

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

**Certification Relating to
Pub. L. No. 90-351, Title I, Sec. 501(a)(1)(I)(iv)
(Extreme-Risk Protection-Order Programs)**

On behalf of the government entity named below, and in support of its request to use federal award funds for an extreme-risk protection-order program, 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 a principal legal officer of the government of which the entity making the request to use federal award funds for an extreme-risk protection-order program is an instrumentality ("the jurisdiction"), and I have the authority to make this certification on behalf of the jurisdiction and the entity. I understand that OJP will rely upon this certification as a material representation in any decision to approve the request.
2. I have carefully reviewed the provisions of section 501(a)(1)(I)(iv) of title I of Pub. L. No. 90-351 (codified at 34 U.S.C. § 10152(a)(1)(I)(iv)), relating to requirements for use of federal award funds for extreme-risk protection-order programs—in particular, the provisions that all award-funded extreme-risk protection-order programs must include, at a minimum, each of the following:
 - a. "[P]re-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). Such programs must include, at the appropriate phase to prevent any violation of constitutional rights, 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[.]"
 - b. "[T]he right to be represented by counsel at no expense to the government[.]"
 - c. "[P]re-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). The heightened evidentiary standards and proof under such programs must, at all appropriate phases to prevent any violation of any constitutional right, at minimum, prevent reliance upon evidence that is unsworn or unaffirmed, irrelevant, based on inadmissible hearsay, unreliable, vague, speculative, and lacking a foundation[.]"
 - d. "[P]enalties for abuse of the program[.]"
4. I understand that, for purposes of this certification, terms used in this certification that are defined in section 901(a) of title I of Pub. L. No. 90-351 (codified at 34 U.S.C. § 10251(a)) mean what they mean under that section.
5. I have conducted (or caused to be conducted for me) a diligent inquiry and review concerning the laws, rules, policies, or practices applicable, or potentially applicable, to the extreme-risk protection-order program sought to be funded pursuant to the request (above) that implicate any of the requirements specified in Pub. L. No. 90-351, title I, section 501(a)(1)(I)(iv), for use of federal award funds for extreme-risk protection-order programs.
6. As of the date of this certification, the extreme-risk protection-order program sought to be funded pursuant to the request (above) satisfies each of the requirements specified in Pub. L. No. 90-351, title I, section 501(a)(1)(I)(iv), for use of federal award funds for extreme-risk protection-order programs.

I acknowledge that a materially false, fictitious, or fraudulent statement (or concealment or omission of a material fact) in this certification, or in the request that it supports, may be the subject of criminal prosecution (including under 18 U.S.C. §§ 1001 and/or 1621, and/or 34 U.S.C. §§ 10271–10273) and also may subject me and/or the requesting 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 associated certifications, are subject to review by USDOJ, including by OJP and the USDOJ Office of the Inspector General.

Signature of Legal Officer

Printed Name of Legal Officer

Date of Certification

Official Title of Legal Officer

Name of Requesting Government Entity