

2013 – 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, 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.”
2. Express written approval from the Division of Criminal Justice must be secured by the Grantee prior to the use of any federal funds, either directly or indirectly, in support of enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government.
3. The Grantee must submit to the Division of Criminal Justice one copy of your most recent A-133 audit or financial review, including any management report or other auditor comments within thirty (30) days of the start of this project.
4. The Grantee agrees to take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). For more information on the civil rights responsibilities that grantees have in providing language services to LEP individuals, please see the website, www.lep.gov.
5. The Grantee must have a DUNS number (<http://fedgov.dnb.com/webform>) and maintain current registration in the System for Award Management (SAM) database, <https://www.sam.gov>. The Grantee must demonstrate that their agency has an active registration in the SAM database. In addition, the subgrantee acknowledges that it must renew this registration annually. Failure to provide documentation or to renew SAM registration may constitute a default and DCJ may initiate Termination for Cause procedures as referenced in 15A of the Grant Agreement.
6. 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.
7. 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.

8. 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.

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- **Section 3789 was editorially reclassified as section 10227 of Title 34, Crime Control and Law Enforcement.**
9. 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.
 10. 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).
 11. 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.
 12. 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 Grantees 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.
 13. The Grantee understands and agrees that award funds may not be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.
 14. The Grantee understands and agrees that - (a) No award funds may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography, and (b) Nothing in subsection (a) limits the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

15. 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.
16. If you are collecting and expending restitution as part of this Juvenile Diversion program, you must report the amount collected and expended.
17. **[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).
18. **[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.
19. **[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.
20. **[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.
21. **[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.

22. **[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.
23. **[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 avests@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.