

BUREAU OF JUSTICE ASSISTANCE

# BJA FY 2022 – 2023 Byrne State Crisis Intervention Program Formula Solicitation

Brenda Worthington, Associate Deputy Director, BJA  
Erin Pfeltz, Division Chief, BJA

Thursday, November 10, 2022  
1:00 pm eastern time



**BJA**  
Bureau of Justice Assistance  
U.S. Department of Justice

SECTION 1

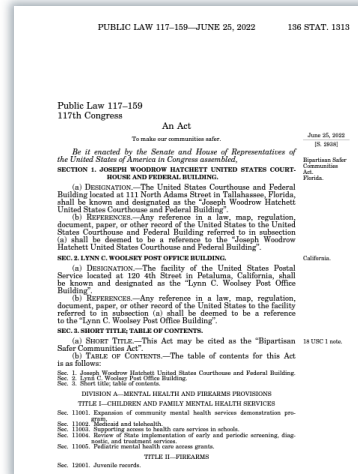
# BACKGROUND



**BJA**  
Bureau of Justice Assistance  
U.S. Department of Justice

# Background

- On June 25, 2022, President Biden signed the [Bipartisan Safer Communities Act of 2022](#) into law to reduce gun violence and save lives, and to make progress toward keeping guns out of dangerous hands.
- The Bipartisan Safer Communities Act also seeks to ensure that extreme risk protection order laws — commonly referred to as “red flag laws” — and programs are implemented in accordance with the Constitution and provide for adequate due process protections.



Pablo Martinez Monsivais/AP

# Background

- The Bipartisan Safer Communities Act amended the [Edward Byrne Memorial Justice Assistance Grant \(JAG\) Statute](#):
  - Additional program area: Implementation of state crisis intervention court proceedings and related programs or initiatives, including, but not limited to— (i) mental health courts, (ii) drug courts, (iii) veterans courts, and (iv) extreme risk protection order (ERPO) programs.
  - Added minimum requirements for ERPO programs.
  - Expanded the general authorization to include “civil proceedings” in addition to criminal justice.
  - Added an annual report and evaluation requirement for crisis intervention programs.

# Background

- The Bipartisan Safer Communities Act appropriated \$150 million per year for 5 years (FY 2022 – FY 2026) specifically for the new state crisis intervention court proceedings and related program initiatives program area.



*Byrne State Crisis Intervention Program funds are **NOT** JAG funds.*

## SECTION 2

# SOLICITATION OVERVIEW



**BJA**  
Bureau of Justice Assistance  
U.S. Department of Justice

# Solicitation Overview

The Byrne State Crisis Intervention Program (SCIP) provides formula funds to implement state crisis intervention court proceedings and related programs or initiatives, including, but not limited to, ERPO programs that work to keep guns out of the hands of those who pose a threat to themselves or others, mental health courts, drug courts, and veterans treatment courts.

- **Solicitation Full Title:** [FY 2022 - 2023 Byrne State Crisis Intervention Program Formula Solicitation](#)
- **Opportunity ID:** O-BJA-2023-171458
- **Posting Date:** October 19, 2022
- **Grants.gov Deadline:** December 12, 2022
- **JustGrants Deadline:** December 19, 2022
- **Total amount to be awarded under solicitation:** \$257,787,550 (up to 56 awards)

# Period of Performance and Extensions

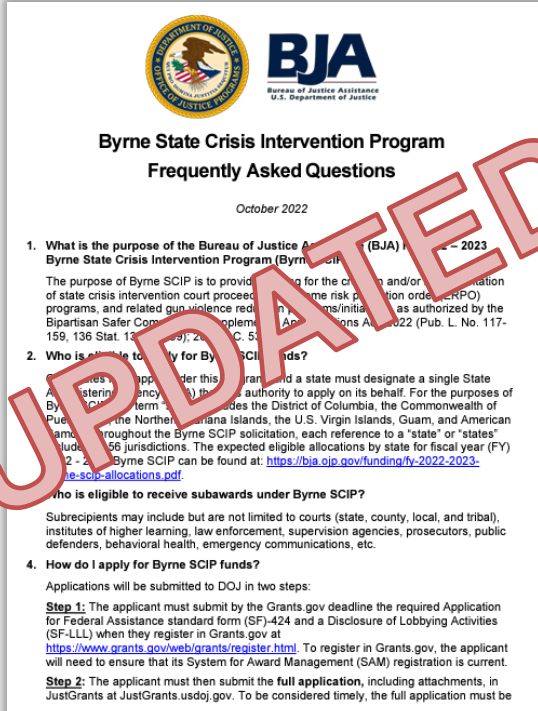


- **Project period length:** 48 months
- **Project period start date:** October 1, 2022
- **Project period end date:** September 30, 2026
- **Extensions:** Option to request a one-time, up to 12-month project period extension



# Frequently Asked Questions

- [Byrne SCIP Frequently Asked Questions \(FAQs\)](#) are available on the [BJA webpage](#) for this solicitation.
- Updated November 10, 2022.
- Questions and answers range from general solicitation information to detailed program requirements.

**Byrne State Crisis Intervention Program**  
**Frequently Asked Questions**  
October 2022

1. **What is the purpose of the Bureau of Justice Assistance (BJA) Byrne State Crisis Intervention Program (Byrne SCIP) for FY 2022-2023?**  
The purpose of Byrne SCIP is to provide funding for the creation and/or continuation of state crisis intervention court proceedings, same risk prevention order (SRPO) programs, and related gun violence reduction programs/initiatives as authorized by the Bipartisan Safer Communities Act (Pub. L. No. 117-159, 136 Stat. 1326-1329); 28 U.S.C. 5302.

2. **Who is eligible to apply for Byrne SCIP funds?**  
States approved under this program and a state must designate a single State Administrative Agency (SAA) that has authority to apply on its behalf. For the purposes of Byrne SCIP, the term "state" includes the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the U.S. Virgin Islands, Guam, and American Samoa. Throughout the Byrne SCIP solicitation, each reference to a "state" or "states" includes all 56 jurisdictions. The expected eligible allocations by state for fiscal year (FY) 2022-2023 Byrne SCIP can be found at: <https://bia.ojp.gov/funding/fy-2022-2023-byrne-scip-allocations.pdf>.

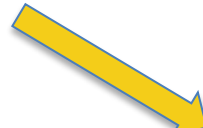
**Who is eligible to receive subawards under Byrne SCIP?**  
Subrecipients may include but are not limited to courts (state, county, local, and tribal), institutes of higher learning, law enforcement, supervision agencies, prosecutors, public defenders, behavioral health, emergency communications, etc.

4. **How do I apply for Byrne SCIP funds?**  
Applications will be submitted to DOJ in two steps:  
**Step 1:** The applicant must submit by the Grants.gov deadline the required Application for Federal Assistance standard form (SF)-424 and a Disclosure of Lobbying Activities (SF-LLL) when they register in Grants.gov at <https://www.grants.gov/web/grants/register.html>. To register in Grants.gov, the applicant will need to ensure that its System for Award Management (SAM) registration is current.  
**Step 2:** The applicant must then submit the full application, including attachments, in JustGrants at [JustGrants.usdoj.gov](https://www.justgrants.usdoj.gov). To be considered timely, the full application must be

# Eligibility

- Only states may apply under Byrne SCIP, and states must designate a single State Administering Agency (SAA) that has authority to apply on their behalf.
- 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.
- Mirrors the State JAG Program's eligibility requirements

## FY 2022 – 2023 Byrne SCIP



OMB No. 1121-0329  
Approval Expires: 12/31/2023

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

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**BJA FY 2022 Edward Byrne Memorial Justice Assistance Grant Program – State Solicitation**

Assistance Listing Number #: 16.738  
 Grants.gov Opportunity Number: O-BJA-2022-171322  
 Solicitation Release Date: June 14, 2022 12:20 PM  
 Grants.gov Deadline: July 27, 2022 8:58 PM  
 Application JustGrants Deadline: August 01, 2022 8:58 PM

**Overview**  
 The U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA) seeks applications for funding for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program. This program furthers the DOJ's mission by assisting state, local, and tribal law enforcement efforts to prevent or reduce crime and violence and to improve the administration of the criminal justice system.

This solicitation incorporates the [OJP Grant Application Resource Guide](#) by reference. The OJP Grant Application Resource Guide provides guidance to applicants on how to prepare and submit applications for funding to OJP. **If this solicitation expressly modifies any provision in the OJP Grant Application Resource Guide, the applicant is to follow the guidelines in this solicitation as to that provision.**

This solicitation expressly modifies the OJP Grant Application Resource Guide by not incorporating the "Limitation on Use of Award Funds for Employee Compensation; Waiver" provisions in the "Financial Information" section of the [OJP Grant Application Resource Guide](#).

**Eligible Applicants:**  
 State governments, Other

**Other**  
 Only states may apply under this solicitation, and states must designate a single [State Administering Agency \(SAA\)](#) that has authority to apply on their behalf. For purposes of this solicitation, 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 56 jurisdictions.) The expected eligible allocations by state for the fiscal year (FY) 2022 JAG Program can be found at: [Fiscal Year \(FY\) 2022 State Edward Byrne Memorial Justice Assistance Grant \(JAG\) Allocations \(PDF\)](#).

All recipients and subrecipients (including any for-profit organizations) must forgo any profit or management fee.

OMB No. 1121-0329  
Expires: 12/31/2023

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

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**BJA FY 2022 - 2023 Byrne State Crisis Intervention Program Formula Solicitation**

Assistance Listing Number #: 16.738  
 Grants.gov Opportunity Number: O-BJA-2023-171458  
 Solicitation Release Date: October 18, 2022 10:00 AM ET  
 Application Grants.gov Deadline: December 12, 2022 8:58 PM ET  
 Application JustGrants Deadline: December 19, 2022 8:58 PM ET

**Overview**  
 The U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA) seeks applications for funding for the Byrne State Crisis Intervention Program (Byrne SCIP). This program furthers DOJ's mission by assisting state, local, and tribal efforts to prevent or reduce crime and violence, with a particular focus on gun violence and the programs and initiatives that target the risk factors that are likely to lead to this kind of violence.

This solicitation incorporates the [OJP Grant Application Resource Guide](#) by reference. The OJP Grant Application Resource Guide provides guidance to applicants on how to prepare and submit applications for funding to OJP. **If this solicitation expressly modifies any provision in the OJP Grant Application Resource Guide, the applicant is to follow the guidelines in this solicitation as to that provision.**

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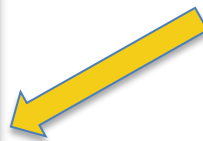
**Eligible Applicants:**  
 State governments, Other

**Other**  
 Only states may apply under this solicitation, and states must designate a single [State Administering Agency \(SAA\)](#) that has authority to apply on their behalf. For purposes of Byrne SCIP, 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 56 jurisdictions.) The expected eligible allocations by state for fiscal year (FY) 2022-2023 Byrne SCIP can be found at: [https://bja.op.gov/funding/2022-2023-byrne-scip-allocations.pdf](#).

**Note:** This solicitation combines the funds available for FY 2022 and FY 2023. Only one application per state should be submitted.

All recipients and subrecipients (including any for-profit organizations) must forgo any profit or management fee. Subrecipients may include but are not limited to courts (state, county, local, and tribal), institutes of higher learning, law enforcement, supervision agencies, prosecutors, public defenders, behavioral health, emergency communications, etc.

## FY 2022 State JAG



# Allocations

- Allocations are based on the FY 2021 and FY 2022 JAG Program formula.
- This solicitation combines the eligible allocations for FY 2022 and FY2023 Byrne SCIP.
- One application per state should be submitted, and BJA will make one award per state.
- Future Byrne SCIP solicitations will not cover multiple years of funding; due to timing, BJA had the ability to provide both FY 2022 and FY 2023 funding in the first solicitation (as the JAG formula from each relevant prior fiscal year was available).

**BJA FY 2022 – FY 2023 Byrne State Crisis Intervention Program (SCIP) Formula Allocations**

State/Territory	A. Total Award Amount	B. State Share (90% per Formula)	C. Required Local Pass-through (0% per Formula)	D. Required Local Pass-through (<=10,000)	Maximum for Direct Administrative Costs
Alabama	\$4,489,140	\$2,593,484	\$1,287,834	\$507,822	\$448,914
Alaska	\$1,449,121	\$809,472	\$52,566	\$0	\$144,912
American Samoa	\$431,794	\$431,794	\$0	\$0	\$43,179
Arizona	\$6,115,652	\$3,666,991	\$2,253,220	\$191,441	\$611,165
Arkansas	\$3,109,628	\$1,926,377	\$932,448	\$381,407	\$331,063
California	\$29,231,074	\$17,538,645	\$10,694,833	\$997,497	\$2,023,107
Colorado	\$4,664,439	\$2,738,663	\$1,689,531	\$236,245	\$466,444
Connecticut	\$2,476,247	\$1,482,148	\$805,061	\$193,028	\$247,028
Delaware	\$1,343,782	\$806,269	\$478,806	\$58,707	\$134,378
District of Columbia	\$1,603,447	\$1,503,447	\$0	\$0	\$195,345
Florida	\$16,177,304	\$9,708,760	\$5,916,866	\$65,368	\$1,517,763
Georgia	\$7,488,436	\$4,493,062	\$2,233,491	\$761,883	\$748,844
Hawaii	\$644,469	\$644,469	\$0	\$0	\$64,447
Idaho	\$1,646,832	\$987,499	\$978,333	\$0	\$144,083
Illinois	\$1,634,685	\$980,751	\$451,013	\$202,821	\$163,468
Indiana	\$9,827,496	\$5,916,498	\$3,071,894	\$793,405	\$982,750
Iowa	\$6,146,765	\$3,270,059	\$1,677,678	\$369,028	\$611,676
Iowa	\$2,478,792	\$1,487,275	\$607,366	\$384,121	\$247,879
Kansas	\$2,698,239	\$1,619,004	\$805,022	\$274,233	\$269,834
Kentucky	\$2,038,438	\$1,203,903	\$686,668	\$309,811	\$303,844
Louisiana	\$4,601,897	\$2,701,138	\$1,449,236	\$351,523	\$460,190
Maine	\$1,234,696	\$740,817	\$366,517	\$27,260	\$123,469
Maryland	\$6,124,826	\$3,074,895	\$1,811,644	\$138,366	\$612,483
Massachusetts	\$4,983,728	\$2,990,237	\$1,509,491	\$484,020	\$498,372
Michigan	\$7,846,084	\$4,707,530	\$2,527,580	\$61,007	\$784,688
Minnesota	\$1,729,326	\$1,233,995	\$699,599	\$499,331	\$372,333
Mississippi	\$2,340,019	\$1,404,012	\$663,078	\$28,830	\$234,000
Missouri	\$6,609,026	\$3,237,416	\$1,633,144	\$648,868	\$649,007
Montana	\$1,387,620	\$832,518	\$387,805	\$167,107	\$138,763
Nebraska	\$1,813,569	\$1,088,141	\$673,500	\$151,827	\$181,357
Nevada	\$2,893,478	\$1,853,087	\$1,182,458	\$52,263	\$289,448
New Hampshire	\$1,306,219	\$783,721	\$276,625	\$246,863	\$130,622
New Jersey	\$5,178,828	\$3,109,695	\$1,638,133	\$99,398	\$517,783
New Mexico	\$2,893,074	\$1,711,844	\$911,861	\$189,361	\$289,367
New York	\$13,313,063	\$7,987,832	\$4,667,659	\$457,562	\$1,301,306
North Carolina	\$6,619,902	\$4,571,941	\$2,368,479	\$681,482	\$619,900
North Dakota	\$644,448	\$388,611	\$178,410	\$0	\$64,447
Northern Mariana Islands	\$212,675	\$212,675	\$0	\$0	\$21,267
Ohio	\$7,621,174	\$4,572,704	\$2,214,846	\$732,623	\$762,117
Oklahoma	\$2,587,418	\$1,314,451	\$1,028,214	\$369,714	\$258,742
Oregon	\$3,127,844	\$1,876,526	\$947,619	\$303,399	\$312,764
Pennsylvania	\$9,846,597	\$5,129,124	\$2,262,449	\$1,057,274	\$984,656
Puerto Rico	\$2,274,664	\$2,274,664	\$0	\$0	\$227,466
Rhode Island	\$1,213,223	\$727,934	\$407,835	\$17,454	\$121,322
South Carolina	\$4,676,129	\$2,805,677	\$1,513,756	\$356,696	\$467,613
South Dakota	\$1,268,612	\$761,107	\$383,611	\$136,801	\$126,801
Tennessee	\$6,722,637	\$4,033,522	\$2,082,888	\$608,127	\$672,284
Texas	\$21,246,009	\$12,747,806	\$7,192,131	\$1,208,473	\$2,124,681
Utah	\$2,421,987	\$1,463,160	\$1,466,684	\$24,262	\$242,199
Vermont	\$644,469	\$386,681	\$1,466,097	\$111,681	\$64,447
Virgin Islands	\$644,469	\$644,469	\$0	\$0	\$64,447
Washington	\$5,245,387	\$3,147,238	\$1,732,673	\$305,486	\$524,340
West Virginia	\$1,706,087	\$1,050,332	\$633,486	\$178,860	\$170,609
Wisconsin	\$4,166,364	\$2,499,912	\$1,200,514	\$466,228	\$416,636
Wyoming	\$644,469	\$386,681	\$1,611,806	\$96,862	\$64,447
<b>TOTAL</b>	<b>\$186,887,097</b>	<b>\$106,860,000</b>	<b>\$51,660,000</b>	<b>\$18,786,769</b>	<b>\$28,778,769</b>

**A. Total Award Amount:** The sum total of state and local (Edward Byrne Memorial Justice Assistance Grant (JAG)) allocations based on the FY 2021 JAG formula proportionally increased by the amount of state awards in the FY 2022 JAG formula awards. The FY 2022 JAG formula awards are increased based on the state and local (Edward Byrne Memorial Justice Assistance Grant (JAG)) formula awards. A. Total Award Amount + B. State Share (90% per Formula) + C. Required Local Pass-Through (0%) + D. Required Local Pass-Through (<=10,000)

**B. State Share (90% per Formula):** Portion of the total award amount (A) that can be released by the state.

**C. Required Local Pass-Through (Direct):** Portion of the total award amount (A) that the state must pass through to units of state government. This is a mandatory pass-through requirement.

**D. Required Local Pass-Through (0%):** Portion of the total award amount (A) that the state must provide to state courts that provide criminal justice and civil justice services to the less than \$10,000 jurisdiction within the state and/or advanced the funds to municipalities. The less than \$10,000 jurisdiction requirement is eligible for a waiver, with limitation.

**Maximum for Direct Administrative Costs:** This amount equals 10 percent of the total award amount (A).

## SECTION 3

# APPLICATION SUBMISSION REQUIREMENTS



**BJA**  
Bureau of Justice Assistance  
U.S. Department of Justice

# Application Submission

- The application for Federal Assistance standard form (SF)-424 and a Disclosure of Lobbying Activities form (SF-LLL) must be submitted in grants.gov.
  - This solicitation **is** subject to [Executive Order 12372](#). The names and addresses of state Single Points of Contact (SPOCs) can be found at the following website:  
<https://www.whitehouse.gov/wp-content/uploads/2020/04/SPOC-4-13-20.pdf>.
- The full application must be submitted in the Justice Grants System (JustGrants):
  - **Proposal Abstract** (web-based form): Do not include personally identifiable information.
  - **Proposal Narrative** (attachment): The proposal narrative should discuss the preliminary, anticipated program plan which must be developed in coordination with and demonstrate evidence of approval by the Crisis Intervention Advisory Board and must be expressly approved by BJA post award.
  - **Budget Worksheet and Budget Narrative** (attachment): This is a critical element and should also represent the anticipated budget plan, including details on direct administrative costs.

# Application Submission (continued)

- **Indirect Cost Rate Agreement** (if applicable)
- **Financial Management and System of Internal Controls Questionnaire (including applicant disclosure of high-risk status)**: This is a critical element.
- **Research and Evaluation Independence and Integrity** (attachment): Applicable if the application proposes research (including research and development) and/or evaluation.
- **Applicant Disclosure of Duplication in Cost Items** (web-based form)
- **Applicant Disclosure and Justification – DOJ High Risk Grantees** (attachment if applicable)

# Application Assistance

## Grants.gov

- For technical assistance with submitting the Application for Federal Assistance standard form (SF-424) and a Disclosure of Lobbying Activities form (SF-LLL) in Grants.gov, contact the Grants.gov Customer Support Hotline at 800-518-4726, 606-545-5035, Grants.gov customer support, or [support@grants.gov](mailto:support@grants.gov). The Grants.gov Support Hotline operates 24 hours a day, 7 days a week, except on federal holidays.

## JustGrants

- For technical assistance with submitting the full application in DOJ's JustGrants, contact the JustGrants Service Desk at [JustGrants.Support@usdoj.gov](mailto:JustGrants.Support@usdoj.gov) or 833-872-5175. The JustGrants Service Desk operates 5 a.m. to 9 p.m., eastern time, Monday–Friday and 9 a.m. to 5 p.m. Saturday, Sunday, and federal holidays.

## Other Solicitation Requirements

- For assistance with any other requirements of this solicitation, contact the OJP Response Center by telephone at 800-851-3420 or TTY: 301-240-6310 (hearing impaired only), or by email at [grants@ncjrs.gov](mailto:grants@ncjrs.gov). The OJP Response Center hours of operation are 10:00 a.m. to 6:00 p.m., eastern time, Monday–Friday, and 10:00 a.m. to 8:00 p.m. on the solicitation close date.

## SECTION 4

# ALLOWABLE ACTIVITIES



**BJA**  
Bureau of Justice Assistance  
U.S. Department of Justice



# ERPO

In addition to using funds for implementing ERPO programs, they may also be used for:

- **Training those implementing ERPO programs**
  - Training judiciary and court staff on ERPO proceedings
  - Training family members on ERPOs
  - Training first responders on ERPOs



# ERPO (continued)

- **Communication, education, and public awareness**
  - Outreach to community members, stakeholders, municipal leaders, law enforcement agencies, and those engaging with at risk individuals to raise public awareness about the value and public safety benefits of ERPO laws and programs, and to promote the importance of effective implementation enforcement.
  - Program development and enhancement.
  - Development and distribution of ERPO fact sheets, brochures, webinars, television or radio content (e.g., advertisements, spotlights, etc.), and social media outreach (e.g., YouTube, Facebook, Twitter, etc.) in order to execute the communication, education, and public awareness strategy.
  - Publication of best practices regarding ERPO programs.

## ERPO (continued)



Funds may not be used, either directly or indirectly, to support the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government.

*Stay tuned for other limitations on Byrne SCIP funds.*

# ERPO Minimum Requirements

1. Pre-deprivation and post-deprivation due process rights that prevent any violation or infringement of the Constitution of the United States, including, but not limited to, the Bill of Rights and the substantive or procedural due process rights guaranteed under the Fifth and Fourteenth Amendments to the Constitution of the United States, as applied to the states and as interpreted by state courts and United States courts (including the Supreme Court of the United States).
  - a. Such programs must include, at the appropriate phase, to prevent any violation of constitutional rights, and at minimum notice, the right to an in-person hearing, an unbiased adjudicator, the right to know opposing evidence, the right to present evidence, and the right to confront adverse witnesses.
2. The right to be represented by counsel at no expense to the government.

# ERPO Minimum Requirements (continued)

3. Pre-deprivation and post-deprivation heightened evidentiary standards and proof which mean not less than the protections afforded to a similarly situated litigant in Federal court or promulgated by the state's evidentiary body, and sufficient to ensure the full protections of the Constitution of the United States, including, but not limited to, the Bill of Rights and the substantive and procedural due process rights guaranteed under the Fifth and Fourteenth Amendments to the Constitution of the United States, as applied to the states and as interpreted by state courts and United States courts (including the Supreme Court of the United States).
  - a. The heightened evidentiary standards and proof under such programs must, at all appropriate phases, prevent any violation of any constitutional right, and at minimum, prevent reliance upon evidence that is unsworn or unaffirmed, irrelevant, based on inadmissible hearsay, unreliable, vague, speculative, and lacking a foundation.
4. Penalties for abuse of the program.

# Related Programs or Initiatives

- **Specialized court-based programs such as drug, mental health, and veterans treatment courts, including those that specifically accept clients with firearm violations**
  - Gun violence recovery courts (gun courts) that connect clients in crisis with community resources
  - Threat assessment training for prosecutors, judges, law enforcement, and public defenders
  - Technology, analysis, or information-sharing solutions for ensuring law enforcement, probation, prosecutors, the courts, and public defenders are informed when a prohibited person attempts to purchase a firearm
  - Development and implementation of validated gun violence risk assessment tools and service case management and navigation programs to assess the risks and needs of clients and connect them to critical services to mitigate their risk of gun violence and enhance their access to effective interventions
  - Expanding the capacity of existing drug, mental health, and veterans treatment courts to assist clients who are most likely to commit or become victims of gun crimes

# Related Programs or Initiatives (continued)

- **Behavioral health deflection for those at risk to themselves or others**
  - Assertive Community Treatment
  - Behavioral threat assessment programs and related training
  - Triage services, mobile crisis units (both co-responder and civilian only), and peer support specialists
  - Technological supports such as smartphone applications to help families and patients navigate mental health and related systems and telehealth initiatives, including technology solutions for telehealth visits outside the hospital
  - Support behavioral health responses and civil legal responses to behavioral health responses such as regional crisis call centers, crisis mobile team response, and crisis receiving and stabilization facilities for individuals in crisis
  - Specialized training for individuals who serve or are families of individuals who are in crisis
  - Law enforcement-based programs, training, and technology

# Related Programs or Initiatives (continued)

- **Funding for law enforcement agencies to safely secure, store, track, and return relinquished guns**
  - Gun locks and storage for individuals and businesses
  - Software/technologies to track relinquished guns
  - Development and or delivery of specialized training and overtime for officers to attend training





## SECTION 5

# UNALLOWABLE COSTS



# Unallowable Costs

In addition to the unallowable costs identified in the DOJ Grants Financial Guide, award funds may not be used for the following:

- Prizes, rewards, entertainment, trinkets (or any type of monetary incentive)
- Client stipends
- Gift cards
- Food and beverage
- Unmanned aircraft systems (UAS), including unmanned aircraft vehicles (UAV) and all accompanying accessories to support UAS or UAV
- Supplanting state or local funds

# Lobbying

- In general, as a matter of federal law, funds may not be used, either directly or indirectly, to support the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government. See [18 U.S.C. 1913](#).
- Should any question arise as to whether a particular use of award funds would or might fall within the scope of these prohibitions, the recipient is to contact BJA for guidance, and may not proceed without the express prior written approval of BJA.
- Recipients and subrecipients must comply with the provisions in [2 C.F.R. § 200.450 \(Lobbying\)](#) and [18 U.S.C. 1913](#), as appropriate. Also, see [Chapter 2.1](#) of the [DOJ Grants Financial Guide](#) for more specifics about restrictions on lobbying.

## SECTION 6

# PROGRAM REQUIREMENTS



**BJA**  
Bureau of Justice Assistance  
U.S. Department of Justice

# Crisis Intervention Advisory Board

- **Purpose:** To inform and guide the state's gun violence reduction programs/initiatives.
- **Mandatory members:** Must include representatives from law enforcement, the community, courts, prosecution, behavioral health providers, victim services, and legal counsel.
  - The Board representatives are a minimum requirement. States should ensure that representatives from the various potential beneficiaries of this funding are fairly represented.
- **Program narrative requirement:** Must describe the advisory board, its membership, and governance structure.
- Existing advisory boards, task forces, working groups, committees, etc. can meet the Crisis Intervention Advisory Board requirement if the existing entity includes representatives as listed above.

# Program and Budget Plans

- The program and budget plans must be expressly approved by BJA post award via a Grant Award Modification (GAM). The following must be submitted in the GAM:
  - A program plan outlining the overall goals for the use of Byrne SCIP funds and the process for awarding subawards (both for the required 40% pass-through and any other subawards to be made).
  - The budget worksheet and narrative showing a clear breakdown of costs, including any identified administrative costs and the required pass-through amount.
  - A description of the Crisis Intervention Advisory Board, its membership, and its governance structure.
  - A letter from the Crisis Intervention Advisory Board confirming that it coordinated with the recipient to develop the program and budget plan and that it approves the submitted plan.
- Advisory board approval will also be required for any subsequent changes to the program's scope or budget.

# Program and Budget Plans - Obligations

- The program and budget plan withholding condition will allow obligations not to exceed \$20,000 for the sole purpose of developing the program and budget plans in coordination with the Crisis Intervention Advisory Board.
- Such obligations can be made retroactively to the program period start date of October 1, 2022.

# Federal Authorization of Subawards

- All subawards must be expressly authorized by BJA post award via GAM before funds can be obligated for subawards.
- Attach to the GAM a letter, on the letterhead of the recipient jurisdiction and signed by its “authorized representative” for the Byrne SCIP award, that:
  - Summarizes the selection process for the subawards included in the request.
  - Lists the one or more units of local government that will be issued subawards, along with their proposed award amounts and project periods.
  - Includes a description of the proposed subaward(s) and the subaward budget(s).



# Coordination and Evaluation

- Requirement to cooperate with BJA and its training and technical assistance (TTA) provider(s) to ensure that programs funded by Byrne SCIP are designed to protect the constitutional rights of individuals.
- Requirement to cooperate with the statutorily required evaluation activities as part of the terms and conditions of the award.
- Applicants may budget and allocate grant funding to meet the specific research and programmatic requirements regarding:
  1. The effectiveness of the crisis intervention program or ERPO initiative in preventing violence and suicide
  2. Measures that have been taken to safeguard the constitutional rights of an individual subject to a crisis intervention program or ERPO initiative
- Use of grant funds for a research partner are encouraged.

# Administrative Costs

- DIRECT administrative costs are limited to 10 percent of the total award amount.
- There is no statutory limitation on INDIRECT costs.
- Indirect costs can be charged to an award only if:
  1. The recipient has a current (unexpired), federally approved indirect cost rate.
  2. The recipient is eligible to use, and elects to use, the "de minimis" indirect cost rate described in the Part 200 Uniform Requirements, as set out at [2 C.F.R. 200.414\(f\)](#).

# Obligations, Expenditures, and Draw Downs



- Funds may be obligated once awards have been offered and accepted, and any award conditions prohibiting obligations have been cleared, including the post-award approval of the program plan and budget.\*
- Drawdowns must be based upon the immediate disbursement/reimbursement requirements. Funds will not be paid in a lump sum but rather will be disbursed over time as program costs are incurred or anticipated.
- Drawdown requests should be timed to ensure that federal cash on hand is the minimum needed for disbursements/ reimbursements to be made immediately or within 10 days. If not spent or disbursed within 10 days, funds must be returned to the awarding agency.

\*The program and budget plan withholding condition will allow obligations not to exceed \$20,000 for the sole purpose of developing the program and budget plans in coordination with the Crisis Intervention Advisory Board.

# Performance Reporting

- Quarterly performance reports must be submitted through BJA's Performance Measurement Tool (PMT) website: <https://bjapmt.ojp.gov>.
- Semi-annual progress reports must be submitted through JustGrants and must contain the quarterly PMT reports for the applicable semi-annual reporting period.
- Performance measures: <https://bja.ojp.gov/funding/performance-measures/byrne-scip-measures.pdf>

**NOTICE:** Semi-annual narrative questions for Byrne SCIP differ from other BJA programs.

## SEMIANNUAL NARRATIVE QUESTIONS

In this module, you will identify the goals you hope to achieve with your funding. Once submitted, these goals cannot be changed without approval of your grant manager.

Set **S M A R T** goals to clarify the scope of your priorities:

- Specific
- Measurable
- Achievable
- Relevant
- Time-bound

If you have multiple goals, provide updates on each on separately.

Answer the following questions every semiannual reporting period (January and July of each year), based on your grant-funded activities.

1. What were the top three accomplishments this program had during the reporting period?  
\_\_\_\_\_
2. What were the top three goals you focused on during this reporting period and what progress did you make towards those goals?  
\_\_\_\_\_
3. List two problems/barriers you encountered within the reporting period that prevented you from reaching your goals or milestones? If you encountered no problems during this reporting period you may leave this question blank.  
\_\_\_\_\_
4. Is there any assistance that BJA can provide to address any problems/barriers identified in question 3?  
A. Yes/No  
B. If Yes, explain: \_\_\_\_\_
5. Are you on track to complete your program fiscally and programmatically as outlined in your grant application?  
A. Yes/No  
B. If No, explain: \_\_\_\_\_
6. What major activities are planned for the next 6 months?  
\_\_\_\_\_
7. Based on your knowledge of the criminal justice field, are there any innovative programs/accomplishments that you would like to share with BJA regarding this initiative?  
\_\_\_\_\_

## SECTION 6

# PASS-THROUGH REQUIREMENTS



**BJA**  
Bureau of Justice Assistance  
U.S. Department of Justice

# Pass-through Requirements

- Where applicable, states must pass through the 40 percent portion to local governments.
- This 40 percent portion is comprised of the share of funds, proportionately decreased, that was available for direct local JAG awards in FY 2021 and FY 2022 and the share of funds, proportionately decreased, that was added to the state share in FY 2021 and FY 2022 for less-than-\$10,000 jurisdictions.
- States have discretion on which projects and priorities are selected for subawards, as informed by their Crisis Intervention Advisory Board.
- The direct local pass-through is mandatory and **not** eligible for a waiver.
- The less-than-\$10,000 pass-through is eligible for a waiver.

# Direct Local Pass-through Requirement

- The portion of funds allocated for direct awards in the FY 2021 and FY 2022 JAG Program, proportionately decreased by the amount of funds available for Byrne SCIP, **MUST** be passed through to units of local government. This pass-through is not eligible for a waiver.
- States are not required to pass funds through to every unit of local government that was eligible for a direct local JAG award in FY 2021 and/or FY 2022 and have discretion on the use of the direct local pass-through funds as determined by the Crisis Intervention Advisory Board.
- For the purpose of Byrne SCIP, a “unit of local government” is a city, county, township, town, or certain federally recognized American Indian tribes. This could include, but is not limited to, an organizational unit of government such as a:
  - Prosecutor’s office
  - Public defender’s office
  - Law enforcement agency
  - Public health agency
  - Court system

# Less-than-\$10,000 Pass-through

- Consists of funds for those units of local government that were not eligible to receive a direct JAG award in FY 2021 and/or FY 2022, proportionately decreased by the amount of funds available for Byrne SCIP.
- These units of local government are known as the “less-than-\$10,000” jurisdictions.
- States must provide these funds to state courts that provide criminal justice and civil justice services for the “less-than-\$10,000 jurisdictions” within the state and/or subaward the funds to such jurisdictions.
- The less-than-\$10,000 pass-through is eligible for a waiver.



# Less-than-\$10,000 Pass-through (continued)

- As informed by the Crisis Intervention Advisory Board, states have discretion to utilize the less-than-\$10,000 pass-through funding in several ways:
  1. Fund one less-than-\$10,000 jurisdiction.
  2. Fund multiple less-than-\$10,000 jurisdictions.
  3. Fund state courts that provide criminal justice and civil justice services to the less-than-\$10,000 jurisdictions within the state.
  4. Fund a combination of less-than-\$10,000 jurisdiction(s) and state courts that provide criminal justice and civil justice services to the less-than-\$10,000 jurisdictions within the state.
  5. Request a waiver to retain the less-than-\$10,000 funds, or a portion thereof, at the state level for a project that would directly benefit less-than-\$10,000 jurisdictions.
  6. Any combination of 1 – 5 above.

# Less-than-10,000 Pass-through Waiver

- The less than \$10,000 pass-through requirement is eligible for a waiver 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 interest of the local government unit.
- Waivers must receive express approval from BJA via GAM post-award.

## SECTION 6

# RESOURCES AND QUESTIONS



**BJA**  
Bureau of Justice Assistance  
U.S. Department of Justice

# Resources

- The following DOJ and DOJ-funded resources are available:
  - [BJA Adult Drug Court Program](#)
  - [BJA Veterans Treatment Court Program](#)
  - [BJA Community Courts Program](#)
  - [BJA Justice and Mental Health Collaboration Program](#)
  - [BJA National Training and Technical Assistance Center](#)
  - [Office of Juvenile Justice and Delinquency Prevention Gun Court Literature Review](#)
  - [National Resource Center on Domestic Violence and Firearms](#)
  - [Safer Families, Safer Communities \(A project of the National Resource Center on Domestic Violence and Firearms\)](#)
- Other resources:
  - [Johns Hopkins Center for Gun Violence Prevention and Policy: ERPO](#)
  - [National Guidelines for Behavioral Health Crisis Care Best Practice Toolkit](#)
  - [Maryland Department of Health ERPO Informational Toolkit](#)

# Resources (continued)

[BJA Website](#)

[Office of Justice Programs – Award Data](#)

[OJP Grant Application Resource Guide](#)

[Submit a Success Story](#)

[Justice Grants Application Submission Training](#)

[DOJ Application Submission Checklist](#)

[Accounting System and Financial Capability Questionnaire](#)



# Questions?

