

2015 – Justice Assistance Grant (JAG) special Conditions

The following program specific requirements are imposed by the Federal sponsoring agency concerning special requirements of law, program requirements, and other administrative requirements. These requirements apply to Grantees and must be passed on to subgrant award recipients.

1. The Grantee shall submit to the Division of Criminal Justice (DCJ), who will then forward to the Bureau of Justice Assistance, one copy of all reports and proposed publications resulting from this agreement thirty (30) days prior to public release. Any written, visual, or audio publications, with the exception of press releases, whether published at the grantee's or government's expense, shall contain the following statements:

“This project was supported by Grant (insert FEDERAL_AWARD_NUMBER) awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime. Points of view or opinions in the document are those of the author and do not represent the official position or policies of the United States Department of Justice.”

Any Web site that is funded in whole or in part under this award must include the following statement on the home page, on all major entry pages (i.e., pages (exclusive of documents) whose primary purpose is to navigate the user to interior content), and on any pages from which a visitor may access or use a Web-based service, including any pages that provide results or outputs from the service:

"This Web site is funded [insert "in part," if applicable] through a grant from the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice. Neither the U.S. Department of Justice nor any of its components operate, control, are responsible for, or necessarily endorse, this Web site (including, without limitation, its content, technical infrastructure, and policies, and any services or tools provided)."

The full text of the foregoing statement must be clearly visible on the home page. On other pages, the statement may be included through a link, entitled "Notice of Federal Funding and Federal Disclaimer," to the full text of the statement.

2. The Division of Criminal Justice, its federal funding agency, and others authorized by the Division, shall have irrevocable, non-exclusive, royalty-free license to any invention and the right to reproduce, publish and use any materials, in whole or in part, which are produced under a contract, paid for with grant funds.
3. Program income (as defined in the Part 200 Uniform Requirements) must be used in accordance with the provisions of the Part 200 Uniform Requirements. Program income, if allowed under this grant, earnings and expenditures both must be reported quarterly to DCJ.
4. The Grantee agrees to comply with the requirements of 28 C.F.R. Part 46 and all Office of Justice Programs policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.

5. The Grantee agrees to comply with all confidentiality requirements of **42 U.S.C. section 3789g** and C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. Grantee further agrees, as a condition of grant approval, to submit a Privacy Certificate that is in accordance with requirements of 28 C.F.R. part 22 and, in particular, section 22.23.

Revision 10/27/17

- **Section 3789 was editorially reclassified as section 10227 of Title 34, Crime Control and Law Enforcement.**
6. Grantee understands and agrees that award funds may not be used for items that are listed on the Prohibited Expenditure List at the time of purchase or acquisition, including as the list may be amended from time to time. The Prohibited Expenditure list may be accessed here: <https://www.bja.gov/funding/JAGControlledPurchaseList.pdf>.
 7. Grantee understands and agrees that award funds may not be used for items that are listed on the Controlled Expenditure List at the time of purchase or acquisition, including as the list may be amended from time to time, without explicit written prior approval from BJA and DCJ. The Controlled Expenditure List, and instructions on how to request approval for purchase or acquisitions may be accessed here: <https://www.bja.gov/funding/JAGControlledPurchaseList.pdf>.
 8. Grantee understands and agrees that the purchase or acquisition of any item on the Controlled Expenditure List at the time of purchase or acquisition, including as the list may be amended from time to time, with award funds by an agency will trigger a requirement that the agency collect and retain (for at least 3 years) certain information about the use of 1) any federally-acquired Controlled Equipment in the agency's inventory, and 2) any other controlled equipment in the same category as the federally-acquired controlled equipment in the agency's inventory, regardless of source; and make that information available to BJA upon request. Details about what information must be collected and retained may be accessed here: https://www.whitehouse.gov/sites/default/files/docs/le_equipment_wg_final_report_final.pdf.
 9. Grantee understands and agrees that, notwithstanding 2 CFR § 200.313, no equipment listed on the Controlled Expenditure List that is purchased under this award may be transferred or sold to a third party, except as described below:
 - a. Agencies may transfer or sell any controlled equipment, except riot helmets and riot shields, to a Law Enforcement Agency (LEA) after obtaining prior written approval from BJA. As a condition of that approval, the acquiring LEA will be required to submit information and certifications to BJA as if it was requesting approval to use award fund for the initial purchase of items on the Controlled Expenditure List.
 - b. Agencies may not transfer or sell any riot helmets or riot shields purchased under this award.
 - c. Agencies may not transfer or sell any Controlled Equipment purchased under this award to non-LEAs, with the exception of fixed wing aircraft, rotary wing aircraft, and command and control vehicles. Before any such transfer or sale is finalized, the agency must obtain prior written approval from BJA. All law enforcement-related and

other sensitive or potentially dangerous components, and all law enforcement insignias and identifying markings must be removed prior to transfer or sale.

Grantee further understands and agrees to notify BJA prior to the disposal of any items on the Controlled Expenditure List purchased under this award, and to abide by any applicable laws and regulations in such disposal.

10. Grantee understands and agrees that failure to comply with conditions related to Prohibited or Controlled Expenditures may result in a prohibition from further Controlled Expenditure approval under this or other federal awards.
11. Food and beverages are not allowed per federal regulations unless prior approval has been received from the Office of Justice Programs (OJP). Permission for such expenditures must be requested through DCJ who will work with OJP. DCJ will contact grantee when/if such permission has been granted by OJP and no funds can be expended for food and beverage until such approval has been communicated to grantee by DCJ.
12. Gift cards and other similar incentives of any kind for program participants are not permitted with federal funds from the Office of Justice Programs (OJP).
13. The Office of Justice Programs (OJP) revised its “Policy and Guidance for Conference Approval, Planning and Reporting”. This policy defines conferences broadly to include meetings, retreats, seminars, symposiums, events, and group training activities. In response to these changes, DCJ created a form that all grantees must complete for each meeting for which federal funds will be spent. There is no need to submit this form to DCJ if you respond NO to all the questions, but complete and keep the form in your file for auditing purposes. If any answers are YES, contact your DCJ grant manager immediately to assure those expenses can be paid for with federal funds. The DCJ Conference Policy and Certification Form is located on the DCJ Website under Reporting Forms.
14. The Office of Justice Programs (OJP) has created a Frequently Asked Questions (FAQ) discussing how twelve-step programs are considered inherently (or explicitly) religious activities under federal civil rights laws and provides subrecipients guidance on the conditions under which they may offer twelve-step recovery programs consistent with federal civil rights laws as a part of the services they provide. For further information and to access the Frequently Ask Questions (FAQ) document, go to http://www.ojp.usdoj.gov/about/ocr/pdfs/TwelveStepRecoveryPrograms_FAQs.pdf. If you have questions regarding this OJP Guidance and include twelve-step programs in your menu of services, please contact your DCJ Grant Manager.
15. The Grantee agrees to participate in a data collection process measuring program outputs and outcomes; and to cooperate with any assessments, national evaluation efforts, or information or data collection requests, including, but not limited to, the provision of any information required for the assessment or evaluation of any activities within this project.
16. The Grantee agrees that funds provided under this award will not be used to operate a “pay-to-stay” program in any local jail. The Grantee also agrees not to subaward funds to local jails which operate “pay-to-stay” programs.
17. If you are collecting and expending restitution as part of this Juvenile Diversion program, you must report the amount collected and expended.

18. The grantee agrees to assist Bureau of Justice Assistance (BJA) in complying with the National Environmental Policy Act (NEPA), the National Historic Preservation Act, and other related federal environmental impact analyses requirements in the use of these grant funds, either directly by the grantee or by a subgrantee. Accordingly, the grantee agrees to first determine if any of the following activities will be funded by the grant, prior to obligating funds for any of these purposes. If it is determined that any of the following activities will be funded by the grant, the grantee agrees to contact DCJ.

The grantee understands that this special condition applies to its following new activities whether or not they are being specifically funded with these grant funds. That is, as long as the activity is being conducted by the grantee, a subgrantee, or any third party and the activity needs to be undertaken in order to use these grant funds, this special condition must first be met. The activities covered by this special condition are: a. New construction; b. Minor renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places; c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size; d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

The grantee understands and agrees that complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. The grantee further understands and agrees to the requirements for implementation of a Mitigation Plan, as detailed at <http://www.ojp.usdoj.gov/BJA/resource/nepa.html>, for programs relating to methamphetamine laboratory operations.

Application of This Special Condition to Grantee's Existing Programs or Activities: For any of the grantee's or its subgrantees' existing programs or activities that will be funded by these grant funds, the grantee, upon specific request from BJA or DCJ, agrees to cooperate with BJA in any preparation by BJA of a national or program environmental assessment of that funded program or activity.

19. **[JAG funded Task Forces only]** The Grantee agrees that within 120 days of award acceptance, each member of a law enforcement task force funded with these funds who is a task force commander, agency executive, task force officer, or other task force member of equivalent rank, will complete required online (internet-based) task force training. The training is provided free of charge online through BJA's Center for Task Force Integrity and Leadership (www.ctfli.org). All current and new task force members are required to complete this training once during the life of the award, or once every four years if multiple awards include this requirement. This training addresses task force effectiveness as well as other key issues including privacy and civil liberties/rights, task force performance measurement, personnel selection, and task force oversight and accountability. Additional information is available regarding this required training and access methods via BJA's web site and the Center for Task Force Integrity and Leadership (www.ctfli.org).

20. **[JAG funded Task Forces only]** You must obtain an ORI number from the CBI for the task force project. ORI numbers from the participating agencies cannot be used. You must also make entries into the Colorado Law Enforcement Intelligence Network (CLEIN) database at CBI, using the task force ORI number.
21. **[JAG funded Substance Abuse Treatment only]** The substance abuse treatment provider with whom you contract for services must be licensed by the Division of Behavioral Health (DBH) and when requested provide Drug/Alcohol Coordinated Data System (DACODS) information to DBH.
22. **[JAG funded Computerized Systems only]** The project, as it relates to the area of computerized information systems:
 - a. Must meet all State and Federal standards and protocols as appropriate.
 - b. Must be designed to allow for interaction with State and Federal systems, and be linked to the Colorado Crime Information Center (CCIC) whenever possible.
 - c. Must contribute to the improvement of statewide information sharing and exchange including support for the State Criminal Justice Information System (CJIS) Plan, National Incident Based Reporting System (NIBRS), Offender Based Tracking System (OBTS) which was modified in HB 92-1124, and Colorado Law Enforcement Intelligence Network (CLEIN). Entries into CLEIN must be made on a routine basis. The Division of Criminal Justice will monitor projects on a regular basis for compliance.
 - d. Must have specific measurements of effects/impacts such as, but not limited to, officer safety, increased efficiency, increased arrests, and/or case closures.
 - e. Must fit into the long term development and improvement of information management and exchange statewide.
 - f. Agencies that have received or are receiving federal funds to develop or maintain a criminal intelligence information system must maintain compliance with 28 CFR Part 23, Criminal Intelligence System Operating Policies. The Rocky Mountain Information Network (RMIN) can provide technical assistance. The Division of Criminal Justice will monitor projects on a regular basis for compliance.
 - g. Grantee agrees to use the Global Justice Data Model (Global JXDM), also referred to as the Global Justice XML Data Model, specifications and guidelines for this information systems project. Grantees shall publish and make available without restriction all schemas (extensions, constraint and proxy) generated as a result of this grant to the component registry as specified in the guidelines. This information is available at www.it.ojp.gov/jixdm. If the Grantee believes that this project should be exempt from the Global JXDM requirement, they must submit to the Division of Criminal Justice a written statement explaining why they believe the project does not need to follow this Global JXDM provision and are therefore requesting exemption from this requirement. The Division of Criminal Justice will review and respond in writing to the request either affirming the requirement or granting an exemption.
 - h. 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 jurisdiction, 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.

- i. To support public safety and justice information sharing, OJP requires the Grantee to use the National Information Exchange Model (NIEM) specifications and guidelines for this particular grant. Grantee shall publish and make available without restriction all schemas generated as a result of this grant to the component registry as specified in the guidelines. For more information on compliance with this special condition, visit <http://www.niem.gov/implementationguide.php>.
- j. To avoid duplicating existing networks for or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdiction, 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 proposed IT system.
- k. 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, as described at: http://www.it.ojp.gov/gsp_grantcondition. 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 an alternative approach is recommended.

23. **[JAG funded Broadband projects only]** Grantees interested in developing a public safety broadband network in the 700 MHz band in their jurisdictions must adhere to the technical standards set forth in the FCC Waiver Order, or any succeeding FCC orders, rules, or regulations pertaining to broadband operations in the 700 MHz public safety band. The recipient shall also ensure projects support the Statewide Communication Interoperability Plan (SCIP) and are fully coordinated with the full-time Statewide Interoperability Coordinator (SWIC) in the state of the project. As the central coordination point for their state's interoperability effort, the SWIC plays a critical role, and can serve as a valuable resource. SWICs are responsible for the implementation of the SCIP through coordination and collaboration with the emergency response community. The U.S. Department of Homeland Security Office of Emergency Communications maintains a list of SWICs for each of the 56 states and territories. Please contact OEC@hq.dhs.gov if you are not familiar with your state or territory's SWIC. If any future regulatory requirement (from the FCC or other governmental entity) results in a material technical or financial change in the project, the recipient should submit associated documentation, and other material, as applicable, for review by the SWIC to ensure coordination. Please note that for future year solicitations (FY 2012), BJA will require that the SWIC provide approval for changes in interoperable communication projects. Grantees should establish communications with the SWIC in their state or territory in the near future in order to ensure seamless coordination on all projects going forward.

24. **[JAG funded Communications Equipment only]** Grantee must provide a listing of all communications equipment purchased with grant award funding (plus the quantity purchased of each item) to their assigned DCJ Program grant manager once items are procured during any periodic programmatic progress reports.
25. **[JAG funded vests only]** The Office of Justice Programs (OJP) has written a "mandatory wear" policy for grantees who wish to purchase vests with JAG funds. Grantees must certify that law enforcement agencies receiving vests have a written policy in effect. FAQs related to the mandatory wear policy and certifications can be found at www.bja.gov/Funding/JAGFAQ.pdf. This policy must be in place for at least all uniformed officers before any JAG funds can be used by the agency for vests. There are no requirements regarding the nature of the policy other than it being a mandatory wear policy for all uniformed officers while on duty. The certification must be signed by the authorized official and must be submitted to DCJ. If the grantee proposes to change project activities to utilize JAG funds to purchase bulletproof vests after the application period (during the project period), the grantee must submit the signed certification to DCJ at that time. A mandatory wear concept and issues paper and a model policy are available by contacting the BVP Customer Support Center at atvests@usdoj.gov or toll free at 1-877-758-3787. A copy of the certification related to the mandatory wear can be found at: www.bja.gov/Funding/13JAGBVPCert.pdf.
26. **[JAG funded vests only]** JAG funds may be used to purchase vests for an agency, but they may not be used as the 50% match for purposes of the Bulletproof Vest Partnership (BVP) program.
27. **[JAG funded Ballistic-resistant and stab-resistant body armor only]** Ballistic-resistant and stab-resistant body armor purchased with JAG funds may be purchased at any threat level, make or model, from any distributor or manufacturer, as long as the vests have been tested and found to comply with applicable National Institute of Justice ballistic or stab standards and are listed on the NIJ Compliant Body Armor Model List (<http://nij.gov>). In addition, ballistic-resistant and stab-resistant body armor purchased must be Americanmade. The latest NIJ standard information can be found here: <http://www.nij.gov/topics/technology/body-armor/safetyinitiative.htm>.