GMS to submit an application consistent with this solicitation.** Once the application is submitted, GMS will display a confirmation screen stating the submission was successful. **Important:** In some instances, applicants must wait for GMS approval before submitting an application. OJP urges each applicant to submit its application at least 72 hours prior to the application due date.

Note: Application Versions

If an applicant submits multiple versions of the same application, OJP will review **only** the most recent system-validated version submitted.

Experiencing Unforeseen GMS Technical Issues

An applicant that experiences unforeseen GMS technical issues beyond its control that prevent it from submitting its application by the deadline may contact the GMS Help Desk or the SAM Help Desk (Federal Service Desk) to report the technical issue and receive a tracking number. The applicant is expected to email the NCJRS Response Center identified in the Contact Information section on the title page **within 24 hours after the application deadline** to request approval to submit its application after the deadline. The applicant's email must describe the technical difficulties, and must include a timeline of the applicant's submission efforts, the complete grant application, the applicant's DUNS number, and any GMS Help Desk or SAM tracking number(s).

Note: OJP does not automatically approve requests to submit a late application. After OJP reviews the applicant's request, and contacts the GMS Help Desk to verify the reported technical issues, OJP will inform the applicant whether the request to submit a late application has been approved or denied. If OJP determines that the untimely application submission was due to the applicant's failure to follow all required procedures, OJP will deny the applicant's request to submit its application.

The following conditions generally are insufficient to justify late submissions to OJP solicitations:

- Failure to register in SAM or GMS in sufficient time (SAM registration and renewal can take as long as 10 business days to complete).
- Failure to follow GMS instructions on how to register and apply as posted on the GMS website.
- Failure to follow each instruction in the OJP solicitation.
- Technical issues with the applicant's computer or information technology environment, such as issues with firewalls.

E. Application Review Information

Review Process

OJP is committed to ensuring a fair and open process for making awards. BJA reviews the application to make sure that the information presented is reasonable, understandable, measurable, and achievable, as well as consistent with the solicitation. BJA will also review applications to help ensure that JAG program-statute requirements have been met.

Pursuant to the (DOJ) Part 200 Uniform Requirements, before awards are made, OJP also reviews information related to the degree of risk posed by applicants. Among other things, to help assess whether an applicant that has one or more prior federal awards has a satisfactory record with respect to performance, integrity, and business ethics, OJP checks whether the applicant is listed in SAM as excluded from receiving a federal award. In addition, if OJP anticipates that an award will exceed \$150,000 in federal funds, OJP also must review and consider any information about the applicant that appears in the non-public segment of the integrity and performance system accessible through SAM (currently, the Federal Awardee Performance and Integrity Information System; "FAPIS").

Important note on FAPIS: An applicant, at its option, may review and comment on any information about itself that currently appears in FAPIS and was entered by a federal awarding agency. OJP will consider any such comments by the applicant, in addition to the other information in FAPIS, in its assessment of the risk posed by the applicant.

The evaluation of risks goes beyond information in SAM, however. OJP itself has in place a framework for evaluating risks posed by applicants. OJP takes into account information pertinent to matters such as—

1. Applicant financial stability and fiscal integrity.
2. Quality of the management systems of the applicant, and the applicant's ability to meet prescribed management standards, including those outlined in the DOJ Grants Financial Guide.
3. Applicant's history of performance under OJP and other DOJ awards (including compliance with reporting requirements and award conditions), as well as awards from other federal agencies.
4. Reports and findings from audits of the applicant, including audits under the (DOJ) Part 200 Uniform Requirements.
5. Applicant's ability to comply with statutory and regulatory requirements, and to effectively implement other award requirements.

Absent explicit statutory authorization or written delegation of authority to the contrary, the Assistant Attorney General will make all final award decisions.

F. Federal Award Administration Information

Federal Award Notices

OJP expects to issue award notifications by September 30, 2017. OJP sends award notification by email through GMS to the individuals listed in the application as the point of contact and the authorizing official. The email notification includes detailed instructions on how to access and view the award documents, and steps to take in GMS to start the award acceptance process. GMS automatically issues the notifications at 9:00 p.m. eastern time on the award date.

NOTE: In order validly to accept an award under the FY 2017 JAG program, a State must submit to GMS the certification by its chief legal officer regarding compliance with 8 U.S.C. § 1373, executed using the form that appears in Appendix II. (The form also may be downloaded at <https://ojp.gov/funding/Explore/SampleCertifications-8USC1373.htm>.) Unless the executed certification either— (1) is submitted to OJP together with the signed award document, or (2) is uploaded in GMS no later than the day the signed award document is submitted, **OJP will reject as invalid** any submission by a State that purports to accept an award under this solicitation.

Rejection of an initial submission as an invalid award acceptance is not a denial of the award. Consistent with award requirements, once the State **does** submit the necessary certification regarding 8 U.S.C. § 1373, the State **will** be permitted to submit an award document executed by the State on or after the date of that certification.

Also, in order for a State applicant validly to accept an award under the FY 2017 JAG program, an individual with the necessary authority to bind the applicant will be required to log in; execute a set of legal certifications and a set of legal assurances; designate a financial point of contact; thoroughly review the award, including **all** award conditions; and sign and accept the award. The award acceptance process requires physical signature of the award document by the authorized representative and the scanning of the fully-executed award document (along with the required certification regarding 8 U.S.C. § 1373, if not already uploaded in GMS) to OJP.

Statutory and Regulatory Requirements; Award Conditions

If selected for funding, in addition to implementing the funded project consistent with the OJP-approved application, the recipient must comply with all award requirements (including all award conditions), as well as all applicable requirements of federal statutes and regulations (including those referred to in assurances and certifications executed as part of the application or in connection with award acceptance, and administrative and policy requirements set by statute or regulation).

OJP strongly encourages prospective applicants to review information on post-award legal requirements generally applicable to FY 2017 OJP awards and common OJP award conditions **prior** to submitting an application.

Applicants should consult the "Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2017 Awards," available in the OJP Funding Resource Center. In addition, applicants should examine the following two legal documents, as each successful applicant must execute both documents in GMS before it may receive any award funds.

- Certifications Regarding Lobbying, Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements
- OJP Certified Standard Assurances (*attached to this solicitation as Appendix IV*)

The web pages accessible through the "Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2017 Awards" are intended to give applicants for OJP awards a general overview of important statutes, regulations, and award conditions that apply to many (or in some cases, all) OJP grants and cooperative agreements awarded in FY 2017. Individual OJP awards typically also will include additional award conditions. Those additional conditions may relate to the particular statute, program, or solicitation under which the award is made; to the substance of the funded application; to the recipient's performance under other federal awards; to the recipient's legal status (e.g., as a for-profit entity); or to other pertinent considerations.

Individual FY 2017 Byrne JAG awards will include two new express conditions that, with respect to the "program or activity" that would be funded by the FY 2017 award, are designed to ensure that States and units of local government that receive funds from the FY 2017 Byrne JAG award: (1) permit personnel of the U.S. Department of Homeland Security ("DHS") to access any correctional or detention facility in order to meet with an alien (or an individual believed to be an alien) and inquire as to his or her right to be or remain in the United States; and (2) provide at least 48 hours' advance notice to DHS regarding the scheduled release date and time of an alien in the jurisdiction's custody when DHS requests such notice in order to take custody of the alien pursuant to the Immigration and Nationality Act.

Compliance with the requirements of the two foregoing new award conditions will be an authorized and priority purpose of the award. The reasonable costs (to the extent not reimbursed under any other federal program) of developing and putting into place statutes, rules, regulations, policies, or practices as required by these conditions, and to honor any duly-authorized request from DHS that is encompassed by these conditions, will be allowable costs under the award.

General Information about Post-Federal Award Reporting Requirements

A State recipient of an award under this solicitation will be required to submit the following reports and data.

Required reports. Recipients typically must submit quarterly financial status reports, semi-annual progress reports, final financial and progress reports, and, if applicable, an annual audit report in accordance with the (DOJ) Part 200 Uniform Requirements or specific award conditions. Future awards and fund drawdowns may be withheld if reports are delinquent. (In appropriate cases, OJP may require additional reports.)

Awards that exceed \$500,000 will include an additional condition that, under specific circumstances, will require the recipient to report (to 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 <https://ojp.gov/funding/FAPIIS.htm>

Data on performance measures. In addition to required reports, each recipient of an award under this solicitation also must provide data that measure the results of the work done under the award. To demonstrate program progress and success, as well as to assist DOJ with fulfilling its responsibilities under GPRA and the GPRA Modernization Act of 2010, OJP will require State recipients to provide accountability metrics data. Accountability metrics data must be submitted through BJA's Performance Measurement Tool (PMT), available at <https://bjapmt.ojp.gov>. The accountability measures are available at: <https://bjapmt.ojp.gov/help/jagdocs.html>. (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.)

OJP may restrict access to award funds if a recipient of an OJP award fails to report required performance measure data in a timely manner.

G. Federal Awarding Agency Contact(s)

For OJP contact(s), see the title page of this solicitation.

For contact information for GMS, see the title page.

H. Other Information

Freedom of Information Act and Privacy Act (5 U.S.C. § 552 and 5 U.S.C. § 552a)

All applications submitted to OJP (including all attachments to applications) are subject to the federal Freedom of Information Act (FOIA) and to the Privacy Act. By law, DOJ may withhold information that is responsive to a request pursuant to FOIA if DOJ determines that the responsive information either is protected under the Privacy Act or falls within the scope of one of nine statutory exemptions under FOIA. DOJ cannot agree in advance of a request pursuant to FOIA not to release some or all portions of an application.

In its review of records that are responsive to a FOIA request, OJP will withhold information in those records that plainly falls within the scope of the Privacy Act or one of the statutory exemptions under FOIA. (Some examples include certain types of information in budgets, and names and contact information for project staff other than certain key personnel.) In appropriate circumstances, OJP will request the views of the applicant/recipient that submitted a responsive document.

For example, if OJP receives a request pursuant to FOIA for an application submitted by a nonprofit or for-profit organization or an institution of higher education, or for an application that involves research, OJP typically will contact the applicant/recipient that submitted the

application and ask it to identify—quite precisely—any particular information in the application that applicant/recipient believes falls under a FOIA exemption, the specific exemption it believes applies, and why. After considering the submission by the applicant/recipient, OJP makes an independent assessment regarding withholding information. OJP generally follows a similar process for requests pursuant to FOIA for applications that may contain law-enforcement sensitive information.

Provide Feedback to OJP

To assist OJP in improving its application and award processes, OJP encourages applicants to provide feedback on this solicitation, the application submission process, and/or the application review process. Provide feedback to OJPSolicitationFeedback@usdoj.gov.

IMPORTANT: This email is for feedback and suggestions only. OJP does not reply to messages it receives in this mailbox. A prospective applicant that has specific questions on any program or technical aspect of the solicitation **must** use the appropriate telephone number or email listed on the front of this solicitation document to obtain information. These contacts are provided to help ensure that prospective applicants can directly reach an individual who can address specific questions in a timely manner.

If you are interested in being a reviewer for other OJP grant applications, please email your résumé to ojppeerreview@lmsolas.com. (Do not send your résumé to the OJP Solicitation Feedback email account.) **Note:** Neither you nor anyone else from your organization or entity can be a peer reviewer in a competition in which you or your organization/entity has submitted an application.

Application Checklist

Edward Byrne Memorial Justice Assistance Grant (JAG) Program: FY 2017 State Solicitation

This application checklist has been created as an aid in developing an application.

What an Applicant Should Do:

Prior to Registering in GMS:

_____ Acquire a DUNS Number (see page 28)

_____ Acquire or renew registration with SAM (see page 28)

To Register with GMS:

_____ For new users, acquire a GMS username and password* (see page 28)

_____ For existing users, check GMS username and password*
to ensure account access (see page 29)

_____ Verify SAM registration in GMS (see page 29)

_____ Search for correct funding opportunity in GMS (see page 29)

_____ Select correct funding opportunity in GMS (see page 29)

_____ Register by selecting the "Apply Online" button associated with the funding opportunity
title (see page 29)

_____ Read OJP policy and guidance on conference approval, planning, and reporting
available at ojp.gov/financialguide/DOJ/PostawardRequirements/chapter3.10a.htm
(see page 15)

_____ If experiencing technical difficulties in GMS, contact the NCJRS Response Center (see
page 29)

*Password Reset Notice – GMS users are reminded that while password reset capabilities exist, this function is only associated with points of contact designated within GMS at the time the account was established. Neither OJP nor the GMS Help Desk will initiate a password reset unless requested by the authorized official or a designated point of contact associated with an award or application.

Overview of Post-Award Legal Requirements:

_____ Review the "[Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2017 Awards](#)" in the OJP Funding Resource Center.

Scope Requirement:

_____ The federal amount requested is within the allowable limit(s) of the FY 2017 JAG Allocations List as listed on BJA's [JAG web page](#).

What an Application Should Include:

_____ Application for Federal Assistance (SF-424) (see page 17)

_____	Intergovernmental Review	(see page 17)
_____	Project Abstract	(see page 17)
_____	Program Narrative	(see page 18)
_____	Budget Detail Worksheet	(see page 19)
_____	Budget Narrative	(see page 19)
_____	Indirect Cost Rate Agreement (if applicable)	(see page 22)
_____	Financial Management and System of Internal Controls Questionnaire (see 22)	
_____	Disclosure of Lobbying Activities (SF-LLL) (if applicable)	(see page 23)
_____	Certifications and Assurances by Chief Executive	(see page 23)
_____	Certification of Compliance with 8 U.S.C. § 1373 by Chief Legal Officer	(see page 23)
_____	State Strategic Plan (if applicable)	(see page 24)
_____	Additional Attachments	
_____	Applicant Disclosure of Pending Applications	(see page 24)
_____	Research and Evaluation Independence and Integrity (if applicable)	(see page 25)

Appendix I

Certifications and Assurances by the Chief Executive of the Applicant Government

Template for use by *chief executive* of the "State" (e.g., the governor)

Note: 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.

U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS

Edward Byrne Justice Assistance Grant Program
FY 2017 State Solicitation

Certifications and Assurances
by the Chief Executive of the Applicant Government

On behalf of the applicant "State" named below, in support of that State's application for an award under the FY 2017 Edward Byrne Justice Assistance Grant ("JAG") Program, and further to 42 U.S.C. § 3752(a), I certify under penalty of perjury to the Office of Justice Programs ("OJP"), U.S. Department of Justice ("USDOJ"), that all of the following are true and correct:

1. I am the chief executive of the applicant State named below, and I have the authority to make the following representations on my own behalf and on behalf of the applicant State. I understand that these representations will be relied upon as material in any OJP decision to make an award, under the application described above, to the applicant State.
2. I certify that no federal funds made available by the award (if any) that OJP makes based on the application described above will be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of federal funds, be made available for law enforcement activities.
3. I assure that the application described above (and any amendment to that application) was submitted for review to the governing body of the State (e.g., the State legislature), or to an organization designated by that governing body, not less than 30 days before the date of this certification.
4. I assure that, before the date of this certification— (a) the application described above (and any amendment to that application) was made public; and (b) an opportunity to comment on that application (or amendment) was provided to citizens and to neighborhood or community-based organizations, to the extent applicable law or established procedure made such an opportunity available.
5. I assure that, for each fiscal year of the award (if any) that OJP makes based on the application described above, the applicant State will maintain and report such data, records, and information (programmatic and financial), as OJP may reasonably require.
6. I certify that— (a) the programs to be funded by the award (if any) that OJP makes based on the application described above meet all the requirements of the JAG Program statute (42 U.S.C. §§ 3750-3758); (b) all the information contained in that application is correct; (c) in connection with that application, there has been appropriate coordination with affected agencies; and (d) in connection with that award (if any), the applicant State will comply with all provisions of the JAG Program statute and all other applicable federal laws.
7. I have examined certification entitled "State or Local Government: FY 2017 Certification of Compliance with 8 U.S.C. § 1373" executed by the chief legal officer of the applicant government with respect to the FY 2017 JAG program and submitted in support of the application described above, and I hereby adopt that certification as my own on behalf of that government.

I acknowledge that a materially false, fictitious, or fraudulent statement (or concealment or omission of a material fact) in this certification, or in the application that it supports, may be the subject of criminal prosecution (including under 18 U.S.C. §§ 1001 and/or 1621, and/or 42 U.S.C. § 3705a), and also may subject me and the applicant State to civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. §§ 3729-3730 and §§ 3801-3812). I also acknowledge that OJP awards, including certifications provided in connection with such awards, are subject to review by USDOJ, including by OJP and by the USDOJ Office of the Inspector General.

Signature of Chief Executive of the Applicant "State"

Date of Certification

Printed Name of Chief Executive

Title of Chief Executive

Name of Applicant State

Appendix II

State or Local Government:

Certification of Compliance with 8 U.S.C. § 1373

Template for use by *chief legal officer* of the "State" (e.g., the State Attorney General)

Available for download at:

<https://ojp.gov/funding/Explore/SampleCertifications-8USC1373>

**U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS**

State or Local Government: FY 2017 Certification of Compliance with 8 U.S.C. § 1373

On behalf of the applicant government entity named below, and in support of its application, I certify under penalty of perjury to the Office of Justice Programs ("OJP"), U.S. Department of Justice ("USDJ"), that all of the following are true and correct:

- (1) I am the chief legal officer of the State or local government of which the applicant entity named below is a part ("the jurisdiction"), and I have the authority to make this certification on behalf of the jurisdiction and the applicant entity (that is, the entity applying directly to OJP). I understand that OJP will rely upon this certification as a material representation in any decision to make an award to the applicant entity.
- (2) I have carefully reviewed 8 U.S.C. § 1373(a) and (b), including the prohibitions on certain actions by State and local government entities, -agencies, and -officials regarding information on citizenship and immigration status. I also have reviewed the provisions set out at (or referenced in) 8 U.S.C. § 1551 note ("Abolition ... and Transfer of Functions"), pursuant to which references to the "Immigration and Naturalization Service" in 8 U.S.C. § 1373 are to be read, as a legal matter, as references to particular components of the U.S. Department of Homeland Security.
- (3) I (and also the applicant entity) understand that the U.S. Department of Justice will require States and local governments (and agencies or other entities thereof) to comply with 8 U.S.C. § 1373, with respect to any "program or activity" funded in whole or in part with the federal financial assistance provided through the FY 2017 OJP program under which this certification is being submitted ("the FY 2017 OJP Program" identified below), specifically including any such "program or activity" of a governmental entity or -agency that is a subrecipient (at any tier) of funds under the FY 2017 OJP Program.
- (4) I (and also the applicant entity) understand that, for purposes of this certification, "program or activity" means what it means under title VI of the Civil Rights Act of 1964 (see 42 U.S.C. § 2000d-4a), and that terms used in this certification that are defined in 8 U.S.C. § 1101 mean what they mean under that section 1101, except that the term "State" also shall include American Samoa (cf. 42 U.S.C. § 201(a)(2)). Also, I understand that, for purposes of this certification, neither a "public" institution of higher education (i.e., one that is owned, controlled, or directly funded by a State or local government) nor an Indian tribe is considered a State or local government entity or -agency.
- (5) I have conducted (or caused to be conducted for me) a diligent inquiry and review concerning both—
 - (a) the "program or activity" to be funded (in whole or in part) with the federal financial assistance sought by the applicant entity under this FY 2017 OJP Program; and
 - (b) any prohibitions or restrictions potentially applicable to the "program or activity" sought to be funded under the FY 2017 OJP Program that deal with sending to, requesting or receiving from, maintaining, or exchanging information of the types described in 8 U.S.C. § 1373(a) or (b), whether imposed by a State or local government entity, -agency, or -official.
- (6) As of the date of this certification, neither the jurisdiction nor any entity, agency, or official of the jurisdiction has in effect, purports to have in effect, or is subject to or bound by, any prohibition or any restriction that would apply to the "program or activity" to be funded in whole or in part under the FY 2017 OJP Program (which, for the specific purpose of this paragraph 6, shall not be understood to include any such "program or activity" of any subrecipient at any tier), and that deals with either— (1) a government entity or -official sending or receiving information regarding citizenship or immigration status as described in 8 U.S.C. § 1373(a); or (2) a government entity or -agency sending to, requesting or receiving from, maintaining, or exchanging information of the types (and with respect to the entities) described in 8 U.S.C. § 1373(b).

I acknowledge that a materially false, fictitious, or fraudulent statement (or concealment or omission of a material fact) in this certification, or in the application that it supports, may be the subject of criminal prosecution (including under 18 U.S.C. §§ 1001 and/or 1621, and/or 42 U.S.C. § 3795a), and also may subject me and the applicant entity to civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. §§ 3729-3730 and §§ 3801-3812). I also acknowledge that OJP awards, including certifications provided in connection with such awards, are subject to review by USDJ, including by OJP and by the USDJ Office of the Inspector General.

Signature of Chief Legal Officer of the Jurisdiction

Printed Name of Chief Legal Officer

Date of Certification

Title of Chief Legal Officer of the Jurisdiction

Name of Applicant Government Entity (i.e., the applicant to the FY 2017 OJP Program identified below)

FY 2017 OJP Program: Byrne Justice Assistance Grant ("JAG") Program

Appendix III

8 U.S.C. § 1373

8 U.S.C. § 1373 (as in effect on June 21, 2017)

Communication between government agencies and the Immigration and Naturalization Service

(a) In general

Notwithstanding any other provision of Federal, State, or local law, a Federal, State, or local government entity or official may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual.

(b) Additional authority of government entities

Notwithstanding any other provision of Federal, State, or local law, no person or agency may prohibit, or in any way restrict, a Federal, State, or local government entity from doing any of the following with respect to information regarding the immigration status, lawful or unlawful, of any individual:

- (1) Sending such information to, or requesting or receiving such information from, the Immigration and Naturalization Service.
- (2) Maintaining such information.
- (3) Exchanging such information with any other Federal, State, or local government entity.

(c) Obligation to respond to inquiries

The Immigration and Naturalization Service shall respond to an inquiry by a Federal, State, or local government agency, seeking to verify or ascertain the citizenship or immigration status of any individual within the jurisdiction of the agency for any purpose authorized by law, by providing the requested verification or status information.

See also provisions set out at (or referenced in) 8 U.S.C. § 1551 note ("Abolition ... and Transfer of Functions")

Appendix IV

OJP Certified Standard Assurances

OMB No. 1121-0140
Expires 6/31/2010U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS

CERTIFIED STANDARD ASSURANCES

On behalf of the Applicant, and in support of this application for a grant or cooperative agreement, I certify under penalty of perjury to the Office of Justice Programs (OJP), U.S. Department of Justice ("Department"): that all of the following are true and correct:

- (1) I have the authority to make the following representations on behalf of myself and the Applicant. I understand that these representations will be relied upon as material in any OJP decision to make an award to the Applicant based on its application.
- (2) I certify that the Applicant has the legal authority to apply for the federal assistance sought by the application, and that it has the institutional, managerial, and financial capability (including funds sufficient to pay any required non-federal share of project costs) to plan, manage, and complete the project described in the application properly.
- (3) I assure that, throughout the period of performance for the award (if any) made by OJP based on the application—
 - (a) the Applicant will comply with all award requirements and all federal statutes and regulations applicable to the award
 - (b) the Applicant will require all subrecipients to comply with all applicable award requirements and all applicable federal statutes and regulations; and
 - (c) the Applicant will maintain safeguards to address and prevent any organizational conflict of interest, and also to prohibit employees from using their positions in any manner that poses, or appears to pose, a personal or financial conflict of interest.
- (4) The Applicant understands that the federal statutes and regulations applicable to the award (if any) made by OJP based on the application specifically include statutes and regulations pertaining to civil rights and nondiscrimination, and, in addition—
 - (a) the Applicant understands that the applicable statutes pertaining to civil rights will include section 601 of the Civil Rights Act of 1964 (42 U.S.C. § 2000d); section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794); section 901 of the Education Amendments of 1972 (20 U.S.C. § 1681); and section 303 of the Age Discrimination Act of 1975 (42 U.S.C. § 6102);
 - (b) the Applicant understands that the applicable statutes pertaining to nondiscrimination may include section 515(c) of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3785c(c)); section 1407(e) of the Victims of Crime Act of 1984 (42 U.S.C. § 10504(e)); section 293A(b) of the Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. § 5872(b)); and that the grant condition set out at section 40002(b)(13) of the Violence Against Women Act (42 U.S.C. § 13925(b)(13)) also may apply;
 - (c) the Applicant understands that it must require any subrecipient to comply with all such applicable statutes (and associated regulations); and
 - (d) on behalf of the Applicant, I make the specific assurances set out in 28 C.F.R. §§ 42.105 and 42.204.
- (5) The Applicant also understands that (in addition to any applicable program-specific regulations and to applicable federal regulations that pertain to civil rights and nondiscrimination) the federal regulations applicable to the award (if any) made by OJP based on the application may include, but are not limited to, 2 C.F.R. Part 2800 (the DOJ "Part 200 Uniform Requirements") and 25 C.F.R. Parts 22 (confidentiality - research and statistical information), 23 (criminal intelligence systems), and 48 (human subjects protection).
- (6) I assure that the Applicant will assist OJP as necessary (and will require subrecipients and contractors to assist as necessary) with the Department's compliance with section 103 of the National Historic Preservation Act of 1966 (54 U.S.C. § 300103), the Archeological and Historical Preservation Act of 1974 (54 U.S.C. §§ 312501-312509), and the National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321-4335), and 28 C.F.R. Parts 81 (NEPA) and 83 (floodplains and wetlands).
- (7) I assure that the Applicant will give the Department and the Government Accountability Office, through any authorized representative, access to, and opportunity to examine, all paper or electronic records related to the award (if any) made by OJP based on the application.
- (8) I assure that, if the Applicant is a governmental entity, with respect to the award (if any) made by OJP based on the application—
 - (a) it will comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. §§ 4601-4655), which govern the treatment of persons displaced as a result of federal and federally-assisted programs; and
 - (b) it will comply with requirements of 5 U.S.C. §§ 1501-1505 and 7324-7326, which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by federal assistance.

I acknowledge that a materially false, fictitious, or fraudulent statement (or concealment or omission of a material fact) in this certification, or in the application that it supports, may be the subject of criminal prosecution (including under 18 U.S.C. §§ 1001 and/or 1521, and/or 42 U.S.C. § 3785a), and also may subject me and the Applicant to civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. §§ 3729-3730 and 3801-3812). I also acknowledge that OJP awards, including certifications provided in connection with such awards, are subject to review by the Department, including by OJP and by the Department's Office of the Inspector General.

EXHIBIT B – LOCAL JAG SOLICITATION

OMB No. 1121-0329
Approval Expires 12/31/2018

U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance



The U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA) is seeking applications for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program. This program furthers the Department's mission by assisting State, local, and tribal efforts to prevent or reduce crime and violence.

Edward Byrne Memorial Justice Assistance Grant Program

FY 2017 Local Solicitation

Applications Due: September 5, 2017

Eligibility

Only units of local government may apply under this solicitation. 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 also 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.

A JAG application is not complete, and a unit of local government may not receive award funds, unless the chief executive of the applicant unit of local government (e.g., a mayor) properly executes, and the unit of local government submits, the "Certifications and Assurances by Chief Executive of Applicant Government" attached to this solicitation as Appendix I.

In addition, as discussed further below, in order validly to accept a Fiscal Year (FY) 2017 JAG award, the chief legal officer of the applicant unit of local government must properly execute, and the unit of local government must submit, the specific certification regarding compliance with 8 U.S.C. § 1373 attached to this solicitation as Appendix II. (Note: this requirement does not apply to Indian tribal governments.) (The text of 8 U.S.C. § 1373 appears in Appendix II.)

Eligible allocations under JAG are posted annually on the JAG web page under "Funding."

Deadline

Applicants must register in the OJP Grants Management System (GMS) prior to submitting an application under this solicitation. All applicants must register, even those that previously registered in GMS. Select the "Apply Online" button associated with the solicitation title. All registrations and applications are due by 5 p.m. eastern time on September 5, 2017.

This deadline does **not** apply to the certification regarding compliance with 8 U.S.C. § 1373. As explained below, a unit of local government (other than an Indian tribal government) may not validly accept an award unless that certification is submitted to the Office of Justice Programs (OJP) on or before the day the unit of local government submits the signed award acceptance documents.

For additional information, see How to Apply in Section D. Application and Submission Information.

Contact Information

For technical assistance with submitting an application, contact the Grants Management System (GMS) Support Hotline at 888-549-9901, option 3, or via email at GMS.HelpDesk@usdoj.gov. The GMS Support Hotline operates 24 hours a day, 7 days a week, including on federal holidays.

An applicant that experiences unforeseen GMS technical issues beyond its control that prevent it from submitting its application by the deadline must email the National Criminal Justice Reference Service (NCJRS) Response Center at grants@ncjrs.gov **within 24 hours after the application deadline** in order to request approval to submit its application. Additional information on reporting technical issues appears under "Experiencing Unforeseen GMS Technical Issues" in How to Apply in Section D. Application and Submission Information.

For assistance with any other requirement of this solicitation, applicants may contact the NCJRS Response Center by telephone at 1-800-851-3420; via TTY at 301-240-6310 (hearing impaired only); by email at grants@ncjrs.gov; by fax to 301-240-5830, or by web chat at https://webcontact.ncjrs.gov/ncichat/chat.jsp. The NCJRS Response Center hours of operation are 10:00 a.m. to 6:00 p.m. eastern time, Monday through Friday, and 10:00 a.m. to 8:00 p.m. eastern time on the solicitation close date. Applicants also may contact the appropriate BJA State Policy Advisor.

Funding opportunity number assigned to this solicitation: BJA-2017-11301

Release date: August 3, 2017

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Edward Byrne Memorial Justice Assistance Grant Program FY 2017 Local Solicitation CFDA #16.738

A. Program Description

Overview

The Edward Byrne Memorial Justice Assistance Grant (JAG) Program is the primary provider of federal criminal justice funding to States and units of local government. BJA will award JAG Program funds to eligible units of local government under this FY 2017 JAG Program Local Solicitation. (A separate solicitation will be issued for applications to BJA directly from States.)

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

Program-Specific Information

Permissible uses of JAG Funds – In general

In general, JAG funds awarded to a unit of local government under this FY 2017 solicitation 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

Under the JAG Program, units of local government may use award funds for broadband deployment and adoption activities as they relate to criminal justice activities.

Limitations on the use of JAG funds

Prohibited and controlled uses of funds – JAG funds may not be used (whether directly or indirectly) for any purpose prohibited by federal statute or regulation, including those purposes specifically prohibited by the JAG Program statute as set out at 42 U.S.C. § 3751(d):

- (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)
 - (e) Any similar matters

For additional information on expenditures prohibited under JAG, as well as expenditures that are permitted but “controlled,” along with the process for requesting approval regarding controlled items, refer to the JAG Prohibited and Controlled Expenditures Guidance. Information also appears in the JAG FAQs.

Cap on use of JAG award funds for administrative costs – A 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.

Prohibition of supplanting; no use of JAG funds as “match” – 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 law enforcement activities. See the JAG FAQs on BJA's JAG web page for examples of supplanting.

Although supplanting is prohibited, as discussed under “What An Application Should Include,” the leveraging of federal funding is encouraged.

Absent specific federal statutory authority to do so, JAG award funds may not be used as “match” for the purposes of other federal awards.

Other restrictions on use of funds – If a unit of local government chooses to use its FY 2017 JAG funds for particular, defined types of expenditures, it must satisfy certain preconditions:

Body-Worn Cameras (BWC)

A unit of local government that proposes to use FY 2017 JAG award funds to purchase BWC equipment or to implement or enhance BWC programs, must provide to OJP a certification(s) that the unit of local government has policies and procedures in place related to BWC equipment usage, data storage and access, privacy considerations, training, etc. The certification can be found at:

<https://www.bja.gov/Funding/BodyWornCameraCert.pdf>.

A unit of local government 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.

Apart from the JAG Program, BJA provides funds under the Body-Worn Camera Policy and Implementation Program (BWC Program). The BWC Program allows jurisdictions to develop and implement policies and practices required for effective program adoption and address program factors including the purchase, deployment, and maintenance of camera systems and equipment; data storage and access; and privacy considerations. Interested units of local government may wish to refer to the BWC web page for more information. Units of local government should note, however, that JAG funds may not be used as any part of the 50 percent match required by the BWC Program.

Body Armor

Ballistic-resistant and stab-resistant body armor can be funded through the JAG Program, as well as through BJA's Bulletproof Vest Partnership (BVP) Program. The BVP Program is designed to provide a critical resource 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. Units of local government should note, however, that JAG funds may not be used as any part of the 50 percent match required by the BVP Program.

Body armor purchased with JAG funds may be purchased at any threat level, make, or model from any distributor or manufacturer, as long as the body armor has been tested and found to comply with the latest applicable National Institute of Justice (NIJ) ballistic or stab standards. In addition, body armor purchased must be made in the United States.

As is the case in the BVP Program, units of local government 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. FAQs related to the mandatory wear policy and certifications can be found at:

<https://www.bja.gov/Funding/JAGFAQ.pdf>. This policy must be in place for at least all uniformed officers before any FY 2017 funding can be used by the unit of local government for body armor. There are no requirements regarding the nature of the policy other than it being a mandatory wear policy for all uniformed officers while on duty. The certification must be signed by the Authorized Representative and must be attached to the application if proposed as part of the application. If the unit of local government proposes to change project activities to utilize JAG funds to purchase body armor after the award is accepted, the unit of local government must submit the signed certification to BJA at that time. A mandatory wear concept and issues paper and a model policy are available by contacting the BVP Customer Support Center at vests@usdoj.gov or toll free at 1-877-758-3787. The certification form related to mandatory wear can be found at: www.bja.gov/Funding/BodyArmorMandatoryWearCert.pdf.

DNA Testing of Evidentiary Materials and Upload of DNA Profiles to a Database

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 [FBI]) by a government DNA lab with access to CODIS. No profiles generated with JAG funding may be entered into any other non-governmental DNA database without prior express written approval from BJA.

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



Interoperable Communication

Units of local government (including subrecipients) that use FY 2017 JAG funds to support emergency communications activities (including the purchase of interoperable communications equipment and technologies such as voice-over-Internet protocol bridging or gateway devices, or equipment to support the build out of wireless broadband networks in the 700 MHz public safety band under the Federal Communications Commission [FCC] Waiver Order) should review FY 2017 SAFECOM Guidance. The SAFECOM Guidance is updated annually to provide current information on emergency communications policies, eligible costs, best practices, and technical standards for State, local, tribal, and territorial grantees investing federal funds in emergency communications projects. Additionally, emergency communications projects should support the Statewide Communication Interoperability Plan (SCIP) and be coordinated with the fulltime Statewide Interoperability Coordinator (SWIC) in the State of the project. As the central coordination point for their State's interoperability effort, the SWIC plays a critical role, and can serve as a valuable resource. SWICs are responsible for the implementation of SCIP through coordination and collaboration with the emergency response community. The U.S. Department of Homeland Security Office of Emergency Communications maintains a list of SWICs for each of the States and territories. Contact OEC@hq.dhs.gov. All communications equipment purchased with FY 2017 JAG Program funding should be identified during quarterly performance metrics reporting.

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

Required compliance with applicable federal laws

By law, the chief executive (e.g., the mayor) of each unit of local government that applies for an FY 2017 JAG award must certify that the unit of local government will "comply with all provisions of [the JAG program statute] and all other applicable Federal laws." To satisfy this requirement, each unit of local government applicant must submit two properly executed certifications using the forms shown in Appendix I and Appendix II.

All applicants should understand that OJP awards, including certifications provided in connection with such awards, are subject to review by DOJ, including by OJP and by the DOJ

Office of the Inspector General. Applicants also should understand that a materially false, fictitious, or fraudulent statement (or concealment or omission of a material fact) in a certification submitted to OJP in support of an application may be the subject of criminal prosecution, and also may result in civil penalties and administrative remedies for false claims or otherwise. Administrative remedies that may be available to OJP with respect to an FY 2017 award include suspension or termination of the award, placement on the DOJ high risk grantee list, disallowance of costs, and suspension or debarment of the recipient.

BJA areas of emphasis

BJA recognizes that there are significant pressures on local criminal justice systems. In these challenging times, shared priorities and leveraged resources can make a significant impact. As a component of OJP, BJA intends to focus much of its work on the areas of emphasis described below, and encourages each unit of local government recipient of an FY 2017 JAG award to join us in addressing these challenges:

- *Reducing Gun Violence* – Gun violence has touched nearly every State and local government in America. While our nation has made great strides in reducing violent crime, some municipalities and regions continue to experience unacceptable levels of violent crime at rates far in excess of the national average. BJA encourages units of local government to invest JAG funds in programs to combat gun violence, enforce existing firearms laws, and improve the process for ensuring that persons prohibited from purchasing guns are prevented from doing so by enhancing reporting to the FBI's National Instant Criminal Background Check System (NICS).
- *National Incident-Based Reporting System (NIBRS)* – The FBI has formally announced its intentions to establish NIBRS as the law enforcement crime data reporting standard for the nation. The transition to NIBRS will provide a more complete and accurate picture of crime at the national, State, and local levels. Once this transition is complete, the FBI will no longer collect summary data and will accept data only in the NIBRS format. Also, once the transition is complete, JAG award amounts will be calculated on the basis of submitted NIBRS data. Transitioning all law enforcement agencies to NIBRS is the first step in gathering more comprehensive crime data. BJA encourages recipients of FY 2017 JAG awards to use JAG funds to expedite the transition to NIBRS.
- *Officer Safety and Wellness* – The issue of law enforcement safety and wellness is an important priority for the Department of Justice. Preliminary data compiled by the National Law Enforcement Officers Memorial Fund indicates that there were 135 line-of-duty law enforcement deaths in 2016—the highest level in the past 5 years and a 10 percent increase from 2015 (123 deaths).

Firearms-related deaths continued to be the leading cause of death (64), increasing 56 percent from 2015 (41). Of particular concern is that of the 64 firearms-related deaths, 21 were as a result of ambush-style attacks representing the highest total in more than two decades. Traffic-related deaths continued to rise in 2016 with 53 officers killed, a 10 percent increase from 2015 (48 deaths). Additionally, there were 11 job-related illness deaths in 2016, mostly heart attacks.

BJA sees a vital need to focus not only on tactical officer safety concerns but also on health and wellness as they affect officer performance and safety. It is important for law enforcement to have the tactical skills necessary, and also be physically and mentally well, to perform, survive, and be resilient in the face of the demanding duties of the

profession. BJA encourages units of local government to use JAG funds to address these needs by providing training, including paying for tuition and travel expenses related to attending trainings such as VALOR training, as well as funding for health and wellness programs for law enforcement officers.

- *Border Security* – The security of United States borders is critically important to the reduction and prevention of transnational drug-trafficking networks and combating all forms of human trafficking within the United States (sex and labor trafficking of foreign nationals and U.S. citizens of all sexes and ages). These smuggling operations on both sides of the border contribute to a significant increase in violent crime and U.S. deaths from dangerous drugs. Additionally, illegal immigration continues to place a significant strain on federal, State, and local resources—particularly on those agencies charged with border security and immigration enforcement—as well as the local communities into which many of the illegal immigrants are placed. BJA encourages units of local government to use JAG funds to support law enforcement hiring, training, and technology enhancement in the area of border security.
- *Collaborative Prosecution* – BJA supports strong partnerships between prosecutors and police as a means to improve case outcomes and take violent offenders off the street. BJA strongly encourages State and local law enforcement to foster strong partnerships with prosecutors to adopt new collaborative strategies aimed at combating increases in crime, particularly violent crime. (BJA's "Smart Prosecution" Initiative is a related effort by OJP to promote partnerships between prosecutors and researchers to develop and deliver effective, data-driven, evidence-based strategies to solve chronic problems and fight crime.)

Goals, Objectives, and Deliverables

In general, the FY 2017 JAG Program is designed to provide additional personnel, equipment, supplies, contractual support, training, technical assistance, and information systems for criminal justice. The JAG Local Program is designed to assist units of local government with respect to criminal justice.

As discussed in more detail below, a unit of local government that receives an FY 2017 JAG award will be required to prepare various types of reports and to submit data related to performance measures and accountability. The Goals, Objectives, and Deliverables are directly related to the JAG Program accountability measures.

Evidence-Based Programs or Practices

OJP strongly emphasizes the use of data and evidence in policy making and program development in criminal justice, juvenile justice, and crime victim services. OJP is committed to:

- Improving the quantity and quality of evidence OJP generates
- Integrating evidence into program, practice, and policy decisions within OJP and the field
- Improving the translation of evidence into practice

OJP considers programs and practices to be evidence-based when their effectiveness has been demonstrated by causal evidence, generally obtained through one or more outcome evaluations. Causal evidence documents a relationship between an activity or intervention (including technology) and its intended outcome, including measuring the direction and size of a change, and the extent to which a change may be attributed to the activity or intervention.

Causal evidence depends on the use of scientific methods to rule out, to the extent possible, alternative explanations for the documented change. The strength of causal evidence, based on the factors described above, will influence the degree to which OJP considers a program or practice to be evidence-based. The OJP CrimeSolutions.gov website is one resource that applicants may use to find information about evidence-based programs in criminal justice, juvenile justice, and crime victim services.

A useful matrix of evidence-based policing programs and strategies is available through the [Center for Evidence-Based Crime Policy](#) at George Mason University. BJA offers a number of program models designed to effectively implement promising and evidence-based strategies through the BJA "Smart Suite" of programs, including Smart Policing, Smart Supervision, Smart Pretrial, Smart Defense, Smart Prosecution, Smart Reentry, and others (see: <https://www.bja.gov/Programs/CRPPE/smartsuite.html>). BJA encourages units of local government to use JAG funds to support these "smart on crime" strategies, including effective partnerships with universities, research partners, and non-traditional criminal justice partners.

BJA Success Stories

The [BJA Success Stories](#) web page features projects that have demonstrated success or shown promise in reducing crime and positively impacting communities. This web page will be a valuable resource for States, localities, territories, tribes, and criminal justice professionals that seek to identify and learn about JAG and other successful BJA-funded projects linked to innovation, crime reduction, and evidence-based practices. **BJA strongly encourages the recipient to submit success stories annually (or more frequently).**

If a unit of local government has a success story it would like to submit, it may be submitted through [My BJA account](#), using "add a Success Story" and the Success Story Submission form. Register for a My BJA account using this [registration](#) link.

B. Federal Award Information

BJA estimates that it will make up to 1,100 local awards totaling an estimated \$83,000,000.

Awards of at least \$25,000 are 4 years in length, and award periods will be from October 1, 2016 through September 30, 2020. Extensions beyond this period may be made on a case-by-case basis at the discretion of BJA and must be requested via GMS no less than 30 days prior to the grant end date.

Awards of less than \$25,000 are 2 years in length, and award periods will be from October 1, 2016 through September 30, 2018. Extensions of up to 2 years can be requested for these awards via GMS **no less than 30 days prior to the grant end date**, and will be automatically granted upon request.

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

Type of Award

BJA expects that any award under this solicitation will be in the form of a grant. See [Statutory and Regulatory Requirements; Award Conditions](#), under [Section F. Federal Award Administration Information](#), for a brief discussion of important statutes, regulations, and award conditions that apply to many (or in some cases, all) OJP grants.

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:

- (1) Computing an initial JAG allocation for each State, based on its share of violent crime and population (weighted equally).
- (2) 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 receive the minimum award plus an additional amount based on its share of violent crime and population.
- (3) 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.
- (4) Determining 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 OJP (under the JAG Local solicitation) for a JAG award. If the "eligible award amount" to a particular unit of local government as determined on this basis would be less than \$10,000, however, 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.

Financial Management and System of Internal Controls

Award recipients and subrecipients (including recipients or subrecipients that are pass-through entities¹) must, as described in the Part 200 Uniform Requirements² as set out at 2 C.F.R. 200.303:

- (a) Establish and maintain effective internal control over the Federal award that provides reasonable assurance that [the recipient (and any subrecipient)] is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award. These internal controls should be in compliance with guidance in "Standards for Internal Control in the Federal Government" issued by the Comptroller General of the United States and the "Internal Control Integrated Framework", issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).
- (b) Comply with Federal statutes, regulations, and the terms and conditions of the Federal awards.

¹ For purposes of this solicitation, the phrase "pass-through entity" includes any recipient or subrecipient that provides a subaward ("subgrant") to carry out part of the funded award or program.

² The "Part 200 Uniform Requirements" refers to the DOJ regulation at 2 C.F.R. Part 2800, which adopts (with certain modifications) the provisions of 2 C.F.R. Part 200.

- (c) Evaluate and monitor [the recipient's (and any subrecipient's)] compliance with statutes, regulations, and the terms and conditions of Federal awards.
- (d) Take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings.
- (e) Take reasonable measures to safeguard protected personally identifiable information and other information the Federal awarding agency or pass-through entity designates as sensitive or [the recipient (or any subrecipient)] considers sensitive consistent with applicable Federal, State, local, and tribal laws regarding privacy and obligations of confidentiality.

To help ensure that applicants understand the administrative requirements and cost principles, OJP encourages prospective applicants to enroll, at no charge, in the DOJ Grants Financial Management Online Training, available [here](#).

Budget and Financial Information

Trust Fund – 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 may or may not be an interest-bearing account. If subrecipients draw down JAG funds in advance, they also must establish a trust fund in which to deposit funds.

Tracking and reporting regarding JAG funds used for State administrative costs – As indicated earlier, a 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 financial status reports (SF-425) those expenditures that specifically relate to each particular JAG award during any particular reporting period.

No commingling – Both the unit of local government 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.*

Disparate Certification – 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 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.

Jurisdictions certified as disparate must identify a fiscal agent that will submit a joint application for the aggregate eligible allocation to all 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. 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: www.bja.gov/Funding/JAGMOU.pdf.

Cost Sharing or Match Requirement

The JAG Program does not require a match.

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

Pre-Agreement Costs (also known as Pre-award Costs)

Pre-agreement costs are costs incurred by the applicant prior to the start date of the period of performance of the grant award.

OJP does *not* typically approve pre-agreement costs. An applicant must request and obtain the prior written approval of OJP for any such costs. All such costs incurred prior to award and prior to approval of the costs are incurred *at the sole risk* of the applicant. (Generally, no applicant should incur project costs *before* submitting an application requesting federal funding for those costs.)

Should there be extenuating circumstances that make it appropriate for OJP to consider approving pre-agreement costs, the applicant may contact the point of contact listed on the title page of this solicitation for the requirements concerning written requests for approval. If approved in advance by OJP, award funds may be used for pre-agreement costs, consistent with the recipient's approved budget and applicable cost principles. See the section on "Costs Requiring Prior Approval" in the [DOJ Grants Financial Guide](#) for more information.

Prior Approval, Planning, and Reporting of Conference/Meeting/Training Costs

OJP strongly encourages every applicant that proposes to use award funds for any conference-, meeting-, or training-related activity (or similar event) to review carefully—before submitting an application—the OJP and DOJ policy and guidance on approval, planning, and reporting of such events, available at:

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

OJP policy and guidance (1) encourage minimization of conference, meeting, and training costs; (2) require prior written approval (which may affect project timelines) of most conference, meeting, and training costs for cooperative agreement recipients, as well as some conference, meeting, and training costs for grant recipients; and (3) set cost limits, which include a general prohibition of all food and beverage costs.

Costs Associated with Language Assistance (if applicable)

If an applicant proposes a program or activity that would deliver services or benefits to individuals, the costs of taking reasonable steps to provide meaningful access to those services

or benefits for individuals with limited English proficiency may be allowable. Reasonable steps to provide meaningful access to services or benefits may include interpretation or translation services, where appropriate.

For additional information, see the "Civil Rights Compliance" section under "Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2017 Awards" in the OJP Funding Resource Center.

C. Eligibility Information

For information on eligibility, see the title page of this solicitation.

Note that, as discussed in more detail below, the certification regarding compliance with 8 U.S.C. § 1373 must be executed and submitted before a unit of local government (other than an Indian tribal government) can make a valid award acceptance. Also, a unit of local government may not receive award funds (and its award will include a condition that withholds funds) until it submits a properly executed "Certifications and Assurances by Chief Executive of Applicant Government."

D. Application and Submission Information

What an Application Should Include

This section describes in detail what an application should include. An applicant should anticipate that if it fails to submit an application that contains all of the specified elements, it may negatively affect the review of its application; and, should a decision be made to make an award, it may result in the inclusion of award conditions that preclude the recipient from accessing or using award funds until the recipient satisfies the conditions and OJP makes the funds available.

An applicant may combine the Budget Narrative and the Budget Detail Worksheet in one document. If an applicant submits only one budget document, however, it must contain **both** narrative and detail information. Please review the "Note on File Names and File Types" under How to Apply to be sure applications are submitted in permitted formats.

OJP strongly recommends that applicants use appropriately descriptive file names (e.g., "Program Narrative," "Budget Detail Worksheet and Budget Narrative," "Timelines," "Memoranda of Understanding," "Résumés") for all attachments. Also, OJP recommends that applicants include résumés in a single file.

In general, if a unit of local government fails to submit required information or documents, OJP either will return the unit of local government's application in the Grants Management System (GMS) for submission of the missing information or documents, or will attach a condition to the award that will withhold award funds until the necessary information and documents are submitted. (As discussed elsewhere in this solicitation, the certification regarding compliance with 8 U.S.C. § 1373—which is set out at Appendix II—will be handled differently. Unless and until that certification is submitted, the unit of local government (other than an Indian tribal government) will be unable to make a valid acceptance of the award.)

1. Information to Complete the Application for Federal Assistance (SF-424)

The SF-424 is a required standard form used as a cover sheet for submission of pre-applications, applications, and related information. GMS takes information from the applicant's profile to populate the fields on this form.

To avoid processing delays, an applicant must include an accurate legal name on its SF-424. Current OJP award recipients, when completing the field for "Legal Name," should use the same legal name that appears on the prior year award document, which is also the legal name stored in OJP's financial system. On the SF-424, enter the Legal Name in box 5 and Employer Identification Number (EIN) in box 6 exactly as it appears on the prior year award document. An applicant with a current, active award(s) must ensure that its GMS profile is current. If the profile is not current, the applicant should submit a Grant Adjustment Notice updating the information on its GMS profile prior to applying under this solicitation.

A new applicant entity should enter the Official Legal Name and address of the applicant entity in box 5 and the EIN in box 6 of the SF-424.

Intergovernmental Review: This solicitation ("funding opportunity") is within the scope of Executive Order 12372, concerning State opportunities to coordinate applications for federal financial assistance. See 28 C.F.R. Part 30. An applicant may find the names and addresses of State Single Points of Contact (SPOCs) at the following website: https://www.whitehouse.gov/omb/grants_spoc/. If the State appears on the SPOC list, the applicant must contact the State SPOC to find out about, and comply with, the State's process under E.O. 12372. In completing the SF-424, an applicant whose State appears on the SPOC list is to make the appropriate selection in response to question 19 once the applicant has complied with its State E.O. 12372 process. (An applicant whose State does not appear on the SPOC list should answer question 19 by selecting the response that the "Program is subject to E.O. 12372 but has not been selected by the State for review.")

2. Project Abstract

Applications should include a high-quality project abstract that summarizes the proposed project in 400 words or less. Project abstracts should be:

- Written for a general public audience.
- Submitted as a separate attachment with "Project Abstract" as part of its file name.
- Single-spaced, using a standard 12-point font (Times New Roman) with 1-inch margins.
- Include applicant name, title of the project, a brief description of the problem to be addressed and the targeted area/population, project goals and objectives, a description of the project strategy, any significant partnerships, and anticipated outcomes.
- Identify up to 10 project identifiers that would be associated with proposed project activities. The list of identifiers can be found at www.bja.gov/funding/JAGIdentifiers.pdf.

3. Program Narrative

The following sections **should** be included as part of the program narrative³:

- a. Statement of the Problem – Identify the unit of local government's strategy/funding priorities for the FY 2017 JAG funds, the subgrant award process and timeline, and a

³ For information on subawards (including the details on proposed subawards that should be included in the application), see "Budget and Associated Documentation" under Section D. Application and Submission Information.

description of the programs to be funded over the grant period. Units of local government are strongly encouraged to prioritize the funding on evidence-based projects.

- b. Project Design and Implementation -- Describe the unit of local government's strategic planning process, if any, that guides its priorities and funding strategy. This should include a description of how the local community is engaged in the planning process and the data and analysis utilized to support the plan; it should identify the stakeholders currently participating in the strategic planning process, the gaps in the needed resources for criminal justice purposes, and how JAG funds will be coordinated with State and related justice funds.
- c. Capabilities and Competencies -- Describe any additional strategic planning/coordination efforts in which the units of local government participates with other criminal justice criminal/juvenile justice agencies in the State.
- d. Plan for Collecting the Data Required for this Solicitation's Performance Measures -- OJP will require each successful applicant to submit specific performance measures data as part of its reporting under the award (see "General Information about Post-Federal Award Reporting Requirements" in Section F. Federal Award Administration Information). The performance measures correlate to the goals, objectives, and deliverables identified under "Goals, Objectives, and Deliverables" in Section A. Program Description. Post award, recipients will be required to submit quarterly performance metrics through BJA's Performance Measurement Tool (PMT), located at: <https://bjapmt.ojp.gov>. The application should describe the applicant's plan for collection of all of the performance measures data listed in the JAG Program accountability measures at: <https://bjapmt.ojp.gov/help/jagdocs.html>.

BJA does not require applicants to submit performance measures data with their application. Performance measures are included as an alert that BJA will require successful applicants to submit specific data as part of their reporting requirements. For the application, applicants should indicate an understanding of these requirements and discuss how they will gather the required data, should they receive funding.

Note on Project Evaluations

An applicant that proposes to use award funds through this solicitation to conduct project evaluations should be aware that certain project evaluations (such as systematic investigations designed to develop or contribute to generalizable knowledge) may constitute "research" for purposes of applicable DOJ human subjects protection regulations. However, project evaluations that are intended only to generate internal improvements to a program or service, or are conducted only to meet OJP's performance measure data reporting requirements, likely do not constitute "research." Each applicant should provide sufficient information for OJP to determine whether the particular project it proposes would either intentionally or unintentionally collect and/or use information in such a way that it meets the DOJ regulatory definition of research that appears at 28 C.F.R. Part 46 ("Protection of Human Subjects").

Research, for the purposes of human subjects protection for OJP-funded programs, is defined as "a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge." 28 C.F.R. 46.102(d).

For additional information on determining whether a proposed activity would constitute research for purposes of human subjects protection, applicants should consult the decision tree in the "Research and the Protection of Human Subjects" section of the "Requirements related to Research" web page of the ["Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2017"](#) available through the OJP Funding Resource Center. Every prospective applicant whose application may propose a research or statistical component also should review the "Data Privacy and Confidentiality Requirements" section on that web page.

4. Budget and Associated Documentation

(a) Budget Detail Worksheet

A sample Budget Detail Worksheet can be found at www.ojp.gov/funding/Apply/Resources/BudgetDetailWorksheet.pdf. An applicant that submits its budget in a different format should use the budget categories listed in the sample budget worksheet. The Budget Detail Worksheet should break out costs by year.

For questions pertaining to budget and examples of allowable and unallowable costs, see the [DOJ Grants Financial Guide](#).

(b) Budget Narrative

The Budget Narrative should thoroughly and clearly describe every category of expense listed in the proposed Budget Detail Worksheet. OJP expects proposed budgets to be complete, cost effective, and allowable (e.g., reasonable, allocable, and necessary for project activities). This narrative should include a full description of all costs, including administrative costs (if applicable).

An applicant should demonstrate in its Budget Narrative how it will maximize cost effectiveness of award expenditures. Budget narratives should generally describe cost effectiveness in relation to potential alternatives and the goals of the project. For example, a budget narrative should detail why planned in-person meetings are necessary, or how technology and collaboration with outside organizations could be used to reduce costs, without compromising quality.

The Budget Narrative should be mathematically sound and correspond clearly with the information and figures provided in the Budget Detail Worksheet. The narrative should explain how the applicant estimated and calculated all costs, and how those costs are necessary to the completion of the proposed project. The narrative may include tables for clarification purposes, but need not be in a spreadsheet format. As with the Budget Detail Worksheet, the Budget Narrative should describe costs by year.

(c) Information on Proposed Subawards (if any), as well as on Proposed Procurement Contracts (if any)

Applicants for OJP awards typically may propose to make "subawards." Applicants also may propose to enter into procurement "contracts" under the award.

Whether—for purposes of federal grants administrative requirements—a particular agreement between a recipient and a third party will be considered a "subaward" or instead considered a procurement "contract" under the award is determined by federal rules and applicable OJP guidance. It is an important distinction, in part because the

federal administrative rules and requirements that apply to "subawards" and procurement "contracts" under awards differ markedly.

In general, the central question is the relationship between what the third party will do under its agreement with the recipient and what the recipient has committed (to OJP) to do under its award to further a public purpose (e.g., services the recipient will provide, products it will develop or modify, research or evaluation it will conduct). If a third party will provide some of the services the recipient has committed (to OJP) to provide, will develop or modify all or part of a product the recipient has committed (to OJP) to develop or modify, or conduct part of the research or evaluation the recipient has committed (to OJP) to conduct, OJP will consider the agreement with the third party a subaward for purposes of federal grants administrative requirements.

This will be true even if the recipient, for internal or other non-federal purposes, labels or treats its agreement as a procurement, a contract, or a procurement contract. Neither the title nor the structure of an agreement determines whether the agreement—for purposes of federal grants administrative requirements—is a "subaward" or is instead a procurement "contract" under an award.

Additional guidance on the circumstances under which (for purposes of federal grants administrative requirements) an agreement constitutes a subaward as opposed to a procurement contract under an award is available (along with other resources) on the [OJP Part 200 Uniform Requirements](#) web page.

(1) Information on proposed subawards and required certification regarding 8 U.S.C. § 1373 from certain subrecipients

General requirement for federal authorization of any subaward; statutory authorizations of subawards under the JAG Program statute. Generally, a recipient of an OJP award may not make subawards ("subgrants") unless the recipient has specific federal authorization to do so. Unless an applicable statute or DOJ regulation specifically authorizes (or requires) particular subawards, a recipient must have authorization from OJP before it may make a subaward.

JAG subawards that are required or specifically authorized by statute (see 42 U.S.C. § 3751(a) and 42 U.S.C. § 3755) do not require prior approval to authorize subawards. This includes subawards made by units of local government under the JAG Program.

A particular subaward may be authorized by OJP because the recipient included a sufficiently detailed description and justification of the proposed subaward in the application as approved by OJP. If, however, a particular subaward is not authorized by federal statute or regulation and is not sufficiently described and justified in the application as approved by OJP, the recipient will be required, post award, to request and obtain written authorization from OJP before it may make the subaward.

If an applicant proposes to make one or more subawards to carry out the federal award and program, and those subawards are not specifically authorized (or required) by statute or regulation, the applicant should: (1) identify (if known) the proposed subrecipient(s), (2) describe in detail what each subrecipient will do to carry out the federal award and federal program, and (3) provide a justification for the

subaward(s), with details on pertinent matters such as special qualifications and areas of expertise. Pertinent information on subawards should appear not only in the Program Narrative but also in the Budget Detail Worksheet and budget narrative.

NEW Required certification regarding 8 U.S.C. § 1373 from any proposed subrecipient that is a unit of local government or "public" institution of higher education. Before a unit of local government may subaward FY 2017 award funds to another unit of local government or to a public institution of higher education, it will be required (by award condition) to obtain a properly executed certification regarding compliance with 8 U.S.C. § 1373 from the proposed subrecipient. (This requirement regarding 8 U.S.C. § 1373 will not apply to subawards to Indian tribes). The specific certification the unit of local government must require from another unit of local government will vary somewhat from the specific certification it must require from a public institution of higher education. The forms will be posted and available for download at: <https://ojp.gov/funding/Explore/SampleCertifications-8USC1373.htm>.

(2) Information on proposed procurement contracts (with specific justification for proposed noncompetitive contracts over \$150,000)

Unlike a recipient contemplating a subaward, a recipient of an OJP award generally does not need specific prior federal authorization to enter into an agreement that—for purposes of federal grants administrative requirements—is considered a procurement contract, **provided that** (1) the recipient uses its own documented procurement procedures and (2) those procedures conform to applicable federal law, including the Procurement Standards of the (DOJ) Part 200 Uniform Requirements (as set out at 2 C.F.R. 200.317 - 200.326). The Budget Detail Worksheet and budget narrative should identify proposed procurement contracts. (As discussed above, subawards must be identified and described separately from procurement contracts.)

The Procurement Standards in the (DOJ) Part 200 Uniform Requirements, however, reflect a general expectation that agreements that (for purposes of federal grants administrative requirements) constitute procurement "contracts" under awards will be entered into on the basis of full and open competition. If a proposed procurement contract would exceed the simplified acquisition threshold—currently, \$150,000—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 non-competitive approach for the procurement.

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

(d) Pre-Agreement Costs

For information on pre-agreement costs, see Section B. Federal Award Information.

5. Indirect Cost Rate Agreement (If applicable)

Indirect costs may be charged to an award only if:

- (a) The recipient has a current (that is, unexpired), federally approved indirect cost rate; or

- (b) The recipient is eligible to use, and elects to use, the "de minimis" indirect cost rate described in the (DOJ) Part 200 Uniform Requirements, as set out at 2 C.F.R. 200.414(f).

Note: This rule does not eliminate or alter the JAG-specific restriction in federal law that charges for administrative costs may not exceed 10 percent of the award amount, regardless of the approved indirect cost rate.

An applicant with a current (that is, unexpired) federally approved indirect cost rate is to attach a copy of the indirect cost rate agreement to the application. An applicant that does not have a current federally approved rate may request one through its cognizant federal agency, which will review all documentation and approve a rate for the applicant entity, or, if the applicant's accounting system permits, applicants may propose to allocate costs in the direct cost categories.

For assistance with identifying the appropriate cognizant federal agency for indirect costs, please contact the OCFO Customer Service Center at 1-800-458-0786 or at ask.ocfo@usdoj.gov. If DOJ is the cognizant federal agency, applicants may obtain information needed to submit an indirect cost rate proposal at: www.ojp.gov/funding/Apply/Resources/IndirectCosts.pdf.

Certain OJP recipients have the option of electing to use the "de minimis" indirect cost rate. An applicant that is eligible to use the "de minimis" rate that wishes to use the "de minimis" rate should attach written documentation to the application that advises OJP of both: (1) the applicant's eligibility to use the "de minimis" rate, and (2) its election to do so. If an eligible applicant elects the "de minimis" rate, costs must be consistently charged as either indirect or direct costs, but may not be double charged or inconsistently charged as both. The "de minimis" rate may no longer be used once an approved federally-negotiated indirect cost rate is in place. (No entity that ever has had a federally approved negotiated indirect cost rate is eligible to use the "de minimis" rate.)

6. Tribal Authorizing Resolution (if applicable)

An applicant that proposes to provide direct services or assistance to residents on tribal lands should include in its application a resolution, a letter, affidavit, or other documentation, as appropriate, that demonstrates (as a legal matter) that the applicant has the requisite authorization from the tribe(s) to implement the proposed project on tribal lands.

OJP will not deny an application for an FY 2017 award for failure to submit such tribal authorizing resolution (or other appropriate documentation) by the application deadline, but a unit of local government will not receive award funds (and its award will include a condition that withholds funds) until it submits the appropriate documentation.

7. Financial Management and System of Internal Controls Questionnaire (including applicant disclosure of high-risk status)

Every unit of local government is to complete the OJP Financial Management and System of Internal Controls Questionnaire as part of its application. In accordance with the Part 200 Uniform Requirements as set out at 2 C.F.R. 200.205, federal agencies must have in place a framework for evaluating the risks posed by applicants before they receive a federal award.

8. Applicant Disclosure of High Risk Status

Applicants that are currently designated high risk by another federal grant making agency must disclose that status. For purposes of this disclosure, high risk includes any status under which a federal awarding agency provides additional oversight due to the applicant's past performance, or other programmatic or financial concerns with the applicant. If an applicant is designated high risk by another federal awarding agency, the applicant must provide the following information:

- The federal agency that currently designated the applicant as high risk
- Date the applicant was designated high risk
- The high risk point of contact at that federal awarding agency (name, phone number, and email address).
- Reasons for the high risk status, as set out by the federal awarding agency

OJP seeks this information to help ensure appropriate federal oversight of OJP awards. An applicant that is considered "high risk" by another federal awarding agency is not automatically disqualified from receiving an OJP award. OJP may, however, consider the information in award decisions, and may impose additional OJP oversight of any award under this solicitation (including through the conditions that accompany the award document).

9. Disclosure of Lobbying Activities

An applicant that expends any funds for lobbying activities is to provide all of the information requested on the form Disclosure of Lobbying Activities (SF-LLL).

10. Certifications and Assurances by the Chief Executive of the Applicant Government

A JAG application is not complete, and a unit of local government may not receive award funds, unless the chief executive of the applicant unit of local government (e.g., the mayor) properly executes, and the unit of local government submits, the "Certifications and Assurances by the Chief Executive of the Applicant Government" attached to this solicitation as Appendix I.

OJP will not deny an application for an FY 2017 award for failure to submit these "Certifications and Assurances by the Chief Executive of the Applicant Government" by the application deadline, but a unit of local government will not receive award funds (and its award will include a condition that withholds funds) until it submits these certifications and assurances, properly executed by the chief executive of the unit of local government (e.g., the mayor).

11. Certification of Compliance with 8 U.S.C. § 1373 by the Chief Legal Officer of the Applicant Government

The chief legal officer of an applicant unit of local government (e.g., the General Counsel) is to carefully review the "State or Local Government: FY 2017 Certification of Compliance with 8 U.S.C. § 1373" that is attached as Appendix II to this solicitation. If the chief legal officer determines that he or she may execute the certification, the unit of local government is to submit the certification as part of its application. (Note: this requirement does not apply to Indian tribal governments.)

As discussed further below, a unit of local government (other than an Indian tribal government) applicant will be *unable to make a valid award acceptance* of an FY 2017 JAG

award unless and until a properly executed certification by its chief legal officer is received by OJP on or before the day the unit of local government submits an executed award document.

12. Additional Attachments

(a) Applicant Disclosure of Pending Applications

Each applicant is 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 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).

OJP seeks this information to help avoid any inappropriate duplication of funding. Leveraging multiple funding sources in a complementary manner to implement comprehensive programs or projects is encouraged and is not seen as inappropriate duplication.

Each applicant that has one or more pending applications as described above is to provide the following information about pending applications submitted within the last 12 months:

- The federal or State funding agency
- The solicitation name/project name
- The point of contact information at the applicable federal or State funding agency

Federal or State Funding Agency	Solicitation Name/Project Name	Name/Phone/Email for Point of Contact at Federal or State Funding Agency
DOJ/Office of Community Oriented Policing Services (COPS)	COPS Hiring Program	Jane Doe, 202/000-0000; jane.doe@usdoj.gov
Health & Human Services/ Substance Abuse and Mental Health Services Administration	Drug-Free Communities Mentoring Program/ North County Youth Mentoring Program	John Doe, 202/000-0000; john.doe@hhs.gov

Each applicant should include the table as a separate attachment to its application. The file should be named "Disclosure of Pending Applications." The applicant Legal Name on the application must match the entity named on the disclosure of pending applications statement.

Any applicant that does not have any pending applications as described above is to submit, as a separate attachment, a statement to this effect: "[Applicant Name on SF-424] does not have (and is not proposed as a subrecipient under) any pending applications submitted within the last 12 months for federally funded grants or cooperative agreements (or for subawards under federal grants or cooperative agreements) that request funding to support the same project being proposed in this application to OJP and that would cover identical cost items outlined in the budget submitted as part of this application."

(b) Research and Evaluation Independence and Integrity (if applicable)

If an application involves research (including research and development) and/or evaluation, the applicant must demonstrate research/evaluation independence and integrity, including appropriate safeguards, before it may receive award funds. The applicant must demonstrate independence and integrity regarding both this proposed research and/or evaluation, and any current or prior related projects.

Each application should include an attachment that addresses both i. and ii. below.

- i. For purposes of this solicitation, each applicant is to document research and evaluation independence and integrity by including one of the following two items:
 - a. A specific assurance that the applicant has reviewed its application to identify any actual or potential apparent conflicts of interest (including through review of pertinent information on the principal investigator, any co-principal investigators, and any subrecipients), and that the applicant has identified no such conflicts of interest—whether personal or financial or organizational (including on the part of the applicant entity or on the part of staff, investigators, or subrecipients)—that could affect the independence or integrity of the research, including the design, conduct, and reporting of the research.

OR

- b. A specific description of actual or potential apparent conflicts of interest that the applicant has identified—including through review of pertinent information on the principal investigator, any co-principal investigators, and any subrecipients—that could affect the independence or integrity of the research, including the design, conduct, or reporting of the research. These conflicts may be personal (e.g., on the part of investigators or other staff), financial, or organizational (related to the applicant or any subrecipient entity). Some examples of potential investigator (or other personal) conflict situations are those in which an investigator would be in a position to evaluate a spouse's work product (actual conflict), or an investigator would be in a position to evaluate the work of a former or current colleague (potential apparent conflict). With regard to potential organizational conflicts of interest, as one example, generally an organization would not be given an award to evaluate a project, if that organization had itself provided substantial prior technical assistance to that specific project or a location implementing the project (whether funded by OJP or other sources), because the organization in such an

instance might appear to be evaluating the effectiveness of its own prior work. The key is whether a reasonable person understanding all of the facts would be able to have confidence that the results of any research or evaluation project are objective and reliable. Any outside personal or financial interest that casts doubt on that objectivity and reliability of an evaluation or research product is a problem and must be disclosed.

- ii. In addition, for purposes of this solicitation, each applicant is to address possible mitigation of research integrity concerns by including, at a minimum, one of the following two items:
 - a. If an applicant reasonably believes that no actual or potential apparent conflicts of interest (personal, financial, or organizational) exist, then the applicant should provide a brief narrative explanation of how and why it reached that conclusion. The applicant also is to include an explanation of the specific processes and procedures that the applicant has in place, or will put in place, to identify and prevent (or, at the very least, mitigate) any such conflicts of interest pertinent to the funded project during the period of performance. Documentation that may be helpful in this regard may include organizational codes of ethics/conduct and policies regarding organizational, personal, and financial conflicts of interest. There is no guarantee that the plan, if any, will be accepted as proposed.

OR

- b. If the applicant has identified actual or potential apparent conflicts of interest (personal, financial, or organizational) that could affect the independence and integrity of the research, including the design, conduct, or reporting of the research, the applicant is to provide a specific and robust mitigation plan to address each of those conflicts. At a minimum, the applicant is expected to explain the specific processes and procedures that the applicant has in place, or will put in place, to identify and eliminate (or, at the very least, mitigate) any such conflicts of interest pertinent to the funded project during the period of performance. Documentation that may be helpful in this regard may include organizational codes of ethics/conduct and policies regarding organizational, personal, and financial conflicts of interest. There is no guarantee that the plan, if any, will be accepted as proposed.

OJP will assess research and evaluation independence and integrity based on considerations such as the adequacy of the applicant's efforts to identify factors that could affect the objectivity or integrity of the proposed staff and/or the applicant entity (and any subrecipients) in carrying out the research, development, or evaluation activity; and the adequacy of the applicant's existing or proposed remedies to control any such factors.

(c) Local Governing Body Review

Applicants must submit information via the Certification and Assurances by the Chief Executive (See Appendix I) which documents that the JAG application was made available for review by the governing body of the unit of local government, or to an organization designated by that governing body, for a period that was not less than 30

days before the application was submitted to BJA. The same Chief Executive Certification will also specify that an opportunity to comment on this application was provided to citizens prior to the application submission to the extent applicable law or established procedures make such opportunity available. In the past, this has been accomplished via submission of specific review dates; now OJP will only accept a chief executive's certification to attest to these facts. Units of local government may continue to submit actual dates of review should they wish to do so, in addition to the submission of the Chief Executive Certification.

How to Apply

An applicant must submit its application through the Grants Management System (GMS), which provides support for the application, award, and management of awards at OJP. Each applicant entity **must register in GMS for each specific funding opportunity**. Although the registration and submission deadlines are the same, OJP urges each applicant entity to **register promptly**, especially if this is the first time the applicant is using the system. Find complete instructions on how to register and submit an application in GMS at www.ojp.gov/gmscbr/. An applicant that experiences technical difficulties during this process should email GMS.HelpDesk@usdoj.gov or call 888-549-9901 (option 3), 24 hours every day, including during federal holidays. OJP recommends that each applicant **register promptly** to prevent delays in submitting an application package by the deadline.

Note on File Types: GMS does not accept executable file types as application attachments. These disallowed file types include, but are not limited to, the following extensions: ".com," ".bat," ".exe," ".vbs," ".cfg," ".dat," ".db," ".dbf," ".dll," ".ini," ".log," ".ora," ".sys," and ".zip."

Every applicant entity must comply with all applicable System for Award Management (SAM) and unique entity identifier (currently, a Data Universal Numbering System [DUNS] number) requirements. If an applicant entity has not fully complied with applicable SAM and unique identifier requirements by the time OJP makes award decisions, OJP may determine that the applicant is not qualified to receive an award and may use that determination as a basis for making the award to a different applicant.

All applicants should complete the following steps:

1. Acquire a unique entity identifier (DUNS number). In general, the Office of Management and Budget requires every applicant for a federal award (other than an individual) to include a "unique entity identifier" in each application, including an application for a supplemental award. Currently, a DUNS number is the required unique entity identifier.

A DUNS number is a unique nine-digit identification number provided by the commercial company Dun and Bradstreet. This unique entity identifier is used for tracking purposes, and to validate address and point of contact information for applicants, recipients, and subrecipients. It will be used throughout the life cycle of an OJP award. Obtaining a DUNS number is a free, one-time activity. Call Dun and Bradstreet at 866-705-5711 to obtain a DUNS number or apply online at www.dnb.com. A DUNS number is usually received within 1-2 business days.

2. Acquire registration with the SAM. SAM is the repository for certain standard information about federal financial assistance applicants, recipients, and subrecipients. All applicants for OJP awards (other than individuals) must maintain current registrations in the SAM database.

Each applicant must **update or renew its SAM registration at least annually** to maintain an active status. SAM registration and renewal can take as long as 10 business days to complete.

Information about SAM registration procedures can be accessed at <https://www.sam.gov/>.

3. Acquire a GMS username and password. New users must create a GMS profile by selecting the "First Time User" link under the sign-in box of the GMS home page. For more information on how to register in GMS, go to www.ojp.gov/gmscbt. Previously registered applicants should ensure, prior to applying, that the user profile information is up-to-date in GMS (including, but not limited to, address, legal name of agency and authorized representative) as this information is populated in any new application.

4. Verify the SAM (formerly CCR) registration in GMS. OJP requires each applicant to verify its SAM registration in GMS. Once logged into GMS, click the "CCR Claim" link on the left side of the default screen. Click the submit button to verify the SAM (formerly CCR) registration.

5. Search for the funding opportunity on GMS. After logging into GMS or completing the GMS profile for username and password, go to the "Funding Opportunities" link on the left side of the page. Select BJA and FY 17 Edward Byrne Memorial Local Justice Assistance Grant (JAG) Program.

6. Register by selecting the "Apply Online" button associated with the funding opportunity title. The search results from step 5 will display the "funding opportunity" (solicitation) title along with the registration and application deadlines for this solicitation. Select the "Apply Online" button in the "Action" column to register for this solicitation and create an application in the system.

7. Follow the directions in GMS to submit an application consistent with this solicitation. Once the application is submitted, GMS will display a confirmation screen stating the submission was successful. **Important:** In some instances, applicants must wait for GMS approval before submitting an application. OJP urges each applicant to submit its application at **least 72 hours prior** to the application due date.

Note: Application Versions

If an applicant submits multiple versions of the same application, OJP will review **only** the most recent system-validated version submitted.

Experiencing Unforeseen GMS Technical Issues

An applicant that experiences unforeseen GMS technical issues beyond its control that prevent it from submitting its application by the deadline may contact the GMS Help Desk or the SAM Help Desk (Federal Service Desk) to report the technical issue and receive a tracking number. The applicant is expected to email the NCJRS Response Center identified in the Contact Information section on the title page **within 24 hours after the application deadline** to request approval to submit its application after the deadline. The applicant's email must describe the technical difficulties, and must include a timeline of the applicant's submission efforts, the complete grant application, the applicant's DUNS number, and any GMS Help Desk or SAM tracking number(s).

Note: OJP does not automatically approve requests to submit a late application. After OJP reviews the applicant's request, and contacts the GMS Help Desk to verify the reported technical issues, OJP will inform the applicant whether the request to submit a late application

has been approved or denied. If OJP determines that the untimely application submission was due to the applicant's failure to follow all required procedures, OJP will deny the applicant's request to submit its application.

The following conditions generally are insufficient to justify late submissions to OJP solicitations:

- Failure to register in SAM or GMS in sufficient time (SAM registration and renewal can take as long as 10 business days to complete.)
- Failure to follow GMS instructions on how to register and apply as posted on the GMS website
- Failure to follow each instruction in the OJP solicitation
- Technical issues with the applicant's computer or information technology environment such as issues with firewalls

E. Application Review Information

Review Process

OJP is committed to ensuring a fair and open process for making awards. BJA reviews the application to make sure that the information presented is reasonable, understandable, measurable, and achievable, as well as consistent with the solicitation. BJA will also review applications to help ensure that JAG program-statute requirements have been met.

Pursuant to the (DOJ) Part 200 Uniform Requirements, before awards are made, OJP also reviews information related to the degree of risk posed by applicants. Among other things, to help assess whether an applicant that has one or more prior federal awards has a satisfactory record with respect to performance, integrity, and business ethics, OJP checks whether the applicant is listed in SAM as excluded from receiving a federal award. In addition, if OJP anticipates that an award will exceed \$150,000 in federal funds, OJP also must review and consider any information about the applicant that appears in the non-public segment of the integrity and performance system accessible through SAM (currently, the Federal Awardee Performance and Integrity Information System; "FAPIS").

Important note on FAPIS: An applicant, at its option, may review and comment on any information about itself that currently appears in FAPIS and was entered by a federal awarding agency. OJP will consider any such comments by the applicant, in addition to the other information in FAPIS, in its assessment of the risk posed by the applicant.

The evaluation of risks goes beyond information in SAM, however. OJP itself has in place a framework for evaluating risks posed by applicants. OJP takes into account information pertinent to matters such as—

1. Applicant financial stability and fiscal integrity
2. Quality of the management systems of the applicant, and the applicant's ability to meet prescribed management standards, including those outlined in the DOJ Grants Financial Guide
3. Applicant's history of performance under OJP and other DOJ awards (including compliance with reporting requirements and award conditions), as well as awards from other federal agencies

4. Reports and findings from audits of the applicant, including audits under the (DOJ) Part 200 Uniform Requirements
5. Applicant's ability to comply with statutory and regulatory requirements, and to effectively implement other award requirements

Absent explicit statutory authorization or written delegation of authority to the contrary, the Assistant Attorney General will make all final award decisions.

F. Federal Award Administration Information

Federal Award Notices

OJP expects to issue award notifications by September 30, 2017. OJP sends award notifications by email through GMS to the individuals listed in the application as the point of contact and the authorizing official. The email notification includes detailed instructions on how to access and view the award documents, and steps to take in GMS to start the award acceptance process. GMS automatically issues the notifications at 9:00 p.m. eastern time on the award date.

NOTE: In order validly to accept an award under the FY 2017 JAG Program, a unit of local government (other than an Indian tribal government) must submit to GMS the certification by its chief legal officer regarding compliance with 8 U.S.C. § 1373, executed using the form that appears in Appendix I. (The form also may be downloaded at <https://ojp.gov/funding/Explore/SampleCertifications-8USC1373.htm>.) Unless the executed certification either (1) is submitted to OJP together with the signed award document or (2) is uploaded in GMS no later than the day the signed award document is submitted, **OJP will reject as invalid** any submission by a unit of local government (other than an Indian tribal government) that purports to accept an award under this solicitation.

Rejection of an initial submission as an invalid award acceptance is not a denial of the award. Consistent with award requirements, once the unit of local government **does** submit the necessary certification regarding 8 U.S.C. § 1373, the unit of local government **will** be permitted to submit an award document executed by the unit of local government on or after the date of that certification.

Also, in order for a unit of local government applicant validly to accept an award under the FY 2017 JAG Program, an individual with the necessary authority to bind the applicant will be required to log in; execute a set of legal certifications and a set of legal assurances; designate a financial point of contact; thoroughly review the award, including all award conditions; and sign and accept the award. The award acceptance process requires physical signature of the award document by the authorized representative and the scanning of the fully executed award document (along with the required certification regarding 8 U.S.C. § 1373, if not already uploaded in GMS) to OJP.

Statutory and Regulatory Requirements; Award Conditions

If selected for funding, in addition to implementing the funded project consistent with the OJP-approved application, the recipient must comply with all award requirements (including all award conditions), as well as all applicable requirements of federal statutes and regulations (including those referred to in assurances and certifications executed as part of the application or in

connection with award acceptance, and administrative and policy requirements set by statute or regulation).

OJP strongly encourages prospective applicants to review information on post-award legal requirements generally applicable to FY 2017 OJP awards and common OJP award conditions prior to submitting an application.

Applicants should consult the "Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2017 Awards," available in the OJP Funding Resource Center. In addition, applicants should examine the following two legal documents, as each successful applicant must execute both documents in GMS before it may receive any award funds.

- Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements
- OJP Certified Standard Assurances (attached to this solicitation as Appendix IV)

The web pages accessible through the "Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2017 Awards" are intended to give applicants for OJP awards a general overview of important statutes, regulations, and award conditions that apply to many (or in some cases, all) OJP grants and cooperative agreements awarded in FY 2017. Individual OJP awards typically also will include additional award conditions. Those additional conditions may relate to the particular statute, program, or solicitation under which the award is made; to the substance of the funded application; to the recipient's performance under other federal awards; to the recipient's legal status (e.g., as a for-profit entity); or to other pertinent considerations.

Individual FY 2017 JAG awards will include two new express conditions that, with respect to the "program or activity" that would be funded by the FY 2017 award, are designed to ensure that States and units of local government that receive funds from the FY 2017 JAG award: (1) permit personnel of the U.S. Department of Homeland Security (DHS) to access any correctional or detention facility in order to meet with an alien (or an individual believed to be an alien) and inquire as to his or her right to be or remain in the United States and (2) provide at least 48 hours' advance notice to DHS regarding the scheduled release date and time of an alien in the jurisdiction's custody when DHS requests such notice in order to take custody of the alien pursuant to the Immigration and Nationality Act.

Compliance with the requirements of the two foregoing new award conditions will be an authorized and priority purpose of the award. The reasonable costs (to the extent not reimbursed under any other federal program) of developing and putting into place statutes, rules, regulations, policies, or practices as required by these conditions, and to honor any duly authorized requests from DHS that is encompassed by these conditions, will be allowable costs under the award.

General Information about Post-Federal Award Reporting Requirements

A unit of local government recipient of an award under this solicitation will be required to submit the following reports and data:

Required reports. Recipients typically must submit quarterly financial status reports, semi-annual progress reports, final financial and progress reports, and, if applicable, an annual audit report in accordance with the (DOJ) Part 200 Uniform Requirements or specific award conditions. Future awards and fund drawdowns may be withheld if reports are delinquent. (In appropriate cases, OJP may require additional reports.)

Awards that exceed \$500,000 will include an additional condition that, under specific circumstances, will require the recipient to report (to 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: <https://ojp.gov/funding/FAPIIS.htm>

Data on performance measures. In addition to required reports, each recipient of an award under this solicitation also must provide data that measure the results of the work done under the award. To demonstrate program progress and success, as well as to assist DOJ with fulfilling its responsibilities under GPRA and the GPRA Modernization Act of 2010, OJP will require State recipients to provide accountability metrics data. Accountability metrics data must be submitted through BJA's Performance Measurement Tool (PMT), available at <https://bjapmt.ojp.gov>. The accountability measures are available at: <https://bjapmt.ojp.gov/help/jagdocs.html>. (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.)

OJP may restrict access to award funds if a recipient of an OJP award fails to report required performance measures data in a timely manner.

G. Federal Awarding Agency Contact(s)

For OJP contact(s), see the title page of this solicitation.

For contact information for GMS, see the title page.

H. Other Information

Freedom of Information Act and Privacy Act (5 U.S.C. § 552 and 5 U.S.C. § 552a)

All applications submitted to OJP (including all attachments to applications) are subject to the federal Freedom of Information Act (FOIA) and to the Privacy Act. By law, DOJ may withhold information that is responsive to a request pursuant to FOIA if DOJ determines that the responsive information either is protected under the Privacy Act or falls within the scope of one of nine statutory exemptions under FOIA. DOJ cannot agree in advance of a request pursuant to FOIA not to release some or all portions of an application.

In its review of records that are responsive to a FOIA request, OJP will withhold information in those records that plainly falls within the scope of the Privacy Act or one of the statutory exemptions under FOIA. (Some examples include certain types of information in budgets, and names and contact information for project staff other than certain key personnel.) In appropriate

circumstances, OJP will request the views of the applicant/recipient that submitted a responsive document.

For example, if OJP receives a request pursuant to FOIA for an application submitted by a nonprofit or for-profit organization or an institution of higher education, or for an application that involves research, OJP typically will contact the applicant/recipient that submitted the application and ask it to identify—quite precisely—any particular information in the application that applicant/recipient believes falls under a FOIA exemption, the specific exemption it believes applies, and why. After considering the submission by the applicant/recipient, OJP makes an independent assessment regarding withholding information. OJP generally follows a similar process for requests pursuant to FOIA for applications that may contain law-enforcement sensitive information.

Provide Feedback to OJP

To assist OJP in improving its application and award processes, OJP encourages applicants to provide feedback on this solicitation, the application submission process, and/or the application review process. Provide feedback to OJPSolicitationFeedback@usdoj.gov.

IMPORTANT: This email is for feedback and suggestions only. OJP does **not** reply to messages it receives in this mailbox. A prospective applicant that has specific questions on any program or technical aspect of the solicitation **must** use the appropriate telephone number or email listed on the front of this solicitation document to obtain information. These contacts are provided to help ensure that prospective applicants can directly reach an individual who can address specific questions in a timely manner.

If you are interested in being a reviewer for other OJP grant applications, please email your résumé to ojpeerreview@imsolas.com. (Do not send your résumé to the OJP Solicitation Feedback email account.) **Note:** Neither you nor anyone else from your organization or entity can be a peer reviewer in a competition in which you or your organization/entity has submitted an application.

Application Checklist

Edward Byrne Memorial Justice Assistance Grant (JAG) Program:

FY 2017 Local Solicitation

This application checklist has been created as an aid in developing an application.

What an Applicant Should Do:

Prior to Registering in GMS:

_____ Acquire a DUNS Number (see page 27)

_____ Acquire or renew registration with SAM (see page 27)

To Register with GMS:

_____ For new users, acquire a GMS username and password* (see page 27)

_____ For existing users, check GMS username and password* to ensure account access (see page 27)

_____ Verify SAM registration in GMS (see page 27)

_____ Search for correct funding opportunity in GMS (see page 27)

_____ Select correct funding opportunity in GMS (see page 27)

_____ Register by selecting the "Apply Online" button associated with the funding opportunity (see page 27)

_____ title (see page 27)

_____ Read OJP policy and guidance on conference approval, planning, and reporting (see page 14)

available at ojp.gov/financialguide/DOJ/PostawardRequirements/chapter3.10a.htm

_____ If experiencing technical difficulties in GMS, contact the NCJRS Response Center (see page 2)

_____ (see page 2)

_____ (see page 2)

*Password Reset Notice – GMS users are reminded that while password reset capabilities exist, this function is only associated with points of contact designated within GMS at the time the account was established. Neither OJP nor the GMS Help Desk will initiate a password reset unless requested by the authorized official or a designated point of contact associated with an award or application.

Overview of Post-Award Legal Requirements:

_____ Review the "[Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2017 Awards](#)" in the OJP Funding Resource Center.

Scope Requirement:

_____ The federal amount requested is within the allowable limit(s) of the FY 2017 JAG Allocations List as listed on BJA's [JAG web page](#).

What an Application Should Include:

_____ Application for Federal Assistance (SF-424)	(see page 16)
_____ Project Abstract	(see page 16)
_____ Program Narrative	(see page 17)
_____ Budget Detail Worksheet	(see page 18)
_____ Budget Narrative	(see page 18)
_____ Indirect Cost Rate Agreement (if applicable)	(see page 21)
_____ Tribal Authorizing Resolution (if applicable)	(see page 21)
_____ Financial Management and System of Internal Controls Questionnaire	(see page 22)
_____ Disclosure of Lobbying Activities (SF-LLL) (if applicable)	(see page 22)
_____ Certifications and Assurances by Chief Executive	(see page 22)
_____ Certification of Compliance with 8 U.S.C. § 1373 by Chief Legal Officer (Note: this requirement does not apply to Indian tribal governments.)	(see page 23)
_____ OJP Certified Standard Assurances	(see page 40)
_____ Additional Attachments	
_____ Applicant Disclosure of Pending Applications	(see page 23)
_____ Research and Evaluation Independence and Integrity (if applicable)	(see page 24)

Appendix I

Certifications and Assurances by the Chief Executive of the Applicant Government

Template for use by *chief executive* of the "Unit of local government" (e.g., the mayor)

Note: By law, for purposes of the JAG Program, the term "unit of local government" includes 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 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.

U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS

Edward Byrne Justice Assistance Grant Program
FY 2017 Local Solicitation

Certifications and Assurances
by the Chief Executive of the Applicant Government

On behalf of the applicant unit of local government named below, in support of that locality's application for an award under the FY 2017 Edward Byrne Justice Assistance Grant ("JAG") Program, and further to 42 U.S.C. § 3752(a), I certify under penalty of perjury to the Office of Justice Programs ("OJP"), U.S. Department of Justice ("USDOJ"), that all of the following are true and correct:

1. I am the chief executive of the applicant unit of local government named below, and I have the authority to make the following representations on my own behalf and on behalf of the applicant unit of local government. I understand that these representations will be relied upon as material in any OJP decision to make an award, under the application described above, to the applicant unit of local government.
2. I certify that no federal funds made available by the award (if any) that OJP makes based on the application described above will be used to supplant local funds, but will be used to increase the amounts of such funds that would, in the absence of federal funds, be made available for law enforcement activities.
3. I assure that the application described above (and any amendment to that application) was submitted for review to the governing body of the unit of local government (e.g., city council or county commission), or to an organization designated by that governing body, not less than 30 days before the date of this certification.
4. I assure that, before the date of this certification— (a) the application described above (and any amendment to that application) was made public; and (b) an opportunity to comment on that application (or amendment) was provided to citizens and to neighborhood or community-based organizations, to the extent applicable law or established procedure made such an opportunity available.
5. I assure that, for each fiscal year of the award (if any) that OJP makes based on the application described above, the applicant unit of local government will maintain and report such data, records, and information (programmatic and financial), as OJP may reasonably require.
6. I certify that— (a) the programs to be funded by the award (if any) that OJP makes based on the application described above meet all the requirements of the JAG Program statute (42 U.S.C. §§ 3750-3758); (b) all the information contained in that application is correct; (c) in connection with that application, there has been appropriate coordination with affected agencies; and (d) in connection with that award (if any), the applicant unit of local government will comply with all provisions of the JAG Program statute and all other applicable federal laws.
7. I have examined certification entitled "State or Local Government: FY 2017 Certification of Compliance with 8 U.S.C. § 1373" executed by the chief legal officer of the applicant government with respect to the FY 2017 JAG program and submitted in support of the application described above, and I hereby adopt that certification as my own on behalf of that government.

I acknowledge that a materially false, fictitious, or fraudulent statement (or concealment or omission of a material fact) in this certification, or in the application that it supports, may be the subject of criminal prosecution (including under 18 U.S.C. §§ 1001 and/or 1821, and/or 42 U.S.C. § 3795a), and also may subject me and the applicant unit of local government to civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. §§ 3729-3730 and §§ 3801-3812). I also acknowledge that OJP awards, including certifications provided in connection with such awards, are subject to review by USDOJ, including by OJP and by the USDOJ Office of the Inspector General.

Signature of Chief Executive of the Applicant Unit of
Local Government

Date of Certification

Printed Name of Chief Executive

Title of Chief Executive

Name of Applicant Unit of Local Government

Appendix II

State or Local Government:

Certification of Compliance with 8 U.S.C. § 1373

Template for use by the *chief legal officer* of the “Local Government”
(e.g., the General Counsel) (Note: this Certification is not required by Indian tribal
government applicants.)

Available for download at:

<https://ojp.gov/funding/Explore/SampleCertifications-8USC1373.htm>

**U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS**

State or Local Government: FY 2017 Certification of Compliance with 8 U.S.C. § 1373

On behalf of the applicant government entity named below, and in support of its application, I certify under penalty of perjury to the Office of Justice Programs ("OJP"), U.S. Department of Justice ("USDOJ"), that all of the following are true and correct:

- (1) I am the chief legal officer of the State or local government of which the applicant entity named below is a part ("the jurisdiction"), and I have the authority to make this certification on behalf of the jurisdiction and the applicant entity (that is, the entity applying directly to OJP). I understand that OJP will rely upon this certification as a material representation in any decision to make an award to the applicant entity.
- (2) I have carefully reviewed 8 U.S.C. § 1373(a) and (b), including the prohibitions on certain actions by State and local government entities, -agencies, and -officials regarding information on citizenship and immigration status. I also have reviewed the provisions set out at (or referenced in) 8 U.S.C. § 1551 note ("Abolition ... and Transfer of Functions"), pursuant to which references to the "Immigration and Naturalization Service" in 8 U.S.C. § 1373 are to be read, as a legal matter, as references to particular components of the U.S. Department of Homeland Security.
- (3) I (and also the applicant entity) understand that the U.S. Department of Justice will require States and local governments (and agencies or other entities thereof) to comply with 8 U.S.C. § 1373, with respect to any "program or activity" funded in whole or in part with the federal financial assistance provided through the FY 2017 OJP program under which this certification is being submitted ("the FY 2017 OJP Program" identified below), specifically including any such "program or activity" of a governmental entity or -agency that is a subrecipient (at any tier) of funds under the FY 2017 OJP Program.
- (4) I (and also the applicant entity) understand that, for purposes of this certification, "program or activity" means what it means under title VI of the Civil Rights Act of 1964 (see 42 U.S.C. § 2000d-4a), and that terms used in this certification that are defined in 8 U.S.C. § 1101 mean what they mean under that section 1101, except that the term "State" also shall include American Samoa (cf. 42 U.S.C. § 601(a)(2)). Also, I understand that, for purposes of this certification, neither a "public" institution of higher education (i.e., one that is owned, controlled, or directly funded by a State or local government) nor an Indian tribe is considered a State or local government entity or -agency.
- (5) I have conducted (or caused to be conducted for me) a diligent inquiry and review concerning both—
 - (a) the "program or activity" to be funded (in whole or in part) with the federal financial assistance sought by the applicant entity under this FY 2017 OJP Program; and
 - (b) any prohibitions or restrictions potentially applicable to the "program or activity" sought to be funded under the FY 2017 OJP Program that deal with sending to, requesting or receiving from, maintaining, or exchanging information of the types described in 8 U.S.C. § 1373(a) or (b), whether imposed by a State or local government entity, -agency, or -official.
- (6) As of the date of this certification, neither the jurisdiction nor any entity, agency, or official of the jurisdiction has in effect, purports to have in effect, or is subject to or bound by, any prohibition or any restriction that would apply to the "program or activity" to be funded in whole or in part under the FY 2017 OJP Program (which, for the specific purpose of this paragraph 6, shall not be understood to include any such "program or activity" of any subrecipient at any tier), and that deals with either— (1) a government entity or -official sending or receiving information regarding citizenship or immigration status as described in 8 U.S.C. § 1373(a); or (2) a government entity or -agency sending to, requesting or receiving from, maintaining, or exchanging information of the types (and with respect to the entities) described in 8 U.S.C. § 1373(b).

I acknowledge that a materially false, fictitious, or fraudulent statement (or concealment or omission of a material fact) in this certification, or in the application that it supports, may be the subject of criminal prosecution (including under 18 U.S.C. §§ 1001 and/or 1621, and/or 42 U.S.C. § 3795a), and also may subject me and the applicant entity to civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. §§ 3729-3730 and §§ 3801-3812). I also acknowledge that OJP awards, including certifications provided in connection with such awards, are subject to review by USDOJ, including by OJP and by the USDOJ Office of the Inspector General.

Signature of Chief Legal Officer of the Jurisdiction

Printed Name of Chief Legal Officer

Date of Certification

Title of Chief Legal Officer of the Jurisdiction

Name of Applicant Government Entity (i.e., the applicant to the FY 2017 OJP Program identified below)

FY 2017 OJP Program: Byrne Justice Assistance Grant ("JAG") Program

Appendix III

8 U.S.C. § 1373 (as in effect on June 21, 2017)

Communication between government agencies and the Immigration and Naturalization Service

(a) In general

Notwithstanding any other provision of Federal, State, or local law, a Federal, State, or local government entity or official may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual.

(b) Additional authority of government entities

Notwithstanding any other provision of Federal, State, or local law, no person or agency may prohibit, or in any way restrict, a Federal, State, or local government entity from doing any of the following with respect to information regarding the immigration status, lawful or unlawful, of any individual:

- (1) Sending such information to, or requesting or receiving such information from, the Immigration and Naturalization Service.
- (2) Maintaining such information.
- (3) Exchanging such information with any other Federal, State, or local government entity.

(c) Obligation to respond to inquiries

The Immigration and Naturalization Service shall respond to an inquiry by a Federal, State, or local government agency, seeking to verify or ascertain the citizenship or immigration status of any individual within the jurisdiction of the agency for any purpose authorized by law, by providing the requested verification or status information.

See also provisions set out at (or referenced in) 8 U.S.C. § 1551 note ("Abolition ... and Transfer of Functions")

Appendix IV

OJP Certified Standard Assurances

OMB No. 1121-0140
Expires 5/31/2019U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS

CERTIFIED STANDARD ASSURANCES

On behalf of the Applicant, and in support of this application for a grant or cooperative agreement, I certify under penalty of perjury to the Office of Justice Programs (OJP), U.S. Department of Justice ("Department"), that all of the following are true and correct:

- (1) I have the authority to make the following representations on behalf of myself and the Applicant. I understand that these representations will be relied upon as material in any OJP decision to make an award to the Applicant based on its application.
- (2) I certify that the Applicant has the legal authority to apply for the federal assistance sought by the application, and that it has the institutional, managerial, and financial capability (including funds sufficient to pay any required non-federal share of project costs) to plan, manage, and complete the project described in the application properly.
- (3) I assure that, throughout the period of performance for the award (if any) made by OJP based on the application—
 - (a) the Applicant will comply with all award requirements and all federal statutes and regulations applicable to the award;
 - (b) the Applicant will require all subrecipients to comply with all applicable award requirements and all applicable federal statutes and regulations; and
 - (c) the Applicant will maintain safeguards to address and prevent any organizational conflict of interest, and also to prohibit employees from using their positions in any manner that poses, or appears to pose, a personal or financial conflict of interest.
- (4) The Applicant understands that the federal statutes and regulations applicable to the award (if any) made by OJP based on the application specifically include statutes and regulations pertaining to civil rights and nondiscrimination, and, in addition—
 - (a) the Applicant understands that the applicable statutes pertaining to civil rights will include section 601 of the Civil Rights Act of 1964 (42 U.S.C. § 2000d); section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794); section 601 of the Education Amendments of 1972 (20 U.S.C. § 1881); and section 303 of the Age Discrimination Act of 1975 (42 U.S.C. § 5102);
 - (b) the Applicant understands that the applicable statutes pertaining to nondiscrimination may include section 815(c) of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3788(c)); section 1407(e) of the Victims of Crime Act of 1984 (42 U.S.C. § 10204(e)); section 209A(b) of the Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. § 5672(b)); and that the grant condition set out at section 40002(b)(13) of the Violence Against Women Act (42 U.S.C. § 13925(b)(13)) also may apply;
 - (c) the Applicant understands that it must require any subrecipient to comply with all such applicable statutes (and associated regulations); and
 - (d) on behalf of the Applicant, I make the specific assurances set out in 28 C.F.R. §§ 42.105 and 42.204.
- (5) The Applicant also understands that (in addition to any applicable program-specific regulations and to applicable federal regulations that pertain to civil rights and nondiscrimination) the federal regulations applicable to the award (if any) made by OJP based on the application may include, but are not limited to, 2 C.F.R. Part 2800 (the DOJ "Part 200 Uniform Requirements") and 28 C.F.R. Parts 22 (confidentiality - research and statistical information), 23 (criminal intelligence systems), and 45 (human subjects protection).
- (6) I assure that the Applicant will assist OJP as necessary (and will require subrecipients and contractors to assist as necessary) with the Department's compliance with section 109 of the National Historic Preservation Act of 1966 (54 U.S.C. § 306108), the Archeological and Historical Preservation Act of 1974 (54 U.S.C. §§ 312501-312508), and the National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321-4335), and 28 C.F.R. Parts 61 (NEPA) and 63 (floodplains and wetlands).
- (7) I assure that the Applicant will give the Department and the Government Accountability Office, through any authorized representative, access to, and opportunity to examine, all paper or electronic records related to the award (if any) made by OJP based on the application.
- (8) I assure that, if the Applicant is a governmental entity, with respect to the award (if any) made by OJP based on the application—
 - (a) it will comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. §§ 4801-4806), which govern the treatment of persons displaced as a result of federal and federally-assisted programs; and
 - (b) it will comply with requirements of 5 U.S.C. §§ 1501-1506 and 7324-7326, which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by federal assistance.

I acknowledge that a materially false, fictitious, or fraudulent statement (or concealment or omission of a material fact) in this certification, or in the application that it supports, may be the subject of criminal prosecution (including under 18 U.S.C. §§ 1001 and/or 1621, and/or 42 U.S.C. § 3795a), and also may subject me and the Applicant to civil penalties and administrative remedies for false claims or otherwise (including under 5 U.S.C. §§ 3729-3730 and 3801-3812). I also acknowledge that OJP awards, including certifications provided in connection with such awards, are subject to review by the Department, including by OJP and by the Department's Office of the Inspector General.

EXHIBIT C



The U.S. Department of Justice, Office of Community Oriented Policing Services (COPS Office, www.cops.usdoj.gov) is pleased to announce that it is seeking applications for funding for the COPS Office FY 2017 COPS Anti-Methamphetamine Program (CAMP). This program furthers the department's mission of advancing public safety through community policing by addressing the department's goal of assisting state, local, and tribal efforts to prevent or reduce crime and violence.

2017 COPS Anti-Methamphetamine Program (CAMP) Application Guide

CFDA#: 16.710

Funding Opportunity Number: COPS-CAMP-APPLICATION-2017

Eligibility

The fiscal year (FY) 2017 COPS Anti-Methamphetamine Program (CAMP) is a competitive award program with a focus on advancing public safety by providing funds to investigate illicit activities related to the manufacture and distribution of methamphetamine. CAMP provides funding directly to state law enforcement agencies in states with high seizures of precursor chemicals, finished methamphetamine, laboratories, and laboratory dump seizures for the purpose of locating and investigating illicit activities including precursor diversion, laboratories, or methamphetamine traffickers. Only state law enforcement agencies authorized by law or by a state agency to engage in or to supervise anti-methamphetamine investigative activities are eligible to apply for funding. **Additional consideration will be given to agencies participating in anti-methamphetamine task forces with multijurisdictional reach and interdisciplinary team structures.** All awards are subject to the availability of appropriated funds and any modifications or additional requirements that may be imposed by law.

Deadline/application period

The application period for the 2017 CAMP begins **May 22, 2017**. All applications must be submitted **July 10, 2017, at 7:59 p.m. EDT**. Applications submitted after July 10, 2017, at 7:59 p.m. EDT will not be considered for funding.

Completing an application under the CAMP solicitation is a two-step process. Applicants are first required to register via www.grants.gov and complete an SF-424, submitting it through the Grants.gov website. Once the SF-424 has been submitted via Grants.gov, the COPS Office will send an invitation e-mail to the applicant with instructions on completing the second part of the CAMP application through the COPS Office Online Application System (see "Registration" on page 3 and "How to Apply" on page 14). If you have not renewed your COPS Office Account Access information, contact the COPS Office Response Center at AskCopsRC@usdoj.gov or 800-421-6770. An application is not considered submitted until both of these steps are completed.

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

www.cops.usdoj.gov

Contact information

For technical assistance with submitting the SF-424, call the Grants.gov customer service hotline at 800-518-4726, send questions via e-mail to support@Grants.gov, or consult the Grants.gov Organization Applicant User Guide at <https://www.grants.gov/help/html/help/index.htm>. For programmatic assistance with the requirements of this program or with submitting the application through the COPS Office Online Application System, please call the COPS Office Response Center at 800-421-6770 or send questions via e-mail to AskCopsRC@usdoj.gov.

U.S. Department of Justice
Office of Community Oriented Policing Services
Russell Washington, Acting Director
www.cops.usdoj.gov

2017 COPS Anti-Methamphetamine Program (CAMP) Application Guide

The COPS Office Application Guide is designed to assist applicants in applying for COPS Office award programs. This guide includes general information on the administrative and legal requirements governing CAMP as well as detailed program-specific information.

For more information about COPS Office awards, please call the COPS Office Response Center at 800-421-6770.



U.S. Department of Justice
Office of Community Oriented Policing Services
145 N Street NE
Washington, DC 20530

Visit the COPS Office online: www.cops.usdoj.gov

May 2017

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COPS Anti-Methamphetamine Program (CAMP) (CFDA 16.710) Overview

COPS Anti-Methamphetamine Program (CAMP) description and federal award information

This program is authorized under Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3796dd et seq., as amended and the Violent Crime Control and Law Enforcement Act of 1994, Title I, Part Q, Public Law 103-322.

The use of methamphetamine—a central nervous system stimulant often referred to by its street names such as crank, speed, ice, or crystal—has been a persistent problem for law enforcement agencies across the United States in recent years. Methamphetamine is cheap and addictive and was traditionally developed in clandestine laboratories that were often located in remote areas. Methamphetamine use spreads quickly, most noticeably in rural areas, largely because of the simple preparation methods used and manufacturers' easy access to the necessary precursor chemicals. In more recent years, changing trends in methamphetamine production and distribution have created new obstacles for law enforcement and public health agencies. While law enforcement efforts and precursor chemical sale restrictions have been successful in decreasing the domestic production of methamphetamine, foreign drug traffickers have capitalized on this decreased availability by quickly expanding their avenues of methamphetamine distribution as users have sought out new, reliable supplies.¹

Since 1998, the COPS Office has invested more than \$500 million nationwide to combat the spread of methamphetamine. The COPS Office encourages agencies to focus on community policing approaches to methamphetamine reduction. The COPS Office also works directly with state and local law enforcement agencies to craft innovative strategies, track and evaluate their implementation, and disseminate results to other jurisdictions confronting similar challenges. To combat methamphetamine in their communities, the COPS Office encourages sites to develop partnerships with other agencies, such as the Environmental Protection Agency, fire departments, local businesses, mental health organizations, child protection services, and other local law enforcement entities. The COPS Office also encourages data collection and information-sharing efforts aimed at better identifying and responding to the needs of drug endangered children.

For example, the Drug Enforcement Administration (DEA) uses COPS Office funds to provide training to state and local law enforcement professionals on clandestine lab enforcement operations including basic certification, officer safety, and tactical training. The DEA also uses COPS Office funding to improve the clandestine lab information-gathering capabilities of the El Paso Intelligence Center, carry out regional information-sharing conferences, and assist state and local law enforcement in cleaning up methamphetamine lab sites. In FY 2014, the DEA received \$10 million in COPS Office funds for methamphetamine lab cleanup efforts.

The FY 2017 COPS Anti-Methamphetamine Program (CAMP) is designed to advance public safety by providing funds to investigate illicit activities related to the manufacture and distribution of methamphetamine. CAMP provides funding for 24 months to state law enforcement agencies for equipment, overtime, and other approved personnel costs for law enforcement officers assigned to the investigation of methamphetamine production and

¹ *National Drug Threat Assessment 2011* (Johnstown, PA: National Drug Intelligence Center, 2011), <http://www.justice.gov/archive/ndic/pubs44/44849/44849p.pdf>.

trafficking. Funding awarded to state law enforcement agencies may be used to support law enforcement personnel costs for allied agencies' officers participating in a state anti-methamphetamine task force. The COPS Office anticipates making approximately five 2017 CAMP awards for a total of approximately \$7,000,000. Funding requests under this program will be capped at \$1,500,000 per award.

New Certification Requirement

All state or local government entity applicants (e.g., police departments, sheriff's departments, state police) are required to certify compliance with 8 U.S.C. § 1373 regarding prohibitions or restrictions on sending to, requesting or receiving from, maintaining, or exchanging information on citizenship or immigration status, including any prohibitions or restrictions imposed or established by a state or local government entity or official.

In FY 2017, all state or local government entity applicants (e.g., police departments, sheriff's departments, state police) are required to certify compliance with 8 U.S.C. § 1373 regarding prohibitions or restrictions on sending to, requesting or receiving from, maintaining, or exchanging information on citizenship or immigration status, including any prohibitions or restrictions imposed or established by a state or local government entity or official. This certification must be completed by the governing body's chief legal officer (e.g., city or county attorney).

- a. Set up a new user and roles in the COPS Office Agency Portal at <https://portal.cops.usdoj.gov/>. Establish accounts for the law enforcement executive (LE)/ program official (PO), government executive (GE)/ financial official (FO), and chief legal officer (CLO).
- b. Set up an e-signature in the COPS Office Agency Portal at <https://portal.cops.usdoj.gov/>. Establish an electronic signature for all officials (LE/PO, GE/FO, and CLO). This is critical as it enables your agency to sign important documents in the application process.

We strongly recommend notifying your governing body's chief legal counsel of this certification requirement as soon as the CAMP application period opens so that they may conduct the required reviews necessary for completing the certification before the application deadline.

Questions regarding the certification requirement may be directed to the COPS Office Legal Division at 202-514-3750.

Please be advised that a hold may be placed on any application if it is deemed that the applicant agency is not in good standing on other U.S. Department of Justice awards, has other award compliance issues that would make the applicant agency ineligible to receive COPS Office funding, or is not cooperating with an ongoing U.S. Department of Justice award review or audit. A hold may also be placed on any application if it is deemed that the applicant agency is not in compliance with federal civil rights laws or is not cooperating with an ongoing federal civil rights investigation.

Misuse of COPS Office funds or failure to comply with all COPS Office award requirements may result in suspension or termination of award funds, the repayment of award funds, or other remedies available by law.

Under the False Claim Act, any credible evidence that a person has submitted a false claim or has committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving COPS Office funds may be referred to the Office of Inspector General (OIG). The OIG may be contacted at oig.hotline@usdoj.gov, or 800-869-4499.

Registration

All FY 2017 CAMP applicants are required to have a valid ORI number. The ORI number is assigned by the Federal Bureau of Investigation (FBI) and is your agency's unique identifier. Please contact the COPS Office Response Center at 800-421-6770 to verify your agency's ORI number. If you do not have an ORI number, a COPS Office Response Center Specialist will assign one to you for the purpose of tracking your award application. This is required before you begin your application on Grants.gov.

In addition, the Federal Government requires that all applicants for federal awards and cooperative agreements—with the exception of individuals other than sole proprietors—have a Data Universal Numbering System (DUNS) number and be registered in the System for Award Management (SAM) database prior to submitting an application. See "section 3: General Agency Information" on page 39 of this guide for more information regarding DUNS and SAM.

Completing an application under CAMP is a two-step process. Applicants are first required to register via www.grants.gov and complete an SF-424, the government-wide standard application form for federal assistance. Once you have registered and submitted your SF-424 through Grants.gov, you will receive an e-mail from the COPS Office within one business day with instructions on completing the second part of the CAMP application process, which is the COPS Office Application Attachment to the SF-424 through the COPS Office Online Application System. If you have not renewed your COPS Office Account Access information, contact the COPS Office Response Center at AskCopsRC@usdoj.gov or 800-421-6770.

It is strongly recommended that applicants register immediately on www.grants.gov. In addition, applicants are strongly encouraged to complete the SF-424 and section 1 on Grants.gov as quickly as possible. Any delays in registering with Grants.gov or submitting the SF-424 may result in insufficient time for processing your application through Grants.gov or the COPS Office Online Application System.

For technical assistance with submitting the SF-424, call Grants.gov Customer Service Hotline at 800-518-4726, e-mail support@grants.gov, or consult the Grants.gov Applicant User Guide at https://www.grants.gov/help/html/help/Get_Started/Get_Started.htm. See "How to Apply/Application Submission" on page 14 of this guide for more information.

For technical assistance with submitting the online application via the COPS Office website, please call 800-421-6770 or send questions via e-mail to AskCopsRC@usdoj.gov. See "How to Apply/Application Submission" on page 14 of this guide for more information.

Deadline: Application

All completed applications must be submitted by **July 10 2017 at 7:59 p.m. EDT**. Please see "How to Apply/Application Submission" for more information.

Applications for this program must be submitted in two parts. First, applicants must apply online via www.grants.gov to complete the SF-424. Applicants will then be directed to the COPS Office website (www.cops.usdoj.gov) to complete the second part of the application by **July 10 2017 at 7:59 p.m. EDT**.

Eligibility Requirements

FY 2017 CAMP is a competitive award program, with a focus on advancing public safety by providing funds to investigate illicit activities related to the manufacture and distribution of methamphetamine. CAMP provides funding directly to state law enforcement agencies in states with high seizures of precursor chemicals, finished methamphetamine, laboratories, and laboratory dump seizures for the purpose of locating and investigating illicit activities, including precursor diversion, laboratories, or methamphetamine traffickers. Only state law enforcement agencies authorized by law or by a state agency to engage in or to supervise anti-methamphetamine investigative activities are eligible to apply for funding. Additional consideration will be given to agencies participating in anti-methamphetamine task forces with multijurisdictional reach and interdisciplinary team structures.

FY 2017 CAMP does not have a local match requirement.

For additional information, please contact the COPS Office Response Center at 800-421-6770 or send questions via e-mail to AskCopsRC@usdoj.gov.

Program-Specific Information

All awards are subject to the availability of appropriated funds and any modifications or additional requirements that may be imposed by law.

This solicitation is being announced as an open competition targeted at state law enforcement agencies authorized by law or by a state agency to engage in or to supervise anti-methamphetamine investigative activities. Funding is limited, and this solicitation is expected to be very competitive. Approximately \$7,000,000 in funding may be available for FY 2017 CAMP, and a maximum of \$1,500,000 may be awarded to each recipient. Strong applications should demonstrate a multijurisdictional reach and participation in interdisciplinary team structures (i.e., task forces). Strong applications should also include multiyear state level methamphetamine seizure data to support their proposal. The COPS Office reserves the right to limit awards to one per state at the time of award announcement.

Program goal

FY 2017 CAMP seeks to address the growing problem of methamphetamine abuse by assisting state law enforcement agencies in collaboration with other service providers and stakeholders to

- increase efforts to locate and investigate illicit methamphetamine activities including precursor diversion, laboratories, or traffickers;
- establish new or enhance existing multijurisdictional and interdisciplinary task forces to investigate and lead to the seizure of precursor chemicals, finished methamphetamine, laboratories, and laboratory dump seizures;
- increase the use of community policing strategies during the investigation phase (including problem solving, partnerships, and organizational changes) to reduce the manufacture, distribution, and use of methamphetamine;
- increase anti-methamphetamine collaboration efforts during investigations with federal, state, local, and/or tribal partners involved in prevention, intervention and treatment, identification of drug endangered children, and enforcement activities.

Length of award term, maximum federal share, and local share requirements

All awards will have a performance period of two years (24 months) in duration, and there is no local match required.

The COPS Office will review reasonable requests made for no-cost time extensions in the event that all funds granted have not been expended within the two-year award period. CAMP recipients will be provided an opportunity to extend approximately 90 days prior to the award end date. Any extensions granted will be for time only and not for additional funding. Please be advised that all extension requests must be received by the COPS Office prior to the official award end date.

At present, this is a one-time funding opportunity and the COPS Office expects that all items, personnel, and/or training requested will be purchased or hired and the project implemented within the award period.

The COPS Office statutory nonsupplanting requirement mandates that CAMP funds be used to supplement (increase) the recipient's budget and may not supplant (replace) state, local, or Bureau of Indian Affairs funds that a recipient would otherwise have spent on sworn officer positions in the absence of the CAMP award.

Federal funding: Allowable and unallowable costs

All items requested will be considered on a case-by-case basis during the budget review process. Items under the program must be purchased using the legislative guidelines established by the appropriations legislation that governs this funding. In addition, each item requested must programmatically link to the activities described in your application. To the greatest extent practical, all equipment and products purchased with these funds must be American-made.

Allowable costs: Fundable requests

Applications should include a clear and demonstrated plan for implementing comprehensive anti-methamphetamine strategies. Each award application must explain how the proposed project would fit into an overall effort to increase and/or enhance methamphetamine investigation efforts. Budget requests may be made in the categories described in the following sections.

Sworn officer positions (salaries and benefits)

Sworn officer salary and fringe benefits apply to new, full-time sworn career law enforcement officers not already funded in the applicant's local budget. A "career law enforcement officer" is a person hired on a permanent basis who is authorized by law or by a state, local, or tribal agency to engage in or oversee the prevention, detection, and/or investigation of violations of criminal laws. Officers must be hired on or after the award start date, and positions must directly relate to the CAMP project. Officers previously employed by your agency may be re-hired using CAMP award funds. If current personnel are redeployed into this program, they must be paid with local funds. COPS Office award funds may be used to backfill the resulting vacancy with newly hired personnel for an equivalent amount of time. [Please note: Overtime for sworn officers engaging in CAMP-related activities is an allowable cost; however, any overtime expenses requested for sworn officer positions must be listed in the "Other Costs" section of your application's budget. Overtime expenses must exceed the expenditures that your agency is obligated or funded to pay in its current budget.]

Civilian/Non-sworn personnel (salaries and benefits)

Civilian salary and fringe benefits apply to new personnel not already funded in the applicant's local budget. Staff must be hired on or after the award start date, and positions must directly relate to the CAMP project. Examples of allowable personnel and fringe benefits costs include those for civilian CAMP project coordinators or anti-methamphetamine/drug problem analysts.

Equipment/Technology

Equipment and/or technology costs shall provide agencies with the ability to purchase new or enhance existing equipment exclusively related to methamphetamine investigations. All items requested must be clearly linked to the enhancement or implementation of the CAMP project.

Supplies

Generally, supplies include any materials that are expended or consumed during the course of the CAMP project. Such costs may include training manuals, paper, printer ink, pens, postage, etc.

Travel/Training

Travel/training costs include award-related travel costs for the recipient or other (non-recipient) individuals to attend CAMP-related training and technical assistance conferences, seminars, or classes or to visit a site specified in the application. Expenses for transportation, lodging, meals, and incidental expenses (if travel is more than 50 miles from the program location) and temporary dependent care costs will be reviewed in accordance with applicable guidelines as part of the application process.

Contracts/Consultants

Consultant expenses and contracts include goods or services that directly contribute to the implementation or enhancement of the project. The use of a consultant should be more economical than direct employment. Contract/consultant costs may include costs to provide one-time training to staff for equipment operation/usage and contracting/consulting services that provide such things as needs analysis, installation, and testing. Compensation for individual consultant services procured under a COPS Office award must be reasonable and allocable in accordance with OMB cost principles and consistent with that paid for similar services in the marketplace. Unless otherwise approved by the COPS Office, consultant rates will be based on the salary a consultant receives from his or her primary employer, as applicable, up to \$650 per day. For consultant or contractor rates that exceed \$650 per day, the COPS Office requires written justification if the consultants or contractors are hired through a noncompetitive bidding process, and recipients must receive COPS Office approval of those rates before drawing down funds. Determinations will be made on a case-by-case basis.

Other costs

Other costs may include such items as software and prepaid warranties or maintenance agreements (not to exceed 24 months), overtime costs for sworn officers engaging in CAMP-related investigative activities, or other miscellaneous items that have a direct correlation to the overall success of a recipient's project objectives and are necessary for the project to reach full implementation.

Applicants must provide sufficient explanation for items requested via the "Budget Narrative" section of this application. Applicants will be notified of any points of clarification the COPS Office may require. Requests may be made only for items or positions that are not otherwise budgeted with state, local, or Bureau of Indian Affairs (BIA) funds and would not be funded in the absence of this COPS Office award.

In addition, any publication material developed and/or purchased with federal award funds must contain the following designation: "This project was supported by Award Number ___ awarded by the U.S. Department of Justice, Office of Community Oriented Policing Services. The opinions contained herein are those of the author(s) and do not necessarily represent the official position or policies of the U.S. Department of Justice. References to specific agencies, companies, products, or services should not be considered an endorsement by the author(s) or the U.S. Department of Justice. Rather, the references are illustrations to supplement discussion of the issues."

Unallowable costs: Requests will NOT be funded

The items listed below are generally considered to be unallowable and may only be funded under extremely limited and extenuating circumstances and at the discretion of the COPS Office based on clear demonstration of a direct link between the requested item and the applicant's CAMP project. Before including any of these items in your project proposal, please contact the COPS Office Response Center at 800-421-6770.

This is not an exhaustive list, and items not listed below will be reviewed on a case-by-case basis. The COPS Office reserves the right to deny funding for items that may not be included on this list. Agencies are expected to request items that show a direct link between the requested item and the applicant's CAMP project. All requests must contribute directly to the specific purpose of the award project and relate to the parameters stipulated in the appropriations language enacted for FY 2017.

Requests for reimbursement of items purchased or expenses incurred prior to the award start date will not be funded.

Personnel

- Salaries and benefits of existing employees
- Salaries and benefits of award writers or other staff who do not directly contribute to the implementation of the program
- Salaries and benefits for personnel engaged in prosecution

Please note: Restrictions on overtime costs are listed under "Supplies and Other Costs."

Equipment/Technology

- Armored vehicles
- Bicycles
- Body wire equipment
- Bulletproof vests and accessories
- Bunker shield(s)
- Cellular or satellite phone airtime
- Clandestine drug laboratory cleanup equipment
- Communications towers
- Construction and renovation costs
- Dictation systems
- Fitness equipment
- General police vehicles (including patrol cars and leased vehicles)
- Handcuffs, weapons, and ammunition (including training ammunition)
- Incentives for research and/or participation in program activities
- Office equipment (copiers, fax machines, etc.)
- Pagers (including service time)
- Phone lines and voice-mail systems
- Prisoner transport vehicles
- Radar guns/equipment
- Standard issue police vehicle equipment (including light bars, cages, and siren packages)

- Televisions /VCRs/DVD players/projectors
- Trinkets and other conference takeaways
- Unmanned aircraft systems (also commonly referred to as unmanned aerial vehicles or “drones”)
- Weaponized aircraft and vessels and weaponized vehicles of any kind

Travel/Training

- Local travel costs (lodging, meals, per diem, or transportation costs) within a 50-mile radius of the program location
- Mileage reimbursement, rental cars, parking fees, and/or taxi fare for local travel
- Meals and/or refreshment costs associated with meetings
- Training in topics that are not directly linked to the CAMP award

Contracts/Consultants

- Any consultant fees in excess of \$650 per day must receive prior written approval from the COPS Office, contingent upon written justification by the recipient, if the consultant or contractor is hired through a noncompetitive bidding process
- Contractual agreements that cannot be directly linked to the CAMP award
- Maintenance and/or service contracts that extend the life of the award period (multi-year contracts and extended warranties are allowable but must be paid in full within the initial award period)

Supplies and other costs

- Animals
- Clandestine laboratory cleanup costs
- Education and awareness campaigns
- Evaluation Costs
- Indirect costs
- Overtime for civilian positions
- Overtime for personnel not directly involved in the department's project
- Funding for buy-back and/or confidential informant purposes
- Office furniture (desks, file cabinets, etc.)
- Office rental/lease space
- Standard office supplies not directly related to the CAMP award
- Standard or dress uniforms or uniform accessories
- Subawards
- Treatment programs
- Vehicle repair/maintenance/fuel

This program will not provide funding for any positions or items that are funded in the applicant agency's budget with other sources of funding (state, local, or BIA). You may apply only for otherwise unfunded positions or items to supplement your agency's law enforcement budget.

Prohibited and Controlled Equipment:

COPS Office funds may not be used to purchase items listed at: https://www.bja.gov/publications/LEEWG_Report_Final.pdf.

This controlled purchase list represents items controlled under the Executive Order on “Federal Support for Local Law Enforcement Equipment Acquisition” that was signed on January 16, 2015. Pursuant to Executive Order 13688 (Federal Support for Local Law Enforcement Equipment Acquisition), a federal interagency working group has been charged with, developing a consistent government-wide list of controlled equipment allow-able for acquisition by LEAs, as well as a list of those items that can only be transferred with special authorization and use limitations.

No items on this list can be purchased without first submitting a detailed justification that supports the need for this equipment. Applicants must show both extraordinary and exigent circumstances that require the purchase of such equipment. The requested item must be an allowable cost under the program. Recipients are strongly encouraged to submit this justification at the time of application. In particular, any justification that cannot show the exigent nature of the purchase and why it could not be submitted at time of application may not be approved.

Over the past several years, the COPS Office has provided funds in concert with the Drug Enforcement Administration (DEA) to support state and local law enforcement agencies with services necessary for the cleanup of hazardous waste seized during clandestine methamphetamine laboratory investigations. While the FY 2017 COPS Anti-Methamphetamine Program does not allow for the funding of clandestine laboratory cleanup activities, state and local law enforcement agencies may contact the DEA for assistance with properly and safely disposing of hazardous waste from clandestine laboratory sites. For further information and assistance in clan-lab cleanup activities, please contact the DEA at 202-307-4724.

Monitoring, reporting, and evaluation requirements

Federal law requires that law enforcement agencies receiving federal funding from the Federal Government must be monitored to ensure compliance with their award conditions and other applicable statutory regulations. The COPS Office is also interested in tracking the progress of our programs and the advancement of community policing. Both aspects of award implementation—compliance and programmatic benefits—are part of the monitoring process coordinated by the U.S. Department of Justice. Award monitoring activities conducted by the COPS Office include site visits, enhanced office-based grant reviews, alleged noncompliance reviews, financial and programmatic reporting and audit resolution. If awarded funds, you agree to cooperate with and respond to any requests for information pertaining to your award in preparation for any of the above-referenced award monitoring activities.

Awarded agencies will be responsible for submitting Programmatic Progress Reports and Federal Financial Reports on a quarterly basis. Additionally, awarded agencies will be responsible for the timely submission of a final Closeout Report and any other required final reports. All COPS Office recipients will be required to participate in such award monitoring activities of the U.S. Department of Justice including, but not limited to, the COPS Office, the Office of the Inspector General, or any entity designated by the COPS Office.

Please note that the COPS Office may take a number of monitoring approaches, such as site visits, enhanced office-based grant reviews, alleged noncompliance reviews, and periodic surveys to gather information and to ensure compliance. The COPS Office may seek information including, but not limited to, your agency’s compliance with nonsupplanting and both programmatic and financial requirements of the award, and your agency’s progress

toward achieving your community policing strategy. Program and Monitoring Specialists as well as auditors are particularly interested in confirming that the purchase of items and/or services is consistent with the applicant's approved award budget as reflected on the Financial Clearance Memo and Final Funding Memorandum.

Though a formal assessment is not a requirement, awarded agencies are strongly encouraged to conduct an independent assessment of their respective award-funded projects. Project evaluations have proven to be valuable tools in helping departments identify areas in need of improvement, providing data of successful processes and reducing vulnerabilities.

Reporting

If awarded, recipients will be required to electronically submit their financial reports using the SF-425 form by the 30th day following the end of each calendar quarter, and a final report is due 90 days following the award end date. Recipients who do not submit SF-425 reports by the due date will be unable to drawdown funds.

In addition, if awarded, recipients will be required to electronically submit quarterly progress reports and a final progress report. The COPS Office will notify the recipient when the progress report is due and provide instructions for submission.

Please feel free to contact the COPS Office Response Center at 800-421-6770 to discuss any questions or concerns you may have regarding the monitoring, reporting, and evaluation requirements.

Performance Measures

To assist in fulfilling the U.S. Department of Justice's responsibilities under the Government Performance and Results Act Modernization Act (GPRA Modernization Act of 2010, P.L. 111-352, recipients who receive funding from the Federal Government must measure the results of work that funding supports. This Act specifically requires the COPS Office and other federal agencies to set program goals, measure performance against those goals, and publicly report progress in the form of funding spent, resources used, activities performed, services delivered, and results achieved.

Performance measures for CAMP are as follows:

Objective	Performance measures	Data recipient provides
Increase the capacity of law enforcement agencies to implement community policing strategies that strengthen partnerships for safer communities and enhance law enforcement's capacity to prevent, solve, and control crime through funding for personnel, equipment, and training.	To what extent has COPS Office award funding (e.g., officers, equipment/training, technical assistance) increased your agency's community policing capacity? To what extent have COPS Office knowledge resources (e.g., training or publications) increased your agency's community policing capacity?	Periodic progress reports providing an overview of COPS Anti-Methamphetamine Program award purchases/implementation and implementation of community policing strategies.

COPS Office awards target increasing recipient capacity to implement community policing strategies within the three primary elements of community policing: (1) problem solving; (2) partnerships; and (3) organizational transformation. The COPS Office requires all CAMP applicants to describe how the personnel, technology, equipment, and/or training requested will assist the applicant in implementing community policing strategies. For more information on community policing, please go to the COPS Office website at www.cops.usdoj.gov.

As part of the programmatic progress report, CAMP recipients be required to report on their progress toward implementing community policing strategies. Based on the data collected from recipients, the COPS Office may make improvements to CAMP to better meet the program's objective and law enforcement agency needs.

How to Apply/Application Submission

Primary Steps Required to Complete Application	Complete?
If necessary, request an ORI through the COPS Office Response Center at AskCopsRC@usdoj.gov or 800-421-6770.	<input type="checkbox"/>
If you have not renewed your COPS Office Account Access Information since November 15, 2013, contact the COPS Office Response Center at AskCopsRC@usdoj.gov or 800-421-6770.	<input type="checkbox"/>
Register with Grants.gov/Confirm registration.	<input type="checkbox"/>
Obtain a DUNS number/Confirm DUNS number.	<input type="checkbox"/>
Register with SAM database/Confirm SAM number.	<input type="checkbox"/>
Complete SF-424 on Grants.gov (funding number: COPS-AHTF-Application-2017).	<input type="checkbox"/>
Upon receipt of an e-mail from the COPS Office confirming successful submission of the SF-424 on Grants.gov, complete the second part of the application on the COPS Office Online Application System.	<input type="checkbox"/>

Electronic submission of the SF-424 in two parts via Grants.gov and the COPS Office website

Please read the following important information before attempting to submit your application via the COPS Office website:

- Completing a CAMP application is a two-step process. Applicants are first required to register via www.grants.gov and complete an SF-424. The Grants.gov funding code for this solicitation is COPS-CAMP-Application-2017. Once the SF-424 has been submitted, applicants will receive an e-mail from the COPS Office with instructions on completing the second part of the CAMP application through the COPS Office Online Application System. If you have not renewed your COPS Office Account Access information, contact the COPS Office Response Center at AskCopsRC@usdoj.gov or 800-421-6770.
- It is strongly recommended that applicants register immediately on Grants.gov. In addition, applicants are strongly encouraged to complete the SF-424 as quickly as possible. Any delays in registering with Grants.gov or submitting the SF-424 may result in insufficient time for processing your application through Grants.gov or the COPS Office Online Application System. An application is not considered submitted until you have submitted your SF-424 on Grants.gov and the second part of the application on the COPS Office website.
- Confirmation of submission: After completing the second part of the application and clicking "Submit," applicants will receive a message stating "Your application has been successfully recorded." The confirmation page will also provide the submission date, ORI, confirmation number, and program type.
- For technical assistance with submitting the SF-424, call the Grants.gov Contact Center at 800-518-4726 or e-mail support@Grants.gov. For assistance with submitting the application through the COPS Office Online Application System, please call the COPS Office Response Center at 800-421-6770 or send questions via e-mail to AskCopsRC@usdoj.gov.

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- To apply for funding, applicants must have a DUNS number (DUNS numbers are required of all agencies requesting federal funding) and have an active registration with the System for Award Management (SAM) database.
- Applicants must comply with any word and/or field limit requirements described in the COPS Office Application Guide.
- Applicants will have the opportunity to print a copy of the application prior to submission and another copy of the application after it has been submitted. Please note that the application package cannot be submitted until all required fields have been completed. Note: If Internet access is not available to print a copy of the application package, contact the Response Center at 800-421-6770 to request that a printed copy be sent to you.
- Applicants will be able to print a copy of the application package only for reference while completing the application online via the COPS Office website. The COPS Office will not accept applications submitted via mail or e-mail.
- Do not wait until the application deadline date to begin the application process through the COPS Office website. The registration steps may take several days to complete, and if you wait until the application deadline date you may be unable to submit your application online.

In addition, all applicants are required to maintain current registrations in the System for Award Management (SAM) database. SAM replaces the Central Contractor Registration (CCR) database as the repository for standard information about federal financial assistance applicants, recipients, and subrecipients. The U.S. Department of Justice requires that all applicants (other than individuals) for federal financial assistance maintain current registrations in the SAM database. Applicants must update or renew their SAM registration annually to maintain an active status.

Applicants that were previously registered in the CCR database must at a minimum

- create a SAM account;
- log in to SAM and migrate permissions to the SAM account (all the entity registrations and records should already have been migrated).

Applicants that were not previously registered in the CCR database must register in SAM prior to registering in Grants.gov. Information about SAM registration procedures can be accessed at www.sam.gov.

Obtaining a Data Universal Numbering System (DUNS) number

The Federal Government requires that all applicants for federal awards and cooperative agreements, with the exception of individuals other than sole proprietors, have a Data Universal Numbering System (DUNS) number prior to application submission. The DUNS number is used to identify related organizations that are receiving funding under awards and cooperative agreements and to provide consistent name and address data for electronic award application systems. A DUNS number may be obtained by telephone at 866-705-7511 or via the Internet at fedgov.dnb.com/webform.

Data Universal Numbering System (DUNS) number

- The DUNS number is a unique nine- or thirteen-digit identification number provided by Dun & Bradstreet (D&B).
- The DUNS number is site-specific. Therefore, each distinct physical location of an entity (such as branches, divisions, and headquarters) may be assigned a DUNS number. Organizations should try to keep DUNS numbers to a minimum. In many instances, a central DUNS number with a DUNS number for each major division/department/agency that applies for an award may be sufficient.
- You should verify that you have a DUNS number or take the steps needed to obtain one as soon as possible, if there is a possibility you will be applying for future federal awards or cooperative agreements. There is no need to wait until you are submitting a particular application.
- **If you already have a DUNS number.** If you, as the entity applying for a federal award or cooperative agreement, previously obtained a DUNS number in connection with the federal acquisition process or requested or had one assigned to you for another purpose, you should use that number on all of your applications. It is not necessary to request another DUNS number from D&B. You may request D&B to supply a family-tree report of the DUNS numbers associated with your organization. Organizations should work with D&B to ensure the right information is on the report. Organizations should not establish new numbers, but use existing numbers and update or validate the information associated with the number.
- **If you are not sure whether you have a DUNS number,** call D&B using the toll-free number 866-705-5711 and indicate that you are a federal award applicant or prospective applicant. D&B will tell you if you already have a number. If you do not have a DUNS number, D&B will ask you to provide the information listed below and will immediately assign you a number, free of charge.

To obtain your DUNS number

- The requestor may obtain a DUNS number via the Internet at fedgov.dnb.com/webform.
- The requestor may also obtain a DUNS number via telephone at 866-705-5711. The phone is staffed from 8:00 a.m. to 6:00 p.m. (local time of the caller when calling from within the contiguous United States). Calls placed to the above number outside of those hours will receive a recorded message requesting the caller to call back between the operating hours. The process to request a number takes about 5–10 minutes. A DUNS number will be assigned at the conclusion of the call. You will need to provide the following information:
 - Legal name
 - Headquarters name and address for your organization
 - Doing business as (DBA) or other name by which your organization is commonly known or recognized
 - Physical address, city, state, and ZIP code
 - Mailing address (if separate from headquarters and/or physical address)
 - Telephone number
 - Contact name and title
 - Number of employees at your physical location

Managing your DUNS number

- D&B periodically contacts organizations with DUNS numbers to verify that their information is current. Organizations with multiple DUNS numbers may request a free family tree listing from D&B to help determine what branches or divisions have numbers and whether the information is current. Please call the dedicated toll-free DUNS number request line at 866-705-5711 to request your family tree.
- D&B recommends that organizations with multiple DUNS numbers have a single point of contact for controlling DUNS number requests to ensure that the appropriate branches or divisions have DUNS numbers for federal purposes.
- As a result of obtaining a DUNS number you have the option to be included on D&B's marketing list that is sold to other companies. If you do not want your name or organization included on this marketing list, request to be de-listed from D&B's marketing file when you are speaking with a D&B representative during your DUNS number telephone application.

Obtaining a DUNS number is absolutely free for all entities doing business with the Federal Government. This includes award and cooperative agreement applicants or prospective applicants and federal contractors. Be certain to identify yourself as a federal award applicant or prospective applicant.

Registering with the System for Award Management (SAM)

Applicants for all federal awards are required to register with the System for Award Management (SAM). If your organization already has an Employer Identification Number (EIN), your SAM registration will take up to two weeks to process. If your organization does not have an EIN, then you should allow two to five weeks for obtaining the information from the IRS when requesting the EIN via phone, fax, mail, or Internet. Follow the steps listed below to register in the SAM:

To register in SAM, follow the next steps:

Step 1.

Obtain a DUNS number at www.dnb.com/us/ or call 866-705-5711.

Step 2.

Access the SAM online registration through the SAM home page at www.sam.gov and follow the online instructions for new SAM users.

Step 3.

Complete and submit the online registration. If you already have the necessary information on hand, the online registration takes approximately 30 minutes to complete, depending upon the size and complexity of your business or organization. Please note that organizations must update or renew their SAM registration at least once a year to maintain an active status.

To migrate your legacy system user account from Central Contractor Registration (CCR), FedReg, ORCA, or EPLS, you must first create a personal account in SAM by clicking on "Create an Account" on the homepage. An individual account is required to manage entity registrations in SAM. You will not be able to manage your registration unless you create a system account in SAM. Once you validate that you have access to the e-mail

address you provided during the registration process and login, you will see a message on the user dashboard (My SAM) that will ask you, "Would you like to migrate a legacy system account?" Click "Yes" to begin the migration process. Alternatively, you may click on "Manage My User Roles," then on "Migrate Legacy Account" link to begin the migration process. The roles you had with the legacy system will be mapped to your SAM account.

To update your entity's SAM registration, follow the next steps:

Step 1.

Go to the SAM homepage (www.sam.gov), enter your username and password, and then click the "Log In" button.

Step 2.

Select "Complete Registrations" under Registration/Update Entity" in the left navigation pane.

Step 3.

Select the entity record that you want to update and click the "Update" button.

For more details on updating your registration, please refer to the SAM User Guide, available at www.sam.gov.

If awarded funds, your agency must maintain the currency of your information in the SAM until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another award term.

To review the System for Award Management and Universal Identifier Award Term, please see appendix D on page 66 of this guide.

Geographic Names Information System (GNIS) ID number

The Geographic Names Information System (GNIS) database is maintained by the U.S. Geological Survey, U.S. Department of the Interior. The database assigns a unique, permanent feature identifier, the feature ID, which is the only standard federal key for integrating or reconciling feature data from multiple datasets.

To determine your jurisdiction's feature ID number, follow these steps:

- Go to <https://geonames.usgs.gov> and click on "Search Domestic Names."
- From this screen, you can enter the name of your jurisdiction (for example, "Cleveland").
- Select your state ("Ohio").
- Click "Send Query." (The results will show that Cleveland, Ohio, is a populated place with a feature ID of 1066654.)
- Enter this seven-digit number into your application form. Some jurisdictions may have feature IDs of less than seven digits; for example, American University is a school in the District of Columbia with a feature ID of 531560. In this case, you should place a "0" in front of the number to ensure that seven digits are entered into the application form (e.g., 0531560).

Deadline/Application period

The application period for 2017 CAMP begins **May 22, 2017**. All applications must be submitted by **July 10, 2017, at 7:59 p.m. EDT**. Applications submitted after **July 10, 2017, at 7:59 p.m. EDT** will not be considered for funding.

Helpful online resources

DUNS Number Information: fedgov.dnb.com/webform/displayHomePage.do

System for Award Management (SAM): www.sam.gov

Audit requirement

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 C.F.R. Part 200, Subpart F - Audit Requirements, available https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl, establish the requirements for organizational audits that apply to COPS Office recipients. Recipients must arrange for the required organization-wide (not award-by-award) audit in accordance with the requirements of Subpart F.

Civil rights

All recipients are required to comply with nondiscrimination requirements contained in various federal laws. A memorandum addressing federal civil rights statutes and regulations from the Office for Civil Rights, Office of Justice Programs will be included in the award package for recipients. All applicants should consult the Assurances form to understand the applicable legal and administrative requirements.

Please be advised that a hold may be placed on this application if it is deemed that the applicant agency is not in compliance with federal civil rights law and/or is not cooperating with an ongoing federal civil rights investigation.

Section 508 of the Rehabilitation Act

If you are an applicant using assistive technology and you encounter difficulty when applying using the COPS Office online system (www.cops.usdoj.gov), please contact:

Donte Turner
U.S. Department of Justice, COPS Office
202-616-9427 or Donte.Turner@usdoj.gov

The department is committed to ensuring equal access to all applicants and will assist any applicant who may experience difficulties with assistive technology when applying for awards using the COPS Office online system.

Award terms and conditions/Funding restrictions

The following section describes all of the compliance terms and conditions that applicants should be aware of before applying to COPS Office programs. The table on page 21 further defines which of the legal requirements are applicable to the program for which you are applying. Please review each section carefully. The signatures of the applicant's Authorized Organizational Representative, Law Enforcement Executive/Program Official, and Government Executive/Financial Official on section 17: Reviews and Certifications assure the COPS Office that your agency will comply with all legal and administrative requirements that govern the applicant for acceptance.

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Key: Y = Yes; N = No;

FY 2017 Program	CAMP
Assurances	Y
Certifications	Y
Disclosure of Lobbying Activities	Y
Supplementing, Not Supplanting	Y
Sole Source Justification	Y
Criminal Intelligence Systems	Y
Certification to Mitigate Possible Adverse Health Safety & Environment Impacts	N
Community Policing Self Assessment Tool (CP-SAT) (if applicable)	N
System for Award Management (SAM) and Universal Identifier Requirements	Y
Federal Funding Accountability and Transparency Act (FFATA) - Reporting Subaward and Executive Compensation	Y
Contract Provisions	Y
Prior Approval Planning and Reporting of Conference/Meeting/Training Costs	Y
Curriculum Development	N
Restriction on Internal Confidentiality Agreements	Y
Mandatory Disclosure	Y
Debarment and Suspension	Y
Recipient Integrity and Performance Matters	Y
False Statements	Y
Duplicative Funding	Y
Additional High-Risk Recipient Requirements	Y
Modification	Y
Evaluations	Y
Allowable Costs	Y
Local Match	N
Equal Employment Opportunity Plan	Y
Employment Eligibility	Y
Whistleblower Protection	Y
Federal Civil Rights	Y
Conflict of Interest	Y
Reports/Performance Goals	Y
Extensions	Y
Computer Network Requirement	Y
Award Monitoring Activities	Y
Community Policing	Y
Retention	N
Contracts and/or MOUs with Other Jurisdictions	Y
Travel Costs	Y
State Information	Y
Public Release Information	N
News Media	N
Paperwork Reduction Act	Y
Copyright	N
Human Subjects Research	N
Compliance with 8 U.S.C. 1373	Y

I. & II. Assurances and Certifications (also refer to section 15 on page 51 of this application guide and Standard Application forms.)

Applicants to COPS Office programs are required to sign the standard Assurances and Certifications forms. Signing these documents assures the COPS Office that you have read and understood and that you accept the terms and conditions as outlined in the Assurances and Certifications. Please read these documents carefully, as signatures on these documents are treated as material representation of fact upon which reliance will be placed when the U.S. Department of Justice determines to make an award.

III. Disclosure of Lobbying Activities (also refer to section 16 on page 51 of this Application Guide and Standard Application forms.)

This disclosure form shall be completed by the reporting entity, whether subrecipient or prime federal recipient, at the initiation or receipt of a covered federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. § 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with a covered federal action. Complete all items that apply for both the initial filing and material change reports. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

If this applies to your agency, you are required to complete the disclosure form in section 16 of the application. If you need to complete and submit additional forms, please complete and submit them as attachments to your application online.

IV. Nonsupplanting requirement

The COPS Office nonsupplanting requirement mandates that award funds not be used to replace state or local funds (or, for tribal recipients, BIA funds) that would, in the absence of federal assistance, be made available for award purposes (hiring, training, purchases, and/or other activities). Instead, award funds must be used to increase the total amount of funds that would otherwise be made available for award purposes.

An award recipient may not use COPS Office funds to pay for any item or cost associated with this funding request that the recipient is already obligated to pay. Nonfederal funds allocated to pay for award purposes, may not be reallocated to other purposes or refunded should COPS Office funding be awarded. Nonfederal funds must remain available for and devoted to that purpose, with COPS Office funds supplementing those nonfederal funds. Funding awarded cannot be obligated until after the award start date (unless an exception is authorized in writing by the COPS Office). This means that COPS Office funds cannot be applied to any agency cost incurred prior to the award start date.

The possibility of supplanting will be the subject of careful application review, possible pre-award review, and post-award monitoring and audit. Any supplanting of nonfederal funds by COPS Office award funds may be grounds for potential suspension.

If you have questions concerning the nonsupplanting requirement while completing this application, please contact the COPS Office Response Center at 800-421-6770 or AskCopsRC@usdoj.gov for further information.

V. Procurement and sole source justification

Sole source, or procurement by noncompetitive proposals, is procurement through solicitation of a proposal from only one source. Sole source procurements must adhere to the standards set forth in the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. § 200.318, as adopted by the U.S. Department of Justice in 2 C.F.R. § 2800.101.

For the purchase of equipment, technology, or services under a COPS Office award, recipients must follow their own policies and procedures on procurement as long as those requirements conform to the federal procurement requirements set forth in 2 C.F.R. § 200.320 as adopted by the U.S. Department of Justice in 2 C.F.R. § 2800.101. A sole source justification request should be submitted if a recipient determines that the award of a contract through a competitive process is infeasible. If a recipient determines that the award of a contract through a competitive process is infeasible, and if one of the following circumstances applies—(1) the item or service is available only from one source; (2) the public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation; (3) competition is determined inadequate after solicitation of a number of sources. Based on one or more of the circumstances above, the COPS Office expressly authorizes noncompetitive proposals in response to a written request from the law enforcement entity—the award recipient must seek written authorization from the COPS Office for sole source procurements in excess of \$150,000. Written approval for sole source procurements from the COPS Office must be received prior to purchasing equipment, technology or services; obligating funding for a contract; or entering into a contract with award funds.

Requests for sole source procurements of equipment, technology, or services in excess of \$150,000 must be submitted to the COPS Office in writing certifying that the award of the contract through full and open competition is infeasible. The sole source request must be prepared on department letterhead.

The request should also include the following information:

Section I – A brief description of the project, the amount to be designated for the sole source procurement, and the purpose of the contract.

Section II – A statement identifying which one (or more) of the four circumstances identified below apply to the procurement transaction and an explanation as to why it is necessary to contract in a noncompetitive manner. Include supporting information as identified below under the applicable section(s).

1. The item or service is available only from one source.
 - Uniqueness of items or services to be procured from the proposed contractor or vendor (compatibility, patent issues, etc.)
 - How the agency determined that the item or service is only available from one source (market survey results, independent agency research, patented or proprietary system, etc.)
 - Explanation of need for contractor's expertise linked to the current project (knowledge of project management, responsiveness, experience of contractor personnel, prior work on earlier phases of project, etc.)
 - Any additional information that would support the case
2. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation.
 - When the contractual coverage is required by your department and why

- Impact on project if deadline dates are not met
 - How long it would take an alternate contractor to reach the same required level of competence (equate to dollar amounts, if desired)
 - Any additional information that would support the case
3. The COPS Office authorizes noncompetitive proposals in response to a written request from the recipient.
4. Competition is determined inadequate after solicitation of a number of sources.
- Results of a market survey to determine competition availability; if no survey is conducted, please explain why not
 - Any additional information that would support the case

Section III – A declaration that this action or choice is in the best interest of the agency.

Upon receipt of the request for sole source authorization, the COPS Office will review to determine if competition is infeasible, and your agency will be contacted if any of the identified information is missing or if additional supporting information is required. If the COPS Office determines that the request does not meet the standards set forth above, the request will be denied.

Please be advised that conflicts of interest are prohibited under the procurement standards set forth in 2 C.F.R. § 200.318 as adopted by the U.S. Department of Justice in 2 C.F.R. § 2800.101.

If you have any questions regarding the federal requirements that guide procurement procedures, please contact the COPS Office Response Center at 800-421-6770.

VI. Criminal intelligence systems/28 C.F.R. Part 23 compliance

If your agency is receiving COPS Office funding for equipment or technology that will be used to operate an interjurisdictional criminal intelligence system, you must agree to comply with the operating principles found at 28 C.F.R. Part 23. An "interjurisdictional criminal intelligence system" is generally defined as a system that receives, stores, analyzes, exchanges, or disseminates data regarding ongoing criminal activities (such activities may include, but are not limited to, loan sharking, drug or stolen property trafficking, gambling, extortion, smuggling, bribery, and public corruption) and shares this data with other law enforcement jurisdictions. 28 C.F.R. Part 23 contains operating principles for these interjurisdictional criminal information systems which protect individual privacy and constitutional rights.

If you are simply using the COPS Office funds to operate a single agency database (or other unrelated forms of technology) and will not share criminal intelligence data with other jurisdictions, 28 C.F.R. Part 23 does not apply to this award.

VII. Certification to mitigate possible adverse health, safety, and environmental impacts
- Not applicable under any FY17 COPS Office programs

VIII. Community Policing Self-Assessment Tool (CP-SAT) - Not applicable under CAMP

IX. System for Award Management (SAM) and Universal Identifier requirements

Unless exempted from this requirement under 2 C.F.R. § 25.110, the recipients must maintain the currency of their information in the SAM until submission of the final financial report required under this award or receipt of the final payment, whichever is later. This requires recipients to review and update the information at least annually after the initial registration and more frequently if required by changes in information or other award term.

To review the System for Award Management and Universal Identifier Award Term, please see the appendices of this guide.

X. Federal Funding Accountability and Transparency Act (FFATA) — Reporting subaward and executive compensation information

The Federal Funding Accountability and Transparency Act of 2006 (FFATA) requires, among other things, that information on federal awards (federal financial assistance and expenditures) be made available to the public via a single, searchable website, which is www.USASpending.gov.

Applicants should note that all recipients of awards of \$25,000 or more under this solicitation, consistent with FFATA, will be required to report award information on any first-tier subawards totaling \$25,000 or more and, in certain cases, to report information on the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients. If applicable, the FFATA Subaward Reporting System (FSRS), accessible via the Internet at www.fsr.gov, is the reporting tool recipients under this solicitation will use to capture and report subaward information and any executive compensation data required by FFATA.

The subaward information entered in FSRS will then be displayed on www.USASpending.gov, associated with the prime award, furthering federal spending transparency.

Each applicant entity must ensure that it has the necessary processes and systems in place to comply with the applicable reporting requirements should it receive funding.

To review the FFATA Reporting Subaward and Executive Compensation Award Term, please see the appendices of this guide.

XI. Contract provision under federal award

All contracts made by the recipients under the Federal award must contain the provisions required under 2 C.F.R. part 200, Appendix II to Part 200—Contract Provisions for Non-Federal Entity Contracts Under Federal Awards.

For the full text of 2 C.F.R. Appendix II to Part 200, please refer to the appendices of this guide.

XII. Prior approval, planning, and reporting of conference/meetings/training costs

Recipients are required to obtain written approval from the COPS Office prior to entering into any contract, agreement or other obligation for costs related to any conference, meeting, retreat, seminar, symposium, training activity, or similar event funded under this award. For more information on allowable costs, please visit www.ojp.gov/funding/confcost.htm.

XIII. Curriculum development - Not applicable under CAMP

XIV. Restrictions on internal confidentiality agreements

Recipients, subrecipients, or entities that receive a contract or subcontract with any funds under this award, may not require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts the lawful reporting of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

XV. Mandatory disclosure

Recipients and subrecipients are required to timely disclose in writing to the COPS Office or pass-through entity, as applicable, all federal criminal law violations involving fraud, bribery, or gratuity that may potentially affect the awarded federal funding. Recipients agree to report certain civil, criminal, or administrative proceedings in SAM, if it received an award with the Term and Condition for Recipient Integrity and Performance Matters as outlined in 2 C.F.R. Part 200, Appendix XII to Part 200. Failure to make required disclosures can result in any of the remedies, including suspension and debarment, described in 2C.F.R. § 200.338.

XVI. Debarment and Suspension

Recipients agree not to award Federal funds under this program to any party which is debarred or suspended from participation in Federal assistance programs.

XVII. Recipient Integrity and Performance Matters

Recipients that received \$500,000 or more in a federal award, agree to comply with the terms and conditions outlined in 2 C.F.R. Part 200, Appendix XII to part 200 - Terms and Condition for Recipient Integrity and Performance Matters.

For the full text, please see the appendices of this guide.

XVIII. False Statements

False statements or claims made in connection with COPS Office awards may result in fines, imprisonment, or debarment from participating in federal awards or contracts, and/or any other remedy available by law.

XIX. Duplicative Funding

Recipients agree to notify the COPS Office if they receive, from any other source, funding for the same item(s) or service(s) also funded under this award.

XX. Additional High-Risk Recipient Requirements

Recipients agree to comply with any additional requirements that may be imposed during the award performance period if the awarding agency determines that the recipient is a high-risk recipient (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. § 200.207 as adopted by the Department of Justice in 2 C.F.R. § 2800.101).

XXI. Modifications

Occasionally, a change in an agency's fiscal or law enforcement situation necessitates a change in its COPS Office award. Award modifications are evaluated on a case-by-case basis. All modification requests involving new budget items must be approved, in writing, by the COPS Office prior to their implementation. In addition, please be aware that the COPS Office will not approve any modification request that results in an increase of federal funds.

XXII. Evaluations

The COPS Office may conduct monitoring or sponsor national evaluations of COPS Office award programs. Recipients agree to cooperate with the monitors and evaluators.

XXIII. Allowable Costs

The funding under this award is for the payment of approved costs identified in the Financial Clearance Memorandum (FCM). Recipients may not earn or keep any profit resulting from the award unless expressly authorized, in writing, by the COPS Office.

XXIV. Local Match – Not applicable under CAMP

XXV. Equal Employment Opportunity Plan

Recipients agree to comply with the federal regulations pertaining to the development and implementation of an Equal Employment Opportunity Plan (28 C.F.R. Part 42 subpart E).

XXVI. Employment Eligibility

Recipients agree to complete and keep on file, as appropriate, a Bureau of Citizenship and Immigration Services Employment Eligibility Verification Form (I-9). This form is to be used by recipients of federal funds to verify that persons are eligible to work in the United States.

XXVII. Whistleblower Protection

Recipients agree not to discharge, demote, or otherwise discriminate against an employee as reprisal for the employee disclosing information that he/she reasonably believes is evidence of gross mismanagement of a federal contract or award, a gross waste of federal funds, an abuse of authority relating to a federal contract or award, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant. Recipients also agree to provide to their employees in writing (in the predominant native language of the workforce) of the rights and remedies provided in 41 U.S.C. § 4712. Please see the appendices of this guide for a full text of the statute.

XXVIII. Federal Civil Rights

As a condition of receipt of federal financial assistance, recipients acknowledge and agree that they will not (and will require any subrecipient, contractors, successors, transferees, and assignees not to), on the grounds of race, color, religion, national origin, sex, or disability unlawfully exclude any person from participation in, deny the benefits of, or employment to any person, or subject any person to discrimination in connection with any programs or activities funded in whole or in part with federal funds. They will also not discriminate in the delivery of benefits or services based on age. These civil rights requirements are found in the non-discrimination provisions of Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. § 2000d); the Omnibus Crime Control and Safe Streets Act of 1968, as amended (42 U.S.C. § 3789d); Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794); the Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101); Title IX of the Education Amendments of 1972, as amended (20 U.S.C. § 1681); and the corresponding U.S. Department of Justice regulations implementing those statutes at 28 C.F.R. Part 42 (subparts C, D, E, G, and I). They will also comply with Executive Order 13279, as amended by Executive Order 13559, and the implementing regulations at 28 C.F.R. Part 38, Partnerships With Faith-Based and Other Neighborhood Organizations, which requires equal treatment of religious organizations in the funding process and prohibits religious discrimination against beneficiaries.

XXIX. Conflict of Interest

Recipients must disclose in writing to the COPS Office or pass-through entity, as applicable, any potential conflict of interest affecting the awarded federal funding in accordance with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. § 200.112 as adopted by the Department of Justice in 2 C.F.R. § 2800.101.

XXX. Reports/Performance Goals

Recipients are responsible for submitting quarterly programmatic progress reports that describe project activities during the reporting period and quarterly Federal Financial Reports using Standard Form 425 (SF-425). The progress report is used to track recipient's progress toward implementing community policing strategies and to collect data to gauge the effectiveness of increasing your agency's community policing capacity through COPS Office funding.

XXXI. Extensions

Recipients may request an extension of the award period to receive additional time to implement your award program. Such extensions do not provide additional funding. Awards may be extended a maximum of 34 months beyond the initial award expiration date. Any request for an extension beyond 24 months will be evaluated on a case-by-case basis. Only recipients that can provide a reasonable justification for delays will be granted no-cost extensions. Reasonable justifications may include technology implementation delays, procurement challenges, change in administration, staff turnover of key award/award-funded personnel, training delays, hiring and recruitment delays or other circumstances that interrupt the 24-month award funding period. An extension allows recipient to compensate for such delays by providing additional time to complete the full 24 months of funding. Extension requests must be received prior to the end date of the award.

XXXII. Computer Network Requirement

Recipients agree that no award funds may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography. Nothing in this requirement limits the use of funds necessary for any federal, state, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

XXXIII. Grant Monitoring Activities

Federal law requires that law enforcement agencies receiving federal funding from the COPS Office must be monitored to ensure compliance with their grant conditions and other applicable statutory regulations. The COPS Office is also interested in tracking the progress of our programs and the advancement of community policing. Both aspects of award implementation—compliance and programmatic benefits—are part of the monitoring process coordinated by the U.S. Department of Justice. Grant monitoring activities conducted by the COPS Office include site visits, enhanced office-based grant reviews, alleged noncompliance reviews, financial and programmatic reporting, and audit resolution. Recipients agree to cooperate with and respond to any requests for information pertaining to their award.

XXXIV. Community Policing

Community policing activities to be initiated or enhanced by recipients were identified and described in their grant application. Recipients develop a community policing plan for the grant with specific reference to a crime or disorder problem and the following elements of community policing: a) problem solving—a recipient's plan to assess and respond to the problem identified; b) community partnerships and support, including related governmental and community initiatives that complement a recipient's proposed use of funding; and c) organizational transformation—how a recipient will use the funds to reorient its mission to community policing or enhance its involvement in and commitment to community policing. Throughout the award period recipients are required to implement the community policing plan they set forth in the grant application.

XXXV. Retention – Not applicable under CAMP

XXXVI. Contracts and/or MOUs with Other Jurisdictions

Equipment, technology, training, vehicles, sworn law enforcement officer positions and civilian positions, awarded may only be used for law enforcement activities or services that exclusively benefit the recipient/taskforce and the population that it serves.

XLIII. Travel Costs

Travel costs for transportation, lodging and subsistence, and related items are allowable under CAMP with prior approval from the COPS Office. Payment for allowable travel costs will be in accordance with 2 C.F.R. § 200.474 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards) as adopted by the Department of Justice in 2 C.F.R. § 2800.101.

XLIV. State Information Technology Point of Contact

Recipients agree to ensure that the appropriate State Information Technology Point of Contact receives written notification regarding any information sharing or technology project funded by a COPS Office award. This is to facilitate communication among local and state governmental entities regarding various information technology projects being conducted with these award funds. In addition, recipients agree to maintain an administrative file documenting the meeting of this requirement. For a list of State Information Technology Points of Contact, go to <http://it.ojp.gov/default.aspx?area=policyAndPractice&page=1046>.

XXXIX. Public Release Information – Not applicable under CAMP

XL. News Media – Not applicable under CAMP

XLI. Paperwork Reduction Act

Recipients agree, if required, to submit all surveys, interview protocols, and other information collections to the COPS Office for submission to the Office of Management and Budget (OMB) for clearance under the Paperwork Reduction Act (PWRA) of 1995.

XLII. Copyright – Not applicable under CAMP

XLIII. Human Subjects Research – Not applicable under CAMP

XLIV. Compliance with 8 U.S.C. 1373.

To obligate or expend FY 2017 award funding, all State or local government entities must comply with a new grant condition requiring compliance with 8 U.S.C. § 1373 regarding prohibitions or restrictions on sending to, requesting or receiving from, maintaining, or exchanging information on citizenship or immigration status, including any prohibitions or restrictions imposed or established by a State or local government entity or official. This condition applies throughout the grant award period. The full text of this grant condition may be found in the appendices.

Application review information

The COPS Office is committed to ensuring a fair and open process for making awards. The COPS Office will review the application to make sure that the information presented is reasonable, understandable, measurable, achievable, and consistent with the solicitation.

This review will also assess whether costs are reasonable, necessary, and allocable under applicable federal cost principles and agency regulations. This financial review will be conducted by the COPS Office staff or in collaboration with the peer review process.

Peer reviewers will be reviewing the applications submitted under this program that meet eligibility and/or basic minimum requirements. Each program may use either internal peer reviewers, external peer reviewers, or a combination to review the applications under this solicitation. Applications that meet eligibility and basic minimum requirements will be evaluated and ranked by peer reviewers.

Peer reviewers will review the applicant's project narrative and evaluate the following: (a) problem identification, (b) current activities, (c) task force participation, (d) collaboration and partnerships, (e) proposed strategies, and (f) budget items requested.

Successful applications will

- identify and describe the problem in detail using relevant facts, statistics, or other supporting information;
- comprehensively detail their current investigative activities;
- describe their participation, structure, responsibilities, and role in their task force or their plan to establish one;
- describe their current and proposed collaboration efforts with federal, state, local, and/or tribal partners;
- provide a budget that is complete, allowable, supports the total cost of the project, and directly relates to and supports the activities described in the proposal.

Each section of the project narrative will be scored on the following scale:

- **5—Comprehensive.** The application provides a thorough discussion of all elements identified for the section with no substantial weaknesses. The discussion is clear, detailed, and supported by the information provided. The information provided clearly supports the information provided in other sections of the application.
- **4—Substantial.** The application provides a strong discussion of all key elements identified for the section. The discussion is clear, detailed, and supported by the information provided. A limited number of elements may be incomplete.
- **3—Satisfactory.** The application provides an adequate discussion of all key elements identified for the section. The discussion is clear and supported by the information provided. Multiple elements may be incomplete.
- **2—Marginal.** The application provides inadequate discussion of some elements identified for the section. The discussion may be unclear, lacking in detail, or not supported by the information provided.
- **1—Poor.** The application lacks discussion of many elements identified for the section. The discussion provided is unclear, lacking in detail, and/or not supported by the information provided.
- **0—Unresponsive.**

Applications that meet eligibility and basic minimum requirements will be evaluated and ranked by peer reviewers as not recommended, recommended, or highly recommended.

Highly recommended. The full proposal provides a superior explanation of the requested selection criteria and presents the material in a sound and/or innovative approach. The full proposal comprehensively addresses the requested selection criteria. The result of the proposal has the potential to make significant impact in the field.

Recommended. The full proposal provides a satisfactory design and demonstrates the potential for making an impact in the field. The full proposal addresses the requested selection criteria.

Not recommended. The full proposal does not provide satisfactory explanation of the requested selection criteria. The program approach is weak. The application needs significant revisions and clarifications.

Within each of these rankings, each proposal will be ranked again based on seizure data provided. The highest ranking proposals will be considered for funding.

Priority consideration will be given to applicants that receive a "Highly Recommended" rating AND were not previously funded under CAMP.

Priority consideration may also be given to applicants that partner with federal law enforcement to address illegal immigration.

Prior to award, applications for potential awards will receive a financial integrity review to evaluate the fiscal integrity and financial capability of applicants and to examine proposed costs and the extent to which the budget detail worksheet and narrative accurately supports and explains project costs. This review will also assess whether costs are reasonable, necessary, and allocable under applicable federal cost principles and agency regulations. This financial review will be conducted by the COPS Office staff.

In addition, prior to making an award greater than the simplified acquisition threshold (currently set at \$150,000), any information about applicants that is in the designated integrity and performance system accessible through SAM will be reviewed and considered. Applicants may review and comment on any information about them in SAM that a Federal awarding agency previously entered in the designated integrity and performance system, and such applicant comments will also be reviewed and considered.

Past performance on previous awards may be in an indicator in this review process. Financial and programmatic performance factors may be included in the past performance review.

Absent explicit statutory authorization or written delegation of authority to the contrary, all final award decisions will be made by the Director of the COPS Office, who may also give consideration to factors including, but not limited to, underserved populations, population served, geographic diversity, strategic priorities, past performance, and available funding when making awards.

The award document

The award document is the document indicating your official award funding amount, the number of officer positions awarded, the type of positions awarded, the award number, the award conditions, and the award start and end dates.

The award document is preprinted with your agency's law enforcement and government executives' names. If this information is incorrect or has changed, please update your "Agency Contacts" online at www.cops.usdoj.gov through the "Account Access" link. If the law enforcement or government official has changed since the time of application, please have the current law enforcement executive or government executive for your agency create an account through the "Account Access" link, log in, and sign the award document once your agency contacts have been updated online. Once you have reviewed your award document, please electronically sign it and make a copy of all pages of the document for your records, along with all award condition pages, within 90 days of the date shown on the award congratulatory letter.

The award start date indicated on the award document means that your agency may be reimbursed for any allowable costs incurred on or after this date. The duration of your CAMP award is 24 months of funding for each award.

Your award number is in the following format: 2017-AMWX-0000 for awards awarded in FY 2017. The COPS Office tracks award information based upon this number. Therefore, it is important to have your agency's award number (or your agency's ORI number) readily available when corresponding with the COPS Office.

Your originating agency identifier (ORI) number begins with your state abbreviation followed by five numbers or letters (e.g., VA00000). This number is assigned by the Federal Bureau of Investigation (FBI) for use in tracking

information for the Uniform Crime Report (UCR). The COPS Office tracks programmatic award information based upon this ORI number. If your agency does not have an ORI number assigned by the FBI, the COPS Office assigns a nonofficial ORI code to use as an agency identifier (in such cases, the last two characters will be "ZZ"). If you have any questions regarding your award, please refer to your award number or your agency's ORI number when you contact the COPS Office.

The award conditions are listed on your agency's award document. By accepting this award, you are obtaining federal funds from the COPS Office. As part of that agreement, if awarded, your agency will acknowledge that it will comply with these conditions (and, if applicable, additional special conditions specific to your agency).

In limited circumstances, your award may be subject to special conditions that prevent your agency from drawing down or accessing award funds until the special conditions are satisfied as determined by the COPS Office. Any special conditions will be included with your award.

Administrative and national policy requirements

If selected for funding, in addition to implementing the funded project consistent with the approved project proposal and budget, the recipient must comply with award terms and conditions, and other legal requirements including, but not limited to, OMB, DOJ, or other federal regulations that will be included in the award or incorporated into the award by reference or are otherwise applicable to the award.

Please see general terms and conditions on page 20.

Suspension or termination of funding

The COPS Office may suspend, in whole or in part, or terminate funding or impose other sanctions on a recipient for the following reasons:

- Failure to substantially comply with the requirements or objectives of the Public Safety Partnership and Community Policing Act of 1994, program guidelines, or other provisions of federal law
- Failure to make satisfactory progress toward the goals or strategies set forth in this application
- Failure to adhere to award agreement requirements or special conditions
- Proposing substantial plan changes to the extent that, if originally submitted, would have resulted in the application not being selected for funding
- Failure to submit required or requested reports
- Filing a false statement or certification in this application or other report or document
- Other good cause shown

Prior to imposing sanctions, the COPS Office will provide reasonable notice to the recipient of its intent to impose sanctions and will attempt to resolve the problem informally. Appeal procedures will follow those in the U.S. Department of Justice regulations in 28 C.F.R. Part 18.

Awards terminated due to non-compliance with the federal statutes, regulations, or award terms and conditions, will be reported to the integrity and performance system accessible through SAM (currently FAPIIS).

False statements or claims made in connection with COPS Office awards may result in fines, imprisonment, debarment from participating in federal awards or contracts, and/or any other remedy available by law.

Please be advised that recipients may not use COPS Office funding for the same item or service also funded by another U.S. Department of Justice Award.

COPS Office Application Attachment to SF-424

What an application must include

Detailed explanations of required documents can be found on the following pages.

Required application documents and sections for the COPS Anti-Methamphetamine Program

The table on page 35 is a chart that shows the required documentation that must be completed and submitted for your CAMP application to be considered complete. Failure to submit all required documentation at the time of the application may delay processing and/or result in the denial of your application. Unless otherwise noted, each section listed must be completed in its entirety. You can use this chart as an application checklist to ensure you have met all of the necessary requirements.

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Application documents and sections	Required? Yes, no, or possible	Completed?
Standard Form 424 (to be completed on Grants.gov)	Yes	<input type="checkbox"/>
COPS Office Application Attachment to SF-424 (to be completed via COPS Office Online Application System)	Yes	<input type="checkbox"/>
Section 1. COPS Office Program Request	Yes	<input type="checkbox"/>
Section 2. Agency Eligibility Information	Yes (section 2C only)	<input type="checkbox"/>
Section 3. General Agency Information	Yes	<input type="checkbox"/>
Section 4. Executive Information	Yes	<input type="checkbox"/>
Section 5. COPS Office Hiring Request Form	No	<input type="checkbox"/>
Section 6. Law Enforcement and Community Policing Strategy	Yes (section 6A only)	<input type="checkbox"/>
Section 7. Need for Federal Assistance	Yes (section A only)	<input type="checkbox"/>
Section 8. Continuation of Project after Federal Funding Ends	Yes (section B only)	<input type="checkbox"/>
Section 9. School Safety Assessment	No	<input type="checkbox"/>
Section 10. Executive Summary	Yes	<input type="checkbox"/>
Section 11. Project Description (Narrative)	Yes	<input type="checkbox"/>
Section 12. Official Partner(s) Contact Information	Possible	<input type="checkbox"/>
Section 13. Application Attachments Project Narrative (Required) Budget Narrative (Required)	Yes	<input type="checkbox"/>
Section 14. Budget Detail Worksheets	Yes	<input type="checkbox"/>
Section 15. Assurances and Certifications	Yes	<input type="checkbox"/>
Section 16. Disclosure of Lobbying Activities	Possible	<input type="checkbox"/>
Section 17. Reviews and Certifications	Yes	<input type="checkbox"/>
Section 18. Application and Data Verification	Possible	<input type="checkbox"/>

General information

The applicant's SF-424 must be submitted online via www.grants.gov. Once the SF-424 has been submitted via Grants.gov, the COPS Office will send an invitation e-mail to the applicant with instructions on completing the second part of the CAMP application through the COPS Office online via the COPS Office website (www.cops.usdoj.gov).

Instructions: Application for Federal Assistance SF-424

Public reporting burden for this collection of information is estimated to average 60 minutes per response including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0043), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

The Instructions for the Application for Federal Assistance SF-424 on page 36 is a standard form (including the continuation sheet) required for use as a cover sheet for submission of pre-applications and applications and related information under discretionary programs. Some of the items are required and some are optional at the discretion of the applicant or the federal agency.

Required items are identified with an asterisk on the form and are specified in the instructions below. In addition to the instructions provided below, applicants must consult agency instructions to determine specific requirements.

1. **Type of Submission** (required). Select one type of submission in accordance with agency instructions.
 - Pre-application
 - Application
 - Changed/corrected application—If requested by the agency, check if this submission is to change or correct a previously submitted application. Unless requested by the agency, applicants may not use this to submit changes after the closing date.

2. **Type of Application** (required). Select one type of application in accordance with agency instructions.
 - New—An application that is being submitted to an agency for the first time.
 - Continuation—An extension for an additional funding/budget period for a project with a projected completion date. This can include renewals.
 - Revision—Any change in the Federal Government's financial obligation or contingent liability from an existing obligation. If a revision, enter the appropriate letter(s). More than one may be selected. If "other" is selected, please specify in text box provided.
 - A. Increase award
 - B. Decrease award
 - C. Increase duration
 - D. Decrease duration
 - E. Other (specify)

3. **Date Received**. Leave this field blank. This date will be assigned by the federal agency.
4. **Applicant Identifier**. Enter the entity identifier assigned by the federal agency, if any, or the applicant's control number if applicable.
- 5a. **Federal Entity Identifier**. Enter the number assigned to your organization by the federal agency, if any.
- 5b. **Federal Award Identifier**. For new applications, leave blank. For a continuation or revision to an existing award, enter the previously assigned federal award identifier number. If a changed/corrected application, enter the federal identifier in accordance with agency instructions.

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6. **Date Received by State.** Leave this field blank. This date will be assigned by the state, if applicable.
7. **State Application Identifier.** Leave this field blank. This identifier will be assigned by the state, if applicable.
8. **Applicant Information.** Enter the following in accordance with agency instructions:
 - a. *Legal name (required).* Enter the legal name of the applicant who will undertake the assistance activity. This is what the organization has registered with the System for Award Management. Information on registering with SAM may be obtained by visiting the Grants.gov website.
 - b. *Employer/Taxpayer number (EIN/TIN) (required).* Enter the Employer or Taxpayer Identification Number (EIN or TIN) as assigned by the Internal Revenue Service. If your organization is not in the United States, enter 44-4444444.
 - c. *Organizational DUNS (required).* Enter the organization's DUNS or DUNS+4 number received from Dun and Bradstreet. Information on obtaining a DUNS number may be obtained by visiting the Grants.gov website.
 - d. *Address.* Enter the complete address as follows: Street address (line 1 required), City (required), County, State (required, if country is United States), Province, Country (required), ZIP/Postal Code (required, if country is United States).
 - e. *Organizational Unit.* Enter the name of the primary organizational unit (and department or division, if applicable) that will undertake the assistance activity, if applicable.
 - f. *Name and contact information of person to be contacted on matters involving this application (required and organizational affiliation (if affiliated with an organization):* Enter the name (first and last name, then the application organization), telephone number (required), fax number, and e-mail address (required) of the person to contact on matters related to this application.
9. **Type of Applicant (required).** Select up to three applicant type(s) in accordance with agency instructions.
 - State government
 - County government
 - City or township government
 - Special District government
 - Regional Organization
 - U.S. Territory or possession
 - Independent school district
 - Public/state controlled institution of higher education
 - Indian/Native American Tribal Government (federally recognized)
 - Indian/Native American Tribal Government (other than federally recognized)
 - Indian/Native American tribally designated organization
 - Public/Indian housing
 - Nonprofit
 - Private institution of higher education
 - Individual
 - For-profit organization (other than small business)
 - Small business
 - Hispanic-serving institution
 - Historically Black colleges and universities (HBCU)
 - Tribally controlled colleges and universities (TCCU)
 - Alaska Native and Native Hawaiian serving institutions
 - Nondomestic (non-U.S.) entity
 - Other (specify)

10. **Name of Federal Agency** (required). Enter the name of the federal agency from which assistance is being requested with this application.
11. **Catalog of Federal Domestic Assistance Number/Title**. Enter the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested, as found in the program announcement, if applicable.
12. **Funding Opportunity Number/Title** (required). Enter the Funding Opportunity Number and title of the opportunity under which assistance is requested, as found in the program announcement.
13. **Competition Identification Number/Title**. Enter the Competition Identification Number and title of the competition under which assistance is requested, if applicable.
14. **Areas Affected by Project**. List the areas or entities using the categories (e.g., cities, counties, states) specified in agency instructions. Use the continuation sheet to enter additional areas, if needed.
15. **Descriptive Title of Applicant's Project** (required). Enter a brief descriptive title of the project. If appropriate, attach a map showing project location (e.g., construction or real property projects). For pre-applications, attach a summary description of the project.
16. **Congressional Districts Of** (required).
 - i. **16a.** Enter the applicant's congressional district, and
 - ii. **16b.** Enter all district(s) affected by the program or project. Enter in the format:

Two-character state abbreviation

Three-character district number

e.g., CA-005 for California 5th district, CA-012 for California 12th district, NC-103 for North Carolina 103rd district

If all congressional districts in a state are affected, enter "all" for the district number, e.g., MD-all for all congressional districts in Maryland.

If nationwide, i.e., all districts within all states are affected, enter U.S.-all.

If the program/project is outside the United States, enter 00-000.

17. **Proposed Project Start and End Dates** (required). Enter the proposed start date and end date of the project.
18. **Estimated Funding** (required). Enter the amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines, as applicable. If the action will result in a dollar change to an existing award, indicate only the amount of the change. For decreases, enclose the amounts in parentheses.
19. **Is Application Subject to Review by State under Executive Order 12372 Process?** Applicants should contact the state single point of contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the state intergovernmental review process. Select the appropriate box. If "a" is selected, enter the date the application was submitted to the state.
20. **Is the Applicant Delinquent on Any Federal Debt?** (required) Select the appropriate box. This question applies to the applicant organization, not to the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans, and taxes. If yes, include an explanation on the continuation sheet.
21. **Authorized Representative** (required). To be signed and dated by the authorized representative of the applicant organization. Enter the name (first and last name required), title (required), telephone number (required), fax number, and e-mail address (required) of the person authorized to sign for the applicant. A copy of the governing body's authorization for you to sign this application as the official representative must be on file in the applicant's office. (Certain federal agencies may require that this authorization be submitted as part of the application.)

Section 1. COPS Office program request

Please ensure that the correct program box is checked. If you plan to apply for other COPS Office programs, a separate application must be completed for each COPS Office program for which you are applying. Please ensure that you read, understand, and agree to comply with the applicable terms and conditions as outlined in this application guide before finalizing your selections.

Section 2. Agency eligibility information

FY 2017 CAMP is a competitive award program with a focus on advancing public safety by providing funds to investigate illicit activities related to the manufacture and distribution of methamphetamine. CAMP provides funding directly to state law enforcement agencies in states with high seizures of precursor chemicals, finished methamphetamine, laboratories, and laboratory dump seizures for the purpose of locating and investigating illicit activities including precursor diversion, laboratories, or methamphetamine traffickers. Only state law enforcement agencies authorized by law or by a state agency to engage in or to supervise anti-methamphetamine investigative activities are eligible to apply for funding. Additional consideration will be given to agencies participating in anti-methamphetamine task forces with multijurisdictional reach and interdisciplinary team structures.

Before proceeding with this application, we ask that you please log on to the COPS Office Agency Portal to update the agency providing law enforcement services as your Law Enforcement Executive/Agency Executive Information. This information will be pre-populated from the COPS Office Agency Portal in section 4 of this application, so please ensure its accuracy.

Section 3. General agency information

Please provide accurate agency information, as this information is used to identify your agency and may be used along with other data collected to determine funding eligibility.

Applicant ORI number

The ORI number is assigned by the FBI and is your agency's unique identifier. The COPS Office uses the first seven characters of this number. The first two letters are your state abbreviation, the next three numbers are your county's code, and the next two numbers identify your jurisdiction within your county. If you do not currently have an ORI number, the COPS Office will assign one to your agency for the purpose of tracking your award. ORI numbers assigned to agencies by the COPS Office may end in "ZZ."

Applicant Data Universal Numeric System (DUNS) number

The Federal Government requires that all applicants for federal awards, with the exception of individuals other than sole proprietors, have a Data Universal Numbering System (DUNS) number prior to application submission. A DUNS number is a unique nine- or thirteen-digit sequence recognized as the standard identifier for entities receiving federal funds, and provides consistent name and address data for electronic award application systems. A DUNS number may be obtained by telephone at 866-705-7511 or via the Internet at fedgov.dnb.com/webform. For more information about how to obtain a DUNS number, please refer to the "How to Apply" section of this application guide.

System for Award Management (SAM)

The System for Award Management (SAM) database is the repository for standard information about federal financial assistance applicants, recipients, and subrecipients. The Federal Government requires that all applicants of federal award funds and cooperative agreements—with the exception of individuals other than sole proprietors—be registered in the database prior to application submission. Please contact the SAM Service Desk at 866-606-8220 or view or update your registration information at www.sam.gov. If your SAM registration is set to expire prior to September 30, 2017, please renew your SAM registration prior to completing this application. All applicants are required to maintain current registrations in the SAM database. Please note that applicants must update or renew their SAM at least once per year to maintain an active status. For more information about how to register with SAM, please refer to the “How to Apply” section of this application guide.

Geographic Names Information System (GNIS) ID

The Geographic Names Information System (GNIS) identification number is a unique ID assigned to all geographic entities by the U.S. Geological Survey. To look up your GNIS Feature ID, please go to geonames.usgs.gov/domestic/index.html. For more information about how to obtain a GNIS number, please refer to the “How to Apply” section of this application guide.

Cognizant Federal Agency

A Cognizant Federal Agency, generally, is the federal agency from which your jurisdiction receives the most federal funding. Your Cognizant Federal Agency also may have been previously designated by the Office of Management and Budget. Applicants that have never received federal funding should select the “U.S. Department of Justice” as the Cognizant Federal Agency.

Fiscal year

Enter the month, day, and year of the legal applicant’s fiscal year.

Law enforcement agency sworn force information – Not applicable under CAMP

Civilian staffing – Not applicable under CAMP

U.S. Department of Justice and other federal funding

Applicants are required to disclose whether they have pending applications for federally funded assistance or active federal awards that support the same or similar activities or services for which award funding is being requested under this application.

Be advised that COPS Office award funding may not be used for the same item or service funded through another funding source. However, leveraging multiple funding sources in a complementary manner to implement comprehensive programs or projects is encouraged and is not seen as inappropriate. To aid the COPS Office in the prevention of awarding potentially duplicative funding, please indicate whether your agency has a pending application and/or an active award with any other federal funding source (e.g., direct federal funding or indirect federal funding through state subawarded federal funds) that supports the same or similar activities or services as being proposed in this COPS Office application. Check all that apply using the check boxes provided in the application.

Section 4. Executive information

Please ensure that information listed is current. If these officials are "Interim" or "Acting" at the time of application, check the appropriate box. Please note that this information will be used for any future correspondence regarding this grant application, and ultimately, if an award is funded, this information will be used for any award notifications.

Applicant executive/agency executive information

A. For law enforcement agencies

This is the highest ranking law enforcement official within your jurisdiction (e.g., chief of police, sheriff, or equivalent). If the award is funded, the person in this position will ultimately be responsible for the programmatic implementation of the award.

B. For government agencies

This is the highest ranking government official within your jurisdiction (e.g., mayor, municipal administrator, tribal chairman, or equivalent). If the award is funded, the person in this position will ultimately be responsible for the financial management of the award. Please note that information for nonexecutive positions (e.g., clerks or trustees) is not acceptable.

This section will be prepopulated from the information listed in your COPS Office Agency Portal account. If this information is no longer correct, please log in to your COPS Office Agency Portal account and make the necessary corrections before proceeding with this application. For assistance, please call the COPS Office Response Center at 800-421-6770.

Note: Listing individuals without ultimate programmatic and financial authority for the award could delay the review of your application, or remove your application from consideration.

Application contact information

Enter the name and contact information for the person completing this application.

Section 5. COPS Office officer request - Not applicable under CAMP

Section 6. Law enforcement and community policing strategy

Please complete questions CP1 and CP2.

Section 7. Need for federal assistance

Section 7A. Explanation of need for federal assistance

All applicants are required to explain their inability to address the need for this award without federal assistance. Please note that the character limit for this response is 3,000 characters.

Section 7B. Service population - Not applicable under CAMP

Section 7C. Fiscal health - Not applicable under CAMP

Section 7D. Property crime/violent crime - Not applicable under CAMP

Section 8. Continuation of project after federal funding ends

Section 8A. For COPS Office awards with a retention plan requirement - Not applicable under CAMP

Section 8B. For COPS Office awards with no retention plan requirement

The questions in this section will be used for programs *without* a retention requirement to report any plans to continue the program or activity after the conclusion of federal funding. Please identify the source(s) of funding that your agency plans to utilize to continue the program, project, or activity following the conclusion of federal support. Check all that apply.

Section 9. School safety assessment - Not applicable under CAMP

Section 10. Executive summary

Applicants are required to complete section 10 of the COPS Office Application Attachment to the SF-424 Form. Briefly summarize (in 3,000 characters or less) how your agency intends to use this award, if funded. This information may be used to keep Congress or other executive branch agencies informed about CAMP projects.

Section 11. Project description (narrative)

FY 2017, CAMP applicants must submit their entire project description as an attachment in section 13 of this application. The project narrative portion of the application is limited to 15 pages (maximum), double spaced, 12-point font. **Submit this narrative as an attachment under section 13 of the application.** The required information that you will need to complete and attach in section 13 is available at:

http://www.cops.usdoj.gov/pdf/2017AwardDocs/camp/CAMP_Project_Narrative.pdf.

The project narrative will address problem identification, current investigative activities, task force involvement, collaboration efforts, proposed project goals and objectives, project implementation plan, program outcomes, and seizure data for the last three years.

The narrative will be a significant factor in the application review and approval process. Failure to provide this information will eliminate your application from consideration.

Your agency is not required to submit supporting documentation with this application. However, your agency must maintain copies of the records used in this award submission for future review in the event of a site visit, audit, or other request. Data used must be data that was recorded in official records.

Please do not submit any confidential data or reports with your application.

Section 12. Official partner(s) contact information

If applicable, please submit a list of partnering agencies including contact person, organization name, address, phone number, and e-mail address.

Applications that represent multijurisdictional taskforces are strongly encouraged to apply.

Section 13. Application attachments

Project Narrative and Budget Narrative

This section should be used to submit the required project narrative described in section 11 (maximum 15 pages, double-spaced, 12-point font) and the budget narrative (see section 14). The total size per attachment must not exceed 20 MB, and .zip files are not acceptable attachments and must not be submitted. All CAMP applicants must attach both a project narrative and a budget narrative. Your project narrative attachment must address each element on the following form: http://www.cops.usdoj.gov/pdf/2017AwardDocs/camp/CAMP_Project_Narrative.pdf. Your budget narrative attachment must address each element on the following form: http://www.cops.usdoj.gov/pdf/2017AwardDocs/camp/CAMP_Budget_Narrative.pdf. The budget narrative must (1) describe each item requested or group of similar items requested and (2) link each item or group of items to the proposed project. All items will be reviewed on a case-by-case basis and in context of the allowable and unallowable costs lists. See section 14, budget detail worksheets and budget narrative attachment, for additional guidance.

Please use appropriately descriptive file names (e.g., Program Narrative, Budget Detail Worksheet and Budget Narrative, Timelines, Memoranda of Understanding, Resumes, etc.) for all attachments.

Please do not submit executable file types as application attachments. These disallowed file types include, but are not limited to, the following extensions: .com, .bat, .exe, .vbs, .cfg, .dat, .db, .dbf, .dll, .ini, .log, .ora, .sys, and .zip. The system may reject applications with files that use these extensions.

Section 14. Budget detail worksheets and budget narrative attachment

Instructions for completing the budget detail worksheets and budget narrative attachment

Included within this section are instructions and sample information for completing the budget detail worksheets and budget narrative. Please complete each section of the budget detail worksheets as applicable. If you are requesting new entry-level full-time officer positions not currently funded in your agency's local budget, please indicate the number of positions. If you are not requesting anything under a particular budget category, please check the appropriate box in that category indicating that no positions or items are requested. **Budget requests must not exceed the two year award period. Please insert zeros for all categories in year 3.**

The budget detail worksheets request that you provide a specific description for each item and explain how it supports the project goals and objectives outlined in your application. Applicants will be providing this information as part of the budget narrative attachment and not as part of the budget detail worksheets Please note: ALL CAMP APPLICANTS MUST ATTACH THE BUDGET NARRATIVE AS PART OF SECTION 13. (Attachment available at: http://www.cops.usdoj.gov/pdf/2017AwardDocs/camp/CAMP_Budget_Narrative.pdf.)

In the budget narrative attachment, you must provide a brief description of the item(s) proposed for purchase, their purpose, and how the item(s) relate to the overall project. Sections A, B, C, D, E, F, and G and the budget summary of the COPS Office budget detail worksheets are applicable to the COPS Anti-Methamphetamine Program. Like items may be grouped together for ease of reporting. Each item in the budget narrative must fall under one of seven categories:

1. Sworn officer positions and fringe benefits
2. Civilian/Nonsworn personnel and fringe benefits
3. Equipment/Technology
4. Supplies
5. Travel/ Training
6. Contracts/Consultants
7. Other costs

Finally, every item included on the budget detail worksheets must be included in the budget narrative attachment. For your convenience, we have included a sample budget narrative and budget detail worksheets. For more information, please see the "Allowable and Unallowable Costs" section.

All final calculations should be rounded to the nearest whole dollar. Also, please note that the total project amount requested in your COPS Anti-Methamphetamine Program may not exceed the program cap of \$1,500,000. Once the budget for your application has been completed, a budget summary page will reflect the total amounts requested in each category and the total project costs.

Sample budget detail worksheets

The following budget detail worksheets are designed to allow all COPS Office award applicants to use the same budget forms to request funding. Please refer to the "Allowable/Unallowable Costs" section of this application guide, because these costs vary widely among programs.

To assist you, sample budget detail worksheets are included in this application guide.

If you need assistance in completing the budget detail worksheets, please call the COPS Office Response Center at 800-421-6770.

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S. BUDGET SUMMARY

Instructions: Please review the category totals and the total project costs below. If the category totals and project amounts shown are correct, please continue with the submission of your application. Should you need to make revisions to a budget category, please return to the Budget Detail Worksheet.

Section	Budget Category	Category Total	
A.	Sworn Officer Positions	\$0.00	
B.	Non-Sworn Personnel	\$0.00	
C.	Equipment & Technology	\$0.00	
D.	Supplies	\$0.00	
E.	Travel & Training	\$0.00	
F.	Contracts & Consultants	\$0.00	
G.	Other Costs	\$0.00	
H.	Indirect Costs	\$0.00	
	Total Project Amount:	\$0.00	
	Total Federal Share Amount: (Total Project Amount X Federal Share Percentage / Allowable)	\$0.00	100.0000000%
	Total Local Share Amount (if applicable): (Total Project Amount - Total Federal Share Amount)	\$0.00	0.0000000%

Contact Information for Budget Questions

Please provide contact information of the financial official that the COPS Office may contact with questions related to your budget submission.

First Name:

Last Name:

Title:

Telephone Number:

Fax:

Email Address:

Sworn officer positions

Instructions

This worksheet will assist your agency in reporting your agency's current salary and benefits and identifying the total salary and benefits request per officer position for the length of the award term. Please list the current base salary and fringe benefits rounded to the nearest whole dollar for one full-time sworn officer position within your agency. Please list only your agency's contribution of each fringe benefit item; do not include employee contributions. Please insert zeros for all categories in year 3.

Please note:

If sick leave and/or vacation leave costs are already reflected in the base salary figure provided in section 14A, subsection A. Base salary information, please DO NOT also list these costs individually under fringe benefits (section 14A, subsection B).

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SECTION 14A: BUDGET DETAIL WORKSHEETS

Instructions: This worksheet will assist your agency in reporting your agency's current salary and benefits and identifying the total salary and benefits request per officer position for the length of the grant term. Please list the current base salary and fringe benefits rounded to the nearest whole dollar for one full-time sworn officer position within your agency. Do not include employee contributions. (Please refer to <http://www.cops.usdoj.gov/Default.asp?Item=46> for information on the length of the grant term for the program under which you are applying.)

Special note regarding sworn officer fringe benefits: For agencies that do not include fringe benefits as part of the base salary costs and typically calculate these separately, the allowable expenditures may be included under Part 1, Section B. Any fringe benefits that are already included as part of the agency's base salary (Part 1, Section A of the Sworn Officer Budget Worksheet) should not also be included in the separate fringe listing (Part 1, Section B). Please refer to <http://www.cops.usdoj.gov/Default.asp?Item=46> for information about allowable and unallowable fringe benefits for sworn officer positions requested under the program to which your agency is applying.

A. SWORN OFFICER POSITIONS

Full-Time Sworn Officer Base Salary Information

Part 1: Instructions. Please complete the questions below based on your agency's salary and benefits package for one locally-funded officer position. As applicable per the program-specific application guide, you may also be required to project Year 2 and Year 3 salaries.

Sworn Officer Position: _____

A. Base Salary Information

Year 1 Salary	Year 2 Salary
Enter the first year base salary for one sworn officer position.	Enter the second year base salary for one sworn officer position.
0	0
[Select One...]	[Select One...]
Does the base salary include vacation costs? Please select Yes or No.	Does the base salary include vacation costs? Please select Yes or No.
[Select One...]	[Select One...]
Does the base salary include Sick Leave costs? Please select Yes or No.	Does the base salary include Sick Leave costs? Please select Yes or No.

B. Fringe Benefit costs should be calculated for each year of the grant term.

FRINGE BENEFITS:	Year 1 Fringe Benefits	Year 2 Fringe Benefits
	COST % OF	COST % OF
	BASE SALARY	BASE SALARY
Social security expenses cannot exceed 6.2% <input type="checkbox"/> Exempt <input checked="" type="checkbox"/> 6.2% <input type="checkbox"/> Fixed Rate	0.00 0.00	0.00 0.00
Medicare expenses cannot exceed 1.45% <input type="checkbox"/> Exempt <input checked="" type="checkbox"/> 1.45% <input type="checkbox"/> Fixed Rate	0.00 1.45	0.00 1.45
Health Insurance (Family Coverage)	0 0	0 0

Life Insurance		0	0	0	0
Vacation	Number of Hours Annually:	0	0	0	0
Sick Leave	Number of Hours Annually:	0	0	0	0
Retirement		0	0	0	0
Worker's Compensation	<input type="checkbox"/> Exempt	0	0	0	0
Unemployment Insurance	<input type="checkbox"/> Exempt	0	0	0	0
Other	[Select One]	0	0	0	0
Other	[Select One]	0	0	0	0
Other	[Select One]	0	0	0	0
Benefits Sub-Total Per Year (1 Position)		0.00		0.00	
C. Total Salary + Benefits Per Year (1 Position)		0.00		0.00	
D. Total Salary and Benefits for Years 1 and 2 (1 Position):		0.00	x	0	# of Positions
				0.00	

Civilian positions

Salaries of personnel are costs based on the percentage of time spent (FTE) working directly on the project. The total salary percentage should be comparable and consistent with organizational policy. The total amount paid is comparable to industry standards and the type of work being performed.

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B. BASE SALARY AND FRINGE BENEFITS FOR CIVILIAN/NON-SWORN PERSONNEL

Instructions: Please complete the questions below for one non-sworn position salary and benefits package. As applicable per the program-specific application guide, you may also be required to project year 2 and year 3 salaries.

Please refer to <http://www.cops.usdoj.gov/Default.aspx?Item=46> for information about allowable and unallowable fringe benefits for civilian/non-sworn personnel requested under the program to which your agency is applying.

B. CIVILIAN POSITIONS

A. Base Salary Information

Position Title Description	Year 1 Salary Enter the first year entry-level base salary for this civilian/non-sworn position. \$ <input type="text" value="0"/> x <input type="text" value="100.00"/> % of time on project \$ <input type="text" value="0"/>	Year 2 Salary Enter the second year entry-level base salary for this civilian/non-sworn position. \$ <input type="text" value="0"/> x <input type="text" value="100.00"/> % of time on project \$ <input type="text" value="0"/>
	Select One... <input type="button" value="v"/> Does the base salary include Vacation costs? Please select Yes or No.	Select One... <input type="button" value="v"/> Does the base salary include Vacation costs? Please select Yes or No.
	Select One... <input type="button" value="v"/> Does the base salary include Sick leave costs? Please select Yes or No.	Select One... <input type="button" value="v"/> Does the base salary include Sick leave costs? Please select Yes or No.

B. Fringe Benefit costs should be calculated for each year of the grant term.

FRINGE BENEFITS:	Year 1 Fringe Benefits		Year 2 Fringe Benefits	
	COST	% OF BASE SALARY	COST	% OF BASE SALARY
Social security expenses cannot exceed 6.2% <input type="checkbox"/> Exempt <input checked="" type="checkbox"/> 6.2% <input type="checkbox"/> Fixed Rate	\$ <input type="text" value="0"/>	<input type="text" value="6.2"/>	\$ <input type="text" value="0"/>	<input type="text" value="6.2"/>
Medicare expenses cannot exceed 1.45% <input type="checkbox"/> Exempt <input checked="" type="checkbox"/> 1.45% <input type="checkbox"/> Fixed Rate	\$ <input type="text" value="0"/>	<input type="text" value="1.45"/>	\$ <input type="text" value="0"/>	<input type="text" value="1.45"/>
Health Insurance	\$ <input type="text" value="0"/>	<input type="text" value="0"/>	\$ <input type="text" value="0"/>	<input type="text" value="0"/>
Life Insurance	\$ <input type="text" value="0"/>	<input type="text" value="0"/>	\$ <input type="text" value="0"/>	<input type="text" value="0"/>
Vacation	Number of Hours Annually: <input type="text" value="0"/>	\$ <input type="text" value="0"/>	\$ <input type="text" value="0"/>	\$ <input type="text" value="0"/>

Fringe benefits

Aside from Social Security, Medicare, health insurance, and life insurance, the following are allowable fringe benefits:

1. Dental insurance
2. Vision insurance
3. Prescription drugs
4. Sick days (if not included in base salary—calculate using 8-hour workdays)
5. Vacation days (if not included in base salary—calculate using 8-hour workdays)
6. Holiday pay (if not included in base salary)
7. Retirement pension
8. Worker's compensation
9. Unemployment
10. Disability insurance
11. Accidental death and disability
12. 401(k) plan
13. Liability insurance
14. Shift differential pay (if not included in base salary)
15. Accident insurance
16. Bonding insurance
17. Police trust
18. State funded retirement system

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- 19. Professional liability insurance
- 20. Federal Unemployment Tax Act (FUTA) tax
- 21. Survivor benefit

Other benefits, such as training, equipment (e.g., uniforms, weapons, or vehicles), severance pay, and hazard pay, are not allowed.

Sick Leave	Number of Hours Annually:	<input type="text" value="0"/>				
Retirement		<input type="text" value="0"/>				
Worker's Compensation	<input type="checkbox"/> Exempt	<input type="text" value="0"/>				
Unemployment Insurance	<input type="checkbox"/> Exempt	<input type="text" value="0"/>				
Other	Select One	<input type="text" value="0"/>				
Other	Select One	<input type="text" value="0"/>				
Other	Select One	<input type="text" value="0"/>				
Benefits Sub-Total Per Year (1 Position)		<input type="text" value="0.00"/>				
C. Total Salary + Benefits Per Year (1 Position)		<input type="text" value="0.00"/>				
D. Total Salary and Benefits for Years 1 and 2 (1 Position):		<input type="text" value="0.00"/>				

Equipment/Technology

Necessary equipment must be specifically purchased to implement or enhance the proposed project. Equipment is tangible, nonexpendable personal property, including exempt property, having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit.

C. EQUIPMENT/TECHNOLOGY

No Equipment/Technology Requested

Instructions: List non-expendable items that are to be purchased. Provide a specific description for each item in the description boxes below and explain how the item supports the project goals and objectives as outlined in your application. Non-expendable equipment is tangible property (e.g., information technology systems) having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit. Expendable items should be included either in the "SUPPLIES" or "OTHER" categories. Applicants should analyze the cost benefits of purchasing versus leasing equipment, especially for high-price items and those subject to rapid technical advances. Rented or leased equipment costs should be listed in the "CONTRACTS / CONSULTANTS" category.

Please be advised that, to the greatest extent practical, all equipment and products purchased with these funds must be American-made.

For agencies purchasing items related to enhanced communications systems, the COPS Office expects and encourages that, wherever feasible, such voice or data communications equipment should be incorporated into an intra- or inter-jurisdictional strategy for communications interoperability among federal, state, and local law enforcement agencies.

See <http://www.cops.usdoj.gov/Default.asp?Item=46> for a list of allowable/unallowable costs for this program. Please limit your descriptions to 1000 characters.

Item Name

Name	Cost	Qty	Sub Total	Description
	Base cost: <input type="text" value="0.00"/>	<input type="text" value="0"/>	<input type="text" value="0.00"/>	
			Total: <input type="text" value="0.00"/>	

Add Item

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Supplies

Supply costs consist of those incurred for purchased goods and fabricated parts directly related to an award proposal. Supplies differ from equipment in that they are consumable, expendable, and of a relatively low unit cost, defined as less than \$5,000 per unit. Such costs may include paper, printer ink, pens, pencils, laptops, etc.

E. TRAVEL/TRAINING

No Travel/Training Requested

Instructions: Travel costs are the expenses for transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business of the nonfederal entity. Itemize grant-related travel expenses of grantee personnel (excluding consultants, whose expenses are listed in Section F) by event (e.g., mandatory training, staff training, field interviews, advisory group meetings). Identify the location of travel whenever possible, and show the number of staff expected to attend each event. Training fees, transportation, lodging and per diem rates for business should be listed as separate travel items. Grantee travel costs specific to the grant project may be based on the grantee's written travel policy, assuming the costs are reasonable. Grantees without a written travel policy must follow the established federal rates (found at <http://www.gsa.gov>) for lodging, meals, and per diem. For all grantees (with or without a written travel policy), airfare travel costs must be one of the following: the lowest discount commercial airfare, standard coach airfare, or the Federal Government contract airfare (if authorized and available).

See <http://www.cops.usdoj.gov/Default.asp?Item=46> for a list of allowable/unallowable costs for this program. Provide a specific description in the description boxes below for each item and explain how the item supports the project goals and objectives as outlined in your application. Please limit your descriptions to 1000 characters.

Event Title and Location

Name	Cost	# of Staff	Sub Total	Description
	Registration: 0.00			Delete
	Lodging: 0.00	0	0.00	
	Per Diem: 0.00			
	Transportation: 0.00			
	Total: 0.00			

Add Item

Travel/Training

Travel costs include the costs of transportation, lodging, meals, temporary dependent care, and incidental expenses incurred by personnel while on official business, such as attendance at a award-related meeting or conference when travel is further than 50 miles from the program location. Travel and subsistence estimates are based on the contemplated number of trips, places to be visited, length of stay, transportation costs, subsistence allowances, and the recipient's own travel policies. When charging travel costs to federal awards, recipients must adhere to their internal travel policy.

If a recipient does not have a written travel policy, it must adhere to the Federal Travel Regulations (FTR).

For information on the FTR and U.S. Government General Service Administration (GSA) per diem rates by geographic area, please visit www.gsa.gov/portal/content/104790.

E. TRAVEL/TRAINING

No Travel/Training Requested

Instructions: Travel costs are the expenses for transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business of the nonfederal entity. Itemize grant-related travel expenses of grantee personnel (excluding consultants, whose expenses are listed in Section F) by event (e.g., mandatory training, staff training, field interviews, advisory group meetings). Identify the location of travel whenever possible, and show the number of staff expected to attend each event. Training fees, transportation, lodging and per diem rates for business should be listed as separate travel items. Grantee travel costs specific to the grant project may be based on the grantee's written travel policy, assuming the costs are reasonable. Grantees without a written travel policy must follow the established federal rates (found at <http://www.gsa.gov>) for lodging, meals, and per diem. For all grantees (with or without a written travel policy), airfare travel costs must be one of the following: the lowest discount commercial airfare, standard coach airfare, or the Federal Government contract airfare (if authorized and available).

See <http://www.cops.usdoj.gov/Default.asp?Item=46> for a list of allowable/unallowable costs for this program. Provide a specific description in the description boxes below for each item and explain how the item supports the project goals and objectives as outlined in your application. Please limit your descriptions to 1000 characters.

Event Title and Location

Name	Cost	# of Staff	Sub Total	Description
	Registration: 0.00			Delete
	Lodging: 0.00	0	0.00	
	Per Diem: 0.00			
	Transportation: 0.00			
	Total: 0.00			

Add Item

- Include each trip as an individual entry in the Travel/Training section. The name should reflect the name/title of the trip and should not be a group of trips.
- Registration includes the amount for the registration of the training/conference attendance.
- Lodging includes the amount for the hotel and any taxes/fees associated.
- Per diem includes the amount for GSA-approved meals and incidentals.
- Transportation includes all ground and air transportation as well as public transportation and parking fees.

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Contracts/Consultants

Consultant expenses and contracts include goods or services that directly contribute to the implementation or enhancement of the project. The use of a consultant should be more economical than direct employment. Compensation for individual consultant services procured under a COPS Office award must be reasonable and allocable in accordance with Office of Management and Budget (OMB) cost principles and consistent with that paid for similar services in the marketplace. The services should be commensurate with the rate or salary paid by the primary employer. Unless otherwise approved by the COPS Office, independent consultant rates will be approved based on the salary a consultant receives from his or her primary employer, as applicable, up to \$650 per day.

F. CONTRACTS/CONSULTANTS

No Contract Costs Requested

Instructions: See <http://www.cops.usdoj.gov/Default.asp?Item=46> for a list of allowable/unallowable costs for the particular program to which you are applying. Provide a specific description in the description boxes below for each item and explain how the item supports the project goals and objectives as outlined in your application. Please limit your descriptions to 1000 characters.

Contracts: Provide a cost estimate for the product or service to be procured by contract. Applicants are encouraged to promote free and open competition in awarding contracts. If awarded, requests for sole source procurements of equipment, technology, or services in excess of \$150,000 must be submitted to the COPS Office for prior approval. (See <http://www.cops.usdoj.gov/Default.asp?Item=46> for more information on the required submission.)

F1. Contract Costs

Name	Cost	Qty	Sub Total	Description
	Base cost: 0.00	0	0.00	
Total: 0.00				Delete

Add Item

No Consultant Fees Requested

Instructions: See <http://www.cops.usdoj.gov/Default.asp?Item=46> for a list of allowable/unallowable costs for the particular program to which you are applying. Provide a specific description in the description boxes below for each item and explain how the item supports the project goals and objectives as outlined in your application. Please limit your descriptions to 1000 characters.

Consultant Fees: For each consultant enter the name (if known), service to be provided, hourly or daily fee (based upon an 8-hour day), and estimated length of time on the project. Unless otherwise approved by the COPS Office, approved consultant rates will be based on the salary a consultant receives from his or her primary employer. Consultant fees in excess of \$650 per day require additional written justification and must be pre-approved in writing by the COPS Office if the consultant is hired via a noncompetitive bidding process.

F2. Consultant Fees

Name	Cost	Qty	Sub Total	Description
	Base cost: 0.00	0	0.00	
Total: 0.00				Delete

Add Item

No Consultant Travel Requested

Instructions: See <http://www.cops.usdoj.gov/Default.asp?Item=46> for a list of allowable/unallowable costs for the particular program to which you are applying. Provide a specific description in the description boxes below for each item and explain how the item supports the project goals and objectives as outlined in your application. Please limit your descriptions to 1000 characters.

Consultant Travel: List all travel-related expenses to be paid from the grant to the individual consultants (e.g., transportation, meals, lodging) separate from their consultant fees.

F3. Consultant Travel

Name	Cost	Qty	Sub Total	Description
	Registration: 0.00 Lodging: 0.00 Per Diem: 0.00 Transportation: 0.00	0	0.00	
Total: 0.00				Delete

Add Item

No Consultant Expenses Requested

Instructions: See <http://www.cops.usdoj.gov/Default.asp?Item=46> for a list of allowable/unallowable costs for the particular program to which you are applying. Provide a specific description in the description boxes below for each item and explain how the item supports the project goals and objectives as outlined in your application. Please limit your descriptions to 1000 characters.

Consultant Expenses: List all other expenses to be paid from the grant to the individual consultants separate from their consultant fees and travel expenses (e.g., computer equipment and office supplies).

F4. Consultant Expenses

Name	Cost	Qty	Sub Total	Description
	Base cost: 0.00	0	0.00	
Total: 0.00				Delete

Add Item

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- Include name of contract/consultant/travel/expense with a description of the scope of the work.
- Unless justification is provided, the daily rate for the consultant should not exceed \$650/day.
- Consultant travel should follow the same format as the travel section detailed in the section above.
- Similar to supplies and equipment, consultant expenses should be broken out by item rather than one grouping.

Other Costs

Items not included in the above categories but which have a direct correlation to the overall success of a recipient's project objectives and are necessary for the project to reach full implementation will be considered on a case-by-case basis by the COPS Office. Please include all overtime costs in this section.

G. OTHER COSTS

No Other Costs Requested

Instructions: List other requested items that will support the proposal goals and objectives as outlined in your application. Provide a specific description for each item in the description boxes below and explain how the item supports the project goals and objectives as outlined in your application.

Please be advised that, to the greatest extent practical, all equipment and products purchased with these funds must be American-made.

See <http://www.cops.usdoj.gov/Default.asp?menu=46> for a list of allowable/unallowable costs for this program. Please limit your descriptions to 1000 characters.

Name	Cost	Qty	Sub-Total	Description
<input type="text"/>	Base cost: <input type="text" value="0.00"/>	<input type="text" value="0"/>	<input type="text" value="0.00"/>	<input type="text"/>
			Total: <input type="text" value="0.00"/>	

Add Item

Section 15. Assurances and Certifications

Applicants to COPS Office programs are required to sign the standard Assurances and Certifications forms. Signing these documents assures the COPS Office that you have read and understood and that you accept the award terms and conditions as outlined in the Assurances and Certifications. Please read these documents carefully, as signatures on these documents are treated as material representation of fact upon which reliance will be placed when the U.S. Department of Justice determines to award the covered award.

Section 16. Disclosure of lobbying activities

This disclosure form shall be completed by the reporting entity, whether subawardee or prime federal recipient, at the initiation or receipt of a covered federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. § 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with a covered federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

If this applies to your agency, you are required to complete the disclosure form. If you need to submit additional forms, please submit them as attachments to your application online in section 13, Application attachments.

Section 16B. Certification of Compliance with 8 U.S.C. 1373

In FY 2017, all State or local government entity applicants (e.g., police departments, sheriff's departments, state police) are required to certify compliance with 8 U.S.C. § 1373 regarding prohibitions or restrictions on sending to, requesting or receiving from, maintaining, or exchanging information on citizenship or immigration status, including any prohibitions or restrictions imposed or established by a State or local government entity or official.

This certification must be completed by the governing body's chief legal officer (e.g., City or County Attorney).

We strongly recommend notifying your governing body's chief legal counsel of this certification requirement as soon as the CAMP application period opens so that they may conduct the required reviews necessary for completing the certification before the application deadline.

Questions regarding the certification requirement may be directed to the COPS Office Legal Division at 202-514-3750.

Section 17. Reviews and certifications

Please be advised that an application may not be funded or, if awarded, a hold may be placed on this application if it is deemed that the applicant is not in compliance with federal civil rights laws, and/or is not cooperating with an ongoing federal civil rights investigation, and/or is not cooperating with a Department of Justice award review or audit.

Applicants must certify whether or not their agency will use COPS Office funds (if awarded) to operate an interjurisdictional criminal intelligence system. If yes, the applicant assures the COPS Office that it will comply with the requirements of 28 C.F.R. Part 23.

The signatures of the law enforcement executive/agency executive, government executive/financial official, and the person submitting this application on the reviews and certifications represent to the COPS Office that

- the signatories have been legally and officially authorized by the appropriate governing body to submit this application and act on behalf of the award applicant entity;
- the applicant will comply with all legal, administrative, and programmatic requirements that govern the applicant for acceptance and use of federal funds as outlined in the applicable COPS Office application guide, the COPS Office award owner's manual, Assurances, Certifications, and all other applicable program regulations, laws, orders, and circulars;
- the applicant understands that false statements or claims made in connection with COPS Office programs may result in fines; imprisonment; debarment from participating in federal awards, cooperative agreements, or contracts; and/or any other remedy available by law to the Federal Government;
- the information provided in this application, including any amendments, shall be treated as material representations of fact upon which reliance will be placed when the U.S. Department of Justice determines to fund the covered award;
- the applicant understands that as a general rule COPS Office funding may not be used for the same item or service funded through another funding source;
- the applicant and any required or identified official partner(s) listed in section 12 are partners in this award project and mutually agreed to this partnership prior to this award application.

The signatures of the law enforcement executive/agency executive and the government executive/financial official in the application must be the same as those identified in section 4 of the application. Applications with missing, incomplete, or inaccurate signatories or responses may not be considered for funding.

Section 18. Application data verification - Not applicable at time of application

After submission of this application, the COPS Office may require your department to verify data provided in the application. This section is to be completed once the data has been reviewed, confirmed, and/or updated. Failure to respond to the request may eliminate the application from 2017 funding consideration. The purpose of this section is to confirm the following:

- That the person reviewing, confirming, and/or updating the data is authorized by the appropriate governing body to act on behalf of the award applicant entity
- That the information provided, including any amendments, be treated as material representations of fact upon which reliance will be placed when the U.S. Department of Justice determines fund award the covered award
- That the applicant understands that false statements or claims made in connection with COPS Office programs may result in fines; imprisonment; debarment from participating in federal awards, cooperative agreements, or contracts; and/or other remedy available to by law to the Federal Government.

Appendices

Appendix A. Glossary of COPS Office program terms

The following information is provided to assist you with the completion of your COPS Office award program application forms. The list includes some of the most common terms that are used in the application forms. For additional assistance or clarification regarding any part of the application, please contact your Grant Program Specialist at 800-421-6770.

allowable costs. Allowable costs are costs that will be paid for by this award program.

authorized officials. The authorized officials are the individuals in your organization who have final authority and responsibility for all programmatic and financial decisions regarding your application and, if awarded, your award. For law enforcement agencies, the listed law enforcement executive (usually chief of police, sheriff, etc.) and the government executive (usually mayor, board president, etc.) are your agency's authorized officials.

authorized organizational representative (AOR). A person authorized by your e-business POC to submit applications to Grants.gov. This privilege should be provided only to those individuals who currently have signature authority for submitting award applications. The name of the individual designated as an AOR will be populated by the Grants.gov system in award application package forms, which require signatures. An organization can assign as many AORs to use Grants.gov as necessary.

automated booking system. An automated booking system captures arrestee fingerprints and photographic information electronically and often has the ability to transfer that information to a departmental or state-wide database.

automated fingerprint identification system (AFIS). An AFIS is a highly specialized biometrics system that compares a single fingerprint image with a database of fingerprint images. Fingerprint images are collected from crime scenes or are taken from criminal suspects when they are arrested. Fingerprint images may be captured by placing a finger on a scanner or by electronically scanning inked impressions on paper.

award number. If funded, the award number identifies your agency's specific award, and can be found on your award document. This number should be used as a reference when corresponding with the COPS Office. The COPS Office tracks award information based upon this number.

award start date. This is the date on or after which your agency is authorized to purchase items or hire positions that were approved by the COPS Office. If awarded, the award start date is found on your award document. Recipients may not make any purchases or hire any positions prior to this date without written approval from the COPS Office.

career law enforcement officer. The COPS Office statute defines a career law enforcement officer as a person hired on a permanent basis who is authorized by law or by a state or local public agency to engage in or oversee the prevention, detection, or investigation of violations of criminal laws.

Catalog of Federal Domestic Assistance (CFDA). The CFDA is an annual government-wide publication that contains a description and index of all forms of federal assistance. Each program is assigned a CFDA number, which is used by auditors to track grant revenues under the Single Audit Act. It is also used in participating states by state single

points of contact in conducting the required intergovernmental reviews under Executive Order 12372. The CFDA number for all COPS Office programs is 16.710.

closeout. The process in which the awarding agency, the COPS Office, determines that all applicable administrative actions and all required work and conditions of the award have been completed and met by the recipient and awarding agency.

cognizant federal agency. The federal agency that generally provides the most federal financial assistance to the recipient of funds. Cognizance is assigned by the Office of Management and Budget (OMB).

community oriented policing. Community oriented policing is a philosophy that promotes organizational strategies that support the systematic use of partnerships and problem-solving techniques to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime.

computer aided dispatch (CAD) system. A CAD system is a computer database that can track calls for service, maintain status of units available, provide various reports, produce address histories, and support electronic mail. With the installation of integrated CAD systems, officers are able to receive calls for service on their mobile data terminals rather than over the radio. Radios can then be used only for serious emergencies.

computing devices. Computing devices are machines used to acquire, store, analyze, process, and publish data and other information electronically, including accessories (or "peripherals") for printing, transmitting, and receiving, or storing electronic information.

consortium. A consortium is a group of two or more governmental entities that agree to form a partnership to provide law enforcement services to their constituent communities.

COPS Office. The Office of Community Oriented Policing Services (COPS Office) is the office within the U.S. Department of Justice that, if funded, is your awarding agency for your COPS Office award. The COPS Office is responsible for administering your award for the entire award period. You can reach the COPS Office at 800-421-6770.

COPS Office finance staff. Members of the COPS Office finance staff handle your agency's financial and budgetary needs related to your application. A financial analyst is assigned to your state, and is available to answer any questions that you may have concerning the financial aspects of your award, if funded. To identify your state assigned financial analyst, please call the COPS Office Response Center at 800-421-6770, or visit the COPS Office web site at www.cops.usdoj.gov.

DUNS number. DUNS stands for "data universal numbering system." DUNS numbers are issued by Dun and Bradstreet (D&B) and consist of nine or thirteen digits. If your institution does not have one, call 866-705-5711 to receive one free of charge. You can also request your DUNS number online at www.dnb.com/us.

e-business point of contact (POC). Your e-business POC is the person who will designate which staff members can submit applications through Grants.gov. When you register with SAM, your institution will be asked to designate an e-Business POC.

EPIC (El Paso Intelligence Center) National Clandestine Laboratory Seizure Database. The U.S. Department of Justice maintains this database to track seizure of clandestine drug laboratories. It contains addresses of some locations where law enforcement agencies reported they found chemicals or other items that indicated the presence of either clandestine drug laboratories or dumpsites.

equipment. Equipment is tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost that equals or exceeds \$5,000.

federally recognized tribe. Tribal entities that are recognized and eligible for funding and services from the Bureau of Indian Affairs by virtue of their status as Indian tribes. They are acknowledged to have the immunities and privileges available to other federally acknowledged Indian tribes by virtue of their government-to-government relationship with the United States as well as the responsibilities, power, limitation, and obligations of such tribes. Only federally recognized tribes are eligible to apply for COPS Office tribal award funds. For further information, contact: Bureau of Indian Affairs, Division of Tribal Government Services, MS-4631-MIB, 1849 C Street NW, Washington, DC 20240, 202-208-2475.

GNIS ID: The Geographic Names Information System (GNIS) database is maintained by the U.S. Geological Survey, U.S. Department of the Interior. The database assigns a unique, permanent feature identifier, the Feature ID, which is the only standard federal key for integrating or reconciling feature data from multiple datasets.

global positioning system (GPS). Global Positioning Systems are a series of 24 geosynchronous satellites that continuously transmit their position. Each system is used in personal tracking, navigation, and automatic vehicle location technologies.

interoperable communications. Communications interoperability refers to the ability to talk across disciplines and jurisdictions via radio communications networks on demand, in real time. Interoperable communications equipment and technology is used to increase interoperability and data information-sharing among the law enforcement, fire service, and emergency medical service communities.

Local Area Unemployment Statistics (LAUS). The Bureau of Labor Statistics' LAUS program provides monthly estimates of unemployment for communities. For more information and detailed instructions for looking up your local area's unemployment rate, please visit www.bls.gov/lau/data.htm.

local budget cycle. Your agency's fiscal year. Some common examples include January 1 to December 31, October 1 to September 30, and July 1 to June 30. Some local budget cycles may extend up to 24 months.

M-PIN. Password used by your e-business point of contact to designate which staff members can submit applications to Grants.gov.

matching funds. What a locality must contribute as a cash match toward total allowable project costs over the life of the program.

mobile data computer/laptop. A Mobile Data Computer (MDC) is a computer terminal mounted in a vehicle that is linked via wireless communication to a network that is often integrated with a CAD system. MDCs enable officers to complete previously handwritten reports on a computer. This often eliminates the need to enter duplicate information on multiple reports.

National Incident-Based Reporting System (NIBRS). A comprehensive reporting database. Agencies provide individual records for eight index crimes and 38 other offenses.

obligation of funds. If this application is awarded, the COPS Office obligates federal funds when the award document is signed by the director or his or her designated official. For the recipient, award funds are obligated when monies are spent directly on purchasing items approved under the award. The term *encumbrance* is often

used at the local and state levels to describe this type of transaction. Liquidated obligations are considered cash outlays or monies actually spent. Unliquidated obligations are obligations incurred and recorded but not yet paid (accrual basis of accounting) or not yet recorded and not yet paid (cash basis of accounting).

OJP vendor number/EIN number. This is your agency's nine-digit federal tax identification number assigned to you by the IRS. Your accounting/bookkeeping department should have this number.

If your EIN previously has been assigned to another agency within your jurisdiction, the Office of the Comptroller will assign a new OJP vendor number to you. The new assigned number is to be used for administrative purposes only, in connection with this award program, and should not be used for IRS purposes.

ORI (Originating Agency Identifier) number. This number is assigned by the FBI and is your agency's originating agency identifier. The first two letters are your state abbreviation, the next three numbers are your county's code, and the final two numbers identify your jurisdiction within your county. When you contact the COPS Office with a question, you can use the ORI number, and we will be able to assist you. If you are a previous COPS Office award recipient, you may have been assigned an ORI number through the COPS Office if the FBI had not previously assigned your agency this identifier number.

primary law enforcement authority. An agency with primary law enforcement authority is defined as the first responder to calls for service for all types of criminal incidents within its jurisdiction. Agencies are not considered to have primary law enforcement authority if they only respond to or investigate specific type(s) of crime(s); respond to or investigate crimes within a correctional institution; serve warrants; provide courthouse security; transport prisoners; and/or have cases referred to them for investigation or investigational support.

Public Safety Partnership and Community Policing Act of 1994. The COPS Office is charged with fulfilling the mandates of this law. The purposes of the law are to

- increase the number of community policing officers on the beat;
- provide additional and more effective training to law enforcement officers to enhance their problem solving, service, and other skills needed in interacting with members of the community;
- encourage the development and implementation of innovative programs to permit members of the community to assist law enforcement agencies in the prevention of crime;
- encourage the development of new technologies to assist law enforcement agencies in reorienting the emphasis of their activities from reacting to crime to preventing crime.

recipient. A non-Federal entity that receives a Federal award directly from a Federal awarding agency to carry out an activity under a federal program. The term recipient does not include subrecipients. See also §200.69 Non-Federal entity." 2 CFR 200.86

school resource officer (SRO). A career law enforcement officer, with sworn authority, deployed in community-oriented policing, and assigned by the employing police department or agency to work in collaboration with schools and community-based organizations to (a) address crime and disorder problems, gangs, and drug activities affecting or occurring in or around elementary or secondary school; (b) deploy or expand crime prevention efforts for students; (c) educate likely school-age victims in crime prevention and safety; (d) develop or expand community justice initiatives for students; (e) train students in conflict resolution, restorative justice, and crime awareness; (f) assist in the identification of physical changes in the environment that may reduce crime in or around the school; and (g) assist in developing school policy that addresses crime and to recommend procedural changes.

supplanting. COPS Office award funds may not be used to supplant (replace) state, local, or Bureau of Indian Affairs (BIA) funds that would be made available in the absence of federal COPS Office award funding. Program funds must be used to increase the amount of state, local, or BIA funds otherwise budgeted for the award purposes, plus any additional state, local, or BIA funds budgeted for these purposes.

System for Award Management (SAM). Institutions applying for any type of award from the Federal Government must register with SAM. The SAM database is the repository for standard information about federal financial assistance applicants, recipients, and sub-recipients. Applicants must update or renew their SAM at least once per year to maintain an active status. Information about registration procedures can be accessed at www.sam.gov.

Appendix B. Assurances

Several provisions of federal law and policy apply to all award programs. The Office of Community Oriented Policing Services ("COPS Office") needs to secure your assurance that the applicant will comply with these provisions. If you would like further information about any of these assurances, please contact your state's COPS Office Grant Program Specialist at 800-421-6770.

By signing this form, the applicant assures that it will comply with all legal and administrative requirements that govern the applicant for acceptance and use of federal award funds. In particular, the applicant assures us of the following:

1. It has been legally and officially authorized by the appropriate governing body (for example, mayor or city council) to apply for this award and that the persons signing the application and these assurances on its behalf are authorized to do so and to act on its behalf with respect to any issues that may arise during processing of this application.
2. It will comply with the provisions of federal law, which limit certain political activities of employees whose principal employment is in connection with an activity financed in whole or in part with this award. These restrictions are set forth in 5 U.S.C. § 1501 et seq.
3. It will comply with the minimum wage and maximum hours provisions of the Fair Labor Standards Act (29 U.S.C. § 201 et seq.), if applicable.
4. It will establish safeguards, if it has not done so already, to prohibit employees from using their positions for a purpose that is, or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business or other ties. In addition, it will disclose (in writing) to the COPS Office any potential conflict of interest arising during the course of performance of the award and also will require such written disclosures by any subrecipients.
5. As required by 42 U.S.C. § 3796dd-6, it will give the U.S. Department of Justice or the Comptroller General access to and the right to examine records and documents related to the award.
6. It will comply with all requirements imposed by the U.S. Department of Justice as a condition or administrative requirement of the award, including but not limited to: the requirements of 2 C.F.R. Part 200 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards) as adopted by the U.S. Department of Justice in 2 C.F.R. § 2800.101 ; 48 C.F.R. Part 31 (FAR Part 31) (Contract Cost Principles and Procedures); the applicable provisions of the Omnibus Crime Control and Safe Streets Act of 1968, as amended; 28 C.F.R. Part 38 (Partnerships With Faith-Based and Other Neighborhood Organizations); the applicable COPS Office application guide; the applicable COPS Office award owner's manual; and with all other applicable program requirements, laws, orders, or regulations.
7. As required by 42 U.S.C. § 3796dd-1(c) (11), it will, to the extent practicable and consistent with applicable law, seek, recruit and hire qualified members of racial and ethnic minority groups and qualified women in order to further effective law enforcement by increasing their ranks within the sworn positions in the agency.
8. It will not (and will require any subrecipient, contractors, successors, transferees, and assignees not to), on the grounds of race, color, religion, national origin, sex, or disability unlawfully exclude any person from participation in, deny the benefits of, or employment to any person, or subject any person to discrimination in connection with any programs or activities funded in whole or in part with federal funds. It will also not discriminate in the delivery of benefits or services based on age. These civil rights requirements are found in the non-discrimination provisions of Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. § 2000d); the Omnibus Crime Control and Safe Streets Act of 1968, as amended (42

U.S.C. § 3789d); Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794); the Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101); Title IX of the Education Amendments of 1972, as amended (20 U.S.C. § 1681); and the corresponding U.S. Department of Justice regulations implementing those statutes at 28 C.F.R. Part 42 (subparts C, D, E, G, and I). It will also comply with Executive Order 13279, as amended by Executive Order 13559, and the implementing regulations at 28 C.F.R. Part 38, Partnerships With Faith-Based and Other Neighborhood Organizations, which requires equal treatment of religious organizations in the funding process and prohibits religious discrimination against beneficiaries.

- A. In the event that any court or administrative agency makes a finding of discrimination on grounds of race, color, religion, national origin, or sex against the applicant after a due process hearing, it agrees to forward a copy of the finding to the Office for Civil Rights, Office of Justice Programs, 810 7th Street, NW, Washington, D.C. 20531.
- B. If your organization is a government agency or private business and has received a single award for \$25,000 or more and has fifty or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare a Utilization Report and submit it to the Office for Civil Rights (OCR) within 120 days from the date of the award. Although the OCR has discretion to review all submitted Utilization Reports, it will review the Utilization Reports from recipients that receive an award of \$500,000 or more.

To begin developing a Utilization Report, please consult the OCR's website at <http://www.ojp.usdoj.gov/about/ocr/eeop.htm> and click EEOP Reporting Tool Login. Additional assistance can be found online at the bottom of the same webpage by clicking the EEO Reporting Tool Job Aid and Frequently Asked Questions.

If your organization has less than fifty employees or receives an award of less than \$25,000 or is a nonprofit organization, a medical institution, an educational institution, or an Indian tribe, then it is exempt from the EEOP requirement. To claim the exemption, however, your organization must certify that it is exempt by logging into the EEO Reporting Tool on the OCR website at <http://www.ojp.usdoj.gov/about/ocr/eeop.htm>, providing the contact and organizational profile information, and then submitting a Certificate of Exemption.

If you have further questions regarding the EEOP requirements, you may contact an EEOP specialist at the OCR by telephone at 202-307-0690, by TTY at 202-307-2027, or by e-mail at EEOPforms@usdoj.gov.

9. Pursuant to U.S. Department of Justice guidelines (June 18, 2002 Federal Register, Volume 67, Number 117, pages 41455-41472), under Title VI of the Civil Rights Act of 1964, it will ensure meaningful access to its programs and activities by persons with limited English proficiency.
10. It will ensure that any facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the project are not listed on the Environmental Protection Agency' (EPA) list of Violating Facilities and that it will notify us if advised by the EPA that a facility to be used in this grant is under consideration for such listing by the EPA.
11. If the applicant's state has established a review and comment procedure under Executive Order 12372 and has selected this program for review, it has made this application available for review by the state Single Point of Contact.

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12. It will submit all surveys, interview protocols, and other information collections to the COPS Office for submission to the Office of Management and Budget for clearance under the Paperwork Reduction Act of 1995 if required.
13. It will comply with the Human Subjects Research Risk Protections requirements of 28 C.F.R. Part 46 if any part of the funded project contains non-exempt research or statistical activities which involve human subjects and also with 28 C.F.R. Part 22, requiring the safeguarding of individually identifiable information collected from research participants.
14. Pursuant to Executive Order 13043, it will enforce on-the-job seat belt policies and programs for employees when operating agency-owned - or - rented or personally-owned vehicles.
15. As required by 42 U.S.C. § 3796dd-3(a), it will not use COPS Office funds to supplant (replace) state, local, or Bureau of Indian Affairs funds that otherwise would be made available for the purposes of this award, as applicable.
16. If the award contains a retention requirement, it will retain the increased officer staffing level or the increased officer redeployment level, as applicable, with state or local funds for a minimum of 12 months following expiration of the award period.
17. It will not use any federal funding directly or indirectly to influence in any manner a Member of Congress, a jurisdiction, or an official of any government, to favor, adopt, or oppose, by vote or otherwise, any legislation, law ratification, policy or appropriation whether before or after the introduction of any bill, measure, or resolution proposing such legislation, law, ratification, policy or appropriation as set forth in the Anti-Lobby Act, 18 U.S.C. § 1913.
18. In the event that a portion of award reimbursements are seized to pay off delinquent federal debts through the Treasury Offset Program or other debt collection process, it agrees to increase the nonfederal share (or, if the award does not contain a cost sharing requirement, contribute a nonfederal share) equal to the amount seized in order to fully implement the award project.

False statements or claims made in connection with COPS Office award may result in fines, imprisonment, debarment from participating in federal awards or contracts, and/or any other remedy available by law.

I certify that the assurances provided are true and accurate to the best of my knowledge.

Elections or other selections of new officials will not relieve the recipient of its obligations under this award.

Signature of Law Enforcement Executive/Agency Executive Date

(For your electronic signature, please type in your name)

Signature of Government Executive/Financial Official Date

(For your electronic signature, please type in your name)

Appendix C. Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; Federal Taxes and Assessments; Drug-Free Workplace Requirements; and Coordination with Affected Agencies.

Although the U.S. Department of Justice has made every effort to simplify the application process, other provisions of federal law require us to seek your agency's certification regarding certain matters. Applicants should carefully review the statutes and regulations cited below and the instructions for certification to understand the requirements and whether they apply to a particular applicant. Signing this form complies with the certification and notice requirements under 28 C.F.R. Part 69 "New Restrictions on Lobbying"; 2 C.F.R. Part 2867 "Nonprocurement Debarment and Suspension"; 2 C.F.R. Part 200 "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards"; the general provisions in the applicable Appropriations Act; 28 C.F.R. Part 83 "Government-Wide Requirements for Drug-Free Workplace (Grants)"; and the Public Safety Partnership and Community Policing Act of 1994. The certifications shall be treated as a material representation of fact upon which reliance will be placed when the U.S. Department of Justice determines to make the covered award.

1. Lobbying

As required by 31 U.S.C. § 1352, implemented at 28 C.F.R. Part 69, for persons entering into a grant or cooperative agreement over \$100,000, and 2 C.F.R. § 200.450 as adopted by the U.S. Department of Justice in 2 C.F.R. § 2800.101, the applicant certifies to the following:

- A. No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the making of any federal grant; the entering into of any cooperative agreement; or the extension, continuation, renewal, amendment or modification of any federal grant or cooperative agreement.
- B. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.
- C. If applicant is a nonprofit organization or an institution of higher education, it will comply with the additional lobbying restrictions set forth in 2 C.F.R. § 200.450(c) as adopted by the U.S. Department of Justice in 2 C.F.R. § 2800.101.
- D. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

2. Debarment, Suspension and Other Responsibility Matters (Direct Recipient)

Pursuant to Executive Order 12549, Debarment and Suspension, as implemented at 2 C.F.R. Part 2867, for prospective participants in primary covered transactions, as defined at 2 C.F.R. § 2867.20(a), and other requirements, the applicant certifies that it and its principals:

- A. Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of federal benefits by a state or federal court, or voluntarily excluded from covered transactions by any federal department or agency;
- B. Have not within a three-year period preceding this application been convicted of a felony criminal violation under any federal law, or been convicted or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state or local) or private agreement or transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion or receiving stolen property, making false claims, or obstruction of justice, or commission of any offense indicating a lack of business integrity or business honesty that seriously and directly affects your present responsibility;
- C. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any of the offenses enumerated in paragraph B. of this certification; and
- D. Have not within a three-year period preceding this application had one or more public transactions (federal, state or local) terminated for cause or default.

3. Mandatory Disclosure

Pursuant to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. § 200.113 as adopted by the U.S. Department of Justice in 2 C.F.R. § 2800.101, the applicant certifies that it:

- A. Has not violated any federal criminal law involving fraud, bribery, or gratuity that may potentially affect the federal award;

Shall timely disclose in writing to the federal awarding agency or pass-through entity, as applicable, any violation of federal criminal law involving fraud, bribery, or gratuity that may potentially affect the federal award; and

Shall require that the language of this certification be included in the award documents for all subawards (including subgrants and cooperative agreements) and shall require all subrecipients certify and disclose accordingly.

4. Federal Taxes and Assessments

- A. If applicable, an applicant who receives an award in excess of \$5,000,000 certifies that, to the best of its knowledge and belief, the applicant has filed all federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

- B. The applicant certifies that it does not have any unpaid federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability.

5. Drug-Free Workplace

As required by the Drug-Free Workplace Act of 1988 (41 U.S.C. § 8103), implemented at 28 C.F.R. Part 83, for recipients other than individuals as defined at 28 C.F.R. § 83.660 –

- A. The applicant certifies that it will, or will continue to, provide a drug- free workplace by doing the following:
- (i) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
 - (ii) Establishing an on-going drug-free awareness program to inform employees about –
 - (a) the dangers of drug abuse in the workplace;
 - (b) the grantee's policy of maintaining a drug-free workplace;
 - (c) any available drug counseling, rehabilitation and employee assistance programs; and
 - (d) the penalties that may be imposed upon employees for drug-abuse violations occurring in the workplace;
 - (iii) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (i);
 - (iv) Notifying the employee in the statement required by paragraph (i) that, as a condition of employment under the grant, the employee will –
 - (a) abide by the terms of the statement; and
 - (b) notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
 - (v) Notifying the agency in writing within 10 calendar days after receiving notice under subparagraph (iv)(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: COPS Office, 145 N Street, NE, Washington, D.C. 20530. Notice shall include the identification number(s) of each affected grant;
 - (vi) Taking one of the following actions within 30 calendar days of receiving notice under subparagraph (iv)(b) with respect to any employee who is so convicted –
 - (a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - (b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement or other appropriate agency;
 - (vii) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (i), (ii), (iii), (iv), (v), and (vi).

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- B. The applicant further certifies that it will identify all known workplaces under each COPS Office award, keep the identification documents on file, and make them available for inspection upon request by the U.S. Department of Justice officials or their designated representatives.

6. Coordination

As required by 42 U.S.C. § 3796dd-1(c)(5) of the Public Safety Partnership and Community Policing Act of 1994, applicants must certify that there has been appropriate coordination with all agencies that may be affected by the applicant's grant proposal if approved. Affected agencies may include, among others, the Office of the United States Attorney, state or local prosecutors, or correctional agencies. The applicant certifies that there has been appropriate coordination with all affected agencies.

Where the applicant is unable to certify to any of the statements in this Certifications form, he or she shall attach an explanation to this application regarding the particular statement that cannot be certified. Please check the box if an explanation is attached to this application. Please note that the applicant is still required to sign the Certifications form to certify to all the other applicable statements.

False statements or claims made in connection with COPS Office awards may result in fines, imprisonment, debarment from participating in federal awards or contracts, and/or any other remedy available by law.

I certify that the assurances provided are true and accurate to the best of my knowledge.

Elections or other selections of new officials will not relieve the recipient entity of its obligations under this award.

Signature of Law Enforcement Executive/Agency Executive Date

(For your electronic signature, please type in your name)

Signature of Government Executive/Financial Official Date

(For your electronic signature, please type in your name)

Appendix D. Compliance with 8 U.S.C. 1373

1. Authority to obligate or expend contingent on compliance with 8 U.S.C. 1373

NOTE: This grant condition applies only to State or local government entities or to non-State or local government entities that make subawards with these funds to a State or local government entity.

State or local government entity recipients of this award, and any subrecipient of this award at any tier that is an entity of a State or of a unit of local government, may not obligate or expend award funds if – at the time of the obligation or expenditure – the “program or activity” of the recipient funded in whole or in part with the award funds (which includes any such program or activity of any subrecipient at any tier) is subject to any prohibitions or restrictions on sending to, requesting or receiving from, maintaining, or exchanging information on citizenship or immigration status as described in 8 U.S.C. 1373(a) or (b), including any prohibitions or restrictions imposed or established by a State or local government entity or official.

A subrecipient of this award (at any tier) that is an entity of a State or of a unit of local government may not obligate or expend award funds if – at the time of the obligation or expenditure – the “program or activity” of the subrecipient (which includes any such program or activity of any subrecipient at any further tier) funded (in whole or in part) with award funds is subject to any prohibitions or restrictions on sending to, requesting or receiving from, maintaining, or exchanging information on citizenship or immigration status as described in 8 U.S.C. 1373(a) or (b), including any prohibitions or restrictions imposed by a State or local government entity or official.

Any obligations or expenditures of a recipient or subrecipient that are impermissible under this condition shall be unallowable costs for purposes of this award.

Rules of Construction. For purposes of this condition, “program or activity” means what it means under section 606 of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d-4a).

Pursuant to 8 U.S.C. 1551 note, references to the Immigration and Naturalization Service in 8 U.S.C. 1373 are to be read, as a legal matter, as references to particular components of the U.S. Department of Homeland Security.

Should any provision of a condition of this award be held to be invalid or unenforceable by its terms, then that provision shall first be applied with a limited construction so as to give it the maximum effect permitted by law (to any person or circumstance) under this award. Should it be held, instead, that a condition (or a provision thereof) is of utter invalidity or unenforceability, such condition (or such provision) shall be deemed severable from this award.

Any questions about the meaning or scope of this condition should be directed, prior to acceptance of this award, to the Office of Community Oriented Policing Services Legal Division at 202-514-3750.

Appendix E: Appendix II to Part 200—Contract Provisions for Non-Federal Entity Contracts Under Federal Awards

In addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the non-Federal entity under the Federal award must contain provisions covering the following, as applicable.

(A) Contracts for more than the simplified acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

(B) All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.

(C) **Equal Employment Opportunity.** Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of “federally assisted construction contract” in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, “Equal Employment Opportunity” (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and implementing regulations at 41 CFR part 60, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”

(D) **Davis-Bacon Act, as amended (40 U.S.C. 3141-3148).** When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland “Anti-Kickback” Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

(E) **Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708).** Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no

laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

(F) Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of “funding agreement” under 37 CFR §401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency.

(G) Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended—Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

(H) Debarment and Suspension (Executive Orders 12549 and 12689)—A contract award (see 2 CFR 180.220) must not be made to parties listed on the government-wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), “Debarment and Suspension.” SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

(I) Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)—Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

(J) See §200.322 Procurement of recovered materials.

[78 FR 78608, Dec. 26, 2013, as amended at 79 FR 75888, Dec. 19, 2014]

Appendix F: Appendix XII to Part 200—Award Term and Condition for Recipient Integrity and Performance Matters

General Reporting Requirement

If the total value of your currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this Federal award, then you as the recipient during that period of time must maintain the currency of information reported to the System for Award Management (SAM) that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)) about civil, criminal, or administrative proceedings described in paragraph 2 of this award term and condition. This is a statutory requirement under section 872 of Public Law 110-417, as amended (41 U.S.C. 2313). As required by section 3010 of Public Law 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.

Proceedings About Which You Must Report

Submit the information required about each proceeding that:

- a. Is in connection with the award or performance of a grant, cooperative agreement, or procurement contract from the Federal Government;
- b. Reached its final disposition during the most recent five year period; and
- c. Is one of the following:

- (1) A criminal proceeding that resulted in a conviction, as defined in paragraph 5 of this award term and condition;

- (2) A civil proceeding that resulted in a finding of fault and liability and payment of a monetary fine, penalty, reimbursement, restitution, or damages of \$5,000 or more;

- (3) An administrative proceeding, as defined in paragraph 5. of this award term and condition, that resulted in a finding of fault and liability and your payment of either a monetary fine or penalty of \$5,000 or more or reimbursement, restitution, or damages in excess of \$100,000;

or

- (4) Any other criminal, civil, or administrative proceeding if:

- (i) It could have led to an outcome described in paragraph 2.c.(1), (2), or (3) of this award term and condition;

- (ii) It had a different disposition arrived at by consent or compromise with an acknowledgment of fault on your part; and

- (iii) The requirement in this award term and condition to disclose information about the proceeding does not conflict with applicable laws and regulations.

Reporting Procedures

Enter in the SAM Entity Management area the information that SAM requires about each proceeding described in paragraph 2 of this award term and condition. You do not need to submit the information a second time under assistance awards that you received if you already provided the information through SAM because you were required to do so under Federal procurement contracts that you were awarded.

Reporting Frequency

During any period of time when you are subject to the requirement in paragraph 1 of this award term and condition, you must report proceedings information through SAM for the most recent five year period, either to report new information about any proceeding(s) that you have not reported previously or affirm that there is no new information to report. Recipients that have Federal contract, grant, and cooperative agreement awards with a cumulative total value greater than \$10,000,000 must disclose semiannually any information about the criminal, civil, and administrative proceedings.

Definitions

For purposes of this award term and condition:

- a. Administrative proceeding means a non-judicial process that is adjudicatory in nature in order to make a determination of fault or liability (*e.g.*, Securities and Exchange Commission Administrative proceedings, Civilian Board of Contract Appeals proceedings, and Armed Services Board of Contract Appeals proceedings). This includes proceedings at the Federal and State level but only in connection with performance of a Federal contract or grant. It does not include audits, site visits, corrective plans, or inspection of deliverables.
- b. Conviction, for purposes of this award term and condition, means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of *nolo contendere*.
- c. Total value of currently active grants, cooperative agreements, and procurement contracts includes—
 - (1) Only the Federal share of the funding under any Federal award with a recipient cost share or match; and
 - (2) The value of all expected funding increments under a Federal award and options, even if not yet exercised.
- d. [Reserved]

[80 FR 43310, July 22, 2015]

Appendix G: 41 U.S.C. § 4712 -Pilot program for enhancement of contractor protection from reprisal for disclosure of certain information

Prohibition of reprisals

(1) In general. An employee of a contractor, subcontractor, or recipient may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body described in paragraph (2) information that the employee reasonably believes is evidence of gross mismanagement of a Federal contract or grant, a gross waste of Federal funds, an abuse of authority relating to a Federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a Federal contract (including the competition for or negotiation of a contract) or grant.

(2) Persons and bodies covered. The persons and bodies described in this paragraph are the persons and bodies as follows:

- (A) A Member of Congress or a representative of a committee of Congress.
- (B) An Inspector General.
- (C) The Government Accountability Office.
- (D) A Federal employee responsible for contract or award oversight or management at the relevant agency.
- (E) An authorized official of the Department of Justice or other law enforcement agency.
- (F) A court or grand jury.
- (G) A management official or other employee of the contractor, subcontractor, or recipient who has the responsibility to investigate, discover, or address misconduct.

(3) Rules of construction. For the purposes of paragraph (1)

- (A) an employee who initiates or provides evidence of contractor, subcontractor, or recipient misconduct in any judicial or administrative proceeding relating to waste, fraud, or abuse on a Federal contract or award shall be deemed to have made a disclosure covered by such paragraph; and
- (B) a reprisal described in paragraph (1) is prohibited even if it is undertaken at the request of an executive branch official, unless the request takes the form of a non-discretionary directive and is within the authority of the executive branch official making the request.

Investigation of complaints

(1) Submission of complaint. A person who believes that the person has been subjected to a reprisal prohibited by subsection (a) may submit a complaint to the Inspector General of the executive agency involved. Unless the Inspector General determines that the complaint is frivolous, fails to allege a violation of the prohibition in subsection (a), or has previously been addressed in another Federal or State judicial or administrative proceeding initiated by the complainant, the Inspector General shall investigate the complaint and, upon completion of such investigation, submit a report of the findings of the investigation to the person, the contractor or recipient concerned, and the head of the agency.

(2) Inspector General action.

(A) Determination or submission of report on findings. Except as provided under subparagraph (B), the Inspector General shall make a determination that a complaint is frivolous, fails to allege a violation of the prohibition in subsection (a), or has previously been addressed in another Federal or State judicial or administrative proceeding initiated by the complainant or submit a report under paragraph (1) within 180 days after receiving the complaint.

(B) Extension of time. If the Inspector General is unable to complete an investigation in time to submit a report within the 180-day period specified in subparagraph (A) and the person submitting the complaint agrees to an extension of time, the Inspector General shall submit a report under paragraph (1) within such additional period of time, up to 180 days, as shall be agreed upon between the Inspector General and the person submitting the complaint.

(3) Prohibition on disclosure. The Inspector General may not respond to any inquiry or disclose any information from or about any person alleging the reprisal, except to the extent that such response or disclosure is

(A) made with the consent of the person alleging the reprisal;

(B) made in accordance with the provisions of section 552a of title 5 or as required by any other applicable Federal law; or

(C) necessary to conduct an investigation of the alleged reprisal.

(4) Time limitation. A complaint may not be brought under this subsection more than three years after the date on which the alleged reprisal took place.

Remedy and enforcement authority

(1) In general. Not later than 30 days after receiving an Inspector General report pursuant to subsection (b), the head of the executive agency concerned shall determine whether there is sufficient basis to conclude that the contractor or recipient concerned has subjected the complainant to a reprisal prohibited by subsection (a) and shall either issue an order denying relief or shall take one or more of the following actions:

(A) Order the contractor or recipient to take affirmative action to abate the reprisal.

(B) Order the contractor or recipient to reinstate the person to the position that the person held before the reprisal, together with compensatory damages (including back pay), employment benefits, and other terms and conditions of employment that would apply to the person in that position if the reprisal had not been taken.

(C) Order the contractor or recipient to pay the complainant an amount equal to the aggregate amount of all costs and expenses (including attorneys' fees and expert witnesses' fees) that were reasonably incurred by the complainant for, or in connection with, bringing the complaint regarding the reprisal, as determined by the head of the executive agency.

(2) Exhaustion of remedies. If the head of an executive agency issues an order denying relief under paragraph (1) or has not issued an order within 210 days after the submission of a complaint under subsection (b), or in the case of an extension of time under paragraph (b)(2)(B), not later than 30 days after the expiration of the extension of time, and there is no showing that such delay is due to the bad faith of the complainant, the complainant shall be deemed to have exhausted all administrative remedies

with respect to the complaint, and the complainant may bring a de novo action at law or equity against the contractor or recipient to seek compensatory damages and other relief available under this section in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy. Such an action shall, at the request of either party to the action, be tried by the court with a jury. An action under this paragraph may not be brought more than two years after the date on which remedies are deemed to have been exhausted.

(3) Admissibility of evidence. An Inspector General determination and an agency head order denying relief under paragraph (2) shall be admissible in evidence in any de novo action at law or equity brought pursuant to this subsection.

(4) Enforcement of orders. Whenever a person fails to comply with an order issued under paragraph (1), the head of the executive agency concerned shall file an action for enforcement of such order in the United States district court for a district in which the reprisal was found to have occurred. In any action brought under this paragraph, the court may grant appropriate relief, including injunctive relief, compensatory and exemplary damages, and attorney fees and costs. The person upon whose behalf an order was issued may also file such an action or join in an action filed by the head of the executive agency.

(5) Judicial review. Any person adversely affected or aggrieved by an order issued under paragraph (1) may obtain review of the order's conformance with this subsection, and any regulations issued to carry out this section, in the United States court of appeals for a circuit in which the reprisal is alleged in the order to have occurred. No petition seeking such review may be filed more than 60 days after issuance of the order by the head of the executive agency. Review shall conform to chapter 7 of title 5. Filing such an appeal shall not act to stay the enforcement of the order of the head of an executive agency, unless a stay is specifically entered by the court.

(6) Burdens of proof. The legal burdens of proof specified in section 1221(e) of title 5 shall be controlling for the purposes of any investigation conducted by an Inspector General, decision by the head of an executive agency, or judicial or administrative proceeding to determine whether discrimination prohibited under this section has occurred.

(7) Rights and remedies not waivable. The rights and remedies provided for in this section may not be waived by any agreement, policy, form, or condition of employment.

Notification of employees

The head of each executive agency shall ensure that contractors, subcontractors, and recipients of the agency inform their employees in writing of the rights and remedies provided under this section, in the predominant native language of the workforce.

Construction

Nothing in this section may be construed to authorize the discharge of, demotion of, or discrimination against an employee for a disclosure other than a disclosure protected by subsection (a) or to modify or derogate from a right or remedy otherwise available to the employee.

Exceptions

(1) This section shall not apply to any element of the intelligence community, as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(2) This section shall not apply to any disclosure made by an employee of a contractor, subcontractor, or recipient of an element of the intelligence community if such disclosure--

(A) relates to an activity of an element of the intelligence community; or

(B) was discovered during contract, subcontract, or recipient services provided to an element of the intelligence community.

Definitions

In this section:

(1) The term "abuse of authority" means an arbitrary and capricious exercise of authority that is inconsistent with the mission of the executive agency concerned or the successful performance of a contract or award of such agency.

(2) The term "Inspector General" means an Inspector General appointed under the Inspector General Act of 1978 and any Inspector General that receives funding from, or has oversight over contracts or awards funded, for or on behalf of, the executive agency concerned.

Construction

Nothing in this section, or the amendments made by this section, shall be construed to provide any rights to disclose classified information not otherwise provided by law.

Duration of section

This section shall be in effect for the four-year period beginning on the date that is 180 days after the date the enactment of this section.

Appendix H. Intergovernmental review process, points of contact by state

Executive Order 12372 requires applicants from state and local units of government or other organizations or individuals providing service within a state to submit a copy of the application to the state single point of contact (SPOC), if one exists and if this program has been selected for review by the state. Before the application due date, you must contact your state SPOC to find out if this program has been selected for review and comply with the state's process under Executive Order 12372. The Catalog of Federal Domestic Assistance reference for this program is number 16.710, "Public Safety and Community Policing Grants."

A current list of state SPOCs is listed at <https://www.archives.gov/federal-register/codification/executive-order/12372.html>. States that are not listed have chosen not to participate in the intergovernmental review process and therefore do not have an SPOC.

Appendix I. Federal Funding Accountability and Transparency Act (FFATA)—Reporting subaward and executive compensation award term

Appendix A to Part 170—Award term

I. Reporting Subawards and Executive Compensation.

a. Reporting of first-tier subawards.

1. **Applicability.** Unless you are exempt as provided in paragraph d. of this award term, you must report each action that obligates \$25,000 or more in Federal funds that does not include Recovery funds (as defined in section 1512(a)(2) of the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5) for a subaward to an entity (see definitions in paragraph e. of this award term).

2. Where and when to report.

i. You must report each obligating action described in paragraph a.1. of this award term to

<http://www.fsrs.gov>.

ii. For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)

3. **What to report.** You must report the information about each obligating action that the submission instructions posted at <http://www.fsrs.gov> specify.

b. Reporting Total Compensation of Recipient Executives.

1. **Applicability and what to report.** You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if—

i. the total Federal funding authorized to date under this award is \$25,000 or more;

ii. in the preceding fiscal year, you received—

(A) 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

(B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

iii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

2. Where and when to report. You must report executive total compensation described in paragraph b.1. of this award term:

- i. As part of your registration profile at <https://www.sam.gov>.
- ii. By the end of the month following the month in which this award is made, and annually thereafter.

c. Reporting of Total Compensation of Subrecipient Executives.

1. Applicability and what to report. Unless you are exempt as provided in paragraph d. of this award term, for each first-tier subrecipient under this award, you shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if--

- i. in the subrecipient's preceding fiscal year, the subrecipient received—
 - (A) 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
 - (B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and
- ii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

2. Where and when to report. You must report subrecipient executive total compensation described in paragraph c.1. of this award term:

- i. To the recipient.
- ii. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (i.e., between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.

d. Exemptions

If, in the previous tax year, you had gross income, from all sources, under \$300,000, you are exempt from the requirements to report:

- i. Subawards,
and
- ii. The total compensation of the five most highly compensated executives of any subrecipient.

e. Definitions. For purposes of this award term:

1. Entity means all of the following, as defined in 2 CFR part 25:

- i. A Governmental organization, which is a State, local government, or Indian tribe;
- ii. A foreign public entity;
- iii. A domestic or foreign nonprofit organization;
- iv. A domestic or foreign for-profit organization;
- v. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.

2. Executive means officers, managing partners, or any other employees in management positions.

3. *Subaward*:

- i. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
- ii. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. __ .210 of the attachment to OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations").
- iii. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.

4. *Subrecipient* means an entity that:

- i. Receives a subaward from you (the recipient) under this award; and
- ii. Is accountable to you for the use of the Federal funds provided by the subaward.

5. *Total compensation* means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):

i. *Salary and bonus.*

ii. *Awards of stock, stock options, and stock appreciation rights.* Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.

iii. *Earnings for services under non-equity incentive plans.* This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.

iv. *Change in pension value.* This is the change in present value of defined benefit and actuarial pension plans.

v. *Above-market earnings on deferred compensation which is not tax-qualified.*

vi. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.

Appendix J. System for Award Management (SAM) and universal identifier award term

Appendix A to Part 25—Award Term

I. System for Award Management and Universal Identifier Requirements

A. Requirement for System for Award Management

Unless you are exempted from this requirement under 2 CFR 25.110, you as the recipient must maintain the currency of your information in the SAM until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another award term.

B. Requirement for unique entity identifier

If you are authorized to make subawards under this award, you:

1. Must notify potential subrecipients that no entity (*see* definition in paragraph C of this award term) may receive a subaward from you unless the entity has provided its unique entity identifier to you.
2. May not make a subaward to an entity unless the entity has provided its unique entity identifier to you.

C. Definitions

For purposes of this award term:

1. *System for Award Management (SAM)* means the Federal repository into which an entity must provide information required for the conduct of business as a recipient. Additional information about registration procedures may be found at the SAM Internet site (currently at <http://www.sam.gov>).
2. *Unique entity identifier* means the identifier required for SAM registration to uniquely identify business entities.
3. *Entity*, as it is used in this award term, means all of the following, as defined at 2 CFR part 25, subpart C:
 - a. A Governmental organization, which is a State, local government, or Indian Tribe;
 - b. A foreign public entity;
 - c. A domestic or foreign nonprofit organization;
 - d. A domestic or foreign for-profit organization; and
 - e. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.

4. *Subaward*:

- a. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
- b. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see 2 CFR 200.330).
- c. A subaward may be provided through any legal agreement, including an agreement that you consider a contract.

5. *Subrecipient* means an entity that:

- a. Receives a subaward from you under this award; and
- b. Is accountable to you for the use of the Federal funds provided by the subaward.

Appendix K. Step-by-step instructions for two-part application submission process

FY 2017 COPS Office grant online application procedures

Note: If your agency has previously applied for grants using Grants.gov, and you already have an account set up with your username and password, please skip Step 1 and proceed to Step 2. For additional instructions on how to register with Grants.gov please visit <https://www.grants.gov/web/grants/applicants/organization-registration.html>.

Step 1

Please click the link below for details on how to register with Grants.gov.

Steps for registering with Grants.gov https://www.grants.gov/help/html/help/index.htm?callingApp=custom#t=Get_Started%2FGet_Started.htm.

Step 2. Submitting a COPS Office grant application using Grants.gov

1. Log in to www.grants.gov.
2. Scroll to the center of the page and click the "Apply for Grants" link in the center of the page.
3. Click on the "Download a Grant Application Package" link.
4. Scroll down to the "Funding Opportunity Number" box and enter COPS-CAMP-Application-2017. Then click on "Download Package."
5. Click the "Download" link at the bottom right of the page under the "Instructions & Application" heading.
6. To view the SF-424 instructions, click the "Download Application Instructions" link.
7. To start the application, click "Download Application Package," which is the second link.
8. Enter an application filing name of your choice (e.g., agency legal name and program type for which you are applying) into the "Application File Name" text box, which is highlighted yellow with a red border.
9. In the "Mandatory Documents" field, do the following:
 - a. Select the "Application for Federal Assistance (SF-424)" document then click on the "Move Form to Complete" button so that the form appears under the "Mandatory Documents for Submission" field.
 - iii. Select "COPS Short Application Attachment to SF-424," then click the "Move Form to Complete" button so that the form appears under the "Mandatory Documents for Submission" field.
10. Select "Application for Federal Assistance" and click on the "Open Form" button. Be sure to fill in all required fields on the displayed documents, which are highlighted yellow with red borders. Last, select the program to which you are applying and enter or re-enter a correct ORI.
11. Click the "Save" button at the very top of the document.

2017 COPS Anti-Methamphetamine Program (CAMP) Application Guide

12. In the "Save As" dialogue box, do the following:
 - a. Select a location that is easy to find within your computer (e.g., Desktop or My Documents).
 - b. Select the "Save" button to save the file to your selected location on your computer.

** Note: You will be required to save this document twice. You may either save it in the same location, which will overwrite the first one, or save it in a different location for redundancy.

13. Click on the "Save & Submit" button at the top of the document.
14. In the "Save As" dialogue box, do the following:
 - a. Select a location that is easy to find within your computer (e.g., Desktop or My Documents).
 - b. Select the "Save As" button to save the file to your selected location on your computer.
15. Enter your username and password for the authorized organizational representative (AOR). This is set up while registering with Grants.gov.
16. Wait until "Confirmation Page" appears to close the document.
Take note of the grant ID number provided by Grants.gov for your file.
17. After the SF-424 has been successfully submitted, you will receive three e-mails from Grants.gov:
 - a. One e-mail thanking the applicant for submission
 - b. A second e-mail confirming Grants.gov validation
 - c. A third e-mail stating the application was received by the agency
18. Within one business day, you will receive one of two e-mails from the COPS Office:
 - a. An e-mail stating your application passed the COPS Office validation and providing a link to the COPS Office Application Program System.

Or

- b. An e-mail stating that the COPS Office validation failed and that the issues must be corrected and resubmitted.

Correcting COPS Office validation errors

1. Open the application that was saved in step 12 above.
2. Edit fields that had errors.
3. Select the "Save & Submit" button.
4. In the "Save As" dialogue box, do the following:
 - a. Select a location that is easy to find within your computer (e.g., Desktop or My Documents).
 - b. Select the "Save" button to save the file to your selected location on your computer.
Overwrite the existing application or save as a different file name on your computer.
5. Enter your username and password for the AOR account.
6. Wait until "Confirmation Page" appears to close the document.
Take note of the new grant ID number provided by Grants.gov for your file.

2017 COPS Anti-Methamphetamine Program (CAMP) Application Guide

7. After the SF-424 has been successfully submitted, you will receive three e-mails from Grants.gov.
 - a. One e-mail thanking the applicant for submission.
 - b. A second e-mail confirming Grants.gov validation.
 - c. A third e-mail stating the application was received by the agency.
8. Within one business day, you will receive one of two e-mails from the COPS Office:
 - a. An e-mail stating your application passed the COPS Office validation and providing a link to the COPS Office Application Program System.

Or

- b. An e-mail stating that the COPS Office validation failed and that the issues must be corrected and resubmitted.

Paperwork Reduction Act Notice

The public reporting burden for this collection of information is estimated to be up to 11.3 hours per response, depending upon the COPS Office program being applied for, which includes time for reviewing instructions. Send comments regarding this burden estimate or any other aspects of the collection of this information, including suggestions for reducing this burden, to the Office of Community Oriented Policing Services, U.S. Department of Justice, 145 N Street NE, Washington, DC 20530; and to the Public Use Reports Project, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

You are not required to respond to this collection of information unless it displays a valid OMB control number. The OMB control number for this application is 1103-0098, and the expiration date is 05/31/2020.

About the COPS Office

The **Office of Community Oriented Policing Services (COPS Office)** is the component of the U.S. Department of Justice responsible for advancing the practice of community policing by the nation's state, local, territory, and tribal law enforcement agencies through information and award resources.

Community policing is a philosophy that promotes organizational strategies that support the systematic use of partnerships and problem-solving techniques, to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime.

Rather than simply responding to crimes once they have been committed, community policing concentrates on preventing crime and eliminating the atmosphere of fear it creates. Earning the trust of the community and making those individuals stakeholders in their own safety enables law enforcement to better understand and address both the needs of the community and the factors that contribute to crime.

The COPS Office awards funding to state, local, territory, and tribal law enforcement agencies to hire and train community policing professionals, acquire and deploy cutting-edge crime fighting technologies, and develop and test innovative policing strategies. COPS Office funding also provides training and technical assistance to community members and local government leaders and all levels of law enforcement. The COPS Office has produced and compiled a broad range of information resources that can help law enforcement better address specific crime and operational issues, and help community leaders better understand how to work cooperatively with their law enforcement agency to reduce crime.

- Since 1994, the COPS Office has invested more than \$14 billion to add community policing officers to the nation's streets, enhance crime fighting technology, support crime prevention initiatives, and provide training and technical assistance to help advance community policing.
- To date, the COPS Office has funded more than 129,000 additional officers to over 13,000 of the nation's 16,000 law enforcement agencies across the country in small and large jurisdictions alike.
- Nearly 700,000 law enforcement personnel, community members, and government leaders have been trained through COPS Office-funded training organizations.
- To date, the COPS Office has distributed more than 2 million topic-specific publications, training curricula, white papers, and resource CDs.

COPS Office resources, covering a wide breadth of community policing topics—from school and campus safety to gang violence—are available, at no cost, through its online Resource Center at www.cops.usdoj.gov. This easy-to-navigate website is also the grant application portal, providing access to online application forms.



U.S. Department of Justice
Office of Community Oriented Policing Services
145 N Street NE
Washington, DC 20530

To obtain details about COPS Office programs, call the COPS Office Response Center at 800-421-6770.

Visit the COPS Office online: www.cops.usdoj.gov

Published May 2017

EXHIBIT D



The U.S. Department of Justice, Office of Community Oriented Policing Services (COPS Office, www.cops.usdoj.gov) is pleased to announce that it is seeking applications for funding for the COPS Office FY 2017 Anti-Heroin Task Force (AHTF) program. This program furthers the department's mission of advancing public safety through community policing by addressing the department's goal of assisting state, local, and tribal efforts to prevent or reduce crime and violence.

2017 COPS Office Anti-Heroin Task Force (AHTF) Program Application Guide

CFDA#: 16.710

Funding Opportunity Number: COPS-AHTF-APPLICATION-2017

Eligibility

The fiscal year (FY) 2017 COPS Anti-Heroin Task Force Program (AHTF) is a competitive program with a focus on advancing public safety by providing funds to investigate illicit activities related to the distribution of heroin or unlawful distribution of prescription opioids, or unlawful heroin and prescription opioid traffickers through statewide collaboration. AHTF funds awarded in this program shall be used for investigative purposes to locate or investigate illicit activities, including activities related to the distribution of heroin or unlawful distribution of prescription opioids or unlawful diversion and distribution of prescription opioids. AHTF will be open to state law enforcement agencies with multijurisdictional reach and an interdisciplinary team (e.g. task force) structures. These state law enforcement agencies must have primary law enforcement authority over heroin and other opioids seizures.

All awards are subject to the availability of appropriated funds and any modifications or additional requirements that may be imposed by law.

Deadline/application period

The application period for the 2017 AHTF program begins May 22, 2017. All applications must be submitted July 10, 2017, at 7:59 p.m. EDT. Applications submitted after July 10, 2017, will not be considered for funding.

Completing an application under the AHTF solicitation is a two-step process. Applicants are first required to register via www.grants.gov and complete an SF-424, submitting it through the Grants.gov website. Once the SF-424 has been submitted via Grants.gov, the COPS Office will send an invitation e-mail to the applicant with instructions on completing the second part of the AHTF application through the COPS Office Online Application System (see "Registration" on page 3 and "How to Apply" on page 14). If you have not renewed your COPS Office Account Access information, contact the COPS Office Response Center at AskCopsRC@usdoj.gov or 800-421-6770. An application is not considered submitted until both of these steps are completed.

Contact information

For technical assistance with submitting the SF-424, call the Grants.gov customer service hotline at 800-518-4726, send questions via e-mail to support@Grants.gov, or consult the Grants.gov Organization Applicant User Guide at <https://www.grants.gov/help/html/help/index.htm>. For programmatic assistance with the requirements of this program or with submitting the application through the COPS Office Online Application System, please call the COPS Office Response Center at 800-421-6770 or send questions via e-mail to AskCopsRC@usdoj.gov.

U.S. Department of Justice
Office of Community Oriented Policing Services
Russell Washington, Acting Director
www.cops.usdoj.gov

2017 COPS Office Anti-Heroin Task Force (AHTF) Program Application Guide

The COPS Office Application Guide is designed to assist applicants in applying for COPS Office award programs. This guide includes general information on the administrative and legal requirements governing the COPS Office AHTF Program as well as detailed program-specific information.

For more information about COPS Office awards, please call the COPS Office Response Center at 800-421-6770.



U.S. Department of Justice
Office of Community Oriented Policing Services
145 N Street NE
Washington, DC 20530

Visit the COPS Office online: www.cops.usdoj.gov

May 2017

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COPS Office Anti-Heroin Task Force (AHTF) Program (CFDA 16.710) Overview

COPS Anti-Heroin Task Force (AHTF) program description and federal award information

This program is authorized under Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3796dd et seq., as amended, and the Violent Crime Control and Law Enforcement Act of 1994, Title I, Part Q, Public Law 103-322.

Drug overdose deaths and opioid-involved deaths continue to increase in the United States. Deaths from drug overdose are up among both men and women, all races, and adults of nearly all ages. More than three out of five drug overdose deaths involve an opioid. Opioids are substances that work on the nervous system in the body or specific receptors in the brain to reduce the intensity of pain. Overdose deaths from opioids, including prescription opioids and heroin, have more than quadrupled since 1999. Overdoses involving opioids killed more than 28,000 people in 2014. More than half of those deaths were from prescription opioids.¹

The FY 2017 COPS Anti-Heroin Task Force (AHTF) program is designed to advance public safety by providing funds to investigate illicit activities related to the distribution of heroin or unlawful distribution of prescription opioids or to unlawful heroin and prescription opioid traffickers through statewide collaboration. AHTF provides funding for 24 months directly to state law enforcement agencies with high rates of primary treatment admissions for heroin and other opioids. AHTF funds awarded in this program shall be used for investigative purposes to locate or investigate illicit activities, including activities related to the distribution of heroin or unlawful distribution of prescription opioids or unlawful diversion and distribution of prescription opioids. AHTF will be open to state law enforcement agencies with multijurisdictional reach and an interdisciplinary team (e.g., task force) structures. These state law enforcement agencies must have primary law enforcement authority over heroin and other opioids seizures. The COPS Office anticipates making approximately six 2017 AHTF awards for a total of approximately \$10,000,000. Funding requests under this program will be capped at \$1,500,000 per award.

New Certification Requirement

All state or local government entity applicants (e.g., police departments, sheriff's departments, state police) are required to certify compliance with 8 U.S.C. § 1373 regarding prohibitions or restrictions on sending to, requesting or receiving from, maintaining, or exchanging information on citizenship or immigration status, including any prohibitions or restrictions imposed or established by a State or local government entity or official.

¹ Rose A. Rudd et al., "Increases in Drug and Opioid-Involved Overdose Deaths—United States, 2010–2015," *Morbidity and Mortality Weekly Report (MMWR)* 65, no. 50–51 (December 30, 2016), 1445–1452, <https://www.cdc.gov/mmwr/volumes/65/wr/mm655051e1.htm>.

In FY 2017, all state or local government entity applicants (e.g., police departments, sheriff's departments, state police) are required to certify compliance with 8 U.S.C. § 1373 regarding prohibitions or restrictions on sending to, requesting or receiving from, maintaining, or exchanging information on citizenship or immigration status, including any prohibitions or restrictions imposed or established by a state or local government entity or official. This certification must be completed by the governing body's chief legal officer (e.g., city or county attorney).

- a. Set up a new user and roles in the COPS Office Agency Portal at <https://portal.cops.usdoj.gov/>. Establish accounts for the law enforcement executive (LE)/ program official (PO), government executive (GE)/ financial official (FO), and chief legal officer (CLO).
- b. Set up an e-signature in the COPS Office Agency Portal at <https://portal.cops.usdoj.gov/>. Establish an electronic signature for all officials (LE/PO, GE/FO, and CLO). This is critical as it enables your agency to sign important documents in the application process.

We strongly recommend notifying your governing body's chief legal counsel of this certification requirement as soon as the AHTF application period opens so that they may conduct the required reviews necessary for completing the certification before the application deadline.

Questions regarding the certification requirement may be directed to the COPS Office Legal Division at 202-514-3750.

Please be advised that a hold may be placed on any application if it is deemed that the applicant agency is not in good standing on other U.S. Department of Justice awards, has other award compliance issues that would make the applicant agency ineligible to receive COPS Office funding, or is not cooperating with an ongoing U.S. Department of Justice award review or audit. A hold may also be placed on any application if it is deemed that the applicant agency is not in compliance with federal civil rights laws or is not cooperating with an ongoing federal civil rights investigation.

Misuse of COPS Office funds or failure to comply with all COPS Office award requirements may result in suspension or termination of award funds, the repayment of award funds, or other remedies available by law.

Under the False Claim Act, any credible evidence that a person has submitted a false claim or has committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving COPS Office funds may be referred to the Office of Inspector General (OIG). The OIG may be contacted at oig.hotline@usdoj.gov, or 800-869-4499.

Registration

All FY 2017 AHTF applicants are required to have a valid ORI number. The ORI number is assigned by the Federal Bureau of Investigation (FBI) and is your agency's unique identifier. Please contact the COPS Office Response Center at 800-421-6770 to verify your agency's ORI number. If you do not have an ORI number, a COPS Office Response Center Specialist will assign one to you for the purpose of tracking your award application. This is required before you begin your application on Grants.gov.

In addition, the Federal Government requires that all applicants for federal awards and cooperative agreements—with the exception of individuals other than sole proprietors—have a Data Universal Numbering System (DUNS) number and be registered in the System for Award Management (SAM) database prior to submitting an application. See "Section 3: General Agency Information" on page 38 of this guide for more information regarding DUNS and SAM.

Completing an application under the AHTF program is a two-step process. Applicants are first required to register via www.grants.gov and complete an SF-424, the government-wide standard application form for federal assistance. Once you have registered and submitted your SF-424 through Grants.gov, you will receive an e-mail from the COPS Office within one business day with instructions on completing the second part of the AHTF application process, which is the COPS Office Application Attachment to the SF-424 through the COPS Office Online Application System. If you have not renewed your COPS Office Account Access information, contact the COPS Office Response Center at AskCopsRC@usdoj.gov or 800-421-6770.

It is strongly recommended that applicants register immediately on www.grants.gov. In addition, applicants are strongly encouraged to complete the SF-424 and section 1 on Grants.gov as quickly as possible. Any delays in registering with Grants.gov or submitting the SF-424 may result in insufficient time for processing your application through Grants.gov or the COPS Office Online Application System.

For technical assistance with submitting the SF-424, call Grants.gov Customer Service Hotline at 800-518-4726, e-mail support@grants.gov, or consult the Grants.gov Applicant User Guide at https://www.grants.gov/help/html/help/Get_Started/Get_Started.htm. See "How to Apply/Application Submission" on page 14 of this guide for more information.

For technical assistance with submitting the online application via the COPS Office website, please call 800-421-6770 or send questions via e-mail to AskCopsRC@usdoj.gov. See "How to Apply/Application Submission" on page 14 of this guide for more information.

Deadline: Application

All completed applications must be submitted by July 10, 2017, at 7:59 p.m. EDT. Please see "How to Apply/Application Submission" for more information.

Applications for this program must be submitted in two parts. First, applicants must apply online via www.grants.gov to complete the SF-424. Applicants will then be directed to the COPS Office website (www.cops.usdoj.gov) to complete the second part of the application by July 10, 2017, at 7:59 p.m. EDT.

Eligibility Requirements

The COPS Anti-Heroin Task Force (AHTF) program is open to state law enforcement agencies with multijurisdictional reach and interdisciplinary team (e.g., task force) structures. These state law enforcement agencies must have primary authority over state seizures of heroin and other opioids. This program does not have a local match requirement.

For additional information, please contact the COPS Office Response Center at 800-421-6770 or send questions via e-mail to AskCopsRC@usdoj.gov.

Program-Specific Information

All awards are subject to the availability of appropriated funds and any modifications or additional requirements that may be imposed by law.

This solicitation is being announced as an open competition targeted at state law enforcement agencies authorized by law or by a state agency to engage in or to supervise anti-heroin investigative activities. Funding is limited and this solicitation is expected to be very competitive. Approximately \$10,000,000 in funding may be available for the FY 2017 AHTF program and a maximum of \$1,500,000 may be awarded to each recipient. Strong applications should demonstrate a multijurisdictional reach and participation in interdisciplinary team structures (i.e., task forces). Strong applications should also include multiyear state level primary treatment data to support their proposal. The COPS Office reserves the right to limit awards to one per state at the time of award announcement.

Program goal

The FY 2017 AHTF program seeks to address the growing problem of heroin and other opioid abuse by assisting state law enforcement agencies in collaboration with other service providers and stakeholders to

- increase efforts to locate and investigate illicit heroin and other opioid activities;
- establish new or enhance existing multijurisdictional and interdisciplinary task forces to investigate heroin and other opioid activities;
- increase the use of community policing strategies during the investigation phase (including problem solving, partnerships, and organizational changes) to investigate heroin and other opioid activities;
- increase anti-heroin collaboration efforts during investigations with federal, state, local, and tribal partners involved in prevention, intervention, and treatment; identification of drug endangered children; and enforcement activities.

Length of award term, maximum federal share, and local share requirements

All awards will have a performance period of two years (24 months) in duration, and there is no local match required.

The COPS Office will review reasonable requests made for no-cost time extensions in the event that all funds awarded have not been expended within the two-year award period. AHTF recipients will be provided an opportunity to extend approximately 90 days prior to the award end date. Any extensions granted will be for time only and not for additional funding. Please be advised that all extension requests must be received by the COPS Office prior to the official award end date.

At present, this is a one-time funding opportunity, and the COPS Office expects that all items, personnel, and/or training requested will be purchased or hired and the project implemented within the award period.

The COPS Office statutory nonsupplanting requirement mandates that AHTF funds must be used to supplement (increase) the recipient's budget and may not supplant (replace) state, local, or Bureau of Indian Affairs (BIA) funds that a recipient would otherwise have spent on sworn officer positions in the absence of the AHTF award.

Federal funding: Allowable and unallowable costs

All items requested will be considered on a case-by-case basis during the budget review process. Items under the program must be purchased using the legislative guidelines established by the appropriations legislation that governs this funding. In addition, each item requested must programmatically link to the activities described in your application. To the greatest extent practical, all equipment and products purchased with these funds must be American-made.

Allowable costs: Fundable requests

Applications should include a clear and demonstrated plan for implementing comprehensive anti-heroin strategies. Each award application must explain how the proposed project would fit into an overall effort to increase and/or enhance heroin investigation efforts. Budget requests may be made in the categories described in the following sections.

Sworn officer positions (salaries and benefits)

Sworn officer salary and fringe benefits apply to new, full-time, sworn career law enforcement officers not already funded in the applicant's local budget. A "career law enforcement officer" is a person hired on a permanent basis who is authorized by law or by a state, local, or tribal agency to engage in or oversee the prevention, detection, and/or investigation of violations of criminal laws. Officers must be hired on or after the award start date, and positions must directly relate to the AHTF project. Officers previously employed by your agency may be re-hired using AHTF award funds. If current personnel are redeployed into this program, they must be paid with local funds. COPS Office award funds may be used to backfill the resulting vacancy with newly hired personnel for an equivalent amount of time. [Please note: Overtime for sworn officers engaging in AHTF-related activities is an allowable cost; however, any overtime expenses requested for sworn officer positions must be listed in the "Other Costs" section of your application's budget. Overtime expenses must exceed the expenditures that your agency is obligated or funded to pay in its current budget.]

Civilian/Nonsworn personnel (salaries and benefits)

Civilian salary and fringe benefits apply to new personnel not already funded in the applicant's local budget. Staff must be hired on or after the award start date and positions must directly relate to the AHTF project. Examples of allowable personnel and fringe benefits costs include those for civilian AHTF project coordinators or anti-heroin/drug problem analysts.

Equipment/Technology

Equipment and/or technology costs shall provide agencies with the ability to purchase new or enhance existing equipment exclusively related to heroin investigations. All items requested must be clearly linked to the enhancement or implementation of the AHTF project.

Supplies

Generally, supplies include any materials that are expended or consumed during the course of the AHTF project. Such costs may include training manuals, paper, printer ink, pens, postage, etc.

Travel/Training

Travel/training costs include award-related travel costs for the recipient or other (non-recipient) individuals to attend AHTF-related training and technical assistance conferences, seminars, or classes or to visit a site specified in the application. Expenses for transportation, lodging, meals, incidental expenses (if travel is more than 50 miles from the program location), and temporary dependent care costs will be reviewed in accordance with applicable guidelines as part of the application process.

Contracts/Consultants

Consultant expenses and contracts include goods or services that directly contribute to the implementation or enhancement of the project. The use of a consultant should be more economical than direct employment. Contract/consultant costs may include costs to provide one-time training to staff for equipment operation/usage and contracting/consulting services that provide such things as needs analysis, installation, and testing. Compensation for individual consultant services procured under a COPS Office award must be reasonable and allocable in accordance with OMB cost principles, and consistent with that paid for similar services in the marketplace. Unless otherwise approved by the COPS Office, consultant rates will be based on the salary a consultant receives from his or her primary employer, as applicable, up to \$650 per day. For consultant or contractor rates that exceed \$650 per day, the COPS Office requires written justification if the consultants or contractors are hired through a noncompetitive bidding process and recipients must receive COPS Office approval of those rates before drawing down funds. Determinations will be made on a case-by-case basis.

Other costs

Other costs may include such items as software and prepaid warranties or maintenance agreements (not to exceed 24 months), overtime costs for sworn officers engaging in AHTF-related investigative activities, or other miscellaneous items that have a direct correlation to the overall success of a recipient's project objectives and are necessary for the project to reach full implementation.

Applicants must provide sufficient explanation for items requested via the "Budget Narrative" section of this application. Applicants will be notified of any points of clarification the COPS Office may require. Requests may be made only for items or positions that are not otherwise budgeted with state, local, or BIA funds and would not be funded in the absence of this COPS Office award.

In addition, any publication materials developed and/or purchased with federal award funds must contain the following designation: "This project was supported by Award Number _____ awarded by the U.S. Department of Justice, Office of Community Oriented Policing Services. The opinions contained herein are those of the author(s) and do not necessarily represent the official position or policies of the U.S. Department of Justice. References to specific agencies, companies, products, or services should not be considered an endorsement by the author(s) or the U.S. Department of Justice. Rather, the references are illustrations to supplement discussion of the issues."

Unallowable costs: Requests will NOT be funded

The items listed below are generally considered to be unallowable and may only be funded under extremely limited and extenuating circumstances and at the discretion of the COPS Office based on clear demonstration of a direct link between the requested item and the applicant's AHTF project. Before including any of these items in your project proposal, please contact the COPS Office Response Center at 800-421-6770.

This is not an exhaustive list, and items not listed below will be reviewed on a case-by-case basis. The COPS Office reserves the right to deny funding for items that may not be included on this list. Agencies are expected to request items that show a direct link between the requested item and the applicant's AHTF project. All requests must contribute directly to the specific purpose of the award project and relate to the parameters stipulated in the appropriations language enacted for FY 2017.

Requests for reimbursement of items purchased or expenses incurred prior to the award start date will not be funded.

Personnel

- Salaries and benefits of existing employees
- Salaries and benefits of award writers or other staff who do not directly contribute to the implementation of the program
- Salaries and benefits for personnel engaged in prosecution

Please note: Restrictions on overtime costs are listed under "Supplies and Other Costs."

Equipment/Technology

- Armored vehicles
- Bicycles
- Body wire equipment
- Bulletproof vests and accessories
- Bunker shield(s)
- Cellular or satellite phone airtime
- Clandestine drug laboratory cleanup equipment
- Communications towers
- Construction and renovation costs
- Dictation systems
- Fitness equipment
- General police vehicles (including patrol cars and leased vehicles)
- Handcuffs, weapons, and ammunition (including training ammunition)
- Incentives for research and/or participation in program activities
- Office equipment (copiers, fax machines, etc.)
- Pagers (including service time)
- Phone lines and voice-mail systems
- Prisoner transport vehicles
- Radar guns/equipment
- Standard issue police vehicle equipment (including light bars, cages, and siren packages)
- Televisions /VCRs/DVD players/projectors
- Trinkets and other conference takeaways
- Unmanned aircraft systems (also commonly referred to as unmanned aerial vehicles or "drones")
- Weaponized aircraft and vessels and weaponized vehicles of any kind

Travel/Training

- Local travel costs (lodging, meals, per diem, or transportation costs) within a 50-mile radius of the program location
- Mileage reimbursement, rental cars, parking fees, and/or taxi fare for local travel
- Meals and/or refreshment costs associated with meetings
- Training in topics that are not directly linked to the AHTF award

Contracts/Consultants

- Any consultant fees in excess of \$650 per day must receive prior written approval from the COPS Office, contingent upon written justification by the recipient, if the consultant or contractor is hired through a noncompetitive bidding process
- Contractual agreements that cannot be directly linked to the AHTF award
- Maintenance and/or service contracts that extend the life of the award period (multiyear contracts and extended warranties are allowable but must be paid in full within the initial award period)

Supplies and other costs

- Animals
- Clandestine laboratory cleanup costs
- Education and awareness campaigns
- Evaluation Costs
- Indirect costs
- Overtime for civilian positions
- Overtime for personnel not directly involved in the department's project
- Funding for buy-back and/or confidential informant purposes
- Office furniture (desks, file cabinets, etc.)
- Office rental/lease space
- Naloxone
- Standard office supplies not directly related to the AHTF award
- Standard or dress uniforms or uniform accessories
- Subawards
- Treatment programs
- Vehicle repairs/maintenance/fuel

This program will not provide funding for any positions or items that are funded in the applicant agency's budget with other sources of funding (state, local, or BIA). You may apply only for otherwise unfunded positions or items to supplement your agency's law enforcement budget.

Prohibited and Controlled Equipment:

COPS Office funds may not be used to purchase items listed at: https://www.bja.gov/publications/LEEWG_Report_Final.pdf.

This controlled purchase list represents items controlled under the Executive Order on "Federal Support for Local Law Enforcement Equipment Acquisition" that was signed on January 16, 2015. Pursuant to Executive Order 13688 (Federal Support for Local Law Enforcement Equipment Acquisition), a federal inter-agency working group has

been charged with, developing a consistent government-wide list of controlled equipment allow-able for acquisition by LEAs, as well as a list of those items that can only be transferred with special authorization and use limitations.

No items on this list can be purchased without first submitting a detailed justification that supports the need for this equipment. Applicants must show both extraordinary and exigent circumstances that require the purchase of such equipment. The requested item must be an allowable cost under the program. Recipients are strongly encouraged to submit this justification at the time of application. In particular, any justification that cannot show the exigent nature of the purchase and why it could not be submitted at time of application may not be approved.

Monitoring, reporting, and evaluation requirements

Federal law requires that law enforcement agencies receiving federal funding from the Federal Government must be monitored to ensure compliance with their award conditions and other applicable statutory regulations. The COPS Office is also interested in tracking the progress of our programs and the advancement of community policing. Both aspects of award implementation—compliance and programmatic benefits—are part of the monitoring process coordinated by the U.S. Department of Justice. Award monitoring activities conducted by the COPS Office include site visits, enhanced office-based grant reviews, alleged noncompliance reviews, financial and programmatic reporting and audit resolution. If awarded funds, you agree to cooperate with and respond to any requests for information pertaining to your award in preparation for any of the above-referenced award monitoring activities.

Awarded agencies will be responsible for submitting Programmatic Progress Reports and Federal Financial Reports on a quarterly basis. Additionally, awarded agencies will be responsible for the timely submission of a final Closeout Report and any other required final reports. All COPS Office recipients will be required to participate in such award monitoring activities of the U.S. Department of Justice including, but not limited to, the COPS Office, the Office of the Inspector General, or any entity designated by the COPS Office.

Please note that the COPS Office may take a number of monitoring approaches, such as site visits, enhanced office-based grant reviews, alleged noncompliance reviews, and periodic surveys to gather information and to ensure compliance. The COPS Office may seek information including, but not limited to, your agency's compliance with nonsupplanting and both programmatic and financial requirements of the award, and your agency's progress toward achieving your community policing strategy. Program and Monitoring Specialists as

well as auditors are particularly interested in confirming that the purchase of items and/or services is consistent with the applicant's approved award budget as reflected on the Financial Clearance Memo and Final Funding Memorandum.

Though a formal assessment is not a requirement, awarded agencies are strongly encouraged to conduct an independent assessment of their respective award-funded projects. Project evaluations have proven to be valuable tools in helping departments identify areas in need of improvement, providing data of successful processes and reducing vulnerabilities.

Reporting

If awarded, recipients will be required to electronically submit their financial reports using the SF-425 form by the 30th day following the end of each calendar quarter, and a final report is due 90 days following the award end date. Recipients who do not submit SF-425 reports by the due date will be unable to drawdown funds.

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In addition, if awarded, recipients will be required to electronically submit quarterly progress reports and a final progress report. The COPS Office will notify the recipient when the progress report is due and provide instructions for submission.

Please feel free to contact the COPS Office Response Center at 800-421-6770 to discuss any questions or concerns you may have regarding the monitoring, reporting, and evaluation requirements.

Performance Measures

To assist in fulfilling the U.S. Department of Justice's responsibilities under the Government Performance and Results Act Modernization Act (GPRA Modernization Act of 2010, P.L. 111-352, recipients who receive funding from the Federal Government must measure the results of work that funding supports. This Act specifically requires the COPS Office and other federal agencies to set program goals, measure performance against those goals, and publicly report progress in the form of funding spent, resources used, activities performed, services delivered, and results achieved.

Performance measures for AHTF are as follows:

Objective	Performance measures	Data recipient provides
Increase the capacity of law enforcement agencies to implement community policing strategies that strengthen partnerships for safer communities and enhance law enforcement's capacity to prevent, solve, and control crime through funding for personnel, technology, equipment, and training.	To what extent to which COPS Office funding (e.g., officers, equipment/training, technical assistance) has increased your agency's community policing capacity? To what extent to which COPS Office knowledge resources (e.g., publications, podcasts, training) have increased your agency's community policing capacity?	Data will be collected quarterly through recipient's progress reports. Recipients will rate the effectiveness of the COPS Anti-Heroin Task Force program funding in increasing community policing capacity.

COPS Office awards target increasing recipient capacity to implement community policing strategies within the three primary elements of community policing: (1) problem-solving; (2) partnerships; and (3) organizational transformation. The COPS Office requires all AHTF applicants to describe how the personnel, technology, equipment, or training requested will assist the applicant in implementing community policing strategies. For more information on community policing, please visit the COPS Office website at www.cops.usdoj.gov.

As part of the programmatic progress report, AHTF recipients will be required to report on their progress toward implementing community policing strategies. Based on the data collected from recipients, the COPS Office may make improvements to the AHTF program to better meet the program's objective and law enforcement agency needs.

How to Apply/Application Submission

Primary Steps Required to Complete Application	Complete?
If necessary, request an ORI through the COPS Office Response Center at AskCopsRC@usdoj.gov or 800-421-6770.	<input type="checkbox"/>
If you have not renewed your COPS Office Account Access information since November 15, 2013, contact the COPS Office Response Center at AskCopsRC@usdoj.gov or 800-421-6770.	<input type="checkbox"/>
Register with Grants.gov/Confirm registration.	<input type="checkbox"/>
Obtain a DUNS number/Confirm DUNS number.	<input type="checkbox"/>
Register with SAM database/Confirm SAM number.	<input type="checkbox"/>
Complete SF-424 on Grants.gov (funding number: COPS-AHTF-Application-2017).	<input type="checkbox"/>
Upon receipt of an e-mail from the COPS Office confirming successful submission of the SF-424 on Grants.gov, complete the second part of the application on the COPS Office Online Application System.	<input type="checkbox"/>

Electronic submission of the SF-424 in two parts via Grants.gov and the COPS Office website

Please read the following important information before attempting to submit your application via the COPS Office website:

- Completing an AHTF application is a two-step process. Applicants are first required to register via www.grants.gov and complete an SF-424. The Grants.gov funding code for this solicitation is COPS-AHTF-Application-2017. Once the SF-424 has been submitted, applicants will receive an e-mail from the COPS Office with instructions on completing the second part of the AHTF application through the COPS Office Online Application System. If you have not renewed your COPS Office Account Access information, contact the COPS Office Response Center at AskCopsRC@usdoj.gov or 800-421-6770.
- It is strongly recommended that applicants register immediately on Grants.gov. In addition, applicants are strongly encouraged to complete the SF-424 as quickly as possible. Any delays in registering with Grants.gov or submitting the SF-424 may result in insufficient time for processing your application through Grants.gov or the COPS Office Online Application System. An application is not considered submitted until you have submitted your SF-424 on Grants.gov and the second part of the application on the COPS Office website.
- Confirmation of submission: After completing the second part of the application and clicking "Submit," applicants will receive a message stating "Your application has been successfully recorded." The confirmation page will also provide the submission date, ORI, confirmation number, and program type.
- For technical assistance with submitting the SF-424, call the Grants.gov Contact Center at 800-518-4726 or e-mail support@Grants.gov. For assistance with submitting the application through the COPS Office Online Application System, please call the COPS Office Response Center at 800-421-6770 or send questions via e-mail to AskCopsRC@usdoj.gov.

- To apply for funding, applicants must have a DUNS number (DUNS numbers are required of all agencies requesting federal funding) and have an active registration with the System for Award Management (SAM) database.
- Applicants must comply with any word and field limit requirements described in the COPS Office Application Guide.
- Applicants will have the opportunity to print a copy of the application prior to submission and another copy of the application after it has been submitted. Please note that the application package cannot be submitted until all required fields have been completed. Note: If Internet access is not available to print a copy of the application package, contact the Response Center at 800-421-6770 to request that a printed copy be sent to you.
- Applicants will be able to print a copy of the application package only for reference while completing the application online via the COPS Office website. The COPS Office will not accept applications submitted via mail or e-mail.
- Do not wait until the application deadline date to begin the application process through the COPS Office website. The registration steps may take several days to complete, and if you wait until the application deadline date you may be unable to submit your application online.

In addition, all applicants are required to maintain current registrations in the System for Award Management (SAM) database. SAM replaces the Central Contractor Registration (CCR) database as the repository for standard information about federal financial assistance applicants, recipients, and subrecipients. The U.S. Department of Justice requires that all applicants (other than individuals) for federal financial assistance maintain current registrations in the SAM database. Applicants must update or renew their SAM registration annually to maintain an active status.

Applicants that were previously registered in the CCR database must at a minimum

- create a SAM account;
- log in to SAM and migrate permissions to the SAM account (all the entity registrations and records should already have been migrated).

Applicants that were not previously registered in the CCR database must register in SAM prior to registering in Grants.gov. Information about SAM registration procedures can be accessed at www.sam.gov.

Obtaining a Data Universal Numbering System (DUNS) number

The Federal Government requires that all applicants for federal awards and cooperative agreements, with the exception of individuals other than sole proprietors, have a Data Universal Numbering System (DUNS) number prior to application submission. The DUNS number is used to identify related organizations that are receiving funding under awards and cooperative agreements and to provide consistent name and address data for electronic award application systems. A DUNS number may be obtained by telephone at 866-705-7511 or via the Internet at fedgov.dnb.com/webform.

Data Universal Numbering System (DUNS) number

- The DUNS number is a unique nine- or thirteen-digit identification number provided by Dun & Bradstreet (D&B).
- The DUNS number is site-specific. Therefore, each distinct physical location of an entity (such as branches, divisions, and headquarters) may be assigned a DUNS number. Organizations should try to keep DUNS numbers to a minimum. In many instances, a central DUNS number with a DUNS number for each major division/department/agency that applies for an award may be sufficient.
- You should verify that you have a DUNS number or take the steps needed to obtain one as soon as possible, if there is a possibility you will be applying for future federal awards or cooperative agreements. There is no need to wait until you are submitting a particular application.
- If you already have a DUNS number. If you, as the entity applying for a federal award or cooperative agreement, previously obtained a DUNS number in connection with the federal acquisition process or requested or had one assigned to you for another purpose, you should use that number on all of your applications. It is not necessary to request another DUNS number from D&B. You may request D&B to supply a family-tree report of the DUNS numbers associated with your organization. Organizations should work with D&B to ensure the right information is on the report. Organizations should not establish new numbers, but use existing numbers and update or validate the information associated with the number.
- If you are not sure whether you have a DUNS number, call D&B using the toll-free number 866-705-5711 and indicate that you are a federal award applicant or prospective applicant. D&B will tell you if you already have a number. If you do not have a DUNS number, D&B will ask you to provide the information listed below and will immediately assign you a number, free of charge.

To obtain your DUNS number

- The requestor may obtain a DUNS number via the Internet at fedgov.dnb.com/webform.
- The requestor may also obtain a DUNS number via telephone at 866-705-5711. The phone is staffed from 8:00 a.m. to 6:00 p.m. (local time of the caller when calling from within the contiguous United States). Calls placed to the above number outside of those hours will receive a recorded message requesting the caller to call back between the operating hours. The process to request a number takes about 5–10 minutes. A DUNS number will be assigned at the conclusion of the call. You will need to provide the following information:
 - Legal name
 - Headquarters name and address for your organization
 - Doing business as (DBA) or other name by which your organization is commonly known or recognized
 - Physical address, city, state, and ZIP code
 - Mailing address (if separate from headquarters and/or physical address)
 - Telephone number
 - Contact name and title
 - Number of employees at your physical location

Managing your DUNS number

- D&B periodically contacts organizations with DUNS numbers to verify that their information is current. Organizations with multiple DUNS numbers may request a free family tree listing from D&B to help determine what branches or divisions have numbers and whether the information is current. Please call the dedicated toll-free DUNS number request line at 866-705-5711 to request your family tree.

- D&B recommends that organizations with multiple DUNS numbers have a single point of contact for controlling DUNS number requests to ensure that the appropriate branches or divisions have DUNS numbers for federal purposes.
- As a result of obtaining a DUNS number you have the option to be included on D&B's marketing list that is sold to other companies. If you do not want your name or organization included on this marketing list, request to be de-listed from D&B's marketing file when you are speaking with a D&B representative during your DUNS number telephone application.
- Obtaining a DUNS number is absolutely free for all entities doing business with the Federal Government. This includes award and cooperative agreement applicants or prospective applicants and federal contractors. Be certain to identify yourself as a federal award applicant or prospective applicant.

Registering with the System for Award Management (SAM)

Applicants for all federal awards are required to register with the System for Award Management (SAM). If your organization already has an Employer Identification Number (EIN), your SAM registration will take up to two weeks to process. If your organization does not have an EIN, then you should allow two to five weeks for obtaining the information from the IRS when requesting the EIN via phone, fax, mail, or Internet. Follow the steps listed below to register in the SAM:

To register in SAM, follow the next steps:

Step 1.

Obtain a DUNS number at www.dnb.com or call 866-705-5711.

Step 2.

Access the SAM online registration through the SAM home page at www.sam.gov and follow the online instructions for new SAM users.

Step 3.

Complete and submit the online registration. If you already have the necessary information on hand, the online registration takes approximately 30 minutes to complete, depending upon the size and complexity of your business or organization. Please note that organizations must update or renew their SAM registration at least once a year to maintain an active status.

To migrate your legacy system user account from Central Contractor Registration (CCR), FedReg, ORCA, or EPLS, you must first create a personal account in SAM by clicking on "Create an Account" on the homepage. An individual account is required to manage entity registrations in SAM. You will not be able to manage your registration unless you create a system account in SAM. Once you validate that you have access to the e-mail address you provided during the registration process and login, you will see a message on the user dashboard (My SAM) that will ask you, "Would you like to migrate a legacy system account?" Click "Yes" to begin the migration process. Alternatively, you may click on "Manage My User Roles," then on "Migrate Legacy Account" link to begin the migration process. The roles you had with the legacy system will be mapped to your SAM account.

To update your entity's SAM registration, follow the next steps:

Step 1.

Go to the SAM homepage (www.sam.gov), enter your username and password, and then click the "Log In" button.

Step 2.

Select "Complete Registrations" under Registration/Update Entity" in the left navigation pane.

Step 3.

Select the entity record that you want to update and click the "Update" button.

For more details on updating your registration, please refer to the SAM User Guide, available at www.sam.gov.

If awarded funds, your agency must maintain the currency of your information in the SAM until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another award term.

To review the System for Award Management and Universal Identifier Award Term, please see the appendices of this guide.

Geographic Names Information System (GNIS) ID number

The Geographic Names Information System (GNIS) database is maintained by the U.S. Geological Survey, U.S. Department of the Interior. The database assigns a unique, permanent feature identifier, the feature ID, which is the only standard federal key for integrating or reconciling feature data from multiple datasets.

To determine your jurisdiction's feature ID number, follow these steps:

- Go to <https://geonames.usgs.gov> and click on "Search Domestic Names."
- From this screen, you can enter the name of your jurisdiction (for example, "Cleveland").
- Select your state ("Ohio").
- Click "Send Query." (The results will show that Cleveland, Ohio, is a populated place with a feature ID of 1066654.)
- Enter this seven-digit number into your application form. Some jurisdictions may have feature IDs of less than seven digits; for example, American University is a school in the District of Columbia with a feature ID of 531560. In this case, you should place a "0" in front of the number to ensure that seven digits are entered into the application form (e.g., 0531560).

Deadline/Application period

The application period for the 2017 AHTF Program begins May 22, 2017. All applications must be submitted by July 10 2017, at 7:59 p.m. EDT. Applications submitted after July 10 2017, at 7:59 p.m. EDT will not be considered for funding.

Helpful online resources

DUNS Number Information: fedgov.dnb.com/webform/displayHomePage.do

System for Award Management (SAM): www.sam.gov

Audit requirement

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 C.F.R. Part 200, Subpart F - Audit Requirements, available at https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl, establish the requirements for organizational audits that apply to COPS Office recipients. Recipients must arrange for the required organization-wide (not award-by-award) audit in accordance with the requirements of Subpart F.

Civil rights

All recipients are required to comply with nondiscrimination requirements contained in various federal laws. A memorandum addressing federal civil rights statutes and regulations from the Office for Civil Rights, Office of Justice Programs will be included in the award package for recipients. All applicants should consult the Assurances form to understand the applicable legal and administrative requirements.

Please be advised that a hold may be placed on this application if it is deemed that the applicant agency is not in compliance with federal civil rights law and/or is not cooperating with an ongoing federal civil rights investigation.

Section 508 of the Rehabilitation Act

If you are an applicant using assistive technology and you encounter difficulty when applying using the COPS Office online system (www.cops.usdoj.gov), please contact:

Donte Turner
U.S. Department of Justice, COPS Office
202-616-9427 or Donte.Turner@usdoj.gov

The department is committed to ensuring equal access to all applicants and will assist any applicant who may experience difficulties with assistive technology when applying for awards using the COPS Office online system.

Award terms and conditions/Funding restrictions

The following section describes the compliance terms and conditions that applicants should be aware of before applying to COPS Office programs. The table on page 20 further defines which of the legal requirements are applicable to the program for which you are applying. Please review each section carefully. The signatures of the applicant's Authorized Organizational Representative, Law Enforcement Executive/Program Official, and Government Executive/Financial Official on section 17: Reviews and Certifications assure the COPS Office that your agency will comply with all legal and administrative requirements that govern the applicant for acceptance.

2017 COPS Office Anti-Heroin Task Force (AHTF) Program Application Guide

Key: Y = Yes; N = No

FY 2017 Program	AHTF
Assurances	Y
Certifications	Y
Disclosure of Lobbying Activities	Y
Supplementing, Not Supplanting	Y
Sole Source Justification	Y
Criminal Intelligence Systems	Y
Certification to Mitigate Possible Adverse Health Safety & Environment Impacts	N
Community Policing Self Assessment Tool (CP-SAT)	N
System for Award Management (SAM) and Universal Identifier Requirements	Y
Federal Funding Accountability and Transparency Act (FFATA) - Reporting Subaward and Executive Compensation	Y
Contract Provisions	Y
Prior Approval Planning and Reporting of Conference/Meeting/Training Costs	Y
Curriculum Development	N
Restriction on Internal Confidentiality Agreements	Y
Mandatory Disclosure	Y
Debarment and Suspension	Y
Recipient Integrity and Performance Matters	Y
False Statements	Y
Duplicative Funding	Y
Additional High-Risk Recipient Requirements	Y
Modification	Y
Evaluations	Y
Allowable Costs	Y
Local Match	N
Equal Employment Opportunity Plan	Y
Employment Eligibility	Y
Whistleblower Protection	Y
Federal Civil Rights	Y
Conflict of Interest	Y
Reports/Performance Goals	Y
Extensions	Y
Computer Network Requirement	Y
Award Monitoring Activities	Y
Community Policing	Y
Retention	N
Contracts and/or MOUs with Other Jurisdictions	Y
Travel Costs	Y
State Information	Y
Public Release Information	N
News Media	N
Paperwork Reduction Act	Y
Copyright	N
XLIII. Human Subjects Research	N
XLIV. Compliance with 8 U.S.C. 1373	Y

I. & II. Assurances and Certifications (also refer to section 15 on page 51 of this application guide and Standard Application forms)

Applicants to COPS Office programs are required to sign the standard Assurances and Certifications forms. Signing these documents assures the COPS Office that you have read and understood and that you accept the terms and conditions as outlined in the Assurances and Certifications. Please read these documents carefully, as signatures on these documents are treated as material representation of fact upon which reliance will be placed when the U.S. Department of Justice determines to make an award.

III. Disclosure of Lobbying Activities (also refer to section 16 on page 51 of this application guide and Standard Application forms)

This disclosure form shall be completed by the reporting entity, whether subrecipient or prime federal recipient, at the initiation or receipt of a covered federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. § 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with a covered federal action. Complete all items that apply for both the initial filing and material change reports. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

If this applies to your agency, you are required to complete the disclosure form in section 16 of the application. If you need to complete and submit additional forms, please complete and submit them as attachments to your application online.

IV. Nonsupplanting requirement

The COPS Office nonsupplanting requirement mandates that award funds not be used to replace state or local funds (or, for tribal recipients, BIA funds) that would, in the absence of federal assistance, be made available for award purposes (hiring, training, purchases, and/or other activities). Instead, award funds must be used to increase the total amount of funds that would otherwise be made available for award purposes.

An award recipient may not use COPS Office funds to pay for any item or cost associated with this funding request that the recipient is already obligated to pay. Nonfederal funds allocated to pay for award purposes, may not be reallocated to other purposes or refunded should COPS Office funding be awarded. Nonfederal funds must remain available for and devoted to that purpose, with COPS Office funds supplementing those nonfederal funds. Funding awarded cannot be obligated until after the award start date (unless an exception is authorized in writing by the COPS Office). This means that COPS Office funds cannot be applied to any agency cost incurred prior to the award start date.

The possibility of supplanting will be the subject of careful application review, possible pre-award review, and post-award monitoring and audit. Any supplanting of nonfederal funds by COPS Office award funds may be grounds for potential suspension.

If you have questions concerning the nonsupplanting requirement while completing this application, please contact the COPS Office Response Center at 800-421-6770 or AskCopsRC@usdoj.gov for further information.

V. Procurement and sole source justification

Sole source, or procurement by noncompetitive proposals, is procurement through solicitation of a proposal from only one source. Sole source procurements must adhere to the standards set forth in the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. § 200.318, as adopted by the U.S. Department of Justice in 2 C.F.R. § 2800.101.

For the purchase of equipment, technology, or services under a COPS Office award, recipients must follow their own policies and procedures on procurement as long as those requirements conform to the federal procurement requirements set forth in 2 C.F.R. § 200.320 as adopted by the U.S. Department of Justice in 2 C.F.R. § 2800.101. A sole source justification request should be submitted if a recipient determines that the award of a contract through a competitive process is infeasible. If a recipient determines that the award of a contract through a competitive process is infeasible, and if one of the following circumstances applies— (1) the item or service is available only from one source; (2) the public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation; (3) competition is determined inadequate after solicitation of a number of sources. Based on one or more of the circumstances above, the COPS Office expressly authorizes noncompetitive proposals in response to a written request from the law enforcement entity—the award recipient must seek written authorization from the COPS Office for sole source procurements in excess of \$150,000. Written approval for sole source procurements from the COPS Office must be received prior to purchasing equipment, technology, or services; obligating funding for a contract; or entering into a contract with award funds.

Requests for sole source procurements of equipment, technology, or services in excess of \$150,000 must be submitted to the COPS Office in writing certifying that the award of the contract through full and open competition is infeasible. The sole source request must be prepared on department letterhead.

The request should also include the following information:

Section I – A brief description of the project, the amount to be designated for the sole source procurement, and the purpose of the contract.

Section II – A statement identifying which one (or more) of the four circumstances identified below apply to the procurement transaction and an explanation as to why it is necessary to contract in a noncompetitive manner. Include supporting information as identified below under the applicable section(s).

1. The item or service is available only from one source.
 - Uniqueness of items or services to be procured from the proposed contractor or vendor (compatibility, patent issues, etc.)
 - How the agency determined that the item or service is only available from one source (market survey results, independent agency research, patented or proprietary system, etc.)
 - Explanation of need for contractor's expertise linked to the current project (knowledge of project management, responsiveness, experience of contractor personnel, prior work on earlier phases of project, etc.)
 - Any additional information that would support the case

2. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation.
 - When the contractual coverage is required by your department and why
 - Impact on project if deadline dates are not met
 - How long it would take an alternate contractor to reach the same required level of competence (equate to dollar amounts, if desired)
 - Any additional information that would support the case
3. The COPS Office authorizes noncompetitive proposals in response to a written request from the recipient.
4. Competition is determined inadequate after solicitation of a number of sources.
 - Results of a market survey to determine competition availability; if no survey is conducted, please explain why not
 - Any additional information that would support the case

Section III – A declaration that this action or choice is in the best interest of the agency.

Upon receipt of the request for sole source authorization, the COPS Office will review to determine if competition is infeasible, and your agency will be contacted if any of the identified information is missing or if additional supporting information is required. If the COPS Office determines that the request does not meet the standards set forth above, the request will be denied.

Please be advised that conflicts of interest are prohibited under the procurement standards set forth in 2 C.F.R. § 200.318 as adopted by the U.S. Department of Justice in 2 C.F.R. § 2800.101.

If you have any questions regarding the federal requirements that guide procurement procedures, please contact the COPS Office Response Center at 800-421-6770.

VI. Criminal intelligence systems/28 C.F.R. Part 23 compliance

If your agency is receiving COPS Office funding for equipment or technology that will be used to operate an interjurisdictional criminal intelligence system, you must agree to comply with the operating principles found at 28 C.F.R. Part 23. An "interjurisdictional criminal intelligence system" is generally defined as a system that receives, stores, analyzes, exchanges, or disseminates data regarding ongoing criminal activities (such activities may include, but are not limited to, loan sharking, drug or stolen property trafficking, gambling, extortion, smuggling, bribery, and public corruption) and shares this data with other law enforcement jurisdictions. 28 C.F.R. Part 23 contains operating principles for these interjurisdictional criminal information systems which protect individual privacy and constitutional rights.

If you are simply using the COPS Office funds to operate a single agency database (or other unrelated forms of technology) and will not share criminal intelligence data with other jurisdictions, 28 C.F.R. Part 23 does not apply to this award.

VII. Certification to mitigate possible adverse health, safety, and environmental impacts
- Not applicable under any FY17 COPS Office programs

VIII. Community Policing Self-Assessment Tool (CP-SAT) – Not applicable under the AHTF program

IX. System for Award Management (SAM) and Universal Identifier requirements

Unless exempted from this requirement under 2 C.F.R. § 25.110, the recipients must maintain the currency of their information in the SAM until submission of the final financial report required under this award or receipt of the final payment, whichever is later. This requires recipients to review and update the information at least annually after the initial registration and more frequently if required by changes in information or other award term.

To review the System for Award Management and Universal Identifier Award Term, please see the appendices of this guide.

X. Federal Funding Accountability and Transparency Act (FFATA) — Reporting subaward and executive compensation information

The Federal Funding Accountability and Transparency Act of 2006 (FFATA) requires, among other things, that information on federal awards (federal financial assistance and expenditures) be made available to the public via a single, searchable website, which is www.USASpending.gov.

Applicants should note that all recipients of awards of \$25,000 or more under this solicitation, consistent with FFATA, will be required to report award information on any first-tier subawards totaling \$25,000 or more and, in certain cases, to report information on the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients. If applicable, the FFATA Subaward Reporting System (FSRS), accessible via the Internet at www.fsrs.gov, is the reporting tool recipients under this solicitation will use to capture and report subaward information and any executive compensation data required by FFATA.

The subaward information entered in FSRS will then be displayed on www.USASpending.gov, associated with the prime award, furthering federal spending transparency.

Each applicant entity must ensure that it has the necessary processes and systems in place to comply with the applicable reporting requirements should it receive funding.

To review the FFATA Reporting Subaward and Executive Compensation Award Term, please see the appendices of this guide.

XI. Contract provision under federal award

All contracts made by the recipients under the Federal award must contain the provisions required under 2 C.F.R. part 200, Appendix II to Part 200—Contract Provisions for Non-Federal Entity Contracts Under Federal Awards.

For the full text of 2 C.F.R. Appendix II to Part 200, please refer to the appendices of this guide.

XII. Prior approval, planning, and reporting of conference/meetings/training costs

Recipients are required to obtain written approval from the COPS Office prior to entering into any contract, agreement or other obligation for costs related to any conference, meeting, retreat, seminar, symposium, training activity, or similar event funded under this award. For more information on allowable costs, please visit www.ojp.gov/funding/confcost.htm.

XIII. Curriculum development – Not applicable under the AHTF program

XIV. Restrictions on internal confidentiality agreements

Recipients, subrecipients, or entities that receive a contract or subcontract with any funds under this award, may not require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts the lawful reporting of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

XV. Mandatory disclosure

Recipients and subrecipients are required to timely disclose in writing to the COPS Office or pass-through entity, as applicable, all federal criminal law violations involving fraud, bribery, or gratuity that may potentially affect the awarded federal funding. Recipients agree to report certain civil, criminal, or administrative proceedings in SAM if they received an award with the Term and Condition for Recipient Integrity and Performance Matters as outlined in 2 C.F.R. Part 200, Appendix XII to Part 200. Failure to make required disclosures can result in any of the remedies, including suspension and debarment, described in 2C.F.R. § 200.338.

XVI. Debarment and Suspension

Recipients agree not to award federal funds under this program to any party which is debarred or suspended from participation in federal assistance programs.

XVII. Recipient Integrity and Performance Matters

Recipients that receive \$500,000 or more in a federal award, agree to comply with the terms and conditions outlined in 2 C.F.R. Part 200, Appendix XII to part 200 - Term and Condition for Recipient Integrity and Performance Matters.

For the full text, please see the appendices of this guide.

XVIII. False Statements

False statements or claims made in connection with COPS Office awards may result in fines, imprisonment, or debarment from participating in federal awards or contracts, and/or any other remedy available by law.

XIX. Duplicative Funding

Recipients agree to notify the COPS Office if they receive, from any other source, funding for the same item(s) or service(s) also funded under this award.

XX. Additional High-Risk Funding Recipient Requirements

Recipients agree to comply with any additional requirements that may be imposed during the award performance period if the awarding agency determines that the recipient is a high-risk recipient (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. § 200.207 as adopted by the Department of Justice in 2 C.F.R. § 2800.101).

XXI. Modifications

Occasionally, a change in an agency's fiscal or law enforcement situation necessitates a change in its COPS Office award. Award modifications are evaluated on a case-by-case basis. All modification requests involving new budget items must be approved, in writing, by the COPS Office prior to their implementation. In addition, please be aware that the COPS Office will not approve any modification request that results in an increase of federal funds.

XXII. Evaluations

The COPS Office may conduct monitoring or sponsor national evaluations of COPS Office award programs. Recipients agree to cooperate with the monitors and evaluators.

XXIII. Allowable Costs

The funding under this award is for the payment of approved costs identified in the Financial Clearance Memorandum (FCM). Recipients may not earn or keep any profit resulting from the award unless expressly authorized, in writing, by the COPS Office.

XXIV. Local Match – Not applicable under the AHTF program

XXV. Equal Employment Opportunity Plan

Recipients agree to comply with the federal regulations pertaining to the development and implementation of an Equal Employment Opportunity Plan (28 C.F.R. Part 42 subpart E).

XXVI. Employment Eligibility

Recipients agree to complete and keep on file, as appropriate, a Bureau of Citizenship and Immigration Services Employment Eligibility Verification Form (I-9). This form is to be used by recipients of federal funds to verify that persons are eligible to work in the United States.

XXVII. Whistleblower Protection

Recipients agree not to discharge, demote, or otherwise discriminate against an employee as reprisal for the employee disclosing information that he/she reasonably believes is evidence of gross mismanagement of a federal contract or award, a gross waste of federal funds, an abuse of authority relating to a federal contract or award, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or award. Recipients also agree to provide to their employees in writing (in the predominant native language of the workforce) of the rights and remedies provided in 41 U.S.C. § 4712. Please see the appendices of this guide for a full text of the statute.

XXVIII. Federal Civil Rights

As a condition of receipt of federal financial assistance, recipients acknowledge and agree that they will not (and will require any subrecipient, contractors, successors, transferees, and assignees not to), on the grounds of race, color, religion, national origin, sex, or disability unlawfully exclude any person from participation in, deny the benefits of, or employment to any person, or subject any person to discrimination in connection with any programs or activities funded in whole or in part with federal funds. They will also not discriminate in the delivery of benefits or services based on age. These civil rights requirements are found in the non-discrimination provisions of Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. § 2000d); the Omnibus Crime Control and Safe Streets Act of 1968, as amended (42 U.S.C. § 3789d); Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794); the Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101); Title IX of the Education Amendments of 1972, as amended (20 U.S.C. § 1681); and the corresponding U.S. Department of Justice regulations implementing those statutes at 28 C.F.R. Part 42 (subparts C, D, E, G, and I). They will also comply with Executive Order 13279, as amended by Executive Order 13559, and the implementing regulations at 28 C.F.R. Part 38, Partnerships With Faith-Based and Other Neighborhood Organizations, which requires equal treatment of religious organizations in the funding process and prohibits religious discrimination against beneficiaries.

XXIX. Conflict of Interest

Recipients must disclose in writing to the COPS Office or pass-through entity, as applicable, any potential conflict of interest affecting the awarded federal funding in accordance with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. § 200.112 as adopted by the Department of Justice in 2 C.F.R. § 2800.101.

XXX. Reports/Performance Goals

Recipients are responsible for submitting quarterly programmatic progress reports that describe project activities during the reporting period and quarterly Federal Financial Reports using Standard Form 425 (SF-425). The progress report is used to track recipient's progress toward implementing community policing strategies and to collect data to gauge the effectiveness of increasing your agency's community policing capacity through COPS Office funding.

XXXI. Extensions

Recipients may request an extension of the award period to receive additional time to implement your award program. Such extensions do not provide additional funding. Awards may be extended a maximum of 24 months beyond the initial award expiration date. Any request for an extension beyond 24 months will be evaluated on a case-by-case basis. Only recipients that can provide a reasonable justification for delays will be granted no-cost extensions. Reasonable justifications may include technology implementation delays, procurement challenges, change in administration, staff turnover of key award/award-funded personnel, training delays, hiring and recruitment delays, or other circumstances that interrupt the 24-month award funding period. An extension allows recipients to compensate for such delays by providing additional time to complete the full 24 months of funding. Extension requests must be received prior to the end date of the award.

XXXII. Computer Network Requirement

Recipients agree that no award funds may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography. Nothing in this requirement limits the use of funds necessary for any federal, state, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

XXXIII. Grant Monitoring Activities

Federal law requires that law enforcement agencies receiving federal funding from the COPS Office must be monitored to ensure compliance with their award conditions and other applicable statutory regulations. The COPS Office is also interested in tracking the progress of our programs and the advancement of community policing. Both aspects of award implementation—compliance and programmatic benefits—are part of the monitoring process coordinated by the U.S. Department of Justice. Grant monitoring activities conducted by the COPS Office include site visits, enhanced office-based grant reviews, alleged noncompliance reviews, financial and programmatic reporting, and audit resolution. Recipients agree to cooperate with and respond to any requests for information pertaining to their award.

XXXIV. Community Policing

Community policing activities to be initiated or enhanced by recipients were identified and described in their application. Recipients develop a community policing plan for the award with specific reference to a crime or disorder problem and the following elements of community policing: a) problem solving—a recipient's plan to assess and respond to the problem identified; b) community partnerships and support, including related governmental and community initiatives that complement a recipient's proposed use of funding; and c) organizational transformation—how a recipient will use the funds to reorient its mission to community policing or enhance its involvement in and commitment to community policing. Throughout the award period recipients are required to implement the community policing plan they set forth in the award application.

XXXV. Retention – Not applicable under the AHTF program

XXXVI. Contracts and/or MOUs with Other Jurisdictions

Equipment, technology, training, vehicles, sworn law enforcement officer positions, and civilian positions awarded may only be used for law enforcement activities or services that exclusively benefit the recipient/taskforce and the population that it serves.

XLIII. Travel Costs

Travel costs for transportation, lodging and subsistence, and related items are allowable under the AHTF Program with prior approval from the COPS Office. Payment for allowable travel costs will be in accordance with 2 C.F.R. § 200.474 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards) as adopted by the Department of Justice in 2 C.F.R. § 2800.101.

XLIV. State Information Technology Point of Contact

Recipients agree to ensure that the appropriate State Information Technology Point of Contact receives written notification regarding any information sharing or technology project funded by a COPS Office award. This is to facilitate communication among local and state governmental entities regarding various information technology projects being conducted with these award funds. In addition, recipients agree to maintain an administrative file documenting the meeting of this requirement. For a list of State Information Technology Points of Contact, go to <http://it.ojp.gov/default.aspx?area=policyAndPractice&page=1046>.

XXXIX. Public Release Information – Not applicable under the AHTF program

XL. News Media – Not applicable under the AHTF program

XLI. Paperwork Reduction Act

Recipients agree, if required, to submit all surveys, interview protocols, and other information collections to the COPS Office for submission to the Office of Management and Budget (OMB) for clearance under the Paperwork Reduction Act (PWRA) of 1995.

XLII. Copyright – Not applicable under the AHTF program

XLIII. Human Subjects Research – Not applicable under the AHTF program

XLIV. Compliance with 8 U.S.C. 1373.

To obligate or expend FY 2017 award funding, all State or local government entities must comply with a new grant condition requiring compliance with 8 U.S.C. § 1373 regarding prohibitions or restrictions on sending to, requesting or receiving from, maintaining, or exchanging information on citizenship or immigration status, including any prohibitions or restrictions imposed or established by a State or local government entity or official. This condition applies throughout the grant award period. The full text of this grant condition may be found in the appendices.

Application review information

The COPS Office is committed to ensuring a fair and open process for making awards. The COPS Office will review the application to make sure that the information presented is reasonable, understandable, measurable, achievable, and consistent with the solicitation.

This review will also assess whether costs are reasonable, necessary, and allocable under applicable federal cost principles and agency regulations. This financial review will be conducted by the COPS Office staff or in collaboration with the peer review process.

Peer reviewers will be reviewing the applications submitted under this program that meet eligibility and/or basic minimum requirements. Each program may use either internal peer reviewers, external peer reviewers, or a combination to review the applications under this solicitation. Applications that meet eligibility and basic minimum requirements will be evaluated and ranked by peer reviewers.

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Peer reviewers will review the applicant's project narrative and evaluate the following: (a) problem identification, (b) current activities, (c) task force participation, (d) collaboration and partnerships, (e) proposed strategies, and (f) budget items requested.

Successful applications will

- identify and describe the problem in detail using relevant facts, statistics, or other supporting information;
- comprehensively detail their current investigative activities;
- describe their participation, structure, responsibilities, and role in their task force or their plan to establish one;
- describe their current and proposed collaboration efforts with federal, state, local, and/or tribal partners;
- provide a budget that is complete, allowable, supports the total cost of the project, and directly relates to and supports the activities described in the proposal.

Each section of the project narrative will be scored on the following scale:

5—Comprehensive. The application provides a thorough discussion of all elements identified for the section with no substantial weaknesses. The discussion is clear, detailed, and supported by the information provided. The information provided clearly supports the information provided in other sections of the application.

4—Substantial. The application provides a strong discussion of all key elements identified for the section. The discussion is clear, detailed, and supported by the information provided. A limited number of elements may be incomplete.

3—Satisfactory. The application provides an adequate discussion of all key elements identified for the section. The discussion is clear and supported by the information provided. Multiple elements may be incomplete.

2—Marginal. The application provides inadequate discussion of some elements identified for the section. The discussion may be unclear, lacking in detail, or not supported by the information provided.

1—Poor. The application lacks discussion of many elements identified for the section. The discussion provided is unclear, lacking in detail, and/or not supported by the information provided.

0—Unresponsive.

Applications that meet eligibility and basic minimum requirements will be evaluated and ranked, by peer reviewers as: not recommended, recommended, or highly recommended.

Highly recommended. The full proposal provides a superior explanation of the requested selection criteria and presents the material in a sound and/or innovative approach. The full proposal comprehensively addresses the requested selection criteria. The result of the proposal has the potential to make significant impact in the field. The panel highly recommends the proposal for funding by the COPS Office. The proposal does not require revisions or clarification.

Recommended. The full proposal provides a satisfactory design and demonstrates the potential for making an impact in the field. The full proposal addresses the requested selection criteria. The panel recommends possible funding but the proposal may need minor revisions and/or clarifications.

Not recommended. The full proposal does not provide satisfactory explanation of the requested selection criteria. The program approach is weak. The application needs significant revisions and clarifications.

Within each of these rankings, each proposal will be ranked again based on primary treatment admissions data provided. The highest ranking proposals will be considered for funding.

Priority consideration will be given to applicants who receive a "Highly Recommended" rating AND were not previously funded under the AHTF program.

Priority consideration may also be given to applicants that partner with federal law enforcement to address illegal immigration.

Prior to award, applications for potential awards will receive a financial integrity review to evaluate the fiscal integrity and financial capability of applicants and to examine proposed costs and the extent to which the budget detail worksheet and narrative accurately supports and explains project costs. This review will also assess whether costs are reasonable, necessary, and allocable under applicable federal cost principles and agency regulations. This financial review will be conducted by the COPS Office staff.

In addition, prior to making an award greater than the simplified acquisition threshold (currently set at \$150,000), any information about applicants that is in the designated integrity and performance system accessible through SAM will be reviewed and considered. Applicants may review and comment on any information about them in SAM that a federal awarding agency previously entered in the designated integrity and performance system, and such applicant comments will also be reviewed and considered.

Past performance on previous awards may be an indicator in this review process. Financial and programmatic performance factors may be included in the past performance review.

Absent explicit statutory authorization or written delegation of authority to the contrary, all final award decisions will be made by the Director of the COPS Office, who may also give consideration to factors including, but not limited to, underserved populations, population served, geographic diversity, strategic priorities, past performance, and available funding when making awards.

Federal award administration information

The award document

The award document is the document indicating your official award funding amount, the number of officer positions awarded, the type of positions awarded, the award number, the award conditions, and the award start and end dates.

The award document is preprinted with your agency's law enforcement and government executives' names. If this information is incorrect or has changed, please update your "Agency Contacts" online at www.cops.usdoj.gov through the "Account Access" link. If the law enforcement or government official has changed since the time of application, please have the current law enforcement executive or government executive for your agency create an account through the "Account Access" link, log in, and sign the award document once your agency contacts have been updated online. Once you have reviewed your award document, please electronically sign it and make a copy of all pages of the document for your records, along with all award condition pages, within 90 days of the date shown on the award congratulatory letter.

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The award start date indicated on the award document means that your agency may be reimbursed for any allowable costs incurred on or after this date. The duration of your AHTF award is 24 months of funding for each award.

Your award number is in the following format: 2017-HPWX-0000 for awards funded in FY 2017. The COPS Office tracks award information based upon this number. Therefore, it is important to have your agency's award number (or your agency's ORI number) readily available when corresponding with the COPS Office.

Your originating agency identifier (ORI) number begins with your state abbreviation followed by five numbers or letters (e.g., VA00000). This number is assigned by the Federal Bureau of Investigation (FBI) for use in tracking information for the Uniform Crime Report (UCR). The COPS Office tracks programmatic award information based upon this ORI number. If your agency does not have an ORI number assigned by the FBI, the COPS Office assigns a nonofficial ORI code to use as an agency identifier (in such cases, the last two characters will be "ZZ"). If you have any questions regarding your award, please refer to your award number or your agency's ORI number when you contact the COPS Office.

The award conditions are listed on your agency's award document. By accepting this award, you are obtaining federal funds from the COPS Office. As part of that agreement, if awarded, your agency will acknowledge that it will comply with these conditions (and, if applicable, additional special conditions specific to your agency).

In limited circumstances, your award may be subject to special conditions that prevent your agency from drawing down or accessing award funds until the special conditions are satisfied as determined by the COPS Office. Any special conditions will be included with your award.

Administrative and national policy requirements

If selected for funding, in addition to implementing the funded project consistent with the approved project proposal and budget, the recipient must comply with award terms and conditions, and other legal requirements including, but not limited to, OMB, DOJ, or other federal regulations that will be included in the award or incorporated into the award by reference or are otherwise applicable to the award.

Please see general terms and conditions on page 19.

Suspension or termination of funding

The COPS Office may suspend, in whole or in part, or terminate funding or impose other sanctions on a recipient for the following reasons:

- Failure to substantially comply with the requirements or objectives of the Public Safety Partnership and Community Policing Act of 1994, program guidelines, or other provisions of federal law
- Failure to make satisfactory progress toward the goals or strategies set forth in this application
- Failure to adhere to award agreement requirements or special conditions
- Proposing substantial plan changes to the extent that, if originally submitted, would have resulted in the application not being selected for funding
- Failure to submit required or requested reports
- Filing a false statement or certification in this application or other report or document
- Other good cause shown

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Prior to imposing sanctions, the COPS Office will provide reasonable notice to the recipient of its intent to impose sanctions and will attempt to resolve the problem informally. Appeal procedures will follow those in the U.S. Department of Justice regulations in 28 C.F.R. Part 18.

Awards terminated due to non-compliance with the federal statutes, regulations, or award terms and conditions, will be reported to the integrity and performance system accessible through SAM (currently FAPIIS).

False statements or claims made in connection with COPS Office awards may result in fines, imprisonment, debarment from participating in federal awards or contracts, and/or any other remedy available by law.

Please be advised that recipients may not use COPS Office funding for the same item or service also funded by another U.S. Department of Justice award.

COPS Office Application Attachment to SF-424

What an application must include

Detailed explanations of required documents can be found on the following pages.

Required application documents and sections for the COPS Anti-Heroin Task Force program

The table on page 34 is a chart that shows the required documentation that must be completed and submitted for your AHTF application to be considered complete. Failure to submit all required documentation at the time of the application may delay processing and/or result in the denial of your application. Unless otherwise noted, each section listed must be completed in its entirety. You can use this chart as an application checklist to ensure you have met all of the necessary requirements.

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Application documents and sections	Required? Yes, no, or possible	Completed?
Standard Form 424 (to be completed on Grants.gov)	Yes	<input type="checkbox"/>
COPS Office Application Attachment to SF-424 (to be completed via COPS Office Online Application System)	Yes	<input type="checkbox"/>
Section 1. COPS Office Program Request	Yes	<input type="checkbox"/>
Section 2. Agency Eligibility Information	Yes (section 2C only)	<input type="checkbox"/>
Section 3. General Agency Information	Yes	<input type="checkbox"/>
Section 4. Executive Information	Yes	<input type="checkbox"/>
Section 5. COPS Office Hiring Request Form	No	<input type="checkbox"/>
Section 6. Law Enforcement and Community Policing Strategy	Yes (section 6A only)	<input type="checkbox"/>
Section 7. Need for Federal Assistance	Yes (section A only)	<input type="checkbox"/>
Section 8. Continuation of Project after Federal Funding Ends	Yes (section B only)	<input type="checkbox"/>
Section 9. School Safety Assessment	No	<input type="checkbox"/>
Section 10. Executive Summary	Yes	<input type="checkbox"/>
Section 11. Project Description (Narrative)	Yes	<input type="checkbox"/>
Section 12. Official Partner(s) Contact Information	Possible	<input type="checkbox"/>
Section 13. Application Attachments Project Narrative (Required) Budget Narrative (Required)	Yes	<input type="checkbox"/>
Section 14. Budget Detail Worksheets	Yes	<input type="checkbox"/>
Section 15. Assurances and Certifications	Yes	<input type="checkbox"/>
Section 16. Disclosure of Lobbying Activities	Possible	<input type="checkbox"/>
Section 17. Reviews and Certifications	Yes	<input type="checkbox"/>
Section 18. Application and Data Verification	Possible	<input type="checkbox"/>

General information

The applicant's SF-424 must be submitted online via www.grants.gov. Once the SF-424 is submitted via Grants.gov, the COPS Office will send an invitation e-mail to the applicant with instructions on completing the second part of the AHTF application through the COPS Office online via the COPS Office website (www.cops.usdoj.gov).

Instructions: Application for Federal Assistance SF-424

Public reporting burden for this collection of information is estimated to average 60 minutes per response including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0043), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

The Instructions for the Application for Federal Assistance SF-424 on page 35 is a standard form (including the continuation sheet) required for use as a cover sheet for submission of pre-applications and applications and related information under discretionary programs. Some of the items are required and some are optional at the discretion of the applicant or the federal agency.

Required items are identified with an asterisk on the form and are specified in the instructions below. In addition to the instructions provided below, applicants must consult agency instructions to determine specific requirements.

1. **Type of Submission (required).** Select one type of submission in accordance with agency instructions.
 - Pre-application
 - Application
 - Changed/corrected application—If requested by the agency, check if this submission is to change or correct a previously submitted application. Unless requested by the agency, applicants may not use this to submit changes after the closing date.
2. **Type of Application (required).** Select one type of application in accordance with agency instructions.
 - New—An application submitted to an agency for the first time.
 - Continuation—An extension for an additional funding/budget period for a project with a projected completion date. This can include renewals.
 - Revision—Any change in the Federal Government's financial obligation or contingent liability from an existing obligation. If a revision, enter the appropriate letter(s). More than one may be selected. If "other" is selected, please specify in text box provided.
 - A. Increase award
 - B. Decrease award
 - C. Increase duration
 - D. Decrease duration
 - E. Other (specify)

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3. **Date Received.** Leave this field blank. This date will be assigned by the federal agency.
4. **Applicant Identifier.** Enter the entity identifier assigned by the federal agency, if any, or the applicant's control number if applicable.
- 5a. **Federal Entity Identifier.** Enter the number assigned to your organization by the federal agency, if any.
- 5b. **Federal Award Identifier.** For new applications, leave blank. For a continuation or revision to an existing award, enter the previously assigned federal award identifier number. If a changed/corrected application, enter the federal identifier in accordance with agency instructions.
6. **Date Received by State.** Leave this field blank. This date will be assigned by the state, if applicable.
7. **State Application Identifier.** Leave this field blank. This identifier will be assigned by the state, if applicable.
8. **Applicant Information.** Enter the following in accordance with agency instructions:
 - a. **Legal name (required).** Enter the legal name of the applicant who will undertake the assistance activity. This is what the organization has registered with the System for Award Management. Information on registering with SAM may be obtained by visiting the Grants.gov website.
 - b. **Employer/Taxpayer number (EIN/TIN) (required).** Enter the Employer or Taxpayer Identification Number (EIN or TIN) as assigned by the Internal Revenue Service. If your organization is not in the United States, enter 44-4444444.
 - c. **Organizational DUNS (required).** Enter the organization's DUNS or DUNS+4 number received from Dun and Bradstreet. Information on obtaining a DUNS number may be obtained by visiting the Grants.gov website.
 - d. **Address.** Enter the complete address as follows: Street address (line 1 required), City (required), County, State (required, if country is United States), Province, Country (required), ZIP/Postal Code (required, if country is United States).
 - e. **Organizational Unit.** Enter the name of the primary organizational unit (and department or division, if applicable) that will undertake the assistance activity, if applicable.
 - f. **Name and contact information of person to be contacted on matters involving this application (required) and organizational affiliation (if affiliated with an organization):** Enter the name (first and last name, then the application organization), telephone number (required), fax number, and e-mail address (required) of the person to contact on matters related to this application.
9. **Type of Applicant (required).** Select up to three applicant type(s) in accordance with agency instructions.
 - A. State government
 - B. County government
 - C. City or township government
 - D. Special District government
 - E. Regional Organization
 - F. U.S. Territory or possession
 - G. Independent school district
 - H. Public/state controlled institution of higher education
 - I. Indian/Native American Tribal Government (federally recognized)
 - J. Indian/Native American Tribal Government (other than federally recognized)
 - K. Indian/Native American tribally designated organization
 - L. Public/Indian housing
 - M. Nonprofit
 - N. Private institution of higher education
 - O. Individual

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- P. For-profit organization (other than small business)
- Q. Small business
- R. Hispanic-serving institution
- S. Historically Black colleges and universities (HBCU)
- T. Tribally controlled colleges and universities (TCCU)
- U. Alaska Native and Native Hawaiian serving institutions
- V. Nondomestic (non-U.S.) entity
- W. Other (specify)
10. **Name of Federal Agency (required).** Enter the name of the federal agency from which assistance is being requested with this application.
11. **Catalog of Federal Domestic Assistance Number/Title.** Enter the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested, as found in the program announcement, if applicable.
12. **Funding Opportunity Number/Title (required).** Enter the Funding Opportunity Number and title of the opportunity under which assistance is requested, as found in the program announcement.
13. **Competition Identification Number/Title.** Enter the Competition Identification Number and title of the competition under which assistance is requested, if applicable.
14. **Areas Affected by Project.** List the areas or entities using the categories (e.g., cities, counties, states) specified in agency instructions. Use the continuation sheet to enter additional areas, if needed.
15. **Descriptive Title of Applicant's Project (required).** Enter a brief descriptive title of the project. If appropriate, attach a map showing project location (e.g., construction or real property projects). For pre-applications, attach a summary description of the project.
16. **Congressional Districts Of (required).**
- 16a. Enter the applicant's congressional district, and
- 16b. Enter all district(s) affected by the program or project. Enter in the format:
- Two-character state abbreviation
 - Three-character district number
e.g., CA-005 for California 5th district, CA-012 for California 12th district, NC-103 for North Carolina 103rd district
 - If all congressional districts in a state are affected, enter "all" for the district number, e.g., MD-all for all congressional districts in Maryland.
 - If nationwide, i.e., all districts within all states are affected, enter U.S.-all.
 - If the program/project is outside the United States, enter 00-000.
17. **Proposed Project Start and End Dates (required).** Enter the proposed start date and end date of the project.
18. **Estimated Funding (required).** Enter the amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines, as applicable. If the action will result in a dollar change to an existing award, indicate only the amount of the change. For decreases, enclose the amounts in parentheses.
19. **Is Application Subject to Review by State under Executive Order 12372 Process?** Applicants should contact the state single point of contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the state intergovernmental review process. Select the appropriate box. If "a" is selected, enter the date the application was submitted to the state.

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20. **Is the Applicant Delinquent on Any Federal Debt? (required)** Select the appropriate box. This question applies to the applicant organization, not to the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans, and taxes. If yes, include an explanation on the continuation sheet.
21. **Authorized Representative (required).** To be signed and dated by the authorized representative of the applicant organization. Enter the name (first and last name required), title (required), telephone number (required), fax number, and e-mail address (required) of the person authorized to sign for the applicant. A copy of the governing body's authorization for you to sign this application as the official representative must be on file in the applicant's office. (Certain federal agencies may require that this authorization be submitted as part of the application.)

Section 1. COPS Office program request

Please ensure that the correct program box is checked. If you plan to apply for other COPS Office programs, a separate application must be completed for each COPS Office program for which you are applying. Please ensure that you read, understand, and agree to comply with the applicable terms and conditions as outlined in this application guide before finalizing your selections.

Section 2. Agency eligibility information

The COPS Anti-Heroin Task Force (AHTF) program is open to state law enforcement agencies with multijurisdictional reach and interdisciplinary team (e.g., task force) structures. These state law enforcement agencies must have primary authority over state seizures of heroin and other opioids. This program does not have a local match requirement.

Before proceeding with this application, we ask that you please log onto the COPS Office Agency Portal to update the agency providing law enforcement services as your Law Enforcement Executive/Agency Executive Information. This information will be pre-populated from the COPS Office Agency Portal in section 4 of this application, so please ensure its accuracy.

Section 3. General agency information

Please provide accurate agency information, as this information is used to identify your agency and may be used along with other data collected to determine funding eligibility.

A. Applicant ORI number

The ORI number is assigned by the FBI and is your agency's unique identifier. The COPS Office uses the first seven characters of this number. The first two letters are your state abbreviation, the next three numbers are your county's code, and the next two numbers identify your jurisdiction within your county. If you do not currently have an ORI number, the COPS Office will assign one to your agency for the purpose of tracking your award. ORI numbers assigned to agencies by the COPS Office may end in "ZZ."

B. Applicant Data Universal Numeric System (DUNS) number

The Federal Government requires that all applicants for federal awards, with the exception of individuals other than sole proprietors, have a Data Universal Numbering System (DUNS) number prior to application submission. A DUNS number is a unique nine- or thirteen-digit sequence recognized as the standard identifier for entities receiving federal funds, and provides consistent name and address data for electronic award application systems. A DUNS number may be obtained by telephone at 866-705-7511 or via the Internet at fedgov.dnb.com/webform. For more information about how to obtain a DUNS number, please refer to the "How to Apply" section of this application guide.

C. System for Award Management (SAM)

The System for Award Management (SAM) database is the repository for standard information about federal financial assistance applicants, recipients, and subrecipients. The Federal Government requires that all applicants of federal award funds and cooperative agreements—with the exception of individuals other than sole proprietors—be registered in the database prior to application submission. Please contact the SAM Service Desk at 866-606-8220 or view or update your registration information at www.sam.gov. If your SAM registration is set to expire prior to September 30, 2017, please renew your SAM registration prior to completing this application. All applicants are required to maintain current registrations in the SAM database. Please note that applicants must update or renew their SAM at least once per year to maintain an active status. For more information about how to register with SAM, please refer to the "How to Apply" section of this application guide.

D. Geographic Names Information System (GNIS) ID

The Geographic Names Information System (GNIS) identification number is a unique ID assigned to all geographic entities by the U.S. Geological Survey. To look up your GNIS Feature ID, please go to <https://geonames.usgs.gov/domestic/index.html>. For more information about how to obtain a GNIS number, please refer to the "How to Apply" section of this application guide.

E. Cognizant Federal Agency

A Cognizant Federal Agency, generally, is the federal agency from which your jurisdiction receives the most federal funding. Your Cognizant Federal Agency also may have been previously designated by the Office of Management and Budget. Applicants that have never received federal funding should select the "U.S. Department of Justice" as the Cognizant Federal Agency.

F. Fiscal year

Enter the month, day, and year of the legal applicant's fiscal year.

G. Law enforcement agency sworn force information – Not applicable under the AHTF program

H. Civilian staffing – Not applicable under the AHTF program

I. U.S. Department of Justice and other federal funding

Applicants are required to disclose whether they have pending applications for federally funded assistance or active federal awards that support the same or similar activities or services for which award funding is being requested under this application.

Be advised that COPS Office award funding may not be used for the same item or service funded through another funding source. However, leveraging multiple funding sources in a complementary manner to

implement comprehensive programs or projects is encouraged and is not seen as inappropriate. To aid the COPS Office in the prevention of awarding potentially duplicative funding, please indicate whether your agency has a pending application and/or an active award with any other federal funding source (e.g., direct federal funding or indirect federal funding through state subawarded federal funds) that supports the same or similar activities or services as being proposed in this COPS Office application. Check all that apply using the check boxes provided in the application.

Section 4. Executive information

Please ensure that information listed is current. If these officials are “Interim” or “Acting” at the time of application, check the appropriate box. Please note that this information will be used for any future correspondence regarding this award application, and ultimately, if an award is funded, this information will be used for any award notifications.

Applicant executive/agency executive information

A. For law enforcement agencies

This is the highest ranking law enforcement official within your jurisdiction (e.g., chief of police, sheriff, or equivalent). If the award is funded, the person in this position will ultimately be responsible for the programmatic implementation of the award.

B. For government agencies

This is the highest ranking government official within your jurisdiction (e.g., mayor, municipal administrator, tribal chairman, or equivalent). If the award is funded, the person in this position will ultimately be responsible for the financial management of the award. Please note that information for nonexecutive positions (e.g., clerks or trustees) is not acceptable.

This section will be prepopulated from the information listed in your COPS Office Agency Portal account. If this information is no longer correct, please log in to your COPS Office Agency Portal account and make the necessary corrections before proceeding with this application. For assistance, please call the COPS Office Response Center at 800-421-6770.

Note: Listing individuals without ultimate programmatic and financial authority for the award could delay the review of your application, or remove your application from consideration.

Application contact information

Enter the name and contact information for the person completing this application.

Section 5. COPS Office officer request – Not applicable under the AHTF program

Section 6. Law enforcement and community policing strategy

Please complete questions CP1 and CP2.

Section 7. Need for federal assistance

Section 7A. Explanation of need for federal assistance

All applicants are required to explain their inability to address the need for this award without federal assistance. Please note that the character limit for this response is 3,000 characters.

Section 7B. Service population – Not applicable under the AHTF program

Section 7C. Fiscal health – Not applicable under the AHTF program

Section 7D. Property crime/violent crime – Not applicable under the AHTF program

Section 8. Continuation of project after federal funding ends

Section 8A. For COPS Office awards with a retention plan requirement – Not applicable under the AHTF program

Section 8B. For COPS Office awards with no retention plan requirement

The questions in this section will be used for programs without a retention requirement to report any plans to continue the program or activity after the conclusion of federal funding. Please identify the source(s) of funding that your agency plans to utilize to continue the program, project, or activity following the conclusion of federal support. Check all that apply.

Section 9. School safety assessment – Not applicable under the AHTF program

Section 10. Executive summary

Applicants are required to complete section 10 of the COPS Office Application Attachment to the SF-424 Form. Briefly summarize (in 3,000 characters or less) how your agency intends to use this award, if funded. This information may be used to keep Congress or other executive branch agencies informed about AHTF projects.

Section 11. Project description (narrative)

FY 2017 AHTF applicants must submit their entire project description as an attachment in section 13 of this application. The project narrative portion of the application is limited to 15 pages (maximum), double-spaced, 12 point font. Submit this narrative as an attachment under section 13 of the application. The required information form that you will need to complete and attach in section 13 is available at

https://cops.usdoj.gov/pdf/2017AwardDocs/ahtf/2017_AHTF_Budget_Narrative_508.pdf.

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The project narrative will address problem identification, current investigative activities, task force involvement, collaboration efforts, proposed project goals and objectives, project implementation plan, program outcomes, and seizure data for the last three years.

The narrative will be a significant factor in the application review and approval process. Failure to provide this information will eliminate your application from consideration.

Your agency is not required to submit supporting documentation with this application. However, your agency must maintain copies of the records used in this award submission for future review in the event of a site visit, audit, or other request. Data used must be data that is recorded in official records.

Please do not submit any confidential data or reports with your application.

Section 12. Official partner(s) contact information

If applicable, please submit a list of partnering agencies including contact person, organization name, address, phone number, and e-mail address.

Applications that represent multijurisdictional taskforces are strongly encouraged to apply.

Section 13. Application attachments

Project Narrative and Budget Narrative

This section should be used to submit the required project narrative described in section 11 (maximum 15 pages, double-spaced, 12 point font) and the budget narrative (see section 14). The total size per attachment must not exceed 20 MB, and .zip files are not acceptable attachments and must not be submitted. All AHTF applicants must attach both a project narrative and a budget narrative. Your project narrative attachment must address each element on the following form: https://cops.usdoj.gov/pdf/2017AwardDocs/ahtf/2017_AHTF_Budget_Narrative_508.pdf. Your budget narrative attachment must address each element on the following form: https://cops.usdoj.gov/pdf/2017AwardDocs/ahtf/2017_AHTF_Budget_Narrative_508.pdf. The budget narrative must (1) describe each item requested or group of similar items requested; and (2) link each item or group of items to the proposed project. All items will be reviewed on a case-by-case basis and in context of the allowable and unallowable costs lists. See section 14, budget detail worksheets and budget narrative attachment, for additional guidance.

Please use appropriately descriptive file names (e.g., Program Narrative, Budget Detail Worksheet and Budget Narrative, Timelines, Memoranda of Understanding, Resumes, etc.) for all attachments.

Please do not submit executable file types as application attachments. These disallowed file types include, but are not limited to, the following extensions: .com, .bat, .exe, .vbs, .cfg, .dat, .db, .dbf, .dll, .ini, .log, .ora, .sys, and .zip. The system may reject applications with files that use these extensions.

Section 14. Budget detail worksheets and budget narrative attachment

Instructions for completing the budget detail worksheets and budget narrative attachment

Included within this section are instructions and sample information for completing the budget detail worksheets and budget narrative. Please complete each section of the budget detail worksheets as applicable. If you are requesting new entry-level full-time officer positions not currently funded in your agency's local budget, please indicate the number of positions. If you are not requesting anything under a particular budget category, please check the appropriate box in that category indicating that no positions or items are requested. Budget requests must not exceed the two year award period. Please insert zeros for all categories in year 3.

The budget detail worksheets request that you provide a specific description for each item and explain how it supports the project goals and objectives outlined in your application. Applicants will be providing this information as part of the budget narrative attachment and not as part of the budget detail worksheets. Please note: ALL AHTF APPLICANTS MUST ATTACH THE BUDGET NARRATIVE AS PART OF SECTION 13. (Attachment available at https://cops.usdoj.gov/pdf/2017AwardDocs/ahtf/2017_AHTF_Budget_Narrative_508.pdf.)

In the budget narrative attachment, you must provide a brief description of the item(s) proposed for purchase, their purpose, and how the item(s) relate to the overall project. Sections A, B, C, D, E, F, and G and the budget summary of the COPS Office budget detail worksheets are applicable to the COPS Anti-Heroin Task Force program. Like items may be grouped together for ease of reporting. Each item in the budget narrative must fall under one of seven categories:

1. Sworn officer positions and fringe benefits
2. Civilian/Nonsworn personnel and fringe benefits
3. Equipment/Technology
4. Supplies
5. Travel/ Training
6. Contracts/Consultants
7. Other costs

Finally, every item included on the budget detail worksheets must be included in the budget narrative attachment. For your convenience, we have included a sample budget narrative and budget detail worksheets. For more information, please see the "Allowable and Unallowable Costs" section.

All final calculations should be rounded to the nearest whole dollar. Also, please note that the total project amount requested in your COPS Anti-Heroin Task Force Program application may not exceed the program cap of \$1,500,000. Once the budget for your application has been completed, a budget summary page will reflect the total amounts requested in each category and the total project costs.

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S. BUDGET SUMMARY

Instructions: Please review the category totals and the total project costs below. If the category totals and project amounts shown are correct, please continue with the submission of your application. Should you need to make revisions to a budget category, please return to the Budget Detail Worksheet.

Section

Budget Category	Category Total	
A. Sworn Officer Positions	\$134502.50	
B. Non-Sworn Personnel	\$96885.00	
C. Equipment & Technology	\$1000.00	
D. Supplies	\$1000.00	
E. Travel & Training	\$4200.00	
F. Contracts & Consultants	\$20400.00	
G. Other Costs	\$2000.00	
H. Indirect Costs	\$0.00	
Total Project Amount:	\$200047.50	
Total Federal Share Amount: (Total Project Amount X Federal Share Percentage Allowable)	\$260047.50	100.000000%
Total Local Share Amount (if applicable): (Total Project Amount - Total Federal Share Amount)	\$0.00	0.000000%

Contact Information for Budget Questions

Please provide contact information of the financial official that the COPS Office may contact with questions related to your budget submission.

First Name:

Last Name:

Title:

Telephone Number:

Fax:

Email Address:

Sample budget detail worksheets

The following budget detail worksheets are designed to allow all COPS Office award applicants to use the same budget forms to request funding. Please refer to the "Allowable/Unallowable Costs" section of this application guide, because these costs vary widely among programs.

To assist you, sample budget detail worksheets are included in this application guide.

If you need assistance in completing the budget detail worksheets, please call the COPS Office Response Center at 800-421-6770.

Sworn officer positions

Instructions

This worksheet will assist your agency in reporting your agency's current salary and benefits and identifying the total salary and benefits request per officer position for the length of the award term. Please list the current base salary and fringe benefits rounded to the nearest whole dollar for one full-time sworn officer position within your agency. Please list only your agency's contribution of each fringe benefit item; do not include employee contributions. Please insert zeros for all categories in year 3.

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Please note:

If sick leave and/or vacation leave costs are already reflected in the base salary figure provided in section 14A, subsection A. Base salary information, please DO NOT also list these costs individually under fringe benefits (section 14A, subsection B).

SECTION 14A: BUDGET DETAIL WORKSHEETS

Instructions: This worksheet will assist your agency in reporting your agency's current salary and benefits and identifying the total salary and benefits request per officer position for the length of the grant term. Please list the current base salary and fringe benefits rounded to the nearest whole dollar for one full-time sworn officer position within your agency. Do not include employee contributions. (Please refer to <http://www.cops.usdoj.gov/Default.asp?item=46> for information on the length of the grant term for the program under which you are applying.)

Special note regarding sworn officer fringe benefits: For agencies that do not include fringe benefits as part of the base salary costs and typically calculate these separately, the allowable expenditures may be included under Part 1, Section B. Any fringe benefits that are already included as part of the agency's base salary (Part 1, Section A of the Sworn Officer Budget Worksheet) should not also be included in the separate fringe listing (Part 1, Section B). Please refer to <http://www.cops.usdoj.gov/Default.asp?item=46> for information about allowable and unallowable fringe benefits for sworn officer positions requested under the program to which your agency is applying.

A. SWORN OFFICER POSITIONS

Full-Time Sworn Officer Base Salary Information

Part 1: Instructions: Please complete the questions below based on your agency's salary and benefits package for one locally-funded officer position. As applicable per the program-specific application guide, you may also be required to project Year 2 and Year 3 salaries.

Sworn Officer Position

A. Base Salary Information

Year 1 Salary	Year 2 Salary
Enter the first year base salary for one sworn officer position.	Enter the second year base salary for one sworn officer position.
<input type="text" value="10000.00"/>	<input type="text" value="15000.00"/>
Yes <input type="checkbox"/> Does the base salary include vacation costs? Please select Yes or No.	Yes <input type="checkbox"/> Does the base salary include vacation costs? Please select Yes or No.
Yes <input type="checkbox"/> Does the base salary include sick leave costs? Please select Yes or No.	Yes <input type="checkbox"/> Does the base salary include sick leave costs? Please select Yes or No.

B. Fringe Benefit costs should be calculated for each year of the grant term.

FRINGE BENEFITS:	Year 1 Fringe Benefits		Year 2 Fringe Benefits	
	COST	% OF BASE SALARY	COST	% OF BASE SALARY
Social security expenses cannot exceed 6.2% <input type="checkbox"/> Exempt <input checked="" type="checkbox"/> 6.2% <input type="checkbox"/> Fixed Rate	620.00	6.2	930.00	6.2
Medicare expenses cannot exceed 1.45% <input type="checkbox"/> Exempt <input checked="" type="checkbox"/> 1.45% <input type="checkbox"/> Fixed Rate	145.00	1.45	217.50	1.45
Health Insurance (Family Coverage)	0	0.00	0	0.00
Life Insurance	0	0.00	0	0.00
Vacation Number of Hours Annually: <input type="text" value="0"/>	0	0.00	0	0.00
Sick Leave Number of Hours Annually: <input type="text" value="0"/>	0	0.00	0	0.00
Retirement	0	0.00	0	0.00
Worker's Compensation <input type="checkbox"/> Exempt	0	0.00	0	0.00
Unemployment Insurance <input type="checkbox"/> Exempt	0	0.00	0	0.00
Other <input type="text" value="Select One"/>	0	0.00	0	0.00
Other <input type="text" value="Select One"/>	0	0.00	0	0.00
Other <input type="text" value="Select One"/>	0	0.00	0	0.00
Benefits Sub-Total Per Year (1 Position)	735.00		1147.50	
C. Total Salary + Benefits Per Year (1 Position)	10765.00		16147.50	
D. Total Salary and Benefits for Years 1 and 2 (1 Position):	26912.50	X <input type="text" value="5"/>	# of Positions	134562.50

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Civilian positions

Salaries of personnel are costs based on the percentage of time spent (FTE) working directly on the project. The total salary percentage should be comparable and consistent with organizational policy. The total amount paid is comparable to industry standards and the type of work being performed.

B. BASE SALARY AND FRINGE BENEFITS FOR CIVILIAN/NON-SWORN PERSONNEL

Instructions: Please complete the questions below for one non-sworn position salary and benefits package. As applicable per the program-specific application guide, you may also be required to project year 2 and year 3 salaries.

Please refer to <http://www.cops.usdoj.gov/Default.asp?Item=18> for information about allowable and unallowable fringe benefits for civilian/non-sworn personnel requested under the program to which your agency is applying.

B. CIVILIAN POSITIONS

Manage

A. Base Salary Information

Position Title	YEAR 1 Salary	YEAR 2 Salary
Manager Description: Manages the project	Enter the first year entry level base salary for this civilian/non-sworn position. <input type="text" value="20000.00"/> x <input type="text" value="100.00"/> % of time on project <input type="text" value="20000"/>	Enter the second year entry level base salary for the civilian/non-sworn position. <input type="text" value="25000.00"/> x <input type="text" value="100.00"/> % of time on project <input type="text" value="25000"/>
	<input type="checkbox"/> Yes Does the base salary include Vacation costs? Please select Yes or No. <input type="checkbox"/> No Does the base salary include Sick Leave costs? Please select Yes or No.	<input type="checkbox"/> No Does the base salary include Vacation costs? Please select Yes or No. <input type="checkbox"/> Yes Does the base salary include Sick Leave costs? Please select Yes or No.

Fringe benefits

Aside from Social Security, Medicare, health insurance, and life insurance, the following are allowable fringe benefits:

- Dental insurance
- Vision insurance
- Prescription drugs
- Sick days (if not included in base salary—calculate using 8-hour workdays)
- Vacation days (if not included in base salary—calculate using 8-hour workdays)
- Holiday pay (if not included in base salary)
- Retirement pension
- Worker's compensation
- Unemployment
- Disability insurance
- Accidental death and disability
- 401(k) plan
- Liability insurance
- Shift differential pay (if not included in base salary)
- Accident insurance
- Bonding insurance
- Police trust

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- State funded retirement system
- Professional liability insurance
- Federal Unemployment Tax Act (FUTA) tax
- Survivor benefit

Other benefits, such as training, equipment (e.g., uniforms, weapons, or vehicles), severance pay, and hazard pay, are not allowed.

B. Fringe Benefit costs should be calculated for each year of the grant term.

FRINGE BENEFITS:	Year 1 Fringe Benefits		Year 2 Fringe Benefits	
	COST BASE	% OF SALARY	COST BASE	% OF SALARY
Social security expenses cannot exceed 6.2% <input type="checkbox"/> Exempt <input checked="" type="checkbox"/> 6.2% <input type="checkbox"/> Fixed Rate	1240.00	6.2	1950.00	6.2
Medicare expenses cannot exceed 1.45% <input type="checkbox"/> Exempt <input checked="" type="checkbox"/> 1.45% <input type="checkbox"/> Fixed Rate	290.00	1.45	362.50	1.45
Health Insurance	0	0.00	0	0.00
Life Insurance	0	0.00	0	0.00
Vacation Number of Hours Annually: 40	0	0.00	0	0.00
Sick Leave Number of Hours Annually: 20	0	0.00	0	0.00
Retirement	0	0.00	0	0.00
Worker's Compensation <input type="checkbox"/> Exempt	0	0.00	0	0.00
Unemployment Insurance <input type="checkbox"/> Exempt	0	0.00	0	0.00
Other <input type="text" value="Select One"/>	0	0.00	0	0.00
Other <input type="text" value="Select One"/>	0	0.00	0	0.00
Other <input type="text" value="Select One"/>	0	0.00	0	0.00
Benefits Sub-Total Per Year (1 Position)	1530.00		1912.50	
C. Total Salary + Benefits Per Year (1 Position)	21530.00		26912.50	
D. Total Salary and Benefits for Years 1 and 2 (1 Position):	48442.50			
		X 2	# of Positions	96885.00

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Equipment/Technology

Necessary equipment must be specifically purchased to implement or enhance the proposed project. Equipment is tangible, nonexpendable personal property, including exempt property, having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit.

C. EQUIPMENT/TECHNOLOGY

No Equipment/Technology Requested

Instructions: List non-expendable items that are to be purchased. Provide a specific description for each item in the description boxes below and explain how the item supports the project goals and objectives as outlined in your application. Non-expendable equipment is tangible property (e.g., information technology systems) having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit. Expendable items should be included either in the "SUPPLIES" or "OTHER" categories. Applicants should analyze the cost benefits of purchasing versus leasing equipment, especially for high-price items and those subject to rapid technical advances. Rented or leased equipment costs should be listed in the "CONTRACTS / CONSULTANTS" category.

Please be advised that, to the greatest extent practical, all equipment and products purchased with these funds must be American-made.

For agencies purchasing items related to enhanced communications systems, the COPS Office expects and encourages that, wherever feasible, such voice or data communications equipment should be incorporated into an intra- or interjurisdictional strategy for communications interoperability among federal, state, and local law enforcement agencies.

See <http://www.cops.usdoj.gov/Default.asp?Item=46> for a list of allowable/unallowable costs for this program. Please limit your descriptions to 1000 characters.

Item Name

Name	Cost	Qty	Sub Total	Description
Computer	Base cost: 500.00	2	1000.00	Laptop computers
			Total: 1000.00	

Add Item

Supplies

Supply costs consist of those incurred for purchased goods and fabricated parts directly related to a award proposal. Supplies differ from equipment in that they are consumable, expendable, and of a relatively low unit cost, defined as less than \$5,000 per unit. Such costs may include paper, printer ink, pens, pencils, laptops, etc.

D. SUPPLIES

No Supplies Requested

Instructions: List items by type (office supplies; postage; training materials; copying paper; books; hand-held tape recorders; computing devices costing less than \$5,000; etc). Provide a specific description for each item in the description boxes below and explain how it supports the project goals and objectives outlined in your application. Generally, supplies include any materials that are expendable or consumed during the course of the project, costing less than \$5,000.

See <http://www.cops.usdoj.gov/Default.asp?Item=46> for a list of allowable/unallowable costs for this program. Please limit your descriptions to 1000 characters.

Item Name

Name	Cost	Qty	Sub Total	Description
Office Supplies	Base cost: 1000.00	1	1000.00	Office supplies for the project
			Total: 1000.00	

Add Item

Travel/Training

Travel costs include the costs of transportation, lodging, meals, temporary dependent care, and incidental expenses incurred by personnel while on official business, such as attendance at an award-related meeting or conference when travel is further than 50 miles from the program location. Travel and subsistence estimates are based on the contemplated number of trips, places to be visited, length of stay, transportation costs, subsistence allowances, and the recipient's own travel policies. When charging travel costs to federal awards, award recipients must adhere to their internal travel policy.

If a recipient does not have a written travel policy, it must adhere to the Federal Travel Regulations (FTR).

For information on the FTR and U.S. Government General Service Administration (GSA) per diem rates by geographic area, please visit www.gsa.gov/portal/content/104790.

E. TRAVEL/TRAINING

No Travel/Training Requested

Instructions: Travel costs are the expense for transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business of the nonfederal entity. Itemize grant-related travel expenses of grantee personnel (excluding consultants, whose expenses are listed in Section F) by event (e.g., mandatory training, staff training, field interviews, advisory group meetings). Identify the location of travel whenever possible, and show the number of staff expected to attend each event. Training fees, transportation, lodging and per diem rates for trainees should be listed as separate travel items. Grantee travel costs specific to the grant project may be based on the grantee's written travel policy, assuming the costs are reasonable. Grantees without a written travel policy must follow the established federal rates (found at <http://www.gsa.gov>) for lodging, meals, and per diem. For all grantees (with or without a written travel policy), airfare travel costs must be one of the following: the lowest discount commercial airfare, standard coach airfare, or the Federal Government contract airfare (if authorized and available).

See: <http://www.cops.usdoj.gov/Detail.asp?Item=46> for a list of allowable/unallowable costs for this program. Provide a specific description in the description boxes below for each item and explain how the item supports the project goals and objectives as outlined in your application. Please limit your descriptions to 1000 characters.

Event Title and Location

Name	Cost	# of Staff	Sub Total	Description
	Registration: 200.00			Conference to present project findings.
Conference	Lodging: 1000.00	2	4200.00	
	Per Diem: 200.00			
	Transportation: 700.00			
			Total: 4200.00	
Add Item				

Include each trip as an individual entry in the Travel/Training section. The name should reflect the name/title of the trip and should not be a group of trips.

Registration includes the amount for the registration of the training/conference attendance.

Lodging includes the amount for the hotel and any taxes/fees associated.

Per diem includes the amount for GSA-approved meals and incidentals.

Transportation includes all ground and air transportation as well as public transportation and parking fees.

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Contracts/Consultants

Consultant expenses and contracts include goods or services that directly contribute to the implementation or enhancement of the project. The use of a consultant should be more economical than direct employment. Compensation for individual consultant services procured under a COPS Office award must be reasonable and allocable in accordance with Office of Management and Budget (OMB) cost principles and consistent with that paid for similar services in the marketplace. The services should be commensurate with the rate or salary paid by the primary employer. Unless otherwise approved by the COPS Office, independent consultant rates will be approved based on the salary a consultant receives from his or her primary employer, as applicable, up to \$650 per day.

F. CONTRACTS/CONSULTANTS

No Contract Costs Requested

Instructions: See <http://www.cops.usdoj.gov/Default.asp?Item=46> for a list of allowable/unallowable costs for the particular program to which you are applying. Provide a specific description in the description boxes below for each item and explain how the item supports project goals and objectives as outlined in your application. Please limit your descriptions to 1000 characters.

Contracts: Provide a cost estimate for the product or service to be procured by contract. Applicants are encouraged to promote free and open competition in awarding contracts. If awarded, requests for sole source procurements of equipment, technology, or services in excess of \$150,000 must be submitted to the COPS Office for prior approval. (See <http://www.cops.usdoj.gov/Default.asp?Item=16> for more information on the required submission.)

F1. Contract Costs

Name	Cost	Qty	Sub Total	Description
Technology Contractor	Base cost: 10000.00	1	10000.00	Technology for the project.
			Total: 10000.00	

Add Item

No Consultant Fees Requested

Instructions: See <http://www.cops.usdoj.gov/Default.asp?Item=46> for a list of allowable/unallowable costs for the particular program to which you are applying. Provide a specific description in the description boxes below for each item and explain how the item supports the project goals and objectives as outlined in your application. Please limit your descriptions to 1000 characters.

Consultant Fees: For each consultant enter the name (if known), service to be provided, hourly or daily fee (based upon an 8-hour day), and estimated length of time on the project. Unless otherwise approved by the COPS Office, approved consultant rates will be based on the salary a consultant receives from his or her primary employer. Consultant fees in excess of \$850 per day require additional written justification and must be pre-approved in writing by the COPS Office if the consultant is hired via a noncompetitive bidding process.

F2. Consultant Fees

Name	Cost	Qty	Sub Total	Description
Crime Consultant	Base cost: 109.00	80	8720.00	80hrs for crime consultant at \$109/hr.
			Total: 8720.00	

Add Item

No Consultant Travel Requested

Instructions: See <http://www.cops.usdoj.gov/Default.asp?Item=46> for a list of allowable/unallowable costs for the particular program to which you are applying. Provide a specific description in the description boxes below for each item and explain how the item supports the project goals and objectives as outlined in your application. Please limit your descriptions to 1000 characters.

Consultant Travel: List all travel-related expenses to be paid from the grant to the individual consultants (e.g., transportation, meals, lodging) separate from their consultant fees.

F3. Consultant Travel

Name	Cost	Qty	Sub Total	Description
Crime Consultant	Registration: 0.00 Lodging: 600.00 Per Diem: 203.00 Transportation: 700.00	1	1400.00	Travel for consultant to visit site.
			Total: 1400.00	

Add Item

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No Consultant Expenses Requested

Instructions: See <http://www.cops.usdoj.gov/Default.asp?Item=46> for a list of allowable/unallowable costs for the particular program to which you are applying. Provide a specific description in the description boxes below for each item and explain how the item supports the project goals and objectives as outlined in your application. Please limit your descriptions to 1000 characters.

Consultant Expenses: List all other expenses to be paid from the grant to the individual consultants separate from their consultant fees and travel expenses (e.g., computer equipment and office supplies).

F4. Consultant Expenses

Name	Cost	Qty	Sub Total	Description
<input type="text" value="Data subscription"/> Base cost: <input type="text" value="1000.00"/>	<input type="text" value="1"/>	<input type="text" value="1000.00"/>		Data service subscription for consultant research
Total: <input type="text" value="1000.00"/>				Delete

Add Item

Include name of contract/consultant/travel/expense with a description of the scope of the work. Unless justification is provided, the daily rate for the consultant should not exceed \$650/day. Consultant travel should follow the same format as the travel section detailed in the section above. Similar to supplies and equipment, consultant expenses should be broken out by item rather than one grouping.

Other Costs

Items not included in the above categories but which have a direct correlation to the overall success of a recipient's project objectives and are necessary for the project to reach full implementation will be considered on a case-by-case basis by the COPS Office. Please include all overtime costs in this section.

G. OTHER COSTS

No Other Costs Requested

Instructions: List other requested items that will support the project goals and objectives as outlined in your application. Provide a specific description for each item in the description boxes below and explain how the item supports the project goals and objectives as outlined in your application.

Please be advised that, to the greatest extent practical, all equipment and products purchased with these funds must be American-made.

See <http://www.cops.usdoj.gov/Default.asp?Item=46> for a list of allowable/unallowable costs for this program. Please limit your descriptions to 1000 characters.

Name	Cost	Qty	Sub Total	Description
<input type="text" value="Data subscription service"/> Base cost: <input type="text" value="2000.00"/>	<input type="text" value="1"/>	<input type="text" value="2000.00"/>		Data for research
Total: <input type="text" value="2000.00"/>				Delete

Add Item

Section 15. Assurances and Certifications

Applicants to COPS Office programs are required to sign the standard Assurances and Certifications forms. Signing these documents assures the COPS Office that you have read and understood and that you accept the award terms and conditions as outlined in the Assurances and Certifications. Please read these documents carefully, as signatures on these documents are treated as material representation of fact upon which reliance will be placed when the U.S. Department of Justice determines to fund the covered award.

Section 16A. Disclosure of lobbying activities

This disclosure form shall be completed by the reporting entity, whether subawardee or prime federal recipient, at the initiation or receipt of a covered federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. § 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with a covered federal

action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information. If this applies to your agency, you are required to complete the disclosure form. If you need to submit additional forms, please submit them as attachments to your application online in section 13, Application attachments.

Section 16B. Certification of Compliance with 8 U.S.C. 1373

In FY 2017, all State or local government entity applicants (e.g., police departments, sheriff's departments, state police) are required to certify compliance with 8 U.S.C. § 1373 regarding prohibitions or restrictions on sending to, requesting or receiving from, maintaining, or exchanging information on citizenship or immigration status, including any prohibitions or restrictions imposed or established by a State or local government entity or official.

This certification must be completed by the governing body's chief legal officer (e.g., City or County Attorney). We strongly recommend notifying your governing body's chief legal counsel of this certification requirement as soon as the AHTF application period opens so that they may conduct the required reviews necessary for completing the certification before the application deadline.

Questions regarding the certification requirement may be directed to the COPS Office Legal Division at 202-514-3750.

Section 17. Reviews and certifications

Please be advised that an application may not be funded or, if awarded, a hold may be placed on this application if it is deemed that the applicant is not in compliance with federal civil rights laws, and/or is not cooperating with an ongoing federal civil rights investigation, and/or is not cooperating with a U.S. Department of Justice award review or audit.

Applicants must certify whether or not their agency will use COPS Office funds (if awarded) to operate an interjurisdictional criminal intelligence system. If yes, the applicant assures the COPS Office that it will comply with the requirements of 28 C.F.R. Part 23.

The signatures of the law enforcement executive/agency executive, government executive/financial official, and the person submitting this application on the reviews and certifications represent to the COPS Office that

- the signatories have been legally and officially authorized by the appropriate governing body to submit this application and act on behalf of the award applicant entity;
- the applicant will comply with all legal, administrative, and programmatic requirements that govern the applicant for acceptance and use of federal funds as outlined in the applicable COPS Office application guide, the COPS Office award owner's manual, Assurances, Certifications, and all other applicable program regulations, laws, orders, and circulars;
- the applicant understands that false statements or claims made in connection with COPS Office programs may result in fines; imprisonment; debarment from participating in federal grants, cooperative agreements, or contracts; and/or any other remedy available by law to the Federal Government;
- the information provided in this application, including any amendments, shall be treated as material representations of fact upon which reliance will be placed when the U.S. Department of Justice determines to award the covered award;

- the applicant understands that as a general rule COPS Office funding may not be used for the same item or service funded through another funding source;
- the applicant and any required or identified official partner(s) listed in section 12 are partners in this award project and mutually agreed to this partnership prior to this award application.

The signatures of the law enforcement executive/agency executive and the government executive/financial official in the application must be the same as those identified in section 4 of the application. Applications with missing, incomplete, or inaccurate signatories or responses may not be considered for funding.

Section 18. Application data verification – Not applicable at time of application

After submission of this application, the COPS Office may require your department to verify data provided in the application. This section is to be completed once the data has been reviewed, confirmed, and/or updated. Failure to respond to the request may eliminate the application from 2017 funding consideration. The purpose of this section is to confirm the following:

- That the person reviewing, confirming, and/or updating the data is authorized by the appropriate governing body to act on behalf of the award applicant entity
- That the information provided, including any amendments, be treated as material representations of fact upon which reliance will be placed when the U.S. Department of Justice determines to fund the covered award
- That the applicant understands that false statements or claims made in connection with COPS Office programs may result in fines; imprisonment; debarment from participating in federal awards, cooperative agreements, or contracts; and/or other remedy available to by law to the Federal Government.

Appendices

Appendix A. Glossary of COPS Office program terms

The following information is provided to assist you with the completion of your COPS Office award program application forms. The list includes some of the most common terms that are used in the application forms. For additional assistance or clarification regarding any part of the application, please contact your Grant Program Specialist at 800-421-6770.

allowable costs. Allowable costs are costs that will be paid for by this award program.

authorized officials. The authorized officials are the individuals in your organization who have final authority and responsibility for all programmatic and financial decisions regarding your application and, if funded, your award. For law enforcement agencies, the listed law enforcement executive (usually chief of police, sheriff, etc.) and the government executive (usually mayor, board president, etc.) are your agency's authorized officials.

authorized organizational representative (AOR). A person authorized by your e-business POC to submit applications to Grants.gov. This privilege should be provided only to those individuals who currently have signature authority for submitting award applications. The name of the individual designated as an AOR will be populated by the Grants.gov system in award application package forms, which require signatures. An organization can assign as many AORs to use Grants.gov as necessary.

automated booking system. An automated booking system captures arrestee fingerprints and photographic information electronically and often has the ability to transfer that information to a departmental or state-wide database.

automated fingerprint identification system (AFIS). An AFIS is a highly specialized biometrics system that compares a single fingerprint image with a database of fingerprint images. Fingerprint images are collected from crime scenes or are taken from criminal suspects when they are arrested. Fingerprint images may be captured by placing a finger on a scanner or by electronically scanning inked impressions on paper.

award number. If funded, the award number identifies your agency's specific award, and can be found on your award document. This number should be used as a reference when corresponding with the COPS Office. The COPS Office tracks award information based upon this number.

award start date. This is the date on or after which your agency is authorized to purchase items or hire positions that were approved by the COPS Office. If funded, the award start date is found on your award document. Recipients may not make any purchases or hire any positions prior to this date without written approval from the COPS Office.

career law enforcement officer. The COPS Office statute defines a career law enforcement officer as a person hired on a permanent basis who is authorized by law or by a state or local public agency to engage in or oversee the prevention, detection, or investigation of violations of criminal laws.

Catalog of Federal Domestic Assistance (CFDA). The CFDA is an annual government-wide publication that contains a description and index of all forms of federal assistance. Each program is assigned a CFDA number, which is used by auditors to track grant revenues under the Single Audit Act. It is also used in participating states by state single points of contact in conducting the required intergovernmental reviews under Executive Order 12372. The CFDA number for all COPS Office programs is 16.710.

closeout. The process in which the awarding agency, the COPS Office, determines that all applicable administrative actions and all required work and conditions of the award have been completed and met by the recipient and awarding agency.

cognizant federal agency. The federal agency that generally provides the most federal financial assistance to the recipient of funds. Cognizance is assigned by the Office of Management and Budget (OMB).

Community-oriented policing. Community-oriented policing is a philosophy that promotes organizational strategies that support the systematic use of partnerships and problem-solving techniques to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime.

Computer-aided dispatch (CAD) system. A CAD system is a computer database that can track calls for service, maintain status of units available, provide various reports, produce address histories, and support electronic mail. With the installation of integrated CAD systems, officers are able to receive calls for service on their mobile data terminals rather than over the radio. Radios can then be used only for serious emergencies.

computing devices. Computing devices are machines used to acquire, store, analyze, process, and publish data and other information electronically, including accessories (or "peripherals") for printing, transmitting, and receiving, or storing electronic information.

consortium. A consortium is a group of two or more governmental entities that agree to form a partnership to provide law enforcement services to their constituent communities.

COPS Office. The Office of Community Oriented Policing Services (COPS Office) is the office within the U.S. Department of Justice that, if funded, is your awarding agency for your COPS Office award. The COPS Office is responsible for administering your award for the entire award period. You can reach the COPS Office at 800-421-6770.

COPS Office finance staff. Members of the COPS Office finance staff handle your agency's financial and budgetary needs related to your application. A financial analyst is assigned to your state, and is available to answer any questions that you may have concerning the financial aspects of your award, if funded. To identify your state assigned financial analyst, please call the COPS Office Response Center at 800-421-6770, or visit the COPS Office web site at www.cops.usdoj.gov.

DUNS number. DUNS stands for "data universal numbering system." DUNS numbers are issued by Dun and Bradstreet (D&B) and consist of nine or thirteen digits. If your institution does not have one, call 866-705-5711 to receive one free of charge. You can also request your DUNS number online at www.dnb.com.

e-business point of contact (POC). Your e-business POC is the person who will designate which staff members can submit applications through Grants.gov. When you register with SAM, your institution will be asked to designate an e-Business POC.

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EPIC (El Paso Intelligence Center) National Clandestine Laboratory Seizure Database. The U.S. Department of Justice maintains this database to track seizure of clandestine drug laboratories. It contains addresses of some locations where law enforcement agencies reported they found chemicals or other items that indicated the presence of either clandestine drug laboratories or dumpsites.

equipment. Equipment is tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost that equals or exceeds \$5,000.

federally recognized tribe. Tribal entities that are recognized and eligible for funding and services from the Bureau of Indian Affairs by virtue of their status as Indian tribes. They are acknowledged to have the immunities and privileges available to other federally acknowledged Indian tribes by virtue of their government-to-government relationship with the United States as well as the responsibilities, power, limitation, and obligations of such tribes. Only federally recognized tribes are eligible to apply for COPS Office tribal award funds. For further information, contact: Bureau of Indian Affairs, Division of Tribal Government Services, MS-4631-MIB, 1849 C Street NW, Washington, DC 20240, 202-208-2475.

GNIS ID. The Geographic Names Information System (GNIS) database is maintained by the U.S. Geological Survey, U.S. Department of the Interior. The database assigns a unique, permanent feature identifier, the Feature ID, which is the only standard federal key for integrating or reconciling feature data from multiple datasets.

global positioning system (GPS). Global positioning systems are a series of 24 geosynchronous satellites that continuously transmit their position. Each system is used in personal tracking, navigation, and automatic vehicle location technologies.

interoperable communications. Communications interoperability refers to the ability to talk across disciplines and jurisdictions via radio communications networks on demand, in real time. Interoperable communications equipment and technology is used to increase interoperability and data information-sharing among the law enforcement, fire service, and emergency medical service communities.

Local Area Unemployment Statistics (LAUS). The Bureau of Labor Statistics' LAUS program provides monthly estimates of unemployment for communities. For more information and detailed instructions for looking up your local area's unemployment rate, please visit www.bls.gov/lau/data.htm.

local budget cycle. Your agency's fiscal year. Some common examples include January 1 to December 31, October 1 to September 30, and July 1 to June 30. Some local budget cycles may extend up to 24 months.

M-PIN. Password used by your e-business point of contact to designate which staff members can submit applications to Grants.gov.

matching funds. What a locality must contribute as a cash match toward total allowable project costs over the life of the program.

mobile data computer/laptop. A mobile data computer (MDC) is a computer terminal mounted in a vehicle that is linked via wireless communication to a network that is often integrated with a CAD system. MDCs enable officers to complete previously handwritten reports on a computer. This often eliminates the need to enter duplicate information on multiple reports.

National Incident-Based Reporting System (NIBRS). A comprehensive reporting database. Agencies provide individual records for eight index crimes and 38 other offenses.

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obligation of funds. If this application is awarded, the COPS Office obligates federal funds when the award document is signed by the director or his or her designated official. For the recipient, award funds are obligated when monies are spent directly on purchasing items approved under the award. The term encumbrance is often used at the local and state levels to describe this type of transaction. Liquidated obligations are considered cash outlays or monies actually spent. Unliquidated obligations are obligations incurred and recorded but not yet paid (accrual basis of accounting) or not yet recorded and not yet paid (cash basis of accounting).

OJP vendor number/EIN number. This is your agency's nine-digit federal tax identification number assigned to you by the IRS. Your accounting/bookkeeping department should have this number. If your EIN previously has been assigned to another agency within your jurisdiction, the Office of the Comptroller will assign a new OJP vendor number to you. The new assigned number is to be used for administrative purposes only, in connection with this award program, and should not be used for IRS purposes.

ORI (Originating Agency Identifier) number. This number is assigned by the FBI and is your agency's originating agency identifier. The first two letters are your state abbreviation, the next three numbers are your county's code, and the final two numbers identify your jurisdiction within your county. When you contact the COPS Office with a question, you can use the ORI number, and we will be able to assist you. If you are a previous COPS Office award recipient, you may have been assigned an ORI number through the COPS Office if the FBI had not previously assigned your agency this identifier number.

primary law enforcement authority. An agency with primary law enforcement authority is defined as the first responder to calls for service for all types of criminal incidents within its jurisdiction. Agencies are not considered to have primary law enforcement authority if they only respond to or investigate specific type(s) of crime(s); respond to or investigate crimes within a correctional institution; serve warrants; provide courthouse security; transport prisoners; and/or have cases referred to them for investigation or investigational support.

Public Safety Partnership and Community Policing Act of 1994. The COPS Office is charged with fulfilling the mandates of this law. The purposes of the law are to

- increase the number of community policing officers on the beat;
- provide additional and more effective training to law enforcement officers to enhance their problem solving, service, and other skills needed in interacting with members of the community;
- encourage the development and implementation of innovative programs to permit members of the community to assist law enforcement agencies in the prevention of crime;
- encourage the development of new technologies to assist law enforcement agencies in reorienting the emphasis of their activities from reacting to crime to preventing crime.

recipient. A nonfederal entity that receives a federal award directly from a federal awarding agency to carry out an activity under a federal program. The term recipient does not include subrecipients. See also §200.69 Non-Federal entity." 2 CFR 200.86

school resource officer (SRO). A career law enforcement officer, with sworn authority, deployed in community-oriented policing, and assigned by the employing police department or agency to work in collaboration with schools and community-based organizations to (a) address crime and disorder problems, gangs, and drug activities affecting or occurring in our around and elementary or secondary school; (b) deploy or expand crime prevention efforts for students; (c) educate likely school-age victims in crime prevention and safety; (d) develop or expand community justice initiatives for students; (e) train students in conflict resolution, restorative justice, and crime

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awareness; (f) assist in the identification of physical changes in the environment that may reduce crime in or around the school; and (g) assist in developing school policy that addresses crime and to recommend procedural changes.

supplanting. COPS Office award funds may not be used to supplant (replace) state, local, or Bureau of Indian Affairs (BIA) funds that would be made available in the absence of federal COPS Office award funding. Program funds must be used to increase the amount of state, local, or BIA funds otherwise budgeted for the award purposes, plus any additional state, local, or BIA funds budgeted for these purposes.

System for Award Management (SAM). Institutions applying for any type of award from the Federal Government must register with SAM. The SAM database is the repository for standard information about federal financial assistance applicants, recipients, and sub-recipients. Applicants must update or renew their SAM at least once per year to maintain an active status. Information about registration procedures can be accessed at www.sam.gov.

Appendix B. Assurances

Several provisions of federal law and policy apply to all award programs. The Office of Community Oriented Policing Services ("COPS Office") needs to secure your assurance that the applicant will comply with these provisions. If you would like further information about any of these assurances, please contact your state's COPS Office Grant Program Specialist at 800-421-6770.

By signing this form, the applicant assures that it will comply with all legal and administrative requirements that govern the applicant for acceptance and use of federal award funds. In particular, the applicant assures us of the following:

1. It has been legally and officially authorized by the appropriate governing body (for example, mayor or city council) to apply for this award and that the persons signing the application and these assurances on its behalf are authorized to do so and to act on its behalf with respect to any issues that may arise during processing of this application.
2. It will comply with the provisions of federal law, which limit certain political activities of employees whose principal employment is in connection with an activity financed in whole or in part with this award. These restrictions are set forth in 5 U.S.C. § 1501 et seq.
3. It will comply with the minimum wage and maximum hours provisions of the Fair Labor Standards Act (29 U.S.C. § 201 et seq.), if applicable.
4. It will establish safeguards, if it has not done so already, to prohibit employees from using their positions for a purpose that is, or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business or other ties. In addition, it will disclose (in writing) to the COPS Office any potential conflict of interest arising during the course of performance of the award and also will require such written disclosures by any subrecipients.
5. As required by 42 U.S.C. § 3796dd-6, it will give the U.S. Department of Justice or the Comptroller General access to and the right to examine records and documents related to the award.
6. It will comply with all requirements imposed by the U.S. Department of Justice as a condition or administrative requirement of the award, including but not limited to: the requirements of 2 C.F.R. Part 200 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards) as adopted by the U.S. Department of Justice in 2 C.F.R. § 2800.101 ; 48 C.F.R. Part 31 (FAR Part 31) (Contract Cost Principles and Procedures); the applicable provisions of the Omnibus Crime Control and Safe Streets Act of 1968, as amended; 28 C.F.R. Part 38 (Partnerships With Faith-Based and Other Neighborhood Organizations); the applicable COPS Office application guide; the applicable COPS Office award owner's manual; and with all other applicable program requirements, laws, orders, or regulations.
7. As required by 42 U.S.C. § 3796dd-1(c) (11), it will, to the extent practicable and consistent with applicable law, seek, recruit and hire qualified members of racial and ethnic minority groups and qualified women in order to further effective law enforcement by increasing their ranks within the sworn positions in the agency.
8. It will not (and will require any subrecipient, contractors, successors, transferees, and assignees not to), on the grounds of race, color, religion, national origin, sex, or disability unlawfully exclude any person from participation in, deny the benefits of, or employment to any person, or subject any person to discrimination in connection with any programs or activities funded in whole or in part with federal funds. It will also not discriminate in the delivery of benefits or services based on age. These civil rights requirements are found in the non-discrimination provisions of Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. § 2000d); the Omnibus Crime Control and Safe Streets Act of 1968, as amended (42 U.S.C. § 3789d); Section 504 of the

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Rehabilitation Act of 1973, as amended (29 U.S.C. § 794); the Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101); Title IX of the Education Amendments of 1972, as amended (20 U.S.C. § 1681); and the corresponding U.S. Department of Justice regulations implementing those statutes at 28 C.F.R. Part 42 (subparts C, D, E, G, and I). It will also comply with Executive Order 13279, as amended by Executive Order 13559, and the implementing regulations at 28 C.F.R Part 38, Partnerships With Faith-Based and Other Neighborhood Organizations, which requires equal treatment of religious organizations in the funding process and prohibits religious discrimination against beneficiaries.

- A. In the event that any court or administrative agency makes a finding of discrimination on grounds of race, color, religion, national origin, or sex against the applicant after a due process hearing, it agrees to forward a copy of the finding to the Office for Civil Rights, Office of Justice Programs, 810 7th Street, NW, Washington, D.C. 20531.
- B. If your organization is a government agency or private business and has received a single award for \$25,000 or more and has fifty or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare a Utilization Report and submit it to the Office for Civil Rights (OCR) within 120 days from the date of the award. Although the OCR has discretion to review all submitted Utilization Reports, it will review the Utilization Reports from recipients that receive an award of \$500,000 or more.

To begin developing a Utilization Report, please consult the OCR's website at <http://www.ojp.usdoj.gov/about/ocr/eeop.htm> and click EEO Reporting Tool Login. Additional assistance can be found online at the bottom of the same webpage by clicking the EEO Reporting Tool Job Aid and Frequently Asked Questions.

If your organization has less than fifty employees or receives an award of less than \$25,000 or is a nonprofit organization, a medical institution, an educational institution, or an Indian tribe, then it is exempt from the EEO requirement. To claim the exemption, however, your organization must certify that it is exempt by logging into the EEO Reporting Tool on the OCR website at <http://www.ojp.usdoj.gov/about/ocr/eeop.htm>, providing the contact and organizational profile information, and then submitting a Certificate of Exemption.

If you have further questions regarding the EEO requirements, you may contact an EEO specialist at the OCR by telephone at 202-307-0690, by TTY at 202-307-2027, or by e-mail at EEOforms@usdoj.gov.

- 9. Pursuant to U.S. Department of Justice guidelines (June 18, 2002 Federal Register, Volume 67, Number 117, pages 41455-41472), under Title VI of the Civil Rights Act of 1964, it will ensure meaningful access to its programs and activities by persons with limited English proficiency.
- 10. It will ensure that any facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the project are not listed on the Environmental Protection Agency' (EPA) list of Violating Facilities and that it will notify us if advised by the EPA that a facility to be used in this grant is under consideration for such listing by the EPA.
- 11. If the applicant's state has established a review and comment procedure under Executive Order 12372 and has selected this program for review, it has made this application available for review by the state Single Point of Contact.
- 12. It will submit all surveys, interview protocols, and other information collections to the COPS Office for submission to the Office of Management and Budget for clearance under the Paperwork Reduction Act of 1995 if required.

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13. It will comply with the Human Subjects Research Risk Protections requirements of 28 C.F.R. Part 46 if any part of the funded project contains non-exempt research or statistical activities which involve human subjects and also with 28 C.F.R. Part 22, requiring the safeguarding of individually identifiable information collected from research participants.
14. Pursuant to Executive Order 13043, it will enforce on-the-job seat belt policies and programs for employees when operating agency-owned - or - rented or personally-owned vehicles.
15. As required by 42 U.S.C. § 3796dd-3(a), it will not use COPS Office funds to supplant (replace) state, local, or Bureau of Indian Affairs funds that otherwise would be made available for the purposes of this award, as applicable.
16. If the award contains a retention requirement, it will retain the increased officer staffing level or the increased officer redeployment level, as applicable, with state or local funds for a minimum of 12 months following expiration of the award period.
17. It will not use any federal funding directly or indirectly to influence in any manner a Member of Congress, a jurisdiction, or an official of any government, to favor, adopt, or oppose, by vote or otherwise, any legislation, law ratification, policy or appropriation whether before or after the introduction of any bill, measure, or resolution proposing such legislation, law, ratification, policy or appropriation as set forth in the Anti-Lobby Act, 18 U.S.C. § 1913.
18. In the event that a portion of award reimbursements are seized to pay off delinquent federal debts through the Treasury Offset Program or other debt collection process, it agrees to increase the nonfederal share (or, if the award does not contain a cost sharing requirement, contribute a nonfederal share) equal to the amount seized in order to fully implement the award project.

False statements or claims made in connection with COPS Office award may result in fines, imprisonment, debarment from participating in federal awards or contracts, and/or any other remedy available by law.

I certify that the assurances provided are true and accurate to the best of my knowledge.

Elections or other selections of new officials will not relieve the recipient of its obligations under this award.

Signature of Law Enforcement Executive/Agency Executive Date

(For your electronic signature, please type in your name)

Signature of Government Executive/Financial Official Date

(For your electronic signature, please type in your name)

Appendix C. Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; Federal Taxes and Assessments; Drug-Free Workplace Requirements; and Coordination with Affected Agencies.

Although the U.S. Department of Justice has made every effort to simplify the application process, other provisions of federal law require us to seek your agency's certification regarding certain matters. Applicants should carefully review the statutes and regulations cited below and the instructions for certification to understand the requirements and whether they apply to a particular applicant. Signing this form complies with the certification and notice requirements under 28 C.F.R. Part 69 "New Restrictions on Lobbying"; 2 C.F.R. Part 2867 "Nonprocurement Debarment and Suspension"; 2 C.F.R. Part 200 "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards"; the general provisions in the applicable Appropriations Act; 28 C.F.R. Part 83 "Government-Wide Requirements for Drug-Free Workplace (Grants)"; and the Public Safety Partnership and Community Policing Act of 1994. The certifications shall be treated as a material representation of fact upon which reliance will be placed when the U.S. Department of Justice determines to make the covered award.

1. Lobbying

As required by 31 U.S.C. § 1352, implemented at 28 C.F.R. Part 69, for persons entering into a grant or cooperative agreement over \$100,000, and 2 C.F.R. § 200.450 as adopted by the U.S. Department of Justice in 2 C.F.R. § 2800.101, the applicant certifies to the following:

- A. No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the making of any federal grant; the entering into of any cooperative agreement; or the extension, continuation, renewal, amendment or modification of any federal grant or cooperative agreement.
- B. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.
- C. If applicant is a nonprofit organization or an institution of higher education, it will comply with the additional lobbying restrictions set forth in 2 C.F.R. § 200.450(c) as adopted by the U.S. Department of Justice in 2 C.F.R. § 2800.101.
- D. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

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2. Debarment, Suspension and Other Responsibility Matters (Direct Recipient)

Pursuant to Executive Order 12549, Debarment and Suspension, as implemented at 2 C.F.R. Part 2867, for prospective participants in primary covered transactions, as defined at 2 C.F.R. § 2867.20(a), and other requirements, the applicant certifies that it and its principals:

- A. Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of federal benefits by a state or federal court, or voluntarily excluded from covered transactions by any federal department or agency;
- B. Have not within a three-year period preceding this application been convicted of a felony criminal violation under any federal law, or been convicted or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state or local) or private agreement or transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion or receiving stolen property, making false claims, or obstruction of justice, or commission of any offense indicating a lack of business integrity or business honesty that seriously and directly affects your present responsibility;
- C. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any of the offenses enumerated in paragraph B. of this certification; and
- D. Have not within a three-year period preceding this application had one or more public transactions (federal, state or local) terminated for cause or default.

3. Mandatory Disclosure

Pursuant to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. § 200.113 as adopted by the U.S. Department of Justice in 2 C.F.R. § 2800.101, the applicant certifies that it:

- A. Has not violated any federal criminal law involving fraud, bribery, or gratuity that may potentially affect the federal award;
- B. Shall timely disclose in writing to the federal awarding agency or pass-through entity, as applicable, any violation of federal criminal law involving fraud, bribery, or gratuity that may potentially affect the federal award; and
- C. Shall require that the language of this certification be included in the award documents for all subawards (including subgrants and cooperative agreements) and shall require all subrecipients certify and disclose accordingly.

4. Federal Taxes and Assessments

- A. If applicable, an applicant who receives an award in excess of \$5,000,000 certifies that, to the best of its knowledge and belief, the applicant has filed all federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

- B. The applicant certifies that it does not have any unpaid federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability.

5. Drug-Free Workplace

As required by the Drug-Free Workplace Act of 1988 (41 U.S.C. § 8103), implemented at 28 C.F.R. Part 83, for recipients other than individuals as defined at 28 C.F.R. § 83.660 –

- A. The applicant certifies that it will, or will continue to, provide a drug-free workplace by doing the following:
- i. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
 - ii. Establishing an on-going drug-free awareness program to inform employees about –
 - a. the dangers of drug abuse in the workplace;
 - b. the grantee's policy of maintaining a drug-free workplace;
 - c. any available drug counseling, rehabilitation and employee assistance programs; and
 - d. the penalties that may be imposed upon employees for drug-abuse violations occurring in the workplace;
 - iii. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (i);
 - iv. Notifying the employee in the statement required by paragraph (i) that, as a condition of employment under the grant, the employee will –
 - a. abide by the terms of the statement; and
 - b. notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
 - v. Notifying the agency in writing within 10 calendar days after receiving notice under subparagraph (iv)(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: COPS Office, 145 N Street, NE, Washington, D.C. 20530. Notice shall include the identification number(s) of each affected grant;
 - vi. Taking one of the following actions within 30 calendar days of receiving notice under subparagraph (iv)(b) with respect to any employee who is so convicted –
 - a. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - b. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement or other appropriate agency;
 - vii. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (i), (ii), (iii), (iv), (v), and (vi).
- B. The applicant further certifies that it will identify all known workplaces under each COPS Office award, keep the identification documents on file, and make them available for inspection upon request by the U.S. Department of Justice officials or their designated representatives.

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6. Coordination

As required by 42 U.S.C. § 3796dd-1(c)(5) of the Public Safety Partnership and Community Policing Act of 1994, applicants must certify that there has been appropriate coordination with all agencies that may be affected by the applicant's grant proposal if approved. Affected agencies may include, among others, the Office of the United States Attorney, state or local prosecutors, or correctional agencies. The applicant certifies that there has been appropriate coordination with all affected agencies.

Where the applicant is unable to certify to any of the statements in this Certifications form, he or she shall attach an explanation to this application regarding the particular statement that cannot be certified.

Please check the box if an explanation is attached to this application. Please note that the applicant is still required to sign the Certifications form to certify to all the other applicable statements.

False statements or claims made in connection with COPS Office awards may result in fines, imprisonment, debarment from participating in federal awards or contracts, and/or any other remedy available by law.

I certify that the assurances provided are true and accurate to the best of my knowledge.

Elections or other selections of new officials will not relieve the recipient entity of its obligations under this award.

Signature of Law Enforcement Executive/Agency Executive

Date

(For your electronic signature, please type in your name)

Signature of Government Executive/Financial Official

Date

(For your electronic signature, please type in your name)

Appendix D. Compliance with 8 U.S.C. 1373

1. Authority to obligate or expend contingent on compliance with 8 U.S.C. 1373

NOTE: This grant condition applies only to State or local government entities or to non-State or local government entities that make subawards with these funds to a State or local government entity.

State or local government entity recipients of this award, and any subrecipient of this award at any tier that is an entity of a State or of a unit of local government, may not obligate or expend award funds if – at the time of the obligation or expenditure – the “program or activity” of the recipient funded in whole or in part with the award funds (which includes any such program or activity of any subrecipient at any tier) is subject to any prohibitions or restrictions on sending to, requesting or receiving from, maintaining, or exchanging information on citizenship or immigration status as described in 8 U.S.C. 1373(a) or (b), including any prohibitions or restrictions imposed or established by a State or local government entity or official.

A subrecipient of this award (at any tier) that is an entity of a State or of a unit of local government may not obligate or expend award funds if – at the time of the obligation or expenditure – the “program or activity” of the subrecipient (which includes any such program or activity of any subrecipient at any further tier) funded (in whole or in part) with award funds is subject to any prohibitions or restrictions on sending to, requesting or receiving from, maintaining, or exchanging information on citizenship or immigration status as described in 8 U.S.C. 1373(a) or (b), including any prohibitions or restrictions imposed by a State or local government entity or official.

Any obligations or expenditures of a recipient or subrecipient that are impermissible under this condition shall be unallowable costs for purposes of this award.

Rules of Construction. For purposes of this condition, “program or activity” means what it means under section 606 of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d-4a).

Pursuant to 8 U.S.C. 1551 note, references to the Immigration and Naturalization Service in 8 U.S.C. 1373 are to be read, as a legal matter, as references to particular components of the U.S. Department of Homeland Security.

Should any provision of a condition of this award be held to be invalid or unenforceable by its terms, then that provision shall first be applied with a limited construction so as to give it the maximum effect permitted by law (to any person or circumstance) under this award. Should it be held, instead, that a condition (or a provision thereof) is of utter invalidity or unenforceability, such condition (or such provision) shall be deemed severable from this award.

Any questions about the meaning or scope of this condition should be directed, prior to acceptance of this award, to the Office of Community Oriented Policing Services Legal Division at 202-514-3750.

Appendix E: Appendix II to Part 200—Contract Provisions for Non-Federal Entity Contracts Under Federal Awards

In addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the non-Federal entity under the Federal award must contain provisions covering the following, as applicable.

(A) Contracts for more than the simplified acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

(B) All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.

(C) Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of “federally assisted construction contract” in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, “Equal Employment Opportunity” (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and implementing regulations at 41 CFR part 60, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”

(D) Davis-Bacon Act, as amended (40 U.S.C. 3141-3148). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland “Anti-Kickback” Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

(E) Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the

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standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

(F) Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of "funding agreement" under 37 CFR §401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that "funding agreement," the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.

(G) Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended—Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

(H) Debarment and Suspension (Executive Orders 12549 and 12689)—A contract award (see 2 CFR 180.220) must not be made to parties listed on the government-wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), "Debarment and Suspension." SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

(I) Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)—Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

(J) See §200.322 Procurement of recovered materials.

[78 FR 78608, Dec. 26, 2013, as amended at 79 FR 75888, Dec. 19, 2014]

Appendix F: Appendix XII to Part 200—Award Term and Condition for Recipient Integrity and Performance Matters

General Reporting Requirement

If the total value of your currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this Federal award, then you as the recipient during that period of time must maintain the currency of information reported to the System for Award Management (SAM) that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIS)) about civil, criminal, or administrative proceedings described in paragraph 2 of this award term and condition. This is a statutory requirement under section 872 of Public Law 110-417, as amended (41 U.S.C. 2313). As required by section 3010 of Public Law 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.

Proceedings About Which You Must Report

Submit the information required about each proceeding that:

- a. Is in connection with the award or performance of a grant, cooperative agreement, or procurement contract from the Federal Government;
- b. Reached its final disposition during the most recent five year period; and
- c. Is one of the following:
 - (1) A criminal proceeding that resulted in a conviction, as defined in paragraph 5 of this award term and condition;
 - (2) A civil proceeding that resulted in a finding of fault and liability and payment of a monetary fine, penalty, reimbursement, restitution, or damages of \$5,000 or more;
 - (3) An administrative proceeding, as defined in paragraph 5. of this award term and condition, that resulted in a finding of fault and liability and your payment of either a monetary fine or penalty of \$5,000 or more or reimbursement, restitution, or damages in excess of \$100,000;

or

- (4) Any other criminal, civil, or administrative proceeding if:
 - (i) It could have led to an outcome described in paragraph 2.c.(1), (2), or (3) of this award term and condition;
 - (ii) It had a different disposition arrived at by consent or compromise with an acknowledgment of fault on your part; and
 - (iii) The requirement in this award term and condition to disclose information about the proceeding does not conflict with applicable laws and regulations.

Reporting Procedures

Enter in the SAM Entity Management area the information that SAM requires about each proceeding described in paragraph 2 of this award term and condition. You do not need to submit the information a second time under assistance awards that you received if you already provided the information through SAM because you were required to do so under Federal procurement contracts that you were awarded.

Reporting Frequency

During any period of time when you are subject to the requirement in paragraph 1 of this award term and condition, you must report proceedings information through SAM for the most recent five year period, either to report new information about any proceeding(s) that you have not reported previously or affirm that there is no new information to report. Recipients that have Federal contract, grant, and cooperative agreement awards with a cumulative total value greater than \$10,000,000 must disclose semiannually any information about the criminal, civil, and administrative proceedings.

Definitions

For purposes of this award term and condition:

- a. Administrative proceeding means a non-judicial process that is adjudicatory in nature in order to make a determination of fault or liability (e.g., Securities and Exchange Commission Administrative proceedings, Civilian Board of Contract Appeals proceedings, and Armed Services Board of Contract Appeals proceedings). This includes proceedings at the Federal and State level but only in connection with performance of a Federal contract or grant. It does not include audits, site visits, corrective plans, or inspection of deliverables.
- b. Conviction, for purposes of this award term and condition, means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere.
- c. Total value of currently active grants, cooperative agreements, and procurement contracts includes—
 - (1) Only the Federal share of the funding under any Federal award with a recipient cost share or match; and
 - (2) The value of all expected funding increments under a Federal award and options, even if not yet exercised.
- d. [Reserved]

[80 FR 43310, July 22, 2015]

Appendix G: 41 U.S.C. § 4712 - Pilot program for enhancement of contractor protection from reprisal for disclosure of certain information

Prohibition of reprisals

(1) In general. An employee of a contractor, subcontractor, or recipient may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body described in paragraph (2) information that the employee reasonably believes is evidence of gross mismanagement of a Federal contract or grant, a gross waste of Federal funds, an abuse of authority relating to a Federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a Federal contract (including the competition for or negotiation of a contract) or grant.

(2) Persons and bodies covered. The persons and bodies described in this paragraph are the persons and bodies as follows:

- (A) A Member of Congress or a representative of a committee of Congress.
- (B) An Inspector General.
- (C) The Government Accountability Office.
- (D) A Federal employee responsible for contract or award oversight or management at the relevant agency.
- (E) An authorized official of the Department of Justice or other law enforcement agency.
- (F) A court or grand jury.
- (G) A management official or other employee of the contractor, subcontractor, or recipient who has the responsibility to investigate, discover, or address misconduct.

(3) Rules of construction. For the purposes of paragraph (1)

(A) an employee who initiates or provides evidence of contractor, subcontractor, or recipient misconduct in any judicial or administrative proceeding relating to waste, fraud, or abuse on a Federal contract or award shall be deemed to have made a disclosure covered by such paragraph; and

(B) a reprisal described in paragraph (1) is prohibited even if it is undertaken at the request of an executive branch official, unless the request takes the form of a non-discretionary directive and is within the authority of the executive branch official making the request.

Investigation of complaints

(1) Submission of complaint. A person who believes that the person has been subjected to a reprisal prohibited by subsection (a) may submit a complaint to the Inspector General of the executive agency involved. Unless the Inspector General determines that the complaint is frivolous, fails to allege a violation of the prohibition in subsection (a), or has previously been addressed in another Federal or State judicial or administrative proceeding

initiated by the complainant, the Inspector General shall investigate the complaint and, upon completion of such investigation, submit a report of the findings of the investigation to the person, the contractor or recipient concerned, and the head of the agency.

(2) Inspector General action.

(A) Determination or submission of report on findings. Except as provided under subparagraph (B), the Inspector General shall make a determination that a complaint is frivolous, fails to allege a violation of the prohibition in subsection (a), or has previously been addressed in another Federal or State judicial or administrative proceeding initiated by the complainant or submit a report under paragraph (1) within 180 days after receiving the complaint.

(B) Extension of time. If the Inspector General is unable to complete an investigation in time to submit a report within the 180-day period specified in subparagraph (A) and the person submitting the complaint agrees to an extension of time, the Inspector General shall submit a report under paragraph (1) within such additional period of time, up to 180 days, as shall be agreed upon between the Inspector General and the person submitting the complaint.

(3) Prohibition on disclosure. The Inspector General may not respond to any inquiry or disclose any information from or about any person alleging the reprisal, except to the extent that such response or disclosure is

(A) made with the consent of the person alleging the reprisal;

(B) made in accordance with the provisions of section 552a of title 5 or as required by any other applicable Federal law; or

(C) necessary to conduct an investigation of the alleged reprisal.

(4) Time limitation. A complaint may not be brought under this subsection more than three years after the date on which the alleged reprisal took place.

Remedy and enforcement authority

(1) In general. Not later than 30 days after receiving an Inspector General report pursuant to subsection (b), the head of the executive agency concerned shall determine whether there is sufficient basis to conclude that the contractor or recipient concerned has subjected the complainant to a reprisal prohibited by subsection (a) and shall either issue an order denying relief or shall take one or more of the following actions:

(A) Order the contractor or recipient to take affirmative action to abate the reprisal.

(B) Order the contractor or recipient to reinstate the person to the position that the person held before the reprisal, together with compensatory damages (including back pay), employment benefits, and other terms and conditions of employment that would apply to the person in that position if the reprisal had not been taken.

(C) Order the contractor or recipient to pay the complainant an amount equal to the aggregate amount of all costs and expenses (including attorneys' fees and expert witnesses' fees) that were reasonably incurred by the complainant for, or in connection with, bringing the complaint regarding the reprisal, as determined by the head of the executive agency.

(2) Exhaustion of remedies. If the head of an executive agency issues an order denying relief under paragraph (1) or has not issued an order within 210 days after the submission of a complaint under subsection (b), or in the case of an extension of time under paragraph (b)(2)(B), not later than 30 days after the expiration of the extension of time, and there is no showing that such delay is due to the bad faith of the complainant, the complainant shall be deemed to have exhausted all administrative remedies with respect to the complaint, and the complainant may bring a de novo action at law or equity against the contractor or recipient to seek compensatory damages and other relief available under this section in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy. Such an action shall, at the request of either party to the action, be tried by the court with a jury. An action under this paragraph may not be brought more than two years after the date on which remedies are deemed to have been exhausted.

(3) Admissibility of evidence. An Inspector General determination and an agency head order denying relief under paragraph (2) shall be admissible in evidence in any de novo action at law or equity brought pursuant to this subsection.

(4) Enforcement of orders. Whenever a person fails to comply with an order issued under paragraph (1), the head of the executive agency concerned shall file an action for enforcement of such order in the United States district court for a district in which the reprisal was found to have occurred. In any action brought under this paragraph, the court may grant appropriate relief, including injunctive relief, compensatory and exemplary damages, and attorney fees and costs. The person upon whose behalf an order was issued may also file such an action or join in an action filed by the head of the executive agency.

(5) Judicial review. Any person adversely affected or aggrieved by an order issued under paragraph (1) may obtain review of the order's conformance with this subsection, and any regulations issued to carry out this section, in the United States court of appeals for a circuit in which the reprisal is alleged in the order to have occurred. No petition seeking such review may be filed more than 60 days after issuance of the order by the head of the executive agency. Review shall conform to chapter 7 of title 5. Filing such an appeal shall not act to stay the enforcement of the order of the head of an executive agency, unless a stay is specifically entered by the court.

(6) Burdens of proof. The legal burdens of proof specified in section 1221(e) of title 5 shall be controlling for the purposes of any investigation conducted by an Inspector General, decision by the head of an executive agency, or judicial or administrative proceeding to determine whether discrimination prohibited under this section has occurred.

(7) Rights and remedies not waivable. The rights and remedies provided for in this section may not be waived by any agreement, policy, form, or condition of employment.

Notification of employees

The head of each executive agency shall ensure that contractors, subcontractors, and recipients of the agency inform their employees in writing of the rights and remedies provided under this section, in the predominant native language of the workforce.

Construction

Nothing in this section may be construed to authorize the discharge of, demotion of, or discrimination against an employee for a disclosure other than a disclosure protected by subsection (a) or to modify or derogate from a right or remedy otherwise available to the employee.

Exceptions

- (1) This section shall not apply to any element of the intelligence community, as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).
- (2) This section shall not apply to any disclosure made by an employee of a contractor, subcontractor, or recipient of an element of the intelligence community if such disclosure--
 - (A) relates to an activity of an element of the intelligence community; or
 - (B) was discovered during contract, subcontract, or recipient services provided to an element of the intelligence community.

Definitions

In this section:

- (1) The term "abuse of authority" means an arbitrary and capricious exercise of authority that is inconsistent with the mission of the executive agency concerned or the successful performance of a contract or award of such agency.
- (2) The term "Inspector General" means an Inspector General appointed under the Inspector General Act of 1978 and any Inspector General that receives funding from, or has oversight over contracts or awards funded, for or on behalf of, the executive agency concerned.

Construction

Nothing in this section, or the amendments made by this section, shall be construed to provide any rights to disclose classified information not otherwise provided by law.

Duration of section

This section shall be in effect for the four-year period beginning on the date that is 180 days after the date the enactment of this section.

Appendix H. Intergovernmental review process, points of contact by state

Executive Order 12372 requires applicants from state and local units of government or other organizations or individuals providing service within a state to submit a copy of the application to the state single point of contact (SPOC), if one exists and if this program has been selected for review by the state. Before the application due date, you must contact your state SPOC to find out if this program has been selected for review and comply with the state's process under Executive Order 12372. The Catalog of Federal Domestic Assistance reference for this program is number 16.710, "Public Safety and Community Policing Grants."

A current list of state SPOCs is listed at <https://www.archives.gov/federal-register/codification/executive-order/12372.html>. States that are not listed have chosen not to participate in the intergovernmental review process and therefore do not have an SPOC.

Appendix I. Federal Funding Accountability and Transparency Act (FFATA)—Reporting subaward and executive compensation award term

Appendix A to Part 170—Award term

I. Reporting Subawards and Executive Compensation.

a. Reporting of first-tier subawards.

1. **Applicability.** Unless you are exempt as provided in paragraph d. of this award term, you must report each action that obligates \$25,000 or more in Federal funds that does not include Recovery funds (as defined in section 1512(a)(2) of the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5) for a subaward to an entity (see definitions in paragraph e. of this award term).

2. Where and when to report.

i. You must report each obligating action described in paragraph a.1. of this award term to <http://www.fsrs.gov>.

ii. For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)

3. **What to report.** You must report the information about each obligating action that the submission instructions posted at <http://www.fsrs.gov> specify.

b. Reporting Total Compensation of Recipient Executives.

1. **Applicability and what to report.** You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if—

i. the total Federal funding authorized to date under this award is \$25,000 or more;

ii. in the preceding fiscal year, you received—

(A) 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

(B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

iii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

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2. Where and when to report. You must report executive total compensation described in paragraph b.1. of this award term:

- i. As part of your registration profile at <https://www.sam.gov>.
- ii. By the end of the month following the month in which this award is made, and annually thereafter.

c. Reporting of Total Compensation of Subrecipient Executives.

1. Applicability and what to report. Unless you are exempt as provided in paragraph d. of this award term, for each first-tier subrecipient under this award, you shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if—

- i. in the subrecipient's preceding fiscal year, the subrecipient received—
 - (A) 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
 - (B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and
- ii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/excomp.htm>.)

2. Where and when to report. You must report subrecipient executive total compensation described in paragraph c.1. of this award term:

- i. To the recipient.
- ii. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (i.e., between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.

d. Exemptions

If, in the previous tax year, you had gross income, from all sources, under \$300,000, you are exempt from the requirements to report:

i. Subawards,

and

ii. The total compensation of the five most highly compensated executives of any subrecipient.

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e. Definitions. For purposes of this award term:

1. Entity means all of the following, as defined in 2 CFR part 25:

- i. A Governmental organization, which is a State, local government, or Indian tribe;
- ii. A foreign public entity;
- iii. A domestic or foreign nonprofit organization;
- iv. A domestic or foreign for-profit organization;
- v. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.

2. Executive means officers, managing partners, or any other employees in management positions.

3. Subaward:

- i. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
- ii. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. __.210 of the attachment to OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations").
- iii. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.

4. Subrecipient means an entity that:

- i. Receives a subaward from you (the recipient) under this award; and
- ii. Is accountable to you for the use of the Federal funds provided by the subaward.

5. Total compensation means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):

- i. Salary and bonus.
- ii. Awards of stock, stock options, and stock appreciation rights. Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.
- iii. Earnings for services under non-equity incentive plans. This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.

iv. Change in pension value. This is the change in present value of defined benefit and actuarial pension plans.

v. Above-market earnings on deferred compensation which is not tax-qualified.

vi. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.

Appendix J. System for Award Management (SAM) and universal identifier award term

Appendix A to Part 25—Award Term

I. System for Award Management and Universal Identifier Requirements

A. Requirement for System for Award Management

Unless you are exempted from this requirement under 2 CFR 25.110, you as the recipient must maintain the currency of your information in the SAM until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another award term.

B. Requirement for unique entity identifier

If you are authorized to make subawards under this award, you:

1. Must notify potential subrecipients that no entity (see definition in paragraph C of this award term) may receive a subaward from you unless the entity has provided its unique entity identifier to you.
2. May not make a subaward to an entity unless the entity has provided its unique entity identifier to you.

C. Definitions

For purposes of this award term:

1. System for Award Management (SAM) means the Federal repository into which an entity must provide information required for the conduct of business as a recipient. Additional information about registration procedures may be found at the SAM Internet site (currently at www.sam.gov).
2. Unique entity identifier means the identifier required for SAM registration to uniquely identify business entities.
3. Entity, as it is used in this award term, means all of the following, as defined at 2 CFR part 25, subpart C:
 - a. A Governmental organization, which is a State, local government, or Indian Tribe;
 - b. A foreign public entity;
 - c. A domestic or foreign nonprofit organization;
 - d. A domestic or foreign for-profit organization; and
 - e. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.

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4. Subaward:

- a. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
- b. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see 2 CFR 200.330).
- c. A subaward may be provided through any legal agreement, including an agreement that you consider a contract.

5. Subrecipient means an entity that:

- a. Receives a subaward from you under this award; and
- b. Is accountable to you for the use of the Federal funds provided by the subaward.

Appendix K. Step-by-step instructions for two-part application submission process

FY 2017 COPS Office grant online application procedures

Note: If your agency has previously applied for grants using Grants.gov, and you already have an account set up with your username and password, please skip Step 1 and proceed to Step 2. For additional instructions on how to register with Grants.gov please visit <https://www.grants.gov/web/grants/applicants/organization-registration.html>.

Step 1

Please click the link below for details on how to register with Grants.gov.

Steps for registering with Grants.gov https://www.grants.gov/help/html/help/index.htm?callingApp=custom#t=Get_Started%2FGet_Started.htm.

Step 2. Submitting a COPS Office grant application using Grants.gov

1. Log in to www.grants.gov.
2. Scroll to the center of the page and click the "Apply for Grants" link in the center of the page.
3. Click on the "Download a Grant Application Package" link.
4. Scroll down to the "Funding Opportunity Number" box and enter COPS-AHTF-Application-2017. Then click on "Download Package."
5. Click the "Download" link at the bottom right of the page under the "Instructions & Application" heading.
6. To view the SF-424 instructions, click the "Download Application Instructions" link.
7. To start the application, click "Download Application Package," which is the second link.
8. Enter an application filing name of your choice (e.g., agency legal name and program type for which you are applying) into the "Application File Name" text box, which is highlighted yellow with a red border.
9. In the "Mandatory Documents" field, do the following:
 - i. Select the "Application for Federal Assistance (SF-424)" document then click on the "Move Form to Complete" button so that the form appears under the "Mandatory Documents for Submission" field.
 - ii. Select "COPS Short Application Attachment to SF-424," then click the "Move Form to Complete" button so that the form appears under the "Mandatory Documents for Submission" field.
10. Select "Application for Federal Assistance" and click on the "Open Form" button. Be sure to fill in all required fields on the displayed documents, which are highlighted yellow with red borders. Last, select the program to which you are applying and enter or re-enter a correct ORI.
11. Click the "Save" button at the very top of the document.
12. In the "Save As" dialogue box, do the following:
 - a. Select a location that is easy to find within your computer (e.g., Desktop or My Documents).
 - b. Select the "Save" button to save the file to your selected location on your computer.

** Note: You will be required to save this document twice. You may either save it in the same location, which will overwrite the first one, or save it in a different location for redundancy.

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13. Click on the "Save & Submit" button at the top of the document.
14. In the "Save As" dialogue box, do the following:
 - a. Select a location that is easy to find within your computer (e.g., Desktop or My Documents).
 - b. Select the "Save As" button to save the file to your selected location on your computer.
15. Enter your username and password for the authorized organizational representative (AOR). This is set up while registering with Grants.gov.
16. Wait until "Confirmation Page" appears to close the document.
Take note of the grant ID number provided by Grants.gov for your file.
17. After the SF-424 has been successfully submitted, you will receive three e-mails from Grants.gov:
 - a. One e-mail thanking the applicant for submission
 - b. A second e-mail confirming Grants.gov validation
 - c. A third e-mail stating the application was received by the agency
18. Within one business day, you will receive one of two e-mails from the COPS Office:
 - a. An e-mail stating your application passed the COPS Office validation and providing a link to the COPS Office Application Program System.

Or

 - iii. b. An e-mail stating that the COPS Office validation failed and that the issues must be corrected and resubmitted.

Correcting COPS Office validation errors

1. Open the application that was saved in step 12 above.
2. Edit fields that had errors.
3. Select the "Save & Submit" button.
4. In the "Save As" dialogue box, do the following:
 - a. Select a location that is easy to find within your computer (e.g., Desktop or My Documents).
 - b. Select the "Save" button to save the file to your selected location on your computer.
Overwrite the existing application or save as a different file name on your computer.
5. Enter your username and password for the AOR account.
6. Wait until "Confirmation Page" appears to close the document.
Take note of the new grant ID number provided by Grants.gov for your file.
7. After the SF-424 has been successfully submitted, you will receive three e-mails from Grants.gov.
 - a. One e-mail thanking the applicant for submission.
 - b. A second e-mail confirming Grants.gov validation.
 - c. A third e-mail stating the application was received by the agency.
8. Within one business day, you will receive one of two e-mails from the COPS Office:
 - iv. a. An e-mail stating your application passed the COPS Office validation and providing a link to the COPS Office Application Program System.

Or

 - b. An e-mail stating that the COPS Office validation failed and that the issues must be corrected and resubmitted.

Paperwork Reduction Act Notice

The public reporting burden for this collection of information is estimated to be up to 11.3 hours per response, depending upon the COPS Office program being applied for, which includes time for reviewing instructions. Send comments regarding this burden estimate or any other aspects of the collection of this information, including suggestions for reducing this burden, to the Office of Community Oriented Policing Services, U.S. Department of Justice, 145 N Street NE, Washington, DC 20530; and to the Public Use Reports Project, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

You are not required to respond to this collection of information unless it displays a valid OMB control number. The OMB control number for this application is 1103-0098, and the expiration date is 05/31/2020.

About the COPS Office

The **Office of Community Oriented Policing Services (COPS Office)** is the component of the U.S. Department of Justice responsible for advancing the practice of community policing by the nation's state, local, territory, and tribal law enforcement agencies through information and award resources.

Community policing is a philosophy that promotes organizational strategies that support the systematic use of partnerships and problem-solving techniques, to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime.

Rather than simply responding to crimes once they have been committed, community policing concentrates on preventing crime and eliminating the atmosphere of fear it creates. Earning the trust of the community and making those individuals stakeholders in their own safety enables law enforcement to better understand and address both the needs of the community and the factors that contribute to crime.

The COPS Office awards funding to state, local, territory, and tribal law enforcement agencies to hire and train community policing professionals, acquire and deploy cutting-edge crime fighting technologies, and develop and test innovative policing strategies. COPS Office funding also provides training and technical assistance to community members and local government leaders and all levels of law enforcement. The COPS Office has produced and compiled a broad range of information resources that can help law enforcement better address specific crime and operational issues, and help community leaders better understand how to work cooperatively with their law enforcement agency to reduce crime.

- Since 1994, the COPS Office has invested more than \$14 billion to add community policing officers to the nation's streets, enhance crime fighting technology, support crime prevention initiatives, and provide training and technical assistance to help advance community policing.
- To date, the COPS Office has funded more than 129,000 additional officers to over 13,000 of the nation's 18,000 law enforcement agencies across the country in small and large jurisdictions alike.
- Nearly 700,000 law enforcement personnel, community members, and government leaders have been trained through COPS Office-funded training organizations.
- To date, the COPS Office has distributed more than 2 million topic-specific publications, training curricula, white papers, and resource CDs.

COPS Office resources, covering a wide breadth of community policing topics—from school and campus safety to gang violence—are available, at no cost, through its online Resource Center at www.cops.usdoj.gov. This easy-to-navigate website is also the grant application portal, providing access to online application forms.



U.S. Department of Justice
Office of Community Oriented Policing Services
145 N Street NE
Washington, DC 20530

To obtain details about COPS Office programs, call the COPS Office Response Center at 800-421-6770.

Visit the COPS Office online: www.cops.usdoj.gov

Published May 2017

CERTIFICATE OF SERVICE

Case Name: State v. Sessions No. 17-cv-4701

I hereby certify that on October 13, 2017, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

FIRST AMENDED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

I further certify that some of the participants in the case are not registered CM/ECF users. On October 13, 2017, I sent by electronic mail to the following non-CM/ECF participant:

W. Scott Simpson
U.S. Department of Justice
Room 7210
Post Office Box 883
Washington, VA 20044
Email Address: (b)(6) per CIV

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on August 25, 2017, at Los Angeles, California.

Haiarpi Petrosyan
Declarant

/s/Haiarpi Petrosyan
Signature

Whitaker, Matthew (OAG)

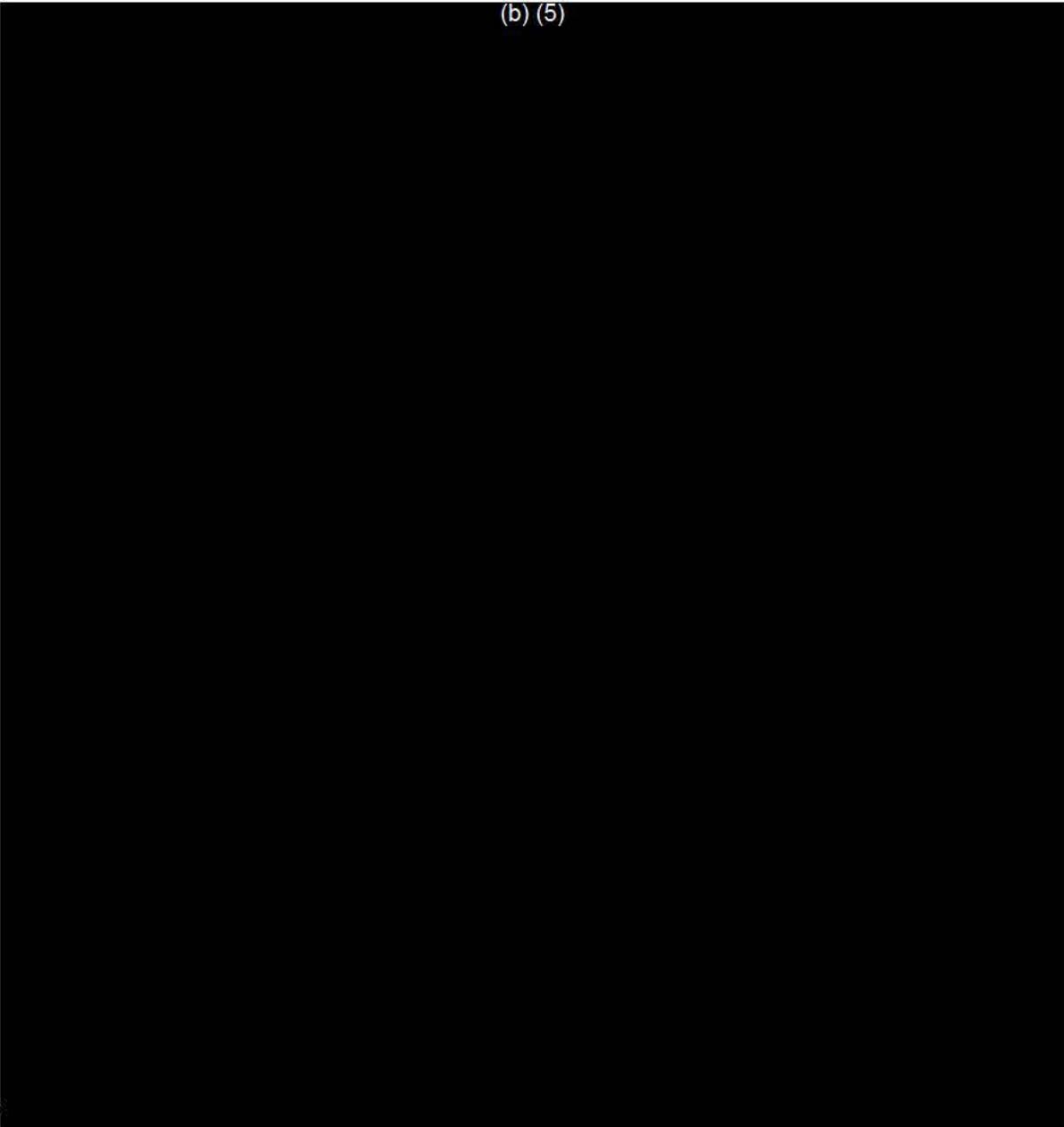
From: Whitaker, Matthew (OAG)
Sent: Wednesday, May 2, 2018 3:01 PM
To: O'Malley, Devin (OPA)
Subject: Re: 3:00 PM APPROVAL: Southwest Border Resources Press Release (w/ AG Quote)

Good

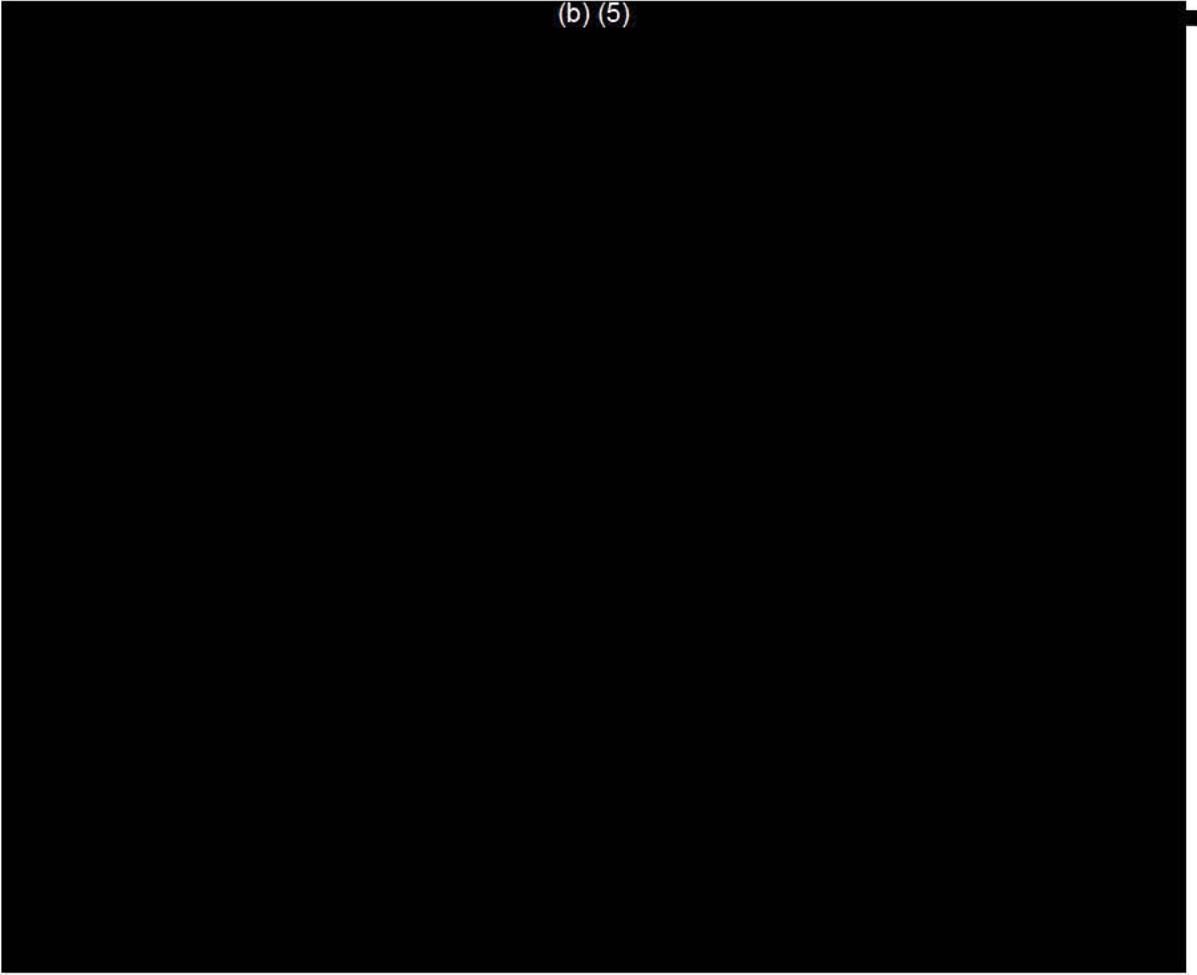
On May 2, 2018, at 2:40 PM, O'Malley, Devin (OPA) <domalley@jmd.usdoj.gov> wrote:

Reviewed by: Iris Lan, Gene Hamilton, and James McHenry.

(b) (5)



(b) (5)



Devin M. O'Malley
Department of Justice
Office of Public Affairs
Office: (202) 353-8763
Cell: (b) (6)

Williams, Beth A (OLP)

From: Williams, Beth A (OLP)
Sent: Monday, May 7, 2018 7:16 PM
To: Champoux, Mark (OLP)
Subject: FW: Report update and handoff
Attachments: For Review-Report and Action Plan on Securing the Southern Border DOJ edits 5 7 pm.docx

Have you seen this?

Beth A. Williams
Assistant Attorney General
Office of Legal Policy
U.S. Department of Justice
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530
Office: (202) 514-4601
Beth.A.Williams@usdoj.gov

From: Rothenberg, Laurence E (OLP)
Sent: Monday, May 7, 2018 5:08 PM
To: McHenry, James (EOIR) <James.McHenry@EOIR.USDOJ.GOV>; Hamilton, Gene (OAG) <gghamilton@jmd.usdoj.gov>; Wetmore, David H. (ODAG) <dhwetmore@jmd.usdoj.gov>; Lan, Iris (ODAG) <irlan@jmd.usdoj.gov>; Williams, Beth A (OLP) <bawilliams@jmd.usdoj.gov>
Subject: RE: Report update and handoff

(b) (5)

. Pls let me know if you have any edits to this asap so I can get to DHS.

From: McHenry, James (EOIR)
Sent: Monday, May 07, 2018 3:37 PM
To: Champoux, Mark (OLP) <mchampoux@jmd.usdoj.gov>; Rothenberg, Laurence E (OLP) <lrothenberg@jmd.usdoj.gov>; Wetmore, David H. (ODAG) <dhwetmore@jmd.usdoj.gov>; Lichter, Jennifer (OLP) <jlichter@jmd.usdoj.gov>
Cc: Hamilton, Gene (OAG) <gghamilton@jmd.usdoj.gov>
Subject: RE: Report update and handoff

Suggestions in the attached.

From: Champoux, Mark (OLP)
Sent: Monday, May 07, 2018 10:07 AM
To: Rothenberg, Laurence E (OLP) <lrothenberg@jmd.usdoj.gov>; Wetmore, David H. (ODAG) <dhwetmore@jmd.usdoj.gov>; McHenry, James (EOIR) <James.McHenry@EOIR.USDOJ.GOV>; Lichter, Jennifer (OLP) <jlichter@jmd.usdoj.gov>
Cc: Hamilton, Gene (OAG) <gghamilton@jmd.usdoj.gov>
Subject: FW: Report update and handoff

Team,

See below for the latest on the DSH-led rewrite. Attached is the latest version. They're looking for additional inputs today. As far as I can tell, I think there are four things we should work to get them by mid-afternoon if possible:

1. [REDACTED] (b) (5) [REDACTED]
[REDACTED]
2. [REDACTED] (b) (5) [REDACTED]
[REDACTED]
3. [REDACTED] (b) (5) [REDACTED]
[REDACTED]
4. [REDACTED] (b) (5) [REDACTED]
[REDACTED]

Larry and Jennie here at OLP will help coordinate and put these pieces together. We're open to other thoughts and suggestions.

Thanks all. Apologies for the fire drill.

MC

(202) 514-6131

From: [REDACTED] (b)(6), (b)(7)(C) per CBP
Sent: Monday, May 7, 2018 9:31 AM
To: Rohr, Karl [REDACTED] (b)(6) per DHS ; PETERLIN, MEGHANN K [REDACTED] (b)(6), (b)(7)(C) per CBP
Cc: Abbott, Christian [REDACTED] (b)(6) per DHS ; [REDACTED] (b)(6) per DOD USCG OSD OUSD POLICY (US) [REDACTED] (b)(6) per DOD [REDACTED] ; Champoux, Mark (OLP) <mchampoux@jmd.usdoj.gov>; Seguin, Debbie [REDACTED] (b)(6), (b)(7)(C) per ICE > [REDACTED] (b)(6) per DHS [REDACTED] (b)(6) per DHS ; Stoddard, Kaitlin V [REDACTED] (b)(6) per USCIS > [REDACTED] (b)(6) per DHS [REDACTED] (b)(6) per DHS > [REDACTED] (b)(6) per DHS [REDACTED] (b)(6) per DHS > [REDACTED] (b)(6) per DHS > [REDACTED] (b)(6) per DHS
Subject: RE: Report update and handoff

Many thanks, Karl. We're reorganizing the draft now against Miles' outline to see where we need more information. [REDACTED] (b)(5) per DHS

[REDACTED]

[REDACTED] (b)(5) per CBP

(b)(5) per CBP



I fear that I'm pushing on everyone's pain points with these questions, and please know that I'm not trying to push any agenda here. If the task is to outline the limitations in the current system and what we are doing to address them, however, proactive language from your offices on these topics will help make a better draft today.

Thank you,

(b)(6), (b)(7)(C) per CBP

(b)(6), (b)(7)(C) per CBP

Deputy Chief of Staff – Policy
Office of the Commissioner
U.S. Customs and Border Protection

(b)(6), (b)(7)(C) per CBP

From: Rohr, Karl

Sent: Monday, May 7, 2018 8:58 AM

To: PETERLIN, MEGHANN K (b)(6), (b)(7)(C) per CBP > (b)(6), (b)(7)(C) per CBP

(b)(6), (b)(7)(C) per CBP

Cc: Abbott, Christian (b)(6) per DHS ; (b)(6) per DOD USCg OSD OUSD POLICY (US) (b)(6) per DOD >; Champoux, Mark (OLP) <Mark.Champoux@usdoj.gov>; Seguin, Debbie (b)(6), (b)(7)(C) per ICE ; (b)(6) per DHS (b)(6) per DHS Stoddard, Kaitlin V (b)(6) per USCIS > (b)(6) per DHS (b)(6) per DHS >; (b)(6) per DHS (b)(6) per DHS >; (b)(6) per DHS (b)(6) per DHS

Subject: Report update and handoff

Meghann and (b)(6), (b)(7)(C) per C

This email is a handoff from PLCY back to CBP. I am including in the CC line the Action Officers from DHS ExecSec, ICE, USCIS, OGC, DOD and DOJ. PLCY is on standby to assist as you develop the document further. I included Admiral Jones (DHS MILADV) as he can help you get POC's at USCG if you need them.

I have attached the last working version PLCY has of the report. It includes the latest comments/concerns

from DOD and DOJ as of Saturday the 5th. I have also added in Miles Taylors new format and placed his recommendations in as comments next to the new headers.

The initial update to the document should be fairly easy, entailing a reordering of the information already provided. As you do this you could leave space for DOJ, DOD, and potentially DOS additional inputs.

PLCY had set up a 1030 conference call with ICE, CBP, PLCY USCIS, and USCG at 1030. This call is available to you. We had set up a secondary call at 230 with DOJ, HHS, and DOD ostensibly these calls are for the follow on reports but you can use them to discuss the current report if you like.

Karl C. Rohr, PhD.
Chief, Prevention Planning Division
Strategy, Plans, Analysis, & Risk (SPAR)/Plans
DHS Office of Policy

(b)(6) per DHS

Whitaker, Matthew (OAG)

From: Whitaker, Matthew (OAG)
Sent: Tuesday, May 8, 2018 4:42 PM
To: Lofthus, Lee J (JMD)
Cc: Terwilliger, Zachary (ODAG); Lauria, Jolene A (JMD)
Subject: Re: meeting to discuss increased immigration violation prosecutions

Let me get with Zach and get back to you.

> On May 8, 2018, at 4:22 PM, Lofthus, Lee J (JMD) <llofthus@jmd.usdoj.gov> wrote:

>
> Matt, Zach - OMB is convening a meeting Friday to determine budget implications of immigration enforcement ramp up. See below and attached. They want a meeting Friday afternoon. Jolene and/or I can attend as the budget people, but DOJ also needs to send a couple or so policy folks who can speak to what the AG and DAG are planning on our side. (b)(5) per JMD

Who should go as policy Reps? Lee

>
> Sent from my iPhone
>
> Begin forwarded message:

> From: "Boden, James EOP/OMB" (b)(6) per OMB <mailto:(b)(6) per OMB

> To: "Lofthus, Lee J (JMD)" <llofthus@jmd.usdoj.gov<mailto:llofthus@jmd.usdoj.gov>>

> Cc: "Newman, Kimberly A. EOP/OMB" (b)(6) per OMB <mailto:(b)(6) per OMB

> Subject: meeting to discuss increased immigration violation prosecutions

> We are convening a meeting to discuss implementation issues related to the increased immigration violation prosecutions. (b)(5) per OMB

Could you help us identify the right people to invite. The meeting is planned for Friday at 11 am. I am forwarding you a meeting invite.

> From the memo:

> (b)(5) per OMB

Whitaker, Matthew (OAG)

From: Whitaker, Matthew (OAG)
Sent: Tuesday, May 8, 2018 4:50 PM
To: Terwilliger, Zachary (ODAG)
Cc: Lofthus, Lee J (JMD); Lauria, Jolene A (JMD)
Subject: Re: meeting to discuss increased immigration violation prosecutions

Yes, that is the correct group

> On May 8, 2018, at 4:49 PM, Terwilliger, Zachary (ODAG) <zterwilliger@jmd.usdoj.gov> wrote:
>
> Matt,
> Do you think Gene, Iris, and McHenry?
>
>> On May 8, 2018, at 4:22 PM, Lofthus, Lee J (JMD) <llofthus@jmd.usdoj.gov> wrote:
>>

Duplicative Material



Whitaker, Matthew (OAG)

From: Whitaker, Matthew (OAG)
Sent: Friday, May 11, 2018 2:26 PM
To: Hamilton, Gene (OAG)
Subject: Fwd: ADL Letter to Attorney General Sessions and Secretary Nielsen Regarding "Zero-Tolerance" Policy for Migrant Families
Attachments: image001.jpg; ATT00001.htm; ADL Letter to DOJ DHS 051118.pdf; ATT00002.htm

FYSA

Begin forwarded message:

From: "Woodbury, Sarah" <SWoodbury@adl.org>
Date: May 11, 2018 at 1:09:14 PM CDT
To: "attorney.general@usdoj.gov" <attorney.general@usdoj.gov>
Cc: "matthew.whitaker@usdoj.gov" <matthew.whitaker@usdoj.gov>
Subject: **ADL Letter to Attorney General Sessions and Secretary Nielsen Regarding "Zero-Tolerance" Policy for Migrant Families**

Dear Attorney General Sessions,

Attached please find a letter from ADL CEO Jonathan Greenblatt, expressing our deep concern and strong opposition to the new expansion upon your "zero-tolerance" policy for migrant families seeking to cross the border. We urge you to withdraw plans for implementation of this policy, which harms families and goes against America's core values.

Thank you for your attention to this issue.

Sincerely,

Sarah Woodbury | Operations and Field Outreach Coordinator
Anti-Defamation League | 1100 Connecticut Avenue, NW Suite 1020 | Washington, DC 20036
202-261-4601 | swoodbury@adl.org