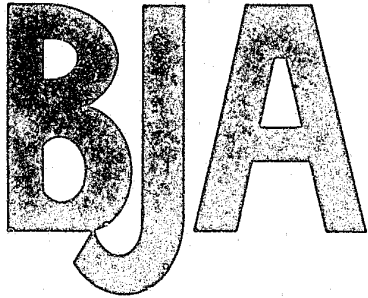




U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance



Bureau of Justice Assistance

State and Local Assistance
for Narcotics Control

PROGRAM POLICY AND
ADMINISTRATIVE GUIDANCE

118764

ABOUT THE BUREAU OF JUSTICE ASSISTANCE

The Bureau of Justice Assistance provides Federal assistance to state and local units of government for programs which improve the functioning of the criminal justice system. The Bureau administers two major grant programs and a number of direct assistance programs.

The Justice Assistance Program provides grant assistance to state and local criminal justice agencies to fund programs which improve the functioning of the criminal justice system with an emphasis on violent crime and serious offenders. The states, District of Columbia and the territories receive a block grant award which is used to implement the program at the state level. Discretionary programs which are designed to demonstrate the effectiveness of new programs, to provide training and technical assistance to criminal justice personnel and to address issues which are national or multi-state in nature are administered by the Bureau.

The State and Local Assistance for Narcotics Control Program provides grant assistance to enhance state and local drug control efforts. Programs eligible for funding include those which improve the apprehension, prosecution, adjudication, detention and rehabilitation of drug offenders. Eradication programs, treatment programs and programs which concentrate on major drug offenders are also eligible for funding. The states, District of Columbia and territories receive a block grant award which is administered at the state level. The discretionary grant program administered by the Bureau is used to enhance, coordinate and fill gaps in state and local efforts through national and multi-state programs.

Direct Assistance Programs administered by the Bureau include the Public Safety Officers' Benefits, Emergency Federal Law Enforcement Assistance, Regional Information Sharing Systems, Mariel-Cuban Reimbursement, Surplus Federal Property and the Prison Industry Certification Programs.

George A. Luciano
Director

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U.S. Department of Justice
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U.S. Department of Justice

Bureau of Justice Assistance

Office of the Director

Washington, D.C. 20531

The State and Local Assistance for Narcotics Control Program of the Anti-Drug Abuse Act of 1986 provides assistance to state and local agencies for drug law enforcement. The Act authorizes the Bureau of Justice Assistance to make grants to states, for use by states and local units of government, for the purpose of enforcing state and local laws that establish offenses similar to those established in the Controlled Substances Act. These funds may be used to support programs which improve the apprehension, prosecution, adjudication, detention and rehabilitation of drug offenders. Eradication programs, treatment programs and programs which target major drug offenders are also eligible for funding.

Each state is required by the Act to develop a statewide drug control strategy to assist the state in targeting the available resources on activities which will have the greatest impact on the drug problem in the state. The development of an effective strategy requires a definition of the nature and extent of the problem, an analysis of current efforts, and the identification of resource needs. The strategy and program priorities should flow from this process.

State and local units of government are encouraged to replicate effective programs or to enhance and expand existing projects with proven records of success. This is not meant to exclude the design and implementation of new initiatives, but to encourage the implementation of proven programs which will have an immediate impact on the drug problem. Program Briefs, which describe effective programs and elements critical to success, are being developed to assist the states in identifying effective programs which compliment the state's strategy.

This Program Policy and Administrative Guidance document provides the states with guidance on the development of the statewide drug strategy, preparation of the application for funds and administration of the program. It was designed to assist the states in implementing a successful program and establishing the mechanisms necessary to document that success. The Bureau is prepared to provide the states with whatever assistance may be needed to implement and administer this program.

Sincerely,

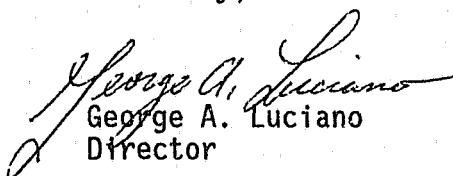

George A. Luciano
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STATE AND LOCAL ASSISTANCE FOR NARCOTICS CONTROL PROGRAM

PROGRAM POLICY AND ADMINISTRATIVE GUIDANCE

INTRODUCTION

The Bureau of Justice Assistance of the Office of Justice Programs, U.S. Department of Justice, is publishing program policy and administrative guidance for implementation of the State and Local Assistance for Narcotic Control Formula Grant Program authorized by the Anti-Drug Abuse Act of 1986, Pub. L. 99-570, Subtitle K, the State and Local Narcotics Control Assistance Program of 1986. This guidance document describes procedures and requirements for applying for and administering formula grant funds.

STATUTORY AUTHORITY

The statutory authority for the guidance is the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3711, et. seq., as amended (Pub. L. 90-351, as amended by Pub. L. 93-83, Pub. L. 93-415, Pub. L. 94-430, Pub. L. 94-503, Pub. L. 95-115, Pub. L. 96-157, Pub. L. 98-473, and Pub. L. 99-570).

PURPOSE OF FORMULA GRANT FUNDS

The states may award formula grant funds for the use of states and units of local government, for the purpose of enforcing state and local laws that establish offenses similar to offenses established in the Controlled Substances Act (21 U.S.C. 801 et seq.) and for

APPREHENSION - Provide additional personnel, equipment, facilities, personnel training, and supplies for more widespread apprehension of persons who violate state and local laws relating to the production, possession, and transfer of controlled substances and to pay operating expenses (including the purchase of evidence and information) incurred as a result of apprehending such persons.

PROSECUTION - Provide additional personnel, equipment, facilities (including upgraded and additional law enforcement crime laboratories), personnel training, and supplies for more widespread prosecution of persons accused of violating such state and local laws and to pay operating expenses in connection with such offenses.

ADJUDICATION - Provide additional personnel (including judges), equipment, personnel training, and supplies for more widespread adjudication of cases involving persons accused of violating such state and local laws, to pay operating expenses in connection with such adjudication, and to provide quickly, temporary facilities in which to conduct adjudications of such cases.

DETENTION AND REHABILITATION - Provide additional public correctional resources for the detention of persons convicted of violating state and local laws relating to the production, possession, or transfer of controlled substances and to establish and improve treatment and rehabilitative counseling provided to drug dependent persons convicted of violating state and local laws.

ERADICATION - Conduct programs of eradication aimed at destroying wild or illicit growth of plant species from which controlled substances may be extracted.

TREATMENT - Provide programs which identify and meet the needs of drug dependent offenders.

MAJOR DRUG OFFENDERS - Conduct demonstration programs, in conjunction with local law enforcement officials, in areas in which there is a high incidence of drug abuse and drug trafficking to expedite the prosecution of major drug offenders by providing additional resources, such as investigators and prosecutors, to identify major drug offenders and move these offenders expeditiously through the judicial system.

ALLOCATION OF FUNDS TO THE STATES

Section 1305(a) of the Act provides that 80 percent of the total amount appropriated for this part shall be allocated for formula grants. Each participating state shall receive a base amount of \$500,000 with the remaining funds allocated to each state on the basis of the state's relative share of total U. S. population. Section 1305(a) of the Act. If a state does not elect to participate in the Act, the state's allocation shall be awarded by the Bureau directly to local units of government and

combinations of units of local government within the state. Section 1305(d) of the Act.

If a state notifies the Bureau of Justice Assistance of its intent not to apply for formula grant funds or fails to submit an application by the submission date, the Bureau will announce the availability of the formula grant funds to local units of government in the non-participating state and will invite them to submit applications directly to the Bureau. A unit of local government receiving a formula grant award directly from the Bureau assumes responsibility for all activities which would normally be the responsibility of the state office.

ADMINISTRATION OF THE PROGRAM

Section 1308(a) of the Act provides that the chief executive of each participating state shall designate a state office for the purposes of:

- (a) preparing an application to obtain funds; and
- (b) administering funds received from the Bureau of Justice Assistance, including receipt, review, processing, monitoring, progress and financial report review, technical assistance, grant adjustments, accounting, auditing, and fund disbursements.

An office or agency performing other functions within the state's executive branch may be designated as the state office. Section 1308(b) of the Act.

Up to 10% of the formula grant funds allocated to a state may be used to pay for costs incurred in administering the formula grant program. Section 1307(b) of the Act.

APPLICATION REQUIREMENTS

Format

Applications from the states for formula grants must be submitted on Standard Form 424, Application for Federal Assistance, at a time specified by the Bureau of Justice Assistance. The Bureau has provided the states with an "Application Kit" that includes SF 424, a list of assurances that the applicant must agree to, a table of fund allocations, and instructions on how to prepare and submit an application for formula grants.

Statewide Drug Strategy

Each state is required to develop a statewide strategy for the enforcement of state and local laws relating to the production, possession and transfer of controlled substances. Section 1303(1) of the Act. Such strategy shall be prepared after consultation with state and local officials whose duty it is to enforce such laws. Section 1303(5) of the Act.

The purpose of the statewide strategy is to insure that the Federal assistance provided to the states is coordinated and integrated with state and local drug enforcement efforts and that the maximum impact on the drug abuse problems in the state is achieved.

The development of a statewide drug strategy should affect increased coordination of enforcement efforts among state and local agencies. It should facilitate the coordination among the components of the criminal justice system (law enforcement, prosecution, courts and corrections). The statewide strategy development should also include efforts to coordinate all of the drug abuse programs in the state, including education and treatment.

A recommended format to facilitate the development of the statewide drug strategy and data summary is described in Appendix A.

Programs

Applications must set forth programs and projects which meet the purposes and criteria of Section 1302 of the Act. Section 1304(a)(2) of the Act.

The application must designate which statutory purpose each program or project is intended to address and provide the estimated funding level for the program or project including the amount and source of cash matching funds. The application must also include a description of the program and how it contributes to the implementation of the statewide drug strategy.

The Bureau will develop program briefs which describe programs which have been found, based on research and evaluation, to be effective in drug law enforcement. States are encouraged to consider the applicability of these programs in their statewide drug strategy. If these programs are included in the application and the applicant agrees to include in the program design all the critical elements as outlined in the program brief, the applicant need only identify the program, which statutorily authorized purpose it is intended to achieve, and the funding level (including amount and source of match).

Confidential Information

Applications which request funds for any confidential program should not state the location of the project. The application should only include the program description, the funds involved, and the number of projects. The state agency or unit of local government implementing the project will be made known to the Bureau of Justice Assistance upon request or upon completion of the project.

Construction Projects

The Act permits the use of formula grant funds for construction of penal and correctional institutions for those convicted of drug offenses. Correctional institutions refer to prisons, jails, juvenile correctional institutions and residential community corrections facilities. Section 1304(b) of the Act. The Bureau will adopt the legislative requirements outlined in the Omnibus Crime Control and Safe Streets Act of 1968 as amended, Part F, Criminal Justice Facility Construction: Pilot Project, (except funding limitations), for use in review of applications containing construction projects. A copy of Part F of the Act is found in Appendix B.

The application must also describe the drug treatment programs which will be available to the drug offenders incarcerated in this facility. In addition, any proposals for construction projects must certify that the applicant has reviewed all potential Federal surplus and excess real property and that no such Federal property is available or suitable for the project.

If the facility is not devoted exclusively to use by drug offenders, the costs of the facility must be prorated according to the relative number of drug offenders and other offenders.

Eradication Projects

Guidelines for eradication projects are being developed as a cooperative effort between the Bureau and the Drug Enforcement Administration. All applications containing eradication projects must contain an assurance that the Eradication Guidelines will be followed. It is anticipated that the guidelines will be available in early 1987.

Audit Requirement

Applications from the state must include the date of the state office's last audit and the anticipated date of the next audit.

Civil Rights Contact

Applications from the state must include the name of a civil rights contact person who has lead responsibility for insuring that all applicable civil rights requirements are met and who shall act as liaison in civil rights matters with the Office of Civil Rights Compliance of the Office of Justice Programs.

Application Assurances

Applications must include the following assurances:

Non-supplanting: The applicant assures that Federal funds made available under section 1302 of the Act will not be used to supplant state or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for drug law enforcement activities.

Matching funds: The applicant assures that matching funds required to pay the non-Federal portion of the cost of each program and project, for which grant funds are made available, shall be in addition to funds that would otherwise be made available for drug law enforcement by the recipients of grant funds and shall be provided on a project-by-project basis. However, the state may request BJA to approve exceptions such as match on a program-by-program basis, state-wide basis, unit-of-government basis, or a combination of the above. The state must include any requests for approval of other than project-by-project match in its application to BJA.

Legislative review: An assurance that the state application described in this section and any amendment thereto have been submitted for review to the state legislature or its designated body. For purposes of this section, such application or amendment shall be deemed to be reviewed if the state legislature, or its designated body, does not review such application or amendment within 60-days from the date of submission.

Public comment: An assurance that the state application and any amendment to it are made public before submission to BJA and, to the extent provided under state law or established procedure, an opportunity for public comment was provided to citizens and to neighborhood and community groups.

Recordkeeping: The applicant assures that fund accounting, auditing, monitoring, evaluation procedures, and such records as BJA shall prescribe, shall be provided to assure fiscal control, proper management, and efficient disbursement of funds received under the Act.

Reporting: The applicant assures that it shall maintain such data and information and submit such reports, in such form, at such times, and containing such information as BJA may require to assess and evaluate programs and projects.

Compliance with Act: The applicant certifies that the programs contained in its application meet all requirements, that all the information is correct, that there has been appropriate coordination with affected agencies, and that the applicant will comply with all provisions of the Act and all other applicable Federal laws, regulations, and guidelines.

Civil rights: The applicant assures that it will comply, and all its subgrantees and contractors will comply, with the nondiscrimination requirements of the Omnibus Crime Control and Safe Streets Act, as amended; Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973, as amended; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; the Department of Justice Nondiscrimination Regulations 28 CFR Part 42, Subparts C,D,E, and G; and, Executive Order 11246, as amended by Executive Order 11375, and their implementing regulations, 41 CFR Part 60.1 et. seq., as applicable to construction contracts.

Findings of discrimination: The applicant assures that in the event a Federal or state court or administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, or sex against a recipient of funds, the recipient will forward a copy of the finding to the Office of Civil Rights Compliance (OCRC), Office of Justice Programs.

Equal Employment Opportunity Program: The applicant assures that it will require that every recipient required to formulate an Equal Employment Opportunity Program (EEOP), in accordance with 28 CFR 42.301 et. seq., submit a certification to the state that it has a current EEOP on file which meets these requirements.

The applicant assures that it will provide an EEOP, if required to maintain one, where the application is for \$500,000 or more, and provide the EEOP of any subgrantee of \$500,000 or more.

Financial and Administrative Guide: The applicant assures that it will comply with the provisions of the Office of the Justice Programs' "Financial and Administrative Guide for Grants," M7100.1C.

Compliance with Federal Procedures: The applicant assures that it will comply with the provisions of 28 CFR applicable to grants and cooperative agreements, including Part II, Applicability of Office of Management and Budget Circulars; Part 18, Administrative Review Procedures; 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; and Part 63, Floodplain Management and Wetland Protection Procedures.

DRUG POLICY BOARD

Each state is strongly encouraged to establish a Drug Policy Board to serve as a forum for communication and a structure for coordination. The Board would be responsible for the development of the strategy and would facilitate coordination within the state. The Board members should represent state and local officials, all components of the criminal justice system (law enforcement, prosecution, courts and corrections), education and treatment. The United States Attorney or the Chair of the Law Enforcement Coordinating Committee should also be included on the Board to facilitate coordination with Federal drug control efforts. Federal employees who serve as members of the Board should be non-voting members relative to state grant funding decisions.

In summary, BJA is concerned that the Board be representative of

1. all levels of government -- state, Federal and local
2. all criminal justice functions -- including law enforcement, prosecutions, courts and corrections, with consideration to defender and pretrial agencies, and
3. all other disciplines under the Anti-Drug Abuse Act including representation from education and drug treatment agencies.

The Board should be appointed by the Governor to establish its credibility as the Policy Board within the state and the importance of its mission.

Up to 10% of the state's total allocation under the State and Local Assistance for Narcotics Control Program may be used for administration of the program. Payment of the costs associated with operation of the Drug Policy Board would be an allowable use for the administrative funds.

If a state chooses not to establish a Drug Policy Board, the state is required to include in its application an explanation of the mechanisms which the state used to consult with state and local officials whose duty it is to enforce the state's drug laws.

SUBMISSION AND REVIEW OF APPLICATIONS

Review Criteria

The Act provides the basis for review and approval or disapproval of state applications and amendments in whole or in part. These are:

- (a) Compliance with the statutory requirements of the Act and the guidelines of the Bureau of Justice Assistance. Section 1304 of the Act.
- (b) Compliance with Executive Order 12372, "Intergovernmental Review of Federal Programs." This program is covered by Executive Order 12372 and Department of Justice implementing regulations 28 CFR Part 30. States must submit block grant applications to the state "Single Point of Contact", if there is a "Single Point of Contact". If this program has been selected for coverage by the state process, the state may submit its application at the same time applications are submitted to the Bureau of Justice Assistance. State processes have 60 days starting from the application submission date to comment on applications. Applicants should contact their state "Single Point of Contact" as soon as possible to alert them to the prospective application and receive instructions regarding the process.

Sixty Day Rule

The Bureau of Justice Assistance shall approve or disapprove applications or amendments within sixty (60) days of official receipt. The application or amendment shall be considered approved unless the Bureau of Justice Assistance informs the applicant in writing of specific reasons for disapproval prior to the expiration of the 60-day period. Applications that are incomplete, as determined by the Bureau of Justice Assistance, shall not be considered officially received for purposes of the 60-day rule. Section 1304(a)(2) of the Act.

Written Notification and Reason for Disapproval

The Bureau of Justice Assistance shall notify the applicant in writing of the specific reasons for the disapproval of the application or amendment, in whole or in part. Section 1304(c) of the Act.

Affirmative Finding

The Bureau of Justice Assistance, prior to approval of the application or amendments, must make an affirmative finding in writing that the program or project has been reviewed in accordance with Section 1303 of the Act. Section 1304(a)(2) of the Act.

ELIGIBLE APPLICANTS

State Government

All states are eligible to apply for and receive formula grants. Section 1302 of the Act. State, as defined in the statute, means any state of the United States and includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa. Section 901(a)(2) of the Act.

Units of Local Government

Units of local government are eligible to receive subgrants from a participating state. Unit of local government means any city, county, town, township, borough, parish, village, or other general purpose political subdivision of a state and includes Indian Tribes which perform law enforcement functions as determined by the Secretary of the Interior. Section 901(a)(3) of the Act.

If the Bureau determines, during any fiscal year, that a portion of the funds allocated to a state will not be required, or that a state will be unable to qualify and receive funds, or that a state chooses not to participate in the program, then the Bureau shall award the funds allocated to the state directly to urban, rural, and suburban units of local government or combinations thereof within the state, giving priority to those jurisdictions with the greatest need. Section 1305(d) of the Act.

DISTRIBUTION OF FORMULA FUNDS WITHIN THE STATE

Funds granted to the state are further subgranted by the state to state agencies and units of local government to carry out programs and projects contained in an approved application. Each state shall distribute to its local units of government, in the aggregate, a portion of the state's block grant funds equal to the local government share of total state and local criminal justice expenditures for the previous fiscal year. Section 1305(b)(1) of the Act. In determining the portion to be distributed to local units, the most recent and complete data available from the Bureau of Justice Statistics of the U. S. Department of Justice shall be used unless the use of other data has been approved in advance by the Bureau of Justice Assistance.

To request approval of a distribution ratio other than that announced by the Bureau of Justice Assistance, the head of the state office must certify in writing to the Bureau that the ratio it proposes is a correct reflection of the local share of total state and local criminal justice expenditures and that the state has notified its major local governments of the request and informed them of the opportunity to contact the Bureau of Justice Assistance within 30 days, if they have any objections. The written request must also cite the expenditure data used to substantiate the proposed change, which data shall be reviewed by the Bureau of Justice Statistics.

MATCHING REQUIREMENT

Federal funds may be used to pay up to 75 percent of the cost of a program or project. The remaining non-Federal share shall be in cash. Section 1307(a) of the Act. Match will be provided on a project by project basis. However, states may request the Bureau to approve exceptions such as match on a program by program basis, state-wide basis, unit-of-government basis, or a combination of the above. States must include any requests for approval of other than project-by-project match in their applications to the Bureau.

Funds required to pay the non-Federal portion of the cost of each program and project for which a grant is made shall be in addition to funds that would otherwise be available for drug law enforcement by the recipients of grant funds. Section 1303(3) of the Act. Cash from the sale of assets forfeited in criminal cases may be used as the non-Federal portion of a program or project, if permitted by state law.

Funds subgranted to an Indian tribe which performs law enforcement functions (as determined by the Secretary of the Interior) shall be used to pay 100 percent of the cost of a program or project. Section 1307(a) of the Act.

ALLOWABLE/UNALLOWABLE EXPENSES

Equipment and Hardware: Equipment and hardware expenses which are part of an approved program or project are allowable expenses. Section 1302 of the Act.

General Salaries and Personnel Costs: Payment of personnel costs with grant funds is permitted if the costs are a part of an approved program or project. Section 1302 of the Act.

Construction: Use of formula grant funds for construction projects is prohibited except when facilities to be constructed are penal or correctional institutions specifically for drug offenders. Section 1304(b) of the Act. The costs of facilities, which are not used exclusively for drug offenders, must be prorated according to the relative number of drug offenders and other offenders. Section 1404(b) of the Act.

Land Acquisition: Acquisition of land with grant funds is prohibited. Section 1304(b) of the Act.

Administrative Costs: Not more than 10% of grant funds may be used to pay for costs incurred in administering the formula grant program. Section 1307(b) of the Act. When the application for Federal funds, which includes the statewide strategy, is prepared by the state and the grant funds are administered by the state, there shall be a presumption that funds specifically designated for administration of the award are being used for the benefit of both state and local agencies and are expended in accordance with the variable pass-through requirement.

Period of Project Support: The Act does not limit the number of years for which a project may be funded under the formula grant program. However, states may establish such limits

Non-Supplantation: Formula grant funds shall not be used to supplant state or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal aid,

be made available for drug law enforcement activities. Section 1303(2) of the Act.

REPORTING REQUIREMENTS

Annual Project Reports

Section 1306 of the Act requires that the state, or a local unit of government in the case of a non-participating state, submit annually to the Bureau of Justice Assistance performance reports concerning the activities carried out under the grant. These performance reports will provide the basis for the annual report from the Bureau to the President and the Congress as required by Section 1306(b) of the Act.

To facilitate the collection of performance data and to ease the administrative burden on the states, the Bureau will develop a performance reporting system which gathers information from the operational units closest to the data. An Annual Project Report Form will be developed for each of the legislatively authorized purpose areas to collect information on activities undertaken and the results achieved for each project funded. A form will be completed by each project annually or within 90 days of termination of the project. The forms will be sent to the state office, which will forward them to the Bureau within 30 days of receipt. These forms and instructions will be developed in consultation with states and local units of government.

The states will fulfill the legislative requirement for an annual performance report by facilitating the implementation of the Annual Project Reporting System and by completing the data summary required as a part of the application for funds.

Individual Project Reports

States are required to provide to the Bureau of Justice Assistance within 30 days after the award of a subgrant, an initial project report which provides information on the subgrant recipient (name, address, contact person), the subgrant period, the type of award (new or renewal), the subgrant funding level, and the general target area (geographic area, population group) to be impacted. The Bureau of Justice Assistance will provide a form to assist the states in reporting this information.

ADMINISTRATIVE ISSUES

Suspension of Funding

The Bureau of Justice Assistance shall, after reasonable notice and opportunity for a hearing on the record, terminate or suspend funding for a state that implements programs or projects which fail to conform to the requirements or statutory objectives of the Act, or that fails to comply substantially with the Act, the regulations or the terms and conditions of its grant award. Hearing and appeal procedures are set forth in Department of Justice regulations 28 C.F.R Part 18.

Title to Property

Section 808 of the Act provides that notwithstanding any other provision of law, title to all expendable and nonexpendable personal property purchased with funds made available under this title, including property with funds made available under this title as in effect before the effective date of the Justice Assistance Act of 1984, shall vest in the criminal justice agency or nonprofit organization that purchased the property if it certifies to the state office described in section 408 or 1308, as the case may be, of this title that it will use the property for criminal justice purposes. If such certification is not made, title to the property shall vest in the state office, which shall seek to have the property used for criminal justice purposes elsewhere in the state prior to using it or disposing of it in any other manner. If a state office does not exist, certification will be made directly to the Bureau of Justice Assistance.

General Financial Requirements

Grants funded under the Formula Grant Program are governed by the provisions of the Office of Management and Budget (OMB) Circulars applicable to financial assistance. These Circulars along with additional information and guidance are contained in "Financial and Administrative Guide for Grants," Guideline Manual 7100.1, available from the Office of Justice Programs. This guideline manual provides information on cost allowability, methods of payment, audit, accounting systems and financial records.

Audit

Pursuant to Office of Management and Budget Circular A-128 "Audits of State and Local Governments," A-128 grantees and subgrantees must provide for an independent audit of their

activities on a periodic basis. For additional information on audit requirements, applicants should refer to the "Financial and Administrative Guide for Grants," Guideline Manual 7100.1, Office of Justice Programs.

Civil Rights

No person in any state shall on the grounds of race, color, religion, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under or denied employment in connection with any programs or activity funded in whole or in part with funds made available under this title." Section 809(c)(1) of the Act. Recipients of funds under the Act are also subject to the provisions of Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1974, as amended; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1974; and the Department of Justice Non-Discrimination Regulations 28 CFR Part 42, Subparts C, D, E, and G.

APPENDIX A

RECOMMENDED FORMAT FOR DEVELOPMENT OF STATEWIDE DRUG STRATEGY

The statewide drug strategies developed by the states will be instrumental in shaping and determining the success of the State and Local Assistance for Narcotics Control Program. As part of the Anti-Drug Abuse Act of 1986, the Narcotics Control Program provides assistance to enhance the capabilities of the criminal justice system at the state and local levels in effectively controlling drug offenses and treating drug offenders.

The strategy should serve as a comprehensive blueprint for the coordination of drug control efforts and the targeting of Federal, state and local resources within the state. A thorough analysis of the nature and extent of the problem will improve the state's ability to develop a response which results in the greatest impact on the problem.

Increased efforts by one component of the system must be considered in the larger context of their impact on the criminal justice system as a whole. For example, increased enforcement efforts will have little effect without adequate prosecution, adjudication, detention and treatment resources to respond to the increased numbers of drug offenders.

The strategy should also address the problems and resource needs of the various jurisdictions throughout the state. A comprehensive effort is necessary to avoid simply displacing the drug problem from one jurisdiction to another due to the concentration of drug control efforts in one jurisdiction. The state should establish procedures which afford local jurisdictions the opportunity to provide input into the development of the strategy and the establishment of program priorities.

A thorough understanding of the problem also requires an analysis of the extent and nature of the problem over time. For example, if a new drug is taking over as the drug of preference in the state, control efforts and treatment services may require reorientation. However this analysis may be limited by the availability of trend data.

The development of the drug strategy will require the definition and analysis of the drug problem in the state, assessment of current efforts to address the problem, identification of gaps in services and resource needs, the establishment of program priorities, and an analysis of the relationship of state efforts to the National drug strategy.

Nature and Extent of the Problem: In order to develop an effective drug strategy the state must first define the nature and extent of the drug problem in the state as it relates to the production, possession and transfer of controlled substances. Definition of the problem should include an assessment of the level and types of drugs produced within the state and the level, types, methods and sources of drugs transported into the state. The patterns of usage and crime problems associated with drug use should be defined. The role of organized crime and other groups in the drug problem should also be assessed.

Current Drug Control Efforts: Before making decisions on new programs to address the drug problem, the state should identify current drug control and treatment efforts within the state. This should include an assessment of available resources in law enforcement, prosecution, adjudication, corrections and treatment.

Resource Needs: This section of the statewide strategy should identify gaps in services and areas where additional resources are needed. This section should also review the need for changes in legislation, procedures or inter-agency cooperation which would increase the impact of drug control efforts.

Strategy for Addressing Drug Abuse Problem: The data gathered and analyzed in the definition of the problem, identification of current efforts, and gaps in services will serve as the basis for the strategy to address the drug problem in the state. Program priorities for the use of the formula grant funds will flow from the development of this strategy. The strategy should also address the use of other state, local and private resources and plans for legislative and administrative changes needed to implement the statewide drug strategy.

Coordination of Drug Control Efforts: A coordinated response by Federal, state and local criminal justice, education and treatment agencies is required to effectively address the drug abuse problems in this country. This section should describe efforts made by the state to coordinate criminal justice efforts within the state. It should also describe efforts to coordinate program activities initiated under the Narcotics Control, Prevention and Treatment programs of the Anti-Drug Abuse Act of 1986. Coordination of the three efforts is also required under the prevention program (Drug-Free Schools and Communities Act of 1986) and the treatment program (Emergency Substance Abuse Treatment and Rehabilitation Block Grant Program).

The National Drug Policy Board, chaired by the Attorney General, has developed a strategy for drug control efforts by the Federal Government. In order to avoid duplication of effort and to facilitate coordination among Federal, state and local agencies, the national strategy should be reviewed relative to state efforts. The state should also relate the strategy to the efforts of the Law Enforcement Coordinating Committees associated with each United States Attorney's Office. This section should describe how the statewide strategy enhances cooperation and avoids duplication of effort. BJA will provide the states with a copy of the national strategy.

Data for Strategy Development and Assessment of Impact

The development of a statewide drug strategy and an assessment of the impact of the strategy on the drug abuse problems in the state and nationally will require the collection of certain information. The Bureau has developed a data summary format to assist the states with the definition of data needs and to facilitate consistency of data for analysis of program impact within the states and nationally. A copy of the recommended data summary format, is provided to assist the states in the development of the strategy and should be included as part of the application for Federal funds. The format begins on page 5 of this Appendix. However, states may find it necessary to collect additional information related to specific issues of concern to the state.

The data included in the data summary will be updated with each annual application and can be used to compare progress made toward addressing the drug problem in the state the previous year and to aid in evaluating the need to modify the drug strategy for the coming year.

Data for FY1986 should be used to develop the strategy for FY1987 formula grant funds. FY1986 will also serve as the base year for assessing progress in the fight to control drugs.

The availability of data will vary among the states. Possible sources of available data that should be explored include: Uniform Crime Reports, the Law Enforcement Coordinating Committees (associated with each U.S. Attorney's Office); Drug Enforcement Administration; U.S. Coast Guard; U.S. Customs Service; state criminal justice and treatment agencies; State Drug or Organized Crime Task Forces; statewide criminal justice and treatment associations.

Incomplete Data

For most states, collecting the information required for the data summary will be time consuming and difficult. If data is not available on a statewide basis or in a central repository, surveys of criminal justice agencies and/or sampling representative jurisdictions should be considered. Technical assistance on identifying and developing data sources or data collection methods, such as survey development or sampling techniques, can be obtained by contacting the Bureau.

The available data in most states will not fit neatly into the categories provided on the forms included in this document. An attempt should be made to follow the format as closely as possible to facilitate the aggregation of data from the various states. However, in some cases a state may have to show one figure to reflect two or more categories because the level of detail requested is not available. When detailed data is available for some jurisdictions but not for all, two forms may be submitted, one showing the detail and one showing the broader total figures. An explanation of any variations to the recommended format should be provided. If information included in the data summary by a state is based on estimates rather than actual data, an explanation of the method for determining the estimate should be included.

In an effort to facilitate the implementation of the program during the initial year of the program, states may develop their strategy and prepare their application with partial year data or while data collection is being completed. However, the state must have sufficient information to assess the major needs in the state and develop a reasonable strategy to address the needs. Formula grant funds may be awarded to the states with a special condition that all FY1986 data be submitted to the Bureau by a specified time.

The statewide strategy incorporated into the state's application for formula grant funds should include the completed data summary. Narrative information which analyzes and explains the information contained in the forms or which addresses specific issues of concern to the state may be included but is not required.

No application from a state will be denied simply because the recommended data is not available. However, the state should describe its efforts to identify available data and how a determination of the nature and extent of the drug problem was made in the absence of complete data.

ESTIMATE OF AVAILABILITY OF DRUGS IN THE STATE

Report Period _____

Please estimate the amount of controlled substances which are produced in the state and/or transported into the state. If a distinction cannot be made among the sources of drugs, please show the estimate of drug availability in the row for totals. Report opiates and cocaine in kilograms, cannabis in pounds and dangerous drugs in dosages.

SOURCE	TYPE OF DRUG						UNKNOWN/ OTHER
	OPIATES	COCAINE	CANNABIS	HALLUCINOGENS	STIMULANTS	DEPRESSANTS	
Cultivated In State	_____	_____	_____	_____	_____	_____	_____
Manufactured In State	_____	_____	_____	_____	_____	_____	_____
Transported Into State	_____	_____	_____	_____	_____	_____	_____
Total	_____	_____	_____	_____	_____	_____	_____

Number of agencies reporting _____

Percent of population served by reporting agencies _____

DRUG RELATED INCIDENTS

Please indicate the number of drug related deaths, accidents and emergency room incidents. For emergency room incidents, please show the number of drug mentions within the chart and indicate the total number of episodes (drug related visit to an emergency room) in the space provided below the chart. The drug mentions may exceed the number of episodes, as more than one drug may be mentioned.

INCIDENT	MAJOR DRUG INVOLVED						UNKNOWN/ OTHER	TOTAL
	OPIATES	COCAINE	CANNABIS	HALLUCINOGENS	STIMULANTS	DEPRESSANTS		
Death	_____	_____	_____	_____	_____	_____	_____	_____
Emergency Rm Incident	_____	_____	_____	_____	_____	_____	_____	_____
Fatal Traffic Accident	_____	_____	_____	_____	_____	_____	_____	_____
Non-Fatal Traffic Accident	_____	_____	_____	_____	_____	_____	_____	_____
Total	_____	_____	_____	_____	_____	_____	_____	_____

Total Emergency Room Episodes _____

Number of agencies reporting _____

Percent of population served by reporting agencies _____

DRUG RELATED SCHOOL INCIDENTS

Please indicate the number of drug related disciplinary actions reported by the schools.

ACTION FOR DRUG USE	TYPE OF DRUG							TOTAL
	OPIATES	COCAINE	CANNABIS	HALLUCINOGENS	STIMULANTS	DEPRESSANTS	OTHER	
Disciplinary								
Suspension								
Expulsion								
ACTION FOR SELLING DRUGS								
Disciplinary								
Suspension								
Expulsion								
Total								

Number of agencies reporting _____

Percent of population served by reporting agencies _____

PATTERNS OF DRUG TRAFFICKING AND DRUG USE IN THE STATE

Please describe the role of organized crime, motorcycle gangs or other groups in the drug problem in the state. Please distinguish between traditional organized crime (Mafia, La Cosa Nostra, Mob) and non-traditional organized crime (racial or ethnic organized groups).

Please describe any changes in drug usage over the past several years, including changes in the drug of preference, such as crack or designer drugs, or changes in age groups using specific drugs.

Please describe patterns for drug usage across the state (i.e., does the type and level of drug usage vary in different parts of the state).

STATE AND LOCAL DRUG ARRESTS

Report Period _____

Please indicate the total number of drug related arrests made by state and local law enforcement agencies in the state during the report period.

MAJOR DRUG INVOLVED

<u>OFFENSE</u>	<u>OPIATES</u>	<u>COCAINE</u>	<u>CANNABIS</u>	<u>DANGEROUS DRUGS</u>			<u>UNKNOWN/ OTHER</u>	<u>TOTAL</u>
				<u>HALLUCINOGENS</u>	<u>STIMULANTS</u>	<u>DEPRESSANTS</u>		
Production	_____	_____	_____	_____	_____	_____	_____	_____
Distribution	_____	_____	_____	_____	_____	_____	_____	_____
Manufacture	_____	_____	_____	_____	_____	_____	_____	_____
Importation	_____	_____	_____	_____	_____	_____	_____	_____
Possession	_____	_____	_____	_____	_____	_____	_____	_____
Possession w/ intent	_____	_____	_____	_____	_____	_____	_____	_____
Conspiracy	_____	_____	_____	_____	_____	_____	_____	_____
Other	_____	_____	_____	_____	_____	_____	_____	_____
Total	_____	_____	_____	_____	_____	_____	_____	_____

Number of agencies reporting _____

Percent of population served by reporting agencies _____

STATE AND LOCAL DRUG ARRESTS MADE WITH FEDERAL COOPERATION

Please indicate the number of arrests (also included above) which were made in cooperation with Federal agencies.

MAJOR DRUG INVOLVED

<u>OFFENSE</u>	<u>OPIATES</u>	<u>COCAINE</u>	<u>CANNABIS</u>	<u>DANGEROUS DRUGS</u>			<u>UNKNOWN/ OTHER</u>	<u>TOTAL</u>
				<u>HALLUCINOGENS</u>	<u>STIMULANTS</u>	<u>DEPRESSANTS</u>		
Production	_____	_____	_____	_____	_____	_____	_____	_____
Distribution	_____	_____	_____	_____	_____	_____	_____	_____
Manufacture	_____	_____	_____	_____	_____	_____	_____	_____
Importation	_____	_____	_____	_____	_____	_____	_____	_____
Possession	_____	_____	_____	_____	_____	_____	_____	_____
Possession w/ intent	_____	_____	_____	_____	_____	_____	_____	_____
Conspiracy	_____	_____	_____	_____	_____	_____	_____	_____
Other	_____	_____	_____	_____	_____	_____	_____	_____
Total	_____	_____	_____	_____	_____	_____	_____	_____

Number of agencies reporting _____

Percent of population served by reporting agencies _____

STATE AND LOCAL DRUG DISPOSITIONS

Report Period _____

Please indicate the results, by defendant, of cases reaching disposition during the report period. Because of the time lag between arrest and disposition, the arrests reported in the previous chart and the dispositions reported in the chart may refer to different cases.

	MAJOR DRUG INVOLVED							
DISPOSITION	OPIATES	COCAINE	CANNABIS	DANGEROUS DRUGS			UNKNOWN/ OTHER	TOTAL
				HALLUCINOGENS	STIMULANTS	DEPRESSANTS		
Convicted								
Acquitted								
Dismissed								
Declined								
Unknown								
Total								

Number of agencies reporting _____

Percent of population served by reporting agencies _____

STATE AND LOCAL DRUG CONVICTIONS

Report Period _____

Please indicate the total number of drug related convictions within the state during the report period.

	MAJOR DRUG INVOLVED							
OFFENSE	OPIATES	COCAINE	CANNABIS	DANGEROUS DRUGS			UNKNOWN/ OTHER	TOTAL
				HALLUCINOGENS	STIMULANTS	DEPRESSANTS		
Production								
Distribution								
Manufacture								
Importation								
Possession								
Possession w/ intent								
Conspiracy								
Other								
Total								

Number of agencies reporting _____

Percent of population served by reporting agencies _____

STATE AND LOCAL DRUG SENTENCES

Report Period _____

Please indicate the type of sentence for those convicted of drug related offenses during the report period. If the sentence includes a combination of sentencing alternatives, show the conviction as receiving the most serious sentence. Alternatives are listed in order of seriousness, with prison being the most serious.

MAJOR DRUG INVOLVED

<u>ALTERNATIVE</u>	<u>OPIATES</u>	<u>COCAINE</u>	<u>CANNABIS</u>	<u>DANGEROUS DRUGS</u>			<u>UNKNOWN/ OTHER</u>	<u>TOTAL</u>
				<u>HALLUCINOGENS</u>	<u>STIMULANTS</u>	<u>DEPRESSANTS</u>		
Prison	_____	_____	_____	_____	_____	_____	_____	_____
Local Jail	_____	_____	_____	_____	_____	_____	_____	_____
Community Corrections	_____	_____	_____	_____	_____	_____	_____	_____
Probation	_____	_____	_____	_____	_____	_____	_____	_____
Fines	_____	_____	_____	_____	_____	_____	_____	_____
Suspended Sentence	_____	_____	_____	_____	_____	_____	_____	_____
Deferred Judgement	_____	_____	_____	_____	_____	_____	_____	_____
Other	_____	_____	_____	_____	_____	_____	_____	_____
Total	_____	_____	_____	_____	_____	_____	_____	_____

Number of agencies reporting _____

Percent of population served by reporting agencies _____

SENTENCE LENGTH FOR DRUG RELATED OFFENSES

Report Period _____

Please indicate the average sentence length for offenders convicted of drug related offenses who were sentenced to prison during the report period. Please show the average sentence length in months.

MAJOR DRUG INVOLVED

<u>OFFENSE</u>	<u>OPIATES</u>	<u>COCAINE</u>	<u>CANNABIS</u>	<u>DANGEROUS DRUGS</u>			<u>UNKNOWN/ OTHER</u>	<u>TOTAL</u>
				<u>HALLUCINOGENS</u>	<u>STIMULANTS</u>	<u>DEPRESSANTS</u>		
Production	_____	_____	_____	_____	_____	_____	_____	_____
Distribution	_____	_____	_____	_____	_____	_____	_____	_____
Manufacture	_____	_____	_____	_____	_____	_____	_____	_____
Importation	_____	_____	_____	_____	_____	_____	_____	_____
Possession	_____	_____	_____	_____	_____	_____	_____	_____
Possession w/ intent	_____	_____	_____	_____	_____	_____	_____	_____
Conspiracy	_____	_____	_____	_____	_____	_____	_____	_____
Other	_____	_____	_____	_____	_____	_____	_____	_____
Total	_____	_____	_____	_____	_____	_____	_____	_____

Number of agencies reporting _____

Percent of population served by reporting agencies _____

STATE AND LOCAL TREATMENT RESOURCES

Report Period _____

Please indicate the total drug treatment resources available within the state and resources available to drug offenders, during the report period. Also indicate the number of clients served and the average waiting period for admission.

<u>TOTAL DRUG TREATMENT PROGRAMS</u>	<u>BED SPACE/SLOTS AVAILABLE</u>	<u>CLIENTS SERVED</u>	<u>AVERAGE WAIT FOR ADMISSION</u>
Self-help	_____	_____	_____
In-patient/hospital based	_____	_____	_____
Therapeutic community	_____	_____	_____
Residential	_____	_____	_____
Day Care	_____	_____	_____
Methadone	_____	_____	_____
Out-patient drug free	_____	_____	_____
Other	_____	_____	_____

<u>DRUG TREATMENT RESOURCES DEDICATED TO CRIMINAL JUSTICE CLIENTS</u>	<u>BED SPACE/SLOTS AVAILABLE</u>	<u>CLIENTS SERVED</u>	<u>AVERAGE WAIT FOR ADMISSION</u>
Self-help	_____	_____	_____
In-patient/hospital based	_____	_____	_____
Therapeutic community	_____	_____	_____
Residential	_____	_____	_____
Day Care	_____	_____	_____
Methadone	_____	_____	_____
Out-patient drug free	_____	_____	_____
Other	_____	_____	_____

Number of agencies reporting _____

Percent of population served by reporting agencies _____

DRUG TREATMENT PROGRAMS WITHIN CORRECTIONAL FACILITIES

CLIENTS SERVED IN ADULT FACILITIES

CLIENTS SERVED IN JUVENILE FACILITIES

Self-help	_____	_____
Education	_____	_____

Special Programming (e.g., therapeutic communities, ethnic programs)
Please describe the types of programs on a separate page.

Number of agencies reporting _____

Percent of population served by reporting agencies _____

STATE AND LOCAL DRUG REMOVALS

Report Period _____

Please indicate the total amount of drugs removed from the market by state and local agencies during the report period. Report opiates and cocaine in kilograms, cannabis in pounds and other drugs in dosages.

<u>TYPE OF DRUG</u>	<u>METHOD OF REMOVAL</u>	
	<u>SEIZURE</u>	<u>PURCHASE</u>
<u>OPIATES</u>		
Heroin	_____	_____
Opium	_____	_____
Morphine	_____	_____
<u>COCAINE</u>	_____	_____
<u>CANNABIS</u>	_____	_____
Marijuana	_____	_____
Hashish	_____	_____
Hash Oil	_____	_____
<u>DANGEROUS DRUGS</u>		
Methamphetamines/Amphetamines	_____	_____
Other Stimulants	_____	_____
Barbiturates	_____	_____
Other Depressants	_____	_____
PCP	_____	_____
LSD	_____	_____
Other Hallucinogens	_____	_____
<u>UNKNOWN/OTHER</u>	_____	_____

Number of agencies reporting _____

Percent of population served by reporting agencies _____

STATE AND LOCAL DRUG ERADICATION

Please indicate the amount of marijuana eradicated within the state, through state and local efforts. The size of the plot and the means of destruction determine the common method of reporting the amount of drugs eradicated. Please report the number of plants destroyed or the number of acres of marijuana destroyed. Both methods may be used for different plots.

<u>TYPE OF MARIJUANA DESTROYED</u>	<u>AMOUNT OF MARIJUANA DESTROYED</u>	
Cultivated	_____	_____
Wild (Ditchweed)	_____	_____

Number of agencies reporting _____

Percent of population served by reporting agencies _____

NON-DRUG ASSET SEIZURES AND FORFEITURES

Please indicate the number of non-drug assets seized or forfeited, involving state and local agencies during the report period, and the estimated dollar amount of the assets. Please provide the same information for seizures and forfeitures (also included in state and local figures) in which there was Federal assistance.

	<u>ASSET SEIZURES</u>		<u>ASSET FORFEITURES</u>	
	<u>NUMBER OF SEIZURES</u>	<u>DOLLAR AMOUNT</u>	<u>NUMBER OF FORFEITURES</u>	<u>DOLLAR AMOUNT</u>
<u>STATE AND LOCAL AGENCIES</u>				
Vehicles	_____	_____	_____	_____
Vessels	_____	_____	_____	_____
Aircraft	_____	_____	_____	_____
Currency	_____	_____	_____	_____
Other Financial Instruments	_____	_____	_____	_____
Real Property	_____	_____	_____	_____
Weapons	_____	_____	_____	_____
 <u>WITH FEDERAL ASSISTANCE</u>				
Vehicles	_____	_____	_____	_____
Vessels	_____	_____	_____	_____
Aircraft	_____	_____	_____	_____
Currency	_____	_____	_____	_____
Other Financial Instruments	_____	_____	_____	_____
Real Property	_____	_____	_____	_____
Weapons	_____	_____	_____	_____

Number of agencies reporting _____

Percent of population served by reporting agencies _____

STATE AND LOCAL DRUG CONTROL UNITS

Please indicate the number of agencies in the state which have drug control units and the number of full-time equivalent employees (FTE) assigned to the unit.

<u>TYPE OF AGENCY</u>	<u>NUMBER OF AGENCIES WITH DRUG UNITS</u>	<u>FTE ASSIGNED</u>
State law enforcement agency	_____	_____
Statewide drug enforcement task force	_____	_____
Local law enforcement agencies	_____	_____
State prosecutors	_____	_____
Local prosecutors	_____	_____

Number of agencies reporting _____

Percent of population served by reporting agencies _____

STATE AND LOCAL DRUG ENFORCEMENT RESOURCE NEEDS

Please list and describe the resources needed by each segment of the criminal justice system to effectively combat drug abuse.

RESOURCE NEEDS - LAW ENFORCEMENT

Personnel
Training
Equipment/Facilities/Resource
Program
Legislative/Administrative/Coordination
Other

RESOURCE NEEDS - PRETRIAL CUSTODY/SERVICES

Personnel
Training
Equipment/Facilities/Resource
Program
Legislative/Administrative/Coordination
Other

RESOURCE NEEDS - PROSECUTION

Personnel
Training
Equipment/Facilities/Resource
Program
Legislative/Administrative/Coordination
Other

RESOURCE NEEDS - DEFENSE

Personnel
Training
Equipment/Facilities/Resource
Program
Legislative/Administrative/Coordination
Other

RESOURCE NEEDS - ADJUDICATION (ADULT AND JUVENILE)

Personnel
Training
Equipment/Facilities/Resource
Program
Legislative/Administrative/Coordination
Other

RESOURCE NEEDS - CORRECTIONS (ADULT AND JUVENILE)

Personnel
Training
Equipment/Facilities/Resource
Program
Legislative/Administrative/Coordination
Other

RESOURCE NEEDS - COMMUNITY CORRECTIONS, PROBATION, PAROLE

Personnel
Training
Equipment/Facilities/Resource
Program
Legislative/Administrative/Coordination
Other

RESOURCE NEEDS - DRUG OFFENDER TREATMENT (ADULT AND JUVENILE)

Personnel
Training
Equipment/Facilities/Resource
Program
Legislative/Administrative/Coordination
Other

APPENDIX B

PART F—CRIMINAL JUSTICE FACILITY CONSTRUCTION: PILOT PROGRAM

AUTHORITY FOR PAYMENTS

42 U.S.C. 3769

Sec. 601. In order to relieve overcrowding and substandard conditions at State and local correctional facilities, the Director of the Bureau of Justice Assistance (hereinafter in this part referred to as the "Director") is authorized to make grants to States, units of local government, and combinations of such units to assist in construction of correctional facility projects approved under this part, and in planning to relieve overcrowding and substandard conditions in correctional facilities.

ELIGIBILITY

42 U.S.C. 3769a

Sec. 602. (a) A State, unit of local government, or combination of such units shall be eligible for assistance under this part for a correctional facility project only--

(1) if the Director, with the concurrence of the Director of the National Institute of Corrections established in chapter 315 of title 18, United States Code, has made a determination that such project represents a prototype of new and innovative methods and advanced design that will stand as examples of technology for avoiding delay and reducing costs in correctional facility design, construction, and improvement; and

(2) for not more than one such project in any State per fiscal year.

(b) A State, a unit of local government, or a combination of such units shall be eligible for assistance under this part for the development of a plan for relieving overcrowding or substandard conditions in correctional facilities operated by the State, a unit of local government, or a combination of such units. Such assistance shall not exceed 50 percent of the cost of developing the plan.

APPLICATION; APPROVAL; PAYMENT

42 U.S.C. 3769b

Sec. 603. (a) A State, unit of local government, or combination of such units desiring to receive assistance under this part for a correctional facility project shall submit to the Director an application which shall include--

(1) reasonable assurance that the applicant has developed an acceptable plan for reducing overcrowding and improving conditions of confinement in its correctional facilities and has implemented, or is in the process of implementing, such plan through legislative, executive, or judicial initiatives;

(2) a detailed description of the correctional facility to be constructed, altered, or expanded, including a description of the site of such facility;

(3) an estimate of the total cost of the construction of such project, including the amount of assistance requested for such project;

(4) reasonable assurance that title to such site is or will be vested solely in the applicant, or another agency or instrumentality of the applicant;

(5) reasonable assurance that adequate financial support will be available for the construction of the project and for its maintenance and operation when complete; and

(6) reasonable assurance that the applicant will comply with the standards and recommendations of the clearinghouse on the construction and modernization of correctional facilities established under section 605.

(b)(1) The Director may approve any such application only if the Director finds that--

(A) there are sufficient funds available to provide the assistance requested;

(B) such assistance does not exceed 20 percent of the estimated total cost of construction;

(C) the application contains such reasonable assurances as may be required under subsection (a); and

(D) the eligibility criteria of section 602 are met.

(2) In approving applications under this subsection, the Director shall consider the numbers and general characteristics of the inmate population (to include factors such as offenders' ages, offenses, average term of incarceration, and custody status), and the degree to which the applicant has implemented an inmate classification system which addresses the need for appropriate security assignment.

(c) Upon approving an application under this section, the Director shall award the amount of assistance so approved, but in no event an amount greater than 20 percent of the cost of construction of the approved correctional facility project, and shall provide for payment to the applicant or, if designated by the applicant, any agency or instrumentality of the applicant. Such amount shall be paid, in advance or by way of reimbursement, and in such installments consistent with the progress of construction as the Director may determine. Funds paid under this subsection for the construction of an approved project shall be used solely for carrying out such project as so approved.

(d) An amendment of any application shall be subject to approval in the same manner as an original application.

RECAPTURE PROVISIONS

42 U.S.C. 3769c

Sec. 605. If, within 20 years after completion of any correctional facility project with respect to which assistance has been provided under this section, such facility ceases to be operated as a correctional facility, the United States may recover from the recipient of such assistance any amount not to exceed 20 percent of the then current value of such project (but in no event an amount greater than the amount of assistance provided under this part for such project), as determined by agreement with the parties or by action brought in the district court of the United States for the district in which such facility is situated.

**CLEARINGHOUSE ON THE CONSTRUCTION AND
MODERNIZATION OF CRIMINAL JUSTICE FACILITIES**

42 U.S.C. 3769d

Sec. 606. (a) The Director shall provide for the operation of a clearinghouse on the construction and modernization of correctional facilities, which shall collect, prepare, and disseminate to the public and to interested State and local public agencies information, including recommendations, pertaining to the construction and modernization of correctional facilities. Such information shall include information regarding--

(1) new and innovative methods and advanced design that will stand as examples of technology for avoiding delay and reducing costs in correctional facility design, construction, and improvement;

(2) ways in which a construction planning program may be used to improve the administration of the criminal justice system within each State;

(3) recommended minimum standards concerning construction materials and methods, to be updated from time to time to reflect technological advances;

(4) the cost effectiveness of available construction materials, methods, and design technologies;

(5) the training of correctional facility personnel; and

(6) health and safety considerations in construction planning.

(b) The Director is authorized to enter into contracts with private organizations and interagency agreements with the National Institute of Corrections, the National Institute of Justice, the Bureau of Justice and* Statistics, and other appropriate public agencies, to operate the clearinghouse required under this section.

The Assistant Attorney General, Office of Justice Programs, coordinates the criminal and juvenile justice activities of the following program Offices and Bureaus: National Institute of Justice, Bureau of Justice Statistics, Bureau of Justice Assistance, Office of Juvenile Justice and Delinquency Prevention, and Office for Victims of Crime.