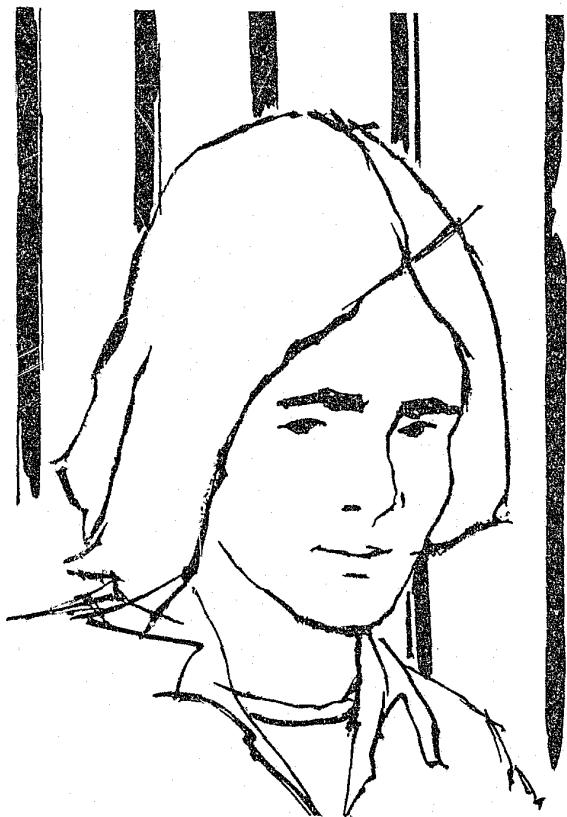


MICROFICHE

**PROGRAM ANNOUNCEMENT:
DEINSTITUTIONALIZATION
OF STATUS OFFENDERS**



MARCH 1975

U. S. DEPARTMENT OF JUSTICE
Law Enforcement Assistance Administration
Juvenile Justice and Delinquency Prevention Operations Task Group

39624

UNITED STATES DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

WASHINGTON, D.C. 20530

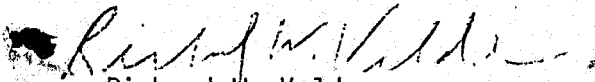


PROGRAM ANNOUNCEMENT

Pursuant to the authority of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the Juvenile Justice and Delinquency Prevention Act of 1974, the Law Enforcement Assistance Administration is giving major priority to deinstitutionalization of status offenders through use of discretionary funds. Only a limited number of programs can be funded through this effort. Careful evaluation will be initiated at the beginning of the program in order to provide information about the most workable approaches. This effort will assist local jurisdictions and states in planning and implementing similar programs in the future under requirements of the new Juvenile Justice and Delinquency Prevention legislation.

Because of your interest in the welfare of these youths, we felt it important to notify you of this effort. This packet contains all necessary information pertaining to application for Federal assistance under this national program. The preliminary applications should be sent to the appropriate State Planning Agency Office, Regional Office, and one copy to the Juvenile Justice and Delinquency Prevention Task Group in Washington. If the project involves more than one state or territory, the original and two copies should be sent directly to the Juvenile Justice and Delinquency Prevention Task Group, 633 Indiana Avenue, N.W., Washington, D.C., 20531. Preliminary applications will be reviewed by the State Planning Agency, Regional Office and Central Office based on the specifications and guidelines which are provided in this packet. The deadline for submission of preliminary applications is May 16, 1975. Refer to the enclosed Guideline Manual Section in completion of your application(s).

Applications will be rated and judged on the basis of the Selection Criteria outlined in the enclosed Guideline. You will note that these criteria emphasize development of workable and realistic programs which achieve specific objectives. Should you have any questions concerning the program, I would suggest that you contact your State Planning Agency or the staff of the Juvenile Justice and Delinquency Prevention Task Group in Washington at 202-386-4203.


Richard W. Velde
Administrator

NCJRS

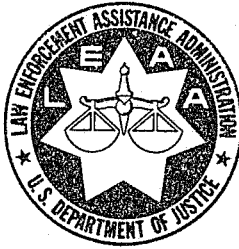
MAR 7 1977

ACQUISITIONS



UNITED STATES DEPARTMENT OF JUSTICE

**news
release**



LEAA
Law Enforcement Assistance Administration

Public Information Office
Telephone (202) 386-4551

Washington, D.C. 20530

FOR IMMEDIATE RELEASE
MONDAY, MARCH 17, 1975

The Law Enforcement Assistance Administration said today it has set aside \$8.5 million for public and private agencies that formulate innovative programs to keep juvenile status offenders--which include truants, runaways, and incorrigibles--out of detention and correctional facilities.

The goal of the program, said LEAA Administrator Richard W. Velde, is to halt the incarceration of juvenile status offenders within two years. Community-based resources should be developed to replace correctional institutions used for juveniles.

"In passing the Juvenile Justice and Delinquency Prevention Act last year, Congress directed LEAA to focus immediately its attention on this area," said Mr. Velde.

"We believe this approach will give us the best approaches from public and private agencies who are experienced in planning for juvenile status offenders," he said.

All interest groups should submit preliminary applications, of no more than 12 pages, he said. After a preliminary screening, LEAA will ask for expanded proposals. Tentative plans call for grant awards to be made by late summer.

(Over)



An LEAA survey of juvenile detention and correctional facilities revealed that in 1971 about one-third of all youths in institutions, including community-based facilities, were status offenders--persons whose offenses would not be considered criminal if committed by adults.

"Status offenders should not be classified as delinquents if we are to achieve justice for juveniles," Mr. Velde said. "By removing these young people from correctional institutions we can provide them with the most appropriate and effective assistance."

The Juvenile Justice Act places a high priority on removing status offenders from correctional institutions and requires all states receiving formula grants under the Act to make sure that within two years no status offenders are placed in detention or committed to institutions.

"Our young people are important to us," said Mr. Velde. "We must be sensitive to their needs and, where possible, reduce their involvement with the criminal justice system."

The deadline for preliminary applications is May 16. Applicants can secure program guidelines from their criminal justice state planning agency or the Juvenile Justice and Delinquency Prevention Operations Task Group, Law Enforcement Assistance Administration, U.S. Department of Justice, 633 Indiana Avenue, N.W., Washington, D.C., 20531.

LEAA

75-107



Guideline Change

M 4500.1C CHG 3

March 13, 1975

Subject: GUIDE FOR DISCRETIONARY GRANT PROGRAMS

Cancellation

Date: After Filing

1. PURPOSE. The purpose of this change is to reserve Chapter 26 and to transmit Chapter 27, entitled Program for Deinstitutionalization of Status Offenders, of the Guide for Discretionary Grant Programs, M 4500.1C.
2. SCOPE. This change is of interest to all individuals who hold the Discretionary Fund Guidelines.
3. PAGE CHANGES. Page changes should be made in accordance with the chart below.

PAGE CONTROL CHART

Remove Page	Date	Insert Page	Date
xxi thru xxii	Nov 22, 1974	xxi xxii 207 thru 220	Nov 22, 1974

Charles R. Work
CHARLES R. WORK
Deputy Administrator for
Administration

Distribution: SPAs and CO and RO
Professional Personnel;
Holders of M 4500.1C

Initiated By: Juvenile Justice and
Delinquency Prevention Operations
Task Group

Page No.SECTION 7. REGIONAL ORGANIZED CRIME TRAINING FOR STATE
AND LOCAL LAW ENFORCEMENT PERSONNEL (I13)

134. Purpose	173
135. Range of Grants	173
136. Project Scope and Specifications	173
137. Special Requirements	174

CHAPTER 20. HIGH IMPACT ANTI-CRIME PROGRAM (R)

138. Purpose	175
139. Project Scope and Specifications	175

CHAPTER 21. DRUG ABUSE ENFORCEMENT (K)

140. General	177
141. Need	177
142. Purpose	177
143. Priority	177
144. Special Requirements	177

SECTION 1. METROPOLITAN NARCOTICS AND DANGEROUS DRUG
ENFORCEMENT GROUPS (MEG) (K2)

145. Purpose	179
146. Range of Grants	179
147. Project Scope and Specifications	179
148. Special Requirments	180

SECTION 2. DIVERSION INVESTIGATION UNITS (DIUs)(K3)

149. Purpose	181
150. Range of Grants	181
151. Project Scope and Specifications	181
152. Special Requirements	181

CHAPTER 22. TREATMENT ALTERNATIVES TO STREET CRIMES (K4)

153. Purpose	183
154. Range of Grants	183
155. Project Scope and Specifications	183
156. Special Requirements	183

CHAPTER 23. BICENTENNIAL PLANNING AND COORDINATION (V)

157. Purpose	185
158. Range of Grants	185

	<u>Page No.</u>
159. Project Scope and Specifications	185
160. Special Requirements	185
CHAPTER 24. COMPREHENSIVE DATA SYSTEM PROGRAM (Q)	
161. Background	187
162. Purpose	187
163. CDS Components	187
164. Participation in the Program	189
165. Range of Grants	190
166. Project Scope and Specifications	190
167. Special Requirements	190
CHAPTER 25. ASSISTANCE TO STATE AND LOCAL GOVERNMENTS THROUGH DEMONSTRATIONS DESIGNED TO BUILD CAPACITY TO PLAN, MANAGE, AND EVALUATE CRIME REDUCTION AND CRIMINAL JUSTICE SYSTEM IMPROVEMENT PROGRAMS (W)	
168. Purpose	193
169. Range of Grants	193
170. Program Scope and Specifications	193
171. Special Requirements	195
CHAPTER 26. JUVENILE JUSTICE AND DELINQUENCY PREVENTION PROGRAMS (RESERVED)	
172. - 183. <u>RESERVED</u>	
CHAPTER 27. PROGRAM FOR DEINSTITUTIONALIZATION OF STATUS OFFENDERS	
184. Purpose	207
185. Range and Duration of Grants	207
186. Eligibility	207
187. Possible Program Strategies	208
188. Project Specifications	208
189. Definitions	211
190. Special Evaluation Requirements	215
191. Selection Criteria	216
192. Special Requirements	217
193. Submission Requirements	217
194. Preliminary Application	219

CHAPTER 27. DEINSTITUTIONALIZATION OF STATUS OFFENDERS

184. PURPOSE. The purpose of this effort is to design and implement model programs which both prevent the entry of juvenile status offenders into correctional institutions and detention facilities and remove such juveniles from institutions and detention facilities within two years of grant award by providing community-based alternatives and using existing diversion resources. Removal should result in reduction of the total population of juveniles in correctional institutions within the designated jurisdictions, as well as provide assurance that reentry will not occur following the two year grant period.
- a. The program target is juveniles who have committed offenses which would not be criminal if committed by an adult. (Status Offenders)
 - b. Subgoals are:
 - (1) Develop and implement mechanisms at both the pre-adjudication and post-adjudication stages which utilize alternatives to secure detention.
 - (2) Remove juvenile status offenders incarcerated in correctional institutions.
 - (3) Identify and develop community-based services which provide effective alternatives to institutional and detention placement along with mechanisms for referral which hold service providers accountable on a per child basis.
 - (4) Evaluate efforts and develop information on the effectiveness of the various models which can be used to guide program development for juvenile status offenders in future years.
185. RANGE AND DURATION OF GRANTS. All awards for this program will be approved for two year support, but will be funded in annual increments of 12 month periods. LEAA's commitment to fund in the second year is contingent upon satisfactory grantee performance in achieving stated objectives and compliance with the terms and conditions of the grants. No continuations are contemplated beyond the two years. It is anticipated that grants will range up to \$1.5 million over the two year period, depending on the size of the project and number of juveniles served. Funds for this program are allocated under the Crime Control Act of 1973.
186. ELIGIBILITY. All public or private not-for-profit organizations and agencies are eligible to apply.

187. POSSIBLE PROGRAM STRATEGIES.

a. Project proposals are invited from jurisdictions which may vary in their:

- (1) Community tolerance of status offenders.
- (2) Accessibility of resources for status offenders.
- (3) Legal approaches to status offenders.
- (4) Degree of control over client activities.
- (5) Interrelationships with the juvenile justice system.

b. Program strategies are:

- (1) Action projects which remove populations of status offenders from correctional institutions and detention facilities and prevent their future placement in institutions and detention facilities. Programs which seek new legislation or modification of existing juvenile codes may be needed in certain jurisdictions. Therefore applications specific to this concern or combined with an action program will be entertained.
- (2) Projects which strengthen alternative service delivery organizations such as national youth serving organizations, public and private agencies, professional organizations, etc., for these specific purposes.

188. PROJECT SPECIFICATIONS.

a. Working Assumptions. The program is based on the following assumptions:

- (1) As derived from the Juvenile Justice and Delinquency Prevention Act of 1974, juveniles labeled as "status offenders":
 - (a) Are detained, committed, placed, and adjudicated for offenses which would not be considered criminal if they were adults; and their detention and incarceration in correctional institutions is inappropriate and often destructive.
 - (b) Present adjustment problems centered in their family and community and can best be treated through community-based services.

- (c) Can be treated more effectively and economically outside incarcerative settings.

(2) Community Resources:

- (a) Have the responsibility, interest, and capacity to respond in creative and responsible ways to the development and delivery of services which support more constructive juvenile behavior patterns.
- (b) Their response is likely to vary as a function of:
 - 1 Community tolerance for juvenile problem behavior.
 - 2 Resource availability/accessibility.
 - 3 Legal provisions for dealing with status offenders separately from delinquent offenders.
 - 4 Degree of control exercised by the juvenile justice system over community-based treatment/service programs for status offenders.
 - 5 Extent to which programs for the treatment of status offenders control and regulate the activities of their clients.
- (c) May deal with status offenders by:
 - 1 Modifying their available resources to fit the presumed underlying etiology of types of problem behavior with which it is confronted.
 - 2 Redefining the nature of the presenting problem of the youth to fit the resources that are available.

(3) The juvenile justice system:

- (a) In status offense cases, detain, adjudicate and incarcerate as a last alternative when other community resources and services are not available, fail, or are unable to respond.
- (b) Will, through its broad discretion and tradition of diverting children and youth from the criminal justice system, support alternatives to institutionalization and detention.

March 13, 1975

- (c) Can make more effective use of its limited resources if status offenders are handled in a different manner.
- b. Site Selection and Data Needs. Preference in selection of projects will be given to those applicants who plan to remove total populations of status offenders from specific correctional institutions, detention facilities, and jails and block entry within two years; and those which institute practices and procedures designed to re-integrate juveniles into the community with minimum criminal justice system penetration. When appropriate, under a specific program area and essential to understanding the dimensions of the problem, the application should address the following data needs:
- (1) A profile which describes and documents the dimensions of the problem, e.g., operative jurisdictional definition of status offense, percentage and number of status offenders in juvenile court caseload, disposition, population of target institutions, jails, and detention facilities and percentage of status offenders from the target jurisdictions, age range, types of offenses, length of institutionalization, and institutional expenditures for status offenders. It should also provide comparable data for the remainder of youth involved in the juvenile justice system for the target jurisdiction.
 - (2) An inventory of existing community services which are to be used, described in terms of services presently being provided, gaps, need for new services, anticipated need for modification in scope of delivery mechanisms, and commitment to participation in the project.
 - (3) A system description and flow chart of the juvenile justice system as it impacts status offenders, e.g., source of referral, disposition, current alternatives to institutionalization.
 - (4) A description of how the juvenile justice system is to participate, the kind of mechanisms to be developed to prevent institutionalization and detention; and those methods to be used in coordinating the activities of the court, law enforcement and social agencies. This information should be supported by statements from the court and other participants describing their anticipated involvement and responsibility for achievement of stated goals. It should also include a description of mechanisms which will ensure accountability for service delivery on a per child basis.
 - (5) A description of the statutory rules pertinent to the deinstitutionalization of status offenders within the target jurisdiction. It should also include a brief description of any

administrative policies, procedures and/or court rules which might hinder or facilitate implementation of the project.

- (6) A chart which describes program goals and subgoals with milestones and details for removal of status offenders from institutions and detention facilities and the phasing out of entry into institutions and detention facilities.
- (7) A description of alternative services to institutionalization and detention supported by a description of strategies and methodology for development.
- (8) In addition to appropriate base line data, all applications must include a description of program objectives in measurable terms and a preliminary work schedule which relates objectives to specific milestones.
- (9) Provide a budget of the total costs to be incurred in carrying out the proposed project. Indicate plans for supplementing potential LEAA funds with other Federal, state, local or private funds in excess of the required 10% cash match.

189. DEFINITIONS.

- a. Community tolerance for status offenders refers to the willingness of significant professional and/or lay members of the community to absorb status offenders in the fabric of their social institutions, such as school, church, family, welfare, recreational and employment structures. Low tolerance would be manifested by denial of responsibility for status offenders by these structures. The tolerance exhibited by communities may range upward to include the capacity to absorb status offenders into some but not others of their institutions. While no community may be expected to be totally tolerant of problem behavior, there are those sufficiently tolerant to accept and support a variety of efforts to sponsor their absorption and "normalization". Examples of low tolerance are:
 - (1) Schools refuse to readmit students expelled for "problem" behavior.
 - (2) Recreational agencies refuse to accept into their programs youth known to police and courts for minor infractions.
 - (3) In response to community sentiment and pressure, police enter delinquency petitions on youth accused of status offenses.
 - (4) Community or agency programs established to deal with problem youth in the community have an exclusively delinquent clientele.

March 13, 1975

- (5) A sharply negative attitude with respect to the employment of youth with any kind of juvenile court record.
- b. Resource accessibility refers to the degree to which a community has within it organizations capable of absorbing status offenders and a demonstrated willingness to serve them as clients.
- (1) There may be many, some, or few agencies and organizations available to serve the needs of status offenders.
 - (2) Most, many, or few of the available agencies may be either willing or able to acquire the staff and competence to provide the services needed by status offenders.
- c. Legal approaches refers to the existence, or lack thereof, of special statutes (PINS, CHINS, MINS) relating to status offenders. These are usually state statutes, which may be supported by local codes and ordinances. The provision of a separate category for status offenders will affect the readiness of a community or jurisdiction to implement the deinstitutionalization of status offenders.
- d. Control over clients refers generally to the degree to which the lives and activities of status offenders are determined by agency staff and procedures. Examples of extreme control over clients include:
- (1) In-house requirements and provision of jobs, tutoring, therapy, and recreation.
 - (2) Regulations concerning curfew, dating, peer associates, and interaction with family members.
 - (3) Close and detailed monitoring of conformity to house or agency rules, including a schedule of penalties for infractions.
- e. The opposite pole of the client control continuum is represented by an absence of surveillance and regulations, exemplified by programs that:
- (1) Utilize local schools for the educational needs of clients.
 - (2) Permit client autonomy in choice of peer associates, recreational activity, and the pursuit of normal interests.
 - (3) Encourage continuous interaction with family members.
 - (4) Foster maximum participation in agencies and institutions that serve the needs and interests of the nondelinquent youth of the community.

- f. Control by the justice system refers to the extent to which status offender programs are controlled by and/or are accountable to correctional, court, probation, or police officials, rather than community organizations and agencies outside the juvenile justice system. Controls in this sense can be fiscal, administrative or political. Examples of high program control by the justice system include:
 - (1) Police or probation personnel in decision making positions, or on program staff.
 - (2) Requirements imposed on program staff to transmit to police or court personnel detailed reports of client behavior.
 - (3) Status offender treatment programs organized and conducted by juvenile justice agencies.
- g. Low justice system controlled programs are typically sponsored, staffed, and managed solely by community based agencies and organizations. Lines of accountability run chiefly to their or other governing bodies and to their source of funding support. If these are public agencies, they are concerned with health and welfare functions, and they are formally and legally independent of agencies in the juvenile justice system. However, in view of the necessary involvement of juvenile justice agencies in programs serving the needs of court designated status offenders, most will exhibit mixed forms of control. Again, the precise degree to which there exists control by and accountability to the juvenile justice system is open in principle to precise specification.
- h. Coordination.
 - (1) The mechanism for coordination of all parties with jurisdictional authority over affected juveniles and resources essential to provision of suitable alternative services, among others, will include the juvenile court and its key operational components (diagnostic or intake and probation division), the agency or agencies responsible for juvenile correctional facilities and law enforcement, agencies responsible for provision of human services and educational institutions in the affected jurisdiction(s).
 - (2) This mechanism must be supported by written agreements which reflect concurrence with overall project objectives, specify the action steps to be taken by each party in relation to disposition of status offenders or the resources to be provided in support of workable community based human services. Additionally, agreements should include commitment of staff time for planning and coordination.

- (3) While such mechanisms may not be operational at the preliminary application stage, a description of preliminary or supportive activities within the designated jurisdiction must be provided in sufficient detail to permit reviewers to assess feasibility of the project achieving stated goals.
- i. Alternative Services. Development and management of alternative services must be supported by existence of or plans for development of:
 - (1) A management information system which provides systematic feedback on court disposition of all juvenile offenders by referral source and kind of offense, placement of juveniles in affected correctional institutions by kind of offense, and expenditures on a per child basis for juveniles referred for services identified as "alternatives to institutional placement".
 - (2) A monitoring system which assures that standards defined for alternative services are maintained, and specifically accounts for actual service delivery on a per child basis.
 - j. Programs which minimize the stigmatizing of youth are those which
 - (1) Avoid the use of labels which carry or acquire adverse connotations for the youth or organization with whom they may be affiliated.
 - (2) Avoid the segregation of youth for the purposes of special treatment.
 - (3) Avoid the identification programs in such a way that they exist only for the purpose of helping youth with serious problems. Generally, non-stigmatizing programs should be structured in such a way as to ensure that participating youth experience the least possible impediments to family life, school and employment.
 - k. Detention facilities are those which provide temporary care in a physically restrictive facility prior to adjudication, pending court disposition or while awaiting transfer to other facilities as a result of court action.
 - l. Institutions for purposes of this program are those which are physically restrictive and where placement extends beyond 30 days.

190. SPECIAL EVALUATION REQUIREMENTS.

- a. Since the Law Enforcement Assistance Administration will provide for an independent evaluation of all projects funded in this program, determination will be made during the application stage of costs to be incurred by grantees for evaluation. All grantees selected will be required to participate in the evaluation, make reasonable program adjustments which enhance the evaluation without reducing program effectiveness, and collect the information required by the evaluation design.
- b. Data to be collected for program evaluation purposes will refer in some instances to specific projects and in others to the overall LEAA Deinstitutionalization Program design. With respect to the latter, grantees will be required to assist in the provision of data pertinent to:
 - (1) The effectiveness of deinstitutionalization on changes in delinquent and conforming behavior of clients.
 - (2) The relevance of deinstitutionalization to the interruption of delinquent career patterns suggested by the stigmatizing process and labeling theory.
 - (3) The comparative ease of implementation and effectiveness of programs in community settings:
 - (a) Having higher and lower tolerance for juvenile behavior.
 - (b) Having higher and lower resource accessibility.
 - (c) With and without special and general legislative approaches to status offenders (PINS, CHINS, etc.).
 - (4) The comparative effectiveness of programs:
 - (a) Higher and lower in degree of control over clients' lives.
 - (b) Higher and lower in program control by components of the formal juvenile justice system.
 - (5) The impact of the deinstitutionalization program on the use of the limited resource of the juvenile justice system.
- c. Other things being equal, priority will be given to project proposals which incorporate feasible experimental control designs compatible with achievement of program goals.

March 13, 1975

- d. The Law Enforcement Assistance Administration will require that data collection procedures specified by the evaluator ensure the privacy and security of juvenile records. The evaluator will ensure that information identifiable to a specific private person is used only for the purpose for which obtained and it may not be used as a part of any administrative or judicial proceeding without the written consent of the child and his legal guardian or legal representative.

191. SELECTION CRITERIA. Applications will be rated and selected equally in relation to all of the following criteria. Preliminary applications will be reviewed and rated in relation to paragraph 191b, c, f, and i.

- a. The extent to which a stable funding base for continuation of alternatives to incarcerative placement of status offenders can be established when LEAA funding ceases.
- b. The size of the juvenile population affected in relation to costs and quality of service.
- c. The extent to which there are plans for use of other public and private funds in execution of the overall plan.
- d. The extent to which existing private and public youth serving agencies are incorporated into the planning and implementation of the plan.
- e. The extent to which alternative services:
 - (1) Maximize use of non-stigmatizing service approaches sponsored by public and private agencies.
 - (2) Involve youth and significant others in assessment of needs and service options.
 - (3) Employ program strategies which seek to identify and address problems located within service delivery systems.
- f. The degree to which the mechanisms for coordination:
 - (1) Include essential parties and specificity with respect to their respective commitments. (See paragraph 189h)
 - (2) Indicate that there will be a reduction in the number of juveniles incarcerated within the affected jurisdiction.
- g. The extent to which there is accountability for service on a per child basis.

- h. The extent to which the project can be evaluated in relation to experimental design and availability of data.
- i. The extent to which there is assessment of impact of deinstitutionalization upon affected institutions and agencies and inclusion of program strategies which promote greater public awareness of the issues and community support for the program.

192. SPECIAL REQUIREMENTS.

- a. To support coordination and information exchange among projects, funds will be budgeted in applications to cover the cost of six meetings during the course of the two year projects. Meetings shall be planned with the grantees by mutual agreement, with the exception of the first, which will be called one week following grant award. A meeting schedule will be developed and the LEAA project monitor informed of any changes within two weeks of a scheduled meeting.
- b. Two weeks following grant award, grantees shall submit a revised statement of work which reflects essential adjustments in tasks and milestones.
- c. Service providers must coordinate submissions with agencies and institutions directly responsible for removal of juveniles from institutions within a designated jurisdiction.
- d. Applicants with submissions which cross state or territorial boundaries in the areas of capacity building and legislative reform shall make site selections in conjunction with LEAA following award of action programs in order to maximize opportunities for impact.

193. SUBMISSION REQUIREMENTS.

a. Preliminary Application

- (1) All applicants must simultaneously submit the original preliminary application to the State Planning Agency (SPA) for the affected jurisdiction(s), one copy to the cognizant Regional Office (RO) and one copy to the LEAA Central Office; or the original and two copies to the Juvenile Justice and Delinquency Prevention Task Group (JJDPTG) in Washington, D.C., if the proposed program extends beyond state boundaries. One copy should be sent to the appropriate A-95 Clearinghouse.
- (2) Upon receipt, SPAs will review and, if appropriate, coordinate preliminary applications within their state. They will forward their comments to the appropriate RO and the JJDPTG in

March 13, 1975

Washington, D.C. All institutions/not-for-profit organizations interested in submitting preliminary applications shall be allowed to do so.

- (3) Regional Offices, following review, will forward their comments to the JJDPTG in Washington.
- (4) Upon receipt of SPA and RO comments, the JJDPTG will select those preliminary applications judged to have elements most essential to successful program development. Notification will be sent to all applicants with information copies forwarded to SPAs and ROs.
- (5) Preliminary applications must be mailed or hand delivered to the State Planning Agency or the JJDPTG at the LEAA by May 16, 1975.
 - (a) Preliminary applications sent by mail will be considered to be received on time by the SPA or LEAA if the preliminary application was sent by registered or certified mail not later than May 16, 1975, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service.
 - (b) Hand delivered preliminary applications must be taken to the SPA or, when appropriate for LEAA, to Room 742 of the LEAA building at 633 Indiana Avenue, N.W., Washington, D.C., between the hours of 9:00 a.m. and 5:30 p.m., except Saturdays, Sundays or Federal holidays.

b. Applications.

- (1) The deinstitutionalization of status offenders program has been determined to be of national impact, and the format for application submission as stated in paragraph 11, Chapter 1 of Guideline Manual 4500.1C has been modified.
- (2) Application distribution should be as follows:
 - (a) Original and two copies to the Juvenile Justice and Delinquency Prevention Task Group, LEAA, 633 Indiana Avenue, N.W., Washington, D.C., 20531.
 - (b) One copy to each of the appropriate A-95 Clearinghouses.
- (3) LEAA will forward a copy of the application to the cognizant Regional Office and State Planning Agency for review and comment.

- (4) State Planning Agency comments should be forwarded to the cognizant Regional Office within 20 days following receipt of the application.
- (5) Regional Office comments should be forwarded to the JJDPTG along with State Planning Agency comments within 30 days of receipt of application. Review comments will be considered received in time for incorporation into the final selection process if postmarked not later than September 19, 1975.
- (6) Applications will be reviewed by the JJDPTG and final recommendations made in accordance with predefined selection criteria. In most cases, awards will be made to the appropriate State Planning Agency with subgrants to the applicant.
- (7) Program monitoring will be done by the JJDPTG in conjunction with the cognizant Regional Office.

194. PRELIMINARY APPLICATION. Part IV, the narrative statement of the preliminary application should address the following specific data needs in no more than 12 pages. You may include as appendices supportive data or documents.

a. Statement of Need.

- (1) Briefly describe the dimensions of the problem and the efforts within the jurisdiction to develop alternatives to institutional placement which would be available to status offenders. Include statistical data on the number of status offenders, their socio-economic characteristics, primary referral sources, and the manner in which they are presently handled by the juvenile justice system. Describe alternatives available to juveniles at each stage of processing. Include in this section the operative jurisdictional definition of status offense, jurisdictional boundaries within which your program would operate, and sufficient demographic information to permit assessment of potential program impact.
- (2) Applicants proposing projects under Paragraph 187b(2) of this Manual should provide the data most relevant to the activities to be undertaken, including descriptive information which makes clear the relationship between proposed activities and problems associated with status offenders. Programs which exceed state boundaries should identify those geographic areas in which they would expect to have the greatest impact.

March 13, 1975

- b. Project Goals and Objectives. Goal statements should be specific to the expected activities of the juvenile justice system, service providers, juveniles affected, and others who may be involved in implementation of the project. The major objectives of the proposed project should be stated in measurable terms, e.g., specific activities in relation to expected results. Based upon these objectives, provide a timetable for completion of major tasks.
- c. Methodology. Describe the way in which project components would be developed and applied to the problems described. Show the relationship between these activities and achievement of objectives. Identify specific agreements essential to project success and describe your progress in securing them. Include copies of agreements that have been consummated.
- d. Benefits Expected. Describe expected impact upon the school system, service providers, juvenile justice system (court, police and correctional facilities), and other relevant institutions in the affected jurisdictions. Identify the expected positive and negative implications of this impact and briefly explain your plan for response.
- e. Experience of Applicant. Describe the nature of your accountability for services to juveniles, experience of key personnel, fiscal experience, kind and scope of program(s) administered, relationships with organizations, institutions and interest groups vital to achievement of stated goals.
- f. Evaluation Requirements. Provide a brief statement which assesses where your project would be placed in relation to the five dimensions listed under paragraph 187a of this Manual. The information provided must be sufficient to permit LEAA to locate the project along each of these dimensions. Supporting data should be supplied, if available, but we are not requesting collection of data at this stage. Also provide assurance that your project would cooperate fully in the evaluation effort as outlined in paragraph 190a of this Manual.

LEAA'S DISCRETIONARY FUNDING PROGRAM TO REDUCE DETENTION AND INSTITUTIONALIZATION OF JUVENILE STATUS OFFENDERS

BACKGROUND

Ever since the Plymouth Bay Colony, Americans have declared that certain conduct tolerable in adults will not be tolerated in children. As late as 1824, the New York State Legislature made it a crime for a youth to lead "a vicious and vagrant life". Other states made juvenile rudeness, unruliness and disobedience toward parents criminal acts.

This became one of the reasons for the establishment of a separate juvenile court at the turn of the century. These were hardly appropriate instances for the imposition of criminal sanctions; they merited rather a gentle scolding and the application of whatever other measures were needed to turn the youth from the crooked to the straight path. In fact, the new court was established to perform this benevolent role with respect to all children, whether they were brought before it for one of these peculiar juvenile crimes, or for more traditional criminal acts, or because of the abuse or neglect of their parents. The laws establishing separate juvenile systems generally used the term "delinquent" to cover all juvenile conduct to be brought to the attention of the court, whether or not it arose from criminal misconduct.

Today every U. S. juvenile court has the authority to assume jurisdiction over a youth on one or another of these traditional non-criminal bases -- truancy, incorrigibility, beyond control of the parents or school, promiscuity, runaway, becoming a danger to oneself or others, or being in need of supervision. These, together with other restrictions on particular acts by minors, such as liquor and cigarette purchase and use, are known as "status offenses" -- they are offenses only because of the youth's "status" as a juvenile. The new Juvenile Justice and Delinquency Prevention Act of 1974 (§ 223 (a) (12)) defines status offenses as "offenses that would not be criminal if committed by an adult." Youths brought into court on the basis of one of these charges are known as "status offenders."

As the juvenile court has developed, and it has become apparent that its role is at least in part punitive and stigmatizing, there has been growing pressure to separate non-criminal from criminal

offenders -- distinguishing "status offenders" from "delinquents". Many states, beginning with California in 1961 and New York in 1962, have now adopted legislation establishing such a distinction. The most common form is to create a new legal category known as PINS (or CINS, YINS or MINS) -- Persons in Need of Supervision -- consisting of all the non-criminal bases for juvenile court jurisdiction. The laws often set different procedural standards, and dispositional alternatives, for these offenses.

In 1972 there were 25 states with laws which distinguished between delinquency and at least some of the status offenses. By the end of 1974 there were 34. Seventeen states include all status offenses within the "delinquency" category. Twenty-six states place all non-criminal bases for court jurisdiction in a single category, and in 8 states some status offenses remain in the delinquency category while others have been placed in a separate statutory section. However, of the 26 states which do separate status and delinquent offenses, 6 provide that an adjudicated status offender who violates a term or condition of probation can be returned to court and adjudicated a "delinquent".

A corollary of the call for separate PINS jurisdiction* has been a major public movement for separate treatment of status offenders following adjudication -- placing them in facilities apart from delinquents and removing them from jails and training schools altogether. National organizations such as the National Council on Crime and Delinquency and the National Advisory Commission on Criminal Justice Standards and Goals have taken a leadership role in urging such reforms. There are now eleven states -- Alaska, Hawaii, Maryland, Massachusetts, New Mexico, New Jersey, North Carolina, Oklahoma, South Dakota, Texas and Vermont -- which prohibit institutionalizing status offenders in training schools, generally with some qualification, such as age. The Congress, in the new Juvenile Justice and Delinquency Prevention Act, placed extremely high priority on this objective, requiring all states receiving block grants under the Act to assure that, within two years, no status offenders would be detained or committed to institutions within the state. In 1972, the Interdepartmental Council to Coordinate all Federal Juvenile Delinquency Programs -- a

*A major professional and scholarly debate is currently raging around the wisdom of vesting juvenile courts with jurisdiction over status offenses. No state has eliminated such jurisdiction; however, a large number of organizations, from the California Assembly Interim Committee on Criminal Procedure to the American Civil Liberties Union to the National Council of Jewish Women, have called for its abolition. The Law Enforcement Assistance Administration has not adopted a position on this issue; the status offender program being undertaken assumes that there will be no major change in juvenile court jurisdiction in most states in the near future.

group consisting of the department heads for each of the federal agencies involved in youth-related programming -- engaged in a process of determining national priorities for the juvenile area. Problems related to the handling of status offenders were considered the highest priority for that group of executive officials as well.

There is now a rather significant, almost dramatic, movement in the direction of removing status offenders from secure juvenile institutions. LEAA wishes to further the Congressional interest in this development through the use of discretionary funds currently available under the Crime Control Act of 1973. This paper will summarize the small amount of data and research on status offenders of which we are currently aware, set forth the rationale for the LEAA program and indicate the learnings we hope to develop from it.

A PRELIMINARY CAUTION

As is true of many areas of criminal justice research, the subject of status offenders is clouded by a lack of precision in the definition of terms. What constitutes a status offender? What is an institution? Legitimate differences of opinion and methods of counting can lead to grossly different conclusions about the severity of status offender problems. For instance, the Ohio Youth Commission recently found that estimates of the percentage of status offenders among the youths sent from one county to the state training schools varied from 2% to 6% to 17%, depending on whether or not delinquent youths committed for violating conditions of their probation were included within the definition of status offender. Similarly, LEAA's own 1971 census, Children in Custody, does not distinguish, in its tables on delinquent and status offenders, between youths held in training schools and jails and those in halfway houses and shelter facilities, which most reformers consider useful alternatives to training schools. In sum, the statistics which we report should be taken with a considerable grain of salt, representing gross estimates, based on few studies, many with varying definitions of terms, conducted at various times over the past twenty years.

THE ROLE OF STATUS OFFENSES IN THE JUVENILE JUSTICE SYSTEM

From a statistical standpoint, status offenders constitute a surprisingly large proportion of all the youths involved in the juvenile justice system at all levels. Studies of the subject, which are summarized in Attachment A, are far from comprehensive, yet their combined results point to striking conclusions.

Best estimates (generally using the broadest definition of the term) suggest that about 25% of all cases filed in the juvenile courts of the United States are status offense charges. This represents less than half of the status offenses referred to the court; approximately 60% are handled at the court intake level without further action.

Of the status offender cases filed, over 90% are adjudicated by the court as either delinquents or status offenders. As many as one fourth of those adjudicated as status offenders are sent to juvenile institutions. Using these gross proportions, we can estimate that of the youths referred to juvenile courts on status offense charges, perhaps as high as 10% are ultimately placed in training schools and other secure institutions.*

Before, during, and after the adjudication process, one-half of status offenders spend time in a detention center.

In addition, a large number of status offenders are either detained or sentenced to serve time in city and county jails.

Status offenders represent a very large proportion of the populations of youths in training schools, detention centers and jails. LEAA's 1971 census found that about one-third of all youths in the nation's training schools were status offenders. Other studies show that between 45 and 50% of those youths detained before, during, or after trial are status offenders. Approximately 40% of youths in jails have committed only status offenses.

The situation is worse for girls than for boys. Seventy percent of all females in juvenile detention and correctional facilities are status offenders; about 20% of males fall in this category.

Status offenders confined in detention or institutional facilities tend to spend the same or longer periods of time there than do delinquents sent to the same places.

The actual number of youths placed in detention and correctional institutions in the United States is probably decreasing with time. However, the absolute number remains high. In 1971, approximately 12,000 status offenders were in training schools on a given day. There are estimates that as many as 6,000 status offense youths are in detention centers on an average day. Surveys of local jails in 1970 and 1972 suggest that 3,000 to 5,000 status offenders are jailed on a given day.

Based on preliminary findings from advance reports to be published soon by LEAA (Children in Custody: 1973 -- Advance Report) and HEW (Juvenile Court Statistics - 1973), it appears that the detention and institutionalization of all types of juvenile offenders, including status

*No state which we have queried can substantiate such a large figure, however. Their estimates of current practice fall more in the 1% than the 10% range. A gross estimate based on our comparison of court filings and institutional commitments for the years 1971 and 1972 suggests an 8% figure.

offenders, is decreasing, the proportion of status offenders among the total population of institutionalized youths is decreasing, the disproportionate representation of females among status offenders detained and institutionalized is diminishing, and the absolute number of juveniles, including status offenders, processed by juvenile courts is also decreasing.

THE UTILITY OF INSTITUTIONS FOR STATUS OFFENDERS

Considerable research has been conducted on the effectiveness of training schools for juveniles. We are not aware of any which has examined the impact of institutionalization on status offenders as a separate class of youths; most studies review the impact of correctional programs on all youths placed in the schools. This research has generally concluded that training schools do not rehabilitate juveniles; rates of recommitment run from 30 to 70%. At least one study concludes that incarceration leads to increased criminality; however, findings on this issue are mixed. Some researchers have concluded that the training schools they studied had no effect on juvenile recidivism; others suggest that institutions are better for some youths, community-based programs more successful for others. On the whole, however, few would dispute the general conclusion that most training schools fail to positively affect the law-breaking behaviors of most youths sent to them.

Most of this research has concentrated on recidivism -- the impact of training schools on future arrests, court appearances or adjudications -- to the exclusion of other types of measurements of benefit or harm to youths, such as emotional adjustment or educational progress. Many professionals now believe that, from these standpoints, residential institutions for juvenile offenders do more harm than good due to three factors: 1) their regimentation, 2) the harmful effects of association with other disturbed or law-breaking youths, and 3) the inability of such institutions to provide learnings usable in the community situations from which the youths have come and to which they will return. These conclusions have not been tested in a rigorous way for either delinquent or status offenders.

The utility of detention centers and jails for status offenders has not been studied. Few would suggest that these experiences are therapeutic for youths, except perhaps in the deterrent sense of "giving them a taste of jails." They are usually justified by the need for maintaining control over youths in order to assure their appearance in court, or for temporary shelter when they are not welcome at home and the detention center is the only other placement available on short notice. For most youths, except possibly for runaways (and there are no studies to substantiate making an exception for them) detention does not appear to be necessary in order to assure further court appearances. And the lack of other alternatives for temporary shelter hardly justifies confinement in a jail or detention center.

THE CHARACTERISTICS OF STATUS OFFENDERS

The legal definition of a status offender is relatively straightforward. Status offenses include conduct which would not be criminal if engaged in by an adult. The great majority of status offenders are brought to court for running away from home, for being truant from school, or for being incorrigible or beyond the control of their parents. The policy-related or moral issues concerning appropriate handling of such youths seem quite obvious when the problem is viewed from the purely definitional perspective. However, the actual practices of the juvenile justice system and the problems presented by youths who are currently labeled as status offenders are far more complex than the legal definition suggests.

Very little research has been conducted which compares the behavioral make-up or even the criminal backgrounds of youths adjudicated as either status offenders or delinquents. What little is available shows no significant differences between the two. A New York survey (Calof, n.d.) did show that PINS youths are not normal adolescents -- that they have a variety of severe behavioral problems. It found frequent diagnoses of "personality disorder," "passive aggressive personality", "schizophrenia", and "unsocialized aggressive personality" among the 316 PINS youths studied. An additional 16% had a history of psychiatric hospitalization, 42% were involved in drug use, 25% were removed from school by "medical suspension", 33% had already been placed outside their homes prior to the current PINS proceedings, and 73% were from broken homes. Several other studies have attempted to compare status offenders with delinquent youths. They have found no significant differences based on prior arrests, on personality-attitude tests, on staff and self-reported ratings of adjustment to treatment, on successful completion of treatment and on post-release arrests or commitments. However, the work has been very limited and this conclusion must be considered tentative.

It is fair to say, based on current knowledge, that status offenders are difficult youths to deal with, have a high number of emotional, educational and relational problems, but are not clinically distinguishable from delinquents who come before the court because of criminal acts.

One factor in this puzzle is that, at least in large jurisdictions, status offenses are used as just another legal category in much the same

way that various felony and misdemeanor charges are manipulated in plea bargaining in adult criminal courts. The police arrest a youth several times for criminal acts, warning him that he will be sent to court if he does not change his ways. After several such events, they refer the youth to court. The complaint is either filed as a status offense or relabeled as such by court intake in order to give the youth the least serious record. Referrals from home or school which could be filed as criminal charges -- such as assault, disorderly conduct or vandalism -- are frequently filed as status offenses. Thus, the fact that a youth is charged as a status offender or a delinquent is not a reliable measure of the conduct which brought him to the attention of the police or the court.

Once referred to court, the youth is adjudicated and his disposition is analyzed in terms of the limited alternatives most available to the court. Can this child be helped best by being returned to his home, being placed on probation, being committed to a group home, or being placed in the training school? Most courts do not proceed from the more logical approach of assessing the youth's needs first, and then seeking out means for satisfying them, using a broad variety of resources -- both those traditionally available to the court, and others which would have to be purchased on a case-by-case basis.

Studies of juvenile court decision-making show that most juvenile judges use institutionalization as a last resort, saved for those youths who have failed in all other available settings and demonstrated a pattern of misconduct over a period of time which fits with the judge's concept of a true delinquent -- one who will not reform himself through minor sanctions -- one who has, in effect, exhausted the court's patience.

On the other hand, no studies have established any basis for believing that juveniles progress from status to delinquent offenses, a phenomenon which would be likely to appear if status offenses were used merely as a plea bargaining tool for minor or first delinquent acts. (Research in this area is insignificant, however). And the data do show some differences between status and delinquent offenders which suggest that, at least in some jurisdictions, there is a qualitative difference between them.

For instance, the greater rates of detention of status offenders probably arise from the high proportion of cases in which the parents

will not accept the youth in the home. We have little data on the proportion of status offenses falling within the different non-criminal categories, but we guess that a large number are "beyond control" or "incurability" petitions brought against the child by his or her own parents. By its very nature, this situation gives the court fewer options. Residential placement must be found immediately. If the family problem cannot be resolved, a long-term residential placement is needed. When the youth proves sufficiently difficult that relatives and foster parents will have nothing more to do with him, the pressure to use a training school becomes very strong.

In addition, females make up an unusually high percentage of institutionalized juveniles. Because of our general social taboos relating to youthful sexuality -- particularly on the part of females -- girls who choose notorious promiscuity as a means of expressing adolescent rebellion are likely to be rejected by their families, relatives, and foster care agencies. Alternatives for unruly girls, especially sexually active ones, are very difficult to establish. Communities object to the creation of group homes for girls for fear they will create a bad moral example for other youths. Dr. Lerman, et. al. (1974) have recently completed a study of the New Jersey girl's training school which shows that, though the overall population of the school has fallen tremendously over the past several years, the majority who remain are status offenders, and many of them are there because they are promiscuous.

This analysis would suggest, then, that some of the crucial problems in deinstitutionalizing status offenders are:

- ° Determining who, in fact, are status offenders rather than criminal violators being processed as status offenders.
- ° Creating mechanisms for assessing the needs of status offenders and matching them with a range of community services.
- ° Identifying existing resources for status offenders.
- ° Assuring access of status offenders to existing community services.
- ° Providing alternatives to short-term detention of status offenders.

- ° Providing means for dealing with the needs of female status offenders

Program responses which would address these problems might include the following:

- ° In-home placement
- ° Shelter homes
- ° Small group homes
- ° Foster homes
- ° Special crisis services, such as psychiatric, educational, vocational and health counselling and counselling services for families*
- ° Facilities for runaway youth
- ° Coordinated delivery of services through purchase-of-services agreements

Any of these facilities or programs could serve as a means for providing counselling, health care, job placement, recreation, remedial education or special advocacy for involved youth.

*A successful example of such programs is a crisis counselling diversion procedure used for PINS cases in Sacramento, California. Information on this program, entitled "Family Crisis Counseling: An Alternative to Juvenile Court," may be obtained from the National Criminal Justice Reference Service, LEAA, Washington, D. C. 20531.

PROGRAM RATIONALE

LEAA's discretionary funding program, the details of which are contained in LEAA Guideline M4500.1C CHG 3, is based on the following logic:

1. Status offenders constitute a group of youths different from juvenile delinquents, who become involved with the juvenile justice system because of behavior which would not be criminal for an adult. As noted above, the small amount of currently available evidence does not support this assumption; however, the results suggesting little difference between status and delinquent offenders may be due to the operation of the juvenile justice system -- its failure to consistently label youths on the basis of the actual behaviors for which they were reported to the court -- rather than to an actual similarity of the youths themselves. LEAA assumes that those systems which participate in this program will establish different dispositional outcomes for delinquent and status offenders which will, in turn, lead to the making of clearer distinctions between the two groups during the charging and adjudication processes. On the other hand, we will be attempting to measure the extent to which the opposite phenomenon occurs -- youths who would otherwise be processed as status offenders being instead considered delinquents in order to place them in detention or training schools.

2. It is unjust for the juvenile justice system to incarcerate youths for "non-criminal" behavior. The only possible justification -- that secure residential placement would substantially improve their lives -- is not supported by the research on training school outcomes. The primary basis for Congress' concern about secure confinement of status offenders comes not from complete findings about the effects of institutionalization on youths or reduced or increased recidivism rates, but rather from the moral repugnance of the incarceration of young persons who have not committed crimes. Therefore, although we will carefully assess the consequences of deinstitutionalization, we will not be "testing" the basic principle -- one which is primarily philosophical in nature.

While there is general professional agreement that a small number of status offenders should live a secure residential placement for their own development needs, the vast majority should not. In developing the requirements for the new Juvenile Justice Act, the Congress decided that an outright ban on institutionalizing status offenders would do more good for the great majority of status offenders who do not need institutions than harm for the very few who do. Consequently, communities participating in this program will be held to such a standard.

They will have to justify secure placements in ways other than the commission of status offenses -- either through an actual delinquency charge or a separate mental health commitment.

3. For the same reasons, it is also inappropriate to detain status offenders in jails or detention centers prior to or during court processing of their cases. Detention centers are inappropriate for temporary shelter needs. They do not seem necessary, in the status offender context, for assuring appearance at trial, or protection of the community (because, supposedly, a status offender has not committed a criminal act). The major problem incurred will be with respect to runaways who under this program may be placed only in non-secure facilities, from which they may again run away. It is the Congressional policy, expressed in the Juvenile Justice Act, that even if this be the result, running away is not sufficiently serious conduct to justify holding a youth in custody. Communities applying for funding under this program are challenged to develop more creative responses to this problem.

4. Status offenders are nonetheless in need of various types of services, which can be provided most effectively and economically within their own communities. The program assumes that the services needed -- family counselling, health and psychiatric care, remedial education, and job skills development and placement -- can best be provided in a local community setting. Special preference will be given in the selection process to those proposals which demonstrate:

- ° involvement of community resources and funding in the project, which will also assure its continuation following the end of the LEAA grant
- ° involvement of existing community organizations and services in the planning of the project and in the delivery of services once it begins
- ° commitment to dispositional processes which will assess the individual needs of each youth involved and develop a correctional plan based on those needs rather than on the traditional placement alternatives available to the court
- ° involvement of youths and their parents or guardians in the decisions concerning the treatment plan

- ° means for seeing that agencies which agree to undertake the implementation of all or part of such a plan report progress for each child periodically to the court or another agency responsible for the plan's development
- ° minimizing the extent to which the services rendered will mark the youth in his or others' eyes as a delinquent or "bad" person.

5. The provision of federal funds through this program will allow local communities to develop better services to meet these needs, or to develop better mechanisms for delivering services which already exist in their communities. We assume that lack of resources is one of the major reasons why alternative programs for status offenders are not more prevalent. In a number of communities necessary services and alternative facilities may not exist at all. In others, however, the problems are more related to lack of access for juvenile status offenders to existing programs, which exclude them based on the relative difficulty of dealing with court-referred rather than "more normal" youths. Funding will be provided to create new programs, to increase the capacities of existing ones to encourage or enable them to accept status offenders, and to coordinate all of them to meet the needs of status offenders more effectively.

6. The community-based services funded by the program will be more effective than institutional programs both in reducing subsequent criminal acts and in supporting constructive juvenile behavior patterns. The evaluation of the programs funded will concentrate on assessing the effectiveness of community programs in reducing delinquency and creating more positive behavior patterns for youths. To the extent possible, it will compare them with the records of youths who are committed to correctional institutions.

7. Communities will be able to develop mechanisms which will focus the services provided with this funding on the target groups -- those status offenders already in, or who would otherwise be detained or placed in secure institutions by the juvenile justice system -- thereby reducing the extent of institutionalization of status offenders in the United States.

In addition to the criteria outlined above, and other standard comparative factors, major emphasis in the selection process will be based on the expected impact of the projects. One of the program's two major goals is to actually decrease the number of youths in

detention and correctional institutions. Applicants will therefore be ranked on the basis of their ability to make maximum use of the resources they request in actually reducing the populations of status offenders in detention and correctional institutions. This program is not intended to support general diversion or prevention projects by which large numbers of youths are intercepted before they commit delinquent acts or before they enter court processing. It is focused, rather, on concentrating our resources on the much smaller number of youths who would otherwise actually be detained or sent to correctional institutions. This will usually require that the programs have a close link to the juvenile court or to the state youth authority or other agency which actually makes the decision to place a status offender in an institution. In the case of detention, it will usually require the active participation of the police or the court, depending on which of these makes the decision whether or not to detain a status offender.

8. The programs developed will vary from community to community, providing various program models which can be compared through evaluation to determine the relative utility of alternative approaches. As noted in the discussion of research goals which follows, the second major goal of the program is to develop information on the effectiveness of various program models in different settings. Consequently, we will attempt during the selection process to maximize the variety of programs funded, seeking diversity along five different dimensions:

- ° the degree of community tolerance for status offenders
- ° the level of resources available to status offenders in the community
- ° the legal approach to status offenses in the community
- ° the extent of juvenile justice system involvement in the operation of particular programs, and
- ° the degree of control exercised over the youths by the programs themselves.

These dimensions are discussed more extensively in the guideline. By carefully evaluating the success of each program, and relating it to each of these factors (and to any others which appear on analysis to be significant), we hope to be able to provide communities with information on what types of efforts are likely to work best in which situations.

RESEARCH GOALS

Our evaluation of the status offender program has two major research goals: 1) measuring the success of the deinstitutionalization effort and 2) evaluating the relative effectiveness of alternative programs supported by these funds. In addition, we hope to be able to add to our general knowledge about status offenders and their relationship to the juvenile justice system.

Program Impact

Evaluation of program impact will focus on the effectiveness of the selected projects, and the program as a whole, toward actually removing status offenders from, and preventing their entry into, detention centers, jails, and correctional institutions.

To reach this goal we will monitor the activities of the jurisdictions funded to ascertain whether or not they reach their own deinstitutionalization goals and in addition, to discover:

- ° any changes in juvenile justice system processing and labeling of offenders,
- ° the impact of the program on the institutions themselves, and
- ° other unintended consequences.

Effectiveness of Alternative Programs

We wish to structure the funding effort so as to maximize the variety of programs along five dimensions, which we hypothesize will be significantly related to program effectiveness:

- ° community tolerance for status offenders,
- ° accessibility of resources for status offenders,
- ° legal approaches to status offenders,
- ° degree of juvenile justice system control over programs, and
- ° degree of program control over client activities.

This matrix will provide the major basis for comparative evaluation of program outcomes.

To the extent possible, we will also seek to compare program effectiveness in terms of the types of youths and behavioral problems with which they have to deal. That is, we hope to learn as much as possible about which types of programs are best for particular types of youths.

The major criteria to be employed in evaluating the effectiveness of alternative programs include the following:

- 1) Reduction of criminality -- both official (arrests, court appearances) and self-reported measures will be obtained.*
- 2) Incidence of positive behaviors -- improved adjustment in the family, school, and community contexts, as indicated by family acceptance/support, school performance, and responsible and personally gratifying roles in the world of work, recreation, etc.
- 3) Other criteria -- to be indicated by community leaders where programs are established.

We recognize several difficulties in implementing the evaluation objectives outlined:

- ° the need for longitudinal studies which would provide for long-term follow-up of program clients. Communities (or others) may be required to continue the data collection effort beyond the actual funding period in order for us to determine whether there are positive or negative (or any) long-term results of the programs funded,
- ° the lack of precise measurement tools and the associated costs in improving them,
- ° the need for projects to hold firmly to their initial designs and objectives in order for the comparative effectiveness measurements to have meaning, and

*By gathering both types of data in a number of jurisdictions, we may be able to enhance our understanding of the relationship between these alternative measurement tools.

- ° the difficulty of implementing controlled experimental designs which would compare the results of institutional and community-based approaches on comparable groups of youths. Special consideration will therefore be given to applicants who propose to incorporate control groups into their action programs, particularly during an interim period prior to full program implementation.

Other Research Goals

These depend, in large part, upon the nature of the research settings surrounding the projects selected:

- 1) We hope to increase our knowledge of the characteristics of status offenders as compared with delinquents. Are there important differences? If so, what are they? Do they differ from community to community?
- 2) We expect to further our knowledge about the development of delinquent careers. Do status offenders become delinquents, who later become adult criminals?
- 3) We anticipate learning much about the problems surrounding coordinated delivery of social services to youths. Different models of service delivery should be represented in the variety of programs implemented.
- 4) The opportunity is present to learn about a variety of "community-based" approaches. What distinguishes them from traditional programs for youths? What difference does juvenile justice system control of programs make?

As in any research or evaluation endeavor, we are likely to learn less than we would want, and we will remain open to the possibility of ancillary findings of great significance which appear by chance.

ATTACHMENT A LITERATURE REVIEW

Introduction

We simply do not have comprehensive and reliable data on the numbers and characteristics of status offenders in detention centers, jails, and correctional institutions (training schools). In this appendix we present the data which have helped us to develop the picture, albeit incomplete, of status offender involvement in the juvenile justice system that is summarized in the body of the background paper. We do not claim to have conducted an exhaustive search for relevant data and literature. Rather, we present what is known to us at this time.

Furthermore, our review of relevant literature and data is limited to what is known about the involvement of status offenders, per se, in detention centers, jails, and institutions. A growing body of knowledge is emerging with regard to the experience of all types of offenders in these aspects of the criminal justice system (cf., Sarri, 1974; Pappenfort, et. al., 1970, 1973; LEAA, 1974).

Status Offenders in Detention

LEAA's 1971 census of juvenile detention and correctional facilities (Children in Custody, 1974) counted 11,748 youth in detention centers on a given day. The average daily population of detention centers for fiscal year 1971 was reported to be 12,186, with an average length of stay of 11 days per youth. Almost 500,000 youths were admitted to detention centers during fiscal year 1971. Offense data were not reported separately for youths in detention centers. Approximately two-thirds of all facilities surveyed reported offense data on all adjudicated youths, which showed that 70% of the females and 23% of the males in all facilities on a given day were status offenders. (However, only 29% of the youths in detention centers were adjudicated; therefore the reliability of these figures for the detention population is quite likely to be low.)*

The Pappenfort, et. al. (1970) survey of residential institutions in the U.S., Puerto Rico, and the Virgin Islands counted 10,875 youths in detention centers on a given day in 1966. Offense data were not reported.

NCCD (1967) surveyed a sample of 250 U.S. counties and prorated these data for the rest of the country. They estimated that a total of 317,860 youths were detained in detention centers during 1965. However, NCCD did not attempt to determine the offense characteristics of detained youths. These three studies

*The results of a similar census for 1973 will be published soon by LEAA, entitled Children in Custody: 1973 -- Advance Report. The results of this survey will undoubtedly serve to modify the above conclusions.

tell us nothing about changes in the levels of detention since different definitions were used. However, Sarri (1974: 65) concludes from her review of studies of detention and jailing that "although the proportion of youth who were held in jail and detention manifested a steady decline during the nineteenth and first half of the twentieth century, this trend appears to have been reversed in recent years."

Several other studies provide clearer data on the offense histories of youths held in detention centers; however, none of these is nationwide in its scope.

Ferster, et. al. (1969) surveyed juvenile detention centers serving 10 of the largest cities in the U.S., and other selected jurisdictions. The percentages of youths held in detention charged with status offenses ranged from 16% to 68%.

Ariessohn and Gonion (1973) examined the offenses of youths admitted to the San Diego Juvenile Hall during 1970. "Half of the minors admitted had been arrested for being 'incorrigible', running away, or committing other 'crimes' for which no equivalent adult offense exists." (p. 29)

Helen Sumner (1971: 173-74) examined the detention practices in the probation departments of eleven California counties during a two-month period (presumably during 1967). All cases referred to the eleven probation departments (a total of 1,849 youths) during the two-month period were studied. Among these, 36% were detained. Approximately 50% of the status offenders were detained.

A study of detention in Georgia (Sarri, 1974: p.20) was made during 1971-72 which was focused on the state's six newly built regional detention facilities. Data were collected over a fifteen-month period on a sample of 1,086 youths placed in the detention facilities during that period. The study revealed that 54% of youths detained were charged with status offenses or determined to be in need of protection. This study also found that the majority (52%) of status offenders were detained for a period of 0-14 days; however 18% were detained for 31-60 days, and 13% for 61 days and longer. Thirty-one percent of both status offenders and youths alleged to have committed crimes against persons were detained for an average of over 30 days.

Howlett's (1973) study of detention in Orleans Parish (Louisiana) revealed that over 42% of the youths detained there between March 1, 1972 and February 28, 1973 were status offenders. Almost 76% of the white children detained were status offenders,

compared with 25% of the black youths. The most frequent offense for which children were detained was "runaway", constituting over 32% of the total offenses and almost 80% of the non-criminal offenses.

Howlett also found that the average length of stay in detention for status offenders was 10.22 days, compared with 10.12 days for personal offenses, and 12.26 days for property offenses.

In 1969, status offenders accounted for over 40% of all detention admissions in California (California Bureau of Criminal Statistics, 1969). Baron, Feeney, and Thornton (1973: 14) corroborated this observation for 1969 in Sacramento County, California.

William H. Sheridan's (1967: 27) review of 10 studies made by the HEW Children's Bureau on state and local detention programs (including jails) showed that 48% of the 9,500 children studied were status offenders. Among those specifically in detention homes, 50% were status offenders.

Paul Lerman's (1971) analyses of "recent" detention figures for all 5 New York City boroughs revealed the following patterns: "1) PINS boys and girls are more likely to be detained than are delinquents (54 to 31 percent); and 2) once PINS youth are detained they are twice as likely to be detained for more than 30 days than are regular delinquents (50 to 25 percent)" (pp. 38-39).

Status Offenders in Jail

Reliable data on the number of status offenders presently held in jails in the U.S. are not available at this time. Three nationwide studies of jailing have been conducted. In 1970 a National Jail Census was sponsored by the Department of Justice, LEAA (reported in 1971). In 1972 the Department of Justice (LEAA) sponsored a survey of inmates in American jails (reported in 1974). These surveys reported 7,800 and 12,744 juveniles in local jails on a given day in 1970 and 1972, respectively. On the basis of its 1965 survey, NCCD estimated that 87,951 youths were detained in jails during that year. However, these surveys did not include all jails -- only city, county, or township facilities that held persons for 48 hours or more. None of these surveys reported offense data for juvenile inmates, so they shed no light on the number of juvenile status offenders included in jail populations.

These surveys do not tell us the total number of youths jailed in all types of facilities in the U. S. on an annual basis. Estimates as high as 500,000 have been made (Sarri, 1974: 5).

Selected studies have addressed the issue of offense histories of youths in jails. An NCCD survey (1971) of local jails in upper New York State revealed that 43% of children in them were status offenders. Downey (1970) surveyed 18 states and found that 41% of children in their jails were status offenders.

In Sheridan's review of the 10 HEW studies 1,300 of the 9,500 children studied were held in jails. Among these, 40% were status offenders (1967: 27).

Velimesis (1969), reporting on a study of women and girls in Pennsylvania jails, observed that females are more likely to be detained for status offenses (primarily for offenses against public order, family, or administrative officials) and also are held longer, than males. Powlak (in Sarri, 1974) drew the same conclusion from his study of detention and jailing of juveniles in an eastern state, as did Pappenfort in his survey of detention facilities (1970).

Status Offenders in Juvenile Institutions

LEAA's 1971 survey of juvenile detention and correctional facilities (Children in Custody), revealed that approximately one-third of youths in institutions (which included "shelters", "halfway houses" and "group homes" as well as "training schools") were status offenders. Seventy percent of all adjudicated juvenile females and 23% of juvenile males in all types of facilities surveyed (on whom offense data were available -- approximately two-thirds, altogether) were there for status offenses. A rough estimate from these data would suggest that approximately 22,000 status offenders were admitted to training schools during 1971. There was a wide variance among the reporting states, however, with West Virginia, Indiana, Arkansas and New Mexico showing very low rates of status offender commitments.*

There are other sources which provide less comprehensive data on the institutionalization of status offenders.

The following table shows the percentages of youths whose first commitment to the California Youth Authority, 1965-1973, was based largely on status offenses (specifically, "Welfare and Institutions Code violations: all age-related offenses such as incorrigibility, truancy, runaway, foster home or county camp failure, and escape from county camp or juvenile hall") as reported by the California Youth Authority (1974).

*See note supra page 1.

	1965	1966	1967	1968	1969	1970	1971	1972	1973
Total	28	26	25	24	22	20	14	14	10
Male	30	28	27	30	30	30	23	22	17
Female	60	58	60	52	50	44	38	42	33

These data indicate a gradual decrease in the incarceration of status offenders in California, between 1965 and 1973. However, Paul Lerman's (1968) reanalysis of data related to the California experience with its Community Treatment Program suggests that the decreased institutionalization of juveniles in California was offset by increased detention of youths at the local level.

An NAJC survey (Sarri, Vinter, and Kish, 1974: 16) of youths in 25 institutions, based on their self-reported reason for institutionalization, showed the following compositions for three types of institutions:

Offense	Closed Inst.	Open Inst.	Day Program	All
Status offense	49%	44%	59%	51%
Marijuana	10%	16%	4%	9%
Larceny, theft				
burglary	29%	29%	29%	29%
More serious	12%	11%	8%	11%
	N=657	N=45	N=145	N=187

There may be substantial changes in these figures in more recent years. For instance, South Carolina reported 782 juveniles in institutions in 1971, 41% of which were status offenders. June 1974* data from South Carolina are as follows:

	<u>Youth Category</u>				
Basis for Commitment	Girls 10-16	Younger Boys 10-14	Older Boys 15-16	Intensive Care**	Total
Criminal act	64	169	231	74	538
Status offense	105	28	9	7	149
Combined	169	197	240	81	687
% status offense	62%	14%	4%	9%	22%

*Special analysis, South Carolina
Department of Youth Services, January, 1975

**Troublemakers of all ages, composed of
75 males and 6 females

Paul Lerman, et. al. (1974) analyzed the offense histories of females committed to the New Jersey Training School for Girls between 1960 and 1972. Their findings follow (p. 20):

	1960	1965	1970	1972
Total Admissions	192	243	92	83
Number of non-criminal admissions	174(91%)	209(86%)	61(66%)	47(57%)
Number of minor criminal admissions	6	5	16	14
Number of serious criminal admissions	12	29	16	20

The table shows that the percentage of non-criminal (or status offender) admissions to the training school ranged from 91% in 1960 to 57% in 1972.

Lerman and his colleagues also examined the types of status offenses for which females (on whom such data were available) were committed during the above years (p. 20). These data are presented as percentages: *

	1960	1965	1970	1972
Incorrigible	60	47	62	32
Runaway/Truancy	50	68	79	55
Immorality	53	24	24	16
Other	0	5	7	19
N=	(30)	(38)	(29)	(31)

The table shows that except for 1960 the offenses runaway and truancy, accounted for the largest percentage of commitments.

Baron, Feeney, and Thornton (1973: 15) found that, during 1969, over 72% of all "placements" in Sacramento involving juveniles were status offenders.

William H. Sheridan's "summary review of between 15 and 20" correctional institutions for delinquent children revealed that about 30% of the inmates were status offenders (1967: 27).

*The columns do not total 100% due to multiple offenses.

Wisconsin, which reported over 1,000 youths in custody in 1971 now estimates no more than 30-40 youths in secure institutions. Massachusetts is another familiar example -- from 582 in 1971 to almost zero today. Maryland and New Jersey will soon join the zero ranks.

The Ohio Youth Commission (Wheeler, 1974) recently published a 1974 survey of 30 reporting states showing an average of 25% status offenders among juvenile institution populations, varying from a high of 54% in North Carolina to a low of 0 reported by Alabama*, Alaska and Illinois*.

Length of institutionalization

A study by Dr. Lerman (1971) of a 1963 sample of Manhattan boys showed that status offenders tend to spend longer periods in institutions than do delinquents:

	Status offenders	Delinquents
Range	from 4 to 48 months	from 2 to 28 months
Median	13 months	9 months
Average	16.3 months	10.7 months

In Gerald Wheeler's (1974) survey of 30 states, only 5 (North Carolina, Idaho, California, Arkansas, and Ohio) reported length of stay by offense. In general, the least serious status offenders were associated with longer institutional stay (p. 19).

Criminal Careers of Status Offenders

Very little research has been focused on the criminal careers of status offenders, although the assumption is frequently made that non-serious, or status offenders, eventually become adult criminals. Several studies support this hypothesis.

Studies carried out by Shaw and Moore (1951), McKay (1967), Reiss (1951), Goldberg (1948), and Frum (1958) found a general pattern of progression from truancy, incorrigibility, and petty stealing to more serious offenses. However, these studies have not addressed the fact that a much larger proportion of youths who evidence "problem" behavior never move into more serious crimes or adult criminality (Sutherland and Cressey, 1970: 255).

*These findings should be interpreted with caution. Alabama does not differentiate between delinquent and status offenses, and Illinois' report does not square with our understanding.

Expenditure of LEAA Resources on Status Offenders

Attachment B shows the expenditure of LEAA monies at the state and federal levels since 1969; data for the last three years are incomplete. Grants for community-based alternatives to incarceration total more than \$203 million. Those identified as being focused on juvenile justice constituted more than half of that amount. But only \$5 million has been reported as focusing on the status offender. Because of incompleteness of reporting, these figures should be viewed as only the roughest sorts of indicators.

Attachment B
GRANTS FOR COMMUNITY-BASED TREATMENT
ALTERNATIVES TO INCARCERATION

FISCAL YEAR	69	70	71	72	73	74	75
All Programs							
Part C Subgrant	1,382,883	21,934,655	47,080,154	39,525,759	22,840,705	6,703,757	834,142
Part C Discretionary	341,454	4,271,458	13,650,460	3,435,884	4,054,388	3,170,912	793,352
Part E Subgrant			352,349	5,782,403	4,598,715	1,096,858	193,500
Part E Discretionary			82,000	7,974,301	7,713,294	3,093,903	181,104
Institute	126,457	19,848	397,881	534,353	157,562	278,540	245,535
Technical Assistance			15,000			250,000	
Training (402)						7,500	7,500
Systems and Statistics			125,237			279,664	
Total for Fiscal Year	1,850,794	26,225,961	61,703,081	57,252,700	39,364,664	14,881,134	2,255,133
Juvenile Justice Programs							
Part C Subgrant	813,816	13,524,979	25,759,731	19,562,241	12,225,041	4,134,579	834,142
Part C Discretionary	99,019	2,335,931	4,671,427	1,771,772	2,566,338	1,241,760	125,100
Part E Subgrant			234,437	1,989,841	1,695,739	689,100	193,500
Part E Discretionary				3,413,183	1,887,620	1,877,896	181,104
Institute			132,966	150,004	157,562		245,535
Technical Assistance			15,000				
Training (402)						7,500	7,500
Systems & Statistics							
Total for Fiscal Year	912,835	15,860,910	30,813,561	26,887,041	18,532,300	7,950,835	1,586,881
Status Offenders							
Part C Subgrant		318,100	1,143,683	441,524	1,116,793	185,060	
Part C Discretionary		374,904	598,978		467,223		
Part E Subgrant				28,945			
Part E Discretionary				161,812	152,565	137,547	
Total for Fiscal Year		693,004	1,742,661	632,281	1,736,587	322,607	
Grant Total	2,763,629	42,779,875	94,259,303	84,772,022	59,633,551	23,154,576	3,842,014

Total all programs all fiscal yea. \$203,533,467

Total all Juvenile Justice Programs all fiscal years \$102,544,363

Total all Status Offender Programs all fiscal years \$5,127,140

*Incomplete GMIS reports

REFERENCES

- Airessohn, Richard M. and Gordon Gonion, "Reducing the Juvenile Detention Rate," Juvenile Justice, 24 (May, 1973), 28-33.
- Baron, Roger, et. al., "Preventing Delinquency through Diversion: The Sacramento County 601 Diversion Project," Federal Probation, March, 1973, 13-18.
- California Bureau of Criminal Statistics, Crime and Delinquency in California, 1969.
- California Youth Authority, A Comparison of Admission Characteristics of Youth Authority Wards: 1965-73, May, 1974.
- Calof, Judy, "Issues on Status Offenders," Unpublished paper prepared for the New York Council on Correction, n.d.
- Dineen, John, "Juvenile Court Organization and Status Offenses: A Statutory Profile," Pittsburg: National Center for Juvenile Justice, December, 1974
- Downey, John T., "Why Children are in Jail", Children, Vol. 22 (1970), 21-26.
- Ferster, Elyce, et. al., "Juvenile Detention: Protection, Prevention or Punishment?", Fordham Law Review, 38 (December, 1969), 161-195.
- Frum, Harold S., "Adult Criminal Offense Trends Following Juvenile Delinquency," Journal of Criminal Law, Criminology, and Police Science, 49 (May-June 1958), 29-49.
- Goldberg, Harriet, Child Offenders, New York: Grune and Stratton, 1948.
- Howlett, Fred, Where Have all the Children Gone? Evaluation of a Diagnostic Program in a Juvenile Detention Facility, NCCD, July, 1973.
- Law Enforcement Assistance Administration, National Criminal Justice Information and Statistics Service, Children in Custody: A Report on the Juvenile Detention and Correctional Facility Census of 1971. Washington, D. C., 1974.
- Lerman, Paul, "Evaluative Studies of Institutions for Delinquents: Implications for Research and Social Policy," Social Work, 13 (July 1968), 55-64.
- Lerman, Paul, "Child Convicts", Transaction, 8 (July-August, 1971), 35-44, 72
- Lerman, Paul, et. al., "The New Jersey Training School for Girls: A Study of Alternatives", A mimeographed report made to the New Jersey Department of Institutions and Agencies, July, 1974.

McKay, Henry D., President's Commission on Law Enforcement and the Administration of Justice, Task Force Report on Juvenile Delinquency and Youth Crime, Washington, D. C.: GPO, 1967, 107-118.

National Council on Crime and Delinquency, Survey on Corrections in the United States, reprinted in The President's Commission on Law Enforcement and the Administration of Justice, Task Force Report on Corrections, Washington, D. C.: GPO, 1967, 115-212.

National Council on Crime and Delinquency, Secure Juvenile Detention Needs in Upper New York State. New York: NCCD, 1971.

Pappenfort, Donnell M., et. al., Detention facilities, Vol. 7 of A Census of Children's Residential Institutions in the United States, Puerto Rico and the Virgin Islands: 1966, Chicago: University of Chicago Press, 1970.

Pappenfort, Donnell M., et. al., eds., Child Caring: Social Policy and the Institution. Chicago: Aldine Pub. Co., 1973.

Reiss, Albert J., Jr., "Delinquency as the Failure of Personal and Social Controls," American Sociological Review, 16 (April, 1951), 196-207.

Sarri, Rosemary C., Under Lock and Key: Juveniles in Jails and Detention. Ann Arbor: National Assessment of Juvenile Corrections, December, 1974.

Sarri, Rosemary, Robert D. Vinter, and Rhea Kish, "Juvenile Justice: Failure of a Nation," National Assessment of Juvenile Corrections, May, 1974.

Shaw, Clifford R. and M. E. Moore, The Natural History of a Delinquent Career. Philadelphia: Albert Saifer, 1951.

Sheridan, William H., "Juveniles Who Commit Non-criminal Acts: Why Treat in a Correctional System?" Federal Probation, March 1967, 26-30.

Sumner, Helen, "Locking Them Up", Crime and Delinquency, 17 (April, 1971), 168-79. For a full report of the study methods and findings, see "Locking them Up: A Study of Juvenile Detention Decisions in Selected California Counties," NCCD, Western Region, 1968.

Sutherland, Edwin H. and Donald R. Cressey, Criminology, 8th ed. New York: J. B. Lippincott Co., 1970.

U. S. Department of Justice Reference Service, National Jail Census, 1970: A Report on the Nation's Local Jails and Type of Inmates. Washington, D. C., 1971. Survey of Inmates in Local Jails, 1972: Advance Report. Washington, D. C., 1974.

Velimesis, Margery, Report on Survey of 41 Pennsylvania County Courts and Correctional Services for Women and Girl Offenders. Philadelphia:

Pennsylvania Division of the American Association of University
Women, 1969.

Wheeler, Gerald, National Analysis of Institutional Length of Stay.
Ohio: Division of Research, Planning and Development, 1974.

ADDENDUM

SECTIONS OF THE
GUIDE FOR DISCRETIONARY GRANT PROGRAMS
RELEVANT TO PROGRAM ANNOUNCEMENT:
"DEINSTITUTIONALIZATION OF STATUS OFFENDERS"

M 4500.1C

CHAPTER 1. GENERAL SPECIFICATIONS FOR DISCRETIONARY GRANTS

1. GENERAL. This chapter contains the general requirements, eligibility rules and other specifications for "discretionary grants" from funds allocable "as the Administration may determine" under Sections 306 and/or 455 of the Act. Except as expressly modified for individual programs set forth in chapters 5 through 25, these specifications apply to all applications for discretionary grants. They should be reviewed carefully by potential applicants.
2. PROGRAMS CONSIDERED. Applications will ordinarily be considered only to the extent that they fall within the coverage of programs set forth in this guideline manual. For statements of the scope and the specifications of discretionary programs, reference should be made to the individual descriptions set forth by major program area in chapters 5 through 25.
3. ELIGIBLE GRANTEES.
 - a. Discretionary grants authorized under Part C (Grants for Law Enforcement Purposes) of the Act can be made only to:
 - (1) States or combinations of States;
 - (2) Local units of government;
 - (3) Combinations of local units of government; or
 - (4) Non-profit organizations.
 - b. Discretionary grants authorized under Part E (Grants for Correctional Purposes) of the Act can be made only to:
 - (1) States;
 - (2) Local units of government; or
 - (3) Combinations of local units of government.
 - c. Programs contemplating action by a particular type of law enforcement agency, or efforts conducted for State and local government by a university or other private agency, must have the application submitted by either:
 - (1) The department of State government under whose jurisdiction the project will be conducted; or

- (2) A unit of general local government, or combination of such units, whose law enforcement agencies, systems, or activities will execute or be benefited by the grant.
4. MULTI-STATE OR MULTI-UNIT PROJECTS. Several discretionary programs encourage or give preference to multi-State, regional, or cooperative projects involving multiple units of State or local government. In such cases, and to facilitate these arrangements, a flexible approach to applicant selection has been adopted.
 - a. Unless otherwise indicated in the specifications for a particular program, applications may be made by:
 - (1) One government unit in the group on behalf of the others;
 - (2) All units in the group jointly; or
 - (3) A special combination, association or joint venture created by a group of governmental units for general or grant application purposes.
 - b. In all cases, clear evidence will be required of approval by all participating units of government with respect to:
 - (1) Their participation in the project; and
 - (2) The terms and commitments of the grant proposal or application.
5. SPECIAL REQUIREMENTS. LEAA is required to insure that ALL discretionary grants meet certain administrative and legal requirements prior to funding. Therefore, the applicant as the most knowledgeable party concerned with the application must insure that the following requirements are addressed in the application:
 - a. Clean Air Act Violations. In accordance with the provisions of the Clean Air Act (42 U.S.C. 1857) as amended by Public Law 91-604, the Federal Water Pollution Act (33 U.S.C. 1251 et seq.) as amended by Public Law 92-500 and Executive Order 11738, grants, subgrants or contracts cannot be entered into, reviewed or extended with parties convicted of offenses under these laws.
 - b. Relocation Provisions. In accordance with the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, P.L. 91-646, 84 Stat. 1894, and the regulations of the Department of Justice (LEAA Guideline Manual M 4100.1C, State Planning Agency Grants, paragraph 31):
 - (1) The applicant and State Planning Agency shall assure that any

program under which LEAA financial assistance is to be used to pay all or part of the cost of any program or project which results in displacement of any individual family, business and/or farm shall provide that:

- (a) Within a reasonable period of time prior to displacement comparable decent, safe, and sanitary replacement dwellings will be available to displaced persons in accordance with such regulations as issued by the Attorney General;
 - (b) Fair and reasonable relocation payments and assistance shall be provided to or for displaced persons as are required in such regulations as are issued by the Attorney General;
 - (c) Relocation or assistance programs shall be provided for such persons in accordance with such regulations issued by the Attorney General;
 - (d) The affected persons will be adequately informed of the available benefits and policies and procedures relating to the payment of monetary benefits; and
- (2) Such assurances shall be accompanied by an analysis of the relocation problems involved and a specific plan to resolve such problems.

c. Environmental Impact.

- (1) The National Environmental Policy Act of 1969 established environmental review procedures to determine if a proposed LEAA funded program or project is a "major Federal action significantly affecting the human environment". Each proposed action listed below must include an environmental evaluation. (See LEAA Guideline Manual M4100.1C, State Planning Agency Grants, paragraph 28.)
- (a) New construction.
 - (b) The renovation or modification of a facility which leads to an increased occupancy of more than 25 persons.
 - (c) The implementation of programs involving the use of pesticides and other harmful chemicals.
 - (d) The implementation of programs involving the use of microwaves or radiation.
 - (e) Research and technology whose anticipated or intended future application could be expected to have a potential effect on the environment.
 - (f) Other actions determined by the LEAA Regional Administrator to possibly have a significant effect on the quality of the environment.

November 22, 1974

- (2) A determination shall thereafter be made by the responsible Federal official as to whether the action will have a significant effect on the environment requiring the preparation of an environmental analysis (a draft environmental impact statement) or whether a negative declaration can be filed.
 - (3) An environmental evaluation is a report of the environmental effects of the proposal and should consist of questions and narrative answers as well as supporting documentation that substantiates conclusions. (See appendix 2-3.)
 - (4) An environmental analysis must be submitted with the original application in cases where the proposed action would significantly affect the environment. It will be utilized in the preparation of a draft environmental impact statement.
 - (5) A negative declaration (see appendix 11) will be filed by the LEAA Regional Administrator if the environmental evaluation does not indicate a significant environmental impact.
- i. Historic Sites. Before approving grants involving construction, renovation, purchasing or leasing of facilities the cognizant LEAA Regional or Central Office shall consult with the State Liaison Officer for historic preservation to determine if the undertaking may have an effect on properties listed in the National Register of Historic Places. If the undertaking may have an adverse effect on the listed program properties, the cognizant LEAA Regional or Central Office shall notify the Advisory Council on Historic Preservation. (See M 4100.1C, paragraph 30.)
 - e. A-95 Notification Procedures. All discretionary grant applicants (Federally recognized Indian tribes excepted) MUST notify as early as possible the appropriate metropolitan, regional and State A-95 clearinghouse of their intent to apply for assistance. See appendix for optional notification form. The clearinghouse will review the notification and must react within 30 days. If the clearinghouse feels that the project will have a significant effect on the environment or other State and/or local projects, it may request an additional 30 days to review the completed application. The applicant must submit any comments made by or through the clearinghouse; LEAA will not accept the application without evidence that it has undergone A-95 review. If the clearinghouse does not react to the applicant's notification of intent to apply for assistance within 30 days, then the project may be considered to have had A-95 clearinghouse review. (See M 4100.1C, paragraph 27 and G 4063.1A for detailed instructions covering the A-95 notification procedures LEAA Regional Offices and State Planning Agencies have copies available.)
 - f. Civil Rights Compliance. In accord with the regulations implementing Title VI of the Civil Rights Act of 1964, 28 C.F.R. 42.101, ET. SEQ., Subpart C, all applicants must provide assurances as to compliance with all requirements imposed by or pursuant to the subpart. (Refer to appendix 8).

- g. Equal Employment Opportunity. In accord with LEAA external equal employment opportunity regulations, 28 C.F.R. 42.201, ET. SEQ., Subpart D and LEAA equal employment opportunity program guidelines (affirmative action regulations), 28 C.F.R. 42.301, ET. SEQ., Subpart E, all applicants must provide assurances as to compliance with all requirements imposed by or pursuant to the subparts. (See appendix 8 and appendix 9 respectively.)
- h. Flood Disaster Protection. In accord with Section 202(a) of the Flood Disaster Protection Act of 1973, no Federal agency may approve any financial assistance for construction purposes after July 1, 1975 for use in any area identified by the Secretary of the Department of Housing and Urban Development (HUD) as an area having special flood hazards unless the community in the hazardous area is then participating in the National Flood Insurance Program.
- i. Security and Privacy. Pursuant to Section 524(b) of the Act, as amended, with respect to programs related to Criminal Justice Information Systems, the grantee agrees to insure that all criminal history information collected, stored, or disseminated, shall, to the maximum extent feasible, contain disposition as well as arrest data. Security and privacy of the information must be assured and an individual must be given access to review his criminal history records for the purpose of challenge or correction.
- 5. SPECIAL REQUIREMENTS FOR APPLICATIONS FOR PART E FUNDS. State Planning Agencies, as a condition for receipt of Part E funds for the planning, construction, acquisition, or renovation of adult or juvenile correctional institutions or facilities shall require that ALL applicants for such funds demonstrate and provide the following to the extent applicable.
 - a. Reasonable use of alternatives to incarceration, including but not limited to referral and bail practices, diversionary procedures, court sentencing practices, comprehensive probation resources and the minimization of incarceration by State and local parole practices, work-study release or other programs assuring timely release of prisoners under adequate supervision. (Applications should indicate the areas to be served, comparative rates of disposition for fines, suspended sentences, probation, institutional sentences and other alternatives, and rates of parole.);
 - b. Special provision for the treatment of alcohol and drug abusers in institutions and community-based programs;
 - c. Architectural provision for the complete separation of juvenile, adult female, and adult male offenders;

- d. Special study for the feasibility of sharing facilities on a regional (multi-State, multi-county or regional within States, as appropriate) basis;
 - e. Architectural design of new facilities providing for appropriate correctional treatment programs, particularly those involving other community resources and agencies;
 - f. Willingness to accept in the facilities persons charged with or convicted of offenses against the United States, subject to negotiated contractual agreements with the Bureau of Prisons;
 - g. Certification that where feasible and desirable provisions will be made for the sharing of correctional institutions and facilities on a regional basis;
 - h. Certification that Part E funds will utilize advance techniques in the design of institutions and facilities;
 - i. Satisfactory assurances that the personnel standards and programs of the institutions and facilities will reflect advanced practices including a clear idea of the kinds of personnel standards and programs which will be sought in institutions and facilities receiving Part E support; and
 - j. Certification that special administrative requirements dealing with objectives, architectural and cost data, contractual arrangements, etc., will be made applicable to contractors.
7. SUBMISSION DATES. Applications for discretionary grant projects under this Guideline Manual should be submitted to LEAA operating component not later than May 31 of any calendar year.
8. STATE PLANNING AGENCY COORDINATION. Applicants are encouraged to consult with and seek advance assistance from State Planning Agencies in the development of applications. Discretionary grant applications must be submitted, IN ADVANCE OF LEAA FILING, to the Title I State Law Enforcement Planning Agency (refer to appendix 2) of the State in which the program or project will be executed. In the case of multi-State efforts, such submissions are to be made to each State Planning Agency concerned.
- a. In order to expedite administrative processing, the applicant should, at the time of submission to the State Planning Agency, submit a copy of the application to the appropriate metropolitan, regional and State A-95 clearinghouse. This action should be noted along with the date of submission on the application submitted to the State Planning Agency. (See paragraph 5e.)

b. State Planning Agency Certification and Confirmation.

- (1) Most grants will be through the State Planning Agencies for fund administration and monitoring purposes and, accordingly, State Planning Agencies must certify their willingness to accept such grants. (See appendix 3 for suggested form of State Planning Agency certification and confirmation.)
- (2) Unless otherwise indicated by LEAA, a necessary element of each application will be the State Planning Agency confirmation that:
 - (a) The proposed project is consistent with the State's comprehensive law enforcement plan (or plans where several States are involved);
 - (b) The grant project will, if approved, be incorporated or integrated as an action effort within the action plan component of the State plan; and
 - (c) State action fund allocations to the beneficiary agency, unit of government, or region will not be reduced or supplanted by virtue of the discretionary award.

9. APPLICATION FORMS.

- a. The following two application forms should be used in the preparation of all formal applications for discretionary grant funds:
 - (1) LEAA Form 4000/3 (6-73) for all non-construction programs (see appendix 4),
 - (2) LEAA Form 4000/4 (6-73) for all construction programs (see appendix 5).
- b. The only exception to the use of LEAA Forms 4000/3 or 4000/4 is the Small State Supplemental Allocation Program (E) for which no application is necessary, as it is included within the State's annual comprehensive State plan.

10. PREAPPLICATIONS.

- a. Preparation of a formal application involves considerable investment of time and effort. Accordingly, applicants may wish to submit preliminary proposals where large scale efforts are involved or there is uncertainty as to whether the proposed activities are potentially within program guidelines. A preliminary application, LEAA Form 4000/5, Preapplication for Federal Assistance, or a two or three page letter can serve as a preliminary proposal if they include a clear statement of:

November 22, 1974

- (1) Project goals and methods;
 - (2) Timetable;
 - (3) Budget (by major categories); and
 - (4) Resources available (facilities, staff, and cooperating agencies or entities).
- b. Informal proposals, whether by letter or preliminary application, may be transmitted to the cognizant LEAA Regional Office. (See appendix 6 for a list of LEAA Regional Offices.) Copies should be concurrently furnished to the State Planning Agencies.
- c. Following determination of eligibility and communication of LEAA questions and comments, the applicant can proceed more readily to develop the required formal application.

APPLICATION SUBMISSION.

- a. Prior to submission to LEAA, the applicant for discretionary funds must submit to his cognizant State Planning Agency (see paragraph 8) and appropriate A-95 clearinghouses (see paragraph 5e) a copy of his application.
- b. Application distribution should be as follows:
- (1) Original and four copies to the cognizant LEAA Regional Office (see appendix 6 for addresses);
 - (2) One copy to each cognizant State Planning Agency (see appendix 2 for addresses); and
 - (3) One copy to each of the appropriate A-95 clearinghouses.
- c. All applications for Part E funds for purposes of construction or renovation of juvenile and adult correctional institutions or facilities MUST BE submitted in accordance with Guideline G 4063.2A, National Clearinghouse for Criminal Justice Planning and Architectures, to the clearinghouse for clearance of the architectural plans, designs and construction drawings. Applications should be forwarded to the clearinghouse simultaneous with the submissions listed in paragraph 11b(2) and (3) above. In turn the clearinghouse will respond to the applicant, the State Planning Agency and the cognizant LEAA Regional or Central Office. The address of the clearinghouse is:

The National Clearinghouse of Criminal
Justice Planning and Architecture
University of Illinois
1102 West Main Street
Urbana, Illinois 61801

- d. Where multi-State projects are involved, copies are required for each affected State Planning Agency and LEAA Regional Office.
 - e. At the time of submission to LEAA, applications should include the completed State Planning Agency endorsement (appendix 3) or, where this is pending or endorsement has been withheld, an indication of status.
12. APPLICATION NOTIFICATION. Applicants will be notified of either approval or disapproval of their formal application no later than 90 days from the date the application arrives at LEAA. If the application is disapproved, the notification will contain specific reason for the disapproval. This requirement does not apply to pre-applications or other submissions which do not meet application requirements.
13. GRANTEE MATCHING CONTRIBUTIONS. The following subparagraphs set forth grantee matching contribution requirements for Fiscal Years 1971, 1972, 1973 and for years beyond 1974. As this guideline manual cancels all previous years guides for discretionary grant programs, the Fiscal Years 1971, 1972 and 1973 requirements are primarily for general information purposes.
- a. For Fiscal Years 1971 and 1972 funds all applicants for grants made under Part C (Indian programs excepted) and Part E of the Act must be prepared to provide at least 25 percent of the total project costs.
 - b. For Fiscal Year 1973 funds all applicants for grants made under Part C and Part E of the Act must be prepared to provide at least:
 - (1) Twenty-five percent of the total project costs (Part C funds for Indian programs excepted) and
 - (2) At least 40 percent of the required non-Federal share of the total project cost of all Part C grants must be in cash rather than in-kind goods and services. (Refer to LEAA Guideline Manual M 7100.1A, Financial Management for Planning and Action Grants, chapter 4, paragraph 9.)

November 22, 1974

- c. For Fiscal Years 1971, 1972 and 1973 grants [except as limited by paragraph 13b(2)], matching cost contributions can be from the following sources:
- (1) Funds from State, local or private sources may not include funds from other Federal sources with the following exceptions:
 - (a) The Housing and Community Development Act of 1974, and
 - (b) Funds from the Appalachian Regional Development Act of 1965, as amended, P.L. 89-4, 40 U.S.C 214.
 - (2) In-kind resources (services, goods or facilities).
- d. For funds beyond Fiscal Year 1973, all applicants for grants made under Part C and Part E of the Act must be prepared to provide at least 10 percent of the total project costs (Part C funds for Indian programs excepted) and the matching cost contribution MUST BE in cash rather than in-kind goods and services. (Refer to M 7100.1A, chapter 4, paragraph 19.) Matching cost contributions can be funds from State, local or private sources but may not include funds from other Federal sources with the following exceptions:
- (1) The Housing and Community Development Act of 1974. and
 - (2) Funds from the Appalachian Regional Development Act of 1965.
14. FISCAL ADMINISTRATION. Discretionary grants will be administered in accordance with M 7100.1A, Financial Management for Planning and Action Grants. M 7100.1A relates primarily to fiscal administration of planning grants (Part B of the Act) and action grants ("block grants") allocated on the basis of population (Part C of the Act). Appendix 7 adjusts M 7100.1A for application to the special characteristics of discretionary grants and includes a section indicating the responsibilities of State Planning Agencies through which most discretionary grants are made.
15. CONTINUATION SUPPORT. In general, one year is viewed as the normal project period. However, where LEAA Regional or Central Office or Administrator commitments indicate that continuation support will be considered and where applicants desire to present a multi-year or

future year budget, or estimate future year needs for project continuation in order to better present their project concept and development, the appropriate forward year data must be added to the normal grant application budget material (see chapter 2, Section E, LEAA Form 4000/3). It should be noted that future year cost data is either explicitly or implicitly requested in some discretionary programs. However, LEAA Form 4000/4 does not provide for continuation support as it is anticipated that construction programs will not require continuation funding.

16. MEDICAL RESEARCH AND PSYCHOSURGERY. It is LEAA policy not to fund grant applications for medical research or for the use of medical procedures which seek to modify behavior by means of any aspect of psychosurgery, aversion therapy, chemotherapy (except as part of routine clinical care), and physical therapy of mental disorders. Such proposals will be referred to the Secretary of the Department of Health, Education, and Welfare for appropriate funding consideration. This policy does not apply to a limited class of programs involving procedures generally recognized and accepted as not subjecting the patient to physical or psychological risk (e.g., methadone maintenance and certain alcoholism treatment programs), as specifically approved in advance by the Office of the Administration, after appropriate consultation with and advice of the Department of Health, Education, and Welfare. This is not intended to cover those programs of behavior modification such as involve environmental changes or social interaction where no medical procedures are utilized.
17. USE OF DISCRETIONARY FUNDS FOR CONSTRUCTION PROJECTS. LEAA recognizes the need to clarify its policy with respect to the use of discretionary funds for construction projects. This need arises because of the critical need to allocate scarce LEAA resources to their most effective, high priority uses.
 - a. When Congress wrote and the President approved the Act providing for a program of comprehensive planning for law enforcement and criminal justice and for grants to implement planned changes, it provided under both Part C and Part E for construction grants. The construction grants under Part C were always intended clearly to be supportive of and supplemental to programs aimed at crime reduction and at improvements in the criminal justice system.
 - b. The construction grants under Part E were intended to meet the need for improved correctional facilities, but the Congress was careful to say that the prime emphasis was to be on community-based correctional facilities in that Part. It also made it clear that no facilities were to be built with Part E funds unless there was a comprehensive plan for correctional programs and facilities of which the proposed construction was an integral, necessary, and logical

November 22, 1974

part. The restrictions on construction grants in Part E reflect a national conviction that prisons and jails have failed to reduce crime, and that it would be unwise to build more jails and prisons of the same kind we have had in the past. This conviction is also the basis for the recommendations made by the National Advisory Commission on Criminal Justice Standards and Goals, whose Report on Corrections urges that local correctional facilities be primarily community-based facilities and that new state facilities be built only if there is absolutely no alternative. Further, states themselves have generally given low priority to use of LEAA funds for construction, either placing a dollar limit on projects or limiting expenditures to planning and design of new facilities.

c. For these reasons, LEAA is adopting a policy statement with respect to use of discretionary funds for construction projects which is explicit. It is as follows:

- (1) Discretionary funds (both Part C and Part E funds) will be used to fund new construction programs only if every condition on the use of Part C and Part E funds for construction is fully and completely met. In this respect, the relocation and environmental policy acts must be complied with prior to LEAA funding.
- (2) LEAA will fund only those new construction projects which represent the only method available to the grantee to meet program goals set forth in the state's comprehensive plan or those which fall within established national priority programs. The applicant will have to make a showing that the comprehensive plan's program goals or the national priority program's goals cannot be met in any other way except through a construction program or project.
- (3) LEAA will fund only those projects which meet critical needs, which are innovative and exemplary in their approach, and which involve replicable approaches which other jurisdictions are able to use. Critical needs will vary, but applicants will have to make a convincing case that the need is more than routine. An innovative and exemplary approach to construction would involve special attention to the needs of citizens who come in contact with the criminal justice system, attention to the possible multi-jurisdictional, regional or multi-purpose use of the facility, flexible design which anticipates the possibility of changes in use of the building or facility and in the kinds and numbers of persons who will use it, among other approaches. A replicable project would be one which would involve a package which spells out how requirements for the facility were developed, how the facility supported the goals of the comprehensive plan of the state, how the considerations of program objectives were built into the design of the facility, what the objectives of the facility or building were; and also contained a

comprehensive evaluation design for determining the future utility and effectiveness of the contribution the building is to make to program objectives and goals.

- (4) LEAA will not use more than 5 percent of its discretionary funds under Part C in any one year for construction projects, or more than 30 percent of its discretionary funds under Part E in any one year for new construction projects. For a definition of construction programs, see chapter 4, paragraph 6 of the LEAA Guideline Manual M 7100.1A, Financial Management for Planning and Action Grants, April 30, 1973, as amended by Change 1, January 24, 1974.

18. POTENTIAL POST AWARD REDUCTIONS. The following general conditions must be added to all grants awarded by LEAA:

"THIS GRANT, OR PORTION THEREOF, IS CONDITIONAL UPON SUBSEQUENT CONGRESSIONAL OR EXECUTIVE ACTION WHICH MAY RESULT FROM FEDERAL BUDGET DEFERRAL OR RECISION ACTIONS PURSUANT TO THE AUTHORITY CONTAINED IN SECTIONS 1012(A) AND 1013(A) OF THE CONGRESSIONAL BUDGET AND IMPOUNDMENT CONTROL ACT OF 1974, 31 U.S.C. 1301, PUB. L. 93-344, 88 STAT. 297 (JULY 12, 1974)."

19. RESERVED.

CHAPTER 2. APPLICATION FORMS

20. STANDARD APPLICATION FORMS. The standard forms for submission of discretionary fund applications are LEAA Form 4000/3, Application for Federal Assistance, for non-construction programs and 4000/4, Application for Federal Assistance, for construction programs. These forms are reproduced with instructions as appendix 4 and appendix 5. As previously indicated in paragraph 10 above, the applicant may wish to submit a preliminary proposal for initial review of project eligibility, feasibility and merit. Ultimately, a duly executed and completed application form will be required for all applications with the exception of the Small State Supplemental Allocation Program (E). These allocations are incorporated into the annual comprehensive State plan and "block" grant submission.
- a. Because of the variety of discretionary programs, parts of the standard form may not seem appropriate for a specific application. In such cases, applicants should be as responsive as possible and seek guidance from their state planning agency. Occasionally, the announcement for a specific discretionary program will indicate special data or information to be included in the applications. This should be added to the standard information required by LEAA Forms 4000/3 and 4000/4.
 - b. A signed original and four copies are required for each application submission. Refer to paragraphs 11a and 11b for proper application submission.
 - c. For multi-State projects, copies of applications should be sent to each interested State Planning Agency, LEAA Regional Office and A-95 clearinghouse.
 - d. Submission of applications for Part E funds for purposes of construction or renovation of juvenile and adult correctional institutions or facilities MUST follow the procedures outlined in Chapter 1 paragraph 11c.

21. PREPARATION OF LEAA FORM 4000/3. Following are miscellaneous instructions to aid the applicant in the preparation of LEAA Form 4000/3 to be used for all non-construction program applications.

a. Part I.

- (1) Item No. 2, Applicant's Application Number. This should be left blank as it will be completed by LEAA.
- (2) Item No. 6, Federal Catalog Number. The Catalog of Federal Domestic Assistance program number for LEAA discretionary grants is 16.501. Only this number should be placed in block 6.
- (3) Item No. 8, Grantee Type. Grantee here refers to the State agency, local government unit, institution or department or non-profit organization which will implement the project whether as direct grantee or subgrantee of a State Planning Agency.
- (4) Item No. 16, Signature of Authorized Representative. The signature shown MUST BE that of the individual authorized to enter into binding commitments on behalf of the applicant or implementing agency. He will normally be the chief officer of the agency or governmental unit involved.

b. Part III, Budget Information. (Refer to appendix 2-1 and 2-2 for an example of a properly completed application budget.)

- (1) Section A, column (a). Grant applications requesting only one kind of discretionary funds (either Part C or Part E) should place the designation "DF-Part C" or "DF-Part E" as appropriate on line 1. (See appendix 2-2) Grant applications requesting a combination of Part C and Part E funding should place the designation "DF-Part C" on line 1 and "DF-Part E" on line 2. (See appendix 2-2)
- (2) Section A, column (b). Column (b) will always reflect the Catalog of Federal Domestic Assistance program number for LEAA discretionary grants, 16.501. This is the same number that appears in Item 6 on page 1 of the application.
- (3) Special LEAA Instructions. In accordance with the special instructions contained on page 8 of the application, applicants must provide a separate budget narrative detailing by budget category the Federal and non-Federal share.

- (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 by the employee.
- (b) Fringe benefits. Indicate each type of benefit included and the total cost allowable to employees assigned to the project.
- (c) Travel. Itemize travel expenses of project personnel by purpose (e.g., faculty to training site, field interviews, advisory group meetings, etc.) and show basis for computation (e.g., "Five trips for 'X' purpose at \$80 average cost - \$50 transportation and two days per diem at \$15" or "Six people to 3-day meeting at \$70 transportation and \$45 subsistence"). In training projects where travel and subsistence of trainees is included, this should be separately listed indicating the number of trainees and the unit costs involved.
- (d) Equipment. Each type of equipment to be purchased should be separately listed with unit costs.
- (e) Supplies. List items within this category by major type (office supplies, training materials, research forms, postage) and show basis for computation.
- (f) Contractual. The application must show the selection basis for any contract or subcontract or prospective contract or subcontract mentioned (including construction services and equipment).
 - 1 For individuals to be reimbursed for personal services on a fee basis list each type of consultant or service, the proposed fee rates (by day, week or hour) and the amount of time to be devoted to such services.
 - 2 For construction contracts and organizations, including professional associations and educational institutions, performing professional services indicate the type of services being performed and the estimated contract cost data.
- (g) Construction refers to minor construction or renovation.
- (h) Other. Included under "other" should be such items as rent, telephone, and janitorial or security services. Items should be listed by major type with basis of computation shown.

- (i) The Administration may accept any indirect cost rate previously approved for any applicant by any Federal granting agency in accordance with the provisions of Circular No. A-87. In lieu of an approved rate flat amounts not in excess of 10 percent of direct labor costs (including fringe benefits) or 5 percent of total direct costs may be claimed.

22. GRANT ASSURANCES. The grant assurances continued in Part V of LEAA Form 4000/3 and LEAA Form 4000/4 are incorporated in and made a part of all discretionary grant awards.

- a. All grant assurances should be reviewed carefully because they define the obligations of potential grantees (and their subgrantees) and express commitments that will have binding contractual effect once award is made and accepted by the grantee.
- b. Special Conditions. Frequently, LEAA will approve or require, as a condition of grant award and receipt of funds, "special conditions" applicable only to the particular project or type of program receiving grant support. Where special conditions are to be negotiated and included in the terms of an award, notice and opportunity for discussion will be provided to grant applicants. Special conditions may:
 - (1) Set forth Federal grant administration policies (e.g., allowable cost);
 - (2) Set forth LEAA regulatory pronouncements (e.g., written approval of changes);
 - (3) Seek to secure additional project information or detail;
 - (4) Establish special reporting requirements; and
 - (5) Provide for LEAA approval of critical project elements such as key staff, evaluation designs, dissemination of manuscripts, contracts, etc.
- c. All projects proposing the construction or renovation of facilities will be required to comply with certain standard grant conditions for construction programs. Refer to Appendix 5 for a list of standard grant conditions for construction grants.

- d. It will be noted that some of the grant assurances and special conditions refer to and incorporate the requirements of other Federal and LEAA issuances (see paragraph 5). Copies of these and other grant condition references may be obtained from the applicant's cognizant LEAA Regional or Central Office. The most important of these other LEAA issuances are:
- (1) M 7100.1A, Financial Management for Planning and Action Grants which, as delineated in appendix 7 is established as the basic fiscal administration manual for discretionary grants;
 - (2) LEAA regulations implementing the provisions of the Civil Rights Act of 1964 with respect to LEAA grants (appendix 8);
 - (3) LEAA equal employment opportunity regulations (28 C.F.R. 42.301 subpart D) and equal employment opportunity program guidelines (28 C.F.R. 42.301, subpart E) with respect to LEAA grants (appendixes 9 and 10).
23. PREPARATION OF LEAA FORM 4000/4. Following are miscellaneous instructions to aid the applicant in the preparation of LEAA Form 4000/4, Part I. This form is to be used for all construction grant applications.
- a. Item No. 2, Applicant's Application Number. Refer to paragraph 21a(1).
 - b. Item No. 6, Federal Catalog Number. Refer to paragraph 21a(2).
 - c. Item No. 8, Grantee Type. Refer to paragraph 21a(3).
 - d. Item No. 16, Signature of Authorized Representative. Refer to paragraph 21a(4).
24. RESERVED.

November 22, 1974

APPENDIX 2-1. EXAMPLE OF COMPLETED BUDGET PAGES,
LEAA FORM 4000/3.M 4500.1C
Appendix 2-1

PART III - BUDGET INFORMATION

SECTION A - BUDGET SUMMARY

Grant Program, Function or Activity (a)	Federal Catalog No. (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1. DF-Part C	16.501	\$	\$	\$ 210,995	\$ 152,900	\$ 363,895
2.						
3.						
4.						
5. TOTALS		\$	\$	\$ 210,995	\$ 152,900	\$ 363,895

SECTION B - BUDGET CATEGORIES

6. Object Class Categories	- Grant Program, Function or Activity				Total (5)
	(1)	(2)	(3)	(4)	
a. Personnel	\$	\$	\$	\$	\$ 59,853
b. Fringe Benefits					39,902
c. Travel					16,800
d. Equipment					2,900
e. Supplies					21,925
f. Contractual					40,000
g. Construction					
h. Other					118,620
i. Total Direct Charges					300,000
j. Indirect Charges					63,895
k. TOTALS	\$	\$	\$	\$	\$ 363,895
7. Program Income	\$	\$	\$	\$	\$

SECTION C - NON-FEDERAL RESOURCES

(a) Grant Program	(b) APPLICANT	(c) STATE	(d) OTHER SOURCES	(e) TOTALS
8. DF - Part C	\$ 76,500	\$	\$ 76,400	\$ 152,900
9.				
10.				
11.				
12. TOTALS	\$ 76,500	\$	\$ 76,400	\$ 152,900

SECTION D - FORECASTED CASH NEEDS

	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	\$ 210,995	\$ 52,749	\$ 52,749	\$ 52,749	\$ 52,748
14. Non-Federal	152,900	38,225	38,225	38,225	38,225
15. TOTAL	\$ 363,895	\$ 90,974	\$ 90,974	\$ 90,974	\$ 90,973

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

(a) Grant Program	FUTURE FUNDING PERIODS (YEARS)			
	(b) FIRST	(c) SECOND	(d) THIRD	(e) FOURTH
16. DF - Part C	\$ 210,995	\$	\$	\$
17.				
18.				
19.				
20. TOTALS	\$ 210,995	\$	\$	\$

SECTION F - OTHER BUDGET INFORMATION

(Attach additional Sheets If Necessary)

21. Direct Charges:

22. Indirect Charges:

23. Remarks:

November 22, 1974

APPENDIX 2-2. EXAMPLE OF PART C AND PART E COMPLETED
BUDGET PAGES, LEAA FORM 4000/3.M 4500.1C
Appendix 2-2

PART III - BUDGET INFORMATION

SECTION A - BUDGET SUMMARY

Grant Program, Function or Activity (a)	Federal Catalog No. (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1. DF-Part C	16.501	\$	\$	\$210,995	\$ 152,900	\$363,895
2. DF-Part E	16.501			88,000	32,000	111,000
3.						
4.						
5. TOTALS		\$	\$	\$298,995	\$ 184,900	\$ 474,895

SECTION B - BUDGET CATEGORIES

6. Object Class Categories	- Grant Program, Function or Activity				Total (5)
	(1)	(2)	(3) Part C	(4) Part E	
a. Personnel	\$	\$	\$ 59,853	\$ 20,000	\$ 79,853
b. Fringe Benefits			39,902	6,000	45,902
c. Travel			16,800	1,000	17,800
d. Equipment			2,900		2,900
e. Supplies			21,925	10,000	31,925
f. Contractual			40,000	20,000	60,000
g. Construction				52,000	52,000
h. Other			118,620	2,000	120,620
i. Total Direct Charges			300,000	111,000	411,000
j. Indirect Charges			63,895		63,895
k. TOTALS	\$	\$	\$363,895	\$ 111,000	\$ 474,895
7. Program Income	\$	\$	\$	\$	\$

SECTION C – NON-FEDERAL RESOURCES					
(a) Grant Program	(b) APPLICANT	(c) STATE	(d) OTHER SOURCES	(e) TOTALS	
8. DF-Part C	\$ 76,500	\$	\$ 76,400	\$ 152,900	
9. DF-Part E	32,000			32,000	
10.					
11.					
12. TOTALS	\$ 108,500	\$	\$ 76,400	\$ 184,900	

SECTION D – FORECASTED CASH NEEDS					
	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	\$ 298,995	\$ 74,748	\$ 74,748	\$ 74,748	\$ 74,751
14. Non-Federal	184,900	46,225	46,225	46,225	46,225
15. TOTAL	\$ 483,895	\$ 120,973	\$ 120,973	\$ 120,973	\$ 120,976

SECTION E – BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT				
(a) Grant Program	FUTURE FUNDING PERIODS (YEARS)			
	(b) FIRST	(c) SECOND	(d) THIRD	(e) FOURTH
16. DF-Part C	\$ 210,995	\$	\$	\$
17. DF-Part E	678,400			
18.				
19.				
20. TOTALS	\$ 889,395	\$	\$	\$

SECTION F – OTHER BUDGET INFORMATION	
(Attach additional Sheets If Necessary)	
21. Direct Charges:	
22. Indirect Charges:	
23. Remarks:	

CHAPTER 3. REPORTING REQUIREMENTS

25. GENERAL.

- a. This chapter will discuss in detail the following two reporting forms:
 - (1) Discretionary Grant Progress Report, LEAA Form 4587/1 (See appendix 3-1), and
 - (2) Financial Status Report, LEAA Form 7160/1 (H-1 Report) (See appendix 3-2).
- b. In addition, the following two financial reports must be completed by particular grantees.
 - (1) Report of Federal Cash Transactions, LEAA Form 7160/2 (H-2 Report) to be completed by all grantees receiving funds through letters of credit, and
 - (2) Request for Advance or Reimbursement, LEAA Form 7160/3 (H-3 Report) to be completed by all grantees receiving funds directly from LEAA and not through letters of credit.
- c. A special series of reports will be made to the Audio-Visual Communications Division of LEAA on all grants that have any audio-visual, media, printing and publications materials or equipment involved in the grant or the replication of the grant. One copy of LEAA Form 4587/1 and LEAA Form 7160/1 will be forwarded directly to LEAA, Audio-Visual Communications Division, Attn: Audio-Visual Communications Monitor. Two copies of audio-visual media or graphics materials produced will be submitted to the Audio-Visual Communications Monitor. The schedule listed in Paragraph 26 and 27 will be followed for these reports. One copy of the grant document will be forwarded to the Audio-Visual Communications Monitor when the grant is issued by LEAA Headquarters or Regional Office Grant Control Office.
- d. Although discretionary grants are administered in accordance with M 7100.1A, Financial Management for Planning and Action Grants, the financial reports and reporting procedures are described by the standards for administration of grants-in-aid contained in OMB Circular A-102.

26. NARRATIVE REPORTING. Discretionary Grant Progress Report, LEAA Form 4587/1, shall be used as the standard narrative reporting form for all discretionary grant awards.

November 22, 1974

a. Submission.

- (1) The report is submitted by the subgrantee to its State Planning Agency on a quarterly basis (i.e., as of June 30, September 30, December 31 and March 31). (Direct grantees should follow this submission schedule but forward their reports directly to their cognizant LEAA Regional or Central Office.)
- (2) The report is due at the cognizant LEAA Regional or Central Office on the 30th day following the close of the quarter.
- (3) The first report will be due after the close of the FIRST full quarter following approval of the grant.
- (4) The first report will cover the period from approval of the grant, through the close of the first full quarter of activity.
- (5) The final progress report will be due 90 days following the close of the project or any approved extension thereof.

27. LEAA FORM 7160/1. The Financial Status Report, LEAA Form 7160/1 (H-1 Report) is the standard report form to be used for all discretionary grants awarded on July 1, 1973 or after. The form and its instructions are reproduced as appendix 3-2.

a. Submission.

- (1) Grantees must submit a separate report for each discretionary grant.
- (2) An original and one copy of the report is submitted quarterly, within 45 days following the end of the quarter, to the Office of the Comptroller, Washington, with a copy provided to the cognizant LEAA Regional or Central Office, and the State Planning Agency, if appropriate.
- (3) Final reports are due 90 days following the close of the project or any approved extension thereof.

b. Instructions. Following are miscellaneous instructions to aid in the preparation of LEAA Form 7160/1.

- (1) Item 1 - Federal Agency and Organizational Element. Enter the name of the cognizant LEAA Regional or Central Office.
- (2) Item 4 - Employer Identification No. Enter the employer identification number assigned to the organization by the U.S. Internal Revenue Service (IRS).

- (3) Item 5 - Grantee Account No. or Identifying No. This item is not applicable to LEAA. Enter "N/A".
- (4) Item 8 - Project Period. Enter the month, day, and year of the beginning and ending period of the grant as shown in the Grant Award Letter. If this grant period has changed, the dates indicated in this item should agree with the dates shown on the latest approved Grant Adjustment Notice. The dates should be indicated as follows:
 - (a) Month - 01 through 12
 - (b) Day - 01 through 31
 - (c) Year - last two digits of the calendar year.
- (5) Item 9 - Report Period. Enter the month, day, and year of the beginning and ending dates of the quarter for which this report is prepared. Refer to paragraph 4b(4) for the proper date format.
- (6) Item 10 - Status of Funds. This item presents the obligation and expenditure status of the grant. Only the "Total" column need be completed.
 - (a) Line a - Total Outlays Previously Reported. Enter the total Federal and non-Federal program outlays at the beginning of the report period. This value will be the amount reported on line 10e of the previous report.
Exception:
 - 1 When the grant is being reported for the first time the value will be zero "0"
 - 2 When using this report form for the first time, the value will be the actual amount of disbursements for the grant as of the close of business on the day prior to the first reporting day.
 - (b) Line b - Total Program Outlays This Period. Enter the amount of Federal and non-Federal cash disbursements reported by the grantee/subgrantee as expended for the indicated grant. This figure includes all program income returned for use in executing the grant.
 - (c) Line c - Program Income Credits. Enter the program income included in line b, Total Program Outlays this Period.

November 22, 1974

- (d) Line d - Net Program Outlays this Period. Enter the result of line b, Total Program Outlays this Period, less line c, Program Income Credits.
- (e) Line e - Total Program Outlays to Date. Enter the sum of line a, Total Outlays Previously Reported, and line d, Net Program Outlays this Period. This amount represents the cumulative outlays to date of both Federal and non-Federal funds.
- (f) Line f - Less: Non-Federal Share of Program Outlays. Enter the cumulative non-Federal share (matching contribution) of the program outlays included in line e, Total Program Outlays to Date.
- (g) Line g - Total Federal Share of Program Outlays. Enter the result of line e, Total Program Outlays to Date, less line f, Non-Federal Share of Program Outlays.
- (h) Line h - Total Unpaid Obligations. Enter the total Federal and non-Federal unpaid obligations for the grant. This amount represents the amount of obligations incurred by the grantee/subgrantee which have not been paid.
- (i) Line i - Less: Non-Federal Share of Unpaid Obligations. Enter the non-Federal share of unpaid obligations included on line h, Total Unpaid Obligations.
- (j) Line j - Federal Share of Unpaid Obligations. Enter the result of line h, Total Unpaid Obligations, less line i, Non-Federal Share of Unpaid Obligations.
- (k) Line k - Total Federal Share of Outlays and Unpaid Obligations. Enter the sum of line g, Total Federal Share of Program Outlays, and line j, Federal Share of Unpaid Obligations.
- (l) Line l - Total Federal Funds Authorized. Enter the total Federal grant award amount as defined by the Grant Award Letter or revised by Grant Adjustment Notices.
- (m) Line m - Unobligated Balance of Federal Funds. Enter the result of line l, Total Federal Funds Authorized, less line k, Total Federal Share of Outlays and Unpaid Obligations.

- (7) Item 12 - Remarks. This space will be used to provide information necessary to comply with LEAA legislative and administrative requirements. For Part C discretionary grants provide the cumulative amount of Federal funds outlayed for compensation of police and other regular law enforcement personnel during the period set forth in the grant award.


28-33. RESERVED.

November 22, 1974

M 4500.1C
Appendix 3 -1

APPENDIX 3-1. DISCRETIONARY GRANT PROGRESS REPORT

GMD APPROVAL NO. 45-R-1025
EXPIRATION DATE 6-1-74

 U. S. DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION		DISCRETIONARY GRANT PROGRESS REPORT	
GRANTEE	LEAA GRANT NO.	DATE OF REPORT	REPORT NO.
IMPLEMENTING SUBGRANTEE	TYPE OF REPORT <input type="checkbox"/> REGULAR QUARTERLY <input type="checkbox"/> SPECIAL REQUEST <input type="checkbox"/> FINAL REPORT		
SHORT TITLE OF PROJECT	GRANT AMOUNT		
REPORT IS SUBMITTED FOR THE PERIOD		THROUGH	
SIGNATURE OF PROJECT DIRECTOR		TYPED NAME & TITLE OF PROJECT DIRECTOR	
COMMENCE REPORT HERE (Add continuation pages as required.)			
RECEIVED BY GRANTEE STATE PLANNING AGENCY (Official)			DATE

LEAA FORM 4887/1 (REV. 1-73)

REPLACES LEAA-OLEP-180, WHICH IS OBSOLETE.

DOJ-1973-05

November 22, 1974

PROGRESS REPORTS--INSTRUCTIONS FOR LEAA DISCRETIONARY GRANTS

Grantees are required to submit Quarterly Progress Reports on project activities and accomplishments. No fixed requirements as to length or detail have been established, although some general guidelines appear below. It is expected that reports will include data appropriate to the stage of project development and in sufficient detail to provide a clear idea and summary of work and accomplishments to date. The following should be observed in preparation and submission of progress reports.

- a. Reporting Party. The party responsible for preparing the report will be the agency, whether grantee or subgrantee, actually implementing the project. Thus, where a State Planning Agency is the grantee but has subgranted funds to a particular unit or agency to carry on the project, the report should be prepared by the subgrantee.
- b. Due Date. Reports are submitted by the subgrantee to its State Planning Agency on a quarterly basis (i.e., as of June 30, September 30, December 31, and March 31) and are due at the cognizant Regional Office on the 30th day following the close of the quarter (unless specified otherwise by LEAA). The first report will be due after the close of the first full quarter following approval of the grant (i.e., for a grant approval on May 1 the first report will be due for the quarter ending September 30. It will cover the five month period May through September). The award recipient's final progress report will be due 90 days following the close of the project or any extension thereof.
- c. Form and Execution. Three (3) copies of each report should be submitted. However, five (5) copies must be submitted for all final reports. (If the grantee wishes to submit the same report to several agencies it may utilize LEAA Form 4287/1 (1-73) as a face sheet completing all items and attach the report to it.) If continuation pages are needed, plain bond paper is to be used. It should be noted that the report is to be signed by the person designated as project director on the grant application or any duly designated successor and reviewed by the cognizant State Planning Agency.
- d. Content. Reporting should be non-cumulative and describe only activities and accomplishments occurring during the reporting period. These activities and accomplishments should be described with specific attention to project phases or stages completed (e.g., initial planning stage, completion of preliminary survey effort, purchase of required equipment, staging of pilot training program, etc.). Reports should be concrete and specific concerning accomplishments (e.g., number of people trained, volume of correctional services provided, extent of equipment usage, etc.). Special emphasis should be placed on comparison of actual accomplishments to goals established for the report period. If established goals were not met, reasons for slippage must be given. Special reports, evaluation studies, publications or articles issued during the period should be attached, and major administrative or design developments should be covered (e.g., changes in personnel, changes in project design, improvements or new methods introduced). Budget changes should be touched upon. Problem areas and critical observations should be mentioned and frankly discussed, as well as project successes.
- e. Dissemination. All three (3) copies of regular quarterly progress reports and all five (5) copies of final reports should be submitted to the subgrantee's State Planning Agency. After review the State Planning Agency will forward two (2) copies of the quarterly report and four (4) copies of the final report to the cognizant LEAA Regional Office. The Regional Office will route the reports to all interested LEAA units. Copies should also be provided to other agencies cooperating in or providing services to the project.
- f. Special Requirements. Special reporting requirements or instructions may be prescribed for discretionary projects in certain program or experimental areas to better assess impact and comparative effectiveness of the overall discretionary program. These will be communicated to affected grantees by LEAA.

November 22, 1974

M 4500. 1C
Appendix 3-2

APPENDIX 3-2. FINANCIAL STATUS REPORT



U. S. DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

H-1 Report
OMB NO. 43-R0532
Expires 6/30/76

FINANCIAL STATUS REPORT		1. Federal Agency and Organizational Element U. S. Department of Justice, LEAA		2. Federal Grant No. or Other Identifying No.				
3. Name and Address of Grantee Organization		4. Employer Identification No.	5. Grantee Account No. or Identifying No.	6. Final Report <input type="checkbox"/> Yes <input type="checkbox"/> No	7. Basis of Report <input type="checkbox"/> Cash <input type="checkbox"/> Accrued Expenditures			
		8. Project Period (Month, Day, Year) FROM <input type="text"/> TO <input type="text"/>		9. Report Period (Month, Day, Year) FROM <input type="text"/> TO <input type="text"/>				
10. STATUS OF FUNDS		PROGRAMS — FUNCTIONS — ACTIVITIES						
		(1)	(2)	(3)	(4)	(5)	(6)	TOTAL
a. Total outlays previously reported (Line 10e from previous report)								
b. Total program outlays this period								
c. Less: Program income credits								
d. Net program outlays this period (Line b minus Line c)								
e. Total program outlays to date (Sum of Lines a and d)								
f. Less: Non-Federal share of program outlays								
g. Total Federal share of program outlays (Line e minus Line f)								
h. Total unpaid obligations								
i. Less: Non-Federal share of unpaid obligations								
j. Federal share of unpaid obligations (Line h minus Line i)								
k. Total Federal share of outlays and unpaid obligations (Line g plus Line j)								
l. Total Federal funds authorized								
m. Unobligated balance of Federal funds (Line l minus Line k)								
11. Indirect Expenses: a. Type of rate (Mark box) <input type="checkbox"/> Provisional <input type="checkbox"/> Final <input type="checkbox"/> Predetermined <input type="checkbox"/> Fixed		12. REMARKS (Attach additional sheets if necessary)			13. CERTIFICATION — I certify that to the best of my knowledge and belief this report is correct and complete and that all outlays and unpaid obligations are for the purposes set forth in the grant award documents.			
b. Rate	c. Basis							
d. Total amount	e. Federal share							
		Name			Title			
		Area Code			Number			
		Ext.			Telephone			
		Signature of Authorized Official			Date Report is Submitted			

LEAA FORM 7160/1 (8-73)

REPLACES LEAA OLEP - 155 AND LEAA OLEP 185 WHICH IS OBSOLETE.

November 22, 1974

INSTRUCTIONS FOR PREPARING THE FINANCIAL STATUS REPORT

Item 1 - Enter the name of the cognizant LEAA Regional or Central Office.

Item 2 - Enter the Federal grant number.

Item 3 - Enter the name and complete mailing address including the ZIP code for the SPA or other grantee organization.

Item 4 - Enter the employer identification number assigned by the U. S. Internal Revenue Service.

Item 5 - Enter "NA" for not applicable.

Items 6 and 7 - Mark the appropriate block.

Item 8 - Enter the month, day, and year of the beginning and ending period of the grant. The ending period should reflect any approved extension date.

Item 9 - Enter the month, day, and year of the beginning and ending dates of the quarter for which this report is prepared.

Item 10 -

Line a. Enter the total outlays reported on Line 10e of the previous report. Show zero, if this is the initial report for the grant.

Line b. Enter the total gross program outlays for this report period, including disbursements of cash realized as program income. For reports which are prepared on a cash basis, outlays are the sum of the subgrantees actual cash disbursements for goods and services, the amount of indirect expense charged, the value of in-kind contributions applied, and the amount of cash advances and payments made to contractors. For reports prepared on an accrued expenditure basis, outlays are the sum of the subgrantees actual cash disbursements, the amount of indirect expense incurred, the value of in-kind contributions applied, and the net increase (or decrease) in the amounts owed by the subgrantee for goods and other property received and for services performed by employees, contractors, and other payees. Outlays for Planning Grants include both the outlays made by the SPA for its own operation and outlays reported by the subgrantees.

Line c. The report prepared on a cash basis, enter the amount of cash income received during the quarter which is to be used in the project or program in accordance with the terms of the grant. For reports prepared on an accrual basis, enter the amount of the net increase (or decrease) in the amount of accrued income since the beginning of the report period.

Line d. This amount should be the difference between amounts shown on Lines b and c.

Line e. Enter the sum of amounts shown on Lines a and d above. This amount represents the cumulative outlays to date of both Federal and non-Federal funds.

Line f. Enter the cumulative non-Federal share ("Match") of the program outlays included in the amount of Line e.

Line g. Enter the cumulative Federal share of program outlays. The amount should be the difference between Lines e and f.

Line h. For reports prepared on a cash basis, enter the total amount of unpaid obligations for this grant. Unpaid obligations for Planning Grants consist of unpaid obligations of the SPA for its own operation plus unpaid obligations reported by the subgrantees. For reports prepared on an accrued expenditure basis, enter the amount of undelivered orders and other outstanding obligations. Do not include any amounts that have been included on Lines a through g. On the final report, Line h should have a zero balance.

Line i. Enter the non-Federal share of unpaid obligations included on Line h. On the final report, Line i should have a zero balance.

Line j. Enter the Federal share of unpaid obligations included on Line h. The amount shown on this line should be the difference between the amounts on Lines h and i. On the final report, Line j should have a zero balance.

Line k. Enter the sum of the amounts shown on Lines g and j. If the report is final, the report should not contain any unpaid obligations.

Line l. Enter the total amount of the federal grant.

Line m. Enter the unobligated balance of Federal funds. This amount should be the difference between Lines l and k.

Item 11 - INDIRECT EXPENSE

a. Type of rate - Mark appropriate block.

b. Rate - Enter the rate in effect during the quarter.

c. Base - Enter the amount of the base to which the rate was applied.

d. Total Amount - Enter the total amount of the Federal share charged during the quarter.

e. Federal Share - Enter the amount of the Federal share charged during the report period.

(When reporting on Planning or Block Action Grants, complete only items d and e. Enter "N/A" for items a through c.)

If more than one rate was applied during the project period, include a separate schedule which shows the basis against which the indirect cost rates were applied, the respective indirect rates, the month, day, and year the indirect rates were in effect, amounts of indirect expense charged to the project, and the Federal share of indirect expense charged to the project to date. (See Office of Management and Budget Circular No. A-87 which contains principles for determining allowable costs of grants and contracts with State and local governments.)

Item 12 - Provide the following information, if applicable:

a. Planning Grants

(1) Consultant services - the amount included in Line k for consultant services.

(2) Pass-through - the cumulative amount of awards to subgrantees.

b. Block Action Grants - Part C

(1) Pass-through - the cumulative amount of Federal funds subgranted to local units of government. This amount should include subgrants to units of state government for the benefit of local units of government when such a waiver has been granted.

(2) Buy-in - the cumulative amount of State funds provided to local units of government to be used as part of the grantee contribution.

(3) One-third Personnel Limitation - the cumulative amount of Federal funds outlayed for compensation of police and other regular law enforcement personnel. This is only required to be shown on the final H-1 report.

c. Categorical Grants - Part C

One-third Personnel Limitation - the cumulative amount of Federal funds outlayed for compensation of policy and other regular law enforcement personnel.

Item 13 - The contents of this item are self-explanatory

ADDITIONAL INFORMATION

A. All credit figures will be shown in parenthesis ().

B. Due Date: Quarterly, within 45 days after end of quarter.
Final reports are due 90 days after end of grant period or after completion.

C. Distribution: Original and one copy to -
U. S. Department of Justice, LEAA
Budget and Finance Division
Washington, D. C. 20530

One copy to cognizant LEAA Regional or Central Office.
One copy to be retained by SPA or other grantee.

November 22, 1974

M 4500.1C
Appendix 1

APPENDIX 1. PRELIMINARY APPLICATION

UNITED STATES DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
WASHINGTON, D. C. 20530

OMB NO. 60-00187

PREAPPLICATION FOR FEDERAL ASSISTANCE PART I		1. State Clearinghouse Identifier	
		2. Applicant's Application No.	
3. Federal Grantor Agency Organizational Unit Administrative Office Street Address - P.O. Box City State Zip Code		4. Applicant Name Department Division Street Address - P.O. Box City County State Zip Code	
5. Descriptive Name of the Project			
6. Federal Catalog No.		7. Federal Funding Needed \$	
8. Grantee Type State, County, City, Other (Specify)			
9. Type of Assistance Grant, Loan, Other (Specify)			
10. Population Directly Benefiting from the Project		12. Length of Project	
11. Congressional District		13. Beginning Date	
b.		14. Date of Application	
15. The applicant certifies that to the best of his knowledge and belief, the data in this preapplication are true and correct, and the filing of the preapplication has been duly authorized by the governing body of the applicant.			
Typed name		Title	
Signature of authorized representative		Telephone Number	
		AREA CODE	NUMBER EXT.
For Federal Use Only			

LEAA FORM 4000/8 (7-73)

November 22, 1974

INSTRUCTIONS

This form shall be used for all Federal assistance projects for construction, land acquisition or land development in excess of \$100,000 Federal funding. It is not applicable to continuing grants after the initial grant has been awarded, or to requests for supplements or revisions to existing grants or loans. However, the applicant may submit the preapplication form for other assistance requests, and the Federal grantor agency may require the preapplication form for other assistance requests.

Submit the original and two copies of all required forms. If an item cannot be answered or does not appear to be related or relevant to the assistance requested, write "NA" for not applicable.

Item 1 - Enter the State clearinghouse identifier. This is the code or number assigned by the clearinghouse to applications requiring State clearinghouse coordination for programs listed in Attachment D, Office of Management and Budget Circular No. A-95.

Item 2 - Enter the applicant's preapplication number or other identifier.

Item 3 - Enter the name of the Federal grantor agency, the name of the primary organizational unit to which the application is addressed, the name of the administrative office having direct operational responsibility for managing the grant program, and the complete address of the grantor agency.

Item 4 - Enter the name of the applicant, the name of the primary organizational unit which will undertake the grant supported activity and the complete address of the applicant.

Item 5 - Enter the descriptive name of this project.

Item 6 - Enter the appropriate catalog number as shown in the Catalog of Federal Domestic Assistance. If the assistance request pertains to more than one catalog number, leave this space blank and list the catalog numbers in Part III.

Item 7 - Enter the approximate amount that is requested from the Federal government. This amount should include the total funds requested in this application and should agree with the total amounts shown in Part III, Line 6, Column (e).

Item 8 - Check one grantee type. If the grantee is other than a State, county, or city government, specify the type of grantee on the "Other" line. Examples of other types of grantees are council of governments, interstate organizations, or special units.

Item 9 - Check the type of assistance requested. If the assistance involves more than one type, check two or more blocks and explain in Part IV.

Item 10 - Enter the number of persons directly benefiting from this project. For example, if the project is a neighborhood health center, enter the estimated number of residents in the neighborhood that will use the center.

Item 11

a. Enter the congressional district in which the applicant is located.

b. Enter the congressional district(s) in which most of the actual work on the project will be accomplished. If the work will be accomplished city-wide or State-wide, covering several congressional districts, write "city-wide" or "State-wide".

Item 12 - Enter the number of months that will be needed to complete the project after Federal funds are made available.

Item 13 - Enter the approximate date the project is expected to begin.

Item 14 - Enter the date this application is submitted.

Item 15 - Complete the certification before submitting the report.

November 22, 1974

PREAPPLICATION FOR FEDERAL ASSISTANCE

M 4500.1C

Appendix 1

PART II

1. Does this assistance request require State, local, regional or other priority rating? _____ Yes _____ No
2. Does this assistance require State or local advisory, educational or health clearance? _____ Yes _____ No
3. Does this assistance request require Clearinghouse review? _____ Yes _____ No
4. Does this assistance request require State, local, regional or other planning approval? _____ Yes _____ No
5. Is the proposed project covered by an approved comprehensive plan? _____ Yes _____ No
6. Will the assistance requested serve a Federal installation? _____ Yes _____ No
7. Will the assistance requested be on Federal land or installation? _____ Yes _____ No
8. Will the assistance requested have an effect on the environment? _____ Yes _____ No
9. Will the assistance requested cause the displacement of individuals, families, businesses, or farms? _____ Yes _____ No
10. Is there other related assistance for this project previous, pending, or anticipated? _____ Yes _____ No

PART III - PROJECT BUDGET				
FEDERAL CATALOG NUMBER (a)	TYPE OF ASSISTANCE LOAN, GRANT, ETC. (b)	FIRST BUDGET PERIOD (c)	BALANCE OF PROJECT (d)	TOTAL (e)
1.				
2.				
3.				
4.				
5.				
6. Total Federal Contribution		\$	\$	\$
7. State Contribution				
8. Applicant Contribution				
9. Other Contributions				
10. Totals		\$	\$	\$

PART IV - PROGRAM NARRATIVE STATEMENT

(Attach per instruction)

November 22, 1974

INSTRUCTIONS

PART II

Negative answers will not require an explanation unless the Federal agency requests more information at a later date. All "Yes" answers must be explained on a separate page in accordance with the instructions.

Item 1 — Provide the name of the governing body establishing the priority system and the priority rating assigned to this project. If the priority rating is not available, give the approximate date that it will be obtained.

Item 2 — Provide the name of the agency or board which issued the clearance and attach the documentation of status or approval. If the clearance is not available, give the date it will be obtained.

Item 3 — Attach the clearinghouse comments for the pre-application in accordance with the instructions contained in Office of Management and Budget Circular No. A-95.

Item 4 — Furnish the name of the approving agency and the approval date. If the approval has not been received, state approximately when it will be obtained.

Item 5 — Show whether the approved comprehensive plan is State, local or regional; or, if none of these, explain the scope of the plan. Give the location where the approved plan is available for examination, and state whether this project is in conformance with the plan. If the plan is not available, explain why.

Item 6 — Show the population residing or working on the Federal installation who will benefit from this project.

Item 7 — Show the percentage of the project work that will be conducted on federally-owned or leased land. Give the name of the Federal installation and its location.

Item 8 — Briefly describe the possible beneficial and/or harmful effect on the environment because of the proposed project. If an adverse environmental effect is anticipated, explain what action will be taken to minimize it. Federal agencies will provide separate instructions, if additional data is needed.

Item 9 — State the number of individuals, families, businesses, or farms this project will displace. Federal agencies

will provide separate instructions, if additional data is needed.

Item 10 — Show the Federal Domestic Assistance Catalog number, the program name, the type of assistance, the status, and amount of each project where there is related previous, pending, or anticipated assistance.

PART III

Complete: Lines 1-5 — Columns (a)-(e). Enter the catalog numbers shown in the Catalog of Federal Domestic Assistance in Column (a) and the type of assistance in Column (b). For each line entry in Columns (a) and (b), enter in Columns (c), (d), and (e), the estimated amounts of Federal funds needed to support the project. Columns (c) and (d) may be left blank, if not applicable.

Line 6 — Show the totals for Lines 1-5 for Columns (c), (d), and (e).

Line 7 — Enter the estimated amounts of State assistance, if any, including the value of in-kind contributions, in Columns (c), (d), and (e). Applicants which are States or State agencies should leave Line 7 blank.

Line 8 — Enter the estimated amounts of funds and value of in-kind contributions the applicant will provide to the program or project in Columns (c), (d), and (e).

Line 9 — Enter the amount of assistance including the value of in-kind contributions, expected from all other contributors in Columns (c), (d), and (e).

Line 10 — Enter the totals of Columns (c), (d), and (e).

PART IV

The program narrative statement should be brief and describe the need, objectives, method of accomplishment, the geographical location of the project, and the benefits expected to be obtained from the assistance. The statement should be typed on a separate sheet of paper and submitted with the preapplication. Also attach any data that may be needed by the grantor agency to establish the applicant's eligibility for receiving assistance under the Federal program(s).

November 22, 1974

M 4500.1C
Appendix 2

APPENDIX 2. ADDRESSES OF STATE PLANNING AGENCIES
(As of October, 1974)

ALABAMA

Robert G. Davis, Director
Alabama Law Enforcement Planning Agency
501 Adams Avenue
Montgomery, Alabama 36104
205/269-6665

ALASKA

Larry S. Parker, Executive Director
Governor's Commission on the
Administration of Justice
Pouch AJ
Juneau, Alaska 99801
907/465-3530

ARIZONA

Albert N. Brown, Executive Director
Arizona State Justice Planning Agency
Continental Plaza Building
5119 North 19th Avenue, Suite M
Phoenix, Arizona 85015
602/271-5466

ARKANSAS

Ray Biggerstaff, Director
Commission on Crime and Law Enforcement
1000 University Tower Building
12th at University
Little Rock, Arkansas 72204
501/371-1305

CALIFORNIA

Anthony L. Palumbo, Executive Director
Office of Criminal Justice Planning
7171 Bowling Drive
Sacramento, California 95823
916/445-9156

COLORADO

Joseph C. Murdock, Executive Director
Division of Criminal Justice
Department of Local Affairs
1370 Broadway, Room 210
Denver, Colorado 80203
303/892-3331

November 22, 1974

CONNECTICUT

H. Rollie Sterrett, Executive Director
Governor's Planning Committee on
Criminal Administration
75 Elm Street
Hartford, Connecticut 06115
203/566-3020 or 246-2349

DELAWARE

Norma V. Handloff, Director
Delaware Agency to Reduce Crime
Room 405 - Central YMCA
11th and Washington Streets
Wilmington, Delaware 19801
302/571-3430

DISTRICT OF COLUMBIA

Benjamin Renshaw, Executive Director
Office of Criminal Justice Plans and Analysis
Munsey Building, Room 200
1329 E Street, NW
Washington, D.C. 20004
202/629-5063

FLORIDA

Charles Davoli, Bureau Chief
Bureau of Criminal Justice Planning
and Assistance
Byrant Building
620 South Meridian Street
Tallahassee, Florida 32304
904/488-6001

GEORGIA

Jim Higdon, Administrator
Office of the State Crime Commission
Suite 306
1430 West Peachtree Street, NW
Atlanta, Georgia 30309
404/656-3825

GUAM

Edward C. Aguon, Director
Comprehensive Territorial Crime Commission
Office of the Governor
P. O. Box 2950
Agana, Guam 96910
Guam/772-8781

November 22, 1974

M 4500.1C
Appendix 2

HAWAII

Dr. Irwin Tanaka, Director
State Law Enforcement and Juvenile Delinquency
Planning Agency
1010 Richards Street
Kamamalu Building, Room 412
Honolulu, Hawaii 96813
808/548-4572

IDAHO

Robert C. Arneson, Director
Law Enforcement Planning Commission
State House, Capitol Annex No. 3
Boise, Idaho 83707
208/384-2364

ILLINOIS

Dr. David Fogel, Executive Director
Illinois Law Enforcement Commission
120 South Riverside Plaza
Chicago, Illinois 60606
312/454-1560

INDIANA

Frank A. Jessup, Executive Director
Indiana Criminal Justice Planning Agency
215 N. Senate
Indianapolis, Indiana 46202
317/633-4773

IOWA

George W. Orr, Executive Director
Iowa Crime Commission
520 E. 9th Street
Des Moines, Iowa 50319
515/281-3241

KANSAS

Thomas W. Regan, Director
Governor's Committee on Criminal Administration
535 Kansas Avenue
10th Floor
Topeka, Kansas 66603
913/296-3066

November 22, 1974

KENTUCKY

A. Wilson Edwards, Administrator
Executive Office of Staff Services
Department of Justice
209 St. Clair Street - 5th Floor
Frankfort, Kentucky 40601
502/564-6710

LOUISIANA

Wingate M. White, Executive Director
Louisiana Commission on Law Enforcement
and Administration of Criminal Justice
Room 314, 1885 Wooddale Boulevard
Baton Rouge, Louisiana 70806
504/389-7178

MAINE

John B. Leet, Executive Director
Maine Law Enforcement Planning and
Assistance Agency
295 Water Street
Augusta, Maine 04330
207/289-3361

MARYLAND

Richard C. Wertz, Executive Director
Governor's Commission on Law Enforcement
and Administration of Justice
Executive Plaza One, Suite 302
Cockeysville, Maryland 21030
301/666-9610

MASSACHUSETTS

Arnold P. Rosenfeld, Executive Director
Committee on Criminal Justice
Room 1230
80 Bolyston Street
Boston, Massachusetts 02116
617/727-5497

MICHIGAN

Don P. LeDuc, Administrator
Office of Criminal Justice Programs
Lewis Cass Building - 2nd Floor
Lansing, Michigan 48913
517/373-3992

CONTINUED

1 OF 2

November 22, 1974

M 4500.1C
Appendix 2

MINNESOTA

Dr. Robert E. Crew, Jr., Executive Director
Governor's Commission on Crime Prevention
and Control
444 Lafayette Road, 6th Floor
St. Paul, Minnesota 55101
612/296-3052

MISSISSIPPI

William R. Grissett, Executive Director
Division of Law Enforcement Assistance
Suite 200, Watkins Building
510 George Street
Jackson, Mississippi 39201
601/354-6591

MISSOURI

Robert C. Gruensfelder, Executive Director
Missouri Law Enforcement Assistance Council
P. O. Box 1041
Jefferson City, Missouri 65101
314/751-3432

MONTANA

Michael Lavin, Acting Executive Director
Board of Crime Control
1336 Helena Avenue
Helena, Montana 59601
406/449-3604

NEBRASKA

Harris R. Owens, Executive Director
Nebraska Commission on Law Enforcement
and Criminal Justice
State Capitol Building
Lincoln, Nebraska 68509
402/471-2194

NEVADA

Carrol T. Nevin, Director
Commission on Crime Delinquency
and Corrections
State Capitol
1209 Johnson Street
Carson City, Nevada 89701
702/885-4405

November 22, 1974

NEW HAMPSHIRE

Roger J. Crowley, Director
Governor's Commission on Crime
and Delinquency
80 South Main Street
Concord, New Hampshire 03301
603/271-3601

NEW JERSEY

John J. Mullaney, Executive Director
State Law Enforcement Planning Agency
3535 Quaker Bridge Road
Trenton, New Jersey 08625
609/292-3741

NEW MEXICO

Norman E. Mugleston, Executive Director
Governor's Council on Criminal
Justice Planning
P. O. Box 1770
Santa Fe, New Mexico 87501
505/827-2524

NEW YORK

Thomas S. Chittenden, Deputy Commissioner
State of New York, Division of
Criminal Justice Services
270 Broadway, 8th Floor
New York, New York 10007
212/488-3891

NORTH CAROLINA

Donald R. Nichols, Administrator
Division of Law and Order
North Carolina Department of Natural and
Economic Resources
P. O. Box 27687
Raleigh, North Carolina 27611
919/829-7974

NORTH DAKOTA

Robert Holte, Acting Director
North Dakota Combined Law Enforcement Council
Box B
Bismarck, North Dakota 58501
701/224-2594

November 22, 1974

M 4500,1C
Appendix 2

OHIO

Colonel Alphonso Montgomery
Administration of Justice Division
Ohio Department of Economic and
Community Development
Box 1001
Columbus, Ohio 43216
614/369-7610

OKLAHOMA

James Gleason, Acting Director
Oklahoma Crime Commission
5235 N. Lincoln Boulevard
Oklahoma City, Oklahoma 73105
405/521-3392

OREGON

Robert D. Houser, Administrator
Executive Department, Law Enforcement Council
240 Cottage Street, S. E.
Salem, Oregon 97310
503/378-4347

PENNSYLVANIA

John T. Snavely, II
Governor's Justice Commission
Department of Justice
P. O. Box 1167
Federal Square Station
Harrisburg, Pennsylvania 17120
717/787-2042

PUERTO RICO

Dionisio Manzano, Director
Puerto Rico Crime Commission
G.P.O. Box 1256
Hato Rey, Puerto Rico 00936
809/783-0398

RHODE ISLAND

Bradford E. Southworth, Executive Director
Governor's Committee on Crime, Delinquency
and Criminal Administration
265 Melrose Street
Providence, Rhode Island 02907
401/277-2620 or 2621

November 22, 1974

SOUTH CAROLINA

Lee M. Thomas, Executive Director
Office of Criminal Justice Programs
Edgar A. Brown State Office Building
1205 Pendleton Street
Columbia, South Carolina 29201
803/758-3573

SOUTH DAKOTA

Randolph J. Seiler, Acting Director
South Dakota State Criminal
Justice Commission
118 West Capitol
Pierre, South Dakota 57501
605/224-3661

TENNESSEE

Francis W. Norwood, Executive Director
Tennessee Law Enforcement Planning Agency
Suite 205, Capitol Hill Building
301 - 7th Avenue, North
Nashville, Tennessee 37219
615/741-3521

TEXAS

Robert C. Flowers, Executive Director
Criminal Justice Council, Executive Department
610 Brazos
Austin, Texas 78701
512/476-7201

UTAH

Robert B. Andersen, Director
Law Enforcement Planning Agency
Room 304 - State Office Building
Salt Lake City, Utah 84114
801/328-5731

VERMONT

Michael K. Krell, Executive Director
Governor's Commission on the
Administration of Justice
149 State Street
Montpelier, Vermont 05602
802/828-2351

November 22, 1974

M 4500.1C
Appendix 2

VIRGINIA

Richard N. Harris, Director
Division of Justice and Crime Prevention
8501 Mayland Drive, Parham Park
Richmond, Virginia 23229
804/770-7421

VIRGIN ISLANDS

Melville M. Stevens, Administrator
Virgin Islands Law Enforcement Commission
Box 280 - Charlotte Amalie
St. Thomas, Virgin Islands 00801
809/774-6400

WASHINGTON

Saul Arrington, Administrator
Law and Justice Planning Office
Office of Community Development
Office of the Governor
Olympia, Washington 98504
206/753-2235

WEST VIRGINIA

Gerald S. White, Executive Director
Governor's Commission on Crime,
Delinquency and Corrections
Morris Square, Suite 321
1212 Lewis Street
Charleston, West Virginia 25301
304/348-8814

WISCONSIN

Robert Stonek, Executive Director
Wisconsin Council on Criminal Justice
122 W. Washington Avenue
Madison, Wisconsin 53702
608/266-3323

WYOMING

John B. Rogers, Administrator
Governor's Planning Committee on
Criminal Administration
State Office Building
Cheyenne, Wyoming 82002
307/777-7716

M 4500.1C
Appendix 2

November 22, 1974

AMERICAN SAMOA

Clarence E. Scanlan, Director
Territorial Criminal Justice Planning Agency
Office of the Attorney General
Box 7
Pago Pago, American Samoa 96920
Pago, Pago, 33431

November 22, 1974

M 4500.1C
Appendix 3

APPENDIX 3. SUGGESTED FORM OF STATE PLANNING AGENCY APPROVAL
AND CERTIFICATION RE DISCRETIONARY GRANT AWARD



U. S. DEPARTMENT OF JUSTICE

Law Enforcement Assistance
Administration

DISCRETIONARY GRANT APPLICATION
ENDORSEMENT STATE PLANNING AGENCY
CERTIFICATION AND APPROVAL

Discretionary Grant Application Title: _____

Implementing Agency or Governmental Unit: _____

To: Regional Office _____
Law Enforcement Assistance Administration

The undersigned State Planning Agency ("SPA"), duly constituted under P.L. 90-351, as amended, has reviewed the attached grant application and represents as follows:

1. The proposed project is deemed consistent with the State comprehensive law enforcement plan and is endorsed for favorable consideration by LEAA pursuant to the terms of the discretionary funds program under which it is being submitted.
2. If approved for grant award by LEAA, the State Planning Agency will integrate or incorporate the project as an action effort within the current year action plan component of the State's next comprehensive law enforcement plan.
3. If approved for grant award by LEAA, the State Planning Agency is willing to be the grant recipient and, in turn, to subgrant funds to the relevant unit of State or local government, or combination of units, for execution of the project in accordance with the application. This endorsement will constitute the SPA as co-applicant with the implementing agency or unit of government for such purposes and the SPA reserves the right to apply its normal subgrant administration and reporting requirements to this project.
4. If the application is approved for grant award by LEAA, the State Planning Agency certifies that its "block grant" allocations or subgrants to the implementing State agency or unit of local government or to the region or metropolitan area in which it is located will not, by virtue of such discretionary award action, be reduced or curtailed.
5. This application has been submitted to the State, regional and metropolitan Clearinghouses in accordance with OMB Circular A-95. Clearinghouse review ☐ has ☐ has not been completed.

State Planning Agency: _____

Date: _____ By: _____
(authorized officer)

Note: Where the State Planning Agency, for any reason, is unable to complete the endorsement as constituted, it should promptly notify the presenting unit or LEAA and explain the reasons or submit a certification containing such modifications as it may deem acceptable.
Where the State cannot enforce liability, the following SPA certification should be added:

November 22, 1974

"The State does not have an adequate forum in which to pursue subgrantee liability in the event of illegal use of funds under this grant. Therefore, this certification is subject to LEAA waiver of State liability and LEAA agreement to pursue legal remedies for fund misuse if necessary."

November 22, 1974

M 4500.1C
Appendix 4

APPENDIX 4. APPLICATION FOR FEDERAL ASSISTANCE (NONCON-
STRUCTION PROGRAMS), LEAA FORM 4000/3



U. S. DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

OMB NO. 43-R-0528
EXPIRES 6/75

APPLICATION FOR FEDERAL ASSISTANCE (NONCONSTRUCTION PROGRAMS) PART I		1. State Clearinghouse Identifier	
		2. Applicant's Application No.	
3. Federal Grantor Agency Organizational Unit Administrative Office Street Address - P.O. Box City State Zip Code		4. Applicant Name Department Division Street Address - P.O. Box City County State Zip Code	
5. Descriptive Name of the Project			
6. Federal Catalog No.		7. Federal Funding Requested \$	
8. Grantee Type ____ State, ____ County, ____ City, ____ Other (Specify)			
9. Type of Application or Request ____ New Grant, ____ Continuation, ____ Supplement, ____ Other Changes (Specify)			
10. Type of Assistance ____ Grant, ____ Loan, ____ Other (Specify)			
11. Population Directly Benefiting from the Project		13. Length of Project	
12. Congressional District a. _____ b. _____		14. Beginning Date	
		15. Date of Application	
16. The applicant certifies that to the best of his knowledge and belief the data in this application are true and correct, and that he will comply with the attached assurances if he receives the grant.			
Typed name		Title	
		Telephone Number	
Signature of Authorized Representative		AREA CODE	NUMBER EXT.
For Federal Use Only			

LEAA Form 4000/3 (Rev. 8-74) Replaces edition of 6-73 which is
obsolete.

November 22, 1974

INSTRUCTIONS

PART I

This form shall be used for all Federal assistance except for (a) construction, land acquisition or land development projects and (b) single purpose one-time assistance requests of less than \$10,000 which do not require a clearinghouse review, an environmental impact statement, or relocation of persons, businesses or farms. This form shall be used also to request supplemental assistance, to propose changes or amendments, and to request continuation or refunding, for approved grants originally submitted on this form.

Submit the original and two copies of the forms. If an item cannot be answered or does not appear to be related or relevant to the assistance required, write "NA" for not applicable. When a request is made for supplemental assistance, amendments or changes to an approved grant, submit only those pages which are appropriate.

Item 1 — Enter the State clearinghouse identifier. This is the code or number assigned by the clearinghouse to applications requiring State clearinghouse coordination for programs listed in Attachment D, Office of Management and Budget Circular No. A-95.

Item 2 — Enter the applicant's application number or other identifier. If a preapplication was submitted, show also the number that appeared on the preapplication if different than the application number.

Item 3 — Enter the name of the Federal grantor agency, the name of the primary organizational unit to which the application is addressed, the name of the administrative office having direct operational responsibility for managing the grant program, and the complete address of the Federal grantor agency.

Item 4 — Enter the name of the applicant, the name of the primary organizational unit which will undertake the grant supported activity, and the complete address of the applicant.

Item 5 — Enter the descriptive name of this project.

Item 6 — Enter the appropriate catalog number as shown in the Catalog of Federal Domestic Assistance. If the assistance will pertain to more than one catalog number, leave this space blank and list the catalog numbers under Part III, Section A.

Item 7 — Enter the amount that is requested from the Federal Government in this application. This amount should agree with the total amount shown in Part III, Section A, Line 5 of Column (e). For revisions, changes, or amendments, show only the amount of the increase or decrease.

Item 8 — Check one grantee type. If the grantee is other than a State, county, or city government, specify the type

of grantee on the "Other" line. Examples of other types of grantees are council of governments, interstate organizations, or special units.

Item 9 — Check the type of application or request. If the "Other Changes" block is checked, specify the type of change. The definitions for terms used in Item 9 are as follows:

- a. New grant — an action which is being submitted by the applicant for the first time.
- b. Continuation grant — an action that pertains to the continuation of a multi-year grant (e.g., the second year award for a project which will extend over five years).
- c. Supplemental grant — an action which pertains to an increase in the amount of the Federal contribution for the same period.
- d. Changes in the existing grant — Specify one or more of the following:
 - (1) Increase in duration — a request to extend the grant period.
 - (2) Decrease in duration — a request to reduce the grant period.
 - (3) Decrease in amount — a request to decrease the amount of the Federal contribution.

Item 10 — Check the type of assistance requested. If the assistance involves more than one type, check two or more blocks and explain in Part IV — Program Narrative.

Item 11 — Enter the number of persons directly benefiting from this project. For example, if the project is for a neighborhood health center, enter the estimated number of residents in the neighborhood that will use the center.

Item 12

- a. Enter the congressional district in which the applicant is located.
- b. Enter the congressional district(s) in which most of the actual work on the project will be accomplished. If the work will be accomplished city-wide or State-wide, covering several congressional districts, write "city-wide" or "State-wide".

Item 13 — Enter the number of months that will be needed to complete the project after Federal funds are made available.

Item 14 — Enter the approximate date the project is expected to begin.

Item 15 — Enter the date this application is submitted.

Item 16 — Complete the certification before submitting the report.

November 22, 1974

M 4500.1C
Appendix 4

PART II

OMB NO. 30-RO 186

PROJECT APPROVAL INFORMATION

Item 1.

Does this assistance request require State, local, regional, or other priority rating?

_____ Yes _____ No

Name of Governing Body _____

Priority Rating _____

Item 2.

Does this assistance request require State, or local advisory, educational or health clearances?

_____ Yes _____ No (Attach Documentation)

Name of Agency or Board _____

Item 3.

Does this assistance request require clearinghouse review in accordance with OMB Circular A-95?

_____ Yes _____ No

(Attach Comments)

Item 4.

Does this assistance request require State, local, regional or other planning approval?

_____ Yes _____ No

Name of Approving Agency _____

Date _____

Item 5.

Is the proposed project covered by an approved comprehensive plan?

_____ Yes _____ No

Check one: State ☐

Local ☐

Regional ☐

Location of Plan _____

Item 6.

Will the assistance requested serve a Federal installation?

_____ Yes _____ No

Name of Federal Installation _____

Federal Population benefiting from Project _____

Item 7.

Will the assistance requested be on Federal land or installation?

_____ Yes _____ No

Name of Federal Installation _____

Location of Federal Land _____

Percent of Project _____

Item 8.

Will the assistance requested have an impact or effect on the environment?

_____ Yes _____ No

See instructions for additional information to be provided.

Item 9.

Will the assistance requested cause the displacement of individuals, families, businesses, or farms?

_____ Yes _____ No

Number of:

Individuals _____

Families _____

Businesses _____

Farms _____

Item 10.

Is there other related assistance on this project previous, pending, or anticipated?

_____ Yes _____ No

See instructions for additional information to be provided.

November 22, 1974

INSTRUCTIONS

PART II

Negative answers will not require an explanation unless the Federal agency requests more information at a later date. Provide supplementary data for all "Yes" answers in the space provided in accordance with the following instructions:

Item 1 — Provide the name of the governing body establishing the priority system and the priority rating assigned to this project.

Item 2 — Provide the name of the agency or board which issued the clearance and attach the documentation of status or approval.

Item 3 — Attach the clearinghouse comments for the application in accordance with the instructions contained in Office of Management and Budget Circular No. A-95. If comments were submitted previously with a preapplication, do not submit them again but any additional comments received from the clearinghouse should be submitted with this application.

Item 4 — Furnish the name of the approving agency and the approval date.

Item 5 — Show whether the approved comprehensive plan is State, local or regional, or if none of these, explain the

scope of the plan. Give the location where the approved plan is available for examination and state whether this project is in conformance with the plan.

Item 6 — Show the population residing or working on the Federal installation who will benefit from this project.

Item 7 — Show the percentage of the project work that will be conducted on federally-owned or leased land. Give the name of the Federal installation and its location.

Item 8 — Describe briefly the possible beneficial and harmful impact on the environment of the proposed project. If an adverse environmental impact is anticipated, explain what action will be taken to minimize the impact. Federal agencies will provide separate instructions if additional data is needed.

Item 9 — State the number of individuals, families, businesses, or farms this project will displace. Federal agencies will provide separate instructions if additional data is needed.

Item 10 — Show the Federal Domestic Assistance Catalog number, the program name, the type of assistance, the status and the amount of each project where there is related previous, pending or anticipated assistance. Use additional sheets, if needed.

PART III - BUDGET INFORMATION

SECTION A - BUDGET SUMMARY

Grant Program, Function or Activity (a)	Federal Catalog No. (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1.		\$	\$	\$	\$	\$
2.						
3.						
4.						
5. TOTALS		\$	\$	\$	\$	\$

SECTION B - BUDGET CATEGORIES

6. Object Class Categories	- Grant Program, Function or Activity				Total (5)
	(1)	(2)	(3)	(4)	
a. Personnel	\$	\$	\$	\$	\$
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual					
g. Construction					
h. Other					
i. Total Direct Charges					
j. Indirect Charges					
k. TOTALS	\$	\$	\$	\$	\$
7. Program Income	\$	\$	\$	\$	\$

November 22, 1974

M 4500.1C
Appendix 4

INSTRUCTIONS

PART III

General Instructions

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may not require a breakdown by function or activity. Sections A, B, C, and D should include budget estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the latter case, Sections A, B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories shown in Lines a-k of Section B.

Section A. Budget Summary Lines 1-4, Columns (a) and (b).

For applications pertaining to a *single* Federal grant program (Federal Domestic Assistance Catalog number) and *not requiring* a functional or activity breakdown, enter on Line 1 under Column (a) the catalog program title and the catalog number in Column (b).

For applications pertaining to a *single* program *requiring* budget amounts by multiple functions or activities, enter the name of each activity or function on each line in Column (a), and enter the catalog number in Column (b). For applications pertaining to *multiple* programs where *none* of the programs *require* a breakdown by function or activity, enter the catalog program title on each line in Column (a) and the respective catalog number on each line in Column (b).

For applications pertaining to *multiple* programs where one or more programs *require* a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

Lines 1-4, Columns (c) through (g).

For *new* applications, leave Columns (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

For *continuing* grant program applications, submit these forms before the end of each funding period as required by

the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period *only* if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in Column (g) should be the sum of amounts in Columns (e) and (f).

For *supplemental grants and changes to existing grants*, do not use Columns (c) and (d). Enter in Column (e) the amount of the *increase or decrease* of Federal funds and enter in Column (f) the amount of the increase or decrease of non-Federal funds. In Column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should *not* equal the sum of amounts in Columns (e) and (f).

Line 5 — Show the totals for all columns used.

Section B. Budget Categories

In the column headings (1) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1-4, Column (a), Section A. When additional sheets were prepared for Section A, provide similar column headings on each sheet. For each program, function or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

Lines 6a-h — Show the estimated amount for each direct cost budget (object class) category for each column with program, function or activity heading.

Line 6i — Show the totals of Lines 6a to 6h in each column.

Line 6j — Show the amount of indirect cost. Refer to Office of Management and Budget Circular No. A-87.

Line 6k — Enter the total of amounts on Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in column (5), Line 6k, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Columns (1)-(4), Line 6k should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5. When additional sheets were prepared, the last two sentences apply only to the first page with summary totals.

Line 7 — Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Show under the program narrative statement the nature and source of income. The estimated amount of program income may be considered by the Federal grantor agency in determining the total amount of the grant.

November 22, 1974

SECTION C - NON-FEDERAL RESOURCES

(a) Grant Program	(b) APPLICANT	(c) STATE	(d) OTHER SOURCES	(e) TOTALS
8.	\$	\$	\$	\$
9.				
10.				
11.				
12. TOTALS	\$	\$	\$	\$

SECTION D - FORECASTED CASH NEEDS

	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	\$	\$	\$	\$	\$
14. Non-Federal					
15. TOTAL	\$	\$	\$	\$	\$

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

(a) Grant Program	FUTURE FUNDING PERIODS (YEARS)			
	(b) FIRST	(c) SECOND	(d) THIRD	(e) FOURTH
16.	\$	\$	\$	\$
17.				
18.				
19.				
20. TOTALS	\$	\$	\$	\$

SECTION F - OTHER BUDGET INFORMATION

(Attach additional Sheets If Necessary)

21. Direct Charges:

22. Indirect Charges:

23. Remarks:

PART IV PROGRAM NARRATIVE (Attach per instruction)

November 22, 1974

INSTRUCTIONS

PART III (continued)

Section C. Source of Non-Federal Resources

Line 8-11 — Enter amounts of non-Federal resources that will be used on the grant. (See attachment F, Office of Management and Budget Circular No. A-102.) See LEAA Instructions this page.

Column (a) — Enter the program titles identical to Column (a), Section A. A breakdown by function or activity is not necessary.

Column (b) — Enter the amount of cash and in-kind contributions to be made by the applicant as shown in Section A. (See also Attachment F, Office of Management and Budget Circular No. A-102.)

Column (c) — Enter the State contribution if the applicant is *not* a State or State agency. Applicants which are a State or State agencies should leave this column blank.

Column (d) — Enter the amount of cash and in-kind contributions to be made from all other sources.

Column (e) — Enter totals of Columns (b), (c), and (d).

Line 12 — Enter the total for each of Columns (b)-(e). The amount in Column (e) should be equal to the amount on Line 5, Column (f), Section A.

Section D. Forecasted Cash Needs

Line 13 — Enter the amount of cash needed by quarter from the grantor agency during the first year.

Line 14 — Enter the amount of cash from all other sources needed by quarter during the first year.

Line 15 — Enter the totals of amounts on Lines 13 and 14.

Section E. Budget Estimates of Federal Funds Needed for Balance of the Project

Lines 16-19 — Enter in Column (a) the same grant program titles shown in Column (a), Section A. A breakdown by function or activity is not necessary. For new applications and continuing grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years). This Section need not be completed for amendments, changes, or supplements to funds for the current year of existing grants.

If more than four lines are needed to list the program titles submit additional schedules as necessary.

Line 20 — Enter the total for each of the Columns (b)-(e). When additional schedules are prepared for this Section, annotate accordingly and show the overall totals on this line.

Section F — Other Budget Information.

Line 21 — Use this space to explain amounts for individual direct object cost categories that may appear to be out of the ordinary or to explain the details as required by the Federal grantor agency.

Line 22 — Enter the type of indirect rate (provisional, pre-determined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Line 23 — Provide any other explanations required herein or any other comments deemed necessary.

LEAA Instructions

Applicants must provide on a separate sheet(s) a budget narrative which will detail by budget category, the federal and nonfederal (in-kind and cash) share. The grantee cash contribution should be identified as to its source, i.e., funds appropriated by a state or local unit of government or donation from a private source. The narrative should relate the items budgeted to project activities and should provide a justification and explanation for the budgeted items including the criteria and data used to arrive at the estimates for each budget category.

INSTRUCTIONS

PART IV
PROGRAM NARRATIVE

Prepare the program narrative statement in accordance with the following instructions for all new grant programs. Requests for continuation or refunding and changes on an approved project should respond to item 5b only. Requests for supplemental assistance should respond to question 5c only.

1. OBJECTIVES AND NEED FOR THIS ASSISTANCE.

Pinpoint any relevant physical, economic, social, financial, institutional, or other problems requiring a solution. Demonstrate the need for assistance and state the principal and subordinate objectives of the project. Supporting documentation or other testimonies from concerned interests other than the applicant may be used. Any relevant data based on planning studies should be included or footnoted.

2. RESULTS OR BENEFITS EXPECTED.

Identify results and benefits to be derived. For example, when applying for a grant to establish a neighborhood health center provide a description of who will occupy the facility, how the facility will be used, and how the facility will benefit the general public.

3. APPROACH.

- a. Outline a plan of action pertaining to the scope and detail of how the proposed work will be accomplished for each grant program, function or activity, provided in the budget. Cite factors which might accelerate or decelerate the work and your reason for taking this approach as opposed to others. Describe any unusual features of the project such as design or technological innovations, reductions in cost or time, or extraordinary social and community involvement.
- b. Provide for each grant program, function or activity, quantitative monthly or quarterly projections of the accomplishments to be achieved in such terms as the number of jobs created; the number of people served; and the number of patients treated. When accomplishments cannot be quantified by activity or function, list them in chronological order to show the schedule of accomplishments and their target dates.

- c. Identify the kinds of data to be collected and maintained and discuss the criteria to be used to evaluate the results and successes of the project. Explain the methodology that will be used to determine if the needs identified and discussed are being met and if the results and benefits identified in item 2 are being achieved.

- d. List organizations, cooperators, consultants, or other key individuals who will work on the project along with a short description of the nature of their effort or contribution.

4. GEOGRAPHIC LOCATION.

Give a precise location of the project or area to be served by the proposed project. Maps or other graphic aids may be attached.

5. IF APPLICABLE, PROVIDE THE FOLLOWING INFORMATION:

- a. For research or demonstration assistance requests, present a biographical sketch of the program director with the following information; name, address, phone number, background, and other qualifying experience for the project. Also, list the name, training and background for other key personnel engaged in the project.
- b. Discuss accomplishments to date and list in chronological order a schedule of accomplishments, progress or milestones anticipated with the new funding request. If there have been significant changes in the project objectives, location approach, or time delays, explain and justify. For other requests for changes or amendments, explain the reason for the change(s). If the scope or objectives have changed or an extension of time is necessary, explain the circumstances and justify. If the total budget has been exceeded, or if individual budget items have changed more than the prescribed limits contained in Attachment K to Office of Management and Budget Circular No. A-102, explain and justify the change and its effect on the project.
- c. For supplemental assistance requests, explain the reason for the request and justify the need for additional funding.

November 22, 1974

PART V

ASSURANCES

The Applicant hereby assures and certifies that he will comply with the regulations, policies, guidelines, and requirements including OMB Circulars Nos. A-87, A-95, and A-102, as they relate to the application, acceptance and use of Federal funds for this Federally assisted project. Also the Applicant assures and certifies with respect to the grant 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 Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and in accordance with Title VI of that Act, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement.
- 3a. It will comply with the provisions of 28 C.F.R. 42.101 et seq. prohibiting discrimination based on race, color or national origin by or through its contractual arrangements. If the grantee is an institution or a governmental agency, office or unit then this assurance of nondiscrimination by race, color or national origin extends to discrimination anywhere in the institution or governmental agency, office or unit.
- b. If the grantee is a unit of state or local government, state planning agency or law enforcement agency, it will comply with Title VII of the Civil Rights Act of 1964, as amended, and 28 C.F.R. 42.201 et seq. prohibiting discrimination in employment practices based on race, color, creed, sex or national origin. Additionally, it will obtain assurances from all subgrantees, contractors and subcontractors that they will not discriminate in employment practices based on race, color, creed, sex or national origin.
- c. It will comply with and will insure compliance by its subgrantees and contractors with Title I of the Crime Control Act of 1973, Title VI of the Civil Rights Act of 1964 and all requirements imposed by or pursuant to regulations of the Department of Justice (28 C.F.R. Part 42) such that no person, on the basis of race, color, sex or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity funded by LEAA.
4. 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.
5. It will comply with the provisions of the Hatch Act which limit the political activity of employees.
6. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, as they apply to hospital and educational institution employees of State and local governments.
7. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives 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.
8. It will give the grantor agency or the Comptroller General through any authorized representative the access to and the right to examine all records, books, papers, or documents related to the grant.
9. It will comply with all requirements imposed by the Federal grantor agency concerning special requirements of law, program requirements, and other administrative requirements approved in accordance with Office of Management and Budget Circular No. A-102.

November 22, 1974

(As of November, 1974)

M 4500. 1C
Appendix 6

APPENDIX 6. ADDRESSES AND MAP OF LEAA REGIONAL OFFICES

REGION 1 - BOSTON

George K. Campbell
Acting Regional Administrator
LEAA - U. S. Dept. of Justice
147 Milk Street, Suite 800
Boston, Massachusetts 02109
617/223-4671 (Admin.)
617/223-7256 (Opns)
617/223-5675 (TA & BOP)
617/223-5665 (Fin.Mgmt Div)

REGION 2 - NEW YORK

Jules Tesler
Acting Regional Administrator
LEAA - U. S. Dept. of Justice
26 Federal Plaza, Rm. 1337
Federal Office Building
New York, New York 10007
212/264-4132 (RA)
212/264-9196 (Admin.)
212/264-4482 (TA)
212/264-2535 (Opns)

REGION 3 - PHILADELPHIA

Cornelius M. Cooper
Regional Administrator
LEAA - U. S. Dept. of Justice
325 Chestnut Street, Suite 800
Philadelphia, Pennsylvania 19106
215/597-9440 thru 9442 (RA & Dep.)
215/597-9443 thru 46 (TA)
215/597-0804 thru 06 (Grants Mgmt Div)

REGION 4 - ATLANTA

Charles Rinkevich
Regional Administrator
LEAA - U. S. Dept. of Justice
730 Peachtree Street, NE., Rm. 985
Atlanta, Georgia 30308
404/526-5868 (Admin.)
404/526-3414 (Opns)
404/526-3556 (TA)

REGION 5 - CHICAGO

Edwin R. LaPedis
Acting Regional Administrator
LEAA - U. S. Dept. of Justice
O'Hare Office Center, Room 121
3166 Des Plaines Avenue
Des Plaines, Illinois 60018
312/353-1203

REGION 6 - DALLAS

Robert Grimes
Regional Administrator
LEAA - U. S. Dept. of Justice
500 S. Ervay Street, Suite 313-C
Dallas, Texas 75201
214/749-7211

REGION 7 - KANSAS CITY

Marvin Ruud
Acting Regional Administrator
LEAA - U. S. Dept. of Justice
436 State Avenue
Kansas City, Kansas 66101
816/374-4501 (Admin.)
816/374-4504 (Opns)
816/374-4508 (TA)

REGION 8 - DENVER

Joseph Mulvey
Regional Administrator
LEAA - U. S. Dept. of Justice
Federal Building, Rm. 6324
Denver, Colorado 80202
303/837-4784 (RA) -2456 (Admin.)
303/837-2367 (Prog) -2385 (Grants)
303/837-4265 (Spec Svc) -4141 (BOP)
303/837-4940 (Indian Desk)

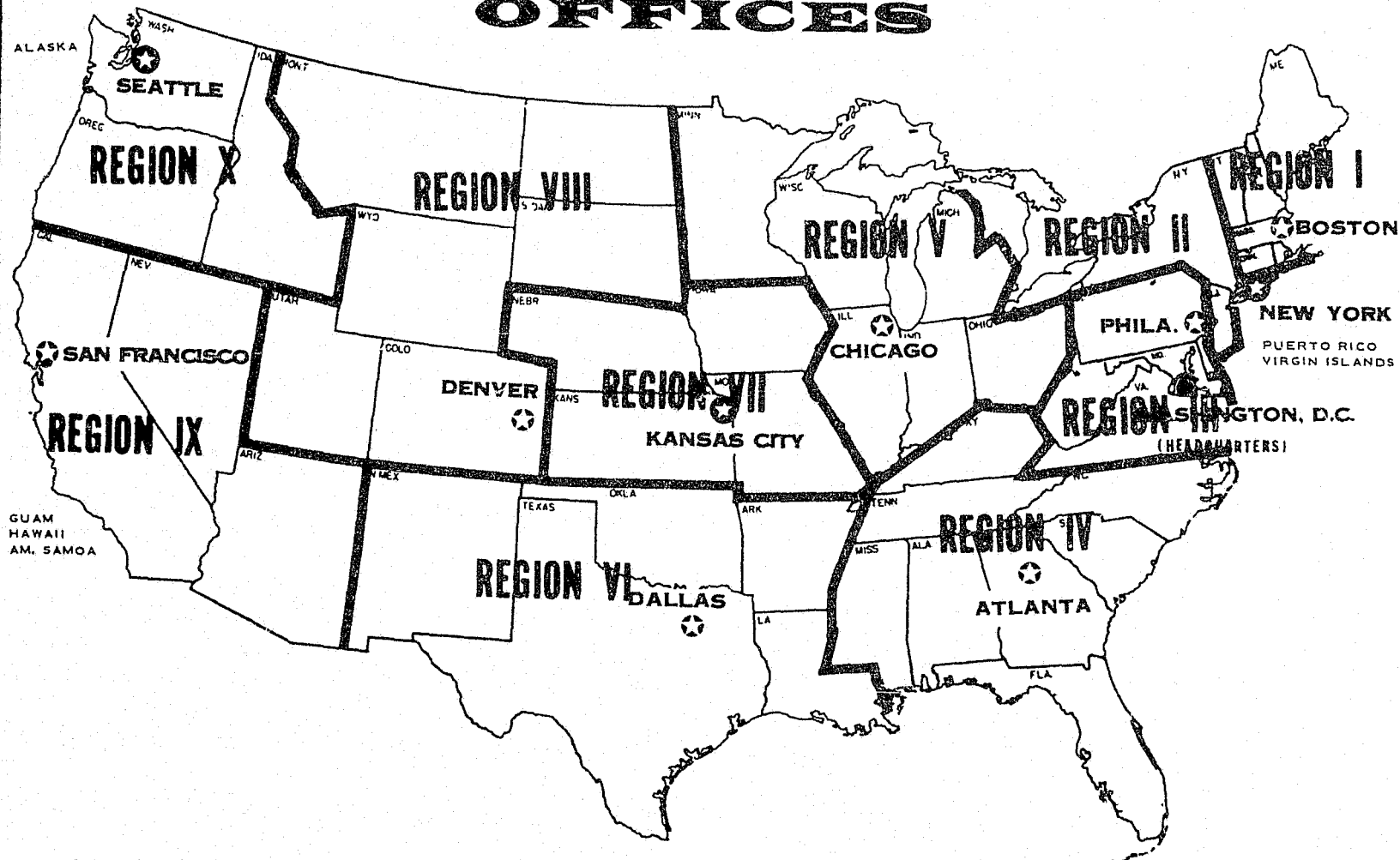
REGION 9 - SAN FRANCISCO

Thomas Clark
Regional Administrator
LEAA - U. S. Dept. of Justice
1860 El Camino Real, 4th Floor
Burlingame, California 94010
415/697-4046 (FTS 415/341-3401)

REGION 10 - SEATTLE

Bernard G. Winckoski
Regional Administrator
LEAA - U. S. Dept. of Justice
130 Andover Building
Seattle, Washington 98188
206/442-1170

LEAA REGIONAL OFFICES



APPENDIX 7. APPLICABILITY OF M 7100.1A, FINANCIAL MANAGEMENT
OF PLANNING AND ACTION GRANTS TO THE ADMINISTRATION
OF DISCRETIONARY GRANTS

1. BACKGROUND. Guideline Manual M 7100.1A, Financial Management for Planning and Action Grants has been developed as a complete reference source and guide for financial questions arising in the administration of action grants by State Planning Agencies, including grants from discretionary funds.
2. APPLICABILITY. Since it is anticipated that grants under the discretionary programs will normally be applied for through, and administered by, State Planning Agencies, the provisions of M 7100.1A relating to subgrantees will be directly applicable to projects receiving funds under the discretionary grant program, subject to the exceptions or clarifications which follow in this appendix.
3. STATE PLANNING AGENCY SUPERVISION AND MONITORING RESPONSIBILITY.
 - a. As LEAA's grantee, the State Planning Agency has responsibility for assuring proper administration of subgrants under the discretionary grant program including responsibility for:
 - (1) Proper conduct of the financial affairs of any subgrantee or contractor insofar as they relate to programs or projects for which discretionary grant funds have been made available and
 - (2) Default in which the State Planning Agency may be held accountable for improper use of grant funds.
 - b. When the SPA is the grantee and the ultimate recipient of the funds is a subgrantee, the following approvals are authorized.
 - (1) A SUBGRANTEE may transfer, between direct cost object class budget categories, the following:
 - (a) The cumulative amount of 5 percent of the grant budget (Federal and non-Federal funds) or \$10,000 whichever is greater (for grant budgets in excess of \$100,000) or
 - (b) A cumulative 5 percent change of the grant budget (for grants of \$100,000 or less).

November 22, 1974

- (2) The SPA shall give prior approval for:
 - (a) Any cumulative amount of transfers exceeding the limitations set forth in paragraph 3b(1) and (2) above.
 - (b) Extensions of discretionary projects up to three months beyond the approved duration.
 - (c) Cost items normally requiring grantor approval except where a budget change is involved above the limits in paragraph 3b(1) and (2) above.
 - (d) All other deviations from a discretionary grant.
- c. When the GRANTEE is also the ultimate recipient of the funds (No SPA supervision and monitoring), the grantee may:
 - (1) Transfer, between direct cost object class budget categories, the following:
 - (a) The cumulative amount of 5 percent of the grant budget (Federal and non-Federal funds) or \$10,000 whichever is greater (for grant budgets in excess of \$100,000) or
 - (b) A cumulative 5 percent change of the grant budget (for grants of \$100,000 or less).
 - (2) The cognizant monitoring office shall give prior approval for:
 - (a) Any cumulative amount of transfers exceeding the limitations set forth in paragraph 3b(1) and 3b(1)b above.
 - (b) Extensions of discretionary projects beyond the approved duration in accordance with approved policy.
 - (c) Cost items normally requiring grantor approval except where a budget change is involved above the limits in paragraph 3b(1)a and 3b(1)b above.
 - (d) All other deviations from a discretionary grant.

4. ALLOWABILITY OF COSTS. The allowability of costs incurred under any grant shall be determined in accordance with the general principles of allowability and standards for selected cost items set forth in OMB Circular No. A-87, "Federal Management Circular (FMC)" and in the LEAA Guideline Manual for Planning and Action Grants, M 7100.1A.
- a. Each individual project supported under the discretionary grant program will, unless otherwise provided in program specifications, be subject to a separate grant application to the Administration incorporating a detailed budget of proposed project costs.
 - b. The budget narrative will set forth the details of cost items specified in chapter 3 of M 7100.1A as requiring specific prior approval.
 - c. Award of the discretionary grant will constitute approval in each instance of specified cost items and therefore "prior approval" items will receive consideration and subsequent approval or disapproval as part of the award process.
 - d. Cost items requiring "grantor approval" under M 7100.1A may be handled by the State Planning Agencies exactly as in the case of subgrants under the block grant program EXCEPT where a budget change is involved above the dollar limits set forth in paragraph 3b(2) of this appendix.
 - e. Where M 7100.1A requires the specific approval of LEAA or when changes in any of the budget categories exceed the limitations set forth in paragraph 3b(2) of this appendix, these items will receive consideration and subsequent approval or disapproval by the Administration.
 - f. Changes among items within one of the budget categories may be made by the subgrantee without prior approval but will otherwise remain subject to M 7100.1A cost allowability and budget requirements.
 - g. Limitation of travel and subsistence charges by grantee to levels allowed under Federal travel regulations (or for the grantee's established travel policies if lower), including use of less than first class accommodations in air and rail travel and the applicable per diem rate at the time the expense is incurred. Exceptions to this requirement must have the prior approval of the LEAA awarding office. (See LEAA Guideline G 7100.3, dated September 10, 1974, for further information.)

November 22, 1974

5. GRANTEE CONTRIBUTIONS AND MATCHING SHARES.

- a. All individual grants made under the discretionary grant program are subject to grantee matching contribution requirements as stated in chapter 4 of M 7100.1A.
- b. Not more than one-third of any discretionary grant may be expended for compensation of police, and other regular law enforcement and criminal justice personnel exclusive of time engaged in training programs or in research, development, demonstration, or other short term programs (Indian manpower projects not to exceed 24 months duration excepted).
- c. Matching contribution data, including the cash match, will be presented in each grant application for discretionary funds.

6. AWARD AND PAYMENT OF GRANT FUNDS.

- a. As grant applications are approved by the Administration, grantees will receive formal statements of award evidencing such action and indicating the amount and type of grant and any special conditions of the grant.
- b. State Planning Agencies will normally be the grantees and as such will be obligated to proceed promptly to award subgrants for execution of the project by intended implementing agencies. Exceptions to this requirement must be negotiated with the LEAA awarding office.
- c. Payments of Federal grant funds under the discretionary grant program will be through the Letter of Credit procedure currently in existence with the State Planning Agencies.
- d. Recipients of subgrants will make all applications for Federal funds to the State Planning Agencies through which the discretionary grant application was processed and the grant was awarded, and such applications will be in accordance with normal subgrant regulations and procedures of the State Planning Agency.
- e. The provisions of chapter 5, paragraph 6 of M 7100.1A are not applicable to grants under the discretionary grant program. Discretionary grant funds will be obligated within the specific grant period indicated on grantee's statement of award and must be expended within 90 days after that date.
- f. Request for change or extension of the grant period must be made in advance of expiration and in writing.

APPENDIX 8. REGULATIONS IMPLEMENTING TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, 28 C.F.R. 42.101, ET SEQ., SUBPART C.

REVISED, JULY 5, 1973

Subpart C—Nondiscrimination in Federally Assisted Programs—Implementation of Title VI of the Civil Rights Act of 1964¹

AUTHORITY: The provisions of this Subpart C issued under secs. 601-605, 78 Stat. 252, secs. 1-11, 79 Stat. 828, 80 Stat. 379; 42 U.S.C. 2000d-2000d-4, 18 U.S.C. Prec. 3001 note, 5 U.S.C. 301, sec. 2, Reorganization Plan No. 2 of 1950, 64 Stat. 1261; 3 CFR, 1949-1953 Comp.

SOURCE: The provisions of this Subpart C contained in Order No. 365-66, 31 P.R. 10265, July 29, 1966, unless otherwise noted.

§ 42.101 Purpose.

The purpose of this subpart is to implement the provisions of Title VI of the Civil Rights Act of 1964, 78 Stat. 252 (hereafter referred to as the "Act"), to the end that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Justice.

§ 42.102 Definitions.

As used in this subpart—

(a) The term "responsible Department official" with respect to any program receiving Federal financial assistance means the Attorney General, or Deputy Attorney General, or such other official of the Department as has been assigned the principal responsibility within the Department for the administration of the law extending such assistance.

(b) The term "United States" includes the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and all other territories and possessions of the United States, and the term "State" includes any one of the foregoing.

(c) The term "Federal financial assistance" includes (1) grants and loans of Federal funds, (2) the grant or donation of Federal property and interests in property, (3) the detail of Federal personnel, (4) the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal

consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient, and (5) any Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.

(d) The term "program" includes any program, project, or activity for the provision of services, financial aid, or other benefits to individuals (including education or training, rehabilitation, or other services or disposition, whether provided through employees of the recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipient, and including work opportunities and cash or loan or other assistance to individuals), or for the provision of facilities for furnishing services, financial aid, or other benefits to individuals. The disposition, services, financial aid, or benefits provided under a program receiving Federal financial assistance shall be deemed to include any disposition, services, financial aid, or benefits provided with the aid of Federal financial assistance or with the aid of any non-Federal funds, property, or other resources required to be expended or made available for the program to meet matching requirements or other conditions which must be met in order to receive the Federal financial assistance, and to include any disposition, services, financial aid, or benefits provided in or through a facility provided with the aid of Federal financial assistance or such non-Federal resources.

(e) The term "facility" includes all or any portion of structures, equipment, or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration or acquisition of facilities.

¹ See also 28 CFR 50.3, Guidelines for enforcement of Title VI, Civil Rights Act.

November 22, 1974

(f) The term "recipient" means any State, political subdivision of any State, or instrumentality of any State or political subdivision, any public or private agency, institution, or organization, or other entity, or any individual, in any State, to whom Federal financial assistance is extended, directly or through another recipient, for any program, including any successor, assign, or transferee thereof, but such term does not include any ultimate beneficiary under any such program.

(g) The term "primary recipient" means any recipient which is authorized or required to extend Federal financial assistance to another recipient for the purpose of carrying out a program.

(h) The term "applicant" means one who submits an application, request, or plan required to be approved by a responsible Department official, or by a primary recipient, as a condition to eligibility for Federal financial assistance, and the term "application" means such an application, request, or plan.

(i) The term "academic institution" includes any school, academy, college, university, institute, or other association, organization, or agency conducting or administering any program, project, or facility designed to educate or train individuals.

(j) The term "disposition" means any treatment, handling, decision, sentencing, confinement, or other prescription of conduct.

(k) The term "governmental organization" means the political subdivision for a prescribed geographical area.

§ 42.103 Application of this subpart.

This subpart applies to any program for which Federal financial assistance is authorized under a law administered by the Department. It applies to money paid, property transferred, or other Federal financial assistance extended under any such program after the date of this subpart pursuant to an application whether approved before or after such date. This subpart does not apply to (a) any Federal financial assistance by way of insurance or guaranty contracts, or (b) employment practices except to the extent described in § 42.104(c).

§ 42.104 Discrimination prohibited.

(a) *General.* No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program to which this subpart applies.

(b) *Specific discriminatory actions prohibited.* (1) A recipient under any program to which this subpart applies may not, directly or through contractual or other arrangements, on the ground of race, color, or national origin:

(i) Deny an individual any disposition, service, financial aid, or benefit provided under the program;

(ii) Provide any disposition, service, financial aid, or benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program;

(iii) Subject an individual to segregation or separate treatment in any matter related to his receipt of any disposition, service, financial aid, or benefit under the program;

(iv) Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any disposition, service, financial aid, or benefit under the program;

(v) Treat an individual differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition which individuals must meet in order to be provided any disposition, service, financial aid, function or benefit provided under the program; or

(vi) Deny an individual an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under the program (including the opportunity to participate in the program as an employee but only to the extent set forth in paragraph (c) of this section).

(vii) Deny a person the opportunity to participate as a member of a planning or advisory body which is an integral part of the program.

(2) A recipient, in determining the type of disposition, services, financial aid, benefits, or facilities which will be provided under any such program, or the class of individuals to whom, or the situations in which, such will be provided under any such program, or the class of individuals to be afforded an opportunity to participate in any such program, may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have

the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respects individuals of a particular race, color, or national origin.

(3) In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding individuals from, denying them the benefits of, or subjecting them to discrimination under any program to which this subpart applies, on the ground of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act or this subpart.

(4) For the purposes of this section the disposition, services, financial aid, or benefits provided under a program receiving Federal financial assistance shall be deemed to include any portion of any program or function or activity conducted by any recipient of Federal financial assistance which program, function, or activity is directly or indirectly improved, enhanced, enlarged, or benefited by such Federal financial assistance or which makes use of any facility, equipment or property provided with the aid of Federal financial assistance.

(5) The enumeration of specific forms of prohibited discrimination in this paragraph and in paragraph (c) of this section does not limit the generality of the prohibition in paragraph (a) of this section.

(6) (i) In administering a program regarding which the recipient has previously discriminated against persons on the ground of race, color, or national origin, the recipient must take affirmative action to overcome the effects of prior discrimination.

(ii) Even in the absence of such prior discrimination, a recipient in administering a program may take affirmative action to overcome the effects of conditions which resulted in limiting participation by persons of a particular race, color, or national origin.

(c) (1) *Employment practices.* Whenever a primary objective of the Federal financial assistance to a program, to which this subpart applies, is to provide employment, a recipient of such assistance may not (directly or through contractual or other arrangements) subject any individual to discrimination on the ground of race, color, or national origin in its

employment practices under such program (including recruitment or recruitment advertising, employment, layoff, or termination, upgrading, demotion, or transfer, rates of pay or other forms of compensation, and use of facilities). That prohibition also applies to programs as to which a primary objective of the Federal financial assistance is (1) to assist individuals, through employment, to meet expenses incident to the commencement or continuation of their education or training, or (2) to provide work experience which contributes to the education or training of the individuals involved. The requirements applicable to construction employment under any such program shall be those specified in or pursuant to Part III of Executive Order 11246 or any Executive order which supersedes it.

(2) In regard to Federal financial assistance which does not have providing employment as a primary objective, the provisions of paragraph (c) (1) of this section apply to the employment practices of the recipient if discrimination on the ground of race, color, or national origin in such employment practices tends, on the ground of race, color, or national origin, to exclude persons from participation in, to deny them the benefits of or to subject them to discrimination under the program receiving Federal financial assistance. In any such case, the provisions of paragraph (c) (1) of this section shall apply to the extent necessary to assure equality of opportunity to and nondiscriminatory treatment of beneficiaries.

§ 42.105 Assurance required.

(a) *General.* (1) Every application for Federal financial assistance to carry out a program to which this subpart applies, and every application for Federal financial assistance to provide a facility shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to the application, contain or be accompanied by an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed by or pursuant to this subpart.

In the case where the Federal financial assistance is to provide or is in the form of personal property, or real property or interest therein or structures thereon, such assurance shall obligate the recipient, or, in the case of a subsequent transfer, the transferee, for the period during which the property is used for a purpose for

November 22, 1974

which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits, or for as long as the recipient retains ownership or possession of the property, whichever is longer.

In all other cases, such assurance shall obligate the recipient for the period during which Federal financial assistance is extended pursuant to the application. The responsible Department official shall specify the form of the foregoing assurances for each program, and the extent to which like assurances will be required of subgrantees, contractors, and subcontractors, transferees, successors in interest, and other participants in the program. Any such assurance shall include provisions which give the United States a right to seek its judicial enforcement.

(2) In the case of real property, structures or improvements thereon, or interest therein, which was acquired through a program of Federal financial assistance, or in the case where Federal financial assistance is provided in the form of a transfer of real property or interest therein from the Federal Government, the instrument effecting or recording the transfer shall contain a covenant running with the land assuring nondiscrimination for the period during which the real property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. Where no transfer of property is involved, but property is improved under a program of Federal financial assistance, the recipient shall agree to include such a covenant in any subsequent transfer of such property. Where the property is obtained from the Federal Government, such covenant may also include a condition coupled with a right to be reserved by the Department to revert title to the property in the event of a breach of the covenant where, in the discretion of the responsible Department official, such a condition and right of reverter are appropriate to the program under which the real property is obtained and to the nature of the grant and the grantee.

(b) *Assurances from government agencies.* In the case of any application from any department, agency, or office of any State or local government for Federal financial assistance for any specified purpose, the assurance required by this section shall extend to any other department, agency, or office of the same governmental unit if the policies of such other department, agency, or office will substantially affect the project for which Federal financial assistance is requested. That requirement may be waived by the responsible Department official if the applicant establishes, to the satisfaction of the responsible Department official, that the practices in other agencies or parts or programs of the governmental unit will in no way affect (1) its practices in the program for which Federal financial assistance is sought, or (2) the beneficiaries of or participants in or persons affected by such program, or (3) full compliance with this subpart as respects such program.

(c) *Assurance from academic and other institutions.* (1) In the case of any application for Federal financial assistance for any purpose to an academic institution, the assurance required by this section shall extend to admission practices and to all other practices relating to the treatment of students.

(2) The assurance required with respect to an academic institution, detention or correctional facility, or any other institution or facility, insofar as the assurance relates to the institution's practices with respect to admission or other treatment of individuals as students, patients, wards, inmates, persons subject to control, or clients of the institution or facility or to the opportunity to participate in the provision of services, disposition, treatment, or benefits to such individuals, shall be applicable to the entire institution or facility unless the applicant establishes, to the satisfaction of the responsible Department official, that the practices in designated parts or programs of the institution or facility will in no way affect its practices in the program of the institution or facility for which Federal financial assistance is sought, or the beneficiaries of or participants in such program. If, in any,

such case, the assistance sought is for the construction of a facility or part of a facility, the assurance shall in any event extend to the entire facility and to facilities operated in connection therewith.

(d) *Continuing State programs.* Any State or State agency administering a program which receives continuing Federal financial assistance subject to this regulation shall as a condition for the extension of such assistance (1) provide a statement that the program is (or, in the case of a new program, will be) conducted in compliance with this regulation, and (2) provide for such methods of administration as are found by the responsible Department official to give reasonable assurance that the primary recipient and all other recipients of Federal financial assistance under such program will comply with this regulation.

§ 42.106 Compliance information.

(a) *Cooperation and assistance.* Each responsible Department official shall, to the fullest extent practicable, seek the cooperation of recipients in obtaining compliance with this subpart and shall provide assistance and guidance to recipients to help them comply voluntarily with this subpart.

(b) *Compliance reports.* Each recipient shall keep such records and submit to the responsible Department official or his designee timely, complete, and accurate compliance reports at such times, and in such form and containing such information, as the responsible Department official or his designee may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this subpart.

In general, recipients should have available for the Department racial and ethnic data showing the extent to which members of minority groups are beneficiaries of federally assisted programs.

In the case of any program under which a primary recipient extends Federal financial assistance to any other recipient or subcontracts with any other person or group, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this subpart.

(c) *Access to sources of information.* Each recipient shall permit access by the responsible Department official or his designee during normal business hours to such of its books, records, accounts, and other sources of information, and its facilities, as may be pertinent to ascertain compliance with this subpart. Whenever any information required of a recipient is in the exclusive possession of any other agency, institution, or person and that agency, institution, or person fails or refuses to furnish that information, the recipient shall so certify in its report and set forth the efforts which it has made to obtain the information.

(d) *Information to beneficiaries and participants.* Each recipient shall make available to participants, beneficiaries, and other interested persons such information regarding the provisions of this subpart and its applicability to the program under which the recipient receives Federal financial assistance, and make such information available to them in such manner, as the responsible Department official finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this subpart.

§ 42.107 Conduct of investigations.

(a) *Periodic compliance reviews.* The responsible Department official or his designee shall from time to time review the practices of recipients to determine whether they are complying with this subpart.

(b) *Complaints.* Any person who believes himself or any specific class of individuals to be subjected to discrimination prohibited by this subpart may by himself or by a representative file with the responsible Department official or his designee a written complaint. A complaint must be filed not later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by the responsible Department official or his designee.

(c) *Investigations.* The responsible Department official or his designee will make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with this subpart. The investigation should include, whenever appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with this subpart occurred, and other factors relevant to a determination as to whether the recipient has failed to comply with this subpart.

November 22, 1974

(d) *Resolution of matters.* (1) If an investigation pursuant to paragraph (c) of this section indicates a failure to comply with this subpart, the responsible Department official or his designee will so inform the recipient and the matter will be resolved by informal means whenever possible. If it has been determined that the matter cannot be resolved by informal means, action will be taken as provided for in § 42.108.

(2) If an investigation does not warrant action pursuant to subparagraph (1) of this paragraph, the responsible Department official or his designee will so inform the recipient and the complainant, if any, in writing.

(e) *Intimidatory or retaliatory acts prohibited.* No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by section 601 of the Act or this subpart, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this subpart. The identity of complainants shall be kept confidential except to the extent necessary to carry out the purposes of this subpart, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

§ 42.108 Procedure for effecting compliance.

(a) *General.* If there appears to be a failure or threatened failure to comply with this subpart and if the noncompliance or threatened noncompliance cannot be corrected by informal means, the responsible Department official may suspend or terminate, or refuse to grant or continue, Federal financial assistance, or use any other means authorized by law, to induce compliance with this subpart. Such other means include, but are not limited to, (1) appropriate proceedings brought by the Department to enforce any rights of the United States under any law of the United States (including other titles or the Act), or any assurance or other contractual undertaking, and (2) any applicable proceeding under State or local law.

(b) *Noncompliance with assurance requirement.* If an applicant or recipient fails or refuses to furnish an assurance required under § 42.105, or fails or refuses to comply with the provisions of the assurance it has furnished, or otherwise fails or refuses to comply with any requirement imposed by or pursuant to Title VI or this subpart, Federal financial assistance may be suspended, terminated, or refused in accordance with the procedures of Title VI and this subpart. The Department shall not be required to provide assistance in such a case during the pendency of administrative proceedings under this subpart, except that the Department will continue assistance during the pendency of such proceedings whenever such assistance is due and payable pursuant to a final commitment made or an application finally approved prior to the effective date of this subpart.

(c) *Termination of or refusal to grant or to continue Federal financial assistance.* No order suspending, terminating, or refusing to grant or continue Federal financial assistance shall become effective until (1) the responsible Department official has advised the applicant or recipient of his failure to comply and has determined that compliance cannot be secured by voluntary means, (2) there has been an express finding on the record, after opportunity for hearing, of a failure by the applicant or recipient to comply with a requirement imposed by or pursuant to this subpart, (3) the action has been approved by the Attorney General pursuant to § 42.110, and (4) the expiration of 30 days after the Attorney General has filed with the committee of the House and the committee of the Senate having legislative jurisdiction over the program involved, a full written report of the circumstances and the grounds for such action. Any action to suspend or terminate or to refuse to grant or to continue Federal financial assistance shall be limited to the particular political entity, or part thereof, or other applicant or recipient as to whom such a finding has been made and shall be limited in its effect to the particular program, or part thereof, in which such

noncompliance has been so found.

(d) *Other means authorized by law.* No action to effect compliance by any other means authorized by law shall be taken until (1) the responsible Department official has determined that compliance cannot be secured by voluntary means, (2) the action has been approved by the Attorney General, and (3) the recipient or other person has been notified of its failure to comply and of the action to be taken to effect compliance.

§ 42.109 Hearings.

(a) *Opportunity for hearing.* Whenever an opportunity for a hearing is required by § 42.108(c), reasonable notice shall be given by registered or certified mail, return receipt requested, to the affected applicant or recipient. That notice shall advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for that action. The notice shall (1) fix a date, not less than 20 days after the date of such notice, within which the applicant or recipient may request that the responsible Department official schedule the matter for hearing, or (2) advise the applicant or recipient that a hearing concerning the matter in question has been scheduled and advise the applicant or recipient of the place and time of that hearing. The time and place so fixed shall be reasonable and shall be subject to change for cause. The complainant, if any, shall be advised of the time and place of the hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing under this paragraph or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing afforded by section 602 of the Act and § 42.108(c) and consent to the making of a decision on the basis of such information as is available.

(b) *Time and place of hearing.* Hearings shall be held at the offices of the Department in Washington, D.C., at a time fixed by the responsible Department official, unless he determines that the convenience of the applicant or recipient or of the Department requires that another place be selected. Hearings shall be held before the responsible Department official or, at his discretion, before a hearing examiner designated in accordance with 5 U.S.C. 3105 and 3344 (section 11 of the Administrative Procedure Act).

(c) *Right to counsel.* In all proceedings under this section, the applicant or recipient and the Department shall have the right to be represented by counsel.

(d) *Procedures, evidence, and record.* (1) The hearing, decision, and any administrative review thereof shall be conducted in conformity with 5 U.S.C. 554-557 (sections 5-8 of the Administrative Procedure Act), and in accordance with such rules of procedure as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (a) of this section, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. Both the Department and the applicant or recipient shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing.

(2) Technical rules of evidence shall not apply to hearings conducted pursuant to this subpart, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied whenever reasonably necessary by the officer conducting the hearing. The hearing officer may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.

(e) *Consolidated or joint hearings.* In cases in which the same or related facts are asserted to constitute noncompliance with this subpart with respect to two or more programs to which this subpart applies, or noncompliance with this subpart and the regulations of one or more other Federal departments or agencies issued under Title VI of the Act, the Attorney General may, by agreement with such other departments or agencies, whenever appropriate, provide for the conduct of consolidated or joint hearings, and for the application to such hearings of rules of procedure not inconsistent with this subpart. Final decisions in such cases, insofar as this subpart is concerned, shall be made in accordance with § 42.110.

November 22, 1974

§ 42.110 Decisions and notices.

(a) *Decisions by person other than the responsible Department official.* If the hearing is held by a hearing examiner, such hearing examiner shall either make an initial decision, if so authorized, or certify the entire record, including his recommended findings and proposed decision, to the responsible Department official for a final decision, and a copy of such initial decision or certification shall be mailed to the applicant or recipient. Whenever the initial decision is made by the hearing examiner, the applicant or recipient may, within 30 days of the mailing of such notice of initial decision, file with the responsible Department official his exceptions to the initial decision, with his reasons therefor. In the absence of exceptions, the responsible Department official may on his own motion, within 45 days after the initial decision, serve on the applicant or recipient a notice that he will review the decision. Upon filing of such exceptions, or of such notice of review, the responsible Department official shall review the initial decision and issue his own decision thereon including the reasons therefor. In the absence of either exceptions or a notice of review the initial decision shall constitute the final decision of the responsible Department official.

(b) *Decisions on the record or on review by the responsible Department official.* Whenever a record is certified to the responsible Department official for decision or he reviews the decision of a hearing examiner pursuant to paragraph (a) of this section, or whenever the responsible Department official conducts the hearing, the applicant or recipient shall be given a reasonable opportunity to file with him briefs or other written statements of its contentions, and a copy of the final decision of the responsible Department official shall be given in writing to the applicant or recipient and to the complainant, if any.

(c) *Decisions on the record whenever a hearing is waived.* Whenever a hearing is waived pursuant to § 42.109(a), a decision shall be made by the responsible Department official on the record and a copy of such decision shall be given in writing to the applicant or recipient, and to the complainant, if any.

(d) *Rulings required.* Each decision of a hearing officer or responsible Department official shall set forth his ruling on each findings, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to this subpart with which it is found that the applicant or recipient, has failed to comply.

(e) *Approval by Attorney General.* Any final decision of a responsible Department official (other than the Attorney General) which provides for the suspension or termination of, or the refusal to grant or continue Federal financial assistance, or the imposition of any other sanction available under this subpart or the Act, shall promptly be transmitted to the Attorney General, who may approve such decision, vacate it, or remit or mitigate any sanction imposed.

(f) *Content of orders.* The final decision may provide for suspension or termination of, or refusal to grant or continue Federal financial assistance, in whole or in part, under the program involved, and may contain such terms, conditions, and other provisions as are consistent with, and will effectuate the purposes of, the Act and this subpart, including provisions designed to assure that no Federal financial assistance will thereafter be extended under such program to the applicant or recipient determined by such decision to be in default in its performance of an assurance given by it pursuant to this subpart, or to have otherwise failed to comply with this subpart, unless and until, it corrects its noncompliance and satisfies the responsible Department official that it will fully comply with this subpart.

(g) *Post-termination proceedings.* (1) An applicant or recipient adversely affected by an order issued under paragraph (f) of this section shall be restored to full eligibility to receive Federal financial assistance if it satisfies the terms and conditions of that order for such eligibility or if it brings itself into compliance with this subpart and provides reasonable assurance that it will fully comply with this subpart.

(2) Any applicant or recipient adversely affected by an order entered pursuant to paragraph (f) of this section may at any time request the responsible Department official to restore fully its eligibility to receive Federal financial assistance. Any such request shall be supported by information showing that the applicant or recipient has met the requirements of paragraph (g) (1) of this section. If the responsible Department official denies any such request, the applicant or recipient may submit a request for a hearing in writing, specifying why it believes such official to have been in error. It shall thereupon be given an expeditious hearing, with a decision on the record, in accordance with rules of procedure issued by the responsible Department official. The applicant or recipient

ment will be restored to such eligibility if it proves at such a hearing that it satisfied the requirements of paragraph (g) (1) of this section. While proceedings under this paragraph are pending, sanctions imposed by the order issued under paragraph (f) of this section shall remain in effect.

§ 42.111 Judicial review.

Action taken pursuant to section 602 of the Act is subject to judicial review as provided in section 603 of the Act.

§ 42.112 Effect on other regulations, forms and instructions.

(a) *Effect on other regulations.* Nothing in this subpart shall be deemed to supersede any provision of Subpart A or B of this part or Executive Order 11114 or 11246, as amended, or of any other regulation or instruction which prohibits discrimination on the ground of race, color, or national origin in any program or situation to which this subpart is inapplicable, or which prohibits discrimination on any other ground.

(b) *Forms and instructions.* Each responsible Department official, other than the Attorney General or Deputy Attorney General, shall issue and promptly make available to interested persons forms and detailed instructions and procedures for effectuating this subpart as applied to programs to which this subpart applies and for which he is responsible.

(c) *Supervision and coordination.* The Attorney General may from time to time assign to officials of the Department, or to officials of other departments or agencies of the Government, with the consent of such departments or agencies, responsibilities in connection with the effectuation of the purposes of Title VI of the Act and this subpart (other than responsibility for final decision as provided in § 42.110(e), including the achievement of the effective coordination and maximum uniformity within the

Department and within the Executive Branch of the Government in the application of Title VI of the Act and this subpart to similar programs and in similar situations. Any action taken, determination made, or requirement imposed by an official of another Department or agency acting pursuant to an assignment of responsibility under this subsection shall have the same effect as though such action had been taken by the Attorney General.

APPENDIX A—ASSISTANCE ADMINISTERED BY THE DEPARTMENT OF JUSTICE TO WHICH THIS SUBPART APPLIES

1. Assistance provided by the Law Enforcement Assistance Administration pursuant to the Law Enforcement Assistance Act of 1965, and title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by the Omnibus Crime Control Act of 1970, 42 U.S.C. 3711-3781.

2. Assistance provided by the Federal Bureau of Investigation through its National Academy and law enforcement training activities pursuant to title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by the Omnibus Crime Control Act of 1970, 42 U.S.C. 3744.

3. Assistance provided by the Bureau of Narcotics and Dangerous Drugs pursuant to the Comprehensive Drug Abuse Prevention and Control Act of 1970, 21 U.S.C. 872.

APPENDIX 9. LEAA EXTERNAL EQUAL EMPLOYMENT OPPORTUNITY
REGULATIONS, 28 C.F.R. 42.201, ET SEQ., SUBPART D.

REVISED AUGUST 18, 1972

**Title 28—JUDICIAL
ADMINISTRATION**

Chapter I—Department of Justice

**PART 42—NONDISCRIMINATION:
EQUAL OPPORTUNITY: POLICIES
AND PROCEDURES**

**Subpart D—Equal Employment Op-
portunity in Federally Assisted Pro-
grams and Activities**

Sec.	
42.201	Purpose and application.
42.202	Definitions.
42.203	Discrimination prohibited.
42.204	Assurances required.
42.205	Compliance information.
42.206	Conduct of investigation, procedures for effecting compliance hearings, decisions, and judicial review; forms, instruction, and effect on other regulations.

AUTHORITY: The provisions of this Sub-
part D issued under 5 U.S.C. 301; and sec.
501 of the Omnibus Crime Control and Safe
Streets Act of 1968, Public Law 90-351, 82
Stat. 197, as amended.

§ 42.201 Purpose and application.

(a) The purpose of this subpart is to
enforce the provisions of the 14th
amendment to the Constitution by
eliminating discrimination on the
grounds of race, color, creed, sex, or na-
tional origin in the employment prac-
tices of State agencies or offices receiv-
ing financial assistance extended by this
Department.

(b) The regulations in this subpart
apply to the employment practices of
planning agencies, law enforcement
agencies, and other agencies or offices of
States or units of general local govern-
ment administering, conducting, or par-
ticipating in any program or activity
receiving Federal financial assistance ex-
tended under title I of the Omnibus
Crime Control and Safe Streets Act of
1968 (the Act). This subpart shall not
apply to federally assisted construction
contracts covered by Part III of Execu-
tive Order 11246, September 24, 1965; en-
forcement of nondiscriminatory employ-
ment practices under such contracts
shall be effected pursuant to the Execu-
tive order.

§ 42.202 Definitions.

(a) The definitions set forth in
§ 42.102 of Subpart C, Part 42, Title 28,
Code of Federal Regulations are, to the
extent not inconsistent with this sub-
part, hereby made applicable to and in-
corporated in this subpart.

(b) As used in this subpart, the term
"employment practices" means all terms
and conditions of employment including
but not limited to all practices relating
to the screening, recruitment, selection,
appointment, promotion, demotion, and
assignment of personnel, and includes
advertising, hiring, assignments, clas-
sification, discipline, layoff and termina-
tion, upgrading, transfer, leave practices,
rates of pay, fringe benefits, or other
forms of pay or credit for services ren-
dered and use of facilities.

(c) As used in this subpart, the terms
"law enforcement," "State," and "unit
of general local government" shall have
the meanings set forth in section 601 of
the Act.

§ 42.203 Discrimination prohibited.

No agency or office to which this sub-
part applies under § 42.201 shall dis-
criminate in its employment practices
against employees or applicants for em-
ployment because of race, color, creed,
sex, or national origin. Nothing con-
tained in this subpart shall be con-
strued as requiring any such agency or
office to adopt a percentage ratio, quota
system, or other program to achieve
racial balance or to eliminate racial im-
balance. Notwithstanding any other
provision of this subpart, it shall not be
a discriminatory employment practice to
hire or assign an individual on the basis
of creed, sex, or national origin where
the office or agency claiming an excep-
tion for an individual based on creed, sex,
or national origin is able to demonstrate
that the creed, sex, or national origin
of the individual is essential to the per-
formance of the job.

§ 42.204 Assurances required.

(a) (1) Every application for Federal
financial assistance to carry out a pro-
gram to which this regulation applies
shall, as a condition of approval of such
application and the extension of any
Federal financial assistance pursuant to
such application, contain or be accom-

November 22, 1974

panied by an assurance that the applicant will comply with the requirements of this subpart, and will obtain such assurances from its subgrantees, contractors, or subcontractors to which this subpart applies, as a condition of the extension of Federal financial assistance to them.

(3) The responsible Department officials shall specify the form of the foregoing assurances. Such assurances shall be effective for the period during which Federal financial assistance is extended to the applicant or for the period during which a comprehensive law enforcement plan filed pursuant to the Act is in effect in the State, whichever period is longer, unless the form of the assurance as approved in writing by the responsible Department official specifies a different effective period.

(b) Assurances by States and units of general local government relating to employment practices of State and local law enforcement agencies and other agencies to which this subpart applies shall apply to the policies and practices of any other department, agency, or office of the same governmental unit to the extent that such policies or practices will substantially affect the employment practices of the recipient State or local planning unit, law enforcement agency, or other agency or office.

§ 42.205 Compliance information.

The provisions of § 42.106 are hereby made applicable to and incorporated in this subpart.

§ 42.206 Conduct of investigations, procedures for effecting compliance, hearings, decisions, and judicial review; forms, instruction, and effect on other regulations.

(a) Each responsible Department official shall take appropriate measures to effectuate and enforce the provisions of this subpart; and shall issue and promptly make available to interested persons forms, instructions, and procedures for effectuating this subpart as applied to programs for which he is responsible. Insofar as feasible and not inconsistent with this subpart, the conduct of investigations and the procedures for effecting compliance, holding hearings, rendering decisions and initiating judicial review of such decisions shall be consistent with those prescribed by §§ 42.107 through 42.111 of subpart C of this part; provided, that where the re-

sponsible Department official determines that judicial proceedings (as contemplated by § 42.108(d)) are as likely or more likely to result in compliance than administrative proceedings (as contemplated by § 42.108(c)), he shall invoke the judicial remedy rather than the administrative remedy; and provided further, that no recipient of Federal financial assistance or applicant for such assistance shall be denied access to the hearing or appeal procedures set forth in sections 510 and 511 of the Act for denial or discontinuance of a grant or withholding of payments thereunder resulting from the application of this subpart.

(b) If it is determined, after opportunity for a hearing on the record, that a recipient has engaged or is engaging in employment practices which unlawfully discriminate on the ground of race, color, creed, sex, or national origin, the recipient will be required to cease such discriminatory practices and to take such action as may be appropriate to eliminate present discrimination, to correct the effects of past discrimination, and to prevent such discrimination in the future.

(c) Nothing in this subpart shall be deemed to supersede any provisions of Subparts A, B, and C of Part 42, Title 28, Code of Federal Regulations, or of any other regulation and instruction which prohibits discrimination on the ground of race, color, creed, sex, or national origin in any program or situation to which this subpart is inapplicable, or which prohibits discrimination on any other ground.

Effective date. This regulation shall become effective upon publication in the FEDERAL REGISTER (8-18-72).

Dated: August 9, 1972.

JERRIS LEONARD,
*Administrator, Law Enforcement
Assistance Administration.*

Concur:

RICHARD W. VELDE,
Associate Administrator.

CLARENCE M. COSTER,
Associate Administrator.

[FR Doc.72-14083 Filed 8-17-72; 8:50 am]

**APPENDIX 10. LEAA EQUAL EMPLOYMENT OPPORTUNITY PROGRAM
GUIDELINES (AFFIRMATIVE ACTION REGULATIONS).
28 C.F.R. 42.301, ET SEQ; SUBPART E.**

REVISED AUGUST 31, 1973

**Title 28—Judicial Administration
CHAPTER I—DEPARTMENT OF JUSTICE
PART 42—NONDISCRIMINATION: EQUAL
OPPORTUNITY: POLICIES AND PROCE-
DURES**

**Subpart E—Equal Employment
Opportunity Guidelines**

On March 9, 1973, the Law Enforcement Assistance Administration of the Department of Justice (LEAA), promulgated equal employment opportunity guidelines (28 CFR 42.301, et seq., Subpart E). The second paragraph of those guidelines reads as follows:

In accordance with the spirit of the public policy set forth in 5 U.S.C. 553, interested persons may submit written comments, suggestions, data or arguments to the Administrator, Law Enforcement Assistance Administration, U.S. Department of Justice, Washington, D.C. 20530, Attention: Office of Civil Rights Compliance, within 45 days of the publication of the guidelines contained in this part. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. Until such time as further changes are made, however, Part 42, Subpart E as set forth herein shall remain in effect, thus permitting the public business to proceed more expeditiously.

In accordance with the preceding paragraph, written comments, suggestions, data or arguments, have been received by the Administrator of the Law Enforcement Assistance Administration. Material submitted has been evaluated and changes deemed by LEAA to be appropriate have been incorporated into revised equal employment opportunity guidelines, the text of which follows.

By virtue of the authority vested in it by 5 U.S.C. 301, and section 501 of the Omnibus Crime Control and Safe Streets Act of 1968, Pub. L. 90-351, 82 Stat. 197, as amended, the Law Enforcement Assistance Administration hereby issues Title 28, Chapter I, Subpart E of Part 42 of the Code of Federal Regulations. In that the material contained

herein is a matter relating to the grant program of the Law Enforcement Assistance Administration, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable.

**Subpart E—Equal Employment Opportunity
Guidelines**

Sec.	
42.301	Purpose.
42.302	Application.
42.303	Evaluation of employment opportunities.
42.304	Written Equal Employment Opportunity Program.
42.305	Recordkeeping and certification.
42.306	Guidelines.
42.307	Obligations of recipients.
42.308	Noncompliance.

AUTHORITY: 5 U.S.C. sec. 501 of the Omnibus Crime Control and Safe Streets Act of 1968, Pub. L. 90-351, 82 Stat. 197, as amended.

§ 42.301 Purpose.

(a) The experience of the Law Enforcement Assistance Administration in implementing its responsibilities under the Omnibus Crime Control and Safe Streets Act of 1968, as amended, (Pub. L. 90-351, 82 Stat. 197; Pub. L. 91-644, 84 Stat. 1681) has demonstrated that the full and equal participation of women and minority individuals in employment opportunities in the criminal justice system is a necessary component to the Safe Streets Act's program to reduce crime and delinquency in the United States.

(b) Pursuant to the authority of the Safe Streets Act and the equal employment opportunity regulations of the LEAA relating to LEAA assisted programs and activities (28 CFR 42.201, et seq., Subpart D), the following Equal Employment Opportunity Guidelines are established.

November 22, 1974

§ 42.302 Application.

(a) As used in these guidelines "Recipient" means any state, political subdivision of any state, combination of such states or subdivisions, or any department, agency or instrumentality of any of the foregoing receiving Federal financial assistance from LEAA, directly or through another recipient, or with respect to whom an assurance of civil rights compliance given as a condition of the earlier receipt of assistance is still in effect.

(b) The obligation of a recipient to formulate, implement, and maintain an equal employment opportunity program, in accordance with this Subpart, extends to state and local police agencies, correctional agencies, criminal court systems, probation and parole agencies, and similar agencies responsible for the reduction and control of crime and delinquency.

(c) Assignments of compliance responsibility for Title VI of the Civil Rights Act of 1964 have been made by the Department of Justice to the Department of Health, Education, and Welfare, covering educational institutions and general hospital or medical facilities. Similarly, the Department of Labor, in pursuance of its authority under Executive Orders 11246 and 11375, has assigned responsibility for monitoring equal employment opportunity under government contracts with medical and educational institutions, and non-profit organizations, to the Department of Health, Education, and Welfare. Accordingly, monitoring responsibility in compliance matters in agencies of the kind mentioned in this paragraph rests with the Department of Health, Education, and Welfare, and agencies of this kind are exempt from the provisions of this subpart, and are not responsible for the development of equal employment opportunity programs in accordance herewith.

(d) Each recipient of LEAA assistance within the criminal justice system which has 50 or more employees and which has received grants or subgrants of \$25,000 or more pursuant to and since the enactment of the Safe Streets Act of 1968, as amended, and which has a service population with a minority representation of 3 percent or more, is required to formulate, implement and maintain an Equal Employment Opportunity Program relating to employment practices affecting minority persons and women within 120 days after either the promulgation of these amended guidelines, or the initial application for assistance is approved, whichever is sooner. Where a recipient has 50 or more employees, and

has received grants or subgrants of \$25,000 or more, and has a service population with a minority representation of less than 3 percent, such recipient is required to formulate, implement, and maintain an equal employment opportunity program relating to employment practices affecting women. For a definition of "employment practices" within the meaning of this paragraph, see § 42.202(b).

(e) "Minority persons" shall include persons who are Negro, Oriental, American-Indian, or Spanish-surnamed Americans. "Spanish-surnamed Americans" means those of Latin American, Cuban, Mexican, Puerto Rican or Spanish origin. In Alaska, Eskimos and Aleuts should be included as "American Indians."

(f) For the purpose of these guidelines, the relevant "service population" shall be determined as follows:

(1) For adult and juvenile correctional institutions, facilities and programs (including probation and parole programs), the "service population" shall be the inmate or client population served by the institution, facility, or program during the preceding fiscal year.

(2) For all other recipient agencies (e.g., police and courts), the "service population" shall be the State population for state agencies, the county population for county agencies, and the municipal population for municipal agencies.

(g) "Fiscal year" means the twelve calendar months beginning July 1, and ending June 30, of the following calendar year. A fiscal year is designated by the calendar year in which it ends.

§ 42.303 Evaluation of employment opportunities.

(a) A necessary prerequisite to the development and implementation of a satisfactory Equal Employment Opportunity Program is the identification and analysis of any problem areas inherent in the utilization or participation of minorities and women in all of the recipient's employment phases (e.g., recruitment, selection, and promotion) and the evaluation of employment opportunities for minorities and women.

(b) In many cases an effective Equal Employment Opportunity Program may only be accomplished where the program is coordinated by the recipient agency with the relevant Civil Service Commission or similar agency responsible by law, in whole or in part, for the recruitment

and selection of entrance candidate; and selection of candidates for promotion.

(c) In making the evaluation of employment opportunities, the recipient shall conduct such analysis separately for minorities and women. However, all racial and ethnic data collected to perform an evaluation pursuant to the requirements of this section should be cross classified by sex to ascertain the extent to which minority women or minority men may be underutilized. The evaluation should include but not necessarily be limited to, the following factors:

(1) An analysis of present representation of women and minority persons in all job categories;

(2) An analysis of all recruitment and employment selection procedures for the preceding fiscal year, including such things as position descriptions, application forms, recruitment methods and sources, interview procedures, test administration and test validity, educational prerequisites, referral procedures and final selection methods, to insure that equal employment opportunity is being afforded in all job categories;

(3) An analysis of seniority practices and provisions, upgrading and promotion procedures, transfer procedures (lateral or vertical), and formal and informal training programs during the preceding fiscal year, in order to insure that equal employment opportunity is being afforded;

(4) A reasonable assessment to determine whether minority employment is inhibited by external factors such as the lack of access to suitable housing in the geographical area served by a certain facility or the lack of suitable transportation (public or private) to the workplace.

§ 42.304 Written Equal Employment Opportunity Program.

Each recipient's Equal Employment Opportunity Program shall be in writing and shall include:

(a) A job classification table or chart which clearly indicates for each job classification or assignment the number of employees within each respective job category classified by race, sex and national origin (include for example Spanish-surnamed, Oriental, and American Indian). Also, principal duties and rates of pay should be clearly indicated for each job classification. Where auxiliary duties are assigned or more than one rate of pay applies because of length of time in the job or other factors, a special notation should be made. Where the recipient operates more than one shift

or assigns employees within each shift to varying locations, as in law enforcement agencies, the number by race, sex and national origin on each shift and in each location should be identified. When relevant, the recipient should indicate the racial/ethnic mix of the geographic area of assignments by the inclusion of minority population and percentage statistics.

(b) The number of disciplinary actions taken against employees by race, sex, and national origin within the preceding fiscal year, the number and types of sanctions imposed (suspension indefinitely, suspension for a term, loss of pay, written reprimand, oral reprimand, other) against individuals by race, sex, and national origin.

(c) The number of individuals by race, sex and national origin (if available) applying for employment within the preceding fiscal year and the number by race, sex and national origin (if available) of those applicants who were offered employment and those who were actually hired. If such data is unavailable, the recipient should institute a system for the collection of such data.

(d) The number of employees in each job category by race, sex, and national origin who made application for promotion or transfer within the preceding fiscal year and the number in each job category by race, sex, and national origin who were promoted or transferred.

(e) The number of employees by race, sex, and national origin who were terminated within the preceding fiscal year, identifying by race, sex, and national origin which were voluntary and involuntary terminations.

(f) Available community and area labor characteristics within the relevant geographical area including total population, workforce and existing unemployment by race, sex, and national origin. Such data may be obtained from the Bureau of Labor Statistics, Washington, D.C., state and local employment services, or other reliable sources. Recipients should identify the sources of the data used.

(g) A detailed narrative statement setting forth the recipient's existing employment policies and practices as defined in § 42.202(b). Thus, for example, where testing is used in the employment selection process, it is not sufficient for the recipient to simply note the fact. The recipient should identify the test, describe the procedures followed in administering and scoring the test, state what weight is given to test scores, how a cutoff score is established and whether the

November 22, 1974

test has been validated to predict or measure job performance and, if so, a detailed description of the validation study. Similarly detailed responses are required with respect to other employment policies, procedures, and practices used by the applicant.

(1) The statement should include the recipient's detailed analysis of existing employment policies, procedures, and practices as they relate to employment of minorities and women, (see § 42.303) and, where improvements are necessary, the statement should set forth in detail the specific steps the recipient will take for the achievement of full and equal employment opportunity. For example, The Equal Employment Opportunity Commission, in carrying out its responsibilities in ensuring compliance with Title VII has published Guidelines on Employee Selection Procedures (29 CFR Part 1607) which, among other things, proscribes the use of employee selection practices, procedures and devices (such as tests, minimum educational levels, oral interviews and the like) which have not been shown by the user thereof to be related to job performance and where the use of such an unvalidated selection device tends to disqualify a disproportionate number of minority individuals or women for employment. The EEOC Guidelines set out appropriate procedures to assist in establishing and maintaining equal employment opportunities. Recipients of LEAA assistance using selection procedures which are not in conformity with the EEOC Guidelines shall set forth the specific areas of nonconformity, the reasons which may explain any such nonconformity, and, if necessary, the steps the recipient agency will take to correct any existing deficiency.

(2) The recipient should also set forth a program for recruitment of minority persons based on an informed judgment of what is necessary to attract minority applications including, but not necessarily limited to, dissemination of posters, use of advertising media patronized by minorities, minority group contacts and community relations programs. As appropriate, recipients may wish to refer to recruitment techniques suggested in Revised Order No. 4 of the Office of Federal Contract Compliance, U.S. Department of Labor, found at 41 CFR 60-2.24(e).

(h) Plan for dissemination of the applicant's Equal Employment Opportunity Program to all personnel, applicants and the general public. As appropriate, recipients may wish to refer to the recommendations for dissemination of policy suggested in Revised Order No. 4 of the Office of Federal Contract Compliance, U.S. Department of Labor, found at 41 CFR 60-2.21.

(i) Designation of specified personnel to implement and maintain adherence to the Equal Employment Opportunity Program and a description of their specific responsibilities suggested in Revised Order No. 4 of the Office of Federal Contract Compliance, U.S. Department of Labor, found at 41 CFR 60-2.23.

§ 42.305 Record keeping and certification.

The Equal Employment Opportunity Program and all records used in its preparation shall be kept on file and retained by each recipient covered by these guidelines for subsequent audit or review by responsible personnel of the cognizant state planning agency or the LEAA. Prior to the authorization to fund new or continuing programs under the Omnibus Crime Control and Safe Streets Act of 1968, the recipient shall file a certificate with the cognizant state planning agency or LEAA regional office stating that the equal employment opportunity program is on file with the recipient. The form of the certification shall be as follows:

I, _____ (person filing the application) certify that the _____ (criminal justice agency) has formulated an equal employment opportunity program in accordance with 28 CFR 42.301, et seq., Subpart E, and that it is on file in the Office of _____ (name), _____ (address), _____ (title), for review or audit by officials of the cognizant state planning agency or the Law Enforcement Assistance Administration, as required by relevant laws and regulations.

The criminal justice agency created by the Governor to implement the Safe Streets Act within each state shall certify that it requires, as a condition of the receipt of block grant funds, that recipients from it have executed an Equal Employment Opportunity Program in accordance with this subpart, or that, in conformity with the terms and conditions of this regulation no equal employment opportunity programs are required to be filed by that jurisdiction.

§ 42.306 Guidelines.

(a) Recipient agencies are expected to conduct a continuing program of self-evaluation to ascertain whether any of their recruitment, employee selection or promotional policies (or lack thereof) directly or indirectly have the effect of denying equal employment opportunities to minority individuals and women.

(b) Post award compliance reviews of recipient agencies will be scheduled by LEAA, giving priority to any recipient agencies which have a significant disparity between the percentage of minority persons in the service population and the percentage of minority employees in the agency. Equal employment program modification may be suggested by LEAA whenever iden-

November 22, 1974

M4500.1C
Appendix 10

7
2

ifiable referral or selection procedures and policies suggest to LEAA the appropriates of improved selection procedures and policies. Accordingly, any recipient agencies falling within this category are encouraged to develop recruitment, hiring or promotional guidelines under their equal employment opportunity program which will correct, in a timely manner, any identifiable employment impediments which may have contributed to the existing disparities.

(c) A significant disparity between minority representation in the service population and the minority representation in the agency workforce may be deemed to exist if the percentage of a minority group in the employment of the agency is not at least seventy (70) percent of the percentage of that minority in the service population.

§ 42.307 Obligations of recipients.

The obligation of those recipients subject to these Guidelines for the maintenance of an Equal Employment Opportunity Program shall continue for the period during which the LEAA assistance is extended to a recipient or for the period during which a comprehensive law enforcement plan filed pursuant to the Safe Streets Act is in effect within the State, whichever is longer, unless the

assurances of compliance, filed by a recipient in accordance with § 42.204(a) (2), specify a different period.

§ 42.308 Noncompliance.

Failure to implement and maintain an Equal Employment Opportunity Program as required by these Guidelines shall subject recipients of LEAA assistance to the sanctions prescribed by the Safe Streets Act and the equal employment opportunity regulations of the Department of Justice. (See 42 U.S.C. 3757 and § 42.206).

Effective date.—This Guideline shall become effective on August 31, 1973.

Dated August 24, 1973.

DONALD E. SANTARELLI,
Administrator, Law Enforcement
Assistance Administration.

[PR Doc.73-18555 Filed 8-30-73;8:45 am]

END