

Edward Byrne Justice Assistance Grant (JAG)

Frequently Asked Questions from Local Units of Government

1. How do I know if I am eligible for a direct award from the Bureau of Justice Assistance (BJA)?

The list of eligible applicants can be found by clicking on your state at the following web site: <http://www.ojp.usdoj.gov/BJA/grant/jagallocations.html>

2. My city/county/parish/tribe is not listed as qualifying for a direct award. Is there other funding available?

Your state government also receives an award from the Bureau of Justice Assistance and you may qualify for funding from the state. You can find which agency administers this award by clicking on your state at the following web site:

<http://www.ojp.usdoj.gov/state.htm>. The state agency that administers the pass through funds will be listed under the Bureau of Justice Assistance.

3. Our city/county doesn't qualify for a direct award. How do I become eligible in the future?

Based on the JAG legislation, an increase in any of the following may qualify you for an award in the future: overall appropriation, state population, crime expenditure data, and Part 1 violent crime data from FBI Uniform Crime Reports.

4. Where can I find Part 1 violent crime data and crime expenditure data for my city or county?

For the violent crime rate average and crime expenditure data used for your JAG award, contact your BJA State Policy Advisor.

5. The city is eligible to apply for a direct award from BJA. Who must apply and where do I find more information on how to apply?

Only a unit of local government (e.g., city, county, parish, township, tribe) may apply for the JAG funds from BJA. The CEO of the unit of local government is the official who must decide who will apply for the funds. An application kit for units of local governments is available at the following web site:

www.ojp.usdoj.gov/BJA/grant/jag.html.

6. Will our city/county receive the amount listed one time or for every year of the project period?

This is a one-time award from the FY 2005 appropriation. The project period for the one-time award is from October 1, 2004 to September 30, 2008.

7. My city is listed with my county under the column “Joint Application Award Amount.” What does this mean?

If you are listed with another city or county government, you are in a funding disparity. The JAG legislation requires that if a city (or cities) receive one-and-one half times more funding (four times more for multiple cities) than the county, there is a funding disparity, and the units of local government must apply for an award with a single joint application. Also included in the disparate calculation is crime expenditure data for the city and the county. Here are more questions about Disparate Jurisdictions:

- a. Fiscal Agent: How do we determine which single unit of local government will apply to BJA to be the fiscal agent for the funds?

This is a decision made by the units of local government. You may consider who has more capacity to administer the financial and programmatic requirements.

- b. Project: Is the city and the county required to work on the same project or purpose area?

No. For example, the city may choose to purchase equipment, and the county may wish to fund a drug task force.

- c. Single-Jurisdiction Project: The county would like to administer a drug court with the JAG funds that would benefit all the cities listed as disparate. The cities agree with this strategy and would like the total allocation to go to the county. Do we still have to provide an MOU?

Yes. There is not a requirement that each city or county listed together receive a share of the funding. All of them must, however, be included in the Memorandum of Understanding and agree in that document that the county (in the example above) would receive the total allocation and the cities would not receive funding from the county but would benefit from the service the county would provide on behalf of the city. The MOU must certify that the city or county that does not receive funds: 1) recognizes that the funds in question will be provided for a single project; 2) believes that the proposed project will provide a direct local benefit to their city or county; and 3) agrees that providing the funding for a single project is in the best interests of their city/county.

- d. Allocation: How do I find out what my jurisdiction’s potential allocation was within the disparate process?

It can be found here www.ojp.usdoj.gov/BJA/grant/05JAGdisparate.xls. For more information, contact your State Policy Advisor.

- e. MOU: The sample Memorandum of Understanding (MOU) has blanks that I don't understand. For example, what do I fill in under the Tort Claims Act?

A sample memorandum was provided at:

www.ojp.usdoj.gov/BJA/grant/05JAGMOU.pdf

This document was provided as an example only. The specific city and references to the city that created it were eliminated before it was posted to the internet. Each city/county will need to work with its own legal counsel to create an MOU specific to the project and specific to local city/county laws.

- f. MOU Submission: How do I send the MOU to BJA?

Please fax to 202-354-4147. Each page must have the GMS-generated application number at the top. This application number is generated when you access the JAG funding opportunity on GMS.

- g. Governing Body Review: What is the governing body and does every county/city need to provide the application to their governing body for review or only the city/county that will actually submit the application to BJA (the fiscal agent)?

Examples of the governing body are a city council, county commission, county board of supervisors or other legislative body at the local level. Follow your local laws and procedures for providing the application to the governing body. For example, based on internal procedures, you may need to provide it to the administrative assistant for the city council to distribute to the city council.

The fiscal agent must provide a copy of the joint application to its governing body 30 days prior to submission to BJA. To promote an awareness of the application and proposed initiatives, the other cities/county participating in the joint application should also provide the application to their governing body for review. If this deadline cannot be met prior to March 31, 2005, call your BJA State Policy Advisor to request an extension. Extensions to the deadline are not guaranteed. Please contact your BJA State Policy Advisor [link here to SPA list] immediately to request an extension to the deadline. Requests should be made in writing (e-mail) by March 31, 2005. The request must include your GMS application number that is provided by the GMS system and a timeline for when you will submit the final application.

- h. Public Review: The application kit states that I must "provide an assurance that the application or any future amendment was made public and an opportunity to comment was provided to citizens and to neighborhood or community organizations to the extent applicable law or established procedure makes such an opportunity available." Does each city and county listed have to make the application public or just the fiscal agent?

The fiscal agent must make its application public and provide for an opportunity to comment. To promote an awareness of the application and proposed initiatives, the announcement should be broad enough for all jurisdictions participating in the joint application to receive notice. This can be accomplished as easily as announcing it in the local newspaper with an email address to submit comments. Follow your local laws and procedures on the requirements for public notices and comments.

- i. Report Submission: How will we submit reports to BJA?

Only the fiscal agent will be required to submit quarterly financial reports and an annual performance report to BJA. However, the fiscal agent will need data from each of the cities and the county to obtain the information for the reports. You may want to include this requirement in your MOU.

- j. Trust Fund Requirement: How do we manage the trust fund requirement when there are multiple cities/counties?

The JAG legislation requires that a trust fund be established for JAG funds. The trust fund may or may not be an interest-bearing account. This may be one trust fund that is established by the fiscal agent, or each jurisdiction may establish its own trust fund. Decisions on the trust fund, including how funds earned by the interest-bearing account will be distributed, should be outlined in the MOU.

- k. Administrative Costs: Can each unit of local government that will receive funding use up to 10% of their award for administrative costs?

Only the fiscal agent may use up to 10% of the award for administrative costs. Administrative costs taken, if any, should be addressed in the MOU.

8. The application states that I must “make the grant application available for review to the governing body of the unit of local government or an organization designated by that governing body not fewer than 30 days before the application is submitted to BJA.”

- a. What is the governing body?

Examples of the governing body are a city council, county commission, county board of supervisors or other legislative body at the local level. Follow your local laws and procedures for providing the application to the governing body. For example, based on internal procedures, you may need to provide it to the administrative assistant for the city council to distribute to the city council.

- b. Our city council meets only once a month. How can I meet that requirement and still submit my application by March 31st?

There is not a requirement that the application be provided during a city council meeting. You may fax, e-mail, or mail the application to each city council member for their review. In addition, the requirement is that the application be provided for their review. It does not require that it be approved 30 days prior to submitting it to the Bureau of Justice Assistance – that approval could occur before the March 31st deadline.

- c. Our city just found out about the JAG funds. Therefore, it is not possible to meet the 30-day requirement and submit the application by March 31st. Are we ineligible for an award?

Extensions to the deadline are not guaranteed. Please contact your BJA State Policy Advisor [[link here to SPA list](#)] immediately to request an extension to the deadline. Requests should be made in writing (e-mail) by March 31, 2005. The request must include your GMS application number that is provided by the GMS system and a timeline for when you will submit the final application.

- 9. The application states that I must “provide an assurance that the application or any future amendment was made public and an opportunity to comment was provided to citizens and to neighborhood or community organizations to the extent applicable law or established procedure makes such an opportunity available.”

- a. Does this have to be done 30 days prior to submitting the application?

No. You must meet this requirement before you submit the application on March 31st.

- b. Is it required that I hold a public hearing or can I just post a notice in the newspaper?

If your local law allows, posting a notice in the newspaper is sufficient if there is a means for the public to provide comments by calling, e-mail, sending a letter, etc.

- c. Is there a 7-day public notice requirement?

The JAG program does not require this, but check with your local laws and regulations on public notice requirements.

- d. Is there a requirement to have an advisory board review the application?

There is not a requirement for an advisory board to review the application. This is encouraged.

- 10. I have started my application and it asks if I have complied with Executive Order 12372. What is that?

Executive Order 12372 requires state and local governments to coordinate when receiving federal funding. Many states have chosen not to participate in Executive Order 12372. You may find your state office for coordination of this Executive Order at <http://www.whitehouse.gov/omb/grants/spoc.pdf> If your state is not listed, they do not participate in this intergovernmental review process.

11. I tried to log into the LLEBG system to apply for my award and cannot get into the system.

The Local Law Enforcement Block Grant is a separate grant program that did not receive funding in FY 2005. The Justice Assistance Grant has different requirements and uses the Grants Management System (GMS) to apply for, receive, and manage the award, including post-award reporting.

If you already have a login ID for GMS but cannot remember your password call 1-888-549-9901 and press option 5. If you have never applied for a grant through GMS, you may obtain a user ID and password by going to GMS at grants.ojp.usdoj.gov and clicking on "New User? Register Here."

12. The JAG grant prohibits the use of grant funds for vehicles unless extraordinary and exigent circumstances exist. It also states that BJA must certify that we may use the funds for this purpose. How do I obtain this approval?

You may submit a request with your JAG application. The request should include the following:

1) What are the extraordinary and exigent circumstances that exist that would require the use of JAG funds to purchase a vehicle? This may include things such as funding difficulties faced by the city or county, age of the current fleet of vehicles, and unforeseen events that have occurred such as loss of current vehicles through accidents, fire, breakdown, etc. If this is not a replacement vehicle, describe the extraordinary and exigent circumstances that exist that would necessitate the purchase of the vehicle.

2) Describe the purpose of the vehicle related to criminal justice.

13. What will be the reporting requirements once the grant is awarded?

Once you receive your award, you will be required to submit quarterly financial reports and annual performance reports. Reports must be submitted online through the Grants Management System and Financial Status Report SF269 system. Further details about programmatic reporting will be included in the JAG Guidance Manual that will be released before awards are made.