

U.S. Department of Justice  
Office of Justice Programs  
Bureau of Justice Assistance



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## The Justice and Mental Health Collaboration Program FY 2020 Competitive Grant Solicitation

CFDA # 16.745

Grants.gov Solicitation Number: BJA-2020-17114

Solicitation Release Date: March 19, 2020

Application Deadline: 11:59 p.m. eastern time (ET) on May 18, 2020

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The U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), [Bureau of Justice Assistance](#) (BJA) is seeking applications for the Justice and Mental Health Collaboration Program. This program furthers the Department's mission by providing support to law enforcement and other criminal justice agencies to partner with mental health agencies and reduce crime and recidivism associated with people with mental illnesses.

This solicitation incorporates the [OJP Grant Application Resource Guide](#) by reference. It provides guidance to applicants on how to prepare and submit applications for funding to OJP. If this solicitation expressly modifies any provision in the OJP Grant Application Resource Guide, the applicant is to follow the guidelines in this solicitation as to that provision.

### Eligibility (Who may apply):

The following entities are eligible to apply:

- States
- Units of local government
- Federally recognized Indian tribal governments (as determined by the Secretary of the Interior)

**BJA will only accept applications that demonstrate the proposed project will be administered jointly by an agency with responsibility for criminal or juvenile justice activities and a mental health agency.**

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

### Contact information

For technical assistance with submitting an application, contact the Grants.gov Customer Support Hotline at 800-518-4726 or 606-545-5035, at <https://www.grants.gov/web/grants/support.html>, or at [support@grants.gov](mailto:support@grants.gov). The Grants.gov Support Hotline operates 24 hours a day, 7 days a week, except on federal holidays.

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

For assistance with any unforeseen Grants.gov technical issues beyond an applicant’s control that prevent it from submitting its application by the deadline, or any other requirement of this solicitation, contact the National Criminal Justice Reference Service (NCJRS) Response Center: toll-free at 800-851-3420; via TTY at 301-240-6310 (hearing impaired only); email [grants@ncjrs.gov](mailto:grants@ncjrs.gov); fax to 301-240-5830; or web chat at <https://webcontact.ncjrs.gov/ncjchat/chat.jsp>. The NCJRS Response Center hours of operation are 10:00 a.m. to 6:00 p.m. eastern time, Monday through Friday, and 10:00 a.m. to 8:00 p.m. eastern time on the solicitation close date.

A solicitation webinar will be held on April 8, 2020 at 2 p.m. ET. This webinar will provide a detailed overview of the solicitation and allow an opportunity for interested applicants to ask questions. Preregistration is required for all participants. Register by clicking [here](#) and following the instructions. After the webinar, we will link to the webinar recording from BJA’s website.

#### **Deadline Details**

Applicants must register with Grants.gov at <https://www.grants.gov/web/grants/register.html> prior to submitting an application. All applications are due by 11:59 p.m. eastern time on May 18, 2020.

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

An applicant must use the **Add Attachment** button to attach a file to its application. Do not click the paperclip icon to attach files. This action will not attach the files to the application. After adding an attachment, select the **View Attachment** button to confirm you attached the correct file. To remove the file, select the **Delete Attachment** button.

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

For additional information, see the How to Apply (Grants.gov) section in the [OJP Grant Application Resource Guide](#).

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# THE JUSTICE AND MENTAL HEALTH COLLABORATION PROGRAM

## CFDA # 16.745

### A. Program Description

#### Overview:

The Justice and Mental Health Collaboration Program (JMHCP) supports cross-system collaboration to improve public safety responses and outcomes for individuals with mental illnesses (MI) or co-occurring mental illness and substance abuse (CMISA) who come into contact with the justice system. This program supports public safety efforts through partnerships with social services and other organizations that will enhance responses to people with MI and CMISA.

**Statutory Authority:** This program is authorized by the Mentally Ill Offender Treatment and Crime Reduction Act of 2004 (MIOTCRA) (Public Law 108-414) and the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110-416), as amended by the 21st Century Cures Act (Public Law 114-255), 34 U.S.C. 10651; Additional authority is provided by the Consolidated Appropriations Act, 2020, Public Law No. 116-93, 133 Stat 2317, 2409

#### Project-specific Information:

The Justice and Mental Health Collaboration Program offers grants to help entities prepare comprehensive plans to implement collaboration programs that target qualified offenders and promote public safety and public health. Specifically, per the authorizing statute, grants awarded under this program shall be used to create or expand:

- Programs that support cooperative efforts by public safety officials and service providers (at any point in the system) to connect individuals with MI or CMISA with treatment and social services
- Mental health courts or other court-based programs
- Programs that offer specialized training for public safety officials and mental health providers in order to respond appropriately to individuals with MI or CMISA
- Programs that support intergovernmental cooperation between state and local governments to address enhanced support to individuals with MI or CMISA

For additional information on the program, please refer to BJA's JMHCP website:

<https://bja.ojp.gov/program/justice-and-mental-health-collaboration-program-jmhcp/overview#horizontalTab1>.

It is strongly encouraged that potential applicants review *Behavioral Health Diversion Interventions: Moving from Individual Programs to a Systems-Wide Strategy* (<https://csgjusticecenter.org/publications/behavioral-health-diversion-interventions-moving->



[from-individual-programs-to-a-systems-wide-strategy/](#)), which was developed based on work with previous JMHCP grantees.

### **Objectives and Deliverables**

Per the authorizing statute, the JMHCP grant requires a two-phase process consisting of planning and implementation activities during which grantees will develop a coordinated approach to implementing or enhancing services for justice-involved individuals with MI and CMISA. Applicants must submit one application that proposes detailed activities for both a planning phase and an implementation phase.

The planning phase can be for up to 12 months and the implementation phase will begin once the grantee has met the requirements of the planning phase and will continue for the remaining time of the grant. Applicants must demonstrate that at least one criminal justice agency and one mental health agency will participate in the administration of the program.

BJA is seeking applicants under the following three specific purpose areas. For any of the purpose areas, the applicant must propose programming that is consistent with the goals of the authorizing legislation as described on pages 4–6.

#### **Purpose Area 1: Embedding Clinicians in Law Enforcement Agencies (Competition ID BJA-2020-18312)**

This purpose area allows for social workers and/or mental health professionals to be placed (embedded) in law enforcement agencies to assist officers during encounters with people in mental health crisis. Applicants under this purpose area can use funding to pay for salaries as well as other expenses such as training and other coordination activities to ensure implementation of the collaborative program.

#### **Purpose Area 2: Support for Mental Health Centers (Competition ID BJA-2020-18313)**

This purpose area funds operational expenses for centers that provide assistance to those with severe mental health needs who are at risk of recidivism. These mental health centers can provide, but are not limited to, the following services: crisis care, residential treatment, outpatient mental health and primary care services, and community reentry supports.

#### **Purpose Area 3: Mitigating Threats of Targeted Violence (Competition ID BJA-2020-18314)**

This purpose area supports law enforcement and prosecutors to respond to and mitigate threats of targeted violence. Today, law enforcement is faced with threats from violent individuals often enhanced or complicated by life stressors such as mental illness and substance abuse. Funds under this purpose area can be used by state and local prosecutors and investigators to seek assistance from mental health professionals and threat assessment experts to identify and disrupt individuals who are mobilizing toward violence.

The Department of Justice has implemented a nationwide threat mitigation, disruption, and early engagement program to address rapidly evolving threats that may target a wide variety of locations, including schools, workplaces, and houses of worship. State and local governments are encouraged to build multidisciplinary threat assessment and threat management teams, including both law enforcement and non-law enforcement stakeholders, threat assessment professionals, intervention teams, and community

groups to assist in the prevention of threats posed by individuals mobilizing toward violence.

It is expected that applicants closely consult with designated points of contact at the Federal Bureau of Investigation (FBI), the United States Attorney (USAO), and other federal law enforcement agencies in their districts in developing and implementing these plans.

Applicants may propose to use funds to support the Forensic Assertive Community Treatment (FACT) model. For more information, please visit:

<https://store.samhsa.gov/product/Forensic-Assertive-Community-Treatment-FACT-A-Service-Delivery-Model-for-Individuals-With-Serious-Mental-Illness-Involved-With-the-Criminal-Justice-System/PEP19-FACT-BR>.

The Objectives and Deliverables are directly related to the performance measures that demonstrate the results of the work completed, as discussed under:

[What an Application Should Include](#).

**Program-specific Priority Areas:**

In FY 2020, and in addition to executing any OJP policy prioritization that may be applicable, priority consideration will be given to applications that:

- Promote effective strategies by law enforcement to identify and reduce the risk of harm to individuals with MI or CMISA and to public safety.
- Promote effective strategies for identification and treatment of female offenders with MI and CMISA.
- Promote effective strategies to expand the use of mental health courts and related services.
- Propose interventions that have been shown by empirical evidence to reduce recidivism.
- When appropriate, use validated assessment tools to target offenders with a moderate or high risk of recidivism and a need for treatment services.
- Propose to establish a local working group (multidisciplinary threat assessment and threat management teams) comprised of law enforcement officials, prosecutors, mental health professionals, threat assessment professionals, intervention teams, subject matter experts, and community groups to detect and mitigate local threats of violence. These local working groups are strongly encouraged to consult with their local USAO and the FBI's Field Division.

To receive priority consideration under any of these areas, applicants must identify, in the application abstract, each area for which priority consideration is being sought, and describe, in the program narrative, how the applicant will address each priority.

**OJP Policy Priority Areas**

In FY 2020, and in addition to executing any program-specific prioritization that may be applicable, OJP will give priority consideration to applications as follows:

- Applications from federally recognized tribes



- Applications that address specific challenges that rural communities face
- Applications that demonstrate that the individuals who are intended to benefit from the requested grant reside in high-poverty areas or persistent-poverty counties
- Applications that offer enhancements to public safety in economically distressed communities (Qualified Opportunity Zones)
- Applications for Purpose Area 1 that go to enhancing criminal justice and public safety by indicating agreement to comply with one or more of the following law enforcement-related award conditions:
  - Where the application is from a State or local government entity that operates at least one correctional facility (as defined at 34 U.S.C. 10251(a)(7)), applications in which the applicant agrees to comply with award conditions related to cooperation with federal law enforcement, as set forth in Appendix B.
  - Where the application is from a State or local government entity, applications in which the applicant agrees to comply with award conditions related to noninterference with federal law enforcement, as set forth in Appendix C.
  - Where the application is from a State or local government entity, applications in which the applicant agrees to comply with award conditions related to nondisclosure of federal law enforcement information, as set forth in Appendix D.

To receive priority consideration under the rural priority, applicants must describe what makes the geographic service area rural (using U.S. Census or other appropriate government data; for assistance, applicants may wish to refer to <https://www.census.gov/programs-surveys/geography/guidance/geo-areas/urban-rural.html>), how isolated the area is from needed services, and how they will address specific challenges in rural communities.

To receive priority consideration under the poverty priority, the applicant must provide information to demonstrate that the individuals who are intended to benefit from the requested grant reside in high-poverty areas or persistent poverty counties. For purposes of this priority consideration, the term “high-poverty area” means any census tract with a poverty rate of at least 20 percent as measured by the 2013–2017 5-year data series available from the American Community Survey of the Census Bureau (applicants may search by census tract at <https://www.census.gov/acs/www/data/data-tables-and-tools/narrative-profiles/2017/>) and the term “persistent poverty counties” means any county that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1990 and 2000 decennial censuses and the most recent Small Area Income and Poverty Estimates (applicants may search by county at <https://www.census.gov/data/tables/time-series/dec/census-poverty.html> and at <https://www.census.gov/programs-surveys/saippe.html>).

To receive priority consideration under the Qualified Opportunity Zones priority, applicants must include information that specifies how the project will enhance public safety in the specified QOZs. For resources on QOZs, and for a current list of designated QOZs, see the U.S. Department of the Treasury’s resource webpage, accessible at <https://www.cdfifund.gov/pages/opportunity-zones.aspx>.

To receive priority consideration under Purpose Area 1 for enhancing criminal justice and public safety by agreeing to comply with one or more award conditions related to law enforcement,

applicants can agree to one or more of a series of award conditions (and will receive priority points for each accepted condition):

- To receive priority consideration under the priority for cooperation with federal law enforcement, applicants must sign and submit the certification provided in Appendix B.
- To receive priority consideration under the priority for noninterference with federal law enforcement, applicants must sign and submit the certification provided in Appendix C.
- To receive priority consideration under the priority for nondisclosure of federal law-enforcement information, applicants must sign and submit the certification provided in Appendix D.

OJP policy priority consideration will consist of receiving additional points in the application scoring process. Receipt of priority consideration does not guarantee that an application will be funded; nor will the failure to receive priority consideration necessarily mean that an application will not be funded.

### **Evidence-based Programs or Practices**

OJP strongly emphasizes the use of data and evidence in policymaking and program development in criminal justice, juvenile justice, and crime victim services. For additional information and resources on evidence-based programs or practices, see the [OJP Grant Application Resource Guide](#).

### **Information Regarding Potential Evaluation of Programs and Activities**

Applicants should note that OJP may conduct or support an evaluation of the programs and activities funded under this solicitation. For additional information, see the [OJP Grant Application Resource Guide](#) section titled Information Regarding Potential Evaluation of Programs and Activities.

## **B. Federal Award Information**

Maximum number of awards BJA expects to make	25
Estimated maximum dollar amount for each award	Up to \$750,000
Total amount anticipated to be awarded under this solicitation	\$19,000,000
Period of performance start date	October 1, 2020
Period of performance duration	Up to 36 months

BJA may, in certain cases, provide additional funding in future years to awards made under this solicitation, through continuation awards. OJP will consider, among other factors, OJP's strategic (programmatic and policy) priorities, a recipient's overall management of the award, and progress of award-funded work, when making continuation award decisions.

Under this solicitation, only one application by any particular applicant entity will be considered. An entity may, however, be proposed as a subrecipient (subgrantee) in more than one application.

BJA may elect to fund applications submitted under this FY 2020 solicitation in future fiscal years, dependent on, among other considerations, the merit of the applications and on the availability of appropriations.



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

#### **Type of Award**

BJA expects to make awards under this solicitation as grants. See the Administrative, National Policy, and Other Legal Requirements section of the [OJP Grant Application Resource Guide](#) for additional information.

#### **Financial Management and System of Internal Controls**

Award recipients and subrecipients (including recipients or subrecipients that are pass-through entities) must, as described in the Part 200 Uniform Requirements<sup>1</sup> as set out at 2 C.F.R. 200.303, comply with standards for financial and program management. See the [OJP Grant Application Resource Guide](#) for additional information.

#### **Budget Information**

Applicants should structure their budgets to allocate a portion of the budget (up to \$100,000 of the total grant award) to complete Phase 1: Planning within 12 months of receiving final OJP approval of the project budget. The applicant will need to clearly identify which budget line items are planning costs. Program budget approval and coordination with BJA and a technical assistance coordinator are required to complete Phase 1.

Please note that while applicants will be required to submit a budget for the entire 36-month project at the time of application submission, applicants may have the opportunity to revise their budget based on any outcomes from the planning phase.

#### **Cost Sharing or Match Requirement**

Federal funds awarded under this solicitation may not cover more than 80 percent of the total costs of the project for project years 1 and 2, and 60 percent of the total costs of the project for project year 3. An applicant must identify the source of the 20 percent nonfederal portion of the total project costs for projects years 1 and 2, and how it will use match funds. In addition, applicants proposing a 3<sup>rd</sup> project year must identify the source of the 40 percent nonfederal portion of year 3 project costs, and how it will use match funds. If a successful applicant's proposed match exceeds the required match amount, and OJP approves the budget, the total match amount incorporated into the approved budget becomes mandatory and subject to audit. ("Match" funds may be used only for purposes that would be allowable for the federal funds.) Recipients may satisfy this match requirement with either cash or in-kind services.

Please see the [OJP Grant Application Resource Guide](#) for information on the following:

[Pre-agreement Costs \(also known as Pre-award Costs\)](#)

[Limitation on Use of Award Funds for Employee Compensation; Waiver](#)

[Prior Approval, Planning, and Reporting of Conference/Meeting/Training Costs](#)

[Costs Associated with Language Assistance \(if applicable\)](#)

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<sup>1</sup> The "Part 200 Uniform Requirements" means the DOJ regulation at 2 C.F.R Part 2800, which adopts (with certain modifications) the provisions of 2 C.F.R. Part 200.

## C. Eligibility Information

For eligibility information, see title page.

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

## D. Application and Submission Information

### What an Application Should Include

The following application elements **MUST** be included in the application submission for an application to meet the basic minimum requirements (BMR) to advance to peer review and receive consideration for funding: Program Narrative and Budget Detail Worksheet.

See the Application Elements and Formatting Instructions section of the [OJP Grant Application Resource Guide](#) for information on what happens to an application that does not contain all of the specified elements or that is nonresponsive to the scope of the solicitation.

### 2. Application for Federal Assistance (Standard Form (SF)-424)

The SF-424 is a required standard form used as a cover sheet for submission of pre-applications, applications, and related information. See the [OJP Grant Application Resource Guide](#) for additional information on completing the SF-424.

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

### 3. Project Abstract

Include an abstract that summarizes the proposed project in 400 words or fewer. Project abstracts should be:

- Written for a general public audience.
- Submitted as a separate attachment with "Project Abstract" as part of its file name.
- Single-spaced, using a standard 12-point Times New Roman font with 1-inch margins.

In addition, the abstract must:

- In one sentence, identify if a program-specific priority area will be addressed in the application. (Priority areas are addressed on pages 6–8).
- Include the names of the lead applicant and the partner applicant (justice and mental health agencies); if applicable, the target population and the proposed number of individuals the applicant plans to serve; the jurisdiction's population and demographic characteristics; a brief description of how the applicant plans to address the problem; and the amount of federal funding requested.
- Indicate whether the applicant is a previous recipient of JMHCP grant funds and include the award number.
- Include a list of proposed subcontractors, if applicable.



As a separate attachment, the project abstract will not count against the page limit for the program narrative.

#### 4. Program Narrative

The program narrative must respond to the solicitation and the Review Criteria (1–5 on page 14) in the order given. The program narrative must be double-spaced, using a standard 12-point Times New Roman font with 1-inch margins, and must not exceed **20** pages. Please number pages “1 of 20,” “2 of 20,” etc. If the program narrative fails to comply with these length-related restrictions, BJA may negatively consider such noncompliance in peer review and in final award decisions.

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

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

OJP will require each successful applicant to submit regular performance data that demonstrate the results of the work carried out under the award. The performance data directly relate to the objectives and deliverables identified under "Objectives and Deliverables" in [Section A. Program Description](#).

Applicants should visit OJP’s performance measurement page at <https://www.ojp.gov/funding/apply/grant-performance-measurement-and-progress-reporting-information> for an overview of performance measurement activities at OJP.

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

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

Award recipients will be required to provide the relevant data by submitting quarterly performance metrics through BJA’s online Performance Measurement Tool (PMT) located at [bjapmt.ojp.gov](http://bjapmt.ojp.gov). Examples of the types of performance and accountability data that will be required can be found in <https://bjapmt.ojp.gov/help/JMHCPMeasuresPlanning2016.pdf>. BJA is currently revising the performance measures for this program, and they will be shared with grantees upon acceptance of their awards.

#### **Note on Project Evaluations**

An applicant that proposes to use award funds through this solicitation to conduct project evaluations should follow the guidance under Note on Project Evaluations in the [OJP Grant Application Resource Guide](#).

Please see the [OJP Grant Application Resource Guide](#) for information on the following:

4. [Budget Information and Associated Documentation](#) in the “Budget Preparation and Submission Information” section.
5. [Indirect Cost Rate Agreement](#)
6. [Financial Management and System of Internal Controls Questionnaire \(including applicant disclosure of high risk status\)](#)
7. [Disclosure of Lobbying Activities](#)
8. [Applicant Disclosure of Pending Applications](#)
9. [Applicant Disclosure and Justification – DOJ High Risk Grantees<sup>\[1\]</sup>](#) (if applicable)
10. [Tribal Authorizing Resolution](#) (if applicable)
11. [Research and Evaluation Independence and Integrity](#)
12. [Disclosure of Process Related to Executive Compensation](#)
13. **Additional Attachments**
  - a. **Documentation of Rural Challenges (if applicable)**

As is mentioned above, OJP will give priority consideration in award decisions to applications that address specific challenges that rural communities face. Each applicant proposing to receive priority consideration under the rural priority should provide a sufficient narrative to include what makes the geographic service area rural (using U.S. Census or other appropriate government data), how isolated the area is from needed services, and how it will address specific challenges in rural communities.
  - b. **Documentation of High-Poverty Areas or Persistent-Poverty Counties (if applicable)**

As mentioned above, OJP will give priority consideration in award decisions to applications that demonstrate that the individuals who will benefit from the requested grant reside in high-poverty areas or persistent-poverty counties as defined above. Each applicant proposing to receive consideration under the High-Poverty Areas or Persistent Poverty Counties priority should provide a sufficient narrative explanation to identify each specific High-Poverty Area (by census tract number(s)) and/or each specific Persistent-Poverty County where individuals are intended to benefit from the requested grant and how the requested grant will address specific challenges in each such identified area and/or county.
  - c. **Documentation of Enhanced Public Safety in Qualified Opportunity Zones (if applicable)**

As is mentioned above, OJP will give priority consideration in award decisions to designated Qualified Opportunity Zones (QOZs). Each applicant proposing to receive priority consideration under the under the Qualified Opportunity Zones priority should provide a sufficient narrative explanation in order for OJP to identify clearly the public safety benefit the applicant anticipates that its project will have on a specified QOZ(s).

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<sup>[1]</sup> A “DOJ High Risk Grantee” is a recipient that has received a DOJ High Risk designation based on a documented history of unsatisfactory performance, financial instability, management system or other internal control deficiencies, or noncompliance with award terms and conditions on prior awards, or that is otherwise not responsible.



The narrative and the list of affected QOZs (by census tract number) must be included as an attachment that is clearly labeled as addressing QOZs. The applicant may also include tables, charts, graphs, or other relevant illustrations that may be useful in comprehending the manner in which the proposed project is anticipated to benefit a QOZ(s).

- **Certifications Regarding Enhancing Criminal Justice and Public Safety through Law-Enforcement-Related Award Conditions (Purpose Area 1) (if applicable)**
  - **Certification regarding Cooperation with Federal Law Enforcement (if applicable)**

As is mentioned above, OJP will give priority consideration in award decisions to State or local government entity applicants that operate at least one correctional facility (as defined at 34 U.S.C. 10251(a)(7)), and agree to comply with award conditions related to cooperation with federal law enforcement, as set forth in Appendix B. Each such applicant proposing to receive priority consideration for such cooperation with federal law enforcement must sign and submit the certification provided in Appendix B.
  - **Certification regarding Noninterference with Federal Law Enforcement (if applicable)**

As is mentioned above, OJP will give priority consideration in award decisions to State or local government entity applicants that agree to comply with award conditions related to noninterference with federal law enforcement, as set forth in Appendix C. Each such applicant proposing to receive priority consideration for such noninterference with federal law enforcement must sign and submit the certification provided in Appendix C.
  - **Certification regarding Nondisclosure of Federal Law Enforcement Information (if applicable)**

As is mentioned above, OJP will give priority consideration in award decisions to State or local government entity applicants that agree to comply with award conditions related to nondisclosure of federal law-enforcement information, as set forth in Appendix D. Each such applicant proposing to receive priority consideration for such nondisclosure of law enforcement sensitive information must sign and submit the certification provided in Appendix D.

#### **How to Apply (Grants.gov)**

Applicants must register in and submit applications through [Grants.gov](https://www.grants.gov), a primary source to find federal funding opportunities and apply for funding. Find information on how to apply in response to this solicitation in the [OJP Grant Application Resource Guide](#).

#### **Registration and Submission Steps**

Applicants will need the following identifying information when searching for the funding opportunity on Grants.gov.

1. **CFDA #: 16.745, Criminal and Juvenile Justice and Mental Health Collaboration Program**
2. **Grants.gov Solicitation #: BJA-2020-17114**

3. This solicitation contains multiple purpose areas, denoted by the individual Competition ID. Select the appropriate Competition ID for the intended purpose area of the application.
- **Purpose Area 1:** Embedding Clinicians in Law Enforcement Agencies. Competition ID: BJA-2020-18312
  - **Purpose Area 2:** Support for Mental Health Centers. Competition ID: BJA-2020-18313
  - **Purpose Area 3:** Mitigating Threats of Targeted Violence. Competition ID: BJA-2020-18314

For information on each registration and submission step, see the [OJP Grant Application Resource Guide](#).

## E. Application Review Information

### Review Criteria

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

1. Description of the Issue (15 percent)
  - Identify the issue to be addressed by the grant.
  - Describe and demonstrate understanding of the nature and scope of the problem to be addressed, using data and research as support.
  - Describe successful efforts to date to address the needs identified.
  - Describe the need for assistance and resources to address the problem.
  - Briefly introduce how the applicant proposes to address the problem.
2. Project Design and Implementation (40 percent)
  - Describe in detail the proposed deliverables during the planning and implementation phases. Address in detail how the applicant proposes to undertake and accomplish the objectives and deliverables (see pages 5–6).
  - Include a timeline/project plan that identifies the major tasks and deliverables of the proposed project and who is responsible for each activity.
  - Address whether any of the program-specific priority areas have been met (see page 6).
3. Capabilities and Competencies (30 percent)
  - Provide a detailed description of the capacity of the partners and the key personnel to deliver the required services and perform the key tasks described under Project Design.



- Include a letter of support from the joint applicants' agency executives demonstrating agency commitment to the project. Demonstration of the partners' commitment will contribute to scoring under this criterion.
  - Describe how the proposed management structure and staffing of the project will facilitate the delivery of the required services. The management and organizational structure described should match the staffing needs necessary to accomplish the tasks outlined in the timeline/project plan. Information regarding the personnel assigned to these tasks and whether their résumés and role descriptions are included will contribute to the assignment of points relative to this criterion.
4. Plan for Collecting the Data Required for this Solicitation's Performance Measures (5 percent)
- Describe the manner in which the data required for this solicitation's performance measures will be collected, including the system(s) used and the person(s) responsible.
  - Describe whether and how other relevant performance measures will be documented, monitored, and evaluated.
5. Budget (10 percent)
- Include a complete, cost-effective, and allowable budget (e.g., reasonable, allocable, and necessary for project activities).
  - Budget narratives should demonstrate generally how applicants will maximize cost effectiveness of grant expenditures.
  - Budget narratives should demonstrate cost effectiveness in relation to potential alternatives and the objectives of the project.<sup>2</sup>
  - It is recommended that the budget clearly identify activities proposed in the planning and implementation phases.

### **Review Process**

BJA reviews an application to make sure that the information presented is reasonable, understandable, measurable, achievable, and consistent with the solicitation requirements.

The following five paragraphs in this solicitation expressly modify the "Application Review Information" provisions in the OJP Grant Application Resource Guide. An applicant is to follow the guidance in these five paragraphs instead of the guidance stated under the "Application Review Information" heading in the Guide.

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

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<sup>2</sup> Generally speaking, a reasonable cost is a cost that, in its nature or amount, does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the costs.

- The application must be submitted by an eligible type of applicant.
- The application must request funding within programmatic funding constraints (if applicable).
- The application must be responsive to the scope of the solicitation.
- The application must include all items necessary to meet the basic minimum requirements.

For a list of the application elements that **MUST** be included in the application submission in order for an application to meet the basic minimum requirements, see [“What an Application Should Include”](#) under Section D. Application and Submission Information.

Peer review panels will evaluate, score, and rate applications that meet basic minimum requirements. BJA may use internal peer reviewers, external peer reviewers, or a combination, to assess applications on technical merit using the solicitation’s review criteria. An internal reviewer is a current DOJ employee who is well-versed or has expertise in the subject matter of this solicitation. An external peer reviewer is an expert in the subject matter of a given solicitation who is not a current DOJ employee. Peer reviewers’ ratings and any resulting recommendations are advisory only, but are considered carefully.

Other important considerations for BJA include geographic diversity, strategic (programmatic and policy) priorities (specifically including, but not limited to, those mentioned above relating to addressing specific challenges that rural communities face, high-poverty areas or persistent-poverty counties, demonstrable potential enhancement to public safety in one or more federally designated Qualified Opportunity Zones, and enhancing criminal justice and public safety through award conditions regarding cooperation with federal law enforcement, noninterference with federal law enforcement, and/or nondisclosure of federal law enforcement information), available funding, and the extent to which the Budget Detail Worksheet and Budget Narrative accurately explain project costs that are reasonable, necessary, and otherwise allowable under federal law and applicable federal cost principles.

Pursuant to the Part 200 Uniform Requirements, before award decisions are made, OJP also reviews information related to the degree of risk posed by the applicant. Among other things to help assess whether an applicant that has one or more prior federal awards has a satisfactory record with respect to performance, integrity, and business ethics, OJP checks whether the applicant is listed in SAM as excluded from receiving a federal award.

In addition, if OJP anticipates that an award will exceed \$250,000 in federal funds, OJP also must review and consider any information about the applicant that appears in the nonpublic segment of the integrity and performance system accessible through SAM (currently, the Federal Awardee Performance and Integrity Information System, FAPIIS).

**Important note on FAPIIS:** An applicant, at its option, may review and comment on any information about itself that currently appears in FAPIIS and was entered by a federal awarding agency. OJP will consider any such comments by the applicant, in addition to the other information in FAPIIS, in its assessment of the risk posed by the applicant.

Absent explicit statutory authorization or written delegation of authority to the contrary, all final award decisions will be made by the Assistant Attorney General, who may take into account not only peer review ratings and BJA recommendations, but also other factors as indicated in this section.



## F. Federal Award Administration Information

Please see the [OJP Grant Application Resource Guide](#) for information on the following:

### [Federal Award Notices](#)

#### [Administrative, National Policy, and Other Legal Requirements](#)

If selected for funding, in addition to implementing the funded project consistent with the OJP-approved application, the recipient must comply with all award conditions, and all applicable requirements of federal statutes and regulations (including applicable requirements referred to in the assurances and certifications executed in connection with award acceptance).

For additional information on these legal requirements, see the “Administrative, National Policy, and Other Legal Requirements” section in the [OJP Grant Application Resource Guide](#).

### [Information Technology \(IT\) Security Clauses](#)

#### **General Information about Post-federal Award Reporting Requirements**

In addition to the deliverables described in [Section A. Program Description](#), any recipient of an award under this solicitation will be required to submit certain reports and data.

**Required reports.** Recipients typically must submit quarterly financial reports, semi-annual progress reports, final financial and progress reports, and, if applicable, an annual audit report in accordance with the Part 200 Uniform Requirements or specific award conditions. [Future awards and fund drawdowns may be withheld if reports are delinquent. (In appropriate cases, OJP may require additional reports.)

See the [OJP Grant Application Resource Guide](#) for additional information on specific post-award reporting requirements, including performance measures data.

## G. Federal Awarding Agency Contact(s)

For NCJRS Response Center contact information, see page 2.

For contact information for Grants.gov, see page 1.

## H. Other Information

Please see the [OJP Grant Application Resource Guide](#) for information on the following:

### [Freedom of Information and Privacy Act \(5 U.S.C. 552 and 5 U.S.C. 552a\)](#)

### [Provide Feedback to OJP](#)

## **Appendix A: Application Checklist Justice and Mental Health Collaboration Program**

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

### **What an Applicant Should Do:**

#### *Prior to Registering in Grants.gov:*

- Acquire a DUNS Number (see [OJP Grant Application Resource Guide](#))
- Acquire or renew registration with SAM (see [OJP Grant Application Resource Guide](#))

#### *To Register with Grants.gov:*

- Acquire AOR and Grants.gov username/password (see [OJP Grant Application Resource Guide](#))
- Acquire AOR confirmation from the E-Biz POC (see [OJP Grant Application Resource Guide](#))

#### *To Find Funding Opportunity:*

- Search for the Funding Opportunity on Grants.gov (see [OJP Grant Application Resource Guide](#))
- Select the correct Competition ID (see page 14)
- Access Funding Opportunity and Application Package (see [OJP Grant Application Resource Guide](#))
- Sign up for Grants.gov email [notifications](#) (optional) (see [OJP Grant Application Resource Guide](#))
- Read [Important Notice: Applying for Grants in Grants.gov](#)
- Read OJP policy and guidance on conference approval, planning, and reporting available at [ojp.gov/financialguide/DOJ/PostawardRequirements/chapter3.10a.htm](http://ojp.gov/financialguide/DOJ/PostawardRequirements/chapter3.10a.htm) (see [OJP Grant Application Resource Guide](#))

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

- (1) application has been received
- (2) application has either been successfully validated or rejected with errors (see [OJP Grant Application Resource Guide](#))

#### *If No Grants.gov Receipt, and Validation or Error Notifications are Received:*

- Contact BJA regarding experiencing technical difficulties (see [OJP Grant Application Resource Guide](#))

### **Overview of Post-Award Legal Requirements:**

- Review the "[Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2020 Awards](#)" in the [OJP Funding Resource Center](#).

### **Scope Requirement:**

- The federal amount requested is within the allowable limit of \$750,000.



**Eligibility Requirement:**

Eligible applicants are states, units of local government, and federally recognized Indian tribal governments (as determined by the Secretary of the Interior). **BJA will only accept applications that demonstrate the proposed project will be administered jointly by an agency with responsibility for criminal or juvenile justice activities and a mental health agency.**

**What an Application Should Include:**

The following items are critical application elements required to pass Basic Minimum Requirements review. An application that OJP determines does not include the application elements that must be included in the application submission in order for the application to meet the basic minimum requirements, will neither proceed to peer review, nor receive further consideration.

- Program Narrative (see page 11)
- Budget Detail Worksheet (see [OJP Grant Application Resource Guide](#))

- Application for Federal Assistance (SF-424) (see [OJP Grant Application Resource Guide](#))
- Project Abstract (see page 10)
- Indirect Cost Rate Agreement (if applicable) (see [OJP Grant Application Resource Guide](#))
- Tribal Authorizing Resolution (if applicable) (see [OJP Grant Application Resource Guide](#))
- Financial Management and System of Internal Controls Questionnaire (see [OJP Grant Application Resource Guide](#))
- [Disclosure of Lobbying Activities \(SF-LLL\)](#) (see [OJP Grant Application Resource Guide](#))
- Applicant Disclosure of Pending Applications (see [OJP Grant Application Resource Guide](#))
- Applicant Disclosure and Justification – DOJ High Risk Grantees (if applicable) (see [OJP Grant Application Resource Guide](#))
- Research and Evaluation Independence and Integrity (see [OJP Grant Application Resource Guide](#))
- Disclosure of Process related to Executive Compensation (see [OJP Grant Application Resource Guide](#))

**Additional Attachments:**

- Request and Justification for Employee Compensation; Waiver (if applicable) (see [OJP Grant Application Resource Guide](#))
- Documentation of rural challenges (if applicable) (see page 12)

- Documentation of high-poverty areas or persistent poverty counties (if applicable) (see page 12)
- Documentation of enhanced public safety in federally designated Qualified Opportunity Zones (if applicable) (see page 12)
- Certifications regarding enhancing criminal justice and public safety through law-enforcement-related award conditions (Purpose Area 1) (if applicable) (see page 13)
  - Certification regarding Cooperation with Federal Law Enforcement (if applicable)
  - Certification regarding Noninterference with Federal Law Enforcement (if applicable)
  - Certification regarding Nondisclosure of Federal Law-Enforcement Information (if applicable)



## Appendix B

### Certification regarding Cooperation with Federal Law Enforcement

I am an authorized official of the State or local government applicant entity named below and I have the authority to make this certification on behalf of the applicant. I understand that the Department will rely upon this certification as a material representation in any decision regarding an award to the applicant. On behalf of the State or local government applicant named below, and in order to receive priority consideration for its application, I certify to the Office of Justice Programs ("OJP"), U.S. Department of Justice ("USDOJ"), the following:

1. The State or local government applicant entity named below operates at least one correctional facility (that is, operates at least one *"place for the confinement or rehabilitation of offenders or individuals charged with or convicted of criminal offenses"* (34 U.S.C. 10251(a)(7))).
2. The applicant agrees to comply with the following four award conditions (or conditions substantially to the same effect) if it is selected to receive an award made by OJP under this solicitation:

#### **CONDITION 1: Noninterference (within the funded "program or activity") with federal law enforcement: Interrogation of certain aliens**

SCOPE. This condition applies with respect to the "program or activity" that is funded (in whole or in part) by this award, as of the date the recipient accepts this award, and throughout the remainder of the period of performance for the award. Its provisions must be among those included in any subaward (at any tier).

##### 1. Noninterference with statutory law enforcement access to correctional facilities

Consonant with federal law enforcement statutes and regulations -- including 8 U.S.C. 1357(a), under which certain federal officers and employees "have power without warrant ... to interrogate any alien or person believed to be an alien as to his right to be or to remain in the United States," and 8 C.F.R. 287.5(a), under which that power may be exercised "anywhere in or outside the United States" -- within the funded program or activity, no State or local government entity, -agency, or -official may interfere with the exercise of that power to interrogate "without warrant" (by agents of the United States acting under color of federal law) by impeding access to any State or local government (or government-contracted) correctional facility by such agents for the purpose of "interrogat[ing] any alien or person believed to be an alien as to his [or her] right to be or to remain in the United States."

##### 2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

### 3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions (e.g., training) designed to ensure compliance with this condition.

### 4. Rules of construction

#### A. For purposes of this condition:

(1) The term "alien" means what it means under section 101 of the Immigration and Nationality Act (INA) (see 8 U.S.C. 1101(a)(3)), except that, with respect to a juvenile offender, it means "criminal alien."

(2) The term "juvenile offender" means what it means under 28 C.F.R. 31.304(f) (as in effect on Jan. 1, 2020).

(3) The term "criminal alien" means, with respect to a juvenile offender, an alien who is deportable on the basis of—

(a) conviction described in section 237(a)(2) of the INA (see 8 U.S.C. 1227(a)(2)), or

(b) conduct described in section 237(a)(4) of the INA (see 8 U.S.C. 1227(a)(4)).

(4) The term "conviction" means what it means under section 101 of the INA (see 8 U.S.C. 1101(a)(48)). (Adjudication of a juvenile as having committed an offense does not constitute "conviction" for purposes of this condition.)

(5) The term "correctional facility" means what it means under the title I of the Omnibus Crime Control and Safe Streets Act of 1968 (see 34 U.S.C. 10251(a)(7)) as of January 1, 2020.

(6) The term "impede" includes taking or continuing any action, or implementing or maintaining any law, policy, rule, or practice, that—

(a) is designed to prevent or to significantly delay or complicate, or

(b) has the effect of preventing or of significantly delaying or complicating.

(7) "State" and "local government" include any agency or other entity thereof (including any public institution of higher education), but not any Indian tribe.

(8) A "public" institution of higher education is defined as one that is owned, controlled, or directly funded (in whole or in substantial part) by a State or local government. (Such a public institution is considered to be a "government entity," and its officials to be "government officials.")

(9) "Program or activity" means what it means under title VI of the Civil Rights Act of 1964 (see 42 U.S.C. 2000d-4a).

B. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, any State or local government, any public institution of higher education, or any other entity (or individual) to violate any federal law, including any applicable civil rights or nondiscrimination law.

**IMPORTANT NOTE:** Any questions about the meaning or scope of this condition should be directed to OJP, before award acceptance.



**CONDITION 2: No use of funds to interfere with federal law enforcement: Interrogation of certain aliens**

SCOPE. This condition applies as of the date the recipient accepts this award, and throughout the remainder of the period of performance for the award. Its provisions must be among those included in any subaward (at any tier).

1. No use of funds to interfere with statutory law enforcement access to correctional facilities

Consonant with federal law enforcement statutes and regulations -- including 8 U.S.C. 1357(a), under which certain federal officers and employees "have power without warrant ... to interrogate any alien or person believed to be an alien as to his right to be or to remain in the United States," and 8 C.F.R. 287.5(a), under which that power may be exercised "anywhere in or outside the United States" -- no State or local government entity, -agency, or -official may use funds under this award to interfere with the exercise of that power to interrogate "without warrant" (by agents of the United States acting under color of federal law) by impeding access to any State or local government (or government-contracted) correctional facility by such agents for the purpose of "interrogat[ing] any alien or person believed to be an alien as to his [or her] right to be or to remain in the United States."

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions (e.g., training) designed to ensure compliance with this condition.

4. Rules of construction

A. For purposes of this condition:

(1) The term "alien" means what it means under section 101 of the Immigration and Nationality Act (INA) (see 8 U.S.C. 1101(a)(3)), except that, with respect to a juvenile offender, it means "criminal alien."

(2) The term "juvenile offender" means what it means under 28 C.F.R. 31.304(f) (as in effect on Jan. 1, 2020).

(3) The term "criminal alien" means, with respect to a juvenile offender, an alien who is deportable on the basis of—

(a) conviction described in section 237(a)(2) of the INA (see 8 U.S.C. 1227(a)(2)), or

(b) conduct described in section 237(a)(4) of the INA (see 8 U.S.C. 1227(a)(4)).

(4) The term "conviction" means what it means under section 101 of the INA (see 8 U.S.C. 1101(a)(48)). (Adjudication of a juvenile as having committed an offense does not constitute "conviction" for purposes of this condition.)

(5) The term "correctional facility" means what it means under the title I of the Omnibus Crime Control and Safe Streets Act of 1968 (see 34 U.S.C. 10251(a)(7)).

(6) The term "impede" includes taking or continuing any action, or implementing or maintaining any law, policy, rule, or practice, that—

(a) is designed to prevent or to significantly delay or complicate, or

(b) has the effect of preventing or of significantly delaying or complicating.

(7) "State" and "local government" include any agency or other entity thereof (including any public institution of higher education), but not any Indian tribe.

(8) A "public" institution of higher education is defined as one that is owned, controlled, or directly funded (in whole or in substantial part) by a State or local government. (Such a public institution is considered to be a "government entity," and its officials to be "government officials.")

(9) "Program or activity" means what it means under title VI of the Civil Rights Act of 1964 (see 42 U.S.C. 2000d-4a).

B. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, any State or local government, any public institution of higher education, or any other entity (or individual) to violate any federal law, including any applicable civil rights or nondiscrimination law.

IMPORTANT NOTE: Any questions about the meaning or scope of this condition should be directed to OJP, before award acceptance.

**CONDITION 3: Noninterference (within the funded "program or activity") with federal law enforcement: Notice of scheduled release**

SCOPE. This condition applies with respect to the "program or activity" that is funded (in whole or in part) by the award, as of the date the recipient accepts the award, and throughout the remainder of the period of performance. Its provisions must be among those included in any subaward at any tier.

**1. Noninterference with "removal" process: Notice of scheduled release date and time**

Consonant with federal law enforcement statutes -- including 8 U.S.C. 1231 (for an alien incarcerated by a State or local government, a 90-day "removal period" during which the federal government "shall" detain and then "shall" remove an alien from the U.S. "begins" no later than "the date the alien is released from ... confinement"; also, the federal government is expressly authorized to make payments to a "State or a political subdivision of the State ... with respect to the incarceration of [an] undocumented criminal alien"); 8 U.S.C. 1226 (the federal government "shall take into custody" certain criminal aliens "when the alien is released"); and 8 U.S.C. 1366 (requiring an annual report to Congress on "the number of illegal alien[ felons] in Federal and State prisons" and programs underway "to ensure the prompt removal" from the U.S. of removable "criminal aliens") -- within the funded program or activity, no State or local government entity, -agency, or -official (including a government-contracted correctional facility) may interfere with the "removal" process by failing to provide -- as early as practicable (see para. 4.C. below) -- advance notice to DHS of the scheduled release date and time for a particular alien, if a State or local government (or government-contracted) correctional facility receives from DHS a formal written request pursuant to the INA that seeks such advance notice.

**2. Monitoring**

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.



### 3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions (e.g., training) designed to ensure compliance with this condition.

### 4. Rules of construction

A. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, any State or local government, or any other entity or individual to maintain (or detain) any individual in custody beyond the date and time the individual otherwise would have been released.

#### B. Applicability

(1) Current DHS practice is ordinarily to request advance notice of scheduled release "as early as practicable (at least 48 hours, if possible)." (See DHS Form I-247A (3/17)). If (e.g., in light of the date DHS made such request) the scheduled release date and time for an alien are such as not to allow for the advance notice that DHS has requested, it shall NOT be a violation of this condition to provide only as much advance notice as practicable.

(2) Current DHS practice is to use the same form for a second, distinct purpose -- to request that an individual be detained for up to 48 hours AFTER the scheduled release. This condition does NOT encompass such DHS requests for detention.

C. Both the "Rules of Construction" and the "Important Note" set out in the "Noninterference (within the funded "program or activity") with federal law enforcement: Interrogation of certain aliens" award condition are incorporated by reference as though set forth here in full.

### **CONDITION 4: No use of funds to interfere with federal law enforcement: Notice of scheduled release**

SCOPE. This condition applies as of the date the recipient accepts the award, and throughout the remainder of the period of performance. Its provisions must be among those included in any subaward at any tier.

#### 1. No use of funds to interfere with "removal" process: Notice of scheduled release date and time

Consonant with federal law enforcement statutes -- including 8 U.S.C. 1231 (for an alien incarcerated by a State or local government, a 90-day "removal period" during which the federal government "shall" detain and then "shall" remove an alien from the U.S. "begins" no later than "the date the alien is released from ... confinement"; also, the federal government is expressly authorized to make payments to a "State or a political subdivision of the State ... with respect to the incarceration of [an] undocumented criminal alien"); 8 U.S.C. 1226 (the federal government "shall take into custody" certain criminal aliens "when the alien is released"); and 8 U.S.C. 1366 (requiring an annual report to Congress on "the number of illegal alien[ felons] in Federal and State prisons" and programs underway "to ensure the prompt removal" from the U.S. of removable "criminal aliens") -- no State or local government entity, -agency, or -official (including a government-contracted correctional facility) may use funds under this award to interfere with the "removal" process by failing to provide -- as early as practicable (see para. 4.C. below) -- advance notice to DHS of the scheduled release date and time for a particular alien, if a State or local government (or government-contracted) correctional facility receives from DHS a formal written request pursuant to the INA that seeks such advance notice.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions (e.g., training) designed to ensure compliance with this condition.

4. Rules of construction

A. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, any State or local government, or any other entity or individual to maintain (or detain) any individual in custody beyond the date and time the individual otherwise would have been released.

B. Applicability

(1) Current DHS practice is ordinarily to request advance notice of scheduled release "as early as practicable (at least 48 hours, if possible)." (See DHS Form I-247A (3/17)). If (e.g., in light of the date DHS made such request) the scheduled release date and time for an alien are such as not to allow for the advance notice that DHS has requested, it shall NOT be a violation of this condition to provide only as much advance notice as practicable.

(2) Current DHS practice is to use the same form for a second, distinct purpose -- to request that an individual be detained for up to 48 hours AFTER the scheduled release. This condition does NOT encompass such DHS requests for detention.

C. Both the "Rules of Construction" and the "Important Note" set out in the "No use of funds to interfere with federal law enforcement: Interrogation of certain aliens" award condition are incorporated by reference as though set forth here in full.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Name of State or Local Government Applicant Entity



## Appendix C

### Certification regarding Noninterference with Federal Law Enforcement

I am an authorized official of the State or local government applicant entity named below and I have the authority to make this certification on behalf of the applicant. I understand that the Department will rely upon this certification as a material representation in any decision regarding an award to the applicant. On behalf of the State or local government applicant named below, and in order to receive priority consideration for its application, I certify to the Office of Justice Programs ("OJP"), U.S. Department of Justice ("USDOJ"), the following:

The applicant agrees to comply with the following four award conditions (or conditions substantially to the same effect) if it is selected to receive an award made by OJP under this solicitation:

**CONDITION 1: Noninterference (within the funded "program or activity") with federal law enforcement: information-communication restrictions; ongoing compliance**

1. With respect to the "program or activity" funded in whole or part under this award (including any such program or activity of any subrecipient at any tier), throughout the period of performance, no State or local government entity, -agency, or -official may prohibit or in any way restrict-- (1) any government entity or -official from sending or receiving information regarding citizenship or immigration status to/from DHS; or (2) a government entity or -agency from sending, requesting or receiving, or exchanging information regarding immigration status to/from/with DHS, or from maintaining such information. Any prohibition (or restriction) that violates this condition is an "information-communication restriction" under this award.

2. The recipient's monitoring responsibilities include monitoring of subrecipient compliance with the requirements of this condition.

3. Allowable costs. Compliance with these requirements is an authorized and priority purpose of this award. To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) that the recipient, or any subrecipient at any tier that is a State, a local government, or a public institution of higher education, incurs to implement this condition.

4. Rules of Construction

A. For purposes of this condition:

(1) "State" and "local government" include any agency or other entity thereof (including any public institution of higher education), but not any Indian tribe.

(2) A "public" institution of higher education is defined as one that is owned, controlled, or directly funded (in whole or in substantial part) by a State or local government. (Such a public institution is considered to be a "government entity," and its officials to be "government officials.")

(3) "Program or activity" means what it means under title VI of the Civil Rights Act of 1964 (see 42 U.S.C. 2000d-4a).

(4) "Immigration status" means what it means under 8 U.S.C. 1373 and 8 U.S.C. 1644; and terms that are defined in 8 U.S.C. 1101 mean what they mean under that section 1101, except that "State" also includes American Samoa.

(5) "DHS" means the U.S. Department of Homeland Security.

B. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, any State or local government, any public institution of higher education, or any other entity (or individual) to violate any federal law, including any applicable civil rights or nondiscrimination law.

IMPORTANT NOTE: Any questions about the meaning or scope of this condition should be directed to OJP, before award acceptance.

**CONDITION 2: No use of funds to interfere with federal law enforcement: information-communication restrictions; ongoing compliance**

1. Throughout the period of performance, no State or local government entity, -agency, or -official may use funds under this award (including under any subaward, at any tier) to prohibit or in any way restrict-- (1) any government entity or -official from sending or receiving information regarding citizenship or immigration status to/from DHS; or (2) a government entity or -agency from sending, requesting or receiving, or exchanging information regarding immigration status to/from/with DHS, or from maintaining such information. Any prohibition (or restriction) that violates this condition is an "information-communication restriction" under this award.

2. The recipient's monitoring responsibilities include monitoring of subrecipient compliance with the requirements of this condition.

3. Allowable costs. Compliance with these requirements is an authorized and priority purpose of this award. To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) that the recipient, or any subrecipient at any tier that is a State, a local government, or a public institution of higher education, incurs to implement this condition.

4. Rules of Construction

A. For purposes of this condition:

(1) "State" and "local government" include any agency or other entity thereof (including any public institution of higher education), but not any Indian tribe.



(2) A "public" institution of higher education is defined as one that is owned, controlled, or directly funded (in whole or in substantial part) by a State or local government. (Such a public institution is considered to be a "government entity," and its officials to be "government officials.")

(3) "Program or activity" means what it means under title VI of the Civil Rights Act of 1964 (see 42 U.S.C. 2000d-4a).

(4) "Immigration status" means what it means under 8 U.S.C. 1373 and 8 U.S.C. 1644; and terms that are defined in 8 U.S.C. 1101 mean what they mean under that section 1101, except that "State" also includes American Samoa.

(5) "DHS" means the U.S. Department of Homeland Security.

B. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, any State or local government, any public institution of higher education, or any other entity (or individual) to violate any federal law, including any applicable civil rights or nondiscrimination law.

IMPORTANT NOTE: Any questions about the meaning or scope of this condition should be directed to OJP, before award acceptance.

**CONDITION 3: Authority to obligate award funds contingent on noninterference (within the funded "program or activity") with federal law enforcement: information-communication restrictions; unallowable costs; notification**

1. If the recipient is a "State," a local government, or a "public" institution of higher education:

A. The recipient may not obligate award funds if, at the time of the obligation, the "program or activity" of the recipient (or of any subrecipient at any tier that is a State, a local government, or a public institution of higher education) that is funded in whole or in part with award funds is subject to any "information-communication restriction."

B. In addition, with respect to any project costs it incurs "at risk," the recipient may not obligate award funds to reimburse itself if -- at the time it incurs such costs -- the program or activity of the recipient (or of any subrecipient at any tier that is a State, a local government, or a public institution of higher education) that would be reimbursed in whole or in part with award funds was subject to any information-communication restriction.

C. Any drawdown of award funds by the recipient shall be considered, for all purposes, to be a material representation by the recipient to OJP that, as of the date the recipient requests the drawdown, the recipient and each subrecipient (regardless of tier) that is a State, local government, or public institution of higher education, is in compliance with the award condition entitled "Noninterference (within the funded 'program or activity') with federal law enforcement: information-communication restrictions; ongoing compliance."

D. The recipient must promptly notify OJP (in writing) if the recipient, from its requisite monitoring of compliance with award conditions or otherwise, has credible evidence that indicates that the funded program or activity of the recipient, or of any subrecipient at any tier that is either a State or a local government or a public institution of higher education, may be subject to any information-communication restriction. In addition, any subaward (at any tier) to a subrecipient that is a State, a local government, or a public institution of higher education must require prompt notification to the entity that made the subaward, should the subrecipient have such credible evidence regarding an information-communication restriction.

2. Any subaward (at any tier) to a subrecipient that is a State, a local government, or a public institution of higher education must provide that the subrecipient may not obligate award funds if, at the time of the obligation, the program or activity of the subrecipient (or of any further such subrecipient at any tier) that is funded in whole or in part with award funds is subject to any information-communication restriction.

3. Absent an express written determination by DOJ to the contrary, based upon a finding by DOJ of compelling circumstances (e.g., a small amount of award funds obligated by the recipient at the time of a subrecipient's minor and transitory non-compliance, which was unknown to the recipient despite diligent monitoring), any obligations of award funds that, under this condition, may not be made shall be unallowable costs for purposes of this award. In making any such determination, DOJ will give great weight to evidence submitted by the recipient that demonstrates diligent monitoring of subrecipient compliance with the requirements set out in the "Noninterference ... information-communication restrictions; ongoing compliance" award condition.

#### 4. Rules of Construction

A. For purposes of this condition "information-communication restriction" has the meaning set out in the "Noninterference ... information-communication restrictions; ongoing compliance" condition.

B. Both the "Rules of Construction" and the "Important Note" set out in the "Noninterference ... information-communication restrictions; ongoing compliance" condition are incorporated by reference as though set forth here in full.

### **CONDITION 4: Authority to obligate award funds contingent on no use of funds to interfere with federal law enforcement: information-communication restrictions; unallowable costs; notification**

1. If the recipient is a "State," a local government, or a "public" institution of higher education:

A. The recipient may not obligate award funds if, at the time of the obligation, the "program or activity" of the recipient (or of any subrecipient at any tier that is a State, a local government, or a public institution of higher education) that is funded in whole or in part with award funds is subject to any "information-communication restriction."

B. In addition, with respect to any project costs it incurs "at risk," the recipient may not obligate award funds to reimburse itself if -- at the time it incurs such costs -- the program or activity of the recipient (or of any subrecipient at any tier that is a State, a local government, or a public institution of higher education) that would be reimbursed in whole or in part with award funds was subject to any information-communication restriction.

C. Any drawdown of award funds by the recipient shall be considered, for all purposes, to be a material representation by the recipient to OJP that, as of the date the recipient requests the drawdown, the recipient and each subrecipient (regardless of tier) that is a State, local government, or public institution of higher education, is in compliance with the award condition entitled "No use of funds to interfere with federal law enforcement: information-communication restrictions; ongoing compliance."

D. The recipient must promptly notify OJP (in writing) if the recipient, from its requisite monitoring of compliance with award conditions or otherwise, has credible evidence that indicates that the funded program or activity of the recipient, or of any subrecipient at any tier that is either a State or a local government or a public institution of higher education, may be subject to any information-communication restriction. In addition, any subaward (at any tier) to a subrecipient that is a State, a local government, or



a public institution of higher education must require prompt notification to the entity that made the subaward, should the subrecipient have such credible evidence regarding an information-communication restriction.

2. Any subaward (at any tier) to a subrecipient that is a State, a local government, or a public institution of higher education must provide that the subrecipient may not obligate award funds if, at the time of the obligation, the program or activity of the subrecipient (or of any further such subrecipient at any tier) that is funded in whole or in part with award funds is subject to any information-communication restriction.

3. Absent an express written determination by DOJ to the contrary, based upon a finding by DOJ of compelling circumstances (e.g., a small amount of award funds obligated by the recipient at the time of a subrecipient's minor and transitory non-compliance, which was unknown to the recipient despite diligent monitoring), any obligations of award funds that, under this condition, may not be made shall be unallowable costs for purposes of this award. In making any such determination, DOJ will give great weight to evidence submitted by the recipient that demonstrates diligent monitoring of subrecipient compliance with the requirements set out in the "No use of funds to interfere ... information-communication restrictions; ongoing compliance" award condition.

4. Rules of Construction

A. For purposes of this condition "information-communication restriction" has the meaning set out in the "No use of funds to interfere ... information-communication restrictions; ongoing compliance" condition.

B. Both the "Rules of Construction" and the "Important Note" set out in the "No use of funds to interfere ... information-communication restrictions; ongoing compliance" condition are incorporated by reference as though set forth here in full.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Name of State or Local Government Applicant Entity

## Appendix D

### Certification regarding Nondisclosure of Federal Law-Enforcement Information

I am an authorized official of the State or local government applicant entity named below and I have the authority to make this certification on behalf of the applicant. I understand that the Department will rely upon this certification as a material representation in any decision regarding an award to the applicant. On behalf of the State or local government applicant named below, and in order to receive priority consideration for its application, I certify to the Office of Justice Programs ("OJP"), U.S. Department of Justice ("USDOJ"), the following:

The applicant agrees to comply with the following two award conditions (or conditions substantially to the same effect) if it is selected to receive an award made by OJP under this solicitation:

**CONDITION 1: Noninterference (within the funded "program or activity") with federal law enforcement: No public disclosure of certain law-enforcement-sensitive information**

SCOPE. This condition applies with respect to the "program or activity" that is funded (in whole or in part) by the award, as of the date the recipient accepts this award, and throughout the remainder of the period of performance. Its provisions must be among those included in any subaward (at any tier).

1. Noninterference: No public disclosure of federal law-enforcement information in order to conceal, harbor, or shield

Consistent with the purposes and objectives of federal law enforcement statutes and federal criminal law (including 8 U.S.C. 1324 and 18 U.S.C. chs. 1, 49, 227), no public disclosure may be made of any federal law-enforcement information in a direct or indirect attempt to conceal, harbor, or shield from detection any fugitive from justice under 18 U.S.C. ch. 49, or any alien who has come to, entered, or remains in the United States in violation of 8 U.S.C. ch. 12 -- without regard to whether such disclosure would constitute (or could form a predicate for) a violation of 18 U.S.C. 1071 or 1072 or of 8 U.S.C. 1324(a).

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions (e.g., training) designed to ensure compliance with this condition.



#### 4. Rules of construction

##### A. For purposes of this condition--

(1) the term "alien" means what it means under section 101 of the Immigration and Nationality Act (see 8 U.S.C. 1101(a)(3));

(2) the term "federal law-enforcement information" means law-enforcement-sensitive information communicated or made available, by the federal government, to a State or local government entity, - agency, or -official, through any means, including, without limitation-- (1) through any database, (2) in connection with any law enforcement partnership or -task-force, (3) in connection with any request for law enforcement assistance or -cooperation, or (4) through any deconfliction (or courtesy) notice of planned, imminent, commencing, continuing, or impending federal law enforcement activity;

(3) the term "law-enforcement-sensitive information" means records or information compiled for any law-enforcement purpose; and

(4) the term "public disclosure" means any communication or release other than one-- (a) within the recipient, or (b) to any subrecipient (at any tier) that is a government entity.

B. Both the "Rules of Construction" and the "Important Note" set out in the "Noninterference (within the funded "program or activity") with federal law enforcement: information-communication restrictions; ongoing compliance" award condition are incorporated by reference as though set forth here in full.

#### **CONDITION 2: No use of funds to interfere with federal law enforcement: No public disclosure of certain law-enforcement-sensitive information**

SCOPE. This condition applies as of the date the recipient accepts this award, and throughout the remainder of the period of performance. Its provisions must be among those included in any subaward (at any tier).

1. No use of funds to interfere: No public disclosure of federal law-enforcement information in order to conceal, harbor, or shield

Consistent with the purposes and objectives of federal law enforcement statutes and federal criminal law (including 8 U.S.C. 1324 and 18 U.S.C. chs. 1, 49, 227), no funds under this award may be used to make any public disclosure of any federal law-enforcement information in a direct or indirect attempt to conceal, harbor, or shield from detection any fugitive from justice under 18 U.S.C. ch. 49, or any alien who has come to, entered, or remains in the United States in violation of 8 U.S.C. ch. 12 -- without regard to whether such disclosure would constitute (or could form a predicate for) a violation of 18 U.S.C. 1071 or 1072 or of 8 U.S.C. 1324(a).

##### 2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

##### 3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions (e.g., training) designed to ensure compliance with this condition.

4. Rules of construction

A. For purposes of this condition--

(1) the term "alien" means what it means under section 101 of the Immigration and Nationality Act (see 8 U.S.C. 1101(a)(3));

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(3) the term "law-enforcement-sensitive information" means records or information compiled for any law-enforcement purpose; and

(4) the term "public disclosure" means any communication or release other than one-- (a) within the recipient, or (b) to any subrecipient (at any tier) that is a government entity.

B. Both the "Rules of Construction" and the "Important Note" set out in the "No use of funds to interfere with federal law enforcement: information-communication restrictions; ongoing compliance" award condition are incorporated by reference as though set forth here in full.

\_\_\_\_\_

Signature

\_\_\_\_\_

Date

\_\_\_\_\_

Printed Name

\_\_\_\_\_

Title

\_\_\_\_\_

Name of State or Local Government Applicant Entity