



## Byrne State Crisis Intervention Program Frequently Asked Questions

*Updated May 2024*

### 1. What is the purpose of the Bureau of Justice Assistance (BJA) Byrne State Crisis Intervention Program (Byrne SCIP)?

The purpose of Byrne SCIP is to provide funding for the creation and/or implementation of state crisis intervention court proceedings, extreme risk protection order (ERPO) programs, and related gun violence reduction programs/initiatives, as authorized by the Bipartisan Safer Communities Supplemental Appropriations Act, 2022 (Pub. L. No. 117-159, 136 Stat. 1313, 1339); 28 U.S.C. 530C.

### 2. Who is eligible to apply for Byrne SCIP funds?

Only states may apply under this program, and a state must designate a single State Administering Agency (SAA) that has authority to apply on its behalf. For the purposes of Byrne SCIP, the term "states" includes the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the U.S. Virgin Islands, Guam, and American Samoa. Throughout the Byrne SCIP solicitation, each reference to a "state" or "states" includes all 56 jurisdictions. The eligible allocations by state for each fiscal year will be posted with that year's solicitation.

### 3. Who is eligible to receive subawards under Byrne SCIP?

Subrecipients may include but are not limited to courts (state, county, local, and tribal), institutes of higher learning, law enforcement, supervision agencies, prosecutors, public defenders, behavioral health, emergency communications, etc.

### 4. How do I apply for Byrne SCIP funds?

Applications will be submitted to DOJ in two steps:

**Step 1:** The applicant must submit by the Grants.gov deadline the required Application for Federal Assistance standard form (SF)-424 and a Disclosure of Lobbying Activities (SF-LLL) when they register in Grants.gov at <https://www.grants.gov/web/grants/register.html>. To register in Grants.gov, the applicant will need to ensure that its System for Award Management (SAM) registration is current.

**Step 2:** The applicant must then submit the **full application**, including attachments, in JustGrants at [JustGrants.usdoj.gov](https://www.justgrants.usdoj.gov). To be considered timely, the full application must be

submitted in JustGrants by the JustGrants application deadline. OJP encourages applicants to review the “How to Apply” section in the [OJP Grant Application Resource Guide](#) and the “News & Updates” page on the [JustGrants website](#) for more information, resources, and training.

**5. Are states required to track the FY 2022 and FY 2023 funds awarded under the FY 2022 – 2023 Byrne SCIP solicitation separately?**

No. States are not required to differentiate the FY 2022 and FY 2023 Byrne SCIP funds awarded under the FY 2022 – 2023 Byrne SCIP solicitation separately.

**6. Will future Byrne SCIP solicitations include multiple years of funding?**

No. Due to the timing of the Bipartisan Safer Communities Act, BJA had the ability to provide both FY 2022 and FY 2023 funding in the first solicitation, which relies on the JAG formula from the prior fiscal year, both of which were available when the appropriations were provided. The FY 2024 and future SCIP solicitations will only include a single year of funding, with allocations based on the JAG formula.

**7. What is the performance period for the awards?**

The performance period for awards made under FY 2022 – 2023 Byrne SCIP will be for 48 months, from October 1, 2022 – September 30, 2026, but funds may not be obligated, expended, or drawn down until the applicant has established the required Crisis Intervention Advisory Board and submitted the related required documentation, with the exception of obligations of up to \$20,000 for the sole purpose of developing the program and budget plans in coordination with the Crisis Intervention Advisory Board (see questions 35–37). The performance period for future awards will be for 36 months.

**8. When will the FY 2024 Byrne SCIP solicitation be available? (Updated May 2024)**

BJA anticipates that the FY 2024 Byrne SCIP solicitation will be available in spring/summer 2024.

**9. Will project period extensions be available?**

Recipients have the option to request a one-time, up to 12-month extension for their projects. The extension must be requested via a Grant Award Modification (GAM) in JustGrants no fewer than 30 calendar days prior to the end of the performance period. General information on the funds’ period of availability and award extensions can be found in the DOJ Grants Financial Guide.

**10. Is this Edward Byrne Memorial Justice Assistance Grant (JAG) Program funding?**

No. This funding was appropriated as part of the supplemental appropriations enacted under Division B of the Bipartisan Safer Communities Act.<sup>1</sup> Byrne SCIP is separate and distinct from the JAG Program, which is funded annually under Department of Justice appropriations acts. Division A, title II, section 12003 of the Bipartisan Safer Communities Act modified the JAG [statute](#) to include a new program area, 34 U.S.C. §10152 (a)(1)(I): “Implementation of State crisis intervention court proceedings and related programs or initiatives, including but not limited to—(i) mental health courts; (ii) drug courts; (iii) veterans courts; and (iv) extreme risk protection order programs[.]”

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<sup>1</sup> Division B of P.L. 117-159 is the “Bipartisan Safer Communities Supplemental Appropriations Act, 2022.”

Byrne SCIP, consistent with the supplemental appropriations act, funds project implementation in this new program area only.

**11. When can funds be obligated?**

Funds may be obligated once awards have been offered and accepted, and any award conditions prohibiting obligations have been cleared, including the post-award approval of the program plan and budget. The program and budget plan withholding condition will allow obligations not to exceed \$20,000 for the sole purpose of developing the program and budget plans in coordination with the Crisis Intervention Advisory Board.

All subawards must be expressly authorized by BJA post award via a GAM before funds can be obligated for subawards. Properly incurred obligations (i.e., approved by BJA) must occur within the period of performance.

**12. Can funds be drawn down in advance?**

No. SAAs should request funds based upon immediate disbursement/reimbursement requirements. Funds will not be paid in advance but rather disbursed over time as project costs are incurred or anticipated.

Draw down requests should be timed to ensure that federal cash on hand is the minimum needed for disbursements/reimbursements to be made immediately or within 10 days. If not spent or disbursed within 10 days, funds must be returned to OJP. See the DOJ Grants Financial Guide for more information.

**13. Can funds be used for administrative costs? (New May 2024)**

Yes, up to 10 percent of the total award amount may be used for direct administrative costs for the award. This 10 percent must come from the state share of the award.

**14. If the state utilizes the full 10 percent for direct administrative costs, can subaward recipients also claim direct administrative costs?**

Yes; however, subaward recipients are also limited to 10 percent for direct administrative costs.

**15. Are indirect costs allowable?**

Indirect costs are allowable if the recipient has a current negotiated indirect cost rate agreement approved by its cognizant federal agency or if the recipient is eligible to use, and elects to use, the "de minimis" indirect cost rate as set out at [2 C.F.R. 200.414\(f\)](#). Indirect costs are not considered part of the 10 percent limit on direct administrative costs.

**16. Are there any limitations on the use of Byrne SCIP funds?**

Based on the funding allocation, states must pass through a 40 percent portion to local governments and are limited to using no more than 10 percent of the total award amount for direct administrative costs.

In addition to the unallowable costs identified in the [DOJ Grants Financial Guide](#), award funds may not be used for the following:

- Prizes, rewards, entertainment, trinkets (or any type of monetary incentive)
- Client stipends
- Gift cards

- Food and beverage
- Unmanned aircraft systems (UAS), including unmanned aircraft vehicles (UAV), and all accompanying accessories to support UAS or UAV
- In general, as a matter of federal law, funds may not be used, either directly or indirectly, to support the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government. See 18 U.S.C. 1913. Recipients and subrecipients must comply with the provisions in 2 C.F.R. § 200.450 (Lobbying) and 18 U.S.C. 1913, as appropriate. Also, see Chapter 2.1 of the [DOJ Grants Financial Guide](#) for specifics about restrictions on lobbying. Should any question arise as to whether a particular use of award funds would or might fall within the scope of these prohibitions, the recipient is to contact BJA for guidance, and may not proceed without the express prior written approval of BJA.
- Recipients of all OJP awards dated after May 1, 2023, must comply with restrictions on the [use of federal funds for certain prohibited and controlled expenditures, consistent with OJP's policy implementing Executive Order 14074, "Advancing Effective, Accountable Policing and Criminal Justice Practices To Enhance Public Trust and Public Safety."](#)

**17. Can Byrne SCIP funds be used for research and/or evaluation?**

Yes. The use of grant funds to engage with a research partner to meet the evaluation, data collection, and cooperation requirements is allowable and encouraged. Applicants may budget and allocate grant funding to meet specific research and programmatic requirements under this award regarding:

- The effectiveness of the crisis intervention program or ERPO initiative in preventing violence and suicide.
- Measures that have been taken to safeguard the constitutional rights of an individual subject to a crisis intervention program or ERPO initiative.

Costs associated with research would not be considered part of the 10 percent limit for direct administrative costs.

If an application proposes research (including research and development) and/or evaluation, the applicant must document its research/evaluation independence and integrity, including appropriate safeguards, before it may obligate, expend, or draw down award funds. The applicant must submit documentation of its research and evaluation independence and integrity by uploading it as an attachment in JustGrants. For additional information, see the [OJP Grant Application Resource Guide](#).

**18. Can funds be used to create or modify legislation in my state?**

No. Recipients and subrecipients must comply with the provisions in [2 C.F.R. § 200.450 \(Lobbying\)](#) and [18 U.S.C. 1913](#), as appropriate. See the [DOJ Grants Financial Guide](#) for more information.

**19. What are some of the specific prohibitions related to legislative activity that we should be aware of?**

Recipients and subrecipients must comply with the provisions in [2 C.F.R. § 200.450 \(Lobbying\)](#) and [18 U.S.C. 1913](#), as appropriate. The [DOJ Grants Financial Guide](#) notes specific activities for which award funds cannot be used, including:

- Attempting to influence (a) the introduction of federal or state legislation, (b) the enactment or modification of any pending federal or state legislation through communication with any member or employee of Congress or a state legislature (including efforts to influence state or local officials to engage in similar lobbying activity), (c) the enactment or modification of any pending federal or state legislation by preparing, distributing, or using publicity or propaganda, or by urging members of the general public, or any segment thereof, to contribute to or participate in any mass demonstration, march, rally, fundraising drive, lobbying campaign, or letter writing or telephone campaign, or (d) any government official or employee in connection with a decision to sign or veto enrolled legislation.
- Engaging in or supporting the development of publicity or propaganda designed to support or defeat legislation pending before legislative bodies.
- Paying, directly or indirectly, for any personal service, advertisement, telephone, letter, printed or written matter, or other device intended or designed to influence a member of Congress or a state legislature to favor or oppose, by vote or otherwise, any legislation or appropriation by either Congress or a state legislature, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation.
- Engaging in legislative liaison activities, including attendance at legislative sessions or committee hearings, gathering information regarding legislation, and analyzing the effect of legislation, when such activities are carried out in support of, or in knowing preparation for, an effort to engage in unallowable lobbying.
- Paying a publicity expert for purposes unallowable under the anti-lobbying rules.

**20. DOJ has published [model legislation for ERPOs](#), and we would like to utilize award funds to engage with our state legislature and the public to encourage our state to pass or modify ERPO legislation based on this model legislation. Is that allowable?**

No. No federally appropriated funding made available under the grant program may be used, either directly or indirectly, to support the enactment, repeal, modification, or adoption of any law, regulation, or policy at any level of government.

**21. Are there penalties for violating the lobbying prohibitions?**

Yes. The [Anti-Lobbying Act, 18 U.S.C. § 1913](#), contains significant restrictions on the use of appropriated funding for lobbying. These anti-lobbying restrictions are enforceable via large civil penalties, with civil fines between \$10,000 and \$100,000 per each individual occurrence of lobbying activity. These restrictions are in addition to the anti-lobbying and lobbying disclosure restrictions imposed by [31 U.S.C. § 1352](#).

**22. Who can we contact with specific questions relating to the lobbying restrictions?**

Any question(s) relating to the lobbying restrictions should be submitted in writing to your BJA Grant Manager.

**23. How were the Byrne SCIP allocations determined?**

Consistent with the program authority provided by Division B of the Bipartisan Safer Communities Act, Byrne SCIP funds will be "...awarded pursuant to the formula allocation (adjusted in proportion to the relative amounts statutorily designated therefor) that was used in the fiscal year prior to the year for which funds are provided for the Edward Byrne Memorial Justice Assistance Grant Program...." Therefore, allocations for

FY 2022 – 2023 Byrne SCIP are based on the FY 2021 and FY 2022 Edward Byrne Memorial Justice Assistance Grant (JAG) Program. The allocations by state for FY 2022 – 2023 Byrne SCIP can be found at: <https://bjao.gov/funding/fy-2022-2023-byrne-scip-allocations.pdf>. Allocations for future fiscal years will post with the solicitation.

#### 24. Are there pass-through requirements?

Yes. Where applicable,<sup>2</sup> states must pass through the 40 percent portion to local governments. This 40 percent portion is comprised of the share of funds, proportionately decreased, that was available for direct local JAG awards in the prior fiscal year, and the share of funds, proportionately decreased, that was added to the state share in the prior fiscal year for less-than-\$10,000 jurisdictions. States have discretion on projects and priorities for subawards, as informed by their Crisis Intervention Advisory Board.

- **Direct Local Pass-through Requirement:** This could include, but is not limited to, an organizational unit of local government such as a prosecutor’s office, public defender’s office, law enforcement agency, public health agency, or court system. States are not required to pass funds through to every unit of local government that was eligible for a direct local JAG award in FY 2021 and/or FY 2022 and have the discretion on the use of the direct local pass-through funds as determined by the Crisis Intervention Advisory Board. This pass-through is mandatory and not eligible for a waiver, and state direct administrative costs cannot be deducted from the minimum direct local pass-through amount.
- **Less than \$10,000 Pass-through Requirement:** Where applicable,<sup>3</sup> states must provide additional funds to state courts that provide criminal justice and civil proceeding services as the “less-than-\$10,000 jurisdictions” within the state and/or subaward the funds to such jurisdictions. State direct administrative costs cannot be deducted from the minimum direct local pass-through amount. As informed by the Crisis Intervention Advisory Board, states have discretion to utilize the less-than-\$10,000 pass-through funding in several ways:
  1. Fund one less-than-\$10,000 jurisdiction.
  2. Fund multiple less-than-\$10,000 jurisdictions.
  3. Fund state courts that that provide criminal justice and civil justice services to the less-than-\$10,000 jurisdictions within the state.
  4. Fund a combination less-than-\$10,000 jurisdiction(s) and state courts that provide criminal justice and civil justice services to the less-than-\$10,000 jurisdictions within the state.
  5. Request a waiver to retain the less-than-\$10,000 funds, or a portion thereof, at the state level for a project that would directly benefit less-than-\$10,000 jurisdictions (see question 30).
  6. Any combination of 1 – 5 above.

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<sup>2</sup> This is not applicable to the U.S. territories and the District of Columbia which do not receive local JAG funds.

<sup>3</sup> In addition to the U.S. territories and the District of Columbia, Hawaii did not receive less-than-\$10,000 JAG funds in FY 2021 and FY 2022; therefore, this requirement is also not applicable to Hawaii for FY 2023 Byrne SCIP.



All subawards must be expressly authorized by BJA post award via a GAM before funds can be obligated for subawards.

**25. How is “unit of local government” defined?**

For the purpose of Byrne SCIP, a “unit of local government” is a city, county, township, town, or certain federally recognized American Indian tribes. See 34 U.S.C § 10251 (a)(3). Note: Organizational units of government that are state government entities consistent with state law are not eligible to receive local pass-through funds.

**26. Can SAAs subaward funds to the state court agency to meet the direct local pass-through requirement, in cases where the state court agency is not the SAA?**

No. SAAs must provide these funds directly to units of local government that were eligible to receive a direct local JAG award in the prior fiscal year. States are not required to pass funds through to every unit of local government that was eligible for a direct local JAG award in the prior fiscal year and have the discretion on the use of the direct local pass-through funds as determined by the Crisis Intervention Advisory Board.

**27. Can SAAs provide funds to the state court agency to meet the less-than-\$10,000 pass-through requirement?**

Yes. SAAs are permitted to subaward these funds to the state court agency, which provides criminal justice and civil justice to one or more of the prior fiscal year less-than-\$10,000 jurisdictions without a waiver.

**28. If the SAA provides funds to the state court agency to meet the less-than-\$10,000 pass-through requirement, is the state court agency permitted to subaward those funds to county and/or municipal courts?**

Yes. The state court agency is permitted to subaward less-than-\$10,000 pass-through funds to one or more courts that provides criminal justice and civil justice to one or more of the prior fiscal year less-than-\$10,000 jurisdictions without a waiver.

**29. What are the requirements and the process for an SAA to request a waiver of the less than \$10,000 pass-through requirement?**

a. Requirements: The less than \$10,000 pass-through requirement is eligible for a waiver to the extent that (1) the **state-administered** project will directly benefit a unit (or units) of local government, and (2) the benefiting unit (or units) of local government voluntarily certifies in writing that (a) the specified amount of state-administered funds will directly benefit the unit(s) of local government in question and (b) funding the project at the state level is in the best interest of the unit(s) of local government.

b. Process: To request a waiver of the less than \$10,000 pass-through requirement, a recipient must, post-award:

Using OJP’s JustGrants system, submit a “Programmatic Costs” GAM, marked “Other” and with “Byrne SCIP – Pass-Through Waiver” typed in the available text box.

Attach to the GAM a letter, on the letterhead of the recipient jurisdiction and signed by the recipient’s “authorized representative” for the Byrne SCIP award in question, that:

- i. Provides a summary of the project(s) and stipulates the project(s) will directly benefit one or more units of local government.
- ii. Identifies the specific unit(s) of local government that will benefit from the state-administered project(s).
- iii. Attaches the certification(s) from the unit(s) of local government described above in Section A.

**30. Can units of local government apply to receive Byrne SCIP funds directly from BJA?**

No. Only SAAs are eligible to receive direct Byrne SCIP awards from BJA. Units of local government can reach out to their [State Administering Agencies](#) to obtain information on funding opportunities using pass-through funds.

**31. Are the penalties/reductions under the Sex Offender Registration and Notification Act and the Prison Rape Elimination Act applicable to Byrne SCIP funds?**

No.

**32. What types of programs can Byrne SCIP funds be used for? (Updated May 2024)**

Byrne SCIP funds can be used for (i) implementation of state crisis intervention court proceedings and related programs or initiatives, including but not limited to: (i) mental health courts; (ii) drug courts; (iii) veterans courts; and (iv) extreme risk protection order (ERPO) programs.

BJA understands “related programs or initiatives” to mean those programs/initiatives that have a direct connection to crisis intervention, which is focused on identifying risk and intervening before harm occurs. Programs/activities exclusively focused on response to crime in progress or already committed would not be considered crisis intervention. Related programs or initiatives can include certain court-based programs, programs that deflect individuals to behavioral health services, and gun safety programs such as, but not limited to:

ERPO Programs

- Training for those implementing ERPO programs
  - Training for judiciary and court staff on ERPO proceedings
  - Training for family members on ERPO
  - Training for first responders on ERPO
  - Training for social service providers on ERPO
  - Training for clinicians on ERPO
- Communication, education, and public awareness of existing ERPO laws
  - Outreach to community members, stakeholders, municipal leaders, law enforcement agencies, and those engaging with individuals deemed to be at high risk of firearm violence to raise public awareness about the value and public safety benefits of existing ERPO laws and programs, and effective implementation of such laws and programs.
  - Development and distribution of ERPO fact sheets, brochures, webinars, television or radio engagement (e.g., advertisements, spotlights, etc.), and social media outreach (e.g., YouTube, Facebook, X, etc.) in order to execute the communication, education, and public awareness strategy.



- Publication of best practices regarding ERPO programs.

#### Related Court-based Programming

- Develop processes to identify, triage and connect court-involved people in crisis to services.
- Expand the capacity of existing drug, mental health, and veterans treatment courts, including to assist clients who are most likely to commit or become victims of gun crimes.
- Implementing or expanding domestic violence courts focused on those at risk for gun related violence.
- Embed social workers in prosecutor, public defender and/or courts agencies to provide screening, assessment, and referral to services for people in crisis, such as court-based navigators.
- Prosecutor, pretrial, or court diversion programs.
- Development and implementation of validated gun violence risk assessment tools, enhancement of existing tools and service case management and navigation programs to assess the risks and needs of clients and connect them to critical services to mitigate their risk of gun violence and enhance their access to effective interventions.
- Community courts that connect people in crisis with community resources.
- Programming and training on domestic violence cases and related protection orders, including relinquishment of firearms.
- Threat assessment training for prosecutors, judges, law enforcement, and public defenders.

#### Referrals to Community-based Services for People in Crisis

(see the [National Guidelines for Behavioral Health Crisis Care Best Practice Toolkit](#) and [Guidance for Emergency Responses to People with Behavioral Health or Other Disabilities](#))

- Pre-arrest law enforcement and first responder deflection.
- Assertive community treatment.
- Behavioral threat assessment programs and related training.
- Triage services, mobile crisis units (both co-responder and civilian only), and peer support specialists.
- Suicide and crisis prevention and referral to services.
- Technological supports such as smartphone applications to help families and patients navigate mental health and related systems and telehealth initiatives, including technology solutions for telehealth visits outside the hospital.
- Behavioral health responses and civil legal responses to people in crisis, such as regional crisis call centers, crisis mobile team response, and crisis receiving and stabilization facilities for individuals in crisis.
- De-escalation training for law enforcement, first responders and other justice practitioners.
- Embedding social workers with law enforcement and co-responder programs.
- Specialized training for individuals who work with or are in families of adults and youth who are in crisis.

- Related law enforcement-based programs, training, and technology, focused on crisis intervention for those at risk to themselves or others.

#### Funding for Law Enforcement Crisis Intervention Programs or Initiatives

- Development and or delivery of specialized training, including crisis response and intervention training (CRIT), and overtime for officers to attend such training.
- Training for school resource officers on identifying youth at risk for firearm violence.
- Supplies, equipment, technology, and training to safely secure, store, track, and return relinquished guns, such as gun locks and storage for individuals and businesses and software or other technologies to track relinquished guns.
- Gun safety training for community members.
- Systems purchase or enhancement to facilitate service and/or tracking of ERPOs.
- Technology, analysis, or information-sharing solutions for ensuring law enforcement, probation, prosecutors, the courts, and public defenders are informed when a prohibited person attempts to purchase a firearm.
- Data collection, analysis and strategic planning to address community gun violence.
- Personnel, supplies, and other related costs for crisis intervention officers or co-responders.

### **33. What activities and costs are allowable in Byrne SCIP programs? (New May 2024)**

In addition to the limitations described in FAQ #16 and the requirements for allowability in the DOJ Grants Financial Guide and 2 CFR 200 Uniform Requirements, activities and costs included in Byrne SCIP program plans and budgets (including subawards) must demonstrate that they are necessary for the proper and efficient performance of a crisis intervention program, being reasonably connected or logically related to the program purpose. A crisis intervention program is one that is focused on identifying risk and intervening before harm occurs, rather than in response to a crime already committed.

More general gun violence prevention, investigation, general law enforcement strategies (e.g., enhanced patrols, active shooter training, NIBIN systems), activities and costs, without the connection to crisis intervention, would not be appropriate under Byrne SCIP but could be included in other BJA programs, such as the Byrne JAG program.

State program plans and subaward project descriptions submitted to BJA should provide clarity on how the proposed activities and costs will address crisis intervention. While activities might also have broader prevention outcomes to the communities at large, assist with the response to violence already occurring, or use information and lessons from past crises, the primary focus and purpose of proposed activities and costs should be targeted crisis intervention.

### **34. Are there any requirements for extreme risk protection order programs?**

As required by 34 USC §10152 (a)(1)(I)(iv), ERPO programs must include, at a minimum:

- a. Pre-deprivation and post-deprivation due process rights that prevent any violation or infringement of the Constitution of the United States, including, but not limited to, the Bill of Rights and the substantive or procedural due process rights guaranteed under the Fifth and Fourteenth Amendments to the Constitution of

the United States, as applied to the states and as interpreted by state courts and United States courts (including the Supreme Court of the United States). Such programs must include, at the appropriate phase, to prevent any violation of constitutional rights, and, at minimum notice, the right to an in-person hearing, an unbiased adjudicator, the right to know opposing evidence, the right to present evidence, and the right to confront adverse witnesses.

- b. The right to be represented by counsel at no expense to the government.
- c. Pre-deprivation and post-deprivation heightened evidentiary standards and proof, which mean not less than the protections afforded to a similarly situated litigant in federal court or promulgated by the state's evidentiary body and sufficient to ensure the full protections of the Constitution of the United States, including, but not limited to, the Bill of Rights and the substantive and procedural due process rights guaranteed under the Fifth and Fourteenth Amendments to the Constitution of the United States, as applied to the states and as interpreted by state courts and United States courts (including the Supreme Court of the United States). The heightened evidentiary standards and proof under such programs must, at all appropriate phases, prevent any violation of any constitutional right, and, at minimum, prevent reliance upon evidence that is unsworn or unaffirmed, irrelevant, based on inadmissible hearsay, unreliable, vague, speculative, and lacking a foundation.
- d. Penalties for abuse of the program.

For each year a Byrne SCIP recipient plans to use funding to support ERPO programs, it must submit to BJA a principal legal officer signed [Certification Relating to Pub. L. No. 90-351, Title I, Sec. 501\(a\)\(1\)\(I\)\(iv\) \(Extreme-Risk Protection-Order Programs\)](#), certifying that the extreme-risk protection-order program to be funded satisfies each of the requirements above prior to the use of grant funds for ERPO programs.

**35. Who may sign the certification of compliance with Pub. L. No. 90-351, Title I, Sec. 501(a)(1)(I)(iv) as a principal legal officer?**

A principal legal officer is an individual at a high level in the government, with the responsibility and authority to provide legal advice to the government. OJP expects that the principal legal officer with the requisite responsibility and authority would have a job title such as Attorney General, Deputy Attorney General, or state agency General Counsel. This guidance should not be viewed as legal advice from OJP as to the identification of the appropriate official. The applicant government must identify the appropriate official after review of this guidance, the certification of compliance, and the applicant's own governance rules and authorities.

**36. Is the adult drug court violent offender prohibition applicable to Byrne SCIP?**

No. The Adult Drug Court program's prohibition of participation by "violent offenders" (see 34 U.S.C. § 10612) is not applicable to Byrne SCIP.

**37. Are there any requirements applicable to adult drug courts funded under Byrne SCIP? (New May 2024)**

Adult drug courts funded under Byrne SCIP must conform to All Rise (formally known as the National Association of Drug Court Professionals) key components for drug courts. These components are described in the BJA and All Rise publication, *Defining Drug*

Courts: The Key Components, available at <https://www.ncjrs.gov/pdffiles1/bja/205621.pdf>.

In addition, when clients in a BJA-funded drug court are diagnosed with a substance use disorder (SUD), BJA requires grantees, where possible, to make all three forms of FDA-approved medications to treat substance use disorder available to the participants under the care and prescription of a physician. For more information regarding BJA's provisions on MAT, visit: <https://bjajoint.org/sites/g/files/xyckuh186/files/media/document/adc-faq-medication-assistedtreatment.pdf>.

**38. Are there any requirements applicable to behavioral health crisis care programs funded under Byrne SCIP? (New May 2024)**

Behavioral health crisis care programs funded under Byrne SCIP must be operated in accordance with the Substance Abuse and Mental Health Services Administration National Guidelines for Behavioral Health Crisis Care: <https://www.samhsa.gov/sites/default/files/national-guidelines-for-behavioral-health-crisis-care-02242020.pdf>.

**39. Are there any training and technical assistance resources for Byrne SCIP recipients and subrecipients to support their use of Byrne SCIP funding?**

Yes. BJA funds training and technical assistance (TTA) to support Byrne SCIP grant recipients. No-cost TTA is available in the following areas:

Developing and Supporting ERPO Programs: This TTA provider supports states and localities in their efforts to implement ERPO programs to fit local needs, including sharing resources and best practices through the National ERPO Resource Center.

Supporting State, Local, and Tribal Courts Implementing Safer Communities: This TTA provider supports state, local, and tribal courts in the examination of current court capacity for screening, assessing, and assigning cases for appropriate case processing. This could include assessment for services/programming and for individuals in crisis, as well as court capacity for meeting the needs of those identified as at risk of harm to themselves or others with a firearm, including judicial and other court staff training and safety considerations.

Implementing Safer Communities: This TTA provider supports grantees in gathering sufficient information to meet the reporting requirements outlined in the Bipartisan Safer Communities Act of 2022, and in data collection and preparation for potential participation in evaluating the effectiveness of the crisis intervention programs or initiatives in preventing violence and suicide. Additionally, this TTA provider can support grantees in planning for the implementation of Byrne SCIP funding including the creation and development of Advisory Boards to support program development efforts.

For additional information on the training and technical assistance (TTA) available, and to request no-cost TTA, visit <https://www.ncja.org/byrne-scip>.

**40. Are there other existing resources available for related projects?**

Yes. The following DOJ and DOJ-funded resources are available:

- [BJA Adult Drug Court Program](#)
- [BJA Veterans Treatment Court Program](#)

- [BJA Community Courts Program](#)
- [BJA Justice and Mental Health Collaboration Program](#)
- [BJA National Training and Technical Assistance Center](#)
- [Office of Juvenile Justice and Delinquency Prevention Gun Court Literature Review](#)
- [National Resource Center on Domestic Violence and Firearms](#)
- [Safer Families, Safer Communities \(A project of the National Resource Center on Domestic Violence and Firearms\)](#)

Other resources:

- [Johns Hopkins Center for Gun Violence Prevention and Policy: ERPO](#)
- [National Guidelines for Behavior Health Crisis Care Best Practice Toolkit](#)
- [Maryland Department of Health ERPO Informational Toolkit](#)

**41. What are the expectations for the formation and role of the Crisis Intervention Advisory Board?**

Applicants must form a diverse Crisis Intervention Advisory Board to inform and guide the state’s related gun violence reduction programs/initiatives. The Board must include, but is not limited to, representatives from law enforcement, the community, courts, prosecution, behavioral health providers, victim services, and legal counsel. BJA strongly encourages representation from members of the community with lived experienced rather than governmental employees, as well as including other community-based representation (such as behavioral health providers and victim services representatives from community-based organizations), when possible.

Applicants must describe the advisory board, its membership, and governance structure in the application and develop program and budget plans in coordination with and with demonstrated approval from the Crisis Intervention Advisory Board.

The program and budget plans must be expressly approved by BJA post award via a Grant Award Modification (GAM) before funds can be obligated, expended, or drawn down, with the exception of obligations not to exceed \$20,000 for the sole purpose of developing the program and budget plans in coordination with the Crisis Intervention Advisory Board (see question 39). Advisory board approval will also be required for any subsequent changes to the project’s scope or budget.

**42. Will funds be available to for Crisis Intervention Advisory Board activities prior to program plan and budget approval?**

Yes. The program and budget plan withholding condition will allow obligations not to exceed \$20,000 for the sole purpose of developing the program and budget plans in coordination with the Crisis Intervention Advisory Board. Such obligations may be made retroactively to the project period start date.

**43. Can states utilize an existing state body to meet the Crisis Intervention Advisory Board requirement?**

Yes. Existing advisory boards, task forces, working groups, committees, etc. can be used to meet the Crisis Intervention Advisory Board requirement if the existing entity

includes representatives from law enforcement, the community, courts, prosecution, behavioral health providers, victim services, and legal counsel.

#### **44. What must be submitted for post-award program plan and budget approval?**

Using OJP's JustGrants system, submit a "Scope Change" GAM, select "Changing the purpose of the project," and update the project description to align with the crisis intervention advisory board approved plan for which approval is requested. Attach to the GAM the following items:

- A program plan outlining the overall goals for the use of Byrne SCIP funds and the process for awarding subawards (both for the required 40% pass-through and any other subawards to be made).
- The budget worksheet and narrative, showing a clear breakdown of costs, including identified administrative costs and the required pass-through amount.
- A description of the Crisis Intervention Advisory Board, its membership, and its governance structure.
- A letter from the Crisis Intervention Advisory Board confirming that it coordinated with the recipient to develop the program and budget plan and that it approves the submitted plan.
- If ERPO programs are proposed, a signed [Certification Relating to Pub. L. No. 90-351, Title I, Sec. 501\(a\)\(1\)\(I\)\(iv\) \(Extreme-Risk Protection-Order Programs\)](#).

#### **45. Are there any costs that require prior approval under Byrne SCIP?**

In addition to the costs requiring prior approval listed in the [DOJ Grants Financial Guide](#), all subawards, including the required pass-through awards, require post-award approval by BJA via a GAM. See [Subawards and Procurement Contracts under OJP Awards](#) for more information. Please note that even if the proposed subaward is clearly identified in the Budget Detail Worksheet and/or Budget Detail Narrative in the application as approved by OJP, the recipient must request and obtain written authorization from BJA via a GAM before it may make the subaward.

#### **46. What are the requirements for subaward authorization and obligation, and the process for obtaining BJA approval of subawards?**

Subawards must be authorized post award. Requests for subaward authorization must be submitted via a GAM after (1) formation and documentation of the Crisis Intervention Advisory Board and (2) BJA's approval of the program plan and budget and removal of the withholding condition.

To request authorization of subawards, a recipient must:

- a. Use OJP's JustGrants system to submit a Programmatic "Scope Change" GAM and select "Staff changes that include experiencing or making changes to the organization or staff with primary responsibility for award implementation. These changes can include (choose one): 'Contracting out' and/or 'sub-awarding.'"
- b. Attach to the GAM documentation that:
  - i. Summarizes the selection process for the subawards included in the request.



- ii. Lists the one or more units of local government that will be issued subawards, along with their proposed award amounts and project periods.
- iii. Includes a description of the proposed subaward(s), including whether the subaward project will include any ERPO activities, and the subaward budget(s).
- iv. Provides the part of the allocation the subawards will be made under state share, direct local pass-through, or less than \$10,000 pass-through.

**47. Are matching funds required under Byrne SCIP?**

No. There is no match requirement under Byrne SCIP.

**48. Can Byrne SCIP funds be utilized as match for other federal programs?**

No. Unless otherwise authorized by law, federal funds may not be matched with other federal funds. However, the leveraging of multiple funding sources in a complementary manner to implement comprehensive programs or projects is encouraged and is not seen as inappropriate duplication.

**49. What is supplanting and is it allowable under Byrne SCIP?**

The definition of supplanting in the [DOJ Grants Financial Guide](#) is “to deliberately reduce State or local funds because of the existence of Federal funds. For example, when State funds are appropriated for a stated purpose and Federal funds are awarded for that same purpose, the State replaces its State funds with Federal funds, thereby reducing the total amount available for the stated purpose.” Supplanting is prohibited under Byrne SCIP for all allowable costs.

**50. What are the reporting requirements for Byrne SCIP?**

The following reporting elements will be required, along with any other applicable reporting outlined in the award conditions (e.g., FFATA and FAPIIS):

- Quarterly Federal Financial Reports (and one final Federal Financial Report after all funds have been obligated and expended) must be submitted through OJP’s JustGrants System.
- Quarterly performance measurement reports (once all funds have been obligated and expended, that report may be marked “final”) must be submitted through the BJA Performance Measurement Tool, and semi-annual performance reports (once all funds have been obligated and expended, that report may be marked “final”) through OJP’s JustGrants System. The performance measurement questionnaire is available at <https://bj.a.ojp.gov/funding/performance-measures/byrne-scip-measures.pdf>.
- Recipients will be required to cooperate with any program audits or evaluations (e.g., DOJ Office of the Inspector General, OJP Office of Audit, Assessment, and Management, and/or Government Accountability Office audits, assessments, or engagements).

**51. What are the performance measures for this program?**

The performance measures for Byrne SCIP can be found at <https://bj.a.ojp.gov/funding/performance-measures/byrne-scip-measures.pdf>.

**52. How can I communicate success stories to BJA and OJP?**

We encourage and welcome the submission of stories explaining how BJA funding has made a positive impact within your agency, organization, or community at the following link: <https://bja.ojp.gov/submit-success-story>. The [OJP Grantee Toolkit](#) also provides suggestions and resources to help communicate success stories and achievements.