

**U.S. Department of Justice**  
Office of Justice Programs  
*Bureau of Justice Statistics*



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The [U.S. Department of Justice](#) (DOJ), [Office of Justice Programs](#) (OJP), [Bureau of Justice Statistics](#) (BJS) is seeking applications for the implementation of a series of data collections from federal law enforcement (LE) agencies. This program furthers the Department's mission by working in partnership with the justice community to identify the unique challenges faced by federal LE agencies and innovative strategies and approaches for dealing with the challenges that arise from arrest-related deaths.

## **Federal Law Enforcement Agency Deaths in Custody Reporting Program, 2018-2021**

**Applications Due: June 18, 2018**

### **Eligibility**

Eligible applicants are national, regional, state, or local public and private entities, including for-profit (commercial) and nonprofit organizations (including tribal nonprofit and for-profit organizations), faith-based and community organizations, institutions of higher education (including tribal institutions of higher education), federally recognized Indian tribal governments as determined by the Secretary of the Interior, and units of local government that support initiatives to improve the functioning of the criminal justice system.

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

BJS welcomes applications under which two or more entities would carry out the federal award; however, only one entity may be the applicant. Any others must be proposed as subrecipients ("subgrantees").<sup>1</sup> The applicant must be the entity that would have primary responsibility for carrying out the award, including administering the funding and managing the entire project. Under this solicitation, only one application by any particular applicant entity will be considered. An entity may, however, be proposed as a subrecipient ("subgrantee") in more than one application.

BJS may elect to fund applications submitted under this fiscal year (FY) 2018 solicitation in future fiscal years, dependent on, among other considerations, the merit of the applications and on the availability of appropriations.

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<sup>1</sup> For additional information on subawards, see "Budget and Associated Documentation" under [Section D. Application and Submission Information](#).

## Deadline

Applicants must register with Grants.gov at <https://www.grants.gov/web/grants/register.html> prior to submitting an application. All applications are due by 11:59 p.m. eastern time on June 18, 2018.

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

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

For additional information, see [How to Apply](#) in Section D. Application and Submission Information.

## Contact Information

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

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

For assistance with any other requirements of this solicitation, contact Anthony Whyde, BJS Statistician, Law Enforcement Statistics Unit, by telephone at 202-307-0765, or by email at [askbjs@usdoj.gov](mailto:askbjs@usdoj.gov). Include “Federal ARD” in the subject line.

Grants.gov number assigned to this solicitation: BJS-2018-14130

Release date: May 4, 2018

# Contents

A. Program Description.....	4
Overview.....	4
Program-Specific Information.....	4
Goals, Objectives, and Deliverables.....	6
Information Regarding Potential Evaluation of Programs and Activities.....	12
B. Federal Award Information .....	12
Type of Award.....	13
Financial Management and System of Internal Controls .....	13
Budget Information.....	15
Cost Sharing or Matching Requirement.....	15
Pre-agreement Costs (also known as Pre-award Costs) .....	15
Limitation on Use of Award Funds for Employee Compensation; Waiver .....	15
Prior Approval, Planning, and Reporting of Conference/Meeting/Training Costs .....	16
Costs Associated with Language Assistance (if applicable) .....	16
C. Eligibility Information.....	17
D. Application and Submission Information.....	17
What an Application Should Include.....	17
How To Apply.....	31
E. Application Review Information.....	35
Review Criteria.....	35
Review Process .....	36
F. Federal Award Administration Information .....	37
Federal Award Notices.....	37
Administrative, National Policy, and Other Legal Requirements.....	37
General Information about Post-Federal Award Reporting Requirements .....	39
G. Federal Awarding Agency Contact(s) .....	40
H. Other Information .....	40
Freedom of Information Act and Privacy Act (5 U.S.C. 552 and 5 U.S.C. 552a).....	40
Provide Feedback to OJP .....	40
Appendix A: Performance Measures Table .....	42
Appendix B: Application Checklist.....	45
Appendix C: Data Collection Forms .....	47

# Federal Law Enforcement Agency Deaths in Custody Reporting Program, 2018-2021 (CFDA # 16.734)

## A. Program Description

### Overview

The Bureau of Justice Statistics (BJS) seeks applications for the administration of the Federal Law Enforcement Agency Deaths in Custody Reporting Program (FDCRP), 2018-2021. The FDCRP aims to: (1) collect complete and accurate information on all federal arrest-related, detained, and incarcerated deaths; (2) implement a consistent data collection program across all federal law enforcement (LE) agencies; and (3) increase efficiency and timeliness of collecting, analyzing, and disseminating the data. In addition, BJS seeks assistance to update and maintain the FDCRP survey instruments and the federal LE agency frame, which includes agency contact information. With this solicitation, BJS seeks a data collection agent for deaths that occur during fiscal years (FY) 2018, 2019, 2020, and 2021, where data collection immediately follows the referenced fiscal year.

**Statutory Authority:** Under section 302 of the Omnibus Crime Control and Safe Streets Act, BJS is authorized to “make grants to or enter into cooperative agreements or contracts with public agencies, institutions of higher education, private organizations, or private individuals” for purposes of collecting and analyzing criminal justice statistics. BJS is authorized to issue this solicitation under 34 U.S.C. §§ 10132, 60105(a).

### Program-Specific Information

#### *Federal Deaths in Custody Reporting Program*

The Death in Custody Reporting Act of 2013 (DICRA; P.L. 113-242) (“the Act”) was passed in December 2014. Beginning in FY 2016, the Act required the head of each federal LE agency to submit a report to the Attorney General, in a manner and form specified by the Attorney General, containing information on any death of a person who is—

1. detained, under arrest, or in the process of being arrested by any federal LE officer (or by any state or local LE officer while participating in and for purposes of a federal LE operation, task force, or any other federal LE capacity carried out by such federal LE agency)
2. en route to be incarcerated or detained, or is incarcerated or detained at—
  - a. any facility (including any immigration or juvenile facility) pursuant to a contract with such federal LE agency
  - b. any state or local government facility used by such federal LE agency
  - c. any federal correctional facility or federal pretrial detention facility located within the United States.

The Act also specifies that agencies’ submissions contain information that, at a minimum, include (1) the name, sex, race, Hispanic origin, and age of the deceased; (2) the date, time, and location of death; (3) the LE agency that detained, arrested, or was in the process of arresting the deceased; and (4) a brief description of the circumstances surrounding the death.

On October 5, 2016, the Attorney General issued a memorandum notifying each federal department, agency, or office that includes a LE agency within its organization of the reporting requirements under the act. Since then, as requested in the memorandum, the federal LE agencies have been coordinating with BJS by providing points of contact (POCs). BJS has completed FYs 2016 and 2017 data collections and plans to issue reports based on these data in 2018 and 2019.

### ***Program History***

Under this solicitation, the recipient of funds will collect data on persons who died in the custody of federal LE agencies from FY 2018 to FY 2021, building upon BJS's existing efforts. The data collection is a multimode system that includes a web-based interface, which allows federal LE agencies to identify all deaths that are arrest related or that occur in detention or incarceration facilities.

Arrest-related deaths occur when the event causing the death (e.g., gunshot wound, self-inflicted injury, cardiac arrest, fall from a height, or drowning) occurs while the decedent's freedom to leave is restricted by federal LE personnel acting in an official capacity or by state or local LE officers while participating in a federal LE operation. They include any death—

- attributed to use of force by LE personnel as described above
- that occurred while the decedent's freedom to leave was restricted by LE prior to, during, or following an arrest—
  - while detained for questioning or investigation (e.g., Terry stop)
  - during the process of apprehension (e.g., pursuit of criminal suspect, standoff with LE)
  - while in the custody of, or shortly after restraint by, LE (even if the decedent was not formally under arrest)
  - during transport to or from LE, detention, incarceration, or medical facilities
- that occurred while the decedent was held in a temporary holding facility for no more than 72 hours (e.g., booking centers, holding areas, staging locations)
- that occurred during an interaction with federal LE personnel during response to medical or mental health assistance (e.g., response to suicidal persons).

Detention- or incarceration-related deaths occur while the decedent is detained or incarcerated for violating federal criminal or administrative law and is housed in any facility designed to detain or incarcerate such individuals for more than 72 hours. These include all detainee or inmate deaths that occur in any federal corrections facility, pretrial facility, facility used for administrative detention, or any other facility pursuant to a contract to hold, detain, or imprison in a criminal or administrative capacity by a federal LE agency.

### **Measures Collected**

To date, the FDCRP collection has used three instruments: a screener (CJ-13 – DICRA Annual Summary), a questionnaire for each arrest-related death (CJ-13A – Arrest-Related Death Incident Report), and a questionnaire for each detention- or incarceration-related death (CJ-13B – Detention/Incarceration Incident Report). See [appendix C](#) for these forms.

On the screener, agency respondents indicated whether they had arrest or detention authority and, if so, whether they had reported any deaths. If a responding agency did not have either type of death (arrest or detention) during the reporting period, the respondent was instructed to submit the CJ-13 form noting no deaths.

For every arrest-related death, respondents completed a CJ-13A form. The CJ-13A instrument asked for characteristics on incidents (e.g., location), decedents (e.g., demographics and actions prior to and during the incident), and LE (e.g., actions during the incident, interactions with the decedent, and weapon use).

Similarly, for every detention- or incarceration-related death, respondents completed a CJ-13B. The CJ-13B instrument asked for characteristics on incidents (e.g., facility information), decedents (e.g., demographics and details of the decedent's incarceration), and facility staff (e.g., actions during the incident).

Due to unique functions and situations, the arrest and detention incident forms requested different information. For example, arrest-related deaths are most often due to LE use of force, so the incident form included questions about the type and extent of force applied during the incident. Additionally, detention- or incarceration-related deaths are more likely due to natural causes. Therefore, the incident form included measures of treatment provided for any identified medical conditions.

## **Data Collection**

The Act requires federal LE agencies to report to the Attorney General annually, on a fiscal year basis (October 1 to September 30). For FYs 2016 and 2017, POCs were contacted by email and directed to the FDCRP web-based online survey submission portal. Each agency POC received a login name, password, and instructions. The initial screener form (CJ-13) required agencies to enter the number of arrest-, detention-, and incarceration-related deaths that occurred under their jurisdiction during FYs 2016 or 2017 and decedent name. Agency POCs were instructed to provide incident information for each decedent depending on whether it was an arrest-, detention-, or incarceration-related death.

Respondents were offered various options for reporting the required information with the goal of reducing respondent burden. Respondents most commonly used the web-based data collection. More than 90% of respondents completed the survey via the web. Other respondents, submitted data via file transfer, especially those with multiple incidents to report. Data collection staff uploaded these files into the database and matched file responses with instrument responses. Other agencies indicated they had no deaths to report via telephone. For those respondents, data collection staff entered data into the web portal on the reporting agency's behalf.

## **Goals, Objectives, and Deliverables**

The recipient of funds is expected to achieve certain goals, including—

- Implement a cost-effective, efficient, and timely system to collect and analyze FDCRP data. Methods that should minimize respondent burden while maximizing data quality. The system should primarily collect data via the web and electronic file transfer alternatives, which allow respondents to report death-related information on an annual basis.
- Obtain and maintain high participation rates by federal LE agencies that have arrest, detainment, or incarceration authority.
- Provide accurate, timely, and relevant statistics on arrest-, detention-, and incarceration-related deaths that occur under federal LE authority.

- Maintain and update a list of federal LE organizations to determine eligibility. This framework should include general agency information, a POC, arrest authority status, detention or incarceration authority status, and authority to carry firearm status.
- Maintain and update data collection instruments.
- Conduct data analysis.
- Prepare materials needed to archive FDCRP data in a form and manner determined by BJS.

As described below in the Scope of Work section, the project period runs from October 1, 2018, to September 30, 2022; therefore, data collection and analysis activities are expected to cover deaths that occur in FYs 2018, 2019, 2020, and 2021.

Data collection for deaths that occur during a given fiscal year should start in October of the following fiscal year. Data management activities associated with a fiscal year begin earlier with updating respondent information and modifying data collection instruments as needed. BJS estimates that it takes up to 6 months to complete a fiscal year data collection for the FDCRP, and BJS expects that, under normal conditions, it will receive a final analytic dataset for a collection year by June of the following year. For example, data collection for deaths that occurred in FY 2018 should begin in October 2018 and conclude in March 2019. An analytic dataset should be available by June 2019.

As part of these deliverables—particularly related to the delivery of data to BJS and the secure handling of directly identifiable information—applicants should describe in the Project Narrative how data collected as part of BJS-funded activities will be delivered to BJS, including the frequency and format. Following consultation with and direction by the BJS Program Manager, award recipients will be required to provide the specific data structure documentation to BJS as a final deliverable. At minimum, the data documentation structure must include the expected names, formats, and allowable values for each data element. The data structure documentation is a required final deliverable and shall be subject to review and approval by BJS’s Technology and Data Management Unit.

Award recipients and subrecipients that collect, receive, handle, maintain, transfer, process, store, or disseminate directly identifiable information (e.g., name; social security number; last known address; FBI, state, or Department of Corrections identification number) in conjunction with BJS-funded activities must—

- Maintain a Security Program Management Plan that prescribes the reporting of and response to security incidents involving directly identifiable information, including, but not limited to, system compromise, unauthorized access from both internal and external parties, data leakage, and loss of technology assets. This policy shall be in accordance with the Office of Management and Budget, Department of Commerce Cybersecurity Policy, Presidential Directives, and [National Institute of Standards and Technology](#) (NIST) best practices.
- Complete data security and confidentiality training(s), as applicable.
- Provide BJS with a signed copy of their Security Program Management Plan within 90 days of accepting the award and with all updated versions throughout the life of the project period.
- Notify BJS within 1 hour of any security incidents that impacts a [Federal Information Security Modernization Act](#) (FISMA)-defined information system used to support award activities.

To ensure that applicants understand the applicable information system security and privacy requirements, BJS encourages prospective applicants to review the relevant provisions of the BJS Data Protection Guidelines, which summarize the federal statutes, regulations, and other authorities that govern BJS data and data collected and maintained under BJS's authority. The guidelines are available [here](#).

## Scope of Work

Project activities include—

- (1) manage, initiate, conduct, and complete ongoing FDCRP data collection activities
- (2) maintain a multimode data collection effort built around a web-based interface that allows for submission of electronic data files (i.e., data extracts) and individual-level records
- (3) maintain and update a database of federal LE agency death records
- (4) maintain and update a database of the universe of federal LE agencies and contact information relevant to FDCRP
- (5) maintain real-time tracking and reporting on the status of the collection and database updating
- (6) implement cost-effective procedures to edit data
- (7) provide BJS with materials needed for archiving restricted-access FDCRP data as defined by BJS
- (8) maintain an informative communications strategy to provide BJS with documentation, summary reports on the status of the collection, and a year-end project summary.

Specifically, the recipient of funds will do the following:

1. Manage the ongoing data collection activities of the FDCRP. These activities include the following:

Provide for and obtain an Institutional Review Board (IRB) review and clearance of the procedures contemplated in this program for the 2018 data collection and subsequent years under this project. BJS should review the submission prior to IRB review. The formal documents from the IRB approving this data collection, including any restrictions on data collection or distribution, should be provided to BJS.

- Annually initiate, conduct, and complete data collection for deaths occurring during a fiscal year. Initiate a collection year in October for the previous fiscal year and complete the data collection by March of the following year. This involves contacting all federal LE agencies about the FDCRP. BJS will provide the data collection agent with the initial contact information for FY 2018, as needed; however, the collection agent must confirm all contact information to ensure accuracy and complete and maintain the information during the course of the work.
- Manage and deliver all activities associated with contacting respondents, including routine mailings related to requesting data, follow-up contact with nonrespondents, and follow-up contact to correct data errors in a cost-effective manner. During follow-up contact, as opportunities arise or as necessary, the collection agent will identify respondents' capabilities and preferences for submitting data and use this information to minimize respondent burden.

- Revise as needed and provide to BJS for review in a timely manner all FDCRP collection forms for a fiscal year, ensuring that the forms are available in final format before October 1 each calendar year. Respondents from federal LE agencies should complete an annual aggregated count via form CJ-13 and report decedent and incident characteristics for each death using either form CJ-13A or CJ-13B.
  - Notify BJS of any barriers or obstacles that arise during the data collection process. BJS will then suggest solutions to assist in making appropriate adjustments to data collection operations and schedule in a timely manner.
2. Maintain a primarily web-based data collection tool and support alternative methods to submit data, such as respondent-generated Excel or Access databases. The FDCRP should resemble the current web collection.

The recipient of funds should provide a plan for the first data collection period covering FY 2018 deaths. The data collection plan should indicate development milestones, identify a realistic starting date to begin data collection, and include dates for data delivery and complete documentation. For the following data collection cycles covering deaths that occur from FYs 2019 to 2021, the data collection agent should implement procedures so that a fully functioning, web-based data collection system will be operational immediately following the referenced fiscal year.

BJS uses a web-based interface to provide federal LE agencies the tools necessary to participate in the FDCRP. The web-based tool should have a user-friendly interface that minimizes respondent burden and has server-based edit procedures, which allow respondents to complete entry for a record before checking responses. Respondents should be able to stop, save, and restart, as needed. Access to the site should require a unique, agency-specific username and password. The website should be multifunctional, allowing real-time dissemination of project-specific information (e.g., data collection schedule announcements, answers to frequently asked questions, and program-level information). The website should also allow agencies to monitor status (e.g., respondents can track how many death record forms have been submitted) and review and print previous years' submissions. Finally, BJS will use the website to monitor the progress of agencies' data collection activities, including response rates and death counts by agency.

The collection agent must be responsive to the data providers' needs in selecting the data collection mode that suits their situation and must provide technical assistance to respondents as needed, to encourage the use of the web-based reporting system. On an ongoing basis, the collection agent will review and assess the performance of the web-based reporting system. Agents will provide BJS with recommendations for improvements that focus on reducing respondent burden and include cost estimates for implementing the recommended changes.

For alternative methods to submit data, the collection agent should plan for and implement methods to accept data in a variety of formats, maintain the capacity to import electronic data extract files and datasets in various formats (e.g., Access, Excel, SAS, ASCII text), and convert them into the common format used for the database of death records. The collection agent must maintain paper versions of records submitted for at least 1 year after submitting a final data file to BJS.

The collection agent is required to implement procedures that ensure secure maintenance of FDCRP data and data security procedures' compliance with 28 C.F.R. Part 22. At BJS's request, the collection agent will provide a copy of the data security procedures and copies of forms signed by staff indicating their compliance with 28 C.F.R. Part 22.

All enhancements to the web-based system should be completed in a timely manner, so data collection can begin at the start of the calendar year.

The data collection tool and all related documentation should be transferable at the end of the performance period. The collection agent should develop a migration plan to assist in the transfer of the data collection tool at the end of the performance period. The data collection tool migration plan is a required final deliverable and shall be subject to review and approval by BJS's Technology and Data Management Unit.

3. Create, maintain, update, and enhance the FDCRP database.

The FDCRP database is an integrated database consisting of all individual-level death records collected by fiscal year. The collection agent should plan and implement procedures to update the FDCRP database as data are received from respondents. BJS will provide FYs 2016 and 2017 data for inclusion in the FDCRP database. The collection agent should be prepared to provide the full database and all related documentation at the end of the performance period.

The FDCRP database will contain personally identifiable information (PII), such as the decedent's name. The collection agent must maintain all PII in accordance with 28 C.F.R. Part 22. BJS uses PII for follow up and linking purposes only.

Because BJS allows respondents to update submissions to reflect new information about a death—especially if the cause of death has changed (given the lengthy nature of some death investigations and the likelihood of future updates)—the collection tools must allow for these updates. Maintenance and updating of the FDCRP database should incorporate procedures for accepting late entries of data (to correct, add, or submit new data), including entries for calendar years of data that have previously been submitted to BJS. Respondents may have to request permission to submit corrections or provide updates. There should be a flag and date captured to indicate when data were changed or updated.

4. Update the federal LE agency universe database on an ongoing annual basis with new data provided by FDCRP respondents and other sources. The federal LE agency universe is made up of all federal agencies that have the authority to arrest, detain, or incarcerate individuals. The database should also identify those agencies that have employees who are authorized to carry a firearm. The database should be able to provide, in real time, a roster of federal LE agencies by any combination of the authorities.

At a minimum, the universe database should contain up-to-date contact information, including the name, phone number, and email of the primary POC. The database should also include the current arrest, detainment or incarceration, and firearm authority status for each agency.

5. Maintain a system for tracking the status of the data collection in real time, allowing BJS to view individual FDCRP records by collection year and generate ad hoc submission status reports. Status variables to maintain include date and mode of submission, scope, eligibility, and presence of missing items.

6. Implement cost-effective procedures to edit data, check for errors, and submit an annual report on data editing and data quality to BJS. Give BJS recommendations about data editing, minimizing item nonresponse on critical items and error checking procedures that reflect a balanced assessment of the tradeoffs between costs associated with this process and the error profile of data.
7. Provide BJS FDCRP data and documentation (e.g., codebooks, data definition statements, and data processing notes) for archiving. The collection agent will be required to work with BJS staff to determine the final requirements for archiving the data.

Data files and documentation for archiving should be delivered to BJS according to the following tentative schedule:

- 2018 FDCRP: negotiate with BJS based on data collection plan
  - 2019 FDCRP data and documentation: June 2020
  - 2020 FDCRP data and documentation: June 2021
  - 2021 FDCRP data and documentation: June 2022.
8. Implement an effective communications strategy. The collection agent is responsible for proposing to BJS an effective strategy for communicating about the status of the FDCRP projects. The agent should implement a schedule for initiating the project kick-off meeting and maintaining routine management meetings and communications with the BJS Project Manager. Communications may be via phone, in person, email, or by other means.

The collection agent should meet with BJS within 2 weeks of receiving the award and within 2 weeks of the initial meeting. The agent should provide BJS with a draft of a detailed timetable for the first year of the project. The BJS Project Manager will review and comment on the timetable, and after BJS comments are incorporated, the collection agent should conduct project activities according to these timeframes.

The collection agent should plan for at least one in-person meeting per year, between key project staff and BJS, to be held either at BJS or the collection agent's offices, as determined by BJS. The timing and content of the other meeting is to be determined based on project needs and may vary from year to year. Contractors who are not located in the Washington, DC area should plan to travel to attend the meeting with BJS.

When considering a communications plan, the collection agent should balance the need to keep BJS apprised of data collection activities with the need to keep project costs to a minimum. Specifically, the data collection agent should consider less costly alternatives to meetings, such as limiting their frequency or number of staff who attend. Email correspondence should be considered as an alternative when feasible.

The BJS Project Manager will maintain a record of the monthly progress reports in the Grants Management System (GMS). The grantee will have access to GMS in accordance with the Office of Justice Programs (OJP) requirements. Required financial and progress reports shall be submitted through GMS in accordance with the OJP Financial Guide [https://ojp.gov/financialguide/doj/pdfs/DOJ\\_FinancialGuide.pdf](https://ojp.gov/financialguide/doj/pdfs/DOJ_FinancialGuide.pdf).

Conference calls between the BJS Project Manager and the collection agent's project director will be held monthly, as needed. The collection agent will submit a progress report to BJS every month. The report will include—

- (1) all activities performed during the month
- (2) problems encountered during the month and proposed or enacted solutions
- (3) current status of the data collections
- (4) brief discussion of the expenditure of funds
- (5) whether problems encountered will affect the planned timeframes for completing the data collection as specified in the delivery schedule
- (6) status of the project relative to the remaining funds.

Each year, the collection agent will provide BJS with a set of recommendations to enhance the FDCRP. These recommendations should be based on the agent's experience with the collections and should represent cost-effective and achievable enhancements. The enhancements can cover any aspect of the project, such as data collection modes and methods, enhancements to existing items, and alternative methods for collecting data. BJS will review the proposed recommendations and decide what to implement.

The Goals, Objectives and Deliverables are directly related to the performance measures that demonstrate the results of the work completed, as discussed in [Section D. Application and Submission Information](#), under Program Narrative.

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

The Department of Justice has prioritized the use of evidence-based programming and deems it critical to continue to build and expand the evidence informing criminal and juvenile justice programs to reach the highest level of rigor possible. Therefore, applicants should note that the Office of Justice Programs may conduct or support an evaluation of the programs and activities funded under this solicitation. Recipients and sub-recipients will be expected to cooperate with program-related assessments or evaluation efforts, including through the collection and provision of information or data requested by OJP (or its designee) for the assessment or evaluation of any activities and/or outcomes of those activities funded under this solicitation. The information or data requested may be in addition to any other financial or performance data already required under this program.

## **B. Federal Award Information**

BJS expects to make one award of up to \$500,000. BJS expects to make awards for a 4-year period of performance, to begin on October 1, 2018.

BJS expects to make any award under this solicitation in the form of a cooperative agreement, which is a type of award that provides for OJP to have substantial involvement in carrying out award activities. See [Administrative, National Policy, and Other Legal Requirements](#), under [Section F. Federal Award Administration Information](#), for a brief discussion of what may constitute substantial federal involvement.

This is a 4-year project with annually obligated funding conditional upon satisfactory performance and funding availability.

BJS may, in certain cases, provide additional funding in future years to awards made under this solicitation, through continuation awards. In making decisions regarding continuation awards, OJP

will consider, among other factors, the availability of appropriations, when the program or project was last competed, OJP's strategic priorities, and OJP's assessment of both the management of the award (e.g., timeliness and quality of progress reports), and the progress of the work funded under the award.

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

### **Type of Award**

BJS expects to make any award under this solicitation in the form of a cooperative agreement, which is a type of award that provides for OJP to have substantial involvement in carrying out award activities. See [Administrative, National Policy, and Other Legal Requirements](#), under [Section F. Federal Award Administration Information](#), for a brief discussion of what may constitute substantial federal involvement.

**Please note:** Any recipient of an award under this solicitation will be required to comply with Department of Justice (DOJ) regulations on confidentiality and protection of human subjects. See "Requirements Related to Research" under [Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2018 Awards](#) in the OJP Funding Resource Center at <https://ojp.gov/funding/index.htm>.

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

Award recipients and subrecipients (including recipients or subrecipients that are pass-through entities<sup>2</sup>) must, as described in the Part 200 Uniform Requirements<sup>3</sup> as set out at 2 C.F.R. 200.303:

- (a) Establish and maintain effective internal control over the federal award that provides reasonable assurance that [the recipient (and any subrecipient)] is managing the federal award in compliance with federal statutes, regulations, and the terms and conditions of the federal award. These internal controls should be in compliance with guidance in "Standards for Internal Control in the Federal Government" issued by the Comptroller General of the United States and the "Internal Control Integrated Framework", issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).
- (b) Comply with federal statutes, regulations, and the terms and conditions of the federal awards.
- (c) Evaluate and monitor [the recipient's (and any subrecipient's)] compliance with statutes, regulations, and the terms and conditions of federal awards.
- (d) Take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings.

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<sup>2</sup> For purposes of this solicitation, the phrase "pass-through entity" includes any recipient or subrecipient that provides a subaward ("subgrant") to a subrecipient (subgrantee) to carry out part of the funded award or program. Additional information on proposed subawards is listed under [What an Application Should Include](#), Section 4c of this solicitation.

<sup>3</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.

- (e) Take reasonable measures to safeguard protected personally identifiable information and other information the federal awarding agency or pass-through entity designates as sensitive or [the recipient (or any subrecipient)] considers sensitive consistent with applicable federal, state, local, and tribal laws regarding privacy and obligations of confidentiality.

To help ensure that applicants understand the applicable administrative requirements and cost principles, OJP encourages prospective applicants to enroll, at no charge, in the DOJ Grants Financial Management Online Training, available at <https://ojpfgm.webfirst.com/>. (This training is required for all OJP award recipients.)

Also, applicants should be aware that OJP collects information from applicants on their financial management and systems of internal controls (among other information) which is used to make award decisions. Under [Section D. Application and Submission Information](#), applicants may access and review a questionnaire – the [OJP Financial Management and System of Internal Controls Questionnaire](#) – that OJP requires **all** applicants (other than an individual applying in his/her personal capacity) to download, complete, and submit as part of the application.

### **Information System Security and Privacy Requirements**

BJS award recipients and subrecipients are required to facilitate the privacy, security, confidentiality, integrity, and availability of computer systems, networks, and data in accordance with applicable federal and DOJ policies, procedures, and guidelines. Recipients and subrecipients may not release or disclose any data collected on behalf of BJS without prior written approval from BJS, or until the dataset has been released to the public. This includes, but is not limited to, data used in presentations at professional conferences and meetings, press releases, and/or grant applications.

Recipients and subrecipients who operate as BJS data collection agents that collect, receive, handle, maintain, transfer, process, store, or disseminate directly identifiable information at BJS's direction must have and maintain the appropriate administrative, physical, and technical safeguards in place to ensure that information systems are adequately secured and protected against unauthorized disclosure.

Specifically, BJS data collection agents are required to, as applicable—

- Follow the [DOJ IT Security Rules of Behavior for General Users](#), which pertain to the use, security, and acceptable level of risk for DOJ systems and applications
- Assess and secure information systems in accordance with [FISMA](#) (Pub. L. No. 107-347), which appears as Title III of the [E-Government Act of 2002](#) (Pub. L. No. 107-347)
- Adhere to [NIST](#) guidelines to categorize the sensitivity of all data collected or maintained on behalf of BJS
- Once the system has been categorized, secure data in accordance with the Risk Management Framework specified in [NIST SP 800-37 rev. 1](#)
- Employ adequate controls to ensure data are not comingled with any other dataset or product without the express written consent of BJS
- Reduce the volume of directly identifiable information collected, used, or retained to the minimum necessary
- Limit access to identifiable data to only those individuals who must have such access
- Limit use of identifiable data to only the purposes for which it was approved

- Log all computer-readable data extracts from databases holding sensitive information and ensure each extract including sensitive data has been erased within 90 days, or its use is still required
- Ensure all contracts involving the processing and storage of personally identifiable information comply with DOJ policies on remote access and security incident reporting
- Complete data security and confidentiality trainings
- Employ formal sanctions for anyone failing to comply with DOJ policy and procedures, in accordance with applicable laws and regulations.

Applicants are advised that OJP may audit the FISMA-defined information systems that are used by award recipients during the performance period to assess compliance with federal laws and regulations related to data management and security.

### **Budget Information**

BJS will not fund—

- Proposals primarily to purchase equipment, materials, or supplies. (A budget may include these items if they are necessary to conduct data collection, research, development, demonstration, evaluation, or analysis.)
- Proposals that are not responsive to this specific solicitation.

### **Cost Sharing or Matching Requirement**

This solicitation does not require a match. However, if a successful application proposes a voluntary match amount, and OJP approves the budget, the total match amount incorporated into the approved budget becomes mandatory and subject to audit.

For additional cost sharing and match information, see the DOJ Grants Financial Guide at <https://ojp.gov/financialguide/DOJ/index.htm>.

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

Pre-agreement costs are costs incurred by the applicant prior to the start date of the period of performance of the federal award.

OJP does **not** typically approve pre-agreement costs; an applicant must request and obtain the prior written approval of OJP for all such costs. All such costs incurred prior to award and prior to approval of the costs are incurred at the sole risk of the applicant. (Generally, no applicant should incur project costs *before* submitting an application requesting federal funding for those costs.) Should there be extenuating circumstances that make it appropriate for OJP to consider approving pre-agreement costs, the applicant may contact the point of contact listed on the title page of this solicitation for the requirements concerning written requests for approval. If approved in advance by OJP, award funds may be used for pre-agreement costs, consistent with the recipient's approved budget and applicable cost principles. See the section on Costs Requiring Prior Approval in the DOJ Grants Financial Guide at <https://ojp.gov/financialguide/DOJ/index.htm> for more information.

### **Limitation on Use of Award Funds for Employee Compensation; Waiver**

With respect to any award of more than \$250,000 made under this solicitation, a recipient may not use federal funds to pay total cash compensation (salary plus cash bonuses) to any employee of the

recipient at a rate that exceeds 110 percent of the maximum annual salary payable to a member of the federal government's Senior Executive Service (SES) at an agency with a Certified SES Performance Appraisal System for that year.<sup>4</sup> The 2018 salary table for SES employees is available on the Office of Personnel Management website at <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/18Tables/exec/html/ES.aspx>. Note: A recipient may compensate an employee at a greater rate, provided the amount in excess of this compensation limitation is paid with non-federal funds. (Non-federal funds used for any such additional compensation will not be considered matching funds, where match requirements apply.) If only a portion of an employee's time is charged to an OJP award, the maximum allowable compensation is equal to the percentage of time worked times the maximum salary limitation.

The Director of BJS may exercise discretion to waive, on an individual basis, this limitation on compensation rates allowable under an award. An applicant that requests a waiver should include a detailed justification in the budget narrative of its application. An applicant that does not submit a waiver request and justification with its application should anticipate that BJS will require the applicant to adjust and resubmit the budget.

The justification should address, in the context of the work the individual would do under the award, the particular qualifications and expertise of the individual, the uniqueness of a service the individual will provide, the individual's specific knowledge of the proposed program or project, and a statement that explains whether and how the individual's salary under the award would be commensurate with the regular and customary rate for an individual with his/her qualifications and expertise, and for the work he/she would do under the award.

#### **Prior Approval, Planning, and Reporting of Conference/Meeting/Training Costs**

OJP strongly encourages every applicant that proposes to use award funds for any conference-, meeting-, or training-related activity (or similar event) to review carefully—before submitting an application—the OJP and DOJ policy and guidance on approval, planning, and reporting of such events, available at <https://www.ojp.gov/financialguide/DOJ/PostawardRequirements/chapter3.10a.htm>. OJP policy and guidance (1) encourage minimization of conference, meeting, and training costs; (2) require prior written approval (which may affect project timelines) of most conference, meeting, and training costs for cooperative agreement recipients, as well as some conference, meeting, and training costs for grant recipients; and (3) set cost limits, which include a general prohibition of all food and beverage costs.

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

If an applicant proposes a program or activity that would deliver services or benefits to individuals, the costs of taking reasonable steps to provide meaningful access to those services or benefits for individuals with limited English proficiency may be allowable. Reasonable steps to provide meaningful access to services or benefits may include interpretation or translation services, where appropriate.

For additional information, see the "Civil Rights Compliance" section under "[Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2018 Awards](https://www.ojp.gov/funding/index.htm)" in the OJP Funding Resource Center at <https://www.ojp.gov/funding/index.htm>.

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<sup>4</sup> OJP does not apply this limitation on the use of award funds to the nonprofit organizations listed in Appendix VIII to 2 C.F.R. Part 200.

## C. Eligibility Information

For eligibility information, see the title page.

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

## D. Application and Submission Information

### What an Application Should Include

This section describes in detail what an application should include. An applicant should anticipate that if it fails to submit an application that contains all of the specified elements, it may negatively affect the review of its application; and, should a decision be made to make an award, it may result in the inclusion of award conditions that preclude the recipient from accessing or using award funds until the recipient satisfies the conditions and OJP makes the funds available.

Moreover, an applicant should anticipate that an application that OJP determines is nonresponsive to the scope of the solicitation, or that OJP determines does not include the application elements that BJS has designated to be critical, will neither proceed to peer review, nor receive further consideration. For this solicitation, BJS has designated the following application elements as critical: Program Narrative, Budget Detail Worksheet and Budget Narrative, and the résumés/curriculum vitae of key project personnel.

**NOTE:** OJP has combined the Budget Detail Worksheet and Budget Narrative in a single document collectively referred to as the Budget Detail Worksheet. See “Budget Information and Associated Documentation” below for more information about the Budget Detail Worksheet and where it can be accessed.

*OJP strongly recommends that applicants use appropriately descriptive file names (e.g., “Program Narrative,” “Budget Detail Worksheet” “Timelines,” “Memoranda of Understanding,” “Résumés”) for all attachments. Also, OJP recommends that applicants include résumés in a single file.*

Please review the “Note on File Names and File Types” under [How To Apply](#) to be sure applications are submitted in permitted formats.

### 1. Information to Complete the Application for Federal Assistance (SF-424)

The SF-424 is a required standard form used as a cover sheet for submission of pre-applications, applications, and related information. Grants.gov and the OJP Grants Management System (GMS) take information from the applicant’s profile to populate the fields on this form. When selecting “type of applicant,” if the applicant is a for-profit entity, select “For-Profit Organization” or “Small Business” (as applicable).

To avoid processing delays, an applicant must include an accurate legal name on its SF-424. On the SF-424, current OJP award recipients, when completing the field for “Legal Name” (box 8a), should use the same legal name that appears on the prior year award document (which is also the legal name stored in OJP’s financial system). Also, current recipients should enter the Employer Identification Number (EIN) in box 8b exactly as it appears on the prior year award

document. An applicant with a current, active award(s) must ensure that its GMS profile is current. If the profile is not current, the applicant should submit a Grant Adjustment Notice updating the information on its GMS profile prior to applying under this solicitation.

A new applicant entity should enter its official legal name in box 8a, its address in box 8d, its EIN in box 8b, and its Data Universal Numbering System (DUNS) number in box 8c of the SF-424. A new applicant entity should attach official legal documents to its application (e.g., articles of incorporation, 501(c)(3) status documentation, organizational letterhead) to confirm the legal name, address, and EIN entered into the SF-424. OJP will use the System for Award Management (SAM) to confirm the legal name and DUNS number entered in the SF-424; therefore, an applicant should ensure that the information entered in the SF-424 matches its current registration in SAM. See the [How to Apply](#) section for more information on SAM and DUNS numbers.

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

## 2. Project Abstract

Applications should include a high-quality project abstract that summarizes the proposed project in 400 words or less. Project abstracts should be—

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

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

## 3. Program Narrative

The program narrative should not exceed 40 double-spaced pages in 12-point font with 1-inch margins. If included in the main body of the program narrative, tables, charts, figures, and other illustrations count toward the 40-page limit for the narrative section. The project abstract, table of contents, appendices, and government forms do not count toward the 40-page limit. This section should describe how the applicant will address the project's goals and objectives, meet the deliverables, and address the selection criteria.

If the program narrative fails to comply with these length-related restrictions, BJS may consider such noncompliance in peer review and in final award decisions.

The following sections should be included as part of the program narrative:<sup>5</sup>

- a. Statement of the Problem

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<sup>5</sup> For information on subawards (including the details on proposed subawards that should be included in the application), see "Budget and Associated Documentation" under [Section D. Application and Submission Information](#).

- Applicants should demonstrate their knowledge of BJS and federal LE organizations, the mission of BJS, and deaths in custody.
- Applicants should discuss the current state of deaths in custody reporting programs and the challenges associated with collecting information, specifically as it applies to federal LE agencies.

b. Project Design and Implementation

- Applicants must describe how they will achieve the goals and objectives outlined in this solicitation. This includes all aspects of the project: planning, reaching out to stakeholders and POCs, design plans, execution, progress monitoring, and project wrap up.
- Applicants should provide a detailed plan for the first data collection period covering FY 2018 deaths. The data collection plan should indicate development milestones, identify a realistic starting date to begin data collection, and include dates for delivery of data and complete documentation.
- Applicants should describe how their proposed project design will improve or build on the current FDCRP and how their design will improve data quality.
- Applicants should outline their estimation of costs for each phase of the project.

c. Capabilities and Competencies

The narrative should demonstrate the applicant's capabilities to complete the tasks in a timely manner. The applicant's discussion of capabilities and subject matter expertise should demonstrate—

- substantive expertise about arrest-, detention-, or incarceration-related deaths occurring under the authority of federal LE agencies
- experience in carrying out successful LE-related data collections, including web-based data collection
- experience with electronic files and database management
- knowledge of BJS's LE statistics portfolio, including past work involving deaths in custody
- capacity to meet BJS data quality guidelines
- data management plan (DMP).

All BJS-funded research requires the development of a DMP that outlines data management activity throughout the agreement, including data collection, secure storage, and timely release of data and related products. Applications should include a preliminary DMP that explains—

- roles, rights, and responsibilities of project participants
- expected data and metadata
- data formats, organization, and dissemination approach
- data retention and release timelines
- data security according to federal regulations
- any IRB requirements
- data archiving and future access.

d. Plan for Collecting the Data Required for this Solicitation's Performance Measures

OJP will require each successful applicant to submit specific performance measures data as part of its reporting under the award (see "[General Information about Post-Federal Award Reporting Requirements](#)" in [Section F. Federal Award Administration Information](#)). The performance measures correlate to the goals, objectives, and deliverables identified under "[Goals, Objective, and Deliverables](#)" 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.

Performance measures for this solicitation are listed in [Appendix A: Performance Measures Table](#).

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. 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.

**Note on Project Evaluations**

An applicant that proposes to use award funds through this solicitation to conduct project evaluations should be aware that certain project evaluations (such as systematic investigations designed to develop or contribute to generalizable knowledge) may constitute "research" for purposes of applicable DOJ human subjects protection regulations. However, project evaluations that are intended only to generate internal improvements to a program or service, or are conducted only to meet OJP's performance measure data reporting requirements, likely do not constitute "research." Each applicant should provide sufficient information for OJP to determine whether the particular project it proposes would either intentionally or unintentionally collect and/or use information in such a way that it meets the DOJ definition of research that appears at 28 C.F.R. Part 46 ("Protection of Human Subjects").

"Research," for purposes of human subjects protection for OJP-funded programs, is defined as "a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge." 28 C.F.R. 46.102(d).

For additional information on determining whether a proposed activity would constitute research for purposes of human subjects protection, applicants should consult the decision tree in the "Research and the protection of human subjects" section of the "[Requirements related to Research](#)" webpage of the "[Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2018 Awards](#)," available through the OJP Funding Resource Center at <https://ojp.gov/funding/Explore/index.htm>. Every prospective applicant whose application may propose a research or statistical component also should review the "Data Privacy and Confidentiality Requirements" section on that webpage.

- e. Appendices (not counted against the 40-page program narrative limit) include:
- Bibliography/references.
  - Any tools/instruments, questionnaires, tables/charts/graphs, or maps pertaining to the proposed project that are supplemental to such items included in the main body of the narrative.
  - Curriculum vitae or résumés of the principal investigator and any and all co-principal investigators. In addition, curriculum vitae, résumés, or biographical sketches of all other individuals (regardless of “investigator” status) who will be significantly involved in substantive aspects of the proposal (e.g., including individuals such as statisticians serving as consultants to conduct proposed data analysis).
  - List (to the extent known) of all proposed project staff members, including those affiliated with the applicant organization or any proposed subrecipient organization(s), any proposed consultant(s) and contractors (whether individuals or organizations), and any proposed members of an advisory board for the project (if applicable). The list should include, for each individual and organization: name, title (if applicable), employer or other organizational affiliation, and roles and responsibilities proposed for the project.
  - Proposed project timeline and expected milestones.
  - A privacy certificate and human subjects protection certification of compliance must be completed for each project proposed in an application.
    - **Privacy Certification.** The Privacy Certificate is a funding recipient’s certification of compliance with federal regulations requiring confidentiality of information identifiable to a private person that is collected, analyzed, or otherwise used in connection with an OJP-funded research or statistical activity. The funding recipient’s Privacy Certificate includes a description of its policies and procedures to be followed to protect identifiable data. A model certificate is located at [www.bjs.gov/content/pub/pdf/bjsmpc.pdf](http://www.bjs.gov/content/pub/pdf/bjsmpc.pdf).
    - **Human Subjects Protection Certification of Compliance.** BJS requires the funding recipient to submit proper documentation to be used to determine that the research project meets the federal requirements for human subjects protections set forth in 28 CFR Part 46. A model certificate that describes the necessary information to be provided by the funding recipient is located at [www.bjs.gov/content/hscr.cfm](http://www.bjs.gov/content/hscr.cfm).
  - List of any previous and current BJS awards to applicant organization and investigator(s), including the BJS-assigned award numbers and a brief description of any scholarly products that resulted in whole or in part from work funded under the BJS award(s).

- Letters of cooperation/support or administrative agreements from organizations collaborating in the project, such as LE and correctional agencies (if applicable).
- List of other agencies, organizations, or funding sources to which this proposal has been submitted (if applicable).
- Data archiving plan. Applicants should anticipate that BJS will require (through special award conditions, including a partial withholding of award funds) that datasets resulting in whole or in part from projects funded under this solicitation be submitted to BJS for archiving.

#### **4. Budget and Associated Documentation**

The Budget Detail Worksheet and the Budget Narrative are now combined in a single document collectively referred to as the Budget Detail Worksheet. The Budget Detail Worksheet is a user-friendly, fillable, Microsoft Excel-based document designed to calculate totals. Additionally, the Excel workbook contains worksheets for multiple budget years that can be completed as necessary. **All applicants should use the Excel version when completing the proposed budget in an application, except in cases where the applicant does not have access to Microsoft Excel or experiences technical difficulties.** If an applicant does not have access to Microsoft Excel or experiences technical difficulties with the Excel version, then the applicant should use the 508-compliant accessible Adobe Portable Document Format (PDF) version.

Both versions of the Budget Detail Worksheet can be accessed at <https://ojp.gov/funding/Apply/Forms/BudgetDetailWorksheet.htm>.

##### **a. Budget Detail Worksheet**

The Budget Detail Worksheet should provide the detailed computation for each budget line item, listing the total cost of each and showing how it was calculated by the applicant. For example, costs for personnel should show the annual salary rate and the percentage of time devoted to the project for each employee paid with grant funds. The Budget Detail Worksheet should present a complete itemization of all proposed costs.

For questions pertaining to budget and examples of allowable and unallowable costs, see the DOJ Grants Financial Guide at <https://ojp.gov/financialguide/DOJ/index.htm>.

##### **b. Budget Narrative**

The budget narrative should thoroughly and clearly describe every category of expense listed in the Budget Detail Worksheet. OJP expects proposed budgets to be complete, cost effective, and allowable (e.g., reasonable, allocable, and necessary for project activities).

An applicant should demonstrate in its budget narrative how it will maximize cost effectiveness of award expenditures. Budget narratives should generally describe cost effectiveness in relation to potential alternatives and the goals of the project. For example, a budget narrative should detail why planned in-person meetings are necessary or how technology and collaboration with outside organizations could be used to reduce costs, without compromising quality.

The budget narrative should be mathematically sound and correspond clearly with the information and figures provided in the Budget Detail Worksheet. The narrative should

explain how the applicant estimated and calculated all costs and how those costs are necessary to the completion of the proposed project. The narrative may include tables for clarification purposes, but need not be in a spreadsheet format. As with the Budget Detail Worksheet, the budget narrative should describe costs by year.

**c. Information on Proposed Subawards (if any), as well as on Proposed Procurement Contracts (if any)**

Applicants for OJP awards typically may propose to make *subawards*. Applicants also may propose to enter into procurement *contracts* under the award.

Whether an action – for federal grants administrative purposes – is a subaward or procurement contract is a critical distinction as significantly different rules apply to subawards and procurement contracts. If a recipient enters into an agreement that is a subaward of an OJP award, specific rules apply – many of which are set by federal statutes and DOJ regulations; others by award conditions. These rules place particular responsibilities on an OJP recipient for any subawards the OJP recipient may make. The rules determine much of what the written subaward agreement itself must require or provide. The rules also determine much of what an OJP recipient must do both before and after it makes a subaward. If a recipient enters into an agreement that is a procurement contract under an OJP award, a substantially different set of federal rules applies.

OJP has developed the following guidance documents to help clarify the differences between subawards and procurement contracts under an OJP award and outline the compliance and reporting requirements for each. This information can be accessed online at <https://ojp.gov/training/training.htm>.

- [Subawards under OJP Awards and Procurement Contracts under Awards: A Toolkit for OJP Recipients.](#)
- [Checklist to Determine Subrecipient or Contractor Classification.](#)
- [Sole Source Justification Fact Sheet and Sole Source Review Checklist.](#)

In general, the central question is the relationship between what the third-party will do under its agreement with the recipient and what the recipient has committed (to OJP) to do under its award to further a public purpose (e.g., services the recipient will provide, products it will develop or modify, research or evaluation it will conduct). If a third party will provide some of the services the recipient has committed (to OJP) to provide, will develop or modify all or part of a product the recipient has committed (to OJP) to develop or modify, or will conduct part of the research or evaluation the recipient has committed (to OJP) to conduct, OJP will consider the agreement with the third party a *subaward* for purposes of federal grants administrative requirements.

This will be true **even if** the recipient, for internal or other non-federal purposes, labels or treats its agreement as a procurement, a contract, or a procurement contract. Neither the title nor the structure of an agreement determines whether the agreement – for purposes of federal grants administrative requirements – is a *subaward* or is instead a procurement *contract* under an award. The substance of the relationship should be given greater consideration than the form of agreement between the recipient and the outside entity.

## 1. Information on proposed subawards

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) subawards, a recipient must have authorization from OJP before it may make a subaward.

A particular subaward may be authorized by OJP because the recipient included a sufficiently-detailed description and justification of the proposed subaward in the Program Narrative, Budget Detail Worksheet, and Budget Narrative as approved by OJP. If, however, a particular subaward is not authorized by federal statute or regulation, and is not approved by OJP, the recipient will be required, post-award, to request and obtain written authorization from OJP before it may make the subaward.

If an applicant proposes to make one or more subawards to carry out the federal award and program, the applicant should— (1) identify (if known) the proposed subrecipient(s), (2) describe in detail what each subrecipient will do to carry out the federal award and federal program, and (3) provide a justification for the subaward(s), with details on pertinent matters such as special qualifications and areas of expertise. Pertinent information on subawards should appear not only in the Program Narrative, but also in the Budget Detail Worksheet and Budget Narrative.

## 2. Information on proposed procurement contracts (with specific justification for proposed noncompetitive contracts over \$150,000)

Unlike a recipient contemplating a subaward, a recipient of an OJP award generally does not need specific prior federal authorization to enter into an agreement that – for purposes of federal grants administrative requirements – is considered a procurement contract, **provided that** (1) the recipient uses its own documented procurement procedures and (2) those procedures conform to applicable federal law, including the Procurement Standards of the (DOJ) Part 200 Uniform Requirements (as set out at 2 C.F.R. 200.317 - 200.326). The Budget Detail Worksheet and Budget Narrative should identify proposed procurement contracts. (As discussed above, subawards must be identified and described separately from procurement contracts.)

The Procurement Standards in the Part 200 Uniform Requirements, however, reflect a general expectation that agreements that (for purposes of federal grants administrative requirements) constitute procurement "contracts" under awards will be entered into on the basis of full and open competition. All noncompetitive (sole source) procurement contracts must meet the OJP requirements outlined at <https://ojp.gov/training/subawards-procurement.htm>. If a proposed procurement contract would exceed the simplified acquisition threshold – currently, \$150,000 – a recipient of an OJP award may not proceed without competition unless and until the recipient receives specific advance authorization from OJP to use a non-competitive approach for the procurement. An applicant that (at the time of its application) intends – without competition – to enter into a procurement contract that would exceed \$150,000 should include a detailed justification that explains to OJP why, in the particular circumstances, it is appropriate to proceed without competition.

If the applicant receives an award, sole source procurements that do not exceed the Simplified Acquisition Threshold (currently \$150,000) must have written justification for the noncompetitive procurement action maintained in the procurement file. If a procurement file does not have the documentation that meets the criteria outlined in 2 C.F.R. 200, the procurement expenditures may not be allowable. Sole source procurement over the \$150,000 Simplified Acquisition Threshold must have prior approval from OJP using a Sole Source Grant Adjustment Notice (GAN). Written documentation justifying the noncompetitive procurement must be submitted with the GAN and maintained in the procurement file.

**d. Pre-Agreement Costs**

For information on pre-agreement costs, see [Section B. Federal Award Information](#).

**5. Indirect Cost Rate Agreement (if applicable)**

Indirect costs may be charged to an award only if—

- (a) The recipient has a current (unexpired), federally approved indirect cost rate; or
- (b) The recipient is eligible to use, and elects to use, the “de minimis” indirect cost rate described in the Part 200 Uniform Requirements, as set out at 2 C.F.R. 200.414(f).

An applicant with a current (unexpired) federally approved indirect cost rate is to attach a copy of the indirect cost rate agreement to the application. An applicant that does not have a current federally approved rate may request one through its cognizant federal agency, which will review all documentation and approve a rate for the applicant entity, or, if the applicant’s accounting system permits, applicants may propose to allocate costs in the direct cost categories.

For assistance with identifying the appropriate cognizant federal agency for indirect costs, please contact the Office of the Chief Financial Officer (OCFO) Customer Service Center at 1-800-458-0786 or at [ask.ocfo@usdoj.gov](mailto:ask.ocfo@usdoj.gov). If DOJ is the cognizant federal agency, applicants may obtain information needed to submit an indirect cost rate proposal at <https://www.ojp.gov/funding/Apply/Resources/IndirectCosts.pdf>.

Certain OJP recipients have the option of electing to use the “de minimis” indirect cost rate. An applicant that is eligible to use the “de minimis” rate that wishes to use the “de minimis” rate should attach written documentation to the application that advises OJP of both— (1) the applicant’s eligibility to use the “de minimis” rate, and (2) its election to do so. If an eligible applicant elects the “de minimis” rate, costs must be consistently charged as either indirect or direct costs, but may not be double charged or inconsistently charged as both. The “de minimis” rate may no longer be used once an approved federally negotiated indirect cost rate is in place. (No entity that ever has had a federally approved negotiated indirect cost rate is eligible to use the “de minimis” rate.) For the “de minimis” rate requirements (including on eligibility to elect to use the rate), see the Part 200 Uniform Requirements, at 2 C.F.R. 200.414(f).

**6. Tribal Authorizing Resolution (if applicable)**

A tribe, tribal organization, or third party that proposes to provide direct services or assistance to residents on tribal lands should include in its application a resolution, letter, affidavit, or other documentation, as appropriate, that demonstrates (as a legal matter) that the applicant has the requisite authorization from the tribe(s) to implement the proposed project on tribal lands. In

those instances when an organization or consortium of tribes applies for an award on behalf of a tribe or multiple specific tribes, the application should include appropriate legal documentation, as described above, from all tribes that would receive services or assistance under the award. A consortium of tribes for which existing consortium bylaws allow action without support from all tribes in the consortium (i.e., without an authorizing resolution or comparable legal documentation from each tribal governing body) may submit, instead, a copy of its consortium bylaws with the application.

An applicant unable to submit an application that includes a fully executed (i.e., signed) copy of legal appropriate documentation, as described above, consistent with the applicable tribe's governance structure, should, at a minimum, submit an unsigned, draft version of such legal documentation as part of its application (except for cases in which, with respect to a tribal consortium applicant, consortium bylaws allow action without the support of all consortium member tribes). If selected for funding, OJP will make use of and access to award funds contingent on receipt of the fully executed legal documentation.

## **7. Financial Management and System of Internal Controls Questionnaire (including applicant disclosure of high-risk status)**

Every OJP applicant (other than an individual applying in his or her personal capacity) is required to download, complete, and submit the OJP Financial Management and System of Internal Controls Questionnaire (Questionnaire) at <https://ojp.gov/funding/Apply/Resources/FinancialCapability.pdf> as part of its application. The Questionnaire helps OJP assess the financial management and internal control systems, and the associated potential risks of an applicant as part of the pre-award risk assessment process.

The Questionnaire should only be completed by financial staff most familiar with the applicant's systems, policies, and procedures in order to ensure that the correct responses are recorded and submitted to OJP. The responses on the Questionnaire directly impact the pre-award risk assessment and should accurately reflect the applicant's financial management and internal control system at the time of the application. The pre-award risk assessment is only one of multiple factors and criteria used in determining funding. However, a pre-award risk assessment that indicates that an applicant poses a higher risk to OJP may affect the funding decision and/or result in additional reporting requirements, monitoring, special conditions, withholding of award funds, or other additional award requirements.

Among other things, the form requires each applicant to disclose whether it currently is designated "high risk" by a federal grant-making agency outside of DOJ. For purposes of this disclosure, high risk includes any status under which a federal awarding agency provides additional oversight due to the applicant's past performance, or other programmatic or financial concerns with the applicant. If an applicant is designated high risk by another federal awarding agency, the applicant must provide the following information:

- The federal awarding agency that currently designates the applicant high risk
- The date the applicant was designated high risk
- The high-risk point of contact at that federal awarding agency (name, phone number, and email address)
- The reasons for the high-risk status, as set out by the federal awarding agency.

OJP seeks this information to help ensure appropriate federal oversight of OJP awards. An applicant that is considered “high-risk” by another federal awarding agency is not automatically disqualified from receiving an OJP award. OJP may, however, consider the information in award decisions, and may impose additional OJP oversight of any award under this solicitation (including through the conditions that accompany the award document).

## 8. Disclosure of Lobbying Activities

Each applicant must complete and submit this information. An applicant that expends any funds for lobbying activities is to provide all of the information requested on the form Disclosure of Lobbying Activities (SF-LLL) posted at <https://ojp.gov/funding/Apply/Resources/Disclosure.pdf>. An applicant that does not expend any funds for lobbying activities is to enter “N/A” in the text boxes for item 10 (“a. Name and Address of Lobbying Registrant” and “b. Individuals Performing Services”).

## 9. Additional Attachments

- a. A Privacy Certificate and Human Subjects Protection Certification of Compliance must be completed for each project proposed in an application.
  - **Privacy Certification.** The Privacy Certificate is a funding recipient’s certification of compliance with federal regulations requiring confidentiality of information identifiable to a private person, which is collected, analyzed, or otherwise used in connection with an OJP-funded research or statistical activity. The funding recipient’s Privacy Certificate includes a description of its policies and procedures to be followed to protect identifiable information. Applicants must specify in the Privacy Certificate the specific controls used to safeguard directly identifiable information against unauthorized disclosure. All project staff, including information technology personnel, subcontractors, and/or consultants, with access to identifiable data collected in conjunction with the BJS-funded activities are required to sign a Privacy Certificate to affirm their understanding of and agreement to comply with the terms of access and privacy requirements. Award recipients are responsible for maintaining an updated list of individuals with access to identifiable information and for ensuring that new staff who gain access to such information during the project period sign a Privacy Certificate. A model certificate is located at <https://www.bjs.gov/content/pub/pdf/bjsmpc.pdf>.
  - **Human Subjects Protection Certification of Compliance.** BJS requires the funding recipient to submit proper documentation to be used to determine that the research project meets the federal requirements for human subjects protections set forth in 28 CFR Part 46. A model certificate, describing the necessary information to be provided by the funding recipient, is located at [www.bjs.gov/content/hscr.cfm](http://www.bjs.gov/content/hscr.cfm).
- b. **Applicant Disclosure of Pending Applications**

Each applicant is to disclose whether it has (or is proposed as a subrecipient under) any pending applications for federally funded grants or cooperative agreements that (1) include requests for funding to support the same project being proposed in the application under this solicitation, and (2) would cover any identical cost items outlined in the budget submitted to OJP as part of the application under this solicitation. The applicant is to disclose applications

made directly to federal awarding agencies, and also applications for subawards of federal funds (e.g., applications to state agencies that will subaward (“subgrant”) federal funds).

OJP seeks this information to help avoid inappropriate duplication of funding. Leveraging multiple funding sources in a complementary manner to implement comprehensive programs or projects is encouraged and is not seen as inappropriate duplication.

Each applicant that has one or more pending applications as described above is to provide the following information about pending applications submitted within the last 12 months:

- The federal or state funding agency
- The solicitation name/project name
- The point of contact information at the applicable federal or state funding agency

Federal or State Funding Agency	Solicitation Name/Project Name	Name/Phone/Email for Point of Contact at Federal or State Funding Agency
DOJ/Office of Community Oriented Policing Services (COPS)	COPS Hiring Program	Jane Doe, 202/000-0000; jane.doe@usdoj.gov
Health and Human Services/Substance Abuse and Mental Health Services Administration	Drug-Free Communities Mentoring Program/ North County Youth Mentoring Program	John Doe, 202/000-0000; john.doe@hhs.gov

Each applicant should include the table as a separate attachment to its application. The file should be named “Disclosure of Pending Applications.” The applicant’s Legal Name on the application must match the entity named on the disclosure of pending applications statement.

Any applicant that does not have any pending applications as described above is to submit, as a separate attachment, a statement to this effect: “[Applicant Name on SF-424] does not have (and is not proposed as a subrecipient under) any pending applications submitted within the last 12 months for federally funded grants or cooperative agreements (or for subawards under federal grants or cooperative agreements) that request funding to support the same project being proposed in this application to OJP and that would cover any identical cost items outlined in the budget submitted as part of this application.”

**c. Research and Evaluation Independence and Integrity**

If an application proposes research (including research and development) and/or evaluation, the applicant must demonstrate research/evaluation independence and integrity, including appropriate safeguards, before it may receive award funds. The applicant must demonstrate independence and integrity regarding both this proposed research and/or evaluation, and any current or prior related projects.

Each application should include an attachment that addresses **both** i. and ii. below.

- i. For purposes of this solicitation, each applicant is to document research and evaluation independence and integrity by including one of the following two items:
  - a. A specific assurance that the applicant has reviewed its application to identify any actual or potential apparent conflicts of interest (including through review of pertinent information on the principal investigator, any co-principal investigators, and any subrecipients), and that the applicant has identified no such conflicts of interest – whether personal or financial or organizational (including on the part of the applicant entity or on the part of staff, investigators, or subrecipients) – that could affect the independence or integrity of the research, including the design, conduct, and reporting of the research.

OR

- b. A specific description of actual or potential apparent conflicts of interest that the applicant has identified – including through review of pertinent information on the principal investigator, any co-principal investigators, and any subrecipients – that could affect the independence or integrity of the research, including the design, conduct, or reporting of the research. These conflicts may be personal (e.g., on the part of investigators or other staff), financial, or organizational (related to the applicant or any subrecipient entity). Some examples of potential investigator (or other personal) conflict situations are those in which an investigator would be in a position to evaluate a spouse's work product (actual conflict), or an investigator would be in a position to evaluate the work of a former or current colleague (potential apparent conflict). With regard to potential organizational conflicts of interest, as one example, generally an organization would not be given an award to evaluate a project, if that organization had itself provided substantial prior technical assistance to that specific project or a location implementing the project (whether funded by OJP or other sources), because the organization in such an instance might appear to be evaluating the effectiveness of its own prior work. The key is whether a reasonable person understanding all of the facts would be able to have confidence that the results of any research or evaluation project are objective and reliable. Any outside personal or financial interest that casts doubt on that objectivity and reliability of an evaluation or research product is a problem and must be disclosed.
- ii. In addition, for purposes of this solicitation, each applicant is to address possible mitigation of research integrity concerns by including, at a minimum, one of the following two items:
  - a. If an applicant reasonably believes that no actual or potential apparent conflicts of interest (personal, financial, or organizational) exist, then the applicant should provide a brief narrative explanation of how and why it reached that conclusion. The applicant also is to include an explanation of the specific processes and procedures that the applicant has in place, or will put in place, to identify and prevent (or, at the very least, mitigate) any such conflicts of interest pertinent to the funded project during the period of performance. Documentation that may be helpful in this regard may include organizational codes of ethics/conduct and

policies regarding organizational, personal, and financial conflicts of interest. There is no guarantee that the plan, if any, will be accepted as proposed.

OR

- b. If the applicant has identified actual or potential apparent conflicts of interest (personal, financial, or organizational) that could affect the independence and integrity of the research, including the design, conduct, or reporting of the research, the applicant is to provide a specific and robust mitigation plan to address each of those conflicts. At a minimum, the applicant is expected to explain the specific processes and procedures that the applicant has in place, or will put in place, to identify and eliminate (or, at the very least, mitigate) any such conflicts of interest pertinent to the funded project during the period of performance. Documentation that may be helpful in this regard may include organizational codes of ethics/conduct and policies regarding organizational, personal, and financial conflicts of interest. There is no guarantee that the plan, if any, will be accepted as proposed.

OJP will assess research and evaluation independence and integrity based on considerations such as the adequacy of the applicant's efforts to identify factors that could affect the objectivity or integrity of the proposed staff and/or the applicant entity (and any subrecipients) in carrying out the research, development, or evaluation activity; and the adequacy of the applicant's existing or proposed remedies to control any such factors.

**d. Disclosure of Process Related to Executive Compensation**

An applicant that is a nonprofit organization may be required to make certain disclosures relating to the processes it uses to determine the compensation of its officers, directors, trustees, and key employees.

Under certain circumstances, a nonprofit organization that provides unreasonably high compensation to certain persons may subject both the organization's managers and those who receive the compensation to additional federal taxes. A rebuttable presumption of the reasonableness of a nonprofit organization's compensation arrangements, however, may be available if the nonprofit organization satisfied certain rules set out in Internal Revenue Service (IRS) regulations with regard to its compensation decisions.

Each applicant nonprofit organization must state at the time of its application (question 9c in the "OJP Financial Management and System of Internal Controls Questionnaire" located at <https://ojp.gov/funding/Apply/Resources/FinancialCapability.pdf> and mentioned earlier) whether or not the applicant entity believes (or asserts) that it currently satisfies the requirements of 26 C.F.R. 53.4958-6 (which relate to establishing or invoking a rebuttable presumption of reasonableness of compensation of certain individuals and entities).

A nonprofit organization that states in the questionnaire that it believes (or asserts) that it has satisfied the requirements of 26 C.F.R. 53.4958-6 must then disclose, in an attachment to its application (to be titled "Disclosure of Process Related to Executive Compensation"), the process used by the applicant nonprofit organization to determine the

compensation of its officers, directors, trustees, and key employees (together, "covered persons").

At a minimum, the disclosure must describe in pertinent detail: (1) the composition of the body that reviews and approves compensation arrangements for covered persons; (2) the methods and practices used by the applicant nonprofit organization to ensure that no individual with a conflict of interest participates as a member of the body that reviews and approves a compensation arrangement for a covered person; (3) the appropriate data as to comparability of compensation that is obtained in advance and relied upon by the body that reviews and approves compensation arrangements for covered persons; and (4) the written or electronic records that the applicant organization maintains as concurrent documentation of the decisions with respect to compensation of covered persons made by the body that reviews and approves such compensation arrangements, including records of deliberations and of the basis for decisions.

For purposes of the required disclosure, the following terms and phrases have the meanings set out by the IRS for use in connection with 26 C.F.R. 53.4958-6: officers, directors, trustees, key employees, compensation, conflict of interest, appropriate data as to comparability, adequate documentation, and concurrent documentation.

Applicant nonprofit organizations should note that following receipt of an appropriate request, OJP may be authorized or required by law to make information submitted to satisfy this requirement available for public inspection. Also, a recipient may be required to make a prompt supplemental disclosure after the award in certain circumstances (e.g., changes in the way the organization determines compensation).

### **How To Apply**

Applicants must register in and submit applications through [Grants.gov](https://www.grants.gov), a primary source to find federal funding opportunities and apply for funding. Find complete instructions on how to register and submit an application at <https://www.grants.gov/web/grants/support.html>. Applicants that experience technical difficulties during this process should call the Grants.gov Customer Support Hotline at **800-518-4726** or **606-545-5035**, which operates 24 hours a day, 7 days a week, except on federal holidays.

**Important Grants.gov update.** Grants.gov has updated its application tool. The legacy PDF application package was retired on December 31, 2017. Grants.gov Workspace is now the standard application method for applying for grants. OJP applicants should familiarize themselves with the Workspace option now. For complete information and instructions on using Workspace (and other changes), go to the Workspace Overview page at <https://www.grants.gov/web/grants/applicants/workspace-overview.html>.

Registering with Grants.gov is a one-time process; however, **processing delays may occur, and it can take several weeks** for first-time registrants to receive confirmation of registration and a user password. OJP encourages applicants to **register several weeks before** the application submission deadline. In addition, OJP urges applicants to submit applications at least 72 hours prior to the application due date, in order to allow time for the applicant to receive validation messages or rejection notifications from Grants.gov, and to correct in a timely fashion any problems that may have caused a rejection notification.

OJP strongly encourages all prospective applicants to sign up for Grants.gov email notifications regarding this solicitation at <https://www.grants.gov/web/grants/manage-subscriptions.html>. If this solicitation is cancelled or modified, individuals who sign up with Grants.gov for updates will be automatically notified.

**Browser Information:** Grants.gov was built to be compatible with Internet Explorer. For technical assistance with Google Chrome, or another browser, contact Grants.gov Customer Support.

**Note on Attachments:** Grants.gov has two categories of files for attachments: “mandatory” and “optional.” OJP receives all files attached in both categories. Attachments are also labeled to describe the file being attached (e.g., Project Narrative, Budget Narrative, Other, etc.) Please ensure that all required documents are attached in the correct Grants.gov category and are labeled correctly. Do not embed “mandatory” attachments within another file.

**Note on File Names and File Types:** Grants.gov only permits the use of certain specific characters in the file names of attachments. Valid file names may include only the characters shown in the table below. Grants.gov rejects any application that includes an attachment(s) with a file name that contains any characters not shown in the table below. Grants.gov forwards successfully submitted applications to the OJP Grants Management System (GMS).

Characters	Special Characters		
Upper case (A – Z)	Parenthesis ( )	Curly braces { }	Square brackets [ ]
Lower case (a – z)	Ampersand (&)*	Tilde (~)	Exclamation point (!)
Underscore ( _ )	Comma ( , )	Semicolon ( ; )	Apostrophe ( ' )
Hyphen ( - )	At sign ( @ )	Number sign ( # )	Dollar sign ( \$ )
Space	Percent sign ( % )	Plus sign ( + )	Equal sign ( = )
Period ( . )			

**\*When using the ampersand (&) in XML, applicants must use the “&amp;” format.**

**GMS does not accept executable file types as application attachments.** These disallowed file types include, but are not limited to, the following extensions: “.com,” “.bat,” “.exe,” “.vbs,” “.cfg,” “.dat,” “.db,” “.dbf,” “.dll,” “.ini,” “.log,” “.ora,” “.sys,” and “.zip.” GMS may reject applications with files that use these extensions. It is important to allow time to change the type of file(s) if the application is rejected.

All applicants are required to complete the following steps:

**Unique Entity Identifier (DUNS Number) and System for Award Management (SAM)**

Every applicant entity must comply with all applicable System for Award Management (SAM) and unique entity identifier (currently, a Data Universal Numbering System [DUNS] number) requirements. SAM is the repository for certain standard information about federal financial assistance applicants, recipients, and subrecipients. A DUNS number is a unique nine-digit identification number provided by the commercial company Dun and Bradstreet. More detailed information about SAM and the DUNS number is in the numbered sections below.

If an applicant entity has not fully complied with the applicable SAM and unique identifier requirements by the time OJP makes award decisions, OJP may determine that the applicant is not

qualified to receive an award and may use that determination as a basis for making the award to a different applicant.

### **Applying as an Individual**

An individual who wishes to apply in his/her personal capacity should search Grants.gov for funding opportunities for which individuals are eligible to apply. Use the Funding Opportunity Number (FON) to register. (An applicant applying as an individual must comply with all applicable Grants.gov individual registration requirements.)

Enter the FON at <https://apply07.grants.gov/apply/IndCPRregister> to complete the registration form and create a username and password for Grants.gov. (An applicant applying as an individual should complete all steps below except 1, 2, and 4.)

### **Registration and Submission Steps**

- 1. Acquire a unique entity identifier (currently, a DUNS number).** In general, the Office of Management and Budget requires every applicant for a federal award (other than an individual) to include a "unique entity identifier" in each application, including an application for a supplemental award. Currently, a DUNS number is the required unique entity identifier.

This unique entity identifier is used for tracking purposes, and to validate address and point of contact information for applicants, recipients, and subrecipients. It will be used throughout the life cycle of an OJP award. Obtaining a DUNS number is a free, one-time activity. Call Dun and Bradstreet at 866-705-5711 to obtain a DUNS number or apply online at <https://www.dnb.com/>. A DUNS number is usually received within 1-2 business days.

- 2. Acquire or maintain registration with SAM.** Any applicant for an OJP award creating a **new** entity registration in SAM.gov must provide an original, signed notarized letter stating that the applicant is the authorized Entity Administrator before the registration will be activated. To learn more about this process change, read the FAQs at <https://www.gsa.gov/about-us/organization/federal-acquisition-service/office-of-systems-management/integrated-award-environment-iae/sam-update>. Information about the notarized letter is posted at [https://www.fsd.gov/fsd-gov/answer.do?sysparm\\_kbid=d2e67885db0d5f00b3257d321f96194b&sysparm\\_search=kb0013183](https://www.fsd.gov/fsd-gov/answer.do?sysparm_kbid=d2e67885db0d5f00b3257d321f96194b&sysparm_search=kb0013183).

All applicants for OJP awards (other than individuals) with current registration in SAM must maintain current registrations in the SAM database. Applicants will need the authorizing official of the organization and an Employer Identification Number (EIN). An applicant must be registered in SAM to successfully register in Grants.gov. Each applicant must **update or renew its SAM registration at least annually** to maintain an active status. SAM registration and renewal can take as long as 10 business days to complete (2 more weeks to acquire an EIN).

An application cannot be successfully submitted in Grants.gov until Grants.gov receives the SAM registration information. Once the SAM registration/renewal is complete, **the information transfer from SAM to Grants.gov can take as long as 48 hours**. OJP recommends that the applicant register or renew registration with SAM as early as possible.

Information about SAM registration procedures can be accessed at [www.SAM.gov](http://www.SAM.gov).

3. **Acquire an Authorized Organization Representative (AOR) and a Grants.gov username and password.** Complete the AOR profile on Grants.gov and create a username and password. An applicant entity's "unique entity identifier" (DUNS number) must be used to complete this step. For more information about the registration process for organizations and other entities, go to <https://www.grants.gov/web/grants/applicants/organization-registration.html>. Individuals registering with Grants.gov should go to [www.grants.gov/web/grants/applicants/individual-registration.html](http://www.grants.gov/web/grants/applicants/individual-registration.html).
4. **Acquire confirmation for the AOR from the E-Business Point of Contact (E-Biz POC).** The E-Biz POC at the applicant organization must log into Grants.gov to confirm the applicant organization's AOR. The E-Biz POC will need the Marketing Partner Identification Number (MPIN) password obtained when registering with SAM to complete this step. Note that an organization can have more than one AOR.
5. **Search for the funding opportunity on Grants.gov.** Use the following identifying information when searching for the funding opportunity on Grants.gov. The Catalog of Federal Domestic Assistance (CFDA) number for this solicitation is 16.734 titled, "Special Data Collections and Statistical Studies" and the funding opportunity number is BJS-2018-14130.
6. **Access Funding Opportunity and Application Package from Grants.gov.** Select "Apply for Grants" under the "Applicants" column. Enter your email address to be notified of any changes to the opportunity package before the closing date. Click the Workspace icon to use Grants.gov Workspace.
7. **Submit a valid application consistent with this solicitation by following the directions in Grants.gov.** Within 24-48 hours after submitting the electronic application, the applicant should receive two notifications from Grants.gov. The first will confirm the receipt of the application. The second will state whether the application has been validated and successfully submitted, or whether it has been rejected due to errors, with an explanation. It is possible to first receive a message indicating that the application is received, and then receive a rejection notice a few minutes or hours later. Submitting an application well ahead of the deadline provides time to correct the problem(s) that caused the rejection. **Important:** OJP urges each applicant to submit its application **at least 72 hours prior** to the application due date, to allow time to receive validation messages or rejection notifications from Grants.gov, and to correct in a timely fashion any problems that may have caused a rejection notification. Applications must be successfully submitted through Grants.gov by 11:59 p.m. eastern time on June 18, 2018.

Go to <https://www.grants.gov/web/grants/applicants/organization-registration.html> for further details on DUNS numbers, SAM, and Grants.gov registration steps and timeframes.

#### **Note: Application Versions**

If an applicant submits multiple versions of the same application, OJP will review only the most recent system-validated version submitted.

#### **Experiencing Unforeseen Grants.gov Technical Issues**

An applicant that experiences unforeseen Grants.gov technical issues beyond its control that prevent it from submitting its application by the deadline must contact the Grants.gov Customer Support Hotline at <https://www.grants.gov/web/grants/support.html> or the SAM Help Desk (Federal Service Desk) at <https://www.fsd.gov/fsd-gov/home.do> to report the technical issue and receive a

tracking number. The applicant must email the BJS contact identified in the Contact Information section on page 2 **within 24 hours after the application deadline** to request approval to submit its application after the deadline. The applicant's email must describe the technical difficulties, and must include a timeline of the applicant's submission efforts, the complete grant application, the applicant's DUNS number, and any Grants.gov Help Desk or SAM tracking number(s).

**Note: OJP does not automatically approve requests to submit a late application.** After OJP reviews the applicant's request, and contacts the Grants.gov or SAM Help Desks to verify the reported technical issues, OJP will inform the applicant whether the request to submit a late application has been approved or denied. If OJP determines that the untimely application submission was due to the applicant's failure to follow all required procedures, OJP will deny the applicant's request to submit its application.

The following conditions generally are insufficient to justify late submissions:

- Failure to register in SAM or Grants.gov in sufficient time (SAM registration and renewal can take as long as 10 business days to complete. The information transfer from SAM to Grants.gov can take up to 48 hours.)
- Failure to follow Grants.gov instructions on how to register and apply as posted on its website
- Failure to follow each instruction in the OJP solicitation
- Technical issues with the applicant's computer or information technology environment, such as issues with firewalls or browser incompatibility

**Notifications regarding known technical problems with Grants.gov, if any, are posted at the top of the OJP Funding Resource Center at <https://ojp.gov/funding/index.htm>.**

## E. Application Review Information

### Review Criteria

Applications that meet basic minimum requirements will be evaluated by peer reviewers using the following review criteria. Each individual criterion is assigned a different weight based on the percentage value listed. For example, the first criterion, Statement of the Problem, is worth 10 percent of the score in the assessment of the application's technical merit.

- 1. Statement of the Problem (10%)** – Demonstrated understanding of the problem and its importance. The application should demonstrate awareness of the state of current knowledge about the universe of agencies and/or phenomena being studied.
- 2. Project Design and Implementation (40%)** – Soundness of methods and analytic and technical approach to addressing the stated aim(s) of the proposed project. Feasibility of proposed project. Awareness of potential pitfalls of proposed project design and feasibility of proposed actions to minimize and/or mitigate them.
- 3. Capabilities and Competencies (30%)** – Qualifications and experience of proposed project staff (that is, the principal investigator, any and all co-principal investigators, and all other individuals (and organizations) identified in the application (regardless of "investigator" status) who will be significantly involved in substantive aspects of the

proposal). Demonstrated ability of the applicant organization to manage the effort. Relationship between the capabilities/competencies of the proposed project staff (including the applicant organization) and the scope of the proposed project.

#### **4. Plan for Collecting Data Required for Performance Measures (5%)**

- 5. Budget: complete, cost effective, and allowable (e.g., reasonable, allocable, and necessary for project activities) (15%)** – Total cost of the project relative to the perceived benefit (cost effectiveness). Appropriateness of the budget relative to the level of effort. Use of existing resources to conserve costs. Proposed budget alignment with proposed project activities.

### **Review Process**

OJP is committed to ensuring a fair and open process for making awards. BJS reviews the application to make sure that the information presented is reasonable, understandable, measurable, and achievable, as well as consistent with the solicitation.

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

- The application must be submitted by an eligible type of applicant.
- The application must request funding within programmatic funding constraints (if applicable).
- The application must be responsive to the scope of the solicitation.
- The application must include all items designated as “critical elements.”
- The applicant must not be identified in SAM as excluded from receiving federal awards.

For a list of the critical elements for this solicitation, see “What an Application Should Include” under [Section D. Application and Submission Information](#).

Peer review panels will evaluate, score, and rate applications that meet basic minimum requirements. BJS may use internal peer reviewers, external peer reviewers, or a combination, to assess applications on technical merit using the solicitation’s review criteria. An external peer reviewer is an expert in the subject matter of a given solicitation who is not a current DOJ employee. An internal reviewer is a current DOJ employee who is well-versed or has expertise in the subject matter of this solicitation. Peer reviewers’ ratings and any resulting recommendations are advisory only, although reviewer views are considered carefully. Other important considerations for BJS include geographic diversity, strategic priorities, available funding, as well as the extent to which the Budget Detail Worksheet and Budget Narrative accurately explain project costs that are reasonable, necessary, and otherwise allowable under federal law and applicable federal cost principles.

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

In addition, if OJP anticipates that an award will exceed \$150,000 in federal funds, OJP also must review and consider any information about the applicant that appears in the non-public 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.

The evaluation of risks goes beyond information in SAM, however. OJP itself has in place a framework for evaluating risks posed by applicants for competitive awards. OJP takes into account information pertinent to matters such as—

1. Applicant financial stability and fiscal integrity
2. Quality of the applicant's management systems, and the applicant's ability to meet prescribed management standards, including those outlined in the DOJ Grants Financial Guide
3. Applicant's history of performance under OJP and other DOJ awards (including compliance with reporting requirements and award conditions), as well as awards from other federal agencies
4. Reports and findings from audits of the applicant, including audits under the Part 200 Uniform Requirements
5. Applicant's ability to comply with statutory and regulatory requirements, and to effectively implement other award requirements.

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

## **F. Federal Award Administration Information**

### **Federal Award Notices**

Award notifications will be made by September 30, 2018. OJP sends award notifications by email through GMS to the individuals listed in the application as the point of contact and the authorizing official (E-Biz POC and AOR). The email notification includes detailed instructions on how to access and view the award documents, and steps to take in GMS to start the award acceptance process. GMS automatically issues the notifications at 9:00 p.m. eastern time on the award date.

For each successful applicant, an individual with the necessary authority to bind the applicant will be required to log in; execute a set of legal certifications and a set of legal assurances; designate a financial point of contact; thoroughly review the award, including all award conditions; and sign and accept the award. The award acceptance process requires physical signature of the award document by the authorized representative and the scanning and submission of the fully executed award document to OJP.

### **Administrative, National Policy, and Other Legal Requirements**

If selected for funding, in addition to implementing the funded project consistent with the OJP-approved application, the recipient must comply with all award conditions, as well as all applicable

requirements of federal statutes and regulations (including applicable requirements referred to in the assurances and certifications executed in connection with award acceptance). OJP strongly encourages prospective applicants to review information on post-award legal requirements and common OJP award conditions **prior** to submitting an application.

Applicants should consult the "[Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2018 Awards](https://ojp.gov/funding/index.htm)," available in the OJP Funding Resource Center at <https://ojp.gov/funding/index.htm>. In addition, applicants should examine the following two legal documents, as each successful applicant must execute both documents before it may receive any award funds. (An applicant is not required to submit these documents as part of an application.)

- [Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements](#)
- [Certified Standard Assurances](#)

The webpages accessible through the "[Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2018 Awards](https://ojp.gov/funding/index.htm)" are intended to give applicants for OJP awards a general overview of important statutes, regulations, and award conditions that apply to many (or in some cases, all) OJP grants and cooperative agreements awarded in FY 2018. Individual OJP awards typically also will include additional award conditions. Those additional conditions may relate to the particular statute, program, or solicitation under which the award is made; to the substance of the funded application; to the recipient's performance under other federal awards; to the recipient's legal status (e.g., as a for-profit entity); or to other pertinent considerations.

As stated above, BJS expects that it will make any award under this solicitation in the form of a cooperative agreement. Cooperative agreements include a condition in the award document that sets out the nature of the "substantial federal involvement" in carrying out the award and program. Generally stated, under OJP cooperative agreement awards, responsibility for the day-to-day conduct of the funded project rests with the recipient. OJP, however, may have substantial involvement in matters such as substantive coordination of technical efforts and site selection, as well as review and approval of project work plans, research designs, data collection instruments, and major project-generated materials. In addition, OJP often indicates in the award terms and conditions that it may redirect the project if necessary.

In addition to an award condition that sets out the nature of the anticipated "substantial federal involvement" in the award, cooperative agreements awarded by OJP include an award condition that requires specific reporting in connection with conferences, meetings, retreats, seminars, symposia, training activities, or similar events funded under the award.

BJS awards under this type of solicitation will typically include a number of special conditions, including, among others, the following:

- The project will be funded as a cooperative agreement. The basis for using a cooperative agreement is BJS's substantial involvement in identifying priorities and providing information, guidance, and direction relative to the development of statistical studies and products. BJS will exercise general approval over the entire project subject to the recipient's rights to disclose and publish certain information after review and comment by BJS, as set forth in this solicitation.

- The award recipient will agree that no funds provided may be used to author or prepare reports, journal articles, speeches or studies, other publications, or presentations without the prior review and written approval of BJS, regardless of whether data used in the publications or other releases are publicly available.
- BJS will retain all rights to exclusive use of data until BJS releases the public use dataset, which will be available to the public via the Internet and at the NACJD at the University of Michigan. The award recipient will not be able to release or disclose any data collected through this cooperative agreement without prior written BJS approval or until the dataset has been released to the public. This includes, but is not limited to, presentations at professional conferences and meetings, press releases, or grant applications. Unauthorized release of data by the recipient or its associates may result in immediate commencement of termination or suspension proceedings in accordance with 28 CFR Part 18.
- BJS will retain exclusive rights to methodological information. Within certain limitations, BJS may grant the recipient exclusive use of any methodological findings derived from the project funded through this cooperative agreement. The recipient must have obtained prior review and written approval by BJS, including mutual agreement on the representation of BJS's methodologies, before disclosing methodological information or experiential findings derived from the project before the dataset is released. Any such disclosures of the recipient's or BJS's methodologies must be public in nature and contribute meaningfully to the development or advancement of social science research. Public disclosure may include, but is not limited to, presentations at professional conferences and meetings, articles appearing in widely distributed publications, and postings on the Internet or in similar outlets that constitute a broad public release of the methodological information. Unauthorized release of data by the recipient or its associates may result in immediate commencement of termination or suspension proceedings in accordance with 28 CFR Part 18.

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

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

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

Awards that exceed \$500,000 will include an additional condition that, under specific circumstances, will require the recipient to report (to FAPIIS) information on civil, criminal, and administrative proceedings connected with (or connected to the performance of) either the OJP award or any other grant, cooperative agreement, or procurement contract from the federal government. Additional information on this reporting requirement appears in the text of the award condition posted on the OJP webpage at <https://ojp.gov/funding/FAPIIS.htm>.

Data on performance measures. In addition to required reports, each award recipient also must provide data that measure the results of the work done under the award. To demonstrate program progress and success, as well as to assist DOJ in fulfilling its responsibilities under the Government Performance and Results Act of 1993 (GPRA), Public Law 103-62, and the GPRA Modernization Act of 2010, Public Law 111-352, OJP will require any award recipient, post award, to provide performance data as part of regular progress reporting. Successful applicants will be required to access OJP's performance measurement page at [www.ojp.gov/performance](http://www.ojp.gov/performance) to view the specific reporting requirements for this grant program. Performance measures are also listed as [Appendix A](#).

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

For OJP contact(s), see the title page.

For contact information for Grants.gov, see the title page.

## **H. Other Information**

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

All applications submitted to OJP (including all attachments to applications) are subject to the federal Freedom of Information Act (FOIA) and to the Privacy Act. By law, DOJ may withhold information that is responsive to a request pursuant to FOIA if DOJ determines that the responsive information either is protected under the Privacy Act or falls within the scope of one of nine statutory exemptions under FOIA. DOJ cannot agree in advance of a request pursuant to FOIA not to release some or all portions of an application.

In its review of records that are responsive to a FOIA request, OJP will withhold information in those records that plainly falls within the scope of the Privacy Act or one of the statutory exemptions under FOIA. (Some examples include certain types of information in budgets, and names and contact information for project staff other than certain key personnel.) In appropriate circumstances, OJP will request the views of the applicant/recipient that submitted a responsive document.

For example, if OJP receives a request pursuant to FOIA for an application submitted by a nonprofit or for-profit organization or an institution of higher education, or for an application that involves research, OJP typically will contact the applicant/recipient that submitted the application and ask it to identify – quite precisely – any particular information in the application that the applicant/recipient believes falls under a FOIA exemption, the specific exemption it believes applies, and why. After considering the submission by the applicant/recipient, OJP makes an independent assessment regarding withholding information. OJP generally follows a similar process for requests pursuant to FOIA for applications that may contain law-enforcement sensitive information.

### **Provide Feedback to OJP**

To assist OJP in improving its application and award processes, OJP encourages applicants to provide feedback on this solicitation, the application submission process, and/or the application review process. Provide feedback to [OJPSolicitationFeedback@usdoj.gov](mailto:OJPSolicitationFeedback@usdoj.gov).

**IMPORTANT:** This email is for feedback and suggestions only. OJP does **not** reply from this mailbox to messages it receives in this mailbox. Any prospective applicant that has specific questions on any program or technical aspect of the solicitation **must** use the appropriate telephone number or email listed on the front of this document to obtain information. These contacts are provided to help ensure that prospective applicants can directly reach an individual who can address specific questions in a timely manner.

If you are interested in being a reviewer for other OJP grant applications, please email your résumé to [ojppeerreview@l-secb.com](mailto:ojppeerreview@l-secb.com). (Do not send your résumé to the OJP Solicitation Feedback email account.) **Note:** Neither you nor anyone else from your organization or entity can be a peer reviewer in a competition in which you or your organization/entity has submitted an application.

**Appendix A: Performance Measures Table**

<b>Objective</b>	<b>Performance Measure(s)</b>	<b>Data Recipient Provides</b>
<p>Manage the ongoing FDCRP data collection activities, which include initiating, conducting, and completing data collection activities each year and maintaining the data</p>	<p>Achieve a 90% response rate for critical FDCRP survey items</p> <p>Number of data collections completed on time</p> <p>Percentage of data requests that are completed on time (within 1 business day of request) and adhere to data quality standards</p>	<p>Number of agencies eligible to participate in the FDCRP surveys</p> <p>Number of agencies that respond to FDCRP surveys</p> <p>a) Completion of FDCRP data collection within time frame determined by BJS annually</p> <p>b) As result, deliver datasets on schedule to BJS each year</p> <p>Track and report in real time on the status of the collection and database updating:</p> <p>a) Number of request</p> <p>b) Number of request responded to</p>
<p>Maintain a multimode data collection tool (i.e., survey) built around a web-based interface that allows for submission of electronic data files (i.e., data extracts) and individual-level records</p>	<p>Number of deliverables that meet expectations as defined by BJS</p>	<p>a) Develop and maintain a web-based data collection tool (i.e., survey) capable of supporting alternative data submission methods (i.e., file transfer)</p> <p>b) Provide BJS with raw data converted to a standardized format for the FDCRP database of death records</p> <p>c) Revise survey as needed and provide to BJS for review in a timely manner, all FDCRP collection forms for a fiscal year, ensuring that federal agencies submitting CJ-13, CJ-13A, and CJ-13B forms in a timely manner</p> <p>d) Convert data collected into a usable format that allows for analysis</p>

Objective	Performance Measure(s)	Data Recipient Provides
	Zero error rate for data collection tool	BJS will conduct a series of test on the data collection tool to determine the error rate
Maintain and update a database of federal LE agency death records by fiscal year	Percent of records in the database that are complete and accurate	<p>Number of records in the database (resulting from data converted from the data collection tool)</p> <p>Number of records in the database that are determined by BJS to be complete and accurate based upon all federal arrest-, detained-, and incarcerated-related deaths to include (1) individual death records for each death occurring in the custody of a federal LE agency, and (2) complete and accurate summary information</p>
Provide BJS with program materials and documentation of the policies, procedures, and/or operations governing the FDCRP to include a communications strategy, annual editing and quality report, and federal law enforcement agency frame	<p>Number of deliverables completed on time</p> <p>Number of deliverables that meet BJS expectations</p>	<p>Prepare materials needed to archive FDCRP data in a form and manner determined by BJS</p> <p>Annually deliver the federal LE agency frame, to include verification checks of annual data submitted by agencies and maintenance</p> <p>Provide BJS with and adhere to an effective communications strategy</p> <p>Complete documentation that data files meet BJS expectations for accuracy and completeness</p> <p>Deliver datasets on schedule to BJS each year</p> <p>Deliver complete database and documentation at end of project period</p>



## Appendix B: Application Checklist

### Federal Law Enforcement Agency Deaths in Custody Reporting Program, 2018-2021

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

#### What an Applicant Should Do:

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

- Acquire a DUNS Number (see page 33)
- Acquire or renew registration with SAM (see page 33)

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

- Acquire AOR and Grants.gov username/password (see page 34)
- Acquire AOR confirmation from the E-Biz POC (see page 34)

##### *To Find Funding Opportunity:*

- Search for the Funding Opportunity on Grants.gov (see page 34)
- Access Funding Opportunity and Application Package (see page 34)
- Sign up for Grants.gov email [notifications](#) (optional) (see page 32)
- Read [Important Notice: Applying for Grants in Grants.gov](#)
- Read OJP policy and guidance on conference approval, planning, and reporting available at [ojp.gov/financialguide/DOJ/PostawardRequirements/chapter3.10a.htm](http://ojp.gov/financialguide/DOJ/PostawardRequirements/chapter3.10a.htm) (see page 16)

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

- (1) application has been received,
- (2) application has either been successfully validated or rejected with errors (see page 34)

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

- contact BJS regarding experiencing technical difficulties (see page 34)

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

- Review the "[Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2018 Awards](#)" in the OJP Funding Resource Center at <https://ojp.gov/funding/index.htm>.

#### Scope Requirement:

- The federal amount requested is within the allowable limit(s) of \$500,000

#### Eligibility Requirement: (See the title page.)

#### What an Application Should Include:

- Application for Federal Assistance (SF-424) (see page 17)
- Project Abstract (see page 18)

_____	Program Narrative	(see page 18)
_____	Budget Detail Worksheet	(see page 22)
_____	Budget Narrative	(see page 22)
_____	Indirect Cost Rate Agreement (if applicable)	(see page 25)
_____	Tribal Authorizing Resolution (if applicable)	(see page 25)
_____	Financial Management and System of Internal Controls Questionnaire	(see page 26)
_____	<a href="#">Disclosure of Lobbying Activities (SF-LLL)</a>	(see page 27)
_____	Additional Attachments	
_____	Privacy Certification	(see page 27)
_____	Human Subjects Protection Certification of Compliance	(see page 27)
_____	Applicant Disclosure of Pending Applications	(see page 27)
_____	Research and Evaluation Independence and Integrity	(see page 28)
_____	Disclosure of Process Related to Executive Compensation	(see page 30)
_____	Request and Justification for Employee Compensation; Waiver	(see page 15)

## Appendix C: Data Collection Forms

Reset Form

U.S. DEPARTMENT OF JUSTICE BUREAU OF JUSTICE STATISTICS AND ACTING AS COLLECTION AGENCY:XX	<b>Death in Custody Reporting Act Collection Program, FY 2016 – Federal Agencies</b>	
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DATA SUPPLIED BY			
Name: _____	Title: _____		
Agency: _____	Telephone: (____) _____ - _____		
_____	Fax: (____) _____ - _____		
_____	E-mail Address: _____		

INSTRUCTIONS FOR COMPLETION
<p>The Death in Custody Reporting Act (DCRA) of 2013 (P.L. 113-242) requires the head of each Federal law enforcement agency to report annually to the Attorney General information regarding the death of any person who is—</p> <p>"(1) detained, under arrest, or is in the process of being arrested by any officer of such Federal law enforcement agency (or by any State or local law enforcement officer while participating in and for purposes of a Federal law enforcement operation, task force, or any other Federal law enforcement capacity carried out by such Federal law enforcement agency); or</p> <p>"(2) en route to be incarcerated or detained, or is incarcerated or detained at—(A) any facility (including any immigration or juvenile facility) pursuant to a contract with such Federal law enforcement agency; (B) any State or local government facility used by such Federal law enforcement agency; or (C) any Federal correctional facility or Federal pre-trial detention facility located within the United States."</p> <p>In response to the DCRA of 2013 reporting requirements, the Bureau of Justice Statistics (BJS) is conducting a survey of federal agencies with law enforcement, detention, and/or incarceration functions. The survey is designed to identify deaths that occur during the course of official federal law enforcement, detention and incarceration agency functions and to collect additional information about the decedent and the circumstances surrounding the incident.</p> <p>For the purposes of this survey, please identify all deaths that (1) are arrest-related or (2) occur in detention or incarceration facilities.</p> <p>(1) A death is "arrest-related" when the event causing the death (e.g., gunshot wound, self-inflicted injury, cardiac arrest, fall from a height, drowning) occurs while the decedent's freedom to leave is restricted by federal law enforcement personnel acting in an official capacity. Arrest-related deaths include:</p> <ul style="list-style-type: none"><li>Any death attributed to any use of force by federal law enforcement personnel</li><li>Any death that occurred while the decedent's freedom to leave was restricted by federal law enforcement prior to, during, or following an arrest:<ul style="list-style-type: none"><li>While detained for questioning or investigation (e.g., Terry stop)</li><li>During the process of apprehension (e.g., pursuit of criminal suspect, standoff with law enforcement)</li><li>While in the custody of, or shortly after restraint by, law enforcement (even if the decedent was not formally under arrest)</li><li>Deaths that occur during transport to or from law enforcement, detention, incarceration or medical facilities</li></ul></li><li>Any death while the decedent was confined in a temporary holding facility designed to hold detainees for no longer than 72 hours (e.g., booking centers, holding areas, staging locations)</li><li>Any death that occurred during an interaction with federal law enforcement personnel during response to medical or mental health assistance (e.g., response to suicidal persons).</li></ul> <p>(2) Detention/incarceration deaths are those that occur while the decedent was detained or incarcerated for violation of federal criminal or administrative law and housed in any facility designed to detain or incarcerate such individuals for longer than 72 hours. Include all detainee/inmate deaths that occur in any federal corrections facility, federal pretrial facility, federal facility used for the administrative detention of any person or persons, or any other facility pursuant to a contract to criminally hold, detain, imprison, or administratively hold or detain by a federal law enforcement agency.</p>

If you have any questions about this form or the DCRA Federal Agency survey, please contact:

Anthony Whyde  
Office of Justice Programs  
U.S. Department of Justice  
(202) 307-0711  
[Anthony.Whyde@usdoj.gov](mailto:Anthony.Whyde@usdoj.gov)

DOJ DCRA Collection Program, FY 2016—Federal Agencies

**Form CJ-13 DCRA Annual Summary**

Please identify any arrest-related, detention, or incarceration deaths that occurred in your jurisdiction from October 1, 2015, through September 30, 2016. Include the decedent name, date of death and time of death; and then proceed to Form CJ-13A, *Arrest-Related Death Incident Report*, or CJ-13B, *Detention or Incarceration Death Incident Report*, to complete additional information about the decedent and the circumstances surrounding the death.

Federal Agency Name	Agency ORI
---------------------	------------

**A. Did any **arrest-related deaths** occur in your jurisdiction from October 1, 2015, through September 30, 2016?**

Yes *[list below]*
 No
  My organization does not employ any full-time officers with federal arrest authority

A-1	Decedent Name (Last, First, Middle Initial)	Date of Death	Time of Death
A-2	Decedent Name (Last, First, Middle Initial)	Date of Death	Time of Death
A-3	Decedent Name (Last, First, Middle Initial)	Date of Death	Time of Death
A-4	Decedent Name (Last, First, Middle Initial)	Date of Death	Time of Death
A-5	Decedent Name (Last, First, Middle Initial)	Date of Death	Time of Death
A-6	Decedent Name (Last, First, Middle Initial)	Date of Death	Time of Death

**B. Did any **detention or incarceration deaths** occur in facilities operated by your agency from October 1, 2015, through September 30, 2016?**

Yes *[list below]*
 No
  My organization does not have the authority to detain or incarcerate individuals for violations of criminal or administrative law.

B-1	Decedent Name (Last, First, Middle Initial)	Date of Death	Time of Death
B-2	Decedent Name (Last, First, Middle Initial)	Date of Death	Time of Death
B-3	Decedent Name (Last, First, Middle Initial)	Date of Death	Time of Death
B-4	Decedent Name (Last, First, Middle Initial)	Date of Death	Time of Death
B-5	Decedent Name (Last, First, Middle Initial)	Date of Death	Time of Death
B-6	Decedent Name (Last, First, Middle Initial)	Date of Death	Time of Death

Reset Form

DOJ DCRA Collection Program, FY 2016—Federal Agencies

Form CJ-13A Arrest-Related Death Incident Report

Table with 3 columns: Decedent Name (Last, First, Middle Initial), Date of Death, Time of Death

1. Where did the event causing the death occur?
Street Address:
City, State, ZIP:

- 2. What location category best describes where the event causing the death occurred? (Mark only one)
Residence/home
Law enforcement facility
Business, specify type:
Roadway/highway/street/sidewalk
Parking lot/garage
Field/woods/lake/waterway/beach
Other, specify:

3. What was the decedent's sex?
Male
Female

4. What was the decedent's date of birth (DOB)?
or approx. age at death if DOB unknown

5. What was the decedent's ethnic origin? (Mark only one)
Hispanic or Latino
Not Hispanic or Latino
Unknown

6. What was the decedent's race? (Mark all that apply)
American Indian or Alaska Native
Asian
Black or African American
Native Hawaiian or Other Pacific Islander
White
Other
Unknown

- 7. What was the reason for the initial contact between the decedent and law enforcement personnel? (Mark only one)
Criminal investigation, specify type/purpose:
General law enforcement response and patrol, specify observed behaviors:
Inspections, specify type/purpose:
Security and protection, specify type/purpose:
Detention or transport to detention
Court operations
Warrant service, specify charge:
Other reason for contact, specify reason:

OR mark one of the following:
Unknown
Unavailable, investigation pending

8. Did the deceased commit or allegedly commit any criminal acts in the events leading up to the death?
Yes
No—medical/mental health assistance call
No—other; specify:

OR mark one of the following:
Unknown
Unavailable, investigation pending

9. If you answered Yes in Question 8, what were the most serious reported offenses committed or alleged to be committed by the deceased?
01
02
03

OR mark one of the following:
Unknown
Unavailable, investigation pending

10. At any time during the incident, did the decedent:  
(Mark all that apply)

- Barricade self or initiate standoff
  - Verbally threaten other(s)
  - Resist being handcuffed or arrested
  - Attempt to escape/flee from custody
  - Attempt to physically assault officer(s)
  - Attempt to gain possession of officer's weapon
  - Gain possession of officer's weapon
  - Escape/flee from custody
- OR mark one of the following:
- None of the above
  - Unknown
  - Unavailable, investigation pending

11. At any time during the incident, did the decedent:  
(Mark all that apply)

- Make suicidal statements?
  - Appear to be intoxicated (either alcohol or drugs)?
  - Exhibit any mental health problems?
  - Appear to have trouble understanding or following verbal instructions?
  - Exhibit a physical disability?
- OR mark one of the following:
- Unknown
  - None of the above
  - Unavailable, investigation pending

12. At any time during the incident, did the decedent have a weapon or appear to have a weapon?

- Yes
- If so, did the decedent do any of the following?  
(Mark all that apply)
- Displayed or appeared to possess firearm without discharge
  - Discharged firearm
  - Displayed or appeared to possess other weapon  
*Specify* weapon displayed (e.g., sharp object, blunt instrument, toy weapon, other object that appeared to be a weapon):  
\_\_\_\_\_
  - Used other weapon, specify weapon used (e.g., sharp object, blunt instrument, toy weapon, other object that appeared to be a weapon):  
\_\_\_\_\_
  - Used vehicle as a weapon
  - Use bodily force as a weapon
  - Otherwise indicate to the officer that s/he possessed a weapon
  - No, none of the above
  - Unknown

OR mark one of the following:

- No
- Unknown
- Unavailable, investigation pending

13. At any time during the incident, did the decedent attempt to injure officers or others?

- Yes
- If so, mark all that apply:
- Killed law enforcement personnel
  - Injured law enforcement personnel
  - Attempted to injure law enforcement personnel
  - Killed civilian(s)
  - Injured civilian(s)
  - Attempted to injure civilian(s)
- No
  - Unknown
  - Unavailable, investigation pending

14. At any time during the incident, did law enforcement personnel:

	Yes	No	Un- known
Fight or struggle with decedent?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Physically restrain decedent (e.g., control hold, body compression)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Restrain decedent with equipment (e.g., handcuffs, leg shackles)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Place decedent in prone position?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Engage in motor vehicle pursuit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Engage in foot pursuit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Arrest the decedent?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

15. At any time during the incident, did law enforcement personnel use any weapons?

- Yes,
- If so, mark all that apply:
- Firearm discharge
  - Conducted energy device (Taser) contact
  - Explosive device
  - Pepper/OC spray, Mace dispersion
  - Baton/blunt instrument impact
  - Hands/feet/fist
  - Other (including less lethal weapons),  
specify: \_\_\_\_\_
- No
  - Unknown
  - Unavailable, investigation pending

16. If law enforcement personnel discharged a firearm during the arrest process, approximately how many officers discharged a firearm?

Number of officers:

OR mark one of the following:

- Unknown
- Unavailable, investigation pending
- N/A, no law enforcement personnel discharged a firearm

17. If law enforcement personnel discharged a firearm during the arrest process, approximately how many shots were fired?

Number of shots:

OR mark one of the following:

- Unknown
- Unavailable, investigation pending
- N/A, no law enforcement personnel discharged a firearm

18. Did any other law enforcement agencies respond to calls for service related to this incident?

Yes

If so, was your agency the lead agency?

- Yes
- No (please identify the lead agency): \_\_\_\_\_

Unknown/not sure

If so, what types of jurisdictions did the other responding agencies cover (mark all that apply)?

- Federal
- State
- Local
- Tribal
- Special/other jurisdictions
- Unknown

No

Unknown

19. Please indicate or estimate how many officers (from all involved law enforcement agencies) responded to the initial call for service:

Number of officers:

OR mark one of the following:

- Unknown
- Unavailable, investigation pending

20. If a weapon caused the death, what type of weapon caused the death? (Mark only one)

- Handgun
- Rifle/shotgun
- Firearm, unspecified
- Conducted energy device (e.g., Taser)
- Knife/edged instrument
- Baton/blunt instrument
- Other, specify: \_\_\_\_\_
- Vehicle-involved death (e.g., vehicle accident)
- Not applicable, weapon or vehicle did not cause death

OR mark one of the following:

- Unknown
- Unavailable, investigation pending

21. What was the manner of death? (Mark only one)

Homicide

If so, was the homicide caused by

- Federal law enforcement personnel
- Someone else
- Unknown

Accident

If so, was the accident caused by

- Federal law enforcement personnel
- Someone else
- Unknown

Suicide

Natural

Could not be determined

OR mark one of the following:

- Unknown
- Unavailable, investigation pending

Notes:

**Reset Form**

**Form CJ-13B Detention/ Incarceration Death Incident Report**

Decedent Name (Last, First, Middle Initial)	Date of Death	Time of Death

1. What was the decedent's sex?
  - Male
  - Female
2. What was the decedent's date of birth (DOB)?
 

\_\_\_\_/\_\_\_\_/\_\_\_\_

or approx. age at death if DOB unknown \_\_\_\_\_
3. What was the decedent's ethnic origin? (Mark only one)
  - Hispanic or Latino
  - Not Hispanic or Latino
  - Unknown
4. What was the decedent's race? (Mark all that apply)
  - American Indian or Alaska Native
  - Asian
  - Black or African American
  - Native Hawaiian or Other Pacific Islander
  - White
  - Other
  - Unknown
5. On what date was the decedent committed to his/her current period of detention or incarceration?
 

\_\_\_\_/\_\_\_\_/\_\_\_\_
6. On what date was the decedent admitted to the facility where the death occurred?
 

\_\_\_\_/\_\_\_\_/\_\_\_\_

OR

  - Same as current period of detention or incarceration admission date
7. What is the name of the facility where the death occurred?
 

Facility Name: \_\_\_\_\_

Facility City: \_\_\_\_\_ Facility State: \_\_\_\_\_
8. For what offenses or violations was the decedent being held?
  - 01 \_\_\_\_\_
  - 02 \_\_\_\_\_
  - 03 \_\_\_\_\_
  - 04 \_\_\_\_\_
  - 05 \_\_\_\_\_
9. What was the decedent's legal status at the time of death (mark one of the following)? For decedents with more than one status, report the status associated with the most serious offense.
  - Convicted—new commitment
  - Convicted—returned probation/ parole violator
  - Unconvicted, pending criminal case resolution under responding agency jurisdiction
  - Unconvicted, pending extradition to another jurisdiction
  - Other, specify: \_\_\_\_\_
10. Since admission to the current facility, did the decedent ever stay overnight in a mental health observation unit or an outside mental health facility?
  - Yes
  - No
  - Unknown
11. Where did the decedent die?
  - In a general housing unit within the facility or in a general housing unit on facility grounds
  - In a segregation unit
  - In a special medical unit/ infirmary within the facility
  - In a special mental health services unit within the facility
  - In a medical center outside of the facility
  - In a mental health center outside of the facility
  - While in transit
  - Elsewhere [*Specify:* \_\_\_\_\_]

12. Are the results of a medical examiner's or coroner's evaluation (such as an autopsy, postmortem examination, or review of medical records) available to establish an official cause of death?
- Yes
- Evaluation complete – results are pending
- No evaluation is planned
13. What was the cause of death?
- Illness (exclude AIDS-related deaths)  
[Specify: \_\_\_\_\_]
- Acquired Immune Deficiency Syndrome (AIDS)
- Accidental alcohol/ drug intoxication  
[Describe: \_\_\_\_\_]
- Accidental injury to self  
[Describe: \_\_\_\_\_]
- Accidental injury by other (e.g., vehicular accidents during transport)  
[Describe: \_\_\_\_\_]
- Suicide (e.g., by hanging, knife/ cutting instrument, intentional drug overdose)  
[Describe: \_\_\_\_\_]
- Homicide  
If homicide was the cause of death, was the homicide caused by
- Facility personnel
- Other inmate
- Other [Specify: \_\_\_\_\_]
- Other cause(s) [Specify: \_\_\_\_\_]
- Unknown
- Unavailable, investigation pending
14. Where did the incident (e.g., accident, suicide or homicide) causing the death occur?
- NOT APPLICABLE – cause of death was illness or AIDS-related
- In the facility or on facility grounds
- In the inmate's cell/ room
- In a temporary holding area/ lockup
- In a common area within the facility (e.g., yard, library, cafeteria)
- In a segregation unit
- In a special medical unit/ infirmary
- In a special mental health services unit
- Elsewhere in the facility  
[Specify: \_\_\_\_\_]
- Outside the facility (e.g., while on work release)  
[Specify: \_\_\_\_\_]
- Elsewhere  
[Specify: \_\_\_\_\_]
- Unknown

15. At any time during the incident (e.g., accident, suicide or homicide), did the decedent:

NOT APPLICABLE – cause of death was illness or AIDS-related

	Yes	No	Un-known
A. Verbally threaten others?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Resist being restrained?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Attempt to physically assault facility personnel?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Injure facility personnel?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. Injure others confined in the facility?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F. Make suicidal statements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
G. Exhibit any mental health problems?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

16. At any time during the incident (e.g., accident, suicide or homicide), did facility personnel:

NOT APPLICABLE – cause of death was illness or AIDS-related

	Yes	No	Un-known
A. Fight or struggle with decedent?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Physically restrain decedent (e.g., control hold, body compression)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Restrain decedent with equipment (e.g., handcuffs, leg shackles)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Place decedent in prone position?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. Use a weapon, such as a baton/ blunt instrument?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

17. If the death was caused by a medical condition, did the inmate receive any of the following medical services for the medical condition that caused his/her death after admission to your facility? Exclude emergency care provided at the time of death.

NOT APPLICABLE – cause of death was injury, intoxication, suicide or homicide.

	Yes	No	Un-known
A. Evaluation by a physician/ medical staff	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Diagnostic tests (e.g., X-rays, MRI)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Medications	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Treatment/ care other than medications	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. Surgery	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F. Confinement in a special medical unit	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

18. Was the cause of death the result of a pre-existing medical condition or did the inmate develop the condition after admission (If multiple conditions caused the death and any of the conditions were pre-existing, mark "Pre-existing medical condition")?

- NOT APPLICABLE – cause of death was injury, intoxication, suicide or homicide
- Pre-existing medical condition
- Deceased developed condition after admission
- Could not be determined
- Unknown
- Unavailable, investigation pending

Notes: