

Office of Justice Programs (OJP)
Byrne Justice Assistance Grants (JAG) Program
Program Guidelines SFY 2020

The Office of Justice Programs will require each grantee to abide by the following requirements in addition to those contained in the general grantee Terms and Conditions:

Financial Requirements:

- 1) The grantee shall report at least quarterly on all expenditures pertaining to this grant contract in the OJP online grants management system, e-grants, no later than 20 days after the end of the quarter.
- 2) The grantee shall submit a written budget revision request via e-grants before any expenditure may be made based on the revised budget. Submission of a budget revision is necessary if a) a line item will deviate by \$200 or 10%, whichever is higher, from the approved budget, or b) a new line item that was not part of the approved budget will be created.
- 3) The grantee shall submit source documentation on grant expenditures in a timely manner, as requested by OJP staff for a desk review audit.
- 4) The grantee's eligible expenditures under this grant contract must be incurred by the grantee by the expiration date of the grant agreement.
- 5) The grantee shall have until 30 days after the expiration date of the grant agreement to liquidate all unpaid obligations related to the program which were incurred on or before the last day of the grant period and to submit a final report of all funds received and disbursed. If a report is not submitted within this time period, expenses claimed on the report may be disallowed and OJP may request a refund of those funds from the grantee if the funding was advanced to the grantee.
- 6) The grantee shall retain all financial records for a minimum of six (6) years after the date of submission of the final financial status report, or until completion of an audit which has commenced before the expiration of this six-year period, or until any audit findings and/or recommendations from prior audit(s) have been resolved between the grantee and OJP, whichever is later.
- 7) The grantee shall comply with all provisions of the Minnesota [OJP Grant Manual](#).

Reporting Requirements:

- 1) Progress Reporting: The grantee shall report quarterly in e-grants a narrative of the progress achieved towards the accomplishment of the project goals and objectives within 20 days of each reporting period.
- 2) Performance Measurement Tool (PMT): The grantee shall report grant outcomes quarterly in the Bureau of Justice Assistance PMT online system or work with OJP staff to prepare a quarterly submission.
- 3) Requirement Changes: OJP may add, modify or change all reporting forms at their discretion during the grant period.

Other Provisions:

- 1) Evaluation: OJP shall have the authority, during the course of this grant period, to conduct an evaluation of the performance of the grant program.
- 2) Additional Requirements: The grantee shall attend meetings and training as OJP shall reasonably request.

- 3) Administrative Requirements: OJP reserves the right to include in the grant, at any time during the term of the grant, special administrative requirements deemed necessary to assure the grantee's successful implementation of the program. OJP will notify the Grantee in writing of any special administrative requirements.

Bureau of Justice Assistance Byrne JAG - Federal Provisions:

Payments under this grant contract will be made from federal funds obtained by the State of Minnesota through 42 USC 3750 et seq. CFDA number 16.738 – Edward Byrne Memorial Justice Assistance Grant Program from the U.S. Department of Justice under the following award:

- 2016-DJ-BX-0782 (10/1/15-9/30/19) \$2,708,835 (signed by OJP 9/22/16)
- 2017-DJ-BX-0189 (10/1/16-9/30/20) \$2,631,245 (signed by OJP 8/10/18)
- 2018-MU-BX-0516 (10/1/17-9/30/20) \$2,795,809 (signed by OJP 12/11/18)

OJP has an indirect cost rate of 8.59% for use on grants, contracts and other agreements with the federal government.

Federal Requirements:

The Grantee is responsible for compliance with the following federal requirements imposed on these funds and accepts full financial responsibility for any additional restrictions imposed in response to the Grantee's failure to comply with federal requirements.

- 1) SAM Registration: Any organization that receives these federal funds MUST be [registered](#) and up-to-date in the Official U.S. Government, System for Award Management (SAM).
- 2) Applicability of Part 200 Uniform Requirements: The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by the Department of Justice (DOJ) in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this 2016 award from the Office of Justice Programs (OJP).

For more information and resources on the Part 200 Uniform Requirements as they relate to OJP awards and sub-awards ("subgrants"), see the Office of Justice Programs (OJP) [website](#). In the event that an award-related question arises from documents or other materials prepared or distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the recipient is to contact OJP promptly for clarification.

- 3) OJP Financial Guide: The Grantee assures that it will comply, and all its subcontractors will comply, with the DOJ Grants Financial Guide as posted on the OJP website (currently the [December 2017 version](#), including any updated version that maybe be posted during the period of performance.
- 4) Federal Financial Accountability and Transparency Act (FFATA): Any organization that receives more than \$25,000 of these federal funds must complete the FFATA form in E-grants within 30 days of the execution of their grant agreement.

- 5) Effect of failure to address audit issues: The recipient understands and agrees that the DOJ awarding agency (OJP or OVW, as appropriate) may withhold award funds, or may impose other related requirements, if (as determined by the DOJ awarding agency) the recipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.
- 6) Lobbying: In general, as a matter of federal law, federal funds awarded by OJP may not be used by the recipient, or any subrecipient, to support or oppose the enactment, repeal, modification, or adoption of any law regulation, or policy, at any level of government. See 18 U.S.C. 1913.

Another federal law generally prohibits federal funds awarded by OJP from being used by the recipient, or any subrecipient, to pay any person to influence (or attempt to influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, subgrant, contract, subcontract, or loan, or with respect to actions such as renewing, extending, or modifying any such award. See 31 U.S.C. 1352.

- 7) Debarment and Suspension: Executive Order 12549 on Debarment and Suspension, and the implementing regulation, requires that the Grantee certify it has not been debarred or otherwise excluded from participating in any other transaction with a federal department or agency. Grantee must notify OJP immediately if this status changes.
- 8) Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed \$150,000: The recipient, and any sub-recipient ("subgrantee") at any tier, must comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold (currently, \$150,000). This condition applies to agreements that – for purposes of federal grants administrative requirements – OJP considers a procurement "contract" (and therefore does not consider a sub-award).

The details of the requirement for advance approval to use a noncompetitive approach in a procurement contract under an OJP award are posted on the [OJP website](#) (Award condition: Specific post-award approval required to use a noncompetitive approach in a procurement contract (if contract would exceed \$150,000)), and are incorporated by reference here.

- 9) Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP authority to terminate award): The recipient, and any sub-recipient ("subgrantee") at any tier, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of recipients, sub-recipients ("subgrantees"), or individuals defined (for purposes of this condition) as "employees" of the recipient or of any sub-recipient.

The details of the recipient's obligations related to prohibited conduct related to trafficking in persons are posted on the [OJP website](#) (Award condition: Prohibited conduct by recipients and sub-recipients related to trafficking in persons (including reporting requirements and OJP authority to terminate award)), and are incorporated by reference here.

- 10) OJP Training Guiding Principles: Any training or training materials that the grantee develops or delivers with OJP award funds must adhere to the [OJP Training Guiding Principles for Grantee and Subgrantees](#).
- 11) Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events: The grantee must comply with all applicable laws, regulations, policies, and official DOJ guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (as that term is defined by DOJ), including the provision of food and/or beverages at such conferences, and costs of attendance at such conferences.

Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears in the DOJ Grants Financial Guide.

- 12) Drug-Free Workplace: As required by the Drug-Free Workplace Act of 1988, the Grantee will make an ongoing, good faith effort to maintain a drug-free workplace by meeting the requirements of the Act.
- 13) Reporting Potential Fraud, Waste, and Abuse, and Similar Misconduct: The recipient and any sub-recipients ("sub-grantees") must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, sub-recipient, contractor, subcontractor, or other person has, in connection with funds under this award -- (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by-- (1) mail directed to: Office of the Inspector General, U.S. Department of Justice, Investigations Division, 950 Pennsylvania Avenue, N.W. Room 4706, Washington, DC 20530; (2) e-mail to: oig.hotline@usdoj.gov; and/or (3) the DOJ OIG hotline: (contact information in English and Spanish) at (800) 869-4499 (phone) or (202) 616-9881 (fax).

Additional information is available from the [DOJ OIG](#) website.

- 14) Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 42: The recipient, and any sub-recipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 42, specifically including any applicable requirements in Subpart E of 28 C.F.R. Part 42 that relate to an equal employment opportunity program.
- 15) Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 38: The recipient, and any sub-recipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38, specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries. Part 38 of 28 C.F.R., a DOJ regulation, was amended effective May 4, 2016.

Among other things, 28 C.F.R. Part 38 includes rules that prohibit specific forms of discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38 also sets out rules and

requirements that pertain to recipient and sub-recipient ("subgrantee") organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to recipients and sub-recipients that are faith-based or religious organizations. The text of the regulation, now entitled "Partnerships with Faith-Based and Other Neighborhood Organizations," is available via the [Electronic Code of Federal Regulations](#), by browsing to Title 28-Judicial Administration, Chapter 1, Part 38, under e-CFR "current" data.

- 16) Civil Rights Training: OJP requires the review of an online civil rights training tool, which incorporates all of these provisions and certification that training has been completed. The acknowledgement of training form will be submitted to OJP via e-grants. The training and acknowledgement of training form can be found on the [OJP website](#).
- 17) Limited English Proficiency (LEP): As clarified by Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination on the basis of limited English proficiency (LEP). To ensure compliance with the Omnibus Crime Control and Safe Streets Act of 1968 and Title VI of the Civil Rights Act of 1964, recipient must take reasonable steps to ensure that LEP persons have meaningful access to its programs. Meaningful access may entail providing language assistance services, including oral and written translation, where necessary. Recipient is encouraged to consider the need for language services for LEP persons served or encountered both in developing its budgets and in conducting its programs and activities. Additional assistance and information regarding your LEP obligations can be found at [LEP website](#).

In accordance with federal civil rights laws, the subrecipient shall not retaliate against individuals for taking action or participating in action to secure rights protected by these laws.

- 18) Supplant: The Grantee agrees that funds received under this award will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for criminal justice system activities.
- 19) Program Income: Program income (as defined in the Part 200 Uniform Requirements) must be used in accordance with the Part 200 Uniform Requirements. Program income and expenditures must both be reported to OJP.
- 20) Information Technology (IT): To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdictions, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the grantee can demonstrate to the satisfaction of BJA that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.
- 21) DOJ's Global: In order to promote information sharing and enable interoperability among disparate systems across the justice and public safety community, OJP requires the grantee to comply with DOJ's Global Justice Information Sharing Initiative (DOJ's Global) guidelines and recommendations for this particular grant. Grantee shall conform to the [Global Standards Package \(GSP\) and all constituent elements](#), where applicable. Grantee shall document

planned approaches to information sharing and describe compliance to the GSP and appropriate privacy policy that protects shared information, or provide detailed justification for why any alternative approach is recommended.

- 22) IT System: Grantee agrees that any information technology system funded or supported by OJP funds will comply with 28 C.F.R. Part 23 to be applicable, OJP may, at its discretion, perform audits of the system, as per regulation. Should any violation of 28 C.F.R. Part 23 occur, the grantee may be fined as per 42 U.S.C. 3789g(c)-(d). grantee may not pay such a fine with federal funds.
- 23) Compliance with general appropriations – law restrictions on the use of federal funds (FY 2017 and 2018): The recipient, and any sub-recipient ("subgrantee") at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions, including from various "general provisions" in the [Consolidated Appropriations Act, 2017](#) and are incorporated by reference here.
- 24) Restrictions and certifications regarding non-disclosure agreements and related matters: No recipient or sub-recipient ("subgrantee") under this award, or entity that receives a procurement contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this award, the recipient--
 - a. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and
 - b. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.
2. If the recipient does or is authorized under this award to make subawards ("subgrants"), procurement contracts, or both--
 - a. it represents that--

- (i) it has determined that no other entity that the recipient's application proposes may or will receive award funds (whether through a subaward ("subgrant"), procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and
 - (ii) it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and
 - b. it certifies that, if it learns or is notified that any sub-recipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.
- 25) Encouragement of policies to ban text messaging while driving: Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), DOJ encourages recipients and sub-recipients ("subgrantees") to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this award, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.
- 26) Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees): The grantee must comply with all provisions that prohibit discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant a substantial and specific danger to public health or safety, or a violation of law rule, or regulation related to a federal grant.
- Grantees must inform its employees, in writing, of employee rights and remedies under 41 U.S.C. 4712.
- 27) 42 USC Section 3789g and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. Grantee further agrees to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, section 22.23.
- 28) 28 C.F.R. Part 46 and all federal OJP policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.
- 29) The grantee will notify OJP if any grant activities should be reviewed for compliance with the National Environmental Policy Act (NEPA), the National Historic Preservation Act, and other related federal environmental impact analysis requirements. Compliance with NEPA

may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA.

- 30) Law Enforcement Task Force Training: Members of law enforcement task forces will complete required online task force training through BJA's Center for Task Force Integrity and Leadership.
- 31) Accountability Metrics: Any law enforcement agency with JAG funding must submit quarterly accountability metrics data related to training that officers have received on the use of force, racial and ethnic bias, de-escalation of conflict, and constructive engagement with the public.
- 32) Compliance with DOJ regulations pertaining to civil rights and nondiscrimination – 28 C.F.R. Part 54: Subrecipient must comply with all application requirements of 28 C.F.R. Part 54, which relates to nondiscrimination on the basis of sex in certain "education programs."
- 33) Requirement to report actual or imminent breach of personally identifiable information (PII): Subrecipients must have written procedures in place to respond in the event of an actual or imminent "breach" if it 1) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of "personally identifiable information (PII)" within the scope of an OJP grant-funded program or activity, or 2) uses or operates a "Federal information system". Breach procedures must include a requirement to report actual or imminent breach of PII to the MN OJP Executive Director no later than 24 hours after an occurrence of an actual breach, or the detection of an imminent breach.
- 34) Submission of eligible records relevant to the National Instant Background Check System: if the subrecipient uses this award to fund (in whole or in part) a specific project (such as a law enforcement, prosecution, or court program) that results in any court dispositions, information, or other records that are "eligible records" (under federal or State law) relevant to the National Instant Background Check System (NICS), or that has as one of its purposes the establishment or improvement of records systems that contain any court dispositions, information, or other records that are "eligible records" relevant to the NICS, the subrecipient must ensure that all such information is promptly made available to the NICS or to the State repository that is electronically available to (and accessed by) the NICS and – when appropriate – promptly update, correct, modify, or remove such NICS-relevant "eligible records."

FOR GRANTEES FUNDED WITH 2017 & 2018 JAG FUNDS:

- 35) Noninterference (within the funded "program or activity") with federal law enforcement: 8 U.S.C. 1371 and 1644; ongoing compliance:
 1. With respect to the "program or activity" funded in whole or part under this award, throughout the period of performance, no State or local government entity, agency, or official may prohibit or in any way restrict (1) any government entity or official from sending or receiving information regarding citizenship or immigration status as described

in 8 U.S.C. 1373(a); or (2) a government entity or agency from sending, requesting or receiving, maintaining, or exchanging information regarding immigration status as described in either 8 U.S.C. 1373(b) or 1644. Any prohibition or restriction that violates this condition is an “information-communication restriction” under this award.

2. Subrecipients who are State, local government, or a “public” institution of higher education must, prior to receiving the award, submit a certification of compliance with 8 U.S.C. 1373 and 1644, properly executed by the chief legal officer of the government or educational institution using the appropriate form. This requirement flows through to any sub award given by the subrecipient.

36) Noninterference (within the funded program or activity) with federal law enforcement: No public disclosure of certain law enforcement sensitive information: This condition applies with respect to the program or activity funded in whole or in part by this MN OJP RFP, as of the date the recipient accepts this award and through the remainder of the period of performance.

No public disclosure may be made of any federal law enforcement information in a direct or indirect attempt to conceal, harbor, or shield from detection any fugitive from justice under 18 U.S.C. ch.49, or any alien who has come to, entered, or remains in the United States in violation of 8 U.S.C. ch.12 without regard to whether such disclosure would constitute (or could form a predicate for) a violation of 18 U.S.C. 1071 or 1071 or of 8 U.S.C. 1324(a).

37) Noninterference (within the funded program or activity) with federal law enforcement: Interrogation of certain aliens: Noninterference with statutory law enforcement access to correctional facilities.

No State or local government entity, agency, or official may interfere with the exercise of the power to interrogate “without warrant” & by agents of the United States acting under color of federal law) by impeding access to any State or local government (or government-contracted) correctional facility by such agents for the purpose of “interrogating any alien or person believed to be an alien as to his or her right to be or to remain in the United States.

38) Noninterference (within the funded program or activity) with federal law enforcement: Notice of Scheduled release: Notice of scheduled release data and time.

State or local government entity, agency, or official (including a government-contracted correctional facility) may interfere with the “removal” process by failing to provide – as early as practical advance notice to DHS of the scheduled release data and time for a particular alien, if a State or local government (or contracted facility) has received from DHS a formal written request pursuant to the INA that seeks such advance notice.

Current DHS practice is to request advance notice of scheduled release “as early as practical (at least 48 hours, if possible).” If the scheduled release date and time for an alien is such as not to allow for the advance notice that DHS has requested, it shall NOT be a violation of this condition to provide only as much advance notice as practicable.