

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 tribal, state and local jurisdictions to participate in the Justice Reinvestment Initiative grant program. This program furthers the Department's mission to prevent and respond to crime and other public safety-related problems.

Justice Reinvestment Initiative: Reducing Violent Crime by Improving Justice System Performance FY 2018 Competitive Grant Announcement Applications Due: January 7, 2019

Eligibility

Categories 1 and 2: Eligible applicants are states, local units of government, and federally recognized Indian tribes (as determined by the Secretary of the Interior).¹ Category 2 also includes applicants that are private and non-profit organizations (including tribal non-profit or for-profit organizations), colleges and universities, both private and public (including tribal institutions of higher education, with national law enforcement and corrections expertise.

BJA welcomes applications under which two or more entities would carry out the federal award; however, only one entity may be the applicant. Any others must be proposed as subrecipients (subgrantees).² The applicant must be the entity that would have primary responsibility for carrying out the award, including administering the funding and managing the entire project.

BJA may elect to fund applications submitted under this fiscal year (FY) 2018 solicitation in future fiscal years, dependent on, among other considerations, the merit of the applications and on the availability of appropriations.

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

In addition, as discussed below, if the applicant is a state or local government entity, in order to validly accept this award, the chief legal officer of that jurisdiction must properly execute, and the applicant must submit, specific certifications relating to certain federal laws. See Appendices E and F. (Note: this requirement does not apply to Indian tribal governments.)

¹ In this solicitation, "state" refers to states, U.S. territories, and the District of Columbia.

² For additional information on subawards, see "Budget and Associated Documentation" under [Section D. Application and Submission Information](#).

Deadline

Applicants must register with Grants.gov at <https://www.grants.gov/web/grants/register.html> prior to submitting an application. All applications are due by 11:59 p.m. eastern time on January 7, 2019.

To be considered timely, an application must be submitted by the application deadline using Grants.gov, and the applicant must have received a validation message from Grants.gov that indicates successful and timely submission. OJP urges applicants to submit applications at least 72 hours prior to the application due date, to allow time for the applicant to receive validation messages or rejection notifications from Grants.gov, and to correct in a timely fashion any problems that may have caused a rejection notification.

This deadline does not apply to the receipt of certifications relating to certain federal laws (See Appendices E and F). As explained below, an applicant that is either a state or local government entity may not validly accept an award unless those certifications are submitted to the OJP on or before the day the applicant submits the signed award acceptance documents.

OJP encourages all applicants to read this [Important Notice: Applying for Grants in Grants.gov](#).

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.gov Customer Support Hotline at 800-518-4726, 606-545-5035, at <https://www.grants.gov/web/grants/support.html>, or at support@grants.gov. The Grants.gov Support Hotline operates 24 hours a day, 7 days a week, except on federal holidays.

An applicant that experiences unforeseen Grants.gov technical issues beyond its control that prevent it from submitting its application by the deadline must email the contact identified below **within 24 hours after the application deadline** to request approval to submit its application after the deadline. Additional information on reporting technical issues appears under "Experiencing Unforeseen Grants.gov Technical Issues" in the [How To Apply](#) section.

For assistance with any unforeseen Grants.gov technical issues beyond an applicant's control that prevent it from submitting its application by the deadline, or any other requirement of this solicitation, contact the National Criminal Justice Reference Service (NCJRS) Response Center: toll-free at 800-851-3420; via TTY at 301-240-6310 (hearing impaired only); email grants@ncjrs.gov; fax to 301-240-5830; or 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.

Grants.gov number assigned to this solicitation: BJA-2018-13700

Release date: November 8, 2018

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Justice Reinvestment Initiative: Reducing Violent Crime by Improving Justice System Performance

CFDA # 16.827

A. Program Description

Overview

Every justice agency has a role to play in simultaneously preventing crime, apprehending and prosecuting perpetrators, facilitating appropriate sentencing and treatment, and preserving communities' security. BJA offers this grant program, Justice Reinvestment Initiative: Reducing Violent Crime by Improving Justice System Performance, for sites to apply and expand the Justice Reinvestment approach to identify and respond to crime and other public safety problems, explore innovative and cost-saving strategies, and to reinvest in strategies that can decrease crime and reduce recidivism. This approach will help build the capacity of state and local jurisdictions to analyze, identify, and respond to drivers of both violent crime and high costs (Category 1) and to test innovative tools to facilitate coordinated information sharing and analysis among justice partners (Category 2).

The Justice Reinvestment approach involves five steps to build capacity and implement sustainable change: 1) engage stakeholders, 2) analyze data and drivers of crime problems, 3) develop innovative or research-based responses, 4) implement responses, and 5) measure outcomes.³ Through this program, applicants may address a challenge directly or remove impediments to addressing a challenge (e.g., improve homicide clearance rates or revise spending so that resources may be redirected to directly reducing violent crime and break down information silos so that information is shared seamlessly across systems and intelligence gathering efforts are not duplicated). Award recipients will receive technical assistance from subject experts.

Statutory Authority

Awards under this solicitation will be made under statutory authority provided by the Consolidated Appropriations Act, 2018, Public Law No. 115-141, 132 Stat 348, 422.

Program-Specific Information

This program provides funding for tribal, state, and local justice agencies to develop, implement, and test innovative and research-based responses to high-cost drivers of crime and other public safety and community challenges, as identified through data analysis. Challenges may include chronic crime problems, emerging crime problems, or barriers to justice agencies' ability to address such problems, including those related to law enforcement, prosecution, sentencing, jail and prison, probation and parole. For example, high-cost drivers may include: opioid and substance abuse; high system utilization by populations with significant mental health issues;

³ These principles are cornerstones of the Justice Reinvestment Initiative (JRI). BJA has supported justice reinvestment to improve the return on states' public safety investments through a targeted, data-driven policymaking process. Based on the successes of the early justice reinvestment projects, BJA launched JRI in 2010 to support a multi-staged process in which a jurisdiction increases the cost effectiveness of its criminal justice system and reinvests savings into high-performing strategies to increase public safety.

repeat violent offenders; or lack of information sharing or technology integration within the criminal justice system. Examples such as these make it very difficult and costly for communities to ensure the security of their residents. By collaboratively identifying the root causes and implications of, and solutions to, these problems, criminal justice agencies can better prioritize resources and improve the management of offenders returning to or residing in communities who are most likely to commit new or violent offenses.⁴

Through this solicitation, BJA seeks applicants in two categories. Both have specific objectives and deliverables described under their respective category headings:

- Category 1: Improving the Efficacy of State, Local, and Tribal Justice Systems
- Category 2: Innovations in Information Sharing to Coordinate Crime Reduction

Applicants should use existing data to explain the problem they wish to address. Proposed solutions should be evidence-based. Category 1 supports efforts examining a wide variety of problems and solutions; Category 2 is focused specifically on information sharing. Additionally, solutions should improve criminal justice operations while prioritizing public safety and crime reduction. Applicants should propose operational solutions and strategies to prioritize apprehending violent offenders and holding them accountable, and to address other high-cost drivers to the criminal justice system. States may examine criminal codes and associated penalties as needed; and/or they may consider modifications to penalties for opioid- and stimulant-specific cases (e.g., methamphetamine), where incorporating treatment options may be appropriate for offenders whose instant offenses and criminal histories are non-violent, do not involve guns, and drug offenses are limited to personal use.

The Justice Reinvestment Initiative is a vehicle for criminal justice agencies and systems to improve business management and operations processes in order to address complex factors that drive crime and use of criminal justice system resources, particularly at the state, local, and tribal, levels. All applicants should propose to meet the objectives and deliverables outlined in this solicitation through the five-step process, modeled on Justice Reinvestment, as follows:

1. *Engage stakeholders.* The project team includes all agencies and individuals necessary to understand and address the problem.
2. *Analyze data and identify drivers.* The project team uses data to determine the cause(s), symptoms, and scope of the problem, as well as impediments to addressing the problem. The lead and other stakeholder agencies provide relevant data.
3. *Develop innovative or research-based responses.* The project team devises strategies and activities to specifically address the root cause(s) of the problem(s) and/or impediments to addressing the root causes. The team documents planned activities, including parties responsible and timelines; and secures buy-in from stakeholders.
4. *Implement responses.* The project team enacts strategies and activities according to the plan and makes course corrections as needed to increase the likelihood of achieving desired outcomes.
5. *Measure outcomes.* The project team assesses the effectiveness of the implemented strategies and activities to address the crime problem. The team documents what works, and how it works to support sustainability, future funding requests, and to inform

⁴ Braga, A. A., Pierce, G. L., McDevitt, J., Bond, B. J., & Cronin, S. (2008). The strategic prevention of gun violence among gang-involved offenders. *Justice Quarterly*, 25(1), 132–162; Bonta, James and Don A. Andrews, *Risk-Need-Responsivity Model for Offender Assessment and Rehabilitation* (Ottawa, Ontario, CA Public Safety Canada, 2007).

replication.

Applicants are advised to work with a research partner in using the “action research” approach to improve problem assessment, implementation of solutions, and realization of outcomes.

Practitioners and research partners may:

1. Use data to assess problems and identify underlying causes.
2. Develop strategies and partnerships to address problems and reduce crime.
3. Enhance implementation, providing real-time feedback to inform decision-making.
4. Build communities of practice and advance the field, including by evaluating initiatives and sharing results.⁵

Category 1: State, Local, and Tribal Justice Systems. Competition ID: BJA-2018-14883

BJA seeks applicants to address persistent or emerging crime and public safety problems, or to remove impediments to directly addressing them.⁶ Applicants should review the entire criminal justice system spectrum – from event to reentry – to identify opportunities for improvement that align with holding violent offenders accountable, addressing the opioid epidemic, supporting law enforcement and correctional institutions, and supporting victims of violent crime.

Objectives and Deliverables

BJA will make awards for sites to pursue the following objectives:

- Collect and analyze data, and identify and respond to crime and cost drivers, including crime and costs associated with investigating, prosecuting, and detaining individuals who have committed crimes and are in the U.S. without legal immigration status. For example, by reducing gang violence and time to deportation.
- Engage stakeholders across the justice system (e.g., law enforcement, jails, treatment providers) to diagnose and develop coordinated responses. For example, improve data collection and training about types of victimization, trauma, and related needs in order to develop policies and procedures to maximize benefits (e.g., accessing federal resources to aid victims of violent crime, use of databases to track restitution orders and collection, increasing the amount inmates pay toward victim restitution), and to reduce the collateral effects of violence.
- Test, establish, and/or expand innovative ideas and evidence-based strategies to prevent and respond to crime. For example, assess the correctional population to ensure appropriate bed space usage and, if needed, seek strategies to correct the inmate mix to prioritize bed space for serious, chronic, violent offenders. Focus state probation and parole agency resources on identifying offenders’ risks for general and violent recidivism, and related substance use and mental health needs, and mitigating their risk for engaging in violent behavior or being the victims of violent crime.
- Foster effective and consistent collaboration with justice system agencies to improve strategic and tactical system operations. For example, implement and test approaches to consistently gather and validate intelligence collected in jails and prisons (e.g., about

⁵ For guidance about identifying and working with a research partner, see: <http://www.psnmsu.com/documents/ResearchPartnerQ&A.pdf>

⁶ For instance, tribal communities are impacted in many ways by the opioid epidemic, which is straining tribal resources. This funding opportunity allows tribal communities to develop a plan to not only treat the abuse, but improve the functioning of the tribal justice system by developing diversion and other effective community-based responses to address opioid abuse. Any costs saved or averted by decreasing reliance on jail, could be reinvested in front-end or treatment and wellness programs, thereby decreasing crime and reducing recidivism.

security threat groups); and develop and implement plans to respond to intelligence behind and outside the walls.

- Use data, technology, and intelligence to focus resources on the problems, people, and places associated with concentrations of crime and cost drivers. For example, review existing violent crime and opiate reduction strategies to determine whether they are having the intended effects, and improve performance if they are not. Develop analytic capacity to inform more targeted and effective strategies to address specific crime problems.

The required deliverables are:

- An action plan composed of a problem analysis, program and research model, summary of strategies and intended outcomes, and research base for proposed strategies. For more information, see page 14 and Appendix B.
- Final evaluation report based on the program and research model (at closeout).

Consistent with the objectives and deliverables outlined above, applicants should include the following in their proposals:

- A summary description of the problem to be addressed by this grant.
- Data-driven, evidence-based, and/or innovative grant activities to correct the problem.
- Description of prior efforts to correct the problem and the need for federal funding to undertake the proposed activities.
- Demonstrated understanding of, and a plan to utilize, the action research approach which incorporates a researcher to assist with unpacking the problem, implementation, and evaluation.⁷
- Demonstration of relevant agencies' and stakeholders' commitment to proposed activities.

Category 2: Innovations in Information Sharing to Coordinate Crime Reduction.

Competition ID: BJA-2018-14883

BJA seeks applicants to develop and test innovative and responsible tools to facilitate information sharing and coordinate community corrections, law enforcement, prosecutors and other system stakeholders to improve identification of, and coordinated responses to, violent crime that could later be applied to the justice reinvestment process. Applicants should propose ethical approaches to remove offender anonymity – addressing how and when offenders come into contact with each part of the criminal justice system and across jurisdictions – in order to make the most efficient use of resources and to hold offenders accountable.

Objectives and Deliverables

BJA will make awards to pursue the following objectives:

- Break down information sharing silos and challenge current practices that may impede a community's violent crime reduction strategies.
- Develop comprehensive and integrated data-sharing and notification systems about violent offenders moving into, between, or being released into communities.

⁷ For guidance, see: <http://www.psnmsu.com/documents/ResearchPartnerQ&A.pdf>.

- Include data from multiple sources, as appropriate given the stated problem (e.g., law enforcement, corrections, probation, parole, sheriff's departments, and courts).
- Make data sharing between key agencies—such as corrections, probation and parole, and law enforcement—automated where appropriate, to facilitate better public safety partnerships.
- Develop or improve offender-specific information-sharing protocols to ensure that agencies are aware of high-risk individuals and receive relevant intelligence so they are managed appropriately through detention, reentry, and supervision.
- Design a model of cooperation between all user agencies to implement notification and information sharing systems.
- Develop training protocols and procedures for staff use of the data-sharing system to ensure optimal implementation of the system's capabilities.
- Build data-analysis capacity and improve justice system partners' abilities to produce a cross-system analysis that provides a better understanding of the contributions of pretrial, probation, parole, reentry, and other services to crime trends.
 - Implement and test approaches to consistently gather and validate intelligence collected in jails and prisons (e.g., about security threat groups). Develop and implement plans to respond to intelligence.
 - Gather or link multiple data systems to improve implementation of risk and other assessments (e.g., risk of general and/or violent recidivism, substance use and mental health needs); identify individuals at high risk of committing, or being victimized by, violent crime.

The required deliverables are:

- An action plan composed of a problem analysis, program and research model, summary of strategies and intended outcomes, and research base for proposed strategies. For more information, see page 14 and Appendix B.
- Final evaluation report based on the program and research model (at closeout).

Consistent with the objectives and deliverables outlined above, applicants should include the following in their proposals:

- A summary description of the problem to be addressed by this grant.
- Plan to implement operational solutions and strategies – noting specific data-driven, evidence-based, and/or innovative grant activities – to correct the problem.
- Description of prior efforts to correct the problem and the need for federal funding to undertake the proposed grant activities.
- A plan to document and evaluate the activities undertaken, and to assess impact on the stated problem.
- Demonstration of relevant agencies' and stakeholders' commitment to proposed activities.

Categories 1 and 2: Priority Consideration

Applicants may receive priority consideration in the review process by explaining how the problem area identified in the application could be addressed through cooperation with federal immigration authorities, including compliance with 8 USC §§ 1373, 1644, and 1324, participation in a 287 (g) or other cooperation program, honoring requests for notice of release, transfers of custody, and/or short term extensions of custody, and providing access to detention centers so

federal immigration authorities may conduct interviews. If an applicant chooses to seek this priority consideration, please explain specifically how these forms of cooperation will address the problem area identified, and how grants funds will achieve this end.

Applicants that propose to address operational gaps related to repeat violent offenders or precipitous increases in crime may additionally receive priority consideration. Proposals must include data to demonstrate the scope of the problem and to support the proposed intervention.

The Objectives and Deliverables are directly related to the performance measures that demonstrate the results of the work completed, as discussed in [Section D. Application and Submission Information](#), under Program Narrative.

Category 1 and 2: Allowable Uses for Award Funds

Allowable uses for award funds can include the following activities to help tribal, state, and local agencies achieve Justice Reinvestment Program objectives:

- **Peer learning** activities to exchange insights, experiences, and guidance with other jurisdictions that have pursued, or are pursuing, similar work. Peer learning exchanges may be distance-based or conducted via site visits. Facilitation will be made available from subject experts upon request.
- **Conduct data analysis** to identify barriers to effective agency performance or to identify problems, people, and communities in need of targeted intervention(s) to reduce crime and make communities safe. For example, applicants may propose to:
 - Analyze drivers of agency budgets; develop and implement a reallocation plan to better address repeat calls in response to domestic violence, opioid and substance abuse, alcohol abuse, violent crime, and gangs and/or drug trafficking;
 - Gather or link multiple data systems to improve implementation of risk and other assessments; identify individuals at high risk of committing, or being victimized by, violent crime; conduct social network analysis; and assess in-house or contracted programs and services; and/or
 - Conduct other analyses that will contribute to the execution of the applicant's proposed strategy.
- **Plan and implement innovative or research-based crime reduction strategies** to intervene with groups, individuals, and communities identified as high risk in order to reduce violent crime. For example, applicants may propose to:
 - Implement strategies and programs to respond to the needs of victims and communities and assess criminogenic needs of offenders in order to decrease the risk for offenders to recidivate;
 - Adopt technology to supplement the criminal justice workforce; and/or
 - Provide staff training and resources to more effectively and efficiently address burgeoning or chronic problems.
- **Build data analysis capacity** to improve justice system partners' abilities to produce a cross-system analysis that provides a better understanding of the contributions of pretrial, probation, parole, reentry, and other services, to crime trends; and diagnose and address problems as they arise. For example, applicants may propose to develop agencies' ability or establish a partnership (e.g., with a local university) to:

- Train analysts and/or train trainers to track and respond to trends through data-driven decision making;
- Develop information-sharing solutions across agencies to facilitate the analyses described above, or share dashboards and/or mapping to help target prevention and/or enforcement efforts; and
- Establish a state-based violent crime reduction implementation team to assist jurisdictions in identifying and analyzing local violent crime challenges and solutions.

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 that 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 at <https://www.crimesolutions.gov> is one resource that applicants may use to find information about evidence-based programs in criminal justice, juvenile justice, and crime victim services.

Information Regarding Potential Evaluation of Programs and Activities

The Department of Justice has prioritized the use of evidence-based programming and deems it critical to continue to build and expand the evidence informing criminal and juvenile justice programs to reach the highest level of rigor possible. Therefore, applicants should note that the Office of Justice Programs may conduct or support an evaluation of the programs and activities funded under this solicitation. Recipients and sub-recipients will be expected to cooperate with program-related assessments or evaluation efforts, including through the collection and provision of information or data requested by OJP (or its designee) for the assessment or evaluation of any activities and/or outcomes of those activities funded under this solicitation. The information or data requested may be in addition to any other financial or performance data already required under this program.

B. Federal Award Information

BJA expects to make approximately six awards of up to \$1,250,000 each, for an estimated total of approximately \$10,025,090 combined across Category 1 and Category 2. BJA expects to make awards for a 36-month period of performance, to begin on or about April 1, 2019.

BJA may, in certain cases, provide additional funding in future years to awards made under this solicitation, through continuation awards. In making decisions regarding continuation awards, OJP will consider, among other factors, the availability of appropriations, when the program or project was last competed, OJP's strategic priorities, and OJP's assessment of both the management of the award (for example, timeliness and quality of progress reports), and the progress of the work funded under the award.

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

Type of Award

BJA expects to make any award under this solicitation in the form of a grant. See [Administrative, National Policy, and Other Legal Requirements](#), 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.

Financial Management and System of Internal Controls

Award recipients and subrecipients (including recipients or subrecipients that are pass-through entities⁸) must, as described in the Part 200 Uniform Requirements⁹ 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.

⁸ For purposes of this solicitation, the phrase "pass-through entity" includes any recipient or subrecipient that provides a subaward ("subgrant") to a subrecipient (subgrantee) to carry out part of the funded award or program. Additional information on proposed subawards is listed under [What an Application Should Include](#), Section 4c of this solicitation.

⁹ The "Part 200 Uniform Requirements" means the DOJ regulation at 2 C.F.R Part 2800, which adopts (with certain modifications) the provisions of 2 C.F.R. Part 200.

To help ensure that applicants understand the applicable administrative requirements and cost principles, OJP encourages prospective applicants to enroll, at no charge, in the DOJ Grants Financial Management Online Training, available at <https://ojpfgm.webfirst.com/>. (This training is required for all OJP award recipients.)

Also, applicants should be aware that OJP collects information from applicants on their financial management and systems of internal controls (among other information) which is used to make award decisions. Under [Section D. Application and Submission Information](#), applicants may access and review the [OJP Financial Management and System of Internal Controls Questionnaire](#) that OJP requires **all** applicants to download, complete, and submit as part of the application.

Budget Information

Cost Sharing or Matching Requirement

This solicitation does not require a match. However, if a successful application proposes a voluntary match amount, and OJP approves the budget, the total match amount incorporated into the approved budget becomes mandatory and subject to audit.

Award Special Condition – Withholding of Funds for Action Plan

Once awarded, each grant award will have in place a special condition withholding all but \$150,000, which will allow grantees to further establish and refine their comprehensive action plan. The recipient will not be authorized to obligate, expend, or draw down funds in excess of \$150,000 until: (1) the recipient submits the comprehensive action plan by 180 days after the final OJP budget approval; (2) BJA approves the action plan; and (3) a Grant Adjustment Notice (GAN) has been issued to remove this condition. Awardees will receive technical assistance directly from BJA and other subject experts to assist with this action plan. The comprehensive action plan should include:

1. A program plan, including:
 - a) A description of the problem and the data that led to its identification.
 - b) A program and research model that links the problem to solution(s) to be tested, intended outcomes, and evaluation metrics (See Appendix B).
 - c) The research base or theory of change for proposed strategies and solutions.
 - d) An evaluation plan, to include ongoing analysis, monitoring, and assessment of the overall project impact.
2. A contract, memorandum of understanding, or other agreement that clearly delineates the role and responsibilities of the research partner, if applicable. This document should establish the authority of the research partner to access agency data, interview personnel, and monitor operations that are relevant to the evaluation of the initiative.
3. Any additional letters of commitment from external agencies or organizations that are expected to participate in the project. In developing the action plan, it may be necessary to secure additional letters of commitment.
4. Documentation of executive support and commitment of agency resources to the project.

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 federal award.

OJP does **not** typically approve pre-agreement costs; an applicant must request and obtain the prior written approval of OJP for all 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 at <https://ojp.gov/financialguide/DOJ/index.htm> for more information.

Limitation on Use of Award Funds for Employee Compensation; Waiver

With respect to any award of more than \$250,000 made under this solicitation, a recipient may not use federal funds to pay total cash compensation (salary plus cash bonuses) to any employee of the recipient at a rate that exceeds 110 percent of the maximum annual salary payable to a member of the federal government's Senior Executive Service (SES) at an agency with a Certified SES Performance Appraisal System for that year.¹⁰ The 2018 salary table for SES employees is available on the Office of Personnel Management website at <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/18Tables/exec/html/ES.aspx>. Note: A recipient may compensate an employee at a greater rate, provided the amount in excess of this compensation limitation is paid with non-federal funds. (Non-federal funds used for any such additional compensation will not be considered matching funds, where match requirements apply.) If only a portion of an employee's time is charged to an OJP award, the maximum allowable compensation is equal to the percentage of time worked times the maximum salary limitation.

The Assistant Attorney General for OJP may exercise discretion to waive, on an individual basis, this limitation on compensation rates allowable under an award. An applicant that requests a waiver should include a detailed justification in the Budget Narrative of its application. An applicant that does not submit a waiver request and justification with its application should anticipate that OJP will require the applicant to adjust and resubmit the budget.

The justification should address, in the context of the work the individual would do under the award, the particular qualifications and expertise of the individual, the uniqueness of a service the individual will provide, the individual's specific knowledge of the proposed program or project, and a statement that explains whether and how the individual's salary under the award would be commensurate with the regular and customary rate for an individual with his/her qualifications and expertise, and for the work he/she would do under the award.

¹⁰ OJP does not apply this limitation on the use of award funds to the nonprofit organizations listed in Appendix VIII to 2 C.F.R. Part 200.

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 2018 Awards](#)" in the OJP Funding Resource Center at <https://ojp.gov/funding/index.htm>.

C. Eligibility Information

For eligibility information, see title page.

In addition, as discussed in more detail below, if the applicant is a state or local government entity, in order to validly accept this award, the chief legal officer of that jurisdiction must properly execute, and the applicant must submit, specific certifications relating to certain federal laws (see Appendices E and F). (Note: this requirement does not apply to Indian tribal governments.)

For information on cost sharing or match requirements, see [Section B. Federal Award Information](#).

D. Application and Submission Information

What an Application Should Include

This section describes in detail what an application in response to this solicitation 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.

Moreover, an applicant should anticipate that an application that OJP determines is nonresponsive to the scope of the solicitation, or that OJP determines does not include the

application elements that BJA has designated to be critical, will neither proceed to peer review, nor receive further consideration. For this solicitation, BJA has designated the following application elements as critical: Program Narrative, Budget Detail Worksheet, Budget Narrative, Timeline/Task Plan, Applicant Disclosure of Proposed Subrecipients, Position Descriptions for Key Roles, and Letters of Support.

NOTE: OJP has combined the Budget Detail Worksheet and Budget Narrative in a single document collectively referred to as the Budget Detail Worksheet. See “Budget Information and Associated Documentation” below for more information about the Budget Detail Worksheet and where it can be accessed.

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

Please review the “Note on File Names and File Types” under [How To Apply](#) to be sure applications are submitted in permitted formats.

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. Grants.gov and the OJP Grants Management System (GMS) take information from the applicant's profile to populate the fields on this form. When selecting "type of applicant," if the applicant is a for-profit entity, select "For-Profit Organization" or "Small Business" (as applicable).

To avoid processing delays, an applicant must include an accurate legal name on its SF-424. On the SF-424, current OJP award recipients, when completing the field for “Legal Name” (box 8a), 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.) Also, current recipients should enter the Employer Identification Number (EIN) in box 8b 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 its official legal name in box 8a, its address in box 8d, its EIN in box 8b, and its Data Universal Numbering System (DUNS) number in box 8c of the SF-424. A new applicant entity should attach official legal documents to its application (e.g., articles of incorporation, 501(c)(3) status documentation, organizational letterhead) to confirm the legal name, address, and EIN entered into the SF-424. OJP will use the System for Award Management (SAM) to confirm the legal name and DUNS number entered in the SF-424; therefore, an applicant should ensure that the information entered in the SF-424 matches its current registration in SAM. See the [How To Apply](#) section for more information on SAM and DUNS numbers.

Intergovernmental Review: This solicitation (“funding opportunity”) **is not** subject to [Executive Order 12372](#). (In completing the SF-424, an applicant is to answer question 19 by selecting the response that the “Program is not covered by E.O. 12372.”)

2. Project Abstract

Applications should include a high quality project abstract that summarizes the proposed project in 400 words or fewer. 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 (such as Times New Roman) with 1-inch margins.
- Include the legal name of the applicant and the project’s title, objectives, design elements, and proposed deliverables

As a separate attachment, the project abstract will **not** count against the page limit for the program narrative. BJA requests that the abstract be submitted as a text file, such as the Word .doc format.

3. Program Narrative

The program narrative should be double-spaced, using a standard 12-point font (Times New Roman preferred); have no less than 1-inch margins; and should not exceed 20 pages. Pages should be numbered “1 of 20,” “2 of 20,” etc. If the program narrative fails to comply with the length restriction, BJA may consider such noncompliance in peer review and in final award decisions.

The following sections should be included as part of the program narrative¹¹:

- a. Statement of the Problem
- b. Project Design and Implementation
- c. Capabilities and Competencies
- d. Plan for Collecting the Data Required for this Solicitation’s Performance Measures

OJP will require each successful applicant to submit regular performance data that demonstrate the results of the work carried out under the award (see “[General Information about Post-Federal Award Reporting Requirements](#)” in [Section F. Federal Award Administration Information](#)). The performance data directly relate to the objectives and deliverables identified under “Objectives and Deliverables” in [Section A. Program Description](#).

Applicants should visit OJP’s performance measurement page at www.ojp.gov/performance for an overview of performance measurements at OJP.

Performance measures for this solicitation are listed in [Appendix A: Performance Measures Table](#).

The application should demonstrate the applicant’s understanding of the performance data reporting requirements for this grant program and detail how the applicant will gather the required data should it receive funding.

¹¹ 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](#).

Please note that applicants are **not** required to submit performance data with the application. Performance measures information is included as an alert that successful applicants will be required to submit performance data as part of the reporting requirements under an award.

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 definition of research that appears at 28 C.F.R. Part 46 (“Protection of Human Subjects”).

“Research,” for 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”](#) webpage of the [“Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2018 Awards,”](#) available through the OJP Funding Resource Center at <https://ojp.gov/funding/index.htm>.

Every prospective applicant whose application may propose a research or statistical component also should review the “Data Privacy and Confidentiality Requirements” section on that webpage.

4. Budget and Associated Documentation

The Budget Detail Worksheet and the Budget Narrative are now combined in a single document collectively referred to as the Budget Detail Worksheet. The Budget Detail Worksheet is a user-friendly, fillable, Microsoft Excel-based document designed to calculate totals. Additionally, the Excel workbook contains worksheets for multiple budget years that can be completed as necessary. **All applicants should use the Excel version when completing the proposed budget in an application, except in cases where the applicant does not have access to Microsoft Excel or experiences technical difficulties.** If an applicant does not have access to Microsoft Excel or experiences technical difficulties with the Excel version, then the applicant should use the 508-compliant accessible Adobe Portable Document Format (PDF) version.

Both versions of the Budget Detail Worksheet can be accessed at <https://ojp.gov/funding/Apply/Forms/BudgetDetailWorksheet.htm>.

a. Budget Detail Worksheet

The Budget Detail Worksheet should provide the detailed computation for each budget line item, listing the total cost of each and showing how it was calculated by the applicant. For example, costs for personnel should show the annual salary rate and the

percentage of time devoted to the project for each employee paid with grant funds. The Budget Detail Worksheet should present a complete itemization of all proposed costs.

For questions pertaining to budget and examples of allowable and unallowable costs, see the DOJ Grants Financial Guide at <https://ojp.gov/financialguide/DOJ/index.htm>.

b. Budget Narrative

The Budget Narrative should thoroughly and clearly describe **every** category of expense listed in the Budget Detail Worksheet. OJP expects proposed budgets to be complete, cost effective, and allowable (e.g., reasonable, allocable, and necessary for project activities).

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 objectives 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 an action—for federal grants administrative purposes—is a subaward or procurement contract is a critical distinction as significantly different rules apply to subawards and procurement contracts. If a recipient enters into an agreement that is a subaward of an OJP award, specific rules apply—many of which are set by federal statutes and DOJ regulations; others by award conditions. These rules place particular responsibilities on an OJP recipient for any subawards the OJP recipient may make. The rules determine much of what the written subaward agreement itself must require or provide. The rules also determine much of what an OJP recipient must do both before and after it makes a subaward. If a recipient enters into an agreement that is a procurement contract under an OJP award, a substantially different set of federal rules applies.

OJP has developed the following guidance documents to help clarify the differences between subawards and procurement contracts under an OJP award and outline the compliance and reporting requirements for each. This information can be accessed online at <https://ojp.gov/training/training.htm>.

- [Subawards under OJP Awards and Procurement Contracts under Awards: A Toolkit for OJP Recipients.](#)

- [Checklist to Determine Subrecipient or Contractor Classification.](#)
- [Sole Source Justification Fact Sheet and Sole Source Review Checklist.](#)

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 will 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. The substance of the relationship should be given greater consideration than the form of agreement between the recipient and the outside entity.

1. Information on proposed subawards and required certifications relating to certain federal laws from certain subrecipients

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) subawards, a recipient must have authorization from OJP before it may make a subaward.

A particular subaward may be authorized by OJP because the recipient included a sufficiently-detailed description and justification of the proposed subaward in the Program Narrative, Budget Detail Worksheet, and Budget Narrative as approved by OJP. If, however, a particular subaward is not authorized by federal statute or regulation, and is not 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, 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.

Required certifications relating to certain federal laws from any proposed subrecipient that is a state or local government entity

Before a recipient may subaward FY 2018 award funds to a state or local government entity, it will be required (by award condition) to obtain one or more properly executed certification(s) relating to certain federal laws from the proposed subrecipient. (This certification requirement will not apply to subawards to Indian tribes). The forms will be posted and available for download at:

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

Moreover, the recipient will be required (by award condition) to obtain responses to the questions set forth in Appendix D from a proposed state or local government subrecipient before a subaward to a state or local government entity is made.

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 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. All noncompetitive (sole source) procurement contracts must meet the OJP requirements outlined at <https://ojp.gov/training/subawards-procurement.htm>. 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.

If the applicant receives an award, sole source procurements that do not exceed the Simplified Acquisition Threshold (currently \$150,000) must have written justification for the noncompetitive procurement action maintained in the procurement file. If a procurement file does not have the documentation that meets the criteria outlined in 2 C.F.R. 200, the procurement expenditures may not be allowable. Sole source procurement over the \$150,000 Simplified Acquisition Threshold must have prior approval from OJP using a Sole Source Grant Adjustment Notice (GAN). Written documentation justifying the noncompetitive procurement must be submitted with the GAN and maintained in the procurement file.

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 (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 Part 200 Uniform Requirements, as set out at 2 C.F.R. 200.414(f).

An applicant with a current (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 Office of the Chief Financial Officer (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 <https://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.) For the “de minimis” rate requirements (including information on eligibility to elect to use the rate), see the Part 200 Uniform Requirements, at 2 C.F.R. 200.414(f).

6. Tribal Authorizing Resolution (if applicable)

A tribe, tribal organization, or third party that proposes to provide direct services or assistance to residents on tribal lands should include in its application a resolution, 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. In those instances when an organization or consortium of tribes applies for an award on behalf of a tribe or multiple specific tribes, the application should include appropriate legal documentation, as described above, from all tribes that would receive services or assistance under the award. A consortium of tribes for which existing consortium bylaws allow action without support from all tribes in the consortium (i.e., without an authorizing resolution or comparable legal documentation from each tribal governing body) may submit, instead, a copy of its consortium bylaws with the application.

An applicant unable to submit an application that includes a fully executed (i.e., signed) copy of legal appropriate documentation, as described above, consistent with the applicable tribe’s governance structure, should, at a minimum, submit an unsigned, draft version of such legal documentation as part of its application (except for cases in which, with respect to a tribal consortium applicant, consortium bylaws allow action without the support of all consortium member tribes). If selected for funding, OJP will make use of and access to award funds contingent on receipt of the fully executed legal documentation.

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

Every OJP applicant (other than an individual applying in his or her personal capacity) is required to download, complete, and submit the OJP Financial Management and System of Internal Controls Questionnaire (Questionnaire) at <https://ojp.gov/funding/Apply/Resources/FinancialCapability.pdf> as part of its application. The Questionnaire helps OJP assess the financial management and internal control systems, and the associated potential risks of an applicant as part of the pre-award risk assessment process.

The Questionnaire should only be completed by financial staff most familiar with the applicant's systems, policies, and procedures in order to ensure that the correct responses are recorded and submitted to OJP. The responses on the Questionnaire directly impact the pre-award risk assessment and should accurately reflect the applicant's financial management and internal control system at the time of the application. The pre-award risk assessment is only one of multiple factors and criteria used in determining funding. However, a pre-award risk assessment that indicates that an applicant poses a higher risk to OJP may affect the funding decision and/or result in additional reporting requirements, monitoring, special conditions, withholding of award funds, or other additional award requirements.

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).

8. Disclosure of Lobbying Activities

Each applicant must complete and submit this information. 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) posted at <https://ojp.gov/funding/Apply/Resources/Disclosure.pdf>. An applicant that does not expend any funds for lobbying activities is to enter "N/A" in the text boxes for item 10 ("a. Name and Address of Lobbying Registrant" and "b. Individuals Performing Services").

9. **Certifications, relating to certain federal laws, by the Chief Legal Officer of the Applicant Jurisdiction**

To the extent that the applicant is either a state or local government entity, then the chief legal officer of that applicant (e.g., the State Attorney General) is to carefully review the certifications found in Appendices E and F. If the chief legal officer determines that he or she may execute the certifications, the applicant is to submit the certifications as part of its application. (Note: this requirement does not apply to Indian tribal governments.)

10. **Additional Attachments**

a. **Information regarding Communication with the Department of Homeland Security (DHS) and/or Immigration and Customs Enforcement (ICE)**

Each applicant that is a state or local government entity must provide responses to the following questions as an attachment to the application:

1. Does your jurisdiction have any laws, policies, or practices related to whether, when, or how employees may communicate with DHS or ICE?
2. Is your jurisdiction subject to any laws from a superior political entity (e.g., a state law that binds a city) that meet the description in question 1?
3. If yes to either:
 - o Provide a copy of each law or policy;
 - o Describe each practice; and
 - o Explain how the law, policy, or practice complies with 8 U.S.C. § 1373.

See Appendix D for a template that applicants may use to prepare this attachment.

b. **Timeline/Task Plan** outlining key tasks, benchmarks, and persons/entities responsible.

c. **Applicant Disclosure of Proposed Subrecipients.** Attach a list of proposed subrecipients of grant funding, if applicable, that includes the name, organizational affiliation, and location of the proposed subrecipient entity.

d. **Position Descriptions** for key roles, including action research and other partners. Position descriptions should relate to the role on the proposed project, not the person's role within the applicant organization, and describe critical competencies and expectations regarding project responsibilities.

e. **Letters of Support** from action research and other project partners, as applicable. The action research and other proposed partners should be committed to work toward project objectives, to collaborate with the lead agency and other partners, and to share data to support the project's objectives. The commitment will be evaluated through the applicant's submission of appropriate letters of support.

f. **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 any 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 inappropriate duplication of funding. However, 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 and 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’s 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 any identical cost items outlined in the budget submitted as part of this application.”

g. Research and Evaluation Independence and Integrity

If an application proposes 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 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.

How To Apply

Applicants must register in and submit applications through Grants.gov, a primary source to find federal funding opportunities and apply for funding. Find complete instructions on how to register and submit an application at <https://www.grants.gov/web/grants/support.html>. Applicants that experience technical difficulties during this process should call the Grants.gov Customer Support Hotline at **800-518-4726** or **606-545-5035**, which operates 24 hours a day, 7 days a week, except on federal holidays.

Important Grants.gov update. Grants.gov has updated its application tool. The legacy PDF application package was retired on December 31, 2017. Grants.gov Workspace is now the standard application method for applying for grants. OJP applicants should familiarize themselves with the Workspace option now. For complete information and instructions on using Workspace (and other changes), go to the Workspace Overview page at <https://www.grants.gov/web/grants/applicants/workspace-overview.html>.

Registering with Grants.gov is a one-time process; however, **processing delays may occur, and it can take several weeks** for first-time registrants to receive confirmation of registration and a user password. OJP encourages applicants to **register several weeks before** the application submission deadline. In addition, OJP urges applicants to submit applications at

least 72 hours prior to the application due date, in order to allow time for the applicant to receive validation messages or rejection notifications from Grants.gov, and to correct in a timely fashion any problems that may have caused a rejection notification.

OJP strongly encourages all prospective applicants to sign up for Grants.gov email notifications regarding this solicitation at <https://www.grants.gov/web/grants/manage-subscriptions.html>. If this solicitation is cancelled or modified, individuals who sign up with Grants.gov for updates will be automatically notified.

Browser Information: Grants.gov was built to be compatible with Internet Explorer. For technical assistance with Google Chrome, or another browser, contact Grants.gov Customer Support.

Note on Attachments: Grants.gov has two categories of files for attachments: “mandatory” and “optional.” OJP receives all files attached in both categories. Attachments are also labeled to describe the file being attached (e.g., Project Narrative, Budget Narrative, Other, etc.) Please ensure that all required documents are attached in the correct Grants.gov category and are labeled correctly. Do not embed “mandatory” attachments within another file.

Note on File Names and File Types: Grants.gov **only** permits the use of **certain specific** characters in the file names of attachments. Valid file names may include **only** the characters shown in the table below. Grants.gov rejects any application that includes an attachment(s) with a file name that contains **any** characters not shown in the table below. Grants.gov forwards successfully submitted applications to the OJP Grants Management System (GMS).

Characters	Special Characters		
Upper case (A – Z)	Parenthesis ()	Curly braces { }	Square brackets []
Lower case (a – z)	Ampersand (&)*	Tilde (~)	Exclamation point (!)
Underscore (_)	Comma (,)	Semicolon (;)	Apostrophe (')
Hyphen (-)	At sign (@)	Number sign (#)	Dollar sign (\$)
Space	Percent sign (%)	Plus sign (+)	Equal sign (=)
Period (.)			

***When using the ampersand (&) in XML, applicants must use the “&” format.**

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.” GMS may reject applications with files that use these extensions. It is important to allow time to change the type of file(s) if the application is rejected.

All applicants are required to complete the following steps:

Unique Entity Identifier (DUNS Number) and System for Award Management (SAM)

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. SAM is the repository for certain standard information about federal financial assistance applicants, recipients, and subrecipients. A DUNS number is a unique nine-digit identification number provided by the commercial company Dun and Bradstreet. More detailed information about SAM and the DUNS number is in the numbered sections below.

If an applicant entity has not fully complied with the 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.

Registration and Submission Steps

1. **Acquire a unique entity identifier (currently, a 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.

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 <https://www.dnb.com/>. A DUNS number is usually received within 1-2 business days.

2. **Acquire or maintain registration with SAM.** Any applicant for an OJP award creating a **new** entity registration in SAM.gov must provide an original, signed notarized letter stating that the applicant is the authorized Entity Administrator before the registration will be activated. To learn more about this process change, read the FAQs at <https://www.gsa.gov/about-us/organization/federal-acquisition-service/office-of-systems-management/integrated-award-environment-iae/sam-update>. Information about the notarized letter is posted at https://www.fsd.gov/fsd.gov/answer.do?sysparm_kbid=d2e67885db0d5f00b3257d321f96194b&sysparm_search=kb0013183

All applicants for OJP awards (other than individuals) must maintain current registrations in the SAM database. Applicants will need the authorizing official of the organization and an Employer Identification Number (EIN). An applicant must be registered in SAM to successfully register in Grants.gov. 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 (2 more weeks to acquire an EIN).

An application cannot be successfully submitted in Grants.gov until Grants.gov receives the SAM registration information. Once the SAM registration/renewal is complete, **the information transfer from SAM to Grants.gov can take as long as 48 hours.** OJP recommends that the applicant register or renew registration with SAM as early as possible.

Information about SAM registration procedures can be accessed at <https://www.sam.gov/portal/SAM/#1>.

3. **Acquire an Authorized Organization Representative (AOR) and a Grants.gov username and password.** Complete the AOR profile on Grants.gov and create a username and password. An applicant entity's "unique entity identifier" (DUNS number) must be used to complete this step. For more information about the registration process for organizations and other entities, go to <https://www.grants.gov/web/grants/applicants/organization-registration.html>.

Individuals registering with Grants.gov should go to <https://www.grants.gov/web/grants/applicants/registration.html>.

4. **Acquire confirmation for the AOR from the E-Business Point of Contact (E-Biz POC).** The E-Biz POC at the applicant organization must log into Grants.gov to confirm the applicant organization's AOR. The E-Biz POC will need the Marketing Partner Identification Number (MPIN) password obtained when registering with SAM to complete this step. Note that an organization can have more than one AOR.
5. **Search for the funding opportunity on Grants.gov.** Use the following identifying information when searching for the funding opportunity on Grants.gov. The Catalog of Federal Domestic Assistance (CFDA) number for this solicitation is 16.827, titled "Justice Reinvestment Initiative" and the funding opportunity number is BJA-2018-13700.
6. **Select the correct Competition ID.** Some OJP solicitations posted to Grants.gov contain multiple purpose areas, denoted by the individual Competition ID. If applying to a solicitation with multiple Competition IDs, select the appropriate Competition ID for the intended purpose area of the application:

Category 1: BJA-2018-14883

Category 2: BJA-2018-14884

7. **Access Funding Opportunity and Application Package from Grants.gov.** Select "Apply" under the "Actions" column. Enter your email address to be notified of any changes to the opportunity package before the closing date. Click the Workspace icon to use Grants.gov Workspace.
8. **Submit a valid application consistent with this solicitation by following the directions in Grants.gov.** Within 24–48 hours after submitting the electronic application, the applicant should receive two notifications from Grants.gov. The first will confirm the receipt of the application. The second will state whether the application has been validated and successfully submitted, or whether it has been rejected due to errors, with an explanation. It is possible to first receive a message indicating that the application is received, and then receive a rejection notice a few minutes or hours later. Submitting an application well ahead of the deadline provides time to correct the problem(s) that caused the rejection. **Important:** OJP urges each applicant to submit its application **at least 72 hours prior** to the application due date, to allow time to receive validation messages or rejection notifications from Grants.gov, and to correct in a timely fashion any problems that may have caused a rejection notification. Applications must be successfully submitted through Grants.gov by 11:59 p.m. eastern time on January 8, 2019.

Go to <https://www.grants.gov/web/grants/applicants/organization-registration.html> for further details on DUNS numbers, SAM, and Grants.gov registration steps and timeframes.

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 Grants.gov Technical Issues

An applicant that experiences unforeseen Grants.gov technical issues beyond its control that prevent it from submitting its application by the deadline must contact the Grants.gov Customer Support Hotline at <https://www.grants.gov/web/grants/support.html> or the SAM Help Desk (Federal Service Desk) at <https://www.fsd.gov/fsd-gov/home.do> to report the technical issue and receive a tracking number. The applicant must email the contact 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 Grants.gov 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 Grants.gov or SAM Help Desks 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:

- Failure to register in SAM or Grants.gov in sufficient time (SAM registration and renewal can take as long as 10 business days to complete. The information transfer from SAM to Grants.gov can take up to 48 hours.)
- Failure to follow Grants.gov instructions on how to register and apply as posted on its 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 or browser incompatibility

Notifications regarding known technical problems with Grants.gov, if any, are posted at the top of the OJP Funding Resource Center at <https://ojp.gov/funding/index.htm>.

E. Application Review Information

Review Criteria

Applications that meet basic minimum requirements will be evaluated by peer reviewers using the following review criteria.

1. Statement of the Problem (15 percent)

- Using available data, describe recent crime trends in the applicant's jurisdiction.
- Describe the (1) high-cost problem which the applicant agency is otherwise unable to address; and/or (2) otherwise compelling public safety problem to which the application proposes to respond. Please provide data to support this description.
- Describe what data are available and how they are used to guide decision making about crime prevention and reduction strategies in the applicant's jurisdiction.

- Detail the approach to public safety performance measurement and evaluation of crime reduction efforts by the applicant and its jurisdiction.
- Describe existing research-based responses to prevent and reduce crime and provide information about the outcomes to date.
- Demonstrate relevant existing collaborations among justice system stakeholders to reduce crime and the accomplishments of those collaborations (e.g., memorandums of understanding, program summaries, other work products).

2. Project Design and Implementation (40 percent)

- Address in detail how the applicant proposes to address the problem through the five Justice Reinvestment steps: engaging stakeholders, analyzing data and identifying drivers, developing innovative or research-based responses, implementing responses, and measuring outcomes.
- Describe the theory of change – how the proposed activities will lead to the desired outcome - and summarize available data and the research basis for the proposed strategy(ies).
- Indicate and address whether priority consideration is being sought:
 - The problem area identified can be addressed through cooperation with federal immigration authorities, including compliance with 8 USC §§ 1373, 1644, and 1324, participation in a 287 (g) or other cooperation program, honoring requests for notice of release, transfers of custody, and/or short term extensions of custody, and providing access to detention centers so federal immigration authorities may conduct interviews. Explain specifically how these forms of cooperation will address the problem area identified (e.g., hold violent offenders accountable, address the opioid epidemic, support law enforcement, and support victims of violent crime), and how grant funds will be used to achieve this end.
 - Proposals that address operational gaps related to repeat violent offenders or precipitous increases in crime may additionally receive priority consideration. Proposals must include data to demonstrate the scope of the problem and support the proposed intervention.

3. Capabilities and Competencies (30 percent)

- Provide a detailed description of the capacity of the organization to perform the key tasks described in the Project Design and Implementation section.
- Describe how the proposed management structure and staffing of the project will facilitate the delivery of the required services. The management and organizational structure described should match the staffing needs necessary to accomplish the tasks outlined in the Timeline/Task Plan.
- Discuss the staffing resources—whether permanent full-time staff, proposed partners, or proposed consultants—that will contribute to effective implementation and oversight of the project.

4. Plan for Collecting the Data Required for this Solicitation's Performance Measurements (5 percent)

- Describe the method by which the data required for this solicitation's performance measures will be collected, including the system(s) used and the person(s)

responsible.

- Describe how other performance metrics specific to the proposed project activities will be documented, monitored, and evaluated.

5. Budget (10 percent)

- Submit a budget that is complete, cost effective, and allowable (i.e., reasonable, allocable, and necessary for project activities).
- The budget narrative should demonstrate generally how the applicant will maximize cost effectiveness of grant expenditures. The budget narrative should demonstrate cost effectiveness in relation to potential alternatives and the objectives of the project.¹²

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.

Peer reviewers will review the applications submitted under this solicitation that meet basic minimum requirements. For purposes of assessing whether an application meets basic minimum requirements and should proceed to further consideration, OJP screens applications for compliance with those requirements. Although specific requirements may vary, the following are common requirements applicable to all solicitations for funding under OJP programs:

- The application must be submitted by an eligible type of applicant.
- The application must request funding within programmatic funding constraints (if applicable).
- The application must be responsive to the scope of the solicitation.
- The application must include all items designated as “critical elements.”
- The applicant must not be identified in SAM as excluded from receiving federal awards.

For a list of the critical elements for this solicitation, see “What an Application Should Include” under [Section D. Application and Submission Information](#).

Peer review panels will evaluate, score, and rate applications that meet basic minimum requirements. BJA may use internal peer reviewers, external peer reviewers, or a combination, to assess applications on technical merit using the solicitation’s review criteria. An external peer reviewer is an expert in the subject matter of a given solicitation who is not a current DOJ employee. An internal reviewer is a current DOJ employee who is well-versed or has expertise in the subject matter of this solicitation. Peer reviewers’ ratings and any resulting recommendations are advisory only, although reviewer views are considered carefully. Other important considerations for BJA include geographic diversity, strategic priorities, and available funding, as well as the extent to which the Budget Detail Worksheet and Budget Narrative

¹² Generally speaking, a reasonable cost is a cost that, in its nature or amount, does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the costs.

accurately explain project costs that are reasonable, necessary, and otherwise allowable under federal law and applicable federal cost principles.

Pursuant to the Part 200 Uniform Requirements, before award decisions are made, OJP also reviews information related to the degree of risk posed by the applicant. 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, FAPIIS).

Important note on FAPIIS: An applicant, at its option, may review and comment on any information about itself that currently appears in FAPIIS and was entered by a federal awarding agency. OJP will consider any such comments by the applicant, in addition to the other information in FAPIIS, 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 for competitive awards. OJP takes into account information pertinent to matters such as:

1. Applicant financial stability and fiscal integrity
2. Quality of the applicant's management systems, 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 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, all final award decisions will be made by the Assistant Attorney General, who may take into account not only peer review ratings and BJA recommendations, but also other factors as indicated in this section.

F. Federal Award Administration Information

Federal Award Notices

Award notifications will be made by April 1, 2019. OJP sends award notifications by email through GMS to the individuals listed in the application as the point of contact and the authorizing official (E-Biz POC and AOR). 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.

For each successful applicant, 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 and submission of the fully executed award document to OJP.

Administrative, National Policy, and Other Legal Requirements

If selected for funding, in addition to implementing the funded project consistent with the OJP-approved application, the recipient must comply with all award conditions, as well as all applicable requirements of federal statutes and regulations (including applicable requirements referred to in the assurances and certifications executed in connection with award acceptance). OJP strongly encourages prospective applicants to review information on post-award legal requirements and common OJP award conditions **prior** to submitting an application.

Awards under this solicitation will include a condition (the specific terms of which will govern the award) related to verification of employment eligibility. The condition will, generally speaking, require the recipient (and any subrecipient) that accepts the award to verify the employment eligibility of any individual hired under the award, consistent with 8 U.S.C. § 1324a(1).

Applicants should consult the "[Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2018 Awards](#)," available in the OJP Funding Resource Center at <https://ojp.gov/funding/index.htm>. In addition, applicants should examine the following two legal documents, as each successful applicant must execute both documents before it may receive any award funds. (An applicant is not required to submit these documents as part of an application.)

- [Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements](#)
- [Certified Standard Assurances](#)

The webpages accessible through the "[Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2018 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 2018. 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 awards made pursuant to this solicitation will, as appropriate and to the extent consistent with law, include conditions that will require the recipient (and any subrecipient) that accepts the award to do various things, with respect to the "program or activity" that would receive federal financial assistance thereunder. **Although the specific terms of each of those conditions are what will govern the awards**, included among such conditions will be some

that, **generally speaking**, will require the recipient (and any subrecipient) that accepts the award to do some or all of the following:

- Not to prohibit or in any way restrict—
 - (1) communication to/from the Department of Homeland Security (“DHS”) of information regarding the citizenship or immigration status of any individual, as described in 8 U.S.C. § 1373(a); and
 - (2) maintaining, or exchanging with any government entity, information regarding the immigration status of any individual, as described in 8 U.S.C. §§ 1373(b) or 1644.
- Not to violate 8 U.S.C. § 1644 (prohibiting restrictions on communication to/from DHS of information regarding the immigration status of an alien).
- Not to publicly disclose federal law enforcement information in an attempt to conceal, harbor, or shield certain individuals from detection, including in violation of 18 U.S.C. §§ 1071 or 1072, or 8 U.S.C. § 1324(a).
- Not to impede the exercise of the authority of the federal government under 8 U.S.C. § 1226(a) & (c) (authorizing arrest and detention of certain aliens and providing that the federal government “shall take into custody” certain criminal aliens “when the alien is released”), 8 U.S.C. § 1231(a) (providing that a 90-day “removal period” during which the federal government “shall” detain and then “shall” remove an alien incarcerated by a State or local government, or by the federal government, from the United States generally “begins” no later than “the date the alien is released from detention or confinement”; and providing that the federal government may not “remove an alien [including “an alien in the custody of a State (or a political subdivision of a State)”), and 8 U.S.C. § 1366(1) & (3) (requiring the Attorney General annually to submit to Congress “a report detailing ... (1) the number of illegal aliens incarcerated in Federal and State prisons for having committed felonies, stating the number incarcerated for each type of offense; [and] (3) programs and plans underway in the Department of Justice to ensure the prompt removal from the United States of criminal aliens subject to removal”), specifically by requiring such recipients to provide (where feasible) at least 48 hours’ advance notice to DHS regarding the scheduled release date and time of an alien in the recipient’s custody when DHS requests such notice in order to take custody of the alien pursuant to the Immigration and Nationality Act.
- Not to impede the exercise by DHS agents, “anywhere in or outside the United States” (8 C.F.R. § 287.5(a)(1)), of their authority under 8 U.S.C. § 1357(a)(1) to “interrogate any alien or person believed to be an alien as to his right to be or to remain in the United States,” specifically by requiring such recipients to permit DHS agents to have access to any correctional facility in order to meet with an alien (or an individual believed to be an alien) and inquire as to his right to be or remain in the United States.

The reasonable costs (to the extent not reimbursed under any other federal program) of complying with these conditions, including honoring 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

In addition to the deliverables described in [Section A. Program Description](#), any 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 reports, semi-annual progress reports, final financial and progress reports, and, if applicable, an annual audit report in accordance with the 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 webpage at <https://ojp.gov/funding/FAPIIS.htm>.

Data on performance measures. In addition to required reports, each award recipient 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 in fulfilling its responsibilities under the Government Performance and Results Act of 1993 (GPRA), Public Law 103–62, and the GPRA Modernization Act of 2010, Public Law 111–352, OJP will require any award recipient, post award, to provide performance data as part of regular progress reporting. Successful applicants will be required to access OJP’s performance measurement page at www.ojp.gov/performance for an overview of performance measurement activities at OJP. Performance measures are also listed as an appendix.

G. Federal Awarding Agency Contact(s)

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

For contact information for Grants.gov, 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 the 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 from this mailbox to messages it receives in this mailbox. Any 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 document to obtain information. These contacts are provided to help ensure that 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 ojpprsupport@usdoj.gov. (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.

Appendix A: Performance Measures Table

Objectives	Performance Measure	Data Grantee Provides
<p>Objective 1: Promote and Increase collaboration and data sharing among local justice system agencies and officials who work in criminal justice to address persistent or emerging crime and public safety problems, including local policymakers, law enforcement, prosecution, defense, pretrial services, courts, probation, treatment, corrections, reentry, and parole.</p>	<p>Percent change in number/type of working group partners</p>	<p>Baseline: Number of working group partners, by type, prior to project implementation or establishment</p> <p>Indicate working group partners currently involved in the project:</p> <ul style="list-style-type: none"> • State/tribal leadership (e.g., governor’s office) • Local leadership (e.g., county executive or mayor’s office) • State law enforcement agencies • Local law enforcement agencies • Federal law enforcement agencies • Community-based victim services • Pretrial services organizations • U.S. Attorney’s Office • Prosecutors (district attorney’s office or state’s attorney’s office) • Public defender/indigent defense • Courts • Probation/parole • Corrections • Health care providers • Mental health providers • Substance abuse treatment providers • Child protective services

Objectives	Performance Measure	Data Grantee Provides
	<p>Percentage of grantees holding working group meetings</p> <p>Percentage of grantees with partners that are actively involved in the program</p> <p>Percentage of local collaborative workgroups conducting coordination activities</p> <p>Deliverables that meet expectations as determined by BJA</p>	<ul style="list-style-type: none"> • Community-based service providers (e.g., housing, employment) • Subject experts • Other (please describe) <p>Indicate how often your collaborative workgroup held organized meetings:</p> <ul style="list-style-type: none"> • Daily • Weekly/biweekly • Monthly • Quarterly • Other (specify frequency) <p>Baseline: Number of grantees (data provided by BJA)</p> <p>Partners' level of active involvement rated on a 1-5 scale (1=strongly disagree, 2=disagree, 3=neither agree nor disagree, 4=agree, 5=strongly agree)</p> <p>Baseline: Number of grantees (data provided by BJA)</p> <p>Number of local collaborative workgroups conducting coordination activities</p> <p>Deliverables that meet expectations as determined by BJA (i.e., action plan and final evaluation report)</p>

Objectives	Performance Measure	Data Grantee Provides
<p>Objective 2: Increase local capacity to analyze and respond to crime drivers through the use of comprehensive data analytics, integrated data sharing systems, and training.</p>	<p>Change in the number of analytical staff</p>	<p>Baseline: Number of personnel, by type, at start of project</p>
		<p>Number of crime analysts (full and part time) created/added</p>
		<p>Number of crime analysts (full- and part-time) assigned to the project</p>
	<p>Number of analytic reports produced</p>	<p>Number of analytic reports produced</p>
	<p>Percentage of grantees providing training to staff</p>	<p>Baseline: Number of grantees (Data provided by BJA)</p> <p>Indicate whether your agency/organization provided training to staff</p>
	<p>Number of trainings conducted</p>	<p>Number of trainings (by type):</p> <ul style="list-style-type: none"> • In-person • Web-based • CD/DVD • Peer-to-peer • Workshop
<p>Number of participants who attend the training</p>	<p>Number of individuals who:</p> <ul style="list-style-type: none"> • Attend the training (in-person) or started the training (web-based) 	
<p>Percentage of participants who successfully completed the training</p>	<p>Completed the training</p>	

Objectives	Performance Measure	Data Grantee Provides
<p>Objective 3: Increase justice agencies' use of evidence-based practices and programs to improve the identification of, and coordinated responses to violence.</p>	<p>Percentage of grantees using data to inform project activities</p> <p>Percentage of grantees utilizing evidence-based responses</p> <p>Of those, percentage of grantees using crime prevention models/ strategies</p> <p>Percentage of grantees analyzing multiple sources (2 or more) to conduct cross system analysis</p>	<p>Indicate the data types used in analysis</p> <p>Indicate the project activities informed by data analysis</p> <p>Of those, number of grantees implementing crime prevention models/strategies</p> <p>Number of data sources/data systems identified by type for analysis</p> <ul style="list-style-type: none"> • Pretrial • Corrections • Probation • Parole • Criminal history records • Law enforcement data (e.g., arrests, investigation data, intelligence) • Court data • Other

Appendix B: Sample Program and Research Model

A program and research model demonstrates the causal relationships between objectives, activities, and results. It is a useful tool to visualize the purpose and scope of proposed activities, including the resources needed and expected outcomes. When noting outcomes, consider how you plan to measure those outcomes. Please note that objectives and inputs/resources may correspond to multiple activities, outputs, and outcomes.

Action Plans must include a program and research model containing the six types of information indicated below and should reflect all objectives and activities. The following example is drawn from a supervision-related initiative, and reflects two of many objectives.

Project Objectives	Inputs/Resources (Include existing and grant-funded)	Activities and Timeline	Outputs/ Process Measures	Short-Term Outcomes (Define length of time in response)	Long-Term Outcomes (Define length of time in response)
Implement risk and/or needs assessment tool	Train correctional staff (grant)	Integrate tool into intake process and reentry case planning (Begin March 2019)	Number of assessments completed	Administer risk and needs assessment tool for all participants upon intake (Within 6 months of implementation)	Develop all case plans based on needs identified through assessment (By year 2 of implementation)
Train reentry staff in evidence-based cognitive behavioral intervention (CBI)	0.5 FTE supervision officer (grant) 0.5 FTE reentry staff (existing)	Train staff in Thinking for a Change (T4C) (Training in April 2019)	Number of <ul style="list-style-type: none"> • Staff trained • Training courses completed by staff • New case plans that incorporate CBI based on needs assessment 	Train all reentry staff in T4C	Provide T4C no later than 90 days before release to all participants identified as having the criminogenic need of criminal thinking/behavior

Appendix C: Application Checklist Justice Reinvestment

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

What an Applicant Should Do:

Prior to Registering in Grants.gov:

- _____ Acquire a DUNS Number (see page 29)
- _____ Acquire or renew registration with SAM (see page 29)

To Register with Grants.gov:

- _____ Acquire AOR and Grants.gov username/password (see page 29)
- _____ Acquire AOR confirmation from the E-Biz POC (see page 30)

To Find Funding Opportunity:

- _____ Search for the Funding Opportunity on Grants.gov (see page 30)
- _____ Access Funding Opportunity and Application Package (see page 30)
- _____ Sign up for Grants.gov email [notifications](#) (optional) (see page 28)
- _____ Read [Important Notice: Applying for Grants in Grants.gov](#)
- _____ Read OJP policy and guidance on conference approval, planning, and reporting available at <http://ojp.gov/financialguide/DOJ/PostawardRequirements/chapter3.10a.htm>

After Application Submission, Receive Grants.gov Email Notifications That:

- _____ (1) application has been received
- _____ (2) application has either been successfully validated or rejected with errors (see page 30)

If No Grants.gov Receipt, and Validation or Error Notifications Are Received:

- _____ Contact NCJRS regarding experiencing technical difficulties (see page 2)

Overview of Post-Award Legal Requirements:

- _____ Review the "[Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2018 Awards](#)" in the OJP Funding Resource Center at <https://ojp.gov/funding/index.htm>.

Scope Requirement:

- _____ The federal amount requested does not exceed \$1,250,000.

Eligibility Requirement:

_____ Categories 1 and 2: Eligible applicants are states, local units of government, and federally recognized Indian tribes (as determined by the Secretary of the Interior). Category 2 also includes applicants that are national-scope private and non-profit organizations (including tribal non-profit or for-profit organizations), colleges and universities, both private and public (including tribal institutions of higher education, with national law enforcement and corrections expertise).

What an Application Should Include:

Items denoted by an asterisk (*) have been designated as critical elements of an application. If an application does not include these items, it will neither proceed to peer review, nor receive further consideration.

- _____ Application for Federal Assistance (SF-424) (see page 16)
- _____ Project Abstract (see page 17)
- _____ *Program Narrative (see page 17)
- _____ *Budget Detail Worksheet (see page 18)
- _____ *Budget Narrative (see page 19)
- _____ Indirect Cost Rate Agreement (if applicable) (see page 21)
- _____ Financial Management and System of Internal Controls Questionnaire (see page 23)
- _____ [Disclosure of Lobbying Activities \(SF-LLL\)](#) (see page 23)
- _____ Certification relating to certain federal laws (see page 1)
- _____ Additional Attachments
 - _____ *Timeline/Task Plan (see page 24)
 - _____ *Applicant Disclosure of Proposed Subrecipients (see page 20)
 - _____ *Position Descriptions for Key Roles (see page 24)
 - _____ *Letters of Support (see page 24)
 - _____ Applicant Disclosure of Pending Applications (see page 24)
 - _____ Research and Evaluation Independence and Integrity (see page 25)
 - _____ Information regarding Communication with DHS and/or ICE (see page 24)
- _____ Request and Justification for Employee Compensation; Waiver (if applicable) (see page 14)

*** Note:** These elements are the basic minimum requirements for applications. Applications that do not include these elements shall neither proceed to peer review nor receive further consideration by BJA.

Appendix D

Information regarding Communication with the Department of Homeland Security (DHS) and/or Immigration and Customs Enforcement (ICE)

Each applicant that is a state or local government entity must provide responses to the following questions as an attachment to the application:

1. Does your jurisdiction have any laws, policies, or practices related to whether, when, or how employees may communicate with DHS or ICE?
2. Is your jurisdiction subject to any laws from a superior political entity (e.g., a state law that binds a city) that meet the description in question 1?
3. If yes to either:
 - Provide a copy of each law or policy;
 - Describe each practice; and
 - Explain how the law, policy, or practice complies with 8 U.S.C. § 1373.

Appendix E

**State or Local Government:
Certification Relating to 8 U.S.C. §§ 1373 and 1644**

Template for use by the chief legal officer of the applicant government (e.g., the State Attorney General)

Available below or for download at <https://ojp.gov/funding/Explore/SampleCertifications-8USC1373.htm>.

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

FY 2018 Certification Relating to 8 U.S.C. §§ 1373 & 1644

On behalf of the applicant government entity named below, and in support of its application, I certify 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) & (b), and 1644, including the prohibitions on certain actions by State and local government entities, -agencies, and -officials regarding information regarding 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 & 1644 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 – with respect to any "program or activity" funded in whole or in part with the federal financial assistance provided through the FY 2018 OJP program under which this certification is being submitted (the "FY 2018 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 2018 OJP program – the U.S. Department of Justice will require States and local governments (and agencies or other entities thereof) not to prohibit or in any way restrict any government entity or -official from– (a) sending or receiving information regarding citizenship or immigration status as described in 8 U.S.C. § 1373(a); or (b) sending, requesting or receiving, maintaining, or exchanging information regarding immigration status as described in either 8 U.S.C. §§ 1373(b) or 1644.

(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. 34 U.S.C. § 10251(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 the following (which, for the specific purpose of paragraph 5, shall not be understood to include any "program or activity" of any subrecipient at any tier):

- (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 2018 OJP Program; and
- (b) any prohibitions or restrictions potentially applicable to the "program or activity" sought to be funded under the FY 2018 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) & (b), and 1644, 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 2018 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) & 1644; 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).

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 2018 OJP Program identified below)

FY 2018 OJP Program: Justice Reinvestment: Reducing Violent Crime by Improving Justice System Performance

Rev. October 23, 2018

Appendix F

State or Local Government:

Certification Relating to Various Statutes (other than 8 U.S.C. §§ 1373 & 1644)

Template for use by the chief legal officer of the applicant government (e.g., the State Attorney General)

Available below or for download at <https://ojp.gov/funding/Explore/SampleCertifications-8USC1373.htm>.

U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS

FY 2018 Certification Relating to Various Statutes (other than 8 U.S.C. §§ 1373 & 1644)

On behalf of the applicant government entity named below, and in support of its application, I certify 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 each of the following sections of the United States Code:
 - a. 8 U.S.C. § 1226(a) & (c) (authorizing arrest and detention of certain aliens and providing that the federal government "shall take into custody" certain criminal aliens "when the alien is released");
 - b. 8 U.S.C. § 1231(a) (providing that a 90-day "removal period" during which the federal government "shall" detain and then "shall" remove an alien incarcerated by a State or local government, or by the federal government, from the United States generally "begins" no later than "the date the alien is released from detention or confinement; and providing that the federal government may not "remove an alien [including "an alien in the custody of a State (or a political subdivision of a State)]" who is sentenced to imprisonment until the alien is released from imprisonment");
 - c. 8 U.S.C. § 1324(a) (forbidding the concealing, harboring, or shielding from detection of aliens illegally in the United States);
 - d. 8 U.S.C. § 1357(a) (authorizing immigration officers, "anywhere in or outside the United States" (see 8 C.F.R. § 287.5(a)), to "interrogate any alien or person believed to be an alien as to his right to be or to remain in the United States");
 - e. 8 U.S.C. § 1366(1) & (3) (requiring the Attorney General annually to submit to Congress "a report detailing ... (1) the number of illegal aliens incarcerated in Federal and State prisons for having committed felonies, stating the number incarcerated for each type of offense; [and] (3) programs and plans underway in the Department of Justice to ensure the prompt removal from the United States of criminal aliens subject to removal").
 - f. 18 U.S.C. § 1071 (forbidding the harboring or concealing of certain persons); and
 - g. 18 U.S.C. § 1072 (forbidding the harboring or concealing of certain escaped prisoners).
3. I (and also the applicant entity) understand that USDOJ will – by award condition – require States and local governments (including State and local government entities, -agencies, and -officials), with respect to any "program or activity" funded in whole or in part with the federal financial assistance provided through the FY 2018 OJP program under which this certification is being submitted (the "FY 2018 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 2018 OJP Program, not to publicly disclose federal law enforcement information in an attempt to conceal, harbor, or shield certain individuals from detection, whether or not in violation of 8 U.S.C. § 1324(a) or 18 U.S.C. §§ 1071 or 1072 or other laws, and not to impede the exercise by federal officers of authority under 8 U.S.C. § 1357(a) or relating to 8 U.S.C. § 1366(1) or (3) or 8 U.S.C. § 1226(a) or (c).
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.* 34 U.S.C. § 10251(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 the following (which, for the specific purpose of paragraph 5, shall not be understood to include any "program or activity" of any subrecipient at any tier):
 - 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 2018 OJP Program; and
 - b. any laws, rules, policies, or practices potentially applicable to the "program or activity" sought to be funded under the FY 2018 OJP Program that implicate any of the requirements relating to 8 U.S.C. §§ 1226(a) or (c), 1231(a), 1357(a), 1366(1) or (3), or 18 U.S.C. §§ 1071 or 1072 that are described in paragraph 3 of this certification, 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 law, rule, policy, or practice that would apply to the "program or activity" to be funded in whole or in part under the FY 2018 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 would or does— (a) impede the exercise by federal officers of authority under 8 U.S.C. § 1357(a); or (b) impede the exercise by federal officers of authority relating to 8 U.S.C. § 1226(a) or (c), 8 U.S.C. § 1231(a), or 8 U.S.C. § 1366(1) or (3).

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 2018 OJP Program identified below)

FY 2018 OJP Program: Justice Reinvestment: Reducing Violent Crime by Improving Justice System Performance

Rev. October 25, 2018

Appendix G

Certain potentially-relevant federal laws, as in effect on June 7, 2018

8 U.S.C. § 1373

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.

8 U.S.C. § 1644

Communication between State and local government agencies and Immigration and Naturalization Service

Notwithstanding any other provision of Federal, State, or local law, no State or local government entity may be prohibited, or in any way restricted, from sending to or receiving from the Immigration and Naturalization Service information regarding the immigration status, lawful or unlawful, of an alien in the United States.

8 U.S.C. § 1231(a)(4)

(a) Detention, release, and removal of aliens ordered removed

4) Aliens imprisoned, arrested, or on parole, supervised release, or probation

(A) In general

Except as provided in section 259(a) of title 42 and paragraph (2), the Attorney General may not remove an alien who is sentenced to imprisonment until the alien is released

from imprisonment. Parole, supervised release, probation, or possibility of arrest or further imprisonment is not a reason to defer removal.

(B) Exception for removal of nonviolent offenders prior to completion of sentence of imprisonment

The Attorney General is authorized to remove an alien in accordance with applicable procedures under this chapter before the alien has completed a sentence of imprisonment-

- i. in the case of an alien in the custody of the Attorney General, if the Attorney General determines that (I) the alien is confined pursuant to a final conviction for a nonviolent offense (other than an offense related to smuggling or harboring of aliens or an offense described in section 1101(a)(43)(B), (C), (E), (I), or (L) of this title and (II) the removal of the alien is appropriate and in the best interest of the United States; or
- ii. in the case of an alien in the custody of a State (or a political subdivision of a State), if the chief State official exercising authority with respect to the incarceration of the alien determines that (I) the alien is confined pursuant to a final conviction for a nonviolent offense (other than an offense described in section 1101(a)(43)(C) or (E) of this title), (II) the removal is appropriate and in the best interest of the State, and (III) submits a written request to the Attorney General that such alien be so removed.

(C) Notice

Any alien removed pursuant to this paragraph shall be notified of the penalties under the laws of the United States relating to the reentry of deported aliens, particularly the expanded penalties for aliens removed under subparagraph (B).

(D) No private right

No cause or claim may be asserted under this paragraph against any official of the United States or of any State to compel the release, removal, or consideration for release or removal of any alien.

8 U.S.C. § 1324(a)

Bringing in and harboring certain aliens

(a) Criminal penalties

(1)(A) Any person who—

- i. knowing that a person is an alien, brings to or attempts to bring to the United States in any manner whatsoever such person at a place other than a designated port of entry or place other than as designated by the Commissioner, regardless of whether such alien has received prior official authorization to come to, enter, or reside in the United States and regardless of any future official action which may be taken with respect to such alien;
- ii. knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, transports, or moves or attempts to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law;
- iii. knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, conceals, harbors, or shields from

detection, or attempts to conceal, harbor, or shield from detection, such alien in any place, including any building or any means of transportation;

- iv. encourages or induces an alien to come to, enter, or reside in the United States, knowing or in reckless disregard of the fact that such coming to, entry, or residence is or will be in violation of law; or
- v. (v)(I) engages in any conspiracy to commit any of the preceding acts, or
- vi. (II) aids or abets the commission of any of the preceding acts, shall be punished as provided in subparagraph (B).

(B) A person who violates subparagraph (A) shall, for each alien in respect to whom such a violation occurs—

I. in the case of a violation of subparagraph (A)(i) or (v)(I) or in the case of a violation of subparagraph (A)(ii), (iii), or (iv) in which the offense was done for the purpose of commercial advantage or private financial gain, be fined under title 18, imprisoned not more than 10 years, or both;

II. in the case of a violation of subparagraph (A)(ii), (iii), (iv), or (v)(II), be fined under title 18, imprisoned not more than 5 years, or both;

III. in the case of a violation of subparagraph (A)(i), (ii), (iii), (iv), or (v) during and in relation to which the person causes serious bodily injury (as defined in section 1365 of title 18) to, or places in jeopardy the life of, any person, be fined under title 18, imprisoned not more than 20 years, or both; and

IV. in the case of a violation of subparagraph (A)(i), (ii), (iii), (iv), or (v) resulting in the death of any person, be punished by death or imprisoned for any term of years or for life, fined under title 18, or both.

(C) It is not a violation of clauses (ii) or (iii) of subparagraph (A), or of clause (iv) of subparagraph (A) except where a person encourages or induces an alien to come to or enter the United States, for a religious denomination having a bona fide nonprofit, religious organization in the United States, or the agents or officers of such denomination or organization, to encourage, invite, call, allow, or enable an alien who is present in the United States to perform the vocation of a minister or missionary for the denomination or organization in the United States as a volunteer who is not compensated as an employee, notwithstanding the provision of room, board, travel, medical assistance, and other basic living expenses, provided the minister or missionary has been a member of the denomination for at least one year.

(2) Any person who, knowing or in reckless disregard of the fact that an alien has not received prior official authorization to come to, enter, or reside in the United States, brings to or attempts to bring to the United States in any manner whatsoever, such alien, regardless of any official action which may later be taken with respect to such alien shall, for each alien in respect to whom a violation of this paragraph occurs-

(A) be fined in accordance with title 18 or imprisoned not more than one year, or both; or

(B) in the case of-

(i) an offense committed with the intent or with reason to believe that the alien unlawfully brought into the United States will commit an offense against the United States or any State punishable by imprisonment for more than 1 year,

(ii) an offense done for the purpose of commercial advantage or private financial gain, or

(iii) an offense in which the alien is not upon arrival immediately brought and presented to an appropriate immigration officer at a designated port of entry, be fined under title 18 and shall be imprisoned, in the case of a first or second violation of subparagraph (B)(iii), not more than 10 years, in the case of a first or second violation of subparagraph (B)(i) or (B)(ii), not less than 3 nor more than 10 years, and for any other violation, not less than 5 nor more than 15 years.

(3)(A) Any person who, during any 12-month period, knowingly hires for employment at least 10 individuals with actual knowledge that the individuals are aliens described in subparagraph (B) shall be fined under title 18 or imprisoned for not more than 5 years, or both.

(B) An alien described in this subparagraph is an alien who-

- (i) is an unauthorized alien (as defined in section 1324a(h)(3) of this title), and
- (ii) has been brought into the United States in violation of this subsection.

(4) In the case of a person who has brought aliens into the United States in violation of this subsection, the sentence otherwise provided for may be increased by up to 10 years if-

- (A) the offense was part of an ongoing commercial organization or enterprise;
- (B) aliens were transported in groups of 10 or more; and
- (C)(i) aliens were transported in a manner that endangered their lives; or (ii) the aliens presented a life-threatening health risk to people in the United States.

8 U.S.C. § 1357(a)

Powers of immigration officers and employees

(a) Any officer or employee of the Service authorized under regulations prescribed by the Attorney General shall have power without warrant—

(1) to interrogate any alien or person believed to be an alien as to his right to be or to remain in the United States;

(2) to arrest any alien who in his presence or view is entering or attempting to enter the United States in violation of any law or regulation made in pursuance of law regulating the admission, exclusion, expulsion, or removal of aliens, or to arrest any alien in the United States, if he has reason to believe that the alien so arrested is in the United States in violation of any such law or regulation and is likely to escape before a warrant can be obtained for his arrest, but the alien arrested shall be taken without unnecessary delay for examination before an officer of the Service having authority to examine aliens as to their right to enter or remain in the United States;

(3) within a reasonable distance from any external boundary of the United States, to board and search for aliens any vessel within the territorial waters of the United States and any railway car, aircraft, conveyance, or vehicle, and within a distance of twenty-five miles from any such external boundary to have access to private lands, but not dwellings, for the purpose of patrolling the border to prevent the illegal entry of aliens into the United States;

(4) to make arrests for felonies which have been committed and which are cognizable under any law of the United States regulating the admission, exclusion, expulsion, or removal of aliens, if he has reason to believe that the person so arrested is guilty of such felony and if there is likelihood of the person escaping before a warrant can be obtained for his arrest, but the person arrested shall be taken without unnecessary delay before the nearest available officer empowered to commit persons charged with offenses against the laws of the United States; and

(5) to make arrests-

- (6) for any offense against the United States, if the offense is committed in the officer's or employee's presence, or
- (7) for any felony cognizable under the laws of the United States, if the officer or employee has reasonable grounds to believe that the person to be arrested has committed or is committing such a felony,
- (8) if the officer or employee is performing duties relating to the enforcement of the immigration laws at the time of the arrest and if there is a likelihood of the person escaping before a warrant can be obtained for his arrest.

Under regulations prescribed by the Attorney General, an officer or employee of the Service may carry a firearm and may execute and serve any order, warrant, subpoena, summons, or other process issued under the authority of the United States. The authority to make arrests under paragraph (5)(B) shall only be effective on and after the date on which the Attorney General publishes final regulations which (i) prescribe the categories of officers and employees of the Service who may use force (including deadly force) and the circumstances under which such force may be used, (ii) establish standards with respect to enforcement activities of the Service, (iii) require that any officer or employee of the Service is not authorized to make arrests under paragraph (5)(B) unless the officer or employee has received certification as having completed a training program which covers such arrests and standards described in clause (ii), and (iv) establish an expedited, internal review process for violations of such standards, which process is consistent with standard agency procedure regarding confidentiality of matters related to internal investigations.

8 U.S.C. § 1366(1) & (3)

Annual report on criminal aliens

Not later than 12 months after September 30, 1996, and annually thereafter, the Attorney General shall submit to the Committees on the Judiciary of the House of Representatives and of the Senate a report detailing—

(1) the number of illegal aliens incarcerated in Federal and State prisons for having committed felonies, stating the number incarcerated for each type of offense;

(3) programs and plans underway in the Department of Justice to ensure the prompt removal from the United States of criminal aliens subject to removal;

8 U.S.C. § 1226(a) & (c)

Apprehension and detention of aliens

(a) Arrest, detention, and release

On a warrant issued by the Attorney General, an alien may be arrested and detained pending a decision on whether the alien is to be removed from the United States. Except as provided in subsection (c) and pending such decision, the Attorney General--

(1) may continue to detain the arrested alien; and

(2) may release the alien on--

(A) bond of at least \$1,500 with security approved by, and containing conditions prescribed by, the Attorney General; or

(B) conditional parole; but

(3) may not provide the alien with work authorization (including an “employment authorized” endorsement or other appropriate work permit), unless the alien is lawfully admitted for permanent residence or otherwise would (without regard to removal proceedings) be provided such authorization.

(c) Detention of criminal aliens

(1) Custody

The Attorney General shall take into custody any alien who--

(A) is inadmissible by reason of having committed any offense covered in section 1182(a)(2) of this title,

(B) is deportable by reason of having committed any offense covered in section 1227(a)(2)(A)(ii), (A)(iii), (B), (C), or (D) of this title,

(C) is deportable under section 1227(a)(2)(A)(i) of this title on the basis of an offense for which the alien has been sentence¹ to a term of imprisonment of at least 1 year, or

(D) is inadmissible under section 1182(a)(3)(B) of this title or deportable under section 1227(a)(4)(B) of this title, when the alien is released, without regard to whether the alien is released on parole, supervised release, or probation, and without regard to whether the alien may be arrested or imprisoned again for the same offense.

(2) Release

The Attorney General may release an alien described in paragraph (1) only if the Attorney General decides pursuant to section 3521 of Title 18 that release of the alien from custody is necessary to provide protection to a witness, a potential witness, a person cooperating with an investigation into major criminal activity, or an immediate family member or close associate of a witness, potential witness, or person cooperating with such an investigation, and the alien satisfies the Attorney General that the alien will not pose a danger to the safety of other persons or of property and is likely to appear for any scheduled proceeding. A decision relating to such release shall take place in accordance with a procedure that considers the severity of the offense committed by the alien.

18 U.S.C. §1071

Concealing person from arrest

Whoever harbors or conceals any person for whose arrest a warrant or process has been issued under the provisions of any law of the United States, so as to prevent his discovery and arrest, after notice or knowledge of the fact that a warrant or process has been issued for the apprehension of such person, shall be fined under this title or imprisoned not more than one year, or both; except that if the warrant or process issued on a charge of felony, or after conviction of such person of any offense, the punishment shall be a fine under this title, or imprisonment for not more than five years, or both.

18 U.S.C. §1072

Concealing escaped prisoner

Whoever willfully harbors or conceals any prisoner after his escape from the custody of the Attorney General or from a Federal penal or correctional institution, shall be imprisoned not more than three years