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U.S. DEPARTMENT OF JUSTICE

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Other Requirements for OJP Applications

Successful applicants must agree to comply with additional requirements prior to receiving grant funding, including:

Civil Rights Compliance

As a condition for receiving funding from OJP, recipients must comply with applicable federal civil rights laws, including Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and the Justice Department's regulation for the Equal Treatment of Faith-Based Organizations. Depending on the funding source, a recipient must also comply with the nondiscrimination provisions within the applicable program statutes, which may include the Omnibus Crime Control and Safe Streets Act of 1968, the Victims of Crime Act, or the Juvenile Justice and Delinquency Prevention Act. Collectively, these federal laws prohibit a recipient of OJP funding from discriminating either in *employment* (subject to the exemption for certain faith-based organizations discussed below; see "Funding to Faith-based Organizations") or in the *delivery of services or benefits* on the basis of race, color, national origin, sex, religion, or disability. In addition, OJP recipients may not discriminate on the basis of age in the delivery of services or benefits. See more information on [Statutes and Regulations](#).

Compliance with Title VI of the Civil Rights Act of 1964, which prohibits recipients from discriminating on the basis of national origin in the delivery of services or benefits, entails taking reasonable steps to ensure that persons with limited English proficiency (LEP) have meaningful access to funded programs or activities. An LEP person is one whose first language is not English and who has a limited ability to read, write, speak, or understand English. To assist recipients in meeting their obligation to serve LEP persons, the Department of Justice (DOJ) has published a guidance document, which is available on the [LEP.gov web site](#). OJP encourages applicants and recipients to include within their program budgets the costs for providing interpretation and translation services to eligible LEP service populations.

For technical assistance on complying with the civil rights laws linked to the receipt of federal financial assistance from OJP, please contact the:

Office of Justice Programs
[Office for Civil Rights](#)
 810 7th Street NW
 Washington, DC 20531
 202-307-0690
 Fax: 202-616-9865
 TTY: 202-307-2027

Civil Rights Compliance Specific to State Administering Agencies

All State Administering Agencies (SAAs) have a responsibility to monitor their subrecipients to ensure that the subrecipients are complying with the federal civil rights laws that are applicable to recipients of federal financial assistance. In accordance with 28 C.F.R. §§ 42.105(d)(2), 42.504(a), 42.725, and 54.115, SAAs must establish and implement written Methods of Administration for ensuring their subrecipients' compliance with the prohibition against race, color, and national origin discrimination contained in Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d) and the Department of Justice (DOJ) regulations at 28 C.F.R. pt. 42, subpt. C; the prohibition against disability discrimination contained in Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794) and the DOJ regulations at 28 C.F.R. pt. 42, subpt. G; the prohibition against age discrimination contained in the Age Discrimination Act of 1975 (42 U.S.C. § 6102) and the DOJ regulations at 28 C.F.R. pt. 42, subpt. I; and the prohibition against sex discrimination in education programs contained in Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681) and the DOJ regulations at 28 C.F.R. pt. 54. These Methods of Administration are the reasonable assurance that SAAs provide to the DOJ that they are ensuring the civil rights compliance of their subrecipients. An SAA's expansion of its written Methods of Administration to include the prohibitions of nondiscrimination contained in the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3789d(c)), the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. § 5672(b)), and the Victims of Crime Act of 1984 (42 U.S.C. § 10604(e)) and the DOJ implementing regulations (as applicable), and the DOJ regulations on the Equal Treatment for Faith-Based Organizations (28 C.F.R. pt. 38), will be considered strong evidence of the SAA's fulfillment of its responsibility to ensure subrecipients' compliance with these laws. These laws prohibit discrimination based on race, color, national origin, disability, religion, and sex in the delivery of services and employment practices, and prohibit recipients from using federal financial assistance to engage in inherently religious activities.

The Methods of Administration, as required under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and Title IX of the Education Amendments of 1972, or expanded to address compliance with the nondiscrimination provisions of the Omnibus Crime Control and Safe Streets Act of 1968, the Juvenile Justice and Delinquency Prevention Act of 1974, and the Victims of Crime Act of 1984 (as applicable), and the regulations on the Equal Treatment for Faith-Based Organizations, must be in writing and must contain the following elements:

I. Policy for Addressing Discrimination Complaints

A narrative description of the SAA's written policies or procedures for addressing complaints alleging discrimination from employees and clients, customers, or program participants of the SAA (as applicable) and from employees and clients, customers, or program participants of subrecipients implementing funding from the DOJ (as applicable). Each document should include the following elements:

- (a) Designating a coordinator who is responsible for overseeing the complaint process;
- (b) Notifying employees and subrecipients of prohibited discrimination in the SAA's programs and activities and the SAA's policy and procedures for handling discrimination complaints;

- (c) Establishing written procedures for receiving discrimination complaints from employees and clients, customers, or program participants of the SAA (as applicable) and from employees and clients, customers, or program participants of subrecipients implementing funding from the DOJ (as applicable);
- (d) Investigating each complaint internally, or referring each complaint to the appropriate agency for investigation and resolution, such as the U.S. Equal Employment Opportunity Commission, a local or state human rights commission, or the Office for Civil Rights (OCR), Office of Justice Programs. If the complaint is referred to the OCR for investigation, the OCR will work with the SAA to resolve the complaint;
- (e) Notifying the complainant that the complainant may also file a complaint with the OCR by submitting a written complaint to the following address: Office for Civil Rights; Office of Justice Programs; U.S. Department of Justice; 810 Seventh Street N.W.; Washington, DC 20531.
- (f) Training SAA staff on their responsibility to refer discrimination complaints, or potential discrimination issues, to the SAA's complaint coordinator for processing as soon as the alleged discrimination comes to their attention;
- (g) Notifying employees and clients, customers, and program participants of prohibited discrimination and the procedures for filing a complaint of discrimination, and ensuring that subrecipients do the same; and
- (h) Ensuring that subrecipients have procedures in place for responding to discrimination complaints that employees and clients, customers, and program participants file directly with the subrecipient.

The SAA shall have on file copies of its written complaint procedures. The OCR has drafted template complaint procedures addressing prohibited discrimination under the laws that the OCR enforces, which may be found at http://www.ojp.usdoj.gov/about/ocr/sample_documentation.htm. The SAA may find the template complaint procedures helpful as it establishes its written complaint procedures.

II. Notifying Subrecipients of Civil Rights Requirements

A narrative description of how the SAA is ensuring that its standard assurances, subgrant agreements, and other documents that are binding on DOJ-funded subrecipients are notifying subrecipients of applicable civil rights laws and nondiscrimination provisions and the DOJ implementing regulations, as outlined above.

The SAA shall have on file copies of the relevant portions of its standard assurances, subgrant agreements, Requests for Grant Applications, or other documents in which the SAA notifies DOJ-funded subrecipients of federal civil rights requirements.

III. Monitoring for Compliance with Civil Rights Requirements

A narrative explanation of the SAA's methods for monitoring whether subrecipients are complying with the applicable civil rights laws and nondiscrimination provisions and the DOJ implementing regulations.

The SAA shall have on file copies of any checklists or monitoring forms that it uses during desk audits or onsite monitoring visits along with any progress reports that inquire about a subrecipient's compliance with civil rights laws. The OCR has developed a Federal Civil Rights Compliance Checklist which monitors for compliance with the laws that the OCR enforces and which may be found at http://www.ojp.usdoj.gov/about/ocr/sample_documentation.htm. The SAA may wish to utilize this checklist during desk audits or onsite monitoring visits or to incorporate these questions into any existing checklists.

IV. Training Subrecipients on Civil Rights Requirements

A narrative description of the SAA's methods for training DOJ-funded subrecipients on their obligations to comply with the applicable civil rights laws and nondiscrimination provisions and the DOJ implementing regulations. The SAA should be sure to conduct periodic training sessions for its subrecipients at a minimum of once per grant award period.

The SAA shall have on file copies of any training presentations on federal civil rights requirements that it provides to DOJ-funded subrecipients. In developing any training presentations, the SAA may wish to review presentations that the OCR has provided on the civil rights laws that it enforces and which are available upon request.

If required to develop written Methods of Administration as a condition of a grant award, a SAA shall submit the Methods of Administration to the Office of Justice Programs, Office for Civil Rights at CivilRightsMOA@usdoj.gov within 90 days of receiving the grant award.

Funding to Faith-Based Organizations

In 2002, President George W. Bush issued Executive Order 13279 and in 2004, DOJ issued the regulation, Equal Treatment for Faith-Based Organizations, 28 C.F.R. Part 38. In general, the Executive Order and regulation require funding organizations to treat faith-based organizations (FBOs) the same as any other applicant or recipient of DOJ funding, neither favoring nor discriminating against FBOs in making and administering grant awards, and require that FBOs be allowed to retain their independence, autonomy, expression, and religious character when competing for DOJ financial assistance used to support social service programs and participating in the social service programs supported with DOJ financial assistance.

The Executive Order and regulation also prohibit recipient FBOs from using Justice Department funding to engage in inherently religious activities, such as proselytizing, scripture study, or worship. Funded FBOs may, of course, engage in inherently religious activities; however, these activities must be separate in time or location from the federally assisted program. Moreover, funded FBOs must not compel program beneficiaries to participate in inherently religious activities. Funded faith-based organizations must also not discriminate on the basis of religion in the delivery of services or benefits.

Some program statutes, including the Omnibus Crime Control and Safe Streets Act of 1968, the Victims of Crime Act, and the Juvenile Justice and Delinquency Prevention Act, contain express nondiscrimination provisions that prohibit all recipients of funding under these statutes from discriminating on the basis of religion in employment. Despite these nondiscrimination provisions, the Justice Department has concluded that the Religious Freedom Restoration Act (RFRA) is reasonably construed, on a case-by-case basis, to require that its funding agencies permit FBOs applying for funding under the applicable program statutes both to receive DOJ funds and to continue considering religion when hiring staff, even if the statute that authorizes the funding program generally forbids considering of religion in employment decisions by grantees.

If the statute that authorizes a DOJ funding program generally forbids consideration of religion in employment decisions by grantees, an FBO may receive DOJ funds and continue to consider religion when hiring staff if it meets the following criteria:

1. The FBO demonstrates that its program for which it seeks federal funding is an exercise of religion;
2. The FBO demonstrates that requiring it to either forgo its religious preference in hiring or forgo the federal funding would substantially burden its exercise of religion; and
3. The funding entity is unable to demonstrate that applying the nondiscrimination provision to this FBO would both further a compelling government interest and be the least restrictive means of furthering this interest.

The OJP and state administering agencies will grant exemptions to the prohibition against hiring discrimination on the basis of religion in the program statutes on a case-by-case basis to FBOs that certify to the following, unless there is good reason to question its truthfulness:

1. The FBO will offer all federally-funded services to all qualified beneficiaries without regard for the religious or non-religious beliefs of those individuals; and
2. Any activities of the FBO that contain inherently religious content will be kept separate in time or location from any services supported by direct federal funding, and if provided under such conditions, will be offered only on a voluntary basis; and
3. The FBO is a religious organization that sincerely believes that providing the services in question is an expression of its religious beliefs; that employing individuals of particular religious belief is important to its religious exercise; and that having to abandon its religious hiring practice to receive federal funding would substantially burden its religious exercise.

FBOs that are seeking federal financial assistance under the Safe Streets Act, VOCA, and JJDPA as well as an exemption to their prohibition against religious discrimination in hiring, must complete and retain **an original, signed document for their records** ([see Certificate of Exemption for Hiring Practices on the Basis of Religion](#)), certifying to the three provisions set forth above, **and then, must submit a copy of the signed Certificate of Exemption to the DOJ through the Grants Management System, after receipt of an award.** For more information, please consult the [Office for Civil Rights](#).

Confidentiality

DOJ regulations (28 CFR Part 22) require recipients of OJP funding to submit a Privacy Certificate as a condition of approval of any grant application or contract proposal that contains a research or statistical component under which "information identifiable to a private person" will be collected, analyzed, used, or disclosed. The funding recipient's Privacy Certificate includes a description of its policies and procedures to be followed to protect the confidentiality of identifiable data. 28 CFR Section 22.23. The Department's regulations provide, among other matters, that: "Research or statistical information identifiable to a private person may be used only for research or statistical purposes." 28 CFR Section 22.21. Moreover, any private person from whom information identifiable to a private person is collected or obtained (either orally or by means of written questionnaire or other document) must be advised that the information will only be used or disclosed for research or statistical purposes and that compliance with the request for information is voluntary and may be terminated at any time. 28 CFR Section 22.27.

Research and the Protection of Human Subjects

OJP has developed a [decision tree](#) to assist applicants in determining whether an activity they plan to undertake with OJP funds constitutes research involving human subjects.

DOJ regulations (28 CFR Part 46) protect the human subjects of federally funded research. In brief, 28 CFR Part 46 requires that most research involving human subjects that is conducted or supported by a Federal department or agency be reviewed and approved by an Institutional Review Board (IRB), in accordance with the regulations, before Federal funds are expended for that research. As a rule, persons who participate in Federally-funded research must provide their "informed consent" and must be permitted to terminate their participation at any time. Funding recipients, before they will be allowed to spend OJP funds on any research activity involving human subjects, must submit appropriate documentation to OJP showing compliance with 28 CFR Part 46 requirements, as requested by OJP.

General information regarding Data Confidentiality and Protection of Human Research Subjects (and Model Privacy Certificates and other forms):

- [Standard Forms and Instructions](#)

Anti-Lobbying Act

The Anti-Lobbying Act (18 U.S.C. § 1913) recently was amended to expand significantly the restriction on use of appropriated funding for lobbying. This expansion also makes the anti-lobbying restrictions 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.

The Office of Management and Budget (OMB) is currently in the process of amending the OMB cost circulars and the common rule (codified at 28 C.F.R. Part 69 for U.S. Department of Justice grantees) to reflect these modifications. However, in the interest of full disclosure, no federally appropriated funding made available under this 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, without the express approval by OJP. Any violation of this prohibition is subject to a minimum \$10,000 fine for each occurrence. This prohibition applies to all activity, even if currently allowed within the parameters of the existing OMB circulars.

Financial and Government Audit Requirements

Federal grants are governed by the provisions of the OMB circulars applicable to financial assistance and OJP's [Financial Guide](#), which includes information on allowable costs, methods of payment, audit requirements, accounting systems, and financial records. This document will govern how all successful applicants administer funds.

Audits of state and local units of government, institutions of higher education, and other nonprofit institutions must comply with the organizational audit requirements of OMB circular A-133, which states that recipients who expend \$500,000 or more of federal funds during their fiscal year are required to submit a single organization wide financial

and compliance audit report to the **Federal Audit Clearinghouse** within 9 months after the close of each fiscal year during the term of the award.

Grantees must comply with the following OJP reporting requirements:

- **Federal Financial Reports (FFR, SF-425)**. Grantees must submit these quarterly financial reports by the 30th day following the end of each calendar quarter, and a final report is due 90 days following the end of the award period. Grantees should submit SF-425 reports online through the [Grants Management System \(GMS\)](#). Grant recipients who do not submit SF-425 reports by the due date will be unable to draw down funds.
- **Categorical Assistance Progress Reports (OJP Form 4587/1)**. Grantees should complete and submit these semiannual reports within 30 days after the end of the reporting periods, which are June 30 and December 31 for the life of the award. Grantees should submit progress reports through [GMS](#) using the "Application" module. Grantees may address questions to the GMS Help Desk at 1-888-549-9901.

National Environmental Policy Act (if applicable)

All OJP awards are subject to the National Environmental Policy Act (NEPA) and other related Federal laws, if applicable. 42 USC Section 4321 et seq. DOJ has established procedures to implement NEPA. See 28 CFR Part 61. The regulations state that "all federal agencies are required to give appropriate consideration to the environmental effects of their proposed actions in their decision-making and to prepare detailed environmental statements on . . . major federal actions significantly affecting the quality of the human environment." 28 CFR section 61.2. Under the regulations, DOJ, among other things, is required to "[c]onsider from the earliest possible point in the process all relevant environmental documents in evaluating proposals for Department action[.]" 28 CFR Section 61.6.

OJP has responsibility to ensure compliance with NEPA and 28 CFR Part 61, including Appendix D. For many projects that are funded by OJP, NEPA may have no applicability. However, if OJP funds will be used, for example, to pay for renovation projects or new construction, programs involving the use of chemicals, or any other activity, including research and technology development, that may have an effect on the environment, at a minimum, the funding recipient must provide a full description of proposed project activities to OJP, and an Environmental Assessment must be prepared. Prior to allowing a recipient to spend OJP funds for such a project, OJP must make a finding that the project does not significantly affect the human environment and that further environmental assessment is not necessary.

DOJ Information Technology Standards (if applicable)

As appropriate, all equipment and software developed under awards that result from this solicitation must be compliant with DOJ information technology interface standards, including the [National Criminal Intelligence Sharing Plan](#), the [Global Justice XML Data Model](#), and the Law Enforcement Information Sharing Plan. A list of additional standards can be found at the [OJP Standards Clearinghouse](#).

Single Point of Contact Review

Executive Order 12372 requires applicants from state and local units of government or other organizations providing services within a state to submit a copy of the application to the [state Single Point of Contact \(SPOC\)](#) if one exists and if the state has selected this program for review. Applicants must contact their state SPOCs to determine whether their programs have been selected for state review. The applicant should enter the date that the application was sent to the SPOC or the reason such submission is not required in Block 3 of the Overview section of the GMS application.

Non-Supplanting of State and Local Funds

Grantees must use federal funds to supplement existing funds for program activities and may not replace (supplant) nonfederal funds that they have appropriated for the same purpose. Potential supplanting will be the subject of monitoring and an audit. Violations can result in a range of penalties, including suspension of current and future funds under this program, suspension or debarment from federal grants, recoupment of monies provided under this grant, and civil and/or criminal penalties.

Criminal Penalty for False Statements

False statements or claims made in connection with OJP grants may result in fines, imprisonment, and debarment from participating in federal grants or contracts, and/or other remedy available by law.

Compliance with Office of Justice Programs Financial Guide

The recipient agrees to comply with the financial and administrative requirements set forth in the current edition of the [OJP Financial Guide](#).

Suspension or Termination of Funding

OJP may suspend funding in whole or in part, terminate funding, or impose other sanctions on a recipient for the following reasons:

- Failing to comply substantially with the requirements or statutory objectives of the appropriate Act, program guidelines issued thereunder, or other provisions of federal law.
- Failing to make satisfactory progress toward the goals, objectives, or strategies set forth in the application.
- Failing to adhere to the requirements in the agreement, standard conditions, or special conditions.
- Proposing or implementing substantial plan changes to the extent that, if originally submitted, the application would not have been selected for funding.
- Failing to submit reports.
- Filing a false certification in this application or other report or document.

Before imposing sanctions, OJP will provide reasonable notice to the recipient of its intent to impose sanctions and will attempt to resolve the problem informally. Hearing and appeal procedures will follow those in DOJ regulations in 28 CFR Part 18.

Non-Profit Organizations

In all OJP funded programs for which non-profit organizations are eligible subrecipients, with the exception of those funded under authority of the Juvenile Justice and Delinquency Prevention Act, DOJ's policy is that an organization can demonstrate its non-profit status in any one of four methods:

1. Submission of proof of 501(c)(3) status from the Internal Revenue Service.
2. Submission of a statement from the state taxing authority or state Secretary of State, or other similar official certifying that the organization is a non-profit operating within the state, and that no part of its net earnings may lawfully benefit any private shareholder or individual.
3. Submission of a certified copy of the applicant's certificate of incorporation or similar document.
4. Submission of any item above, if that item applies to a state or national parent organization, together with a statement by the state or parent organization that the applicant is a local nonprofit affiliate.

All nonprofit sub-recipients of formula funds provided under the Juvenile Justice and Delinquency Prevention Act must have 501(c)(3) status recognized by the Internal Revenue Service.

For-Profit Organizations

For-profit organizations that receive grant funds from OJP should be aware that additional special conditions are placed on awards to such organizations. Among other things, commercial organizations must agree not to make a profit as a result of an award and not to charge a management fee for the performance of an award. Also, commercial organizations must agree to comply with the contract cost principles of subpart 31.2 of the Federal Acquisition Regulations.

Government Performance and Results Act (GPRA)

The funding recipient agrees to collect data (on a quarterly, semi-annually, or annual basis, as requested) appropriate for facilitating reporting requirements established by Public Law 103-62 for the Government Performance and Results Act. The funding recipient will ensure that valid and auditable source documentation is available to support all data collected for each performance measure specified in the program solicitation.

Rights in Intellectual Property

DOJ reserves certain rights with respect to data, patentable inventions, works subject to copyright, and other intellectual property associated with an award of Federal funds. See 28 CFR §§ 66.34, 70.36, and 37 CFR Part 401.

Federal Funding Accountability and Transparency Act of 2006 (FFATA)

Applicants receiving an award from OJP should be aware of the requirements of the Federal Funding Accountability and Transparency Act of 2006 (FFATA), which calls for the establishment of a single searchable website that is accessible by the public and includes the following information for each Federal award:

- The name of the entity receiving the award.
- The amount of the award.
- Information on the award including the transaction type, funding agency, the North American Industry Classification System code or Catalog of Federal Domestic Assistance number (where applicable), program source, and an award title descriptive of the purpose of each funding action.
- The location of the entity receiving the award and primary location of performance under the award, including the city, state, congressional district, and country.
- A unique identifier of the entity receiving the award and of the parent entity of the recipient, should the entity be owned by another entity.
- Any other relevant information specified by OMB.

Information on both direct grant awards and subawards made by grantees is to be made available. OJP will be responsible for collecting grantee information and providing it to the public website (USASpending.gov), using data provided by grantees through Grants.gov and the OJP Grants Management System. Grantees will be responsible for providing information on subawards, using the [FFATA Subaward Reporting System](#) (FSRS).

Click [here](#) for information on grantee reporting requirements regarding subawards and, in certain cases, executive compensation. (Note that these reporting requirements generally do not apply to awards under \$25,000.)

For more information, visit the USASpending.gov and [FSRS](#) websites.

Awards in Excess of \$5,000,000 – Federal Taxes Certification Requirement

A prospective recipient of an award in excess of \$5,000,000 may be required to submit a detailed certification concerning filing of federal tax returns, criminal convictions under the Internal Revenue Code, and unpaid federal tax assessments.

Active CCR Registration

Grant recipients (other than individuals) must maintain current registrations in the Central Contractor Registration (CCR) database. Recipients must review and update information at least annually to satisfy this requirement. For

additional information, please review the award condition "[Central Contractor Registration and Universal Identifier Requirements](#)."

Policy and Guidance for Conference Approval, Planning, and Reporting

Access the detailed policy and guidance [here](#).

OJP Training Guiding Principles for Grantees and Subgrantees

Access the guidance [here](#).

Bureaus and Offices

[Bureau of Justice Assistance](#)

[Bureau of Justice Statistics](#)

[National Institute of Justice](#)

[Office for Victims of Crime](#)

[Office of Juvenile Justice and Delinquency Prevention](#)

[Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking](#)

Interest Areas

[American Indian & Alaska Native Affairs](#)

[Center for Faith Based & Neighborhood Partnerships](#)

[CrimeSolutions.gov](#)

[Defending Childhood](#)

[Reentry Council](#)

[Science Advisory Board & Evidence Based Initiatives](#)

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