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**INTERLOCAL AGREEMENT  
BETWEEN THE CITY OF FRESNO and COUNTY OF FRESNO  
(ALL OF FRESNO COUNTY, STATE OF CALIFORNIA)**

**EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM  
FY 2020 LOCAL SOLICITATION**

This Agreement, which incorporates Grant Management System Award Number **2020-DJ-BX-0771**, including the Certifications and Assurances, is made and entered into this 27<sup>th</sup> day of April 2021, by and between the County of Fresno, acting by and through its governing body, the County Board of Supervisors (COUNTY), and the City of Fresno, acting by and through its governing body, the City Council (CITY), all of Fresno County, State of California, witnesseth:

**RECITALS**

**WHEREAS**, this Agreement is made under the authority of Section 930 through 930.6 of the Government Code; and

**WHEREAS**, each governing body, in performing governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments only from current Edward Byrne Memorial Justice Assistance Grant Program (JAG) revenues annually appropriated and available to that party; and

**WHEREAS**, each governing body finds that the performance of this Agreement is in the best interests of all parties, that the undertaking will benefit the public, and that the division of costs/allocation of funds fairly divides JAG funding and compensates the performing party for the services or functions under this Agreement; and

**WHEREAS**, the County of Fresno is a disparate jurisdiction. Allocation amounts for disparate jurisdictions appearing on the 2020 JAG allocation list are suggested amounts based on what each jurisdiction would have been eligible to receive if there was no identified disparity. Disparate jurisdictions are responsible for determining individual allocations and documenting individual allocations in a Memorandum Of Understanding. The suggested allocation amounts are as follows: the CITY is to receive \$196,009, and the COUNTY is to receive \$84,215; and

**WHEREAS**, jurisdictions certified as disparate must identify a fiscal agent who will submit a joint application for the total eligible allocation. The fiscal agent will be responsible for oversight of subawardee spending and monitoring of specific outcomes and benefits attributable to use of funds. Up to 10 percent of the JAG award funds may be used for costs associated with administering JAG funds; and

**WHEREAS**, the CITY and COUNTY believe it to be in their best interests to allocate the JAG funds as suggested on the 2020 JAG allocation noted above.

**AGREEMENT**

**NOW THEREFORE, the COUNTY and CITY agree as follows:**

**Section 1.**

The CITY and COUNTY have agreed that the CITY will act as Fiscal Agent for purposes of the FY 2020 JAG. The CITY and COUNTY have agreed neither party will seek costs associated with administering JAG funds. Contingent upon funding being available, CITY agrees to allocate funding to the COUNTY in the amount of \$84,215 from the FY 2020 JAG funds.

#### **Section 2.**

COUNTY and CITY agree to use funds for the JAG until expiration of the FY 2020 JAG term, whereupon any unused funds shall be remitted to the U.S. Department Of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA), consistent with Program requirements.

#### **Section 3.**

Nothing in the performance of this Agreement shall impose any liability for claims against CITY other than claims for which liability may be imposed by the California Tort Claims Act.

#### **Section 4.**

Nothing in the performance of this Agreement shall impose any liability for claims against COUNTY other than claims for which liability may be imposed by the California Tort Claims Act.

#### **Section 5.**

The CITY and COUNTY agree to comply with all requirements of the Edward Byrne Memorial Justice Assistance Grant Program (34 U.S.C. 10153(a)), and in accordance with all applicable statutes, regulations, Office of Management and Budget (OMB) Circulars, and guidelines, including the OJP Financial Guide. The COUNTY agrees to provide the CITY, as Fiscal Agent, with all required financial reporting within 30 days after the end of each quarter and semi-annual programmatic reporting information no later than the 30 days following the end of each six-month period, in a format approved by the CITY.

#### **Section 6.**

The parties are acting in an independent capacity. Each of the parties agrees that it, including any and all of its officers, agents, and/or employees, shall have absolutely no right to employment rights and benefits available to the other party's employees. Each party shall be solely liable and responsible for providing to, or on behalf of, its own officers, agents, and/or employees all legally and contractually required employee benefits. In addition, each party shall be solely responsible and hold the other party harmless for all matters relating to payment of each party's employees, including, but not limited to, compliance with applicable social security withholding and all other regulations governing such matters. Further and without limitation, each party to this Agreement will be responsible for its own actions in providing services under this Agreement and shall not be liable for any civil liability that may arise from the furnishing of the services by the other party.

#### **Section 7.**

The parties to this Agreement do not intend for any third party to obtain a right by virtue of this Agreement.

#### **Section 8.**

By entering into this Agreement, the parties do not intend to create any obligations express or implied other than those set out herein. Further, this Agreement shall not create any rights in any party not a signatory hereto.

**Section 9.**

Any and all notices between the parties provided for or permitted under this Agreement or by law shall be in writing and shall be deemed duly served when personally delivered to each party, or in lieu of such personal service, when deposited in the United States Mail, postage prepaid, addressed to each party at the address provided on the signature page of this Agreement.

**Section 10.**

Each party shall at any time during business hours, and as often as each party may reasonably deem necessary, make available to each other for examination all of its records and data with respect to the matters covered by this Agreement for a period of three years following JAG expiration.

**Section 11.**

The provisions of this Agreement are severable. The invalidity, or unenforceability of any one provision in this Agreement shall not affect the other provisions.

**Section 12.**

The parties acknowledge that this Agreement in its final form is the result of the combined efforts of the parties and that, should any provision of this Agreement be found to be ambiguous in any way, such ambiguity shall not be resolved by construing this Agreement in favor of or against any party, but rather by construing the terms in accordance with their generally accepted meaning.

**Section 13.**

This Agreement constitutes the entire agreement between the parties with respect to the subject matter hereof and supersedes all previous agreements, negotiations, proposals, commitments, writing, advertisements, publications, and understandings of any nature whatsoever unless expressly included in this Agreement.

**Section 14.**

Each party represents that it and the person signing on its behalf has full authority to execute and enter into this Agreement. **This Agreement is subject to ratification by the approval of the Fresno City Council, and the Fresno County Board of Supervisors.**

**Section 15.**

This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same Agreement, binding on the parties hereto according to its terms and conditions.

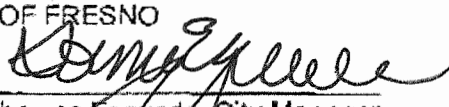
**[SIGNATURES FOLLOW ON THE NEXT PAGE.]**



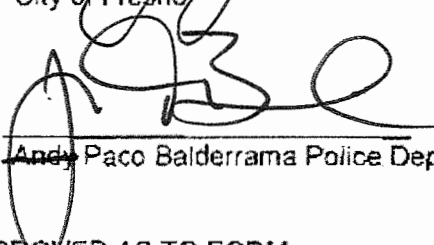
IN WITNESS WHEREOF, the parties hereto have executed this Agreement in Fresno County, California as of the day and year first hereinabove written.

CITY OF FRESNO

By:

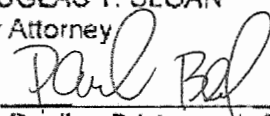
  
Thomas Esqueda, City Manager  
City of Fresno

By:

  
Andy Paco Balderrama Police Department

APPROVED AS TO FORM:  
DOUGLAS T. SLOAN  
City Attorney

By:

  
Pauline Brickey Date 8/18/21  
Deputy City Attorney

ATTEST: Briana Porra, CMC  
~~YVONNE SPENCE, CRM MIMC~~  
City Clerk

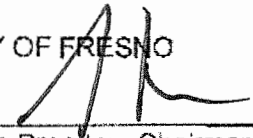
By:

  
Deputy

Marco Martinez  
9/8/2021

COUNTY OF FRESNO

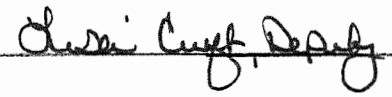
By:

  
Steve Brandau, Chairman of the  
Board of Supervisors of the County of  
Fresno

ATTEST:

BERNICE E. SEIDEL, Clerk of the  
Board of Supervisors County of Fresno,  
State of California

By:

  
Address:  
County of Fresno  
Attn: Margaret Mims, Sheriff  
Fresno County Sheriff's Office  
2200 Fresno Street  
Fresno, CA 93717

Fund: 0001  
Subclass: 10000  
Org: 31116225  
Account: 5957

Address:  
City of Fresno  
Attn: Chief Paco Balderrama  
Fresno Police Department  
2323 Mariposa Street  
Fresno, CA 93721

\*By law, the Fresno City Attorney's Office may only advise or approve the form of contracts or legal documents on behalf of its clients. It may not advise or approve the form of contracts or legal document on behalf of other parties. Our view of this document was conducted solely from the legal perspective of our client. Our approval as to the form of this document was offered solely for the benefit of our client. Other parties should not rely on this approval and should seek review and approval by their own respective attorney(s).

## Award Conditions



Department of Justice (DOJ)

Office of Justice Programs

Office of the Assistant Attorney General

Washington, D.C. 20531

September 19, 2020

Ms. Wilma Quan  
City of Fresno  
2600 Fresno Street  
Fresno, CA 93721-3620

Dear Ms. Quan:

On behalf of Attorney General William P. Barr, it is my pleasure to inform you that the Office of Justice Programs (OJP), U.S. Department of Justice (DOJ), has approved the application by City of Fresno for an award under the OJP funding opportunity entitled "JAG Local: Eligible Allocation Amounts \$25,000 or More." The approved award amount is \$280,224. These funds are for the project entitled FY 20 Local JAG Program.

The award document, including award conditions, is enclosed. The entire document is to be reviewed carefully before any decision to accept the award. Also, the webpage entitled "Legal Notices: Special circumstances as to particular award conditions" ([ojp.gov/funding/Explore/LegalNotices-AwardReqs.htm](http://ojp.gov/funding/Explore/LegalNotices-AwardReqs.htm)) is to be consulted prior to an acceptance. Through that "Legal Notices" webpage, OJP sets out -- by funding opportunity -- certain special circumstances that may or will affect the applicability of one or more award requirements. Any such legal notice pertaining to award requirements that is posted through that webpage is incorporated by reference into the award.

Please note that award requirements include not only award conditions, but also compliance with assurances and certifications that relate to conduct during the period of performance for the award. Because these requirements encompass financial, administrative, and programmatic matters, as well as other important matters (e.g., specific restrictions on use of funds), it is vital that all key staff know the award requirements, and receive the award conditions and the assurances and certifications, as well as the application as approved by OJP. (Information on all pertinent award requirements also must be provided to any subrecipient of the award.)

Should City of Fresno accept the award and then fail to comply with an award requirement, DOJ will pursue appropriate remedies for non-compliance, which may include termination of the award and/or a requirement to repay award funds.

Please direct questions regarding this award as follows:

- For program questions, contact Linda Hill-Franklin, Program Manager at (202) 514-0712; and
- For financial questions, contact the Customer Service Center of OJP's Office of the Chief Financial Officer at (800) 458-0786, or at [ask.ocfo@usdoj.gov](mailto:ask.ocfo@usdoj.gov).

We look forward to working with you.

Sincerely,

A handwritten signature in blue ink, appearing to read "K. Sullivan", is located below the "Sincerely," text.

Katharine T. Sullivan  
Principal Deputy Assistant Attorney General

Encl.



**Department of Justice (DOJ)**

Office of Justice Programs

*Office of Civil Rights*

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*Washington, DC 20531*

September 19, 2020

Ms. Wilma Quan  
City of Fresno  
2600 Fresno Street  
Fresno, CA 93721-3620

Dear Ms. Quan:

Congratulations on your recent award. The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) has been delegated the responsibility for ensuring that recipients of federal financial assistance from the OJP, the Office of Community Oriented Policing Services (COPS), and the Office on Violence Against Women (OVW) are not engaged in discrimination prohibited by law. Several federal civil rights laws, such as Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972, require recipients of federal financial assistance to give assurances that they will comply with those laws. In addition to those civil rights laws, many grant program statutes contain nondiscrimination provisions that require compliance with them as a condition of receiving federal financial assistance. For a complete review of these civil rights laws and nondiscrimination requirements, in connection with OJP and other DOJ awards, see <https://ojp.gov/funding/Explore/LegalOverview/CivilRightsRequirements.htm>

Under the delegation of authority, the OCR investigates allegations of discrimination against recipients from individuals, entities, or groups. In addition, the OCR conducts limited compliance reviews and audits based on regulatory criteria. These reviews and audits permit the OCR to evaluate whether recipients of financial assistance from the Department are providing services in a non-discriminatory manner to their service population or have employment practices that meet equal-opportunity standards.

If you are a recipient of grant awards under the Omnibus Crime Control and Safe Streets Act or the Juvenile Justice and Delinquency Prevention Act and your agency is part of a criminal justice system, there are two additional obligations that may apply in connection with the awards: (1) complying with the regulation relating to Equal Employment Opportunity Programs (EEOPs); and (2) submitting findings of discrimination to OCR. For additional information regarding the EEOP requirement, see 28 CFR Part 42, subpart E, and for additional information regarding requirements when there is an adverse finding, see 28 C.F.R. §§ 42.204(c), .205(c)(5). Please submit information about any adverse finding to the OCR at the above address.

We at the OCR are available to help you and your organization meet the civil rights requirements that are associated with OJP and other DOJ grant funding. If you would like the OCR to assist you in fulfilling your organization's civil rights or nondiscrimination responsibilities as a recipient of federal financial assistance, please do not hesitate to let us know.

Sincerely,

A handwritten signature in black ink that reads "Michael L. Alston".

Michael L. Alston  
Director


cc: Grant Manager  
Financial Analyst



Department of Justice (DOJ)  
Office of Justice Programs  
**Bureau of Justice Assistance**

**Grant**

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1. RECIPIENT NAME AND ADDRESS (Including Zip Code) City of Fresno 2600 Fresno Street Fresno, CA 93721-3620		4. AWARD NUMBER: 2020-DJ-BX-0771	
		5. PROJECT PERIOD: FROM 10/01/2019 TO 09/30/2023 BUDGET PERIOD: FROM 10/01/2019 TO 09/30/2023	
2a. GRANTEE IRS/VENDOR NO.		6. AWARD DATE 09/19/2020	7. ACTION Initial
2b. GRANTEE DUNS NO.		8. SUPPLEMENT NUMBER 00	
3. PROJECT TITLE FY 20 Local JAG Program		9. PREVIOUS AWARD AMOUNT \$ 0	
		10. AMOUNT OF THIS AWARD \$ 280,224	
		11. TOTAL AWARD \$ 280,224	
12. SPECIAL CONDITIONS THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).			
13. STATUTORY AUTHORITY FOR GRANT This project is supported under FY20(BJA - JAG State and JAG Local) Title I of Pub. L. No. 90-351 (generally codified at 34 U.S.C. 10101-10726), including subpart 1 of part E (codified at 34 U.S.C. 10151 - 10158); see also 28 U.S.C. 530C(a)			
14. CATALOG OF DOMESTIC FEDERAL ASSISTANCE (CFDA Number) 16.738 - Edward Byrne Memorial Justice Assistance Grant Program			
15. METHOD OF PAYMENT GPRS			
AGENCY APPROVAL		GRANTEE ACCEPTANCE	
16. TYPED NAME AND TITLE OF APPROVING OFFICIAL Katharine T. Sullivan Principal Deputy Assistant Attorney General		18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL Wilma Quan City Manager	
17. SIGNATURE OF APPROVING OFFICIAL 		19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL	19A. DATE
AGENCY USE ONLY			
20. ACCOUNTING CLASSIFICATION CODES FISCAL FUND BUD. DIV. YEAR CODE ACT. OFC. REG. SUB. POMS AMOUNT X B DJ 80 00 00 280224		21. VDJUST3290	



Department of Justice (DOJ)  
Office of Justice Programs  
**Bureau of Justice Assistance**

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Grant**

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PROJECT NUMBER 2020-DJ-BX-0771

AWARD DATE 09/19/2020

*SPECIAL CONDITIONS*

1. Requirements of the award; remedies for non-compliance or for materially false statements

The conditions of this award are material requirements of the award. Compliance with any assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance also is a material requirement of this award.

Limited Exceptions. In certain special circumstances, the U.S. Department of Justice ("DOJ") may determine that it will not enforce, or enforce only in part, one or more requirements otherwise applicable to the award. Any such exceptions regarding enforcement, including any such exceptions made during the period of performance, are (or will be during the period of performance) set out through the Office of Justice Programs ("OJP") webpage entitled "Legal Notices: Special circumstances as to particular award conditions" ([ojp.gov/funding/Explore/LegalNotices-AwardReqs.htm](http://ojp.gov/funding/Explore/LegalNotices-AwardReqs.htm)), and incorporated by reference into the award.

By signing and accepting this award on behalf of the recipient, the authorized recipient official accepts all material requirements of the award, and specifically adopts, as if personally executed by the authorized recipient official, all assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance.

Failure to comply with one or more award requirements -- whether a condition set out in full below, a condition incorporated by reference below, or an assurance or certification related to conduct during the award period -- may result in OJP taking appropriate action with respect to the recipient and the award. Among other things, the OJP may withhold award funds, disallow costs, or suspend or terminate the award. DOJ, including OJP, also may take other legal action as appropriate.

Any materially false, fictitious, or fraudulent statement to the federal government related to this award (or concealment or omission of a material fact) may be the subject of criminal prosecution (including under 18 U.S.C. 1001 and/or 1621, and/or 34 U.S.C. 10271-10273), and also may lead to imposition of civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. 3729-3730 and 3801-3812).

Should any provision of a requirement of this award be held to be invalid or unenforceable by its terms, that provision shall first be applied with a limited construction so as to give it the maximum effect permitted by law. Should it be held, instead, that the provision is utterly invalid or -unenforceable, such provision shall be deemed severable from this award.





Department of Justice (DOJ)  
Office of Justice Programs  
**Bureau of Justice Assistance**

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PROJECT NUMBER 2020-DJ-BX-0771

AWARD DATE 09/19/2020

*SPECIAL CONDITIONS*

2. Applicability of Part 200 Uniform Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by DOJ in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this FY 2020 award from OJP.

The Part 200 Uniform Requirements were first adopted by DOJ on December 26, 2014. If this FY 2020 award supplements funds previously awarded by OJP under the same award number (e.g., funds awarded during or before December 2014), the Part 200 Uniform Requirements apply with respect to all funds under that award number (regardless of the award date, and regardless of whether derived from the initial award or a supplemental award) that are obligated on or after the acceptance date of this FY 2020 award.

For more information and resources on the Part 200 Uniform Requirements as they relate to OJP awards and subawards ("subgrants"), see the OJP website at <https://ojp.gov/funding/Part200UniformRequirements.htm>.

Record retention and access: Records pertinent to the award that the recipient (and any subrecipient ("subgrantee") at any tier) must retain -- typically for a period of 3 years from the date of submission of the final expenditure report (SF 425), unless a different retention period applies -- and to which the recipient (and any subrecipient ("subgrantee") at any tier) must provide access, include performance measurement information, in addition to the financial records, supporting documents, statistical records, and other pertinent records indicated at 2 C.F.R. 200.333.

In the event that an award-related question arises from documents or other materials prepared or distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the recipient is to contact OJP promptly for clarification.

3. Compliance with DOJ Grants Financial Guide

References to the DOJ Grants Financial Guide are to the DOJ Grants Financial Guide as posted on the OJP website (currently, the "DOJ Grants Financial Guide" available at <https://ojp.gov/financialguide/DOJ/index.htm>), including any updated version that may be posted during the period of performance. The recipient agrees to comply with the DOJ Grants Financial Guide.

4. Reclassification of various statutory provisions to a new Title 34 of the United States Code

On September 1, 2017, various statutory provisions previously codified elsewhere in the U.S. Code were editorially reclassified (that is, moved and renumbered) to a new Title 34, entitled "Crime Control and Law Enforcement." The reclassification encompassed a number of statutory provisions pertinent to OJP awards (that is, OJP grants and cooperative agreements), including many provisions previously codified in Title 42 of the U.S. Code.

Effective as of September 1, 2017, any reference in this award document to a statutory provision that has been reclassified to the new Title 34 of the U.S. Code is to be read as a reference to that statutory provision as reclassified to Title 34. This rule of construction specifically includes references set out in award conditions, references set out in material incorporated by reference through award conditions, and references set out in other award requirements.



Department of Justice (DOJ)  
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*SPECIAL CONDITIONS*

5. Required training for Point of Contact and all Financial Points of Contact

Both the Point of Contact (POC) and all Financial Points of Contact (FPOCs) for this award must have successfully completed an "OJP financial management and grant administration training" by 120 days after the date of the recipient's acceptance of the award. Successful completion of such a training on or after January 1, 2018, will satisfy this condition.

In the event that either the POC or an FPOC for this award changes during the period of performance, the new POC or FPOC must have successfully completed an "OJP financial management and grant administration training" by 120 calendar days after -- (1) the date of OJP's approval of the "Change Grantee Contact" GAN (in the case of a new POC), or (2) the date the POC enters information on the new FPOC in GMS (in the case of a new FPOC). Successful completion of such a training on or after January 1, 2018, will satisfy this condition.

A list of OJP trainings that OJP will consider "OJP financial management and grant administration training" for purposes of this condition is available at <https://www.ojp.gov/training/fmts.htm>. All trainings that satisfy this condition include a session on grant fraud prevention and detection.

The recipient should anticipate that OJP will immediately withhold ("freeze") award funds if the recipient fails to comply with this condition. The recipient's failure to comply also may lead OJP to impose additional appropriate conditions on this award.

6. Requirements related to "de minimis" indirect cost rate

A recipient that is eligible under the Part 200 Uniform Requirements and other applicable law to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(f), and that elects to use the "de minimis" indirect cost rate, must advise OJP in writing of both its eligibility and its election, and must comply with all associated requirements in the Part 200 Uniform Requirements. The "de minimis" rate may be applied only to modified total direct costs (MTDC) as defined by the Part 200 Uniform Requirements.

7. Requirement to report potentially duplicative funding

If the recipient currently has other active awards of federal funds, or if the recipient receives any other award of federal funds during the period of performance for this award, the recipient promptly must determine whether funds from any of those other federal awards have been, are being, or are to be used (in whole or in part) for one or more of the identical cost items for which funds are provided under this award. If so, the recipient must promptly notify the DOJ awarding agency (OJP or OVW, as appropriate) in writing of the potential duplication, and, if so requested by the DOJ awarding agency, must seek a budget-modification or change-of-project-scope grant adjustment notice (GAN) to eliminate any inappropriate duplication of funding.





Department of Justice (DOJ)  
Office of Justice Programs  
**Bureau of Justice Assistance**

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*SPECIAL CONDITIONS*

8. Requirements related to System for Award Management and Universal Identifier Requirements

The recipient must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at <https://www.sam.gov/>. This includes applicable requirements regarding registration with SAM, as well as maintaining the currency of information in SAM.

The recipient also must comply with applicable restrictions on subawards ("subgrants") to first-tier subrecipients (first-tier "subgrantees"), including restrictions on subawards to entities that do not acquire and provide (to the recipient) the unique entity identifier required for SAM registration.

The details of the recipient's obligations related to SAM and to unique entity identifiers are posted on the OJP web site at <https://ojp.gov/funding/Explore/SAM.htm> (Award condition: System for Award Management (SAM) and Universal Identifier Requirements), and are incorporated by reference here.

This condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).



Department of Justice (DOJ)  
Office of Justice Programs  
**Bureau of Justice Assistance**

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*SPECIAL CONDITIONS*

9. Employment eligibility verification for hiring under the award

1. The recipient (and any subrecipient at any tier) must--

A. Ensure that, as part of the hiring process for any position within the United States that is or will be funded (in whole or in part) with award funds, the recipient (or any subrecipient) properly verifies the employment eligibility of the individual who is being hired, consistent with the provisions of 8 U.S.C. 1324a(a)(1) and (2).

B. Notify all persons associated with the recipient (or any subrecipient) who are or will be involved in activities under this award of both--

(1) this award requirement for verification of employment eligibility, and

(2) the associated provisions in 8 U.S.C. 1324a(a)(1) and (2) that, generally speaking, make it unlawful, in the United States, to hire (or recruit for employment) certain aliens.

C. Provide training (to the extent necessary) to those persons required by this condition to be notified of the award requirement for employment eligibility verification and of the associated provisions of 8 U.S.C. 1324a(a)(1) and (2).

D. As part of the recordkeeping for the award (including pursuant to the Part 200 Uniform Requirements), maintain records of all employment eligibility verifications pertinent to compliance with this award condition in accordance with Form I-9 record retention requirements, as well as records of all pertinent notifications and trainings.

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 designed to ensure compliance with this condition.

4. Rules of construction

A. Staff involved in the hiring process

For purposes of this condition, persons "who are or will be involved in activities under this award" specifically includes (without limitation) any and all recipient (or any subrecipient) officials or other staff who are or will be involved in the hiring process with respect to a position that is or will be funded (in whole or in part) with award funds.

B. Employment eligibility confirmation with E-Verify

For purposes of satisfying the requirement of this condition regarding verification of employment eligibility, the recipient (or any subrecipient) may choose to participate in, and use, E-Verify ([www.e-verify.gov](http://www.e-verify.gov)), provided an appropriate person authorized to act on behalf of the recipient (or subrecipient) uses E-Verify (and follows the proper E-Verify procedures, including in the event of a "Tentative Nonconfirmation" or a "Final Nonconfirmation") to confirm employment eligibility for each hiring for a position in the United States that is or will be funded (in whole or in part) with award funds.

C. "United States" specifically includes the District of Columbia, Puerto Rico, Guam, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.



Department of Justice (DOJ)  
Office of Justice Programs  
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*SPECIAL CONDITIONS*

any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.

E. Nothing in this condition, including in paragraph 4.B., shall be understood to relieve any recipient, any subrecipient at any tier, or any person or other entity, of any obligation otherwise imposed by law, including 8 U.S.C. 1324a(a)(1) and (2).

Questions about E-Verify should be directed to DHS. For more information about E-Verify visit the E-Verify website (<https://www.e-verify.gov/>) or email E-Verify at [E-Verify@dhs.gov](mailto:E-Verify@dhs.gov). E-Verify employer agents can email E-Verify at [E-VerifyEmployerAgent@dhs.gov](mailto:E-VerifyEmployerAgent@dhs.gov).

Questions about the meaning or scope of this condition should be directed to OJP, before award acceptance.

10. Requirement to report actual or imminent breach of personally identifiable information (PII)

The recipient (and any "subrecipient" at any tier) must have written procedures in place to respond in the event of an actual or imminent "breach" (OMB M-17-12) if it (or a subrecipient) -- (1) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of "personally identifiable information (PII)" (2 CFR 200.79) within the scope of an OJP grant-funded program or activity, or (2) uses or operates a "Federal information system" (OMB Circular A-130). The recipient's breach procedures must include a requirement to report actual or imminent breach of PII to an OJP Program Manager no later than 24 hours after an occurrence of an actual breach, or the detection of an imminent breach.

11. All subawards ("subgrants") must have specific federal authorization

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements for authorization of any subaward. This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a "subaward" (and therefore does not consider a procurement "contract").

The details of the requirement for authorization of any subaward are posted on the OJP web site at <https://ojp.gov/funding/Explore/SubawardAuthorization.htm> (Award condition: All subawards ("subgrants") must have specific federal authorization), and are incorporated by reference here.

12. Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed \$250,000

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold (currently, \$250,000). This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a procurement "contract" (and therefore does not consider a subaward).

The details of the requirement for advance approval to use a noncompetitive approach in a procurement contract under an OJP award are posted on the OJP web site at <https://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm> (Award condition: Specific post-award approval required to use a noncompetitive approach in a procurement contract (if contract would exceed \$250,000)), and are incorporated by reference here.



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**13. Unreasonable restrictions on competition under the award; association with federal government**

**SCOPE.** This condition applies with respect to any procurement of property or services that is funded (in whole or in part) by this award, whether by the recipient or by any subrecipient at any tier, and regardless of the dollar amount of the purchase or acquisition, the method of procurement, or the nature of any legal instrument used. The provisions of this condition must be among those included in any subaward (at any tier).

**1. No discrimination, in procurement transactions, against associates of the federal government**

Consistent with the (DOJ) Part 200 Uniform Requirements -- including as set out at 2 C.F.R. 200.300 (requiring awards to be "manage[d] and administer[ed] in a manner so as to ensure that Federal funding is expended and associated programs are implemented in full accordance with U.S. statutory and public policy requirements") and 200.319(a) (generally requiring "[a]ll procurement transactions [to] be conducted in a manner providing full and open competition" and forbidding practices "restrictive of competition," such as "[p]lacing unreasonable requirements on firms in order for them to qualify to do business" and taking "[a]ny arbitrary action in the procurement process") -- no recipient (or subrecipient, at any tier) may (in any procurement transaction) discriminate against any person or entity on the basis of such person or entity's status as an "associate of the federal government" (or on the basis of such person or entity's status as a parent, affiliate, or subsidiary of such an associate), except as expressly set out in 2 C.F.R. 200.319(a) or as specifically authorized by USDOJ.

**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 designed to ensure compliance with this condition.

**4. Rules of construction**

A. The term "associate of the federal government" means any person or entity engaged or employed (in the past or at present) by or on behalf of the federal government -- as an employee, contractor or subcontractor (at any tier), grant recipient or -subrecipient (at any tier), agent, or otherwise -- in undertaking any work, project, or activity for or on behalf of (or in providing goods or services to or on behalf of) the federal government, and includes any applicant for such employment or engagement, and any person or entity committed by legal instrument to undertake any such work, project, or activity (or to provide such goods or services) in future.

B. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, or any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.





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14. Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP authority to terminate award)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of recipients, subrecipients ("subgrantees"), or individuals defined (for purposes of this condition) as "employees" of the recipient or of any subrecipient.

The details of the recipient's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at <https://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm> (Award condition: Prohibited conduct by recipients and subrecipients related to trafficking in persons (including reporting requirements and OJP authority to terminate award)), and are incorporated by reference here.

15. Determination of suitability to interact with participating minors

SCOPE. This condition applies to this award if it is indicated -- in the application for the award (as approved by DOJ)(or in the application for any subaward, at any tier), the DOJ funding announcement (solicitation), or an associated federal statute -- that a purpose of some or all of the activities to be carried out under the award (whether by the recipient, or a subrecipient at any tier) is to benefit a set of individuals under 18 years of age.

The recipient, and any subrecipient at any tier, must make determinations of suitability before certain individuals may interact with participating minors. This requirement applies regardless of an individual's employment status.

The details of this requirement are posted on the OJP web site at <https://ojp.gov/funding/Explore/Interact-Minors.htm> (Award condition: Determination of suitability required, in advance, for certain individuals who may interact with participating minors), and are incorporated by reference here.

16. Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable laws, regulations, policies, and official DOJ guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (as that term is defined by DOJ), including the provision of food and/or beverages at such conferences, and costs of attendance at such conferences.

Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears in the DOJ Grants Financial Guide (currently, as section 3.10 of "Postaward Requirements" in the "DOJ Grants Financial Guide").

17. Requirement for data on performance and effectiveness under the award

The recipient must collect and maintain data that measure the performance and effectiveness of work under this award. The data must be provided to OJP in the manner (including within the timeframes) specified by OJP in the program solicitation or other applicable written guidance. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, and other applicable laws.

18. OJP Training Guiding Principles

Any training or training materials that the recipient -- or any subrecipient ("subgrantee") at any tier -- develops or delivers with OJP award funds must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <https://ojp.gov/funding/Implement/TrainingPrinciplesForGrantees-Subgrantees.htm>.



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19. Effect of failure to address audit issues

The recipient understands and agrees that the DOJ awarding agency (OJP or OVW, as appropriate) may withhold award funds, or may impose other related requirements, if (as determined by the DOJ awarding agency) the recipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.

20. Potential imposition of additional requirements

The recipient agrees to comply with any additional requirements that may be imposed by the DOJ awarding agency (OJP or OVW, as appropriate) during the period of performance for this award, if the recipient is designated as "high-risk" for purposes of the DOJ high-risk grantee list.

21. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 42

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 42, specifically including any applicable requirements in Subpart E of 28 C.F.R. Part 42 that relate to an equal employment opportunity program.

22. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 54

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 54, which relates to nondiscrimination on the basis of sex in certain "education programs."

23. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 38

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38 (as may be applicable from time to time), specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries.

Currently, among other things, 28 C.F.R. Part 38 includes rules that prohibit specific forms of discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38, currently, also sets out rules and requirements that pertain to recipient and subrecipient ("subgrantee") organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to recipients and subrecipients that are faith-based or religious organizations.

The text of 28 C.F.R. Part 38 is available via the Electronic Code of Federal Regulations (currently accessible at <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>), by browsing to Title 28-Judicial Administration, Chapter 1, Part 38, under e-CFR "current" data.



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24. Restrictions on "lobbying"

In general, as a matter of federal law, federal funds awarded by OJP may not be used by the recipient, or any subrecipient ("subgrantee") at any tier, either directly or indirectly, to support or oppose the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government. See 18 U.S.C. 1913. (There may be exceptions if an applicable federal statute specifically authorizes certain activities that otherwise would be barred by law.)

Another federal law generally prohibits federal funds awarded by OJP from being used by the recipient, or any subrecipient at any tier, to pay any person to influence (or attempt to influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, subgrant, contract, subcontract, or loan, or with respect to actions such as renewing, extending, or modifying any such award. See 31 U.S.C. 1352. Certain exceptions to this law apply, including an exception that applies to Indian tribes and tribal organizations.

Should any question arise as to whether a particular use of federal funds by a recipient (or subrecipient) would or might fall within the scope of these prohibitions, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

25. Compliance with general appropriations-law restrictions on the use of federal funds (FY 2020) The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions that may be set out in applicable appropriations acts are indicated at <https://ojp.gov/funding/Explore/FY20AppropriationsRestrictions.htm>, and are incorporated by reference here. Should a question arise as to whether a particular use of federal funds by a recipient (or a subrecipient) would or might fall within the scope of an appropriations-law restriction, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

26. Reporting potential fraud, waste, and abuse, and similar misconduct

The recipient, and any subrecipients ("subgrantees") at any tier, must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award-- (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by--(1) online submission accessible via the OIG webpage at <https://oig.justice.gov/hotline/contact-grants.htm> (select "Submit Report Online"); (2) mail directed to: U.S. Department of Justice, Office of the Inspector General, Investigations Division, ATTN: Grantee Reporting, 950 Pennsylvania Ave., NW, Washington, DC 20530; and/or (3) by facsimile directed to the DOJ OIG Investigations Division (Attn: Grantee Reporting) at (202) 616-9881 (fax).

Additional information is available from the DOJ OIG website at <https://oig.justice.gov/hotline>.





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27. Restrictions and certifications regarding non-disclosure agreements and related matters

No recipient or subrecipient ("subgrantee") under this award, or entity that receives a procurement contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

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

1. In accepting this award, the recipient--

a. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

b. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

2. If the recipient does or is authorized under this award to make subawards ("subgrants"), procurement contracts, or both--

a. it represents that--

(1) it has determined that no other entity that the recipient's application proposes may or will receive award funds (whether through a subaward ("subgrant"), procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

(2) it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and

b. it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.





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28. Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)

The recipient (and any subrecipient at any tier) must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant.

The recipient also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712.

Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this award, the recipient is to contact the DOJ awarding agency (OJP or OVW, as appropriate) for guidance.

29. Encouragement of policies to ban text messaging while driving

Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), DOJ encourages recipients and subrecipients ("subgrantees") to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this award, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

30. Requirement to disclose whether recipient is designated "high risk" by a federal grant-making agency outside of DOJ

If the recipient is designated "high risk" by a federal grant-making agency outside of DOJ, currently or at any time during the course of the period of performance under this award, the recipient must disclose that fact and certain related information to OJP by email at [OJP.ComplianceReporting@ojp.usdoj.gov](mailto:OJP.ComplianceReporting@ojp.usdoj.gov). For purposes of this disclosure, high risk includes any status under which a federal awarding agency provides additional oversight due to the recipient's past performance, or other programmatic or financial concerns with the recipient. The recipient's disclosure must include the following: 1. The federal awarding agency that currently designates the recipient high risk, 2. The date the recipient was designated high risk, 3. The high-risk point of contact at that federal awarding agency (name, phone number, and email address), and 4. The reasons for the high-risk status, as set out by the federal awarding agency.



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31. 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 wholly or partly with award funds is subject to any "information-communication restriction."

B. Also, 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, described in par. 1.A of this condition) that would be reimbursed wholly or partly 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) described in par. 1.A of this condition, 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) described in par. 1.A of this condition, may be subject to any information-communication restriction. Also, any subaward (at any tier) to a subrecipient described in paragraph 1.A of this condition 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 described in par. 1.A of this condition 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.



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32. 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, described in paragraph 1.A of this condition) 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) described in paragraph 1.A of this condition, 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) described in paragraph 1.A of this condition, may be subject to any information-communication restriction. In addition, any subaward (at any tier) to a subrecipient described in paragraph 1.A of this condition 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 described in paragraph 1.A of this condition 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.





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33. 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.



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34. 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.



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*SPECIAL CONDITIONS*

35. 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.



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*SPECIAL CONDITIONS*

36. 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));

(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 "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.





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*SPECIAL CONDITIONS*

37. 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





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*SPECIAL CONDITIONS*

38. 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.



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39. 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" funded (wholly or partly) by this award, as of the date the recipient accepts the award, and throughout the rest of the award period of performance. 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 USC 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 U.S., and 8 CFR 287.5(a), under which that power may be exercised "anywhere in or outside" the U.S.--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 sec. 101 of the Immigration and Nationality Act (INA) (8 USC 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 CFR 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 8 USC 1227(a)(2), or

(b) conduct described in 8 USC 1227(a)(4).

(4) The term "conviction" means what it means under 8 USC 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 34 USC 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



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(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 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 42 USC 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.



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40. 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 USC 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 CFR 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) (8 USC 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 CFR 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 8 USC 1227(a)(2), or

(b) conduct described in 8 USC 1227(a)(4).

(4) The term "conviction" means what it means under 8 USC 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 ( 34 USC 10251(a)(7)).

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





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(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 42 USC 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.

41. Requirement to collect certain information from subrecipients

Except as provided in this condition, the recipient may not make a subaward to a State, a local government, or a "public" institution of higher education, unless it first obtains from the proposed subrecipient responses to the questions identified in the program solicitation as "Information regarding Communication with the Department of Homeland Security (DHS) and/or Immigration and Customs Enforcement (ICE)." All subrecipient responses must be collected and maintained by the recipient, consistent with document retention requirements, and must be made available to DOJ upon request. Responses to these questions are not required from subrecipients that are either a tribal government/organization, a nonprofit organization, or a private institution of higher education.

42. Cooperating with OJP Monitoring

The recipient agrees to cooperate with OJP monitoring of this award pursuant to OJP's guidelines, protocols, and procedures, and to cooperate with OJP (including the grant manager for this award and the Office of Chief Financial Officer (OCFO)) requests related to such monitoring, including requests related to desk reviews and/or site visits. The recipient agrees to provide to OJP all documentation necessary for OJP to complete its monitoring tasks, including documentation related to any subawards made under this award. Further, the recipient agrees to abide by reasonable deadlines set by OJP for providing the requested documents. Failure to cooperate with OJP's monitoring activities may result in actions that affect the recipient's DOJ awards, including, but not limited to: withholdings and/or other restrictions on the recipient's access to award funds; referral to the DOJ OIG for audit review; designation of the recipient as a DOJ High Risk grantee; or termination of an award(s).



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43. FFATA reporting: Subawards and executive compensation

The recipient must comply with applicable requirements to report first-tier subawards ("subgrants") of \$25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients (first-tier "subgrantees") of award funds. The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the OJP web site at <https://ojp.gov/funding/Explore/FFATA.htm> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here.

This condition, including its reporting requirement, does not apply to-- (1) an award of less than \$25,000, or (2) an award made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

44. Required monitoring of subawards

The recipient must monitor subawards under this award in accordance with all applicable statutes, regulations, award conditions, and the DOJ Grants Financial Guide, and must include the applicable conditions of this award in any subaward. Among other things, the recipient is responsible for oversight of subrecipient spending and monitoring of specific outcomes and benefits attributable to use of award funds by subrecipients. The recipient agrees to submit, upon request, documentation of its policies and procedures for monitoring of subawards under this award.

45. Use of program income

Program income (as defined in the Part 200 Uniform Requirements) must be used in accordance with the provisions of the Part 200 Uniform Requirements. Program income earnings and expenditures both must be reported on the quarterly Federal Financial Report, SF 425.

46. Justice Information Sharing

Information sharing projects funded under this award must comply with DOJ's Global Justice Information Sharing Initiative (Global) guidelines. The recipient (and any subrecipient at any tier) must conform to the Global Standards Package (GSP) and all constituent elements, where applicable, as described at: [https://it.ojp.gov/gsp\\_grantcondition](https://it.ojp.gov/gsp_grantcondition). The recipient (and any subrecipient at any tier) must document planned approaches to information sharing and describe compliance with the GSP and appropriate privacy policy that protects shared information, or provide detailed justification for why an alternative approach is recommended.

47. Avoidance of duplication of networks

To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdictions, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the recipient 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.

48. Compliance with 28 C.F.R. Part 23

With respect to any information technology system funded or supported by funds under this award, the recipient (and any subrecipient at any tier) must comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if OJP determines this regulation to be applicable. Should OJP determine 28 C.F.R. Part 23 to be applicable, OJP may, at its discretion, perform audits of the system, as per the regulation. Should any violation of 28 C.F.R. Part 23 occur, the



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49. Protection of human research subjects

The recipient (and any subrecipient at any tier) must comply with the requirements of 28 C.F.R. Part 46 and all OJP policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.

50. Confidentiality of data

The recipient (and any subrecipient at any tier) must comply with all confidentiality requirements of 34 U.S.C. 10231 and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. The recipient further agrees, as a condition of award approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, 28 C.F.R. 22.23.

51. Verification and updating of recipient contact information

The recipient must verify its Point of Contact(POC), Financial Point of Contact (FPOC), and Authorized Representative contact information in GMS, including telephone number and e-mail address. If any information is incorrect or has changed, a Grant Adjustment Notice (GAN) must be submitted via the Grants Management System (GMS) to document changes.

52. Law enforcement task forces - required training

Within 120 days of award acceptance, each current member of a law enforcement task force funded with award funds who is a task force commander, agency executive, task force officer, or other task force member of equivalent rank, must complete required online (internet-based) task force training. Additionally, all future task force members must complete this training once during the period of performance for this award, or once every four years if multiple OJP awards include this requirement.

The required training is available free of charge online through the BJA-funded Center for Task Force Integrity and Leadership ([www.ctfli.org](http://www.ctfli.org)). The 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. If award funds are used to support a task force, the recipient must compile and maintain a task force personnel roster, along with course completion certificates.

Additional information regarding the training is available through BJA's web site and the Center for Task Force Integrity and Leadership ([www.ctfli.org](http://www.ctfli.org)).

53. Justification of consultant rate

Approval of this award does not indicate approval of any consultant rate in excess of \$650 per day. A detailed justification must be submitted to and approved by the OJP program office prior to obligation or expenditure of such funds.



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54. Submission of eligible records relevant to the National Instant Background Check System

Consonant with federal statutes that pertain to firearms and background checks -- including 18 U.S.C. 922 and 34 U.S.C. ch. 409 -- if the recipient (or any subrecipient at any tier) uses this award to fund (in whole or in part) a specific project or program (such as a law enforcement, prosecution, or court program) that results in any court dispositions, information, or other records that are "eligible records" (under federal or State law) relevant to the National Instant Background Check System (NICS), or that has as one of its purposes the establishment or improvement of records systems that contain any court dispositions, information, or other records that are "eligible records" (under federal or State law) relevant to the NICS, the recipient (or subrecipient, if applicable) must ensure that all such court dispositions, information, or other records that are "eligible records" (under federal or State law) relevant to the NICS are promptly made available to the NICS or to the "State" repository/database that is electronically available to (and accessed by) the NICS, and -- when appropriate -- promptly must update, correct, modify, or remove such NICS-relevant "eligible records".

In the event of minor and transitory non-compliance, the recipient may submit evidence to demonstrate diligent monitoring of compliance with this condition (including subrecipient compliance). DOJ will give great weight to any such evidence in any express written determination regarding this condition.





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*SPECIAL CONDITIONS*

55. Compliance with National Environmental Policy Act and related statutes

Upon request, the recipient (and any subrecipient at any tier) must assist BJA in complying with the National Environmental Policy Act (NEPA), the National Historic Preservation Act, and other related federal environmental impact analyses requirements in the use of these award funds, either directly by the recipient or by a subrecipient. Accordingly, the recipient agrees to first determine if any of the following activities will be funded by the grant, prior to obligating funds for any of these purposes. If it is determined that any of the following activities will be funded by the award, the recipient agrees to contact BJA.

The recipient understands that this condition applies to new activities as set out below, whether or not they are being specifically funded with these award funds. That is, as long as the activity is being conducted by the recipient, a subrecipient, or any third party, and the activity needs to be undertaken in order to use these award funds, this condition must first be met. The activities covered by this condition are:

- a. New construction;
- b. Minor renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
- d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
- e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

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

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

56. Establishment of trust fund

If award funds are being drawn down in advance, the recipient (or a subrecipient, with respect to a subaward) is required to establish a trust fund account. Recipients (and subrecipients) must maintain advance payments of federal awards in interest-bearing accounts, unless regulatory exclusions apply (2 C.F.R. 200.305(b)(8)). The trust fund, including any interest, may not be used to pay debts or expenses incurred by other activities beyond the scope of the Edward Byrne Memorial Justice Assistance Grant Program (JAG). The recipient also agrees to obligate the award funds in the trust fund (including any interest earned) during the period of performance for the award and expend within 90 days thereafter. Any unobligated or unexpended funds, including interest earned, must be returned to OJP at the time of closeout.



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*SPECIAL CONDITIONS*

57. Prohibition on use of award funds for match under BVP program

JAG funds may not be used as the 50% match for purposes of the DOJ Bulletproof Vest Partnership (BVP) program.

58. Certification of body armor "mandatory wear" policies

If recipient uses funds under this award to purchase body armor, the recipient must submit a signed certification that law enforcement agencies receiving body armor purchased with funds from this award have a written "mandatory wear" policy in effect. The recipient must keep signed certifications on file for any subrecipients planning to utilize funds from this award for ballistic-resistant and stab-resistant body armor purchases. This policy must be in place for at least all uniformed officers before any funds from this award may be used by an agency for body armor. There are no requirements regarding the nature of the policy other than it be a mandatory wear policy for all uniformed officers while on duty.

59. Body armor - compliance with NIJ standards and other requirements

Ballistic-resistant and stab-resistant body armor purchased with JAG award funds may be purchased at any threat level, make or model, from any distributor or manufacturer, as long as the body armor has been tested and found to comply with applicable National Institute of Justice ballistic or stab standards and is listed on the NIJ Compliant Body Armor Model List (<https://nij.gov/topics/technology/body-armor/Pages/compliant-ballistic-armor.aspx>). In addition, ballistic-resistant and stab-resistant body armor purchased must be made in the United States and must be uniquely fitted, as set forth in 34 U.S.C. 10202(c)(1)(A). The latest NIJ standard information can be found here: <https://nij.gov/topics/technology/body-armor/pages/safety-initiative.aspx>.

60. Body armor - impact on eligibility for other program funds

The recipient understands that the use of funds under this award for purchase of body armor may impact eligibility for funding under the Bulletproof Vest Partnership (BVP) program, a separate program operated by BJA, pursuant to the BVP statute at 34 USC 10531(c)(5).

61. Reporting requirements

The recipient must submit quarterly Federal Financial Reports (SF-425) and semi-annual performance reports through OJP's GMS (<https://grants.ojp.usdoj.gov>). Consistent with the Department's responsibilities under the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, the recipient must provide data that measure the results of its work. The recipient must submit quarterly performance metrics reports through BJA's Performance Measurement Tool (PMT) website (<https://bjapmt.ojp.gov/>). For more detailed information on reporting and other JAG requirements, refer to the JAG reporting requirements webpage. Failure to submit required JAG reports by established deadlines may result in the freezing of grant funds and future High Risk designation.

62. Required data on law enforcement agency training

Any law enforcement agency receiving direct or sub-awarded funding from this JAG award must submit quarterly accountability metrics data related to training that officers have received on the use of force, racial and ethnic bias, de-escalation of conflict, and constructive engagement with the public.



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*SPECIAL CONDITIONS*

63. Expenditures prohibited without waiver

No funds under this award may be expended on the purchase of items prohibited by the JAG program statute, unless, as set forth at 34 U.S.C. 10152, the BJA Director certifies that extraordinary and exigent circumstances exist, making such expenditures essential to the maintenance of public safety and good order.

64. JAG FY 2020 - Authorization to obligate (federal) award funds to reimburse certain project costs incurred on or after October 1, 2019 [BJA]

Authorization to obligate (federal) award funds to reimburse certain project costs incurred on or after October 1, 2019

The recipient may obligate (federal) award funds only after the recipient makes a valid acceptance of the award. As of the first day of the period of performance for the award (October 1, 2019), however, the recipient may choose to incur project costs using non-federal funds, but any such project costs are incurred at the recipient's risk until, at a minimum-- (1) the recipient makes a valid acceptance of the award, and (2) all applicable withholding conditions are removed by OJP (via a Grant Adjustment Notice). (A withholding condition is a condition in the award document that precludes the recipient from obligating, expending, or drawing down all or a portion of the award funds until the condition is removed.)

Except to the extent (if any) that an award condition expressly precludes reimbursement of project costs incurred "at-risk," if and when the recipient makes a valid acceptance of this award and OJP removes each applicable withholding condition through a Grant Adjustment Notice, the recipient is authorized to obligate (federal) award funds to reimburse itself for project costs incurred "at-risk" earlier during the period of performance (such as project costs incurred prior to award acceptance or prior to removal of an applicable withholding condition), provided that those project costs otherwise are allowable costs under the award.

65. Use of funds for DNA testing; upload of DNA profiles

If award funds are used for DNA testing of evidentiary materials, any resulting eligible DNA profiles must be uploaded to the Combined DNA Index System ("CODIS," the DNA database operated by the FBI) by a government DNA laboratory with access to CODIS.

No profiles generated under this award may be entered or uploaded into any non-governmental DNA database without prior express written approval from BJA.

Award funds may not be used for the purchase of DNA equipment and supplies unless the resulting DNA profiles may be accepted for entry into CODIS.

66. Encouragement of submission of "success stories"

BJA strongly encourages the recipient to submit annual (or more frequent) JAG success stories. To submit a success story, sign in to a My BJA account at [https:// www.bja.gov/ Login.aspx](https://www.bja.gov/Login.aspx) to access the Success Story Submission form. If the recipient does not yet have a My BJA account, please register at [https:// www.bja.gov/ profile.aspx](https://www.bja.gov/profile.aspx). Once registered, one of the available areas on the My BJA page will be "My Success Stories." Within this box, there is an option to add a Success Story. Once reviewed and approved by BJA, all success stories will appear on the BJA Success Story web page at [https:// www.bja.gov/ SuccessStoryList.aspx](https://www.bja.gov/ SuccessStoryList.aspx).



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*SPECIAL CONDITIONS*

67. Withholding of funds: Required certification from the chief executive of the applicant government

The recipient may not obligate, expend, or draw down any award funds until the recipient submits the required "Certifications and Assurances by the Chief Executive of the Applicant Government," properly-executed (as determined by OJP), and a Grant Adjustment Notice (GAN) has been issued to remove this condition.





**Department of Justice (DOJ)**

Office of Justice Programs

*Bureau of Justice Assistance*

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Washington, D.C. 20531

**Memorandum To:** Official Grant File

**From:** Orbin Terry, NEPA Coordinator

**Subject:** Incorporates NEPA Compliance in Further Developmental Stages for City of Fresno

The Edward Byrne Memorial Justice Assistance Grant Program (JAG) allows states and local governments to support a broad range of activities to prevent and control crime and to improve the criminal justice system, some of which could have environmental impacts. All recipients of JAG funding must assist BJA in complying with NEPA and other related federal environmental impact analyses requirements in the use of grant funds, whether the funds are used directly by the grantee or by a subgrantee or third party. Accordingly, prior to obligating funds for any of the specified activities, the grantee must first determine if any of the specified activities will be funded by the grant.

The specified activities requiring environmental analysis are:

- a. New construction;
- b. Any renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
- d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
- e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

Complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. Further, for programs relating to methamphetamine laboratory operations, the preparation of a detailed Mitigation Plan will be required. For more information about Mitigation Plan requirements, please see <https://www.bja.gov/Funding/nepa.html>.

Please be sure to carefully review the grant conditions on your award document, as it may contain more specific information about environmental compliance.



Department of Justice (DOJ)  
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## GRANT MANAGER'S MEMORANDUM, PT. I: PROJECT SUMMARY

### Grant

PROJECT NUMBER

2020-DJ-BX-0771

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This project is supported under FY20(BJA - JAG State and JAG Local) Title I of Pub. L. No. 90-351 (generally codified at 34 U.S.C. 10101-10726), including subpart 1 of part E (codified at 34 U.S.C. 10151 - 10158); see also 28 U.S.C. 530C(a)

1. STAFF CONTACT (Name & telephone number)

Linda Hill-Franklin  
(202) 514-0712

2. PROJECT DIRECTOR (Name, address & telephone number)

Desiree Perry  
Police Grants Manager  
2326 Fresno Street  
Fresno, CA 93721-3620  
(559) 621-2053

3a. TITLE OF THE PROGRAM

JAG Local: Eligible Allocation Amounts \$25,000 or More

3b. POMS CODE (SEE INSTRUCTIONS  
ON REVERSE)

4. TITLE OF PROJECT

FY 20 Local JAG Program

5. NAME & ADDRESS OF GRANTEE

City of Fresno  
2600 Fresno Street  
Fresno, CA 93721-3620

6. NAME & ADDRESS OF SUBGRANTEE

7. PROGRAM PERIOD

FROM: 10/01/2019 TO: 09/30/2023

8. BUDGET PERIOD

FROM: 10/01/2019 TO: 09/30/2023

9. AMOUNT OF AWARD

\$ 280,224

10. DATE OF AWARD

09/19/2020

11. SECOND YEAR'S BUDGET

12. SECOND YEAR'S BUDGET AMOUNT

13. THIRD YEAR'S BUDGET PERIOD

14. THIRD YEAR'S BUDGET AMOUNT

15. SUMMARY DESCRIPTION OF PROJECT (See instruction on reverse)

The Edward Byrne Memorial Justice Assistance Grant (JAG) Program allows states and units of local government, including tribes, to support a broad range of activities to prevent and control crime based on their own state and local needs and conditions. Grant funds can be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice, including for any one or more of the following program areas: 1) law enforcement programs; 2) prosecution and court programs; 3) prevention and education programs; 4) corrections and community corrections programs; 5) drug treatment and enforcement programs; 6) planning, evaluation, and technology improvement programs; and 7) crime victim and witness programs (other than compensation) and 8) mental health programs and related law enforcement and corrections programs.

This JAG award will be used to support criminal justice initiatives that fall under one or more of the allowable program areas above. Funded programs or initiatives may include multijurisdictional drug and gang task forces, crime prevention and domestic violence programs, courts, corrections, treatment, justice information

sharing initiatives, or other programs aimed at reducing crime and/or enhancing public/officer safety.

NCA/NCF

# Application



## PROGRAM NARRATIVE

JAG 2020

The County of Fresno encompasses 6,000 square miles of Central California with a diversity of terrain that varies from open farm lands of the western county to rugged mountain peaks of over 11,000 feet to the east in the Sierra Nevada mountain range. The State Department of Finance estimates the total population of Fresno County is 1,023,358 for 2020, an increase of 0.8% over 2019, making it the tenth most populous county in California. By geographic size it is the sixth largest county in California and is home to the fifth largest city in the State of California possessing the same name. Nestled in the heart of the Central San Joaquin Valley, Fresno County is rich with agriculture. The City of Fresno has an estimated total population of 545,769, and is made up of 115.21 square miles. Coupled with the smaller neighboring City of Clovis, these two cities make up over 65% of the county's entire population.

### **STATEMENT OF THE PROBLEM**

Prior to the COVID-19 pandemic, the City of Fresno was making strides in improving the economic trends; however, the City along with other government agencies is seeing any progress made take a reverse course. The City of Fresno has aggressively worked to address its structural imbalance over the last eight years after the burst of the nation's financial bubble. After many difficult budgets and a constant stream of hard decisions, Fresno has finally started on the path to long-term financial stability. However, the journey remains and will continue for several more years due to COVID-19. The City of Fresno will remain diligent with continued sacrifices and tough, yet fiscally prudent decisions. The City of Fresno has certainly endured tough times throughout the previous eight years. In 2012, at the height of the economic downturn, the City of Fresno's budget had been decreased by \$238,854,100 in just four years and the workforce decreased by 22%. This included the loss of over 265 police department employees through layoffs, retirement and attrition. In 2010, the City of Fresno employed 849 police officers.

## PROGRAM NARRATIVE

JAG 2020

Today that number is 796 sworn personnel, a little more than 200 of our Mayor's goal of 1,000. Despite our overall reduction in staffing levels, the City of Fresno will continue to take steps to gradually increase the number of sworn officers.

With recent legislation changes including Proposition 47, Proposition 57 and Assembly Bill 109, law enforcement has seen a drastic increase in the need for additional police officers as well as additional resources to combat the release of prison and jail populations onto our city streets. The release of habitual offenders coupled with jail overcrowding has put a greater demand on our agency to ensure the safety of our residents. It is the mission of our department, along with the Fresno County Sheriff's Office, to preserve the trust of our community by providing a safe and secure place to work and live. With the augmentation of grant funding, our agencies can take leaps forward to improve the quality of life for the citizens in our County and provide valuable law enforcement resources to draw from.

The critical economic situation in the Fresno region has severely impacted the ability to address crime and continues to present an even more critical need to maintain and acquire necessary tools, communication technologies, and safety equipment for our complement of sworn officers. Prior to COVID-19 our fiscal situation showed continued improvement; however, , the lack of hiring over the last eight years remains a grave concern for our agencies and with the recent issues facing our country today, this will remain a concern for years to come. With less sworn officers on the streets, yet an increased amount of calls for service, the need to ensure each officer is adequately equipped is even more critical for their safety as well as the community in which they serve.

With the help of the Fresno County Sheriff's Office, the Fresno Police Department (FPD) acting as the fiscal agent will be responsible for implementing this project. FPD has a long

## PROGRAM NARRATIVE

JAG 2020

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history of success with large grant funded projects. We are confident that we can successfully meet the goals and objectives of the 2020 Justice Assistance Grant project.

According to the FBI Crime Index for the City of Fresno, from 2012 to 2014, violent crime had consistently dropped at a rate of 7% each year and property crime has fallen between 6% and 12%. However, in 2015 we saw increases in violent crimes across the board and in 2016 violent crime showed a decrease of 75% from 2015. In subsequent years, overall violent crime showed a decrease compared to 2014 with decreases in homicides, forcible rape, robberies and slight increases in aggravated assaults. In a January through June 2020 comparison, willful homicides experienced an increase of 25% compared to the same time period as 2019; however, aggravated assaults during this same time period remained nearly the same. We have taken many strides towards the reduction of crime in our city in the past six years, however, our organization has a long way to go to further ensure the safety of our officers and the community; thereby resulting in the need to look for additional resources to protect our officers and better serve our citizens. Due to reductions in staff and the economic downturn, rebuilding our organization to meet public need has been a slow process; however, small successes are occurring. Although the City of Fresno's General Fund didn't allow for the increase in officer positions; the attrition rate for sworn personnel within our organization has drastically increased and will continue for years to come in light of the economic downturn that is lurking. Meaning there is a hope that there will be a significant increase in the number of new officers in the field than in years past. Although over the past few years our workforce saw an increase, there is a large gap in the number of seasoned officers and rookies creating a disparity of law enforcement knowledge and experience among our ranks. Due to exceptional training and mentorship within our department, we hope to close the gap and harness energetic new officers. These officers will

## PROGRAM NARRATIVE

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JAG 2020

allow us to continue our focused policing strategies on gang eradication, proactive enforcement, and prevention efforts. Coupled with support from our community, we can curb the uptick in criminal activity on our streets.

Like other law enforcement agencies, we are facing challenges brought on by current economic conditions and new legislation in place to relieve the stress on California's prison system. As a result, we have had to implement significant organizational changes to meet community needs with fewer resources. Priorities have been modified, staff members have been reassigned, and department operations have been restructured. These economic constraints, combined with other issues, such as parole reform and the early release of prisoners, have required us to focus our resources on our highest priority duties. Funding priorities surround the need to augment existing programs with equipment, supplies and services to ensure that these programs are a success.

The Office of the Sheriff is responsible for the apprehension of criminal suspects for crimes committed in the unincorporated areas of Fresno County, providing judicial protection, bailiff services, public screening, court security and the operation of jail facilities for the County. Criminal justice programs have become increasingly dependent on the award of grant funds to augment many basic law enforcement needs. As State and Federal funds continue to decline, local agencies struggle to fund law enforcement programs related to criminal justice. The lack of funding for law enforcement equipment becomes a greater concern for citizen and officer safety. The Edward Byrne Memorial Justice Assistance Grant (JAG) program funding will enable the Sheriff's Office to enhance law enforcement programs by augmenting equipment needs for the Explosives Ordnance Disposal (EOD) unit and to purchase equipment for ongoing Video Infrastructure Protection Program (VIPP) needs.



## PROGRAM NARRATIVE

JAG 2020

A disparity exists between the City of Fresno and the County of Fresno, as certified by the Bureau of Justice Assistance. Per a Memorandum Of Understanding (MOU) by and between the City and County of Fresno, the City of Fresno has been named fiscal agent for the purpose of this grant funding. Funding is allocated and determined by the JAG formula.

A key component of the department is fiscal responsibility and professional standards to ensure effective and timely service to the community is met while adhering to the highest industry standards of law enforcement. Fiduciary responsibilities are essential to our success. The Fresno Police Department's Grants Management Unit (GMU) oversees the fiscal, programmatic, and compliance policies/procedures associated with grant funding and local government.

### ***Funding allocated for the City of Fresno:***

The overall mission is to "enhance safety, service and trust with our community and to serve our community with honesty, compassion and respect." This becomes more challenging as local agencies have endured drastic budget cuts and staff reductions while serving in economically challenged communities. This agency continues to need equipment and supplies to combat crime and to ensure the safety of our sworn officers and the community they have vowed to protect and serve. The focus of this funding will be to augment necessary and critical safety equipment to support our law enforcement officers, reduce liability and ensure adequate equipment is available. JAG funding will fund new and replacement ballistic vests for our sworn officers, safety equipment and protective clothing for our Traffic Bureau, purchase and repair of portable radios used by our sworn personnel, operational costs for our Air Support Unit (Skywatch), unforeseen and critical operations costs for the K-9 Unit and ammunition for use by our sworn personnel during their quarterly and annual certified training.

## PROGRAM NARRATIVE

JAG 2020

Our agency has implemented a mandatory wear policy for ballistic vests and a five year life cycle for each vest as recommended by the manufacturer. Ballistic vests are a fundamental piece of equipment and when utilized can be a matter of life or death. In our current culture lethal weapons are prevalent within our society and in many cases are in the wrong hands. This extra layer of protection that a ballistic vest can provide for an officer is not only smart, but necessary. All new officers will receive a new ballistic vest that is met with current standards and fitted to the individual. Also, every officer's vest is on a documented five year life cycle and is replaced then. With 796 sworn officers, purchasing new vests occurs on a monthly basis for our department. Grant funding to augment our purchases and this program is essential to meet the demand and the needs of officers.

Riding a police motorcycle exposes the officer to environmental hazards that are not usually experienced by those officers operating a patrol car. To combat this, we provide our motor officers, in our Traffic Bureau, with the best safety equipment available to lessen their exposure to these hazards. Our motorcycle officers are provided with mid-calf length, leather riding boots to protect their lower legs from road debris and vehicle fluid. Their pants are double layered riding breeches, designed to protect the wearer from road lacerations in the event of a fall. We issue an Arai law enforcement version, ¾ motorcycle helmet that is both DOT and SNELL compliant. Also provided to each motorcycle officers is a pair of leather riding gloves that are designed to protect the officer's hands in the event of an unintended dismount. Our cold weather gear consists of both a leather jacket as well as a nylon jacket. The nylon jacket comes equipped with Kevlar panels sewn into the back, elbows, and shoulders. Although these panels are not designed to be bullet resistant, they are designed to protect against serious injury if the rider comes in contact with the roadway. The designed thickness of the leather jacket is such

## PROGRAM NARRATIVE

JAG 2020

that it accomplishes the same task as the nylon jacket's ballistic panels. Lastly, each officer is issued a pair of cold weather gloves to protect the officers' hands from the winter environment. We realize that it is impossible to completely protect a motorcycle officer from the inherent hazards he or she faces when riding a police motorcycle, but by providing this safety equipment we hope to decrease the chances of serious injury.

Another crucial piece of equipment that officers rely on daily is a portable radio. These communication devices are the officer's life line when handling calls for service, special tactical operations, and virtually any function that a police officer is responsible for. Without this vital piece of equipment, the ability to conduct their day to day activities safely and efficiently would be impossible. Funding for new radios, parts to maintain existing radios, and accessories are essential and a top priority for our agency.

JAG funding is also being requested for our Air Support Unit, named "Skywatch" to provide operational costs in order to conduct patrol, special surveillance, photo missions, site surveys; which include homeland security operatives and tactical flight operations. Fuel costs have drastically increased and costs to operate Skywatch have exceeded existing resources. The helicopter parts and repair costs are fairly expensive, due to the nature of the equipment. Budget reductions in funding for this unit will not cover all of the costs of operations and maintenance, therefore a need for grant augmentation exists.

The Fresno Police Department's K-9 Unit typically incurs costs that are unforeseen and/or over existing resources allocated within general fund dollars. Grant funding will allow for those unanticipated and additional operational costs; such as purchase new dogs for the replacement of aging or retiring canines, veterinary costs, feed and/or professional services

## PROGRAM NARRATIVE

JAG 2020

as needed. Resources such as our Air Support Unit and K-9 Unit are vital to our organization and our overall mission.

The Fresno Police Department is certified by the State of California's Commission on Peace Officer Standards & Training (POST) to present over 40 courses to law enforcement statewide. Many of our courses are offered in conjunction with the Fresno City College Police Academy. The Fresno Police Department Training Unit and state-of-the-art Regional Training Center provides on an average, 40,000 hours of tactical and safe emergency vehicle operations training to department members on an annual basis. Half of these hours utilize tactical training along with a live fire range training component to better enhance firearm operations and tactics for our department members. Statistics have shown that firearm skills are perishable and only through repetitive and enhanced training can you sustain these skills. The purchase of ammunition will ensure our department members viable sustainability of these fundamental skills. Funding for ammunition will enhance the safety of our officers as they participate in ongoing police training to include qualifications, perishable skills training, and special unit training. All members of the agency must demonstrate proficiency with each weapon issued, prior to being authorized to carry the weapon in the field. This is a critical safety training component for all sworn officers.

Both agencies have acknowledged the mandated NIBRS compliance carve out and will be dedicating funding to move both the Fresno Police Department and the Fresno County Sheriff's Office towards NIBRS compliance and state certification.

***Funding allocated for the County of Fresno:***



## PROGRAM NARRATIVE

JAG 2020

The Fresno County Sheriff-Coroner's Office-Public Administrator's Office is a full Service Law Enforcement Agency with a tradition of providing professional law enforcement services to the people of Fresno County including both metropolitan and rural policing. The varied law enforcement services includes patrol, investigations, crime scene evaluation, emergency and disaster operation management, search and rescue operations, prevention and intervention programs, court services, detention and rehabilitation programs. The Sheriff is the Mutual Aid Coordinator for all law enforcement agencies within Fresno County as well as for the Central Valley region of Office of Emergency Services (OES).

The Sheriff's Office operates five substations and three detention facilities that house and care for a maximum population of 3,291 inmates. The Sheriff's Office delivers field services to county residents from four rural substations, which utilize Community Oriented Policing methods to better serve the community. The Coroner is mandated to determine manner and cause of death; to inquire into the circumstances of unusual or unattended deaths; homicides, suicides and accidental deaths; deaths due to contagious disease; deaths in prisons or jails and state mental facilities; to identify the deceased and notify next of kin; and to act as the County burial authority in burying the indigent or abandoned dead. The Public Administrator is legally mandated to serve in a fiduciary capacity to provide professional estate management and making final arrangements for Fresno County residents who die without a will or any known relatives able or willing to act on the decedent's behalf to manage and resolve the estate.

Criminal justice programs have become increasingly dependent on the award of grant funds to augment many basic law enforcement needs. As State and Federal funds continue to decline, local agencies struggle to fund law enforcement programs related to criminal justice.

## PROGRAM NARRATIVE

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### JAG 2020

The lack of funding for law enforcement equipment becomes a greater concern for citizen safety as well as officer safety.

A portion of the 2020 JAG grant funds will be utilized for upgrading explosive mitigation equipment to maintain the required expertise needed for the Sheriff's Explosive Ordnance Disposal (EOD) Unit to work in the Homeland Security environment.

The remainder of the 2020 JAG grant funds will be utilized to augment the Fresno County Sheriff Office's Video Infrastructure Protection Program (VIPP). The VIPP is a multi-functional video system that has been developed and installed to provide enhanced law enforcement video surveillance capabilities for both critical infrastructure within Fresno County as well as to supplement high profile sites needing law enforcement presence, such as high use recreational areas, designated high crime locations and target specific locations. Funds will be utilized to expand video protection to high risk facilities and resources that are determined to be critical infrastructure.

### **PROJECT DESIGN AND IMPLEMENTATION**

Due to the recent changes in the Legislation in the criminal justice realm, local law enforcement agencies have had to readjust their focus and priorities as it relates to crime fighting strategies all while ensuring the community's safety and trust. Over the last several years, the Fresno Police Department has implemented and enhanced several advisory boards, including but not limited to the Bringing Broken Neighborhoods Back to Life, Police Chief's Advisory Board, Youth Advisory Council, Citizen's Police Academy, Teen Police Academy, Hispanic Residents Academy and most recently the Hmong Residents Academy. The participants in these groups are all civilian members of our community (both city and county) and serve many different facets from faith-based, community based or for personal knowledge.

## PROGRAM NARRATIVE

JAG 2020

The main goal of these groups is to ensure that we are meeting the needs of our community by focusing on community based policing efforts in promoting and building relationships to enhance officer and public safety. Both sworn and non-sworn department members attend these meetings with the mission of educating and informing the public about how officers do their jobs, why certain equipment and tactics are used, how agencies develop policies and procedures, and how the community can help make their city safe. It is the intent of the Fresno Police Department to continue to engage the community in our crime fighting strategies and seek solutions to reducing crime in our neighborhoods.

The meetings have enabled both the Fresno Police Department and the Fresno County Sheriff's Office to develop and prioritize our funding strategies to ensure we do our best serving the communities utilizing the funding from JAG 2020 in the most efficient manner.

### **CAPABILITIES AND COMPETENCIES**

Acting as the Fiscal Agent, per MOU and agreed to by all parties, is the City of Fresno Police Department's Grants Management Unit (GMU). The Fresno Police Department is the largest agency in this area and is a professional organization that prides itself on delivering the highest level of quality service and protection to the community. The Department is organized into four divisions with all divisions commanded by a Deputy Chief and management support staff under their direction. The divisions are: Administrative Services Division, Support and Special Services Division, Patrol Division, and Investigations Division. The Grants Management Unit, under the Administrative Services Division, is managed by a Business Manager and employs a Management Analyst II. They are responsible for all oversight of department's grant related activities, and understand the fiduciary responsibility associated with federal, state and local funding. The Unit has participated in several audits over the years to demonstrate

## PROGRAM NARRATIVE

JAG 2020

transparency and accountability for those funds. This Unit will provide the mechanism for separate tracking and reporting of grant expenditures, receivables and ensure timely reporting. Systems are in place to track grant projects separately from general fund expenses and manage subrecipient funding. The Unit currently manages over 20 active grant projects and works closely with the City of Fresno's Budget and Management Office as well as Personnel Services to stay compliant with all grant regulations.

### **PLAN FOR COLLECTING THE DATA REQUIRED OF THIS SOLICITATION'S PERFORMANCE MEASURES:**

In an effort to adequately supply data for the project activities of this grant, we will utilize Universal Crime Reports (UCR) data, department initiated crime analysis and any other necessary means to provide accurate data in a timely fashion. Once the Fresno Police Department has been certified National Incident Based Reporting System (NIBRS) compliant, we will transition all of our crime statistics and data reporting to NIBRS. We anticipate this occurring in late 2020. The conversion of our Records Management System (RMS) took place in September 2019. The responsibility of compiling all data and entering it into the Bureau of Justice Assistance (BJA) Performance Measurement Tool (BMT) will rest on the Business Manager in the GMU. With the recent change and roll-out of the Justice Assistance Grant Performance Accountability Measures, both the Fresno Police Department and the Fresno Sheriff's Office have had experience with completing this data entry. All data will be vetted through our internal controls to ensure accuracy.

As law enforcement operations costs increase, local funding resources decline, leaving many necessary resources without financial support. Local law enforcement agencies are economically challenged to find the resources to fund basic tools and equipment necessary in



## PROGRAM NARRATIVE

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JAG 2020

daily operations. This project funding will assist the City and County of Fresno in their shared dedication and determination to make our community safer for its residents.

## BUDGET NARRATIVE

JAG 2020

A. Personnel – N/A

B. Fringe Benefits – N/A

C. Travel – N/A

D. Equipment - N/A

E. Supplies - \$258,818

Ammunition purchases will ensure that Fresno Police Department members have the equipment necessary to sustain the required skills through adequate training. The Training Unit provides on average 55,000 hours of tactical training to sworn department members on an annual basis. During half of these hours, they participate in tactical training utilizing live fire range simulations to enhance firearm usage, accuracy and safety for all sworn officers and members of the community. Statistics have shown that shooting is a perishable skill that requires repetitive and periodic training to maintain this skill. The purchase of ammunition will ensure our department members have the equipment necessary to maintain these skills. Ammunition will be utilized to conduct ongoing police training for our officers including qualifications, perishable skills training, special unit training, and SWAT tactical training.

**Total Cost for Ammunition - \$22,057**

Safety equipment and/or supplies are needed to continue to support officers working in special units such as Special Weapons And Tactics (SWAT), Traffic Bureau, Bicycle Patrol, Mobile Field Force (MFF), Explosive Ordnance Disposal (EOD) Unit, and Special Response Teams (SRT). This may include safety equipment such as tactical vests, motorcycle helmets, protective equipment, weapons and accessories. Not only does this equipment allow officers to conduct

## BUDGET NARRATIVE

JAG 2020

their assigned duties, but it provides them with the tools to enhance their capabilities in a safe and effective manner. The Fresno Police Department's Traffic Bureau officers require specialized uniforms and boots for their safety when operating their police issued motorcycle. These uniforms are different than and in addition to the uniforms worn by patrol officers. The cost of these uniforms are not part of the city's budget nor part of the officer's uniform allowance, but are essential safety equipment for those officers that are assigned a motorcycle. JAG funding allows our Department to provide essential safety equipment to those officers assigned to special units that is not budgeted in the City's general fund.

**Total Cost for Safety Equipment - \$12,372**

The Air Support Unit or "Skywatch" patrol was at risk of being grounded this next fiscal year without additional funding to support their services. However, with various outside resources, such as JAG funding we will be able to continue the use of our air patrol to assist officers on the ground with daily coverage. The funding will provide maintenance and operations costs in order to conduct patrol, special surveillance operations, photo missions, and site surveys of incidents. Fuel costs have drastically increased recently and costs to operate Skywatch has exceeded existing resource capabilities to financially sustain the program without additional support. It may be necessary to purchase or repair other parts for our Forward Looking Infrared (FLIR) devices on each helicopter. The FLIR is a "heat-seeking device" the helicopter observer uses to track suspects on the ground from the air. Helicopter parts are expensive, and are increasing due to the technology and nature of the equipment needed.

**Total Cost for Skywatch Operations - \$95,700**

## BUDGET NARRATIVE

JAG 2020

Funding for our ballistic vest program is also being requested. Our agency has implemented a mandatory wear policy for ballistic vests and a five-year life cycle for each vest as recommended by the manufacturer. Ballistic vests are a fundamental piece of equipment and whether utilized or not can be a matter of life or death. All new officers will receive a new ballistic vest that meets current standards and is fitted to the individual. Also, every officer's vest is on a documented five year life cycle and is replaced then. Grant funding will be utilized to augment current funding for this program and is essential to meet the demand and the needs of officers.

**Total Cost for Ballistic Vests - \$35,000**

Another crucial piece of equipment that officers rely on daily is a portable radio. These communication devices are the officer's life-line when handling calls for service, special tactical operations, and virtually any function that a police officer is responsible for. Without this vital piece of equipment, the ability to conduct their day-to-day activities safely and efficiently would be impossible. Funding for new radios, parts to maintain existing radios, and accessories are essential and a top priority for our agency.

**Total Cost of Radio Equipment - \$12,000**

A significant portion of this funding will enable the Fresno County Sheriff-Coroner's Office to enhance law enforcement programs to upgrade safety equipment and supplies for the EOD Unit and supplies for the Video Infrastructure Protection Program (VIPPP). This funding will allow the EOD Unit to work in the Homeland Security environment to conduct law enforcement operations within the United States. None of the funds will be expended for explosives. The



## BUDGET NARRATIVE

JAG 2020

EOD Unit conducts training on a regular basis, which requires the use of a variety of safety equipment to maintain the required expertise. The Fresno Sheriff-Coroner's Office provides tactical response assistance to most of the agencies within the county as well as other agencies outside the county. The upgrading of equipment is an ongoing endeavor needed to insure the safe and efficient operation of this unit in a manner that provides protection and security to the public.

**Total Cost of EOD Unit Equipment and Supplies - \$11,689**

The County of Fresno will utilize funding to augment the Video Infrastructure Protection Program (VIPP) to purchase cameras, radios, related technical equipment and installation costs in order to expand the functional use of the video system for the VIPP Program. The VIPP is a multi-functional video system that has been developed and installed to provide enhanced law enforcement video surveillance capabilities for critical infrastructure within Fresno County (dams, power facilities, government buildings, major agriculture sites, etc.). VIPP will also serve to supplement high profile sites needing law enforcement presence, such as high use recreational areas, designated high crime locations and target specific locations.

**Total Cost for Video Infrastructure Protection Program - \$70,000**

**F. Construction – N/A**

**G. Consultant/Contracts – N/A**

**H. Other - \$21,406**

Unfortunately, many of our existing canines are reaching an age of retirement and will need to be replaced. These funds will allow for the replacement of a police canine and the necessary training to prepare the dog and handler for patrol operations and training updates. Patrol canines

## BUDGET NARRATIVE

### JAG 2020

Typically incur costs that are unforeseen and are over existing resources, therefore additional operational costs, such as veterinary costs, feed and professional services may be needed.

#### **Total Cost of Police Canine - \$13,000**

As per the mandatory carve out identified in the application, we intend to utilize funding for training purposes associated with NIBRS compliance. In 2017, the Fresno Police Department entered into a partnership with Axon Enterprises, Inc. to develop a cloud-based Records Management System (RMS), to replace our antiquated Data 911 technology. Significant progress has been made to date and we are in the testing phase of the project. The new RMS system went live for all personnel in September 2019 catapulting our agency into a technology rich RMS environment that will enable the department to integrate with NIBRS reporting seamlessly, ensuring our compliance before the 2021 deadline. Though this system is designed to be user friendly, there will be an element of training that will be needed. We intend to use JAG funding to pay our RMS transition team consisting of sworn officers and sergeants, overtime to provide hands on instruction in the field for NIBRS entry. This team will schedule training for officers in the field according to their shift, as well as each special unit to include night detectives, day detectives, Records and Dispatch personnel shifts. Approximately 100 hours of training will be needed.

#### **Total Cost of FPD NIBRS Compliance Training - \$5,880**

The Fresno County Sheriff's Office is currently working towards NIBRS compliance with the recent purchase and implementation of a new Computer Aided Dispatch/Records Management System/Jail Management System. This new system will integrate with NIBRS reporting and start

## BUDGET NARRATIVE

JAG 2020

the certification process through the State of California. In order to do so, the mandated carve out of 3% of the County's JAG funding allocation will be utilized for hardware, software, or training costs necessary for implementation.

**Total Cost of FSO NIBRS Compliance - \$2,526**

### **I. Indirect Costs – N/A**

<b>Category</b>	<b>Budget</b>
<b>A. Personnel</b>	<b>N/A</b>
<b>B. Fringe Benefits</b>	<b>N/A</b>
<b>C. Travel</b>	<b>N/A</b>
<b>D. Equipment</b>	<b>N/A</b>
<b>E. Supplies</b>	<b>\$258,818</b>
<b>F. Construction</b>	<b>N/A</b>
<b>G. Consultants/Contracts</b>	<b>N/A</b>
<b>H. Other</b>	<b>\$21,406</b>
<b>Total Direct Costs</b>	<b>\$280,224</b>
<b>I. Indirect Costs</b>	<b>N/A</b>
<b>TOTAL PROJECT COSTS</b>	<b>\$280,224</b>

## Budget Detail - Year 1

Does this budget contain conference costs which is defined broadly to include meetings, retreats, seminars, symposia, and training activities? - Y/N

(DOJ Financial Guide, Section 3.10)

### A. Personnel

Name	Position	Computation						
List each name, if known.	List each position, if known.	Show annual salary rate & amount of time devoted to the project for each name/position.						
		Salary	Rate	Time Worked (# of hours, days, months, years)	Percentage of Time	Total Cost	Non-Federal Contribution	Federal Request
						\$0		\$0
<b>Total(s)</b>						<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

### Narrative



<b>B. Fringe Benefits</b>					
<b>Name</b> <i>List each grant-supported position receiving fringe benefits.</i>	<b>Computation</b> <i>Show the basis for computation.</i>				
	<b>Base</b>	<b>Rate</b>	<b>Total Cost</b>	<b>Non-Federal Contribution</b>	<b>Federal Request</b>
			\$0		\$0
<b>Total(s)</b>			<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Narrative</b>					

Purpose Area #4

C. Travel										
Purpose of Travel	Location	Type of Expense	Basis	Computation						
<i>Indicate the purpose of each trip or type of trip (training, advisory group meeting)</i>	<i>Indicate the travel destination.</i>	<i>Lodging, Meals, Etc.</i>	<i>Per day, mile, trip, Etc.</i>	<i>Compute the cost of each type of expense X the number of people traveling.</i>						
				Cost	Quantity	# of Staff	# of Trips	Total Cost	Non-Federal Contribution	Federal Request
			N/A					\$0		\$0
<b>Total(s)</b>								<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Narrative</b>										

D. Equipment					
Item		Computation			
List and describe each item of equipment that will be purchased		Compute the cost (e.g., the number of each item to be purchased X the cost per item)			
	# of Items	Unit Cost	Total Cost	Non-Federal Contribution	Federal Request
			\$0		\$0
Total(s)			\$0	\$0	\$0
Narrative					

Purpose Area #4

<b>E. Supplies</b>					
<b>Supply Items</b>	<b>Computation</b>				
<i>Provide a list of the types of items to be purchased with grant funds.</i>	<i>Describe the item and the compute the costs. Computation: The number of each item to be purchased X the cost per item.</i>				
	<b># of Items</b>	<b>Unit Cost</b>	<b>Total Cost</b>	<b>Non-Federal Contribution</b>	<b>Federal Request</b>
Supplies to support the Video Infrastructure Program: storage	2	\$5,310.00	\$10,620		\$10,620
Supplies to support the Video Infrastructure Program: data connection	6	\$1,452.00	\$8,712		\$8,712
Supplies to support the Video Infrastructure Protection Program: Catalyst switch	5	\$706.70	\$3,534		\$3,534
Supplies to support the Video Infrastructure Program: Netgear Prosafe switch	4	\$123.28	\$494		\$494
Supplies to support the Video Infrastructure Program: Pelco OBC pendants	4	\$737.45	\$2,950		\$2,950
Supplies to support the Video Infrastructure program: Tripp life	5	\$62.44	\$313		\$313
Supplies to support the Video Infrastructure Program: Keyconnect patch	4	\$913.19	\$3,653		\$3,653
Supplies to support the Video Infrastructure Program: Duplex mode 2 meter	12	\$27.31	\$328		\$328
Supplies to support the Video Infrastructure Program: mimi-GBIC transceiver	3	\$1,540.67	\$4,623		\$4,623
Supplies to support the Video Infrastructure Program: camera pole	8	\$1,608.00	\$12,864		\$12,864
Supplies to support the Video Infrastructure Program: camera	8	\$1,608.00	\$12,864		\$12,864
Supplies to support the Video Infrastructure Program: electrical boxes	5	\$547.68	\$2,739		\$2,739
Supplies to support the Video Infrastructure Program: Ethernets	4	\$709.03	\$2,837		\$2,837
Supplies to support the Video Infrastructure Program: Optical communications	4	\$867.23	\$3,469		\$3,469
Supplies to support the EOD unit - FSO	1	\$11,689.00	\$11,689		\$11,689
<b>Total(s)</b>			<b>\$81,689</b>	<b>\$0</b>	<b>\$81,689</b>
<b>Narrative</b>					



#### Purpose Area #4

A portion of the grant funds will be utilized in support of the ongoing Video Infrastructure Protection Program, a multi-functional video system that has been developed and installed to provide enhanced law enforcement video surveillance capabilities for both critical infrastructure within Fresno County as well as to supplement high profile sites needing law enforcement presence, such as high use recreational areas, designated high crime locations and target specific location. The parts listed above are representative of the parts that have been ordered and installed over the last several months and years to fund the VIPP project. The need will vary on the area to be serviced and any repairs necessary on the existing equipment. The remainder of the grant funds will be utilized to purchase safety equipment, supplies and tools for Explosive Ordnance Disposal (EOD) Unit's continued use in identifying, rendering safe and/or disposing of materials encountered for both criminal and non-criminal responsibilities.

<b>F. Construction</b>						
<b>Purpose</b> <i>Provide the purpose of the construction</i>	<b>Description of Work</b> <i>Describe the construction project(s)</i>	<b>Computation</b> <i>Compute the costs (e.g., the number of each item to be purchased X the cost per item)</i>				
		<b># of Items</b>	<b>Cost</b>	<b>Total Cost</b>	<b>Non-Federal Contribution</b>	<b>Federal Request</b>
				\$0		\$0
<b>Total(s)</b>				<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Narrative</b>						

**G. Subawards (Subgrants)**

Description	Purpose	Consultant?			
<i>Provide a description of the activities to be carried out by subrecipients.</i>	<i>Describe the purpose of the subaward (subgrant)</i>	<i>Is the subaward for a consultant? If yes, use the section below to explain associated travel expenses included in the cost.</i>			
			<b>Total Cost</b>	<b>Non-Federal Contribution</b>	<b>Federal Request</b>
					\$0
<b>Total(s)</b>			<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Consultant Travel (if necessary)**

Purpose of Travel	Location	Type of Expense	Computation					
<i>Indicate the purpose of each trip or type of trip (training, advisory group meeting)</i>	<i>Indicate the travel destination.</i>	<i>Hotel, airfare, per diem</i>	<i>Compute the cost of each type of expense X the number of people traveling.</i>					
			<b>Cost</b>	<b>Duration or Distance</b>	<b># of Staff</b>	<b>Total Cost</b>	<b>Non-Federal Contribution</b>	<b>Federal Request</b>
						\$0		\$0
<b>Total</b>						<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Narrative**

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**H. Procurement Contracts**

Description	Purpose	Consultant?			
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Purpose Area #4

<i>Provide a description of the products or services to be procured by contract and an estimate of the costs. Applicants are encouraged to promote free and open competition in awarding contracts. A separate justification must be provided for sole source procurements in excess of the Simplified Acquisition Threshold (currently \$150,000).</i>		<i>Describe the purpose of the contract</i>		<i>Is the subaward for a consultant? If yes, use the section below to explain associated travel expenses included in the cost.</i>				
					<b>Total Cost</b>	<b>Non-Federal Contribution</b>	<b>Federal Request</b>	
							\$0	
				<b>Total(s)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	
<b>Consultant Travel (if necessary)</b>								
<b>Purpose of Travel</b> <i>Indicate the purpose of each trip or type of trip (training, advisory group meeting)</i>	<b>Location</b> <i>Indicate the travel destination.</i>	<b>Type of Expense</b> <i>Hotel, airfare, per diem</i>	<b>Computation</b> <i>Compute the cost of each type of expense X the number of people traveling.</i>					
			<b>Cost</b>	<b>Duration or Distance</b>	<b># of Staff</b>	<b>Total Cost</b>	<b>Non-Federal Contribution</b>	<b>Federal Request</b>
						\$0		\$0
						<b>Total</b>	\$0	\$0
<b>Narrative</b>								
<b>I. Other Costs</b>								
<b>Description</b> <i>List and describe items that will be paid with grants funds (e.g. rent, reproduction, telephone, janitorial, or security services, and investigative or confidential funds).</i>		<b>Computation</b> <i>Show the basis for computation</i>						

Purpose Area #4

	Quantity	Basis	Cost	Length of Time	Total Cost	Non-Federal Contribution	Federal Request
Hardware, Software, trainings for NIBRS compliance - FSO	1	each	\$2,526.00	1	\$2,526		\$2,526
Total(s)					\$2,526	\$0	\$2,526
Narrative							
The Fresno County Sheriff's Department will purchase hardware and software and training costs necessary for implementation.							



**J. Indirect Costs**

<b>Description</b> <i>Describe what the approved rate is and how it is applied.</i>	<b>Computation</b> <i>Compute the indirect costs for those portions of the program which allow such costs.</i>				
	<i>Base</i>	<i>Indirect Cost Rate</i>	<i>Total Cost</i>	<i>Non-Federal Contribution</i>	<i>Federal Request</i>
			\$0		\$0
		<i>Total(s)</i>	\$0	\$0	\$0
<b>Narrative</b>					

## Budget Detail - Year 2

Does this budget contain conference costs which is defined broadly to include meetings, retreats, seminars, symposia, and training activities? - Y/N

[\(DOJ Financial Guide, Section 3.10\)](#)

### A. Personnel

Name	Position	Computation						
List each name, if known.	List each position, if known.	Show annual salary rate & amount of time devoted to the project for each name/position.						
		Salary	Rate	Time Worked (# of hours, days, months, years)	Percentage of Time	Total Cost	Non-Federal Contribution	Federal Request
						\$0		\$0
<b>Total(s)</b>						<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

### Narrative

<b>B. Fringe Benefits</b>						
<b>Name</b> <i>List each grant-supported position receiving fringe benefits.</i>		<b>Computation</b> <i>Show the basis for computation.</i>				
		<b>Base</b>	<b>Rate</b>	<b>Total Cost</b>	<b>Non-Federal Contribution</b>	<b>Federal Request</b>
				\$0		\$0
<b>Total(s)</b>				<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Narrative</b>						

Purpose Area #4

C. Travel										
Purpose of Travel	Location	Type of Expense	Basis	Computation						
<i>Indicate the purpose of each trip or type of trip (training, advisory group meeting)</i>	<i>Indicate the travel destination.</i>	<i>Lodging, Meals, Etc.</i>	<i>Per day, mile, trip, Etc.</i>	<i>Compute the cost of each type of expense X the number of people traveling.</i>						
				Cost	Quantity	# of Staff	# of Trips	Total Cost	Non-Federal Contribution	Federal Request
			N/A					\$0		\$0
<b>Total(s)</b>								<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Narrative</b>										

D. Equipment					
Item		Computation			
List and describe each item of equipment that will be purchased		Compute the cost (e.g., the number of each item to be purchased X the cost per item)			
	# of Items	Unit Cost	Total Cost	Non-Federal Contribution	Federal Request
			\$0		\$0
Total(s)			\$0	\$0	\$0
Narrative					



<b>E. Supplies</b>					
<b>Supply Items</b>	<b>Computation</b>				
<i>Provide a list of the types of items to be purchased with grant funds.</i>	<i>Describe the item and then compute the costs. Computation: The number of each item to be purchased X the cost per item.</i>				
	<b># of Items</b>	<b>Unit Cost</b>	<b>Total Cost</b>	<b>Non-Federal Contribution</b>	<b>Federal Request</b>
Ammunition/Taser Cartridges	1	\$22,057.00	\$22,057		\$22,057
Ballistic Vests (Sworn Officers)	39	\$897.43	\$35,000		\$35,000
Operational Costs for Skywatch parts: Lip Seals	15	\$256.34	\$3,846		\$3,846
Operational Costs for Skywatch parts: Thrust bolts	23	\$274.48	\$6,314		\$6,314
Operational Costs for Skywatch parts: Pressure Switch	2	\$1,691.14	\$3,383		\$3,383
Operational Costs for Skywatch parts: Brearing assembly	5	\$571.33	\$2,857		\$2,857
Operational Costs for Skywatch parts: Fan assembly	1	\$3,978.00	\$3,978		\$3,978
Operational Costs for Skywatch parts: Dynamic Exchange	1	\$14,009.00	\$14,009		\$14,009
Operational Costs for Skywatch parts: Tail Rotor gearbox	1	\$14,009.00	\$14,009		\$14,009
Operational Costs for Skywatch parts: O-Rings	100	\$12.46	\$1,246		\$1,246
Operational Costs for Skywatch parts: Nuts	60	\$17.23	\$1,034		\$1,034
Operational Costs for Skywatch parts: Ring Sealing Statics	150	\$4.03	\$605		\$605
Operational Costs for Skywatch parts: Ball bearings	3	\$1,120.99	\$3,363		\$3,363
Operational Costs for Skywatch parts: Roller bearing	1	\$7,634.81	\$7,635		\$7,635
Operational Costs for Skywatch parts: Expansion Valve	4	\$224.39	\$898		\$898
Operational Costs for Skywatch parts: Sheath, balls	4	\$1,022.16	\$4,089		\$4,089
Operational Costs for Skywatch parts: Hot Air Valve	1	\$3,140.99	\$3,141		\$3,141
Operational Costs for Skywatch parts: Filter	10	\$584.49	\$5,845		\$5,845

## Purpose Area #4

Operational Costs for Skywatch parts: Coupling Assembly	2	\$2,204.49	\$4,409		\$4,409
Operational Costs for Skywatch parts: Compressor Assembly	2	\$2,079.81	\$4,160		\$4,160
Operational Costs for Skywatch parts: Rotor brake disc	2	\$2,140.09	\$4,281		\$4,281
Operational Costs for Skywatch parts: Rod clip assembly	8	\$95.69	\$766		\$766
Operational Costs for Skywatch parts: Blade assembly	1	\$3,671.42	\$3,672		\$3,672
Operational Costs for Skywatch parts: Screws	225	\$3.39	\$763		\$763
Operational Costs for Skywatch parts: Bolts	226	\$2.25	\$509		\$509
Operational Costs for Skywatch parts: Washers	120	\$0.31	\$38		\$38
Operational Costs for Skywatch parts: Flexible coupling	8	\$49.45	\$396		\$396
Operational Costs for Skywatch parts: Spring	25	\$18.13	\$454		\$454
Safety equipment: motor breeches	7	\$279.00	\$1,953		\$1,953
Safety equipment: motor boots	7	\$408.00	\$2,856		\$2,856
Safety equipment: riding gloves	30	\$51.62	\$1,549		\$1,549
Safety equipment: leather coats	5	\$401.60	\$2,008		\$2,008
Safety equipment: stryke pants	11	\$65.70	\$723		\$723
Safety equipment: motor winter gloves	7	\$169.00	\$1,183		\$1,183
Safety equipment: motor safety jackets	7	\$300.00	\$2,100		\$2,100
Radio equipment: batteries	61	\$94.00	\$5,734		\$5,734
Radio equipment: charging stations	30	\$79.00	\$2,370		\$2,370
Radio equipment: holsters	30	\$48.00	\$1,440		\$1,440
Radio equipment: mics	30	\$81.86	\$2,456		\$2,456

Purpose Area #4

		Total(s)	\$177,129	\$0	\$177,129
Narrative					
<p>Funds will be used to provide ammunition to Fresno Police Department sworn personnel for required weapon training, including qualifications, perishable skills training, special unit training and SWAT tactical training. Operational costs for our Air Support Unit, known as Sky Watch will include parts and maintenance for the helicopters in order to conduct patrol, special surveillance operations, photo missions, and site surveys of incidents. The parts listed are representative of the parts that have been ordered for the SkyWatch helicopter over the last year. The parts will vary depending on the need. Special Unit safety equipment for the Traffic Bureau Motor Officers will include boots, leather coats, safety safety jackets, gloves, stryke pants and other items necessary for their safety. As a part of our 5 year replacement policy, funding will be used to augment the current need for replacement ballistic vest for our sworn officers. We have a current mandatory wear policy in effect as well. Funding will also be used to maintain our portable radios issued to members that rely on this form of communication for their day to day assignment. Accessories for these radios will include batteries, shoulder microphones, holsters and charging stations.</p>					

<b>F. Construction</b>						
<b>Purpose</b> <i>Provide the purpose of the construction</i>	<b>Description of Work</b> <i>Describe the construction project(s)</i>	<b>Computation</b> <i>Compute the costs (e.g., the number of each item to be purchased X the cost per item)</i>				
		<b># of Items</b>	<b>Cost</b>	<b>Total Cost</b>	<b>Non-Federal Contribution</b>	<b>Federal Request</b>
				\$0		\$0
<b>Total(s)</b>				<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Narrative</b>						

G. Subawards (Subgrants)									
Description		Purpose		Consultant?					
Provide a description of the activities to be carried out by subrecipients.		Describe the purpose of the subaward (subgrant)		Is the subaward for a consultant? If yes, use the section below to explain associated travel expenses included in the cost.					
						Total Cost	Non-Federal Contribution	Federal Request	
								\$0	
Total(s)						\$0	\$0	\$0	
Consultant Travel (if necessary)									
Purpose of Travel		Location		Type of Expense		Computation			
Indicate the purpose of each trip or type of trip (training, advisory group meeting)		Indicate the travel destination.		Hotel, airfare, per diem		Compute the cost of each type of expense X the number of people traveling.			
				Cost	Duration or Distance	# of Staff	Total Cost	Non-Federal Contribution	Federal Request
							\$0		\$0
Total						\$0	\$0	\$0	
Narrative									
H. Procurement Contracts									
Description		Purpose		Consultant?					



Purpose Area #4

<i>Provide a description of the products or services to be procured by contract and an estimate of the costs. Applicants are encouraged to promote free and open competition in awarding contracts. A separate justification must be provided for sole source procurements in excess of the Simplified Acquisition Threshold (currently \$150,000).</i>		<i>Describe the purpose of the contract</i>		<i>Is the subaward for a consultant? If yes, use the section below to explain associated travel expenses included in the cost.</i>					
						<b>Total Cost</b>	<b>Non-Federal Contribution</b>	<b>Federal Request</b>	
								\$0	
<b>Total(s)</b>						<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	
<b>Consultant Travel (if necessary)</b>									
<b>Purpose of Travel</b> <i>Indicate the purpose of each trip or type of trip (training, advisory group meeting)</i>		<b>Location</b> <i>Indicate the travel destination.</i>		<b>Type of Expense</b> <i>Hotel, airfare, per diem</i>		<b>Computation</b> <i>Compute the cost of each type of expense X the number of people traveling.</i>			
				<b>Cost</b>	<b>Duration or Distance</b>	<b># of Staff</b>	<b>Total Cost</b>	<b>Non-Federal Contribution</b>	<b>Federal Request</b>
							\$0		\$0
<b>Total</b>							\$0	\$0	\$0
<b>Narrative</b>									
<b>I. Other Costs</b>									
<b>Description</b> <i>List and describe items that will be paid with grants funds (e.g. rent, reproduction, telephone, janitorial, or security services, and investigative or confidential funds).</i>				<b>Computation</b> <i>Show the basis for computation</i>					

## Purpose Area #4

	<i>Quantity</i>	<i>Basis</i>	<i>Cost</i>	<i>Length of Time</i>	<i>Total Cost</i>	<i>Non-Federal Contribution</i>	<i>Federal Request</i>
K-9 Unit Operational Costs/New K-9 and Training	1	ea	\$13,000.00	1	\$13,000		\$13,000
Training for NIBRS Compliance - FPD (sworn and civilian personnel)	1	ea	\$58.80	100	\$5,880		\$5,880
<i>Total(s)</i>					<b>\$18,880</b>	<b>\$0</b>	<b>\$18,880</b>
<i>Narrative</i>							
Funding will allow for the replacement of a police canine and the necessary training to prepare the dog and handler for patrol operations. Patrol canines typically incur costs that are unforeseen and are over existing resources, therefore additional operational costs, such as veterinary costs, feed and professional services may be needed. It is anticipated the Fresno Police Department will be NIBRS compliant within the next 3-4 months, in advance of the 2021 deadline. With that, the RMS Transisition Team consisting of sworn officers and sergeants within the Fresno Police Department will conduct NIBRS reporting training to patrol officers and well as the detectives assigned to special units; and the civilian personnel (Records and Dispatch) to ensure the appropriate data is being captured and reported.							

J. Indirect Costs					
Description		Computation			
Describe what the approved rate is and how it is applied.		Compute the indirect costs for those portions of the program which allow such costs.			
	Base	Indirect Cost Rate	Total Cost	Non-Federal Contribution	Federal Request
			\$0		\$0
Total(s)			\$0	\$0	\$0
Narrative					

## PROJECT IDENTIFIERS

JAG 2020

The City of Fresno and the County of Fresno have identified the following project identifiers related to this 2020 Justice Assistance Grant application and associated to the project's activities.

- Body Armor – Ballistic Resistant
- Canines
- Communications
- Equipment – Audio/Video
- Hazardous Material Safety
- Officer Safety
- Surveillance
- System Improvements

## Solicitation



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



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## Edward Byrne Memorial Justice Assistance Grant (JAG) Program Fiscal Year 2020 Local Formula Solicitation

CFDA #16.738

**Solicitation Release Date: July 9, 2020**

**Application Deadline: 11:59 p.m. eastern time on August 19, 2020**

The [U.S. Department of Justice](#) (DOJ), [Office of Justice Programs](#) (OJP), [Bureau of Justice Assistance](#) (BJA) is seeking applications for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program. This program furthers the Department's mission by assisting state, local, and tribal law enforcement efforts to prevent or reduce crime and violence.

This solicitation incorporates the [OJP Grant Application Resource Guide](#) by reference. The OJP Grant Application Resource Guide 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.**

This solicitation expressly modifies the OJP Grant Application Resource Guide by not incorporating the "Limitation on Use of Award Funds for Employee Compensation; Waiver" provision in the "Financial Information" section of the OJP Grant Application Resource Guide.

### **Eligibility**

The following entities are eligible to apply:

- Units of local government

By law, for purposes of the JAG Program, the term "units of local government" includes a town, township, village, parish, city, county, borough, or other general purpose political subdivision of a state; or, it may be a federally recognized Indian tribal government that performs law enforcement functions (as determined by the Secretary of the Interior). A unit of local government also may be any law enforcement district or judicial enforcement district established under applicable state law with authority to independently establish a budget and impose taxes; for example, in Louisiana, a unit of local government means a district attorney or parish sheriff.

Eligible allocations under JAG are posted annually on the [JAG web page](#). See the allocation determination and Units of Local Government requirements section for more information.

**Applicants with eligible allocation amounts of less than \$25,000 will apply to Category 1,**

**and applicants with eligible allocation amounts of \$25,000 or more will apply to Category 2.**

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 Management System (GMS) Support Hotline at 888-549-9901, option 3, or via email at [GMS.HelpDesk@usdoj.gov](mailto:GMS.HelpDesk@usdoj.gov). The GMS Support Hotline operates 24 hours a day, 7 days a week, including on federal holidays.

An applicant that experiences unforeseen GMS technical issues beyond its control that prevent it from submitting its application by the deadline must email the National Criminal Justice Reference Service (NCJRS) Response Center at [grants@ncjrs.gov](mailto:grants@ncjrs.gov) **within 24 hours after the application deadline** in order to request approval to submit its application after the deadline. For information on reporting technical issues, see "Experiencing Unforeseen GMS Technical Issues" under **How to Apply (GMS)** in the [OJP Grant Application Resource Guide](#).

For assistance with any other requirement of this solicitation, applicants may contact the NCJRS Response Center by telephone at 1-800-851-3420; via TTY at 301-240-6310 (hearing impaired only); by email at [grants@ncjrs.gov](mailto:grants@ncjrs.gov); by fax to 301-240-5830, or by 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. Applicants also may contact the appropriate BJA [State Policy Advisor](#).

### **Deadline details**

Applicants must register in the OJP Grants Management System (GMS) at <https://grants.ojp.usdoj.gov/> prior to submitting an application under this solicitation. All applicants must register, even those that previously registered in GMS. Select the "Apply Online" button associated with the solicitation title. All registrations and applications are due by 11:59 p.m. eastern time August 19, 2020.

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

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# Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2020 Local Solicitation CFDA #16.738

## A. Program Description

### Overview

The Edward Byrne Memorial Justice Assistance Grant (JAG) Program is the primary provider of federal criminal justice funding to states and units of local government. BJA will award JAG Program funds to eligible units of local government as described in this FY 2020 JAG Program Local Solicitation (BJA will issue a separate solicitation for states).

### Statutory Authority:

The JAG Program is authorized by Title I of Pub. L. No. 90-351 (generally codified at 34 U.S.C. 10151-10726), including subpart 1 of part E (codified at 34 U.S.C. 10151 - 10158); see also 28 U.S.C. 530C(a).

### Program-specific Information

#### Permissible uses of JAG Funds

In general, JAG funds awarded to a unit of local government under this FY 2020 solicitation may be used to provide additional personnel, equipment, supplies, contractual support, training, technical assistance, and information systems for **criminal justice**, including any one or more of the following:

- Law enforcement programs
- Prosecution and court programs
- Prevention and education programs
- Corrections and community corrections programs
- Drug treatment and enforcement programs
- Planning, evaluation, and technology improvement programs
- Crime victim and witness programs (other than compensation)
- Mental health programs and related law enforcement and corrections programs, including behavioral programs and crisis intervention teams

Additionally, JAG funds awarded to a unit of local government under this FY 2020 solicitation may be used to enforce state and local laws that establish offenses similar to offenses established in 21 U.S.C. § 801 *et seq.* and/or to improve the functioning of the **criminal justice** system, with emphasis on violent crime and serious offenders, by providing additional personnel, equipment, training, technical assistance, and information systems for the more widespread apprehension, prosecution, adjudication, detention, and rehabilitation of persons who violate these laws and to assist the victims of such crimes (other than compensation). Additional details can be found on the [JAG Resource Page](#).



Note that the statute defines “criminal justice” as “activities pertaining to crime prevention, control, or reduction, or the enforcement of the criminal law, including, but not limited to, police efforts to prevent, control, or reduce crime or to apprehend criminals, including juveniles, activities of courts having criminal jurisdiction, and related agencies (including but not limited to prosecutorial and defender services, juvenile delinquency agencies and pretrial service or release agencies), activities of corrections, probation, or parole authorities and related agencies assisting in the rehabilitation, supervision, and care of criminal offenders, and programs relating to the prevention, control, or reduction of narcotic addiction and juvenile delinquency.”

### **BJA Areas of Emphasis**

BJA recognizes that many state and local criminal justice systems currently face challenging fiscal environments and that an important, cost-effective way to relieve those pressures is to share or leverage resources through cooperation among federal, state, and local law enforcement. BJA intends to focus much of its work on addressing violent crime, enforcing firearms laws, officer safety and wellness, safe policing for safe communities, and fentanyl detection. BJA encourages each recipient of a FY 2020 JAG award to join federal law enforcement agencies across the board in addressing these challenges. Additional details on the BJA areas of emphasis can be found on the [JAG Resource Page](#).

### **Limitations on the Use of JAG Funds**

Prohibited uses of funds – JAG funds may not be used (whether directly or indirectly) for any purpose prohibited by federal statute or regulation, including those purposes specifically prohibited by the JAG Program statute as set out in [34 U.S.C. § 10152](#).

JAG funds may not be used (directly or indirectly) for security enhancements or equipment for nongovernmental entities not engaged in criminal justice or public safety. Additionally, JAG funds may not be used (directly or indirectly) to pay for any of the following items unless the BJA Director certifies that extraordinary and exigent circumstances exist making them essential to the maintenance of public safety and good order:

- Vehicles, vessels, or aircraft\*
- Luxury items
- Real estate
- Construction projects (other than penal or correctional institutions)
- Any similar matters

\*Police cruisers, police boats, and police helicopters are allowable vehicles under JAG and do not require BJA certification.

For a list of prohibited expenditures under JAG and information about requesting BJA certification for a prohibited item (including unmanned aircraft, unmanned aerial vehicles, and/or unmanned aerial systems purchases) or for examples of allowable vehicles that do not require BJA certification, refer to the JAG Prohibited Guidance section of the [JAG Resource Page](#) or the [JAG FAQs](#).

Cap on use of JAG award funds for administrative costs – Up to 10 percent of a JAG award, including up to 10 percent of any earned interest, may be used for costs associated with administering the award, which can include indirect costs.



Prohibition of supplanting: prohibition on use of JAG funds as match – JAG funds may not be used to supplant state or local funds but must be used to increase the amounts of such funds that would, in the absence of federal funds, be made available. See the [JAG FAQs](#) for examples of supplanting.

Although supplanting is prohibited, the leveraging of federal funding is encouraged.

Absent specific federal statutory authority to do so, JAG award funds may not be used as a match for other federal awards.

Other restrictions on use of JAG funds that require compliance, certification, and/or prior approval – If a unit of local government chooses to use its FY 2020 JAG funds for particular, defined types of expenditures, it must satisfy certain preconditions. Examples of items that require compliance, certification, and/or prior approval by BJA before purchase include: body-worn cameras, body armor, interoperable communications, DNA testing of evidentiary materials, uploading DNA profiles to a database, and entry of records into state repositories. Additional information, including the process to obtain prior approval and as well as a body armor and/or body-worn camera certification form, can be found on the [JAG Resource Page](#).

#### **Allocation determination and Units of Local Government requirements regarding use of JAG funds**

Eligible allocations under JAG are posted annually on the [JAG web page](#). Award allocations are determined by a four-step statutory formula. Additional information can be found on the [JAG Resource Page](#) or the [JAG Technical Report](#).

According to the JAG program statute, a “disparity” may exist between the funding eligibility of a county and its associated municipalities. See 34 U.S.C. § 10156(d)(4). Units of local government identified by BJA as disparate must select a fiscal agent that will submit a joint application for the allocation to include all disparate municipalities. A memorandum of understanding (MOU) that identifies which jurisdiction will serve as the applicant or fiscal agent for joint funds must be completed and signed by the authorized representative for each participating jurisdiction. Once an award is made, the fiscal agent will be responsible for distributing award funds to the other jurisdictions in the disparate group through subawards that include all appropriate award conditions. To verify eligibility on the [JAG web page](#), an applicant should click on its respective state and note the following regarding the state's allocation table:

- (1) Disparate units of local government are listed in shaded groups, in alphabetic order by county. Units of local government identified as disparate must select one unit of local government to submit an application on behalf of the disparate group.
- (2) Counties that have an asterisk (\*) under the “Direct Allocation” column did not submit the level of violent crime data to qualify for a direct award from BJA, but are in the disparate grouping indicated by the shaded area. The JAG legislation requires these counties to remain a partner with the local jurisdictions receiving funds and must be a signatory on the required MOU; and
- (3) Direct allocations are listed alphabetically below the shaded, disparate groupings.

**Please note that disparate jurisdictions do not need to abide by the listed individual allocations, which are provided for information only. Jurisdictions in a funding disparity are**

**responsible for determining individual amounts within the Eligible Joint Allocation and for documenting individual allocations in the MOU.**

A unit of local government that applies for and receives a FY 2020 JAG award **must note the following:**

- Trust Fund – Units of local government may draw down JAG funds either in advance or on a reimbursement basis. To draw down in advance, a trust fund must be established in which to deposit the funds. The trust fund **must** be in an interest-bearing account, unless one of the exceptions in 2 C.F.R. § 200.305(b)(8) apply. If subrecipients draw down JAG funds in advance, they also must establish a trust fund in which to deposit the funds. For additional information, see [2 C.F.R. § 200.305](#).
- Certifications and Assurances by the Chief Executive of the Applicant Government (which incorporates the 30-day governing body review requirement) – A JAG application is not complete, and a unit of local government may not access award funds, unless the chief executive of the applicant unit of local government (e.g., the mayor) properly executes, and the submits, the “Certifications and Assurances by the Chief Executive of the Applicant Government.” The most up-to-date version of this certification can be found at <https://bjia.ojp.gov/sites/g/files/xyckuh186/files/media/document/fy-20-local-jag-ce-certification.pdf>.

Please note that this certification takes the place of the review narrative attachment and contains assurances that the governing body notification and public comment requirements, which are required under the JAG statute (at 34 U.S.C. § 10153(a)(2)), have been satisfied.

OJP will not deny an application for a FY 2020 award for failure to submit these “Certifications and Assurances by the Chief Executive of the Applicant Government” by the application deadline, but a unit of local government will not be able to access award funds (and its award will include a condition that withholds funds) until it submits these certifications and assurances, properly executed by the chief executive of the unit of local government (e.g., the mayor).

- National Incident-Based Reporting System (NIBRS) 3 Percent Set-aside – In preparation for the FBI’s 2021 NIBRS compliance deadline, BJA requires, through the application of a special condition, JAG award recipients not certified by the FBI as NIBRS compliant to dedicate 3 percent of their JAG award toward achieving full compliance with the FBI’s NIBRS data submission requirements under the Uniform Crime Reporting Program. Additional information can be found on the [JAG Resource Page](#).

#### **Required compliance with applicable federal laws**

All applicants should understand that OJP awards, including certifications provided in connection with such awards, are subject to review by DOJ, including by OJP and by the DOJ Office of the Inspector General. Applicants also should understand that a materially false, fictitious, or fraudulent statement (or concealment or omission of a material fact) in a certification submitted to OJP in support of an application may be the subject of criminal prosecution, and also may result in civil penalties and administrative remedies for false claims or otherwise. Administrative remedies that may be available to OJP with respect to a FY 2020

award include suspension or termination of the award, placement on the DOJ high-risk grantee list, disallowance of costs, and suspension or debarment of the recipient.

### **Objectives**

In general, the FY 2020 JAG Program is designed to provide additional personnel, equipment, supplies, contractual support, training, technical assistance, and information systems for criminal justice. Although the JAG Program provides assistance directly to states, through pass-through (and similar) requirements, the JAG Program also is designed to assist units of local government with respect to their criminal justice needs.

As discussed in more detail in the [General Information about Post-federal Award Reporting Requirements](#) discussion, a unit of local government that receives a FY 2020 JAG award will be required to produce various types of reports and to submit data related to performance measurement and accountability.

The objectives are directly related to the JAG Program performance measures described at <https://bjapmt.ojp.gov/help/jagdocs.html> and demonstrate the results of the work completed, as discussed under [What an Application Should Include](#).

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

OJP strongly emphasizes the use of data and evidence in policy making and program development for 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](#).

A useful matrix of evidence-based policing programs and strategies is available through the BJA-supported [Matrix Demonstration Project](#). It offers a number of program models designed to effectively implement promising and evidence-based strategies through the BJA Innovation Suite of programs, including Innovations in Policing, Prosecution, Supervision, Reentry, and others (see <https://www.bja.gov/Programs/CRPPE/innovationssuite.html>). BJA encourages units of local government to use JAG funds to develop and implement these crime innovation strategies, including effective partnerships with universities and research partners and with nontraditional criminal justice partners.

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

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

## **B. Federal Award Information**

Maximum number of awards BJA expects to make	1,058
Period of performance start date	October 1, 2019
Period of performance duration	2 or 4 years

**Category 1 – Eligible Allocation Amounts of Less than \$25,000 (Competition ID BJA-2020-18275)** – Units of local government that are listed on the [JAG web page](#) as eligible for an allocation amount of less than \$25,000 should apply under Category 1. This includes direct and joint



(disparate) allocations. Category 1 awards of less than \$25,000 are 2 years in length, and performance periods will be from October 1, 2019 through September 30, 2021. Extensions of up to two years can be requested for these awards via GMS no fewer than 30 days prior to the grant end date, and will be automatically granted upon request.

**Category 2 – Eligible Allocation Amounts \$25,000 or More (Competition ID BJA-2020-18276)**

– Units of local government that are listed on the [JAG web page](#) as eligible for an allocation amount of \$25,000 or more should apply under Category 2. This includes direct and joint (disparate) allocations. Category 2 awards of at least \$25,000 are 4 years in length, and performance periods will be from October 1, 2019 through September 30, 2023. Extensions beyond this period may be made on a case- by-case basis at the discretion of BJA and must be requested via GMS no fewer than 30 days prior to the grant end date.

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

**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 [OJP Grant Application Resource Guide](#) for additional information.

**Budget Information**

**Cost Sharing or Match Requirement**

The JAG Program does not require a match.

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

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

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

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

**C. Eligibility Information**

For information on eligibility, see the title page.

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

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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.

## D. Application and Submission Information

### What an Application Should Include

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 the specified elements. (This solicitation expressly modifies the "Application Elements and Formatting Instructions" section of the OJP Grant Application Resource Guide by **not** incorporating paragraph two of that section (referring to nonresponsive applications or applications missing critical elements not "[proceeding] to peer review").)

#### 1. 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 subject to [Executive Order 12372](#). An applicant may find the *names and addresses of State Single Points of Contact (SPOCs)* at the following website: [https://www.whitehouse.gov/wp-content/uploads/2020/01/spoc\\_1\\_16\\_2020.pdf](https://www.whitehouse.gov/wp-content/uploads/2020/01/spoc_1_16_2020.pdf). If the applicant's state appears on the SPOC list, the applicant must contact the State SPOC to find out about, and comply with, the state's process under E.O. 12372. In completing the SF-424, an applicant whose state appears on the SPOC list is to make the appropriate selection in response to question 19, once the applicant has complied with its State E.O. 12372 process. (An applicant whose state does not appear on the SPOC list should answer question 19 by selecting the response that the: "Program is subject to E.O. 12372, but has not been selected by the State for review.").

#### 2. Project Identifiers

Applications should identify at least three project identifiers that would be associated with *the proposed project activities*. The list of identifiers can be found at [www.bja.gov/funding/JAGIdentifiers.pdf](http://www.bja.gov/funding/JAGIdentifiers.pdf).

#### 3. Program Narrative

##### **Category 1 – Eligible Allocation Amounts of Less than \$25,000**

The program narrative for Category 1 applications should include a description of the project(s), including subawards, if applicable, to be funded with JAG funds over the 2 year grant period.

##### **Category 2 – Eligible Allocation Amounts of \$25,000 or More**

The program narrative for Category 2 applications should include:

- (a) Description of the Issue – Identify the unit of local government's strategy/funding priorities for the FY 2020 JAG funds, the subgrant award process (if applicable, including disparates) and timeline, any progress or challenges, and a description of the programs to be funded over the 2 to 4 year grant period.
- (b) Project Design and Implementation – Describe the unit of local government's strategic planning process, if any, that guides its priorities and funding strategy. This should include a description of how the local community is engaged in the planning process and the data and analysis utilized to support the plan. It should identify the stakeholders

currently participating in the strategic planning process, the gaps in the needed resources for criminal justice purposes, and how JAG funds will be coordinated with state and related justice funds.

- (c) Capabilities and Competencies – Describe any additional strategic planning/coordination efforts in which the units of local government participate with other criminal justice juvenile justice agencies in the state.
- (d) Plan for Collecting the Data Required for this Solicitation's Performance Measures – OJP will require each successful applicant to submit specific performance data that demonstrate the results of the work carried out under the award. The performance data directly relate to the objectives identified under " Objectives" in Section A. Program Description.

Applicants should visit OJP's performance measurement page at [www.ojp.gov/performance](http://www.ojp.gov/performance) 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 should it receive funding.

Please note that applicants are **not** required to submit performance data with the application. Rather, 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.

Post award, recipients will be required to submit quarterly performance measures through BJA's PMT, located at <https://bjapmt.ojp.gov>. The application should describe the applicant's plan for collection of all of the performance measurement data listed in the JAG performance measures at <https://bjapmt.ojp.gov/help/jagdocs.html>.

#### **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**

**Please note that the budget narrative should include a full description of all costs, including funds set aside for the NIBRS project(s) and administrative costs (if applicable).**

General requirement for federal authorization of any subaward; statutory authorization of subawards under the JAG Program statute.

Generally, a recipient of an OJP award may not make subawards ("subgrants") unless the recipient has specific federal authorization to do so. Unless an applicable statute or DOJ regulation specifically authorizes (or requires) particular subawards, a recipient must have authorization from OJP before it may make a subaward.



However, JAG subawards that are required or specifically authorized by statute ([see 34 U.S.C. § 10152\(a\) and 34 U.S.C. § 10156](#)) do not require prior approval. This includes subawards made by states and unities of local government under the JAG Program. For additional information regarding subawards and authorizations, please refer to the subaward section in the [OJP Grant Application Resource Guide](#).

**5. [Indirect Cost Rate Agreement](#) (if applicable)**

This rule does not eliminate or alter the JAG-specific restriction in federal law that states charges for administrative costs may not exceed 10 percent of the award amount, regardless of the approved indirect cost rate.

**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>2</sup> \(if applicable\)](#)**

**10. [Research and Evaluation Independence and Integrity](#)**

**11. [Certifications and Assurances by the Chief Executive of the Applicant Government](#)**

A JAG application is not complete, and a unit of local government may not access award funds, unless the chief executive of the applicant unit of local government (e.g., the mayor) properly executes, and then submits, the "Certifications and Assurances by the Chief Executive of the Applicant Government." The most up-to-date version of this certification can be found at <https://bja.ojp.gov/sites/g/files/xyckuh186/files/media/document/fy-20-local-jag-ce-certification.pdf>.

**12. [Information regarding Communication with the Department of Homeland Security \(DHS\) and/or Immigration and Customs Enforcement \(ICE\)](#)**

Each applicant must provide responses to the following questions as an attachment to the application:

- (1) Does your jurisdiction have any laws, policies, or practices related to whether, when, or how employees may communicate with DHS or ICE?
- (2) Is your jurisdiction subject to any laws from a superior political entity (e.g., a state law that binds a city) that meet the description in question 1?
- (3) If yes to either:
  - Please provide a copy of each law or policy.
  - Please describe each practice.
  - Please explain how the law, policy, or practice complies with 8 U.S.C. § 1373.

Note: Responses to these questions must be provided by the applicant as part of the application. Further, the requirement to provide this information applies to all tiers of funding

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<sup>2</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.

and for all subawards made to state or local government entities, including public institutions of higher education. All subrecipient responses must be collected and maintained by the direct recipient of funding and must be made available to DOJ upon request. Responses to these questions are not required from subrecipients that are either a tribal government/organization, a nonprofit organization, or a private institution of higher education.

OJP will not deny an application for a FY 2020 award for failure to submit these required responses by the application deadline, but a recipient will not receive award funds (and its award will include a condition that withholds funds) until it submits these responses.

### **How to Apply**

An applicant must submit its application through the [Grants Management System \(GMS\)](#), which provides support for the application, award, and management of awards at OJP. Find information, registration and submission steps on how to apply in GMS in response to this solicitation in the [OJP Grant Application Resource Guide](#).

## **E. Application Review Information**

### **Review Process**

BJA reviews the application to make sure that the information presented is reasonable, understandable, measurable, achievable, and consistent with the solicitation. See the [OJP Grant Application Resource Guide](#) for information on the application.

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, the Assistant Attorney General will make all final award decisions.

## **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](#)

OJP strongly encourages prospective applicants to review information on post-award legal requirements and common OJP award conditions **prior** to submitting an application. For additional information on these legal requirements, see the “Administrative, National Policy, and Other Legal Requirements” section in [OJP Grant Application Resource Guide](#).

### **Information Technology (IT) Security Clauses**

#### **General Information about [Post-Federal Award Reporting Requirements](#)**

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

#### **Category 1 – Eligible Allocation Amounts of Less than \$25,000**

Recipients must submit:

- Quarterly financial status reports (and one final financial report after all funds have been obligated and expended) through OJP’s Grants Management System (GMS)
- Quarterly performance measures report and final performance measures report through BJA’s [Performance Measurement Tool \(PMT\)](#). Please note that as soon as all project activity has concluded, that report may be marked final
- An annual progress report and final progress report through OJP’s GMS. If all project activity has concluded at the time the first annual progress report is submitted, that report may be marked final
- If applicable, an annual audit report in accordance with the Part 200 Uniform Requirements or specific award conditions should also be submitted

#### **Category 2 – Eligible Allocation Amounts of \$25,000 or More**

Recipients must submit:

- Quarterly financial status reports (and one final financial report after all funds have been obligated and expended) through OJP’s Grants Management System (GMS)
- Quarterly performance measures reports and a final performance measures report (at any time once all project activity has concluded) through BJA’s Performance Measurement Tool (PMT)
- Semi-annual progress reports and a final progress report (at any time once all project activity has concluded) through OJP’s GMS
- If applicable, an annual audit report in accordance with the Part 200 Uniform Requirements or specific award conditions

Future awards and/or fund draw-downs may be withheld if a recipient of an OJP award fails to report the required reports in a timely manner.

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



Performance measurement data must be submitted through BJA's [Performance Measurement Tool \(PMT\)](#). The performance measures are available at: <https://bjapmt.ojp.gov/help/jagdocs.html>. (Note that if a unit of local government provides funding to a law enforcement agency, the unit of local government must submit quarterly performance measurement data on training that officers have received on use of force, racial and ethnic bias, de-escalation of conflict, and constructive engagement with the public.)

## **G. Federal Awarding Agency Contact(s)**

For OJP contact(s), see page 2 of this solicitation.

For contact information for GMS, see page 2.

## **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](#)

### **Certain Relevant Federal Laws, as in Effect on February 26, 2020**

See the [JAG Resource Page](#) for more information.

## Application Checklist

### Edward Byrne Memorial Justice Assistance Grant (JAG) Program: FY 2020 Local Solicitation

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

#### What an Applicant Should Do:

##### *Prior to Registering in GMS:*

- ☐ 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 GMS:*

- ☐ For new users, acquire a GMS username and password\* (see [OJP Grant Application Resource Guide](#))
- ☐ For existing users, check GMS username and password\* to ensure account access (see [OJP Grant Application Resource Guide](#))
- ☐ Verify SAM registration in GMS (see [OJP Grant Application Resource Guide](#))
- ☐ Search for and select correct funding opportunity in GMS (see [OJP Grant Application Resource Guide](#))
- ☐ Register by selecting the "Apply Online" button associated with the funding opportunity title (see [OJP Grant Application Resource Guide](#))
- ☐ 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](#))

If experiencing technical difficulties in GMS, contact the NCJRS Response Center (see page 2)

\*Password Reset Notice – GMS users are reminded that while password reset capabilities exist, this function is only associated with points of contact designated within GMS at the time the account was established. Neither OJP nor the GMS Help Desk will initiate a password reset unless requested by the authorized official or a designated point of contact associated with an award or application.

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

- ☐ Review the "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(s) of the FY 2020 JAG Allocations List as listed on BJA's [JAG web page](#).



**Eligibility Requirement:**

Only units of local government may apply under this solicitation. By law, for purposes of the JAG Program, the term “units of local government” includes a town, township, village, parish, city, county, borough, or other general purpose political subdivision of a state; or, it may be a federally recognized Indian tribal government that performs law enforcement functions (as determined by the Secretary of the Interior). A unit of local government also may be any law enforcement district or judicial enforcement district established under applicable state law with authority to independently establish a budget and impose taxes; for example, in Louisiana, a unit of local government means a district attorney or parish sheriff.

**What an Application Should Include:**

- ☐ Application for Federal Assistance (SF-424) (see [OJP Grant Application Resource Guide](#))
- ☐ Intergovernmental Review (see page 10)
- ☐ Program Narrative (see page 10)
- ☐ Budget Detail Worksheet (including Budget Narrative) (see page 11)
- ☐ Indirect Cost Rate Agreement (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 (see [OJP Grant Application Resource Guide](#)) (if applicable)
- ☐ Research and Evaluation Independence and Integrity (if applicable) (see [OJP Grant Application Resource Guide](#))
- ☐ Certifications and Assurances by Chief Executive (see page 12)
- ☐ Information regarding Communication with the Department of Homeland Security (DHS) and/or Immigration and Customs Enforcement (ICE) (see page 12)

## **Appendix A**

Certifications and Assurances by the Chief Executive of the Applicant Government (which incorporates the 30-day governing body review requirement) – A JAG application is not complete, and a unit of local government may not access award funds, unless the chief executive of the applicant unit of local government (e.g., the mayor) properly executes, and the submits, the “Certifications and Assurances by the Chief Executive of the Applicant Government.” The most up-to-date version of this certification can be found at

<https://bja.ojp.gov/sites/g/files/xyckuh186/files/media/document/fy-20-local-jag-ce-certification.pdf>

Please note that this certification takes the place of the review narrative attachment and contains assurances that the governing body notification and public comment requirements, which are required under the JAG statute (at 34 U.S.C. § 10153(a)(2)), have been satisfied. OJP will not deny an application for a FY 2020 award for failure to submit these

“Certifications and Assurances by the Chief Executive of the Applicant Government” by the application deadline, but a unit of local government will not be able to access award funds (and its award will include a condition that withholds funds) until it submits these certifications and assurances, properly executed by the chief executive of the unit of local government (e.g., the mayor).

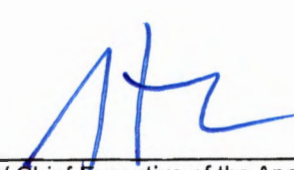
**U.S. DEPARTMENT OF JUSTICE  
OFFICE OF JUSTICE PROGRAMS**

**Edward Byrne Justice Assistance Grant Program FY 2020 Local Solicitation**

**Certifications and Assurances by the Chief Executive of the Applicant Government**

On behalf of the applicant unit of local government named below, in support of that locality's application for an award under the FY 2020 Edward Byrne Justice Assistance Grant ("JAG") Program, and further to 34 U.S.C. § 10153(a), I certify to the Office of Justice Programs ("OJP"), U.S. Department of Justice ("USDOJ"), that all of the following are true and correct:

1. I am the chief executive of the applicant unit of local government named below, and I have the authority to make the following representations on my own behalf as chief executive and on behalf of the applicant unit of local government. I understand that these representations will be relied upon as material in any OJP decision to make an award, under the application described above, to the applicant unit of local government.
2. I certify that no federal funds made available by the award (if any) that OJP makes based on the application described above will be used to supplant local funds, but will be used to increase the amounts of such funds that would, in the absence of federal funds, be made available for law enforcement activities.
3. I assure that the application described above (and any amendment to that application) was submitted for review to the governing body of the unit of local government (e.g., city council or county commission), or to an organization designated by that governing body, not less than 30 days before the date of this certification.
4. I assure that, before the date of this certification— (a) the application described above (and any amendment to that application) was made public; and (b) an opportunity to comment on that application (or amendment) was provided to citizens and to neighborhood or community-based organizations, to the extent applicable law or established procedure made such an opportunity available.
5. I assure that, for each fiscal year of the award (if any) that OJP makes based on the application described above, the applicant unit of local government will maintain and report such data, records, and information (programmatic and financial), as OJP may reasonably require.
6. I have carefully reviewed 34 U.S.C. § 10153(a)(5), and, with respect to the programs to be funded by the award (if any), I hereby make the certification required by section 10153(a)(5), as to each of the items specified therein.

  
\_\_\_\_\_  
Signature of Chief Executive of the Applicant Unit of  
Local Government

Steve Brandon  
\_\_\_\_\_  
Printed Name of Chief Executive

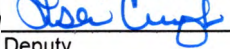
County of Fresno  
\_\_\_\_\_  
Name of Applicant Unit of Local Government

April 27, 2021  
\_\_\_\_\_  
Date of Certification

Chairman, Board of Supervisors  
\_\_\_\_\_  
Title of Chief Executive

**ATTEST:**

BERNICE E. SEIDEL  
Clerk of the Board of Supervisors  
County of Fresno, State of California

By   
\_\_\_\_\_  
Deputy

## Appendix B

Individual FY 2020 awards made pursuant to this solicitation will, as appropriate and to the extent consistent with law, include conditions that will require the recipient (and any subrecipient) that accepts the award to do various things with respect to the “program or activity” that would receive federal financial assistance. **Although the specific terms of each of those conditions are what will govern the awards**, included among such conditions will be some that, **generally speaking**, will require the recipient (and any subrecipient) that accepts the award to do some or all of the following:

- Not to violate 8 U.S.C. § 1373 (prohibiting restrictions on—
  1. communication to/from the Department of Homeland Security (DHS) of information regarding the citizenship or immigration status of any individual and
  2. maintaining, or exchanging with any government entity, information regarding the immigration status of any individual).
- Not to violate 8 U.S.C. § 1644 (prohibiting restrictions on communication to/from DHS of information regarding the immigration status of an alien).
- Not to publicly disclose federal law enforcement information in an attempt to conceal, harbor, or shield certain individuals from detection, including in violation of 18 U.S.C. §§ 1071 or 1072, or 8 U.S.C. § 1324(a).
- Not to impede the exercise of the authority of the federal government under 8 U.S.C. § 1266(a) & (c) (authorizing arrest and detention of certain aliens and providing that the federal government “shall take into custody” certain criminal aliens “when the alien is released”) and 8 U.S.C. § 1231(a)(4) (relating to removal from the United States of aliens after detention/confinement at the federal, state, and local levels), specifically by requiring such recipients to provide (where feasible) at least 48 hours’ advance notice to DHS regarding the scheduled release date and time of an alien in the recipient’s custody when DHS requests such notice in order to take custody of the alien pursuant to the Immigration and Nationality Act.
- Not to impede the exercise by DHS agents, “anywhere in or outside the United States” (8 C.F.R. § 287.5(a)(1)), of their authority under 8 U.S.C. § 1357(a)(1) to “interrogate any alien or person believed to be an alien as to his right to be or to remain in the United States,” specifically by requiring such recipients to permit DHS agents to have access to any correctional facility in order to meet with an alien (or an individual believed to be an alien) and inquire as to his right to be or remain in the United States.

The reasonable costs (to the extent not reimbursed under any other federal program) of complying with these conditions, including honoring any duly authorized request from DHS that is encompassed by these conditions, will be allowable costs under the award.

## **Certain Relevant Federal Laws, as in Effect on February 26, 2020**

### **2020 U.S.C. § 1373**

#### **Communication between government agencies and the Immigration and Naturalization Service**

##### **(a) In general**

Notwithstanding any other provision of Federal, State, or local law, a Federal, State, or local government entity or official may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual.

**(b) Additional authority of government entities**

Notwithstanding any other provision of Federal, State, or local law, no person or agency may prohibit, or in any way restrict, a Federal, State, or local government entity from doing any of the following with respect to information regarding the immigration status, lawful or unlawful, of any individual:

1. Sending such information to, or requesting or receiving such information from, the Immigration and Naturalization Service.
2. Maintaining such information.
3. Exchanging such information with any other Federal, State, or local government entity.

**(c) Obligation to respond to inquiries**

The Immigration and Naturalization Service shall respond to an inquiry by a Federal, State, or local government agency, seeking to verify or ascertain the citizenship or immigration status of any individual within the jurisdiction of the agency for any purpose authorized by law, by providing the requested verification or status information.

**8 U.S.C. § 1644**

**Communication between State and local government agencies and Immigration and Naturalization Service**

Notwithstanding any other provision of Federal, State, or local law, no State or local government entity may be prohibited, or in any way restricted, from sending to or receiving from the Immigration and Naturalization Service information regarding the immigration status, lawful or unlawful, of an alien in the United States.

**8 U.S.C. § 1226(a) & (c)**

**Apprehension and detention of aliens**

**(a) Arrest, detention, and release**

On a warrant issued by the Attorney General, an alien may be arrested and detained pending a decision on whether the alien is to be removed from the United States. Except as provided in subsection (c) and pending such decision, the Attorney General--

1. may continue to detain the arrested alien; and
2. may release the alien on--
  - A. bond of at least \$1,500 with security approved by, and containing conditions prescribed by, the Attorney General; or
  - B. conditional parole; but
3. may not provide the alien with work authorization (including an "employment authorized" endorsement or other appropriate work permit), unless the alien is lawfully admitted for permanent residence or otherwise would (without regard to removal proceedings) be provided such authorization.

**(c) Detention of criminal aliens**



1. Custody

The Attorney General shall take into custody any alien who--

- A. is inadmissible by reason of having committed any offense covered in section 1182(a)(2) of this title,
- B. is deportable by reason of having committed any offense covered in section 1227(a)(2)(A)(ii), (A)(iii), (B), (C), or (D) of this title.
- C. is deportable under section 1227(a)(2)(A)(i) of this title on the basis of an offense for which the alien has been sentence to a term of imprisonment of at least 1 year, or
- D. is inadmissible under section 1182(a)(3)(B) of this title or deportable under section 1227(a)(4)(B) of this title,

when the alien is released, without regard to whether the alien is released on parole, supervised release, or probation, and without regard to whether the alien may be arrested or imprisoned again for the same offense.

2. Release

The Attorney General may release an alien described in paragraph (1) only if the Attorney General decides pursuant to section 3521 of Title 18 that release of the alien from custody is necessary to provide protection to a witness, a potential witness, a person cooperating with an investigation into major criminal activity, or an immediate family member or close associate of a witness, potential witness, or person cooperating with such an investigation, and the alien satisfies the Attorney General that the alien will not pose a danger to the safety of other persons or of property and is likely to appear for any scheduled proceeding. A decision relating to such release shall take place in accordance with a procedure that considers the severity of the offense committed by the alien.

**8 U.S.C. § 1231(a)(4)**

a. Detention, release, and removal of aliens ordered removed

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**4. Aliens imprisoned, arrested, or on parole, supervised release, or probation**

**D. In general**

Except as provided in section 259(a) of title 42 and paragraph (2), the Attorney General may not remove an alien who is sentenced to imprisonment until the alien is released from imprisonment. Parole, supervised release, probation, or possibility of arrest or further imprisonment is not a reason to defer removal.

**E. Exception for removal of nonviolent offenders prior to completion of sentence of imprisonment**

The Attorney General is authorized to remove an alien in accordance with applicable procedures under this chapter before the alien has completed a sentence of imprisonment-

- i. in the case of an alien in the custody of the Attorney General, if the Attorney General determines that (I) the alien is confined pursuant to a final conviction for a nonviolent offense (other than an offense related to smuggling or harboring of aliens or an offense described in section

- 1101(a)(43)(B), (C), (E), (I), or (L) of this title and (II) the removal of the alien is appropriate and in the best interest of the United States; or
- ii. in the case of an alien in the custody of a State (or a political subdivision of a State), if the chief State official exercising authority with respect to the incarceration of the alien determines that (I) the alien is confined pursuant to a final conviction for a nonviolent offense (other than an offense described in section 1101(a)(43)(C) or (E) of this title), (II) the removal is appropriate and in the best interest of the State, and (III) submits a written request to the Attorney General that such alien be so removed.

**F. Notice**

Any alien removed pursuant to this paragraph shall be notified of the penalties under the laws of the United States relating to the reentry of deported aliens, particularly the expanded penalties for aliens removed under subparagraph (B).

**G. No private right**

No cause or claim may be asserted under this paragraph against any official of the United States or of any State to compel the release, removal, or consideration for release or removal of any alien.

**8 U.S.C. § 1324(a)**

**Bringing in and harboring certain aliens**

**(a) Criminal penalties (1)(A)**

Any person who—

- i. knowing that a person is an alien, brings to or attempts to bring to the United States in any manner whatsoever such person at a place other than a designated port of entry or place other than as designated by the Commissioner, regardless of whether such alien has received prior official authorization to come to, enter, or reside in the United States and regardless of any future official action which may be taken with respect to such alien;
- ii. knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, transports, or moves or attempts to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law;
- iii. knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, conceals, harbors, or shields from detection, or attempts to conceal, harbor, or shield from detection, such alien in any place, including any building or any means of transportation;
- iv. encourages or induces an alien to come to, enter, or reside in the United States, knowing or in reckless disregard of the fact that such coming to, entry, or residence is or will be in violation of law; or
- v. (v)(I) engages in any conspiracy to commit any of the preceding acts, or (II) aids or abets the commission of any of the preceding acts, shall be punished as provided in subparagraph (B).

(B) A person who violates subparagraph (A) shall, for each alien in respect to whom such a violation occurs—

- i. (i) in the case of a violation of subparagraph (A)(i) or (v)(I) or in the case of a violation of subparagraph (A)(ii), (iii), or (iv) in which the offense was done for the purpose of commercial advantage or private financial gain, be fined under title 18, imprisoned not more than 10 years, or both;
- ii. (ii) in the case of a violation of subparagraph (A)(ii), (iii), (iv), or (v)(II), be fined under title 18, imprisoned not more than 5 years, or both;
- iii. (iii) in the case of a violation of subparagraph (A)(i), (ii), (iii), (iv), or (v) during and in relation to which the person causes serious bodily injury (as defined in section 1365 of title 18) to, or places in jeopardy the life of, any person, be fined under title 18, imprisoned not more than 20 years, or both; and
- iv. (iv) in the case of a violation of subparagraph (A)(i), (ii), (iii), (iv), or (v) resulting in the death of any person, be punished by death or imprisoned for any term of years or for life, fined under title 18, or both.

(C) It is not a violation of clauses (ii) or (iii) of subparagraph (A), or of clause (iv) of subparagraph (A) except where a person encourages or induces an alien to come to or enter the United States, for a religious denomination having a bona fide nonprofit, religious organization in the United States, or the agents or officers of such denomination or organization, to encourage, invite, call, allow, or enable an alien who is present in the United States to perform the vocation of a minister or missionary for the denomination or organization in the United States as a volunteer who is not compensated as an employee, notwithstanding the provision of room, board, travel, medical assistance, and other basic living expenses, provided the minister or missionary has been a member of the denomination for at least one year.

(2) Any person who, knowing or in reckless disregard of the fact that an alien has not received prior official authorization to come to, enter, or reside in the United States, brings to or attempts to bring to the United States in any manner whatsoever, such alien, regardless of any official action which may later be taken with respect to such alien shall, for each alien in respect to whom a violation of this paragraph occurs-

- A. be fined in accordance with title 18 or imprisoned not more than one year, or both; or
- B. in the case of-

- i. an offense committed with the intent or with reason to believe that the alien unlawfully brought into the United States will commit an offense against the United States or any State punishable by imprisonment for more than 1 year,
- ii. an offense done for the purpose of commercial advantage or private financial gain, or
- iii. an offense in which the alien is not upon arrival immediately brought and presented to an appropriate immigration officer at a designated port of entry.

be fined under title 18 and shall be imprisoned, in the case of a first or second violation of subparagraph (B)(iii), not more than 10 years, in the case of a first or second violation of subparagraph (B)(i) or (B)(ii), not less than 3 nor more than 10 years, and for any other violation, not less than 5 nor more than 15 years.

(3)(A) Any person who, during any 12-month period, knowingly hires for employment at least 10 individuals with actual knowledge that the individuals are aliens described in subparagraph (B) shall be fined under title 18 or imprisoned for not more than 5 years, or both.

- B. An alien described in this subparagraph is an alien who-
  - i. is an unauthorized alien (as defined in section 1324a(h)(3) of this title), and
  - ii. has been brought into the United States in violation of this subsection.

(4) In the case of a person who has brought aliens into the United States in violation of this subsection, the sentence otherwise provided for may be increased by up to 10 years if-

- A. the offense was part of an ongoing commercial organization or enterprise;
- B. aliens were transported in groups of 10 or more; and
- C. (C)(i) aliens were transported in a manner that endangered their lives; or (ii) the aliens presented a life-threatening health risk to people in the United States.

## **8 U.S.C. § 1357(a)**

### **Powers of immigration officers and employees**

(a) Any officer or employee of the Service authorized under regulations prescribed by the Attorney General shall have power without warrant—

1. to interrogate any alien or person believed to be an alien as to his right to be or to remain in the United States;
2. to arrest any alien who in his presence or view is entering or attempting to enter the United States in violation of any law or regulation made in pursuance of law regulating the admission, exclusion, expulsion, or removal of aliens, or to arrest any alien in the United States, if he has reason to believe that the alien so arrested is in the United States in violation of any such law or regulation and is likely to escape before a warrant can be obtained for his arrest, but the alien arrested shall be taken without unnecessary delay for examination before an officer of the Service having authority to examine aliens as to their right to enter or remain in the United States;
3. within a reasonable distance from any external boundary of the United States, to board and search for aliens any vessel within the territorial waters of the United States and any railway car, aircraft, conveyance, or vehicle, and within a distance of twenty-five miles from any such external boundary to have access to private lands, but not dwellings, for the purpose of patrolling the border to prevent the illegal entry of aliens into the United States;
4. to make arrests for felonies which have been committed and which are cognizable under any law of the United States regulating the admission, exclusion, expulsion, or removal of aliens, if he has reason to believe that the person so arrested is guilty of such felony and if there is likelihood of the person escaping before a warrant can be obtained for his arrest, but the person arrested shall be taken without unnecessary delay before the nearest available officer empowered to commit persons charged with offenses against the laws of the United States; and
5. to make arrests-
  - A. for any offense against the United States, if the offense is committed in the officer's or employee's presence, or
  - B. or any felony cognizable under the laws of the United States, if the officer or employee has reasonable grounds to believe that the person to be arrested has committed or is committing such a felony.

if the officer or employee is performing duties relating to the enforcement of the immigration laws at the time of the arrest and if there is a likelihood of the person escaping before a warrant can be obtained for his arrest.

Under regulations prescribed by the Attorney General, an officer or employee of the Service may carry a firearm and may execute and serve any order, warrant, subpoena, summons, or other process issued under the authority of the United States. The authority to make arrests under paragraph (5)(B) shall only be effective on and after the date on which the Attorney General publishes final regulations which (i) prescribe the categories of officers and employees of the Service who may use force (including deadly force) and the circumstances under which such force may be used, (ii) establish standards with respect to enforcement activities of the Service, (iii) require that any officer or employee of the Service is not authorized to make arrests under paragraph (5)(B) unless the officer or employee has received certification as having completed a training program which covers such arrests and standards described in clause (ii), and (iv) establish an expedited, internal review process for violations of such standards, which process is consistent with standard agency procedure regarding confidentiality of matters related to internal investigations.

#### **8 U.S.C. § 1366(1) & (3)**

##### **Annual report on criminal aliens**

Not later than 12 months after September 30, 1996, and annually thereafter, the Attorney General shall submit to the Committees on the Judiciary of the House of Representatives and of the Senate a report detailing—

1. the number of illegal aliens incarcerated in Federal and State prisons for having committed felonies, stating the number incarcerated for each type of offense;

\*\*\*

3. programs and plans underway in the Department of Justice to ensure the prompt removal from the United States of criminal aliens subject to removal; . . . .



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9  
10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION  
13

14 **STATE OF CALIFORNIA,**

15 Plaintiff,

16 v.

17 **WILLIAM P. BARR, in his official capacity**  
18 **as Attorney General of the United States, et**  
19 **al.,**

20 Defendants.  
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Case No. 19-cv-6189-WHO

**MODIFIED STIPULATION RE:  
DISMISSAL WITHOUT PREJUDICE OF  
COUNTS 1-5 OF CALIFORNIA'S  
COMPLAINT**

Courtroom: 2  
Judge: Honorable William H. Orrick  
Trial Date: None Set  
Action Filed: September 30, 2019

1 WHEREAS, Plaintiff State of California (Plaintiff or California) filed a complaint in this  
2 action on September 30, 2019;

3 WHEREAS, Causes of Action 1-5 of the complaint challenge Defendants' imposition of  
4 five immigration enforcement funding requirements to the Edward Byrne Memorial Justice  
5 Assistance Grant (JAG) found on pages 22-23 and 25-26 of the Fiscal Year (FY) 2019 JAG State  
6 Solicitation (attached as Exhibit A to the Complaint), pages 21-22 and 23-24 of the FY 2019 JAG  
7 Local Solicitation (attached as Exhibit B to the Complaint), and paragraphs 31-41 and 73 of the  
8 State's FY 2019 JAG award (attached as Exhibit C to the Complaint), consisting of:

- 9 • A condition requiring JAG recipients to comply with 8 U.S.C. §§ 1373 and 1644 (1373  
10 Requirement);
- 11 • A condition prohibiting JAG recipients from "publicly disclos[ing] . . . federal law  
12 enforcement information in a direct or indirect attempt to conceal, harbor, or shield from  
13 detection . . . any alien who has come to, entered, or remains in the United States in  
14 violation of 8 U.S.C. ch. 12 - - without regard to whether such disclosure would  
15 constitute (or could form a predicate for) a violation of . . . 8 U.S.C. 1324(a)" (Non-  
16 Public Disclosure Requirement);
- 17 • A condition requiring JAG recipients to permit Department of Homeland Security (DHS)  
18 agents access to detention facilities to interrogate non-citizens in custody (Access  
19 Requirement);
- 20 • A condition requiring JAG recipients to provide "as early as practicable" or 48 hours'  
21 advance notice to DHS of the scheduled release date and time of a non-citizen in the  
22 jurisdiction's custody upon request by DHS (Notification Requirement);
- 23 • A condition requiring JAG recipients to provide information about their laws, policies and  
24 practices governing their communications with DHS and U.S. Immigration and Customs  
25 Enforcement, including as they relate to § 1373 (Additional 1373 Obligation, with the  
26 1373, Non-Public Disclosure, Access, and Notification Requirements, the JAG  
27 Immigration Enforcement Requirements);
- 28

1 WHEREAS, Causes of Action 1-5 of the complaint also challenge Defendants' imposition  
2 of a requirement to comply with § 1373 as a condition on the State's FY 2019 Title II Juvenile  
3 Justice Formula Grant as it appears in paragraphs 38-41 of the State's FY 2019 Title II award,  
4 attached as Exhibit E to the Complaint (1373 Title II Requirement);

5 WHEREAS, in the Amended Judgment and Order in *California v. Sessions I*, this Court  
6 enjoined Defendants from "[r]equiring compliance with 8 U.S.C. § 1373 as a grant condition  
7 against any California state entity or political subdivision . . . on the basis of 8 U.S.C. § 1373  
8 being an 'applicable Federal law,' or on the basis of 8 U.S.C. § 1373's independent statutory  
9 obligations;"

10 WHEREAS, on January 21, 2020, the parties entered a Stipulation Re: Dismissal Without  
11 Prejudice of Claims for Relief 1-5 of California's complaint surrounding the imposition of the  
12 JAG Immigration Enforcement Requirements and the 1373 Title II Requirement on fiscal year  
13 (FY) 2019 grants issued by Defendants, ECF No. 32 (January 21, 2020 stipulation);

14 WHEREAS, on January 21, 2020, this Court entered the Order Dismissing Without  
15 Prejudice Claims for Relief 1-5 of Plaintiff's Complaint Under the Terms of the Stipulation, ECF  
16 No. 33, that incorporated the terms of the January 21, 2020 stipulation entered by the parties and  
17 indicated that the Court retains jurisdiction to enforce the terms of the stipulation;

18 WHEREAS, on September 17, 2020, Defendants awarded FY 2020 JAG awards to the  
19 State and its local jurisdictions, and a FY 2020 Title II award to the State, that contain conditions  
20 as reflected on pages 12-13 of the FY 2020 JAG State and Local Solicitations, paragraphs 31-41  
21 of the State's FY 2020 JAG award, and paragraphs 35-38 of the State's FY 2020 Title II award  
22 that are substantively similar to the JAG Immigration Enforcement Requirements and the 1373  
23 Title II Requirement that were the subject of the January 21, 2020 stipulation surrounding the FY  
24 2019 grants;

25 WHEREAS, Plaintiff and Defendants have met and conferred in order to avoid burdening  
26 this Court with issues that are already governed by prior judgments;

27 ///

28 ///

1           THEREFORE, the Parties do HEREBY STIPULATE AND AGREE as follows:

- 2           1. This stipulation shall remain in effect, except in the case that Defendants give 60  
3           days advance written notice to Plaintiff that Defendants no longer agree to the  
4           terms of the stipulation;
- 5           2. Defendants agree to not withhold, terminate, or claw back JAG or Title II  
6           funding from, or disbar or make ineligible for JAG or Title II, any California  
7           state entity or any California political subdivision on the basis of the JAG  
8           Immigration Enforcement Requirements or the 1373 Title II Requirement in FY  
9           2019 and FY 2020;
- 10          3. Defendants agree to issue JAG and Title II awards and funding to the California  
11          Board of State and Community Corrections, and all political subdivisions that  
12          apply for JAG awards, in the ordinary course, and not enforce the JAG  
13          Immigration Enforcement Requirements and the 1373 Title II Requirement in  
14          FY 2019 and 2020; provided, however, that the aforesaid applicants comply  
15          with all other provisions, requirements, and lawful conditions of the JAG and  
16          Title II awards;
- 17          4. Acceptance of JAG and Title II awards by the California Board of State and  
18          Community Corrections or any California political subdivision shall not be  
19          construed as acceptance of the JAG Immigration Enforcement Requirements  
20          and the 1373 Title II Requirement;
- 21          5. After a California jurisdiction or entity accepts its JAG or Title II award,  
22          Defendants agree to process and approve the jurisdiction's requests for grant  
23          drawdowns as it would in the ordinary course, and without regard to the JAG  
24          Immigration Enforcement Requirements, 1373 Title II Requirement, or  
25          compliance with 8 U.S.C. § 1373;
- 26          6. On the basis of Defendants' representations in this stipulation, the parties agree  
27          that Causes of Action 1-5 in Plaintiff's Complaint shall be dismissed without  
28          prejudice, and Plaintiff reserves its right to challenge the legality of the JAG

Immigration Enforcement Requirements and 1373 Title II Requirement if  
Defendants seek to terminate any term of this stipulation; and

7. This stipulation is contingent upon this Court retaining jurisdiction to enforce  
the terms of the stipulation.

A proposed order is attached.

Dated: October 15, 2020

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
MICHAEL L. NEWMAN  
Senior Assistant Attorney General  
SARAH E. BELTON  
Supervising Deputy Attorney General  
LISA C. EHRLICH  
XIYUN YANG  
Deputy Attorneys General

JEFFREY BOSSERT CLARK  
ACTING ASSISTANT ATTORNEY GENERAL

BRIGHAM J. BOWEN  
ASSISTANT BRANCH DIRECTOR

/s/ Joseph J. Demott

/s/ Lee I. Sherman

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**ATTESTATION OF SIGNATURES**

I, Lee I. Sherman, hereby attest, pursuant to Local Civil Rule 5-1(i)(3) of the Northern District of California that concurrence in the filing of this document has been obtained from each signatory hereto.

/s/ Lee I. Sherman

LEE I. SHERMAN  
Deputy Attorney General  
*Attorney for Plaintiff*  
*State of California*

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Attorney General of California  
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10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION  
13

14 **STATE OF CALIFORNIA, ex rel, XAVIER**  
15 **BECCERRA, in his official capacity as**  
16 **Attorney General of the State of California,**

17 Plaintiff,

18 v.

19 **WILLIAM P. BARR, in his official capacity**  
20 **as Attorney General of the United States, et**  
21 **al.,**

22 Defendants.  
23  
24  
25  
26  
27  
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Case No. 19-cv-6189-WHO

**MODIFIED ORDER DISMISSING  
WITHOUT PREJUDICE CAUSES OF  
ACTION 1-5 OF PLAINTIFF'S  
COMPLAINT UNDER THE TERMS OF  
THE STIPULATION**

1        Upon consideration of the parties' stipulation submitted on October 15, 2020, and for good  
2 cause shown, the Court hereby orders that Causes of Action 1-5 in Plaintiff's complaint are  
3 dismissed without prejudice pursuant to the terms of the Modified Stipulation Re: Dismissal  
4 Without Prejudice of Counts 1-5 of California's Complaint. This Modified Order supersedes in  
5 its entirety the dismissal order entered by this Court on January 21, 2020, ECF No. 33. The terms  
6 of the Modified Stipulation are incorporated in this Order and consist of the following:


- 7        1. The stipulation shall remain in effect, except in the case that Defendants give 60 days  
8        advance written notice to Plaintiff that Defendants no longer agree to the terms of the  
9        stipulation.
- 10       2. Defendants agree to not withhold, terminate, or claw back JAG or Title II funding  
11       from, or disbar or make ineligible for JAG or Title II, any California state entity or any  
12       California political subdivision on the basis of the JAG Immigration Enforcement  
13       Requirements or the 1373 Title II Requirement in FY 2019 and FY 2020.
- 14       3. Defendants agree to issue JAG and Title II awards and funding to the California Board  
15       of State and Community Corrections, and all political subdivisions that apply for JAG  
16       awards, in the ordinary course, and not enforce the JAG Immigration Enforcement  
17       Requirements and the 1373 Title II Requirement in FY 2019 and FY 2020; provided,  
18       however, that the aforesaid applicants comply with all other provisions, requirements,  
19       and lawful conditions of the JAG and Title II awards.
- 20       4. Acceptance of JAG and Title II awards by the California Board of State and  
21       Community Corrections or any California political subdivision shall not be construed  
22       as acceptance of the JAG Immigration Enforcement Requirements and the 1373 Title  
23       II Requirement.
- 24       5. After a California jurisdiction or entity accepts its JAG or Title II award, Defendants  
25       agree to process and approve the jurisdiction's requests for grant drawdowns as it  
26       would in the ordinary course, and without regard to the JAG Immigration Enforcement  
27       Requirements, 1373 Title II Requirement, or compliance with 8 U.S.C. § 1373.

1           6. On the basis of Defendants' representations in this stipulation, the parties agree that  
2           Causes of Action 1-5 in Plaintiff's Complaint shall be dismissed without prejudice,  
3           and Plaintiff reserves its right to challenge the legality of the JAG Immigration  
4           Enforcement Requirements and 1373 Title II Requirement if Defendants seek to  
5           terminate any term of this stipulation.

6           7. This Court retains jurisdiction to enforce the terms of the stipulation.

7           **IT IS SO ORDERED**

8           DATED: October 16, 2020

9             
10          \_\_\_\_\_  
11          Hon. William H. Orrick  
12          United States District Judge

1 XAVIER BECERRA  
Attorney General of California  
2 MICHAEL L. NEWMAN  
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10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION  
13

14 **STATE OF CALIFORNIA, ex rel, XAVIER**  
15 **BECCERRA, in his official capacity as**  
16 **Attorney General of the State of California,**

17 Plaintiff,

18 v.

19 **WILLIAM P. BARR, in his official capacity**  
20 **as Attorney General of the United States, et**  
21 **al.,**

22 Defendants.  
23  
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Case No. 19-cv-6189-WHO

**MODIFIED ORDER DISMISSING  
WITHOUT PREJUDICE CLAIMS FOR  
RELIEF 6-11 OF PLAINTIFF'S  
COMPLAINT UNDER THE TERMS OF  
THE STIPULATION**

Courtroom: 2  
Judge: Honorable William H. Orrick  
Trial Date: None Set  
Action Filed: September 30, 2019



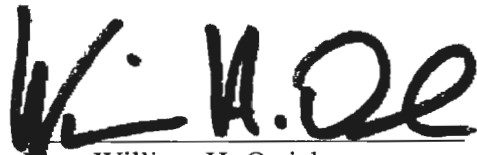
1       Upon consideration of the parties' stipulation submitted on June 3, 2020, and for good  
2 cause shown, the Court hereby orders that Claims for Relief 6-11 in Plaintiff's complaint are  
3 dismissed without prejudice pursuant to the terms of the Modified Stipulation Re: Dismissal  
4 Without Prejudice of Claims for Relief 6-11 of California's Complaint. This Modified Order  
5 supersedes in its entirety the dismissal order entered by this court on February 3, 2020, ECF No.  
6 36. The terms of the Modified Stipulation are incorporated in this Order and consist of the  
7 following:

- 8       1. The stipulation shall remain in effect, except in the case that Defendants give 60 days  
9       advance written notice to Plaintiff that Defendants no longer agree to the terms of the  
10       stipulation.
- 11       2. The stipulation applies only to FY 2019 and FY 2020 U.S. DOJ grants.
- 12       3. Plaintiff agrees to be subject to the 1324a Requirement imposed on U.S. DOJ grants to  
13       the extent it requires that grant recipients conduct an initial verification of the  
14       individual who is being hired, as part of the hiring process for any position within the  
15       United States that is or will be funded (in whole or in part) with award funds,  
16       consistent with the provision of 8 U.S.C. § 1324a(a)(1).
- 17       4. The Parties agree that the 1324a Requirement does not require further reverification of  
18       an employee's employment eligibility after the initial verification at the time of hiring.
- 19       5. Plaintiff's acceptance of the U.S. DOJ grant awards does not constitute acceptance of  
20       the language in the 1324a Requirement surrounding § 1324a(a)(2).
- 21       6. Defendants agree to not withhold funding, terminate, or claw back U.S. DOJ grant  
22       dollars from, or disbar or make ineligible for U.S. DOJ grant funding, any California  
23       state entity or any California political subdivision on account of California Labor  
24       Code section 1019.2, and after a California jurisdiction or entity accepts its grant  
25       award, Defendants agree to process and approve the jurisdiction's requests for grant  
26       drawdowns as it would in the ordinary course, and without regard to California Labor  
27       Code section 1019.2.

7. On the basis of Defendants' representations in this stipulation, the parties agree that the remaining claims for relief in Plaintiff's Complaint, Claims for Relief 6-11, shall be dismissed without prejudice, and Plaintiff reserves its right to challenge the legality of the 1324a Requirement, and its related training and monitoring requirements, if Defendants seek to terminate any term of this stipulation.
8. In agreeing to this stipulation, Plaintiff reserves the right to challenge any attempt by Defendants or any other federal agency to impose a condition that is based upon 8 U.S.C. § 1324a, that expands the 1324a Requirement beyond the scope reflected in this stipulation, or that purports to require reverification as a condition of federal grants.
9. All parties will bear their own fees and costs.
10. This Court retains jurisdiction to enforce the terms of the stipulation.

**IT IS SO ORDERED**

DATED: June 3, 2020

  
Hon. William H. Orrick  
United States District Judge



## U.S. DEPARTMENT OF JUSTICE OFFICE OF JUSTICE PROGRAMS

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# Legal Notices

Special circumstances as to particular award conditions (updated November 5, 2020):

Whenever (in certain special circumstances) the U.S. Department of Justice ("DOJ") determines that it will not implement or enforce (in whole or in part) one or more requirements otherwise applicable to an Office of Justice Programs ("OJP") award, it is OJP's general practice to set out notice of each such determination through this "Legal Notices" webpage. **Any legal notice pertaining to award requirements that is posted through this webpage is incorporated by reference into the award.**

**N.B.:** Award requirements include not only award conditions, but also compliance with assurances and certifications that relate to conduct during the period of performance for the award.

As of the date above, the award-requirement exceptions in effect with respect to the particular funding opportunities ("solicitations") are as follows.

### Legal notices pertaining to FY 2017 awards

## NOTICE

#### ► OJP Program Office:

- Bureau of Justice Assistance

#### ► Pertinent solicitation(s):

- "Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2017 State Solicitation"

- "Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2017 Local Solicitation"

► **Award recipient(s) affected:**

- Commonwealths of—  
Virginia  
Massachusetts
- States of—  
New York  
Connecticut  
New Jersey  
Rhode Island  
Washington
- political subdivisions of the foregoing
- City of New York (New York)

► **Award requirement(s) affected:**

- Award conditions 52 through 56, as originally set out in the award document by OJP
- The FY 2017 Byrne JAG Certification of Compliance with 8 U.S.C. § 1373

► **Nature and scope of the exception as to the affected award(s):**

- DOJ's authority to require compliance with the above-listed award requirement(s) is the subject of pending litigation. Accordingly (and consonant with award condition #1), DOJ has determined that, at this time, it will not implement or enforce those award requirement(s), unless and until the status of the litigation changes, such that DOJ determines that it may and will implement or enforce one or more of them, whether in whole or in part. If and when that occurs, DOJ will provide advance written notice of each such determination to each affected recipient, including an indication of the effective date(s) for implementation thereof.
-

# NOTICE

## ► OJP Program Office:

- Bureau of Justice Assistance

## ► Pertinent solicitation(s):

- "Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2017 State Solicitation"
- "Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2017 Local Solicitation"

## ► Award recipient(s) affected:

- State of Oregon
- political subdivisions of the foregoing
- City of Portland (Oregon)

## ► Award requirement(s) affected:

- Award conditions 52 through 56, as originally set out in the award document by OJP
- The FY 2017 Byrne JAG Certification of Compliance with 8 U.S.C. § 1373

## ► Nature and scope of the exception as to the affected award(s):

- DOJ's authority to require compliance with the above-listed award requirement(s) is the subject of pending litigation. Accordingly (and consonant with award condition #1), DOJ has determined that, at this time, it will not implement or enforce those award requirement(s), unless and until the status of the litigation changes, such that DOJ determines that it may and will implement or enforce one or more of them, whether in whole or in part. If and when that occurs, DOJ will provide advance written notice of each such determination to each affected recipient, including an indication of the effective date(s) for implementation thereof.
-



## NOTICE

### ► OJP Program Office:

- Bureau of Justice Assistance

### ► Pertinent solicitation(s):

- "Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2017 Local Solicitation"

### ► Award recipient(s) affected:

- City of Evanston (Illinois)
- recipients whose chief executives are members of the U.S. Conference of Mayors

### ► Award requirement(s) affected:

- Award conditions 52 through 56, as originally set out in the award document by OJP
- The FY 2017 Byrne JAG Certification of Compliance with 8 U.S.C. § 1373

### ► Nature and scope of the exception as to the affected award(s):

- DOJ's authority to require compliance with the above-listed award requirement(s) is the subject of pending litigation. Accordingly (and consonant with award condition #1), DOJ has determined that, at this time, it will not implement or enforce those award requirement(s), unless and until the status of the litigation changes, such that DOJ determines that it may and will implement or enforce one or more of them, whether in whole or in part. If and when that occurs, DOJ will provide advance written notice of each such determination to each affected recipient, including an indication of the effective date(s) for implementation thereof.

---

## NOTICE

### ► OJP Program Office:

- Bureau of Justice Assistance

► **Pertinent solicitation(s):**

- "Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2017 Local Solicitation"
- "Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2017 State Solicitation"

► **Award recipient(s) affected:**

- All recipients

► **Award requirement(s) affected:**

- Award conditions 52 through 56, as originally set out in the award document by OJP
- The FY 2017 Byrne JAG Certification of Compliance with 8 U.S.C. § 1373

► **Nature and scope of the exception as to the affected award(s):**

- DOJ's authority to require compliance with the above-listed award , requirement(s) is the subject of pending litigation. Accordingly (and consonant with award condition #1), DOJ will not implement or enforce those award requirement(s), unless and until the status of the litigation changes, such that DOJ determines that it may and will implement or enforce one or more of them, whether in whole or in part. If and when that occurs, DOJ will provide advance written notice of each such determination to each affected recipient, including an indication of the effective date(s) for implementation thereof.
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## **NOTICE**

► **OJP Program Office:**

- Bureau of Justice Assistance

► **Pertinent solicitation(s):**

- "Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2017 State Solicitation"

► **Award recipient(s) affected:**

- State of Illinois

► **Award requirement(s) affected:**

- Award conditions 52 through 56, as originally set out in the award document by OJP
- The FY 2017 Byrne JAG Certification of Compliance with 8 U.S.C. § 1373

► **Nature and scope of the exception as to the affected award(s):**

- DOJ's authority to require compliance with the above-listed award requirement(s) is the subject of pending litigation. Accordingly (and consonant with award condition #1), DOJ has determined that, at this time, it will not implement or enforce those award requirement(s), unless and until the status of the litigation changes, such that DOJ determines that it may and will implement or enforce one or more of them, whether in whole or in part. If and when that occurs, DOJ will provide advance written notice of each such determination to each affected recipient, including an indication of the effective date(s) for implementation thereof.
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## **NOTICE**

► **OJP Program Office:**

- Bureau of Justice Assistance

► **Pertinent solicitation(s):**

- "Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2017 State Solicitation"
- "Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2017 Local Solicitation"

► **Award recipient(s) affected:**

- State of California
- political subdivisions of the foregoing

- City and County of San Francisco (California)

► **Award requirement(s) affected:**

- Award conditions 52 through 56, as originally set out in the award document by OJP
- The FY 2017 Byrne JAG Certification of Compliance with 8 U.S.C. § 1373

► **Nature and scope of the exception as to the affected award(s):**

- DOJ's authority to require compliance with the above-listed award requirement(s) is the subject of pending litigation. Accordingly (and consonant with award condition #1), DOJ has determined that, at this time, it will not implement or enforce those award requirement(s), unless and until the status of the litigation changes, such that DOJ determines that it may and will implement or enforce one or more of them, whether in whole or in part. If and when that occurs, DOJ will provide advance written notice of each such determination to each affected recipient, including an indication of the effective date(s) for implementation thereof.
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## **NOTICE**

► **OJP Program Office:**

- Bureau of Justice Assistance

► **Pertinent solicitation(s):**

- "Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2017 Local Solicitation"

► **Award recipient(s) affected:**

- City of Los Angeles (California)

► **Award requirement(s) affected:**

- Award conditions 52 through 56, as originally set out in the award document by OJP

- The FY 2017 Byrne JAG Certification of Compliance with 8 U.S.C. § 1373

► **Nature and scope of the exception as to the affected award(s):**

- DOJ's authority to require compliance with the above-listed award requirement(s) is the subject of pending litigation. Accordingly (and consonant with award condition #1), DOJ has determined that, at this time, it will not implement or enforce those award requirement(s), unless and until the status of the litigation changes, such that DOJ determines that it may and will implement or enforce one or more of them, whether in whole or in part. If and when that occurs, DOJ will provide advance written notice of each such determination to each affected recipient, including an indication of the effective date(s) for implementation thereof.
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## **NOTICE**

► **OJP Program Office:**

- Bureau of Justice Assistance

► **Pertinent solicitation(s):**

- "Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2017 Local Solicitation"

► **Award recipient(s) affected:**

- City of Philadelphia (Pennsylvania)

► **Award requirement(s) affected:**

- Award conditions 52 through 56, as originally set out in the award document by OJP
- The FY 2017 Byrne JAG Certification of Compliance with 8 U.S.C. § 1373

► **Nature and scope of the exception as to the affected award(s):**

- DOJ's authority to require compliance with the above-listed award requirement(s) is the subject of pending litigation. Accordingly (and



consonant with award condition #1), DOJ has determined that, at this time, it will not implement or enforce those award requirement(s), unless and until the status of the litigation changes, such that DOJ determines that it may and will implement or enforce one or more of them, whether in whole or in part. If and when that occurs, DOJ will provide advance written notice of each such determination to each affected recipient, including an indication of the effective date(s) for implementation thereof.

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## **NOTICE**

### **► OJP Program Office:**

- Bureau of Justice Assistance

### **► Pertinent solicitation(s):**

- "Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2017 Local Solicitation"

### **► Award recipient(s) affected:**

- Cities of—  
Providence (Rhode Island)  
Central Falls (Rhode Island)

### **► Award requirement(s) affected:**

- Award conditions 52 through 56, as originally set out in the award document by OJP
- The FY 2017 Byrne JAG Certification of Compliance with 8 U.S.C. § 1373

### **► Nature and scope of the exception as to the affected award(s):**

- DOJ's authority to require compliance with the above-listed award requirement(s) is the subject of pending litigation. Accordingly (and consonant with award condition #1), DOJ has determined that, at this time, it will not implement or enforce those award requirement(s), unless and until the status of the litigation changes, such that DOJ determines that it may and will implement or enforce one or more of them, whether in whole or in part. If

and when that occurs, DOJ will provide advance written notice of each such determination to each affected recipient, including an indication of the effective date(s) for implementation thereof.

## **Legal notices pertaining to FY 2018 awards**

### **NOTICE**

#### **► OJP Program Office:**

- Bureau of Justice Assistance

#### **► Pertinent solicitation(s):**

- "Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2018 Local Solicitation"

#### **► Award recipient(s) affected:**

- City of Evanston (Illinois)
- recipients whose chief executives are members of the U.S. Conference of Mayors

#### **► Award requirement(s) affected:**

- Award conditions 41 through 47, as originally set out in the award document by OJP
- The FY 2018 Byrne JAG Certification of Compliance with 8 U.S.C. §§ 1373 & 1644
- The FY 2018 Byrne JAG Certification Relating to 8 U.S.C. §§ 1226(a) & (c), 1231(a), 1324(a), 1357(a), & 1366(1) & (3)

#### **► Nature and scope of the exception as to the affected award(s):**

- DOJ's authority to require compliance with the above-listed award requirement(s) is the subject of pending litigation. Accordingly (and consonant with award condition #1), DOJ has determined that, at this time, it will not implement or enforce those award requirement(s), unless and until the status of the litigation changes, such that DOJ determines that it may and

will implement or enforce one or more of them, whether in whole or in part. If and when that occurs, DOJ will provide advance written notice of each such determination to each affected recipient, including an indication of the effective date(s) for implementation thereof.

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## **NOTICE**

### **► OJP Program Office:**

- Bureau of Justice Assistance

### **► Pertinent solicitation(s):**

- "Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2018 Local Solicitation"
- "Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2018 State Solicitation"

### **► Award recipient(s) affected:**

- All recipients

### **► Award requirement(s) affected:**

- Award conditions 41 through 47, as originally set out in the award document by OJP
- The FY 2018 Byrne JAG Certification of Compliance with 8 U.S.C. §§ 1373 & 1644
- The FY 2018 Byrne JAG Certification Relating to 8 U.S.C. §§ 1226(a) & (c), 1231(a), 1324(a), 1357(a), & 1366(1) & (3)

### **► Nature and scope of the exception as to the affected award(s):**

- DOJ's authority to require compliance with the above-listed award requirement(s) is the subject of pending litigation. Accordingly (and consonant with award condition #1), DOJ will not implement or enforce those award requirement(s), unless and until the status of the litigation changes, such that DOJ determines that it may and will implement or enforce

one or more of them, whether in whole or in part. If and when that occurs, DOJ will provide advance written notice of each such determination to each affected recipient, including an indication of the effective date(s) for implementation thereof.

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## **NOTICE**

### **► OJP Program Office:**

- Bureau of Justice Assistance

### **► Pertinent solicitation(s):**

- "Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2018 State Solicitation"

### **► Award recipient(s) affected:**

- State of Illinois

### **► Award requirement(s) affected:**

- Award conditions 41 through 47, as originally set out in the award document by OJP
- The FY 2018 Byrne JAG Certification of Compliance with 8 U.S.C. §§ 1373 & 1644
- The FY 2018 Byrne JAG Certification Relating to 8 U.S.C. §§ 1226(a) & (c), 1231(a), 1324(a), 1357(a), & 1366(1) & (3)

### **► Nature and scope of the exception as to the affected award(s):**

- DOJ's authority to require compliance with the above-listed award requirement(s) is the subject of pending litigation. Accordingly (and consonant with award condition #1), DOJ has determined that, at this time, it will not implement or enforce those award requirement(s), unless and until the status of the litigation changes, such that DOJ determines that it may and will implement or enforce one or more of them, whether in whole or in part. If and when that occurs, DOJ will provide advance written notice of each such

determination to each affected recipient, including an indication of the effective date(s) for implementation thereof.

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## **NOTICE**

### **► OJP Program Office:**

- Bureau of Justice Assistance

### **► Pertinent solicitation(s):**

- "Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2018 State Solicitation"
- "Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2018 Local Solicitation"

### **► Award recipient(s) affected:**

- States of—  
Indiana  
Wisconsin  
Illinois
- political subdivisions (other than the City of Chicago (Illinois), including its disparate-group subrecipients) of the foregoing

### **► Award requirement(s) affected:**

- Award conditions 45 and 46, as originally set out in the award document by OJP
- The FY 2018 Byrne JAG Certification Relating to 8 U.S.C. §§ 1226(a) & (c), 1231(a), 1324(a), 1357(a), & 1366(1) & (3)

### **► Nature and scope of the exception as to the affected award(s):**

- DOJ's authority to require compliance with the above-listed award requirement(s) is the subject of pending litigation. Accordingly (and consonant with award condition #1), DOJ has determined that, at this time, it will not implement or enforce those award requirement(s), unless and until



the status of the litigation changes, such that DOJ determines that it may and will implement or enforce one or more of them, whether in whole or in part. If and when that occurs, DOJ will provide advance written notice of each such determination to each affected recipient, including an indication of the effective date(s) for implementation thereof.

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## **NOTICE**

### **► OJP Program Office:**

- Bureau of Justice Assistance

### **► Pertinent solicitation(s):**

- "Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2018 State Solicitation"
- "Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2018 Local Solicitation"

### **► Award recipient(s) affected:**

- State of Oregon
- political subdivisions of the foregoing
- City of Portland (Oregon)

### **► Award requirement(s) affected:**

- Award conditions 41 through 47, as originally set out in the award document by OJP
- The FY 2018 Byrne JAG Certification of Compliance with 8 U.S.C. §§ 1373 & 1644
- The FY 2018 Byrne JAG Certification Relating to 8 U.S.C. §§ 1226(a) & (c), 1231(a), 1324(a), 1357(a), & 1366(1) & (3)

### **► Nature and scope of the exception as to the affected award(s):**

- DOJ's authority to require compliance with the above-listed award requirement(s) is the subject of pending litigation. Accordingly (and

consonant with award condition #1), DOJ has determined that, at this time, it will not implement or enforce those award requirement(s), unless and until the status of the litigation changes, such that DOJ determines that it may and will implement or enforce one or more of them, whether in whole or in part. If and when that occurs, DOJ will provide advance written notice of each such determination to each affected recipient, including an indication of the effective date(s) for implementation thereof.

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## **NOTICE**

### **► OJP Program Office:**

- Bureau of Justice Assistance

### **► Pertinent solicitation(s):**

- "Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2018 State Solicitation"
- "Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2018 Local Solicitation"

### **► Award recipient(s) affected:**

- State of California
- political subdivisions of the foregoing

### **► Award requirement(s) affected:**

- Award conditions 41 through 47, as originally set out in the award document by OJP
- The FY 2018 Byrne JAG Certification of Compliance with 8 U.S.C. §§ 1373 & 1644
- The FY 2018 Byrne JAG Certification Relating to 8 U.S.C. §§ 1226(a) & (c), 1231(a), 1324(a), 1357(a), & 1366(1) & (3)
- *Information regarding Communication with the Department of Homeland Security (DHS) and/or Immigration and Customs Enforcement (ICE)* application attachment

► **Nature and scope of the exception as to the affected award(s):**

- DOJ's authority to require compliance with the above-listed award requirement(s) is the subject of pending litigation. Accordingly (and consonant with award condition #1), DOJ has determined that, at this time, it will not implement or enforce those award requirement(s), unless and until the status of the litigation changes, such that DOJ determines that it may and will implement or enforce one or more of them, whether in whole or in part. If and when that occurs, DOJ will provide advance written notice of each such determination to each affected recipient, including an indication of the effective date(s) for implementation thereof.
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## **NOTICE**

► **OJP Program Office:**

- Bureau of Justice Assistance

► **Pertinent solicitation(s):**

- "Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2018 Local Solicitation"

► **Award recipient(s) affected:**

- City and County of San Francisco (California)

► **Award requirement(s) affected:**

- Award conditions 41 through 47, as originally set out in the award document by OJP
- The FY 2018 Byrne JAG Certification of Compliance with 8 U.S.C. §§ 1373 & 1644
- The FY 2018 Byrne JAG Certification Relating to 8 U.S.C. §§ 1226(a) & (c), 1231(a), 1324(a), 1357(a), & 1366(1) & (3)

► **Nature and scope of the exception as to the affected award(s):**

- DOJ's authority to require compliance with the above-listed award requirement(s) is the subject of pending litigation. Accordingly (and consonant with award condition #1), DOJ has determined that, at this time, it will not implement or enforce those award requirement(s), unless and until the status of the litigation changes, such that DOJ determines that it may and will implement or enforce one or more of them, whether in whole or in part. If and when that occurs, DOJ will provide advance written notice of each such determination to each affected recipient, including an indication of the effective date(s) for implementation thereof.
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## **NOTICE**

### **► OJP Program Office:**

- Bureau of Justice Assistance

### **► Pertinent solicitation(s):**

- "Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2018 Local Solicitation"

### **► Award recipient(s) affected:**

- City of Los Angeles (California)

### **► Award requirement(s) affected:**

- Award conditions 41 through 47, as originally set out in the award document by OJP
- The FY 2018 Byrne JAG Certification of Compliance with 8 U.S.C. §§ 1373 & 1644
- The FY 2018 Byrne JAG Certification Relating to 8 U.S.C. §§ 1226(a) & (c), 1231(a), 1324(a), 1357(a), & 1366(1) & (3)

### **► Nature and scope of the exception as to the affected award(s):**

- DOJ's authority to require compliance with the above-listed award requirement(s) is the subject of pending litigation. Accordingly (and consonant with award condition #1), DOJ has determined that, at this time, it

will not implement or enforce those award requirement(s), unless and until the status of the litigation changes, such that DOJ determines that it may and will implement or enforce one or more of them, whether in whole or in part. If and when that occurs, DOJ will provide advance written notice of each such determination to each affected recipient, including an indication of the effective date(s) for implementation thereof.

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## **NOTICE**

### **► OJP Program Office:**

- Bureau of Justice Assistance

### **► Pertinent solicitation(s):**

- "Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2018 Local Solicitation"

### **► Award recipient(s) affected:**

- City of Philadelphia (Pennsylvania)

### **► Award requirement(s) affected:**

- Award conditions 41 through 43 and 45 through 47, as originally set out in the award document by OJP
- The FY 2018 Byrne JAG Certification of Compliance with 8 U.S.C. §§ 1373 & 1644
- The FY 2018 Byrne JAG Certification Relating to 8 U.S.C. §§ 1226(a) & (c), 1231(a), 1324(a), 1357(a), & 1366(1) & (3)

### **► Nature and scope of the exception as to the affected award(s):**

- DOJ's authority to require compliance with the above-listed award requirement(s) is the subject of pending litigation. Accordingly (and consonant with award condition #1), DOJ has determined that, at this time, it will not implement or enforce those award requirement(s), unless and until the status of the litigation changes, such that DOJ determines that it may and will implement or enforce one or more of them, whether in whole or in part. If

and when that occurs, DOJ will provide advance written notice of each such determination to each affected recipient, including an indication of the effective date(s) for implementation thereof.

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## **NOTICE**

### **► OJP Program Office:**

- Bureau of Justice Assistance

### **► Pertinent solicitation(s):**

- "Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2018 Local Solicitation"

### **► Award recipient(s) affected:**

- Cities of—  
Providence (Rhode Island)  
Central Falls (Rhode Island)

### **► Award requirement(s) affected:**

- Award conditions 41 through 47, as originally set out in the award document by OJP
- The FY 2018 Byrne JAG Certification of Compliance with 8 U.S.C. §§ 1373 & 1644
- The FY 2018 Byrne JAG Certification Relating to 8 U.S.C. §§ 1226(a) & (c), 1231(a), 1324(a), 1357(a), & 1366(1) & (3)

### **► Nature and scope of the exception as to the affected award(s):**

- DOJ's authority to require compliance with the above-listed award requirement(s) is the subject of pending litigation. Accordingly (and consonant with award condition #1), DOJ has determined that, at this time, it will not implement or enforce those award requirement(s), unless and until the status of the litigation changes, such that DOJ determines that it may and will implement or enforce one or more of them, whether in whole or in part. If and when that occurs, DOJ will provide advance written notice of each such



determination to each affected recipient, including an indication of the effective date(s) for implementation thereof.

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## **NOTICE**

### **► OJP Program Office:**

- Bureau of Justice Assistance

### **► Pertinent solicitation(s):**

- "Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2018 State Solicitation"

### **► Award recipient(s) affected:**

- State of Colorado

### **► Award requirement(s) affected:**

- Award conditions 41 through 47, as originally set out in the award document by OJP
- The FY 2018 Byrne JAG Certification of Compliance with 8 U.S.C. §§ 1373 & 1644
- The FY 2018 Byrne JAG Certification Relating to 8 U.S.C. §§ 1226(a) & (c), 1231(a), 1324(a), 1357(a), & 1366(1) & (3)

### **► Nature and scope of the exception as to the affected award(s):**

- DOJ's authority to require compliance with the above-listed award requirement(s) is the subject of pending litigation. Accordingly (and consonant with award condition #1), DOJ has determined that, at this time, it will not implement or enforce those award requirement(s), unless and until the status of the litigation changes, such that DOJ determines that it may and will implement or enforce one or more of them, whether in whole or in part. If and when that occurs, DOJ will provide advance written notice of each such determination to each affected recipient, including an indication of the effective date(s) for implementation thereof.
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# NOTICE

## ► OJP Program Office:

- Bureau of Justice Assistance

## ► Pertinent solicitation(s):

- "Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2018 State Solicitation"
- "Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2018 Local Solicitation"

## ► Award recipient(s) affected:

- Commonwealths of—  
Virginia  
Massachusetts
- States of—  
New York  
Connecticut  
New Jersey  
Rhode Island  
Washington
- political subdivisions of the foregoing
- City of New York (New York)

## ► Award requirement(s) affected:

- Award conditions 41 through 47, as originally set out in the award document by OJP
- The FY 2018 Byrne JAG Certification of Compliance with 8 U.S.C. §§ 1373 & 1644
- The FY 2018 Byrne JAG Certification Relating to 8 U.S.C. §§ 1226(a) & (c), 1231(a), 1324(a), 1357(a), & 1366(1) & (3)

## ► Nature and scope of the exception as to the affected award(s):

- DOJ's authority to require compliance with the above-listed award requirement(s) is the subject of pending litigation. Accordingly (and consonant with award condition #1), DOJ has determined that, at this time, it will not implement or enforce those award requirement(s), unless and until the status of the litigation changes, such that DOJ determines that it may and will implement or enforce one or more of them, whether in whole or in part. If and when that occurs, DOJ will provide advance written notice of each such determination to each affected recipient, including an indication of the effective date(s) for implementation thereof.
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## NOTICE

### ► OJP Program Office:

- Bureau of Justice Assistance

### ► Pertinent solicitation(s):

- "Local Law Enforcement Crime Gun Intelligence Center Integration Initiative FY2018 Solicitation"

### ► Award recipient(s) affected:

- City of Albuquerque (New Mexico)

### ► Award requirement(s) affected:

- Award conditions 49 through 51, as originally set out in the award document by OJP

### ► Nature and scope of the exception as to the affected award(s):

- DOJ's authority to require compliance with the above-listed award requirement(s) is the subject of pending litigation. Accordingly (and consonant with award condition #1), DOJ will not implement or enforce those award requirement(s), unless and until the status of the litigation changes, such that DOJ determines that it may and will implement or enforce one or more of them, whether in whole or in part. If and when that occurs,

DOJ will provide advance written notice of each such determination to the City of Albuquerque, including an indication of the effective date(s) for implementation thereof.

## **Legal notices pertaining to FY 2019 awards**

### **NOTICE**

#### **► OJP Program Office:**

- Bureau of Justice Assistance

#### **► Pertinent solicitation(s):**

- "Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2019 State Solicitation"

#### **► Award recipient(s) affected:**

- State of Illinois

#### **► Award requirement(s) affected:**

- Award conditions 31 through 41, as originally set out in the award document by OJP

#### **► Nature and scope of the exception as to the affected award(s):**

- DOJ's authority to require compliance with the above-listed award requirement(s) is the subject of pending litigation. Accordingly (and consonant with award condition #1), DOJ has determined that, at this time, it will not implement or enforce those award requirement(s), unless and until the status of the litigation changes, such that DOJ determines that it may and will implement or enforce one or more of them, whether in whole or in part. If and when that occurs, DOJ will provide advance written notice of each such determination to each affected recipient, including an indication of the effective date(s) for implementation thereof.
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# NOTICE

## ► OJP Program Office:

- Bureau of Justice Assistance

## ► Pertinent solicitation(s):

- "Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2019 State Solicitation"
- "Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2019 Local Solicitation"

## ► Award recipient(s) affected:

- State of Oregon
- political subdivisions of the foregoing
- City of Portland (Oregon)

## ► Award requirement(s) affected:

- Award conditions 31 through 41, as originally set out in the award document by OJP

## ► Nature and scope of the exception as to the affected award(s):

- DOJ's authority to require compliance with the above-listed award requirement(s) is the subject of pending litigation. Accordingly (and consonant with award condition #1), DOJ has determined that, at this time, it will not implement or enforce those award requirement(s), unless and until the status of the litigation changes, such that DOJ determines that it may and will implement or enforce one or more of them, whether in whole or in part. If and when that occurs, DOJ will provide advance written notice of each such determination to each affected recipient, including an indication of the effective date(s) for implementation thereof.

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# NOTICE

## ► OJP Program Office:

- Bureau of Justice Assistance

► **Pertinent solicitation(s):**

- "Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2019 Local Solicitation"
- "Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2019 State Solicitation"

► **Award recipient(s) affected:**

- All recipients

► **Award requirement(s) affected:**

- Award conditions 31 through 41, as originally set out in the award document by OJP

► **Nature and scope of the exception as to the affected award(s):**

- DOJ's authority to require compliance with the above-listed award requirement(s) is the subject of pending litigation. Accordingly (and consonant with award condition #1), DOJ will not implement or enforce those award requirement(s), unless and until the status of the litigation changes, such that DOJ determines that it may and will implement or enforce one or more of them, whether in whole or in part. If and when that occurs, DOJ will provide advance written notice of each such determination to each affected recipient, including an indication of the effective date(s) for implementation thereof.

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## NOTICE

► **OJP Program Office:**

- Bureau of Justice Assistance

► **Pertinent solicitation(s):**



- "Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2019 Local Solicitation"

► **Award recipient(s) affected:**

- City of Evanston (Illinois)
- recipients whose chief executives are members of the U.S. Conference of Mayors

► **Award requirement(s) affected:**

- Award conditions 31 through 41, as originally set out in the award document by OJP

► **Nature and scope of the exception as to the affected award(s):**

- DOJ's authority to require compliance with the above-listed award requirement(s) is the subject of pending litigation. Accordingly (and consonant with award condition #1), DOJ has determined that, at this time, it will not implement or enforce those award requirement(s), unless and until the status of the litigation changes, such that DOJ determines that it may and will implement or enforce one or more of them, whether in whole or in part. If and when that occurs, DOJ will provide advance written notice of each such determination to each affected recipient, including an indication of the effective date(s) for implementation thereof.
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## **NOTICE**

► **OJP Program Office:**

- Bureau of Justice Assistance

► **Pertinent solicitation(s):**

- "Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2019 State Solicitation"
- "Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2019 Local Solicitation"

► **Award recipient(s) affected:**

- State of California
- political subdivisions of the foregoing

► **Award requirement(s) affected:**

- Award conditions 31 through 41, as originally set out in the award document by OJP
- *Information regarding Communication with the Department of Homeland Security (DHS) and/or Immigration and Customs Enforcement (ICE)* application attachment

► **Nature and scope of the exception as to the affected award(s):**

- DOJ's authority to require compliance with the above-listed award requirement(s) is the subject of pending litigation. Accordingly (and consonant with award condition #1), DOJ has determined that, at this time, it will not implement or enforce those award requirement(s), unless and until the status of the litigation changes, such that DOJ determines that it may and will implement or enforce one or more of them, whether in whole or in part. If and when that occurs, DOJ will provide at least 60 days advance written notice of each such determination to each affected recipient, including an indication of the effective date(s) for implementation thereof.
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## **NOTICE**

► **OJP Program Office:**

- Bureau of Justice Assistance

► **Pertinent solicitation(s):**

- "Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2019 Local Solicitation"

► **Award recipient(s) affected:**

- City of Philadelphia (Pennsylvania)

► **Award requirement(s) affected:**

- Award conditions 31 through 34 and 37 through 41, as originally set out in the award document by OJP

► **Nature and scope of the exception as to the affected award(s):**

- DOJ's authority to require compliance with the above-listed award requirement(s) is the subject of pending litigation. Accordingly (and consonant with award condition #1), DOJ has determined that, at this time, it will not implement or enforce those award requirement(s), unless and until the status of the litigation changes, such that DOJ determines that it may and will implement or enforce one or more of them, whether in whole or in part. If and when that occurs, DOJ will provide advance written notice of each such determination to each affected recipient, including an indication of the effective date(s) for implementation thereof.
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## **NOTICE**

► **OJP Program Office:**

- Bureau of Justice Assistance

► **Pertinent solicitation(s):**

- "Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2019 Local Solicitation"

► **Award recipient(s) affected:**

- City and County of San Francisco (California)

► **Award requirement(s) affected:**

- Award conditions 31 through 41, as originally set out in the award document by OJP

► **Nature and scope of the exception as to the affected award(s):**

- DOJ's authority to require compliance with the above-listed award requirement(s) is the subject of pending litigation. Accordingly (and consonant with award condition #1), DOJ has determined that, at this time, it will not implement or enforce those award requirement(s), unless and until the status of the litigation changes, such that DOJ determines that it may and will implement or enforce one or more of them, whether in whole or in part. If and when that occurs, DOJ will provide advance written notice of each such determination to each affected recipient, including an indication of the effective date(s) for implementation thereof.
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## NOTICE

### ► OJP Program Office:

- Bureau of Justice Assistance

### ► Pertinent solicitation(s):

- "Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2019 State Solicitation"
- "Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2019 Local Solicitation"

### ► Award recipient(s) affected:

- Commonwealths of—
  - Virginia
  - Massachusetts
- States of—
  - New York
  - Connecticut
  - New Jersey
  - Rhode Island
  - Washington
- political subdivisions of the foregoing
- City of New York (New York)

► **Award requirement(s) affected:**

- Award conditions 31 through 41, as originally set out in the award document by OJP

► **Nature and scope of the exception as to the affected award(s):**

- DOJ's authority to require compliance with the above-listed award requirement(s) is the subject of pending litigation. Accordingly (and consonant with award condition #1), DOJ has determined that, at this time, it will not implement or enforce those award requirement(s), unless and until the status of the litigation changes, such that DOJ determines that it may and will implement or enforce one or more of them, whether in whole or in part. If and when that occurs, DOJ will provide advance written notice of each such determination to each affected recipient, including an indication of the effective date(s) for implementation thereof.
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## **NOTICE**

► **OJP Program Office:**

- Bureau of Justice Assistance

► **Pertinent solicitation(s):**

- "Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2019 Local Solicitation"

► **Award recipient(s) affected:**

- City of Los Angeles (California)

► **Award requirement(s) affected:**

- Award conditions 31 through 41, as originally set out in the award document by OJP

► **Nature and scope of the exception as to the affected award(s):**

- DOJ's authority to require compliance with the above-listed award requirement(s) is the subject of pending litigation. Accordingly (and consonant with award condition #1), DOJ has determined that, at this time, it will not implement or enforce those award requirement(s), unless and until the status of the litigation changes, such that DOJ determines that it may and will implement or enforce one or more of them, whether in whole or in part. If and when that occurs, DOJ will provide advance written notice of each such determination to each affected recipient, including an indication of the effective date(s) for implementation thereof.
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## **NOTICE**

### **► OJP Program Office:**

- Bureau of Justice Assistance

### **► Pertinent solicitation(s):**

- "Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2019 Local Solicitation"

### **► Award recipient(s) affected:**

- Cities of—  
Providence (Rhode Island)  
Central Falls (Rhode Island)

### **► Award requirement(s) affected:**

- Award conditions 31 through 41, as originally set out in the award document by OJP

### **► Nature and scope of the exception as to the affected award(s):**

- DOJ's authority to require compliance with the above-listed award requirement(s) is the subject of pending litigation. Accordingly (and consonant with award condition #1), DOJ has determined that, at this time, it will not implement or enforce those award requirement(s), unless and until



the status of the litigation changes, such that DOJ determines that it may and will implement or enforce one or more of them, whether in whole or in part. If and when that occurs, DOJ will provide advance written notice of each such determination to each affected recipient, including an indication of the effective date(s) for implementation thereof.

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## **NOTICE**

### **► OJP Program Office:**

- Office of Juvenile Justice and Delinquency Prevention

### **► Pertinent solicitation(s):**

- OJJDP FY 2019 Title II Formula Grants Program

### **► Award recipient(s) affected:**

- State of California

### **► Award requirement(s) affected:**

- Award conditions 38 through 41, as originally set out in the award document by OJP

### **► Nature and scope of the exception as to the affected award(s):**

- DOJ's authority to require compliance with the above-listed award requirement(s) is the subject of pending litigation. Accordingly (and consonant with award condition #1), DOJ has determined that, at this time, it will not implement or enforce those award requirement(s), unless and until the status of the litigation changes, such that DOJ determines that it may and will implement or enforce one or more of them, whether in whole or in part. If and when that occurs, DOJ will provide at least 60 days advance written notice of each such determination to each affected recipient, including an indication of the effective date(s) for implementation thereof.
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# NOTICE

## ► OJP Program Office:

- Bureau of Justice Assistance
- Bureau of Justice Statistics
- National Institute of Justice
- Office of Juvenile Justice and Delinquency Prevention
- Office for Victims of Crime
- Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking

## ► Award(s) affected:

- All FY 2019 awards with award condition entitled "Employment eligibility verification for hiring under the award"

## ► Award recipient(s) affected:

- State of California
- political subdivisions of the foregoing

## ► Award requirement(s) affected:

- Award condition 9, as originally set out in the award document by OJP, when that award condition is entitled "Employment eligibility verification for hiring under the award"

## ► Nature and scope of the exception as to the affected award(s):

- DOJ's authority to require compliance with the above-listed award requirement(s) is the subject of pending litigation. Accordingly (and consonant with award condition #1), DOJ has entered into a stipulation with California regarding the scope and meaning of that award requirement, *California v. Barr*, No. 3:19-cv-6189-WHO, ECF No. 41 (N.D. Cal. June 3, 2020). At this time, and while that stipulation remains in place, DOJ will act in accordance to its terms, including its term regarding 60 days advance written notice.

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## NOTICE

### ► OJP Program Office:

- Bureau of Justice Assistance

### ► Pertinent solicitation(s):

- "Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2019 State Solicitation"

### ► Award recipient(s) affected:

- State of Colorado

### ► Award requirement(s) affected:

- Award conditions 31 through 41, as originally set out in the award document by OJP

### ► Nature and scope of the exception as to the affected award(s):

- DOJ's authority to require compliance with the above-listed award requirement(s) is the subject of pending litigation. Accordingly (and consonant with award condition #1), DOJ has determined that, at this time, it will not implement or enforce those award requirement(s), unless and until the status of the litigation changes, such that DOJ determines that it may and will implement or enforce one or more of them, whether in whole or in part. If and when that occurs, DOJ will provide advance written notice of each such determination to each affected recipient, including an indication of the effective date(s) for implementation thereof.

## Legal notices pertaining to FY 2020 awards

## NOTICE

### ► OJP Program Office:

- Bureau of Justice Assistance
- Bureau of Justice Statistics
- National Institute of Justice
- Office of Juvenile Justice and Delinquency Prevention
- Office for Victims of Crime
- Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking

► **Pertinent solicitation(s):**

- All FY 2020 awards with award condition entitled "Employment eligibility verification for hiring under the award"

► **Award recipient(s) affected:**

- State of California
- political subdivisions of the foregoing

► **Award requirement(s) affected:**

- Award condition 9, as originally set out in the award document by OJP, when that award condition is entitled "Employment eligibility verification for hiring under the award"

► **Nature and scope of the exception as to the affected award(s):**

- DOJ's authority to require compliance with the above-listed award requirement(s) is the subject of pending litigation. Accordingly (and consonant with award condition #1), DOJ has entered into a stipulation with California regarding the scope and meaning of that award requirement, *California v. Barr*, No. 3:19-cv-6189-WHO, ECF No. 41 (N.D. Cal. June 3, 2020). At this time, and while that stipulation remains in place, DOJ will act in accordance to its terms, including its term regarding 60 days advance written notice.

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## NOTICE

► **OJP Program Office:**

- Bureau of Justice Assistance

► **Pertinent solicitation(s):**

- "Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2020 State Solicitation"
- "Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2020 Local Solicitation"

► **Award recipient(s) affected:**

- State of Oregon
- political subdivisions of the foregoing
- City of Portland (Oregon)

► **Award requirement(s) affected:**

- Award conditions 31 through 41, as originally set out in the award document by OJP

► **Nature and scope of the exception as to the affected award(s):**

- DOJ's authority to require compliance with the above-listed award requirement(s) is the subject of pending litigation. Accordingly (and consonant with award condition #1), DOJ has determined that, at this time, it will not implement or enforce those award requirement(s), unless and until the status of the litigation changes, such that DOJ determines that it may and will implement or enforce one or more of them, whether in whole or in part. If and when that occurs, DOJ will provide advance written notice of each such determination to each affected recipient, including an indication of the effective date(s) for implementation thereof.

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## NOTICE

► **OJP Program Office:**

- Bureau of Justice Assistance

► **Pertinent solicitation(s):**

- "Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2020 Local Solicitation"

► **Award recipient(s) affected:**

- City of Evanston (Illinois)
- recipients whose chief executives are members of the U.S. Conference of Mayors

► **Award requirement(s) affected:**

- Award conditions 31 through 41, as originally set out in the award document by OJP

► **Nature and scope of the exception as to the affected award(s):**

- DOJ's authority to require compliance with the above-listed award requirement(s) is the subject of pending litigation. Accordingly (and consonant with award condition #1), DOJ has determined that, at this time, it will not implement or enforce those award requirement(s), unless and until the status of the litigation changes, such that DOJ determines that it may and will implement or enforce one or more of them, whether in whole or in part. If and when that occurs, DOJ will provide advance written notice of each such determination to each affected recipient, including an indication of the effective date(s) for implementation thereof.
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## **NOTICE**

► **OJP Program Office:**

- Bureau of Justice Assistance

► **Pertinent solicitation(s):**



- "Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2020 Local Solicitation"
- "Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2020 State Solicitation"

► **Award recipient(s) affected:**

- All recipients

► **Award requirement(s) affected:**

- Award conditions 31 through 41, as originally set out in the award document by OJP

► **Nature and scope of the exception as to the affected award(s):**

- DOJ's authority to require compliance with the above-listed award requirement(s) is the subject of pending litigation. Accordingly (and consonant with award condition #1), DOJ will not implement or enforce those award requirement(s), unless and until the status of the litigation changes, such that DOJ determines that it may and will implement or enforce one or more of them, whether in whole or in part. If and when that occurs, DOJ will provide advance written notice of each such determination to each affected recipient, including an indication of the effective date(s) for implementation thereof.

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## NOTICE

► **OJP Program Office:**

- Bureau of Justice Assistance

► **Pertinent solicitation(s):**

- "Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2020 State Solicitation"

► **Award recipient(s) affected:**

- State of Illinois

► **Award requirement(s) affected:**

- Award conditions 31 through 41, as originally set out in the award document by OJP

► **Nature and scope of the exception as to the affected award(s):**

- DOJ's authority to require compliance with the above-listed award requirement(s) is the subject of pending litigation. Accordingly (and consonant with award condition #1), DOJ has determined that, at this time, it will not implement or enforce those award requirement(s), unless and until the status of the litigation changes, such that DOJ determines that it may and will implement or enforce one or more of them, whether in whole or in part. If and when that occurs, DOJ will provide advance written notice of each such determination to each affected recipient, including an indication of the effective date(s) for implementation thereof.
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## NOTICE

► **OJP Program Office:**

- Bureau of Justice Assistance

► **Pertinent solicitation(s):**

- "Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2020 State Solicitation"
- "Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2020 Local Solicitation"

► **Award recipient(s) affected:**

- State of California
- political subdivisions of the foregoing

► **Award requirement(s) affected:**

- Award conditions 31 through 41, as originally set out in the award document by OJP
- *Information regarding Communication with the Department of Homeland Security (DHS) and/or Immigration and Customs Enforcement (ICE)* application attachment

► **Nature and scope of the exception as to the affected award(s):**

- DOJ's authority to require compliance with the above-listed award requirement(s) is the subject of pending litigation. Accordingly (and consonant with award condition #1), DOJ has determined that, at this time, it will not implement or enforce those award requirement(s), unless and until the status of the litigation changes, such that DOJ determines that it may and will implement or enforce one or more of them, whether in whole or in part. If and when that occurs, DOJ will provide at least 60 days advance written notice of each such determination to each affected recipient, including an indication of the effective date(s) for implementation thereof.
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## NOTICE

► **OJP Program Office:**

- Office of Juvenile Justice and Delinquency Prevention

► **Pertinent solicitation(s):**

- OJJDP FY 2020 Title II Formula Grants Program

► **Award recipient(s) affected:**

- State of California

► **Award requirement(s) affected:**

- Award conditions 35 through 38, as originally set out in the award document by OJP

► **Nature and scope of the exception as to the affected award(s):**

- DOJ's authority to require compliance with the above-listed award requirement(s) is the subject of pending litigation. Accordingly (and consonant with award condition #1), DOJ has determined that, at this time, it will not implement or enforce those award requirement(s), unless and until the status of the litigation changes, such that DOJ determines that it may and will implement or enforce one or more of them, whether in whole or in part. If and when that occurs, DOJ will provide at least 60 days advance written notice of each such determination to each affected recipient, including an indication of the effective date(s) for implementation thereof.
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## NOTICE

### ► OJP Program Office:

- Bureau of Justice Assistance

### ► Pertinent solicitation(s):

- "Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2020 Local Solicitation"

### ► Award recipient(s) affected:

- City and County of San Francisco (California)

### ► Award requirement(s) affected:

- Award conditions 31 through 41, as originally set out in the award document by OJP

### ► Nature and scope of the exception as to the affected award(s):

- DOJ's authority to require compliance with the above-listed award requirement(s) is the subject of pending litigation. Accordingly (and consonant with award condition #1), DOJ has determined that, at this time, it will not implement or enforce those award requirement(s), unless and until the status of the litigation changes, such that DOJ determines that it may and will implement or enforce one or more of them, whether in whole or in part. If

and when that occurs, DOJ will provide advance written notice of each such determination to each affected recipient, including an indication of the effective date(s) for implementation thereof.

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## **NOTICE**

### **► OJP Program Office:**

- Bureau of Justice Assistance

### **► Pertinent solicitation(s):**

- "Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2020 Local Solicitation"

### **► Award recipient(s) affected:**

- City of Philadelphia (Pennsylvania)

### **► Award requirement(s) affected:**

- Award conditions 31 through 34 and 37 through 41, as originally set out in the award document by OJP

### **► Nature and scope of the exception as to the affected award(s):**

- DOJ's authority to require compliance with the above-listed award requirement(s) is the subject of pending litigation. Accordingly (and consonant with award condition #1), DOJ has determined that, at this time, it will not implement or enforce those award requirement(s), unless and until the status of the litigation changes, such that DOJ determines that it may and will implement or enforce one or more of them, whether in whole or in part. If and when that occurs, DOJ will provide advance written notice of each such determination to each affected recipient, including an indication of the effective date(s) for implementation thereof.
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## NOTICE

### ► OJP Program Office:

- Bureau of Justice Assistance

### ► Pertinent solicitation(s):

- "Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2020 State Solicitation"

### ► Award recipient(s) affected:

- State of Colorado

### ► Award requirement(s) affected:

- Award conditions 31 through 41, as originally set out in the award document by OJP

### ► Nature and scope of the exception as to the affected award(s):

- DOJ's authority to require compliance with the above-listed award requirement(s) is the subject of pending litigation. Accordingly (and consonant with award condition #1), DOJ has determined that, at this time, it will not implement or enforce those award requirement(s), unless and until the status of the litigation changes, such that DOJ determines that it may and will implement or enforce one or more of them, whether in whole or in part. If and when that occurs, DOJ will provide advance written notice of each such determination to each affected recipient, including an indication of the effective date(s) for implementation thereof.
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## NOTICE

### ► OJP Program Office:

- Bureau of Justice Assistance

### ► Pertinent solicitation(s):



- "Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2020 State Solicitation"
- "Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2020 Local Solicitation"

► **Award recipient(s) affected:**

- Commonwealths of—  
Virginia  
Massachusetts
- States of—  
New York  
Connecticut  
New Jersey  
Rhode Island  
Washington
- political subdivisions of the foregoing
- City of New York (New York)

► **Award requirement(s) affected:**

- Award conditions 31 through 41, as originally set out in the award document by OJP

► **Nature and scope of the exception as to the affected award(s):**

- DOJ's authority to require compliance with the above-listed award requirement(s) is the subject of pending litigation. Accordingly (and consonant with award condition #1), DOJ has determined that, at this time, it will not implement or enforce those award requirement(s), unless and until the status of the litigation changes, such that DOJ determines that it may and will implement or enforce one or more of them, whether in whole or in part. If and when that occurs, DOJ will provide advance written notice of each such determination to each affected recipient, including an indication of the effective date(s) for implementation thereof.
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## NOTICE

### ► OJP Program Office:

- Bureau of Justice Assistance

### ► Pertinent solicitation(s):

- "Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2020 Local Solicitation"

### ► Award recipient(s) affected:

- City of Los Angeles (California)

### ► Award requirement(s) affected:

- Award conditions 31 through 41, as originally set out in the award document by OJP

### ► Nature and scope of the exception as to the affected award(s):

- DOJ's authority to require compliance with the above-listed award requirement(s) is the subject of pending litigation. Accordingly (and consonant with award condition #1), DOJ has determined that, at this time, it will not implement or enforce those award requirement(s), unless and until the status of the litigation changes, such that DOJ determines that it may and will implement or enforce one or more of them, whether in whole or in part. If and when that occurs, DOJ will provide advance written notice of each such determination to each affected recipient, including an indication of the effective date(s) for implementation thereof.

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## NOTICE

### ► OJP Program Office:

- Bureau of Justice Assistance

### ► Pertinent solicitation(s):

- "Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2020 Local Solicitation"

► **Award recipient(s) affected:**

- Cities of—  
Providence (Rhode Island)  
Central Falls (Rhode Island)

► **Award requirement(s) affected:**

- Award conditions 31 through 41, as originally set out in the award document by OJP

► **Nature and scope of the exception as to the affected award(s):**

- DOJ's authority to require compliance with the above-listed award requirement(s) is the subject of pending litigation. Accordingly (and consonant with award condition #1), DOJ has determined that, at this time, it will not implement or enforce those award requirement(s), unless and until the status of the litigation changes, such that DOJ determines that it may and will implement or enforce one or more of them, whether in whole or in part. If and when that occurs, DOJ will provide advance written notice of each such determination to each affected recipient, including an indication of the effective date(s) for implementation thereof.



U.S. DEPARTMENT OF JUSTICE  
OFFICE OF JUSTICE PROGRAMS