

Guideline Manual

M 4100.1D

STATE PLANNING AGENCY GRANTS



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FOREWORD

1. PURPOSE. This guideline manual provides guidance on the application, award and administration of the Part B planning program and the Part C and E action programs.
2. SCOPE. The provisions of this guideline manual apply to all State Planning Agency grants. This manual is of concern to all State Planning Agencies and LEAA professional personnel.
3. CANCELLATION. Guideline Manual M 4100.10, State Planning Agency Grants, dated July 1, 1974, is cancelled.
4. EXPLANATION OF CHANGES. The following textual changes have been incorporated into this guideline manual.
 - a. Change to M 4100.10. Change 1, issued November 1, 1974 and Change 2, issued January 24, 1975, have been incorporated into this document. These were changes to the FY 1975 guideline. The planning grant application forms have been changed to reflect change in policy with regard to carryover of planning funds from one year to the next.
 - b. Juvenile Justice. Changes have been made throughout this guideline which reflect a new emphasis on Juvenile Justice in both the Planning Grant and Comprehensive Plan applications. Paragraph 81, page 131, provides for a citation to all portions of the plan which deal with juvenile justice and juvenile delinquency prevention.
 - c. Juvenile Justice and Delinquency Prevention Act of 1974. The changes to the Safe Streets Act mandated by the JJ&DF Act of 1974 (i.e. the composition of the SPA Supervisory Board and the maintenance of the 1972 level of effort on Juvenile Delinquency Prevention) have been included. The first of these was included in Change 2 to the 1975 guidelines. The second is in Paragraph 81, page 131. Paragraph 82, page 131, is reserved for guidelines for those states which plan to participate in the programs to be funded under the new Act.
 - d. A-95 Notification Procedures. Two changes have been made in Paragraph 27 to more clearly describe the requirements of OMC circular A-95. These can be found in Paragraph 27b(4)(a) and (b).
 - e. State Planning Agency Staff. The kinds of competencies suggested as appropriate for State Planning Agency staffs is changed in Paragraph 17, page 10, to reflect emphasis on evaluation capabilities, among other competencies which are appropriate.

- f. National Environmental Policy Act and National Historic Preservation Act. Paragraphs 28 and 30, pages 37-42, which contain the requirements mandated by the National Environmental Protection Act of 1969 and the National Historic Preservation Act of 1966 have been revised. LEAA will issue a guideline which will more fully articulate NEPA and NHPA requirements in the near future.
- g. Memorandum of Agreement on Areawide Planning. A memorandum of agreement must be developed between the areawide planning agency which is designated as the A-95 clearinghouse and the applicant for funds for an areawide or regional law enforcement and criminal justice planning unit. This change, contained in Paragraph 27, page 36, requires that the memorandum must specify how the general areawide planning agency and the law enforcement and criminal justice planning agency will coordinate planning activities. If the two agencies are the same, the memorandum is not required.
- h. Civil Rights Compliance. Changes in Paragraph 33, pages 52-56, reflect new requirements for civil rights compliance, with special reference to reporting on awards for construction projects.
- i. Description of Planning Process and Plan Relationships. A fuller statement of the planning process or planning methods to be used by the State Planning Agency is required by these changes in Paragraph 18, pages 12-14. A set of planning steps is suggested. The State Planning Agency is to show how it expects to relate the sections of the plan to one another.
- j. Technical Assistance. The guidelines were revised in two places, both in the planning grant application requirements (Paragraph 22, page 26), and in the comprehensive plan guidelines (in a new Paragraph 83, pages 131-132), to reflect increased emphasis on the development of a technical assistance strategy and plan by each State Planning Agency. Technical Assistance is defined in the new Paragraph.
- k. State Assumption of Costs. The guidelines have been revised in two places, both in the planning grant application (Paragraph 18, page 19), and in the Progress Report (Paragraph 92, page 147) to reflect the need for additional detailed information about the extent to which state and local governments are assuming costs of programs originally funded by block grants, and are building these programs into ongoing state and local criminal justice and law enforcement agencies.
- l. Audit Capabilities/Activities. The guidelines have been changed to provide for more specificity about the plans and proposed procedures for audit by each State Planning Agency (Paragraph 23, pages 26-28). A biennial audit is permitted.

- m. Submission Dates for Planning Grant Applications and Comprehensive Plans. The submission date for FY 1976 planning grants is changed to May 31, 1975. The submission date for the FY 1976 comprehensive plan is changed to September 30, 1975. It is intended that in FY 1977, the planning grant will be submitted by May 1, 1976, and the comprehensive plan by June 30, 1976. This set of dates is designed to permit the approval of state plans for 1977 by the time the new fiscal year begins for fiscal 1977, which is October 1, 1976, as provided in the new Budget Act. These changes will also permit State Planning Agencies to move toward full plan implementation at the start of calendar year 1977. These changes are found in Paragraph 44, page 63, and in Paragraph 105, page 166,
- n. Certified Check List. The certified check list (pages 89-93) has been changed to reflect other changes in the guideline which require that states report where new material is now required.
- o. Comprehensive Plan Requirements. The requirements for the comprehensive plan have been changed, in accordance with the intent of Congress in adding the definition of comprehensiveness [Section 601(m)], to specify more fully what a comprehensive plan must include. The requirements have also been changed to require a fuller effort at data-based crime analysis. The statement originally required on standards, goals, and priorities has been separated into three statements. although states may still choose to combine them into one. Methods by which goals, standards, and priorities were developed, and strategies for achievement of them are now required. Standards and goals development efforts are fully integrated into the planning process. The multi-year budget and financial plan is changed to require that all state and local expenditures for law enforcement and criminal justice must be included and related to the proposed block grant expenditures. The annual action program section must include statements about what the contribution programs are expected to make to goal and standard achievement. These changes involve substantial revisions in Paragraphs 49 through 73, pages 97-122.
- p. Program Categories and Program Descriptors. The guidelines have been changed to eliminate suggested program categories (1) through (9), leaving each State Planning Agency free to select its own program categories. The guidelines now include a new requirement that program descriptor codes be added to programs funded with LEAA grants in the multi-year plan and in the annual action program. The changes are contained in Paragraph 65, page 113, in Paragraph 73, page 118 and 122 in Appendix 3-1 and in Attachment A, pages 173-174, to the comprehensive plan, which provides the crosswalk to the program descriptors from the state's program categories. The crosswalk will be mandatory for the FY 77 plan. LEAA will do this for the SPAs for the FY 76 plan. The SPAs must apply the program descriptors to their subgrants in the FY 76 plan after LEAA codes the plan.

- q. Progress Report. The section on the progress report on the previous year's grant awards have been changed (Paragraphs 92-94, pages 147-148) to require that states provide more detailed reports on projects which have been monitored and which appear to have promise of success and to offer potential for widespread replication.
- r. Housing and Community Development Act of 1974 and Joint Funding Simplification Act of 1974. Changes have been included (in Paragraph 91, page 145) which reflect the passage of the Housing and Community Development Act of 1974 and the Joint Funding Simplification Act of 1974, and which require statements, as applicable, of relationships to the requirements of those Acts.
- s. Narcotics and Alcoholism Treatment. Revisions (in Paragraph 84, pages 140-142), which reflect required LEAA coordination with other Federal agencies, including the Special Action Office for Drug Abuse Prevention (SAODAP), the National Institute for Drug Abuse (NIDA), and the National Institute for Alcoholism and Alcohol Addiction (NIAAA), are set forth in the guidelines. They make more specific the requirements for provision of needed services to those in corrections programs.
- t. Manpower Plans and Programs. The guideline has been changed in several places to reflect added emphasis on and reporting of manpower plans and programs. The changes appear in Paragraph 18, page 12; Paragraph 59, page 103, and Paragraph 73, page 118.
- u. Organized Crime Plans and Programs and Bicentennial Plans and Programs. The guideline has been changed to reflect the need to provide more information on the plans and programs of the states, in an easily identifiable way, in the areas of organized crime and the bicentennial.
- v. Advances on Action Grants. The requirements for action grant advances has been changes (Paragraph 100, page 147) to require that first quarter advance action grants will be made only if the planning grant application has been submitted to LEAA. Second quarter advances will be made only if the comprehensive plan for the state has been submitted to LEAA.
- w. Appendices 1 and 2. The Crime Control and Safe Streets Act as amended by the Juvenile Justice and Delinquency Prevention Act of 1974 is appendix 1. The Juvenile Justice and Delinquency Prevention Act of 1974 is appendix 2.

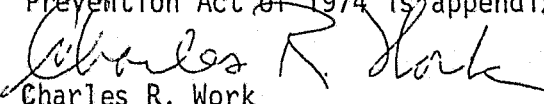

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CHAPTER 1. THE PLANNING GRANT

SECTION 1. GENERAL AUTHORITY REQUIREMENT

1. STATUTORY AUTHORITY FOR PLANNING PROGRAM. Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by the Omnibus Crime Control Act of 1970, the Crime Control Act of 1973, and the Juvenile Justice and Delinquency Prevention Act of 1974, authorizes the law enforcement assistance program. Its text is set forth in Appendix 1. Part B of Title I authorizes "grants to the States for the establishment and operation of State law enforcement and criminal justice planning agencies" to prepare, develop and revise comprehensive law enforcement and criminal justice plans.
2. ADMINISTRATION OF FEDERAL PROGRAM. The power to make grants to States is vested in the Law Enforcement Assistance Administration. It operates under the general authority of the Attorney General and is directed by an Administrator and two Deputy Administrators who are appointed by the President, by and with the advice and consent of the Senate.
3. OBJECTIVE OF PROGRAM. The Act provides Federal financial assistance to help States and localities deal with crime and delinquency. It affirms the principle that crime is essentially a local problem and that the Federal Government should support, but not supplant, local responsibilities for law enforcement and criminal justice. The State Planning Agency's role is to develop and implement plans for orderly, realistic and effective improvement of existing law enforcement and crime control systems. It is grounded on the premise that comprehensive planning, based on State and local evaluation of law enforcement problems, is an indispensable requisite for significant progress in crime prevention and control, increased public safety and effective utilization of Federal and local funds.
4. SCOPE OF PROGRAM COVERAGE. Law enforcement and criminal justice as defined in the Act means "any activity pertaining to crime prevention, control or reduction or the enforcement of the criminal law, including but not limited to police efforts to prevent, control, or reduce crime or to apprehend criminals, activities of courts having criminal jurisdiction and related agencies (including prosecutorial and defender services), programs relating to the prevention, control, or reduction of juvenile delinquency or narcotic addiction" thus encompassing all aspects of law enforcement and criminal justice systems--police, courts, and corrections, as well as general programs for crime prevention and citizen action. It covers the prevention, detection and investigation of crime, the apprehension of offenders, the prosecution

and defense of criminal cases, the trial, conviction and sentencing of Offenders and the correction and rehabilitation of convicted persons, including imprisonment, probation, parole, and community treatment. Where reference is hereafter made in this manual to courts, this will include prosecution and defender systems as well. Similarly, reference to corrections will include institutional, probation, parole, and community treatment systems.

5. APPLICANTS ELIGIBLE FOR GRANTS. The States, the District of Columbia, the Commonwealth of Puerto Rico, and all other territories and possessions of the United States, with the exception of trust territories (such as the Trust Territories of the Pacific), are eligible for grants to operate State Planning Agencies (SPAs) and develop comprehensive plans. Local units of Government, or combinations of such units, may receive planning funds from States but may not apply for direct Federal grants under Part B.
6. STANDARDS OF ELIGIBILITY. The Act prescribes conditions which must be met to qualify and maintain eligibility for Part B planning grants. The standards of eligibility listed below are explained in succeeding paragraphs of this guideline manual. An applicant State must:
 - a. Have established and continue to maintain a State Planning Agency created or designated by the Governor and subject to his jurisdiction;
 - b. Assure that its State Planning Agency shall be representative of law enforcement and criminal justice agencies, including agencies directly related to the prevention and control of juvenile delinquency, units of general local government and public agencies maintaining programs to reduce and control crime, and shall include representatives of citizens, professional and community organizations, including organizations directly related to delinquency prevention.
 - c. Assure that Regional Planning Units within the State shall be comprised of a majority of local elected officials and shall be representative of law enforcement and criminal justice agencies, including agencies directly related to the prevention and control of juvenile delinquency, units of general local government and public agencies maintaining programs to reduce and control crime and shall include representatives of citizens, professional and community organizations, including organizations directly related to delinquency prevention.
 - d. Be willing and able to provide sufficient money appropriated in the aggregate to fund at least 10 percent of the expenses of establishing and operating the State Planning Agency and not less than one-half of the non-Federal funding required for local planning units. (Regional planning units may receive up to 100 % Federal funding.)
 - e. Agree to make at least 40 percent of all Federal funds granted under Part B for any fiscal year available to units of general local

government or combinations of such units to insure local participation in formulating, revising and updating the comprehensive state plan and assure that major cities and counties within the State receive planning funds to develop comprehensive plans and coordinate functions at the local level. A waiver of this requirement in whole or in part may be granted by LEAA if the requirement is shown to be inconsistent with the development of a State Comprehensive Plan.

- (1) Waivers. LEAA has been authorized to waive certain provisions of the Act ("40 percent pass-through" requirement, etc.), define specifically the communities to be included in planning activities ("major cities and counties," etc.), and to make activities judgments concerning such things as the adequacy of funding for high crime incidence and law enforcement activity areas, etc.
 - (2) Reconsideration of Waivers. Units of government which have, or may have, benefits accruing to them by reason of such determinations may request the Administration to reconsider any such actions deemed to have an adverse effect on the government concerned. In all such cases it is expected that the parties concerned will endeavor to resolve the problems at the State level through the mechanism provided by such State law enforcement planning agency. Only after there has been a good faith attempt by the affected parties to implement the LEAA determinations and resolve problems will LEAA reconsider its actions.
- f. Develop a comprehensive Statewide plan which establishes priorities, defines, develops and correlates programs and projects for the State and the units of general local government in the State for the improvement of law enforcement and criminal justice throughout the State;
 - g. Assure that the State Planning Agency and any other planning organizations for the purposes of the Act will hold meetings open to the public and will provide for public access to all records relating to its functions under this Act; and
 - h. Agree to account for its Federal grant funds and meet LEAA fiscal and administrative requirements.
7. AMOUNT OF GRANT. Planning grants are based on a formula which requires a base of \$200,000 for each State with the remainder of available funds distributed on the basis of relative populations. See appendix 2-6 for a schedule of State allocations. Population counts are provided by the Bureau of Census based on the latest census data available.

8. TYPES OF GRANTS. To permit the uninterrupted operation of State Planning Agencies while awaiting Federal appropriation action, planning grant advances may be made. This procedure provides for:
 - a. The award of first quarter advance funds (in amounts of up to 25 percent of the State's preceding fiscal year planning allocation or 25 percent of the President's requested appropriation level, whichever is less) to support continuing operation of the State Planning Agency.
 - b. Second and third quarter award of advance funds (in amounts of up to 25 percent of the State's preceding fiscal year planning allocation or up to 25 percent of the President's requested appropriation level, whichever is less) as necessary, to support continuing operation of the State Planning Agency; and
 - c. The subsequent award, following enactment of the current year appropriation

9. APPLICATION FOR GRANTS. Application for advanced planning grant funds should be submitted not later than May 31 for award by July 1. Chapter 2 of this manual sets forth the prescribed format for grant applications. The basic requirement consists of:
 - a. For advance funds--a single page application form;
 - b. For the full planning grant--an administrative component as required by chapter 1, sections 2 and 3 of this guideline manual and LEAA Form 4202/1 which includes budgeting information as outlined in chapter 2, section 2, appendices 2-3, 2-4 and 2-5 of this guideline manual.

10. STATE PLANNING AGENCIES--FUNCTIONS. Development of the comprehensive plans prescribed by the Act is to be achieved by the "State law enforcement planning agency." Planning grants under Part B are for the purpose of establishing and supporting such agencies. A State Planning Agency's responsibilities include:
 - a. Preparation, development and revision of comprehensive plans based on an analysis of law enforcement and criminal justice problems within the State;
 - b. Definition, development and correlation of action programs under such plan;

- c. Establishment of priorities for law enforcement and criminal justice improvement in the State;
- d. Providing information to prospective aid recipients on procedures for grant application;
- e. Encouraging grant proposals from local units of government for law enforcement and criminal justice planning and improvement efforts;
- f. Encouraging project proposals from State law enforcement and criminal justice agencies;
- g. Taking action within 90 days after official receipt of local applications for aid and awarding of funds to local units of governments;
- h. Monitoring progress and expenditures under grants to State law enforcement and criminal justice agencies, local units of government, and other recipients of LEAA grant funds;
- i. Encouraging regional, interstate metropolitan regional, local and metropolitan area planning efforts, action projects and cooperative arrangements;
- j. Coordination of the State's law enforcement, criminal and juvenile justice plan, with other federally supported programs relating to or having an impact on law enforcement and criminal justice.
- k. Oversight and evaluation of the total State effort in plan implementation and law enforcement and criminal justice improvements;
- l. Provide technical assistance for programs and projects contemplated by the State plan and by units of general local government;
- m. Collecting statistics and other data relevant to law enforcement and criminal justice in the State and for state criminal justice planning, management, and evaluation purposes, as required by the Administration.

11. STATE PLANNING AGENCIES--STRUCTURE.

- a. General Organization and Structure. A State Planning Agency may be created or designated as a new unit of State government or a division or other component of an existing State crime commission, planning agency or other appropriate unit of State government. Details of organization and structure are matters of State discretion, however, the State Planning Agency must:

- (1) Be a definable agency in the executive branch of State government charged with and empowered to carry out the responsibilities imposed by the Act;
 - (2) Have a supervisory board (i.e., a board of directors, commission, committee, council, etc.) which has responsibility for reviewing, approving and maintaining general oversight of the State plan and its implementation;
 - (3) Have an administrator and staff who devote full time to the SPA's work.
- b. Roles of Other State and Local Agencies. While responsibilities for State plan development, implementation, and correlation ultimately must reside in the State Planning Agency, subject to the jurisdiction of the State chief executive, this does not preclude important roles by State law enforcement, correctional, judicial and prosecutive agencies in plan development relating to their respective areas of competence, nor by local units of government and their law enforcement agencies, nor by public agencies maintaining programs to reduce and control crime, nor utilization of staff of other State agencies to assist with State Planning Agency functions.
- c. Continuity. The Act contemplates that State Planning Agencies will be continuing bodies. Accordingly, State government should plan and provide for such continuity.
12. PLANNING AGENCY STANDARDS--GUBERNATORIAL DESIGNATION AND JURISDICTION. The Act requires that State Planning Agencies be "created or designated by the chief executive of the State" and be "subject to his jurisdiction." [Refer to Section 203(a) of the Act.] These requirements can be met whether the agency is established by legislative enactment, executive order, or a combination of the two. It is not inconsistent with gubernatorial creation or designation for the State legislature to prescribe the size, composition, or other characteristics of the agency provided the State governor's responsibility for establishing the agency and his jurisdiction over it are clear and the agency board meets the representative character requirements as set out below.
- 13.-14. RESERVED.

SECTION 2. BASIC ADMINISTRATIVE REQUIREMENTS

15. APPLICATION FORMAT. This section contains the basic administrative elements required for the full planning grant application. The basic requirements are set out in block type and specified as APPLICATION REQUIREMENTS. For planning grant applications these administrative elements (Requirements) need to be submitted only if they have been changed or if the requirement has changed. However, the State Planning Agency must submit with the application, the completed certified checklist contained in appendix 2-5.

16. STATE PLANNING AGENCY SUPERVISORY BOARD.a. Authority.

- (1) Establishment. The Act authorizes LEAA to make grants to the States for the establishment and operation of State law enforcement planning agencies for the preparation, development and revision of the State plans. LEAA requires that the State Planning Agency have a supervisory board, (i.e., a board of directors, commission, committee, council, etc.) which has responsibility for reviewing, approving, and maintaining general oversight of the State plan and its implementation. Since the SPA supervisory board oversees the State plan and its implementation, it must possess the "representative character" required by the Act.
- (2) Application Requirement. BY WHAT STATE AUTHORITY DOES THE STATE PLANNING AGENCY SUPERVISORY BOARD EXIST? ATTACH DOCUMENTARY EVIDENCE AUTHORIZING THE STATE PLANNING AGENCY SUPERVISORY BOARD TO FUNCTION AS STATED ABOVE.

b. Organization/Composition.

- (1) Representatives Character. The Act requires that the State Planning Agency supervisory board must be representative of law enforcement and criminal justice agencies, including agencies directly related to the prevention and control of juvenile delinquency, units of general local government, public agencies maintaining programs to reduce and control crime, and shall include representation of citizens, professional and community organizations, including organizations directly related to delinquency prevention. An individual may serve as a member of a State Planning Agency or regional planning unit while concurrently serving as a member of the State Planning Agency's "Advisory Group". In determining conformity with representative character, it is possible for one board member to be representative of more than one element of interest.

The composition of such boards may vary from State; however, balanced representation is required and must include the following:

- (a) Representation of State law enforcement and criminal justice agencies, including agencies directly related to the prevention and control of juvenile delinquency.
 - (b) Representation of units of general local government by elected policy-making or executive officials;
 - (c) Representation of law enforcement officials or administrators from local units of government;
 - (d) Representation of each major law enforcement function -- police, corrections, court systems and juvenile justice systems -- plus, where appropriate, representation identified with the Act's special emphasis areas, i.e., organized crime and riots and civil disorders;
 - (e) Representation of public (governmental) agencies in the State maintaining programs to reduce and control crime, whether or not functioning primarily as law enforcement agencies;
 - (f) Representation that offers reasonable geographical and urban-rural balance and regard for the incidence of crime and the distribution and concentration of law enforcement services in the State;
 - (g) Representation, as between State law enforcement agencies on the one hand and local units of government and local law enforcement agencies on the other, that approximates proportionate representation of State and local interests;
 - (h) Representation of citizen, professional and community organizations, including organization directly related to delinquency prevention.
- (2) Examples of juvenile delinquency related agencies and citizens, professional and community organizations.
- (a) Agencies directly related to the prevention and control of juvenile delinquency may include:

- (1) Public agencies concerned with delinquency prevention or treatment such as juvenile justice agencies, juvenile or family court judges and welfare, social services, mental health, education, or youth service departments.
 - (2) Private agencies concerned with delinquency prevention and treatment: concerned with neglected or dependent children; concerned with the quality of juvenile justice, education, or social services for children.
- (b) Citizens, professional, and community organizations including organizations directly related to delinquency prevention may include:
- (1) Organizations concerned with neglected children;
 - (2) Organizations whose members are primarily concerned with the welfare of children;
 - (3) Youth organizations; and
 - (4) Organizations utilizing volunteers to work with delinquents or potential delinquents.
- (c) These examples are by no means exhaustive.
- (3) Participation by Federal Officials. Federal representation on State Planning Agency supervisory boards as voting members is not allowed (except in D.C., American Samoa, Guam, and Virgin Islands). Federal officials may continue to assist State Planning Agencies in any advisory or other non-voting capacity which is mutually agreeable.
 - (4) Evaluation. Because of the existing diversity of State governmental structures and of law enforcement conditions within the States, the representative character of a State Planning Agency and its staff will be evaluated by the cognizant Regional Office on a case-by-case basis indetermining compliance with the statutory requirements.
 - (5) Application Requirement. DESCRIBE THE ORGANIZATION AND FUNCTIONS OF THE STATE PLANNING AGENCY SUPERVISORY BOARD. INCLUDE FUNCTIONAL ORGANIZATION AND STAFFING CHARTS. (Forms for staffing information are provided in appendix 2-3)

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- c. Operating Procedures. Application Requirement: DESCRIBE THE RULES GOVERNING FREQUENCY OF MEETINGS, THE ESTABLISHMENT OF SUBCOMMITTEES AND THE CONDUCT OF BUSINESS, THE FUNCTIONS, COMPOSITION AND AUTHORITY OF ANY EXECUTIVE COMMITTEES OR OTHER STANDING COMMITTEES OF THE SUPERVISORY BOARD.

17. STATE PLANNING AGENCY STAFF AND ADMINISTRATION.

a. Authority.

- (1) Provision. The Act requires as a condition of a State's receipt of a grant under Part B that a State Planning Agency be created or designated by the chief executive of the State and subject to his jurisdiction.
- (2) Application Requirement. ATTACH DOCUMENTARY EVIDENCE (STATUTE, EXECUTIVE ORDER, ETC.) UNDER WHICH AUTHORITY THE STATE PLANNING AGENCY IS CURRENTLY OPERATING.

- b. Structure/Organization. Application Requirement: DESCRIBE THE STRUCTURE AND ORGANIZATION OF THE STATE PLANNING AGENCY STAFF, INCLUDING FUNCTIONAL AND ORGANIZATION CHARTS.

c. Staff.

- (1) Minimum Standards. State Planning Agency programs and resources must provide reasonable assurance that the required agency functions can be properly executed. The following minimum standards are established for the State Planning Agency staff:
- (a) An administrator who devotes full-time to the SPA's work.
- (b) A staff complement of adequate size (i.e., no less than five full-time professionals for the entire SPA) and competencies (e.g., Police, Courts, Corrections, Planning, Evaluation, Grants Management, Juvenile Delinquency Systems/Communications, Audit, etc.) to determine annual planning priorities and to manage the development, implementation, monitoring and evaluation of the state's annual criminal justice improvements plan. The measurement of competence should include experience factors as well as academic background and be consistent with the state planning agency's need for analytic and program development skills necessary for the design of a coordinated attack upon the identified deficiencies within the criminal justice system.

- c. Application Requirement. DESCRIBE THE QUALIFICATIONS, FUNCTIONS AND RESPONSIBILITIES OF KEY STAFF, TYPICALLY FISCAL OFFICER, THE CHIEF PLANNER, THE CHIEF EVALUATOR, THE CHIEF OF EACH LAW ENFORCEMENT AND CRIMINAL JUSTICE SPECIALIST AND THE ADMINISTRATIVE OFFICER. (Form for staffing information are provided in appendix 2-3.)
- (2) Personnel Standards. The State Planning Agency staff must be included within the State's existing personnel system or some other adequate merit system subject to the Administration's approval.
- (a) The merit system requirement is not meant to preclude exemptions, if appropriate under the State law, for the key administrator of the planning agency and specified key aides.
- (b) The restrictions of the Hatch Act on political activity by government employees are applicable to State Planning Agency staff members and other State and local government employees whose principal employment is in connection with activities financed, in whole or in part, by Title I grants. Under a 1974 amendment to the Hatch Act, such state and local government employees may now take an active part in political management and campaigns except that they may not be candidates for elective office.
- (c) Application Requirement. STATE WHETHER THE STATE PLANNING AGENCY STAFF IS WITHIN THE STATE'S EXISTING PERSONNEL SYSTEM OR SOME OTHER ADEQUATE MERIT SYSTEM. LIST ANY POSITIONS NOT INCLUDED UNDER THE PERSONNEL OR MERIT SYSTEM.
- (3) Contracted Services Ceiling. To assure that adequate funds are available to finance the level of planning agency staff capability necessary for the proper discharge of statutory responsibilities, not more than 20 percent of a State's total Federal planning grant should be used for contracting with non-governmental agencies or organizations to provide planning services or assistance. In exceptional cases, States may request prior written approval of the cognizant LEAA Regional Office for a higher "contracted services" ceiling.
- (4) Relation to Grant Size. States with sizeable planning grants will be expected to substantially exceed the staff levels and competencies appropriate for smaller states.
- (5) Relevant Technical Competencies. Neither the foregoing enumeration nor the enumeration of "representative" categories (paragraph 16b) is meant to preclude the inclusion of relevant technical competencies (science and technology, education, community relations, manpower development, public affairs, etc.) within the planning agency's staff, advisory or policy review structures.

18. COMPREHENSIVE LAW ENFORCEMENT AND CRIMINAL JUSTICE PLAN DEVELOPMENT.a. Plan Development Process.

- (1) Annual Submission. The Act requires that State Planning Agencies prepare, develop and revise State plans and that action grants be made to State Planning Agencies only when they have on file a comprehensive State plan approved by the Administration. Plan submission and review will be an annual process for planning agencies since the Act specifies that plans on file may not be more than one year old.
- (2) Coverage. The Act requires, in Sections 303(a)(5), 303(c), and 601(m), that each comprehensive plan developed by a State Planning Agency must:
 - (a) Contain a description of the existing systems of law enforcement and criminal justice, including juvenile justice; and a description of existing resources available to support these systems;
 - (b) Contain a total and integrated analysis of the problems of the law enforcement and criminal justice system, including the juvenile justice system within the State;
 - (c) Contain a description of the law enforcement, criminal justice and juvenile justice standards and goals which are currently in existence for the criminal justice and juvenile justice systems in the State;
 - (d) Contain a description of the law enforcement and criminal justice, including juvenile justice, priorities for the State for the improvement and coordination of all aspects of law enforcement and criminal justice, including juvenile justice;
 - (e) Contain a description of the direction, scope, and general types of improvements to be made in the future in law enforcement and criminal justice, including juvenile justice in the State;
 - (f) Indicate the relationship of the plan to other relevant Federal, State, and local law enforcement and criminal justice plans and systems, and other relevant human services plans and systems with particular attention to programs for youth including relevant social educational services, training, and manpower development services.
Note: This criteria is not a requirement for the FY 76 plan. However, the SPA should begin to address this as it will be a requirement for the FY 1977 plan.

- (g) Indicate the organizational systems and arrangements for implementing the plan.
 - (h) Address advanced practices in recruitment, organization, training, and education of law enforcement and criminal justice personnel.
- (3) Relationships Among Plan Elements. State Planning Agencies must indicate, through a description of the planning process they employ in development of their comprehensive plans, how the elements of the State plan are related to one another. State Planning Agencies must also show, in the description of the planning process, how data are to be utilized in problem analysis, so that it is clear that there is an underlying data base for the description of the problems the State faces and the programs it develops to meet those problems. Plan implementation procedures must be specified, including the strategy for technical assistance delivery to assist states and local agencies in implementing the plan. LEAA encourages a planning process which involves the following logical steps;
- (a) A description of the current situation or state of things;
 - (b) An analysis, based on as much statistical data as can be obtained, of the problems of crime and criminal justice programs faced at present and trends which appear to be developing;
 - (c) A statement of goals and standards, which are statements about where the system ought to be in the future, as compared with where things are now;
 - (d) A statement about the order in which problems are to be addressed, given that not everything can be done at once, and why this order was selected;
 - (e) A description of the plans and programs to be undertaken to move from the current state of things to the achievement of goals, with clear statements about how those programs are to address the problems identified;
 - (f) A description of the likely or certain actions of related agencies and organizations with similar or related goals or serving similar or related clientele;
 - (g) A description of the organizational arrangements and methods to be used to implement plans and programs.

- (4) Regional and Local Input. Sections 203(c) and 303(a)(4) of the Act require that the State Planning Agency provide procedures for the submission of annual plans from regional planning units and/or units of general local government having a population of at least 250,000 persons. LEAA requires that the State Planning Agency provide written procedures for regional planning units and/or units of general local government having a population of at least 250,000 persons detailing the process of submission and review for local plans. LEAA will review each State's procedures and will require the State to adhere to its procedures.
- (a) Where a multijurisdictional regional planning body exists, LEAA encourages the continued participation of units of general local government having a population of at least 250,000 persons in the regional planning process.
- (b) Regional and/or local plans may be approved or disapproved, in whole or in part, but should provide some basis, consistent with the State Comprehensive Plan, for the improvement of law enforcement and criminal justice in the submitting jurisdiction.
- (5) Application Requirement. DESCRIBE THE PLANNING PROCESS UTILIZED IN PLAN DEVELOPMENT, MAKING CLEAR HOW THE STATE EXPECTS TO RELATE ALL ELEMENTS OF THE PLAN TO ONE ANOTHER, THE WAYS IN WHICH DATA ARE TO BE USED TO SUPPORT PROBLEM ANALYSIS, AND THE STRATEGY FOR PLAN IMPLEMENTATION, INCLUDING DELIVERY OF TECHNICAL ASSISTANCE. DESCRIBE THE STATE PLANNING AGENCY'S METHODS AND PROCEDURES FOR FORMULATION AND REVISION OF THE COMPREHENSIVE LAW ENFORCEMENT, CRIMINAL JUSTICE AND JUVENILE JUSTICE PLAN. INCLUDE THE WRITTEN PROCEDURES SETTING FORTH THE METHOD FOR SUBMISSION AND REVIEW OF REGIONAL AND/OR LOCAL PLANS AND THE PROCEDURES FOR INCORPORATING THAT INPUT IN THE STATE COMPREHENSIVE PLAN. DESCRIBE THE ANNUAL TIMETABLE FOR THE DEVELOPMENT OF THE PLAN. LIST AND DESCRIBE THE INTENDED ROLE OF OTHER AGENCIES OF STATE GOVERNMENT OR NON-GOVERNMENTAL CONTRACTORS UTILIZED TO CARRY OUT MAJOR PLANNING FUNCTIONS.

b. Utilization and Sharing of Facilities and Resources.

- (1) Cooperative Arrangements. The Act requires that State plans provide for effective utilization of existing facilities and permit and encourage units of general local government to combine or provide for cooperative arrangements with respect to services, facilities and equipment.
- (2) Application Requirement.
- (a) DESCRIBE ALL THE STATE PLANNING AGENCY'S EFFORTS IN PREPARING THE COMPREHENSIVE PLAN TO PROVIDE OR LAY THE GROUNDWORK FOR:

- 1 IMPROVED UTILIZATION OF FACILITIES;
and an
- 2 APPROPRIATE SHARING, POOLING, OR
CONSOLIDATION OF FACILITIES AND
RESOURCES.

(b) IDENTIFY STATUTORY, JURISDICTIONAL OR OTHER
IMPEDIMENTS TO PROGRESS IN THIS AREA.

19. PLAN REQUIREMENTS.

- a. Ninety-Day Application Review. In order to insure the expeditious flow of funds to units of general local government the State Planning Agency must develop written procedures to insure that all applications by units of general local government or combinations of such units to the State Planning Agency are approved or disapproved in whole or in part no later than 90 days after receipt by the State Planning Agency. These procedures should include a process whereby application status is available at appropriate intervals. Refer to Section 303(a) (15) of the Act.
- b. Processing the Application. The State Planning Agency shall assure through its written procedures that all requirements of OMB Circular No. A-95 have been met before final action is taken on any application. To insure expeditious review of all local government applications the State shall, in instances where the Regional Criminal Justice Planning Unit and the A-95 Agency(ies) are separate organizations, establish a process whereby the Regional Criminal Justice Planning Unit and the A-95 Agency can conduct concurrent reviews.
- c. Receipt by the State Planning Agency.
 - (1) An application may not be considered complete for the purposes of receipt by the State Planning Agency if the A-95 clearinghouse review has not been completed.
 - (2) Generally, receipt by a Regional Criminal Justice Planning Unit does not constitute receipt for purposes of the 90 day review unless:

- (a) Exception 1. The Regional Criminal Justice Planning Agency has the authority to approve and award funds.
 - (b) Exception 2. The Regional Criminal Justice Planning Agency is staffed by State Planning Agency personnel. (State employees funded from the 60 percent State funds.)
- d. Application Disapproval.
- (1) Notice of disapproval of an application or any part of an application must contain a detailed explanation of the reasons for disapproval and an explanation of the steps necessary for reconsideration of the application.
 - (2) Disapproval of an application or any part of an application must not prejudice consideration of that application upon resubmission to the State Planning Agency.
 - (3) In the event an application submitted to the State Planning Agency is not acted upon within 90 days of receipt by the State Planning Agency, the application will be considered approved and funds in the amount of the application request must be awarded to the applicant.
 - (a) Exception 1. In accordance with Section 303(b) of the Act the application must be for a program or project contained in the approved plan.
 - (b) Exception 2. In accordance with Section 303(c) of the Act the State Plan must be comprehensive. If the funding of an application that had not been acted upon within 90 days would constitute an imbalance in the comprehensiveness of the State Plan, appropriate referral must be made to the cognizant LEAA Regional Office prior to award.
- e. Grant Rules and Conditions. Applicants should be aware of reporting requirements, fiscal rules, and other grant conditions applicable to States receiving planning agency funds under the Act. Fiscal rules and general grant conditions are set forth in chapter 2 of this guideline manual. These rules and conditions provide, in summary, for the establishment of adequate fund accounting systems, reporting requirements, fund disbursement procedures and compliance with policies generally applicable to administration of Federal grants. The rules incorporate:

- (1) The principles and standards for selected cost items set forth in Federal Management Circular 74-4, entitled Principles for Determining Costs Applicable to Grants and Contracts with State and Local Governments (July 18, 1974);
 - (2) The principles and standards set forth in Federal Management Circular 74-7, entitled Uniform Administrative Requirements for Grants-In-Aid to State and Local Government (Sept. 13, 1974); and
 - (3) The general financial requirements promulgated in the LEAA Guideline Manual M 7100.1A, Financial Management for Planning and Action Grants.
- f. Subgrant Award Procedures. Application Requirement: DESCRIBE THE STATE PLANNING AGENCY'S METHODS AND PROCEDURES FOR SUBGRANTING, INCLUDING 90-DAY APPLICATION PROCESSING AND AWARD. ATTACH AS APPENDICES COPIES OF CURRENT GRANT GUIDES, APPLICATION FORMS, 90-DAY REVIEW PROCEDURES AND OTHER DOCUMENTS THAT ANNOUNCE THE STATE'S GRANT PROGRAM.
- g. Subgrant Administration. Application Requirement: DESCRIBE THE STATE PLANNING AGENCY'S METHODS AND PROCEDURES FOR SUBGRANT AND CONTRACT ADMINISTRATION, INCLUDING CONTROL AND FUND ACCOUNTING PROCEDURES ESTABLISHED TO ASSURE PROPER DISTRIBUTION OF AND ACCOUNTING FOR FEDERAL FUNDS. ANY MANUALS, GUIDES, HANDBOOKS, FORMS AND DIRECTIVES ISSUED FOR THE DEFINITION AND DISCHARGE OF THESE FUNCTIONS SHOULD BE IDENTIFIED AND ATTACHED AS APPENDICES. ALSO ATTACH OR CITE THE APPROPRIATE STATE STATUTE, RULES OR REGULATIONS CONCERNING STATE PROCUREMENT STANDARDS.
- (1) Review Procedures. The Act requires that State plans provide for application denial and for appropriate review of procedures and actions taken by the State Planning Agency in disapproving an application for which funds are available or terminating or refusing to continue financial assistance.
 - (2) Application Requirement. DESCRIBE THE SYSTEM AND PROCEDURES USED TO COMPLY WITH THIS REQUIREMENT, INCLUDING INFORMATION ON THE COMPOSITION OF ANY REVIEWING BOARDS, COMMISSIONS, OR COMMITTEES ESTABLISHED TO EXERCISE REVIEW AUTHORITY OR OTHERWISE PARTICIPATE IN THESE FUNCTIONS. INDICATE THE EXTENT, IF ANY, TO WHICH THESE REVIEW AND APPEAL PROCEDURES HAVE BEEN UTILIZED BY SUBGRANT APPLICANTS.

h. Buy-In Requirement.

- (1) State Contribution to Matching Funds. The Act and Guideline Manual M 7100.1A, chapter 4, paragraph 19 provide in part that:
 - (a) Beginning with FY 1974 Part B Planning and Part C Block funds, the States will provide, in the aggregate, not less than one-half of the REQUIRED non-federal funding.
 - (b) This provision is applied to the total aggregate dollar figure which the State is required to "pass through" to local units.
 - (c) The State contribution must be cash and be directly related to the funded program.
 - (d) A State must buy-in on a reasonable amount of programs which would include a reasonable geographical representation in the State.
- (2) Application Requirement. DESCRIBE HOW THE STATE INTENDS TO MEET THE BUY-IN REQUIREMENT.

i. Hard Match Requirement.

- (1) Provision. The Act and Guideline Manual M 7100.1A, chapter 4, paragraph 20 provide, in part, that beginning with FY 1974 funds the required non-federal funding of the cost of any program or project shall be new money appropriated in the aggregate by the State or local unit of government or provided in the aggregate by private organizations for the purpose of the shared funding of such programs or projects.
- (2) Applicability. This provision is applicable to all Part B, Part C and Part E State or local level projects funded by planning, block action or discretionary funds.
 - (a) For planning grants it must be applied in the aggregate.
 - (b) For block action grants (Part C and Part E) it must be applied on one of the following:
 - 1 A unit of government basis, i.e., by city, county, or by State agency.
 - 2 On a program-by-program or project by project basis if the State supervisory board adopts this more restrictive procedure as a formula.

3 On a combination of the above if adopted by the Supervisory board and concurred in by governmental units and with prior approval of the Regional Office.

- (3) Application Requirement. DESCRIBE HOW THE STATE INTENDS TO MEET THE HARD MATCH REQUIREMENT AT THE STATE LEVEL AND IN GENERAL AT THE LOCAL LEVELS.

j. State Assumption of Cost.

- (1) Provision. The Act provides that State plans demonstrate the willingness of the State and units of general local government to assume the costs of improvements funded under the Act after a reasonable period of Federal assistance.
- (2) Procedures. Adequate assumption of cost planning helps assure the continuation of successful activities implemented initially with federal funds, reinforces the impact of these federal funds as seed money for innovation and systems improvement, and increases the flexibility of future year State Planning Agency funding.

Each state planning agency must develop policies and procedures regarding the period of time and ratio of continuation support for specific classes of projects. Each State Planning Agency must establish procedures by which grantees will specify what plans grantees have made, should projects prove successful for eventual incorporation of some or all project activities into the operation of state or local government agencies.

- (3) Application Requirement. INDICATE THE PERIOD OF TIME THE STATE GENERALLY WILL PROVIDE CONTINUATION SUPPORT FOR SPECIFIC CLASSES OF PROJECTS AND PROVIDE SEPARATE JUSTIFICATION IN ANY CASES WHERE PROJECT SUPPORT IS PROVIDED FOR LONGER THAN FOUR YEARS. INDICATE THE PERCENTAGE OF CONTINUATION FUNDING COMMITTED FOR EACH FISCAL YEAR GRANT AWARD. DESCRIBE PROCEDURES REQUIRED OF GRANTEEES TO ADDRESS ASSUMPTION OF COSTS ONCE FEDERAL FUNDING CEASES. DESCRIBE HOW NEW ELEMENTS AND SYSTEMS INITIALLY FUNDED WITH FEDERAL FUNDS MAY, IF PROJECTS PROVE SUCCESSFUL, BE ABSORBED INTO REGULAR BUDGETING AND OPERATIONS OF STATE AND LOCAL LAW ENFORCEMENT AND CRIMINAL JUSTICE SYSTEMS.

k. Non-Supplanting of State or Local Funds.

- (1) The Act prohibits the use of Federal funds to supplant State or local funds. Each State Planning Agency must develop procedures to comply with this requirement, including an explanation of how prior levels of expenditures by the State will be maintained or increased according to the normal pattern of growth prevailing in prior years.
- (2) Where a reduced or unchanged local investment is contemplated for years in which Federal funds are received, the burden will be on the grantee to show that such reduced or unchanged commitment would have been necessitated even if Federal financial support were not available.

- (3) Application Requirement. TO THE EXTENT POSSIBLE, EXPLAIN HOW PRIOR LEVELS OF EXPENDITURES BY THE STATE WERE MAINTAINED OR INCREASED ACCORDING TO THE NORMAL PATTERN OF GROWTH IN THE PRECEDING FISCAL YEARS OF TITLE I ACTIVITY. IDENTIFY AND DESCRIBE THE CERTIFICATION, REPORTING, OR OTHER PROCEDURES USED TO ASSURE THAT LOCAL EXPENDITURES MEET THE NON-SUPPLANTING REQUIREMENT.

20. PROVISION FOR EVALUATION

- a. Evaluation Goals. Recognizing the importance of evaluation as an essential tool in planning to reduce crime and delinquency, LEAA has established three distinct but related goals with respect to evaluation. These goals call for the development of accurate information for management decisions, the generation of new knowledge to guide planning, and an increase in the evaluation capability of state and local criminal justice agencies. Specifically LEAA goals with respect to evaluation are:
 - (1) Management goal - to have performance information utilized at each level of the law enforcement assistance program in planning and decision making in order to assist program managers achieve established goals;
 - (2) Knowledge goal - to obtain and disseminate information on the cost and effectiveness of various approaches to solving crime and criminal justice system problems;
 - (3) Development goal - to have state and local criminal justice system units develop an evaluation capability as part of their management systems.
- b. Purpose of the Management Goal. The management goal provides a framework for emphasizing evaluation as a basic management and planning tool. An effective evaluation process will generate information to:
 - (1) Determine the progress and problems in implementing funded projects, and to make decisions concerning the provision of management assistance;
 - (2) Determine whether present projects and programs should be continued, modified, or terminated;
 - (3) Assess the appropriateness of standards, goals, and objectives;
 - (4) Provide a basis for planning future projects and programs, and for the allocation of financial and other resources;
 - (5) Assess the planning and administrative functions of the SPA.

- c. Application Requirements-Management Goal. IN ITS APPLICATION THE SPA SHALL DEVELOP A STATE EVALUATION STRATEGY OUTLINING A PROGRAM FOR EVALUATING THE RESULTS AND IMPACT OF THE ACTIVITIES IT SUPPORTS. THIS STRATEGY SHALL INCLUDE A DESCRIPTION OF HOW THE SPA PLANS TO FULFILL THE FOLLOWING MINIMUM REQUIREMENTS:

(1) THE SPA SHALL ALLOCATE SUFFICIENT RESOURCES TO ADEQUATELY CARRY OUT ITS EVALUATION AND MONITORING RESPONSIBILITIES.

(a) THE SPA SHALL IDENTIFY THE RESOURCES AVAILABLE FOR ITS EVALUATION AND MONITORING PROGRAM INCLUDING:

1 THE AMOUNT AND SOURCE OF FUNDS ALLOCATED IN THE PLANNING YEAR FOR EVALUATION (PART B, C, AND E FUNDS) AND GRANT MONITORING AND THE ADMINISTRATION OF THE EVALUATION PROGRAM (PART B FUNDS).

2 THE NUMBER AND POSITION OF THOSE PERSONS RESPONSIBLE FOR PLANNING, ADMINISTERING, AND CONDUCTING EVALUATION AND MONITORING ACTIVITIES.

(b) THE SPA SHALL DESCRIBE THE ORGANIZATION OF THE EVALUATION AND MONITORING FUNCTIONS AND HOW THEY ARE STRUCTURED WITHIN THE SPA.

(c) The SPA may, but need not, delegate some or all of the evaluation responsibilities set forth in these guidelines to regional planning units within the state. However, the SPA will remain ultimately responsible for seeing that these responsibilities are carried out.

(2) THE SPA SHALL INSURE THAT THE SUBGRANT APPLICATION AND THE SUBGRANT PROCESS PROVIDE THE PREREQUISITES FOR AN INTERNAL ASSESSMENT OF EACH PROJECT BY THE SUBGRANTEE AS WELL AS MORE INTENSIVE MONITORING AND EVALUATION ACTIVITIES AS DETERMINED BY THE SPA. THE SPA SHALL INDICATE WHO WILL BE RESPONSIBLE FOR REVIEWING APPLICATIONS TO ASSURE THAT THESE PREREQUISITES EXIST FOR EACH SUBGRANT, AND WHEN THIS REVIEW TAKES PLACE IN THE GRANT PROCESS. THESE PREREQUISITES SHALL INCLUDE:

(a) THE IDENTIFICATION OF THE PROBLEM IN MEASURABLE TERMS;

(b) WELL-DEFINED OBJECTIVES OF THE PROJECT STATED IN MEASURABLE TERMS;

(c) SPECIFIC INDICATORS AND MEASURES TO BE USED TO ASSESS THE RESULTS OF THE PROJECT;

- (d) MEANS OF COLLECTING DATA AND INFORMATION TO ASSESS THE PROJECT'S PERFORMANCE.
- (3) THE SPA SHALL REQUIRE SUBGRANTEES TO CONDUCT AN INTERNAL ASSESSMENT OF THEIR OWN PROJECT RESULTS. The internal assessment should include:
- (a) An analysis of the results and impact of the project;
 - (b) A comparison of the problem before and after the project;
 - (c) A description of the implementation and operation of the project over time;
 - (d) Modifications of program activities called for by the evaluation findings.
- (4) THE SPA SHALL MONITOR THE IMPLEMENTATION, OPERATION, AND RESULTS OF THE PROJECTS IT SUPPORTS. SUCH MONITORING MUST COMPARE ACTUAL ACTIVITIES CARRIED OUT AND RESULTS ACHIEVED WITH THE ACTIVITIES AND RESULTS ORIGINALLY SPECIFIED IN THE GRANT APPLICATION.
- (a) Such monitoring may include:
- 1 Periodic site visits and interviews with project staff and clients;
 - 2 An examination of objective and subjective results of the project;
 - 3 An assessment of the progress and the problems of the project to date;
 - 4 Effective reporting procedures documenting project performance.
- (b) THE PURPOSE OF THE MONITORING REQUIREMENT IS TO INSURE THAT THE SPA GENERATES ADEQUATE INFORMATION TO CARRY OUT ITS MANAGEMENT RESPONSIBILITIES. THE SPA SHALL DESCRIBE ITS MONITORING SYSTEM INCLUDING:
- 1 WHAT MONITORING ACTIVITIES WILL BE CARRIED OUT;
 - 2 WHEN MONITORING ACTIVITIES WILL BE CARRIED OUT;
 - 3 WHO WILL BE RESPONSIBLE FOR MONITORING ACTIVITIES;

- 4 WHAT TYPE OF DATA AND INFORMATION WILL BE COLLECTED THROUGH THE MONITORING PROCESS;
 - 5 HOW AND WHEN MONITORING INFORMATION WILL BE USED TO MODIFY THE OPERATIONS OF PROJECTS AND AFFECT THE PLANNING AND FUNDING DECISIONS OF THE SPA.
- (5) THE SPA IS EXPECTED TO INTENSIVELY EVALUATE, EITHER WITH ITS OWN STAFF OR CONTRACTED EVALUATORS, SELECTED PROJECTS OR GROUPS OF PROJECTS ACCORDING TO ITS PLANNING NEEDS. INTENSIVE EVALUATIONS SHALL INCORPORATE SOUND EVALUATION METHODOLOGIES INCLUDING, AS APPROPRIATE, EXPERIMENTAL DESIGNS DEVELOPED PRIOR TO PROJECT IMPLEMENTATION, CONTROL GROUPS, INDEPENDENT DATA COLLECTION AND ANALYSIS, AND IN-DEPTH CASE STUDIES. THE SPA SHALL:
- (a) INDICATE THE PROJECTS OR PROGRAMS TO BE INTENSIVELY EVALUATED, THE CRITERIA BY WHICH THEY WERE CHOSEN, AND THE RESOURCES ALLOCATED TO THIS LEVEL OF EVALUATION.
 - (b) DESCRIBE THE PROCESS IN WHICH INTENSIVE EVALUATIONS ARE PLANNED AND IMPLEMENTED (INCLUDING THE WAY IN WHICH CONTRACTED EVALUATORS ARE SELECTED, IF THEY ARE USED);
 - (c) DESCRIBE THE RELATIONSHIP BETWEEN INTENSIVE EVALUATION AND PLANNING INCLUDING:
 - 1 PROCEDURES FOR REPORTING, CORROBORATING, AND UTILIZING EVALUATION FINDINGS IN THE PLANNING AND FUNDING DECISIONS OF BOTH THE SPA STAFF AND THE SUPERVISORY BOARD.
 - 2 MEASURES TAKEN TO INSURE THE INDEPENDENCE OF THE EVALUATORS FROM THE PROJECT, THE OBJECTIVITY AND ACCURACY OF THE EVALUATION, AND THE TIMELY SUBMISSION OF EVALUATION REPORTS.
- (6) THE SPA IS REQUIRED TO TAKE ACCOUNT OF THE RESULTS OF THE NATIONAL EVALUATION PROGRAM AND ITS OWN EVALUATIONS IN PLANNING ITS FUTURE ACTIVITIES.
- (a) Each SPA is responsible for seeing that evaluation results are taken into account in its program decisions. When completed national evaluation studies are inapplicable to a particular SPA's circumstances, are contradicted by a local evaluation, or cannot be implemented

for specific local reasons, an SPA is, of course, not bound to follow them, but will be expected to set forth the specific bases for its decision to disregard them.

- (b) Beginning with the 1976 comprehensive plan, the SPA will be required to:
- 1 Detail in each program area in its plan, the sources of evaluation data which it has consulted in developing the projects and programs proposed;
 - 2 Describe the ways in which the evaluation data, where such data exist, influences the projects and programs included in the plan.
 - 3 Forward copies of all final reports of intensive evaluations to the LEAA Regional Office and to the National Institute.

d. Purpose of the Knowledge Goal.

- (1) It is the mandate of Congress that LEAA evaluate the cost and effectiveness of alternative approaches to solving selected criminal justice and law enforcement problems being tested in the LEAA program. The results of these evaluations are to be applied nationally and are expected to contribute significant new knowledge concerning what works and what does not work.
- (2) Because of the resources, expertise, and overview required, NILECJ will be primarily responsible for initiating and coordinating research and evaluation efforts to fulfill this mandate. However, the SPA shall assist in this effort both through independent action and cooperation with NILECJ.

e. Application Requirements - Knowledge Goal.

- (1) THE SPA'S ARE EXPECTED TO DESCRIBE THEIR ACTIVITIES IN RESPONSE TO THE NATIONAL EVALUATION PROGRAM WHICH HAVE INCLUDED:
 - (a) IDENTIFYING CANDIDATE PROJECTS AND PROGRAMS FOR EVALUATION IN THE NATIONAL EVALUATION PROGRAM;
 - (b) COOPERATING IN DEVELOPING AND IMPLEMENTING THE EVALUATION DESIGN;
 - (c) SERVING AS LIAISON BETWEEN NILECJ, ITS CONTRACTED EVALUATOR, AND THE SUBGRANTEE;

- (d) PROVIDING REQUESTED DATA; AND
 - (e) MONITORING THE PROJECT AND THE EVALUATION.
- (2) IN ITS APPLICATION THE SPA SHALL SPECIFY THOSE EVALUATION EFFORTS PLANNED FOR THE YEAR WHICH ARE EXPECTED TO HAVE SIGNIFICANT NEW KNOWLEDGE OF INTEREST TO A NATIONAL AUDIENCE.
- f. Purpose of the Development Goal. It is the goal of LEAA to encourage state and local criminal justice agencies to build an evaluation capability and use evaluation results to guide their activities. The SPA should assume a major role in achieving this goal by identifying its own evaluation needs and the evaluation needs of local criminal justice agencies as well as the activities which should be undertaken to meet these needs.
- g. Application Requirement-Development Goal. THE SPA SHALL:
- (1) IDENTIFY ITS OWN CHIEF EVALUATION NEEDS INCLUDING:
 - (a) THE NEED FOR EVALUATION TRAINING,
 - (b) THE NEED FOR QUALIFIED EVALUATION SPECIALISTS,
 - (c) FUNDING FOR EVALUATION,
 - (d) AUTHORITY TO CONDUCT EVALUATION.
 - (2) DESCRIBE THE SPA'S PLANS FOR MEETING ITS OWN NEEDS;
 - (3) DESCRIBE ANY EVALUATION ASSISTANCE THE SPA PLANS TO OFFER LOCAL CRIMINAL JUSTICE AGENCIES THIS YEAR, INCLUDING:
 - (a) TRAINING ASSISTANCE (CONFERENCES, WORKSHOPS, ETC.),
 - (b) ANTICIPATED PROJECTS TO DEVELOP RESEARCH AND EVALUATION UNITS WITHIN LOCAL AGENCIES,
 - (c) TECHNICAL ASSISTANCE, AND
 - (d) WAYS IN WHICH FEDERAL-LEVEL ASSISTANCE IS NEEDED FOR THESE ACTIVITIES.
 - (4) INDICATE HOW THE SPA DISSEMINATES EVALUATION RESULTS AND FINDINGS TO RELEVANT LOCAL AGENCIES.

21. RESERVED.22. TECHNICAL ASSISTANCE.

- a. Provision. The Act provides that for Part C and Part E funding, States must be willing to contribute technical assistance or services for programs contemplated by the State plan and by units of general local government. Refer to Paragraph 83 for a definition of technical assistance.
- b. Application Requirement. DESCRIBE THE STRATEGY THE STATE WILL EMPLOY IN PROVIDING TECHNICAL ASSISTANCE TO SUBGRANTEES.

23. AUDIT CAPABILITIES/ACTIVITIES.

- a. LEAA Audit Policy. Pursuant to the Act, LEAA must administer a continuing program of comprehensive audit of Title I planning and action grants. It is the LEAA policy that:
 - (1) The audit function is the primary responsibility of the State;
 - (2) Annual, or as a minimum biennial, audits be performed of the SPA responsible for administering Title I planning and action grants;
 - (3) The audit of the State Planning Agency must include a representative (statewide) sample of cost type contracts and subgrantees and their contractors;
 - (4) Where the SPA employs its own auditors, they must be independent and report directly to the SPA Supervisory Board and/or the Director; and
 - (5) Procedures should be established for the timely clearance of all audit findings and recommendations (see Guideline G 7140.1A, Distribution, Resolution, and Clearance of Audit Reports for guidance).

- b. Annual or Biennial Audit. The audit of the SPA must be performed by or under the direction of the appropriate State audit agency and encompass a reasonable volume (programs and dollars) of the total planning and action subgrants, and contracts under grants. A written report will be prepared upon completion of the audit and four (4) copies furnished to the LEAA's Office of Inspector General Field Office. The audit will include:
- (1) A thorough financial audit, performed in accordance with generally accepted auditing and LEAA standards, should include the receipt and expenditure of planning funds at the State and subgrant levels. Audits must include, on a test basis, a sufficient review of the underlying or supporting documentation to enable the audit agency to render an opinion as to the allowability and appropriateness of receipts and expenditures;
 - (2) Organizational structure and functional alignment, delegations of authority, and compliance with applicable Federal, State and local government laws and regulations;
 - (3) Planning and operational procedures and controls to promote efficiency, to encourage adherence to managerial policies (including Federal, State and local government regulations), and to assure the reliability of data contained in operations/performance reports;
 - (4) Technical monitoring and audit of subgrantee organizations to assure that grant and matching funds are properly recorded and controlled, expended for the purposes agreed upon and reported in a complete and reliable manner; and/or
 - (5) Custody, utilization and control over non-financial resources such as property, equipment and supplies.
- c. Application Requirements (Audit of SPA). DESCRIBE THE STATE'S SPECIFIC ARRANGEMENTS FOR PERFORMING THE AUDIT OF THE SPA. THIS SHOULD INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING:
- (1) WHO WILL PERFORM THE AUDIT (IF OTHER THAN THE STATE AUDITOR, HOW WILL THE STATE AUDITOR BE INVOLVED)?
 - (2) APPROXIMATE TIMING OF WHEN THE AUDIT WILL BE PERFORMED.
 - (3) APPROXIMATELY HOW MANY MAN-DAYS WILL BE DEVOTED TO THE AUDIT?

- (4) WHAT PERIOD WILL THE AUDIT COVER?
 - (5) WILL THE AUDIT BE CONDUCTED IN ACCORDANCE WITH THE LEAA AUDIT GUIDE? IF NOT, SPECIFICALLY WHAT STEPS WILL BE OMITTED AND WHY?
 - (6) WILL THE AUDIT BE CONDUCTED IN ACCORDANCE WITH AUDIT STANDARDS PUBLISHED BY GAO (PART III, CHAPTER I OF THOSE STANDARDS)? IF NOT, SPECIFICALLY WHICH STANDARD(S) WILL BE OMITTED AND WHY?
- d. Application Requirements (Audit of Subgrants). DESCRIBE THE SPA ARRANGEMENTS FOR PERFORMING OR ARRANGING FOR, AUDITS OF ITS SUBGRANTEES. THIS SHOULD INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING:
- (1) STATE HOW MANY AUDITORS THE SPA CURRENTLY EMPLOYS AND WHO THEY REPORT TO.
 - (2) STATE ANY PLAN TO INCREASE OR DECREASE THE SIZE OF THE SPA AUDIT STAFF WITHIN THE NEXT YEAR.
 - (3) IF THE SPA DOES NOT EMPLOY ITS OWN AUDITORS DESCRIBE THE SPECIFIC ARRANGEMENTS THE SPA HAS WITH OTHER AUDIT AGENCIES (PUBLIC OR PRIVATE) TO AUDIT ITS SUBGRANTEES?
 - (4) DESCRIBE THE PROCEDURES THAT HAVE BEEN ESTABLISHED FOR CLEARANCE OF AUDIT REPORTS.
 - (5) HOW MANY SUBGRANTS (PART C, B AND E) HAVE BEEN AUDITED BY YOUR SPA OR OTHER AUDITORS IN THE PRECEDING FISCAL YEAR? WHAT IS THE DOLLAR VALUE OF ALL SUCH AUDITED SUBGRANTS?
 - (a) Fiscal Year;
 - (b) Number of Subgrants Audited;
 - (c) Total Number of Subgrants Awarded;
 - (d) Dollar Value of Subgrants Audited; and
 - (e) Dollar Value of Subgrants Awarded.

24. REGIONAL CRIMINAL JUSTICE PLANNING. The Act requires that units of general local government or combinations of such units participate in the formulation of the Comprehensive State Plan. The Act recognizes that effective planning capabilities are needed at the substate level. As a means of meeting this requirement LEAA encourages the incorporation of criminal justice planning responsibilities within the multijurisdictional organizations established in accordance with the Intergovernmental Cooperation Act of 1968 or in lieu of this the creation of regional planning units by State Planning Agencies to assist in the development of the annual comprehensive plan.
- a. Definition. A regional planning unit is any body so designated, which incorporates two or more units of general local government to administer planning funds and undertake law enforcement and criminal justice planning activities under the Act for a number of geographically proximate counties and/or municipalities. The regional planning unit is responsible for criminal justice planning, coordinating and for taking cognizance of any local government criminal justice planning activities.
 - b. Funding. Regional planning units may receive up to 100 percent funding for expenses incurred in criminal justice planning. Exception: Single units of general purpose government designated regional planning units because they represent large metropolitan areas are not eligible for 100 percent funding. However, where there is a consolidation of two or more units of government the question of eligibility of 100 percent funding will be considered by the Administrator.
 - c. Supervisory Boards. Where States establish regional planning units as "combinations of local government" to receive planning funds and participate in the formulation of the State plan as provided in Section 203(c) of the Act, such regional units must operate under the supervision and general oversight of a supervisory board.
 - (1) Fair and Adequate Representation. The States shall assure that the units of government composing such regional units shall have fair and adequate representation on the supervisory boards in terms of their law enforcement and criminal justice responsibilities. Law enforcement and criminal justice responsibilities may be determined on the basis of proportion of regional population, amount of crime within the region, law enforcement and criminal justice budgets, and/or other factors relevant to criminal justice responsibilities.

- (2) Composition. The composition of the supervisory board shall incorporate the representative character elements prescribed for supervisory boards of State Planning Agencies (see paragraph 16) with the following modifications:
- (a) Regional planning unit supervisory boards within the State shall be comprised of a majority of local elected officials. Where possible preference should be given to executive and legislative officials of general purpose government as defined by State law or pursuant to an opinion by the State Attorney General. However, elected sheriffs, district attorneys and judges may also be considered local elected officials.
 - (b) Where the governments comprising the regional units do not have significant responsibility for a particular segment of law enforcement and criminal justice (e.g., operation of courts, provision of police services, conduct of correctional programs), representation of that particular element need not be included.
 - (c) Those representative character requirements concerning State agency representation or State/local balance are not deemed applicable to regional units, although locally-based State officials (e.g., State judges within the region, directors of local branches of State correctional departments, etc.) may be considered appropriate candidates for membership on regional supervisory boards and, indeed, can often make a valuable contribution to comprehensive planning at the regional/local level.
- (3) Advisory Groups. Where a general purpose agency is selected to serve as the regional planning unit, and the governing body of the agency does not include representation of all regional elements [see specific requirement for locally elected officials, paragraph 24c(1)(a)], an advisory group consisting of the missing elements may be established to achieve compliance with this requirement. In determining whether there is compliance with this subparagraph, the totality of advisory and governing body membership will be taken into account only if the advisory body has direct access to the governing body for presentation of views.

(4) Application Requirements.

- (a) Structure/Organization. DESCRIBE THE GENERAL ORGANIZATION AND FUNCTIONS OF THE REGIONAL PLANNING UNIT SUPERVISORY BOARDS. INCLUDE A MAP OR CLEAR DESCRIPTION OF THE JURISDICTION OR GEOGRAPHIC COVERAGE OF EACH REGIONAL PLANNING UNIT. INCLUDE FUNCTIONAL ORGANIZATION AND MEMBERSHIP CHARTS FOR EACH REGIONAL PLANNING SUPERVISORY BOARD. (A suggested form for staffing information is provided in appendix 2-3.)
 - (b) Conformance to General State Structure. INDICATE THE EXTENT TO WHICH PLANNING REGIONS OR COMBINATIONS CONFORM TO OR VARY FROM EXISTING GENERAL STATE, REGIONAL AND METROPOLITAN PLANNING ENTITIES.
 - (c) Operating Procedures. DESCRIBE THE RULES GENERALLY GOVERNING FREQUENCY OF MEETINGS, THE ESTABLISHMENT OF SUBCOMMITTEES AND THE CONDUCT OF BUSINESS.
- d. Regional Criminal Justice Planning Units. Application Requirement: BY AUTHORITY HAVE THE STATE'S REGIONAL CRIMINAL JUSTICE PLANNING UNITS BEEN ESTABLISHED OR DESIGNATED. ATTACH APPROPRIATE DOCUMENTARY EVIDENCE, i.e., CHARTER, DELEGATION FROM LOCAL UNITS, ETC.
 - e. Structure/Organization of Regional Planning Units. Application Requirements: DESCRIBE THE GENERAL STRUCTURE AND ORGANIZATION OF THE REGIONAL PLANNING UNITS.
 - f. Staff.
 - (1) Assurance. The State Planning Agency must provide reasonable assurance that the Regional Planning Units have adequate staff to carry out their functions. Staff size will vary from State to State.
 - (2) Application Requirement. DESCRIBE THE QUALIFICATIONS, FUNCTIONS AND RESPONSIBILITIES OF KEY REGIONAL PLANNING UNIT STAFF. INDICATE THE AMOUNT OF TIME DEVOTED TO CRIMINAL JUSTICE PLANNING ACTIVITIES.
 - g. Regional Input During Planning Process. Application Requirement: DESCRIBE GENERALLY THE REGIONAL PLANNING UNITS METHODS AND PROCEDURES FOR FORMULATION AND REVISION OF THE REGIONAL INPUT TO THE STATE COMPREHENSIVE LAW ENFORCEMENT PLAN, INCLUDING STEPS AND STAGES INVOLVED, WHAT IS DONE DURING THESE STAGES, THE PROPOSED ANNUAL TIMETABLE OF ACCOMPLISHMENTS, OTHER AGENCIES OF LOCAL GOVERNMENT OR NONGOVERNMENTAL CONTRACTORS UTILIZED TO CARRY OUT MAJOR PLANNING FUNCTIONS, AND THE INTENDED ROLE OF EACH. [If this requirement is adequately developed in paragraph 18a(4) further duplication is unnecessary.]
 - h. Plan Implementation. Application Requirement: DESCRIBE THE ACTIVITIES OR REGIONAL PLANNING UNITS WITH REGARD TO PLAN IMPLEMENTATION, e.g., SUBGRANT ADMINISTRATION, MONITORING, EVALUATION, ETC.

25-26. RESERVED.

SECTION 3. OTHER STATUTORY REQUIREMENTS AFFECTING LEAA PROGRAMS.

27. INTERGOVERNMENTAL COOPERATION ACT OF 1968 AND RELATED STATUTES.

a. OMB Circular No. A-95. The Intergovernmental Cooperation Act of 1968 encourages added cooperation with State and local government in the evaluation, review, and coordination of Federal assistance programs and projects. OMB Circular No. A-95 spells out the requirements designed to implement the purposes of this Act. There are four parts to the circular, three of which are discussed below with regard to applicability to the State Planning Agencies.

- (1) Part I, Project Notification and Review System.
- (2) Part II, Direct Federal Development. (Does not pertain to the LEAA Program.)
- (3) Part III, State Plans.
- (4) Part IV, Coordination of Planning in Multijurisdictional Areas.

b. Part I. Project Notification and Review System.

- (1) Purpose. Part I encourages the establishment of a network of State, regional and metropolitan planning and development clearinghouses which will aid in the coordination of Federal or federally assisted projects and programs with State, regional and local planning for orderly growth and development.
- (2) A-95 Clearinghouse Notification. Any agency of State or local government or any organization or individual undertaking to apply for assistance under LEAA's programs listed in the Catalogue of Federal Domestic Assistance--16.500 Comprehensive Planning Grants, 16.501 Discretionary Grants, 16.502 Improving and Strengthening Law Enforcement (Action Grants) or subgrants awarded by State Planning Agencies from

funds awarded under these programs--is required to notify the appropriate metropolitan, regional and State planning and development clearinghouses of its intent to apply for assistance. For a list of applicable clearinghouses see Guideline G 4063.1A, appendix 2. The Project Notification should be submitted to the clearinghouses at the earliest feasible time. Appendix 1-1 of this guideline manual, Preapplication for Federal Assistance, may be used to notify the A-95 clearinghouse of the intent to apply for Federal Assistance.

(3) Clearinghouse Functions. The clearinghouse functions include:

- (a) Evaluating the significance of the proposed project to State, areawide or local plans and programs, as appropriate.
- (b) Receiving and disseminating project notifications to appropriate State agencies, local governments and agencies and providing liaison between such agencies and the applicant.
- (c) Assuring that appropriate State, metropolitan, regional or local agencies which are authorized to develop and enforce environmental standards are informed of and are given the opportunity to review and comment on the environmental significance of proposed projects.
- (d) Providing public agencies charged with enforcing State and local civil rights laws with the opportunity to review and comment on the civil rights aspects of the project for which assistance is sought.
- (e) Providing liaison between Federal agencies contemplating direct Federal development projects and the State or areawide agencies or local governments having plans or programs that might be affected by the proposed project.
- (f) Assuring that agencies applying for grants involving communications and information systems are made aware of applicable systems which can be implemented at reduced cost through transfer from other LEAA grantees.

(4) Clearance Period.

- (a) The A-95 clearinghouses have a period of 30 days after receipt of a project notification in which to inform State agencies, other local or regional bodies that may

be affected by the project and to arrange, as may be necessary, to consult with the applicant on the proposed project. If after 30 days a clearinghouse has not indicated a desire to arrange such consultations or its intention to undertake a review and provide comments on the proposed project, it may be considered to have waived its opportunity to review and comment on the project.

- (b) If necessary, the clearinghouse may request and be granted an additional 30 days to review the completed application and to transmit to the applicant any comments or recommendations. The project may be considered eligible for funding if comments are not received after the 30 day extension.
 - (c) The SPA must notify clearinghouses within 7 days of any action (approvals, disapprovals, return for amendment etc.) taken on applications that have been reviewed by such clearinghouses. Where a State or areawide clearinghouse has assigned an identification number to an application, the SPA will refer to such identification numbers in notifying clearinghouses of action taken on the application.
 - (d) Where a clearinghouse has recommended disapproval or approval only with specific and major substance changes, and LEAA or, in the case of the subgrants, the State Planning Agency approves the application as submitted, the LEAA Regional Office or SPA, as applicable, must provide the clearinghouse with a written explanation.
- (5) Incorporation of Clearinghouse Comments in Application. Any comments and recommendation made by or through clearinghouses must become a part of the application. These comments will be considered in the final evaluation.
- (6) Mandatory Application Statement. As a part of every application for Comprehensive Law Enforcement Planning Grants, Comprehensive Law Enforcement Action Grants, Discretionary Grants and all subgrants awarded by State Planning Agencies from funds awarded under these programs, LEAA requires a statement that the appropriate metropolitan, regional and State A-95 clearinghouses have been notified of the intent to apply for Federal Assistance and the date notification was sent to the clearinghouses. Furthermore, any comments by or through the clearinghouses must become an attachment to the application.
- (7) Application Requirements.
- (a) DESCRIBE THE STATE'S PROCEDURES FOR SUBMITTING THE PLANNING GRANT APPLICATION AND THE COMPREHENSIVE STATE PLAN TO THE A-95 CLEARINGHOUSE.

- (b) DESCRIBE THE STATE'S METHOD OR PROCEDURES FOR INSURING THAT ALL DISCRETIONARY GRANT APPLICATIONS AND ALL SUBGRANT APPLICATIONS HAVE BEEN SUBMITTED TO THE COGNIZANT A-95 CLEARING-HOUSE.
- (c) DESCRIBE THE STATE'S METHOD OR PROCEDURES TO INSURE THAT ALL COMMENTS HAVE BEEN CONSIDERED AND MADE A PART OF THE APPLICATION.

c. Part III: State Plans.

- (1) Purpose. The purpose of Part III is to provide LEAA with information about the relationship of the annual Comprehensive State Plan to State comprehensive planning and to other State plans.
- (2) Governor's Comments. If current SPA procedures do not require the Governor's concurrence in the annual Comprehensive State Plan, then the Governor must be given an opportunity (45 days) to comment on the plan. Any comments must be submitted with the plan.
- (3) Application Requirement. DESCRIBE THE SPA'S PROCEDURES FOR OBTAINING EITHER THE GOVERNOR'S CONCURRENCE OR REVIEW AND COMMENT ON THE ANNUAL COMPREHENSIVE STATE PLAN.

d. Part IV: Coordination of Planning in Multijurisdictional Areas.

- (1) Purpose. The purpose of Part IV is to encourage and facilitate State and local initiative and responsibility in developing organizational and procedural arrangements for coordinating comprehensive and functional planning activities.
- (2) Planning and Development Districts or Regions. It is expected that States will exercise leadership in delineating and establishing a system of planning and development districts or regions in each State which can provide a consistent geographic base for the coordination of Federal, State and local development programs.
- (3) Governor's Review and Comment. Prior to the designation or redesignation of any planning and development district or region by the SPA, as set forth in the Part B applications, the Governor must be given an opportunity to review and comment (30 day review period) upon its relationship to planning and development districts or regions established by the State.
- (4) Justification for Variance. Where such boundaries vary from general planning or development districts or regions established by the State, a clear justification for such variance must be provided.
- (5) Consultation in Review Boundaries. If State established boundaries for general planning or development districts or regions do not exist, major units of local government and Federal agencies administering programs in the area must be consulted in reviewing boundaries of law enforcement planning regions.

- (6) The appropriate Federal Regional Council will be notified by the appropriate Federal agency of any proposed designation that is being considered by the Governor or being coordinated with other Federal agencies or local governments and will be informed of the designation when it is made.
- (7) Memorandum of Agreement. Each SPA will develop procedures and requirements for applications for areawide planning and development assistance under appropriate programs to assure the fullest consistency and coordination with related planning and development being carried on by the areawide clearinghouses. Such procedures shall include provisions for submissions to the SPA by any applicant for areawide planning assistance of a memorandum of agreement between the applicant and the clearinghouse covering the means by which the planning activities will be coordinated. The agreement will cover but need not be limited to the following matters:
- (a) Identification of relationships between the planning proposed by the applicant and that of the SPA and of similar or related activities that will require coordination;
 - (b) The organizational and procedural arrangements for coordinating such activities, such as: overlapping board membership, procedures for joint review of project activities and policies, information exchange, etc.;
 - (c) Agreed upon base data, statistics, and projection (social, economic, demographic) as the basis of which planning in the area will proceed.
- (8) The signatories to the Memorandum of Agreement are:
- (a) The areawide comprehensive planning agency (usually the areawide A-95 clearinghouse) and
 - (b) The applicant for assistance to carry out areawide planning if other than (a). [(Not infrequently (a) and (b) are the same, in which case no M.O.A. is required).]
- (9) The "applicant" referred to in (8)(b) will generally, in most cases, mean any Regional Planning Units within the State that do not conform to the same boundaries of the A-95 clearinghouse and do not operate under the auspices of the Council of Governments.
- (10) The SPA is required to assure that the M.O.A. requirement is followed. Its regulations must reflect that requirement. Under some programs, the applicant (assume it is a hypothetical State

agency in this example) will carry out areawide planning under a Federal program. In this example the M.O.A. would be between the areawide comprehensive planning agency (areawide clearinghouse) and the hypothetical State agency doing the areawide planning. The objective is to assure that federally assisted functional planning in any area is coordinated within the framework of comprehensive planning for that area.

- (11) Where an applicant has been unable to effectuate such an agreement, he will submit a statement indicating the efforts he has made to secure agreement and the issues that have prevented it. In such case, the SPA, in consultation with the Federal Regional Council and the designated State Clearinghouse, will undertake, within a 30 day period after receipt of the application, resolution of the issue before approving the application, if it is otherwise in good order.
- (12) Application Requirements.
- (a) ARE LAW ENFORCEMENT PLANNING REGIONS CONSISTENT WITH STATE ESTABLISHED PLANNING AND DEVELOPMENT DISTRICTS? IF NOT, EXPLAIN THE REASON FOR THE NON-CONFORMANCE. [REFERENCE CAN BE MADE TO THE RESPONSE TO THE REQUIREMENT IN PARAGRAPH 24c(3)(b), IF APPROPRIATE.]
- (b) DESCRIBE IN SUMMARY FASHION THE SPA'S PROCEDURAL ARRANGEMENTS TO ASSURE MAXIMUM COORDINATION WITH RELATED PLANNING UNDER OTHER PROGRAMS, e.g., HOUSING AND COMMUNITY DEVELOPMENT, COMPREHENSIVE HEALTH, MANPOWER, POVERTY, EDUCATION, JUVENILE DELINQUENCY AND HIGHWAY SAFETY.
28. NATIONAL ENVIRONMENTAL POLICY ACT OF 1969. The National Environmental Policy Act of 1969, Section 102(2)(C), (P.L. 91-190) and Guidelines issued by the Council on Environmental Quality (CEQ) require that prior to "Major Federal actions" significantly affecting the quality of the human environment an assessment of environmental consequences shall be made in the form of a (draft) environmental statement, which shall be circulated for comment by the Federal agency to Federal, State, and local agencies and the public as provided in CEQ Guidelines and then revised as needed. A final environmental statement must accompany the proposed action through LEAA's review and decision-making processes. Failure to comply with environmental clearance procedures at the time a grant application is being processed exposes LEAA and the SPA to litigation. See Guideline Manual M 4061.5, Environmental Procedures.

- a. Actions on Which Environmental Evaluations or Environmental Impact Statements are Required:
- (1) New construction projects.
 - (2) The renovation or modification of a facility which leads to an increased occupancy of more than 25 persons.
 - (3) The implementation of programs involving the use of pesticides and other harmful chemicals.
 - (4) The implementation of programs involving the use of micro-waves or radiation.
 - (5) Research and technology whose anticipated or intended future application could be expected to have a potential effect on the environment.
 - (6) Other actions which require the substantial commitment of resources or trigger such a substantial commitment by another as determined by the responsible LEAA official to possibly have a significant effect on the quality of the environment.
- b. Applicant Submissions. Each applicant for a grant, subgrant or contract involving the actions listed in paragraph 28a, wherein LEAA appropriated funds are sought will be required to submit either an Environmental Evaluation or a detailed environmental analysis of the proposed project.
- c. Environmental Evaluation. A report of the environmental effects of the proposal should consist of questions and narrative answers as well as supporting documentation that substantiates conclusions.
- d. Environmental Analysis. Where the proposed action would significantly affect the environment, an environmental analysis must be submitted with the original application. It will be utilized in the preparation of a draft environmental statement. The following points will be covered in the environmental analysis.
- (1) Description of the proposed action.
 - (2) The relationship of the proposed action to land use plans, policies and controls for the affected area.
 - (3) The probable impact on the proposed action on the environment.
 - (4) Alternatives to the proposed action.

- (5) Probable adverse environmental effects which cannot be avoided.
- (6) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long term productivity.
- (7) Irreversible and irretrievable commitments of resources which would be involved in the proposed action.
- (8) Other interest and considerations of Federal, State and local government.

e. Comprehensive State Plans.

- (1) Standard Grant Conditions. When a Comprehensive State Plan is submitted for LEAA review and funding, before the selection has been made of specific projects to implement programs enumerated in the plan, the plan will be approved with the standard grant condition that all individual projects selected to implement programs in the plan involving actions as set forth in paragraph 28a will include as a part of the sub-grant application either an environmental evaluation or a detailed environmental analysis.
- (2) Construction Summary. A summary sheet identifying all programs with construction elements is to be included with the comprehensive plan.
- (3) Commitment of Funds. There will be no commitment of funds to any project which possibly could have a significant environmental impact until the procedures for review and comment of the environmental statement have been followed.

f. Review of Appropriate Applications.

- (1) SPA Review. All applications which involve actions as set forth in paragraph 28a and contain either an environmental evaluation or an environmental analysis should be initially screened by the SPA to determine completeness. Environmental evaluations should be forwarded to the A-95 Clearinghouse. An environmental analysis should then be sent directly to the Regional Office.
- (2) Regional Office Actions.
 - (a) After A-95 clearinghouse review, the Regional Office will review the Environmental Evaluation to determine the project's environmental impact, if any. A determination will be made by the Regional Office whether a Negative Declaration or Environmental Impact Statement should be filed.

- (b) In the event a draft environmental statement is required the Central Office will coordinate the preparation of the draft environmental impact statement and begin the Federal, state, local agency and the public review process. Upon receipt of comments the Central Office will prepare a final statement to be forwarded to the Administrator, LEAA.
- (3) The Administrator's Review and Submission to CEQ. After review the LEAA Administration will forward the final statement to CEQ. No final decision will be given any program or project with significant environmental impact until 30 days after submission to CEQ of the final statement.
- g. Application Requirement. DESCRIBE PROCEDURES ESTABLISHED WITHIN THE SPA TO INSURE THAT THE REQUIREMENTS OF THE ENVIRONMENTAL POLICY ARE MET. CITE ANY INSTRUCTIONS DISSEMINATED TO APPLICANTS BY THE SPA. CITE ANY ARRANGEMENTS THAT HAVE BEEN MADE TO PROVIDE APPLICANTS WITH TECHNICAL ASSISTANCE IN THE DEVELOPMENT OF AN ENVIRONMENTAL ANALYSIS.
29. CLEAN AIR ACT AND FEDERAL WATER POLLUTION CONTROL ACT. 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, sub-grants or contracts cannot be entered into, reviewed or extended with parties convicted of offenses under these laws.
30. NATIONAL HISTORIC PRESERVATION ACT OF 1966. The National Historic Preservation Act of 1966 establishes national policy goals and procedures for protecting and preserving national historic sites. This Act provides that the head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally-assisted undertaking in any State shall, prior to the approval of the expenditure of any Federal funds on the undertaking, take into account the effect of the undertaking on any district, site, building, structure, or object that is included in the National Register of Historic Places or property eligible for inclusion in the National Register. See LEAA Guideline Manual M 4061.5, Environmental Procedures.
- a. Criteria for Determination of Effect. The Advisory Council on Historic Preservation has determined that a federally financed undertaking shall be considered to have an effect on a National Register listing or eligible property when any condition of the undertaking creates a change in the quality of the historical, architectural, archeological, or cultural character that qualified the property for listing on the National Register. Generally, an adverse effect occurs under conditions which include but are not limited to the following:

- (1) Destruction or alteration of all or part of the property;
- (2) Isolation from or alteration of its surrounding environment;
- (3) Introduction of visual, audible, or atmospheric elements that are out of character with the property and its setting.

b. Block Grant Projects Involving Construction, Renovation, Purchasing or Leasing of Facilities. State Planning Agencies should follow the succeeding procedures in awarding grants and funding projects for construction, renovation, leasing and purchasing of facilities.

- (1) If the site has been selected, the SPA in consultation with the State Historic Preservation Officer (SHPO) shall:
 - (a) Consult the National Register of Historic Places to determine whether a National Register listing or a site eligible for inclusion in the National Register is involved in the undertaking. The SPA or grantee can satisfy this requirement by obtaining a certification from the State Historic Preservation Officer as to whether a historic site is involved.
 - (b) If a National Register listing is involved, apply the "Criteria for Determination of Effect" as state above. If there is no effect, the undertaking may proceed.
 - (c) If there is an effect, the SPA , in consultation with the SHPO shall:
 - 1 Determine whether the effect is not adverse or adverse, using the guidelines stated above. If the effect is not adverse, the SPA shall forward adequate documentation of the determination, including the view of the SHPO, to the Executive Director of the Council for Review. Unless the Executive Director notes an objection to the determination within 45 days from receipt of adequate documentation, the State Planning Agency may proceed with the undertaking .

- 2 Upon finding the effect to be adverse or upon notification that the Executive Director does not accept a determination of no adverse effect, the SPA shall:
 - a Request, in writing, the comments of the Advisory Council;
 - b Notify the SHPO of this request;
 - c Prepare a preliminary case report;
 - d Proceed with the consultation process as set forth in M 4061. 5, Environmental Procedures.
- 3 Failing to find and agree upon an alternative, recommend all possible planning to minimize the adverse effect and delay further processing of the undertaking pending the receipt of comments from the Advisory Council on Historic Preservation; and
- 4 Upon request, submit to LEAA a detailed report of the undertaking.

- (2) Where site selection is undetermined prior to the award of the grant or contract, or there is an alteration of a previously approved grant as to the site location;
 - (a) The SPA shall require the grantee to give notice of the site involved prior to initiation of construction or renovation of the facility or prior to purchase or lease of the facility.
 - (b) Upon receipt of this notice, the SPA in conjunction with the grantee, shall initiate the steps outlined in paragraph 30b(1).

31. UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICY ACT OF 1970, P.L. 91-646.

- a. Purpose. The purpose of the Uniform Relocation Assistance and Real Property Acquisition Policy Act is to insure fair and equitable acquisition practices and uniform, fair and equitable treatment of persons displaced by Federal and federally-assisted programs.

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M 4100.1D

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- b. Delegation of Authority to SPA's. State Planning Agencies have been delegated the authority and responsibility to implement the provisions of this Act. (See Guideline G 4061.1B, Relocation Assistance and Payments.)
- c. Relocation Payment or Assistance Provisions. The applicant and State Planning Agency shall insure that any program under which LEAA financial assistance is used to pay all or part of the cost of any program or project which has or will result in the displacement of any person shall provide that:
- (1) Fair and reasonable relocation payments and assistance shall be provided to or for displaced persons as required by regulations issued by the Attorney General;
 - (2) Relocation payments and assistance programs shall be provided for such persons in accordance with regulations issued by the Attorney General;
 - (3) Within a reasonable period of time prior to displacement, decent, safe, and sanitary replacement dwellings will be available to displaced persons in accordance with regulations as issued by the Attorney General; and
 - (4) Those persons affected by these provisions will be adequately informed of the available benefits, policies and procedures relating to the payment of these benefits.
- d. Relocation Plan. The SPA must insure that no funds are expended on any project which involves relocation until such time as a satisfactory formal Relocation Plan has been developed to provide the basis for the assurances listed in paragraph 31c above.
- e. Relocation Costs. The cost of relocation assistance and payments to persons relocated by the criminal justice project are part of the overall project costs. State Planning Agencies should require the subgrantees to build relocation costs into the application budget. The Federal share of relocation costs after July 1, 1972 will be on a matching basis.
- f. Contractual Arrangements for Program Administration. Generally State Planning Agencies will not have the specialized competencies needed to administer the guidelines and operating procedures under this Act. To the extent that other Federal or State Agencies exist to handle the detailed administrative requirements of the Act, State Planning Agencies are encouraged to enter into contractual arrangements with these agencies. Part B planning funds are an acceptable source of funds for this purpose.

- g. Appeals Procedures. In a State criminal justice program or project involving relocation which receives LEAA funds, the Director of the SPA will establish procedures for review of appeals in accordance with Guideline G 4061.1B.
- h. Annual Report. Each State Planning Agency shall prepare and submit an annual report to the cognizant Regional Administrator. The report shall contain such information as may be required concerning the administration of the relocation assistance and payments program established by the SPA.
- i. Further Guidance. Detailed LEAA Guidelines concerning the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970 are provided in Guideline G 4061.1B, Relocation Assistance and Payments.
- j. Application Requirement. DESCRIBE THE SPA'S PROCEDURES FOR IDENTIFYING PROJECTS CAUSING RELOCATION AND FOR ADMINISTERING RELOCATION ASSISTANCE AND PAYMENTS. IS THE SPA ADMINISTERING THE PROGRAM OR HAS THE FUNCTION BEEN CONTRACTED OUT TO ANOTHER FEDERAL OR STATE AGENCY? SPECIFY.

32. FREEDOM OF INFORMATION REQUIREMENTS.

a. Authority.

- (1) Availability to the Administration. Pursuant to Section 521 of the Omnibus Crime Control and Safe Streets Act, as amended, all records, papers and other documents kept by recipients of LEAA funds, including State Planning Agencies and their subgrantees and contractors, relating to the receipt and disposition of such funds, are required to be made available to the Administration.
- (2) Public and Press Availability. These records, and other documents submitted to LEAA pursuant to other provisions of the Act, including Comprehensive State Plans and applications for funds, are required to be made available by LEAA to the public and press under the terms and conditions of the Federal Freedom of Information Act (5 U.S.C. 552).
- (3) Applicability to SPA's. Pursuant to Section 203(d) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, the following is applicable to all SPA's.

b. Public Availability of State Planning Agency Records.

(1) General Rule. Subject only to the exceptions set forth in paragraph 32b(2) below, all identifiable plans, applications, grant or contract awards, reports, books, papers or other documents maintained by State Planning Agencies that are pertinent to activities supported by Title I funds shall be made promptly available upon request to any person for inspection and copying.

(a) Applicability. This requirement applies only to records and other documents that exist and are in the possession or control of the State Planning Agency and that are described in reasonably specific terms to enable the State Planning Agency to identify and locate them. This section imposes no obligation to compile or procure a record or other document in response to a request, nor to undertake to identify for someone who requests records the particular materials he wants where a reasonable description is not afforded.

(b) Implementation. Disclosure should be facilitated whenever reasonably possible, and State Planning Agencies should not use the identification requirement and their superior knowledge of the contents of their files as a means of frustrating requests for records. However, the burden of identification does fall upon the person who requests a record. There is thus no need to accommodate "fishing expeditions."

(c) Rules and Procedures. Inspection and copying of records and documents is allowed subject to reasonable rules and procedures relating to time, place, and fees for copies to the extent authorized by law. Fees charged for copied materials shall be no more than those reasonably necessary to recover the cost of providing such copies.

(d) Form of Records Disclosed. Applications, regional or local plan submissions and other such documents should be made available in the form received by the State Planning Agency as well as in the form finally approved or otherwise acted upon. Thus, an application should be made available in the form received even if it is substantially revised before approval or ultimate rejection.

- (2) Material Exempted from Disclosure. Records and documents, or parts thereof, need not be made available under this section if they are:
- (a) Specifically exempted from disclosure by State law;
 - (b) Related to operations of criminal justice agencies that are sensitive or confidential to such a degree that disclosure would not be in the interest of the public;
 - (c) Internal communications related to the State Planning Agency decision making process, such as preliminary drafts, memoranda between staff officials, opinions and interpretations prepared by staff personnel, or consultants, or records or minutes of deliberations of staff groups or executive sessions of the supervisory board;
 - (d) Investigatory files compiled for law enforcement purposes. This does not include audit reports unless they include contents covered under specific areas of exemption listed in this section.
 - (e) Trade secrets or commercial or financial information that is privileged or confidential under State law;
 - (f) Material related solely to the internal personnel rules and practices of the agency; or
 - (g) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.
- (3) Withholding Material.
- (a) An application, plan submission or similar document or parts thereof, may be withheld if disclosure would jeopardize the proprietary rights of the applicant in the idea or concept embodied in the application. Similarly, contract proposals submitted in response to an invitation for bids may be withheld during the evaluation process; and, even after award of the contract, parts or all of such proposals may be withheld to protect trade secrets, financial status information, technical or scientific data, or other information that is privileged or confidential under State or local law.

March 21, 1975

- (b) Under the exception covering sensitive or confidential law enforcement operations, State Planning Agencies may withhold material that relates to such operations as undercover activities to combat organized crime or narcotics traffic, where disclosure might compromise the identity of undercover agents or otherwise jeopardize the success of the operations.
 - (c) Documents relating to internal procedures and decisions between receipt of an application or other document and final decision regarding it may be withheld. These are within the "internal communications" exceptions. Examples are interim drafts or mark-ups, memoranda containing staff evaluations or recommendations, and staff legal opinions or interpretations.
 - (d) The exception for investigatory files compiled for law enforcement purposes covers files of investigations in connection with administrative proceedings as well as criminal law enforcement proceedings. Thus, audit files and other investigative files may be withheld if they reflect possible violations of law or circumstances requiring redress by administrative proceedings or litigation.
- (4) Decisions to Release or Withhold Material. In making decisions as to whether to release or withhold requested material, State Planning Agencies should bear in mind that the purpose of the guidelines is to facilitate the fullest possible public disclosure of records and information bearing on LEAA-funded activities consistent with other essential considerations of public policy. Thus, material should be released even though technical grounds for withholding it may exist under one of the enumerated exceptions, unless there are compelling reasons to withhold it.
- (a) Decisions under the Act. Since these guidelines are generally modeled after the Federal Freedom of Information Act, State Planning Agencies may look to the decisions under that Act for guidance in implementing these guidelines.
 - (b) Consulting LEAA Regional Offices. It is strongly urged that in the early stages of implementation, LEAA Regional Office be consulted before decisions are made to withhold requested material, particularly if the grounds for withholding are based upon exemptions in paragraph 32b(3)(b) (sensitive or confidential law enforcement operations), 32b(3)(c) (internal communications), or 32b(3)(d) (investigatory files).

c. Disclosure of Votes and Awards.

- (1) Record of Votes. State Planning Agency supervisory boards and regional and local planning councils, including Criminal Justice Coordinating Councils established under Section 301(b)(8) of the Act shall maintain and make available for public inspection a record of the votes of the supervisory board or planning council in all proceedings at which final decisions are made relating to the approval and submission of comprehensive plans or applications for LEAA funds or the allocation or award of LEAA funds. Members who do not agree with the majority of the membership may request their position be recorded separately.
- (2) Announcements of Awards. All subgrant and contract awards shall be announced promptly to the public news media by means of press releases or announcements of the kind generally utilized by other State agencies in announcing official actions. Such press releases shall contain sufficient information to enable the public to identify the State Planning Agency, the recipient of the award, the amount and purpose of the award and, in the case of contracts, the procedures (e.g., competitive bidding or noncompetitive award) followed in determining the recipient of the award.

d. Application of the Requirements to Subgrantees and Contractors.

The provisions of this paragraph shall apply to all recipients of Title I funds, whether received by direct grant or contract from LEAA or indirectly by subgrant, contract or subcontract from primary grantees or contractors. To effectuate this provision, the State Planning Agency shall include in all grant or contract awards the following condition:

- (1) Public Availability of Information. The grantee (contractor) agrees to comply with the requirements of paragraph 32 of LEAA Guideline Manual M 4100.1D, State Planning Agency Grants, relating to the availability to the public of identifiable records or other documents that are pertinent to the receipt or expenditure of LEAA funds and the availability of records of the votes of planning councils including dissenting members votes relating to the approval of plans or the allocation or award of LEAA funds. The

grantee shall include in any subgrant or contract involving LEAA funds a condition requiring the subgrantee or contractor to comply with the requirements and to require its subgrantees or subcontractors to comply with the requirements.

e. Public Accessibility to Meetings.

(1) General Rule.

(a) Applicability. Subject only to the exceptions set forth in paragraph 32e(2), all meetings of State Planning Agency supervisory boards, regional planning councils and local planning councils, including local Criminal Justice Coordinating Councils established under Section 301(b)(8) of the Act, shall be public meetings when any FINAL action is taken respecting:

- 1 Approval of Comprehensive State Plans (or regional or local components thereof);
- 2 Applications for an award of LEAA funds; or
- 3 Other actions affecting the allocation or expenditure of LEAA funds.

(b) Purpose. The open meeting requirements should be deemed to cover virtually all meetings of SPA supervisory boards, regional and local planning councils and Criminal Justice Coordinating Councils at which the general decision-making functions of these bodies are exercised. The purpose is to assure public access to meetings at which deliberations are conducted and final decisions made respecting the establishment of priorities, the approval of plans, the allocation or award of funds, or other significant functions in the implementation of the LEAA program.

(c) Publicity. Any such meetings shall be preceded by publicized notice (e.g., newspaper, radio, bulletin, or newsletter) specifying the time and place of the meeting and the general nature of the business to be transacted, in such manner and form as shall reasonably enable interested persons to have knowledge of the meetings and to attend.

(d) Further Provisions.

- 1 The minutes of any such meetings shall be recorded and made available to the public, including the manner in which notice of the meetings was publicized.
- 2 Any interested persons shall be permitted to attend such meetings and allowed to make notes and fully report or broadcast the nature and content of the proceedings.
- 3 No final action shall be taken at such meetings except upon votes in open session.
- 4 Any action taken at any meeting held in violation of paragraph 32e(1) of this guideline manual may be considered by LEAA to be void.

(2) Exceptions. This subparagraph shall not be construed to prohibit executive sessions except that:

- (a) Such sessions will generally be called only upon majority vote of the members of the body in public session;
- (b) No final decisions of the nature covered by paragraph 32e(1) shall be finally approved in such sessions; and
- (c) Such sessions shall not be used to defeat the purpose of paragraph 32e(1) of the fullest possible public accessibility to meetings.

(3) Utilization of Executive Sessions.

- (a) Executive sessions are expressly permitted, although limited in purpose. These non-public sessions may be utilized for deliberations that clearly would not be appropriate for public disclosure, such as matters covered by the exemptions to the requirement that records be made available to the public. For example:
 - 1 The details of a grant application from a police agency for organized crime control activities or other sensitive operations may be discussed in executive session if necessary to preclude the disclosure of information that would jeopardize the security or success of the activities, or if otherwise deemed to be necessary to protect the public interest.

2 However, the final vote on such an application must be taken and recorded in a public meeting, although the purpose of the award may be stated in such a way as to prevent the disclosure of sensitive or confidential information.

(b) Executive sessions may not be resorted to as a means of defeating the fundamental purpose of the open meeting requirement, which is that the public should be permitted to attend all meetings of the governing bodies of LEAA planning and coordinating councils and to hear all deliberations and votes of such bodies unless public accessibility is CLEARLY inappropriate.

(4) Application to regional and local councils. State Planning Agencies shall include in any grant or award document to regional or local planning councils a condition requiring assurances that such councils will comply with paragraph 32e and will obtain similar assurances from subgrantees or contractors, as appropriate.

33. TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 AND THE EQUAL EMPLOYMENT OPPORTUNITY REGULATIONS OF THE DEPARTMENT OF JUSTICE. The State Planning Agency is accepting a grant from the Law Enforcement Assistance Administration for the operation of the State Planning Agency assures that it will comply and will insure compliance by its subgrantees and contractors with Title VI of the Civil Rights Act of 1964, the Equal Employment Opportunity Regulations of the Department of Justice, and Executive Order 11246, as amended, to the end that no person 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 which receives financial assistance from the Department of Justice. The SPA also assures that it will comply and will insure compliance by its subgrantees and contractors with the Department of Justice regulations and LEAA guidelines on equal employment opportunity in federally assisted programs (28 C.F.R. 42.201 and 42.301, et. seq., subparts D and E) to the end that there shall be no employment discrimination on the grounds of race, color, creed, sex or national origin in such programs. The State Planning Agency further assures that it will insure compliance by its subgrantees and contractors with Executive Order 11246 as amended, to the end that no one shall be discriminated against on the grounds of race, creed, color, national origin or sex in any construction project funded in whole or in part with LEAA funds.

a. Enforcement of Assurances. The SPA recognizes the right of the United States to seek judicial enforcement of the assurances. The SPA agrees to include in its subgrants or contracts a similar statement recognizing the right of the United States to seek judicial enforcement of the assurances of compliances.

b. SPA Responsibilities. The SPA must implement the following procedures to carry out its responsibilities:

(1) Designation of a Civil Rights Compliance Officer.

- (a) Designation. The SPA shall designate a staff member or members to review the compliance of the SPA, its subgrantees and contractors with Title VI, the regulations implementing Title VI and the equal employment opportunity regulations of the Department of Justice (hereinafter collectively referred to as the "nondiscrimination requirements") and to carry out other responsibilities set forth below. The staff member(s) of the SPA assigned responsibility for civil rights compliance will be known as the Civil Rights Compliance Officer(s). When the designee is acting in his capacity as the Civil Rights Compliance Officer, he shall report directly to the Criminal Justice State Planning Agency Director.
- (b) Application Requirement. DESIGNATE BY NAME THE STAFF MEMBER (S), WITH ASSIGNED RESPONSIBILITY AS THE CIVIL RIGHTS COMPLIANCE OFFICER(S).

(2) Training of the SPA Staff.

- (a) Training. The SPA must provide its entire staff with appropriate training and information concerning the SPA's obligations under the nondiscrimination requirements and this statement. Among other things, the SPA shall instruct its staff by:
 - 1 Explaining the meaning of the nondiscrimination requirements as they apply to programs and activities which receive Federal financial assistance through the SPA;
 - 2 Explaining the procedures established by the SPA, in accordance with these guidelines, to ensure compliance with the nondiscrimination requirements and the responsibilities for each staff member with respect to compliance.
 - 3 Including as a regular part of any in-service training program, training on civil rights compliance, including a review of the non-discrimination requirements, compliance procedures and the responsibilities placed on subgrantees and contractors.
- (b) Application Requirement. PROVIDE A TIMETABLE FOR CIVIL RIGHTS COMPLIANCE TRAINING.

(3) Informing Subgrantees and Contractors of Civil Rights Requirements.

(a) Instruction. The SPA will instruct all applicants for and recipients of financial assistance (including law enforcement agencies, courts, correctional institutions, units of general local government, other entities or individuals) of the obligation to comply with the nondiscrimination requirements and the available sanctions in the event of noncompliance.

(b) Application Requirement. DESCRIBE HOW THE SPA HAS INFORMED SUBGRANTEES AND CONTRACTORS OF THEIR CIVIL RIGHTS REQUIREMENTS, I.E., AMENDED APPLICATIONS, SPECIAL MAIL OUT.

(4) Obtaining Assurances of Compliance from Subgrantees and Contractors.

(a) Assurances. The SPA shall require all applicants for assistance to execute assurances of compliance in the form prescribed by the Law Enforcement Assistance Administration.

(b) Application Requirement. DESCRIBE HOW THE SPA HAS OBTAINED ASSURANCES OF COMPLIANCE FROM SUBGRANTEES AND CONTRACTORS, I.E., CONDITION ON APPLICATIONS, SPECIAL FORMS, ETC.

(5) SPA and Subgrantees and Contractors to Keep Records.

(a) The SPA shall require subgrantees and contractors to maintain records as LEAA shall determine to be necessary to assess the subgrantees or contractors continuing compliance with the nondiscrimination requirements.

1 Subgrantees must keep on file and retain, if applicable, an Equal Employment Opportunity Program and all records used in its preparation.

2 The SPA must keep on file and retain for each subgrant, where applicable, a certification by the subgrantee that he has on file an Equal Employment Opportunity Program.

- (b) Such requirements will ordinarily include records which show the extent to which members of minority groups and women are employed in the programs of subgrantee or contractor or are otherwise affected by or participate in the programs of the subgrantee or contractor.

(6) SPA to Inform Beneficiaries of Rights.

- (a) Information to be Provided. The SPA shall provide information to the public regarding the nondiscrimination obligation of the SPA, its subgrantees and contractors and the right to file a complaint with the SPA or LEAA or both concerning violation of those obligations.
- (b) Publicity. Among other practices to inform the public, the SPA shall display and have all subgrantees display posters which summarize the nondiscrimination requirements, explain the right to file a complaint, and state the name and address of the agencies with whom complaints may be filed. Complaints may be filed with the Director, Office of Civil Rights Compliance of LEAA or with the SPA. The SPA shall also include appropriate discussion of the non-discrimination requirements and procedures in reports and other material which it makes available to the public.
- (c) Application Requirement. PROVIDE A GENERAL DESCRIPTION OF THE EFFORTS TO BE UNDERTAKEN TO INFORM THE PUBLIC OF THE SPA'S NONDISCRIMINATION POLICY.

(7) SPA's Obligation in Complaint Process.

- (a) Receipt and Referral. The SPA shall establish appropriate procedures for the receipt and referral of complaints concerning violation of the nondiscrimination requirements in accordance with the provisions of this paragraph.
- (b) Informing Complainant of Procedures. The SPA shall inform interested persons and organizations of the complaint procedures and of the matter which should be included in a complaint. In general, complaints should be in writing, should describe the type of

discrimination alleged, should indicate when and where such discrimination took place, and should be signed by the person making it. The identity of a complainant shall be kept confidential, except to the extent necessary to conduct the investigation, administrative hearing, or judicial proceedings.

- (c) Notifying LEAA. Upon receipt of a complaint the SPA shall forward a copy of the complaint to the LEAA Office of Civil Rights Compliance, and to the cognizant Regional Office and shall cooperate with LEAA in conducting an investigation of the alleged discrimination, in accordance with procedures established by LEAA. The investigation shall be conducted promptly. If a violation has occurred, the LEAA Office of Civil Rights Compliance, in consultation with the SPA, shall require that appropriate remedial action be taken.
- (d) Application Requirement. PROVIDE A COPY OF THE COMPLAINT PROCEDURES.

(8) SPA to Cooperate in Conduct of Civil Rights Compliance Reviews.

- (a) Joint Reviews. In accordance with the requirements of LEAA, the SPA shall cooperate with LEAA in conducting civil rights compliance reviews of criminal justice agencies within the State. Necessary staff for conducting such reviews will be provided by the Office of Civil Rights Compliance of LEAA, assisted by available SPA staff.
- (b) Priorities. The priorities for such reviews will be determined by LEAA and will be based upon such factors as the amount of LEAA Federal financial assistance involved and demographic considerations in the community affected.

(9) SPA Report of Awards for Construction Projects.

- (a) The SPA must report to the Office of Civil Rights Compliance and to the cognizant Regional Office all awards for federally assisted Construction Projects in excess of \$10,000 using Part C and Part E Funds.
- (b) Application Requirement. DESCRIBE THE PROCEDURES TO INSURE REPORTING ON CONSTRUCTION PROJECTS FORM, G 7400.1B, APPENDIX 2.

34-38. RESERVED.

APPENDIX 1-1. PREAPPLICATION FOR FEDERAL ASSISTANCE

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

OMB NO. 40 40147

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		
a.		14. Date of Application		
b.				
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	Telephone Number	
Signature of authorized representative		AREA CODE	NUMBER	EXT.
For Federal Use Only				

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.

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

OMB NO. 40-RU-107

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)

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).

CHAPTER 2. THE APPLICATION PROCESS-- PLANNING GRANTS

SECTION 1. APPLICATIONS FOR PLANNING GRANT ADVANCES

39. ADVANCE FUNDS. To permit the uninterrupted operation of State Planning Agencies and local planning units while awaiting Federal appropriation action, the Law Enforcement Assistance Administration will advance new planning money to SPA's at the start of the new fiscal year contingent upon the usual continuing resolution passed by the Congress.
- a. Funding Level. These advances will be at the previous fiscal year appropriation level; that is, one twelfth of each SPA's previous fiscal year planning allocation or one twelfth of the President's new requested appropriation level, whichever is less, would accrue for each month that the continuing resolution remains in effect.
 - b. Advance Fund Application Form. LEAA Form 4201/1 (see appendix 2-1) should be used by the SPA to request monies under the continuing resolution authority. See appendix 2-2 for exact allocations.
 - c. Second Quarter Advance Funds. In the event that the new year appropriation is not finally approved by the beginning of the second quarter, a second advance will be available for the second quarter of the fiscal year upon submission of a new application for advanced funds by the SPA. This action will assure continuity of SPA operation through the first two quarters of the fiscal year.
 - d. Timely Submission of Applications. To permit the Regional Office to process and approve advance fund requests by the start of the new fiscal year, they should be received by the cognizant LEAA Regional Office not later than 60 days preceding the start of the new fiscal year. No request for advance planning funds will be approved unless the state has submitted its Part B planning grant application as provided for in the Manual.
40. RESERVED.

SECTION 2. FULL FISCAL YEAR PLANNING GRANT APPLICATIONS

41. APPLICATION REQUIREMENT. EACH STATE PLANNING AGENCY WHICH SEEKS A PLANNING GRANT UNDER THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968, AS AMENDED, MUST FILE AN APPLICATION WITH THE ADMINISTRATION ON LEAA FORM 4202/1.

42. APPLICATION FORM.

a. LEAA Form 4202/1 (see appendix 2-3) consists of the following parts:

- (1) Page 1--Application Identification and Grant Conditions
- (2) Page 3--Grant Conditions and Signature of Authorized Official
- (3) Page 3--Statement of Planning Grant Fund Status
- (4) Page 4--Planning Agency Budget Request
- (5) Page 5--Form for Listing State and Regional Supervisory Board Members
- (6) Page 6--Form for Listing State Planning Agency Personnel
- (7) Page 7--Form for Listing the Summary of Current Staff at the State and Regional Levels.

b. Pages 5 and 6 may require continuation pages and should be included in the appropriate places in Attachment C--Administrative Section.

43. APPLICATION ATTACHMENTS. The following attachments (see appendix 2-4) must be included as part of the application.

- a. Attachment A--Fund Availability for Localities
- b. Attachment B--Budget Justification
- c. Attachment C--Administrative Section (if applicable)
- d. Attachment D--Certified Checklist (also see appendix 2-5)

44. SUBMISSION OF APPLICATIONS.

- a. Completed applications consist of two copies, properly executed, of all forms and attachments and four additional unexecuted copies.
- b. Failure to furnish required information, or improper execution or insufficient copies of the application material, may delay prompt consideration and action on applications.

c. Full planning grant applications for FY 1976 will be due by May 31, 1975, for review and processing. In FY 1977 and subsequent years, the application is due May 1st. Full award will not be made, however, until final action on the new year appropriation has been taken.

45. ALLOCATION OF PLANNING FUNDS. When the new fiscal year appropriation act is approved, LEAA will allocate the year's planning funds on the basis of the amount authorized for Part B grants and the latest population estimates. Any adjustments between this allocation and the amounts of submitted full planning grant application will be adjusted by SPA submission of pages 1 through 4 of the Full Planning Grant Application Form, LEAA Form 4202/1. Refer to appendix 2-6 for a table showing the latest planning grant allocations by State.

46-48. RESERVED.

March 21, 1975

M 4100.1D
Appendix 2-1

APPENDIX 2-1. APPLICATION FOR PLANNING GRANT ADVANCE FUNDS

LEAA Form 4201/1 (Rev. 12-74)

OMB NO. 043R0534
Approval Exp. 12-31-78

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
U. S. DEPARTMENT OF JUSTICE
WASHINGTON, D. C. 20530

APPLICATION FOR PLANNING GRANT ADVANCE FUNDS - FISCAL YEAR _____

Application is Hereby Made for an Advance of Planning Funds Under Title I, Part B of the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90-351, 82 Stat. 197) as amended,

By

(insert name of State)

Planning Agency Administrator: (Name, title, address, and telephone number)	Financial Officer: (Name, title, address, and telephone number)
Amount of Advance Applied for:	

The undersigned represents that:

- (1) There has been created or designated a State law enforcement planning agency.
- (2) The applicant State has filed or will file an application for an annual planning agency grant in the current fiscal year and provided the data required by the Administration application form [LEAA Form 4202/1 (Rev. 9-74)] to support such submission.
- (3) In administering funds awarded pursuant to this application, the applicant State will comply with the Administration's (a) General Conditions Applicable to Administration of Grants; (b) Conditions Applicable to the Fiscal Administration of Grants and (c) the LEAA Guideline Manual M 7100.1A
- (4) The applicant State will have available and will expend from non-federal sources, as needed, adequate resources to defray at least 10 percent of the total costs of operation of such agency during the annual grant period.
- (5) At least 40 percent of the total federal funds granted to the applicant for State planning agency activities will be made available to major cities and counties, to units of general local government or combinations of such units to participate in the formulation of the State's comprehensive law enforcement plan.

- (6) The State Planning Agency hereby assures that it will comply with and will insure compliance by its subgrantees and contractors with Title VI of the Civil Rights Act of 1964, and the regulations of the Department of Justice issued to implement Title VI of the Civil Rights Act (28 C.F.R. Part 42, Subpart C) to the end that no person shall, on the grounds of race, color, national origin or sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity funded in whole or in part with funds made available through the Law Enforcement Assistance Administration. The State Planning Agency further will comply with and insure compliance by its subgrantees and contractors with Department of Justice equal employment opportunity regulations in federally assisted programs (28 C.F.R. Part 42, Subpart D) to the end that employment discrimination in such programs on the grounds of race, color, creed, sex, or national origin shall be eliminated. The State Planning Agency recognizes the right of the United States to seek judicial enforcement of the foregoing covenants against discrimination, and will include a similar covenant assuring the right of the United States to seek judicial enforcement in its subgrants or contracts.

(Name and Title of Authorized Official)

(Date)

INSTRUCTIONS FOR APPLICATION FOR PLANNING GRANT ADVANCE FUNDS

1. Planning Agency Administrator. This is the individual designated as being responsible for State Planning Agency operations.
2. Financial Officer. This is the State Officer who is responsible for receipt, accounting, and disbursement of LEAA grant funds.
3. Amount of Advance Applied For. This may not exceed the amount shown in Appendix 2-2 of the LEAA Guideline Manual M 410C.1D
4. Representations. These require no action by the applicant. They are, however, an integral part of the application and should be reviewed carefully.
5. Execution. This application must be dated and signed. Any State official authorized to execute and submit grant applications to the Law Enforcement Assistance Administration may sign this application.

Three copies of the application must be completed and submitted to the cognizant Law Enforcement Assistance Administration Regional Office.

APPENDIX 2-2. STATE ALLOCATIONS FOR FISCAL YEAR 1976
PLANNING GRANT ADVANCES


The appropriated amount for planning grants under Title I of P.L. 90-351, as amended, for fiscal year 1975 was \$55 million. The following advance funds will be available to the 50 States, the District of Columbia, the Commonwealth of Puerto Rico and territories and possessions of the United States for the first quarter of fiscal year 1976, contingent upon a continuing resolution being passed by the Congress. These amounts are computed at 25 percent of the fiscal year 1975 allocation.

<u>State</u>	<u>Amount</u> (000)	<u>State</u>	<u>Amount</u> (000)
Alabama	\$ 233	New Hampshire	\$ 90
Alaska	67	New Jersey	433
Arizona	152	New Mexico	106
Arkansas	155	New York	1,007
California	1,113	North Carolina	322
Colorado	173	North Dakota	83
Connecticut	210	Ohio	608
Delaware	80	Oklahoma	187
Florida	433	Oregon	164
Georgia	296	Pennsylvania	670
Hawaii	93	Rhode Island	101
Idaho	89	South Carolina	190
Illinois	636	South Dakota	86
Indiana	325	Tennessee	262
Iowa	200	Texas	654
Kansas	168	Utah	109
Kentucky	222	Vermont	74
Louisiana	245	Virginia	298
Maine	104	Washington	228
Maryland	261	West Virginia	144
Massachusetts	352	Wisconsin	286
Michigan	519	Wyoming	68
Minnesota	252	District of Columbia	89
Mississippi	167	American Samoa	52
Missouri	297	Guam	54
Montana	87	Puerto Rico	195
Nebraska	130	Virgin Islands	53
Nevada	78		
		TOTAL	\$ 13,750,000

APPENDIX 2-3. FULL PLANNING GRANT APPLICATION FORM

Page 1

OMB NO. 43-11 0536
APPROVAL EXPI. 6-30-76

	LAW ENFORCEMENT ASSISTANCE ADMINISTRATION APPLICATION FOR PLANNING GRANT	FISCAL YEAR	APPLICANT STATE
		Application is hereby made for a grant to operate a State Law Enforcement Planning Agency Under Title I, Part B of the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90-351, 82 Stat. 197), as Amended.	
STATE LAW ENFORCEMENT PLANNING AGENCY		AMOUNT OF GRANT REQUEST	
PLANNING AGENCY ADMINISTRATOR (NAME, ADDRESS, TELEPHONE, ZIP CODE)		FINANCIAL OFFICER (NAME, ADDRESS, TELEPHONE, ZIP CODE)	

The undersigned represents, on behalf of the applicant State, that the following Assurances have been met and the Grant Conditions will be complied with:

ASSURANCES

- (1) The State law enforcement planning agency identified above is under the jurisdiction of the Governor of the State and has been duly created or designated as the State Planning Agency for the purposes of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended.
- (2) Any grant awarded pursuant to this application shall be subject to and will be administered in conformity with the Administration's current (i) Conditions Applicable to the Fiscal Administration of Grants under Part B, Title I, of P.L. 90-351, as amended and (ii) General Conditions Applicable to Administration of Grants under Part B Title I, of P.L. 90-351, as amended and (iii) the LEAA Financial Guide (as revised).
- (3) The applicant State will have available and will expend from non-federal sources, as needed, adequate resources to defray at least 10 percent of the total costs of the operation and maintenance of the State Planning Agency during the period for which a grant awarded as a result of this application is operative.
- (4) At least 40 percent of the total Federal funds granted to the applicant for State Planning Agency activities will be made available to units of general local government or combinations of such units to participate in the formulation of the State's comprehensive law enforcement plan, and major cities and counties within the State shall receive planning funds to develop comprehensive plans and coordinate functions at the local level.
- (5) Funds awarded pursuant to this application will be used to supplement and not to supplant State or local funds otherwise available for law enforcement planning and, to the extent practical, will be used to increase such funds.
- (6) That the State Planning Agency will comply with and will insure compliance by its subgrantees and contractors with Section 518(c) (1) 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) issued pursuant to that title, to and that no person shall, on the grounds of race, color, creed, 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 for which the applicant receives Federal financial assistance from the Department of Justice. The grantee further will comply with and insure compliance by its subgrantees and contractors with Justice Department equal employment opportunity regulation in federally assisted programs (28 C.F.R. Part 42, subpart D) to the end that employment discrimination in such programs on the grounds of race, color, creed, sex or national origin, shall be eliminated. The grantee recognizes the right of the United States to seek judicial enforcement of the foregoing covenants against discrimination and will include a similar covenant assuring the right of the United States to seek judicial enforcement in its subgrants or contracts.
- (7) The State Planning Agency has notified the "State Clearinghouse" designated pursuant to Office of Management and Budget Circular A-95 of its intention to submit this application. Such notification included the summary description specified in Paragraph 2, Part I of Circular A-95. The State Planning Agency will assure that no subgrants of federal planning funds will be made to local units of government, or combinations of local units, without appropriate advance notice of applications for such subgrants to State, regional and metropolitan clearinghouses as specified in Office of Management and Budget Circular A-95.

GENERAL GRANT CONDITIONS

- (1) Planning Agency Standards. Planning agencies shall comply with the planning agency standards set forth and explained in Chapter I of the Administration's Guide for State Planning Agency Grants. Written approval, based on detailed justification, shall be obtained from the Administration for any departure from or special interpretation of such standards.
- (2) Reports. Each State Planning Agency shall submit, at such times and in such form as may be prescribed, such reports as the Law Enforcement Assistance Administration may reasonably require.

Financial Reports. In addition to the quarterly and annual fiscal reports as specified in the LEAA Financial Guide for Administration of Planning and Action Grants, reports of any revisions to the grant budget which are necessary from time to time to reflect the budgeting of previously unbudgeted funds or any major change in the nature or scope of planned activities.
- (3) Copyrights and Rights in Data. Where activities supported by this grant produce original computer programs, writing, sound recordings, pictorial reproductions, drawing or other graphical representation and works of any similar nature (the term computer programs includes executable computer programs and supporting data in any form), the government has the right to use, duplicate and disclose, in whole or in part in any manner for any purpose whatsoever and have others do so. If the material is copyrightable, the grantee may copyright such, but the government reserves a royalty free non-exclusive and irrevocable license to reproduce, publish, and use such materials, in whole or in part and to authorize others to do so. The grantee shall include provisions appropriate to effectuate the purposes of this condition in all contracts of employment, consultant's agreements, contracts or subgrants.

LEAA FORM 4202/1 (REV. 9-74) REPLACES EDITION OF (9-73) WHICH IS OBSOLETE.

Page 2


- (4) Patents. If any discovery or invention arises or is developed in the course of or as a result of work performed under this grant, the grantee shall refer the discovery or invention to LEAA. The grantee hereby agrees that determinations of rights to inventions made under this grant shall be made by the Administrator of Law Enforcement Assistance, or his duly authorized representative, who shall have the sole and exclusive powers to determine whether or not and where a patent application should be filed and to determine the disposition of all rights in such inventions, including title to and license rights under any patent application or patent which may issue thereon. The determination of the Administrator, or his duly authorized representative, shall be accepted as final. In addition, the grantee hereby agrees and otherwise recognizes that the Government shall acquire at least an irrevocable non-exclusive royalty-free license to practice and have practiced throughout the world for governmental purposes any invention made in the course of or under this grant. The grantee shall include provisions appropriate to effectuate the purposes of this condition in all contracts of employment, consultant's agreements, contracts, or subgrants.
- (5) Discrimination Prohibited. No person shall, on the grounds of race, creed, color, sex or national origin, be excluded from participation in, be refused the benefits of, or be otherwise subjected to discrimination under grants awarded pursuant of P.L. 90-351, as amended, or any project, program or activity or subgrant supported by this grant. The grantee must comply with the provisions and requirements of Title VI of the Civil Rights Act of 1964 and regulations issued by the Department of Justice and the Law Enforcement Assistance Administration thereunder as a condition of award of Federal funds and continued grant support. The grantee further must comply with the Justice Department equal employment opportunity regulation in Federally assisted programs, to the end that discrimination in employment practices of State Planning Agencies, law enforcement agencies, and other agencies or offices administering, conducting or participating in any program or activity receiving Federal financial assistance, on the grounds of race, color, creed, sex or national origin, be eliminated. This grant condition shall not be interpreted to require the imposition in State plans or planning agency subgrant programs of any percentage ratio, quota system, or other program to achieve racial balance or eliminate racial imbalance in a law enforcement agency. The United States reserves the right to seek judicial enforcement of this condition.
- (6) Responsibility of Planning Agency. The planning agency must establish fiscal control and fund accounting procedures which assure proper disbursement of, and accounting for, grant funds and required non-federal expenditures. This requirement applies to funds disbursed by units of local government as well as to funds disbursed in direct operation of the planning agency.
- (7) Recording and Documentation of Receipts and Expenditures. Accounting procedures must provide for accurate and timely recording of receipt of funds by source, of expenditures made from such funds, and of unexpended balances. Controls must be established which are adequate to insure that expenditures charged to grant activities are for allowable purposes and that documentation is readily available to verify that such charges are accurate.
- (8) Applicability of State and Local Practices. Except when inconsistent with Federal requirements, State procedures and practices will apply to funds disbursed by the State agency and local procedures and practices to funds disbursed by such units. Treatment of specific items and determination of the allowability of costs shall be in accordance with the Administration's Financial Guide.
- (9) Termination of Aid. This grant may be terminated or fund payments discontinued by LEAA where it finds a substantial failure to comply with the provisions of P.L. 90-351, as amended, or regulations promulgated thereunder, including these grant conditions or application obligations, but only after notice and hearing and pursuant to all procedures set forth in Section 510 and 511 of P.L. 90-351, as amended.
- (10) Inspection and Audit. The Administration and the Comptroller General of the United States or any of their duly authorized representatives shall have access for purposes of audit and examinations to any books, documents, papers and records of the grantee, and to relevant books and records of subgrantees and contractors as provided in Section 521 of P.L. 90-351, as amended. A notice to this effect shall appear in all subgrants and other arrangements for implementation of this project.
- (11) Maintenance of Records. All required records shall be maintained until an audit is completed and all questions arising therefrom are resolved, or three years after completion of a project.
- (12) Amount of Payments. Planning agencies shall be paid amounts from their Part B allocations which equal either (i) 90% of the agency's total allowable expenditures or (ii) the agency's annual allocation, whichever is less.
- (13) Payment Procedures for Planning Grants. Funds will be available through a letter of credit system pursuant to rules and procedures issued by the Administration in its Financial Guide.
- (14) Cost Allowability and Period of Allowability. The allowability of charges made to funds granted under Part B shall be determined in accordance with the general principles of allowability and standards for selected cost items set forth in Office of Management and Budget Circular No. A-87 entitled: "Principles for Determining Costs Applicable to Grants and Contracts with State and Local Governments" as interpreted and amplified in the Administration's Financial Guide. Otherwise allowable costs incurred during the fiscal year for authorized planning agency activities may be charged against Part B grant funds awarded for such fiscal year even if incurred prior to date of grant award.
- (15) Release of Information. Pursuant to Section 521 of the Act, as amended, all records, papers and other documents kept by recipients of LEAA funds, including State Planning Agencies and their subgrantees and contractors, relating to the receipt and disposition of such funds, are required to be made available to the Administration. These records and other documents submitted to LEAA and State Planning Agencies pursuant to other provisions of the Act, including comprehensive state plans and applications for funds, are required to be made available by LEAA under the terms and conditions of the Federal Freedom of Information Act (5 U.S.C. 552). State Planning Agencies must follow applicable LEAA Guidelines on release of information and State Planning Agency procedures designed to facilitate local government participation.
- (16) Criminal Penalties. Whoever embezzles, willfully misapplies, steals or obtains by fraud any funds, assets, or property which are the subject of a grant or contract or other form of assistance pursuant to this title, whether received directly or indirectly from the Administration, shall be fined not more than \$10,000 or imprisoned for not more than five years, or both. Whoever knowingly and willfully falsifies, conceals or cover up by trick, scheme, or device, any material fact in any application for assistance submitted pursuant to this title or in any record required to be maintained pursuant to this title shall be subject to prosecution under the provisions of Section 1001 of Title 18, United States Code. Any law enforcement program or project underwritten, in whole or in part, by any grant, or contract or other form of assistance pursuant to this title, whether received directly or indirectly from the Administration shall be subject to the provisions of Section 371 of Title 18, United States Code.
- (17) Published Material. All published material and written reports submitted under this grant or in conjunction with contracts under the grant must be originally developed material unless otherwise specifically provided in the grant or contract document. When material, not originally developed, is included in the report, it must have the source identified. This identification may be in the body of the report or by footnote. This provision is applicable when the material is in verbatim or extensive paraphrase format.
- (18) Applicability. By appropriate language incorporated in each grant, subgrant, contract, subcontract, or other documents under which funds are to be disbursed, the grantee shall assure that these conditions apply to all recipients of assistance.

Submitted On Behalf of the State By:

Signature: _____

Date: _____

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 LAW ENFORCEMENT ASSISTANCE ADMINISTRATION STATEMENT OF PLANNING GRANT FUND STATUS	FISCAL YEAR	APPLICANT STATE
1. Applicant's Current Fiscal Year Federal allocation under Section 205 of the Act.		
2. Matching contribution for Current Fiscal Year allocation:		
a. State: \$	b. Local: \$	
3. Other funds.		
4. Total planning budget (items 1, 2, & 3).		
5. Current Fiscal Year grant request.		
6. Less advance funds previously requested.		
7. Balance of grant request.		

Planning Grant Application Instructions—Page 3 Items

- (1) Applicant's Current Fiscal Year Federal allocation under Section 205 of the Act. This amount is the maximum federal grant which can be made during the current fiscal year to support activities of the State law enforcement planning agency. Applicant States should use the LEAA schedule of State-by-State allocations based on the official current fiscal year appropriation request for Part B grants until final appropriation legislation is enacted.
- (2) Matching contribution for Current Fiscal year allocation. This is the amount of the State and local matching contribution for the current year allocation required by the Act. The total of item 2 may not be less than one-ninth of Item 1.
- (3) Other funds. Enter funds, if any, to be utilized for planning or other Part B purposes from sources other than LEAA or State or local matching contribution. Attach an explanation of the source of the funds.
- (4) Total planning agency budget. This is the total estimated amount of the planning budget for the current fiscal year as set forth in Category I of Standard Budget Categories. No deduction should be made for advance funds previously awarded since the budget is intended to cover all planning agency costs for Part B purposes from the beginning to the end of the current fiscal year.
- (5) Current year request for planning funds. This is the amount of Federal funds the applicant seeks for the current year's activities. It may not be a larger amount than the State's fiscal year allocation (Item 1). The State, of course, may request less than the maximum amount which has been set aside for its use.
- (6) Advance funds previously requested. This item should be completed only by applicants who previously submitted LEAA Form 4201/1 an application for advanced planning funds on their current year planning allocation. Where this is the case, insert the total amount of the advance funds applied for; not the amount of funds received.
- (7) Balance of grant requested. This is the total annual grant request covered by this application (item 5) less the amount of any advance funds (item 6) previously requested.

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION STATE LAW ENFORCEMENT PLANNING AGENCY BUDGET		FISCAL YEAR	APPLICANT STATE
BUDGET:			
STANDARD CATEGORY	TOTAL FISCAL YEAR BUDGET	ESTIMATED FISCAL YEAR BUDGET	
A. PERSONNEL (SALARIES AND EMPLOYEE BENEFITS)	\$	\$	
B. CONSULTANT SERVICES			
C. TRAVEL			
D. ALL OTHER EXPENSES			
E. TO UNITS OF LOCAL GOVERNMENT ^{1/}			
F. TOTAL SPA OBLIGATIONS (ITEMS A THROUGH E)			
G. MATCHING CONTRIBUTIONS BY UNITS OF LOCAL GOVERNMENT			
H. TOTAL GROSS BUDGET (ITEMS F THROUGH G)	\$	\$	
FUNCTIONAL CATEGORY			
A. PLANNING	\$	\$	
B. PROGRAM AND PROJECT PROMOTION			
C. GRANTS MANAGEMENT-PROGRAM			
D. GRANTS MANAGEMENT-FINANCIAL			
E. FISCAL ADMINISTRATION-SPA OPERATION			
F. OVERALL SPA MANAGEMENT			
G. ON-SITE MONITORING			
H. AUDITING			
I. MANAGEMENT INFORMATION			
J. RESEARCH			
K. EVALUATION			
L. PUBLIC INFORMATION			
M. LIAISON WITH STATE AGENCIES AND LEGISLATURE			
N. TECHNICAL ASSISTANCE			
O. TOTAL GROSS BUDGET	\$	\$	
^{1/} FROM FISCAL YEAR ALLOCATION \$ _____			

Planning Grant Application Instructions—Page 4 (Turns)

State Law Enforcement Planning Agency Budgets—Instructions

Preparation and submission of annual budgets for State Planning Agency activities are intended as an aid to SPA operation and resource allocation. These also provide the Administration with information for evaluation of applications and to support future requests for funds from the Congress.

Complete the budgets to reflect projected total obligations from Federal, State, and local funds for the current grant year and the succeeding grant year for support of law enforcement planning and other SPA Part B responsibilities. Resources to meet the budgets include both the State's current planning grant allocation, the required State and local matching contributions, and resources received from other sources.

The applicant should make its best estimate of fiscal year obligations for each of the budget categories. The budgets should include all obligations of the State Planning Agency from the beginning to the end of the grant year including obligations for allowable costs incurred prior to the date of award of the full State Planning Agency grant. Obligations are defined as commitments to acquire materials, services, or to make payments on contracts.

The Administration expects the actual obligations will generally follow the budgets as submitted. However, reasonable deviation from the budgets is anticipated and deemed normal since the data presented represent estimates premised on future events. The Administration should be advised of any substantial planned deviation in advance, and its approval will be promptly communicated. An amendment to this budget (line item budget only) showing new figures for affected line item budget categories should be submitted in such cases. (For FY 75 and subsequent years, State Planning Agencies may transfer, between expenditure categories, a cumulative amount of up to 5 percent of the grant budget or \$10,000 whichever is greater. Any cumulative amount of transfers exceeding these limitations requires the prior approval of the cognizant LEAA Regional Office. Policies concerning budget deviations by planning subgrantees, and the need for SPA approval, shall be determined by the SPA subject only to adherence to the advanced approval requirements of Federal Management Circular 74-4, previously published as OMB Circular A-87). Deviations in the functional budget need not be reported to LEAA.

Federal Management Circular 74-4 will be adhered to in all post audits of grantee expenditures and to otherwise determine allowability of such expenditures. To avoid disallowance of any cost as a proper charge against grant funds, the budgets should not include, and expenditures should not be made for, any item which is not allocable or allowable under the terms of the Circular.

DISCUSSION OF STANDARD BUDGET CATEGORIES

- A. Personnel. Estimate total salaries for all professional positions and all non-professional positions as well as funds for fringe benefits for personnel.
- B. Consultant Services. Estimate total costs for individual consultants and consultant organizations including anticipated travel expenses, per diem allowances for subsistence, and any related costs. Employees in the executive branch of the State government may not be hired as consultants. Their services should be secured by the appropriate method for detailing or transferring employees among agencies and their salaries or compensation included in the personnel category.

Without prior written approval, applicants may not budget more than 20% of their federal grant funds for securing planning services or assistance from non-governmental agencies or organizations.
- C. Travel. Include transportation, per diem, and related travel costs for (i) agency personnel, and (ii) members of the supervisory or policy board of the agency, etc., for travel essential to agency operations. Travel costs for consultants are to be included in Category B.
- D. All Other Expenses. Estimate total other anticipated items of expenditure which are necessary for operations, such as equipment, supplies, communications, reproduction, books and periodicals, maintenance services, leased space, or computer time charges.
- E. To Units of Local Government. Section 203(c) of the Act requires that applicant make available to units of general local government at least 40 percent of all federal funds granted for use in conjunction with plan development. How this will be accomplished is to be generally described in Attachment A of the application. The amount expected to be so obligated should be inserted here as a category total.
- F. Total SPA Obligations. Add the total for each Category A through E and insert the grand total here. This represents the total budgeted obligations from federal and State funds for the current fiscal year.
- G. Matching Contributions by Units of Local Governments. The amount of funds to be obligated by units of local government to fulfill the required matching contribution to the funds made available by the SPA to the local units for planning development. These will represent funds contributed by the units of local government and will exclude matching contributions to the 40 percent funds which are contributed by the SPA and shown in category E as amounts to local units.
- H. Total Gross Budget. Add the total for each category F through G.

BUDGET ESTIMATES EXPLANATION OF BASIS FOR COMPUTATION

No form is prescribed for this justification data. It should be prepared on plain paper as Attachment B of this application. Content should include:

- A. Personnel. The number of professional and clerical staff on which the projection was based; the employee benefit factor included in the computation (dollar amount or approximate percent of salary); and the individual salaries for professional staff (by name or position).
- B. Consultant Services. Reference to major consultant contracts contemplated and the estimated dollar amount and computation basis for these; the basis and rate for computation of other consultants costs; e.g., as to smaller contracts, the gross amount and number and, as to individual consultants, the computation in man days, months, or years. If a travel cost factor is included for individual consultants, indicate the basis. In making these breakdowns for both major and individual consultants, indicate also the general nature of consultant services to be performed.
- C. Travel. Indicate the basis for travel, computation, i.e., number of trips, mileage covered, days of per diem, etc., and rates therefore, separate figures should be shown for staff and for the supervisory board and its committees.

Planning Grant Application Instructions - Page 4 Items

Other Expenses. Itemize and indicate the dollar amounts for the major types of operating expenditures which form the basis of this category: furniture and equipment, office supplies, communications, reproduction, books and periodicals, maintenance services, leased space, computer usage, etc. Large individual items should be separately listed and identified.

What is desired is a brief explanation indicating how the budget was computed and what types and level of expenses it will cover. The foregoing data can, for each category, be adequately expressed in the space of a paragraph or two, but State Planning Agencies are encouraged to provide as much an explanation as possible for internal control, budget and preplanning purposes. The explanation in Attachment A on the "Fund Availability Plan for Localities" will provide the desired justification for budget Category E and need not be discussed here.

DISCUSSION OF BUDGET BY FUNCTIONS

- A Planning. Estimated total expenditures, including portions of salaries of professional and non-professional positions, consultant services, travel, etc., which can be identified as contributing to the State planning agency's planning effort. The primary activity under this category will be the development or assisting in the development of the annual comprehensive State plan.
- B Program and Project Promotion. Includes expenditures for efforts to assist State agencies, regions, local units of government or combinations of such units in the development and design of action, discretionary or planning grant project applications, and in coordinating programs and efforts at all levels.
- C Grants Management-Program. Includes expenditures for processing, reviewing and approving grant applications with attention to the substantive aspects and to developing and maintaining project records and information on program implementation.
- D Grants Management-Financial. Includes expenditures for reviewing and approving financial and budget information contained in grant applications and for developing and maintaining financial records and information on grant program and project implementation.
- E Fiscal Administration-SPA Operations. Includes expenditures for preparing budget and appropriation request to Governor, State Legislature and LEAA, implementing approved budgets, and maintaining fiscal accounting records, such as personnel, payroll and supply records.
- F Overall SPA Management. Includes expenditures for the overall SPA administration and management functions, responsibilities and procedures.
- G On Site Monitoring. Includes expenditures for conducting periodic on-site monitoring of planning, action, and discretionary subgrants to determine whether funds are being expended and projects are being implemented as approved.
- H Auditing. Includes expenditures for on-site audits of project expenditures, conducted after the fact, to determine whether funds have been expended in a proper manner and in accordance with the terms of the approved subgrant, and to make recommendations for improved management procedures.
- I Management Information. Includes expenditures for developing and maintaining a management information system which provides current financial and program data on the status of all programs and projects.
- J Research. Includes expenditures for research activities related to developing State needs, problems and priorities, analyzing different program approaches and techniques, and conducting in-house studies of limited size and duration in order to contribute to the State's planning and program development functions.
- K Evaluation. Includes expenditures for developing an evaluation plan for all LEAA-supported programs and State Planning Agency operations which includes criteria for measuring the output and/or effectiveness of these programs and operations, developing designs for implementing program evaluations, and carrying out evaluations.
- L Public Information. Includes expenditures for preparing publications or otherwise utilizing media to describe State Planning Agency operations and programs for the purpose of increasing public awareness and understanding of LEAA programs.
- M Work with State Agencies and Legislature. Includes expenditures for coordination with other State agencies on law enforcement-related matters of mutual concern and development of cooperative efforts, such as joint funding of projects.
- N Technical Assistance. Includes expenditures for provision of technical assistance to operating criminal justice system agencies and to planning, action and discretionary grants already funded to assist and give advice regarding implementation or accounting problems.
- O Total Gross Budget. Sum of A-M and equal to Total Gross Budget on Standard Budget Category Sheet.



**LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
CURRENT SUPERVISORY BOARD LISTING**
(Use continuation pages as required)

TYPES OF BOARD LISTING

STATE

REGIONAL

APPLICANT STATE

NAME	CITY AND COUNTY OF RESIDENCE	PRINCIPAL EMPLOYMENT	POSITION TITLE IN PRINCIPAL EMPLOYMENT	REPRESENTATIVE OF STATE, LOCAL GOVT., OR PUBLIC	BRANCH OF LAW ENFORCEMENT REPRESENTED (IF ANY)	DATE OF APPT.	ELECTED
1.							
2.							
3.							
4.							
5.							
6.							
7.							
8.							
9.							
10.							
11.							
12.							
13.							
14.							
15.							
16.							
17.							
18.							
NO. OF CURRENT BOARD VACANCIES			TYPE				

Planning Grant Application Instructions—Page 5 Items

Current State Supervisory Board Listing

List the members of the State Planning Agency's supervisory or policy body, indicating for each (i) his city or county of residence, (ii) his principal employment and position title, (iii) whether he represents the interests of State or local law enforcement agencies, general units of government or the general public, (iv) where relevant, the particular branch of law enforcement represented and (v) the number of months of service on the board. Where vacancies exist, so indicate and provide the desired information as soon as these are filled. All information should be current to the date of application submission.

Current Regional Policy Board Listing

List, by regional planning unit, the members of each regional policy board, indicating for each member (i) his city or county of residence, (ii) his principal employment and position title, (iii) whether he represents the interest of State or local law enforcement agencies, general units of government or the general public, (iv) where relevant, the particular branch of law enforcement represented, (v) the number of months of service on the board, and (vi) whether he is an elected official of a general unit of government. Where vacancies exist, so indicate and provide the desired information as soon as these are filled. Where general purpose agency is selected to serve as the regional planning unit, provide a list of the membership of both its governing and the advisory body. All information should be current to the date of application submission.



LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
CURRENT PROFESSIONAL STAFF LISTING—STATE LAW ENFORCEMENT PLANNING AGENCY
(Use continuation pages as required)

APPLICANT STATE

NAME	POSITION TITLE	EMPLOYMENT		APPOINTMENT DATE	AREAS OF EXPERIENCE ¹
		FULL	PART		
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					
16.					
17.					
18.					

¹Areas of Experience—Use abbreviated references such as police, courts, prosecution, organized crime, disorders, planning, grant administration, fiscal administration, research, statistics, or any combination of areas of expertise warranted by the employee's background.

Planning Grant Application Instructions- Page 6 Items

Current Professional Staff Listing

List the names of the State Planning Agency's professional staff, indicating for each (i) his position title, (ii) whether employment is full or part-time and (iii) the number of months since commencement of employment. All information should be current to the date of application submission.



LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
SUMMARY OF CURRENT STAFF AT THE STATE AND REGIONAL LEVELS

APPLICANT STATE

	NO. FULL TIME	NO. PART TIME	TOTAL NO.	TOTAL NO. AUTHORIZED	TOTAL PAYROLL
<u>State Planning Agency Staff:</u>					
Professional Employees					
Clerical/Secretarial Employees					
SUB-TOTAL					
<u>Regional Planning Staff:</u>					
Professional Employees					
Clerical/Secretarial Employees					
SUB-TOTAL					
TOTAL					

Planning Grant Application Instructions—Page 7 Items

Summary of Current Staff at the State
and Local Levels—Instructions

For each category of employee, summarize:

- the number of full-time employees of this category actually on board;
- the number of part-time employees of this category actually on board;
- the number of this category of employees authorized;
- the amount of the payroll for this category of employee as of the beginning of the current fiscal year.

Complete subtotals and totals.

CONTINUED

1 OF 3

APPENDIX 2-4. FULL PLANNING GRANT APPLICATION ATTACHMENTS

SECTION 1. ATTACHMENT A--FUND AVAILABILITY
PLAN FOR LOCALITIES

1. PLANNING FUNDS FOR MAJOR CITIES AND COUNTIES.

- a. Authority. The Act requires that the State Planning Agency make at least 40 percent of all Federal funds granted under Part B for any fiscal year available to units of general local government or combinations of such units to insure local participation in formulating, revising and updating the Comprehensive State Plans. In allocating these funds, the State Planning Agency must assure that major cities and counties within the State receive planning funds to develop comprehensive plans and coordinate functions at the local level.
- b. Definitions. The following are defined as major cities and counties for purposes of initial implementation of this requirement.
 - (1) The largest city in each State.
 - (2) The largest county in each State.
 - (3) Each additional city in each State with a population of 250,000 or more.
 - (4) Each additional county in each State with a population of 500,000 or more.
- c. Qualifications. To qualify for funds, an otherwise eligible city or county must have an independently organized government with significant law enforcement responsibilities. Prior request to and written approval from LEAA is required for a determination that an otherwise eligible city or county, because of insignificant responsibility or budget expenditures for law enforcement, need not receive planning funds under this provision.
- d. Coordinated Planning. Where the largest county includes the largest city, it is expected that a single, combined planning effort will be undertaken so that there will be coordinated planning for the entire area. Funds should not be provided for separate planning units until their necessity has been justified and LEAA's written concurrence has been secured.

- e. Eligibility for Other Cities or Counties. The foregoing eligibility tests are minimum standards to guide initial implementation of the statutory requirement. The Administration recognizes that other cities and counties, by virtue of their size, crime problems and law enforcement responsibilities may be in a position to utilize planning funds effectively as direct recipients, and encourages all States to consider this potential for their larger cities and counties.
- f. SPA Responsibilities. The State Planning Agency must make eligible governments directly aware of their eligibility and assure that planning funds are actually allocated to such governments. Award to or receipt of planning funds by a regional planning unit in which the eligible county or city is a member, or even the dominant member, will not satisfy the statutory requirement. There must be an allocation of funds for direct utilization by the city or county, either from the State Planning Agency or through an appropriate regional planning unit.
- g. Consideration of Part C Funds Received for Planning Purposes. It is anticipated that Part B funds may provide only the minimum planning capability which the Act envisions for major cities, counties and interstate metropolitan regional planning units. Because such funds are limited, consideration will be given, in determining compliance with this requirement, to funds which these governments may be receiving under Section 301(b)(8)(9) for planning and coordination.
- h. Acceptance and Use of Funds. Eligible units are not required to accept planning funds. When such funds have been offered, in accordance with statutory requirements and rights therein have been waived in writing, they shall be treated like other funds which are "not required." Eligible cities and counties may also authorize utilization of their direct shares by their regional metropolitan or interstate metropolitan regional planning units but must do so in writing. Application for planning funds by an eligible city or county should be consistent with that unit's major law enforcement responsibilities (e.g., a county effort may focus on courts and corrections if it has no appreciable responsibility for police services) and should be integrated with and complementary to regional planning unit activities with Part B funds.
- i. Waivers. Any State which has been granted a complete waiver under Section 203(c) of the Act should submit, in lieu of the information required below, a statement which explains how it is discharging local planning responsibilities. States which have partial waiver should provide the requested information (as to those areas receiving funds) and the statement (as to those areas for which planning is an SPA responsibility).

2. APPLICATION REQUIREMENTS. Although some variation in format may be suitable for a particular State and some questions may be inappropriate for certain jurisdictions (e.g., District of Columbia and the territories and possessions), SPA's should be responsive to the items and questions set forth below for this application section.
- a. PROVIDE A GENERAL DESCRIPTION OF HOW 40 PERCENT OF THE STATE'S PART B PLANNING GRANT ALLOCATION WILL BE MADE AVAILABLE TO LOCAL UNITS OF GOVERNMENT OR COMBINATIONS OF SUCH UNITS WITHIN THE APPLICANT STATE.
 - b. PROVIDE A GENERAL DESCRIPTION OF HOW A SUFFICIENT LEVEL OF FUNDING WILL BE MADE AVAILABLE TO THE STATE'S MAJOR CITIES AND COUNTIES TO ENABLE THEM TO CONDUCT A COMPREHENSIVE PLANNING EFFORT.
 - c. LIST THE LARGEST CITY IN THE STATE AND ALL CITIES IN THE STATE WITH A POPULATION OF 250,000 OR MORE, THE AMOUNT OF PLANNING FUNDS TO BE MADE DIRECTLY AVAILABLE TO THEM, AND THE ACTUAL MUNICIPAL UNIT OF GOVERNMENT RESPONSIBLE FOR PLANNING. ARE THE CITIES WHICH RECEIVE PLANNING FUNDS DESIGNATED AS RPU'S?
 - d. LIST THE LARGEST COUNTY IN THE STATE AND ALL COUNTIES IN THE STATE WITH A POPULATION OF 500,000 OR MORE, THE AMOUNT OF PLANNING FUNDS TO BE MADE DIRECTLY AVAILABLE TO THEM, AND THE COUNTY UNIT OF GOVERNMENT RESPONSIBLE FOR PLANNING. ARE THE COUNTIES RECEIVING PLANNING FUNDS DESIGNATED AS RPU'S?
 - e. LIST THE COMBINED COUNTIES/CITIES PLANNING UNITS RECEIVING DIRECT PLANNING FUNDS, THE AMOUNT OF PLANNING FUNDS TO BE MADE DIRECTLY AVAILABLE TO THEM, AND THE UNIT OF GOVERNMENT RESPONSIBLE FOR PLANNING. ARE THESE COMBINED COUNTY/CITY PLANNING UNITS DESIGNATED AS RPA'S?
 - f. LIST THE LARGE CITIES, LARGE COUNTIES OR COMBINED COUNTIES/CITIES THAT HAVE WAIVED PLANNING FUNDS.
 - g. LIST THE UNITS OF GENERAL LOCAL GOVERNMENT OR COMBINATIONS OF SUCH UNITS (DESIGNATE WHETHER THEY ARE REGIONS, COUNTIES OR CITIES) THAT WILL RECEIVE PLANNING FUNDS DIRECTLY. PROVIDE SUMMARY TOTALS.
 - h. INDICATE THE FORMULA IF ONE EXISTS, BY WHICH FUNDS WILL BE DISTRIBUTED TO THESE UNITS OF LOCAL GOVERNMENT. IT IS ANTICIPATED THAT REGIONAL PLANNING UNITS OR OTHER DESIGNATED UNITS OF LOCAL GOVERNMENT WILL "PASS THROUGH" OR AWARD A PORTION OF THEIR PLANNING FUNDS TO INDIVIDUAL AGENCIES OF LOCAL GOVERNMENT.

- i. IF POSSIBLE, INDICATE WHAT PERCENTAGE OF THE 40 PERCENT LOCAL PLANNING FUNDS WILL UNDERGO "PASS THROUGH" TO AGENCIES OF LOCAL GOVERNMENT. IF ANY OF THE STATE'S MAJOR CITIES OR COUNTIES WILL RECEIVE PLANNING FUNDS THROUGH THE "PASS THROUGH" METHOD, SPECIFY THE MAJOR CITIES AND COUNTIES AFFECTED AND THE AMOUNT OF FUNDS TO BE ALLOCATED TO THEM.
- j. DESCRIBE THE PROCEDURE OF THE SPA TO MAKE ELIGIBLE UNITS OF LOCAL GOVERNMENT DIRECTLY AWARE OF THEIR ELIGIBILITY FOR PLANNING FUNDS.
- k. DESCRIBE THE SPA'S TIMETABLE FOR ANNOUNCEMENT AND AWARD OF LOCAL PLANNING FUNDS.

3. STATUTORY WAIVER OF LOCAL SHARE REQUIREMENT.

- a. Authority. The Act authorizes LEAA, under certain circumstances, to waive the requirement that 40 percent of Federal planning grant monies be made available to local units of government. Such waiver may be partial or it may extend to the entire share otherwise set aside for local governments. The statutory basis for authorizing a waiver is an LEAA finding that the local share requirement is inappropriate in view of respective State/local law enforcement planning responsibilities, and that adherence to the requirement would not contribute to efficient plan development.
- b. Waiver Provisions. LEAA will consider waiver applications from any State which has a population of less than one million persons (where Part B allocations are often so modest that extensive division of planning funds between local units will be less efficient than a more centralized planning role at SPA level), or from any State which bears more than 50 percent of aggregate State/local law enforcement costs (where local law enforcement responsibility is often sufficiently limited as to make allocation of large local planning sums inappropriate). It is anticipated that only a small number of States will qualify for waiver under this provision and that virtually all waivers issued will be partial.
- c. Application for Waiver. The initiative for seeking a waiver lies with the State Planning Agency. Applications for waivers must be made in writing by July 15 of each fiscal year. Prior to making its waiver request, the SPA must notify the State clearinghouse and all regional and metropolitan clearinghouses involved of its intention to seek a waiver, the basis of justification for the waiver, and the extent of waiver being sought. The SPA must

consider any clearinghouse responses in preparing its request, and must furnish a copy of all responses with its request. The Administration's decision, which will be valid for a single fiscal year, will be communicated in time to be reflected in the State's planning grant application.

- d. Application Statement. An application for an initial waiver must be accompanied by a full statement setting forth:
- (1) Facts and reasons why the State deems the local share requirement to be inappropriate, or why it does not contribute to the efficient development of a comprehensive plan;
 - (2) Details of past practices in administration of the 40 percent local share requirement and problems experienced as a result;
 - (3) Relative State/local expenditures for law enforcement in the State;
 - (4) The exact extent of waiver sought--full or partial and, if partial, what percentage of the Part B allocation will continue to be allocated to local governments and on what basis; and
 - (5) An explanation of how, after waiver, the State will comply with the statutory requirement and LEAA guidelines specifying that local planning funds must be made available to major cities and counties.
- e. Factors Affecting Waiver Decision. Such factors as relative State/local jurisdiction over component agencies of the criminal justice system, few local governments with sufficient population or jurisdiction to make planning meaningful at the local level, and inadequacy of the total planning grant relative to the cost of State and local plan development and implementation, will all bear on the waiver decision. LEAA reserves the right to grant more limited waivers than those requested where deemed appropriate. The SPA shall notify the State Clearinghouse of LEAA's decision.
- f. Application Requirement. IF APPLICABLE, INCLUDE LEAA APPROVAL OF WAIVER OF LOCAL SHARE REQUIREMENT.

SECTION 2. ATTACHMENT B--BUDGET JUSTIFICATION

NOTE: See appendix 2-3, LEAA Form 4202/1, Full Planning Grant Application, application page 4.

SECTION 3. ATTACHMENT C--ADMINISTRATIVE SECTION

NOTE: See chapter 1, section 2, Basic Administrative Requirements, and section 3, Other Statutory Requirements Affecting LEAA Programs.

SECTION 4. ATTACHMENT D--CERTIFIED CHECKLIST

NOTE: See appendix 2-5.

APPENDIX 2-5. CERTIFIED CHECKLIST

Appendix 2-5 has been developed to provide the Applicant State and the Regional Office with a method of reviewing the Administrative Planning Grant Application Requirements of Chapter 1 for currency and consistency.

The numbers on the Checklist statements correspond to the appropriate paragraphs in Chapter 1. THE STATEMENTS IN THE CHECKLIST HAVE BEEN PARAPHRASED FROM THE APPLICATION REQUIREMENTS SET FORTH IN CHAPTER 1. THEREFORE THE APPLICANT SHOULD REFER TO THE COMPLETE APPLICATION REQUIREMENT IN CHAPTER 1 BEFORE CERTIFYING THE STATUS OF ANY REQUIREMENT. If a change has been made in the response prepared for the FY 1976 Planning Grant Application, or, if the requirements have changed, the requirement should be completely revised and submitted with the current application. Because certain sections of this guideline manual have been substantially revised, asterisked items in this checklist must be submitted in full with the FY 1976 full planning grant submission.

	<u>CHANGE</u>	<u>NO CHANGE</u>
16. State Planning Agency Supervisory Board		
a. Authority for the existence of the State Planning Agency Supervisory Board	<input type="checkbox"/>	<input type="checkbox"/>
b. Organization and functions of the State Planning Agency Supervisory Board	<input type="checkbox"/>	<input type="checkbox"/>
c. Rules governing frequency of meetings, establishment of subcommittees and conduct of business, functions, composition and authority of Executive Committees or other committees of the Supervisory Board	<input type="checkbox"/>	<input type="checkbox"/>
17. State Planning Agency Staff and Administration		
a. State authority for the State Planning Agency operation.	<input type="checkbox"/>	<input type="checkbox"/>
b. Structure and organization of State Planning Agency Staff	<input type="checkbox"/>	<input type="checkbox"/>
c-1. Qualifications, functions and responsibilities of key staff--Director or Assistant Director, Fiscal Officer, Chief Planner, Chief Evaluator, Administrative Officer, the Chief of each Law Enforcement and Criminal Justice specialty	<input type="checkbox"/>	<input type="checkbox"/>
c-2. Status of State Planning Agency Staff, Personnel or Merit System	<input type="checkbox"/>	<input type="checkbox"/>

	<u>CHANGE</u>	<u>NO CHANGE</u>
*18. Comprehensive Law Enforcement and Criminal Justice Planning Development		
*22. Technical Assistance and Services		
*23. Audit Capabilities/Activities		
24. Regional Criminal Justice Planning		
c-1. General organization and functions of the Regional Planning Unit Supervisory Board and locally elected official composition.	<input type="checkbox"/>	<input type="checkbox"/>
c-2. Jurisdiction or geographic coverage of each Regional Planning Unit.	<input type="checkbox"/>	<input type="checkbox"/>
c-3. Extent to which Planning Regions or combinations conform to or vary from existing general State, Regional and metropolitan planning entities.	<input type="checkbox"/>	<input type="checkbox"/>
c-4. The rules generally governing frequency of meetings, the establishment of subcommittees and the conduct of business.	<input type="checkbox"/>	<input type="checkbox"/>
d. Authority for the establishment or designation of the State's regional criminal justice planning units.	<input type="checkbox"/>	<input type="checkbox"/>
e. General structure and organization of the regional planning units.	<input type="checkbox"/>	<input type="checkbox"/>
f. Qualifications, functions and responsibilities of key Regional Planning units staff.	<input type="checkbox"/>	<input type="checkbox"/>

	<u>CHANGE</u>	<u>NO CHANGE</u>
27. Intergovernmental Cooperation Act of 1968 and Related Statutes.		
b-1. The State's Procedures for submitting the Planning Grant Application and the State plan to the A-95 Clearinghouse	<input type="checkbox"/>	<input type="checkbox"/>
b-2. The State's procedures for insuring that all subgrants and Discretionary Grant applications are submitted to the metropolitan, regional and State A-95 clearinghouses	<input type="checkbox"/>	<input type="checkbox"/>
b-3. The State's procedures for insuring all comments have been considered and made part of the application	<input type="checkbox"/>	<input type="checkbox"/>
c. The SPA's procedures for obtaining either the Governor's concurrent or review and comment on the Annual Comprehensive Plan	<input type="checkbox"/>	<input type="checkbox"/>
d-1. Consistency of Law Enforcement Planning Regions with State established planning and development districts	<input type="checkbox"/>	<input type="checkbox"/>
d-2. SPA's procedural arrangements to assure maximum coordination with related planning under other programs.	<input type="checkbox"/>	<input type="checkbox"/>
28. National Environmental Policy Act of 1969		
h. Procedures established within the SPA to insure that the Requirements of the National Environmental Policy Act are met.	<input type="checkbox"/>	<input type="checkbox"/>
31. Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970, P.L. 91-646.		
j. SPA's Procedures for identifying projects causing relocation and for administering relocation assistance payments	<input type="checkbox"/>	<input type="checkbox"/>
33. Title VI of the Civil Rights Act of 1964 and the Equal Employment Opportunity Regulations of the Department of Justice		
b-1. Designate by name the staff member(s) with assigned responsibility as the Civil Rights Compliance Officer	<input type="checkbox"/>	<input type="checkbox"/>

	<u>CHANGE</u>	<u>NO CHANGE</u>
b-2. Provide a timetable for Civil Rights Compliance Training	<input type="checkbox"/>	<input type="checkbox"/>
b-3. Describe how the SPA has informed sub-grantees and contractors of their civil rights requirements	<input type="checkbox"/>	<input type="checkbox"/>
b-4. Describe how the SPA has obtained assurances and compliance from sub-grantees and contractors	<input type="checkbox"/>	<input type="checkbox"/>
b-5. Provide a general description of the efforts to be undertaken to inform the public of the SPA's non-discrimination policy	<input type="checkbox"/>	<input type="checkbox"/>
b-6. Complaint procedures	<input type="checkbox"/>	<input type="checkbox"/>
b-7. Insure reporting on Construction Projects form	<input type="checkbox"/>	<input type="checkbox"/>
34. Juvenile Justice and Delinquency Prevention. (Reserved)		

Signature _____
State Planning Agency Director

_____ Date

APPENDIX 2-6. STATE POPULATIONS AND ALLOCATIONS
FOR PLANNING GRANTS--FISCAL YEAR
1976 PROJECTIONS

The projected appropriation under Title I of the Omnibus Crime Control and Safe Streets Act, as amended, for Fiscal Year 1976 planning grants is \$60,000,000. Based on the latest available population statistics from Bureau of the Census and pursuant to the formula set forth in Section 205 of the Act, the following allocations are expected to be available to the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and territories and possessions of the United States for Part B grants for both the period from July 1, 1975 to June 30, 1976 and the transitional period from July 1, 1976 to September 30, 1976 necessitated by the change to a new fiscal year per the Budget Act of 1974.

<u>STATE</u>	<u>POPULATION</u> (000)	<u>ALLOCATION</u> (000)	<u>TRANSITION ALLOCATION</u> (000)
Alabama	3,546	\$ 1,016	\$ 204
Alaska	330	276	64
Arizona	2,073	677	140
Arkansas	2,035	668	138
California	20,652	4,954	947
Colorado	2,468	768	157
Connecticut	3,080	909	184
Delaware	573	332	75
District of Columbia	734	369	82
Florida	7,745	1,983	387
Georgia	4,818	1,309	259
Hawaii	841	394	87
Idaho	776	379	84
Illinois	11,176	2,773	536
Indiana	5,304	1,421	281
Iowa	2,863	859	174
Kansas	2,264	721	148
Kentucky	3,328	966	195
Louisiana	3,746	1,062	213
Maine	1,039	439	95
Maryland	4,074	1,138	227
Massachusetts	5,799	1,535	302
Michigan	9,061	2,286	444
Minnesota	3,890	1,095	219
Mississippi	2,317	733	151
Missouri	4,768	1,297	257
Montana	730	368	82
Nebraska	1,533	553	117
Nevada	551	327	74
New Hampshire	794	383	85
New Jersey	7,325	1,886	368
New Mexico	1,099	453	98

<u>STATE</u>	<u>POPULATION</u> (000)	<u>ALLOCATION</u> (000)	<u>TRANSITION ALLOCATION</u> (000)
New York	18,214	\$ 4,393	\$ 841
North Carolina	5,302	1,420	280
North Dakota	635	346	78
Ohio	10,743	2,673	517
Oklahoma	2,669	814	166
Oregon	2,219	711	146
Pennsylvania	11,862	2,930	565
Rhode Island	967	423	92
South Carolina	2,724	827	168
South Dakota	682	357	80
Tennessee	4,095	1,143	228
Texas	11,828	2,923	564
Utah	1,150	465	100
Vermont	466	307	70
Virginia	4,844	1,315	261
Washington	3,431	990	199
West Virginia	1,788	612	128
Wisconsin	4,539	1,245	247
Wyoming	353	281	65
American Samoa	30	207	51
Guam	93	221	54
Puerto Rico	2,829	851	173
Virgin Islands	73	217	53
TOTALS		\$ 60,000	\$ 12,000

CHAPTER 3. COMPREHENSIVE LAW ENFORCEMENT AND CRIMINAL JUSTICE
PLAN OUTLINE

49. PURPOSE OF CHAPTER. The following format and instructions have been issued by the Administration to guide formulation of the Comprehensive State Plans.
50. COMPREHENSIVE LAW ENFORCEMENT AND CRIMINAL JUSTICE PLAN.
- a. The Act specifies that LEAA shall not approve a plan unless it is comprehensive. A comprehensive plan, according to the Act, must contain a series of related elements which together address themselves to the improvement and coordination of all aspects of law enforcement and criminal justice in the State. These must include at least the following:
- (1) A description of the existing systems of law enforcement and criminal justice, and of juvenile justice, together with the resources available to support these systems;
 - (2) A total and integrated analysis of the problems faced by the law enforcement and criminal justice system, and the juvenile justice system;
 - (3) A statement which describes the standards and goals process in the state, identifies those standards and goals which currently exist in the state and specifies how the state expects to complete development of standards and goals for law enforcement and criminal justice and for juvenile justice in the state.
 - (4) A statement and explanation of the priorities the State has established among goals, standards, and programs in the law enforcement and criminal justice and juvenile justice areas;
 - (5) A description of the plans and programs to be undertaken by the State, which includes a statement of the direction, scope, and general types of improvements contemplated for the future;
 - (6) The relationship of the plan to other relevant Federal State, or local law enforcement and criminal justice, juvenile justice, youth services, and other human services plans and systems;

(7) A description of the organizational systems, administrative machinery, and physical and human resources needed to implement the plan. The treatment of human resources must include advanced practices in the recruitment, organization, training, and education of law enforcement and criminal justice personnel. Note: This criteria is not a requirement for the FY 76 plan. However, the SPA should begin to address this as it will be a requirement for the FY 77 plan.

- b. The plan must also comprehensively address the range of activities related to the major functions of the law enforcement and criminal justice and juvenile justice systems, from prevention of crime and delinquency, to identification, detection, and apprehension of suspects; adjudication, including the activities of the courts, the prosecution, and the defense; custodial treatment of suspects and offenders, and institutional and non-institutional rehabilitative measures for adults and juveniles.
- c. In the State plan development and in the LEAA review of the Comprehensive State Plan, major attention must be given to the combination and coordination of the five major sections of the Plan outlined in paragraph 52. Proper attention to the development and integration of the five major sections of the Plan will result in a document which meets the criteria set forth in Section 303(a)(5), 303(c), and 601(m) of the Act.

The requirement may be met either by a brief five to ten page section which introduces the plan and which specifies how the sections of the plan relate to and support one another, or by following the instructions in Paragraphs 60c., 62f., 63d., 64d., 65f., and 66g.

In each of Paragraphs 60c., 62f., 63d., 64d., 65f., and 66g., add the following sentence at the end: For optional treatment of this section, see Paragraph 50c.

51. DEMONSTRATE A DETERMINED EFFORT. In developing the Comprehensive State Plan, the State must give attention to the coordination and integration of the five major sections of the Plan and demonstrate through the implementation of the Comprehensive State Plan a determined effort to improve the quality of law enforcement and criminal justice throughout

the State. The Congress in enacting the Crime Control Act of 1973 utilized new terminology rather than impose new, more restrictive requirements to elicit a tighter, less fragmented Plan. The SPA is charged with the responsibility of assuming a greater leadership and coordination role in the State law enforcement and criminal justice system.

52. MAJOR SECTIONS. The major sections of the plan are as follows:
- a. Section 1 - Existing Law Enforcement and Criminal Justice Systems and Available Resources
 - b. Section 2 - The Multi-Year Plan
 - (1) Needs and Problems
 - (2) Statement of Goals
 - (3) Statewide Criminal Justice Standards
 - (4) Statewide Priorities
 - (5) Multi-Year Budget and Financial Plan
 - (6) Multi-Year Forecast of Results and Accomplishments
 - c. Section 3 - The Annual Action Program
 - (1) Program Descriptions
 - (2) Compliance With Funding Limitations
 - (3) Assistance to High Crime/Law Enforcement Activity Areas
 - (4) Local Participation and Fund Balance
 - (5) Allocations to Substantive Areas of Law Enforcement
 - (6) Part E Special Requirements
 - (7) Provisions for Evaluation
 - d. Section 4 - Related Plans, Programs, and Systems
 - e. Section 5 - Progress Report

SECTION 1. EXISTING LAW ENFORCEMENT SYSTEMS AND AVAILABLE RESOURCES

53. PLAN REQUIREMENT. DESCRIBE THE STATE'S SYSTEM OF LAW ENFORCEMENT AND CRIMINAL JUSTICE ADMINISTRATION, INCLUDING ALL RESOURCES FROM ALL SOURCES AVAILABLE TO SUPPORT ITS ACTIVITIES. INCLUDE SEPARATE TREATMENT OF THE STATE'S AREAS OF HIGH CRIME INCIDENCE/HIGH LAW ENFORCEMENT AND CRIMINAL JUSTICE ACTIVITIES.
54. PURPOSE. The purpose of this section is to describe in detail the present state of the criminal justice and juvenile justice systems at the State and local levels. This description will permit both the State Planning Agency and officials of criminal justice and law enforcement agencies, as well as the general public to understand fully how the law enforcement and criminal justice system works at present and what resources and organizational arrangements exist at present.
55. ORGANIZATION AND COVERAGE. This section may be organized by major law enforcement function or SPA functional category with coverage of State, county, city and each area of high crime incidence/law enforcement activity; or it may be organized by unit of government i.e., by State, county, city and each area of high crime incidence/law enforcement activity with coverage of each law enforcement and criminal justice function or functional category as it typically pertains to State, county, city and areas of high crime incidence/high law enforcement activity. The following major factors should be included in the discussion of the units of government and their functions in the State's system of law enforcement and criminal justice, and juvenile justice, administration.
 - a. Organization
 - b. A description of the responsibilities and functions or activities of units of government and of criminal justice agencies. The budget and expenditure data needed may be obtained either from state and local budgets or from the state budget and the latest edition of the "Expenditure and Employment Data for the Criminal Justice System" produced by LEAA through the Bureau of the Census.
 - c. A description of resources available to the State and local criminal justice, juvenile justice, and law enforcement agencies including LEAA funds, State funds, local funds, and other Federal funds, as well as funds for criminal justice from any other sources. Include

a description of resources contributed to the operation of the criminal justice and law enforcement agencies in the State by other than criminal justice agencies, e.g., from the private sector of government agencies not primarily engaged in law enforcement and criminal justice, such as citizen commissions, colleges and universities, attorneys in general practice providing or available for offender representation, etc.

- d. Statistics which show with as much precision as possible size, costs, workloads, manpower and facilities of each major component or agency in the criminal justice and law enforcement system. Include where possible in the description of agency manpower data by agency and type of position the numbers of persons employed, educational level, training level, minimum entry level requirements, length of service, salaries, ethnic composition, age characteristics, and turnover rates. Current personnel policies with respect to recruitment, selection, promotion, incentives and retention programs should be referenced, published to agency policy or guideline directives, where those exist. Workloads should be given in terms of ratio of practitioners to population or offender population served, where appropriate.
- e. A general outline of the powers of, relationships between, and current extent of coordination among, the various law enforcement agencies and between general government and the agencies of law enforcement.
- f. A list and description of services, including technical assistance, resources and services, which State agencies (including the State Planning Agency) currently provide to local law enforcement, criminal justice, and juvenile justice agencies. Specify how these resources are being used currently and the problem areas to which they are currently addressed.
- g. A description of the extent of cooperative arrangements which exists at multi-State, State, regional and local levels with respect to law enforcement services (specifically mentioning significant ones); and
- h. A description of the systems for providing data and information for planning, evaluation, program development, program management, and research in the law enforcement and criminal justice and juvenile justice areas in the State to appropriate State, regional, and local agencies and officials. Include a description of the state comprehensive data systems program.

56. USE OF LATEST DATA. This plan section may be based on the State's previous descriptions of law enforcement and criminal justice and juvenile justice systems, but should be expanded and updated as needed to ensure that comprehensive descriptions of all system components and coverage of all elements described above have been provided. Any newly available data on size, costs, workloads, etc. should be incorporated. The section should be organized so as to relate significantly to the succeeding multi-year plan, annual action program, and other components of the total plan. Data sources and the dates for which the data is valid should be indicated clearly either in the text of the plan or in footnotes to it.
57. TREATMENT OF AREAS OF HIGH CRIME INCIDENCE/HIGH LAW ENFORCEMENT AND CRIMINAL JUSTICE ACTIVITY.
- a. Separate treatment of the State's areas of high crime incidence/high law enforcement and criminal justice and juvenile justice activity is necessary to convey adequately the nature and scope of activity in those areas. Data should be provided which indicates the most significant crime problems over time, and which is mapped and correlated, where possible, with Census victimization data and with Census data on social and economic characteristics of small areas. The crime data should indicate characteristics of the event; of the victim or target of the crime, and of the offender. Attention should be given to juvenile crime data. Resources which are being devoted to high crime areas specifically because of their identification as high crime areas should be described and quantified.
 - b. Treatment of at least the State's major cities in this section is necessary to provide a basis for a finding that the plan provides adequate assistance to deal with law enforcement problems in areas characterized by both high crime incidence and high law enforcement activity. Metropolitan area, city/county or regional coverage may be more appropriate in a given state and should be treated accordingly.
 - c. The guideline presumption of what constitutes an area requiring such coverage is contained in the Annual Action Program section of this Manual entitled Assistance to High Crime/High Law Enforcement and Criminal Justice Activity Areas. (Refer to paragraph 78)

58. CORRECTIONAL AREA COVERAGE. Special care should be given to coverage of existing correctional institutions, facilities, programs and practices. This added coverage should be related to those factors touching on assurances and areas of emphasis as set out in paragraph 84 of this Manual.
59. OTHER SPECIAL AREAS OF COVERAGE. Separate or identifiable coverage should be given to programs aimed at organized crime, manpower planning and development, and the bicentennial.

SECTION 2. THE MULTI-YEAR PLAN

60. GENERAL. Comprehensive state plans must contain a thorough, complete, total, and integrated analysis of adult and juvenile crime and of juvenile and criminal justice problems throughout the state. An assessment of the impact of crime on the state, its political subdivisions, and their citizens, must be included. The state plans must specifically detail the coordinated attack on crime and delinquency, on deficiencies in the juvenile and criminal justice systems identified in the analysis section of the plan. It must specify the methods by which the impact of planned programs on the problems identified will be measured and evaluated and the degree of success or failure determined. The plan may address the requirements of the Juvenile Justice and Delinquency Prevention Act of 1974 (P.L. 93-415) if the state wishes to include them.
- a. This section of the plan must be multi-year with respect to goals, standards, priorities, budget and financial plan, and forecast of results and accomplishments. It should be designed in those parts to impact on crime and delinquency during the calendar year and the succeeding two (or more) years. It should be designed to provide a common base for long term planning, budgeting, measurement of accomplishments, and assessment of national needs and progress made, within a time frame appropriate for multi-year planning purposes.
 - b. This section of the plan must demonstrate a determined effort on the part of the state and its political subdivisions to improve the quality of law enforcement and criminal justice and of juvenile justice throughout the state in ways that relate to the prevention and reduction of crime and delinquency.

- c. This component must meet all the test of comprehensiveness, and specifically must include the following:
- (1) A total and integrated analysis of crime and delinquency problems, and criminal justice and juvenile justice system problems in the State and its political subdivisions. The crime and delinquency analysis must include a data-based analysis of high crime areas, and must be data-based as far as possible for the State as a whole. It is understood that where an advanced CDS program has been implemented, such data will be readily available and where no such program is operational, data less desirable in quality and quantity must be used. The analysis must include data about crime patterns, and trends; and relationships to social and economic data where possible. The criminal justice and juvenile justice system analysis must reflect the results of the crime analysis effort, indicating what problems the system experiences in coping with volumes, and types of crime and delinquency. In the juvenile justice area, distinctions must be made between status offenses and delinquency.
 - (2) A set of goals, quantified as far as possible, and based on judgment about where the State ought to attempt to be with respect to crime and delinquency and criminal justice improvements in the long range, as well as after one, two, and three or more years. The goals should follow from the above analysis. The set of goals should include those generated to date by the State Standards and Goals process if the State has such a process. However, the plan must state whatever set of goals in the criminal justice area the State has developed.
 - (3) A statement which describes the standards-setting process in the state, identifies standards which currently exist, and which specifies how the state expects to complete development of standards. These standards should address human resources, physical resources, and management operations techniques which are necessary to achieve the goals established in the plan. The standards should be specific and stated in quantified terms where possible. The relationship between the standards and established goals should be clearly articulated.
 - (4) A statement of statewide priorities, indicating which of the goals and standards will be addressed by the plan and in what order over time. The priorities must be related to the crime analysis and criminal justice system analysis, and must reflect a determined effort to improve the quality of system performance.

- (5) A long range budget and financial plan for the three-year (minimum) period of the plan related to the standards and goals.
- (6) A long range forecast of expected results and accomplishments for the three-year (minimum) period of the plan related to the standards and goals.
- (7) A comprehensive program for juvenile justice and delinquency prevention, which reflects, where possible, the State's plans for implementation of the provisions of the Juvenile Justice and Delinquency Prevention Act.
- (8) A comprehensive program for correctional programs and facilities, including programs which reflect a community-based approach to corrections, programs for treatment of alcoholics, alcohol abusers, drug addicts, and drug abusers in correctional programs; construction, acquisition, or renovation of correctional institutions and facilities and improved reporting on and monitoring of programs in the corrections area.
- (9) A full and complete program for improved juvenile and adult court programs and practices throughout the State.
- (10) Programs for the identification, detection, and apprehension of suspects.
- (11) A statement of the nature of the relationships between the funds to be spent through the LEAA block grant program and State and local funding of law enforcement, criminal justice, and juvenile justice activities and programs based on available data.
- (12) A statement of the relationship of activities carried out under the Omnibus Crime Control and Safe Streets Act, as amended, to the related activities being carried out under other Federal programs or authority such as the Housing and Community Development Act of 1974, the Joint Funding Simplification Act of 1974, the Elementary and Secondary School Education Act of 1974, and the Highway Safety Act of 1966, among others.
- (13) An indication that the plan has taken into account the effective utilization of existing facilities, the encouragement of cooperative arrangements between units of local government, and innovations and advanced techniques in the design of institutions and facilities.

- (14) The research and development activities being conducted within the State aimed at improving knowledge and testing new ideas in the law enforcement and criminal justice field.
 - (15) The plans of the State for the development of criminal justice and juvenile justice information systems, including, if the State is participating, the comprehensive data systems (CDS) program in the State; and also including other major efforts, whether LEAA supported or not, to improve reporting and statistical analysis for operating, planning, management, evaluation, and research purposes.
- d. Contents. The section is divided into six parts:
- (1) Part One: Needs and Problems.
 - (2) Part Two: Statement of Goals.
 - (3) Part Three: Statement of Criminal Justice Standards.
 - (4) Part Four: Statement of Priorities.
 - (5) Part Five: Multi-Year Budget and Financial Plan.
 - (6) Part Six: Multi-Year Forecast of Results and Accomplishments.

61. NEEDS AND PROBLEMS.

- a. Plan Requirement. PROVIDE A THOROUGH, TOTAL, AND FULLY INTEGRATED ANALYSIS OF MAJOR NEEDS AND PROBLEMS IN THE STATE AND ITS POLITICAL SUBDIVISIONS, WITH EMPHASIS ON ANALYSIS OF CRIME PATTERNS AND TRENDS AND ON ANALYSIS OF THE PROBLEMS FACED BY THE CRIMINAL JUSTICE AND JUVENILE JUSTICE SYSTEMS IN THEIR EFFORTS TO PREVENT, REDUCE, AND CONTROL CRIME AND DELINQUENCY. DEFICIENCIES OF THE CRIMINAL JUSTICE SYSTEM MUST BE IDENTIFIED, MAKING CLEAR THE RELATIONSHIP BETWEEN CURRENT SYSTEM CAPABILITIES, THE CRIME PROBLEMS FACED, AND GOALS AND STANDARDS. ANALYSIS OF PROBLEMS ANTICIPATED IN PLAN IMPLEMENTATION, INCLUDING TECHNICAL ASSISTANCE, MANPOWER, AND TRAINING NEEDS, MUST BE INCLUDED. ANALYSIS OF STATE'S HIGH CRIME AREAS ARE TO INCLUDED. SOURCES OF DATA UTILIZED, LIMITS ON THE QUALITY OF THE DATA, AND GAPS IN THE DATA ARE TO BE IDENTIFIED, ALONG WITH THE PRESENTATION OF AS MUCH DATA AS ARE REQUIRED TO SUPPORT THE ANALYTICAL CONCLUSIONS.

b. Organization. This part of the plan should be organized as follows, although other organizational arrangements for this part are acceptable, as long as all subject matter is included.

- (1) Crime patterns and trends in the State and its political subdivisions, by type of crime and by subdivision, over time (trends may be difficult to establish in some jurisdictions, but trend data is extremely valuable). Use of both UCR and victimization data, if available, is encouraged.

Special analysis should be presented for each high crime area of the State, and where feasible, for each major metropolitan area. At a minimum, one major high crime area should be analyzed in detail by small area by type of crime, by rates and trends, and by characteristics of the event, the victim, and the offender. Where metropolitan areas are interstate in character, LEAA encourages states to cooperate in presenting metropolitan crime data jointly.

- (2) Analysis of meaning of crime patterns and trends, including relationships where possible between crime patterns and trends and social and economic data, with patterns and trends, from the Bureau of the Census or other State and local sources.
- (3) Analysis of the needs for data and for statistical system development for planning and management purposes. Included here should be an assessment of the utility of the Comprehensive Data System (CDS) developments (if any) in the State to date in developing the plan and constructing this part of the plan.
- (4) Analysis of the capability of State (SPA and other operating agencies) and local agencies to perform crime analysis, together with an assessment of needs in this area.
- (5) Analysis of problems faced by the law enforcement, criminal justice and juvenile justice agencies in dealing with the problems identified in the earlier sections of the analysis and with other problems identified by other methods. Deficiencies of the system should be stated clearly. This part of the analysis should take account of the capabilities of existing agencies, the extent, nature, scope and trends in the crime problems and criminal justice system problems faced by the system, and should describe deficiencies in

terms of the capability or lack thereof of the system to achieve the standards and goals set by the State for its criminal and juvenile justice systems. Deficiencies in technical assistance, in manpower, in training, and in other areas should be included here. This analysis may be organized by city, county, metropolitan area, region, and State; or by component of the criminal justice system (police, courts, corrections, etc.) or by other categories the State believes appropriate. However, it must be a total analysis of all aspects of law enforcement, criminal justice, and juvenile justice at the State and local level.

- (6) Obstacles to achieving the goals and standards the State has set should be identified clearly. This discussion may be merged with the analysis in (5) above.
- c. Relationship to Other Plan Sections. This part of the plan should provide the basis for the development of goals and standards established to date by the State Planning Agency or the alternative mechanism designated by the Governor for Standards and Goals development. It should refer back to the description of the existing system and available resources, as the base against which the analysis is done. Using this analysis of problems in crime and criminal justice, the State's plans and programs should be developed, and should be justified by reference back to the analysis and description of problems in this part of the plan.

62. STATEMENT OF GOALS.

- a. Plan Requirement. PROVIDE A COMPREHENSIVE STATEMENT OF ALL STATE GOALS AIMED AT IMPROVING LAW ENFORCEMENT AND CRIMINAL JUSTICE AND JUVENILE JUSTICE, AND AT REDUCING CRIME. INDICATE CLEARLY THE DIRECTION, SCOPE, AND TYPES OF IMPROVEMENTS OR CHANGES PLANNED OVER THE MULTI-YEAR PERIOD, SPECIFYING THE TIME PERIOD COVERED BY EACH GOAL. DESCRIBE THE PROCESS BY WHICH GOALS WERE DEVELOPED, INCLUDING THE RELATIONSHIP TO THE PROBLEMS IDENTIFIED IN THE PREVIOUS PLAN SECTION. DESCRIBE THE STATE STRATEGY FOR ASSURING THAT GOALS WILL BE ACHIEVED, INCLUDING RELATIONSHIPS TO DEVELOPMENT AND IMPLEMENTATION OF STANDARDS AND THE SETTING OF PRIORITIES.
- b. Category Headings. This section and succeeding sections of the multi-years plan, should be organized in accordance with a set of category headings which indicate major areas in which activity is to take place aimed at goal achievement.

- c. Optional Treatment. This section may be merged with the treatment of standards and priorities in paragraphs 63 and 64. The goals development process may be presented separately in a methodology section.
- d. Presentation. The presentation should seek to describe comprehensively all state goals established to date by the State Planning Agency or the alternative mechanism designated by the Governor for Standards and Goals development, and not just those which can be achieved with LEAA block grant funds. Goals, defined as long range purposes the State and its political subdivisions expect to achieve in crime reduction and in improving criminal justice and law enforcement, should be presented in as much detail as possible, and must indicate a determined effort to improve the quality of criminal justice.
- (1) The presentation should seek to define the kind of criminal justice system and crime situation deemed ideal, yet attainable, for the State and its localities. Goals should be stated in terms of levels of achievement to be attained within specific time frames. Despite the recognized difficulty of reliable projection or analysis, States are encouraged to develop and implement ways of relating system capability goals to ultimate crime control or impact goals, i.e., increased apprehensions, decreased recidivism, reductions in incidence of selected types of crimes, and higher success rates in prosecutive proceedings. Goals should be as specific and concrete as possible, and quantified where possible.
 - (2) The strategy for goal achievement should indicate clearly how the State expects to utilize the resources it expects to receive from LEAA funds to assist it in achieving its goals. The setting of priorities ought also be described as one element in the State strategy for goal achievement.
- e. Benefits.
- (1) The ideal system configuration will change from year to year or as new experience and knowledge require. Levels of specificity will vary, given the division of criminal justice responsibilities between State and local governments, the separation of powers and the quantity and quality of data available in each state. The articulation of an ideal system which spells out what the criminal justice system ought to be, as a whole, will provide numerous benefits, however. It will permit planning which is directed toward concrete goals, indices of measurement of State and local progress toward plan implementation,

and facilitation of dialogue within the State on the directions needed and priorities to be set in making improvements in State and local criminal justice systems, and in efforts aimed at crime reduction.

- (2) Efforts in the area of relating systems capability goals to impact goals will, where attempted, serve as important inputs to current knowledge and technology in law enforcement and criminal justice system planning.
- f. Relationship to Other Plan Sections. This section must show a relationship to the section on problems and needs, indicating how the goals (established to date by the State Planning Agency or the alternative mechanism designated by the Governor for Standards and Goals development) were derived from the problems and needs analysis of crime and of the capabilities of the criminal justice system to respond to the crime problem. This section must also show a relationship to the sections on standards and on priorities, indicating how the goals are to be wholly or partially achieved; through the setting and achievement of standards and through the setting and utilization of priorities. There must also be shown a relationship to the programs, actions, and activities in the remainder of the multi-year plan, where it should be possible, if goals are properly defined, to show much more progress will be sought in each improvement area during each year of "current plus two year" planning period.

63. STATEWIDE CRIMINAL JUSTICE STANDARDS.

- a. Plan Requirement. PROVIDE A DESCRIPTION OF EXISTING STATE STANDARDS WHICH ARE AIMED AT IMPROVING OR ACHIEVING DESIRABLE LEVELS OF PERFORMANCE OR CAPABILITIES OF THE LAW ENFORCEMENT AND CRIMINAL JUSTICE AND THE JUVENILE JUSTICE SYSTEM, AS WELL AS OF THE AGENCIES WHICH COMPRISE THOSE SYSTEMS. DESCRIBE THE SPECIFIC GOALS TO WHICH STANDARDS ARE EXPECTED TO CONTRIBUTE AND THE NATURE OF THE CONTRIBUTION TO BE MADE. DESCRIBE THE PROCESS BY WHICH EXISTING STANDARDS WERE DEVELOPED AND THE PROCESS BY WHICH STANDARDS ARE TO BE DEVELOPED AND IMPLEMENTED IN THE FUTURE.
- b. Category Headings. The same category headings used in the section of the plan on goals should be used here.

c. Presentation.

- (1) The presentation should seek to describe comprehensively State standards established to date by the State Planning Agency or the alternative mechanism designated by the Governor for Standards and Goals development, aimed at improving or achieving desirable levels of performance or capabilities of law enforcement and criminal justice system, and of the juvenile justice system, as well as of the agencies which comprise those systems. Standards should be related to State goals, indicating the nature of the contribution to goal achievement they will make or are expected to make. The Standards should be specific and quantified where possible. The standards should address human resources, physical resources and management and operations techniques. Standards should, as far as possible, be related not only to improving system capabilities, but also to crime reduction goals. Existing national and State requirements and standards may, where appropriate, be addressed; e.g., Peace Officers Standards and Training (POST), Corrections Standards (as reflected in the Part E. programs), and, where appropriate, these may be integrated into State standards. The standards in the areas of personnel selection, promotion, incentives, career ladders and lattices, lateral entry, retirement, training, education workloads, equipment, facilities, and quality or timing or other aspects of services offered may be included.
- (2) The State's method of developing, establishing, and implementing standards should be described. That discussion of method should spell out the scope of the standard-setting effort, the participants in the process and their roles, and the major milestones. The standards development process may be presented separately in a methodology section.
- (3) A detailed timetable for developing standards in areas not addressed to date shall be presented.

- d. Relationship to Other Plan Sections. This section must show relationships between standards (established to date by the State Planning Agency or the alternative mechanism designated by the Governor for Standards and Goals development), and the goals to which they are to contribute. It must also show a relationship to the section on priorities, since standards may be developed and

implemented according to a schedule which will reflect resource limitations and gradual phasing of implementation of standards. This section must also show a relationship to the remaining sections of the multi-year plan, in that a comprehensive set of State standards should provide a major basis for funding decisions and for evaluation of program and project success.

64. STATE PRIORITIES.

- a. Plan Requirement. DESCRIBE STATE PRIORITIES FOR IMPLEMENTATION OF GOALS AND STANDARDS ESTABLISHED TO DATE. DESCRIBE THE METHODS BY WHICH THE STATE ESTABLISHED AND EXPECTS TO IMPLEMENT ITS PRIORITIES. INDICATE THE RELATIONSHIP OF PRIORITIES TO THE SPECIFIC PROGRAM PLANS CONTAINED IN THE MULTI-YEAR PLAN AND TO THE FORECAST OF RESULTS AND ACCOMPLISHMENTS.
- b. Category Headings. The same category headings used in the section of the plan on goals should be used here.
- c. Presentation. The presentation should make clear the nature of the State's priorities and their relationships to goals and standards. It should also indicate how these priorities were determined. An explanation of the factors which caused the State to decide, among the many problems and needs it faced, which it should address and in what order with what resources must be provided. General problems which place limits on the ability of State and local governments to achieve goals and standards should be indicated. These may include lack of knowledge, need for technical assistance, need for available manpower or for manpower with special training or education, feasibility of implementation, need for development of public support, high cost, and other factors. To the extent possible, standards should be grouped in order of priority for implementation. Groupings of high priority standards may include some standards of relatively low priority, as long as the low priority standards can be shown to be necessary or beneficial to effective implementation of the group of standards.
- d. Relationship to Other Plan Sections. This section must show the relationship of priorities to goals and standards. It should also show the relationships between the priorities selected and the problems and needs identified in the problems and needs section of the plan. The priorities should also be shown to have a relationship to the programs planned and set forth in the remaining sections of the multi-year plan.

65. MULTI-YEAR BUDGET AND FINANCIAL PLAN.

- a. Plan Requirement. A BUDGET OR FINANCIAL PLAN MUST BE SET FORTH SHOWING PROJECTED EXPENDITURES OF LEAA FUNDS FOR EACH COMPONENT PROGRAM FOR THE CURRENT ACTION PERIOD (JANUARY 1 THROUGH DECEMBER 31), AND FOR EACH OF THE SUCCESSIVE TWO (OR MORE) YEARS. AS FULLY AS POSSIBLE, THE PLAN MUST ALSO SHOW STATE AND LOCAL GOVERNMENT EXPENDITURES FOR LAW ENFORCEMENT, CRIMINAL JUSTICE, AND JUVENILE JUSTICE FOR THE CURRENT YEAR (USUALLY A FISCAL YEAR). RELATE THESE STATE AND LOCAL EXPENDITURES TO PROGRAM CATEGORIES AS FULLY AS POSSIBLE. (A standard LEAA descriptor code will be assigned to each program for which LEAA funds are budgeted in the multi-year plan. Definitions of the descriptors and a detailed discussion of their required use are contained in Appendix 3-1).
- b. Optional Treatment. The projections for the expenditures of LEAA funds may be incorporated into the Annual Action Program description. The section may also be merged with the Multi-Year Forecast of Results and Accomplishments. Chart form presentation is preferable.
- c. Category Headings. The same category headings as those used in paragraphs 62, 63, and 64 should be used here.
- d. State and Local Expenditures. These data may be present for the current year in the existing systems section of the plan, and if so, may be referenced there, or the data summarized here. It is recognized that much of the data on local expenditures will be difficult to obtain. These data may come from the state and local budget documents or other reports, or from the latest edition of the Expenditure and Employment Data for the Criminal Justice System produced by LEAA through the Bureau of the Census. A good faith effort for the FY 76 Plan will be sufficient. The purpose of this section is to permit the SPAs to make a determination about the extent to which allocation of funds to various areas is adequate and about whether coverage of the State plan is in fact truly comprehensive.

e. Distinguishing Sources of Projected Funds.

- (1) Distinguishing LEAA Funds. The amount of LEAA fund projections should be distinguished from "other" sources, e.g., State, local, private or other federal funds.
- (2) Part C and Part E Funds. Projected expenditures in each Program area of the current action period and each year of the succeeding two years should be distinguished as to source of funds, i.e., Part C or Part E. Individual programs (except construction) may have total projections composed of both Part C and Part E funds provided:
 - (a) Each program has a specified amount projected from each source; and
 - (b) Separate accountability is possible for the current action period; and, the State agrees to apply all Part E assurances, emphasis, and advanced practices requirements to the Part C funds and comply with separate reporting requirements.

f. Basis and Use of Projections.

- (1) Basis of Budget Estimates. In preparing multi-year projections, States should estimate annual budgets on the basis of:
 - (a) State and local governments, Federal, and, where possible, other private budget estimates for law enforcement and criminal justice and juvenile justice expenditures;
 - (b) Continuations of prior projects funded with LEAA funds;
 - (c) Needs for comprehensive law enforcement improvement addressed as rapidly as State and local capacities to properly introduce and administer new programs will permit; and
 - (d) Estimates of maximum State/local matching contributions that will be available to match projected needs of LEAA action funds.

- (2) Flexibility. It is recognized that budget projections will be tentative and subject to change, particularly in the latter years of the multi-year cycle. Accordingly, adjustments for experience, success, problems encountered, new knowledge, and new priorities are to be expected with each annual revision of the multi-year financial plan.
 - (3) Use of Budget Estimates. Formulation of the plan does not limit State flexibility, but rather gives concrete form to priorities and State thinking at the time of plan submission. Therefore, the multi-year budget will make an important contribution to rational planning and resource allocation and provide a planned direction for implementation, examination, and analysis as the State moves forward.
 - (4) Yearly Update. Information contained in this portion of the plan, particularly as to future year needs and program, may have a substantial impact upon determination of the nature and amount of future Federal funding. Each year, the State Planning Agency should be prepared to update its multi-year program by re-examining the plan as currently constituted. This should be determined through their evaluation of previously funded programs and the extent to which the efforts to improve the quality of law enforcement and criminal justice have been successful. Further planning should be developed for another year to replace the year just concluded.
- f. Relation to Other Plan Sections. The projections should be consistent with the Annual Action Program and multi-year narrative and forecasts.

66. MULTI-YEAR FORECAST OF RESULTS AND ACCOMPLISHMENTS.

- a. Plan Requirement. DESCRIBE THE STATE AND LOCAL PROGRAMS THE STATE EXPECTS TO IMPLEMENT AND THE TARGETS OR OBJECTIVES IT EXPECTS TO ACHIEVE IN EACH PROGRAM AREA OR CATEGORY FOR AT LEAST THE FIRST AND SECOND YEAR OF THE MULTI-YEAR PERIOD; AND INCLUDE PROJECTIONS FOR THE TOTAL THREE-YEAR PERIOD. INCLUDE LEAA SUPPORTED PROGRAM PLANS AND WHEREVER POSSIBLE INCLUDE THE STATE AND LOCAL PROGRAM PLANS BY CATEGORY FOR ALL STATE AND LOCAL AGENCIES IN THE STATE.

- b. Category Headings. The same category headings as are used in the four previous paragraphs should be used here.
- c. Optional Treatment. This requirement may be merged with the Multi-Year Budget section.
- d. State and Local Program Data. It is recognized that much of the information about State and local programs may not be easily available, or available in a form which would make it easily presentable in brief form in the plan. For the 1976 plan, if the data are not available, a description of the methods to be used to obtain these data and include them in the 1977 plan will be adequate to meet the plan requirement.
- e. Level of Quantification. To the maximum extent possible, quantified estimates should be provided.
 - (1) Use of Quantified Estimates. Quantified estimates are essential for program evaluation and program implementation and will evidence the extent to which plans formulated were capable of meeting desired objectives.
 - (2) Variations. In plan review, recognition will be given to varying formats and levels of specificity in presentation of "crime focused" forecasts as well as to programs which do not lend themselves to reasonable quantification of expected results.
- f. Factors to Consider in Forecasts. Factors to be considered in development of forecasts for each program include:
 - (1) The sum total of expected accomplishment in all subgrants under the program;
 - (2) The SPA's estimation of the relationship of improving system capabilities to ultimate crime control or "impact" goals;
 - (3) Past progress in forecasting;
 - (4) The feasibility of the program in terms of public reaction, affected criminal justice agencies' reaction and technical requirements such as the needs for new or special skills, equipment or operations;

- (5) Expected funding levels, including maintenance of effort in the juvenile justice area.
- g. Relationship to Other Plan Sections. The forecasts should be consistent with goals, standards, priorities, and the projected allocations in the multi-year budget and financial plan. They should also be consistent with the Annual Action Program objectives.

67. - 70. RESERVED.

SECTION 3. THE ANNUAL ACTION PROGRAM

- 71. GENERAL. This part of the Comprehensive Plan spells out how the State Planning Agency expects to make use of its block grant funds. It is, therefore, a very important part of the plan. It spells out the objectives and strategies of the State's specific programs for the ensuing year and describes what is to be done, who will do it, and how much it will cost.
- 72. COVERAGE. The section is divided into seven parts.
 - a. Part One: Program Descriptions.
 - b. Part Two: Compliance with Funding Limitations.
 - c. Part Three: Assistance to High Crime/High Law Enforcement and Criminal Justice.
 - d. Part Four: Local Participation and Fund Balance.
 - e. Part Five: Allocations to Substantive Areas of Law Enforcement and Criminal Justice-Activity Areas.
 - f. Part Six: Part E Special Requirements.
 - g. Part Seven: Provisions for Evaluation.

73. PROGRAM DESCRIPTIONS.

a. Plan Requirement. PROVIDE A BRIEF DESCRIPTION (3-4 PAGES) OF EACH PROGRAM FOR WHICH FUNDS ARE REQUESTED. INCLUDE THE FOLLOWING:

- (1) A TITLE;
- (2) RELATIONSHIP TO PROBLEM ANALYSIS AND TO MULTI-YEAR BUDGET FORECASTS, SHOWING HOW THE PROGRAM MEETS AN UNMET NEED;
- (3) A CLEAR STATEMENT OF OBJECTIVES;
- (4) RELATIONSHIP TO ACHIEVEMENT OF STANDARDS AND GOALS;
- (5) A GENERAL STATEMENT OF STRATEGY FOR IMPLEMENTATION, INCLUDING STATE PROVISION OF TECHNICAL ASSISTANCE;
- (6) ESTIMATES OF SUBGRANT DATA;
- (7) A BUDGET; AND
- (8) IF BOTH PART C AND PART E FUNDS ARE BEING USED, A STATEMENT OF DISTINGUISHING FEATURES (IF ANY) AND SEPARATE ACCOUNTABILITY OR JOINT APPLICATION OF PART E SPECIAL REQUIREMENTS;
- (9) THE SOURCES OF EVALUATION DATA, IF ANY, CONSULTED IN DEVELOPING THE PROGRAM AND PROJECTS PROPOSED; AND THE WAYS IN WHICH EVALUATION DATA, WHERE SUCH DATA EXIST, INFLUENCES THE PROJECTS AND PROGRAMS INCLUDED IN THE PLAN.
- (10) LEAA STANDARD PROGRAM DESCRIPTOR (To be coded by LEAA)

b. Scope of Individual Programs.

- (1) Definition. Programs are major groupings or classifications of like projects within each of the State's broad functional categories for law enforcement and criminal justice improvement as adopted in its State Plan. The character of component projects under a program should not be so diverse as to preclude any clear estimation of resources, activities, and achievable annual goals for the program as a whole (e.g., the combining of a major laboratory development and patrol improvement efforts in a single program under the "detection, deterrence and apprehension" functional category). This is an indication that the program has been too broadly conceived and should be restructured into more than one program description.
- (2) Presentation. Program descriptions should be presented in the same order as the functional category discussions in the Multi-Year Plan. Details on each individual project will be managed by State Planning Agencies as subgrants and need not

be submitted to LEAA for approval except as provided by LEAA guidelines related to environmental statements (see paragraph 28), construction projects [see paragraph 84h(2), and medical research projects (see M 7100.1A chapter 3, paragraph 26)]. In some cases, a single effort such as construction of a new medium-security facility may best be presented as a separate and whole program. Ordinarily, construction of juvenile and adult facilities, with varying costs and standards, should be presented as separate programs. Where scope tends to be broad, it is especially important to present specifics on varying elements (e.g. in training, separate estimates and accomplishments data for recruit, in-service, and management training). Any programs dealing with the bicentennial, with organized crime, and with manpower planning and development should be identified.

- (3) Regional Formulation. The program descriptions should reflect a statewide overview of the actions planned. If regional or local planning activities have produced program formulations deemed appropriate in whole or in part by the SPA for this section of the plan, they should be integrated into the overall State program, wherever possible, by incorporation in the various program descriptions, then subdividing this section on a regional basis.
- c. Merger of Part C and Part E Programs. Part C and Part E programs, with the exception of construction programs, may be merged in accord with the guidelines set forth in paragraph 65, the Multi-Year Budget and Financial Plan and the additional data required in the program description.
- d. Program Description Format. The desired format for program descriptions is provided for by the six items of information listed and explained below.
 - (1) Title. Title of Program should be brief, descriptive, and limited to one or two lines.
 - (2) Relationship to Problem Analysis and to Multi-Year Budget Forecast. This statement should indicate that the program meets a need or solves or addresses a problem, whether crime reduction oriented or systems capabilities oriented, which was identified in the problem analysis section of the plan. It should also indicate that this is a problem for which no other funds or no other funds which are adequate have been budgeted or projected.
 - (3) Objectives. Statement of Objectives should be concise but informative and related to identified needs, problems and priorities.

- (a) Quantification. Quantify where possible, e.g., if minimum training standards are to be established, indicate the level; if caseloads per probation officer are to be reduced, indicate the new standards to be sought; if diagnostic services are to be extended to new geographic areas of offender types, describe; if community-based residential homes for inner city delinquents are to be acquired or constructed, indicate the size of cities and segment or percent of delinquent population to be covered; if improvements of court processing time is planned, state specific goals as to reduction of delay.
 - (b) Crime Focused Objectives. To the extent a foundation exists to provide a basis for crime-focused goals and objectives, States are encouraged to set such objectives. Standard Program Description content, specificity, and forecast data requirements may not provide the most relevant format for a program utilizing crime-focused goals. States are encouraged to consult the cognizant Regional Office with proposals for varying formats.
 - (c) Subgrant Applications. Measurable statements of objectives should be built into subgrant application requirements so that a base for evaluation can be developed which will enable the SPA to provide the National Institute of Law Enforcement and Criminal Justice with the necessary data and information to evaluate the programs and projects carried out under the Act.
- (4) Relationship to Standards and Goals. A brief statement should be included here to indicate which of the standards and/or goals established to date by the State Planning Agency or the alternative mechanism designated by the Governor for Standards and Goals development, the program is to address, and what contribution to their achievement is expected from the program.
- (5) General Strategy for Implementation. This statement should describe the planned activities for which funding is being requested, indicating the nature of State, regional and local involvement or cooperation. It must outline what plans the State may have for provision of technical assistance to assure that the projects funded in this program have the maximum chance for success.

- (a) Scope of Statement. It should mention the specific types and scope of projects contemplated but need not attempt a complete description or listing. This section would answer such questions as what is planned, where the activity will generally take place, and how much will be accomplished, both quantitatively and in terms of general objectives, for the current year of the Multi-Year Plan (e.g., number of trainees or courses to be held in training programs, approximate quantity of equipment to be provided in equipment programs, number of offenders to be serviced in correctional treatment programs).
- (b) If the program implies a commitment for further grants in subsequent years, it should describe the estimated duration of the program and the estimated future Federal funding required (utilizing, if desired, reference to multi-year projections and forecasts).
- (c) Where the program involves communications equipment or systems and there is a need for use of additional radio frequencies beyond those currently available to potential subgrantees the description should include an assurance that such radio frequency support is feasible and that subgrants for acquisition of equipment will be conditioned on actual securing or availability of needed frequency support.
- (d) In those cases where there are technical assistance needs, there must be a detailed strategy which specifies how technical assistance services will be provided to State and local governments and operating agencies. This strategy must be related to the problem analysis section of the plan. It should detail the technical assistance needs which have been identified, the resources currently available to meet them, and how these and other needed resources will be deployed to meet the need. Where technical assistance is needed, but resources are not available, this should be specified.

- (6) Subgrant Data. This section of the program statement should be prepared whenever the program contemplates a number of subgrants or allocations to local units of government or to a class of State agencies (e.g., all State courts, all county probation departments, all cities in excess of 50,000, etc.).
- (a) Coverage. Where applicable, this section would indicate which classes of subgrantees would be eligible (e.g. counties with no current probation services whatever, departments with current caseloads in excess of a specified maximum). It would indicate what general conditions, the approximate number of aid recipients anticipated, the monetary range of subgrants, and any special requirements which grantees will be expected to meet or adhere to in competing or qualifying for aid.
- (b) This data should be simply and clearly stated. It is recognized that the variety and nature of subgrant efforts will determine the degree of specificity and estimation possible in responding for a given program. There is no necessity to identify specific subgrantees. However, where the program will provide funds to specific cities, counties, regions, or State offices for construction, training, community treatment, etc., in amounts already determined or established (particularly for large subgrants), this data can be included in the section.
- (c) Adjustments. The data presented here will not prevent States from making such adjustments or changes in subgrant funding as may be warranted by further experience or analysis.
- (7) Budget.
- (a) Coverage. The budget statement should show:
- 1 The amount of Federal funds, both Part C and Part E, (or just Part C or just Part E), requested from the block allocation.
 - 2 The State or local support to be provided and the applicable percentages for Federal-State contributions. The budget estimate would appear as follows:

FIGURE 3-1. ILLUSTRATION OF BUDGET ESTIMATE

	<u>LEAA</u>	<u>State, Local or Other</u>	<u>Percentage of State or Local Match</u>
1. Part C Block Support	\$	\$.	%
2. Part E Block Support	\$	\$	%
3. Program Total	\$	\$	%

- (b) Part E Funding. The State may prefer to utilize separate program descriptions for Part E funding and may do so. Refer to paragraph 65, the Multi-Year Budget and Financial Plan for guidelines governing joinder of funding sources.
- (c) Waiver of Match. Requests for waiver of matching funds for programs concerning Indian applicants can be included in this section. The request should follow guidelines set forth in LEAA Guideline Manual M 7100.1A, Financial Management for Planning and Action Grants.
- (8) Joint Part C and Part E Block Funding. If this is a program which is utilizing Part C and Part E fund sources, provide a brief statement here [or in items enumerated in paragraphs 73d(2) through 73d(4) above] of:
- (a) Balance. Any distinguishing objectives, implementation activities or subgrant data proportions not in ratio to funding proportions; and
- (b) Accounting. A statement on whether the Part C and Part E subgrant projects will be separately accounted for or whether all Part E assurances, emphases and advanced practices will be applied to both Part C and Part E funds.
- (9) Evaluation Information. Describe in each program area in the plan:
- (a) The sources of evaluation data consulted by the SPA in developing programs and projects proposed.
- (b) The ways in which evaluation data, where such data exist, influences the programs and projects in the plan.

(10) LEAA Standard Program Descriptors.

- (a) A standard LEAA descriptor code will be assigned by LEAA for FY 76 to each program for which LEAA funds are budgeted in the annual action program. Definitions of the descriptors and a detailed discussion of their required use are contained in Appendix 3-1.

74.-76. RESERVED.77. COMPLIANCE WITH FUNDING LIMITATIONS.a. Funds Available to Local Units.

- (1) Plan Requirement. PROVIDE DATA SHOWING HOW THIS FISCAL YEAR'S PART C BLOCK ALLOCATION WILL HAVE A PER CENTUM MADE AVAILABLE TO LOCAL UNITS OR COMBINATIONS OF UNITS, WHICH CORRESPONDS TO THE PER CENTUM OF THE STATE AND LOCAL LAW ENFORCEMENT EXPENDITURES FUNDED AND EXPENDED IN THE IMMEDIATELY PRECEDING FISCAL YEAR BY UNITS OF GENERAL LOCAL GOVERNMENT. SEE SECTION 303(a)(2) OF THE ACT, APPLICABLE FINANCIAL GUIDE PROVISIONS AND LEAA/ CENSUS BUREAU DATA ON VARIABLE PASS THROUGH. REFER TO GUIDELINE G 4340.1A, VARIABLE PASS-THROUGH CLASSIFICATION PROCEDURES AND PERCENTAGES.
- (2) Waiver by Local Units. Costs of services provided by the State to local units or combinations of such units may not be charged as funds made "available" to local units without specific approval of the State Planning Agency's supervisory board and of the local units to which the services will be made available. Identify programs by title and estimated amounts in which State provided services may be so charged. (See M 7100.1A, chapter 2, paragraph 8.)
- (3) Combinations of local units qualify to receive or waive "local available" funds when they are chartered by or have received delegations from units representing a substantive majority of the population of the combination of units.

b. Construction Costs.

- (1) Plan Requirement. SHOW HERE THE PROJECTED AMOUNT OF PART C AND PART E FEDERAL FUNDS REQUESTED THAT WILL BE USED FOR CONSTRUCTION UNDER ALL PROGRAMS AND THE TOTAL STATE LOCAL CONTRIBUTION. IDENTIFY BY TITLE AND ESTIMATED AMOUNT, ALL INDIVIDUAL PROGRAMS WHICH PROVIDE FOR CONSTRUCTION EXPENDITURES.

(2) Additional Construction Restrictions and Requirements.

- (a) General. Consult Sections 301(c) and 455(a) of the Act for restrictions on land acquisition; the General Conditions applicable to Comprehensive Plans and their implementing guidelines which relate to further requirements and clearances when construction programs are to be funded, e.g., Equal Employment Opportunity, Building Access for Physically Handicapped, Relocation Act provisions, NEPA clearances, Historic Site Act consultations, A-95 Clearinghouse procedures and large contract bid and payment guarantees.
- (b) Part E Grants. For construction funded from Part E grants under Section 451 of the Act, see additional Part E requirements in paragraph 84 of this manual titled Part E Special Requirements, Financial Guide requirements related to bid guarantees, performance bonds and payment bonds, and fiscal conditions related to purpose statements and procurement of architectural services.
- (c) All grant awards of Part C and E funds for construction must contain assurances that the subgrantee will comply and assure compliance by its contractor with Executive Order 11246, as amended.
- (d) The SPA must report to the Office of Civil Rights Compliance, and to the cognizant Regional Office all awards for Federally assisted construction projects in excess of \$10,000 using Part C or E funds on LEAA Form 7400/1, Construction Projects Form. (Refer to G 7400.1B, appendix 2.)

c. Personnel Compensation.

- (1) Plan Requirement. ESTIMATE PERSONNEL COMPENSATION FROM PART C FEDERAL FUNDS SUBJECT TO THE ONE THIRD LIMITATION. SEE GUIDELINE MANUAL M 7100.1A, FINANCIAL MANAGEMENT FOR PLANNING AND ACTION GRANTS, CHAPTER 3, PARAGRAPH 36, FOR EXPLANATIONS OF COSTS SUBJECT TO THE LIMITATION.

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(2) Suggested Method.

- (a) Estimated total personnel compensation in all Part C programs (exclusive of compensation for time spent in conducting or undergoing training programs; time engaged in research, development or other short term programs): \$_____.
- (b) Estimated total personnel compensation in all Part C programs for police or other regular law enforcement personnel (exclusive of compensation for time spent in conducting or undergoing training programs; time engaged in research, development or other short term programs): \$_____.
- (c) Estimated total increases in personnel compensation of implementing agencies [exclusive of same compensation items as in (b) above]: \$_____.
- (d) Estimated expenditures from Federal share for the increased personnel compensation provided in (c) above [exclusive of same compensation item as in (b) above and not to exceed 50 percent of (c)]: \$_____.

d. Addendum of Award of Advance Action Grant Funds. Plan Requirement:
STATE PLANNING AGENCIES WHICH APPLIED FOR AND RECEIVED ADVANCE AWARDS OF PORTIONS OF THEIR BLOCK GRANT ALLOCATIONS PRIOR TO THIS PLAN SUBMISSION MUST:

- (1) SET FORTH THE TOTAL AMOUNT OF SUCH FUNDS ACTUALLY AWARDED UP TO THE DATE OF PLAN SUBMISSION.
- (2) INDICATE, GENERALLY, THE DISTRIBUTION OF SUCH FUNDS AMONG THE VARIOUS PROGRAMS OF THE ANNUAL ACTION PLAN.
- (3) EXPLAIN HOW SUCH EXPENDITURES WERE CONSISTENT WITH THE FUND PROJECTIONS OF THE STATE'S APPROVED PRIOR PLAN AND THIS PLAN SUBMISSION.

78. ASSISTANCE TO HIGH CRIME/HIGH LAW ENFORCEMENT, CRIMINAL JUSTICE, AND JUVENILE JUSTICE ACTIVITY AREAS.

a. Plan Requirement.

- (1) FOR THE YEAR JUST PAST AND THE CURRENT ACTION YEAR, DEMONSTRATE WITH APPROPRIATE DOLLAR FIGURES AND PROGRAM IDENTIFICATION THAT ADEQUATE ASSISTANCE HAS BEEN ALLOCATED TO HIGH INCIDENCE/ACTIVITY AREAS IN ACCORDANCE WITH STATUTORY AND GUIDELINE CRITERIA AS SET OUT BELOW.
- (2) ESTIMATE, FROM EACH PROGRAM, THE AMOUNT OF PART C AND PART E FUNDS ALLOCATED:
 - (a) TO UNITS OF STATE GOVERNMENT,
 - (b) TO COMBINATIONS OF UNITS OF GENERAL LOCAL GOVERNMENT,
 - (c) TO LOCAL UNITS OF GOVERNMENT,
 - (d) AND PROVIDE AN ESTIMATE OF THE FUNDS FROM EACH PROGRAM ALLOCATED FOR THE DIRECT BENEFIT OF LAW ENFORCEMENT OPERATIONS AND CITIZENS IN AREAS OF HIGH CRIME INCIDENCE AND HIGH LAW ENFORCEMENT, CRIMINAL JUSTICE AND JUVENILE JUSTICE ACTIVITY.
- (3) EXPLAIN THE BALANCE ACHIEVED IN TERMS OF GEOGRAPHICAL, FUNCTIONAL, AND JURISDICTIONAL DISTRIBUTION.

b. Background to the Requirement.

- (1) Prior to approval of any State plan, or revision thereof, Section 303 of the Act requires the Administration to make a determination that the plan provides for the allocation of adequate assistance to deal with law enforcement problems in areas of both high crime incidence and high law enforcement activity.
- (2) The primary focus of the LEAA inquiry will be the State's major cities and metropolitan areas where crime incidence, law enforcement costs, and crime control activities and resources are high in relation to the State-at-large. It is recognized that other areas of relative high crime incidence and activity may exist, as identified by the State pursuant to specifications in the foregoing paragraph. These areas would need to be embraced within LEAA's required statutory funding.

- c. Establishment of Presumptive Areas. In exercise of its responsibilities, LEAA will examine the adequacy of funding provided for specific individual communities and areas, which are presumed to be high incidence/activity areas as defined below.
- (1) Definitions. The plan must demonstrate that an adequate level of Part C and Part E block grant assistance from State, county, and municipal resources is being allocated for the direct benefit of law enforcement and criminal justice, and juvenile justice operations and citizens in these jurisdictions:
- (a) Any city, county, or urban area where crime incidence and activities constitute 20 percent or more of major crime incidence and total law enforcement expenditures, whether or not crime rates are comparable or excessive in relation to other communities, or
- (b) Any city or county with:
- 1 A population in excess of 150,000,
 - 2 Annual "index" rate for serious crime (Part I offenses, as indicated in the most recent FBI Uniform Crime Report) of at least 2,500 offenses per 100,000 population, and
 - 3 Annual per capita law enforcement expenditures (police, courts, and corrections combined) of at least \$25.
- (2) Special Problem Areas. The foregoing presumption is not meant to exclude jurisdictions slightly short of the stated minimum criteria; or smaller areas which, for special reasons, the State Planning Agency feels should be characterized as high incidence/activity areas, or special problem areas (e.g., Indian reservation problems, border law enforcement, heavy transit areas); or to preclude the State Planning Agency from seeking to rebut the foregoing presumption by facts negating a finding of high incidence/activity for a particular area within the scope of the presumption.

(3) Adequacy of Assistance. In construing "adequate assistance," LEAA will review on a State-by-State basis, the method used by the SPA for fund allocation throughout the State. LEAA will consider whether or not the method appears to take into account such demographic, economic and crime factors as to afford reasonable emphasis in areas of high crime/high law enforcement activity as contemplated by the Congressional mandate.

(a) In determining the share of Federal assistance from block grant funds being received by a large city or major metropolitan area, assistance from all sources may be included in the calculation so long as the benefits from particular awards directly apply (either totally or by reasonable apportionment) to the residents of the area. Thus, grants to regional units, councils of governments, counties or even locally-based State offices may be calculated in determining assistance allocated to a particular large city, if funds are used directly in the city or for city residents or agencies. Where grants of local funds benefit residents both inside and outside a particular metropolitan area or large city, a reasonable proration (explained in the plan text) may be used to determine the share allocable to the covered area.

(b) With regard to high incidence/activity areas which qualify because of special problems but are not large population areas, the Administration will expect a reasonable allocation level to address the problems of such areas. Such situations will be addressed on a case-by-case basis in reviewing plans for high incidence/activity area funding adequacy.

79. LOCAL PARTICIPATION AND FUND BALANCE.

a. Plan Requirement. FOR PARTS C AND E, DESCRIBE BRIEFLY THE PROCEDURES DEVELOPED AND ACTIONS TAKEN TO COMPLY WITH SECTIONS 303(a)(3) and 303(a)(4) OF THE ACT WHICH REQUIRE STATE PLANNING AGENCIES TO:

- (1) ENCOURAGE LOCAL INITIATIVE IN THE DEVELOPMENT OF PROGRAMS AND PROJECTS FOR IMPROVEMENT IN LAW ENFORCEMENT,

- (2) PROVIDE FUNDING INCENTIVES TO THOSE UNITS OF GENERAL LOCAL GOVERNMENT THAT COORDINATE OR COMBINE LAW ENFORCEMENT AND CRIMINAL JUSTICE FUNCTIONS OR ACTIVITIES WITH OTHER UNITS WITHIN THE STATE SUCH AS CONSOLIDATION OF POLICE DEPARTMENTS, CONSOLIDATION OF CORRECTIONAL SERVICES OR FACILITIES, OR COMBINING POLICING FUNCTIONS, CONSOLIDATION OF DELINQUENCY PREVENTION ACTIVITIES, COORDINATION OF YOUTH SERVICES, AND
- (3) ASSURE APPROPRIATELY BALANCED ALLOCATIONS OF ACTION FUNDS BETWEEN THE STATE AND THE UNITS OF GENERAL LOCAL GOVERNMENT IN THE STATE AND AMONG SUCH UNITS.

b. Balanced Distribution. The requirement that an appropriate balance of fund distribution be achieved among local government units does not mean that every local unit must receive a grant from the State. Nor will it permit funds to be concentrated solely in a few locations. There should be a balanced distribution among the cities and counties of various sizes, and their regional or metropolitan groupings.

8j. ALLOCATION TO SUBSTANTIVE AREAS OF LAW ENFORCEMENT AND CRIMINAL JUSTICE

- a. Plan Requirement. PROVIDE DATA SHOWING THAT THE STATE'S DIVISION OF FUNDS AMONG THE PRINCIPAL SUB-DIVISIONS OF LAW ENFORCEMENT, AS REFLECTED IN THE ANNUAL PROGRAM AND ITS MULTI-YEAR PROJECTIONS, MEET THE REQUIREMENT THAT PLANS BE COMPREHENSIVE IN SCOPE.
- b. Comprehensive Coverage of System and Elements. Although no specific formula for allocation of funds is required, State Plans should demonstrate that the needs of the system as a whole and all of its component parts (police, courts, corrections, drug abuse, juvenile delinquency and general crime prevention) have been considered and that a rational and equitable allocation of funds is being made. If any major law enforcement and criminal justice element (corrections, police, prosecution, etc.) is not included in significant degree either the annual or multi-year program or priorities, an explanation of the basis for the omission should be provided here or elsewhere in the plan.

81. JUVENILE JUSTICE AND DELINQUENCY PREVENTION.

- a. Juvenile Justice. The Act requires that each Comprehensive State Plan must direct adequate attention to the problems of juvenile justice, whether or not juvenile justice is funded through the State Planning Agency.
- b. Plan Requirement. SUMMARY PAGE REFERENCE: PROVIDE A PAGE REFERENCE TO THE LOCATION OF ALL PERTINENT TEXT AND DATA RELEVANT TO JUVENILE JUSTICE ACTIVITIES OF THE STATE PLANNING AGENCY AND OTHER AGENCIES WITHIN THE STATE.
- c. Reserved. (Maintenance of Effort)

82. RESERVED (FOR GUIDELINES TO IMPLEMENT THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974).83. TECHNICAL ASSISTANCEa. REQUIREMENTS.

- (1) The Act requires [Section 303(a)(10)] that the comprehensive plan shall demonstrate the willingness of the State to contribute technical assistance or services for programs and projects contemplated by the statewide comprehensive plan. Technical Assistance is defined to include: conferences, lectures, seminars, workshops, on-site assistance, training, and publications, as those activities are provided to planning and operating agencies to assist them in developing and implementing comprehensive planning and management techniques, in identifying the most effective techniques of controlling specific crime problems, in implementing new programs and techniques, and in assisting citizens and other groups in developing projects to participate in crime reduction and criminal justice improvements.
- (2) The planned delivery of technical assistance is primarily a way to respond efficiently and effectively to the problems and needs addressed within the State plan, and ultimately is a major vehicle for ensuring effective plan implementation. It is essential to develop a technical assistance strategy which encompasses all levels of the LEAA delivery system -- local, regional, State and national.
- (3) Grantees or sub-grantees do not always possess the expertise they need to perform effectively and to achieve the objectives stated within the grant. Even when assistance or services are available they may not be delivered in an efficient, cost-effective manner. For instance, a State may have a number of police departments experiencing the same or very similar records management utilization problems. A technical assistance strategy would

not only identify problems but would also identify and target the resources to respond to those problems in a systematic manner.

- b. Plan Requirement. STATE PLANNING AGENCIES MUST FORMULATE AND INDICATE A WILLINGNESS TO IMPLEMENT A COMPREHENSIVE PROGRAM OF TECHNICAL ASSISTANCE OR SERVICES FOR PROGRAMS AND PROJECTS CONTEMPLATED BY THE COMPREHENSIVE PLAN. THE COMPREHENSIVE PROGRAM MUST DETAIL THE STRATEGY THE SPA WILL FOLLOW IN DELIVERING TECHNICAL ASSISTANCE OR ASSURING THAT TECHNICAL ASSISTANCE IS PROVIDED. IF SUCH A STRATEGY STATEMENT IS NOT CONTAINED ELSEWHERE IN THE PLAN, IT MUST BE SET FORTH HERE. IF IT IS CONTAINED IN THE PLAN, A PAGE REFERENCE TO THE LOCATION OF ALL PERTINENT TEXT AND DATA RELEVANT TO THE STATE'S PLAN FOR TECHNICAL ASSISTANCE IS TO BE PROVIDED HERE.
- c. Presentation of Technical Assistance Plan. If the technical assistance plan is contained in the relevant sections of the comprehensive plan, it should still address the same elements as those indicated below. For SPAs who set forth their technical assistance plan here, the following elements of such a plan should be included.
- (1) An inventory of the resources within the State available to address the technical assistance priorities. This inventory should include but is not limited to a description of services, expertise, and resources available within the State, both within the SPA and elsewhere in the State in both public and private agencies.
 - (2) An assessment and analysis of the technical assistance needs and problems surfaced within the State plan.
 - (3) As far as possible, a prioritization of those technical assistance needs, describing the process by which such priorities were made.
 - (4) A technical assistance program plan which:
 - (a) Specifies which resources described above will be utilized to address specific needs and priorities.

- (b) Describes how these resources will be utilized and delivered to respond to the identified priorities;
 - (c) Identifies those needs for which appropriate resources are not available;
 - (d) Specifies a strategy for following up the delivery of services and resources and for determining the efficacy of such services and resources;
 - (e) Describes how the SPA can transfer exemplary or effective services to agencies and organizations having similar problems which had been successfully addressed in other agencies and organizations.
- d. The appropriate LEAA Regional Office will be prepared to assist the SPA in the fulfillment of these requirements through training in needs assessment and resources identification, through a Regional Office technical assistance plan, and through a region-wide inventory of technical assistance resources.

84. PART E SPECIAL REQUIREMENTS.

- a. Plan Requirement. SUMMARY PAGE REFERENCE: PROVIDE A PAGE REFERENCE TO THE LOCATION OF ALL PERTINENT TEXT AND DATA RELEVANT TO THE PART E COMPREHENSIVE STATEWIDE PROGRAM FOR THE CONSTRUCTION, ACQUISITION OR RENOVATION OF CORRECTIONAL INSTITUTIONS AND FACILITIES AND THE IMPROVEMENT OF CORRECTIONAL PROGRAMS AND PRACTICES THROUGHOUT THE STATE.
- b. The Act requires that the State Planning Agency in order to be eligible for Part E funds provide satisfactory assurances that correctional programs and projects meet certain advanced standards. These standards are set forth and explained below. Upon acceptance of the Action Grant (Part C and Part E) and the General Conditions Applicable to the Administration of Grants under Part C and Part E of Title I, P.L. 90-351, as amended (see appendix 4-3), the State Planning Agency certifies and assures that it will meet the advanced standards enumerated in Section 453 of the Act.

c. Property Assurance.

- (1) Assurance. Provide satisfactory assurances that the control of the funds and title to property derived therefrom shall be in a public agency for the uses and purposes provided in Part E and that a public agency will administer those funds and that property.
- (2) Explanation. Public agencies shall be deemed to include all State or local agencies or units of government [Section 601(i) of the Act]. The plan includes assurances that:
 - (a) Title and control of funds may not be transferred to private agencies, profit-making or otherwise, even though these agencies may be utilized in the implementation of Part E efforts including the purchase of service.
 - (b) Part E funds and property are not diverted to other than correctional uses.

d. Prohibition Against Reduction of Part C Funds.

- (1) Assurance. Provide satisfactory assurances that the availability of funds under Part E shall not reduce the amount of funds under Part C which a State would, in the absence of Part E, allocate for the purpose of corrections.
- (2) Explanation.
 - (a) The required statutory assurances shall be assumed to have been provided if:
 - 1 The State retains the aggregate Part C investment in correctional (adult and juvenile) program patterns reflected in the multi-year projections of prior Comprehensive Plans (Fiscal Year 1971 should be used as a base); and
 - 2 The Part C commitment to corrections reflects at least a continuance of satisfactory prior years' planned and funded emphasis.

(b) The State will be presumed NOT to have met the statutory requirement for Part E eligibility and will be required to furnish proof of eligibility if:

- 1 The above conditions are not met; or
- 2 Prior commitment to corrections in context with the multi-year component suggest a pattern of insufficient emphasis on Part C correctional programming.

e. Design Techniques.

- (1) Assurance. Certify that Part E programming will utilize advanced techniques in the design of institutions and facilities.
- (2) Explanation. Use of advanced design techniques (further defined in the following pages) include the prohibition of the following without prior LEAA approval:
 - (a) Construction of an adult facility having an operating capacity in the aggregate of more than 400 persons or a total site preparation, construction, and outfitting cost of more than \$8 million.
 - (b) Construction of juvenile facility having an operating capacity in the aggregate of more than 150 persons or a total site preparation, construction, and outfitting cost of more than \$4 million.

f. Regional Sharing.

- (1) Assurance. Where feasible and desirable, certify that provisions will be made for the sharing of correctional institutions and facilities on a regional basis.
- (2) Explanation. Wherever a correctional institution or facility is proposed for a single urban center and there are adjacent suburban areas with insufficient offenders to warrant a separate facility and for which there is no provision in the State plan for access to comparable facilities, it shall be presumed that regional sharing with such areas is feasible and desirable and the SPA shall have the burden of establishing that inclusion of such outlying areas is not feasible or desirable.

g. Personnel Upgrading.

- (1) Assurance. Provide satisfactory assurances that the State is engaging in projects and programs to improve the recruiting, organization, training and education of personnel employed in correctional activities, including those of probation, parole and rehabilitation.
- (2) The State plan must provide a clear idea of ongoing and proposed manpower improvement efforts in its corrections systems.
 - (a) This specification shall not be deemed satisfied in any State where the Multi-Year Plan does not provide for staged implementation of:
 - 1 At least 80 hours recruit training, at entry into duty or during the first year of tenure for both guards and correctional officers on the one hand and probation and parole officers on the other, and
 - 2 At least 20 hours of in-service or refresher training per year for all such correctional personnel with more than one year of tenure.
 - (b) In offering such assurances, States will be deemed to have agreed to pursue these minimum training requirements. The plan should provide for the necessary programs to achieve the multi-year objectives if these do not already exist.

h. Construction Consultation--Assurances. With respect to the planning and development of architectural design or construction drawings for the construction or renovation of correctional institutions or facilities, the State Planning Agency, the grantee or subgrantee will:

- (1) Consult with and provide relevant documents to the National Clearinghouse for Criminal Justice Planning and Architecture at the University of Illinois.
- (2) Obtain a certification of compliance with national standards.
- (3) Verify that no funds will be expended until such certification is obtained.

- i. Routine Upkeep Prohibition--Assurances. The State Planning Agency must assure that Part E funds will not be used for the routine repair, maintenance, or upkeep of correctional institutions or facilities. With respect to construction, acquisition and renovation, Part E funds may only be used for such institutions and facilities or portions thereof, which substantially provide or contribute to providing confinement or rehabilitation for those charged with or convicted of violation of the law.
- j. Special Program Requirements for Construction Program Applications.
- (1) Assurance. As a condition for receipt of Part E funds for the planning, construction, acquisition, or renovation of adult or juvenile correctional institutions or facilities, the State Planning Agency will require that all applicants demonstrate adherence to the following program elements (to the extent applicable to the particular project presented and area or region to be served by the proposed facility).
 - (2) Program Elements.
 - (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 dispositions for fines, suspended sentences, probation, institutional sentences and other alternatives, and rates of parole.)
 - (b) Special provision for the treatment, particularly in community-based programs, of alcohol and drug abusers.
 - (c) Architectural provision for the complete separation of juvenile, adult female, and adult male offenders.
 - (d) Specific study for the feasibility of sharing facilities on a regional (multi-State or multi-county or regional within State, 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 contract agreements with the Bureau of Prisons.

k. Special Administrative Requirements for Construction Program Applications.

- (1) Assurances. Certify that special administrative requirements dealing with objectives, architectural and cost data, contractual arrangements, etc., will be made applicable to subgrantees and contractors.
- (2) Specific Elements.
 - (a) In addition to meeting the requirements of sub-paragraphs 84j(2)(a) through 84j(2)(f) above, applications for construction funds shall be accompanied by a statement of objectives of the proposed facilities, architectural programs, schematics, outline specifications, and cost estimates.
 - (b) Applications for construction funds must include a certification of the manner and means through which needed contractual services (site preparation, utility installation, building construction, purchases of equipment and fixtures, etc.) will be obtained in accordance with the applicable provisions of appropriate State and/or local law, rules or regulations. Normally, this must include some system of competitive bid solicitation. The use of separate contracts for construction and equipment is encouraged.
 - (c) Grants or subgrants of Part E funds for facilities, construction or renovation, regardless of size, shall require that architectural and other needed professional services shall be obtained upon the basis and consideration of professional competence to deliver the required services. Contractual fee obligations for such services shall be in accordance with the prevailing suggested fee schedules of recognized professional organizations, such as the American Institute of Architects.

- (d) The foregoing requirements shall be incorporated as part of the standard fiscal conditions for award of Part E grants, applicable to State Planning Agencies and their subgrantees and contractors.

1. Community-Based Emphasis.

- (1) Plan Requirement. SHOW HOW THE PART E PROGRAMING PROVIDES SATISFACTORY EMPHASIS ON THE DEVELOPMENT AND OPERATION OF COMMUNITY-BASED CORRECTIONAL FACILITIES AND PROGRAMS, INCLUDING DIAGNOSTIC SERVICES, HALFWAY HOUSES, PROBATION AND OTHER SUPERVISORY RELEASE PROGRAMS FOR PREADJUDICATION AND POST ADJUDICATION REFERRAL OF DELINQUENTS, YOUTHFUL OFFENDERS, AND COMMUNITY-ORIENTED PROGRAMS FOR THE SUPERVISION OF PAROLEES.
- (2) This may be shown by using Part E data and projections from the multi-year plan or through the use of cross-reference to other plan material or community-based program plans or priorities. In describing the emphasis on community-based correctional programs the State should specify the percentage of the State's Part E allocation designated for construction programs and the percentage designated for community-based correctional programs. Also, consistent with statutory emphasis on areas "characterized by both high crime incidence and high law enforcement activity," it is expected that a major portion of Part E support will assist efforts in large cities, large counties, metropolitan areas, and populous urban centers.

m. Personnel Standards.

- (1) Plan Requirement. PROVIDE THE STATE'S PERSONNEL STANDARDS AND PROGRAMS FOR CORRECTIONAL PERSONNEL WHICH REFLECT ADVANCED PRACTICES. IF THESE STANDARDS AND PROGRAMS REFLECTING ADVANCED PRACTICES DO NOT CURRENTLY EXIST, EXPLAIN WHAT STEPS THE STATE IS TAKING TO ESTABLISH ADVANCED PERSONNEL STANDARDS AND PROGRAMS. WHEN WILL THESE STANDARDS AND PROGRAMS BE COMPLETED?
- (2) Assurance. The State Planning Agency must assure that the personnel standards and programs of the correctional institutions and facilities receiving Part E funds will reflect advanced practices. The SPA must be aware of the personnel standards and programs which the State is seeking in its correctional institutions and facilities and will condition subgrants in accordance with such standards and programs.

- (3) LEAA Review. LEAA will recognize a degree of flexibility provided plans show a diligent effort to undertake substantial upgrading from current base levels within the State and its correctional system. If this requirement is met or provision for implementation exists in another section only a cross-reference is necessary.

n. Narcotic and Alcoholism Treatment.

- (1) Plan Requirement. PART E PROGRAMMING MUST DESCRIBE HOW THE STATE WILL CONDUCT A CONCERTED EFFORT TO PROVIDE VOLUNTARY DRUG AND ALCOHOLISM TREATMENT PROGRAMS FOR DRUG ADDICTS, DRUG ABUSERS, ALCOHOLICS, AND ALCOHOL ABUSERS WHO ARE EITHER WITHIN CORRECTIONAL INSTITUTIONS OR FACILITIES OR WHO ARE ON PROBATION OR OTHER SUPERVISORY RELEASE PROGRAMS.

(2) Method.

- (a) States must identify through cross-reference or other plan material all available resources for the provision of treatment services. This identification should be coordinated with the single State agency(s) for drug abuse and alcoholism and should include:
- 1 Drug and alcohol treatment services within the criminal justice system.
 - 2 Drug and alcohol treatment services within the community.
 - 3 Central Intake or referral services (e.g. Treatment Alternatives to Street Crime Projects) within the criminal justice system and the community.
- (b) States must begin initiating programs to identify drug and alcohol abuses in the correctional system. The identification programs should be able to indicate the overall magnitude of the drug and alcohol abuse problems and permit early identification of all offenders voluntarily admitting to such abuse.
- (c) Each State should begin establishing minimum standards for intake services. These services should include: a physical examination and laboratory examination (conducted periodically and at intake) performed by qualified personnel under the direction of a physician licensed in the jurisdiction in which the

program operates. At a minimum, it should consist of the following: Physical examination stressing infectious liver, cardiac abnormalities, dermatologic sequelae of addiction, and possible concurrent surgical problems;

Complete blood count and differential;

Routine microscopic urinalysis;

Australia Antigen (hepatitis);

Tetanus toxoid as appropriate; and

Biological testing.

- (d) States should document short term objectives setting forth minimum standards of services to be given to all participants as well as a general description of a long range plan for more comprehensive services for FY 1977 and FY 1978. This plan must include components for evaluating new and existing correctional programs as well as community-based follow-up services. The plan must include: Identification of the drug or alcohol abusing population by agency under the supervision of the correctional system;

A catalogue of existing community-based and correctional resources; and

Types of services presently offered and a projection of the types of minimum services to be offered over a three-year period.

- (3) Fiscal Year 1977 Requirements. By October 1, 1976, States must provide such treatment as is necessary for convicted persons with a drug or alcohol problem. The following must be established or provided:

- a. Criteria for patient admissions and terminations.
- b. Adequate facilities, maintained in clean, safe, and attractive conditions.

- c. Intake units, providing physical and laboratory examinations as well as a full personal medical and drug history.
 - d. Educational or job training programs.
 - e. Regularly scheduled individual or group counseling and medical treatment for all program participants conducted by qualified trained personnel.
 - f. Program participation on a voluntary basis only.
- o. Monitoring the Correctional System.

(1) Plan Requirement. SHOW HOW THE STATE PLANS TO PROVIDE FOR ACCURATE AND COMPLETE MONITORING OF THE PROGRESS AND IMPROVEMENT OF THE CORRECTIONAL SYSTEM. THE MONITORING MUST INCLUDE THE RATE OF PRISONER REHABILITATION AND RATES OF RECIDIVISM IN COMPARISON WITH PREVIOUS PERFORMANCE OF THE STATE OR LOCAL CORRECTIONAL SYSTEMS AND CURRENT PERFORMANCE OF OTHER STATE AND LOCAL PRISON SYSTEMS NOT INCLUDED IN THIS PROGRAM.

(2) Definition.

(a) Recidivism rate should be considered as the measure of readmissions to the correctional system for violations of conditional release.

1 Criminal acts that resulted in conviction by a court when committed by individuals who are under correctional supervision or who have been released from correctional supervision within the previous three years.

2 Technical violations of probation or parole in which a sentencing or paroling authority took action that resulted in an adverse change in the offender's legal status.

3 Recidivism rates should not include deaths or transfers to other institutions.

(b) Rehabilitation rate being the opposite of recidivism can be determined from the recidivism rate. Any further refinement would have very questionable statistical validity.

(3) Approaches to Monitoring.

(a) The gathering of needed data for measurement essentially involves identifying and collecting data elements as set forth in the Offender-Based Transaction Statistics System (OBTS) module of the LEAA Comprehensive Data Systems program. By utilizing the concept of the Comprehensive Data System, a State could examine detailed recidivism indicators separately by crime category, by demographic characteristics and by type of institution.

(b) As a minimum requirement the numerical ratio

$$\frac{\text{Re-admissions within one year of release}}{\text{Releases during the base year}}$$

is suggested as the "rate of recidivism" measure to use in monitoring the progress of the correctional system of a given State. Rates should be computed for the specific component of the correctional system—adult felony institutions, local jails and juvenile institutions.

1 Implications for constructing this measure are that the month of release be noted so that the following one year period can be ascertained. For example, persons counted as releases who existed in January of the base year are only counted in the numerator of the ratio if they returned to the institution by January of the following year.

2 Twenty-four months of information is required to produce the first measure.

(c) It is the recommendation of the National Advisory Commission on Criminal Justice Standards and Goals that the measurement of recidivism be pursued for three years after the release of the offender from all correctional supervision. Thus as measurement systems are developed to meet minimum requirements, the capacity and capability to measure recidivism for three years after release should be included.

p. Use of Part E Funds for Construction and Planning Purposes.
Part E funds used for planning should provide for the necessary studies to comply with the above considerations and to prepare a statement of objectives of the proposed facilities, and cost estimates. Applications for the planning and construction projects must indicate the qualifications of persons to be used or sought as program planning consultants.

q. Definitions.

(1) "Satisfactory assurance" or "satisfactory emphasis" means a positive statement indicating specifically, by the provision of data, compliance with the legislative intent. Where standards do not presently meet the statutory requirements concerning appropriate community-based, manpower, and training emphases (in the Part E comprehensive corrections program) provisions for implementation in the plan's action funding under Part C or Part E will be interpreted as "satisfactory assurance" or "emphasis."

(2) "Advance techniques" or "advanced practices," where so used, means comparable to the best contemporary methods, standards, or requirements, as recognized by professional agencies or organizations or as suggested by technical assistance planning and design materials issued by LEAA.

85. PROVISION FOR EVALUATION. THE SPA SHALL HEREIN REVISE AS NECESSARY THE EVALUATION PLAN SET FORTH IN ITS PLANNING GRANT APPLICATION TO INDICATE:

- a. CHANGES IN THE AMOUNT AND SOURCES OF FUNDS TO BE ALLOCATED IN THE COMPREHENSIVE PLAN FOR EVALUATION (PART B, C, AND E FUNDS) AND MONITORING (PART B FUNDS).
- b. CHANGES IN THE ORGANIZATION OF THE EVALUATION AND MONITORING FUNCTIONS AND HOW THEY ARE STRUCTURED WITHIN THE SPA.
- c. THE PROJECTS OR PROGRAMS TO BE INTENSIVELY EVALUATED, THE CRITERIA BY WHICH THEY WERE CHOSEN, AND THE RESOURCES ALLOCATED TO THIS LEVEL OF EVALUATION.

86-89. RESERVED.

SECTION 4. RELATED PLANS, PROGRAMS AND SYSTEMS

90. PLAN REQUIREMENT. DESCRIBE THE RELATIONSHIP OF THE PLAN TO OTHER RELEVANT STATE OR LOCAL LAW ENFORCEMENT PLANS AND SYSTEMS. INCLUDE DISCUSSION OF PLANS OR PROGRAMS HAVING A PARTIAL RELATIONSHIP TO LAW ENFORCEMENT SUCH AS COMMUNITY DEVELOPMENT, COMPREHENSIVE HEALTH, MANPOWER, POVERTY, EDUCATION, REHABILITATION AND ALL LEAA NON-BLOCK PROGRAMS. ALSO INCLUDE JUVENILE JUSTICE OR DELINQUENCY PREVENTION AND CONTROL PLANS IF SUCH PLANNING IS NOT INTEGRATED WITH AND PART OF THIS COMPREHENSIVE PLAN.
91. COVERAGE.
- a. Subsections. Separate subsections should set forth plan relationships with and procedures established to affect coordination with programs and plans under:
- (1) The Juvenile Delinquency Prevention and Control Act of 1968, Elementary and Secondary School Act of 1974 and other relevant acts.
 - (2) The Housing and Community Development Act of 1974.
 - (3) The Highway Safety Act of 1966.
 - (4) Mental health, drug abuse and alcoholism and other social services State plans (as applicable to criminal justice programming).
- b. Discussion. These subsections should include discussion of how law enforcement planning components under such programs are being coordinated with Title 1 planning, joint or cooperative funding efforts with such programs, and what staff contact and coordination is taking place with such programs at the SPA and regional or local planning levels. In any joint or cooperative funding efforts, particular attention should be given in the discussion to describing in detail the procedures that have been established and the coordination which is taking place at the SPA and regional or local planning levels to ensure compliance with the regulations to be issued to implement the recently enacted Joint Funding Simplification Act of 1974.

- c. Other Federal Grant-In-Aid Programs. When not shown elsewhere (e.g., paragraph 73, Program Descriptions) this section should list specific major law enforcement and crime control programs and projects supported under other Federal grant-in-aid programs, particularly the three Federal programs listed above. Descriptive data should include the character of the project, its budget, the grantee agency, and the Federal grantor agency.
- d. Other LEAA Grant Programs. To the greatest extent possible it is recommended that awards under other LEAA programs be incorporated in multi-year and annual action program descriptions, analyses and projections. If not discussed or integrated into the plan elsewhere, project awards to or within the State under the following programs should be listed and described in this section.
- (1) The LEAA Discretionary Grant program,
 - (2) The LEAA manpower development programs, and
 - (3) The LEAA National Institute program.
- e. Comprehensive Data Systems. States participating in the Comprehensive Data Systems (CDS) program of LEAA should provide a separate subsection setting forth the relationship of the CDS program to the States overall plan for information systems and statistics. It is desirable to relate the State's plan for information systems and statistics to the report of the National Advisory Commission on Criminal Justice Standards and Goals relative to Information Systems and Statistics. States not participating in the CDS program should provide a separate subsection setting forth the State's proposed methodology for evaluating the law enforcement and criminal justice problems and needs as required by the Act.
- f. Other Plans or Programs. Discussion should also cover any other State or local law enforcement plans being administered separately from this plan or multi-state plans or programs, not mentioned elsewhere, in which the SPA is cooperating.

- g. Need for Including All Law Enforcement Improvement Activities. The Comprehensive State plans should reflect all law enforcement improvement and criminal justice activities in the State and incorporate efforts supported under other programs in the multi-year program, annual action program and elsewhere, even though support for such effort comes from non-Title I sources. This will permit the Title I plan to become a comprehensive plan for law enforcement, criminal justice and juvenile justice. The SPA must take account in the plan of those activities where its own actions are limited but which must be considered in evaluating total progress and determining where Title I resources should be applied.

SECTION 5. PROGRESS REPORT

92. PLAN REQUIREMENT.

- a. PROVIDE A PROGRESS REPORT FOR EACH PROGRAM IN THE PRIOR YEAR PLAN. THE PROGRESS REPORT MUST INCLUDE THE FOLLOWING ELEMENTS FOR EACH PROGRAM:
1. TITLE AND AMOUNT OF FUNDING
 2. SHORT STATEMENT OF THE GOAL
 3. A DESCRIPTION OR EVALUATION OF THE PROGRAMS:
 - 1 IMPACT ON THE CRIMINAL JUSTICE AND JUVENILE JUSTICE SYSTEMS
 - 2 IMPACT ON A SPECIFIC CRIME PROBLEM
 - 3 DESCRIPTION OF THE EXTENT TO WHICH CONTINUATION SUPPORT FOR EACH PROGRAM AND PROJECT NO LONGER TO BE FUNDED WITH STATE BLOCK GRANT ACTION MONIES HAS BEEN SOUGHT AND OBTAINED OR WILL BE SOUGHT DURING THE PERIOD OF THE CURRENT YEARS' PLAN.
 - 4 DESCRIPTION OR EVALUATION OF PROBLEMS ENCOUNTERED IN SUBSCRIPTION, IMPLEMENTATION, MONITORING, EVALUATION, OR APPLICATIONS OF MISCELLANEOUS FEDERAL OR STATE REQUIREMENTS TO THIS PROGRAM.
 - 5 USE OF RESULTS OF THIS PROGRAM IN FUTURE PLAN DEVELOPMENT AND IMPLEMENTATION.

- b. PROVIDE SPECIFIC REPORTS ON 5-15 SELECTED PROJECTS WHICH HAVE DEMONSTRATED A DOCUMENTED ABILITY TO ATTAIN THE OBJECTIVES SET FOR THEM AND WHICH EVIDENCE PARTICULAR PROMISE OF FUTURE SUCCESS AND POSSIBILITIES FOR REPLICATION ELSEWHERE. THE STATE PLANNING AGENCY MUST SUPPLY FOR EACH SELECTED PROJECT:
1. TITLE AND AMOUNT OF FUNDING
 2. A CLEAR STATEMENT OF THE OBJECTIVES OF THE PROJECT
 3. DATA AVAILABLE THAT SUBSTANTIATE THAT THE PROJECT HAS MET ITS OBJECTIVES
 4. A CLEAR STATEMENT OF HOW AVAILABLE DATA GIVES EVIDENCE THAT THE PROJECT HAS MET ITS OBJECTIVES
 5. STATE PLANNING AGENCY CERTIFICATION THAT IT HAS MONITORED THE PROJECT
 6. RECOMMENDATIONS AS TO HOW THE SUCCESS OF THE PROJECT CAN BE VALIDATED
 7. A LIST OF REFERENCES TO RESPONSIBLE PERSONS INVOLVED IN THE PROJECT WHO COULD ATTEST TO THE SUCCESS OF THE PROJECT
 8. A STATEMENT OF THE STATE PLANNING AGENCY'S FUTURE PLANS FOR THE PROJECT AND HOW THE STATE PLANNING AGENCY WILL USE THE RESULTS OF THIS PROJECT IN FUTURE PROJECT DEVELOPMENT AND IMPLEMENTATION

IN ADDITION THE STATE PLANNING AGENCY MUST RANK ORDER THE SELECTED PROJECTS STARTING FROM THE MOST PROMISING OR MOST SUCCESSFUL AND PROCEEDING DOWNWARD.

93. ALTERNATIVE PROGRESS REPORT. Usually State Progress Reports are prepared for special legislative, public information or other purposes. To the extent such reports, as approved by the LEAA Regional Administrator, can provide a complete program by program view of past funding results and a showing of the uses of these results in plan development and implementation, they may be used in lieu of the format set forth in this section. However, such State Progress Reports shall be approved by the LEAA Administrator as an alternative progress report only if they include each of the elements required in par. 92(a) and only if they include the specific project reports required under par. 92(b). If the State Progress Reports satisfy the requirements of par. 92(a) but do not include the specific project reports required under par. 92(b), the specific project reports may be submitted as a supplement to the State Progress Report.

94. LIMITS TO COVERAGE. The requirements for Progress Reports are primarily concerned with annual action program content and the use of program results in feedback for future plan development. State Planning Agency operations, activities of supervisory boards, regional or local fund distribution, grant administration, etc., are functions which are subject to Part B planning grant reporting requirements.

95.-99. RESERVED.

APPENDIX 3-1. IMPLEMENTATION OF LEAA
STANDARD PROGRAM DESCRIPTORS

1. CONTENT OF APPENDIX. This appendix contains a discussion of the standard program descriptors which have been developed to provide a uniform method of describing the programs contained in the comprehensive plans of the states.

2. SUMMARY OF PROGRAM DESCRIPTOR METHODOLOGY. The program descriptor system provides a way to describe programs in terms of four separate "dimensions" which refer to different facets of any criminal justice program. The dimensions are as follows:

"PRIMARY FUNCTIONAL ENTITY" corresponds to the "who" of a program and specifies the type of operating entity primarily responsible for achieving the objectives of the program.

"PROGRAM THRUST" corresponds to the "what" of a program and answers the question: "For what activity are funds being allocated?"

"CLIENT GROUP" refers to the group which is the object or beneficiary of program activities and answers the question: "For whom are the activities being carried out?"

"CRIME ADDRESSED" refers to crime-specific aspects which may be associated with a given program.

The multi-year plan and annual action program will be coded by attaching the single most appropriate descriptor from each dimension to each program for which LEAA funds are budgeted.

3. USE OF LEAA STANDARD PROGRAM DESCRIPTORS IN FISCAL YEAR 1976. The SPA will attach its own titles and codes to programs contained in the annual action program and multi-year plan segments of the Fiscal Year 1976 Comprehensive Plan. After the comprehensive plan has been approved by the cognizant Regional Office of LEAA, a copy of the plan and its Attachment A will be forwarded by the Regional Office to the Information Systems Division, Office of the Comptroller, LEAA. The latter office will assign the LEAA standard program descriptor codes to the programs in the annual action program and multi-year plan and enter the data into the LEAA Grant Management Information System. A copy of the Attachment A containing the LEAA descriptor codes will be returned to the SPA and RO. When the SPA reports on the implementation of its plan through the "Quarterly Performance Reports by Program" form attached to the H-1 Report, it will identify its programs with the LEAA descriptor codes as well as with its own.

When the SPA provides the LEAA Grant Management Information System with subgrant award data, it will use the LEAA descriptor code to identify the program from which funds for the subgrant were drawn. If the implementation of the project involves more than one type of agency, the SPA should estimate the proportion of Federal funds assigned to each type of agency as defined under the "primary functional entity" dimension of the program descriptors.

4. USE OF THE PROGRAM DESCRIPTORS IN FISCAL YEAR 1977. Beginning with the Fiscal Year 1977 plans, the SPA must attach descriptor codes to each of the programs for which LEAA funds are budgeted in the multi-year plan and annual action program. Programs displayed in Attachment A and in the body of the plan must be coded in terms of the LEAA descriptors. Reports to LEAA on the implementation of the comprehensive plan must use the LEAA descriptor codes. However, the SPA, if it desires, may continue to use its own categories to organize its programs and its own individual program titles. The use of the descriptor codes in this manner will satisfy the information requirements of LEAA with a minimum disruption of the ongoing operational procedures of the SPA's. Detailed instructions on the coding of programs with the descriptors will be issued at a later date.
5. DEFINITIONS OF PROGRAM DESCRIPTORS. This section contains operational definitions of the program descriptors. The table at the end of the appendix summarizes the descriptors within each dimension.

PRIMARY FUNCTIONAL ENTITY - Corresponds to the "who" of a program and specifies the primary operating entity primarily responsible for achieving the objectives.

(1.1.0) Law Enforcement Agencies - All governmental agencies or subagencies whose primary function is the enforcement of State and local laws, and who have arrest/simmons authority, such as local police, County sheriff, State highway patrol, State investigative bureau, and park police/harbor police/port authority police.

(1.2.0) Adult Adjudicatory Agencies - All agencies or subagencies directly involved in the adjudication process.

- (1.2.1) Judiciary - All trial and appellate courts and agencies or subagencies directly involved with court operation such as Administrators Office, Clerk of Court and Case Scheduling Office.
- (1.2.2) Prosecution - Agencies and subagencies which provide prosecutorial services at public expense.
- (1.2.3) Defense - Agencies and subagencies which provide defense services at public expense.
- (1.3.0) Adult Correctional Agencies - Agencies or subagencies which have authority over or provide supervision for convicted persons or persons awaiting trial.
 - (1.3.1) Institutional - Agencies or subagencies which deal with incarcerated persons.
 - (1.3.2) Non-Institutional - Probation and parole agencies, and correctional agencies which operate residential or non-residential facilities within the community.
- (1.4.0) Juvenile Agencies - Agencies and subagencies dealing exclusively with juveniles.
 - (1.4.1) Juvenile Court - Agencies and subagencies engaged in the juvenile "Adjudication" and referral processes.
 - (1.4.2) Community-Based Juvenile Services Agencies - State and local agencies and subagencies which provide community-based services and/or supervision to juveniles such as Youth Service Bureaus, Juvenile Service Agencies, or facilities in the community which are under the control of such agencies.
 - (1.4.3) Institutional Juvenile Agencies - Agencies or subagencies which deal with juveniles incarcerated in juvenile institutions or in clearly segregated sections of adult institutions.

- (1.5.0) Other Government Agencies - Non-criminal justice agencies of the government such as a city public works department or highway department (for street lighting); a city public housing department (for environmental design for the safety of public housing residents); or a city hospital providing a comprehensive drug treatment program.
- (1.6.0) Non-Government Entities - Non-governmental organizations, groups or institutions which may be the direct recipient of funds.
 - (1.6.1) Community Group - Incorporated and unincorporated entities which are not coincident with any of the agency-types discussed above, such as neighborhood organizations, Citizen Task Force, Parent-Teachers Association, YMCA, Boy Scouts, and Boys Clubs.
 - (1.6.2) Academic Institutions - Colleges and universities which engage in training or education of criminal justice personnel, provide criminal justice curricula for degree programs, and conduct research.
- (1.7.0) Combinations of Criminal Justice Agencies - To be used when two or more of the criminal justice agencies, as defined above, share responsibility for carrying out a program, e.g., a program to design, develop, and implement a state-wide criminal justice information system could involve significant participation by law enforcement, judicial and correctional agencies and would be coded with this descriptor.

PROGRAM THRUST - Corresponds to the "what" of a program and answers the question: "For what activity are funds being allocated?"

- (2.1.0.0) Deliver Services - Provision of new or additional services by criminal justice and related agencies.

- (2.1.1.0) Reduce Crime and Delinquency - Activities aimed at the reduction of the incidence of crime and delinquency.
 - (2.1.1.1) Detection and Apprehension - Activities of police and other law enforcement agencies whose purposes are to increase the risk in the commission of crimes, to identify and investigate criminal acts, and to apprehend offenders, such as neighborhood team policing.
 - (2.1.1.2) Reduce Opportunity - Activities whose purpose is to "harden the targets" of criminal activity, including personal self-defense, property identification, security of residences or commercial facilities and street lighting.
 - (2.1.1.3) Reduce Motivation Through Treatment, Rehabilitation, and Other Services - Strategies to reduce motivation for the commission of crimes such as offering employment opportunities, redirecting life-styles of criminally-prone individuals, providing job training and skill development, improvement of family relations, provision of recreational opportunities, encouragement to complete high school, provision of vocational training, and encouragement to participate in community activities.
- (2.1.2.0) Processing Within the Criminal Justice System - Activities which address the processing of defendants or offenders through the criminal justice system, following procedural norms established by common law, statute, and precedent.
- (2.2.0.0) System Support Activities - Activities whose purpose is to improve the ability of criminal justice and related agencies to deliver services.

- (2.2.1.0) Acquire Human Resources - Increase the size of the manpower base within the criminal justice and related agencies.
 - (2.2.1.1) Recruitment - Recruitment of a particular population group, such as ethnic minorities or women.
 - (2.2.1.2) Selection - The process of choosing personnel for employment by such means as the development and implementation of psychological testing procedures.
- (2.2.2.0) Develop Human Resources - The improvement or upgrading of the productivity and morale of existing personnel.
 - (2.2.2.1) Training - The improvement of particular job-related skills, either externally or in-service.
 - (2.2.2.2) Education - Upgrading the capabilities and potential of criminal justice personnel.
- (2.2.3.0) Acquire Equipment - The acquisition of equipment, except that which is part of capital improvements (e.g., a Statewide program to provide central air-conditioning to all correctional institutions).
- (2.2.4.0) Make Capital Improvements - The construction of new facilities or the renovation of existing facilities, including fixed equipment.
- (2.2.5.0) Information Processing - Processes directed toward systematic management control and distribution of information.
 - (2.2.5.1) Automated Information Systems - Activities directed toward the design, development or implementation of an automated system for processing information.

- (2.5.5.2) Communications Systems - Activities directed toward design, development or implementation of a system for communicating information within or among agencies using radio or telecommunications technology.
- (2.2.5.3) Statistical Analysis - The collection, analysis and dissemination of statistical data necessary to plan, implement and evaluate criminal justice activities.
- (2.2.6.0) Conduct Research and Evaluation - Increasing the amount of knowledge about the criminal justice system, either through research or through the evaluation of existing programs.
- (2.2.7.0) Other Management Improvements - Increasing the efficiency and effectiveness of the delivery of services by criminal justice agencies, e.g., by comprehensive management and work flow analyses and organizational studies.
- (2.2.8.0) Legal Reform - Activities which deal with partial or complete revision of criminal codes.

CLIENT GROUP - Answers the question "for whom" the activities are being carried out and refers to the group which is the object or beneficiary of program activities.

- (3.1.0) Adult Offenders - programs designed specifically to provide services to/or otherwise deal with adult offenders.
- (3.1.1) Diverted from Criminal Justice System - Refers to adult offenders who are the object of formally acknowledged and organized efforts to utilize alternatives to initial or continued processing into the criminal justice system.

- (3.2.0) Juveniles - programs designed specifically to provide services to or otherwise deal with juveniles.
 - (3.2.1) Diverted from Criminal Justice System - Refers to juveniles who are the object of formally acknowledged and organized efforts to utilize alternatives to initial or continued processing into the criminal justice system.
- (3.3.0) Citizen Participants in the Criminal Justice System - Refers to programs designed to encourage the involvement of citizens in the criminal justice system. Included would be programs to encourage reporting of crimes to law enforcement agencies and to involve citizens in crime prevention efforts.
 - (3.3.1) Victims/Witnesses - Refers to activities whose purpose is to encourage the participation of victims and witnesses in the criminal justice process.
- (3.4.0) Criminal Justice Personnel/Agencies - Refers to programs specifically designed to provide benefits or services or which are otherwise directed at criminal justice personnel and/or agencies, such as training programs. (For specific definitions of the sub-categories below, see "Primary Functional Entity" dimension.)
 - (3.4.1) Law Enforcement Agencies
 - (3.4.2) Adult Adjudicatory Agencies
 - (3.4.2.1) Judiciary
 - (3.4.2.2) Prosecution
 - (3.4.2.3) Defense
 - (3.4.3) Adult Correctional Agencies
 - (3.4.4) Juvenile Agencies
 - (3.4.4.1) Juvenile Court

(3.4.4.2) Community-Based Juvenile Service Agencies

(3.4.4.3) Institutional Juvenile Agencies

(3.5.0) Other Client Group

CRIME ADDRESSED - Refers to Crime Specific Aspects of a Program.

(4.1.0) No Specific Crime - Activities which fail to explicitly address certain crimes.

(4.2.0) Uniform Crime Classification, Part I - Activities which specifically address Part I crimes as defined in the Uniform Crime Reports Handbook of the FBI.

(4.3.0) Uniform Crime Classification, Part II - Activities which specifically address Part II crimes as defined in the Uniform Crime Reports Handbook of the FBI.

(4.4.0) Special Groupings - Any set of target crimes which do not fall strictly within the Part I or Part II definitions.

(4.4.1) Organized Crime - Deals primarily with the organizational forces directing illegal activities.

(4.4.2) Civil Disorder - Deals with spontaneous and random mass criminal activity, such as arson, looting, and disobedience.

(4.4.3) Narcotics/Alcohol - Deals with possession or use, distribution and criminal behavior linked to addiction.

(4.4.4) Stranger-to-Stranger Violent Crimes - Applies to crimes where the victim and the offender are not known to each other, and includes offenses such as murder, rape, robbery, and aggravated assault.

(4.4.5) Burglary - Applies to anti-burglary efforts.

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- (4.4.6) White-Collar Crimes - Applies to crimes of theft by deceit involving no threat of physical harm to the victim, such as embezzlement, employee theft, consumer fraud, forgery, and blackmail.

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STANDARD PROGRAM DESCRIPTORS

M 4100.1D
APPENDIX 3-1

<u>PRIMARY FUNCTIONAL ENTITY</u>	<u>PROGRAM THRUST</u>	<u>CLIENT GROUP</u>	<u>CRIME ADDRESSED</u>
(1.1.0) Law Enforcement Agencies	(2.1.0.0) Deliver Services	(3.1.0) Adult Offenders	(4.1.0) No Specific Crime
(1.2.0) Adult Adjudicatory Agencies	(2.1.1.0) Reduce Crime and Delinquency	(3.1.1) Diverted from Criminal Justice System	(4.2.0) Uniform Crime Classification, Part I
(1.2.1) Judiciary	(2.1.1.1) Detection and Apprehension	(3.2.0) Juveniles	(4.3.0) Uniform Crime Classification, Part II
(1.2.2) Prosecution	(2.1.1.2) Reduce Opportunity	(3.2.1) Diverted from Criminal Justice System	(4.4.0) Special Groupings
(1.2.3) Defense	(2.1.1.3) Reduce Motivation Through Treatment, Rehabilitation and Other Services	(3.3.0) Citizen Participants in the Criminal Justice System	(4.4.1) Organized Crime
(1.3.0) Adult Correctional Agencies	(2.1.2.0) Processing Within the Criminal Justice System	(3.3.1) Victims/Witnesses	(4.4.2) Civil Disorder
(1.3.1) Institutional	(2.2.0.0) System Support Activities	(3.4.0) Criminal Justice Personnel/Agencies	(4.4.3) Narcotics/Alcohol
(1.3.2) Noninstitutional	(2.2.1.0) Acquire Human Resources	(3.4.1) Law Enforcement Agencies	(4.4.4) Stranger-to-Stranger Violent Crimes
(1.4.0) Juvenile Agencies	(2.2.1.1) Recruitment	(3.4.2) Adult Adjudicatory Agencies	(4.4.5) Burglary
(1.4.1) Juvenile Court	(2.2.1.2) Selection	(3.4.2.1) Judiciary	(4.4.6) White Collar Crimes
(1.4.2) Community-Based Juvenile Service Agencies	(2.2.2.0) Develop Human Resources	(3.4.2.2) Prosecution	
(1.4.3) Institutional Juvenile Agencies	(2.2.2.1) Training	(3.4.2.3) Defense	
(1.5.0) Other Government Agency	(2.2.2.2) Education	(3.4.3) Adult Correctional Agencies	
(1.6.0) Nongovernment Entity	(2.2.3.0) Acquire Equipment	(3.4.4) Juvenile Agencies	
(1.6.1) Community Group	(2.2.4.0) Make Capital Improvements	(3.4.4.1) Juvenile Court	
(1.6.2) Academic Institution	(2.2.5.0) Information Processing	(3.4.4.2) Community-Based Juvenile Service Agencies	
(1.7.0) Combination of Criminal Justice Agencies	(2.2.5.1) Automated Information Systems	(3.4.4.3) Institutional Juvenile Agencies	
	(2.2.5.2) Communications Systems		
	(2.2.5.3) Statistical Analysis	(3.5.0) Other Client Group	
	(2.2.6.0) Conduct Research and Evaluation		
	(2.2.7.0) Other Management Improvements		
	(2.2.8.0) Legal Reform		

CHAPTER 4. THE APPLICATION PROCESS--ACTION GRANTS

SECTION 1. APPLICATIONS FOR ACTION GRANT ADVANCES

100. ADVANCE FUNDS. To permit the continued flow of action grant funds to States for continuing implementation of needed programs, the Law Enforcement Assistance Administration will advance new action money (Part C and Part E) to SPA's at the beginning of the new fiscal year contingent upon the usual continuing resolution passed by the Congress. However, no action grant advances will be made to SPA's that have not submitted full Part B planning grant applications as provided for in this Manual. No second quarter action grant advances will be made to SPA's that have not submitted their comprehensive annual action plan as provided for in this Manual.
- a. Funding Level. These advances for Part C and Part E funds will be 25 percent of the previous fiscal year appropriation level or the President's budget request level, whichever is lower. Advances will be made on a quarterly basis until the appropriation bill is signed.
 - b. Advance Fund Application Form. LEAA Form 4401/1 should be used by the SPA to request advanced action monies. See appendix 4-1 for a copy of this form and also see appendix 4-4 for the exact allocations.
 - c. Eligibility for Advanced Action Funds. States with an approved Comprehensive plan for the previous year (Part C and Part E) may apply for an Advanced Action Grant by completing the LEAA Form 4401/1. This requires insertion of the requested amount, identification of responsible officials (SPA Director and fiscal officer) and a duly authorized signature.

101. ASSURANCES. Advance funds will be awarded without special program, budget or other justification, thereby permitting SPA's to concentrate on the necessary updating, revising and other adjustments required for development of the annual Comprehensive Plan. In accepting the advance allocation, the State will assure that:
- a. The funds awarded will be utilized consistent with the program and fiscal projections in the multi-year component of the State's previous fiscal year Comprehensive Plan.
 - b. The annual Comprehensive Plan submission for the current fiscal year will explain how the advanced funds were used consistently.
 - c. The continued compliance with outstanding report and special condition obligations for the previous Comprehensive Plan are being met.
102. TIMELY SUBMISSION OF APPLICATIONS. To permit the Regional Offices to process and approve advance fund requests by July 1 they should be received by the cognizant LEAA Regional Office by May 31.

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SECTION 2. FULL FISCAL YEAR ACTION GRANT APPLICATION

103. APPLICATION FOR FULL ACTION GRANT. Applications for action grants shall, in all cases, be based on the State's approved Comprehensive Plan, and, in particular, the program descriptions set forth in the Annual Action Program. Accordingly, completion of an application face sheet (LEAA Form 4402/1) with attached Administration grant conditions, a list of action programs and a progress report is all that will be required for the action grant application beyond the plan itself.
- a. Advanced Action Grant. A single application may be used to apply for the State's full current fiscal year action grant allocation under Parts C and E of the Act. If the State has already been awarded part of its funds based on the Multi-year program projections of the prior year plan, the plan must include the projections or specifically show where changes have been made.
 - b. Compliance with Fiscal Year Allocation. If the program descriptions in the Comprehensive State Plan provide for Federal support in excess of the State's current fiscal year allocation, the State Planning Agency must list in the application (Attachment A) only those programs and amounts which will absorb the current allocation and reserve other programs or parts of programs for funding at such time as application for subsequent fiscal year action funds can be made. (See appendix 4-5 for full allocation.)
104. PREPARATION AND SUBMISSION OF APPLICATIONS. The application sheet and representations, program listing attachment and grant conditions are displayed in appendices 4-2 and 4-3 which follow. This material is largely self-explanatory. The following should be noted:
- a. Number of Copies and Mailing. Twelve copies of the application, including the full plan, should be sent to the cognizant LEAA Regional Office.
 - b. Paper Size. To facilitate copying and reproduction, plan pages should not exceed 8-1/2" x 11" in size.
 - c. Signature. Where, under State law or directives, the State Planning Agency Administrator is not the person authorized as sole signatory to make application for the grant, the signature of the proper official should be added to that of the State Planning Agency Administrator.

- d. Attachment A. In this "List of Action Programs for Which Grant Support is Requested," States should list all action programs submitted for current funding, including those for which advance grant awards were made prior to the revised plan submission on the basis of the previously approved plan. Thus, this listing would normally account for and total to an amount equal to each State's full action grant allocation. The LEAA grant in response to the application will likewise be for the full amount of the current year allocation less advance awards. The later award statement will supersede and reference the prior awards.
105. DATE OF SUBMISSION. The submission date for the FY 1976 plan is September 30, 1975. The submission date for the FY 1977 plan is June 30, 1976.
106. CLEARINGHOUSE REVIEW - ENVIRONMENTAL PROTECTION. In addition to regular Office of Management and Budget Circular No. A-95 clearance procedures for Governor's Office comment, each plan must be accompanied by a summary description of the general content of the plan and whether or not an environmental impact statement is required. The plan and summary must be referred to the State Clearinghouse. (To the extent that acquisition, renting, leasing or construction programs, programs involving the use of herbicides or insecticides or other programs having a significant Environmental Impact have identified the actual location of the projects, these programs must also be referred to regional, metropolitan or local clearinghouses.) This action may be concurrent with plan review by LEAA. Prior to LEAA approval, the plan must have a detailed statement on the environmental impact of the action if such impact exists (refer to paragraph 28).
- 107-110. RESERVED.

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APPENDIX 4-1. APPLICATION FOR ACTION GRANT ADVANCE FUNDS

M 4100.1D
Appendix 4-1

OMB NO. 043R0524
APPROVAL EXP. 6/75

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
U. S. DEPARTMENT OF JUSTICE
WASHINGTON, D. C. 20530

APPLICATION FOR ACTION GRANT ADVANCE FUNDS--FISCAL YEAR 19

Application is Hereby Made for An Advance of Action Funds Under Title I, Part C and Part E of the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90-351, 82 Stat. 197) as amended.

By

(insert name of State)

Planning Agency Administrator: (Name, title, address, and telephone number)	Financial Officer: (Name, title, address, and telephone number)
Amount of Advance Applied for: Part C \$ _____ Part E \$ _____ Total \$ _____	

The undersigned represents that:

- (1) The applicant State has on file with LEAA an approved Comprehensive State Plan which is not more than one year in age and which conforms with the purposes and requirements of Title I, of P.L. 90-351, as amended.
- (2) The applicant State will submit, during the fiscal year of this award, a revised and updated Comprehensive State Plan, covering objectives, priorities, and law enforcement improvement programs and funding projections for calendar year 19__ and the two succeeding calendar years (multi-year component).
- (3) In administering funds awarded pursuant to this application, the applicant State will comply with (a) OMB Circular No. A-102, Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments; (b) LEAA's General Conditions Applicable to Administration of Part C and Part E Grants; (c) the LEAA Guideline Manual M 7100.1A, Financial Management for Planning and Action Grants.

- (4) Any federal funds awarded pursuant to this application will be distributed and expended pursuant to and in accordance with the programs and multi-year fund projections contained in the applicant State's current approved plan and such advance funds will not be awarded for any program not specifically approved and clearly set forth in the current Comprehensive Plan. Any departures therefrom; other than to the extent permitted by the Administration's current program and fiscal regulations and guidelines, will be submitted for advance approval by the Administration.
- (5) The applicant State will, in an addenda to its revised and updated Comprehensive Plan submission, explain how the distribution and expenditure of funds awarded pursuant to this application was affected with the priorities, programs, and fund projections of its current approved plan.
- (6) The applicant State has complied with any special grant conditions applicable to planning or action grants previously awarded to the State or, as to those special conditions to which action is not yet due or required; will comply with such conditions within specific deadlines.
- (7) The applicant State will comply with the provisions of P.L. 90-351, P.L. 91-644 and P.L. 93-83 concerning Part C funds; (i) money appropriated in the aggregate (Hard Match); (ii) the State will provide in the aggregate not less than one-half of the non-Federal funding (Buy-In); (iii) the percent of all Federal funds granted to the State Planning Agency that will be available to units of general local government will be at least the percent of the State and local law enforcement expenditures funded and expended in the immediately preceding fiscal year by units of general local government (Variable Pass-Through).
- (8) The State Planning Agency hereby assures that it will comply with and will insure compliance by its subgrantees and contractors with Section 518(c)(1) of the Crime Control Act of 1973 and Title VI of the Civil Rights Act of 1964, and the regulations of the Department of Justice issued to implement Title VI of the Civil Rights Act (28 C.F.R. Part 42, Subpart C) to the end that no person shall, on the grounds of race, color, national origin or sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity funded in whole or in part with funds made available through the Law Enforcement Assistance Administration. The State Planning Agency further will comply with and insure compliance by its subgrantees and contractors with Department of Justice equal employment opportunity regulations in federally assisted programs (28 C.F.R Part 42, Subpart D) to the end that employment discrimination in such programs on the grounds of race, color, creed, sex, or national origin

shall be eliminated. The State Planning Agency further insures that educational institutions comply with the provisions and requirements of Title IX, Section 901, of the Federal Amendments of 1972 (P.L. 92-318) which provides that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving financial assistance from the Department of Justice. The State Planning Agency recognizes the right of the United States to seek judicial enforcement of the foregoing covenants against discrimination, and will include a similar covenant assuring the right of the United States to seek judicial enforcement in its subgrants or contracts.

(Signature and Title of Authorized Official)

(Date)

INSTRUCTIONS FOR APPLICATION FOR ACTION GRANT ADVANCE FUNDS

1. Planning Agency Administrator. This is the individual designated as being responsible for State Planning Agency operations.
2. Financial Officer. This is the State officer who is responsible for receipt, accounting, and disbursement of LEAA grant funds.
3. Amount of Advance Applied For. This may not exceed the State's special allocation earmarked for action grant advance funds.
4. Representations. These require no action by the applicant. They are, however, an integral part of the application, fix the applicant's obligations with respect to funds applied for, and should be reviewed carefully. (Note: Grant conditions referred to in representation (3) are furnished to State Planning Agencies with printed application forms.)
5. Execution. This application must be dated and signed. Any State official authorized to execute and submit grant applications to the Law Enforcement Assistance Administration may sign this application.
6. Number of Copies. Three copies of the application must be completed and submitted to the LEAA Regional Office with jurisdiction covering the applicant State.



LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
U. S. DEPARTMENT OF JUSTICE
WASHINGTON, D. C. 20530

APPLICATION FOR ACTION GRANT

Application Is Hereby Made For A Grant In The Amount Of \$ _____
Under Title I, Part C and Part E of the Omnibus Crime Control and Safe
Streets Act of 1968, as Amended.

By

(insert name of State)

Planning Agency Administrator: (Name, title, address, and telephone number)	Financial Officer: (Name, title, address, and telephone number)
---	---

1. This application is supported by: (Check and complete one)

- The attached revised Comprehensive Plan dated _____.
- The attached (supplement) (amendment) to Comprehensive Plan dated _____.

2. The undersigned represents, on behalf of the applicant agency that:

- a. Any grant awarded pursuant to this application shall be subject to and will be administered in conformity with the General Conditions Applicable to Administration of Grants under Part C and Part E, Title I of P.L. 90-351, as amended, as set forth in Appendix 4-3 of Guideline Manual M 4100.1D.

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- b. Funds awarded will be used only for the programs described in the Section entitled "Annual Action Plan" as set forth in the approved Comprehensive Law Enforcement Plan or in any amendment thereto duly filed with and approved by the Law Enforcement Assistance Administration.
 - c. Not more than one-third of the gross amount of this grant will be expended for compensation of police and other regular law enforcement personnel, exclusive of compensation for time engaged in conducting or undergoing training programs, or compensation for personnel engaged in research, development, demonstration or other short-term programs.
 - d. Any grant funds so expended for compensation of personnel subject to the one-third limitation will be matched by State or local expenditures for increased personnel compensation of equal amount.
3. The State Planning Agency hereby assures that it will comply with and will insure compliance by its subgrantees and contractors with Section 518(c)(1) of the Crime Control Act of 1973, and Title VI of the Civil Rights Act of 1964, and the regulations of the Department of Justice issued to implement Title VI of the Civil Rights Act (28 C.F.R Part 42, Subpart C) to the end that no person shall, on the grounds of race, color, national origin or sex be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity funded in whole or in part with funds made available through the Law Enforcement Assistance Administration. The State Planning Agency further will comply with and insure compliance by its subgrantees and contractors with Department of Justice equal employment opportunity regulations in federally assisted programs (28 C.F.R. Part 42, Subpart D) to the end that employment discrimination in such programs on the grounds of race, color, creed, sex, or national origin shall be eliminated. The State Planning Agency further insures that educational institutions comply with the provisions and requirements of Title IV, Section 901, of the Education Amendments of 1972 (P.L. 92-318) which provides that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving financial assistance from the Department of Justice. The State Planning Agency recognizes the right of the United States to seek judicial enforcement of the foregoing covenants against discrimination, and will include a similar covenant assuring the right of the United States to seek judicial enforcement in its subgrants or contracts.

4. This application (submitted in 12 copies) consists of the following in addition to this form:

Attachment A: List of Action Programs for Which Grant Support is Requested

Attachment B: General Conditions (See Appendix 4-3)

Attachment C: Program Component--Comprehensive Law Enforcement Plan

Attachment D: Progress Report

*Signature of State Planning
Agency Administrator

Date:

* Signature required on original copy only--use Ink. If another authorized State signatory is required for this grant application by State law or executive policy, this should be added, including a reference to position and title.

CONTINUED

2 OF 3

APPENDIX 4-3. GENERAL CONDITIONS APPLICABLE TO
ADMINISTRATION OF GRANTS UNDER PART
C AND PART E OF TITLE I, P. L. 90-351,
AS AMENDED

The applicant State hereby assures and certifies that the State Criminal Justice Planning Agency and its subgrantees and contractors will comply with the LEAA regulations, policies, guidelines, requirements, Office of Management and Budget Circulars Nos. A-87, A-95, and A-102, and LEAA Guideline Manual M 7100.1A, Financial Management of Planning and Action Grants, as they relate to the application, acceptance and use of Federal funds for this federally-assisted Plan. Also, the applicant gives assurance and certifies with respect to the grant that:

1. REPORTS. Each grantee shall submit such reports as the Law Enforcement Assistance Administration shall reasonably request.
2. DISCRIMINATION PROHIBITED. No person shall, on the grounds of race, creed, color, national origin or sex be excluded from participation in, be refused the benefits of, or be otherwise subjected to discrimination under grants awarded pursuant of P.L. 90-351, as amended, or any project, program or activity or subgrant supported by this grant. The grantee must comply with the provisions and requirements of Title VI of the Civil Rights Act of 1964 and regulations issued by the Department of Justice and the Law Enforcement Assistance Administration thereunder as a condition of award of Federal funds and continued grant support. The grantee further must comply with the Justice Department equal employment opportunity regulation in Federally assisted programs, to the end that discrimination in employment practices of State Planning Agencies, law enforcement agencies, and other agencies or offices administering, conducting or participating in any program or activity receiving Federal financial assistance, on the grounds of race, creed, color, sex or national origin, be eliminated. This grant condition shall not be interpreted to require the imposition in State plans or planning agency subgrant programs of any percentage ratio, quota system, or other program to achieve racial balance or eliminate racial imbalance in a law enforcement agency. The United States reserves the right to seek judicial enforcement of this condition.
3. FINANCIAL REPORTS. State Planning Agencies shall submit, such financial reports as may be required, on forms approved by OMB and prescribed by LEAA.
4. INSPECTION AND AUDIT. Accounts and records of the State agency and of local units of government and all other recipients of assistance under this grant, whether by direct grant or contract or by subgrant or sub-contract from primary grantees or contractors, which disburse or utilize grant funds, must be accessible to authorized Federal and

State officials for the purpose of audit and examination. Notice of accessibility as set forth in Section 521 of Title I of P.L. 90-351, as amended, must be incorporated in each grant, subgrant, contract, sub-contract or other document under which funds are to be disbursed. Where permitted by State constitutional provisions, an annual or biennial audit of the planning and action subgrant program must be accomplished by an appropriate State audit agency, State Planning Agency audit staff or a reputable public accounting firm. To the extent that State and local audit systems are determined by the LEAA to be adequate to insure fiscal accountability, they will be relied upon in lieu of Federal audit of grantee and subgrantee accounts. The Administration shall adhere, in all regards, to the principles enunciated in OMB Circular No. A-73, "Audit of Federal Grants-in-Aid to State and Local Governments."

5. MATCHING REQUIREMENTS. The applicant State will comply with the provisions of P.L. 90-351, as amended, concerning Part C and E funds: (i) money appropriated in the aggregate (Hard Match); (ii) for funds passed through to locals, the State will provide in the aggregate not less than one-half of the non-federal funding (Buy-In); (iii) the percent of all Federal funds granted to the State Planning Agency that will be available to units of general local government will be at least the percent of the State and local law enforcement expenditures funded and expended in the immediately preceding fiscal year by units of general local government (Variable Pass-Through).
6. EQUAL EMPLOYMENT OPPORTUNITY PROGRAM. The SPA certifies that it requires, as a condition for the receipt of LEAA funds, a certification by the subgrantee that it has executed and has on file, an Equal Employment Opportunity Program which conforms with the provisions of 28 CFR 42.301 et. seq., subpart E, or in conformity with the foregoing regulation, no Equal Employment Opportunity Program is required.
7. POLITICAL ACTIVITY. The restrictions of the Hatch Act, 5 U.S.C. chap 73 subchapter III concerning political activity by government employees are applicable to State Planning Agency staff members and other State and local government employees whose principal employment is in connection with activities financed, in whole or in part, by Title I grants. Under a 1975 Amendment to the Hatch Act, such State and local government employees now may take an active part in political management and campaigns except they may not be candidates for office.

General Conditions 8 through 22 apply particularly to projects funded in whole or in part with Part E funds, but may apply to projects funded with Part C funds.

8. AVAILABILITY OF FUNDS. State Planning Agencies shall insure that the availability of funds under Part E shall not reduce the amount of funds under Part C which a State would, in the absence of Part E, allocate for the purposes of corrections.

9. CONTROL OF FUNDS AND TITLE TO PROPERTY. The control of Part E funds and Title to Property purchased with Part E funds may not be transferred to private agencies, profit-making or otherwise even though these may be utilized in the implementation of Part E efforts including the purchase of services and Part E funds and property will not be diverted to other than correctional uses.
10. DESIGN TECHNIQUES. The State Planning Agency will insure that Part E projects utilize advanced techniques in the design of Institutions and facilities.
11. CONSTRUCTION CONSULTATION. The State Planning Agency must insure that with respect to construction or renovation of correctional institutions or facilities, that in the planning and development of architectural design or construction drawings the grantee or subgrantee will:
 - a. Consult with and provide relevant documents to the National Clearinghouse for Criminal Justice Planning and Architecture, at the University of Illinois.
 - b. Obtain a certification of compliance with national standards.
 - c. Verify that no funds will be expended until such certification is obtained.
12. REGIONAL SHARING. The State Planning Agency shall insure that where feasible and desirable, provisions will be made for the sharing of correctional institutions and facilities on a regional basis.
13. MAINTENANCE OR UPKEEP OF CORRECTIONAL INSTITUTIONS. The State Planning Agency shall insure that Part E Grant funds will not be used for routine repair, maintenance, or upkeep purposes and further, with respect to construction, acquisition and renovation, may be used only for such institutions and facilities or portions thereof, which substantially provide or contribute to providing confinement or rehabilitation for those charged with or convicted of violation of the law.
14. PERSONNEL STANDARDS. The State Planning Agency shall insure that institutions and facilities receiving Part E funds have personnel standards and programs which reflect advanced practices. The SPA must be aware of the personnel standards and programs which the State is seeking in its correctional institutions and facilities and must assure that subgrants of Part E funds will be conditioned in accordance with such standards and programs in order that LEAA may make the determination that satisfactory assurances exist.

15. RECRUITING, ORGANIZATION, TRAINING. To insure that the State is engaging in projects and programs to improve the recruiting, organization, training and education of personnel employed in correctional activities, including those of probation, parole and rehabilitation, the following minimum requirements shall be met in the programs and projects utilizing Part E funds in whole or in part: (i) at least 80 hours recruit training, at the entry into duty or during the first year of tenure, for both guards and correctional officers on the one hand and probation and parole officers on the other and (ii) at least 20 hours of in-service or refresher training per year for all such correctional personnel with more than one year of tenure.
16. NARCOTIC AND ALCOHOLISM TREATMENT. The State Planning Agency shall insure that correctional institutions and facilities, and probation or other supervisory release programs receiving Part E funds shall have suitable programs for the treatment of drug addicts, drug abusers, alcoholics or alcohol abusers.
17. MONITORING THE CORRECTIONAL SYSTEM. The State Planning Agency shall insure that an accurate and complete monitoring of the progress and improvement of the correctional system is developed. The monitoring system for the State corrections shall include the rate of prisoner rehabilitation and rates of recidivism in comparison with previous performance of the State or local correctional systems and current performance of other State and local prison systems not included in this program.
18. PART E ASSURANCE. The State Planning Agency certifies as a condition for receipt of Part E funds for the planning, construction, acquisition, or renovation of adult or juvenile correctional institutions or facilities, that all applicants will demonstrate, to the extent applicable to the particular project presented and area or region to be served by the proposed facility, adherence to the following:
 - 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 dispositions for fines, suspended sentences, probation, institutional sentences and other alternatives, and rates of parole.)

- b. Special provision for the treatment, particularly in community-based programs, of alcohol and drug abusers.
 - c. Architectural provision for the complete separation of juvenile, adult female, and adult male offenders.
 - d. Specific study for the feasibility of sharing facilities on a regional (multi-State or 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 contract agreements with the Bureau of Prisons.
19. CONDITIONS APPLICABLE TO ALL CONSTRUCTION AND RENOVATION PROGRAM GRANTS. Subgrants of Part E funds for facilities construction or renovation, regardless of size, shall require that architectural and other needed professional services shall be obtained upon the basis and consideration of professional competence to deliver the required services. Contractual fee obligations for such services shall be in accordance with the prevailing suggested fee schedules of recognized professional organizations.
20. SPECIAL REVIEW OF CONSTRUCTION PROGRAMS. In conformity with Section 522 of the Act, the State will not release any grant funds for plans or programs involving the acquisition or construction of law enforcement facilities, without submission of such programs to area-wide agencies as provided in Section 204(a) of the Demonstration Cities and Metropolitan Development Act of 1966 for receipt of comments and recommendations.
21. CONDITIONS APPLICABLE TO LARGE CONSTRUCTION PROGRAM GRANTS. Subgrants of Part E funds for construction or facilities which require letting a contract amounting to \$100,000 or more to a private company or individual must require a bid guarantee equivalent to 5 percent of the bid price, a performance bond on the part of the contractor for 100 percent of the contract price and a payment bond on the part of the contractor for 100 percent of the contract price.

22. CONDITIONS APPLICABLE TO ALL CONSTRUCTION PROGRAM GRANTS. Subgrants of Part E funds for construction purposes shall be accompanied by a statement of objectives of the proposed facilities, architectural programs, schematics, outline specifications and cost estimates; and, shall include a certification of the manner and means through which needed structural services (site preparation, utility through which building construction purchases of equipment and fixture, etc.) will be obtained in accordance with the applicable provisions of appropriate State and/or local law, rules or regulations.
23. GRANTS FOR CONSTRUCTION. The applicant hereby agrees that it will incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the regulations of the Secretary of Labor at 41 CFR chapter 60, which is paid for in whole or in part with funds obtained from the Federal government or borrowed on the credit of the Federal government pursuant to a grant, contract, loan, insurance, or guarantee, or undertaken pursuant to any Federal program involving such grant, contract, loan, insurance, or guarantee, the following equal employment opportunity clause:

During the performance of the contract, the contractor agrees as follows:

- a. The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to insure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer, recruitment or recruitment advertising; layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of the nondiscrimination clause.
- b. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.

- c. The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representative of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- d. The contractor will comply with all provisions for Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.
- e. The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
- f. In the event of the contractor's noncompliance with the non-discrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be cancelled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts or Federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.
- g. The contractor will include the portion of the sentence immediately preceding paragraph (a) and the provisions of paragraphs (a) through (g) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the administering agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

The applicant further agrees that it will be bound by the above equal employment opportunity clause with respect to its own employment practices when it participates in Federally assisted construction work: Provided, that if the applicant so participating is a State or local government, the above equal employment opportunity clause is not applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract.

The applicant agrees that it will assist and cooperate actively with the administering agency and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the equal employment opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor, that it will furnish the administering agency and the Secretary of Labor such information as they may require for the supervision of such compliance, and that it will otherwise assist the administering agency in the discharge of the agency's primary responsibility for securing compliance.

The applicant further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for Government contracts and Federally assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the equal employment opportunity clause as may be imposed upon contractors and subcontractors by the administering agency or the Secretary of Labor pursuant to Part II, Subpart D of the Executive Order. In addition, the applicant agrees that if it fails or refuses to comply with these undertakings, the administering agency may take any or all of the following actions: Cancel, terminate, or suspend in whole or in part this grant (contract, loan, insurance, guarantee); refrain from extending any further assistance to the applicant under the program with respect to which the failure or refund occurred until satisfactory assurance of future compliance has been received from such applicant; and refer the case to the Department of Justice for appropriate legal proceedings.

24. BUILDING ACCESS FOR PHYSICALLY HANDICAPPED. Any building construction funded under Part E allocations and for which there is an intended use that will require that such building or facility be accessible to the public or may result in the employment or residence therein of physically handicapped persons must be so constructed as to assure that physically handicapped persons will have ready access to, and use of such buildings.

25. RELEASE OF INFORMATION. Pursuant to Section 521 of the Act, as amended, all records, papers and other documents kept by recipients of LEAA funds, including State Planning Agencies and their subgrantees and contractors, relating to the receipt and disposition of such funds, are required to be made available to the Administration. These records and other documents submitted to LEAA and State Planning Agencies pursuant to other provisions of the Act, including Comprehensive State Plans and applications for funds, are required to be made available by LEAA under the terms and conditions of the Federal Freedom of Information Act (5 U.S.C. 552). State Planning Agencies must follow applicable LEAA Guidelines as set forth in the LEAA Guideline Manual M 4100.1D, paragraph 32 on release of information and State Planning Agency procedures designed to facilitate local government participation.
26. INFORMATION SYSTEMS. In respect to programs related to Criminal Justice Information Systems, the grantee agrees to insure that adequate provisions are made for system security, the protection of individual privacy and the insurance of the integrity and accuracy of data collection. The grantee further agrees:
- a. That all computer software produced under this grant will be made available to the Law Enforcement Assistance Administration for transfer to authorized users in the criminal justice community without cost other than that directly associated with the transfer. Systems will be documented in sufficient detail to enable a competent data processing staff to adapt the system, or portions thereof, to usage on a computer of similar size and configuration, of any manufacturer.
 - b. To provide a complete copy of documentation to the cognizant Regional Office, upon request, and a complete copy to the Systems Development Division, National Criminal Justice Information and Statistics Service, Law Enforcement Assistant Administration. Documentation will include, but not be limited to System Description, Operating Instructions, User Instructions, Program Maintenance Instructions, input forms, file descriptions, report formats, program listings and flow charts for the system and programs.
 - c. That whenever possible all application programs will be written in ANS COBOL in order that they may be transferred readily to another authorized user. Where the nature of the task requires a scientific programming language, ANS FORTRAN should be used.
 - d. To avail himself, to the maximum extent practicable, of computer software already produced and available without charge. To insure that reasonable effort is extended in this area, LEAA publications and Regional Systems Specialists should be consulted.

27. CRIMINAL PENALTIES.

- a. Whoever embezzles, willfully misapplies, steals, or obtains by fraud or endeavors to embezzle, willfully misapply, steal or obtain by fraud any funds, assets, or property which are the subject of a grant or contract or other form of assistance pursuant to this title, whether received directly or indirectly from the Administration, or whoever receives, conceals, or retains such funds, assets, or property with intent to convert such funds, assets, or property to his use or gain, knowing such funds, assets, or property have been embezzled, willfully misapplied, stolen, or obtained by fraud, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.
- b. Whoever knowingly and willfully falsifies, conceals, or covers up by trick, scheme, or device, any material fact in any application for assistance submitted pursuant to this title or in any records required to be maintained pursuant to this title shall be subject to prosecution under the provisions of section 1001 of title 18, United States Code.
- c. Any law enforcement and criminal justice program or project underwritten, in whole or in part, by any grant, or contract or other form of assistance pursuant to this title, whether received directly or indirectly from the Administration, shall be subject to the provisions of section 371 of title 18, United States Code.

28. CLEAN AIR ACT AND FEDERAL WATER POLLUTION CONTROL ACT VIOLATION. In accordance with the provisions of the Clean Air Act (42 U.S.C. 1857), as amended by P.L. 91-604, the Federal Water Pollution Control Act (33 U.S.C. 1251, et. seq.) as amended by P.L. 92-500 and Executive Order 11738, subgrants or contracts will not be made to parties convicted of offenses under these laws.

29. RELOCATION PROVISIONS. In conformance with the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970, P.L. 91-646, the State Planning Agency shall assure that any program under which LEAA financial assistance must be used to pay all or part of the cost of any program or project which will result in displacement of any personal shall provide that:
- a. 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.
 - b. Relocation and assistance programs shall be provided for such persons in accordance with such regulations issued by the Attorney General.
 - c. Within a reasonable period of time prior to displacement, decent, safe and sanitary replacement must be available to the displaced person in accordance with such regulations as issued by the Attorney General.
 - d. Those persons affected by these provisions will be adequately informed of the available benefits, policies, and procedures relating to the payment of these benefits.

NOTE: For amplification of the Relocation Provisions see LEAA Guideline Manual M 4100.1D, paragraph 31 and LEAA Guideline Manual M 4061.1B.

30. ENVIRONMENTAL IMPACT. Any application for subgrants, subcontracts, etc., involving those actions listed in paragraph 28a, M 4100.1D, must include either an environmental evaluation or a detailed environmental analysis as required by Section 102(2)(C) of the National Environmental Policy Act. Before accepting an environmental evaluation the LEAA Regional Administrator shall make certain that questions are adequately answered, the document has been reviewed by the necessary clearinghouses and a determination can be made of the project's environmental impact. Following this determination, an environmental impact statement or negative declaration, as appropriate, shall be issued.
31. HISTORIC SITES. Before approving subgrant programs involving construction, renovation, purchasing or leasing of facilities the State Planning Agency shall consult with the State Historic Preservation Officer for historic preservation to determine if the undertaking may have an effect on properties listed in the National Register of Historic Places or properties eligible for the National Register. If the undertaking may have an effect, the State Planning Agency must follow the procedures outlined in LEAA Guideline Manual M 4100.1D.
32. USE OF AIRPLANES AND HELICOPTERS. Airplanes and helicopters purchased in whole or in part with grant funds must be used for the purposes stated in the application and may not be used for non-law enforcement purposes by State and local officials.
33. EDUCATIONAL SUPPORT. No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving LEAA financial assistance with the exception of the qualifications set forth in Title IX, Section 901(a) of Public Law 92-318 (86 Stat. 373).
34. PUBLISHED MATERIAL. All published material and written reports submitted under this grant or in conjunction with contracts under this grant must be originally developed material unless otherwise specifically provided in the grant or contract document. When material, not originally developed, is included in the report, it must have the source identified. This identification may be in the body of the report or by footnote. This provision is applicable when the material is in a verbatim or extensive paraphrase format.
35. APPLICABILITY. By appropriate language incorporated in each grant, subgrant, contract, subcontract, or other documents under which funds are to be disbursed, the grantee shall assure that these conditions apply to all recipients of assistance.

36. MEDICAL RESERACH AND PSYCHOSURGERY. The applicant agrees to comply with the provisions of LEAA Guideline G 6060.1A.
37. REPROGRAMMING OF FUNDS. The State Planning Agency on its own cognizance may reprogram funds among action programs to a cumulative amount of 15 percent of any action program of \$10,000 whichever is greater. Reprogramming of funds in excess of the above limits requires prior approval of the cognizant LEAA Regional Office.
38. 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.
39. CONFIDENTIALITY OF RESEARCH INFORMATION. Research information identifiable to an individual, which was obtained through a project funded wholly or in part with LEAA funds, shall remain confidential and copies of such information shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding, pursuant to section 524(a) of the Omnibus Crime Control and Safe Streets Act of 1968 as amended.
40. BUDGET ACT. This grant award, or portion thereof, is conditional upon subsequent congressional or executive action which may result from Federal budget deferral or rescission 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).

APPENDIX 4-4. STATE ALLOCATION PROJECTIONS FOR
FISCAL 1976 ACTION GRANT ADVANCES

APPENDIX 4-4. STATE ALLOCATION PROJECTIONS FOR FISCAL
1976 ACTION GRANT ADVANCES

The projected appropriated amount for fiscal year 1976 Part C block action funds is \$413,666,000 and for Part E funds allocated on a population basis \$48,709,000. Set forth below are State-by-State advance allocations of Part C and Part E funds which correspond to 25 percent of the fiscal year 1976 allocation projection, per paragraph 100.a of the manual. These advance funds will be available to the 50 states, the District of Columbia, the Commonwealth of Puerto Rico and territories and possessions of the United States for the first quarter of fiscal year 1976.

<u>State</u>	<u>Action Part C (000)</u>	<u>Corrections Part E (000)</u>
Alabama	\$ 1,722	\$ 203
Alaska	160	19
Arizona	1,007	119
Arkansas	989	117
California	10,033	1,181
Colorado	1,199	141
Connecticut	1,496	176
Delaware	279	33
Florida	3,763	443
Georgia	2,341	275
Hawaii	408	48
Idaho	377	45
Illinois	5,429	639
Indiana	2,577	303
Iowa	1,391	164
Kansas	1,100	130
Kentucky	1,617	190
Louisiana	1,820	214
Maine	505	60
Maryland	1,979	233
Massachusetts	2,817	332
Michigan	4,402	518
Minnesota	1,890	222
Mississippi	1,126	133
Missouri	2,316	273
Montana	355	42
Nebraska	745	88
Nevada	268	32
New Hampshire	386	46
New Jersey	3,559	419

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<u>State</u>	<u>Action Part C (000)</u>	<u>Corrections Part E (000)</u>
New Mexico	\$ 534	\$ 63
New York	8,849	1,042
North Carolina	2,576	303
North Dakota	309	36
Ohio	5,219	614
Oklahoma	1,297	153
Oregon	1,078	127
Pennsylvania	5,763	678
Rhode Island	470	55
South Carolina	1,323	156
South Dakota	331	39
Tennessee	1,989	234
Texas	5,746	676
Utah	559	66
Vermont	227	27
Virginia	2,353	277
Washington	1,667	196
West Virginia	869	102
Wisconsin	2,205	260
Wyoming	172	20
Dist. of Col.	356	42
American Samoa	15	2
Guam	45	5
Puerto Rico	1,374	162
Virgin Islands	36	4
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TOTALS	\$ 103,417	\$ 12,177

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APPENDIX 4-5. STATE ALLOCATION PROJECTIONS FOR
ACTION GRANTS--FISCAL YEAR 1976

APPENDIX 4-5. STATE ALLOCATION PROJECTIONS FOR
ACTION GRANTS--FISCAL YEAR 1976

The projected appropriation under Title I of the Omnibus Crime Control and Safe Streets Act, as amended, for fiscal year 1976 action grants is Part C -- \$413,666,000 and Part E -- \$48,709,000. The projected appropriation for the transition period of July 1, 1976 to September 30, 1976, necessitated by the change to the new fiscal year per the Budget Act of 1974, is Part C -- \$103,450,000 and Part E -- \$12,250,000. Individual State allocations of these Part C and Part E projections are based on population data provided by the Bureau of the Census.

STATE	POPULATION (000)	FY 1976 ALLOCATION		TRANSITION PERIOD	
		PART C (000)	PART E (000)	PART C (000)	PART E (000)
Alabama	3,546	\$ 6,890	\$ 812	\$ 1,723	\$ 204
Alaska	330	641	76	160	19
Arizona	2,073	4,028	475	1,008	119
Arkansas	2,035	3,955	466	989	117
California	20,652	40,133	4,726	10,037	1,189
Colorado	2,468	4,796	565	1,199	142
Connecticut	3,080	5,985	705	1,497	177
Delaware	573	1,114	131	278	33
District of Columbia	734	1,426	168	357	42
Florida	7,745	15,051	1,772	3,763	446
Georgia	4,818	9,363	1,102	2,341	277
Hawaii	841	1,634	192	409	48
Idaho	776	1,508	178	378	45
Illinois	11,176	21,718	2,557	5,431	643
Indiana	5,304	10,307	1,214	2,578	305
Iowa	2,863	5,564	655	1,391	165
Kansas	2,264	4,400	518	1,101	130
Kentucky	3,328	6,467	761	1,617	191
Louisiana	3,746	7,280	857	1,821	216
Maine	1,039	2,019	238	505	60
Maryland	4,074	7,917	932	1,980	234
Massachusetts	5,799	11,269	1,327	2,818	334
Michigan	9,061	17,608	2,074	4,404	521
Minnesota	3,890	7,559	890	1,890	224
Mississippi	2,317	4,503	530	1,126	133
Missouri	4,768	9,266	1,091	2,317	274
Montana	730	1,419	167	355	42
Nebraska	1,533	2,979	351	745	88
Nevada	551	1,071	126	268	32
New Hampshire	794	1,543	182	386	46
New Jersey	7,325	14,235	1,676	3,560	422
New Mexico	1,099	2,136	251	534	63

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STATE	POPULATION (000)	FY 1976 ALLOCATION		TRANSITION PERIOD	
		PART C (000)	PART E (000)	PART C (000)	PART E (000)
New York	18,214	\$ 35,395	\$ 4,170	8,851	1,048
North Carolina	5,302	10,303	1,213	2,577	305
North Dakota	635	1,234	145	308	37
Ohio	10,743	20,877	2,458	5,221	618
Oklahoma	2,669	5,187	611	1,297	154
Oregon	2,219	4,312	508	1,078	128
Pennsylvania	11,862	23,051	2,714	5,764	683
Rhode Island	967	1,879	221	470	56
South Carolina	2,724	5,294	623	1,324	157
South Dakota	682	1,325	156	331	39
Tennessee	4,095	7,958	937	1,990	236
Texas	11,828	22,985	2,706	5,748	681
Utah	1,150	2,235	263	559	66
Vermont	466	906	106	227	27
Virginia	4,844	9,413	1,108	2,355	279
Washington	3,431	6,667	785	1,668	197
West Virginia	1,788	3,475	409	869	103
Wisconsin	4,539	8,821	1,039	2,206	261
Wyoming	353	686	80	172	20
American Samoa	30	58	7	14	2
Guam	93	181	21	45	5
Puerto Rico	2,829	5,498	647	1,375	163
Virgin Islands	73	142	17	35	4
TOTALS		\$ 413,666	\$ 48,709	\$ 103,450	\$ 12,250

APPENDIX 1.



Public Law 93-83
93rd Congress, H. R. 8152 As amended by
August 6, 1973
Public Law 93-415
93rd Congress, S. 821
September 7, 1974
88 Stat. 1109

[New material underlined]
[Deleted material lined through]

An Act

87 STAT. 197

To amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to improve law enforcement and criminal justice, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Crime Control Act of 1973".

SEC. 2. Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

Crime Control Act of 1973.
82 Stat. 197;
84 Stat. 1981.
42 USC 3701.

"TITLE I - LAW ENFORCEMENT ASSISTANCE

"DECLARATION AND PURPOSE

"Congress finds that the high incidence of crime in the United States threatens the peace, security, and general welfare of the Nation and its citizens. To reduce and prevent crime and juvenile delinquency, and to insure the greater safety of the people, law enforcement and criminal justice efforts must be better coordinated, intensified, and made more effective at all levels of government.

"Congress finds further that crime is essentially a local problem that must be dealt with by State and local governments if it is to be controlled effectively.

"It is therefore the declared policy of the Congress to assist State and local governments in strengthening and improving law enforcement and criminal justice at every level by national assistance. It is the purpose of this title to (1) encourage States and units of general local government to develop and adopt comprehensive plans based upon their evaluation of State and local problems of law enforcement and criminal justice; (2) authorize grants to States and units of local government in order to improve and strengthen law enforcement and criminal justice; and (3) encourage research and development directed toward the improvement of law enforcement and criminal justice and the development of new methods for the prevention and reduction of crime and the detection, apprehension, and rehabilitation of criminals.

"Congress finds further that the high incidence of delinquency in the United States today results in enormous annual cost and immeasurable loss in human life, personal security, and wasted human resources, and that juvenile delinquency constitutes a growing threat to the national welfare requiring immediate and comprehensive action by the Federal Government to reduce and prevent delinquency."

"It is therefore the further declared policy of Congress to provide the necessary resources, leadership, and coordination to (1) develop and implement effective methods of preventing and reducing juvenile delinquency; (2) to develop and conduct effective programs to prevent delinquency, to divert juveniles from the traditional juvenile justice system and to provide critically needed alternatives to institutionalization; (3) to improve the quality of juvenile justice in the United States; and (4) to increase the capacity of State and local governments and public and private agencies to conduct effective juvenile justice and delinquency prevention and rehabilitation programs and to provide research, evaluation, and training services in the field of juvenile justice and delinquency prevention."

"PART A--LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

"SEC. 101. (a) There is hereby established within the Department of Justice, under the general authority of the Attorney General, a Law Enforcement Assistance Administration (hereinafter referred to in this title as 'Administration') composed of an Administrator of Law Enforcement Assistance and two Deputy Administrators of Law Enforcement Assistance, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(b) The Administrator shall be the head of the agency. One Deputy Administrator shall be designated the Deputy Administrator for Policy Development. The second Deputy Administrator shall be designated the Deputy Administrator for Administration.

"PART B--PLANNING GRANTS

"SEC. 201. It is the purpose of this part to encourage States and units of general local government to develop and adopt comprehensive law enforcement and criminal justice plans based on their evaluation of State and local problems of law enforcement and criminal justice.

State planning agencies.

"SEC. 202. The Administration shall make grants to the States for the establishment and operation of State law enforcement and criminal justice planning agencies (hereinafter referred to in this title as 'State planning agencies') for the preparation, development, and revision of the State plan required under section 303 of this title. Any State may make application to the Administration for such grants within six months of the date of enactment of this Act.

"SEC. 203. (a) A grant made under this part to a State shall be utilized by the State to establish and maintain a State planning agency. Such agency shall be created or designated by the chief executive of the State and shall be subject to his jurisdiction. ~~The State planning agency and any regional planning units within the State shall, within their respective jurisdictions, be representative of the law enforcement and criminal justice agencies, units of general local government, and public agencies maintaining programs to reduce and control crime and may include representatives of citizen, professional, and community organizations.~~

"The State planning agency and any regional planning units within the State shall, within their respective jurisdictions, be representative of the law enforcement and criminal justice agencies including agencies directly related to the prevention and control of juvenile delinquency, units of general local government, and public agencies maintaining programs to reduce and control crime, and shall include representatives of citizens, professional, and community organizations including organizations directly related to delinquency prevention."

The regional planning units within the State shall be comprised of a majority of local elected officials.

“(b) The State planning agency shall—

“(1) develop, in accordance with part C, a comprehensive state-wide plan for the improvement of law enforcement and criminal justice throughout the State;

“(2) define, develop, and correlate programs and projects for the State and the units of general local government in the State or combinations of States or units for improvement in law enforcement and criminal justice; and

“(3) establish priorities for the improvement in law enforcement and criminal justice throughout the State.

Functions.

“(c) The State planning agency shall make such arrangements as such agency deems necessary to provide that at least 40 per centum of all Federal funds granted to such agency under this part for any fiscal year will be available to units of general local government or combinations of such units to enable such units and combinations of such units to participate in the formulation of the comprehensive State plan required under this part. The Administration may waive this requirement, in whole or in part, upon a finding that the requirement is inappropriate in view of the respective law enforcement and criminal justice planning responsibilities exercised by the State and its units of general local government and that adherence to the requirement would not contribute to the efficient development of the State plan required under this part. In allocating funds under this subsection, the State planning agency shall assure that major cities and counties within the State receive planning funds to develop comprehensive plans and coordinate functions at the local level. Any portion of such 40 per centum in any State for any fiscal year not required for the purpose set forth in this subsection shall be available for expenditure by such State agency from time to time on dates during such year as the Administration may fix, for the development by it of the State plan required under this part.

Funds, availability.

“(d) The State planning agency and any other planning organization for the purposes of the title shall hold each meeting open to the public, giving public notice of the time and place of such meeting, and the nature of the business to be transacted, if final action is taken at that meeting on (A) the State plan, or (B) any application for funds under this title. The State planning agency and any other planning organization for the purposes of the title shall provide for public access to all records relating to its functions under this Act, except

Meetings.

Records, accessibility.

such records as are required to be kept confidential by any other provisions of local, State, or Federal law.

“SEC. 204. A Federal grant authorized under this part shall not exceed 90 per centum of the expenses incurred by the State and units of general local government under this part, and may be up to 100 per centum of the expenses incurred by regional planning units under this part. The non-Federal funding of such expenses, shall be of money appropriated in the aggregate by the State or units of general local government, except that the State shall provide in the aggregate not less than one-half of the non-Federal funding required of units of general local government under this part.

Limitation.

“SEC. 205. Funds appropriated to make grants under this part for a fiscal year shall be allocated by the Administration among the States for use therein by the State planning agency or units of general local government, as the case may be. The Administration shall allocate \$200,000 to each of the States; and it shall then allocate the remainder of such funds available among the States according to their relative populations.

Funds, allocation.

March 21, 1975

"PART C—GRANTS FOR LAW ENFORCEMENT PURPOSES

"Sec. 301. (a) It is the purpose of this part to encourage States and units of general local government to carry out programs and projects to improve and strengthen law enforcement and criminal justice.

"(b) The Administration is authorized to make grants to States having comprehensive State plans approved by it under this part, for:

"(1) Public protection, including the development, demonstration, evaluation, implementation, and purchase of methods, devices, facilities, and equipment designed to improve and strengthen law enforcement and criminal justice and reduce crime in public and private places.

"(2) The recruiting of law enforcement and criminal justice personnel and the training of personnel in law enforcement and criminal justice.

"(3) Public education relating to crime prevention and encouraging respect for law and order, including education programs in schools and programs to improve public understanding of and cooperation with law enforcement and criminal justice agencies.

"(4) Constructing buildings or other physical facilities which would fulfill or implement the purpose of this section, including local correctional facilities, centers for the treatment of narcotic addicts, and temporary courtroom facilities in areas of high crime incidence.

"(5) The organization, education, and training of special law enforcement and criminal justice units to combat organized crime, including the establishment and development of State organized crime prevention councils, the recruiting and training of special investigative and prosecuting personnel, and the development of systems for collecting, storing, and disseminating information relating to the control of organized crime.

"(6) The organization, education, and training of regular law enforcement and criminal justice officers, special law enforcement and criminal justice units, and law enforcement reserve units for the prevention, detection, and control of riots and other violent civil disorders, including the acquisition of riot control equipment.

"(7) The recruiting, organization, training, and education of community service officers to serve with and assist local and State

law enforcement and criminal justice agencies in the discharge of their duties through such activities as recruiting; improvement of police-community relations and grievance resolution mechanisms; community patrol activities; encouragement of neighborhood participation in crime prevention and public safety efforts; and other activities designed to improve police capabilities, public safety and the objectives of this section: *Provided*, That in no case shall a grant be made under this subcategory without the approval of the local government or local law enforcement and criminal justice agency.

"(8) The establishment of a Criminal Justice Coordinating Council for any unit of general local government or any combination of such units within the State, having a population of two hundred and fifty thousand or more, to assure improved planning and coordination of all law enforcement and criminal justice activities.

"(9) The development and operation of community-based delinquent prevention and correctional programs, emphasizing halfway houses and other community-based rehabilitation centers for initial preconviction or post-conviction referral of offenders; expanded probationary programs, including paraprofessional and volunteer participation; and community service centers for the guidance and supervision of potential repeat youthful offenders.

"(10) The establishment of interstate metropolitan regional planning units to prepare and coordinate plans of State and local governments and agencies concerned with regional planning for metropolitan areas.

Prohibition.

"(c) The portion of any Federal grant made under this section for the purposes of paragraph (4) of subsection (b) of this section may be up to 50 per centum of the cost of the program or project specified in the application for such grant. The portion of any Federal grant made under this section to be used for any other purpose set forth in this section may be up to 90 per centum of the cost of the program or project specified in the application for such grant. No part of any grant made under this section for the purpose of renting, leasing, or constructing buildings or other physical facilities shall be used for land acquisition. In the case of a grant under this section to an Indian tribe or other aboriginal group, if the Administration determines that the tribe or group does not have sufficient funds available to meet the local share of the cost of any program or project to be funded under the grant, the Administration may increase the Federal share of the cost thereof to the extent it deems necessary. The non-Federal funding of the cost of any program or project to be funded by a grant under this section shall be of money appropriated in the aggregate, by State or individual units of government, for the purpose of the shared funding of such programs or projects.

Limitation.

"(d) Not more than one-third of any grant made under this section may be expended for the compensation of police and other regular law enforcement and criminal justice personnel. The amount of any such grant expended for the compensation of such personnel shall not exceed the amount of State or local funds made available to increase such compensation. The limitations contained in this subsection shall not apply to the compensation of personnel for time engaged in conducting or undergoing training programs or to the compensation of personnel engaged in research, development, demonstration or other short-term programs.

State participation.

"Sec. 302. Any State desiring to participate in the grant program under this part shall establish a State planning agency as described in part B of this title and shall within six months after approval of a planning grant under part B submit to the Administration through such State planning agency a comprehensive State plan developed pursuant to part B of this title.

Comprehensive State plans, requirements.

"Sec. 303. (a) The Administration shall make grants under this title to a State planning agency if such agency has on file with the Administration an approved comprehensive State plan (not more than one year in age) which conforms with the purposes and requirements of this title.

In order to receive formula grants under the Juvenile Justice and Delinquency Prevention Act of 1974 a State shall submit a plan for carrying out the purposes of that Act in accordance with this section and section 223 of that Act.

No state plan shall be approved as comprehensive unless the Administration finds that the plan provides for the allocation of adequate assistance to deal with law enforcement and criminal justice problems in areas characterized by both high crime incidence and high law enforcement and criminal justice activity. No State plan shall be approved as comprehensive, unless it includes a comprehensive program, whether or not funded under this title, for the improvement of juvenile justice. Each such plan shall—

"(1) provide for the administration of such grants by the State planning agency;

"(2) provide that at least the per centum of Federal assistance granted to the State planning agency under this part for any fiscal year which corresponds to the per centum of the State and local law enforcement expenditures funded and expended in the immediately preceding fiscal year by units of general local government will be made available to such units or combinations of such units in the immediately following fiscal year for the development and implementation of programs and projects for the improvement of law enforcement and criminal justice, and that with respect to such programs or projects the State will provide in

the aggregate not less than one-half of the non-Federal funding. Per centum determinations under this paragraph for law enforcement funding and expenditures for such immediately preceding fiscal year shall be based upon the most accurate and complete data available for such fiscal year or for the last fiscal year for which such data are available. The Administration shall have the authority to approve such determinations and to review the accuracy and completeness of such data;

"(3) adequately take into account the needs and requests of the units of general local government in the State and encourage local initiative in the development of programs and projects for improvements in law enforcement and criminal justice, and provide for an appropriately balanced allocation of funds between the State and the units of general local government in the State and among such units;

"(4) provide for procedures under which plans may be submitted to the State planning agency for approval or disapproval, in whole or in part, annually from units of general local government or combinations thereof having a population of at least two hundred and fifty thousand persons to use funds received under this part to carry out a comprehensive plan consistent with the State comprehensive plan for the improvement of law enforcement and criminal justice in the jurisdiction covered by the plan;

"(5) incorporate innovations and advanced techniques and contain a comprehensive outline of priorities for the improvement and coordination of all aspects of law enforcement and criminal justice, dealt with in the plan, including descriptions of: (A)

general needs and problems; (B) existing systems; (C) available resources; (D) organizational systems and administrative machinery for implementing the plan; (E) the direction, scope, and general types of improvements to be made in the future; and (F) to the extent appropriate, the relationship of the plan to other relevant State or local law enforcement and criminal justice, plans and systems;

"(6) provide for effective utilization of existing facilities and permit and encourage units of general local government to combine or provide for cooperative arrangements with respect to services, facilities, and equipment;

"(7) provide for research and development;

"(8) provide for appropriate review of procedures of actions taken by the State planning agency disapproving an application for which funds are available or terminating or refusing to continue financial assistance to units of general local government or combinations of such units;

"(9) demonstrate the willingness of the State and units of general local government to assume the costs of improvements funded under this part after a reasonable period of Federal assistance;

"(10) demonstrate the willingness of the State to contribute technical assistance or services for programs and projects contemplated by the statewide comprehensive plan and the programs and projects contemplated by units of general local government or combinations of such units;

"(11) set forth policies and procedures designed to assure that Federal funds made available under this title will be so used as not to supplant State or local funds, but to increase the amounts of such funds that would in the absence of such Federal funds be made available for law enforcement and criminal justice;

"(12) provide for such fund accounting, audit, monitoring, and evaluation procedures as may be necessary to assure fiscal control, proper management, and disbursement of funds received under this title;

"(13) provide for the maintenance of such data and information, and for the submission of such reports in such form, at such times, and containing such data and information as the National

Institute for Law Enforcement and Criminal Justice may reasonably require to evaluate pursuant to section 402(c) programs and projects carried out under this title and as the Administration may reasonably require to administer other provisions of this title;

"(14) provide funding incentives to those units of general local government that coordinate or combine law enforcement and criminal justice functions or activities with other such units within the State for the purpose of improving law enforcement and criminal justice; and

"(15) provide for procedures that will insure that (A) all applications by units of general local government or combinations thereof to the State planning agency for assistance shall be approved or disapproved, in whole or in part, no later than ninety days after receipt by the State planning agency, (B) if not disapproved (and returned with the reasons for such disapproval, including the reasons for the disapproval of each fairly severable part of such application which is disapproved) within ninety days of such application, any part of such application which is not so disapproved shall be deemed approved for the purposes

of this title, and the State planning agency shall disburse the approved funds to the applicant in accordance with procedures established by the Administration, (C) the reasons for disapproval of such application or any part thereof, in order to be effective for the purposes of this section, shall contain a detailed explanation of the reasons for which such application or any part thereof was disapproved, or an explanation of what supporting material is necessary for the State planning agency to evaluate such application, and (D) disapproval of any application or part thereof shall not preclude the resubmission of such application or part thereof to the State planning agency at a later date.

Funds,
availability.

Any portion of the per centum to be made available pursuant to paragraph (2) of this section in any State in any fiscal year not required for the purposes set forth in such paragraph (2) shall be available for expenditure by such State agency from time to time on dates during such year as the Administration may fix, for the development and implementation of programs and projects for the improvement of law enforcement and criminal justice and in conformity with the State plan.

"(b) No approval shall be given to any State plan unless and until the Administration finds that such plan reflects a determined effort to improve the quality of law enforcement and criminal justice throughout the State. No award of funds which are allocated to the States under this title on the basis of population shall be made with respect to a program or project other than a program or project contained in an approved plan.

"(c) No plan shall be approved as comprehensive unless it establishes statewide priorities for the improvement and coordination of all aspects of law enforcement and criminal justice, and considers the relationships of activities carried out under this title to related activities being carried out under other Federal programs, the general types of improvements to be made in the future, the effective utilization of existing facilities, the encouragement of cooperative arrangements between units of general local government, innovations and advanced techniques in the design of institutions and facilities, and advanced practices in the recruitment, organization, training, and education of law enforcement and criminal justice personnel. It shall thoroughly address improved court and correctional programs and practices throughout the State.

"Sec. 304. State planning agencies shall receive applications for financial assistance from units of general local government and combinations of such units. When a State planning agency determines that such an application is in accordance with the purposes stated in section 301 and is in conformance with any existing statewide com-

prehensive law enforcement plan, the State planning agency is authorized to disburse funds to the applicant.

"Sec. 305. Where a State has failed to have a comprehensive State plan approved under this title within the period specified by the Administration for such purpose, the funds allocated for such State under paragraph (1) of section 306(a) of this title shall be available for reallocation by the Administration under paragraph (2) of section 306(a).

Funds,
reallocation.

"Sec. 306. (a) The funds appropriated each fiscal year to make grants under this part shall be allocated by the Administration as follows:

Funds,
allocation.

"(1) Eighty-five per centum of such funds shall be allocated among the States according to their respective populations for grants to State planning agencies.

"(2) Fifteen per centum of such funds, plus any additional amounts made available by virtue of the application of the provisions of sections 305 and 509 of this title to the grant of any State, may, in the discretion of the Administration, be allocated among the States for grants to State planning agencies, units of general local government, combinations of such units, or private nonprofit organizations, according to the criteria and on the terms and conditions the Administration determines consistent with this title.

Any grant made from funds available under paragraph (2) of this subsection may be up to 90 per centum of the cost of the program or project for which such grant is made. No part of any grant under such paragraph for the purpose of renting, leasing, or constructing buildings or other physical facilities shall be used for land acquisition. In the case of a grant under such paragraph to an Indian tribe or other aboriginal group, if the Administration determines that the tribe or group does not have sufficient funds available to meet the local share of the costs of any program or project to be funded under the grant, the Administration may increase the Federal share of the cost thereof to the extent it deems necessary. The limitations on the expenditure of portions of grants for the compensation of personnel in subsection (d) of section 301 of this title shall apply to a grant under such paragraph. The non-Federal share of the cost of any program or project to be funded under this section shall be of money appropriated in the aggregate by the State or units of general local government, or provided in the aggregate by a private nonprofit organization. The Administration shall make grants in its discretion under paragraph (2) of this subsection in such a manner as to accord funding incentives to those States or units of general local government that coordinate law enforcement and criminal justice functions and activities with other such States or units of general local government thereof for the purpose of improving law enforcement and criminal justice.

"(b) If the Administration determines, on the basis of information available to it during any fiscal year, that a portion of the funds allocated to a State for that fiscal year for grants to the State planning agency of the State will not be required by the State, or that the State will be unable to qualify to receive any portion of the funds under the requirements of this part, that portion shall be available for reallocation to other States under paragraph (1) of subsection (a) of this section.

"Sec. 307. In making grants under this part, the Administration and each State planning agency, as the case may be, shall give special emphasis, where appropriate or feasible, to programs and projects dealing with the prevention, detection, and control of organized crime and of riots and other violent civil disorders.

"Sec. 308. Each State plan submitted to the Administration for approval under section 302 shall be either approved or disapproved, in whole or in part, by the Administration no later than ninety days after the date of submission. If not disapproved (and returned with the reasons for such disapproval) within such ninety days of such application, such plan shall be deemed approved for the purposes of this title. The reasons for disapproval of such plan, in order to be effective for the purposes of this section, shall contain an explanation of which requirements enumerated in section 302(b) such plan fails to comply with, or an explanation of what supporting material is necessary for the Administration to evaluate such plan. For the purposes of this section, the term 'date of submission' means the date on which a State plan which the State has designated as the 'final State plan application' for the appropriate fiscal year is delivered to the Administration.

"Date of
submission,"

"PART D—TRAINING, EDUCATION, RESEARCH, DEMONSTRATION, AND
SPECIAL GRANTS

"SEC. 401. It is the purpose of this part to provide for and encourage training, education, research, and development for the purpose of improving law enforcement and criminal justice, and developing new methods for the prevention and reduction of crime, and the detection and apprehension of criminals.

"SEC. 402. (a) There is established within the Department of Justice a National Institute of Law Enforcement and Criminal Justice (hereafter referred to in this part as 'Institute'). The Institute shall be under the general authority of the Administration. The chief administrative officer of the Institute shall be a Director appointed by the Administrator. It shall be the purpose of the Institute to encourage research and development to improve and strengthen law enforcement and criminal justice, to disseminate the results of such efforts to State and local governments, and to assist in the development and support of programs for the training of law enforcement and criminal justice personnel.

National
Institute of
Law Enforce-
ment and
Criminal
Justice,
establishment.

"(b) The Institute is authorized—

Functions.

"(1) to make grants to, or enter into contracts with, public agencies, institutions of higher education, or private organizations to conduct research, demonstrations, or special projects pertaining to the purposes described in this title, including the development of new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement and criminal justice;

"(2) to make continuing studies and undertake programs of research to develop new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement and criminal justice, including, but not limited to, the effectiveness of projects or programs carried out under this title;

"(3) to carry out programs of behavioral research designed to provide more accurate information on the causes of crime and the effectiveness of various means of preventing crime, and to evaluate the success of correctional procedures;

"(4) to make recommendations for action which can be taken by Federal, State, and local governments and by private persons and organizations to improve and strengthen law enforcement and criminal justice;

"(5) to carry out programs of instructional assistance consisting of research fellowships for the programs provided under this section, and special workshops for the presentation and dissemination of information resulting from research, demonstrations, and special projects authorized by this title;

"(6) to assist in conducting, at the request of a State or a unit of general local government or a combination thereof, local or regional training programs for the training of State and local law enforcement and criminal justice personnel, including but not limited to those engaged in the investigation of crime and apprehension of criminals, community relations, the prosecution or defense of those charged with crime, corrections, rehabilitation, probation and parole of offenders. Such training activities shall be designed to supplement and improve rather than supplant the training activities of the State and units of general local government and shall not duplicate the training activities of the Federal Bureau of Investigation under section 404 of this title. While participating in the training program or traveling in connection with

80 Stat. 499;
83 Stat. 190.

participation in the training program, State and local personnel shall be allowed travel expenses and a per diem allowance in the same manner as prescribed under section 5703 (b) of title 5, United States Code, for persons employed intermittently in the Government service;

"(7) to carry out a program of collection and dissemination of information obtained by the Institute or other Federal agencies, public agencies, institutions of higher education, or private organizations engaged in projects under this title, including information relating to new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement; and

"(8) to establish a research center to carry out the programs described in this section.

"(c) The Institute shall serve as a national and international clearinghouse for the exchange of information with respect to the improvement of law enforcement and criminal justice, including but not limited to police, courts, prosecutors, public defenders, and corrections.

"The Institute shall undertake, where possible, to evaluate the various programs and projects carried out under this title to determine their impact upon the quality of law enforcement and criminal justice and the extent to which they have met or failed to meet the purposes and policies of this title, and shall disseminate such information to State planning agencies and, upon request, to units of general local government.

Survey.

"The Institute shall, before the end of the fiscal year ending June 30, 1976, survey existing and future personnel needs of the Nation in the field of law enforcement and criminal justice and the adequacy of Federal, State and local programs to meet such needs. Such survey shall specifically determine the effectiveness and sufficiency of the training and academic assistance programs carried out under this title and relate such programs to actual manpower and training requirements in the law enforcement and criminal justice field. In carrying out the provisions of this section, the Director of the Institute shall consult with and make maximum use of statistical and other related information of the Department of Labor, Department of Health, Education, and Welfare, Federal, State and local criminal justice agencies and other appropriate public and private agencies. The Administration shall thereafter, within a reasonable time develop and issue guidelines, based upon the need priorities established by the survey, pursuant to which project grants for training and academic assistance programs shall be made.

Guidelines.

Report to
President,
Congress, and
non-Federal
agencies.

"The Institute shall report annually to the President, the Congress, the State planning agencies, and, upon request, to units of general local government, on the research and development activities undertaken pursuant to paragraphs (1), (2), and (3) of subsection (b), and shall describe in such report the potential benefits of such activities of law enforcement and criminal justice and the results of the evaluations made pursuant to the second paragraph of this subsection. Such report shall also describe the programs of instructional assistance, the special workshops, and the training programs undertaken pursuant to paragraphs (5) and (6) of subsection (b).

Grants,
amounts.

"Sec. 403. A grant authorized under this part may be up to 100 per centum of the total cost of each project for which such grant is made. The Administration or the Institute shall require, whenever feasible, as a condition of approval of a grant under this part, that the recipient contribute money, facilities, or services to carry out the purposes for which the grant is sought.

leave to earn such degrees or certificates. Loans to persons assisted under this subsection shall be made on such terms and conditions as the Administration and the institution offering such programs may determine, except that the total amount of any such loan, plus interest, shall be canceled for service as a full-time officer or employee of a law enforcement and criminal justice agency at the rate of 25 per centum of the total amount of such loans plus interest for each complete year of such service or its equivalent of such service, as determined under regulations of the Administration.

Tuition and fees.

"(c) The Administration is authorized to enter into contracts to make, and make, payments to institutions of higher education for tuition, books and fees, not exceeding \$250 per academic quarter or \$400 per semester for any person, for officers of any publicly funded law enforcement agency enrolled on a full-time or part-time basis in courses included in an undergraduate or graduate program which is approved by the Administration and which leads to a degree or certificate in an area related to law enforcement and criminal justice or an area suitable for persons employed in law enforcement and criminal justice. Assistance under this subsection may be granted only on behalf of an applicant who enters into an agreement to remain in the service of a law enforcement and criminal justice agency employing such applicant for a period of two years following completion of any course for which payments are provided under this subsection, and in the event such service is not completed, to repay the full amount of such payments on such terms and in such manner as the Administration may prescribe.

Service agreements.

"(d) Full-time teachers or persons preparing for careers as full-time teachers of courses related to law enforcement and criminal justice or suitable for persons employed in law enforcement, in institutions of higher education which are eligible to receive funds under this section, shall be eligible to receive assistance under subsections (b) and (c) of this section as determined under regulations of the Administration.

Grants.

"(e) The Administration is authorized to make grants to or enter into contracts with institutions of higher education, or combinations of such institutions, to assist them in planning, developing, strengthening, improving, or carrying out programs or projects for the development or demonstration of improved methods of law enforcement and criminal justice education, including—

"(1) planning for the development or expansion of undergraduate or graduate programs in law enforcement and criminal justice;

"(2) education and training of faculty members;

"(3) strengthening the law enforcement and criminal justice aspects of courses leading to an undergraduate, graduate, or professional degree; and

"(4) research into, and development of, methods of educating students or faculty, including the preparation of teaching materials and the planning of curriculums.

The amount of a grant or contract may be up to 75 per centum of the total cost of programs and projects for which a grant or contract is made.

Contract authority.

"(f) The Administration is authorized to enter into contracts to make, and make, payments to institutions of higher education for grants not exceeding \$65 per week to persons enrolled on a full-time basis in undergraduate or graduate degree programs who are accepted for and serve in full-time internships in law enforcement and criminal justice agencies for not less than eight weeks during any summer

Prosecuting attorneys, training program.

Travel expenses; per diem allowance.

80 Stat. 499.

Conditions.

recess or for any entire quarter or semester on leave from the degree program.

"SEC. 407. (a) The Administration is authorized to establish and support a training program for prosecuting attorneys from State and local officers engaged in the prosecution of organized crime. The program shall be designed to develop new or improved approaches, techniques, systems, manuals, and devices to strengthen prosecutive capabilities against organized crime.

"(b) While participating in the training program or traveling in connection with participation in the training program, State and local personnel shall be allowed travel expenses and a per diem allowance in the same manner as prescribed under section 5703(b) of title 5, United States Code, for persons employed intermittently in the Government service.

"(c) The cost of training State and local personnel under this section shall be provided out of funds appropriated to the Administration for the purpose of such training.

"PART E--GRANTS FOR CORRECTIONAL INSTITUTIONS AND FACILITIES

"SEC. 451. It is the purpose of this part to encourage States and units of general local government to develop and implement programs and projects for the construction, acquisition, and renovation of correctional institutions and facilities, and for the improvement of correctional programs and practices.

"SEC. 452. A State desiring to receive a grant under this part for any fiscal year shall, consistent with the basic criteria which the Administration establishes under section 454 of this title, incorporate its application for such grant in the comprehensive State plan submitted to the Administration for that fiscal year in accordance with section 302 of this title.

"SEC. 453. The Administration is authorized to make a grant under this part to a State planning agency if the application incorporated in the comprehensive State plan--

"(1) sets forth a comprehensive statewide program for the construction, acquisition, or renovation of correctional institutions and facilities in the State and the improvement of correctional programs and practices throughout the State;

"(2) provides satisfactory assurances that the control of the funds and title to property derived therefrom shall be in a public agency for the uses and purposes provided in this part and that a public agency will administer those funds and that property;

"(3) provides satisfactory assurances that the availability of funds under this part shall not reduce the amount of funds under part C of this title which a State would, in the absence of funds under this part, allocate for purposes of this part;

"(4) provides satisfactory emphasis on the development and operation of community-based correctional facilities and programs, including diagnostic services, halfway houses, probation, and other supervisory release programs for preadjudication and postadjudication referral of delinquents, youthful offenders, and first offenders, and community-oriented programs for the supervision of parolees;

"(5) provides for advanced techniques in the design of institutions and facilities;

"(6) provides, where feasible and desirable, for the sharing of correctional institutions and facilities on a regional basis;

Prosecuting
attorneys,
training pro-
gram.

Travel expen-
ses; per diem
allowance.

80 Stat. 499.

recess or for any entire quarter or semester on leave from the degree program.

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"(b) While participating in the training program or traveling in connection with participation in the training program, State and local personnel shall be allowed travel expenses and a per diem allowance in the same manner as prescribed under section 5703(b) of title 5, United States Code, for persons employed intermittently in the Government service.

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Conditions.

"Sec. 453. The Administration is authorized to make a grant under this part to a State planning agency if the application incorporated in the comprehensive State plan—

"(1) sets forth a comprehensive statewide program for the construction, acquisition, or renovation of correctional institutions and facilities in the State and the improvement of correctional programs and practices throughout the State;

"(2) provides satisfactory assurances that the control of the funds and title to property derived therefrom shall be in a public agency for the uses and purposes provided in this part and that a public agency will administer those funds and that property;

"(3) provides satisfactory assurances that the availability of funds under this part shall not reduce the amount of funds under part C of this title which a State would, in the absence of funds under this part, allocate for purposes of this part;

"(4) provides satisfactory emphasis on the development and operation of community-based correctional facilities and programs, including diagnostic services, halfway houses, probation, and other supervisory release programs for preadjudication and postadjudication referral of delinquents, youthful offenders, and first offenders, and community-oriented programs for the supervision of parolees;

"(5) provides for advanced techniques in the design of institutions and facilities;

"(6) provides, where feasible and desirable, for the sharing of correctional institutions and facilities on a regional basis;

"PART F—ADMINISTRATIVE PROVISIONS

Rules and regulations.

"Sec. 501. The Administration is authorized, after appropriate consultation with representatives of States and units of general local government, to establish such rules, regulations, and procedures as are necessary to the exercise of its functions, and are consistent with the stated purpose of this title.

"Sec. 502. The Administration may delegate to any officer or official of the Administration, or, with the approval of the Attorney General, to any officer of the Department of Justice such functions as it deems appropriate.

"Sec. 503. The functions, powers, and duties specified in this title to be carried out by the Administration shall not be transferred elsewhere in the Department of Justice unless specifically hereafter authorized by the Congress.

Subpena power.

"Sec. 504. In carrying out its functions, the Administration, or upon authorization of the Administration, any member thereof or any hearing examiner assigned to or employed by the Administration, shall have the power to hold hearings, sign and issue subpoenas, administer oaths, examine witnesses, and receive evidence at any place in the United States it may designate.

80 Stat. 460;
86 Stat. 1211.

"Sec. 505. Section 5314 of title 5, United States Code, is amended by adding at the end thereof—

"(55) Administrator of Law Enforcement Assistance."

82 Stat. 205,
1312; 86 Stat.
1418.

"Sec. 506. Title 5, United States Code, is amended as follows:

"(a) Section 5315(90) is amended by deleting 'Associate Administrator of Law Enforcement Assistance (2)' and inserting in lieu thereof 'Deputy Administrator for Policy Development of the Law Enforcement Assistance Administration'.

Ante, p. 78.

"(b) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following:

"(133) Deputy Administrator for Administration of the Law Enforcement Assistance Administration."

84 Stat. 1889.

"(c) Section 5108(c) (10) is amended by deleting the word 'twenty' and inserting in lieu thereof the word 'twenty-two'.

Officers and employees.

"Sec. 507. Subject to the civil service and classification laws, the Administration is authorized to select, appoint, employ, and fix compensation of such officers and employees, including hearing examiners, as shall be necessary to carry out its powers and duties under this title.

Federal agencies, cooperation.

"Sec. 508. The Administration is authorized, on a reimbursable basis when appropriate, to use the available services, equipment, personnel, and facilities of the Department of Justice and of other civilian or military agencies and instrumentalities of the Federal Government (not including the Central Intelligence Agency), and to cooperate with the Department of Justice and such other agencies and instrumentalities in the establishment and use of services, equipment, personnel, and facilities of the Administration. The Administration is further authorized to confer with and avail itself of the cooperation, services, records, and facilities of State, municipal, or other local agencies, and to receive and utilize, for the purposes of this title, property donated or transferred for the purposes of testing by any other Federal agencies, States, units of general local government, public or private agencies or organizations, institutions of higher education, or individuals.

Non-Federal offices, utilization.

Noncompliance, withholding of payments.

"Sec. 509. Whenever the Administration, after reasonable notice and opportunity for hearing to an applicant or a grantee under this title, finds that, with respect to any payments made or to be made under this title, there is a substantial failure to comply with—

“(c) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Administration or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

62 Stat. 928.
Programs,
duration.

“Sec. 512. Unless otherwise specified in this title, the Administration shall carry out the programs provided for in this title during the fiscal year ending June 30, 1974, and the two succeeding fiscal years.

“Sec. 513. To insure that all Federal assistance to State and local programs under this title is carried out in a coordinated manner, the Administration is authorized to request any Federal department or agency to supply such statistics, data, program reports, and other material as the Administration deems necessary to carry out its functions under this title. Each such department or agency is authorized to cooperate with the Administration and, to the extent permitted by law, to furnish such materials to the Administration. Any Federal department or agency engaged in administering programs related to this title shall, to the maximum extent practicable consult with and seek advice from the Administration to insure fully coordinated efforts, and the Administration shall undertake to coordinate such efforts.

Federal
agencies,
cooperation.

“Sec. 514. The Administration may arrange with and reimburse the heads of other Federal departments and agencies for the performance of any of its functions under this title.

“Sec. 515. The Administration is authorized—

“(a) to conduct evaluation studies of the programs and activities assisted under this title;

“(b) to collect, evaluate, publish, and disseminate statistics and other information on the condition and progress of law enforcement within and without the United States; and

“(c) to cooperate with and render technical assistance to States, units of general local government, combinations of such States or units, or other public or private agencies, organizations, institutions, or international agencies in matters relating to law enforcement and criminal justice.

Funds appropriated for the purposes of this section may be expended by grant or contract, as the Administration may determine to be appropriate.

“Sec. 516. (a) Payments under this title may be made in installments, and in advance or by way of reimbursement, as may be determined by the Administration, and may be used to pay the transportation and subsistence expenses of persons attending conferences or other assemblages notwithstanding the provisions of the joint resolution entitled ‘Joint resolution to prohibit expenditure of any moneys for housing, feeding, or transporting conventions or meetings’, approved February 2, 1935 (31 U.S.C. sec. 551).

49 Stat. 19.
Restriction.

“(b) Not more than 12 per centum of the sums appropriated for any fiscal year to carry out the provisions of this title may be used within any one State except that this limitation shall not apply to grants made pursuant to part D.

“Sec. 517. (a) The Administration may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates of compensation for individuals not to exceed the daily equivalent of the rate authorized for GS-18 by section 5332 of title 5, United States Code.

Ante, p. 205.
Experts and
consultants.
80 Stat. 416.

“(b) The Administration is authorized to appoint, without regard to the civil service laws, technical or other advisory committees to advise the Administration with respect to the administration of this title as it deems necessary. Members of those committees not otherwise

5 USC 5332
note.

5 USC 5332
note.
80 Stat. 499;
83 Stat. 190.

in the employ of the United States, while engaged in advising the Administration or attending meetings of the committees, shall be compensated at rates to be fixed by the Administration but not to exceed the daily equivalent of the rate authorized for GS-18 by section 5332 of title 5 of the United States Code and while away from home or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of such title 5 for persons in the Government service employed intermittently.

"Sec. 518. (a) Nothing contained in this title or any other Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over any police force or any other law enforcement and criminal justice agency of any State or any political subdivision thereof.

"(b) Notwithstanding any other provision of law nothing contained in this title shall be construed to authorize the Administration (1) to require, or condition the availability or amount of a grant upon, the adoption by an applicant or grantee under this title of a percentage ratio, quota system, or other program to achieve racial balance or to eliminate racial imbalance in any law enforcement agency, or (2) to deny or discontinue a grant because of the refusal of an applicant or grantee under this title to adopt such a ratio, system, or other program.

Discrimination
prohibition.

"(c) (1) No person in any State shall on the ground of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this title.

Noncompliance.

"(2) Whenever the Administration determines that a State government or any unit of general local government has failed to comply with subsection (c) (1) or an applicable regulation, it shall notify the chief executive of the State of the noncompliance and shall request the chief executive to secure compliance. If within a reasonable time after such notification the chief executive fails or refuses to secure compliance, the Administration shall exercise the powers and functions provided in section 509 of this title, and is authorized concurrently with such exercise—

78 Stat. 252.

"(A) to institute an appropriate civil action;
"(B) to exercise the powers and functions pursuant to title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d); or

"(C) to take such other action as may be provided by law.

"(3) Whenever the Attorney General has reason to believe that a State government or unit of local government is engaged in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

Report to
President and
Congress.

"Sec. 519. On or before December 31 of each year, the Administration shall report to the President and to the Congress on activities pursuant to the provisions of this title during the preceding fiscal year.

Appropriations.

"Sec. 520(a) There are authorized to be appropriated such sums as are necessary for the purposes of each part of this title, but such sums in the aggregate shall not exceed \$1,000,000,000 for the fiscal year ending June 30, 1974, \$1,000,000,000 for the fiscal year ending June 30, 1975, and \$1,250,000,000 for the fiscal year ending June 30, 1976. Funds appropriated for any fiscal year may remain available for obligation until expended. Beginning in the fiscal year ending June 30,

1972, and in each fiscal year thereafter there shall be allocated for the purposes of part E an amount equal to not less than 20 per centum of the amount allocated for the purposes of part C. ^{Ante, p. 209.}
^{Ante, p. 199.}

"(b) In addition to the funds appropriated under section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, the Administration shall expend from other Law Enforcement Assistance Administration appropriations, other than the appropriations for administration, at least the same level of financial assistance for juvenile delinquency programs as was expended by the Administration during fiscal year 1972."

As amended by
PL 93-415
Sec. 544

"Sec. 521. (a) Each recipient of assistance under this Act shall keep such records as the Administration shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

Recordkeeping requirements.

"(b) The Administration or any of its duly authorized representatives, shall have access for purpose of audit and examinations to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this title.

"(c) The Comptroller General of the United States, or any of his duly authorized representatives, shall, until the expiration of three years after the completion of the program or project with which the assistance is used, have access for the purpose of audit and examination to any books, documents, papers and records of recipients of Federal assistance under this title which in the opinion of the Comptroller General may be related or pertinent to the grants, contracts, subcontracts, subgrants, or other arrangements referred to under this title.

GAO audit.

"(d) The provisions of this section shall apply to all recipients of assistance under this Act, whether by direct grant or contract from the Administration or by subgrant or subcontract from primary grantees or contractors of the Administration.

"Sec. 522. Section 204(a) of the Demonstration Cities and Metropolitan Development Act of 1966 is amended by inserting 'law enforcement facilities,' immediately after 'transportation facilities,'

80 Stat. 1262;
82 Stat. 208.
42 USC 3334.

"Sec. 523. Any funds made available under parts B, C, and E prior to July 1, 1973, which are not obligated by a State or unit of general local government may be used to provide up to 90 percent of the cost of any program or project. The non-Federal share of the cost of any such program or project shall be of money appropriated in the aggregate by the State or units of general local government.

"Sec. 524. (a) Except as provided by Federal law other than this title, no officer or employee of the Federal Government, nor any recipient of assistance under the provisions of this title shall use or reveal any research or statistical information furnished under this title by any person and identifiable to any specific private person for any purpose other than the purpose for which it was obtained in accordance with this title. Copies of such information shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceedings.

Prohibition.

"(b) All criminal history information collected, stored, or disseminated through support under this title shall contain, to the maximum extent feasible, disposition as well as arrest data where arrest data is included therein. The collection, storage, and dissemination of such information shall take place under procedures reasonably designed to insure that all such information is kept current therein; the Administration shall assure that the security and privacy of all information is adequately provided for and that information shall only be used for law enforcement and criminal justice and other lawful purposes. In addition, an individual who believes that criminal history information concerning him contained in an automated system is inaccurate,

Penalty.

Surplus prop-
erty, cooper-
ative agree-
ments,
75 Stat. 213.
40 USC 484.

incomplete, or maintained in violation of this title, shall, upon satisfactory verification of his identity, be entitled to review such information and to obtain a copy of it for the purpose of challenge or correction.

"(c) Any person violating the provisions of this section, or of any rule, regulation, or order issued thereunder, shall be fined not to exceed \$10,000, in addition to any other penalty imposed by law.

"Sec. 525. The last two sentences of section 203(n) of the Federal Property and Administrative Services Act of 1949 are amended to read as follows: 'In addition, under such cooperative agreements and subject to such other conditions as may be imposed by the Secretary of Health, Education, and Welfare, or the Director, Office of Civil and Defense Mobilization, or the Administrator, Law Enforcement Assistance Administration, surplus property which the Administrator may approve for donation for use in any State for purposes of law enforcement programs, education, public health, or civil defense, or for research for any such purposes, pursuant to subsection (j) (3) or (j) (4), may with the approval of the Administrator be made available to the State agency after a determination by the Secretary or the Director or the Administrator, Law Enforcement Assistance Administration that such property is necessary to, or would facilitate, the effective operation of the State agency in performing its functions in connection with such program. Upon a determination by the Secretary or the Director or Administrator, Law Enforcement Assistance Administration, that such action is necessary to, or would facilitate, the effective use of such surplus property made available under the terms of a cooperative agreement, title thereto may with the approval of the Administrator be vested in the State agency.'

40 USC 3772.

"Sec. 526. The Administrator is authorized to accept and employ, in carrying out the provisions of this Act, voluntary and uncompensated services notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

40 USC 3773.

"Sec. 527. All programs concerned with juvenile delinquency and administered by the Administration shall be administered or subject to the policy direction of the office established by section 201(a) of the Juvenile Justice and Delinquency Prevention Act of 1974.

Note, p. 1112.
40 USC 3774.

"Sec. 528. (a) The Administrator is authorized to select, employ, and fix the compensation of such officers and employees, including attorneys, as are necessary to perform the functions vested in him and to prescribe their functions.

"(b) Notwithstanding the provisions of section 5108 of title 5, United States Code, and without prejudice with respect to the number of positions otherwise placed in the Administration under such section 5108, the Administrator may place three positions in GS-16, GS-17, and GS-18 under section 5332 of such title 5."

5 USC 5332
note.

"PART G--DEFINITIONS

"SEC. 601. As used in this title--

"(a) 'Law enforcement and criminal justice' means any activity pertaining to crime prevention, control or reduction or the enforcement of the criminal law, including, but not limited to police efforts to prevent, control, or reduce crime or to apprehend criminals, activities of courts having criminal jurisdiction and related agencies (including prosecutorial and defender services), activities of corrections, probation, or parole authorities, and programs relating to the prevention, control, or reduction of juvenile delinquency or narcotic addiction.

"(b) 'Organized crime' means the unlawful activities of the members of a highly organized, disciplined association engaged in supplying illegal goods and services, including but not limited to gambling, prostitution, loan sharking, narcotics, labor racketeering, and other unlawful activities of members of such organizations.

"(c) 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

"(d) 'Unit of general local government' means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior, or, for the purpose of assistance eligibility, any agency of the District of Columbia government or the United States Government performing law enforcement functions in and for the District of Columbia and funds appropriated by the Congress for the activities of such agencies may be used to provide the non-Federal share of the cost of programs or projects funded under this title: *Provided, however*, that

such assistance eligibility of any agency of the United States Government shall be for the sole purpose of facilitating the transfer of criminal jurisdiction from the United States District Court for the District of Columbia to the Superior Court of the District of Columbia pursuant to the District of Columbia Court Reform and Criminal Procedure Act of 1970.

D. C. Code prec.
11-101 note.

"(e) 'Combination' as applied to States or units of general local government means any grouping or joining together of such States or units for the purpose of preparing, developing, or implementing a law enforcement plan.

"(f) 'Construction' means the erection, acquisition, expansion, or repair (but not including minor remodeling or minor repairs) of new or existing buildings or other physical facilities, and the acquisition or installation of initial equipment therefor.

"(g) 'State organized crime prevention council' means a council composed of not more than seven persons established pursuant to State law or established by the chief executive of the State for the purpose of this title, or an existing agency so designated, which council shall be broadly representative of law enforcement officials within such State and whose members by virtue of their training or experience shall be knowledgeable in the prevention and control of organized crime.

"(h) 'Metropolitan area' means a standard metropolitan statistical area as established by the Bureau of the Budget, subject, however, to such modifications and extensions as the Administration may determine to be appropriate.

"(i) 'Public agency' means any State, unit of local government, combination of such States or units, or any department, agency, or instrumentality of any of the foregoing.

"(j) 'Institution of higher education' means any such institution as defined by section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)), subject, however, to such modifications and extensions as the Administration may determine to be appropriate.

79 Stat. 1270;
82 Stat. 1042.

"(k) 'Community service officer' means any citizen with the capacity, motivation, integrity, and stability to assist in or perform police work but who may not meet ordinary standards for employment as a regular police officer selected from the immediate locality of the police department of which he is to be a part and meeting such other qualifications promulgated in regulations pursuant to section 501 as the Administration may determine to be appropriate to further the purposes of section 301(b)(7) and this Act.

"(l) The term 'correctional institution or facility' means any place for the confinement or rehabilitation of juvenile offenders or individuals charged with or convicted of criminal offenses.

"(m) The term 'comprehensive' means that the plan must be a total and integrated analysis of the problems regarding the law enforcement and criminal justice system within the State; goals, priorities, and standards must be established in the plan and the plan must address methods, organization, and operation performance, physical and human resources necessary to accomplish crime prevention, identification detection, and apprehension of suspects; adjudication; custodial treatment of suspects and offenders, and institutional and noninstitutional rehabilitative measures.

"(n) The term 'treatment' includes but is not limited to, medical, educational, social, psychological, and vocational services, corrective and preventive guidance and training, and other rehabilitative services designed to protect the public and benefit the addict or other user by eliminating his dependence on addicting or other drugs or by controlling his dependence, and his susceptibility to addiction or use.

87 STAT. 217
87 STAT. 218

"(o) 'Criminal history information' includes records and related data, contained in an automated criminal justice informational system, compiled by law enforcement agencies for purposes of identifying criminal offenders and alleged offenders and maintaining as to such persons summaries of arrests, the nature and disposition of criminal charges, sentencing, confinement, rehabilitation and release.

"PART H—CRIMINAL PENALTIES

"SEC. 651. Whoever embezzles, willfully misapplies, steals, or obtains by fraud or endeavors to embezzle, willfully misapply, steal or obtain by fraud any funds, assets, or property which are the subject of a grant or contract or other form of assistance pursuant to this title, whether received directly or indirectly from the Administration, or whoever receives, conceals, or retains such funds, assets, or property with intent to convert such funds, assets, or property to his use or gain, knowing such funds, assets, or property have been embezzled, willfully misapplied, stolen, or obtained by fraud, shall be fined not more than \$10,000 or imprisoned for not more than five years, or both.

62 Stat. 749.

"SEC. 652. Whoever knowingly and willfully falsifies, conceals, or covers up by trick, scheme, or device, any material fact in any application for assistance submitted pursuant to this title or in any records required to be maintained pursuant to this title shall be subject to prosecution under the provisions of section 1001 of title 18, United States Code.

62 Stat. 701.

"SEC. 653. Any law enforcement and criminal justice program or project underwritten, in whole or in part, by any grant, or contract or other form of assistance pursuant to this title, whether received directly or indirectly from the Administration, shall be subject to the provisions of section 371 of title 18, United States Code.

"PART I—ATTORNEY GENERAL'S BIENNIAL REPORT OF FEDERAL LAW ENFORCEMENT AND CRIMINAL JUSTICE ACTIVITIES

Report to
President and
Congress.

42 USC 3801
note.
18 USC 921
note, 3006A
note, 841,
2510 note.

"SEC. 670. The Attorney General, in consultation with the appropriate officials in the agencies involved, within 90 days of the end of each second fiscal year shall submit to the President and to the Congress a Report of Federal Law Enforcement and Criminal Justice Assistance Activities setting forth the programs conducted, expenditures made, results achieved, plans developed, and problems discovered in the operations and coordination of the various Federal assistance programs relating to crime prevention and control, including, but not limited to, the Juvenile Delinquency Prevention and Control Act of 1968, the Narcotics Addict Rehabilitation Act 1968, the Gun Control Act 1968, the Criminal Justice Act of 1964, title XI of the Organized Crime Control Act of 1970 (relating to the regulation of explosives), and title III of the Omnibus Crime Control and Safe Streets Act of 1968 (relating to wiretapping and electronic surveillance)."

Sec. 3. The amendments made by this Act shall take effect on and after July 1, 1973, except that the offices and salaries modified under sections 101, 505, and 506 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 as amended by this Act shall be modified prospectively only, effective on and after the date of the enactment of this Act. Effective dates.

Approved August 6, 1973.

LEGISLATIVE HISTORY: Public Law 93-83

HOUSE REPORTS: No. 93-249 (Comm. on the Judiciary) and No. 93-401 (Comm. of Conference).
SENATE REPORT No. 93-349 (Comm. of Conference).
CONGRESSIONAL RECORD, Vol. 119 (1973):
June 14, 18, considered and passed House.
June 28, considered and passed Senate, amended, in lieu of S. 1930.
Aug. 2, House and Senate agreed to conference report.

LEGISLATIVE HISTORY: Public Law 93-415

HOUSE REPORTS: No. 93-1135 accompanying H. R. 15276 (Comm. on Education and Labor) and No. 93-1298 (Comm. of Conference).
SENATE REPORTS: No. 93-1011 (Comm. on the Judiciary) and No. 1103 (Comm. of Conference).
CONGRESSIONAL RECORD, Vol. 120 (1974):
July 1, H. R. 15276 considered and passed House.
July 25, considered and passed Senate.
July 31, considered and passed House, amended, in lieu of H. R. 15276.
Aug. 19, Senate agreed to conference report.
Aug. 21, House agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 10, No. 37:
Sept. 8, Presidential statement.

APPENDIX 12.



Public Law 93-415
93rd Congress, S. 821
September 7, 1974

An Act

To provide a comprehensive, coordinated approach to the problems of juvenile delinquency, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Juvenile Justice and Delinquency Prevention Act of 1974".

Juvenile Justice and Delinquency Prevention Act of 1974.
42 USC 5601 note.

TITLE I--FINDINGS AND DECLARATION OF PURPOSE

FINDINGS

SEC. 101. (a) The Congress hereby finds that--

42 USC 5601.

(1) juveniles account for almost half the arrests for serious crimes in the United States today;

(2) understaffed, overcrowded juvenile courts, probation services, and correctional facilities are not able to provide individualized justice or effective help;

(3) present juvenile courts, foster and protective care programs, and shelter facilities are inadequate to meet the needs of the countless, abandoned, and dependent children, who, because of this failure to provide effective services, may become delinquents;

(4) existing programs have not adequately responded to the particular problems of the increasing numbers of young people who are addicted to or who abuse drugs, particularly nonopiate or polydrug abusers;

33 STAT. 1169

(5) juvenile delinquency can be prevented through programs designed to keep students in elementary and secondary schools through the prevention of unwarranted and arbitrary suspensions and expulsions;

39 STAT. 1410

(6) States and local communities which experience directly the devastating failures of the juvenile justice system do not presently have sufficient technical expertise or adequate resources to deal comprehensively with the problems of juvenile delinquency; and

(7) existing Federal programs have not provided the direction, coordination, resources, and leadership required to meet the crisis of delinquency.

(b) Congress finds further that the high incidence of delinquency in the United States today results in enormous annual cost and immeasurable loss of human life, personal security, and wasted human resources and that juvenile delinquency constitutes a growing threat to the national welfare requiring immediate and comprehensive action by the Federal Government to reduce and prevent delinquency.

PURPOSE

SEC. 102. (a) It is the purpose of this Act--

42 USC 5602.

(1) to provide for the thorough and prompt evaluation of all federally assisted juvenile delinquency programs;

(2) to provide technical assistance to public and private agencies, institutions, and individuals in developing and implementing juvenile delinquency programs;

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(3) to establish training programs for persons, including professionals, paraprofessionals, and volunteers, who work with delinquents or potential delinquents or whose work or activities relate to juvenile delinquency programs;

(4) to establish a centralized research effort on the problems of juvenile delinquency, including an information clearinghouse to disseminate the findings of such research and all data related to juvenile delinquency;

(5) to develop and encourage the implementation of national standards for the administration of juvenile justice, including recommendations for administrative, budgetary, and legislative action at the Federal, State, and local level to facilitate the adoption of such standards;

(6) to assist States and local communities with resources to develop and implement programs to keep students in elementary and secondary schools and to prevent unwarranted and arbitrary suspensions and expulsions; and

(7) to establish a Federal assistance program to deal with the problems of runaway youth.

88 STAT. 1110
89 STAT. 1111

(b) It is therefore the further declared policy of Congress to provide the necessary resources, leadership, and coordination (1) to develop and implement effective methods of preventing and reducing juvenile delinquency; (2) to develop and conduct effective programs to prevent delinquency, to divert juveniles from the traditional juvenile justice system and to provide critically needed alternatives to institutionalization; (3) to improve the quality of juvenile justice in the United States; and (4) to increase the capacity of State and local governments and public and private agencies to conduct effective juvenile justice and delinquency prevention and rehabilitation programs and to provide research, evaluation, and training services in the field of juvenile delinquency prevention.

DEFINITIONS

42 USC 5603.

Sec. 103. For purposes of this Act--

(1) the term "community based" facility, program, or service means a small, open group home or other suitable place located near the juvenile's home or family and programs of community supervision and service which maintain community and consumer participation in the planning operation, and evaluation of their programs which may include, but are not limited to, medical, educational, vocational, social, and psychological guidance, training, counseling, alcoholism treatment, drug treatment, and other rehabilitative services;

(2) the term "Federal juvenile delinquency program" means any juvenile delinquency program which is conducted, directly, or indirectly, or is assisted by any Federal department or agency, including any program funded under this Act;

(3) the term "juvenile delinquency program" means any program or activity related to juvenile delinquency prevention, control, diversion, treatment, rehabilitation, planning, education, training, and research, including drug and alcohol abuse programs; the improvement of the juvenile justice system; and any program or activity for neglected, abandoned, or dependent youth and other youth who are in danger of becoming delinquent;

(4) the term "Law Enforcement Assistance Administration" means the agency established by section 101(a) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended;

42 USC 3711.

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(5) the term "Administrator" means the agency head designated by section 101(b) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended;

42 USC 3711.

(6) the term "law enforcement and criminal justice" means any activity pertaining to crime prevention, control, or reduction or the enforcement of the criminal law, including, but not limited to police efforts to prevent, control, or reduce crime or to apprehend criminals, activities of courts having criminal jurisdiction and related agencies (including prosecutorial and defender services, activities of corrections, probation, or parole authorities, and programs relating to the prevention, control, or reduction of juvenile delinquency or narcotic addiction;

89 STAT. 1111

89 STAT. 1112

(7) the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and any territory or possession of the United States;

(8) the term "unit of general local government" means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior, or, for the purpose of assistance eligibility, any agency of the District of Columbia government performing law enforcement functions in and for the District of Columbia and funds appropriated by the Congress for the activities of such agency may be used to provide the non-Federal share of the cost of programs or projects funded under this title;

(9) the term "combination" as applied to States or units of general local government means any grouping or joining together of such States or units for the purpose of preparing, developing, or implementing a law enforcement plan;

(10) the term "construction" means acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, or any combination of such activities (including architects' fees but not the cost of acquisition of land for buildings);

(11) the term "public agency" means any State, unit of local government, combination of such States or units, or any department, agency, or instrumentality of any of the foregoing;

(12) the term "correctional institution or facility" means any place for the confinement or rehabilitation of juvenile offenders or individuals charged with or convicted of criminal offenses; and

(13) the term "treatment" includes but is not limited to medical, educational, social, psychological, and vocational services, corrective and preventive guidance and training, and other rehabilitative services designed to protect the public and benefit the addict or other user by eliminating his dependence on addicting or other drugs or by controlling his dependence, and his susceptibility to addiction or use.

TITLE II—JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Part A—Juvenile Justice and Delinquency Prevention Office

ESTABLISHMENT OF OFFICE

Sec. 201. (a) There is hereby created within the Department of Justice, Law Enforcement Assistance Administration, the Office of

42 USC 5611.

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Juvenile Justice and Delinquency Prevention (referred to in this Act as the "Office").

Administration.
50 USC, 1112
50 USC, 1113

(b) The programs authorized pursuant to this Act unless otherwise specified in this Act shall be administered by the Office established under this section.

(c) There shall be at the head of the Office an Assistant Administrator who shall be nominated by the President by and with the advice and consent of the Senate.

(d) The Assistant Administrator shall exercise all necessary powers, subject to the direction of the Administrator of the Law Enforcement Assistance Administration.

(e) There shall be in the Office a Deputy Assistant Administrator who shall be appointed by the Administrator of the Law Enforcement Assistance Administration. The Deputy Assistant Administrator shall perform such functions as the Assistant Administrator from time to time assigns or delegates, and shall act as Assistant Administrator during the absence or disability of the Assistant Administrator or in the event of a vacancy in the Office of the Assistant Administrator.

(f) There shall be established in the Office a Deputy Assistant Administrator who shall be appointed by the Administrator whose function shall be to supervise and direct the National Institute for Juvenile Justice and Delinquency Prevention established under section 241 of this Act.

Dept, p. 1105.

(g) Section 5108(c)(10) of title 5, United States Code first occurrence, is amended by deleting the word "twenty-two" and inserting in lieu thereof the word "twenty-five".

PERSONNEL, SPECIAL PERSONNEL, EXPERTS, AND CONSULTANTS

40 USC 5410.

Sec. 202. (a) The Administrator is authorized to select, employ, and fix the compensation of such officers and employees, including attorneys, as are necessary to perform the functions vested in him and to prescribe their functions.

5 USC 5332
note.

(b) The Administrator is authorized to select, appoint, and employ not to exceed three officers and to fix their compensation at rates not to exceed the rate now or hereafter prescribed for GS-18 of the General Schedule by section 5332 of title 5 of the United States Code.

50 USC, 410.

(c) Upon the request of the Administrator, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of its personnel to the Assistant Administrator to assist him in carrying out his functions under this Act.

5 USC 5332
note.

(d) The Administrator may obtain services as authorized by section 3109 of title 5 of the United States Code, at rates not to exceed the rate now or hereafter prescribed for GS-18 of the General Schedule by section 5332 of title I of the United States Code.

VOLUNTARY SERVICE

40 USC 5613.

Sec. 203. The Administrator is authorized to accept and employ, in carrying out the provisions of this Act, voluntary and uncompensated services notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

CONCENTRATION OF FEDERAL EFFORTS

40 USC 5114.

Sec. 204. (a) The Administrator shall implement overall policy and develop objectives and priorities for all Federal juvenile delinquency programs and activities relating to prevention, diversion, training,

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98 S.A. 1114

treatment, rehabilitation, evaluation, research, and improvement of the juvenile justice system in the United States. In carrying out his functions, the Administrator shall consult with the Council and the National Advisory Committee for Juvenile Justice and Delinquency Prevention.

(b) In carrying out the purposes of this Act, the Administrator shall—

(1) advise the President through the Attorney General as to all matters relating to federally assisted juvenile delinquency programs and Federal policies regarding juvenile delinquency;

(2) assist operating agencies which have direct responsibilities for the prevention and treatment of juvenile delinquency in the development and promulgation of regulations, guidelines, requirements, criteria, standards, procedures, and budget requests in accordance with the policies, priorities, and objectives he establishes;

(3) conduct and support evaluations and studies of the performance and results achieved by Federal juvenile delinquency programs and activities and of the prospective performance and results that might be achieved by alternative programs and activities supplementary to or in lieu of those currently being administered; Studies.

(4) implement Federal juvenile delinquency programs and activities among Federal departments and agencies and between Federal juvenile delinquency programs and activities and other Federal programs and activities which he determines may have an important bearing on the success of the entire Federal juvenile delinquency effort;

(5) develop annually with the assistance of the Advisory Committee and submit to the President and the Congress, after the first year the legislation is enacted, prior to September 30, an analysis and evaluation of Federal juvenile delinquency programs conducted and assisted by Federal departments and agencies, the expenditures made, the results achieved, the plans developed, and problems in the operations and coordination of such programs. The report shall include recommendations for modifications in organization, management, personnel, standards, budget requests, and implementation plans necessary to increase the effectiveness of these programs; Annual analysis and evaluation, submittal to President and Congress.

(6) develop annually with the assistance of the Advisory Committee and submit to the President and the Congress, after the first year the legislation is enacted, prior to March 1, a comprehensive plan for Federal juvenile delinquency programs, with particular emphasis on the prevention of juvenile delinquency and the development of programs and services which will encourage increased diversion of juveniles from the traditional juvenile justice system; and Annual comprehensive plan, submittal to President and Congress.

(7) provide technical assistance to Federal, State, and local governments, courts, public and private agencies, institutions, and individuals, in the planning, establishment, funding, operation, or evaluation of juvenile delinquency programs.

(c) The President shall, no later than ninety days after receiving each annual report under subsection (b) (5), submit a report to the Congress and to the Council containing a detailed statement of any action taken or anticipated with respect to recommendations made by each such annual report. Reports to Congress and Council.

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Annual reports,
contents.

(d) (1) The first annual report submitted to the President and the Congress by the Administrator under subsection (b) (5) shall contain, in addition to information required by subsection (b) (5), a detailed statement of criteria developed by the Administrator for identifying the characteristics of juvenile delinquency, juvenile delinquency prevention, diversion of youths from the juvenile justice system, and the training, treatment, and rehabilitation of juvenile delinquents.

(2) The second such annual report shall contain, in addition to information required by subsection (b) (5), an identification of Federal programs which are related to juvenile delinquency prevention or treatment, together with a statement of the moneys expended for each such program during the most recent complete fiscal year. Such identification shall be made by the Administrator through the use of criteria developed under paragraph (1).

(e) The third such annual report submitted to the President and the Congress by the Administrator under subsection (b) (6) shall contain, in addition to the comprehensive plan required by subsection (b) (6), a detailed statement of procedures to be used with respect to the submission of juvenile delinquency development statements to the Administrator by Federal agencies under subsection ("1"). Such statement submitted by the Administrator shall include a description of information, data, and analyses which shall be contained in each such development statement.

(f) The Administrator may require, through appropriate authority, departments and agencies engaged in any activity involving any Federal juvenile delinquency program to provide him with such information and reports, and to conduct such studies and surveys, as he may deem to be necessary to carry out the purposes of this part.

(g) The Administrator may delegate any of his functions under this part, except the making of regulations, to any officer or employee of the Administration.

Federal Govern-
ment services
and facilities,
utilization.

(h) The Administrator is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement as may be agreed upon.

Transfer of
funds.

(i) The Administrator is authorized to transfer funds appropriated under this title to any agency of the Federal Government to develop or demonstrate new methods in juvenile delinquency prevention and rehabilitation and to supplement existing delinquency prevention and rehabilitation programs which the Assistant Administrator finds to be exceptionally effective or for which he finds there exists exceptional need.

Grants and
contracts.

(j) The Administrator is authorized to make grants to, or enter into contracts with, any public or private agency, institution, or individual to carry out the purposes of this part.

Coordination
with HEW.

(k) All functions of the Administrator under this part shall be coordinated as appropriate with the functions of the Secretary of the Department of Health, Education, and Welfare under the Juvenile Delinquency Prevention Act (42 U.S.C. 3801 et seq.).

Development
statement, sub-
mittal to
Council.
Supp.

(l) (1) The Administrator shall require through appropriate authority each Federal agency which administers a Federal juvenile delinquency program which meets any criterion developed by the Administrator under section 204(d) (1) to submit annually to the Council a juvenile delinquency development statement. Such statement shall be in addition to any information, report, study, or survey which the Administrator may require under section 204(f).

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(2) Each juvenile delinquency development statement submitted to the Administrator under subsection ("P") shall be submitted in accordance with procedures established by the Administrator under section 204(e) and shall contain such information, data, and analyses as the Administrator may require under section 204(e). Such analyses shall include an analysis of the extent to which the juvenile delinquency program of the Federal agency submitting such development statement conforms with and furthers Federal juvenile delinquency prevention and treatment goals and policies.

(3) The Administrator shall review and comment upon each juvenile delinquency development statement transmitted to him under subsection ("T"). Such development statement, together with the comments of the Administrator, shall be included by the Federal agency involved in every recommendation or request made by such agency for Federal legislation which significantly affects juvenile delinquency prevention and treatment.

Juvenile delinquency development statement, review.

JOINT FUNDING

Sec. 205. Notwithstanding any other provision of law, where funds are made available by more than one Federal agency to be used by any agency, organization, institution, or individual to carry out a Federal juvenile delinquency program or activity, any one of the Federal agencies providing funds may be requested by the Administrator to act for all in administering the funds advanced. In such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and the Administrator may order any such agency to waive any technical grant or contract requirement (as defined in such regulations) which is inconsistent with the similar requirement of the administering agency or which the administering agency does not impose.

42 USC 5615.

non-Federal share requirement. Establishment.

COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Sec. 206. (a) (1) There is hereby established, as an independent organization in the executive branch of the Federal Government a Coordinating Council on Juvenile Justice and Delinquency Prevention (hereinafter referred to as the "Council") composed of the Attorney General, the Secretary of Health, Education, and Welfare, the Secretary of Labor, the Director of the Special Action Office for Drug Abuse Prevention, the Secretary of Housing and Urban Development, or their respective designees, the Assistant Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Deputy Assistant Administrator of the Institute for Juvenile Justice and Delinquency Prevention, and representatives of such other agencies as the President shall designate.

Establishment. 42 USC 5616.

Membership.

(2) Any individual designated under this section shall be selected from individuals who exercise significant decisionmaking authority in the Federal agency involved.

(b) The Attorney General shall serve as Chairman of the Council. The Assistant Administrator of the Office of Juvenile Justice and Delinquency Prevention shall serve as Vice Chairman of the Council. The Vice Chairman shall act as Chairman in the absence of the Chairman.

Chairman.

(c) The function of the Council shall be to coordinate all Federal juvenile delinquency programs. The Council shall make recommendations to the Attorney General and the President at least annually with respect to the coordination of overall policy and development of objectives and priorities for all Federal juvenile delinquency programs and activities.

functions.

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Meetings. (d) The Council shall meet a minimum of six times per year and a description of the activities of the Council shall be included in the annual report required by section 204(b)(5) of this title.

Ante, p. 1114. (e) (1) The Chairman shall, with the approval of the Council, appoint an Executive Secretary of the Council.

(2) The Executive Secretary shall be responsible for the day-to-day administration of the Council.

(3) The Executive Secretary may, with the approval of the Council, appoint such personnel as he considers necessary to carry out the purposes of this title.

(f) Members of the Council who are employed by the Federal Government full time shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Council.

Appropriation. (g) To carry out the purposes of this section there is authorized to be appropriated such sums as may be necessary.

ADVISORY COMMITTEE

National Advisory Committee for Juvenile Justice and Delinquency Prevention. Establishment. 42 USC 5617. Membership. Sec. 207. (a) There is hereby established a National Advisory Committee for Juvenile Justice and Delinquency Prevention (hereinafter referred to as the "Advisory Committee") which shall consist of twenty-one members.

(b) The members of the Coordinating Council or their respective designees shall be ex officio members of the Committee.

(c) The regular members of the Advisory Committee shall be appointed by the President from persons who by virtue of their training or experience have special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice, such as juvenile or family court judges; probation, correctional, or law enforcement personnel; and representatives of private voluntary organizations and community-based programs. The President shall designate the Chairman. A majority of the members of the Advisory Committee, including the Chairman, shall not be full-time employees of Federal, State, or local governments. At least seven members shall not have attained twenty-six years of age on the date of their appointment.

Terms of office. (d) Members appointed by the President to the Committee shall serve for terms of four years and shall be eligible for reappointment except that for the first composition of the Advisory Committee, one-third of these members shall be appointed to one-year terms, one-third to two-year terms, and one-third to three-year terms; thereafter each term shall be four years. Such members shall be appointed within ninety days after the date of the enactment of this title. Any members appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term.

DUTIES OF THE ADVISORY COMMITTEE

Meetings. 42 USC 5618. Recommendations to Administrator. Sec. 208. (a) The Advisory Committee shall meet at the call of the Chairman, but not less than four times a year.

(b) The Advisory Committee shall make recommendations to the Administrator at least annually with respect to planning, policy, priorities, operations, and management of all Federal juvenile delinquency programs.

(c) The Chairman may designate a subcommittee of the members of the Advisory Committee to advise the Administrator on particular functions or aspects of the work of the Administration.

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(d) The Chairman shall designate a subcommittee of five members of the Committee to serve, together with the Director of the National Institute of Corrections, as members of an Advisory Committee for the National Institute for Juvenile Justice and Delinquency Prevention to perform the functions set forth in section 245 of this title.

Post, p. 1127.

(e) The Chairman shall designate a subcommittee of five members of the Committee to serve as an Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice to perform the functions set forth in section 247 of this title.

(f) The Chairman, with the approval of the Committee, shall appoint such personnel as are necessary to carry out the duties of the Advisory Committee.

COMPENSATION AND EXPENSES

SEC. 209. (a) Members of the Advisory Committee who are employed by the Federal Government full time shall serve without compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Advisory Committee.

42 USC 5619.

(b) Members of the Advisory Committee not employed full time by the Federal Government shall receive compensation at a rate not to exceed the rate now or hereafter prescribed for GS-18 of the General Schedule by section 5332 of title 5 of the United States Code, including traveltime for each day they are engaged in the performance of their duties as members of the Advisory Committee. Members shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Advisory Committee.

5 USC 5332
note.

PART B—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

Subpart I—Formula Grants

SEC. 221. The Administrator is authorized to make grants to States and local governments to assist them in planning, establishing, operating, coordinating, and evaluating projects directly or through contracts with public and private agencies for the development of more effective education, training, research, prevention, diversion, treatment, and rehabilitation programs in the area of juvenile delinquency and programs to improve the juvenile justice system.

42 USC 5631.

ALLOCATION

SEC. 222. (a) In accordance with regulations promulgated under this part, funds shall be allocated annually among the States on the basis of relative population of people under age eighteen. No such allotment to any State shall be less than \$200,000, except that for the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands no allotment shall be less than \$50,000.

42 USC 5632.

(b) Except for funds appropriated for fiscal year 1975, if any amount so allotted remains unobligated at the end of the fiscal year, such funds shall be reallocated in a manner equitable and consistent with the purpose of this part. Funds appropriated for fiscal year 1975 may be obligated in accordance with subsection (a) until June 30, 1976, after which time they may be reallocated. Any amount so reallocated shall be in addition to the amounts already allotted and available to the State, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands for the same period.

Reallocation
of funds.

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(c) In accordance with regulations promulgated under this part, a portion of any allotment to any State under this part shall be available to develop a State plan and to pay that portion of the expenditures which are necessary for efficient administration. Not more than 15 per centum of the total annual allotment of such State shall be available for such purposes. The State shall make available needed funds for planning and administration to local governments within the State on an equitable basis.

Financial assistance, limitation.

Post, p. 1129.

(d) Financial assistance extended under the provisions of this section shall not exceed 90 per centum of the approved costs of any assisted programs or activities. The non-Federal share shall be made in cash or kind consistent with the maintenance of programs required by section 261.

STATE PLANS

42 USC 5633.

42 USC 3733. Requirements.

42 USC 3723.

Advisory group.

Consultation with local governments.

SEC. 223. (a) In order to receive formula grants under this part, a State shall submit a plan for carrying out its purposes consistent with the provisions of section 303(a), (1), (3), (5), (6), (8), (10), (11), (12), and (15) of title I of the Omnibus Crime Control and Safe Streets Act of 1968. In accordance with regulations established under this title, such plan must—

(1) designate the State planning agency established by the State under section 203 of such title I as the sole agency for supervising the preparation and administration of the plan;

(2) contain satisfactory evidence that the State agency designated in accordance with paragraph (1) (hereafter referred to in this part as the "State planning agency") has or will have authority, by legislation if necessary, to implement such plan in conformity with this part;

(3) provide for an advisory group appointed by the chief executive of the State to advise the State planning agency and its supervisory board (A) which shall consist of not less than twenty-one and not more than thirty-three persons who have training, experience, or special knowledge concerning the prevention and treatment of a juvenile delinquency or the administration of juvenile justice, (B) which shall include representation of units of local government, law enforcement and juvenile justice agencies such as law enforcement, correction or probation personnel, and juvenile or family court judges, and public agencies concerned with delinquency prevention or treatment such as welfare, social services, mental health, education, or youth services departments, (C) which shall include representatives of private organizations concerned with delinquency prevention or treatment; concerned with neglected or dependent children; concerned with the quality of juvenile justice, education, or social services for children; which utilize volunteers to work with delinquents or potential delinquents; community-based delinquency prevention or treatment programs; and organizations which represent employees affected by this Act, (D) a majority of whose members (including the chairman) shall not be full-time employees of the Federal, State, or local government, and (E) at least one-third of whose members shall be under the age of twenty-six at the time of appointment;

(4) provide for the active consultation with and participation of local governments in the development of a State plan which adequately takes into account the needs and requests of local governments;

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(5) provide that at least 66 $\frac{2}{3}$ per centum of the funds received by the State under section 222 shall be expended through programs of local government insofar as they are consistent with the State plan, except that this provision may be waived at the discretion of the Administrator for any State if the services for delinquent or potentially delinquent youth are organized primarily on a statewide basis;

Ann. p. 1118.

(6) provide that the chief executive officer of the local government shall assign responsibility for the preparation and administration of the local government's part of a State plan, or for the supervision of the preparation and administration of the local government's part of the State plan, to that agency within the local government's structure (hereinafter in this part referred to as the "local agency") which can most effectively carry out the purposes of this part and shall provide for supervision of the programs funded under this part by that local agency;

(7) provide for an equitable distribution of the assistance received under section 222 within the State;

(8) set forth a detailed study of the State needs for an effective, comprehensive, coordinated approach to juvenile delinquency prevention and treatment and the improvement of the juvenile justice system. This plan shall include itemized estimated costs for the development and implementation of such programs;

Study.

(9) provide for the active consultation with and participation of private agencies in the development and execution of the State plan; and provide for coordination and maximum utilization of existing juvenile delinquency programs and other related programs, such as education, health, and welfare within the State;

(10) provide that not less than 75 per centum of the funds available to such State under section 222, whether expended directly by the State or by the local government or through contracts with public or private agencies, shall be used for advanced techniques in developing, maintaining, and expanding programs and services designed to prevent juvenile delinquency, to divert juveniles from the juvenile justice system, and to provide community-based alternatives to juvenile detention and correctional facilities. That advanced techniques include--

Advanced techniques.

(A) community-based programs and services for the prevention and treatment of juvenile delinquency through the development of foster-care and shelter-care homes, group homes, halfway houses, homemaker and home health services, and any other designated community-based diagnostic, treatment, or rehabilitative service;

(B) community-based programs and services to work with parents and other family members to maintain and strengthen the family unit so that the juvenile may be retained in his home;

(C) youth service bureaus and other community-based programs to divert youth from the juvenile court or to support, counsel, or provide work and recreational opportunities for delinquents and youth in danger of becoming delinquent;

(D) comprehensive programs of drug and alcohol abuse education and prevention and programs for the treatment and rehabilitation of drug addicted youth, and "drug dependent" youth (as defined in section 2(q) of the Public Health Service Act (42 U.S.C. 201 (q)));

(E) educational programs or supportive services designed to keep delinquents and to encourage other youth to remain in elementary and secondary schools or in alternative learning situations;

(F) expanded use of probation and recruitment and training of probation officers, other professional and paraprofessional personnel and volunteers to work effectively with youth;

(G) youth initiated programs and outreach programs designed to assist youth who otherwise would not be reached by assistance programs;

(H) provides for a statewide program through the use of probation subsidies, other subsidies, other financial incentives or disincentives to units of local government, or other effective means, that may include but are not limited to programs designed to—

(i) reduce the number of commitments of juveniles to any form of juvenile facility as a percentage of the State juvenile population;

(ii) increase the use of nonsecure community-based facilities as a percentage of total commitments to juvenile facilities; and

(iii) discourage the use of secure incarceration and detention;

(11) provides for the development of an adequate research, training, and evaluation capacity within the State;

(12) provide within two years after submission of the plan that juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult, shall not be placed in juvenile detention or correctional facilities, but must be placed in shelter facilities;

(13) provide that juveniles alleged to be or found to be delinquent shall not be detained or confined in any institution in which they have regular contact with adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges;

(14) provide for an adequate system of monitoring jails, detention facilities, and correctional facilities to insure that the requirements of section 223 (12) and (13) are met, and for annual reporting of the results of such monitoring to the Administrator;

(15) provide assurance that assistance will be available on an equitable basis to deal with all disadvantaged youth including, but not limited to, females, minority youth, and mentally retarded and emotionally or physically handicapped youth;

(16) provide for procedures to be established for protecting the rights of recipients of services and for assuring appropriate privacy with regard to records relating to such services provided to any individual under the State plan;

(17) provide that fair and equitable arrangements are made to protect the interests of employees affected by assistance under this Act. Such protective arrangements shall, to the maximum extent feasible, include, without being limited to, such provisions as may be necessary for—

(A) the preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) under existing collective-bargaining agreements or otherwise;

(B) the continuation of collective-bargaining rights;

(C) the protection of individual employees against a worsening of their positions with respect to their employment;

(D) assurances of employment to employees of any State or political subdivision thereof who will be affected by any program funded in whole or in part under provisions of this Act;

(E) training or retraining programs.

The State plan shall provide for the terms and conditions of the protection arrangements established pursuant to this section;

(18) provide for such fiscal control and fund accounting procedures necessary to assure prudent use, proper disbursement, and accurate accounting of funds received under this title;

(19) provide reasonable assurance that Federal funds made available under this part for any period will be so used as to supplement and increase (but not supplant), to the extent feasible and practical, the level of the State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this part, and will in no event replace such State, local, and other non-Federal funds;

(20) provide that the State planning agency will from time to time, but not less often than annually, review its plan and submit to the Administrator an analysis and evaluation of the effectiveness of the programs and activities carried out under the plan, and any modifications in the plan, including the survey of State and local needs, which it considers necessary; and

(21) contain such other terms and conditions as the Administrator may reasonably prescribe to assure the effectiveness of the programs assisted under this title.

Such plan may at the discretion of the Administrator be incorporated into the plan specified in 303(a) of the Omnibus Crime Control and Safe Streets Act.

(b) The State planning agency designated pursuant to section 223(a), after consultation with the advisory group referred to in section 223(a), shall approve the State plan and any modification thereof prior to submission to the Administrator.

(c) The Administrator shall approve any State plan and any modification thereof that meets the requirements of this section.

(d) In the event that any State fails to submit a plan, or submits a plan or any modification thereof, which the Administrator, after reasonable notice and opportunity for hearing, in accordance with sections 509, 510, and 511 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, determines does not meet the requirements of this section, the Administrator shall make that State's allotment under the provisions of section 222(a) available to public and private agencies for special emphasis prevention and treatment programs as defined in section 224.

(e) In the event the plan does not meet the requirements of this section due to oversight or neglect, rather than explicit and conscious decision, the Administrator shall endeavor to make that State's allotment under the provisions of section 222(a) available to public and private agencies in that State for special emphasis prevention and treatment programs as defined in section 224.

Subpart II—Special Emphasis Prevention and Treatment Programs

SEC. 224. (a) The Administrator is authorized to make grants to and enter into contracts with public and private agencies, organizations, institutions, or individuals to—

42 USC 3733.

Ante, p. 1119.

State plan, approval.

42 USC 3757-3759.

Ante, p. 1118.

Supra.

Grants and contracts.
42 USC 5634.

(1) develop and implement new approaches, techniques, and methods with respect to juvenile delinquency programs;

(2) develop and maintain community-based alternatives to traditional forms of institutionalization;

(3) develop and implement effective means of diverting juveniles from the traditional juvenile justice and correctional system;

(4) improve the capability of public and private agencies and organizations to provide services for delinquents and youths in danger of becoming delinquent;

Post, p. 1127.

(5) facilitate the adoption of the recommendations of the Advisory Committee on Standards for Juvenile Justice and the Institute as set forth pursuant to section 247; and

(6) develop and implement model programs and methods to keep students in elementary and secondary schools and to prevent unwarranted and arbitrary suspensions and expulsions.

(b) Not less than 25 per centum or more than 50 per centum of the funds appropriated for each fiscal year pursuant to this part shall be available only for special emphasis prevention and treatment grants and contracts made pursuant to this section.

(c) At least 20 per centum of the funds available for grants and contracts made pursuant to this section shall be available for grants and contracts to private nonprofit agencies, organizations, or institutions who have had experience in dealing with youth.

CONSIDERATIONS FOR APPROVAL OF APPLICATIONS

42 USC 5635.

SEC. 225. (a) Any agency, institution, or individual desiring to receive a grant, or enter into any contract under section 224, shall submit an application at such time, in such manner, and containing or accompanied by such information as the Administrator may prescribe.

(b) In accordance with guidelines established by the Administrator, each such application shall—

(1) provide that the program for which assistance is sought will be administered by or under the supervision of the applicant;

(2) set forth a program for carrying out one or more of the purposes set forth in section 224;

(3) provide for the proper and efficient administration of such program;

(4) provide for regular evaluation of the program;

(5) indicate that the applicant has requested the review of the application from the State planning agency and local agency designated in section 223, when appropriate, and indicate the response of such agency to the request for review and comment on the application;

Reports.

(6) provide that regular reports on the program shall be sent to the Administrator and to the State planning agency and local agency, when appropriate;

Fiscal control and fund accounting.

(7) provide for such fiscal control and fund accounting procedures as may be necessary to assure prudent use, proper disbursement, and accurate accounting of funds received under this title; and

(8) indicate the response of the State agency or the local agency to the request for review and comment on the application.

(c) In determining whether or not to approve applications for grants under section 224, the Administrator shall consider—

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(1) the relative cost and effectiveness of the proposed program in effectuating the purposes of this part;

(2) the extent to which the proposed program will incorporate new or innovative techniques;

(3) the extent to which the proposed program meets the objectives and priorities of the State plan, when a State plan has been approved by the Administrator under section 223(c) and when the location and scope of the program makes such consideration appropriate;

Ante, p. 1119.

(4) the increase in capacity of the public and private agency, institution, or individual to provide services to delinquents or youths in danger of becoming delinquents;

(5) the extent to which the proposed project serves communities which have high rates of youth unemployment, school dropout, and delinquency; and

(6) the extent to which the proposed program facilitates the implementation of the recommendations of the Advisory Committee on Standards for Juvenile Justice as set forth pursuant to section 247.

Post, p. 1127.

GENERAL PROVISIONS

Withholding

SEC. 226. Whenever the Administrator, after giving reasonable notice and opportunity for hearing to a recipient of financial assistance under this title, finds—

42 USC 5636.

(1) that the program or activity for which such grant was made has been so changed that it no longer complies with the provisions of this title; or

(2) that in the operation of the program or activity there is failure to comply substantially with any such provision; the Administrator shall initiate such proceedings as are appropriate.

USE OF FUNDS

SEC. 227. (a) Funds paid pursuant to this title to any State, public or private agency, institution, or individual (whether directly or through a State or local agency) may be used for—

42 USC 5637.

(1) planning, developing, or operating the program designed to carry out the purposes of this part; and

(2) not more than 50 per centum of the cost of the construction of innovative community-based facilities for less than twenty persons which, in the judgment of the Administrator, are necessary for carrying out the purposes of this part.

Limitations.

(b) Except as provided by subsection (a), no funds paid to any public or private agency, institution, or individual under this part (whether directly or through a State agency or local agency) may be used for construction.

PAYMENTS

SEC. 228. (a) In accordance with criteria established by the Administrator, it is the policy of Congress that programs funded under this title shall continue to receive financial assistance providing that the yearly evaluation of such programs is satisfactory.

42 USC 5638.

(b) At the discretion of the Administrator, when there is no other way to fund an essential juvenile delinquency program not funded under this part, the State may utilize 25 per centum of the formula

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grant funds available to it under this part to meet the non-Federal matching share requirement for any other Federal juvenile delinquency program grant.

(c) Whenever the Administrator determines that it will contribute to the purposes of this part, he may require the recipient of any grant or contract to contribute money, facilities, or services.

(d) Payments under this part, pursuant to a grant or contract, may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursements, in such installments and on such conditions as the Administrator may determine.

PART C--NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND
DELINQUENCY PREVENTION

Establishment.
42 USC 5651.

SEC. 241. (a) There is hereby established within the Juvenile Justice and Delinquency Prevention Office a National Institute for Juvenile Justice and Delinquency Prevention.

Ante, p. 1112.

(b) The National Institute for Juvenile Justice and Delinquency Prevention shall be under the supervision and direction of the Assistant Administrator, and shall be headed by a Deputy Assistant Administrator of the Office appointed under section 201(f).

(c) The activities of the National Institute for Juvenile Justice and Delinquency Prevention shall be coordinated with the activities of the National Institute of Law Enforcement and Criminal Justice in accordance with the requirements of section 201(b).

(d) The Administrator shall have responsibility for the administration of the organization, employees, enrollees, financial affairs, and other operations of the Institute.

(e) The Administrator may delegate his power under the Act to such employees of the Institute as he deems appropriate.

Data collection.

(f) It shall be the purpose of the Institute to provide a coordinating center for the collection, preparation, and dissemination of useful data regarding the treatment and control of juvenile offenders, and it shall also be the purpose of the Institute to provide training for representatives of Federal, State, and local law enforcement officers, teachers, and other educational personnel, juvenile welfare workers, juvenile judges and judicial personnel, probation personnel, correctional personnel and other persons, including lay personnel, connected with the treatment and control of juvenile offenders.

Training.

Additional powers.

(g) In addition to the other powers, express and implied, the Institute may--

(1) request any Federal agency to supply such statistics, data, program reports, and other material as the Institute deems necessary to carry out its functions;

(2) arrange with and reimburse the heads of Federal agencies for the use of personnel or facilities or equipment of such agencies;

(3) confer with and avail itself of the cooperation, services, records, and facilities of State, municipal, or other public or private local agencies;

(4) enter into contracts with public or private agencies, organizations, or individuals, for the partial performance of any functions of the Institute; and

(5) compensate consultants and members of technical advisory councils who are not in the regular full-time employ of the United States, at a rate now or hereafter prescribed for GS-18 of the General Schedule by section 5332 of title 5 of the United States

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Code and while away from home, or regular place of business, 5 USC 5332 they may be allowed travel expenses, including per diem in lieu note. of subsistence, as authorized by section 5703 of title 5, United States Code for persons in the Government service employed intermittently.

(b) Any Federal agency which receives a request from the Institute under subsection (g)(1) may cooperate with the Institute and shall, to the maximum extent practicable, consult with and furnish information and advice to the Institute.

INFORMATION FUNCTION

Sec. 242. The National Institute for Juvenile Justice and Delinquency Prevention is authorized to— 42 USC 5652.

(1) serve as an information bank by collecting systematically and synthesizing the data and knowledge obtained from studies and research by public and private agencies, institutions, or individuals concerning all aspects of juvenile delinquency, including the prevention and treatment of juvenile delinquency;

(2) serve as a clearinghouse and information center for the preparation, publication, and dissemination of all information regarding juvenile delinquency, including State and local juvenile delinquency prevention and treatment programs and plans, availability of resources, training and educational programs, statistics, and other pertinent data and information. Information clearinghouse.

RESEARCH, DEMONSTRATION, AND EVALUATION FUNCTIONS

Sec. 243. The National Institute for Juvenile Justice and Delinquency Prevention is authorized to— 42 USC 5653.

(1) conduct, encourage, and coordinate research and evaluation into any aspect of juvenile delinquency, particularly with regard to new programs and methods which show promise of making a contribution toward the prevention and treatment of juvenile delinquency;

(2) encourage the development of demonstration projects in new, innovative techniques and methods to prevent and treat juvenile delinquency;

(3) provide for the evaluation of all juvenile delinquency programs assisted under this title in order to determine the results and the effectiveness of such programs;

(4) provide for the evaluation of any other Federal, State, or local juvenile delinquency program, upon the request of the Administrator;

(5) prepare, in cooperation with educational institutions, Federal, State, and local agencies, and appropriate individuals and private agencies, such studies as it considers to be necessary with respect to the prevention and treatment of juvenile delinquency and related matters, including recommendations designed to promote effective prevention and treatment;

(6) disseminate the results of such evaluations and research and demonstration activities particularly to persons actively working in the field of juvenile delinquency; and

(7) disseminate pertinent data and studies (including a periodic journal) to individuals, agencies, and organizations concerned with the prevention and treatment of juvenile delinquency.

TRAINING FUNCTIONS

42 USC 5654. Sec. 244. The National Institute for Juvenile Justice and Delinquency Prevention is authorized to—

- (1) develop, conduct, and provide for training programs for the training of professional, paraprofessional, and volunteer personnel, and other persons who are or who are preparing to work with juveniles and juvenile offenders;
- (2) develop, conduct, and provide for seminars, workshop, and training programs in the latest proven effective techniques and methods of preventing and treating juvenile delinquency for law enforcement officers, juvenile judges, and other court personnel, probation officers, correctional personnel, and other Federal, State, and local government personnel who are engaged in work relating to juvenile delinquency;
- (3) devise and conduct a training program, in accordance with the provisions of sections 249, 250, and 251, of short-term instruction in the latest proven-effective methods of prevention, control, and treatment of juvenile delinquency for correctional and law enforcement personnel, teachers and other educational personnel, juvenile welfare workers, juvenile judges and judicial personnel, probation officers, and other persons (including lay personnel) connected with the prevention and treatment of juvenile delinquency; and
- (4) develop technical training teams to aid in the development of training programs in the States and to assist State and local agencies which work directly with juveniles and juvenile offenders.

INSTITUTE ADVISORY COMMITTEE

42 USC 5655. Sec. 245. The Advisory Committee for the National Institute for Juvenile Justice and Delinquency Prevention established in section 208(d) shall advise, consult with, and make recommendations to the Deputy Assistant Administrator for the National Institute for Juvenile Justice and Delinquency Prevention concerning the overall policy and operations of the Institute.

Ante, p. 1117.

ANNUAL REPORT

42 USC 5656. Sec. 246. The Deputy Assistant Administrator for the National Institute for Juvenile Justice and Delinquency Prevention shall develop annually and submit to the Administrator after the first year the legislation is enacted, prior to June 30, a report on research, demonstration, training, and evaluation programs funded under this title, including a review of the results of such programs, an assessment of the application of such results to existing and to new juvenile delinquency programs, and detailed recommendations for future research, demonstration, training, and evaluation programs. The Administrator shall include a summary of these results and recommendations in his report to the President and Congress required by section 204(b)(5).

Report to President and Congress.
Ante, p. 1113.

DEVELOPMENT OF STANDARDS FOR JUVENILE JUSTICE

42 USC 5657. Sec. 247. (a) The National Institute for Juvenile Justice and Delinquency Prevention, under the supervision of the Advisory Committee on Standards for Juvenile Justice established in section 208(e), shall review existing reports, data, and standards, relating to the juvenile justice system in the United States.

(b) Not later than one year after the passage of this section, the Report to Presidential and Congressional Advisory Committee shall submit to the President and the Congress a report which, based on recommended standards for the administration of juvenile justice at the Federal, State, and local level—

(1) recommends Federal action, including but not limited to administrative and legislative action, required to facilitate the adoption of these standards throughout the United States; and

(2) recommends State and local action to facilitate the adoption of these standards for juvenile justice at the State and local level.

(c) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Advisory Committee such information as the Committee deems necessary to carry out its functions under this section.

Sec. 248. Records containing the identity of individual juveniles gathered for purposes pursuant to this title may under no circumstances be disclosed or transferred to any individual or other agency, public, or private.

Records, disclosure or transfer, restriction.
42 USC 5658.

ESTABLISHMENT OF TRAINING PROGRAM

Sec. 249. (a) The Administrator shall establish within the Institute a training program designed to train enrollees with respect to methods and techniques for the prevention and treatment of juvenile delinquency. In carrying out this program the Administrator is authorized to make use of available State and local services, equipment, personnel, facilities, and the like.

42 USC 5659.

(b) Enrollees in the training program established under this section shall be drawn from correctional and law enforcement personnel, teachers and other educational personnel, juvenile welfare workers, juvenile judges and judicial personnel, probation officers, and other persons (including lay personnel) connected with the prevention and treatment of juvenile delinquency.

CURRICULUM FOR TRAINING PROGRAM

Sec. 250. The Administrator shall design and supervise a curriculum for the training program established by section 249 which shall utilize an interdisciplinary approach with respect to the prevention of juvenile delinquency, the treatment of juvenile delinquents, and the diversion of youths from the juvenile justice system. Such curriculum shall be appropriate to the needs of the enrollees of the training program.

42 USC 5660.

ENROLLMENT FOR TRAINING PROGRAM

Sec. 251. (a) Any person seeking to enroll in the training program established under section 249 shall transmit an application to the Administrator, in such form and according to such procedures as the Administrator may prescribe.

Application.
42 USC 5661.

(b) The Administrator shall make the final determination with respect to the admittance of any person to the training program. The Administrator, in making such determination, shall seek to assure that persons admitted to the training program are broadly representative of the categories described in section 249(b).

(c) While studying at the Institute and while traveling in connection with his study (including authorized field trips), each person enrolled in the Institute shall be allowed travel expenses and a per

Travel expenses.

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diem allowance in the same manner as prescribed for persons employed intermittently in the Government service under section 5703(b) of title 5, United States Code.

PART D—AUTHORIZATION OF APPROPRIATIONS

42 USC 5671. SEC. 261. (a) To carry out the purposes of this title there is authorized to be appropriated \$75,000,000 for the fiscal year ending June 30, 1975, \$125,000,000 for the fiscal year ending June 30, 1976, and \$150,000,000 for the fiscal year ending June 30, 1977.

Additional Funds. (b) In addition to the funds appropriated under this section, the Administration shall maintain from other Law Enforcement Assistance Administration appropriations other than the appropriations for administration, at least the same level of financial assistance for juvenile delinquency programs assisted by the Law Enforcement Assistance Administration during fiscal year 1972.

NONDISCRIMINATION PROVISIONS

42 USC 5672. SEC. 262. (a) No financial assistance for any program under this Act shall be provided unless the grant, contract, or agreement with respect to such program specifically provides that no recipient of funds will discriminate as provided in subsection (b) with respect to any such program.

42 USC 20004-2. (b) No person in the United States shall on the ground of race, creed, color, sex, or national origin be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with any program or activity receiving assistance under this Act. The provisions of the preceding sentence shall be enforced in accordance with section 603 of the Civil Rights Act of 1964. Section 603 of such Act shall apply with respect to any action taken to enforce such sentence. This section shall not be construed as affecting any other legal remedy that a person may have if such person is excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with any program or activity receiving assistance under this Act.

EFFECTIVE CLAUSE

42 USC 5601 note. SEC. 263. (a) Except as provided by subsection (b), the foregoing provisions of this Act shall take effect on the date of enactment of this Act.

Amly. p. 1117. (b) Section 204(b) (5) and 204(b) (6) shall become effective at the close of the thirty-first day of the twelfth calendar month of 1974. Section 204(1) shall become effective at the close of the thirty-first day of the eighth calendar month of 1976.

TITLE III—RUNAWAY YOUTH

SHORT TITLE

Runaway Youth Act. 42 USC 5701 note. SEC. 301. This title may be cited as the "Runaway Youth Act".

FINDINGS

42 USC 5701. SEC. 302. The Congress hereby finds that—
(1) the number of juveniles who leave and remain away from home without parental permission has increased to alarming proportions, creating a substantial law enforcement problem for the

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communities inundated, and significantly endangering the young people who are without resources and live on the street;

(2) the exact nature of the problem is not well defined because national statistics on the size and profile of the runaway youth population are not tabulated;

(3) many such young people, because of their age and situation, are urgently in need of temporary shelter and counseling services;

(4) the problem of locating, detaining, and returning runaway children should not be the responsibility of already overburdened police departments and juvenile justice authorities; and

(5) in view of the interstate nature of the problem, it is the responsibility of the Federal Government to develop accurate reporting of the problem nationally and to develop an effective system of temporary care outside the law enforcement structure.

RULES

SEC. 303. The Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") may prescribe such rules as he considers necessary or appropriate to carry out the purposes of this title. 42 USC 5702.

PART A—GRANTS PROGRAM

PURPOSES OF GRANT PROGRAM

SEC. 311. The Secretary is authorized to make grants and to provide technical assistance to localities and nonprofit private agencies in accordance with the provisions of this part. Grants under this part shall be made for the purpose of developing local facilities to deal primarily with the immediate needs of runaway youth in a manner which is outside the law enforcement structure and juvenile justice system. The size of such grant shall be determined by the number of runaway youth in the community and the existing availability of services. Among applicants priority shall be given to private organizations or institutions which have had past experience in dealing with runaway youth. localities and nonprofit agencies, assistance. 42 USC 5711.

ELIGIBILITY

SEC. 312. (a) To be eligible for assistance under this part, an applicant shall propose to establish, strengthen, or fund an existing or proposed runaway house, a locally controlled facility providing temporary shelter, and counseling services to juveniles who have left home without permission of their parents or guardians. 42 USC 5712.

(b) In order to qualify for assistance under this part, an applicant shall submit a plan to the Secretary meeting the following requirements and including the following information. Each house—

(1) shall be located in an area which is demonstrably frequented by or easily reachable by runaway youth; Runaway house, requirements.

(2) shall have a maximum capacity of no more than twenty children, with a ratio of staff to children of sufficient portion to assure adequate supervision and treatment;

(3) shall develop adequate plans for contacting the child's parents or relatives (if such action is required by State law) and assuring the safe return of the child according to the best interests of the child, for contacting local government officials pursuant to informal arrangements established with such officials by the runaway house, and for providing for other appropriate alternative living arrangements;

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Aftercare counseling. (4) shall develop an adequate plan for assuring proper relations with law enforcement personnel, and the return of runaway youths from correctional institutions;
(5) shall develop an adequate plan for aftercare counseling involving runaway youth and their parents within the State in which the runaway house is located and for assuring, as possible, that aftercare services will be provided to those children who are returned beyond the State in which the runaway house is located;

Records, information disclosure, restriction. (6) shall keep adequate statistical records profiling the children and parents which it serves, except that records maintained on individual runaway youths shall not be disclosed without parental consent to anyone other than another agency compiling statistical records or a government agency involved in the disposition of criminal charges against an individual runaway youth, and reports or other documents based on such statistical records shall not disclose the identity of individual runaway youths;

Annual reports to Secretary. (7) shall submit annual reports to the Secretary detailing how the house has been able to meet the goals of its plans and reporting the statistical summaries required by paragraph (6);
(8) shall demonstrate its ability to operate under accounting procedures and fiscal control devices as required by the Secretary;

Budget estimate. (9) shall submit a budget estimate with respect to the plan submitted by such house under this subsection; and
(10) shall supply such other information as the Secretary reasonably deems necessary.

APPROVAL BY SECRETARY

42 USC 5713. SEC. 313. An application by a State, locality, or nonprofit private agency for a grant under this part may be approved by the Secretary only if it is consistent with the applicable provisions of this part and meets the requirements set forth in section 312. Priority shall be given to grants smaller than \$75,000. In considering grant applications under this part, priority shall be given to any applicant whose program budget is smaller than \$100,000.

GRANTS TO PRIVATE AGENCIES. STAFFING

42 USC 5713. SEC. 314. Nothing in this part shall be construed to deny grants to nonprofit private agencies which are fully controlled by private boards or persons but which in other respects meet the requirements of this part and agree to be legally responsible for the operation of the runaway house. Nothing in this part shall give the Federal Government control over the staffing and personnel decisions of facilities receiving Federal funds.

REPORTS

Report to Congress. 42 USC 5715. SEC. 315. The Secretary shall annually report to the Congress on the status and accomplishments of the runaway houses which are funded under this part, with particular attention to—
(1) their effectiveness in alleviating the problems of runaway youth;
(2) their ability to reunite children with their families and to encourage the resolution of intrafamily problems through counseling and other services;
(3) their effectiveness in strengthening family relationships and encouraging stable living conditions for children; and

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(4) their effectiveness in helping youth decide upon a future course of action.

FEDERAL SHARE

Sec. 316. (a) The Federal share for the acquisition and renovation of existing structures, the provision of counseling services, staff training, and the general costs of operations of such facility's budget for any fiscal year shall be 90 per centum. The non-Federal share may be in cash or in kind, fairly evaluated by the Secretary, including plant, equipment, or services. 42 USC 5716.
Non-Federal share.

(b) Payments under this section may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments. Payments.

PART B—STATISTICAL SURVEY

SURVEY; REPORT

Sec. 321. The Secretary shall gather information and carry out a comprehensive statistical survey defining the major characteristic of the runaway youth population and determining the areas of the Nation most affected. Such survey shall include the age, sex, and socio-economic background of runaway youth, the places from which and to which children run, and the relationship between running away and other illegal behavior. The Secretary shall report the results of such information gathering and survey to the Congress not later than June 30, 1975. 42 USC 5731.
Report to Congress.

RECORDS

Sec. 322. Records containing the identity of individual runaway youths gathered for statistical purposes pursuant to section 321 may under no circumstances be disclosed or transferred to any individual or to any public or private agency. Disclosure or transfer, restriction.
42 USC 5732.

PART C—AUTHORIZATION OF APPROPRIATIONS

Sec. 331. (a) To carry out the purposes of part A of this title there is authorized to be appropriated for each of the fiscal years ending June 30, 1975, 1976, and 1977, the sum of \$10,000,000. 42 USC 5751.

(b) To carry out the purposes of part B of this title there is authorized to be appropriated the sum of \$500,000.

TITLE IV—EXTENSION AND AMENDMENT OF THE JUVENILE DELINQUENCY PREVENTION ACT

YOUTH DEVELOPMENT DEMONSTRATIONS

Sec. 401. Title I of the Juvenile Delinquency Prevention Act is amended (1) in the caption thereof, by inserting "AND DEMONSTRATION PROGRAMS" after "SERVICES"; (2) following the caption thereof, by inserting "PART A—COMMUNITY-BASED COORDINATED YOUTH SERVICES"; (3) in sections 101, 102(a), 102(b)(1), 102(b)(2), 103(a) (including paragraph (1) thereof), 104(a) (including paragraphs (1), (4), (5), (7), and (10) thereof), and 104(b) by striking out "title" and inserting "part" in lieu thereof; and (4) by inserting at the end of the title following new part: 42 USC 3811.
42 USC 3812-3814.

"PART B--DEMONSTRATIONS IN YOUTH DEVELOPMENT

42 USC 3821. grants. "SEC. 105. (a) For the purpose of assisting the demonstration of innovative approaches to youth development and the prevention and treatment of delinquent behavior (including payment of all or part of the costs of minor remodeling or alteration), the Secretary may make grants to any State (or political subdivision thereof), any agency thereof, and any nonprofit private agency, institution or organization that submits to the Secretary, at such time and in such form and manner as the Secretary's regulations shall prescribe, an application containing a description of the purposes for which the grant is sought, and assurances satisfactory to the Secretary that the applicant will use the grant for the purposes for which it is provided, and will comply with such requirements relating to the submission of reports, methods of fiscal accounting, the inspection and audit of records and other materials, and such other rules, regulations, standards, and procedures, as the Secretary may impose to assure the fulfillment of the purposes of this Act.

Limitation. "(b) No demonstration may be assisted by a grant under this section for more than one year."

CONSULTATION

42 USC 3888. Sec. 402. (a) Section 408 of such Act is amended by adding at the end of subsection (a) thereof the following new subsection:

"(b) The Secretary shall consult with the Attorney General for the purpose of coordinating the development and implementation of programs and activities funded under this Act with those related programs and activities funded under the Omnibus Crime Control and Safe Streets Act of 1968";

42 USC 3701 note. and by deleting subsection (b) thereof.

42 USC 3889. Repeal. (b) Section 409 is repealed.

REPEAL OF MINIMUM STATE ALLOTMENTS

42 USC 3883. Sec. 403. Section 403(b) of such Act is repealed, and section 403(a) of such Act is redesignated section 403.

EXTENSION OF PROGRAM

42 USC 3982. Sec. 404. Section 402 of such Act, as amended by this Act, is further amended in the first sentence by inserting after "fiscal year" the following: "and such sums as may be necessary for fiscal year 1975".

TITLE V--MISCELLANEOUS AND CONFORMING AMENDMENTS

PART A--AMENDMENTS TO THE FEDERAL JUVENILE DELINQUENCY ACT

Sec. 501. Section 5031 of title 18, United States Code, is amended to read as follows:

"§ 5031. Definitions

"For the purposes of this chapter, a 'juvenile' is a person who has not attained his eighteenth birthday, or for the purpose of proceedings and disposition under this chapter for an alleged act of juvenile delinquency, a person who has not attained his twenty-first birthday, and 'juvenile delinquency' is the violation of a law of the United States committed by a person prior to his eighteenth birthday which would have been a crime if committed by an adult."

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DELINQUENCY PROCEEDINGS IN DISTRICT COURTS

SEC. 502. Section 5032 of title 18, United States Code, is amended to read as follows:

"§ 5032. Delinquency proceedings in district courts; transfer for criminal prosecution

"A juvenile alleged to have committed an act of juvenile delinquency shall not be proceeded against in any court of the United States unless the Attorney General, after investigation, certifies to an appropriate district court of the United States that the juvenile court or other appropriate court of a State (1) does not have jurisdiction or refuses to assume jurisdiction over said juvenile with respect to such alleged act of juvenile delinquency, or (2) does not have available programs and services adequate for the needs of juveniles.

"If the Attorney General does not so certify, such juvenile shall be surrendered to the appropriate legal authorities of such State.

"If an alleged juvenile delinquent is not surrendered to the authorities of a State or the District of Columbia pursuant to this section, any proceedings against him shall be in an appropriate district court of the United States. For such purposes, the court may be convened at any time and place within the district, in chambers or otherwise. The Attorney General shall proceed by information, and no criminal prosecution shall be instituted for the alleged act of juvenile delinquency except as provided below.

"A juvenile who is alleged to have committed an act of juvenile delinquency and who is not surrendered to State authorities shall be proceeded against under this chapter unless he has requested in writing upon advice of counsel to be proceeded against as an adult, except that, with respect to a juvenile sixteen years and older alleged to have committed an act after his sixteenth birthday which if committed by an adult would be a felony punishable by a maximum penalty of ten years imprisonment or more, life imprisonment, or death, criminal prosecution on the basis of the alleged act may be begun by motion to transfer of the Attorney General in the appropriate district court of the United States, if such court finds, after hearing, such transfer would be in the interest of justice.

"Evidence of the following factors shall be considered, and findings with regard to each factor shall be made in the record, in assessing whether a transfer would be in the interest of justice: the age and social background of the juvenile; the nature of the alleged offense; the extent and nature of the juvenile's prior delinquency record; the juvenile's present intellectual development and psychological maturity; the nature of past treatment efforts and the juvenile's response to such efforts; the availability of programs designed to treat the juvenile's behavioral problems.

"Reasonable notice of the transfer hearing shall be given to the juvenile, his parents, guardian, or custodian and to his counsel. The juvenile shall be assisted by counsel during the transfer hearing, and at every other critical stage of the proceedings.

"Once a juvenile has entered a plea of guilty or the proceeding has reached the stage that evidence has begun to be taken with respect to a crime or an alleged act of juvenile delinquency subsequent criminal prosecution or juvenile proceedings based upon such alleged act of delinquency shall be barred.

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"Statements made by a juvenile prior to or during a transfer hearing under this section shall not be admissible at subsequent criminal prosecutions."

CUSTODY

SEC. 503. Section 5033 of title 18, United States Code is amended to read as follows:

"§ 5033. Custody prior to appearance before magistrate

"Whenever a juvenile is taken into custody for an alleged act of juvenile delinquency, the arresting officer shall immediately advise such juvenile of his legal rights, in language comprehensive to a juvenile, and shall immediately notify the Attorney General and the juvenile's parents, guardian, or custodian of such custody. The arresting officer shall also notify the parents, guardian, or custodian of the rights of the juvenile and of the nature of the alleged offense.

"The juvenile shall be taken before a magistrate forthwith. In no event shall the juvenile be detained for longer than a reasonable period of time before being brought before a magistrate."

DUTIES OF MAGISTRATE

SEC. 504. Section 5034 of title 18, United States Code, is amended to read as follows:

"§ 5034. Duties of magistrate

Representation
by counsel.

"The magistrate shall insure that the juvenile is represented by counsel before proceeding with critical stages of the proceedings. Counsel shall be assigned to represent a juvenile when the juvenile and his parents, guardian, or custodian are financially unable to obtain adequate representation. In cases where the juvenile and his parents, guardian, or custodian are financially able to obtain adequate representation but have not retained counsel, the magistrate may assign counsel and order the payment of reasonable attorney's fees or may direct the juvenile, his parents, guardian, or custodian to retain private counsel within a specified period of time.

Appointment
by guardian.

"The magistrate may appoint a guardian ad litem if a parent or guardian of the juvenile is not present, or if the magistrate has reason to believe that the parents or guardian will not cooperate with the juvenile in preparing for trial, or that the interests of the parents or guardian and those of the juvenile are adverse.

"If the juvenile has not been discharged before his initial appearance before the magistrate, the magistrate shall release the juvenile to his parents, guardian, custodian, or other responsible party (including, but not limited to, the director of a shelter-care facility upon their promise to bring such juvenile before the appropriate court when requested by such court unless the magistrate determines, after hearing, at which the juvenile is represented by counsel, that the detention of such juvenile is required to secure his timely appearance before the appropriate court or to insure his safety or that of others."

DETENTION

18 USC 5035.

SEC. 505. Section 5035 of this title is amended to read as follows:

"§ 5035. Detention prior to disposition

"A juvenile alleged to be delinquent may be detained only in a juvenile facility or such other suitable place as the Attorney General

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may designate. Whenever possible, detention shall be in a foster home or community based facility located in or near his home community. The Attorney General shall not cause any juvenile alleged to be delinquent to be detained or confined in any institution in which the juvenile has regular contact with adult persons convicted of a crime or awaiting trial on criminal charges. Insofar as possible, alleged delinquents shall be kept separate from adjudicated delinquents. Every juvenile in custody shall be provided with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, education, and medical care, including necessary psychiatric, psychological, or other care and treatment."

SPEEDY TRIAL

SEC. 506. Section 5036 of this title is amended to read as follows: 18 USC 5036.

"§ 5036. Speedy trial

"If an alleged delinquent who is in detention pending trial is not brought to trial within thirty days from the date upon which such detention was begun, the information shall be dismissed on motion of the alleged delinquent or at the direction of the court, unless the Attorney General shows that additional delay was caused by the juvenile or his counsel, or consented to by the juvenile and his counsel, or would be in the interest of justice in the particular case. Delays attributable solely to court calendar congestion may not be considered in the interest of justice. Except in extraordinary circumstances, an information dismissed under this section may not be reinstated."

DISPOSITION

SEC. 507. Section 5037 is amended to read as follows: 18 USC 5037.

"§ 5037. Dispositional hearing

"(a) If a juvenile is adjudicated delinquent, a separate dispositional hearing shall be held no later than twenty court days after trial unless the court has ordered further study in accordance with subsection (c). Copies of the presentence report shall be provided to the attorneys for both the juvenile and the Government a reasonable time in advance of the hearing.

Presentence report, availability of copies.

"(b) The court may suspend the adjudication of delinquency or the disposition of the delinquent on such conditions as it deems proper, place him on probation, or commit him to the custody of the Attorney General. Probation, commitment, or commitment in accordance with subsection (c) shall not extend beyond the juvenile's twenty-first birthday or the maximum term which could have been imposed on an adult convicted of the same offense, whichever is sooner, unless the juvenile has attained his nineteenth birthday at the time of disposition, in which case probation, commitment, or commitment in accordance with subsection (c) shall not exceed the lesser of two years or the maximum term which could have been imposed on an adult convicted of the same offense.

Probation or commitment, term.

"(c) If the court desires more detailed information concerning an alleged or adjudicated delinquent, it may commit him, after notice and hearing at which the juvenile is represented by counsel, to the custody of the Attorney General for observation and study by an appropriate agency. Such observation and study shall be conducted on an outpatient basis, unless the court determines that inpatient observation and study are necessary to obtain the desired information. In the case of an alleged juvenile delinquent, inpatient study may be ordered only

Commitment to Attorney General.

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Study.

with the consent of the juvenile and his attorney. The agency shall make a complete study of the alleged or adjudicated delinquent to ascertain his personal traits, his capabilities, his background, any previous delinquency or criminal experience, any mental or physical defect, and any other relevant factors. The Attorney General shall submit to the court and the attorneys for the juvenile and the Government the results of the study within thirty days after the commitment of the juvenile, unless the court grants additional time."

JUVENILE RECORDS

Sec. 508, Section 5038 is added, to read as follows:

19 5038

"§ 5038. Use of juvenile records

Investigative refer-
ence.

"(a) Throughout the juvenile delinquency proceeding the court shall safeguard the records from disclosure. Upon the completion of any juvenile delinquency proceeding whether or not there is an adjudication the district court shall order the entire file and record of such proceeding sealed. After such sealing, the court shall not release these records except to the extent necessary to meet the following circumstances:

Sealed records,
release, ex-
ceptions.

- "(1) inquiries received from another court of law;
- "(2) inquiries from an agency preparing a presentence report for another court;
- "(3) inquiries from law enforcement agencies where the request for information is related to the investigation of a crime or a position within that agency;
- "(4) inquiries, in writing, from the director of a treatment agency or the director of a facility to which the juvenile has been committed by the court; and
- "(5) inquiries from an agency considering the person for a position immediately and directly affecting the national security.

Unless otherwise authorized by this section, information about the sealed record may not be released when the request for information is related to an application for employment, license, bonding, or any civil right or privilege. Responses to such inquiries shall not be different from responses made about persons who have never been involved in a delinquency proceeding.

"(b) District courts exercising jurisdiction over any juvenile shall inform the juvenile, and his parent or guardian, in writing in clear and nontechnical language, of rights relating to the sealing of his juvenile record.

"(c) During the course of any juvenile delinquency proceeding, all information and records relating to the proceeding, which are obtained or prepared in the discharge of an official duty by an employee of the court or an employee of any other governmental agency, shall not be disclosed directly or indirectly to anyone other than the judge, counsel for the juvenile and the government, or others entitled under this section to receive sealed records.

"(d) Unless a juvenile who is taken into custody is prosecuted as an adult--

- "(1) neither the fingerprints nor a photograph shall be taken without the written consent of the judge; and
- "(2) neither the name nor picture of any juvenile shall be made public by any medium of public information in connection with a juvenile delinquency proceeding."

COMMITMENT

SEC. 509. Section 5039 is added, to read as follows:

“§ 5039. Commitment

18 USC 5039.

“No juvenile committed to the custody of the Attorney General may be placed or retained in an adult jail or correctional institution in which he has regular contact with adults incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges.

“Every juvenile who has been committed shall be provided with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, counseling, education, training, and medical care including necessary psychiatric, psychological, or other care and treatment.

“Whenever possible, the Attorney General shall commit a juvenile to a foster home or community-based facility located in or near his home community.”

SUPPORT

SEC. 510. Section 5040 is added, to read as follows:

“§ 5040. Support

18 USC 5040.

“The Attorney General may contract with any public or private agency or individual and such community-based facilities as halfway houses and foster homes for the observation and study and the custody and care of juveniles in his custody. For these purposes, the Attorney General may promulgate such regulations as are necessary and may use the appropriation for ‘support of United States prisoners’ or such other appropriations as he may designate.”

Contract authority.

Regulations.

PAROLE

SEC. 511. Section 5041 is added to read as follows:

“§ 5041. Parole

18 USC 5041.

“The Board of Parole shall release from custody, on such conditions as it deems necessary, each juvenile delinquent who has been committed, as soon as the Board is satisfied that he is likely to remain at liberty without violating the law and when such release would be in the interest of justice.”

REVOCAATION

SEC. 512. Section 5042 is added to read as follows:

“§ 5042. Revocation of parole or probation

18 USC 5042.

“Any juvenile parolee or probationer shall be accorded notice and a hearing with counsel before his parole or probation can be revoked.”

Notice and hearing.

SEC. 513. The table of sections of chapter 403 of this title is amended to read as follows:

“Sec.

“5031. Definitions.

“5032. Delinquency proceedings in district courts; transfer for criminal prosecution.

“5033. Custody prior to appearance before magistrate.

“5034. Duties of magistrate.

“5035. Detention prior to disposition.

“5036. Speedy trial.

“5037. Dispositional hearing.

“5038. Use of juvenile records.

“5039. Commitment.

“5040. Support.

“5041. Parole.

“5042. Revocation of parole or probation.”

PART B—NATIONAL INSTITUTE OF CORRECTIONS

Sec. 521. Title 18, United States Code, is amended by adding a new chapter 319 to read as follows:

“CHAPTER 319.—NATIONAL INSTITUTE OF CORRECTIONS

Establishment.
18 USC 4351.

“SEC. 4351. (a) There is hereby established within the Bureau of Prisons a National Institute of Corrections.

Membership.

“(b) The overall policy and operations of the National Institute of Corrections shall be under the supervision of an Advisory Board. The Board shall consist of sixteen members. The following six individuals shall serve as members of the Commission ex officio: the Director of the Federal Bureau of Prisons or his designee, the Administrator of the Law Enforcement Assistance Administration or his designee, Chairman of the United States Parole Board or his designee, the Director of the Federal Judicial Center or his designee, the Deputy Assistant Administrator for the National Institute for Juvenile Justice and Delinquency Prevention or his designee, and the Assistant Secretary for Human Development of the Department of Health, Education, and Welfare or his designee.

“(c) The remaining ten members of the Board shall be selected as follows:

“(1) Five shall be appointed initially by the Attorney General of the United States for staggered terms; one member shall serve for one year, one member for two years, and three members for three years. Upon the expiration of each member's term, the Attorney General shall appoint successors who will each serve for a term of three years. Each member selected shall be qualified as a practitioner (Federal, State, or local) in the field of corrections, probation, or parole.

“(2) Five shall be appointed initially by the Attorney General of the United States for staggered terms, one member shall serve for one year, three members for two years, and one member for three years.” Upon the expiration of each member's term the Attorney General shall appoint successors who will each serve for a term of three years. Each member selected shall be from the private sector, such as business, labor, and education, having demonstrated an active interest in corrections, probation, or parole.

Compensation for expenses.

“(d) The members of the Board shall not, by reason of such membership, be deemed officers or employees of the United States. Members of the Commission who are full-time officers or employees of the United States shall serve without additional compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of the duties vested in the Board. Other members of the Board shall, while attending meetings of the Board or while engaged in duties related to such meetings or in other activities of the Commission pursuant to this title, be entitled to receive compensation at the rate not to exceed the daily equivalent of the rate authorized for GS-18 by section 5332 of title 5, United States Code, including travel-time, and while away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence equal to that authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

5 USC 5332 note.

Chairman and vice-chairman.

“(e) The Board shall elect a chairman from among its members who shall serve for a term of one year. The members of the Board shall also elect one or more members as a vice-chairman.

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“(f) The Board is authorized to appoint, without regard to the civil service laws, technical, or other advisory committees to advise the Institute with respect to the administration of this title as it deems appropriate. Members of these committees not otherwise employed by the United States, while engaged in advising the Institute or attending meetings of the committees, shall be entitled to receive compensation at the rate fixed by the Board but not to exceed the daily equivalent of the rate authorized for GS-18 by section 5332 of title 5, United States Code, and while away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence equal to that authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

Appointment of committees.

5 USC 5332 note.

“(g) The Board is authorized to delegate its powers under this title to such persons as it deems appropriate.

Delegation of powers. Director.

“(h) The Institute shall be under the supervision of an officer to be known as the Director, who shall be appointed by the Attorney General after consultation with the Board. The Director shall have authority to supervise the organization, employees, enrollees, financial affairs, and all other operations of the Institute and may employ such staff, faculty, and administrative personnel, subject to the civil service and classification laws, as are necessary to the functioning of the Institute. The Director shall have the power to acquire and hold real and personal property for the Institute and may receive gifts, donations, and trusts on behalf of the Institute. The Director shall also have the power to appoint such technical or other advisory councils comprised of consultants to guide and advise the Board. The Director is authorized to delegate his powers under this title to such persons as he deems appropriate.

“Sec. 4352. (a) In addition to the other powers, express and implied, the National Institute of Corrections shall have authority—

Additional authority. 18 USC 4352.

“(1) to receive from or make grants to and enter into contracts with Federal, State, and general units of local government, public and private agencies, educational institutions, organizations, and individuals to carry out the purposes of this chapter;

“(2) to serve as a clearinghouse and information center for the collection, preparation, and dissemination of information on corrections, including, but not limited to, programs for prevention of crime and recidivism, training of corrections personnel, and rehabilitation and treatment of criminal and juvenile offenders;

“(3) to assist and serve in a consulting capacity to Federal, State, and local courts, departments, and agencies in the development, maintenance, and coordination of programs, facilities, and services, training, treatment, and rehabilitation with respect to criminal and juvenile offenders;

“(4) to encourage and assist Federal, State, and local government programs and services, and programs and services of other public and private agencies, institutions, and organizations in their efforts to develop and implement improved corrections programs;

“(5) to devise and conduct, in various geographical locations, seminars, workshops, and training programs for law enforcement officers, judges, and judicial personnel, probation and parole personnel, correctional personnel, welfare workers, and other persons, including lay ex-offenders, and paraprofessional personnel, connected with the treatment and rehabilitation of criminal and juvenile offenders;

- “(6) to develop technical training teams to aid in the development of seminars, workshops, and training programs within the several States and with the State and local agencies which work with prisoners, parolees, probationers, and other offenders;
- “(7) to conduct, encourage, and coordinate research relating to corrections, including the causes, prevention, diagnosis, and treatment of criminal offenders;
- “(8) to formulate and disseminate correctional policy, goals, standards, and recommendations for Federal, State, and local correctional agencies, organizations, institutions, and personnel;
- “(9) to conduct evaluation programs which study the effectiveness of new approaches, techniques, systems, programs, and devices employed to improve the corrections system;
- “(10) to receive from any Federal department or agency such statistics, data, program reports, and other material as the Institute deems necessary to carry out its functions. Each such department or agency is authorized to cooperate with the Institute and shall, to the maximum extent practicable, consult with and furnish information to the Institute;
- “(11) to arrange with and reimburse the heads of Federal departments and agencies for the use of personnel, facilities, or equipment of such departments and agencies;
- “(12) to confer with and avail itself of the assistance, services, records, and facilities of State and local governments or other public or private agencies, organizations, or individuals;
- Contracts. “(13) to enter into contracts with public or private agencies, organizations, or individuals, for the performance of any of the functions of the Institute; and
- Experts and consultants. “(14) to procure the services of experts and consultants in accordance with section 3109 of title 5 of the United States Code, at rates of compensation not to exceed the daily equivalent of the rate authorized for GS-18 by section 5332 of title 5 of the United States Code.
- 5 USC 5332 note. “(b) The Institute shall on or before the 31st day of December of each year submit an annual report for the preceding fiscal year to the President and to the Congress. The report shall include a comprehensive and detailed report of the Institute's operations, activities, financial condition, and accomplishments under this title and may include such recommendations related to corrections as the Institute deems appropriate.
- Annual report to President and Congress.
- Recordkeeping. “(c) Each recipient of assistance under this shall keep such records as the Institute shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.
- Audit. “(d) The Institute, and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for purposes of audit and examinations to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this chapter.
- “ (e) The provision of this section shall apply to all recipients of assistance under this title, whether by direct grant or contract from the Institute or by subgrant or subcontract from primary grantees or contractors of the Institute.
- Appropriation. 18 USC 4353. “Sec. 4353. There is hereby authorized to be appropriated such funds as may be required to carry out the purposes of this chapter.”

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PART C—CONFORMING AMENDMENTS

SEC. 541. (a) The section titled "DECLARATION AND PURPOSE" in title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 197; 84 Stat. 1881; 87 Stat. 197), is amended by inserting immediately after the second paragraph thereof the following new paragraph: 42 USC 3701.

"Congress finds further that the high incidence of delinquency in the United States today results in enormous annual cost and immeasurable loss in human life, personal security, and wasted human resources, and that juvenile delinquency constitutes a growing threat to the national welfare requiring immediate and comprehensive action by the Federal Government to reduce and prevent delinquency."

(b) Such section is further amended by adding at the end thereof the following new paragraph:

"It is therefore the further declared policy of Congress to provide the necessary resources, leadership, and coordination to (1) develop and implement effective methods of preventing and reducing juvenile delinquency; (2) to develop and conduct effective programs to prevent delinquency, to divert juveniles from the traditional juvenile justice system and to provide critically needed alternatives to institutionalization; (3) to improve the quality of juvenile justice in the United States; and (4) to increase the capacity of State and local governments and public and private agencies to conduct effective juvenile justice and delinquency prevention and rehabilitation programs and to provide research, evaluation, and training services in the field of juvenile justice and delinquency prevention."

SEC. 542. The third sentence of section 203(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 as amended (82 Stat. 197; 84 Stat. 1881; 87 Stat. 197), is amended to read as follows: "The State planning agency and any regional planning units within the State shall, within their respective jurisdictions, be representative of the law enforcement and criminal justice agencies including agencies directly related to the prevention and control of juvenile delinquency, units of general local government, and public agencies maintaining programs to reduce and control crime, and shall include representatives of citizens, professional, and community organizations including organizations directly related to delinquency prevention." 42 USC 3723.

SEC. 543. Section 303(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after the first sentence the following: "In order to receive formula grants under the Juvenile Justice and Delinquency Prevention Act of 1974 a State shall submit a plan for carrying out the purposes of that Act in accordance with this section and section 223 of that Act." 42 USC 3733.

SEC. 544. Section 520 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by (1) inserting "(a)" after "Sec. 520." and (2) by inserting at the end thereof the following: 42 USC 3768.

"(b) In addition to the funds appropriated under section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, the Administration shall expend from other Law Enforcement Assistance Administration appropriations, other than the appropriations for administration, at least the same level of financial assistance for juvenile delinquency programs as was expended by the Administration during fiscal year 1972." Ante, p. 1117.

SEC. 545. Part F of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end thereof the following new sections: 42 USC 3751.

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42 USC 3772. "SEC. 526. The Administrator is authorized to accept and employ, in carrying out the provisions of this Act, voluntary and uncompensated services notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

42 USC 3773. "SEC. 527. All programs concerned with juvenile delinquency and administered by the Administration shall be administered or subject to the policy direction of the office established by section 201(a) of the Juvenile Justice and Delinquency Prevention Act of 1974.

Ante, p. 1112.
42 USC 3774.

"SEC. 528. (a) The Administrator is authorized to select, employ, and fix the compensation of such officers and employees, including attorneys, as are necessary to perform the functions vested in him and to prescribe their functions.

5 USC 5332
note.

"(b) Notwithstanding the provisions of section 5108 of title 5, United States Code, and without prejudice with respect to the number of positions otherwise placed in the Administration under such section 5108, the Administrator may place three positions in GS-16, GS-17, and GS-18 under section 5332 of such title 5."

Approved September 7, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 93-1135 accompanying H. R. 15276 (Comm. on Education and Labor) and No. 93-1298 (Comm. of Conference).

SENATE REPORTS: No. 93-1011 (Comm. on the Judiciary) and No. 1103 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 120 (1974):

July 1, H. R. 15276 considered and passed House.

July 25, considered and passed Senate.

July 31, considered and passed House, amended, in lieu of H. R. 15276.

Aug. 19, Senate agreed to conference report.

Aug. 21, House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 10, No. 37:
Sept. 8, Presidential statement.

END

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