



Competitive Grant

A n n o u n c e m e n t

Resource Guide for Drug Court Applicants

Fiscal Year
2003

Submission Deadline
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BJA

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The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime.

Resource Guide for Drug Court Applicants

The Bureau of Justice Assistance,
Office of Justice Programs, announces the following:

Drug Court Planning Initiative

The Fiscal Year 2003 Drug Court Planning Initiative will be announced separately. To receive an electronic announcement, visit www.dcpj.ncjrs.org.

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INTRODUCTION

About OJP

The Office of Justice Programs (OJP), U.S. Department of Justice, was created in 1984 to provide federal leadership in developing the nation's capacity to prevent and control crime and delinquency, administer justice, and assist crime victims. OJP carries out this mission by forming partnerships with other federal, state, and local agencies as well as national and community-based organizations. OJP is dedicated to comprehensive approaches that empower communities to address crime, break the cycle of substance abuse and crime, combat family violence, address youth crime, hold offenders accountable, protect and support crime victims, enhance law enforcement initiatives, respond to domestic terrorism, and support advancements in adjudication. OJP also works to reduce crime in Indian Country, enhance technology's use within the criminal and juvenile justice systems, and support state and local efforts through technical assistance and training.

About BJA

The Bureau of Justice Assistance (BJA), a component of the Office of Justice Programs, U.S. Department of Justice, supports innovative programs that strengthen the nation's criminal justice system. Its primary mission is to provide leadership and a range of assistance to local criminal justice strategies to make America's communities safer. BJA accomplishes this mission by providing funding, training, technical assistance, and information to state and community criminal justice programs and by emphasizing the coordination of federal, state, and local efforts. BJA's specific goals are to help communities reduce and prevent crime, violence, and drug abuse and to improve the functioning of the criminal justice system.

For general information about BJA programs, training, and technical assistance, contact the BJA Clearinghouse at 1-800-688-4252 or visit the BJA home page at www.ojp.usdoj.gov/BJA.

About the Resource Guide

This publication supports and provides additional guidance for the following grant categories of the Drug Court Discretionary Grant Program:

1. Adult Drug Court Implementation Grants
2. Juvenile Drug Court Implementation Grants
3. Family Drug Court Implementation Grants.
4. Single Jurisdiction Drug Court Enhancement Grants
5. Statewide Drug Court Enhancement Grants

For Help With Your Proposal

Staff of the Bureau of Justice Assistance are available at 202-514-6278 to answer questions about this solicitation. For general information about BJA programs and training and technical assistance, contact the BJA Clearinghouse at 1-800-688-4252 or visit the BJA home page at www.ojp.usdoj.gov/BJA.

The Drug Court Movement

The emergence of crack cocaine in the mid-1980s had an unprecedented and dramatic impact on the nation's criminal justice system. In an effort to stem the street drug dealing and the crime and violence associated with illegal drug use, the arrest and prosecution of drug offenders was dramatically escalated. At the same time, penalties for the possession and sale of illegal drugs were toughened so that greater numbers of drug offenders were charged with felonies that carried sentences of incarceration. As a result of the nation's war on drugs, greater numbers of drug offenders were arrested, prosecuted, and convicted; however, drug offenders received few, if any, treatment services. The result was a revolving door syndrome: drug offenders cycled in and out of the justice system.

The influx of drug offenders into the system severely strained the courts, forcing some to the brink of collapse. In an effort to address growing caseloads, courts employed delay-reduction strategies, including establishing specialized court dockets to expedite drug case processing. These approaches, however, did little to stem the tide of drug offenders flowing into the system, to habilitate drug offenders already in the system, or to reduce recidivism among released offenders.

In 1989, troubled by the devastating impact of drugs and drug-related crime on their criminal justice systems, several communities began experimenting with an approach to low-level drug offenses that brought significant change to the way the court system does business. This new approach integrated substance abuse treatment, sanctions, and incentives with case processing to place nonviolent drug-involved defendants in judicially supervised habilitation programs. The traditional system had rarely provided substance abuse treatment to defendants in any systematic way and, in many cases, provided little or no threat of sanctions to drug offenders.

The new approach—a significant departure from traditional court practice—was not always widely supported by members of the judiciary, prosecutors, and the defense bar. However, judges, prosecutors, and other representatives of the justice system across the country who were struggling with similar issues involving drug offenders gradually began to examine the drug court approach to assess whether replication (or adaptation) might offer them a better response to drug cases.

Since 1989, more than 1,300 courts have implemented or are planning to implement a drug court to address the problems of substance abuse and drug-related crime. Local coalitions of judges, prosecutors, defense attorneys, treatment professionals, law enforcement officials, and other community stakeholders are using the coercive power of the court to force abstinence and alter

behavior with a combination of escalating sanctions, mandatory drug testing, treatment, and strong aftercare programs to help offenders reenter the community. This grassroots criminal justice initiative began with the adult offender population, but with the success of adult drug courts over the past 10 years, the approach has been adapted to juvenile, tribal, and family drug courts.

Congress joined local communities in acknowledging the promise of drug courts to rehabilitate offenders, hold offenders accountable for their actions, and reduce victimization by intervening soon after arrest. By enacting Title V of the Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322, 108 Stat. 1796 (September 13, 1994), Congress authorized the Attorney General to make grants to states, state courts, local courts, units of local government, and Indian tribal governments to establish drug courts. The authority was delegated to the Assistant Attorney General, Office of Justice Programs (OJP). In 1995, the Drug Courts Program Office (DCPO) was established by OJP to administer the Drug Court Grant Program and to provide training, financial and technical assistance, and related programmatic guidance and leadership to communities interested in drug courts. A slightly modified Drug Court Program was authorized under the 21st Century Department of Justice Appropriations Authorization Act, Pub. L. No. 107-273, 116 Stat. 1758 (November 8, 2002) as Part EE of the Omnibus Crime Control and Safe Streets Act of 1968, as amended. Beginning in FY 2003, the Bureau of Justice Assistance (BJA) will be directing the Drug Court Discretionary Grant Program, with the administration of drug court grants being fully integrated into BJA's overall grant administration program.

Important Partnership With Treatment

For drug courts to be most effective, judges must rely on treatment providers and treatment coordinators to assist in developing treatment, rehabilitation, and supervision plans for each defendant. Treatment is most effective when offenders are matched correctly with an appropriate level of care as identified through the clinical assessment or diagnostic process. The treatment needs of individuals eligible for the drug court program are assessed, as are any related medical and psychological problems that the treatment program will have to address. Length of stay in treatment and in aftercare are factors associated with positive outcomes and, in particular, with the cessation of drug use, reduction in recidivism rates, and improvement in educational and employment status and family relationships.

In coordination with the drug court judge and other court personnel, treatment and other case management personnel (such as those involved with Treatment Alternatives to Street Crime [TASC] programs) assess clients' treatment needs, track their progress in treatment programs, and determine appropriate levels of treatment services. Supportive social services provide drug court staff with links to employment, educational/vocational placement, family counseling, and housing placement assistance for drug court participants.¹

1 J.S. Baer and Associates (ed.). *Addictive Behaviors: Across the Life Plan: Prevention, Treatment, and Policy Issues*. Sage Publications: Newbury Park, CA. 1993.

Drug court practitioners understand that drug addiction is a complex, chronic, relapsing disease and that a comprehensive, sustained continuum of therapeutic interventions and services can increase clients' periods of abstinence and reduce the rate of relapse, rearrest, and incarceration. Therapeutic interventions and services include, but are not limited to, prompt intake and assessment; detoxification, if indicated; and substance abuse treatment ranging from outpatient to residential services, including a strong focus on therapeutic relapse prevention methodologies.²

Key Components of Drug Courts

In January 1997, the U.S. Department of Justice (DOJ) released *Defining Drug Courts: The Key Components*, which is based on the experiences of those in the drug court field. The report describes the 10 key components of a drug court and provides performance benchmarks for each component. It was developed through a cooperative agreement between DCPO and the National Association of Drug Court Professionals, which convened the Drug Court Standards Committee. The committee comprised drug court practitioners throughout the nation (judges, prosecutors, defense attorneys, treatment providers, pretrial service officers, and probation officers). The Conference of Chief Justices, the Conference of State Court Administrators, and several states have adopted the key components. More than 30,000 copies of the key components document have been distributed. The document has been used at more than 175 federal, state, and locally sponsored drug court training conferences. The report is now available through the National Criminal Justice Reference Service at 1-800-851-3420 and on the BJA home page (www.ojp.usdoj.gov/BJA).

As identified by the committee, the 10 key components of a drug court are as follows:

1. Drug courts integrate alcohol and other drug treatment services with justice system case processing.
2. Using a nonadversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.
3. Eligible participants are identified early and promptly placed in the drug court program.
4. Drug courts provide access to a continuum of alcohol, drug, and related treatment and rehabilitation services.
5. Abstinence is monitored by frequent alcohol and other drug testing.
6. A coordinated strategy governs drug court responses to participants' compliance.
7. Ongoing judicial interaction with each drug court participant is essential.

² Drug Courts Program Office. *Defining Drug Courts: The Key Components*. U.S. Department of Justice: Washington, DC. 1997.

8. Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.
9. Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations.
10. Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court program effectiveness.

GENERAL INFORMATION

Definitions

Drug court: A specially designed court calendar or docket, the purposes of which are to achieve a reduction in recidivism and substance abuse among nonviolent substance-abusing offenders and to increase the offenders' likelihood of successful habilitation through early, continuous, and intense judicially supervised treatment, mandatory periodic drug testing, and use of appropriate sanctions and other habilitation services.

Violent offender:

For purposes of adult, family, and tribal drug courts, a "violent offender" is a person who either:

1. Is charged with or convicted of an offense during the course of which:
 - A. The person carried, possessed, or used a firearm or other dangerous weapon.
 - B. There occurred the use of force against the person of another.
 - C. There occurred the death of, or serious bodily injury to, any person, without regard to whether any of the circumstances described above is an element of the offense or conduct of which or for which the person is charged or convicted.
2. Has one or more prior convictions of a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm.

A "violent offender," for purposes of juvenile drug courts, is defined as a person who has been convicted of or adjudicated delinquent for an offense that:

1. Has as an element, the use, attempted use, or threatened use of physical force against the person or property of another or the possession or use of a firearm.
2. By its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing an offense.

Retention: Retention is the number of graduates plus current participants (numerator) divided by the number of people ever enrolled (denominator).

Grantee: States, state courts, local courts, counties, other units of local government, or Indian tribal governments acting directly or through agreement with other public or private entities that receive funding under the drug court program.

State: Any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, American Samoa, Guam, or the Northern Mariana Islands.

Unit of local government: Any city, county, township, town, borough, parish, fiscal court, village, or other general purpose political subdivision of a state; an Indian tribe that performs law enforcement functions as determined by the Secretary of the Interior; or, for the purpose of assistance eligibility, any agency of the District of Columbia government or the U.S. Government performing law enforcement functions in and for the District of Columbia and the Trust Territory of the Pacific Islands.

Indian tribe: A tribe, band, pueblo, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.]), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their special status as Indians.

Eligible applicants: For purposes of this application kit, eligible applicants are states, state courts, local courts, counties, and other units of local government and Indian tribal governments acting directly or through agreement with other public or private entities. All applicants must demonstrate management and financial capabilities to effectively plan and implement projects of the size and scope described in this application kit. Nonprofit and for-profit agencies are not eligible applicants.

If a subunit of government (e.g., county probation department, district attorney's office, or pretrial services agency) wishes to apply, it must be designated by an eligible applicant (described above) as the authorized representative of that applicant for purposes of applying for this grant. For example, the county executive may designate the county probation or county district attorney's office as its representative for the purpose of applying for this grant. A sample authorization letter may be found on page 34.

Program Provisions

The following is for informational purposes only and relates to the programmatic provisions and requirements of the Office of Justice Programs and the Bureau of Justice Assistance.

A. Application for Federal Assistance (SF 424)

The Application for federal Assistance is a standard form used by most federal agencies. This form contains 18 different items, all of which must be completed in the Grants Management System (GMS) before your application is reviewed.

B. Assurances

The applicant, by clicking "Accept" in the Assurances and Certifications section of GMS, assures that it will comply with the requirements contained in the assurances in order to receive federal funds under this program. It is the responsibility of the recipient of the federal funds to fully understand and comply with these requirements. Failure to comply may result in the withholding of funds, termination of the award, or other sanctions.

C. Certification Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements

Lobbying

The applicant and its subgrantees, contractors and subcontractors, will not use federal funds for lobbying and will disclose any lobbying activities.

Debarment

The applicant and its principals have not been debarred or suspended from federal benefits and/or no such proceedings have been initiated against them; have not been convicted of, indicted for, or criminally or civilly charged by a government entity for fraud, violation of antitrust statutes, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; and have not had a public transaction terminated for cause or default.

Drug-Free Workplace

The applicant will or will continue to provide a drug-free workplace. Clicking “Accept” in the Assurances and Certifications section of GMS commits the applicant to compliance with the certification requirements under 28 C.F.R. Part 69, New Restrictions on Lobbying, and 28 C.F.R. Part 67, Government-Wide Debarment and Suspension (Nonprocurement) and Government-Wide Requirements for Drug-Free Workplace (Grants). The certification will be treated as a material representation of the fact upon which reliance will be placed by the U.S. Department of Justice in making awards.

D. Match Requirements

The federal share of a grant-funded project may not exceed 75 percent of the total project costs. At least 25 percent of the total project costs is a required match and must come from local sources. For example, if the request for federal support is \$200,000, the minimum local match requirement would be \$66,667, making the total project budget at least \$266,667.

The following formula may be used to calculate local match:

$$\begin{aligned} &(\text{Federal Request} \div .75) \times .25 = \text{Local Match} \\ &\$200,000 \div .75 = \$266,667 \\ &\$266,666 \times .25 = \$66,667 \end{aligned}$$

Local match is restricted to the same uses of funds as allowed for federal funds. As required by statute, “cash” contributions must constitute a portion of the nonfederal share of the grant. “Portion” is not defined in the statute. The remainder of the match may be in-kind.

Within each budget category, the applicant must clearly delineate the individual items that are match. For example, individual items that represent local match may be indicated with an asterisk. A portion of the match must be cash.

E. 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, if one exists, and if this program has been selected for review by the state. Applicants must contact their state SPOCs to determine whether their programs have been selected for state review. The date that the application was sent to the SPOC or the reason such submission is not required should be entered in Block 3 of the Overview section of GMS.

F. Civil Rights Compliance

All recipients of federal grant funds are required to comply with nondiscrimination requirements contained in various federal laws. In the event that a court or administrative agency makes a finding of discrimination on grounds of race, color, religion, national origin, gender, disability, or age against a recipient of funds after a due process hearing, the recipient must agree to forward a copy of the finding to the Office of Civil Rights, Office of Justice Programs. All applicants should consult the Assurances and Certifications required with the application funds to understand the applicable legal and administrative requirements.

G. Suspension or Termination of Funding

The Office of Justice Programs may suspend funding in whole or in part, terminate funding, or impose another sanction on a recipient for the following reasons:

- Failure to comply substantially with the statutory requirements of Part EE of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, Pub. L. No. 90-351, Title I, 82 Stat. 197, and the program guidelines issued thereunder, or other provisions of federal law.
- Failure to make satisfactory progress toward the goals or strategies set forth in this application.
- Failure to adhere to the requirements in the grant 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.
- Filing a false certification in this application or other report or document.
- Other good cause shown.

Before imposing sanctions, the Office of Justice Programs will provide reasonable notice to the recipient of its intent to impose sanctions and will attempt informally to resolve the problem. Hearing and appeal procedures will follow those in U.S. Department of Justice regulations (see 28 C.F.R. Part 18).

H. Reporting Requirements

All recipients of grants awarded by the Bureau of Justice Assistance are required to submit the Financial Status Reports and Categorical Assistance Progress Reports. Additionally, recipients who expend \$300,000 or more of federal funds during their fiscal year are required to submit an organizationwide financial and compliance audit report. Refer to appendix C for more specific information on these reporting requirements.

I. Performance Measures

To ensure compliance with the Government Performance and Results Act, Pub. L. No. 103-62, the Drug Court Discretionary Grant Program solicitations notify applicants that they are required to collect and report data that measure the results of the drug court program. To ensure accountability of these data, for which OJP is responsible, the following performance measures are provided:

1. The number of new drug courts.
Goal: 50 new drug courts per year.
2. The percentage of drug court clients that do not get arrested while in the program.
Goal: 80 percent of drug court clients do not get arrested while in the program.
3. The implementation of the ten key components of a drug court by those drug courts that receive implementation funding.
Goal: 90 percent of drug courts funded in fiscal year 2003 will implement a drug court based on the ten key components of a drug court.

Implementation grant recipients are required to measure and report their program's performance toward goals 1, 2, and 3 in the OJP semiannual progress reports.

Enhancement grant recipients are required to measure and report their program's performance toward goal 2 in the OJP semiannual progress reports.

In addition to incorporating this information into your narrative, you must address the type of information you will collect, who will collect the information and the methods of collection, and how the information will be reported. If you are selected for an award, you will be expected to provide interim data in your semiannual progress reports and submit the final results as part of your final progress.

APPLICATION PROCESS

Application for Federal Assistance (SF 424) Instructions

When you enter GMS, you will have to complete the SF 424 form following the instructions given below. After these instructions, a hardcopy version of SF 424 is provided. However, the electronic version in GMS does not appear on the screen in the same format as the printed copy.

Item Instructions

1. **Type of Submission:** If this proposal is not for construction or building purposes, check the “Non-Construction” box in the application section.
2. **Date Submitted:** Indicate the date you sent the application to OJP. The “Application Identifier” is the number assigned by your jurisdiction, if any, to track applications. If your jurisdiction does not assign an identifier number, leave this space blank.
3. **Date Received by State:** Leave blank. This item is completed by the state single point of contact, if applicable.
4. **Date Received by Federal Agency:** Leave blank. This item will be completed by OJP.
5. **Applicant Information:** The “Legal Name” is the unit of government of the parent organization. For example, the primary or parent organization of a law enforcement agency is the name of the city or township. Thus the city or township should be entered into the Legal Name box and the name of the law enforcement agency would be entered into the Organizational Unit box. Designate one person as the contact and include his or her telephone number. It is not unusual for the name of the contact person to differ from the authorized representative in Item 18 below.
6. **Employer Identification Number:** Each employer receives an employer identification number from the Internal Revenue Service. Generally, this number can be easily obtained from your agency’s accountant or comptroller. However, if you have been assigned a grantee vendor number by OJP, please use that number.
7. **Type of Applicant:** Enter the appropriate letter in this space. If the applicant is representing a consortium of agencies, specify by checking Block N and entering “consortium.”
8. **Type of Application:** Check either “new” or “continuation.” Check “new” if this will be your first award for the purpose described in the application, even if the applicant has received prior awards for other purposes. Check “continuation” if the project will continue activities of a project, including minor modifications, or implement the next phase of a project that was begun under a prior award.
9. **Name of Federal Agency:** Type in the name of the awarding agency, “Bureau of Justice Assistance, Office of Justice Programs.”

10. **Catalog of Federal Domestic Assistance Number:** This would be contained in the program announcement. The number for this program would be 16.585.
11. **Descriptive Title of Applicant's Project:** Type in the (1) title of the program as it appears in the solicitation or announcement; (2) name of the cognizant federal agency, ex. U.S. Department of Education; and (3) applicant's fiscal year, i.e., 12-month audit period, ex. 10/1/97-9/30/98.
12. **Areas Affected by Project:** Identify the geographic area(s) of the project. Indicate "statewide" or "national," if applicable.
13. **Proposed Project Dates:** Fill in the proposed begin and end dates of the project. These dates may be adjusted by the Office of Justice Programs when the award is made.
14. **Congressional Districts:** Fill in the Congressional Districts in which the project will be located as well as the Congressional District(s) the project will serve. Indicate "statewide" or "national," if applicable.
15. **Estimated Funding:** In line "a," enter the federal funds requested, not to exceed the dollar amount allocated in the program announcement. Indicate any other resources that will be available to the project and the source of those funds on lines "b-f," as appropriate.
16. **State Executive Order 12372:** Some states require you to submit your application to a state Single Point of Contact (SPOC) to coordinate applications for federal funds within the state. If your state requires a copy of your application, indicate the date submitted. If a copy is not required, indicate the reason. (Refer to the Administrative Requirements section of the program announcement for more information.) The SPOC is not responsible for forwarding your application to the federal awarding agency.
17. **Delinquent Federal Debt:** This question applies to the applicant organization. Categories of debt include delinquent audit allowances, loans, and taxes.
18. **Authorized Representative:** Type in the name of the person legally authorized to enter into agreements on behalf of your agency. The signature on the original application must be signed in blue ink and/or stamped as "original" to help distinguish the original from the photocopies.

Application for Federal Assistance

OMB Approval No. 0348-0043

1. Type of Submission Application <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction Pre-application <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction	2. Date Submitted (mm/dd/yyyy)	Applicant Identifier
	3. Date Received by State (mm/dd/yyyy)	State Application Identifier
	4. Date Received by Federal Agency (mm/dd/yyyy)	Federal Identifier

5. Applicant Information

Legal Name	Organizational Unit
Address (give city, county, State, and zip code)	Name and telephone number of the person to be contacted on matters involving this application (give area code)

6. Employer Identification Number (EIN) (xx-yyyymm) <input type="text"/> - <input type="text"/>	7. Type of Applicant (enter appropriate letter in box) <input type="checkbox"/> A. State B. County C. Municipal D. Township E. Interstate F. Inter-municipal G. Special District H. Independent School Dist. I. State Controlled Institution of Higher Learning J. Private University K. Indian Tribe L. Individual M. Profit Organization N. Nonprofit O. Public Housing Agency P. Other (Specify)
8. Type of Application: <input type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision If Revision, enter appropriate letter(s) in box(es): <input type="checkbox"/> <input type="checkbox"/> A. Increase Award B. Decrease Award C. Increase Duration D. Decrease Duration Other (specify)	9. Name of Federal Agency

10. Catalog of Federal Domestic Assistance Number (xx-yyy) Title: <input type="text"/> - <input type="text"/>	11. Descriptive Title of Applicant's Project
12. Areas Affected by Project (cities, counties, States, etc.)	

13. Proposed Project Start Date (mm/dd/yyyy) Ending Date (mm/dd/yyyy)	14. Congressional Districts of a. Applicant b. Project
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15. Estimated Funding <table border="1"> <tr><td>a. Federal</td><td>\$</td><td>.00</td></tr> <tr><td>b. Applicant</td><td>\$</td><td>.00</td></tr> <tr><td>c. State</td><td>\$</td><td>.00</td></tr> <tr><td>d. Local</td><td>\$</td><td>.00</td></tr> <tr><td>e. Other</td><td>\$</td><td>.00</td></tr> <tr><td>f. Program Income</td><td>\$</td><td>.00</td></tr> <tr><td>g. Total</td><td>\$</td><td>.00</td></tr> </table>	a. Federal	\$.00	b. Applicant	\$.00	c. State	\$.00	d. Local	\$.00	e. Other	\$.00	f. Program Income	\$.00	g. Total	\$.00	16. Is Application Subject to Review by State Executive Order 12372 Process? a. Yes This pre-application/application was made available to the State Executive Order 12372 Process for review on: Date (mm/dd/yyyy) _____ b. No <input type="checkbox"/> Program is not covered by E.O. 12372 or <input type="checkbox"/> Program has not been selected by State for review.
a. Federal	\$.00																				
b. Applicant	\$.00																				
c. State	\$.00																				
d. Local	\$.00																				
e. Other	\$.00																				
f. Program Income	\$.00																				
g. Total	\$.00																				
17. Is the Applicant Delinquent on Any Federal Debt? <input type="checkbox"/> Yes If "Yes," attach an explanation <input type="checkbox"/> No																						

18. To the best of my knowledge and belief, all data in this application/pre-application are true and correct, the document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is awarded.

a. Typed Name of Authorized Representative	b. Title	c. Telephone Number (Include Area Code)
d. Signature of Authorized Representative		e. Date Signed (mm/dd/yyyy)

Sample Time Task Plan

The time task plan is part of the program narrative file and is attached in GMS. The following is a sample of a partial Time Task Plan.

Goal #1		
Establish coordination among agencies involved in developing, implementing, and maintaining the drug court program.		
Objectives	Activities/Timeframe	Person Responsible
Identify agencies and key representatives needed for a drug court program.	Establish roles and responsibilities for people involved in implementing the drug court program. March 1, 2001.	All invited agencies: judiciary, district attorney, defense bar, treatment agencies, court administrator, law enforcement, school administrator (for juvenile drug court).
Establish communications with key stakeholders from partner agencies.	Make initial contact with the drug court judge, assistant district attorney, defense attorney, drug court coordinator, and treatment provider (residential and outpatient). March 1, 2001. Subsequent meeting to follow. April 3, 2001.	Drug court coordinator will plan the initial meeting. The second meeting will be located at the outpatient treatment provider's facility.
	Establish memorandum of understanding or agreements with each necessary agency. April 15, 2001.	Judge.
	Establish agreements with outside community groups for extra drug court activities. May 15, 2001.	Drug court coordinator.
	Plan and hold monthly administrative meetings with partner agencies. March 1, 2001 through end of project.	Steering Committee.

Goal #2		
Construct the complete case processing plan from program entry to graduation/ termination.		
Objectives	Activities/Timeframe	Person Responsible
Have a complete plan for each client when he or she enters the program.	Construct the drug court program flow chart. April 10, 2001.	Drug court team.
Create the Policies and Procedures Manual (per grant requirement).	Include procedures of the program, from arrest to graduation/ termination. August 30, 2001.	Drug court coordinator and team.
	Create role descriptions for each team member. August 30, 2001.	Drug court team.
	List graduation and termination criteria. September 1, 2001.	Drug court team.
	Circulate Policies and Procedures Manual to steering committee for review. June 1, 2001.	Judge.
	Submit Policies and Procedures Manual to BJA per grant requirement. One hundred twenty days after receipt of grant.	Drug court team.

Sample Consent Forms

CONSENT FOR DISCLOSURE OF CONFIDENTIAL SUBSTANCE ABUSE INFORMATION: DRUG COURT REFERRAL

I, *defendant's name*, hereby consent to communication between *treatment program's name* and Judge *name of presiding judge, name of prosecuting attorney or prosecutor's office, name of defense attorney*, the probation department of *jurisdiction*, (and/or other referring agency), (*other*).

The purpose of and need for this disclosure is to inform the court and other above-named parties of my eligibility and/or acceptability for substance abuse treatment services and my treatment attendance, prognosis, compliance, and progress in accordance with the drug court monitoring criteria.

Disclosure of this confidential information may be made only as necessary for and pertinent to hearings and/or reports concerning *charges, docket number, indictment number*.

I understand that this consent will remain in effect and cannot be revoked by me until there has been a formal and effective termination of my involvement with the drug court for the case named above, such as the discontinuation of all court (*and/or, where relevant, probation*) supervision upon my successful completion of the drug court requirements or upon sentencing for violating the terms of my drug court involvement (*and/or, where relevant, probation*).

I understand that any disclosure made is bound by Part 2 of Title 42 of the *Code of Federal Regulations*, which governs the confidentiality of substance abuse patient (*or client*) records, and that recipients of this information may redisclose it only in connection with their official duties.

Date

Signature of Defendant

Signature of Parent, Guardian or Representative (if Required)

QUALIFIED SERVICE ORGANIZATION AGREEMENT

Between

PIONEER CLAIM MANAGEMENT and OSBORNE TREATMENT SERVICES, INC.

PIONEER CLAIM MANAGEMENT (PIONEER) and OSBORNE TREATMENT SERVICES, INC. (OSBORNE) hereby enter into a Qualified Service Organization Agreement whereby PIONEER agrees to provide liability insurance representation, including contracting for legal services, to OSBORNE in the matter of *Luis Martinez vs. 809 Realty Corp. and Osborne Treatment Services, Inc.* Furthermore, PIONEER

- 1) acknowledges that in receiving, storing, processing, or otherwise dealing with any information from OSBORNE about any client of OSBORNE, past or present, PIONEER and all of its agents and assigns are fully bound by the provisions of the federal laws and regulations governing the Confidentiality of Drug and Alcohol Abuse Patient Records (42 *United States Code*, Section 290dd-2, and 42 *Code of Federal Regulations*, Part 2); and
- 2) undertakes to resist, in judicial proceedings if necessary, any efforts to obtain access to information pertaining to any OSBORNE client otherwise than as expressly provided for in the federal confidentiality regulations (42 C.F.R., Part 2).

Executed this day of _____, 1998

Signature of PIONEER Officer

Signature of OSBORNE Officer

Print Name of Signing Officer

Print Name of Signing Officer

Title of Signing Officer
PIONEER CLAIM MANAGEMENT
195 Lake Louise Marie Road
Rock Hill, NY 12775

Title of Signing Officer
OSBORNE TREATMENT SERVICES, INC.
809 Westchester Avenue
Bronx, NY 10455

Sample Drug Court Budget

Allowable Costs

A. Personnel

Only personnel who work directly for the grantee should be included in this section. All other personnel should appear under the Consultants/Contracts category. (For example, if the court is the grantee, the drug court coordinator should be included in personnel, but the counselors for the treatment provider should be included in the contracts section.)

The previous policy that prohibited the use of federal funds for the following personnel has been rescinded:

- Judge.
- Prosecutor.
- Defense attorney.

Funds may be requested ONLY to support new positions dedicated to the drug court.

Personnel information in this section must include each employee's annual salary, either percent of time on the project or Full-Time Equivalent (FTE) (1 FTE = 100 percent), and the duration of the grant period.

Example

Name/Position	Computation	Cost
Jane Doe, Case Manager	100% time x \$20,000 annual salary x 1 year	\$20,000

B. Fringe Benefits

Fringe benefit costs should be provided for all allowable personnel listed in section A. The total percent of the fringe benefit rate must be shown, along with the breakdown of that percent.

Example

Name/Position	Computation	Cost
Jane Doe, Case Manager	27.85% fringe benefit rate x \$20,000 annual salary x 1 year	\$5,570

(Fringe Benefit Rate: FICA = 6.2%; Medicare = 1.45%; Unemployment = 0.2%; Health Insurance = 20%; Total = 27.85%)

C. Travel

We encourage using BJA funds for the team to travel to other drug courts, even if your drug court has been operational for a few years. Learning through direct observation and through

practitioner to practitioner dialogue is critical in the drug court field. Please remember, all travel must be preapproved by the program manager.

Grant recipients are encouraged to use BJA funds to send a team to attend the annual drug court conference sponsored by the National Association of Drug Court Professionals. Recipients of drug court grant funds are required to include a line item in the budget to attend MIS training (if receiving federal funds to develop or implement an MIS) and to attend the training on implementing a juvenile drug court (if implementing a juvenile program), as well as for technical assistance or a visit to an operational drug court. This is an excellent opportunity to learn new techniques and network with other drug court practitioners.

Grant recipients must follow their local travel regulations. If the grantee does not have local travel regulations, itemized on the Budget Detail Worksheet, federal regulations would apply.

Funds in this category must be broken out. When locations of workshops and/or conferences are not known, applicants are asked to estimate travel costs. We recommend that applicants budget up to \$1,000 per person to attend each conference.

Example

Purpose of Travel	Location	Item	Computation	Cost
Training Workshop	Unknown	Airfare	\$600 x 6 people	\$3,600
		Hotel	\$100/night x 6 people x 3 nights	\$1,800
		Meals	\$40/day x 6 people x 4 days	\$960
		Ground transportation	\$20 x 6 people	\$120

D. Equipment

Only nonexpendable items should be listed in this category (expendable items should be listed under Supplies or Other Costs).

Federal funds may be used to purchase equipment when current equipment either does not exist or is unable to perform the necessary tasks required in drug court operations. Prior to requesting funds for equipment, applicants should confirm that there is a need and not just a desire for the newest technology and that equipment will be used by drug court personnel only.

Equipment must be used 100 percent of the time for drug court purposes.

It is sometimes difficult to break down equipment costs, but they should be itemized to the extent possible.

Example

Item	Computation	Cost
Computer	\$850	\$850

E. Supplies

It is important to distinguish between supplies and equipment—the general rule of thumb is that supplies are expendable. Examples of expendable supplies include office supplies and drug tests.

Example

Supply Item	Computation	Cost
Instant Urine Drug Test Kits	\$330/box x 3 boxes per year x 1 year	\$990
Office Supplies (pens, copy paper, staples, tape, print cartridges, desk calendars, binders)	\$200/month x 12 months	\$2,400

F. Construction

Construction is not an allowable expenditure. Minor repairs or renovations may be allowable. The BJA director must approve all renovations.

G. Consultants/Contracts

Generally, this category includes costs for treatment, collateral services, and evaluation activities.

Consultant fees in excess of \$450 per day require additional justification and approval by the Bureau of Justice Assistance.

The grantee should always follow local guidelines for sole source procurement. Contracts of more than \$100,000 awarded without competition (regardless of whether it is federal or match funds) require a sole source justification and approval prior to the awarding of such contracts.

Example

Name of Consultant	Service Provided	Computation	Cost
Public Health Lab	Urine screens	\$5/each x 12 months x 100 screens/month	\$6,000

H. Other Costs

This category may include rent, telephone costs, and anything else that is not classified as supplies or equipment. These costs must be new and directly related to the drug court program.

Example

Description	Computation	Cost
Telephone Service	\$260/month x 12 months	\$3,120
Technical Assistance	\$1,000 x 1 year	\$1,000

I. Indirect Costs

The grantee must have an approved federal indirect cost rate. The indirect cost rate is issued by the grantee's cognizant agency; if DOJ is the cognizant agency, then the Office of the Comptroller, OJP, will negotiate an indirect cost rate with the grantee. Local units of government that do not have a federally approved rate may apply an agency-established indirect cost rate. The governmental unit must, upon request, make available for review documentation supporting the rate.

J. Budget Summary

The federal, match, and total amount must be shown for each category.

IMPORTANT: Check all calculations and totals before sending the budget to the Office of the Comptroller.

Example

Category	Federal	Local	Total
A. Personnel			
B. Fringe Benefits			
C. Travel			
D. Equipment			
E. Supplies			
F. Construction			
G. Consultants/Contracts			
H. Other			
Total Direct Costs			
I. Indirect Costs			
TOTAL PROJECT COSTS			
Federal Request			
Non-Federal Amount			

Unallowable Costs

Generally, the following are unallowable:

- Firearms.
- Food.
- Grant writing expenses.
- Drug dogs.
- Law enforcement equipment (body armor, handcuffs, billy clubs, pepper spray).
- Electronic monitoring.

Budget Detail Worksheet

Purpose: The Budget Detail Worksheet may be used as a guide to assist you in the preparation of the budget and budget narrative. You may submit the budget and budget narrative using this form or in the format of your choice (plain sheets, your own form, or a variation of this form). However, all required information (including the budget narrative) must be provided. Any category of expense not applicable to your budget may be deleted.

A. Personnel: List each position by title and name of employee, if available. Show the annual salary rate and the percentage of time to be devoted to the project. Compensation paid for employees engaged in grant activities must be consistent with that paid for similar work within the applicant organization.

Name/Position	Computation	Cost
		TOTAL _____

B. Fringe Benefits: Fringe benefits should be based on actual known costs or an established formula. Fringe benefits are for the personnel listed in budget category (A) and only for the percentage of time devoted to the project. Fringe benefits on overtime hours are limited to FICA, Workman's Compensation, and Unemployment Compensation.

Name/Position	Computation	Cost
		TOTAL _____
		Total Personnel & Fringe Benefits _____

C. Travel: Itemize travel expenses of project personnel by purpose (e.g., staff to training, field interviews, advisory group meeting, etc.). Show the basis of computation (e.g., 6 people to 3-day training at \$X airfare, \$X lodging, \$X subsistence). In training projects, travel and meals for trainees should be listed separately. Show the number of trainees and unit costs involved. Identify the location of travel, if known. Indicate source of Travel Policies applied, Applicant or Federal Travel Regulations.

Purpose of Travel	Location	Item	Computation	Cost
-------------------	----------	------	-------------	------

TOTAL _____

D. Equipment: List nonexpendable items that are to be purchased. (Note: Organization's own capitalization policy for classification of equipment should be used). Expendable items should be included in the Supplies category. Applicants should analyze the cost benefits of purchasing versus leasing equipment, especially high cost items and those subject to rapid technical advances. Rented or leased equipment costs should be listed in the Contractual category. Explain how the equipment is necessary for the success of the project. Attach a narrative describing the procurement method to be used.

Item	Computation	Cost
------	-------------	------

TOTAL _____

E. Supplies: List items by type (office supplies, postage, training materials, copying paper, and other expendable items such as books, hand-held tape recorders) and show the basis for computation. Generally, supplies include any materials that are expendable or consumed during the course of the project.

Supply Items	Computation	Cost
---------------------	--------------------	-------------

TOTAL _____

F. Construction: As a rule, construction costs are not allowable. In some cases, minor repairs or renovations may be allowable. Consult with the program office before budgeting funds in this category.

Purpose	Description of Work	Cost
----------------	----------------------------	-------------

TOTAL _____

G. Consultants/Contracts: Indicate whether applicant's formal, written Procurement Policy or the Federal Acquisition Regulations are followed.

Consultant Fees: For each consultant enter the name, if known, service to be provided, hourly or daily fee (8-hour day), and estimated time on the project. Consultant fees in excess of \$450 per day require additional justification and prior approval from OJP.

Name of Consultant	Service Provided	Computation	Cost
--------------------	------------------	-------------	------

Subtotal _____

Consultant Expenses: List all expenses to be paid from the grant to the individual consultant in addition to their fees (i.e., travel, meals, lodging, etc.).

Item	Location	Computation	Cost
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Subtotal _____

Contracts: Provide a description of the product or services to be procured by contract and an estimate of the cost. Applicants are encouraged to promote free and open competition in awarding contracts. A separate justification must be provided for sole source contracts in excess of \$100,000.

Item	Cost
------	------

Subtotal _____

TOTAL _____

H. Other Costs: List items (e.g., rent, reproduction, telephone, janitorial or security services, and investigative or confidential funds) by major type and the basis of the computation. For example, provide the square footage and the cost per square foot for rent, and provide a monthly rental cost and how many months to rent.

Description	Computation	Cost
-------------	-------------	------

TOTAL _____

I. Indirect Costs: Indirect costs are allowed only if the applicant has a federally approved indirect cost rate. A copy of the rate approval (a fully executed, negotiated agreement) must be attached. If the applicant does not have an approved rate, one can be requested by contacting the applicant's cognizant federal agency, which will review all documentation and approve a rate for the applicant organization, or if the applicant's accounting system permits, costs may be allocated in the direct costs categories.

Description	Computation	Cost
-------------	-------------	------

TOTAL _____

Budget Summary: When you have completed the budget worksheet, transfer the totals for each category to the spaces below. Compute the total direct costs and the total project costs. Indicate the amount of federal funds requested and the amount of nonfederal funds that will support the project.

Budget Category	Amount
A. Personnel	_____
B. Fringe Benefits	_____
C. Travel	_____
D. Equipment	_____
E. Supplies	_____
F. Construction	_____
G. Consultants/Contracts	_____
H. Other	_____
Total Direct Costs	_____
I. Indirect Costs	_____
TOTAL PROJECT COSTS	_____
Federal Request	_____
Nonfederal Amount	_____

ASSURANCES

The Applicant hereby assures and certifies compliance with all Federal statutes, regulations, policies, guidelines and requirements, including OMB Circulars No. A-21, A-110, A-122, A-128, A-87; E.O. 12372 and Uniform Administrative Requirements for Grants and Cooperative Agreements—28 CFR, Part 66, Common Rule, that govern the application, acceptance and use of Federal funds for this federally-assisted project. Also the Applicant assures and certifies that:

1. It possesses legal authority to apply for the grant; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
2. It will comply with requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and federally-assisted programs.
3. It will comply with provisions of Federal law which limit certain political activities of employees of a State or local unit of government whose principal employment is in connection with an activity financed in whole or in part by Federal grants. (5 USC 1501, et seq.)
4. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act if applicable.
5. It will establish safeguards to prohibit employees from using their positions for a purpose that is or give the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
6. It will give the sponsoring agency or the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant.
7. It will comply with all requirements imposed by the Federal Sponsoring agency concerning special requirements of law, program requirements, and other administrative requirements.
8. It will insure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the project are not listed in the Environmental protection Agency's (EPA-list of Violating Facilities and that it will notify the Federal grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.
9. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1976. Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that had been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.
10. It will assist the Federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 USC 470), Executive Order 11593, and the Archeological and Historical Preservation Act of 1966 (16 USC 569a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.
11. It will comply, and assure the compliance of all its subgrantees and contractors, with the applicable provisions of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, the Juvenile Justice and Delinquency Prevention Act, or the Victims of Crime Act, as appropriate; the provisions of the current edition of the Office of Justice Programs Financial and Administrative Guide for Grants, M7100.1; and all other applicable Federal laws, orders, circulars, or regulations.
12. It will comply with the provisions of 28 CFR applicable to grants and cooperative agreements including Part 18, Administrative Review Procedure; Part 20, Criminal Justice Information Systems; Part 22, Confidentiality of Identifiable Research and Statistical Information; Part 23, Criminal Intelligence Systems Operating Policies; Part 30, Intergovernmental Review of Department of Justice Programs and Activities; Part 42, Nondiscrimination/Equal Employment Opportunity Policies and Procedures; Part 61, Procedures for Implementing the National Environmental Policy Act; Part 63, Floodplain Management and Wetland Protection Procedures; and Federal laws or regulations applicable to Federal Assistance Programs.
13. It will comply, and all its contractors will comply, with the nondiscrimination requirements of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 USC 3789(d), or Victims of Crime Act (as appropriate); Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; Subtitle A, Title II of the Americans With Disabilities Act (ADA) (1990); Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; Department of Justice Non-Discrimination Regulations, 28 CFR Part 42, Subparts C, D, E, and G; and Department of Justice regulations on disability discrimination, 28 CFR Part 35 and Part 39.
14. In the event a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, sex, or disability against a recipient of funds, the recipient will forward a copy of the finding to the Office for Civil Rights, Office of Justice Programs.
15. It will provide an Equal Employment Opportunity Program if required to maintain one, where the application is for \$500,000 or more.
16. It will comply with the provisions of the Coastal Barrier Resources Act (P.L. 97-348) dated October 19, 1982 (16 USC 3501 et seq.) which prohibits the expenditure of most new Federal funds within the units of the Coastal Barrier Resources System.

Signature

Date



U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS
OFFICE OF THE COMPTROLLER

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying" and 28 CFR Part 67, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Justice determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR Part 69, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all sub-recipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (DIRECT RECIPIENT)

As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 CFR Part 67, for prospective participants in primary covered transactions, as defined at 28 CFR Part 67, Section 67.510—

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a

public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67 Sections 67.615 and 67.620—

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about—

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will—

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 633 Indiana Avenue, N.W., Washington, D.C. 20531. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted—

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Check if there are workplaces on file that are not identified here.

Section 67, 630 of the regulations provides that a grantee that is a State may elect to make one certification in each Federal fiscal year. A copy of which should be included with each application for Department of Justice funding. States and State agencies may elect to use OJP Form 4061/7.

Check if the State has elected to complete OJP Form 4061/7.

**DRUG-FREE WORKPLACE
(GRANTEES WHO ARE INDIVIDUALS)**

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67; Sections 67.615 and 67.620—

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 633 Indiana Avenue, N.W., Washington, D.C. 20531.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

1. Grantee Name and Address:

2. Application Number and/or Project Name

3. Grantee IRS/Vendor Number

4. Typed Name and Title of Authorized Representative

5. Signature

6. Date

Sample Authorization Letter

Richard Nedelkoff
Director
Bureau of Justice Assistance
810 Seventh Street NW., Fifth Floor
Washington, DC 20531

[current date]

RE: [drug court grant number, name of grant, and type of grant]

Dear Mr. Nedelkoff:

As the [Chief Executive Officer or similar authority] for the [state or unit of local government], on behalf of [state or unit of local government], I hereby authorize [name of agency administering the grant] as the official representative of [state or unit of local government] authorized to apply to undertake a drug court program or project in whole or in part. This designation is made pursuant to the authority conferred upon me by Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711, et seq.), and it is effective as of [date of original application].

Any additional correspondence concerning this drug court grant should be directed to [the agency administering the grant]. The appropriate contact person at that agency is [contact at agency administering the grant], who can be reached at [phone number].

Sincerely,

[name and title]

APPENDIXES

Appendix A

Violent Offender Frequently Asked Questions

Background

Questions are pursuant to the definition of “violent offender” as stated in the statute.

A “violent offender,” for purposes of adult, family, and tribal drug courts, is defined as a person who either:

1. Is charged with or convicted of an offense during the course of which:
 - A. The person carried, possessed, or used a firearm or other dangerous weapon.
 - B. There occurred the use of force against the person of another.
 - C. There occurred the death of, or serious bodily injury to, any person, without regard to whether any of the circumstances described above is an element of the offense or conduct of which or for which the person is charged or convicted.
2. Has one or more prior convictions of a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm.

A “violent offender,” for purposes of juvenile drug courts, is defined as a person who has been convicted of or adjudicated delinquent for an offense that:

1. Has as an element, the use, attempted use, or threatened use of physical force against the person or property of another or the possession or use of a firearm.
2. By its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing an offense.

Questions

Adult Drug Courts Only

1. Is an offender eligible for the drug court program if he or she has *previously* been convicted of a *misdemeanor* offense related to threatened or actual use of force or use, possession, or carrying of a firearm or dangerous weapon?

The statute’s definition of violent offender specifically limits prior offenses that cause a person to be categorized as a “violent offender” to felony crimes of violence. If a person has a prior misdemeanor conviction, even though threatened or actual use of force or use, possession, or carrying of a firearm or dangerous weapon occurred during the offense, the person is not a violent offender according to the

statute. Therefore, the offender is eligible for the drug court program as long as his or her current offense does not fall within the violent offender definition.

2. Is an offender eligible for the drug court program if he or she has a prior *felony arrest* (but not conviction) for an offense related to threatened or actual use of force or use, possession, or carrying of a firearm or dangerous weapon?

The statute's definition of violent offender specifically limits prior offenses that cause a person to be categorized as a "violent offender" to felony *convictions*. Prior felony arrests are not included in this definition. If a person has a prior felony arrest, even though it involved threatened or actual use of force or use, possession, or carrying of a firearm or dangerous weapon, the person is not a violent offender according to the statute. Therefore, the offender is eligible for the drug court program as long as his or her current offense does not fall within the violent offender definition.

3. Does the definition of "violent offender" include persons who legally use, possess, or carry a firearm or dangerous weapon?

BJA interprets the definition of "violent offender" as being restricted to persons who illegally use, possess, or carry a firearm or dangerous weapon. Therefore, offenders are not precluded from participation in a drug court for either:

- a) Using a legally licensed firearm or dangerous weapon in a legally justifiable way, such as in circumstances of self-defense.
- b) Possessing or carrying an otherwise legally licensed firearm or dangerous weapon.

4. If a drug court client is charged with a violent crime, as defined by the statute, while in the program, must he or she be removed from the program? Does it matter if the new charge is a misdemeanor or a felony?

Yes/No. Any new violent charge, as defined by the statute, whether a misdemeanor or a felony, prohibits the client from further or continued participation in the BJA-funded program. If and only if the violent charges are dropped or the client is found not guilty can the client reenter the program.

5. Is an offender eligible for the drug court program if a charge that would qualify as a violent offense according to the definition above is dropped or reduced to a nonviolent offense?

If a charge is dropped or reduced to a nonviolent offense, the offender is eligible for the drug court program. Charges that have been dropped cannot be considered when assessing whether an offender falls under the violent offender definition. Reduced charges are subject to the violent offender definition. Therefore, if the reduced charge does not qualify as a violent offense, then the offender is eligible.

Adult, Family, Juvenile, and Tribal Drug Courts

6. If a violent offender is admitted, inadvertently or otherwise, to a drug court program, is it possible for the OJP grant to be rescinded or canceled?

The statute provides that if the Assistant Attorney General determines that one or more violent offenders are participating in a program receiving funding under this part, such funding shall be promptly suspended, pending the termination of participation by those persons deemed ineligible to participate under the statute.

If it is discovered that one or more violent offenders are inadvertently participating in a drug court program, the federally funded portion of the program will be suspended pending the removal of the violent offender(s) from the program. If the program fails to remove the violent offender(s), funding must be rescinded or canceled, because the statute provides that no violent offender(s) will be permitted to participate in a federally funded drug court program.

7. Does the degree of violence within a violent offense affect eligibility?

Under the specific situations set out by the statute, the degree of violence within a qualifying offense is irrelevant. If the offender commits a “violent offense” under the statute, he or she is ineligible to participate in a drug court program.

Juvenile Drug Courts Only

8. What is the definition of “physical force” under the statute? Does the physical taking of property, such as shoplifting, or the unauthorized use of a motor vehicle, which is damaged while a juvenile is driving it, involve the use of “physical force”?

The term “physical force” is not defined in the statute. Each state should determine whether a juvenile’s conduct involves “physical force” and whether the juvenile meets the definition of “violent offender” based on state law.

9. Are juveniles who are convicted of conduct that involves pushing and shoving each other in mutual scuffles, or spray painting graffiti on a fence, excluded from participating in a juvenile drug court as “violent offenders”?

Pushing and shoving may or may not constitute “physical force” under the statute, depending on relevant state law. If state law contains no definition of “physical force,” drug court program officials should consult with cooperating district attorneys’ offices to make a reasonable interpretation that is consistent with state law, and that is applied consistently within the relevant jurisdiction.

10. Is a juvenile offender eligible for a juvenile drug court program if he or she has previously been convicted of or adjudicated delinquent for a misdemeanor offense related to threatened or actual use of force, or use, possession, or carrying of a firearm or dangerous weapon?

No. The statute provides that a juvenile who has been convicted of or adjudicated delinquent for any violent offense is not eligible to participate in a juvenile drug court program. The statute makes no distinction between felonies and misdemeanors in rendering a juvenile ineligible based on a prior conviction or adjudication for a violent offense.

11. Is a juvenile offender eligible for a juvenile drug court program if he or she has a prior arrest (but not a conviction or an adjudication) for an offense related to threatened or actual use of force or use, possession, or carrying of a firearm or dangerous weapon?

Yes, under the statute, a juvenile who is charged with, but who has not been convicted or adjudicated delinquent for a violent offense, may participate in a juvenile drug court program.

12. Is a juvenile offender eligible for a juvenile drug court program if the initial charge involves the use, possession, or carrying of a firearm or other dangerous weapon?

Yes, for purposes of juvenile drug court eligibility, the nature of the conduct that first brings the juvenile into the court system is immaterial, so long as he or she does not have a prior conviction or adjudication as delinquent for either a misdemeanor or felony crime that meets the statutory definition of a violent offense. Accordingly, the same conduct that may be disqualifying in a postadjudication-based juvenile drug court program would not be disqualifying in a preadjudication-based juvenile drug court program.

13. If a 16-year-old defendant is charged with a violent crime in criminal court, can he or she participate in a juvenile drug court program?

Yes. As long as the defendant has not previously been convicted in criminal court or adjudicated delinquent for a violent offense, a juvenile who is charged in criminal court with a violent crime can be diverted to a preadjudication juvenile drug court program. (Under the statute, neither a juvenile nor an adult who is charged with a violent crime is eligible to participate in an adult drug court program.)

14. If a juvenile is charged with a violent crime while participating in a juvenile drug court program, must he or she be removed from the program? Does it matter if the new charge is a misdemeanor or a felony?

No. A juvenile drug court client who is charged with a violent crime can remain in the program unless and until he or she is convicted of or adjudicated delinquent for a violent offense, regardless of whether he or she is charged with a misdemeanor or a felony offense.

NOTE: Violent offenders may be placed into a separate drug court track not funded by the Drug Court Discretionary Grant Program.

Appendix B

Drug Court Grantee Reporting Requirements

All recipients of Bureau of Justice Assistance grants are required to submit the following reports:

1. **Financial Status Reports (SF 269A):** Financial status reports (SF 269A) are due quarterly no later than the 45th day following the end of each calendar quarter. A report must be submitted every quarter the award is active, even if there has been no financial activity during the reporting period. The final report is due 120 days after the end date of the award. The Office of the Comptroller will provide a copy of this form in the initial award package. Future awards and fund drawdowns will be withheld if financial status reports are delinquent.
2. **Categorical Assistance Progress Reports:** Recipients of funding are required to submit an initial and then semiannual progress report. The progress reports describe activities during the reporting period and the status or accomplishment of objectives as set forth in the approved application for funding. Progress reports must be submitted within 30 days after the end of the reporting periods, which are January 1 through June 30 and July 1 through December 31 for the life of the award. A final report, which provides a summary of progress toward achieving the goals and objectives of the award, significant results, and any products developed under the award, is due 120 days after the end date of the award. The Office of the Comptroller will provide a copy of this form in the initial award package. Future awards and fund drawdowns will be withheld if financial status reports are delinquent.
3. **Single Audit Report:** Recipients who expend \$300,000 or more of federal funds during their fiscal year are required to submit an organizationwide financial and compliance audit report. The audit must be performed in accordance with the U.S. General Accounting Office Government Auditing Standards. The audit report currently is due to the Federal Audit Clearinghouse no later than 9 months after the end of the recipient's fiscal year.

Appendix C

Process Evaluations and Management Information Systems

Recipients of implementation grants are required to conduct a process evaluation of their drug court program. The process evaluation should be designed to assess the program's effectiveness in meeting its operational and administrative goals. Ideally, process evaluations should be conducted by an independent researcher, working in close collaboration with drug court program staff.

Process evaluations should document not only the history of program development and implementation, but also the specific elements of the program. A process evaluation supplements good internal management and monitoring, providing an independent and objective appraisal of operational performance. A good process evaluation will target problematic program areas and provide recommendations for improvement. Ideally, the following information should be collected and analyzed as part of a process evaluation.

Target population: What is the drug court's target population? To what extent is that population being reached, as evidenced by relevant characteristics of the drug court participants (e.g., current charge, prior record, nature and severity of substance abuse problem, race, age, and gender)? How do drug court participants compare to defendants not in drug court with respect to these characteristics?

Screening and assessment: What are the intake and assessment procedures? What screening and assessment instruments are used to identify offenders who are appropriate for the drug court program (e.g., Addiction Severity Index, Michigan Alcoholism Screening Test)? During each 6-month period of operation, how many offenders are deemed paper-eligible for the program? What are their characteristics? How many offenders undergo formal screening for the drug court program? What are their characteristics? How many offenders are accepted into the drug court program? How many are accepted but decline to participate? How many are rejected by the prosecutor? By the public defender? By the drug court judge? By the treatment provider? What are the characteristics of offenders who decline to participate, and who refuse?

Case processing: What point in the criminal justice process does the program intervene (e.g., pretrial, postconviction)?

Program length: How long is the program? Is it possible to complete early? What is the average length of stay in the program? What percentages of clients remain in the program for 1 month? For 3 months? For 6 months? 9? 12? Graduate? (Each of these percentages should be calculated only for those clients who had the opportunity to be in the program for that length of time.) What are the characteristics of clients in each of these categories?

Urinalysis testing: Who conducts urinalysis testing? How frequently are participants tested for specific types of drugs? Is the drug testing done randomly? Are drug tests observed? What percentages of *all drug tests* are positive for any drug? For marijuana? Cocaine? Heroin?

Methamphetamine? Other? What percentage of *clients* has at least one positive urine test? What percentages of clients test positive for marijuana? Cocaine? Heroin? Methamphetamine? Other? Specify the time period used for this calculation. Is testing for alcohol conducted on a routine basis? If so, what percentage of clients tests positive for alcohol?

Treatment resources: What treatment services are provided? Who provides the treatment? What specific treatment modalities are used? To what extent, and under what circumstances, does the drug court use residential treatment services? Are there any other service interventions provided (e.g., therapeutic community type, initial detoxification phase)? Are culture or gender specific groups used? Is aftercare provided? What does it consist of? How many units of each type of service are received by the clients? Compare by phase of treatment, and specify the time period used.

Ancillary services: What ancillary services are provided? Who coordinates the referral of services? How many referrals are made for each type of ancillary service. What percentage of clients actually received each type of service? Compare by phase of treatment, and specify the time period used.

Sanctions and incentives: What behavior is sanctioned in the program? What sanctions are used? What behavior is rewarded in the program? What incentives are used? Are sanctions and incentives applied uniformly? Specify the percentages of clients receiving each type of sanction and incentive. What is the average number of each type of sanction and incentive received for each client? Specify time period used in these calculations.

Judicial supervision: How often do defendants appear before the judge? What team members are involved in the status hearings? Are staffings held prior to court? What information is routinely available to the judges and other team members? In what format? What is the average number of status hearings held for each client in the first 3 months of the enrollment? First 6 months? First year? Per month of time in the program?

Expulsion: What are the expulsion criteria? What happens to defendants that fail the program?

Graduation: How does a defendant graduate from the program? Are charges dismissed upon graduation?

Drug court team and program coordination: Who makes up the drug court team? What are the roles and responsibilities of the team members (e.g., judge, prosecutor, defense attorney, treatment provider) in the drug court? What other agencies are linked to or involved with the drug court (e.g., pretrial services, probation, community mental health)? Who is in charge of coordinating all the agencies? How often does the team meet and what is discussed?

Retention in program: To what extent is the drug court successful in retaining participants in the program (and in treatment), as evidenced by the number of persons (a) accepted into the program; (b) graduated; (c) currently active (and length of time in program); and (d) terminated? Are reasons for termination consistent? What are the characteristics (demographics, type of drug problem, charge, prior criminal record, social indicators, health) of clients who graduate from the program?

Who are terminated? Who remain at least 6 months? Who remain at least 1 year? If possible calculate 6-month and 1-year program retention rates including only those clients who were admitted to the program at least 6 months prior to the calculation of retention and 1 year prior, respectively.

Impact on criminal behavior: To what extent have program participants been arrested on new charges while they are active in the program? When participants have been arrested, what are the types of charges (e.g., drug possession, traffic infraction, violent offense)? To what extent have drug court participants remained arrest-free after their admission to the program? What percentage of all clients is rearrested during their time in the drug court program? What percentage of graduates? Of those terminated? What are the characteristics of clients who are rearrested during the program, compared to those who are not rearrested? What percentage have reentered the criminal justice system due to a formal criminal charge?

Impact on substance abusing behavior: Who conducts urinalysis testing? How frequently are participants tested for specific types of drugs? Is the drug testing done randomly? Are drug tests observed? What percentages of *all drug tests* are positive for any drug? For marijuana? Cocaine? Heroin? Methamphetamine? Other? What percentage of *clients* has at least one positive urine test? What percentages of clients test positive for marijuana? Cocaine? Heroin? Methamphetamine? Other? Specify the time period used for this calculation. Is testing for alcohol conducted on a routine basis? If so, what percentage of clients test positive for alcohol?

Impact on participants' life circumstances: To what extent has the program succeeded in enhancing participants' capacity to function in the community? Enhancing their educational levels? Job skills? Actual employment? Physical health? To what extent have program participants been able to be reunited with families from whom they had been separated because of their drug problems? How many drug-free babies have been born to program participants? What percentages of clients are employed after 6 months in the program? After 12 months? Upon graduation? What percentage is in school or in a training program?

Implementation: Were all program components implemented as intended? If not, why? Have any changes been made to the program from the initial design? Is the program reaching the goals and objectives set forth initially? Have new goals and objectives been added? Are there areas of the program that appear problematic? Do team members have concerns about the program? What are some recommendations to improve problematic areas?

IMPORTANT NOTE: In order to assist national efforts to evaluate drug court programs and to firmly establish the success of drug courts both nationally and locally, the following guidance is offered on defining recidivism in your evaluation efforts.

Arrest data may not provide a true depiction of recidivism for criminally involved individuals due to the use of certain crime deterrent strategies in many communities. Therefore, drug court programs are encouraged to define recidivism as instances in which criminal behavior has resulted in reentering the criminal justice system via formal misdemeanor and felony criminal charges. If at

all possible, this should include arrests both during program participation and from 1 to 2 years after program completion. At a minimum, recidivism should be defined as instances in which an individual has reentered the criminal justice system by way of a formal arrest. Whether arrest data are for misdemeanor and/or felony charges and if they apply to program participants and/or program graduates should always be noted. Also note the range of time for which data are being collected (i.e., 1 or 2 years following program completion).

Additional Questions for Juvenile Drug Court Process Evaluations

School attendance and performance: What is the nature of the relationship between the juvenile drug court and the local schools? What types of information are provided by the schools to the drug court regarding school attendance, performance, and problems? Are participants engaged in any special school-based programs such as afterschool programs, etc.? What percentages of clients are enrolled in mainstream schools? In alternative schools? What are the average attendance rates for participants?

Family involvement: What involvement in the drug court is required of the juvenile's family? For what percentage of status hearings is a family member present in court?

Additional Questions for Outcome Evaluation

Recidivism: What percentage of drug court graduates is rearrested 1 year after program completion? What percentage of program failures? What percentage of all participants admitted to the drug court? *[NOTE: Include only those participants who have had at least 1 year from graduation or termination.]* For what types of charges? What are the characteristics (demographics, type of drug problem, charge, prior criminal record, social indicators, health) of those rearrested versus not rearrested?

What percentage of drug court graduates receives a technical violation of probation 1 year after program completion? What percentage of program failures? What percentage of all participants admitted to the drug court? *[NOTE: Include only those participants who have had at least 1 year from graduation or termination.]* For what types of technical violations? What are the characteristics (demographics, type of drug problem, charge, prior criminal record, social indicators, health) of those receiving violations versus those who do not? What percentage of graduates, dropouts, all participants are reconvicted for a criminal offense 1 year after the program? What is the total number of jail days served during 1 year after the program by graduates, dropouts, all participants?

To answer these types of questions, drug courts must maintain or have ready access to a considerable amount of information about individuals *and* must be able to aggregate relevant data in appropriate categories at reasonably frequent intervals. The information needed for monitoring and evaluation purposes should be obtainable from the records used in the program's day-to-day operations, including records of screening activities, assessments, drug court dockets, treatment

progress reports, drug test results, and criminal history “rap sheets.” Optimally, program managers should be able to review reports that aggregate and present this type of information in easy-to-read report formats at least once a month. They should also be able to generate ad hoc reports that provide relevant information on all of the topics listed above and many others as well.

Management Information Systems To Aid in the Collection of Evaluation Data

Applicants are strongly encouraged to design, implement, and maintain an automated data collection system for use in collecting program implementation data, process information, and baseline data that can be used to chart the progress and impact of the funded program. The application should detail specific data elements to be included in the automated data collection system and outline procedures to collect this information, including specific budgetary and personnel information. Following is a list of the minimum types of information that drug court information systems should routinely collect.

- Number of persons found eligible for the program.
- Number of persons admitted to the program.
- Number of eligible persons who were not admitted to the program. (Note: if at all possible, the reasons for nonadmission should be obtained and demographic, case, and criminal history information should be collected for these persons for comparison purposes.)
- Characteristics of persons admitted to the program.
- Date of arrest.
- Date of admission to the drug court program.
- Age.
- Sex.
- Race/Ethnicity.
- Family status.
- Employment status.
- Educational level.
- Current charge(s).
- Criminal history.
- Drug use history.
- Alcohol and other drug treatment history.
- Mental health treatment history.
- Medical needs (including detoxification).
- Nature and severity of substance abuse problem.
- Treatment recommendations (from initial assessment and any followup assessments) and record of treatment regimen followed by each participant.
- Number of participants currently active in the program, with appropriate categorization to reflect the number of persons in specific program phases, duration of time in program, principal types of treatment being provided, etc.

- Number and characteristics of persons who successfully complete the program.
- Number and characteristics of persons who have been terminated from the program, reasons for termination, and length of time in the program before termination.
- Criminal justice sanctions imposed on participants who do not complete the program.
- Number of participants who fail to appear at drug court hearings, and number of bench warrants issued for participants by stage of participation in the program.
- Number of rearrests during involvement in the drug court program and for a period of at least 1 year thereafter, and the types of arrests (e.g., drug possession, other nonviolent offense, violent offense).
- Fees, fines, costs, and restitution paid by each participant.
- Community service hours completed by each participant.
- Drug test histories of each participant while in the drug court program.
- Record of attendance and treatment progress for each participant.
- Record of program sanctions imposed on each participant in response to a positive drug test or other evidence of noncompliance with program requirements.
- Principal accomplishments of each participant while in the drug court program (e.g., advancement to new phase, attainment of GED or other educational objective, employment, family reunification, birth of drug-free baby).
- Costs of drug court operations, and the source(s) of funding for each operational component.

For further information, please refer to the OJP publication *Drug Court Monitoring, Evaluation, and Management Information Systems*. The report is available by calling the National Criminal Justice Reference Service at 1-800-851-3420 (refer to publication number NCJ 171138).

Appendix D

Comprehensive Care Continuum

A comprehensive treatment continuum is described below. Most, if not all, of these components are appropriate for members of every target population. However, not all services and interventions are needed by every individual in treatment or recovery.

This continuum is not specific to treatment philosophy, modality, or setting. It is a generic framework within which applicants can conceptualize a comprehensive service delivery plan.

Methods of implementing the components of this continuum, the staff who deliver each service, the manner and setting in which different services are delivered, and so on should be based on (1) the unique needs of the target population; (2) the extent to which there are addiction treatment, health care, human services, housing, and labor training alternatives elsewhere in the jurisdiction [of authority]; and (3) the extent of available resources. The array of services described below need not be provided by a single treatment entity but can be provided by a consortium of addiction treatment providers, health and human services providers, and criminal justice supervision agencies linked via coordinated case management.

An effective service delivery plan must include the following components.

Program Management, Structure, and Staff

- Clear program vision, philosophy, and mission statements, coupled with a strategic plan for achieving identifiable objectives (e.g., increase the number of clients who complete treatment to 80 percent; reduce rearrest rates for all program participants who complete treatment by 60 percent).
- Ability to conduct comprehensive assessments at intake, track client progress via documented case-finding methods and evaluation tools, maintain process-tracking capabilities, and conduct outcome evaluations (during and after treatment) for all program participants.
- Multidisciplinary staff capable of ensuring that programming is delivered in a clinically appropriate and culturally competent manner.
- Staff training and cross-training capability covering issues pertinent to effective treatment, including cross training of administrative, security, and treatment staff; gender sensitivity (sexuality, abuse); age-specific interventions; cultural competency; pharmacologic interventions; infectious disease transmission; dissemination of the latest research findings; HIV/AIDS counseling (coping skills/risk reduction/partner notification); dealing with psychopathology; and cognitive training for offenders.

Screening, Intake, and Monitoring

- Intake and assessment protocol that consists of a medical exam; alcohol and drug use history; psychosocial evaluation; where indicated, psychiatric assessment that is appropriate for

evaluating all clients with respect to drug use, alcohol use, and degree of psychopathology; assessment of physical health; extent of cognitive or other impairments; employment history and capability; social history and status (e.g., family of origin, sociocultural background, exposure to abuse or violence); educational status; and history of involvement in the criminal or juvenile justice systems.

- Screening for infectious diseases, including HIV/AIDS (to include pre- and posttest counseling), tuberculosis, sexually transmitted diseases, hepatitis B, and others, as appropriate.
- Health education, including safe sex and risk reduction techniques to mitigate the spread of HIV and other sexually transmitted diseases.
- Initial urine screening for the presence of prevalent drugs (licit or illicit) and a system of randomized (at least weekly), monitored urine testing for all treated inmates.
- Referral of clients to treatment and recovery settings and modalities that are best suited to meet their needs (client-treatment matching).
- Case management (timely treatment plan development, treatment record maintenance and patient monitoring, integration of treatment services into supervised programming, and continuation of recovery support services in community-based settings with continual case supervision throughout).

Timing and Duration of Treatment and Recovery Services

- Same day intake services, and, whenever possible, individuals requesting intervention should be admitted to a treatment unit on the same day.
- Treatment and recovery services provided in the context of a sustained continuum that begins during detention or incarceration and is continued in the community of residence during parole and/or release from the facility.

Treatment and Recovery Services

- Special focus groups (peer-based and professionally monitored), general peer/support groups, cognitive group therapy, and counseling for HIV-positive clients and victims of sexual abuse.
- Special treatment programming designed to address anger management, violence prevention, victimization issues, and values formation.
- Preventive and primary medical care as required per client, including gynecologic/obstetric or reproductive health, pre- and postnatal care, and pediatric care.
- Psychiatric assessments, followed by provision of specialized therapy to address indicated psychopathology, appropriate pharmacologic interventions, and monitoring, provided by practitioners recognized by appropriate state or local authorities (e.g., appropriately credentialed psychiatrists, psychologists, and psychiatric nurses).
- Psychological counseling (when indicated) by persons recognized by state/local authorities as qualified to provide the indicated form of therapy.
- Strategies to involve family members and significant others in the treatment process and provision of family/collateral counseling, as appropriate, provided by persons recognized by state/local authorities to provide such counseling.

- Use of peers as mentors and sponsors; strong linkages with self-help groups such as Alcoholics Anonymous, Narcotics Anonymous, and Cocaine Anonymous.
- Gender-specific, age-specific, and culturally relevant strategies (e.g., staff recruitment and retention, unique treatment setting attributes, appropriate literature and audiovisual materials, and social activities) to keep clients actively engaged in the treatment process.
- Parenting skills development for both fathers and mothers, including infant and childhood development courses to enhance parental functioning.
- Nutritional and general health education by a qualified technician.
- Skill development components that emphasize daily life skills, how to make use of available community resources, and maintaining a drug- and crime-free lifestyle in a community context.
- Child care provision at the treatment facility (where appropriate for custodial parent residents).
- Recreational and social activities.
- Transportation (onsite or offsite for specialized services or employment, as appropriate).
- Intensive supervision through probation, parole, community supervision, juvenile supervision, or other supervision agencies (e.g., Treatment Alternatives to Street Crime [TASC]).
- Sustained continuity of treatment, recovery, and support services postrelease, including frequent interaction with a mentor, primary counselor, or case manager, as appropriate; intensive interventions as needed (e.g., in the event of a traumatic event such as death or divorce); participation in ongoing peer-based support programs; and drug-free cooperative living arrangements.
- Coordination of the treatment and recovery continuum with other germane services, such as vocational rehabilitation, education, legal aid, and transportation.

RESOURCES: ADDITIONAL FEDERAL DRUG COURT FUNDING SOURCES

A. Bureau of Justice Assistance

*Edward Byrne Memorial State and Local Law Enforcement Assistance Program,
Program Brief*

FY 2002 Local Law Enforcement Block Grants Program, Program Brief

**State Offices Administering the Edward Byrne Memorial State and Local Law
Enforcement Program**



Bureau of Justice Assistance

Program Brief

Edward Byrne Memorial State and Local Law Enforcement Assistance Program

Fiscal Year 2002

Through the Edward Byrne Memorial State and Local Law Enforcement Assistance Program (Byrne Program), the Bureau of Justice Assistance (BJA) works with state and local governments to make communities safe and improve criminal justice systems. BJA provides leadership, guidance, and funding for violence and crime prevention and control. BJA develops and tests new criminal justice and crime control approaches and encourages replication of effective programs and practices. The Byrne Program, created by the Anti-Drug Abuse Act of 1988 (Public Law 100-690), emphasizes the reduction of violent and drug-related crimes and fosters multijurisdictional efforts to support national drug control priorities.

BJA awards Byrne Program funds through two types of grant programs: discretionary and formula. Discretionary funds are awarded directly to public and private agencies and private nonprofit organizations. Formula funds are awarded to the states, which then award subgrants to state and local units of government as well as to agencies and organizations.

Richard R. Nedelkoff, Director
www.ojp.usdoj.gov/BJA
August 2002

BJA



About BJA

The Bureau of Justice Assistance was established in 1984 as a component of the Office of Justice Programs, U.S. Department of Justice. BJA provides leadership and resources to state, local, and tribal governments and communities to reduce crime, violence, and drug abuse and to strengthen the nation's criminal justice system. BJA provides this assistance through formula and discretionary grants, training and technical assistance, publications, and the BJA web site.

For Further Information

For additional information on the Bureau of Justice Assistance and its programs, contact the offices listed below. Solicitations for competitive awards, including application instructions, will be issued separately and made available through the BJA home page or the BJA Clearinghouse. (See below for World Wide Web addresses.)

Bureau of Justice Assistance

810 Seventh Street NW.
Washington, DC 20531
202-616-6500
Fax: 202-305-1367
Web site: www.ojp.usdoj.gov/BJA

For publications and information on other BJA-funded programs, contact:

Bureau of Justice Assistance Clearinghouse

P.O. Box 6000
Rockville, MD 20849-6000
1-800-688-4252
Web site: www.ncjrs.org

Clearinghouse staff are available Monday through Friday, 8:30 a.m. to 7 p.m. eastern time. Ask to be placed on the BJA mailing list.

Discretionary Grant Program

Program purposes. The Byrne Discretionary Grant Program focuses on the following crime and violence prevention and control activities:

- ◆ Undertaking educational and training programs for criminal justice personnel.
- ◆ Providing technical assistance to state and local units of government.
- ◆ Promoting projects that are national or multijurisdictional in scope.
- ◆ Demonstrating programs that, in view of previous research or experience, are likely to be successful in more than one jurisdiction.

Funding. In fiscal year (FY) 2002, more than \$94 million was appropriated for the Byrne Discretionary Grant Program; however, all of the discretionary funding was earmarked for special projects.

Eligibility. Units of local government, tribal governments, public and private agencies, and private nonprofit organizations are generally eligible to apply for and receive funds under this program.

Matching requirements. Grants and contracts may be awarded for up to 100 percent of the cost of a project. However, BJA's policy is to promote leveraging of state, local, and private resources and to emphasize the need for early sustainment planning by grant recipients.

Program priorities. During FY 2002, BJA is focusing on programs that implement comprehensive approaches to crime; stimulate partnerships among public agencies, private organizations, and communities; and address unmet needs in the delivery of criminal justice services. Most funds appropriated for discretionary grants will be awarded to continue initiatives started in previous fiscal years or to support those efforts designated by Congress.

Formula Grant Program

Program purposes. The Byrne Formula Grant Program is a partnership among federal, state, and local governments intended to create safer communities and improve criminal justice systems. BJA is authorized to award grants to states for use by states and units of local government to improve the criminal justice system, with emphasis on violent crime and serious offenders, and to enforce state and local laws that establish offenses similar to those in the federal Controlled Substances Act. Grants may be used to provide personnel, equipment, training, technical assistance, and information systems for widespread apprehension, prosecution, adjudication, detention, and rehabilitation of offenders who violate state and local laws. Grants may also be used to provide assistance (other than compensation) to crime victims. Formula grant funds can be expended on 29 legislatively authorized purpose areas (outlined in the next section).

Funding. In FY 2002, \$486 million was appropriated for the Byrne Formula Grant Program. From this allocation, each state receives a base amount of 0.25 percent of the total allocation. Remaining funds are allocated according to each state's relative share of the U.S. population. (American Samoa and the Northern Mariana Islands share one allocation.)

Eligibility. The 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands are eligible to apply for formula grant funds. For the purposes of this program, references to "state" include all of these eligible entities.

State office. The chief executive of each state designates a state office to administer the state's Byrne Program. This office, the State Administering Agency (SAA), coordinates the distribution of Byrne funds with other state agencies that receive federal funds for drug abuse education, prevention,

treatment, and research activities. An office or agency performing other functions within the state's executive branch may be the designated SAA.

Statewide strategy. Each state must develop a statewide strategy, which covers the 4-year grant period and is updated annually, to improve its criminal justice system. The strategy should emphasize drug trafficking, violent crime, and serious offenders. To prepare the strategy, the SAA should consult with state and local officials, particularly those charged with enforcing criminal laws and directing the administration of justice. The strategy must be made available to the public for comment.

Administrative funds. Up to 10 percent of a formula grant award to a state may be used by the state to pay for costs incurred in administering the formula grant program.

Matching requirements. At least 25 percent of the cost of a program or project funded with a formula grant must be paid in cash with nonfederal funds. These "match" funds must be in addition to funds that would otherwise be made available by the recipient. Match funds are generally provided on a project-by-project basis, although BJA may approve a statewide match option.

Passthrough. Each state must "pass through" (i.e., subgrant) a portion of its award to local agencies within the state. The minimum passthrough amount for each state is based on the percentage of funds expended for criminal justice purposes by units of local government relative to total state and local criminal justice expenditures in the state. These expenditures must be funded by state and local revenue sources (e.g., taxes, charges and fees, utility revenue, and interest earnings). This requirement applies only to the 50 states. The District of Columbia, because of its designation as a local unit of government, is required to pass through 100 percent. The Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of

the Northern Mariana Islands have no passthrough requirement due to their single-level government structures.

Funding priority. When distributing funds, states must give priority to jurisdictions with the greatest need for assistance with criminal justice programs.

Congressional mandates. States are required to comply with the following congressional mandates:

◆ **Criminal Justice Records Improvement (CJRI) Plan.**

States must use at least 5 percent of their formula grant awards for the improvement of criminal justice records. As of FY 2002, states may request approval from BJA to reallocate their CJRI funds for anti-terrorism purposes.

◆ **Immigration and Naturalization Plan.** States must develop methods to notify the U.S. Immigration and Naturalization Service (INS) of alien convictions and to provide records of those convictions to INS.

Other congressional provisions. States are not required to comply with the following provisions. However, for each provision with which a state is not in compliance, the state forfeits 10 percent of its formula grant.

◆ **Human Immunodeficiency Virus (HIV) Testing.**

States must enact and enforce a law that requires sex offenders to be tested for HIV if the victim requests such testing. FY 2001 HIV penalty redistribution amounts were added to FY 2002 Byrne Formula Grant Program allocations.

◆ **Jacob Wetterling Act Sex Offender Registration and Community Notification.**

States must establish 10-year registration requirements for persons convicted of certain crimes against minors and sexually violent offenses and a more stringent set of registration requirements for a subclass of highly dangerous sex offenders characterized as “sexually violent predators.” FY 2001 penalty redistribution amounts were added to FY 2002 allocations. For additional information regarding the Jacob Wetterling Act, please visit www.ojp.usdoj.gov/BJA/resource/toolbox.html.

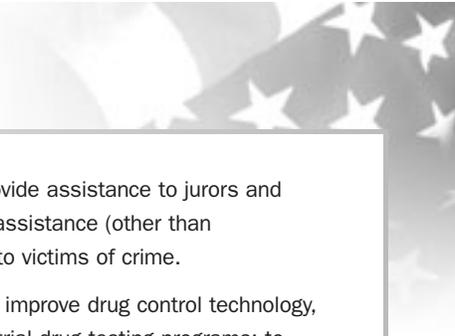
Construction. Construction is prohibited with Byrne funds except for penal and correctional institutions. Acquisition of land with grant funds is prohibited.

Period of project support. Projects in the aggregate may be funded for a maximum of 4 years (48 months). Grants awarded to state and local governments to participate in multijurisdictional drug or gang task forces and victim assistance programs are excluded from this restriction.

Legislatively Authorized Byrne Program Purposes

Both discretionary and formula grant funds may be used to implement programs that carry out any of the following 29 legislatively authorized purposes:

1. Demand-reduction education programs in which law enforcement officers participate.
2. Multijurisdictional task force programs to integrate federal, state, and local drug law enforcement agencies and prosecutors for the purpose of enhancing interagency coordination and intelligence and facilitating multijurisdictional investigations.
3. Programs to target the domestic sources of controlled and illegal substances, such as precursor chemicals, diverted pharmaceuticals, clandestine laboratories, and cannabis cultivations.
4. Community and neighborhood programs to assist citizens in preventing and controlling crime, including special programs that address crimes committed against the elderly and special programs in rural jurisdictions.
5. Programs to disrupt illicit commerce in stolen goods and property.
6. Programs to improve the investigation and prosecution of white-collar crime, organized crime, public corruption, and fraud against the government, with priority attention to cases involving official corruption.

- 
7. a. Programs to improve the operational effectiveness of law enforcement through the use of crime analysis techniques, street sales enforcement, schoolyard violator programs, and gang-related and low-income housing drug control programs.
 - b. Programs to develop and implement anti-terrorism plans for deep-draft ports, international airports, and other important facilities.
 8. Career criminal prosecution programs, including the development of model drug control legislation.
 9. Financial investigative programs to identify money-laundering operations and assets obtained through illegal drug trafficking, including the development of model legislation, financial investigative training, and financial information-sharing systems.
 10. Programs to improve the operational effectiveness of courts by expanding prosecutorial, defender, and judicial resources and implementing court delay-reduction programs.
 11. Programs to improve the corrections system and provide additional public correctional resources, including treatment in prisons and jails, intensive supervision programs, and long-range corrections and sentencing strategies.
 12. Prison industry projects to place inmates in realistic working and training environments that enable them to develop marketable skills. With these skills, inmates are better able to support their families and themselves in the institution and make financial restitution to their victims.
 13. Programs to identify and meet the treatment needs of adult and juvenile drug- and alcohol-dependent offenders.
 14. Programs to provide assistance to jurors and witnesses and assistance (other than compensation) to victims of crime.
 15. a. Programs to improve drug control technology, such as pretrial drug testing programs; to provide for the identification, assessment, referral to treatment, case management, and monitoring of drug-dependent offenders; and to enhance state and local forensic laboratories.
 - b. Criminal justice information systems (including automated fingerprint identification systems) to assist law enforcement, prosecution, courts, and corrections organizations.
 16. Programs to demonstrate innovative approaches to enforcement, prosecution, and adjudication of drug offenses and other serious crimes.
 17. Programs to address drug trafficking and the illegal manufacture of controlled substances in public housing.
 18. Programs to improve the criminal and juvenile justice system's response to domestic and family violence, including spouse abuse, child abuse, and elder abuse.
 19. Programs with which states and local units of government can evaluate state drug control projects.
 20. Programs to provide alternatives to detention, jail, and prison for persons who pose no danger to the community.
 21. Programs to strengthen urban enforcement and prosecution efforts targeted at street drug sales.
 22. Programs to prosecute driving-while-intoxicated charges and enforce other laws relating to alcohol use and the operation of motor vehicles.
 23. Programs to address the need for effective bindover systems for prosecuting violent 16-

FY 2002 Byrne Formula Grant Program State Allocations

State	FY 2002 Allocation	Percentage To Be Passed Through to Local Jurisdictions	State	FY 2002 Allocation	Percentage To Be Passed Through to Local Jurisdictions
Alabama	\$7,763,473	50.95%	Montana	\$2,562,472	58.56%
Alaska	2,158,472	21.97	Nebraska	3,749,473	60.36
American Samoa	953,222	0	Nevada	4,170,473	62.01
Arizona	8,766,474	61.04	New Hampshire	3,052,472	51.46
Arkansas	5,670,673	54.87	New Jersey	13,584,474	57.67
California	50,933,474	63.15	New Mexico	3,907,473	42.23
Colorado	7,549,473	58.82	New York	29,080,474	63.29
Connecticut	6,235,473	36.96	North Carolina	13,048,474	41.36
Delaware	2,388,472	26.87	North Dakota	2,181,472	56.16
District of Columbia	2,078,472	100.00	N. Mariana Islands	470,076	0
Florida	24,687,474	61.56	Ohio	17,895,474	64.42
Georgia	13,249,474	53.39	Oklahoma	6,301,473	45.41
Guam	1,443,752	0	Oregon	6,258,473	46.98
Hawaii	3,016,472	46.45	Pennsylvania	19,257,474	64.83
Idaho	3,137,473	52.41	Puerto Rico	6,826,473	0
Illinois	19,460,474	64.51	Rhode Island	2,777,472	41.76
Indiana	10,160,474	56.78	South Carolina	7,125,473	42.53
Iowa	5,532,473	40.79	South Dakota	2,346,472	47.16
Kansas	5,183,473	47.49	Tennessee	9,586,474	48.78
Kentucky	7,169,373	32.30	Texas	31,831,474	65.60
Louisiana	7,795,473	51.92	Utah	4,515,473	49.76
Maine	3,109,473	41.59	Vermont	2,344,472	25.11
Maryland	9,009,474	44.47	Virgin Islands	1,398,472	0
Massachusetts	11,591,053	34.52	Virginia	11,624,474	30.04
Michigan	15,820,474	53.10	Washington	9,886,474	60.25
Minnesota	8,456,474	70.29	West Virginia	3,892,473	47.93
Mississippi	5,412,473	52.52	Wisconsin	9,108,474	61.98
Missouri	9,448,474	58.22	Wyoming	1,963,472	54.95

and 17-year-old juveniles in courts with jurisdiction over adults. (The crimes are specified.)

24. Law enforcement and prevention programs for gangs and youth who are involved in or are at risk of involvement in gangs.
25. Programs to develop or improve forensic laboratory capability to analyze DNA for identification purposes.
26. Programs to develop and implement anti-terrorism training and procure equipment for local law enforcement authorities.
27. Improving the quality, timeliness, and credibility of forensic science services for criminal justice purposes.
28. Programs to enforce child abuse and neglect laws, including laws protecting against child sexual abuse, and promoting programs designed to prevent child abuse and neglect.
29. Programs to establish or support cooperative programs between law enforcement and media organizations to collect, record, retain, and disseminate information useful in the identification and apprehension of suspected criminal offenders.

Note: Congress has authorized the use of Byrne funds to support programs that assist in the litigation of death penalty federal habeas corpus petitions and for drug testing initiatives. This authorization applies to awards for FYs 1998–2002 and may not be available in future funding cycles.

Program Evaluation

The Anti-Drug Abuse Act of 1988 mandates that all programs funded under the Byrne Program be evaluated. The goal is to identify and disseminate information about programs of proven effectiveness so that jurisdictions throughout the country can replicate them. In addition, evaluation results guide the formulation of policy and programs within federal, state, and local criminal justice agencies.

The National Institute of Justice (NIJ) has been an active participant in BJA's evaluation program. BJA and NIJ have jointly developed evaluation guidelines and conducted comprehensive evaluations of selected programs receiving discretionary and formula grant funds. The Director of NIJ is required to report to the President, Attorney General, and Congress on the nature and findings of Byrne Program evaluation activities.

Formula grant program applicants must include an evaluation component that meets the BJA/NIJ evaluation guidelines. The Director of BJA may waive this requirement under certain circumstances. Each state is required to provide BJA with an annual report that includes a summary of its grant activities and an assessment of these programs' impact on the needs identified in its statewide strategy. Formula grant funds may be used to pay for evaluation activities.

Applicants for discretionary grant funding also are required to include an evaluation component in their applications and to conduct evaluations according to the procedures and terms established by BJA.

The Director of BJA is required to submit to Congress an annual report on evaluation results of BJA programs and projects and state strategy implementation.

NCJ 195907
August 2002



Bureau of Justice Assistance
Program Brief



FY 2002 Local Law Enforcement Block Grants Program

For fiscal year (FY) 2002, \$340 million has been made available for the formula portion of the Local Law Enforcement Block Grants (LLEBG) Program, to be administered by the Bureau of Justice Assistance (BJA), U.S. Department of Justice. The purpose of the LLEBG Program is to provide funds to units of local government to underwrite projects to reduce crime and improve public safety.

Program Eligibility and Distribution of Funds

To be considered eligible for the LLEBG Program, a jurisdiction must be a general purpose unit of local government.¹ The unit of local government must report, via its law enforcement agencies, to the Uniform Crime Reports (UCR) Program of the Federal Bureau of Investigation (FBI).

The LLEBG Program is a formula program based on a jurisdiction's number of UCR Part I violent crimes reported to the FBI. The formula is computed in two stages. In the first stage, state allocations are proportionate to each state's average annual amount of UCR Part I violent crimes compared with that for all other states for the 3 most recent calendar years of data from the FBI. Each state, however, must receive a minimum award of 0.25 percent of the total amount available for formula distribution under the LLEBG Program. In the

Richard R. Nedelkoff, Director
www.ojp.usdoj.gov/BJA
May 2002





About BJA

The Bureau of Justice Assistance was established in 1984 as a component of the Office of Justice Programs, U.S. Department of Justice. BJA provides leadership and resources to state, local, and tribal governments and communities to reduce crime, violence, and drug abuse and to strengthen the nation's criminal justice system. BJA provides this assistance through formula and discretionary grants, training and technical assistance, publications, and the BJA web site.

For Further Information

For information about the Local Law Enforcement Block Grants Program, contact:

Bureau of Justice Assistance

810 Seventh Street NW.
Washington, DC 20531
202-616-6500
Fax: 202-305-1367
Web site: www.ojp.usdoj.gov/BJA

For publications and information on other BJA-funded programs, contact:

Bureau of Justice Assistance Clearinghouse

P.O. Box 6000
Rockville, MD 20849-6000
1-800-688-4252
Web site: www.ncjrs.org

Clearinghouse staff are available Monday through Friday, 8:30 a.m. to 7 p.m. eastern time. Ask to be placed on the BJA mailing list.

U.S. Department of Justice Response Center

1-800-421-6770 or locally at 202-307-1480

Response Center staff are available Monday through Friday, 9 a.m. to 5 p.m. eastern time.

second stage, local awards are proportionate to each local jurisdiction's average annual amount of UCR Part I violent crimes compared with that for all other local jurisdictions in the state for the 3 most recent calendar years. Jurisdictions reporting crime rates above the formula-based threshold of \$10,000 are eligible for direct awards.

The difference remaining between the state allocation and the local allocation total is awarded to a state administrative agency (SAA) designated by the Governor. The SAA has the option of distributing award funds to state police departments or units of local government not meeting the formula-based threshold of \$10,000. Additional information about this portion of the funds is available from each state's respective SAA.

Program Purpose Areas

LLEBG Program funds must be spent in accordance with one or more of the following seven purpose areas:

- ◆ Supporting law enforcement:
 - ◆ Hiring, training, and employing on a continuing basis new, additional law enforcement officers and necessary support personnel.
 - ◆ Paying overtime to currently employed law enforcement officers and necessary support personnel to increase the number of hours worked by such personnel.
 - ◆ Procuring equipment, technology, and other material directly related to basic law enforcement functions.
- ◆ Enhancing security measures in and around schools and in and around other facilities or locations that the unit of local government considers special risks for incidents of crime.
- ◆ Establishing or supporting drug courts.
- ◆ Enhancing the adjudication of cases involving violent offenders, including cases involving violent juvenile offenders.



- ◆ Establishing a multijurisdictional task force, particularly in rural areas, composed of law enforcement officials representing units of local government. This task force must work with federal law enforcement officials to prevent and control crime.
- ◆ Establishing crime prevention programs involving cooperation between community residents and law enforcement personnel to control, detect, or investigate crime or to prosecute criminals.
- ◆ Defraying the cost of indemnification insurance for law enforcement officers.

Program Requirements

The following requirements must be met prior to the obligation of LLEBG Program funds and prior to the Request for Drawdown (RFD) of funds. The RFD must be completed within 90 days of the posting of awards, or the funds will be redistributed in the following fiscal year.

Advisory Board. Each jurisdiction must establish or designate an advisory board to review the application. The board must be designated to make nonbinding recommendations for the proposed use of funds received under this program. The advisory board must include a member from each of the following local organizations: law enforcement agency, prosecutor's office, court system, school system, and a nonprofit group (e.g., educational, religious, community) active in crime prevention or drug-use prevention or treatment.

Public Hearing. Each jurisdiction must hold at least one public hearing regarding the proposed use of funds prior to the obligation of funds. Jurisdictions should encourage public attendance and participation.

Matching Funds. In each jurisdiction, LLEBG funds may not exceed 90 percent of total program costs. Program participation requires a cash match that will not be waived. All recipients must maintain records clearly showing the source, amount, and timing of all matching contributions.

Trust Fund. Each jurisdiction must establish a trust fund that may accrue interest in which to deposit program funds.

Expenditure Period. All federal funds, including interest, revenue, dividend, and match, must be spent within the 2-year expenditure period. Unspent funds must be returned to BJA within 90 days of program termination.

Public Safety Officers' Health Benefits Provision.

Section 615 of the FY 2002 Appropriations Act requires a unit of local government to afford a public safety officer *who retires or is separated from duty due to a personal line-of-duty injury, suffered as a direct and proximate result of responding to a hot pursuit or an emergency situation*, health benefits at the time of separation that are the same as or better than those he or she received while on duty.

To be eligible to receive the entire amount of award under the LLEBG Program, a unit of local government must be in compliance with this provision. If not in compliance, the unit will forfeit 10 percent of the eligible amount. Further information about this provision is provided on the LLEBG Internet-based application system, which may be accessed at http://grants.ojp.usdoj.gov:8003/gms/plsql/llebg_login.llebg_main.

Prohibition on Use of Funds

LLEBG funds are not to be used to purchase, lease, rent, or acquire tanks or armored vehicles, fixed-wing aircraft, limousines, real estate, yachts, or any vehicle not used primarily for law enforcement. Nor are funds to be used to retain individual consultants or construct new facilities. Federal funds are not to be used to supplant state or local funds; they are to be used to increase the amount of funds that would otherwise be available from state and local sources.

Resolution of Funding Disparities

In some cases, a significant disparity may exist between funding eligibility of a county and adjacent





municipalities. By statute, a potential disparity exists when one municipality's eligible funding amount is more than 200 percent of the adjacent county's (400 percent for multiple municipalities) and the county bears the majority of prosecution or incarceration costs for UCR Part I violent crimes reported by the municipality. If multiple adjacent municipalities meet this disparity threshold, the county also must show that funding allocations to those municipalities will likely threaten the efficient administration of justice.

The LLEBG Program addresses these situations. Once BJA identifies a potential disparity, the state attorney general (SAG) must certify whether a disparity does exist. Jurisdictions certified as disparate must agree on whether and in what proportion they will share funds. Neither BJA nor SAGs are required to take part in these negotiations. If no agreement is reached, none of the jurisdictions may apply for funding.

FY 2002 Application Process

The FY 2002 application and award processes will be administered via the Internet-based Grants Management System (GMS). Application deadlines and other LLEBG Program dates will be established in accordance with system development efforts and will

be posted online at www.ojp.usdoj.gov/BJA/grant/llebg_00main.html. LLEBG information will also be available by calling the GMS Hotline at 1-888-549-9901, option 4. The application process will consist of the following steps:

1. BJA will notify units of government of their eligibility and provide information on the Internet-based application system for the FY 2002 LLEBG Program.
2. State attorneys general will submit disparity certifications to BJA, if applicable.
3. As required by statute, chief executive officers (CEOs) will submit a copy of the application to the Governor or designated representative.
4. CEOs will submit FY 2002 LLEBG applications via the Internet. Visit the BJA web site for additional guidance regarding the online submission of applications.
5. BJA will make awards on a rolling basis, with all FY 2002 awards completed by August 2002.

Note

1. Units of local government are counties, towns and townships, villages, cities, parishes, Indian tribes, Alaska Native villages, and parish sheriffs (in the state of Louisiana) that carry out substantial governmental duties.

NCJ 193494
May 2002

U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

Washington, DC 20531

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State Single Points of Contact Intergovernmental Review Process

Executive Order 12372 requires applicants from state and local units of government or other organizations providing service within a state to submit a copy of the application to the state Single Point of Contact (SPOC), if one exists and if this program has been selected for review by the state. You must contact your state SPOC to find out if this program has been selected for review by your state.

The *Catalog of Federal Domestic Assistance* reference for this program is number 16.586. A current list of state SPOCs is set forth below.*

ARKANSAS

Tracy L. Copeland
Manager, State Clearinghouse
Office of Intergovernmental Services
Department of Finance and
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1515 West Seventh Street, Room 412
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CALIFORNIA

Grants Coordination
State Clearinghouse
Office of Planning and Research
P.O. Box 3044, Room 222
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Fax: 916-323-3018
E-mail: state.clearinghouse@opr.ca.gov

DELAWARE

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540 South Dupont Highway,
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DISTRICT OF COLUMBIA

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2555 Shumard Oak Boulevard
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270 Washington Street SW.
Atlanta, GA 30334
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ILLINOIS

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Department of Commerce and
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James R. Thompson Center
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184 State Street

* In accordance with Executive Order #12372, "Intergovernmental Review of Federal Programs," this listing represents the designated state Single Points of Contact. The states not listed no longer participate in the process. This list is based on the most current information provided by the states. Information on any changes or apparent errors should be provided to the Office of Management and Budget and the state in question. Changes to the list will only be made upon formal notification by the state. Also, this listing is published biannually in the *Catalogue of Federal Assistance*.

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WISCONSIN

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Wisconsin Department of
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U.S. TERRITORIES

AMERICAN SAMOA

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GUAM

Director
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PUERTO RICO

Jose Caballero/Mayra Silva
Puerto Rico Planning Board
Federal Proposals Review Office
Minillas Government Center
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VIRGIN ISLANDS

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**B. Office of Juvenile Justice and Delinquency
Prevention**

An Overview of the JAIBG Program, Fact Sheet

State Offices Administering the Juvenile Accountability Incentive
Block Grants Program



OJJDP FACT SHEET

April 2001 #09

An Overview of the JAIBG Program

by Cecilia Duquela

The Juvenile Accountability Incentive Block Grants (JAIBG) program, administered by the Office of Juvenile Justice and Delinquency Prevention (OJJDP), is designed to promote greater accountability among juveniles who are involved in the juvenile justice system. To that end, the program provides support, both financial and programmatic, to improve juvenile justice system infrastructure and operations at the State and local levels. JAIBG funds are allocated to States based on each State's relative population of youth under age 18.

State Eligibility and Program Areas

States participating in the JAIBG program are required to consider adopting State laws, policies, or procedures that (1) establish criminal prosecution by law or direct file for juveniles age 15 or older who are alleged to have committed a serious violent crime, (2) impose sanctions for every delinquent act and escalate sanctions for subsequent, more serious offenses, (3) establish a system of juvenile delinquency records similar to that of adult criminal records, and (4) promote increased parental supervision of juvenile offenders by facilitating the issuance of court orders that require such supervision and impose sanctions for violation of such orders. In addition, participating States are required to establish a policy for testing certain categories of alleged or adjudicated juvenile offenders for use of controlled substances.

JAIBG funds can be used for the following 12 program purpose areas:

1. Operation, expansion, renovation, or construction of temporary or permanent juvenile detention or correctional facilities, including training of correctional personnel.
2. Development and administration of accountability-based sanctions programs for juvenile offenders.
3. Hiring of judges, probation officers, and defenders and funding of pretrial services to improve the administration of the juvenile justice system.
4. Hiring of prosecutors in order to reduce backlogs of cases involving juvenile offenders.
5. Funding of prosecutor-led drug, gang, and violence programs.
6. Funding for training, technology, and equipment to help prosecutors identify and prosecute violent juvenile offenders.
7. Funding for implementation of more effective probation programs administered by juvenile courts and probation offices.
8. Establishment of juvenile gun courts to adjudicate and prosecute juvenile firearms offenders.
9. Establishment of juvenile drug court programs to provide supervision of juvenile offenders with substance abuse problems and an integrated administration of sanctions and services.
10. Establishment and enhancement of interagency information-sharing programs to promote enhanced collaboration between schools, law enforcement, and social service agencies.
11. Accountability-based programs for law enforcement referrals or to promote increased school safety by addressing drug, gang, and youth violence.
12. Controlled substance testing (including interventions) for juvenile offenders.

Distribution of Funds to States

Of the total allocation to a State, up to 25 percent can be retained at the State level, absent a waiver. A State can request a waiver if it can demonstrate that it bears the primary financial burden (more than 50 percent) for the administration of juvenile justice within that State.

Distribution of Funds to Units of Local Government

Unless a State receives a waiver, each State must distribute not less than 75 percent of its allocation among units of local government in the State. A unit of local government must qualify for a minimum of \$5,000 under the substate allocation formula in order to receive a subgrant award. This calculation is based on a formula that combines local law enforcement expenditures and the number of juvenile violent crime arrests for each jurisdiction.

Matching Funds

A State or unit of local government recipient of a JAIBG award must provide at least 10 percent of the total program cost in the form of a cash match. However, when funds are used to construct a permanent juvenile facility, the cash match must be at least 50 percent of total program costs. JAIBG program funds cannot be used to supplant State or local funds.

Juvenile Crime Enforcement Coalitions

States and units of local government participating in the JAIBG program have established Juvenile Crime Enforcement Coalitions (JCECs), which are responsible for formulating a coordinated enforcement plan for reducing juvenile crime. State JCECs consist of law enforcement and social service agencies involved in juvenile delinquency prevention. If members of the State Advisory Group (SAG), which is appointed to administer the Formula Grants program within the State, include law enforcement and social service agency representatives, then the SAG can also serve as the State's JCEC.

JCECs established by units of local government must include representation from law enforcement, schools, juvenile court, probation services, businesses, and nonprofit social service organizations. Units of local government may use appropriately

constituted Prevention Policy Boards, established under OJJDP's Title V Community Prevention Grants program, to meet the JCEC requirement.

Training and Technical Assistance

Training and technical assistance support for implementing the JAIBG program is available to States and units of local government from Development Services Group, Inc. (DSG) of Bethesda, MD. Information about training and technical assistance can be obtained by calling DSG toll free, 877-GO-JAIBG (877-465-2424), or by visiting the DSG Web site, www.dsgonline.com.

For Further Information

For additional information about the JAIBG program, contact:

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The *JAIBG Guidance Manual, Version 3.0*, is designed to help States and units of local government apply for, receive, obligate, and expend JAIBG funds. The *Guidance Manual* can be obtained from OJJDP's home page, www.ojjdp.ncjrs.org. Printed copies are available from the Juvenile Justice Clearinghouse, 800-638-8736.

Cecilia Duquela is a State Representative in OJJDP's State and Tribal Assistance Division.

The Office of Juvenile Justice and Delinquency Prevention is a component of the Office of Justice Programs, which also includes the Bureau of Justice Assistance, the Bureau of Justice Statistics, the National Institute of Justice, and the Office for Victims of Crime.

FS-200109

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**C. U.S. Department of Health and Human Services,
Center for Substance Abuse Treatment (CSAT)**

State Offices Administering the CSAT Block Grant Program

**Center for Substance Abuse Treatment,
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The Center for Substance Abuse Treatment (CSAT) of the Substance Abuse and Mental Health Services Administration (SAMHSA), U.S. Department of Health and Human Services (HHS), was created in October 1992 with the Congressional mandate to expand the availability of effective treatment and recovery services for people with alcohol and drug problems. CSAT works cooperatively across the private and public treatment spectrum to identify, develop, and support policies, approaches, and programs that enhance and expand treatment services for individuals who abuse alcohol and other drugs and that address individuals' addiction-related problems. The CSAT National Advisory Council, in accordance with statutory mandates, provides advice, consultation, and recommendations to the CSAT director and to the secretary of HHS on programmatic and policy matters relating to activities of the center.

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The CSAT Division of State and Community Assistance (DSCA) developed a State Systems Development Program (SSDP) to enhance federal and state accountability for the Substance Abuse Prevention and Treatment (SAPT) Block Grant. SSDP encompasses:

- A. Development of a standard application to report statewide substance abuse prevention activities and treatment services delivery plans.
- B. The conduct of state prevention and treatment needs assessments.
- C. The conduct of onsite state Alcohol and Other Drug (AOD) Systems Technical Reviews.
- D. The provision of targeted technical assistance (TA) to states.
- E. The creation of a national database of current prevention activities and treatment services delivery information.

SSDP is a comprehensive, systematic approach to administering the SAPT Block Grant that enables the Federal Government

- 1. To make a determination regarding a state's compliance to the statutory (see 42 U.S.C. 300x-21 et seq.) and regulatory (see 45 C.F.R. part 96) requirements regarding the use of block grant funds.
- 2. To monitor state expenditures of block grant funds at the provider level.
- 3. To assist states in matching AOD prevention and treatment needs to existing service delivery capacity.
- 4. To strengthen state management of the AOD prevention and treatment infrastructure. SSDP provides a structure for the Federal Government to guide and monitor substance abuse prevention activities and treatment services supported by the SAPT Block Grant on

a state, regional, and national scale while providing states with the flexibility to plan, carry out, and evaluate (See 42 U.S.C. 300x-21) state-specific solutions to local AOD prevention and treatment needs.

Standard Application

The Center for Substance Abuse Treatment and its state partners developed and implemented the standard application for SAPT Block Grant funds. Prior to the introduction of the standard application, states annually submitted two separate documents: an annual report and a state plan. The format and content of the standard application incorporates some elements of the previous documents; however, the standard application provides a template for states to display both aggregate and entity expenditure data and also provides a description of a state's planning and needs assessment activities. CSAT's partners were encouraged, but not required, to submit electronically the uniform application using Block Grant Application System (BGAS) software, developed expressly for the states. Fifty-one states voluntarily use BGAS annually to submit their standard application. The aggregate data is stored in a database that can be used to provide analyses of state, regional, and national trends with regard to how federal block grant funds are allocated and expended and the activities and services provided to reduce the impact of alcohol and other drug abuse and dependence across the nation.

Targeted Capacity Expansion Program

Additionally the Center for Substance Abuse Treatment administers the Targeted Capacity Expansion Program to expand substance abuse treatment capacity in targeted areas for a targeted response to treatment capacity problems and/or emerging trends. This program is designed to address gaps in treatment capacity by supporting rapid and strategic responses to demands for substance abuse (including alcohol and drug) treatment services in communities with serious, emerging drug problems, as well as in communities that have innovative solutions to unmet needs. This Program Announcement (PA) is a reissuance (with revisions) of a prior Guidance for Applicants (GFA) by the same title, Targeted Capacity Expansion, GFA No. TI 99-002.

For further information about programs funded by CSAT, visit their web site at www.samhsa.gov/csat.

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RECOMMENDED READING

The following documents are the latest U.S. Department of Justice publications on drug courts and are available from the National Criminal Justice Reference Service at 1-800-851-3420.

American University Drug Court Clearinghouse and Technical Assistance Project Justice Programs Office

Summary Assessment of the Drug Court Experience, May 1996.

1997 Drug Court Survey Report: Executive Summary, October 1997.

Drug Court Discretionary Grant Program, Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice

About the Drug Courts Program Office, Fact Sheet, June 2000, FS 000265.

Defining Drug Courts: The Key Components, January 1997, DD 165478.

Drug Court Monitoring, Evaluation, and Management Information Systems, June 1998, NCJ 171138.

Drug Testing in a Drug Court Environment: Common Issues to Address, May 2000, NCJ 181103.

Guideline for Drug Courts on Screening and Assessment, June 1998, NCJ 171143.

The Interrelationship Between the Use of Alcohol and Other Drugs: Summary Overview for Drug Court Practitioners, August 1999, NCJ 178940.

Juvenile and Family Drug Courts: An Overview, June 1998, NCJ 171139 (Revised 1999).

Juvenile and Family Drug Courts: Profile of Program Characteristics and Implementation Issues, June 1998, NCJ 171142.

Looking at a Decade of Drug Courts, June 1998, NCJ 171140 (Revised 1999).

Practical Guide for Applying Federal Confidentiality Laws to Drug Court Operations, June 1999, NCJ 176977.

Treatment Services in Adult Drug Courts: Executive Summary, May 2001, NCJ 188086

Treatment Services in Adult Drug Courts, May 2001, NCJ 188085

National Association of Drug Court Professionals

Drug Courts: A Revolution in Criminal Justice, 1999.

National Drug Court Institute

Drug Court Publications: Resource Guide, May 1999.

DUI/Drug Courts: Defining a National Strategy, March 1999.

Reentry Drug Courts, December 1999.

**Bureau of Justice Assistance, Office of Justice Programs,
U.S. Department of Justice**

Special Drug Courts, Program Brief, NCJ 144531.

**Office of Juvenile Justice and Delinquency Prevention,
Office of Justice Programs, U.S. Department of Justice**

American Probation and Parole Association's Drug Testing Guidelines and Practices for Juvenile Probation and Parole Agencies, 1992, NCJ 136450.

Capacity Building for Juvenile Substance Abuse Treatment, 1997, NCJ 167251.

Conflict Resolution Education: A Guide to Implementing Programs in Schools, Youth-Serving Organizations, and Community and Juvenile Justice Settings, 1996, NCJ 160935.

Drug Identification and Testing in the Juvenile Justice System, 1998, NCJ 167889.

Preventing Drug Abuse Among Youth: An Overview of Community, Family, and School-Based Programs, 1997, NCJ 165583.

Focus on Accountability: Best Practices for Juvenile Court and Probation, 1999, NCJ 177611.

**National Institute of Justice, Office of Justice Programs,
U.S. Department of Justice**

John S. Goldkamp and Doris Weiland, *Assessing the Impact of Dade County's Felony Drug Court*, NCJ 145302.

Adele Harrell, Shannon Cavanagh, and John Roman, *Findings from the Evaluation of the D.C. Superior Court Drug Intervention Program*, May 1999, NCJ 181894.

John S. Goldkamp, *The Drug Court Movement, Update*, September 1995, NCJ 184392.

John S. Goldkamp, *Issues and Practices, Justice and Treatment Innovation: The Drug Court Movement, A Working Paper of the First National Drug Court Conference*, December 1993, NCJ 149260.

Peter Finn and Andrea K. Newlyn, *Miami's Drug Court, A Different Approach*, NCJ 142412.

ADDRESSES ON THE WORLD WIDE WEB

- Drug Court Clearinghouse and Technical Assistance Program/Justice Programs Office, American University: *www.american.edu/justice*
- Drug Free Workplace Helpline: *helpline@samhsa.gov* (e-mail)
- Drug Information and Strategy Clearinghouse: *gopher://ric.aspensys.com:76*
- National Clearinghouse for Alcohol and Drug Abuse Information: *www.health.org*
- National Criminal Justice Reference Service: *www.ncjrs.org*
- Office of Justice Programs: *www.ojp.usdoj.gov*
- Office of National Drug Control Policy: *www.whitehousedrugpolicy.gov*
- U.S. Department of Education: *www.ed.gov*
- U.S. Department of Health and Human Services: *www.os.dhhs.gov*
- U.S. Department of Housing and Urban Development: *www.hud.gov*
- U.S. Department of Labor: *www.dol.gov*

Bureau of Justice Assistance Information

For information about BJA, its programs, and its funding opportunities, requesters can call the BJA Clearinghouse. The BJA Clearinghouse, a component of the National Criminal Justice Reference Service (NCJRS), shares BJA program information with state and local agencies and community groups across the country. Information specialists are available to provide reference and referral services, publication distribution, participation and support for conferences, and other networking and outreach activities. The clearinghouse can be reached by:

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- Visit**
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- BJA Home Page**
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