

# JAG APPLICATION GENERAL INFORMATION

## DEFINITIONS/ACRONYMS/ABBREVIATIONS

<b>Applicant Agency</b>	The agency which is applying for the JAG funds.
<b>BJA</b>	The Bureau of Justice Assistance, the federal agency that administers the Edward Byrne Memorial Justice Assistance Grant Program
<b>Byrne</b>	Edward Byrne Memorial Justice Assistance Grant Program.
<b>DCJ</b>	Division of Criminal Justice- One of four divisions within the Colorado Department of Public Safety
<b>DUNS</b>	Dun & Bradstreet Data Universal Numbering System ( <b>DUNS</b> ) number which is a unique number that identifies an organization and helps track the distribution of grant money. These are required as part of the implementation of the Federal Funding Accountability and Transparency Act of 2006 (Transparency Act) that went into effect January 1, 2009.
<b>Implementing Agency</b>	The agency that is responsible for the actual implementation of the project, and may be the same as the applicant agency, a component of it, or another agency entirely. For example, the applicant agency is the county, but the sheriff's office is the implementing agency, or if the city is the applicant agency but a non-profit organization is the implementing agency.
<b>Indirect Costs</b>	Indirect costs are costs of an organization that are not readily assignable to a particular project, but are necessary to the operation of the organization and the performance of the project. Examples of costs usually treated as indirect include those incurred for facility operation and maintenance, depreciation, and administrative salaries.
<b>Legal Entity</b>	The legal entity is the parent agency for the applicant, such as City of Lakewood if the applicant is the Lakewood Police Department or the Colorado Department of Human Services if applicant is the Division of Child Welfare. At times the applicant agency and legal entity will be one and the same.
<b>JAG</b>	The federal Edward Byrne Memorial Justice Assistance Grant Program that DCJ "passes through" to local and state government agencies in Colorado.
<b>JAG Board</b>	The Governor-appointed board which reviews project applications and makes funding recommendations.
<b>OAJJA</b>	Office of Adult and Juvenile Justice Assistance. The office within DCJ that administers the JAG and OJJDP grants.
<b>Grant Agreement (GA)</b>	Issued to approved projects. This document details the budget and other special considerations necessary for disbursement of funds to grantees. Along with the project application and any supporting documents, it is the contract between DCJ and the applicant agency.
<b>Signature Authority</b>	This is the individual authorized to enter into binding commitments on behalf of the applicant agency. For local units of gov., this will normally be a city manager, mayor, district attorney, and/or the chair of the county commission. At the state level, this individual will be a department or division head.
<b>SAM</b>	The System for Award Management (SAM) is combining federal procurement systems and the Catalog of Federal Domestic Assistance into one new system. This will streamline processes, eliminate the need to enter the same data multiple times, and consolidate hosting to make the process of doing business with the government more efficient.
<b>ZOOMGRANTS</b>	The Grant Management System in which projects are submitted and grants administrated

**AMOUNT AVAILABLE:** At this time, it is unknown how much will be available for the 2022 JAG program. Based on prior years' budgets, it is estimated that approximately \$2.4 million will be available for 2022 grant projects.

**ELIGIBILITY:** Units of government at the municipal, county and state level, including special districts may apply to the Office of Adult and Juvenile Justice Assistance, Division of Criminal Justice, for a JAG grant. The JAG program strongly encourages partnerships, so project applications may support projects involving combined teams of agencies at all levels, including non-profit organizations. However, non-profit organizations cannot apply directly for JAG funding\*.

\*The JAG Board finds that to prevent fragmentation of law enforcement it will accept limited grant applications from non-profit organizations representing statewide associations of local law enforcement. These non-profits must include in their applications how the grant will benefit statewide priorities adopted annually by the Board.

**HOW TO APPLY:** You must apply and submit your 2022 project on-line. Each section is limited by a set number of characters. **We have edited the instructions to reflect current JAG Board priorities and required information. We highly recommend applicants read all the Application Instructions.** Letters of priority are required, see Multiple Projects below.

**PROJECT MATERIALS:** 2022 JAG Application and JAG Application Instructions can be obtained through Colorado's on-line application system, ZOOMGRANTS, located at: <https://www.zoomgrants.com/zgf/JAG22> and Application Instructions, JAG General Information, and FAQs can be located at the DCJ's JAG page at: <https://dcj.colorado.gov/jag-justice-assistance-grant>. Questions about how to use ZOOMGRANTS, contact Gillian Trickett at [DCJGMS@state.co.us](mailto:DCJGMS@state.co.us). For questions regarding the JAG application or program (other than technical issues with ZOOMGRANTS), contact Michele Lovejoy at [michele.lovejoy@state.co.us](mailto:michele.lovejoy@state.co.us) or 720-498-7205.

**CONTROLLED EXPENDITURES:** Certain items (see page 7) are considered "Controlled Expenditures" and are only allowable under JAG with prior approval from the federal Bureau of Justice Assistance. This is a combination of items controlled under Executive Order 13688 on Federal Support for Local Law Enforcement Equipment Acquisition and/or statutorily by the JAG Program.

**MULTIPLE PROJECTS:** Letters of priority are **required** when an agency is submitting multiple projects which must be submitted in ZOOMGRANTS under attachments. Letter must include rank order and why the agency has ranked projects in that order. **These are mandatory.**

**PROJECT SUBMISSION:** Project applications must be submitted on or before **FRIDAY, MARCH 11, 2022**. **PROJECT APPLICATIONS MUST BE SUBMITTED ON-LINE.** Failure to submit a complete project application may result in denial of funding. Complete a separate application for each distinct project. You will have the ability to attach your organizational chart, and priority letter (if submitting multiple applications) and letters of support as applicable.

**LETTERS OF SUPPORT:** If you wish to submit letter(s) of support which speak to the collaborative relationship between your project and other agency(s)/organization(s), these can be submitted in ZOOMGRANTS under the Documents Tab. These are not mandatory.

**JAG ADVISORY BOARD:** The JAG Advisory Board is a Governor-appointed board that sets funding priorities, reviews applications and makes funding recommendations. The Board is composed of nineteen Governor-appointed members, representing various agencies and private citizens around Colorado. The Board encourages innovative projects that are community-based, collaborative, and address identified needs in a community or the state.

**PURPOSE OF THE FUNDS:** The goal for the 2022 Colorado Justice Assistance Grant (JAG) Program as established by the Governor-appointed JAG Board is:

***To support implementation of sustainable programs or to provide resources that prevent or reduce or address crime, delinquency, recidivism, or improve outcomes for those affected by crime, using innovative, multidisciplinary, evidence-based, promising or best practices.***

Projects are limited to a maximum of 48-months funding for continuation projects. Subsequent years of funding are not guaranteed, require an application and are awarded competitively; prior funding does not automatically ensure future funding. It is expected that the projects will become sustainable and that state, local agencies and partner organizations will assume fiscal responsibility for projects when the federal JAG funding is no longer available.

**PURPOSE AREA DESCRIPTIONS:** The JAG program goal may be accomplished within the 8 Purpose Areas listed and described below. JAG funds may be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, information systems for criminal justice, as well as research and evaluation activities that will improve or enhance:

- (01) Law Enforcement Purpose Area Description: These projects improve the operational effectiveness of law enforcement through a variety of techniques such as resource allocation, purchasing new equipment, and changing policies and/or procedures, among many other options. A key concept of this area is integrating services so that law enforcement agencies can better prioritize requests around the need for services and maximization of resources in fighting crime. Types of projects can include purchase of basic law enforcement equipment and supplies such as mobile data terminals, computers, cameras, police cruisers, and tactical equipment, etc. which state and local law enforcement agencies were unable to purchase due to falling revenues. Past projects have included programs to divert mentally ill offenders at the arrest stage, sex offender apprehension units, and tactical teams to address emergency situations. **Please see restrictions on funding noted on pages 6 and 7.**
- (02) Prosecution, Court and Indigent Defense Purpose Area Description: These programs improve the operational effectiveness of the court process by: 1) expanding prosecutorial, defender, and judicial resources, and 2) implementing court programs with a special emphasis on management and process improvement based on better utilization of personnel or case routing. This area includes innovative or unique programs focused on drug, violent, or serious crimes, that are not typical of or similar to programs previously funded in this or other states, programs giving an especially innovative "twist" on previous approaches to a problem; and/or programs that cut across systems to involve law enforcement, courts, corrections, treatment, etc. and non-criminal justice entities. Please note the exclusion of Drug Courts as listed under the JAG Funding Exclusions and Limitations.
- (03) Prevention and Education Purpose Area Description: Community and neighborhood programs that assist citizens in preventing and controlling crime, including special programs that address crimes committed against the elderly and special programs for rural jurisdictions. Over the past several years, the JAG Board has affirmed its support for quality, evidence or research-based prevention and education programming which reflects the Board's commitment to long-term planning and systemic change which occur when focusing on long-term prevention. It is understood by the JAG Board that if the state is committed to truly addressing crime and reducing recidivism, it must offer resources that can impact crime before it occurs. To that end, prevention and education programs including delinquency prevention will be considered. As in past years, the JAG Board encourages the commitment of other resources to support prevention and education services including funding from local governments. The Board also encourages local government to build the structures to support these services and prioritize them within their community.

- (04) Corrections and Community Corrections Purpose Area Description: Programs and strategies that demonstrate diversion or hinder further penetration into the criminal justice system. Programs designed to provide additional public correctional resources and improve the corrections system, including treatment in prisons and jails, intensive supervision programs, reentry, and long-range corrections and sentencing strategies. In Colorado, the types of projects previously funded in this purpose area include services to special populations such as offender and inmate populations with mental illness, sex offenders, domestic violence offenders, juvenile offenders and the homeless/offender population. Colorado has also been a leader in addressing the systems issues related to serving offenders with mental illness. Through the increased awareness of the needs of this population as well as the needs of the various systems that have contact with this population, Colorado has been able to establish innovative programs that address both these needs.
- (05) Drug Treatment and Enforcement Purpose Area Description: These programs and strategies identify and meet the treatment needs of adult and juvenile offenders with substance abuse, mental health and/or co-occurring issues using a collaborative multi-disciplinary approach. Programs in this area can target clients in the full spectrum of the criminal/juvenile justice system and have previously included programming such as gender-specific treatment for female offenders, aftercare programming for substance abusing offenders, substance abuse evaluation, testing and treatment for juvenile offenders, specialty treatment services for opiate and heroin using/dependent individuals, among others. The JAG Board will not fund applications to support multi-jurisdictional drug task force activities.
- (06) Planning, Evaluation, and Technology Improvement Purpose Area Description: Projects in this area support criminal justice planning at the state and local level through research and evaluation. This includes: 1) projects that facilitate integration of information technology in the criminal justice system with the goal of sharing information across systems and across separate and distinct jurisdictions; 2) research and evaluation projects which serve to improve and expand the current knowledge-base about the criminal and juvenile justice systems which ultimately leads to better decision-making and program implementation; and 3) projects that are proven effective and which ultimately serve to promote system improvement. **Information technology-related applications from state agencies must provide evidence that such project proposals have been reviewed and approved by the applicant agency's Office of Information Technology Chief Information Officer (CIO).**
- (07) Crime Victims and Witness Programs (other than compensation): Programs, activities, or spending focused on assisting crime victims, families, or witnesses. This program area for JAG funding can include programs to coordinate and integrate services to identify and respond to victims of crime. This can include, but is not limited to: innovative approaches to education about crime victimization and how to access services; specialized victim advocate positions focused on populations with unique needs, such as victims of elder abuse, human trafficking, identity theft, domestic violence, and sexual assault/abuse; support of unmet victim/witness protection needs; or assisting law enforcement agencies and district attorneys' offices in building capacity to adequately address crimes with complex victim needs, which again may include, to name a few, elder abuse, human trafficking, and identity theft.
- (08) Mental Health Programs and related Law Enforcement and Corrections Programs, including behavioral programs and crisis intervention teams: Disproportionate numbers of people with mental illness are involved in the criminal justice system often as a result of untreated or undertreated mental illness. This is an issue that impacts numerous facets of the criminal justice system. The JAG Board is interested in projects which support programs and policy changes aimed at the following: identifying and treating people with severe mental illness before they reach crisis point; training law enforcement and correctional officers on mental health and mental health related crisis-intervention; increasing justice system diversion strategies to divert offenders with mental illness from unnecessary arrest and incarceration to

more appropriate and cost-effective community-based treatment and supervision; mental health courts; allowing inmates to continue psychotropic medication in jails; and improving oversight of mental health care in jails, increasing post-jail housing options and enhancing community mental health services.

Colorado is also seeing a rise in heroin and opiate use, dependence and overdose related deaths. The JAG Board is interested in projects that assist in training law enforcement and other personnel in the criminal justice system in identifying high risk individuals; implementing specialized treatment services which may include medication assisted treatment and other innovative approaches to assist this population.

In addition to the JAG Board developed goal above, the federal Bureau of Justice Assistance (BJA) has identified several areas which the Colorado JAG Board also considers important for the state. These include:

### **2021 BJA Areas of Emphasis**

BJA recognizes that many state and local criminal justice systems currently face challenging fiscal environments and that an important, cost-effective way to relieve those pressures is to share or leverage resources through cooperation among federal, state, and local law enforcement. BJA intends to focus much of its work on: Restoring Justice – Support for State, Local, Tribal, and Territorial Administration (SLTT) of Criminal Justice; Community Violence Intervention; Law Enforcement Accreditation, Policy Development, and Training; Technologies to Support Transparency and Information Sharing between Law Enforcement and Communities; Sustaining COVID-19 Criminal Justice Innovations; and Innovative Forensic Technologies such as Rapid DNA for Booking Stations. BJA encourages each state recipient of an FY 2021 JAG award to join federal law enforcement agencies across the board in addressing these challenges. Additional details on the BJA areas of emphasis can be found below:

Restoring Justice – Support for SLTT Administration of Criminal Justice: In March 2020, SLTT governments began implementing various community mitigation policies to prevent and reduce the spread of COVID-19. As a part of these restrictions, throughout the country, courts at every level were forced to cancel or significantly scale back proceedings, which commonly included suspending in-person hearings, granting extensions of court deadlines and waivers of speedy trials, restricting access to court buildings, and postponing jury trials. This created a backlog of cases, which has impacts on criminal court operations and court staff, victims and witnesses, as well as defendants. BJA encourages state and local jurisdictions to invest JAG funds in efforts to restore justice by addressing this backlog. This could include purchase of technology to enhance the use of virtual tools to conduct outreach to witnesses and defendants, as well as for hearings and status conferences, staffing, and enhancing access to services; resources to assist the jurisdiction to develop or enhance its case management system to assess and work to eliminate the backlog of cases; building tools to support diversion and alternatives to incarceration as part of the review of backlogged cases; and technology and equipment to retrofit court houses and staff to mitigate risks to staff and those coming to court.

Community Violence Intervention: Cities across the U.S. are experiencing a historic spike in homicides and gun violence that disproportionately impacts people of color. The recent high-profile mass shootings in Boulder (taking the lives of 10 individuals) and Atlanta (taking the lives of eight individuals, including six Asian American women) underscored the relentlessness of this epidemic. As a result, the Biden-Harris Administration and Department of Justice are undertaking a number of steps to keep guns out of the hands of criminals, reduce the risk of gun violence, and prioritize investment in community violence intervention (CVI). There are [proven](#) CVI strategies for reducing gun violence through tools other than incarceration. For example, violence interruption programs deploy trusted messengers to work directly with individuals most likely to commit gun violence, intervene in conflicts, and connect people to social and economic services to reduce the likelihood of gun violence as an answer. Hospital-based violence interventions engage people who have been shot while they are still in the

hospital, connecting them to services to decrease the likelihood that they commit gun violence or are victimized in the future. BJA encourages state and local jurisdictions to invest JAG funds to tailor programs and responses to CVI in an effort to build strong, sustained partnerships with community residents and organizations to support CVI work in communities most impacted by violent crime. CVI strategies will be highlighted on [BJA's National Training and Technical Assistance Center \(NTTAC\) website](#), and jurisdictions looking to implement those strategies can request training and technical assistance (TTA) on the [NTTAC website](#) as well.

Law Enforcement Accreditation, Policy Development, and Training: The calls for police reform continue to grow, with an emphasis on protecting the sanctity of life and eliminating systemic biases, implicit or otherwise. In particular, racial profiling and related bias are particularly pernicious as they deprive communities of color of basic constitutional protections and erode confidence in policing — an essential cornerstone for crime reduction and safe communities. BJA encourages state and local jurisdictions to utilize JAG funds for the purposes of law enforcement accreditation, and developing and maintaining policies and law enforcement training focused on addressing those areas most likely to promote trust, transparency, and accountability, including use of force, racial profiling, implicit bias, procedural justice, and duty to intervene.

Technologies to Support Transparency and Information Sharing between Law Enforcement and Communities This will focus on software/hardware solutions designed to enhance agency transparency with the capability of facilitating information sharing with the public, promoting an agency's work, and developing data-driven programs that improve public safety and build trust. Examples could include the sharing of information about crime statistics, locations of criminal activity, aggregated information regarding internal affairs complaints, resolution of cases and issues in the community, support for community surveys, and outreach to residents to gather their feedback.

Sustaining COVID-19 Criminal Justice Innovations: As a result of the COVID-19 pandemic, SLTT criminal justice agencies made strides to create innovative ways to administer justice while balancing the need to mitigate the coronavirus and maintain social distancing. While many of these innovations had an upfront cost, they will prove to be cost saving and efficient over time. For example, correctional facilities have enabled virtual programming, education, medical appointments, and family visits, as well as increased and enhanced the use of electronic monitoring. Police departments have hosted virtual community engagement events and opportunities, and courts and community corrections have increased the use of virtual staffing, status hearings, client visits, and access to treatment and support services. In addition, resources have supported the purchase of technology like headsets and hotspots to ensure confidentiality of defense counsel with clients, as well as partnerships with community partners to host outdoor events like drug court graduations. It is important for SLTT agencies to sustain these cost-saving efficiencies that resulted from the COVID-19 pandemic. As such, BJA encourages SLTT agencies to utilize JAG funds for these sustainment activities.

Innovative Forensic Technologies such as Rapid DNA for Booking Stations: Rapid DNA, or Rapid DNA analysis, is a term used to describe the fully automated (hands free) process of developing a DNA profile from a reference sample mouth swab in 1-2 hours without the need of a DNA laboratory and without any human intervention. The overall goal of the Rapid DNA initiative is to immediately enroll qualifying arrestees in CODIS and search unsolved crimes of special concern in near real time during the [booking process](#). The FBI worked with numerous stakeholder groups to develop [Standards for the Operation of Rapid DNA Booking Systems by Law Enforcement Booking Agencies](#), the corresponding [Audit Document](#) for these standards, and the [National Rapid DNA Booking Operational Procedures Manual](#) for the FBI approval and operation of the Rapid DNA devices in booking agencies. Below is an abbreviated list of prerequisites for federal, state, and local booking agencies to participate in Rapid DNA:

State must have implemented an arrestee DNA collection law that authorizes DNA sample collection from a person arrested for a specified offense at the time of arrest and for which



there are no additional requirements (i.e., determination of probable cause) for the analysis of that arrestee DNA sample. Federal booking agencies already meet this prerequisite.

Fingerprint (Live Scan) integration during the booking process for obtaining State Identification Numbers (SID) (UCN for federal booking agencies) from the State Identification Bureau (FBI for federal) in near real time.

Booking agency must have network connectivity with the State Identification Bureau (SIB)/CJIS Systems Agency (CSA). Booking agency and/or state must technically integrate Rapid DNA within their automated fingerprint process in a way that must ensure only qualifying arrestees are processed.

It will be critical for booking agencies to work with their state CODIS agency to ensure all requirements are met for participation in Rapid DNA (see [National Rapid DNA Booking Operational Procedures Manual](#)). BJA encourages those states with arrestee DNA collection laws that meet the prerequisites above to consider using JAG funds to implement Rapid DNA technology (or the defined prerequisites above, such as Live Scan integration) in booking stations within their states.

The Colorado JAG Board is interested in how innovative programs to reduce recidivism, pretrial reform and system realignment can lead to improved public safety and are not intended merely for the purposes of decreasing use of jails or prisons.

**JAG FUNDING EXCLUSIONS:** No JAG funding will be permitted for the following items/areas:

- Tactical and/or Passenger SUVs, Vans, Trucks, and Sedans (excluding SUVs and Sedans that are used for Police Patrol)
- Luxury items and Real estate
- Construction projects, other than penal or correctional institutions
- Segway, Golf Cart, ATV or similar
- Armored Vehicles
- Bus and/or RV (Recreational Vehicle)
- Boat (Police or Non-Police Boat)
- Command and/or Control Vehicles (Bus, Recreational Vehicle, etc.)
- Manned Aircraft, fixed and/or rotary wing
- Explosives and pyrotechnics
- Tracked Armored Vehicles
- Weaponized aircraft, vessels and vehicles of any kind
- Firearms and /or ammunitions with a caliber of .50 or higher
- Grenade launchers
- Bayonets Camouflage Uniforms (digital patterns) \* Woodland and desert patterns
- are allowable
- No gift cards or incentives– contact DCJ for further clarification
- Food and beverages – contact DCJ for further clarification
- Conference costs – contact DCJ for further clarification
- Funds cannot be used to fund any inherently religious activities, such as worship, religious instruction, or proselytization. See Appendix A on page 16 for specific information regarding 12 step programs
- No new applications for Specialty or Problem-Solving Courts
- Pre-existing Multi-Jurisdictional Drug Task Force activities
- Any security enhancements or any equipment to any nongovernmental entity that is not engaged in criminal justice or public safety.

**CONTROLLED EXPENDITURES:** The following 4 items are considered “Controlled Expenditures” and are only allowable under JAG with prior approval from the Federal Bureau of Justice Assistance. This is a combination of items controlled under Executive Order 13688 on Federal Support for Local Law Enforcement Equipment Acquisition and/or statutorily by the JAG program.

Applicants are required to attach a letter. On agency letterhead addressed to the BJA Director that addresses the 11 elements listed under Appendix B (page 21) of this document. If the JAG Board

recommends funding that includes any of the 4 items listed below, this letter will then be forwarded to BJA for BJA Director approval. No funds can be expended until such written authorization from BJA is received by the Division of Criminal Justice and you have been notified.

- Unmanned Aircraft (UA), Unmanned Aerial Vehicle (UAV) and/or Unmanned Aerial System (UAS)
- Specialized firearms and ammunitions under .50 caliber (excludes firearms/ammunition for service issued weapons)
- Breaching Apparatus (battering ram or similar entry device)
- Riot Helmets, shield and/or batons (excluding service issued telescopic or fixed length straight batons)

**JAG FUNDING LIMITATIONS:** Due to the wide range of prices and limited funds, the JAG Board has set limitations/ funding caps on the following:

- Applicants without a purchasing policy/price agreement must use the State of Colorado's Price Agreement as a guideline for the allowable amount that may be requested for each piece of equipment. If the item requested is higher than the State Price Agreement the JAG Board will consider the request on a case-by-case basis. <https://osc.colorado.gov/spco/state-price-agreements>
- Warranties are limited to one year unless included in a bundle package
- Computers (includes both laptops and desktops) – maximum federal funds applicant can request is \$1,500 per unit (this does not include Mobile Data Terminals or MDTs)
- Patrol Vehicles – no maximum, but if request is for more than \$24,999 each, applicant/grantee will be required to answer additional questions on the federal PMT reporting system.

**JAG ADDITIONAL REQUIREMENTS:**

- Body Armor: Ballistic-resistant and stab-resistant body armor can be funded through the JAG Program, as well as through BJA's Bulletproof Vest Partnership (BVP) Program. The BVP Program is designed to provide a critical resource to State and local law enforcement through the purchase of ballistic-resistant and stab-resistant body armor. For more information on the BVP Program, including eligibility and application, refer to the BVP web page. States should note, however, that JAG funds may not be used as any part of the 50 percent match required by the BVP Program.

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 body armor has been tested and found to comply with the latest applicable National Institute of Justice (NIJ) ballistic or stab standards. In addition, body armor purchased must be made in the United States.

As is the case in the BVP Program, agencies that propose to purchase body armor with JAG funds must certify that law enforcement agencies receiving body armor have a written "mandatory wear" policy in effect. FAQs related to the mandatory wear policy and certifications can be found at <https://www.ojp.gov/program/bulletproof-vest-partnership/faqs>. This policy must be in place for at least all uniformed officers before any JAG funding can be used by the entity for body armor. 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 Representative and must be attached to the application, if proposed as part of the application. A mandatory wear concept and issues paper and a model policy are available by contacting the BVP Customer Support Center at [vests@usdoj.gov](mailto:vests@usdoj.gov) or toll free at 1-877-758-3787. The certification form related to mandatory wear can be found at: <https://www.dps.ms.gov/sites/dps/files/Body%20Armor%20Mandatory%20Wear%20Policy%20Certification.pdf>

DNA Testing of Evidentiary Materials and Upload of DNA Profiles to a Database: If JAG program funds will be used for DNA testing of evidentiary materials, any resulting eligible DNA profiles must be uploaded to the Combined DNA Index System (CODIS, the national DNA database



operated by the FBI) by a government DNA lab with access to CODIS. No profiles generated with JAG funding may be entered into any other non-governmental DNA database without prior express written approval from BJA. Funds may not be used for purchase of DNA equipment and supplies when the resulting DNA profiles from such technology are not accepted for entry into CODIS.

- **Body Worn Cameras:** Letter of support from other entities affected (for example, District Attorneys who will access videos for prosecution purposes) are required, as well as evidence that policies and procedures, etc. have been developed. Agencies that propose to use JAG award funds to purchase BWC equipment, or to implement or enhance BWC programs, must provide to DCJ who will then send to OJP a certification(s) that the State (or, if applicable, that any unit of local government that will receive funds from the State for BWC purposes) has policies and procedures in place related to BWC equipment usage, data storage and access, privacy considerations, training, etc. The certification can be found at <https://www.bja.gov/Funding/BodyWornCameraCert.pdf>. See <https://www.bja.gov/bwc/> for more information to guide these steps. The BJA BWC Toolkit also provides model BWC policies and best practices to assist departments in implementing BWC programs.
- **Interoperable Communications:** Applicants that use JAG funds to support emergency communications activities (including the purchase of interoperable communications equipment and technologies such as voice-over-internet protocol bridging or gateway devices, or equipment to support the build out of wireless broadband networks in the 700 MHz public safety band under the Federal Communications Commission [FCC] Waiver Order) should review FY 2021 SAFECOM Guidance. The SAFECOM Guidance is updated annually to provide current information on emergency communications policies, eligible costs, best practices, and technical standards for State, local, tribal, and territorial grantees investing federal funds in emergency communications projects. Additionally, emergency communications projects should support the Statewide Communication Interoperability Plan (SCIP) and be 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 States and territories. Contact [OEC@hq.dhs.gov](mailto:OEC@hq.dhs.gov). All communications equipment purchased with FY 2021 JAG program funding should be identified during quarterly performance metrics reporting. In order to promote information sharing and enable interoperability among disparate systems across the justice and public safety community, OJP requires the recipient to comply with DOJ's Global Justice Information Sharing Initiative guidelines and recommendations for this particular grant. Recipients must conform to the Global Standards Package (GSP) and all constituent elements, where applicable, as described at: [https://www.it.ojp.gov/gsp\\_grantcondition](https://www.it.ojp.gov/gsp_grantcondition). Recipients must 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.
- **Law Enforcement Officer training** (including all associated costs, i.e. travel, hotel, registration fees): Applicant must show that they have requested POST support and been denied for the JAG Board to consider or explain why POST was not contacted for support.
- **Out of state conferences:** applicant must provide specifics about the training content and why it is not available in state.

### **FEDERAL REQUIREMENTS TO REVIEW TO ASSURE APPLICANTS CAN COMPLY**

Recipients of federal funds are required to meet requirements set forth by the federal government. It is highly recommended that applicants review the federal requirements from the prior year funding to assure they can meet those requirements. At the time of award, you must also review the requirements attached to the federal funding year from which your grant will be awarded. See DOJ Federal Requirements at: <https://dcj.colorado.gov/grant-agreements-and-federal-requirements>. Also review grant agreement template and special conditions.

**REPORTING REQUIREMENTS:** The Division of Criminal Justice (DCJ) requires quarterly reports that document the project's progress towards meeting its goals and objectives, and its expenditures under the approved budget. All quarterly reports are due by the 15<sup>th</sup> day following each calendar quarter and must be submitted on-line using ZOOMGRANTS. DCJ maintains the right to withhold payments if reporting requirements are not met in a timely manner.

**PERFORMANCE MEASURES:** The Bureau of Justice Assistance (BJA) has established mandatory performance measures which must be submitted by the 15<sup>th</sup> day following each calendar quarter and must be submitted on-line using BJA's on-line Performance Management Tool or PMT. The actual measures will be determined at the time of award and are dependent on which year of funding is assigned to each project. If the mandated performance reporting data required by DCJ is not provided during project implementation in a timely manner, it can result in the cancellation of the grant and DCJ may request a refund of federal funds expended during the period of non-compliance. Non-compliance can also adversely affect eligibility for future federal funding under this program. This JAG-mandated performance measure reporting is in addition to any other required reporting including quarterly narrative and financial reports.

### **MATCH/OTHER BUDGET CONSIDERATIONS**

- Although match is not a requirement for this funding, the JAG Board encourages applicants to show a commitment from either state or local governments, a portion of a direct JAG award from BJA (for eligible jurisdictions), or other funding committed by partner agencies for this project. This other funding will need to be identified and documented in the application.
- Jurisdictions that receive a direct award from BJA for JAG funding will not be automatically excluded from applying for the portion of funds awarded to the state.
- Applicants who are applying for continuation funds or expecting to apply for continuation funding in future years (up to 48 months) for the same project are no longer required to decrease their requests until the 4<sup>th</sup> year when they are asked to reduce their budgets by 15%.

**INDIRECT COSTS:** Indirect costs are costs of an organization that are not readily assignable to a particular project, but are necessary to the operation of the organization and the performance of the project. Examples of costs usually treated as indirect include those incurred for facility operation and maintenance, depreciation, and administrative salaries.

If the applicant has a federally approved indirect cost rate, that is the rate that should be used. If the applicant does not have an approved rate, one can be requested by contacting the applicant's Federal Cognizant Agency.

If the applicant has never received a federal negotiated indirect cost rate, and is not required to have a federal negotiated indirect cost rate, they are eligible to request the "de minimis" rate which is 10% of the Modified Total Direct Costs (MTDC).

What is the Modified Total Direct Cost, or MTDC?

- This base includes all direct salaries and wages, applicable fringe benefits, materials and supplies, services, travel, and subawards up to the first \$25,000 of each subaward (regardless of the period of performance of the subawards under the award).
- MTDC excludes equipment, capital expenditures, charges for patient care, rental costs, tuition remission, scholarships and fellowships, participant support costs, and the portion of each subaward in excess of \$25,000. Other items may only be excluded when necessary to avoid a serious inequity in the distribution of indirect costs, and with the approval of the cognizant agency (OJP).

Questions regarding Indirect Costs? Contact Cindy Johnson at 303-239-4443 or [cindya.johnson@state.co.us](mailto:cindya.johnson@state.co.us).

**LENGTH OF FUNDING:** Grants are typically awarded for up to a twelve (12) month period, with this cycle from **January 1, 2023 through December 31, 2023**.

Projects are eligible for a maximum of 48-months of funding. Funding beyond the first year will be determined based on the information in the continuation application, the performance of grantee, meeting reporting requirements and availability of funds.

**REQUIREMENTS AND SCORING:** Applications will be reviewed by the JAG Advisory Board using the criteria listed below. If a project application is denied funding, a letter describing the reasons for the denial of funding and information on how to request reconsideration (if eligible for reconsideration) of the JAG Board decision will be sent to the applicant.

- Applicant meets eligibility requirements. Applications must be submitted through a unit of government (e.g., city, town, county, municipality, district attorney, or state), and must be signed by an “Signature Authority” with the authority to commit funds and enter into contractual agreements.
- Applicants shall provide evidence that demonstrates their efforts to secure other financial support for the project costs, including requests through the entity’s regular funding process, before applying for JAG funds. This can include minutes from county commissioner or city council meetings, decision items or other communications at the state level, or any such documentation show the request and subsequent denial. If such requests were not made in advance of the JAG application submission, the applicant shall explain why other resources were not sought.
- Applications for equipment (e.g., portable radios, EID-electromuscular incapacitation devices (Tasers)) will be required to address the following:
  - Is funding requested for specific make and model? If so, why was this specific make and model selected?
  - What is the applicant’s staffing pattern; specifically, what is the maximum amount of people on shift for a regular day who would be using this equipment?
  - What are the alternate funding sources sought (e.g. local government budget, e911 authority boards, other grants, and surplus programs)?
- Preference will be given to applicants who use a pooled/banked equipment approach.
- Applicant demonstrates the capability and authority to successfully complete the proposed project. This includes the ability and willingness to comply with federal and state administrative, financial, evaluation, and other reporting and record keeping requirements.
- The applicant clearly identifies need through use of statistics/information at the level of the project (i.e., using current state or local data, not national).
- Applicant describes the involvement and mutual support within the community for this project or has clearly articulated why this is a single agency project and not one that would/should be collaborative.
- A plan to reduce reliance on federal JAG funds is developed. Continuation applicants are no longer required to decrease their requests until the 4<sup>th</sup> year when they are asked to reduce their budgets by 15%.
- Applicant provides a clear, focused and concise description of the project.
- The proposed project is likely to positively impact the Colorado JAG Board’s Goal: To support implementation of sustainable programs or to provide resources that prevent or reduce or address crime, delinquency, and recidivism, or improve outcomes for those affected by crime; using innovative, multidisciplinary, evidence-based, best, or promising practices.
- The applicant clearly demonstrates that the proposed project will solve critical problems within a state or local agency, or agencies, and/or within a community.
- The project shows a high probability of improving the functioning of a juvenile and/or criminal justice agency, or agencies, and/or juvenile/criminal justice systems either at the local or state level.
- The applicant clearly describes the analyses made of other potential funding sources for this

project, the specific efforts to utilize those funding sources and why those sources are not available for this project.

- The applicant explains why funds for this project were or were not requested through the entity's regular funding process.
- Goals and Outcomes are logical, sensible, clearly written and directly tied to the project.
- Outcomes are realistic and able to be accomplished in the time frames described.
- Outcomes identify the amount of intended change expressed as a rate, percent or whole number. Measures are included that will sufficiently document any change that occurs.
- Applicant describes how the acquired data as described in the Goals & Outcomes section will be collected and used and what individual(s)/groups will meet (and how often) to continually monitor the project, should necessary adjustments to maximize success be required.
- Budget items are detailed, reasonable, specifically defined, justified and applicant demonstrates how those costs were determined. No concerns of supplanting have been identified.
- The project demonstrates the ability to meet the requirements of reporting on the mandatory performance measures within the 15-day due date.
- Applicant has successfully managed projects in the past. Previous projects were successful, and were managed effectively and applicant complied with all administrative and reporting requirements.

For small law enforcement grants:

- Applicants shall provide evidence that demonstrates their efforts to secure other financial support for the project costs, including requests through the entity's regular funding process, before applying for JAG funds. This can include minutes from county commissioner or city council meetings, decision items or other communications at the state level, or any such documentation show the request and subsequent denial. If such requests were not made in advance of the JAG application submission, the applicant shall explain why other resources were not sought.
- Applications for equipment (e.g., portable radios, EID-electromuscular incapacitation devices (Tasers)) will be required to address the following:
  - Is funding requested for specific make and model? If so, why was this specific make and model selected?
  - What is the applicants staffing pattern; specifically, what is the maximum amount of people on shift for a regular day who would be using this equipment?
  - What are the alternate funding sources sought (e.g. local government budget, e911 authority boards, other grants, and surplus programs)?
- Preference will be given to applicants who use a pooled/banked equipment approach.
- The proposed project clearly satisfies a critical agency or community need which is not a product of the agency's failure to plan.
- The applicant clearly demonstrates that the proposed request will solve critical problems within their local agency or community. The project should offer a high probability of improving the functioning of the criminal justice agency at the local level.
- The proposal will improve safety, security, and/or efficiency through meeting basic needs of the agency or community.

**REQUESTS FOR RECONSIDERATION:** Only those applicants who are recommended for funding at less than 50% of their requested federal amount are eligible to request reconsideration. Disqualification for failing to meet the minimum requirements and recommended funding amounts of 50% or above the requested amount are not subject to reconsideration. The reconsideration process will be outlined in the notification letters sent to applicants via the grants management system informing them of the initial funding decision.

## **TIMELINE**

**Announcement and application available via ZOOMGRANTS:** January 2022

**Instructional Webinar on ZOOMGRANTS:** A webinar on how to apply for JAG funds will be available on the DCJ/OAJJA website.

If you experience problems or have questions about how to use ZOOMGRANTS, contact Gillian Trickett at DCJGMS@state.co.us. For questions regarding the JAG application, other than technical ZOOMGRANTS issues, contact Michele Lovejoy at [michele.lovejoy@state.co.us](mailto:michele.lovejoy@state.co.us) or 303-498-7205.

**Project Application Deadline:** Submitted on-line on or before **Friday, MARCH 11, 2022.**

**Project applications available on-line to the JAG Board Members:** March 2022

**Email notification of oral presentations for funding conference:** April 2022

**Project application review and oral presentation:** May 16 – 20, 2022. (Reserve these dates. Project Directors may be scheduled for a 10-minute presentation.)

**Notification of funding recommendations via ZOOMGRANTS:** May 2022

**Requests for Reconsideration Deadline via on-line process for projects recommended at funding less than 50% of requested amount:** May/June 2022

**Reconsideration Meeting:** June/July 2022

**Notification to appellants of final funding recommendations:** July 2022

**Receipt of Director's Approval:** August 2022

**Grant Agreements (GA) available to grantees:** December 2022

**Project Duration:** **January 1, 2023 to December 31, 2023** (exceptions may be requested).

**NOTE:** Grant award periods for continuation projects may differ. Call DCJ staff if you have questions.

## **ACCOUNTABILITY AND TRANSPARENCY**

All potential grant applicants who plan to apply for federal funding from the Colorado Division of Criminal Justice or any other agency must make sure that their agency has a Dun & Bradstreet Data Universal Numbering System (**DUNS**) number and has registered with **SAM**. These are required as part of the implementation of the Federal Funding Accountability and Transparency Act of 2006 (Transparency Act) that went into effect January 1, 2009.

A DUNS number is a unique number that identifies an organization and helps track the distribution of grant money. Verify whether or not your agency has a DUNS number and a current registration in SAM. **If your agency does not have a DUNS number, and/or is not currently registered in SAM, begin these processes now due to the time required to complete these.** Grant awards without a DUNS number and a current registration in **SAM** will have a Special Condition placed on award documents to complete this requirement within 30 days of the start of the grant project period. It is imperative that this timeframe is met per reporting requirements under the Transparency Act.

To obtain a DUNS number online, go to the DUNS registration website at <https://fedgov.dnb.com/webform/index.jsp> or call the Dun & Bradstreet hotline at 1-866-705-5711. You will receive a DUNS number within one day. There is no cost associated with obtaining a DUNS number. Your DUNS number is required as part of the SAM registration process.

### **The next step is to register with SAM:**

- Go to [www.sam.gov](http://www.sam.gov)
- Click on Create an Account
- Choose Individual account
- Provide the requested information and submit
- Receive the email from “notifications” and click through the sam.gov link to validate your Account
- Log in at <https://sam.gov> with the username and password you created

SAM will send notifications to the registered user via email 60, 30, and 15 days prior to expiration of the Entity. To update or renew your Entity records(s) in SAM you will need to create a SAM User Account.

A Full Users Guide as well as Quick Users Guides are available at [www.sam.gov](http://www.sam.gov) which you may want to review prior to registering with SAM.

**NOTE: IF YOU DO NOT HAVE A DUNS # OR HAVE NOT REGISTERED WITH SAM, YOU WILL NOT BE ABLE TO SUBMIT YOUR PROJECT APPLICATION ON-LINE.**

### **ADDITIONAL INFORMATION**

JAG funds are issued for the State of Colorado by the Department of Public Safety, Division of Criminal Justice (DCJ), under its grant-making authority, CRS 24-33.5-503 and the Omnibus Anti-Drug Abuse Act of 1988 (42 U.S.C. 3701, et seq., as amended).

DCJ reserves the right to reject any and all applications, to waive informalities and minor irregularities in the applications received and to accept any portion of the application for funding, if deemed to be in the best interest of the State of Colorado and JAG to do so. DCJ reserves the option of holding for future consideration those applications with merit that were not funded. Any future consideration is dependent on the availability of federal funds.

### **EEOP**

If your organization has less than fifty employees or receives an award of less than \$25,000 or is a nonprofit organization, a medical institution, an educational institution, or an Indian tribe, then it is exempt from the EEOP requirement. To claim the exemption, your organization must complete and submit Section A of the Certification Form 30, which is available online at [https://cdpsdocs.state.co.us/oajja/Reporting\\_Forms/Form30EEOPCertificationofCompliancewithRegulationsREVISED082015.pdf](https://cdpsdocs.state.co.us/oajja/Reporting_Forms/Form30EEOPCertificationofCompliancewithRegulationsREVISED082015.pdf).

If your organization is a government agency or private business and receives an award of \$25,000 or more, but less than \$500,000, and has fifty or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare a Utilization Report (formerly called an EEOP Short Form), but it does not have to submit the report to the OCR for review. Instead, your organization has to maintain the Utilization Report on file and make it available for review on request. In addition, your organization has to complete Section B of the Certification Form 30 ([https://cdpsdocs.state.co.us/oajja/Reporting\\_Forms/Form30EEOPCertificationofCompliancewithRegulationsREVISED082015.pdf](https://cdpsdocs.state.co.us/oajja/Reporting_Forms/Form30EEOPCertificationofCompliancewithRegulationsREVISED082015.pdf)) and return it to the OAJJA/DCJ who will submit to the OCR.

If your organization is a government agency or private business and has received an award for \$500,000 or more and has fifty or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare a Utilization Report (formerly called an EEOP Short Form) and submit it to the OCR for review within sixty days of grant start date. For assistance in developing a Utilization Report, please consult the OCR's website at <http://www.ojp.usdoj.gov/about/ocr/eeop.htm>. In addition, your organization has to complete Section C of the Certification Form 30 ([https://cdpsdocs.state.co.us/oajja/Reporting\\_Forms/Form30EEOPCertificationofCompliancewithRegulationsREVISED082015.pdf](https://cdpsdocs.state.co.us/oajja/Reporting_Forms/Form30EEOPCertificationofCompliancewithRegulationsREVISED082015.pdf)) and return it to the OAJJA/DCJ who will submit to the OCR.



To comply with the EEO requirements, you may request technical assistance from an EEO specialist at the OCR by telephone at (202) 307-0690, by TTY at (202) 307-2027, or by e-mail at EEOsubmit@usdoj.gov.

If there is a significant change in the orientation, organization, goals and/or target population, a continuation project/application may be viewed as a new project application. It is the responsibility of the applicant to present the justification in writing along with the application.

### **Criminal History Records**

Projects designed to automate and improve criminal history records must comply with national standards for image and protocol specifications, the Colorado Crime Information Center Plan and the Criminal History Records Improvement Act (Part E of the Omnibus Crime Control and Safe Streets Act as amended 1991). Applications in this area will be evaluated for consistency with the Criminal History Records Improvement Plan as required by Congress. The reporting of conviction of alien born or suspected alien born offenders to the CCIC is required. Intelligence information systems must comply with the requirements of 28 C.F.R. Part 23, "Criminal Intelligence System Operating Policies." Copies of these documents and references are available upon request from OAJJA.

### **Global Justice Information Sharing**

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](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.

### **IT Systems**

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.

### **Financial Obligations of the State**

Financial obligations of the State payable after the current fiscal year are contingent upon funds for that purpose being appropriated, budgeted and otherwise made available. In the event funds are not appropriated, any resulting contract (Grant Award) will become null and void, without penalty to the State of Colorado.

### **Materials Submitted**

All material submitted regarding application for JAG funds becomes the property of the State of Colorado and is subject to the terms of Colorado Revised Statutes 24-72-201 through 24-72-206, Public Open Records. The State of Colorado has the right to use any or all information/material presented in reply to the Announcement, subject to limitations for proprietary or confidential information. Disqualification or denial of the application does not eliminate this right. Any restrictions on the use or inspection of material contained within the proposal shall be clearly stated in the proposal itself. The contents of the application will become contractual obligations if the project is funded.

## **APPENDIX A**

Executive Order 13279, Executive Order 13559, and the Department of Justice's (DOJ) regulations on the Equal Treatment for Faith-Based Organizations, 28 C.F.R. pt. 38, prohibit recipients from using DOJ financial assistance on inherently (or explicitly) religious activities and from discriminating in the delivery of services on the basis of religion. The following are some frequently asked questions addressing whether twelve-step recovery programs are considered inherently religious activities and the conditions under which recipients may offer such programs in compliance with applicable civil rights laws.

### **Frequently Asked Questions Regarding Twelve-Step Recovery Programs for Recipients of Justice Department Financial Assistance**

#### **What are “twelve-step” recovery programs?**

Traditional twelve-step programs outline a course of action for recovering from an addiction whereby participants proceed through twelve core developmental stages. Twelve-step programs are a form of self-help in which members of a fellowship struggling with the same problem support each other.

The twelve-step program originated with Alcoholics Anonymous (AA) (<http://aa.org>). According to AA, the twelve steps are as follows: “(1) We admitted we were powerless over alcohol—that our lives had become unmanageable. (2) Came to believe that a Power greater than ourselves could restore us to sanity. (3) Made a decision to turn our will and our lives over to the care of God as we understood Him. (4) Made a searching and fearless moral inventory of ourselves. (5) Admitted to God, to ourselves, and to another human being the exact nature of our wrongs. (6) Were entirely ready to have God remove all these defects of character. (7) Humbly asked Him to remove our shortcomings. (8) Made a list of all persons we had harmed, and became willing to make amends to them all. (9) Made direct amends to such people wherever possible, except when to do so would injure them or others. (10) Continued to take personal inventory and when we were wrong promptly admitted it. (11) Sought through prayer and meditation to improve our conscious contact with God, as we understood Him, praying only for knowledge of His will for us and the power to carry that out. (12) Having had a spiritual awakening as the result of these Steps, we tried to carry this message to alcoholics, and to practice these principles in all our affairs.”

There are other twelve-step programs that deal with addictions other than alcohol. Some of the best known are Narcotics Anonymous (NA) (<http://www.na.org>), Gamblers Anonymous (GA), Overeaters Anonymous (OA), and Clutterers Anonymous (CLA). There are also a number of twelve-step programs that address compulsive sexual behavior.

The format of twelve-step meetings may vary, but most include a discussion of one of the twelve steps, the sharing of personal stories of recovery, reading from twelve-step literature, and prayer. Twelve-step programs also include sponsorship, linking a mentor who has had success in recovery with a person who is at the beginning stages of recovery.

#### **How do the DOJ’s regulations, Equal Treatment for Faith-Based Organizations, 28 C.F.R. pt. 38, affect a recipient’s use of DOJ funding?**

In 2002, President George W. Bush issued Executive Order 13279, and in 2004, the DOJ issued the regulations, Equal Treatment for Faith-Based Organizations (Equal Treatment Regulations), 28 C.F.R. pt. 38. In 2010, President Barack H. Obama issued Executive Order 13559 on federal funding of faith-based organizations. The Executive Orders and the Equal Treatment Regulations prohibit recipients from using DOJ financial assistance to engage in inherently (or explicitly) religious activities, such as proselytizing, scripture study, or worship. Faith-based recipients may, of course, engage in inherently religious activities; however, these activities must be separate in

time or location from the program supported with DOJ financial assistance and participation in these programs must be voluntary. Recipients must not compel beneficiaries of the DOJ-funded program to participate in inherently religious activities, and they must not discriminate in the delivery of services or benefits on the basis of religion, a religious belief, a refusal to hold a religious belief, or a refusal to participate in a religious practice.

**Is a twelve-step recovery program such as AA or NA an inherently religious activity?**

Yes. Courts have analyzed this question in reference to the Establishment Clause of the First Amendment to the United States Constitution. The Establishment Clause prohibits the government from making any law “respecting an establishment of religion.” This clause not only forbids the government from establishing an official religion, but it also prohibits government actions that favor one religion over another or from preferring religion over non-religion. Courts have repeatedly found that traditional twelve-step programs contain religious content and are religious activities. In reaching this determination, courts have relied upon several factors, such as the fact that the twelve steps are based on the monotheistic idea of a single God or Supreme Being, which is rooted in the religious concept of a Higher Power. It is important to keep in mind that a program or activity does not need to be a traditional form of religious worship to be a religious activity; a program can have a secular purpose such as providing drug or alcohol treatment but its programming may contain religious content.

**Does this mean that direct and sub-recipients of DOJ financial assistance cannot include twelve-step recovery programs in any of the services that they provide?**

No. Recipients must carefully structure their programs and activities, however, to ensure that DOJ financial assistance is not being used for literature, classes, meetings, counseling sessions, or other activities that support twelve-step programs. Moreover, recipients must ensure that twelve-step programs take place at a separate time or location from the activities supported with DOJ financial assistance and that the participation of beneficiaries in twelve-step programs is strictly voluntary. DOJ-funded organizations that operate substance-abuse treatment programs must make clear to both grant-making agencies and beneficiaries that twelve-step programming is separate and distinct from DOJ-funded activities. Recipients must also ensure that they do not compel beneficiaries of DOJ-funded programs to participate in twelve-step programs. They cannot penalize a beneficiary who chooses not to participate in a twelve-step program.

**Can a recipient use DOJ financial assistance to purchase or develop literature or other materials that promote the twelve-step model of recovery?**

No. This is a clear example of using DOJ financial assistance to engage in a religious activity.

**If a recipient uses DOJ funds to subsidize in whole or in part the salary and benefits of one or more staff positions, how can the recipient ensure that this does not result in supporting a twelve-step recovery program?**

Recipients must ensure that staff members fully funded by DOJ are not involved with twelve-step programs whereby they are instructing or indoctrinating clients on the twelve steps. For example, DOJ-funded staff members cannot supervise or lead twelve-step meetings or courses; they cannot counsel or treat clients based on the twelve-step model; and they cannot read to clients from literature expounding twelve-step programs.

For staff positions subsidized both with DOJ financial assistance and private funds, recipients must ensure that DOJ financial assistance is not subsidizing any portion of staff members’ time spent on twelve-step programs. Staff members shall clearly document the number of hours spent on secular activities associated with the DOJ-funded program and ensure that time spent on twelve-step programs is completely separate from time spent on permissible secular activities.

**If rental or construction costs are allowable under the terms of a grant award, may a recipient use DOJ funds to rent, lease, construct, or renovate a facility where a twelve-step program will take place?**

Yes, as long as the recipient only uses DOJ funds to subsidize the costs attributable to permissible secular activities occurring within the facility and uses private funds to subsidize the costs attributable to the twelve-step program. Where a recipient expends DOJ funds on the rental, lease, construction, or renovation of a facility that will be used for both secular activities permissible under the grant award and a twelve-step program, the recipient shall determine the portion of time that the facility will be used to conduct permissible secular activities and must prorate the costs of the rental, lease, construction, or renovation of the facility to ensure that the amount of DOJ funding does not exceed the portion or percentage of costs attributable to the permissible secular activities. For example, if a recipient uses a facility for permissible secular activities approximately eighty percent of the time and uses the facility for a twelve-step program approximately twenty percent of the time, the amount of DOJ funding expended on the rental, lease, construction, or renovation of the facility cannot exceed eighty percent of the total costs.

**How can a recipient ensure that a twelve-step recovery program is conducted separately in time or location from DOJ-funded activities?**

Twelve-step meetings, courses, or counseling sessions held in the community, outside of a recipient's facilities, are sufficiently separate in location from DOJ-funded activities so as not to raise a question about the recipient's sponsorship of the program. If a twelve-step program takes place in a recipient's facilities, it may still satisfy the requirement of being separate in location from DOJ-funded activities, if it takes place in a different room or floor from where the DOJ-funded activities occur. Twelve-step programs may also take place in a recipient's facilities if they take place at a different time from the DOJ-funded program. For example, the twelve-step program could take place either before or after the DOJ-funded program; however, the recipient must make clear that the twelve-step program is not part of the DOJ-funded program.

**Once a recipient ensures that it is not using DOJ financial assistance to support a twelve-step recovery program and the program is being held separately in time or location from DOJ-funded activities, how can a recipient ensure that participation in a twelve-step program is voluntary for beneficiaries of the DOJ-funded activities?**

Recipients of DOJ financial assistance must ensure that they are not mandating beneficiaries of the DOJ-funded programs to participate in any twelve-step programming. While it is permissible to require a beneficiary to participate in substance abuse treatment, recipients cannot only offer twelve-step programs; recipients must offer at least one alternative treatment program that is secular in nature. Recipients should also be careful that they are not coercing beneficiaries to participate in twelve-step programs by making DOJ-funded services or benefits contingent upon participating in the twelve-step program, or otherwise leveraging DOJ-funded services to influence an individual's decision to participate in a twelve-step program. When assessing whether such decisions by program beneficiaries are voluntary, funding recipients should be mindful that beneficiaries of substance abuse services may be particularly susceptible to pressure or persuasion to engage in activities.

**What are some examples of alternative treatment or recovery programs that are secular in nature?**

In addition to one-on-one and group counseling sessions that have no religious content, some examples of secular treatment programs include SMART Recovery (<http://smartrecovery.org/>), Rational Recovery (<http://rational.org/>), Secular Organizations for Sobriety/Save Our Selves

(<http://cfiwest.org/sos>), and LifeRing (<http://lifering.org>). The DOJ provides this partial list of alternative programs solely as information without endorsing any program or commenting on its efficacy.

### **What is the responsibility of a State Administering Agency if it discovers that a recipient, subrecipient, or contractor receiving DOJ financial assistance includes a twelve-step program in its services?**

If a State Administering Agency has any questions regarding whether a subrecipient's or contractor's inclusion of a twelve-step program in its services and activities complies with the Equal Treatment Regulations, the State Administering Agency may contact the Office for Civil Rights at (202) 307-0690 or via email at [askOCR@ojp.usdoj.gov](mailto:askOCR@ojp.usdoj.gov).

### **Whom should I contact if I have questions about how the Equal Treatment Regulations relate to twelve-step recovery programs?**

The Office for Civil Rights is available to provide guidance on how the Equal Treatment Regulations relate to twelve-step recovery programs. For technical assistance, please call the Office for Civil Rights' main line at (202) 307-0690.

### **Resources**

- *Miner v. Goord*, No. 09-0674-cv, 2009 WL 4072085 (2d Cir. Nov. 25, 2009) (holding that the twelve steps of AA are religious in nature).
- *Inouye v. Kemna*, 504 F.3d 705 (9th Cir. 2007) (holding that AA has substantial religious components and that compelling individuals to participate in AA violates the Establishment Clause).
- *Cox v. Miller*, 296 F.3d 89 (2d Cir. 2002) (finding that AA's activities must be treated as religious for purposes of the Establishment Clause).
- *DeStafano v. Emergency Hous. Group, Inc.*, 247 F.3d 397 (2d Cir. 2001) (finding that the AA program is a religion for Establishment Clause purposes).
- *Warner v. Orange County Dep't of Prob.*, 115 F.3d 1068 (2d Cir. 1997) (concluding that the AA program has substantial religious components and AA meetings are intensely religious events).
- *Kerr v. Farrey*, 95 F.3d 472 (7th Cir. 1996) (holding that the twelve-steps underlying AA programs are based on the monotheistic idea of a single God or Supreme Being, or, in other words, a religious concept of a Higher Power).
- *Care Net Pregnancy Ctr. of Windham County v. U.S. Dep't of Agric.*, No. 11-2082 (RBW), 2012 WL 4801777 (D.D.C. Oct. 10, 2012) (upholding a hearing officer's determination that a faith-based applicant for U.S. Department of Agriculture (USDA) funding would violate the USDA's regulations, Equal Opportunity for Religious Organizations, 7 C.F.R. § 16.3, where it intended to use USDA financial assistance to fund the complete acquisition cost of a facility to be used for both secular and religious activities).
- *Hazle v. Crofoot*, No. 2:08-cv-00295-GEB-KJM, 2010 WL 1407966 (E.D. Cal. Apr. 7, 2010) (concluding that a twelve-step recovery program based on the principles of AA and NA contained religious components).
- *Freedom from Religion Found., Inc. v. McCallum*, 179 F.Supp.2d 950 (W.D. Wis. 2002) (concluding that while AA is not a traditional form of religious worship the content of AA is religious in nature, and finding that an agency's ability to estimate how much time counselors spend on religious versus non-religious matters does not mean that it is possible to make a clear distinction between the two roles that counselors play).
- *Warburton v. Underwood*, 2 F.Supp.2d 306 (W.D.N.Y. 1998) (finding that the emphasis placed on God, spirituality, and faith in a Higher Power by twelve-step

programs such as AA and NA supports a determination that the programs are religious).

- Exec. Order No. 13559, 75 Fed. Reg. 71319 (Nov. 17, 2010), available at <http://www.gpo.gov/fdsys/pkg/FR-2010-11-22/pdf/2010-29579.pdf>.
- Exec. Order No. 13279, 67 Fed. Reg. 77141 (Dec. 12, 2002), available at <http://www.gpo.gov/fdsys/pkg/FR-2002-12-16/pdf/02-31831.pdf>.
- U.S. Department of Justice, Equal Treatment for Faith-Based Organizations, 28 C.F.R. pt. 38, available at <http://www.gpo.gov/fdsys/pkg/CFR-2000-title28-vol1/content-detail.html>.
- Substance Abuse and Mental Health Services Administration, An Introduction to Mutual Support Groups for Alcohol and Drug Abuse, 5 Substance Abuse in Brief Fact Sheet (Spring 2008), available at [http://kap.samhsa.gov/products/brochures/pdfs/saib\\_spring08\\_v5i1.pdf](http://kap.samhsa.gov/products/brochures/pdfs/saib_spring08_v5i1.pdf).



## APPENDIX B

### 3. JAG Controlled Expenditures Justification Template

This template is based on recommendations pursuant to Executive Order 13688 on Federal Support for Local Law Enforcement Equipment Acquisition. To utilize JAG funds to support a project and/or purchase an item listed within the “**Controlled Expenditures**” table above, applicants/grantees must attach a letter on their agency’s letterhead, addressed to the BJA Director. The letter can be included as an attachment to an application pre-award or a Program Office Approval Grant Adjustment Notice (GAN) post-award. **This letter must fully address all 11 elements listed below and applicants/grantees may not obligate and/or expend any JAG funds until prior written approval has been granted by BJA to do so. Grantees wishing to purchase Unmanned Aerial Vehicles/Systems must adhere to the additional guidance found here: <https://www.bja.gov/Publications/BJA-UAS-Guidance.pdf>.**

1. A general description of the requesting agency;
2. A detailed justification for supporting the controlled project and/or acquiring the controlled items, including a clear and persuasive explanation of the need for and appropriate criminal justice purpose that it will serve. (If applicable, please describe any previous instance in which the controlled item was used in a manner that deviated from the detailed justification supporting the application for that equipment.);
3. The number of units of the requested controlled item(s) that are currently in your agency’s inventory;
4. Categories of other controlled equipment acquired through Federal programs during the past three (3) years that the requesting agency currently has in its inventory;
5. Whether the requested controlled equipment currently could reasonably be accessed through loans or mutual assistance or mutual aid agreements;
6. Certification (written assurance) that the requesting agency has adopted required protocols ([see Recommendation 2.1](#): Agencies that acquire controlled equipment through Federal programs must adopt robust and specific written policies and protocols governing General Policing Standards and Specific Controlled Equipment Standards.) or will adopt those protocols before physical acquisition or purchase of controlled equipment or transfer of funds;
7. Certification (written assurance) that the requesting agency has provided required training ([see Recommendation 2.2](#): Agencies that acquire controlled equipment through Federal programs must ensure that its personnel are appropriately trained and that training meets the specified requirements.) or will provide that training before physical acquisition or purchase of controlled equipment or transfer of funds;
8. Evidence of civilian governing body’s review and approval or concurrence of the requesting agency’s acquisition of the requested controlled equipment;
9. Whether the requesting agency has applied, or has a pending application(s), for this type of controlled equipment from another Federal agency during the current fiscal year;
10. Whether any prior application for controlled equipment has been denied by a Federal agency during the past three (3) years, and, if so, the reason for the denial; and
11. Whether the requesting agency has been found to be in violation of a Federal civil rights statute or programmatic term during the past three (3) years and, if so, whether any disposition was reached or corrective actions were taken. LEAs must disclose any finding by a Federal court or a Federal government agency, including an agency’s Office of Civil Rights or the Civil Rights Division of the U.S. Department of Justice, that the LEA has violated a Federal civil rights law with respect to their policing functions. LEAs must also disclose any admissions of liability they have made regarding violations of Federal civil rights law in their policing functions.