

32. *What does the Death in Custody Reporting Act (DCRA) State Implementation Plan under State JAG entail, and is technical assistance available? (updated September 2024)*

States must submit a DCRA State Implementation Plan, or an annual implementation report, with their applications. The required elements in the DCRA State Implementation Plan can be found at: [DCRA State Plan Implementation Guidance](#). In any year in which the DCRA State Implementation Plan is not updated, states must submit a brief DCRA implementation report with their applications.

For years when the DCRA State Implementation Plan is updated, attach the new plan to the JAG application. For years when the State Implementation Plan is not updated, attach the implementation report to the JAG application.

If a State Implementation Plan or implementation report is missing, or if a submitted State Implementation Plan clearly fails to discuss the required elements described in the DCRA State Plan Implementation Guidance, then states will be required to receive TTA. For more information on TTA available to all States, please see: <https://bja.ojp.gov/program/dcra/training-and-technical-assistance>.

DISPARATE INFORMATION

33. *What does it mean when two or more units of local government are listed under the column “Joint Application (Disparate) Award Amount” in the JAG allocation tables?*

In some cases, as defined by the legislation, a disparity may exist between the funding eligibility of a county and its associated municipalities. Three different types of disparities may exist:

- The first type is a zero-county disparity. This situation exists when one or more municipalities within a county are eligible for a direct award, but the county is not, yet the county is responsible for providing criminal justice services (such as prosecution and incarceration) for the municipality. In this case, the county is entitled to part of the municipality’s award because it shares the cost of criminal justice operations, although it may not report crime data to the FBI. This is the most common type of disparity.
- A second type of disparity exists when both a county and a municipality within that county qualify for a direct award, but the award amount for the municipality exceeds 150 percent of the county’s award amount.
- The third type of disparity occurs when a county and multiple municipalities within that county are all eligible for direct awards, but the sum of the awards for the individual municipalities exceeds 400 percent of the county’s award amount.

34. *How is it determined which unit of local government will be the fiscal agent responsible for applying for the disparate funds?*

The localities in a disparate group must agree on which locality will serve as the fiscal agent. A Memorandum of Understanding (MOU) that identifies which jurisdiction will serve as the applicant or fiscal agent for the disparate group must be completed and

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signed by the “Authorized Representative” for each participating jurisdiction. The signed MOU should be attached to the application. For a sample MOU, go to: [JAG SAMPLE MOU](#). If the MOU is not complete by time of application, funds will be withheld until the signed MOU is submitted to BJA.

35. *How are allocation amounts determined for jurisdictions identified as disparate?*

The jurisdictions identified as disparate must negotiate and agree on allocation amounts. Please note that the amounts listed within the annual JAG allocations chart are calculated amounts based on the formula and how much each jurisdiction would be eligible for if no disparity was identified; however, jurisdictions within the disparate situation are to determine and agree upon the award amount for each listed jurisdiction. There is no requirement to use the amounts listed for each disparate jurisdiction on the allocations chart. The joint application submitted by the fiscal agent on behalf of the disparate group must specify the award distribution to each unit of local government and the purposes for which the funds will be used.

36. *What is the process if one or more disparate jurisdictions do not agree to sign an MOU and intend to decline funding?*

A disparate unit of local government may decline JAG funding and should be party to the MOU with its allocation listed as \$0. However, BJA will accept an official letter of declination in lieu of the disparate unit of local government’s signature on the MOU. This official letter of declination must clearly state that the unit of local government understands it is eligible to receive JAG funds under the subject award but is declining to do so; the letter must be signed by the highest ranking official for the unit of local government.

37. *What are the responsibilities of a fiscal agent for a disparate group?*

The fiscal agent is considered the pass-through entity and their relationship with the other disparate members would be considered a subaward/subrecipient for grants administrative purposes. The fiscal agent is the legal applicant responsible for submitting the application, reporting, making and monitoring subawards (see the [DOJ Grants Financial Guide, Section 3.14](#)), retaining all subaward paperwork and applicable certifications, and making that available upon request in the case of monitoring or an audit.

38. *When there is a group of disparate jurisdictions applying for a JAG award, do the “Certifications and Assurances by Chief Executive of Applicant” apply to each disparate jurisdiction or just the fiscal agent? (updated September 2024)*

The “Certifications and Assurances by the Chief Executive of the Applicant Government” must be submitted by the applicant/fiscal agent to OJP. The subrecipients in the disparate group are not required to submit such a certification by their chief executive; however, the direct JAG award recipient must collect a completed certification from the subrecipient(s). Any such certifications must be maintained by the direct JAG award recipient and made available to OJP upon request. Each unit of local government must abide by state/local policies and procedures regarding governing body review and public comment opportunity.

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39. Does the disclosure of duplication in cost items (formerly the disclosure of pending applications) application requirement apply to each disparate jurisdiction or just the unit of local government that is the fiscal agent?

Only the fiscal agent (JAG applicant) is required to submit the Applicant Disclosure of Duplication in Cost Items, which is completed in the JustGrants application (see the [OJP Grant Application Resource Guide | Office of Justice Programs](#)). However, the disclosure should cover all projects and activities proposed to be funded under the award.

USE OF FUNDS

40. What can JAG funds be used for?

In general, JAG funds may be used to provide additional personnel, equipment, supplies, contractual support, training, technical assistance, and information systems for criminal justice, or civil proceedings, including for any one or more of the following nine JAG Program areas, per the JAG statute:

- (A) Law enforcement programs.
- (B) Prosecution and court programs.
- (C) Prevention and education programs.
- (D) Corrections and community corrections programs.
- (E) Drug treatment and enforcement programs.
- (F) Planning, evaluation, and technology improvement programs.
- (G) Crime victim and witness programs (other than compensation)
- (H) Mental health programs and related law enforcement and corrections programs, including behavioral programs and crisis intervention teams.
- (I) Implementation of state crisis intervention court proceedings and related programs or initiatives, including but not limited to:
 - (i) Mental health courts
 - (ii) Drug courts
 - (iii) Veterans courts
 - (iv) Extreme risk protection order programs

In connection with all of the above purposes, it should be noted 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.”

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