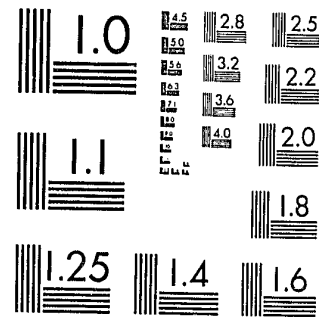


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National Institute of Justice
United States Department of Justice
Washington, D. C. 20531

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Guideline Manual

GUIDE FOR DISCRETIONARY GRANT PROGRAMS



September 27, 1976

UNITED STATES DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Special By Initiator

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M 4500.1E
September 27, 1976

INTRODUCTION

- PURPOSE.** The purpose of this manual is to provide information on programs for which LEAA will provide funding through its discretionary funds authorized by Parts C and E of the Crime Control and Safe Streets Act of 1968, as amended, and the Juvenile Justice and Delinquency Prevention Act of 1974 and to explain to interested parties how they may apply for this assistance.

This manual will be supplemented by additional Discretionary Guidelines announcing new programs, including anti-fencing programs and others and changes in procedures or requirements necessitated by amendments to LEAA's authorizing legislation.

- SCOPE.** This manual is of interest to potential applicants, State Planning Agencies, regional and local Planning Units, and LEAA personnel.
- CANCELLATION.** LEAA Guideline Manual 4500.1D, July 10, 1975, same subject, is cancelled herewith.
- INTRODUCTION.** The manual is divided into two parts. Part I is a description of programs for which LEAA assistance is available. Part II describes the procedures to be followed in applying for this assistance. The programs included in Part I are organized into the following categories:
 - Programs to improve the operation of criminal justice agencies and systems.
 - Programs to improve the interaction between the criminal justice system and other agencies and organizations.
 - Programs to improve criminal justice planning capabilities.

A detailed table of contents to these three program areas appears on page iv.

Through the funding of this set of programs LEAA will demonstrate the utility of both long term and short term approaches and techniques for controlling or preventing crime and delinquency and improving the efficiency and fairness of criminal justice. Many of the programs described in this manual require cooperative efforts among agencies of criminal justice (police, prosecution, courts, corrections), general governments, and citizens. Increasingly, it is becoming evident that such cooperative action is essential to the attainment of desired results.

This manual includes several programs to improve planning and evaluation capabilities. There is a great need at all levels of government and operations to know what program techniques work, as well as why and how they work. Where this knowledge is available it must be built into plans and translated into action so that criminal justice programs can maximize results at the least possible costs. As pressures on spending mount at all levels of government, there is an increased need to determine through analysis and evaluation what works, and to apply this knowledge in plans and action.

This manual reflects a policy of LEAA to increasingly devote its discretionary funds to carefully evaluated demonstrations. Such investment will, in the long run, provide knowledge which can be broadly applied by many state and local agencies to increase the effectiveness and efficiency of their programs. Present LEAA planning and program development initiatives will enable LEAA to more fully utilize its discretionary funds for demonstrations in the future. The determination of areas most appropriate for demonstration will be strongly influenced by recommendations from State and local governments and users of this manual.

In support of a greater demonstration thrust to discretionary grant programs, several programs described in this Manual make use of a panel review selection process, by which all applications for projects within a program will be reviewed together at a specified time against the same criteria. That procedure is more fully described in Appendix 2, Paragraph 8. In addition, in accordance with recently adopted LEAA Evaluation Policy, several programs will be fully evaluated by the National Institute of Law Enforcement and Criminal Justice, a division of LEAA, and certain individual projects will be independently evaluated. Information about programs and projects to be evaluated is included in program descriptions (Chapters 1 through 3) and in Appendix 4, Measurement of Performance.

The programs described in the manual are supported by a variety of other LEAA programs. The major documents describing other programs and the general procedures governing them include:

Guide for State Planning Agency Grants (effective edition of M 4100.1) which describes the procedures and requirements for planning grants to State Criminal Justice Planning Agencies (SPA's) supported under Part B of the Crime Control and Safe Streets Act of 1968, as amended, and for the development of State comprehensive criminal justice plans required under Part C of the Crime Control Act.

Research Plan for the National Institute of Law Enforcement and Criminal Justice (NILECJ) which describes the research, development and technology transfer activities planned for NILECJ.

Program Plan for Statistics FY 1977-81 which describes the statistical activities planned for LEAA during the next five years.

Law Enforcement Education Program Guideline Manual (effective edition of M 5200.1) which describes training activities planned by the Office of Criminal Justice Education and Training (OCJET).

Graduate Research Fellowship Program Guideline (effective edition of G 5400.2) which describes the procedures and requirements for participation in the LEAA Graduate Research Fellows Program.

Guideline Manual for the Comprehensive Data System Program (effective edition of M 6640.1) which describes the Comprehensive Data Systems Program (CDS), sets forth guidelines for CDS action plans, and indicates the purpose, available funding, and criteria for evaluation of CDS applications.

Guideline Manual for Financial Management for Planning and Action Grants (effective edition of M 7100.1), which describes the requirements and procedures for financial management of LEAA grants, including those set forth in this manual.

These manuals are available from LEAA Regional Offices listed in Appendix 1 or from the Central Office of LEAA, 633 Indiana Avenue, N.W., Washington, D. C. 20531.

In addition, the National Criminal Justice Reference Service can provide a wide range of information about specific areas of concern to criminal justice practitioners. Information about these services is available from LEAA Regional Offices or the Central Office of LEAA.

For further information or assistance in the use of this manual, contact the appropriate LEAA Regional Office, as listed in Appendix 5, or the appropriate State Planning Agency, as listed in Appendix 6.

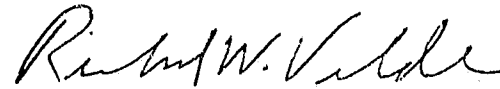

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Administrator

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CHAPTER 1. PROGRAMS TO IMPROVE THE OPERATIONS OF
CRIMINAL JUSTICE AGENCIES AND SYSTEMS

1. SCOPE OF CHAPTER. This chapter describes programs to demonstrate or support improvements in the operations of criminal justice agencies. Criminal justice agencies are the most likely applicants for projects in these programs.

SECTION 1. SYSTEMIC IMPROVEMENTS

2. INDIAN CRIMINAL JUSTICE PROGRAM
 - a. Program Objective. The objective of the Indian program is to assist Indian tribes and aboriginal groups in comprehensive tribal criminal justice planning and, in selected criminal justice areas, program development and operations.
 - b. Program Description.
 - (1) Problem addressed. Indians have by far the highest arrest rate of any ethnic group, based on the 1970 Census and Uniform Crime Report Data. There are seven times more frequent arrests for Indians than for whites for alcohol related crimes; for other crimes, the ratio is 1,462 per 100,000 for Indians to 574 per 100,000 for whites. Criminal justice systems on land under the jurisdiction of tribal governments are not adequate to respond to this volume of crime.
 - (2) Results sought. The Indian program is to provide direct assistance to tribal criminal justice operations and techniques to improve the capabilities of indian tribes and aboriginal groups for the allocation, utilization and management of resources for criminal justice programs.

A Corrections program effort will establish facilities and capabilities within Indian communities to improve Indian culture oriented rehabilitative and transition services for pre-release Indian inmates.

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Specific results sought include:

- (a) Improved efficiency and effectiveness of individual tribal criminal justice systems.
 - (b) Improvement of tribal judges training to permit the development of Indian courts of record for an increased number of tribal judiciaries and to move toward the formation of an Indian judicial institute.
 - (c) Models to provide the maximal use of the new juvenile code by Indian tribes and test of the models for effectiveness.
 - (d) Involvement of Indian leaders in the criminal justice system through meaningful interchange at the national and regional and state levels.
 - (e) Increased opportunities for positive involvement of Indian grantees in RPU's and SPA's.
- (3) Assumption underlying program. Indian tribes have taken the formal responsibility to control crime through police departments, Indian judiciaries, and tribal corrections, and this system is linked with activities of other states, planning units, LEAA Regional and National Indian Desk. While these units of Indian criminal justice system may function independently they have an effect on the work of the other. How well this system operates relates to the ability of the tribal criminal justice program to understand, analyze, and plan for the needs of its parts and the systems on which it depends.
- (4) Program strategy.
- (a) 65-75 tribal action awards for planning and high priority tribal problems are expected to be awarded.
 - (b) Scope and description of projects. Each action program should reflect that needs assessment and system-wide planning for the individual reservation has been done prior to focusing on one function area for an action program. This program is designated for individual reservations and may focus on any of the following areas:

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- 1 Tribal Law Enforcement. Projects to develop enforcement to a minimum adequate level in most Indian communities with the ultimate goal of an exemplary level of operation.
 - 2 Tribal Judiciary. Projects to update courts staff and to ensure that measures are taken to protect the constitutional rights of citizens on the reservations. Additional work needs to be done with staffing, tenure and extra court support personnel.
 - 3 Corrections. Projects to make corrections facilities physically safe and non-hazardous to health; to reduce the number of prisoner assaults and to virtually eliminate deaths by suicide and to provide needed special rehabilitation programs for juveniles and adult inmates.
 - 4 Training. Projects to upgrade the quality and increase the frequency of training for tribal criminal justice personnel in areas of police, courts and corrections.
- c. Dollar Range and Number of Grants.
- (1) Tribal action grants range from less than \$1,000 to \$350,000. Grants at the upper range will be for tribes with 1,000 members or more.
 - (2) Funding may be granted for two years.
 - (3) The Administration has determined that Indian reservations and communities are poverty areas for purposes of criminal justice programs eligible for maximum funding from LEAA programs. For additional details see M 7100 (effective edition). If 100 percent Federal funding is requested, a copy of the Tribal Law and Order Budget must be attached to the application along with a request for waiver of matching funds.
- d. Eligibility to Receive Grants. Indian tribes and aboriginal groups certified by the Secretary of the Interior as units of general local government who exercise jurisdiction over the person (principally Indian members), the place (land under the jurisdiction of the tribal government), and the offense (those identified in the tribal penal code), and where the project is administered by an arm of the Indian criminal justice system.

Special attention will be focused on Indian tribes and groups seeking retrocession of criminal jurisdiction and full criminal justice responsibility.

- e. Submission and Processing Category. Track II. (See App. 2, Par. 7)
- f. Deadline for Submission of Applications. Full applications must be submitted to the appropriate regional office by March 31, 1977.
- g. Criteria for Selection of Projects. Tribal action applications will be reviewed and decisions made based on the following elements:
 - (1) The demonstrated ability of the tribe to assess local criminal justice needs.
 - (2) The ability to translate needs into a workable program design and to adequately describe the scope of sequence of criminal justice services and resources required.
 - (3) The ability to develop a workable plan to implement the program which sets forth the requirements for the reduction of crime and the improvement of the Indian criminal justice system.
 - (4) The ability to administer the program and make all reports required.
 - (5) The ability to evaluate progress and make the necessary changes to accomplish the stated goals.
 - (6) The ability to institutionalize the program.
- h. Evaluation Requirements. Evaluation is not required but applicants must meet self-assessment and monitoring requirements of Appendix 4, paragraphs 3, 4, and 5.
- i. Other Special Requirements.
 - (1) Waiver of A-95 Clearinghouse Requirements will be applicable for Indian tribes and groups certified by the Secretary of the Interior as units of local governments for individual tribal action awards and national scope projects.
 - (2) Indian tribes and aboriginal groups receiving State block awards will be expected to comply with State clearinghouse procedures.
 - (3) Purchases made from DF funds must be consistent with existing tribal purchasing regulations; or in their absence, with appropriate state purchasing regulations and OMB Circular No A-87.
 - (4) Where construction is involved, applicants are required to furnish LEAA copies of floor plans and architect's contracts.

- (5) The use of a negative Environmental Impact Declaration Statement will be used with Indian grants.
 - (6) Project administration responsibility will be fixed in a single entity or designee of the tribal government or governments.
 - (7) Applicants must certify that all equipment, structures, and personnel funded in the grant awards will be utilized for Indian criminal justice purposes.
 - (8) Applications for base stations, mobile and hand radio hardware must be coordinated with the applicable State Planning Agency and certification obtained from that agency assuring that such equipment will coexist with existing and/or proposed statewide law enforcement communications systems. Frequencies reserved for exclusive Federal Government usage and being utilized by the applicant reservation or community at the time of application will not require State Planning Agency endorsement.
 - (9) Normally, only one grant per year will be made to an Indian Tribe.
- 3. TECHNICAL ASSISTANCE PROGRAM. RESERVED.
 - 4. COMPREHENSIVE CAREER CRIMINAL PROGRAM. RESERVED.

SECTION 2. LAW ENFORCEMENT

5. INTEGRATED CRIMINAL APPREHENSION PROGRAM

a. Program Objective.

- (1) Increased criminal apprehension by police.
- (2) Increased capability by police to identify and apprehend the career criminal.

b. Project Components.

- (1) Candidates for funding must show an agency commitment to the establishment, operation and coordinated integration of all of the following operations:
 - (a) Preliminary investigations conducted by patrol;
 - (b) Crime analysis;
 - (c) Strategic planning;
 - (d) Career Criminal identification and apprehension.

c. Program Description.

- (1) Problems addressed:
 - (a) How better utilization of preliminary investigation procedures increases criminal apprehension capabilities.
 - (b) How to provide more productive patrol resource placement and utilization based on tactical strategies developed through crime analysis.
 - (c) How investigative information analysis and utilization produces relevant police strategic planning for more productive and coordinated police agency operations directed toward criminal apprehension and community service responsibilities.
 - (d) The need for coordinated resource management for career criminal identification and apprehension.

(2) Results sought:

- (a) Increased solvability and apprehension information from preliminary investigations.
 - (b) Increased directed patrol activities from crime analysis and strategic planning.
 - (c) Increased apprehension of repeat offenders and career criminals.
- (3) Hypothesis to be tested. Simultaneous and coordinated implementation of police strategies will improve police agency investigation and apprehension procedures and abilities.
 - (4) Program Strategies. Applicant must indicate the existence of any of the four components mentioned in 5.b., and/or the specific plans of how applicant will incorporate all four components of the project operation. In addition:
 - (a) Projects within this program must be directed toward increasing the proficiency and capability of the Patrol operation through:
 - 1 Greater involvement and responsibility of the patrol operation in crime and service needs of the patrol beat.
 - 2 Early and continued involvement of the patrol officer in the preliminary investigation.
 - 3 The development of good crime analysis capability.
 - 4 The creation of police agency ability to provide overall operational strategic planning.
 - 5 The development of the operational activities in 1, 2, 3, and 4 will lead to a specialized, coordinated police, and prosecutorial response directed toward identification and apprehension of the repeat offender and career criminal.
 - (b) Projects within this program must indicate operational involvement toward increasing the proficiency and capability of the operation through the integration of crime analysis and crime prevention unit functions to assist in defining problems and developing strategies for patrol.

The purpose of the crime analysis element in the program is to provide timely and relevant information support to the patrol function. This information support should be designed to allow patrol decision-makers to allocate resources according to need and to focus efforts on specific problems.

Crime prevention units have traditionally worked separately from the patrol force in a specialized function. Projects must be designed to establish a closer working relationship between the two functions to allow the use of alternative strategies for patrol forces in addressing specific problems.

(c) Patrol strategies may include:

- 1 Development of increased proficiency of patrol in preliminary investigations.
- 2 Development of patrol capability to provide increased suspect identification and apprehension capability from preliminary investigation procedures.
- 3 Establishment of solvability factors into preliminary investigation procedures in order to better direct resource commitments to each case.
- 4 Increased use of target hardening techniques at vulnerable or high risk criminal attack sites.

(d) Applications must indicate the following, quantified where appropriate:

- 1 How the patrol force will use information developed by crime analysis and crime prevention units in decision-making.
- 2 How investigations and case processing will be handled in order to increase suspect identification and apprehension, with special attention to career criminals.
- 3 How investigative report information will be timely processed and analyzed in order to support and help direct the patrol tactical strategy.
- 4 How upgraded productivity and patrol responsibility will be assessed and documented.

5 How the proposed project will take account of and coordinate impacts on other agencies of the criminal justice system, including prosecution, courts, and corrections.

- d. Dollar Range and Number of Grants. Five grants in the range of \$200,000 per grant will be awarded to law enforcement agencies having sworn force under 500. Four grants in the range of \$300,000 will be awarded to law enforcement agencies having a sworn force of over 500 but less than 1,000.
- e. Eligibility to Receive Grants. Applicants must meet LEAA eligibility requirements for Part C Discretionary Grants and be a full power public law enforcement agency and have a sworn force of under 1,000.
- f. Submission and Processing Procedures. Track II. (See App. 2, Par. 7)
- g. Deadline for Submission. Applications for funding consideration must be submitted to the cognizant LEAA Regional Office by February 1, 1977. Panel review selection process (Appendix 2, paragraph 8) will apply.
- h. Criteria for Selection of Projects. Consideration for funding will be based on comparative analysis of:
 - (1) Statement of project objectives;
 - (2) Background analysis of crime problem;
 - (3) Statement of project strategy;
 - (4) Project work breakdown structure and task responsibility matrix;
 - (5) Performance measures and performance measurement plan;
 - (6) Project master schedule and task flow diagram;
 - (7) Estimated likelihood of increasing criminal apprehensions and repeat offender identification;
 - (8) Project plan and implementation schedule for the integrated operation of all four major project components, i.e., preliminary investigations, crime analysis, strategic planning, and career criminal identification and apprehension.

i. Evaluation Requirements.

- (1) An independent national evaluation of this program is planned. Each project will be evaluated as an element of the total program and will also be evaluated individually. This program evaluation will be undertaken by an independent contractor selected by the National Institute of Law Enforcement and Criminal Justice.
- (2) All applicants must propose an evaluation plan for their project containing the evaluation plan elements detailed in Appendix 4, paragraph 7.
- (3) All grant recipients will be required to modify their proposed project specific evaluation plans in order to be integrated into the national level program evaluation design to be developed by the independent national contractor.
- (4) All grantees must indicate in advance their willingness to cooperate fully with the national contractor to participate in the program evaluation.

6. RURAL LAW ENFORCEMENT PROGRAM.

- a. Program Objective. The objective of this program is to assist rural law enforcement agencies to better direct, coordinate, and cope with increasing rural Part I crimes.
- b. Program Description.
 - (1) Problem addressed. Lack of full-time law enforcement in rural areas.
 - (2) Program strategy.
 - (a) This program will support the maintenance of a professional police officer from a state, county, or local municipal force as a district deputy or resident trooper in areas where existing police agencies are in need of assistance.
 - (b) Scope and description of projects. The project must provide for an officer to supervise the law enforcement personnel in at least three contiguous communities having a collective population of not more than 20,000 people. The officer must be a full-time, sworn, career person, and must have met state minimum standards for training. He must live or move to one of the communities under his supervision. Supervisor's parent agency will provide as much supportive enforcement assistance as is reasonable and necessary. Funds can be used for salary, medical and other fringe benefits, house rent, upkeep and utilities. Uniforms (if not on allowance) but not cruiser or cruiser radio equipment should be included unless unusual circumstances indicate this need. Officer will retain seniority and benefits of his department or agency.
- c. Dollar Range and Number of Grants. Eight grants are expected ranging up to \$50,000. LEAA support may extend for 3 years. A ten percent match is required for the first year. Second and third funding match will be negotiated on an 80-20 match basis.
- d. Eligibility to Receive Grants. Applicants must meet LEAA eligibility requirements for Part C Discretionary Grants and be a state or county law enforcement agency with jurisdictional authority in subject area.

- e. Submission and Processing Procedures. Track II. (See App. 2, Par. 7)
- f. Deadline for Submission of Applications. Applications must be submitted to the cognizant LEAA Regional Office by February 28, 1977. Panel review selection process (App. 2, Par. 8) will apply.
- g. Criteria for Selection of Projects. Project selection will be based on analysis of the proposed project by a LEAA Technical Assistance Team resulting from pre-funding orientation and planning meetings held with prospective applicant communities. Major factors considered in the analysis will include:
 - (1) Local need and acceptance of this policing form;
 - (2) Ability of major enforcement agency to assist in operations support for the resident police supervisor;
 - (3) Statement of project objectives;
 - (4) Background of problem to be addressed;
 - (5) Project strategy statement;
 - (6) Project task breakdown;
 - (7) Performance measures and plan;
 - (8) Task flow diagram and master schedule;
 - (9) Staff resources used for preparing training;
 - (10) Possible cost assumptions and benefits to rural communities.
- h. Evaluation Requirements. Evaluation is not required but applicants must meet self-assessment and monitoring requirements of Appendix 4, paragraphs 3, 4, and 5.

7. ORGANIZED CRIME PROGRAM.

- a. Program Objective. To demonstrate that organized criminal activity can be more clearly identified and, subsequently, measurably reduced through the development and implementation of specially structured projects.
- b. Program Description.
 - (1) Problem addressed. Organized crime includes any group of individuals whose primary activity involves violating criminal laws to seek illegal profits and power by engaging

- in racketeering activities and for intricate financial manipulations. The perpetrators of organized crime may include corrupt business executives, members of the professions, public officials, or members of any other occupational group, in addition to the conventional racketeer element. The nature of their violations may range from crimes of terror and violence, hijacking, shylocking, narcotics trafficking and gambling, to the more subtle and sophisticated less understood, but equally serious, crimes of extortion, commercial bribery and political corruption. Both types of operations fit the description of organized crime, are becoming interrelated and drain millions of dollars from the economy of the U.S.
- (2) Results sought. The result of each project funded under this program are dependent upon the type of project and the sophistication of the grantee/subgrantee. However, each project should obtain one or more of the following results which are expected to be collectively achieved by the total program:
 - (a) An increase in the ability of State and local governments to launch and sustain an effective organized crime control program.
 - (b) A reduction in the fragmented and duplicative approach to organized crime investigation and prosecution.
 - (c) An increase in the sharing of information between agencies.
 - (d) New and improved techniques and methodologies for structuring and operating organized crime control projects.
 - (e) An increase in the identification and the understanding of the scope and seriousness of organized crime and its corrupting influence.
 - (f) An increase in the State and local manpower and other resources assigned to the investigation and prosecution of members of organized criminal groups.
 - (g) An increase in the level of organized crime control expertise of State and local investigators and prosecutors.
 - (h) A measurable reduction in the activities of organized criminal groups.
 - (i) An increase in the arrest and conviction of members of organized criminal groups.

- (3) Hypothesis to be tested. State and local governments can reduce the national problem of organized crime by strengthening their law enforcement and criminal justice efforts through:
- (a) Organizing special organized crime control units,
 - (b) Recruiting and training special investigators and prosecutors for such units,
 - (c) Developing organized crime information systems.
- (4) Assumptions underlying the program. Organized crime:
- (a) Is a perpetual criminal conspiracy by a group of persons who plan and often execute illegal acts or who pursue a legitimate objective by unlawful means.
 - (b) Involves or anticipates a long-term commitment or activity to illegally acquire money and power.
 - (c) Depends on predatory tactics such as fear, corruption, and greed to accomplish their goal.
 - (d) Exhibits effective control and discipline over members, associates and victims.
 - (e) Members are usually unable to exercise free will in disassociating themselves from the conspiracy and, for that reason, do not respond to rehabilitative efforts of the correctional system.
 - (f) Is not limited to such illegal acts as gambling, prostitution, loan sharking, narcotics, and labor racketeering, but is often involved in cargo theft, fencing, official corruption, violent crimes and complex economic (white collar) crimes.
 - (g) Is not synonymous with the Mafia or La Cosa Nostra although this group probably represents the most experienced, diversified and best disciplined of such conspiratorial groups.
 - (h) Does not include subversive groups dedicated to radical political change and terrorism.
 - (i) Is not limited to any one geographical area but is regional and/or national in scope.

- c. Program Strategy. Applications for multi-jurisdictional and Interdisciplinary Organized Crime Control Projects will be considered for funding during Fiscal Year 1977. Priority will be given to projects in the areas of White Collar Crime, Corruption, Cargo Theft and Fencing.
- (1) Scope. The purpose of this program is to encourage States and local governments to utilize a multi-jurisdictional and interdisciplinary organized crime control approach when establishing or reorganizing their law enforcement efforts against organized crime as a way to eliminate the fragmented and duplicative approach to organized crime intelligence collection, investigation and prosecution, and to allow for the free exchange of information and the pooling of resources between cooperating agencies. Multi-jurisdictional groupings may consist of any compatible combination of States, counties or cities having mutual and significant organized crime problems. Groupings need not conform to LEAA regions. To the extent practicable, efforts should be made to include all jurisdictions within the proposed geographical area to be covered by the project. States, counties and cities must examine their organized crime law enforcement efforts and needs on the basis of a systems approach emphasizing the coordination and working relationships between (1) intelligence gathering, (2) investigation, and (3) prosecution. Applicants under this program must address the proposed operation and interaction of these three functions within the project even though funding assistance may not be requested for all three areas. The basic operational structure will be determined by the needs and resources of the applicant; however, it is recommended that a Task Force or Strike Force structure be considered. In addition, each project must have a director supported by adequate administrative staff to include a fiscal officer or bookkeeper to handle the financial activities of the grant and project operation.
- (2) Structure of Projects.
- (a) White Collar Crime Projects. The term economic of "white collar" crime is not subject to any one clear definition; however, for the purpose of this program, economic crime projects must be directed at major frauds committed by non-physical means and by concealment or guile, to obtain money or obtain business or personal advantage.

Priority will be given to those projects aimed at the penetration of legitimate business by organized crime groups. For example, an organized crime group may by extortion or threats obtain control of an otherwise legitimate business and push it into a stock fraud or bankruptcy. Projects must be staffed at a minimum by competent attorneys, accountants and investigators. However, particular emphasis for these projects must be directed to the police investigative role in economic crime cases. Police rarely make economic crime a major investigative effort due in part to lack of resources, absence of an organizational (major fraud unit) framework, conceptual difficulties with the police/prosecutor/regulatory agency role in this area, and the relatively low awareness on the part of the citizens that they have been victimized. Therefore, a principal goal of projects under this subprogram should be to develop an active and constructive police role in combatting major economic crime. Also, due to the interrelationship between economic crime and other crimes, projects under this program should develop liaison between other investigation/prosecution units for the purpose of sharing information and obtaining assistance in cases involving the same criminals (e.g., an organized crime member involved in bankruptcy, fraud, murder, and hijacking). In addition, projects should consider as part of this operational strategy the greater use and/or participation of regulatory agencies, which often have the information and special expertise to supplement police/prosecutor operations against economic crime.

- (b) Corruption Control Projects. Corruption control projects may be established as a separate governmental unit or as part of existing branches of government. However, the project must be able to function independently; be staffed with experienced attorneys and investigators; have investigative and prosecutory power (to include subpoena power and access to a grand jury); have full authority within the jurisdiction to be served; and be devoted exclusively to official corruption at all levels of government within the jurisdictional boundaries of the project. Although the basic operational structure will be determined by the needs and resources of the applicant, it is recommended that the concept which establishes an "office of special prosecutor" be considered.

- (c) Cargo Theft and Anti-fencing Projects. Organized crime is often directly involved in the execution of cargo thefts, in the redistribution of the stolen goods and in the actual consumption and/or sale of stolen merchandise through the businesses it owns or controls. This involvement by organized crime in fencing and cargo theft requires a sophisticated network of connections and techniques which generally can only be eliminated by a concerted and cooperative effort by business and law enforcement. Projects developed as part of this program must be investigative and/or prosecutive in nature. It is not the intent of this program to provide funds for physical security systems, lighting systems, mechanical security (locks), etc. However, intelligence systems should be considered as part of this program. Application must demonstrate participation or formal, working liaison with other Federal, State or local agencies having responsibility for investigation or prosecution of instances involving cargo theft or fencing within the jurisdiction to be serviced by the applicant. Law enforcement is meaningless in this area unless the transportation industry management is encouraged and motivated towards a more effective effort on their part to develop, implement and continuously improve cargo theft prevention measures; therefore, applications for this program must include a methodology for assisting the transportation industry management in that jurisdiction in developing better security procedures and accountability of cargo. The use of specialists in the area of cargo security and handling is recommended for this component of the program.

(3) Application Components.

- (a) Organized Crime Profile. To the best of the applicant's ability and without violating legitimate confidentiality consideration, provide a profile of the State or local organized crime problem as identified to date including:
- 1 Characteristics of organized criminal activities,
 - 2 Description of group or groups involved in these activities,
 - 3 Economic impact of these activities,
 - 4 Impact of these activities on existing criminal justice efforts to combat this problem.

(b) Description of Project Jurisdiction. Provide a description of the geographical and political area to be served by project including:

- 1 Population,
- 2 Governmental structure,
- 3 Community make-up, e.g., business, industrial, residential, etc.,
- 4 Criminal justice agencies,
- 5 Regulatory agencies - where applicable,
- 6 Authority to engage in organized crime control efforts, e.g., legislation, common law, ordinances, etc.
- 7 Grant applications must specify the extent of each jurisdiction's authority to function within a multi-jurisdictional project.
- 8 The authority for the use of administrative and civil penalties must also be documented where applicable.
- 9 Where coordinative authority is dependent primarily on voluntary cooperation, applications should describe the steps and techniques to achieve this cooperation and evidence of endorsement by agency heads.

(c) Assumption of Cost. Applicants must include as part of the grant application a plan detailing the steps the State or local agency or agencies will take in assuming the costs of the project when discretionary funding has ended. This plan must identify the funding source, how the plan for assuming project costs will be implemented and the time frame for implementation.

(d) Electronic Surveillance. All organized crime control applications that list in the budget section the acquisition, with either Federal or matching funds, of equipment that may be utilized for electronic surveillance purposes, must include as part of the budget narrative for such equipment the following information:

- 1 A complete description of each item of equipment to be obtained,

- 2 A statement of how each item of equipment will be used,
- 3 The legal citations and justifications for the purchase and intended use of each item of equipment.

Each application under this program obtaining electronic surveillance equipment through the grant or intending to use, as part of the grant operation, electronic surveillance equipment already possessed by the applicant or other agencies involved with the project, must contain the following statement signed by the Project Director:

"(Applicant) agrees not to purchase or use in the course of this project any electronic, mechanical or other device for surveillance purposes that is in violation of Title III, P.L. 90-351, as amended, and any applicable state statute related to wire-tapping and surveillance."

(e) Confidential Expenditures. All organized crime control applications allocating in the budget section either Federal or matching funds to be used for confidential expenditures (buy money, undercover funds, etc.) must contain the following statement signed by the Project Director:

"I have read, understand and agree to abide by all of the conditions pertaining to confidential fund expenditures as set forth in Appendix 10, Guidelines for Confidential expenditures, of the LEAA Guideline Manual entitled, Financial Management for Planning and Action Grants (M 7100.1A). I further agree to obtain LEAA approval before any deviation in the above procedures is allowed."

- (f) Training. Applicants are encouraged to allocate, as a project component, funds for training project personnel.
- (g) Project Director. The project director must be identified by name in the application.
- (h) Organizational Chart. Describe (organizational chart) organization of applicant agency and proposed project, and where they fit within State and local criminal justice system.

- d. Dollar Range and Number of Grants. Five grants ranging from \$200,000 to \$300,000 for grant periods of up to 18 months are contemplated. See paragraph 7.g. "Other Special Requirements" for information on continuation funding.
- e. Submission and processing category. Track II. (See App. 2, Par. 7)
- f. Eligibility for Awards. Applicants must be part of State or local government and where applicable have investigation and/or prosecution authority over the organized crime activities of that jurisdiction. Applicants need not be limited to police agencies or prosecutors' offices. State or local government agencies such as Departments of Taxation or Revenue - Office of the Comptroller - could also apply if they have the proper jurisdiction and authority to investigate and prosecute organized crime or white collar crime cases without duplicating the efforts of other law enforcement agencies.
- g. Deadlines for Submission of Applications.
 - (1) Two applications will be considered during the period from October 1, 1976 to January 31, 1977.
 - (2) Three applications will be considered for funding during the period from February 1 to June 30, 1977.
- h. Criteria for Selection of Projects. Applications will be judged according to the following criteria:
 - (1) Ability of applicant to establish measurable goals and objectives based on identified needs.
 - (2) Ability of applicant to organize to accomplish the goals and objectives.
 - (3) Ability of applicant to set forth and implement a plan for action based on project organization.
 - (4) Evidence of significant organized crime problem in applicant's jurisdiction.
 - (5) Evidence of authority and jurisdiction of applicant, where applicable, to investigate and/or prosecute organized crime.
 - (6) Evidence of cooperation with other Federal, State and local criminal justice agencies in applicant's jurisdiction.

- (7) Evidence of high integrity and ability of applicant to conform with Federal, State or local laws, regulations, and guidelines pertaining to electronic surveillance, confidential expenditure, security and privacy of information and other similar areas of confidentiality.
 - (8) Ability of applicant to institutionalize the project.
 - i. Evaluation Requirements. Evaluation is not required but applicants must meet self-assessment and monitoring requirements of Appendix 4, Paragraphs 3, 4, and 5.
 - j. Other Special Requirements.
 - (1) Continuation Funding. The following conditions must be met before LEAA will consider continuation funding.
 - (a) The availability of funds.
 - (b) That every effort has been made by the subgrantee or grantee to secure continuation funding from other than Discretionary Fund source.
 - (c) That the grant/project is judged by the Organized Crime Desk, the Regional Office and State Planning Agency as having an effective operation and is considered critical to the organized crime law enforcement in that jurisdiction.
 - (d) That failure to obtain continued financial support for the grant would mean the termination of the operational unit.
 - (e) That the request for continuation funding is on the basis of 80% Federal, 20% matching funds.
 - (2) Continuation grant applications must be submitted to LEAA no less than 90 days before termination of the existing grant.
8. DRUG ENFORCEMENT PROGRAM.
- a. Program Objective. This program seeks to provide financial and technical assistance to state and local enforcement agencies for the purpose of interdiction and controlling the trafficking of controlled substances.

b. Program Description.

- (1) Problem addressed. The presence and abuse of controlled substances continues to increase, indicating that traditional law enforcement techniques are not satisfactory. The crimes of drug abuse and distribution present several aspects unique to law enforcement: It is a life-style crime; it is labeled a crime only when there is both a tacit and explicit agreement between parties in the drug transactions; since voluntary complaints are scarce, information must be actively sought; and the distribution system is a pyramid of power, profit and vulnerability to corruption. Also, as a covert activity, drug trafficking is most difficult to detect and, due to its widespread market, transcends jurisdictional boundaries. These characteristics complicate effective enforcement and prosecution.
- (2) Results sought.
 - (a) Increase the cooperation of participating agencies, resulting in increased coordination of activities.
 - (b) Provide training to selected State and local drug enforcement personnel and specialists who will, in turn, conduct intra-organizational training.
 - (c) Increase the capability of the State and local agencies for the collection, analysis and dissemination of information concerning drug trafficking.
 - (d) Increase the quality of drug arrests and prosecutions and reduce the level of crimes attributed to drug abusers.
 - (e) Increase the local drug prices at the retail level while decreasing the purity of specific substances (i.e., heroin, cocaine).
- (3) Assumptions underlying the program. Research substantiates that there is a direct relationship between drug abuse and crime in that a significant number of drug abusers depend upon crime, especially those involving theft of marketable property and cash, to finance their addiction. Reduction in availability of drugs and subsequent increase in their prices would drive the addict into treatment or increase his risk of apprehension by having to commit a greater number of crimes to support his habit. It is also known that drug trafficking is not limited by geographic or governmental parameters and that its operations are insulated from general view. These factors restrict the mobility of law

enforcement agencies and their authority at the local level, and diminish the effectiveness of general law enforcement against the trafficker because of the need for sustained special investigations.

c. Program Strategy. Statewide/Multi-Agency Narcotic Unit Programs. Projects are to emphasize operations against distribution of Class I and II drugs and directed away from cases solely involving abuser possession. There are three kinds of projects offered under this program which address various levels of narcotics enforcement:

- (1) Statewide Information Service Units. Funding will be available for states to implement an information service unit to collect, analyze and disseminate information from State and local enforcement agencies and other resources. Agencies will periodically submit information to the service unit which will in turn collate, analyze and distribute a comprehensive picture of drug trafficking. Use of the information will aid in strategic planning, increase awareness of trafficking within the State, and increase cooperative efforts between and among State and local agencies.

The information service unit must have four principal functions: Collection, collation, analysis and dissemination. Under no circumstances will the unit engage in operational enforcement activities but will remain only as a support unit for State and local efforts.

- (2) Multi-Agency Narcotics Units. Projects to support investigation and prosecution efforts designed to interdict the trafficking of controlled substances at the local level. Such units must have the capability to overcome jurisdictional problems, reducing duplication of effort and increasing the sharing of information in city/county or multi-county areas. Operations are to be established through police or prosecution offices. Formal initiation may be by compact or other arrangements or through councils of governments.

Responsibilities and authority are to be vested in the unit by a supervisory board composed of police and prosecutors and other members from the criminal justice community.

Each project is to possess investigative and prosecutive functions, the personnel to be drawn primarily from the participating agencies. In projects involving core cities of 500,000 or more, a minimum requirement would be the

formal designation of a ranking unit member from the core city to serve as liaison and promote coordination with participating agencies.

The use of an intelligence officer or analyst may be extremely beneficial for project operations since the collection, collation, analysis and dissemination of information would assist in both strategic and tactical planning.

- (3) Statewide Narcotic Enforcement Units. Projects are to establish a statewide narcotic enforcement unit where none exists, or support a demonstrative feature of an existing statewide unit. Of primary importance when initiating a new statewide unit is the capability to provide assistance to local units if trafficking is found to be locally oriented. Demonstrative features desired by existing statewide units may include special units designed to counter increasing pharmacy thefts or to supervise major transportation centers within the State where drug shipments and movements may be seized and controlled.

All projects must have an investigative component capable of operating throughout the State. Optional components are allowable depending upon availability of funds and their proposed effectiveness in augmenting investigation functions.

Applications must substantiate that trafficking in narcotics and dangerous drugs exist within that jurisdiction through such data as arrests, investigations, convictions, drugs seized, price and purity of sampled drugs. In addition, applicants should identify the presence of the trafficking system(s) and its impact upon the public and criminal justice community. Since cooperation and coordination are key elements in this program, applicants should also discuss existing relationships with other agencies and the degree and type of coordination proposed in the project.

Applicants must specify how they plan to seek and obtain continuation funding for the project from local and State agencies after the direct funding period.

- d. Dollar Range and Number of Grants. Three grants are expected to be awarded ranging from \$150,000-350,000. Each project will be limited to one award for 18 months.

- e. Eligibility to Receive Grants. State and local units of government which exceed 200,000 in population and their enforcement agencies are eligible. Smaller jurisdictions which can substantiate that their area serves as a major trafficking sector within the State may be considered.
- f. Project Selection. Priority consideration will be given to those projects from jurisdictions which have not received prior LEAA discretionary grant assistance for drug enforcement.
- g. Submission and Processing Category. Track II. (See App. 2, Par. 7)
- h. Deadline for Submission of Applications. Applications must be submitted by December 15, 1977. Panel review selection process (App. 2, Par. 8) will apply.
- i. Criteria for Project Selection. The following programmatic criteria will be considered in review of the application.
- (1) Identified scope of the trafficking problem within the jurisdiction;
 - (2) Commitments by participating units to establish the project and support from other areas of the criminal justice system;
 - (3) Cohesion and organizational composition of the project to include assumed responsibilities; and
 - (4) Capability of the applicant to accomplish stated objectives and goals.
- j. Evaluation Requirements. Some projects in this program will be selected for intensive project evaluation. In addition to the self-assessment and monitoring requirements of Appendix 4, Paragraphs 3, 4, and 5, all applicants must meet the project level evaluation requirements specified in Appendix 4, Paragraph 8.
9. RESERVED.

SECTION 3. ADJUDICATION

10. COURT FUNDAMENTAL IMPROVEMENT PROGRAM.

- a. Program Objective. To support projects which produce fundamental structural or procedural change in the manner of operation of state court systems as a means of bringing about lasting improvements.
- b. Program Description
- (1) Problem addressed. Many state court operations are not fully aware of and have not taken advantage of existing proven techniques and technology, which if adapted to their system could result in efficiencies and improved overall performance.
 - (2) Results sought. Lasting changes in court operations and structures and the further identification of replicable strategies for a larger number of operating court agencies.
 - (3) Assumptions underlying program. That basic changes must be made in the manner in which many courts carry out their functions before enduring improvement can be realized. And, once made, such fundamental improvements will continue to serve the needs of citizens long after funding assistance ends.
 - (4) Program strategy.
 - (a) Examples of projects expected to be funded include state-wide prosecutor and defender model programs, establishment of judicial councils, selected appellate and state-wide court reorganization projects (including rules changes), as well as other projects having similar effect for a particular court or jurisdiction's way of doing business.
 - (b) Scope and description of projects. Applications should include the following:
 - 1 A plan of action which demonstrates knowledge of recent and on-going action and research programs in the subject matter area sponsored by LEAA, other Federal agencies and others.

- 2 A description of the components of the local criminal justice system which would be affected by the implementation of the program, including a system description and flow chart of official case processing. Statistical documentation (e.g., caseload, elapsed time between events, FTA rates, conviction and reversal rates), staff levels, data processing capabilities, related local programs, and jurisdictional responsibilities must be included.
- 3 Applications must also include:
 - a Evidence of support from criminal justice and other key officials (e.g., legislative, private agency, court, prosecution, defense).
 - b A description of statutory, administrative, and/or court rules pertinent to the operation of the program.
 - c A specification of plans for assumption of cost of the program (or assimilation of program elements) and the basis on which assumption of cost decisions will be made.
 - d The expected impact (in quantifiable terms, where possible) on the criminal justice system (e.g., management efficiency, evenhandedness, quality of justice and delay).
 - e A strategy for the coordination of the project with related projects and local and outside experts and organizations, and for the utilization of and dissemination of results.
- c. Range and Number of Grants. Ten grants ranging up to \$500,000 are expected to be awarded.
- d. Eligibility to Receive Grants. Criminal justice agencies and not-for-profit organizations working in the courts area.
- e. Submission and Processing Category. Track II. (See App. 2, Par. 7)
- f. Deadline for Submission of Applications. Applications must be received by the cognizant LEAA Regional Office by February 1, 1977. Concept papers are invited prior to the deadline.

g. Criteria for Selection of Projects. Proposals will be judged on the following criteria:

- (1) Extent of local support;
- (2) Likelihood of resulting in lasting change in operation of state judicial system or subsystem;
- (3) Extent of interagency cooperation;
- (4) Extent to which proposed project is innovative;
- (5) Likelihood of eventual assumption of project costs;
- (6) Potential impact for significant target population.

h. Evaluation Requirements. Some projects in this program will be selected for intensive project evaluation. In addition to the self-assessment and monitoring requirements of Appendix 4, Paragraphs 3, 4, and 5, all applicants must meet the project level evaluation requirements specified in Appendix 4, Paragraph 8.

11. CAREER CRIMINAL PROGRAM.

a. Program Objective. The objective of this program is to demonstrate that rape, robbery, burglary, and homicide can be reduced through special prosecutory emphasis on cases involving career criminals. (Programs focusing on Career Criminals are also found in the Law Enforcement (Paragraph 5) and Corrections Section (Paragraph 17) of this Guide.

b. Program Description.

(1) Problem addressed. A disproportionate amount of total serious crime is committed by a relatively few repeat offenders evidencing an inadequate response by our criminal justice system.

(2) Results sought. To expedite the prosecution of persons whose criminal history indicates repeated commission of dangerous criminal acts (homicides, forcible or sexual offenses, aggravated assaults, robberies, or burglary). Specific results include:

(a) Reduction in pre-trial, trial and sentencing delays.

(b) Reduction in the number of pre-trial release or bail decisions made without knowledge of other cases pending or the defendant's past criminal history.

(c) Reduction in the number of cases where a plea bargain is made without knowledge of other cases pending or the defendant's past criminal history.

(d) Increased utilization of appropriate habitual offender statutes.

(e) Reduction in the number of dismissals for reasons other than the merits of the case through two means:

1 Reduce the number of witnesses who fail to appear (through the effective utilization of modern witness management techniques).

2 Reduce the number of dismissals caused by the failure to collect all evidence necessary for the prosecution of the case or the collection of evidence in such a way that it is not admissible.

(3) Assumptions underlying program. The program is based on the following assumptions. The career criminal:

- (a) Commits dangerous violent crimes regularly and habitually and is responsible for a significant portion of serious crime committed.
 - (b) Will generally have two or more open cases pending in the court system at any given time.
 - (c) Utilizes his familiarity with the criminal justice system to avoid prosecution and punishment.
 - (d) Has generally not been influenced by traditional social service programs.
 - (e) Is not dealt with effectively by the criminal justice system because of massive number of cases and assembly line approach.
- (4) Program strategy.
- (a) The purpose of this program is to:
 - 1 Design, implement continue and improve model programs which establish priorities to speed the prosecution of persons whose criminal histories indicate repeat commission of dangerous criminal acts and to bring them to justice quickly with due regard for constitutional rights. The program target is offenders who FREQUENTLY commit the crimes of forcible sex offenses, aggravated assault, robbery, burglary, and homicide.
 - 2 Induce local prosecutorial units to identify and quickly prepare cases of violent, recidivistic, career criminals and develop methods of identifying cases in which career criminals are accused, and of assuring thorough and expeditious processing of these cases. As an optional part of this program, a corrections component dealing with the treatment of career offenders may be funded (or refunded). If Part E funds are sought, a separate budget for Part E funds should be included in the application.
 - (b) All new applications must contain the following data (and all continuation applications must summarize and completely up-date the same):

- 1 A profile of the local crime problem: i.e., general crime rate (UCR's; victimization, where available); homicide, forcible sex offenses, aggravated assault, robbery and burglary rates; clearance rates by crime; court and prosecutor caseloads by crime; conviction rates by crimes' present jail and prison populations and capacities.
- 2 An indication of the number or percentage of career criminals or repeat offenders. (This may be calculated by taking a sample of the caseload and determining what percentage are repeat offenders).
- 3 A description of each component of the CJS including but not limited to police agencies, the prosecutor, courts, and the public defender. The description should include jurisdiction, felony caseloads, staff levels, data processing capabilities, information systems and support staff.
- 4 A system description and flow chart of the present system from arrest to trial, including the number of work units and elapsed time between events. Supporting data must also be included. (This would include such data as number of felony arrests, number of cases dismissed and reasons, number of cases filed under a reduced charge, conviction rate, time from arrest to trial, and time from arraignment to trial and disposition of offenders.)
- 5 A discussion of the roles of the following criminal justice components. Cooperation of all parts of the system is required; both new and continuation applications should candidly discuss real and potential impediments to such cooperation and enunciate a strategy for ameliorating the situation. It is strongly recommended that, wherever possible, a coordinator of liaison representative be appointed for each agency vis-a-vis other affected agencies to reduce the likelihood of interagency misunderstandings. Outlined below are the key program elements which should be addressed in each application:
 - Police Identification after arrest, insure evidence is admissible, provide information on the offenders.

Prosecutor Screening and evaluation of cases. Identification of career criminals prioritizing career criminal case. Individualized case preparation (vertical handling). Witness coordinator may represent state at parole hearings. Senior prosecutors handle more serious cases.

Courts Priority docketing. Speedy preparation of pre-sentence report.

Corrections Development and testing of new treatment modes. Informs prosecutor of upcoming parole or pardon hearings. Report release.

Information System Provides information on defendants. Past criminal history, number of cases pending, information on witnesses, victims; attorneys, bondsmen, rank cases. Provides information on the flow of the case through the system.

- 6 Criteria to be used in the even-handed selection and prosecution of career criminals, and the practical means by which the prosecutor's office insures rigid adherence to the established criteria.
- 7 A description of current processing of defendants.
- 8 A description of the proposed approach (or the altered and already implemented approach, in the case of continuation applications) which shows how the defendant will be processed, and how this procedure varies from current practice and resources required.
- 9 A description of treatment approaches (if Part E funding is sought).
- 10 Evidence of actual and continuing support from criminal justice officials in addition to the prosecutor, including court and police officials.

- 11 A description of all statutory, administrative and/or court rules pertinent to the program (e.g., habitual offender statutes, speedy trial rules, etc.).
- 12 Anticipated and, in the case of continuations, actual impact upon the criminal justice system. All applications must include:
 - a A description of corrections and defense implications of the proposed program or actual impact of continuations, as well as a description of action to be (or that was) taken with respect to any problems posed by the program for corrections or the defense.
 - b A description of the actual or potential impact of the program on diversionary programs such as Treatment Alternatives to Street Crime (TASC). Further, the application should contain a formal letter of agreement from a local TASC or other formal diversionary program stating that there is no conflict or problem with that program's existing eligibility criteria compared to the eligibility criteria of the Career Criminal program.
- c. Dollar Range and Number of Grants. Grants may range from \$100,000 to \$500,000. There will be approximately three new jurisdictions selected for awards.
- d. Eligibility to Receive Grants. Preference for selection as a demonstration, or continuation, will be given to public prosecutor's offices serving major metropolitan areas. As an optional part of this program, funds may be made available for a corrections component or, under special circumstances, a defense component.
- e. Submission and Processing Category. Track II. (App. 2, Par. 7)
- f. Deadline for Submission of Applications. June 1, 1977.
- g. Criteria for Selection of Projects. Applications will be reviewed and decisions made on the following criteria:
 - (1) Ability to collect information necessary to identify Career Criminals.

- (2) Ability to track cases through the system.
- (3) Existence of a procedure to screen and monitor cases.
- (4) Ability of the prosecutor to speed the prosecution of cases.
- (5) Evidence of cooperation from police, courts, probation, and parole.
- (6) Ability to institutionalize the program.
- (7) Ability of the prosecutor to implement and maintain the program in a manner that enables it to be monitored and evaluated--this includes the ability to adhere to established career criminal criteria and the sensitivity to the constitutional rights of the accused.

h. Evaluation Requirements.

- (1) An independent national evaluation of this program is planned. Each project will be evaluated as an element of the total program and will also be evaluated individually. This program evaluation will be undertaken by an independent contractor selected by the National Institute of Law Enforcement and Criminal Justice.
- (2) All applicants must propose an evaluation plan for their project containing the evaluation plan elements detailed in Appendix 4, Paragraph 7.
- (3) All grant recipients will be required to modify their proposed project specific evaluation plans in order to be integrated into the national level program evaluation design to be developed by the independent national contractor.
- (4) All grantees must indicate in advance their willingness to cooperate fully with the national contractor to participate in the program evaluation.

12. RESERVED.

SECTION 4. CORRECTIONS

13. TREATMENT ALTERNATIVES TO STREET CRIME (TASC) PROGRAM.

- a. Program Objective. The TASC program's objectives are to reduce drug related crime by providing for community-based drug treatment services for eligible drug abusing criminal offenders.
- b. Program Description.
 - (1) Problem addressed. Various studies have indicated that from one-third to one-half of all property crimes committed in the U.S. are directly or indirectly related to drug abuse. Many of the drug abusing offenders committing these crimes are released pending trial without any provision for treatment. As a result, many of them continue to commit criminal acts to support their drug habit while awaiting trial. For those who are convicted, many will be placed on probation with no specific provisions for drug treatment. As a result, many of these probationers will revert to criminal activities.
 - (2) Results sought. The program seeks to create criminal justice diversion mechanisms so that appropriate drug abusing offenders will be referred to community-based treatment programs. This should result in a significant reduction in the recidivism rates of these offenders.
 - (3) Program strategy.
 - (a) TASC applicants should discuss the nature and scope of the drug problem in their community and document their estimates as fully as possible. Statistics should also be obtained as to arrest for various categories of offenses (particularly drug possession arrests and property crimes) and the number of clients placed on probation.
 - (b) Projects will be required to provide for the following components or services in each application:
 - 1 A screening unit to identify and recruit potential clients entering the criminal justice system.
 - 2 A diagnostic/evaluation or intake unit to provide appropriate diagnostic services to determine the nature of the client's drug use and his appropriate treatment placement.

- 3 A court liaison representative(s) or other staff to represent the client in court.
 - 4 A tracking unit to monitor the progress of the client, to include random weekly urinalysis reports.
 - 5 Client escort from jail or court to intake and from intake to treatment.
- (c) Optional components may include support services coordination and a small jail treatment unit.
- (d) Application should discuss current criminal justice "client flow" and how TASC project will fit in or intervene in that process. Quantifiable costs and a timetable for achieving these goals should be specified.
- (e) Applicant should explain how his project will impact upon the criminal justice system (e.g. reduce the number of drug abusing offenders sentenced to prison) and the impact upon criminal recidivism rates. Applicant must also explain how recidivism of active clients will be monitored.
- (f) Applicant should discuss potential sources of funding and plans for local assumption of costs.
- c. Dollar Range and Number of Grants. Grants will range from \$150,000-400,000 per year. Approximately 8 grants are expected to be awarded for second and final year awards; 6 new grants will be made. A 10 percent cash match will be required for each year. Grant periods will be 12-15 months.
- d. Eligibility to Receive Grants. Eligibility is limited to State Planning Agencies and local units of government under Part E requirements. State Correctional agencies must be co-applicants with or subgrantees of SPA's.
- e. Submission and Processing Category. Track II. (App. 2, Par. 7)
- f. Deadlines for Submission of Applications. Continuation applications must be received in the LEAA Regional Office at least 90 days prior to expiration of first year funds. New applications must be submitted by December 31, 1976.

- g. Criteria for Selection of Projects. Selection will be made based upon acceptable applications and greatest need. Basic eligibility includes a jurisdiction of 200,000 or more inhabitants, the presence of a significant drug-related crime problem, and the availability of community-based treatment slots. Only those projects designated as having performed successfully during their first year of operation will be eligible for continuation funding. This designation will be based on statistical analyses, costs per client referral and monitoring reports.
- h. Evaluation Requirements. Evaluation is not required but applicants must meet self-assessment and monitoring requirements of Appendix 4, Paragraphs 3, 4, and 5.
- i. Other Special Requirements. All applicants must document the availability of adequate community-based treatment resources for the anticipated TASC caseload.
14. COMMUNITY CORRECTIONS PROGRAM.
- a. Program Objective. The objective of this program is to improve and increase the use of community rather than institutional resources to control selected offenders without endangering citizens in the community by:
- (1) The reorganization and reorientation of probation and parole services; and
 - (2) The development of community-based alternatives to reduce the need for additional jail space.
- b. Program Description.
- (1) Problem addressed. Although prisons, training schools, and other penal facilities have come under increasing criticism in recent years, probation, parole and related community programs are at least equally lacking in effectiveness and many of its personnel reluctant to modify traditional attitudes and practices. But the significance of these deficiencies in terms of the public interest is much greater since the vast majority of convicted offenders are under field supervision in the community. Substantially more than a million offenders are under probation and parole jurisdiction at any give time. Other community-based programs are expanding, and it is estimated that there are now as many as 160,000 persons in community residential programs on any given day. There is no feasible alternative to the use of probation, parole and related community programs on the present scale that is economically possible in the U.S.

(2) Results sought.

- (a) Reorganization and reorientation of probation and/or parole in selected state, county, and local jurisdictions.
- (b) Assist jurisdictions to develop a range of both pre- and post-trial alternatives to the use of jails.

(3) This program is predicated on the assumption that corrections will continue to move in the direction of community programs; that increased attention will be given to identifying and selecting out those offenders who can benefit from less restrictive programs; and that there will be a continuing need for the development and implementation of innovative approaches to alleviate the drastic need for increased prison and jail space.

(4) Program strategy.

- (a) Up to five projects may be awarded which design and implement model programs in probation and/or parole. Reform in probation and parole will require redefinition and restructuring of the roles staff should fulfill. The concept of one field officer responding to an individual caseload or workload will not be considered part of this program strategy.

The potential incapacitative capability of field supervision is much greater than has so far been visualized or attempted. Proposed models should provide for screening and categorizing of offenders according to the degree of supervision required to restrain their opportunities for committing new crimes. Models considered will be those based on community resource management "teams"; reorganization of staff around service specialties; or a reorganization of service delivery to include a relocation of staff.

- (b) Up to five grants may be awarded for alternative-to-jail projects to include a broad network of programs to provide for the myriad needs of diffuse pre- and post-trial potential jail populations. The support of a single halfway house or isolated work-release effort which does not substantially impact on jail populations will not be considered.

(c) Scope and description of projects.

- 1 Applications for probation/parole reorganization must provide the following data:

- a number of persons under probation or parole supervision;
- b manner in which supervision assignments are currently made;
- c trend data and projections of number of persons supervised;
- d number of probation/parole staff; and
- e structure and organization of probation/parole agency.

2 Applications for projects providing alternatives to jails must provide the following data:

- a number of persons confined;
- b offenses for which confined;
- c trend on projections of confinement;
- d available bed space;
- e available and projected community resources; and
- f current and proposed use of alternatives to confinement.

3 Application for both kinds of projects must provide:

- a descriptions of proposed changes;
- b methods for achieving changes;
- c activities to be undertaken to achieve desired results;
- d description of target population;
- e plans and agreements for cooperation among agencies; and
- f impact on other elements of criminal justice system and on community.

- c. Dollar Range and Number of Grants. Up to ten awards will be made ranging from \$100,000 to \$300,000 per project. Support will be provided for no more than three years. LEAA's commitment to funding in the second and third years is contingent upon satisfactory grantee performance in achieving stated objectives and compliance with the terms and conditions of the grant. Applicants must be prepared to assume 30 percent of project costs in the second year and 50 percent in the third year.
- d. Eligibility to Receive Grants. Eligibility is limited to State Planning Agencies and local units of government under Part E requirements. It is anticipated that this program will be of most interest to state departments of probation and/or parole (who should be co-applicants with or subgrantees of SPA's), or to county metropolitan probation departments. Probation and parole departments must have a supervised population of more than 2,000 and a minimum officer staff of twenty (excluding secretarial and supervisory staff) to be considered.
- e. Submission and Processing Category. Track I. (See App. 2, Par. 6) for Probation/Parole Services Programs. Track II. (See App. 2, Par. 7) for Alternatives-to-Jail Programs.
- f. Deadline for Submission of Applications. The deadline for applications is February 15, 1977. Panel review selection process (App. 2, Par. 8) will apply.
- g. Criteria for Selection of Projects. Selection of projects will be on a competitive basis with special attention to the uniqueness of the proposed model and its potential impact on the offender population and on the corrections system of that jurisdiction. Important consideration will be given to the responsiveness of the application to the project components outlined above; the capability of the applicant to adopt the program as a major component of the system; and the documentation of successful program history.
- h. Evaluation Requirements. Some projects in this program will be selected for intensive project evaluation. In addition to the self-assessment and monitoring requirements of Appendix 4, Paragraphs 3, 4, and 5, all applications must meet the project level evaluation requirements specified in Appendix 4, paragraph 8.
- i. Other Special Requirements. To support coordination and information exchange among projects funded in the same area, funds should be budgeted in applications to cover the cost of sending 2 persons to three national meetings of three days duration each in Washington, D.C. during the course of the project.

15. CORRECTIONS TRAINING PROGRAM.

- a. Program Objective. The objective of this program is to provide correctional staff training to improve the effectiveness of correctional systems and the administration of correctional programs.
- b. Program Description.
 - (1) Problem addressed.
 - (a) Current training in corrections is uneven in quality, and questionable in its effectiveness.
 - (b) Many correctional systems do not meet Part E requirements requiring 80 hours of recruit training and 20 hours of in-service training.
 - (c) There is a lack of personnel to conduct training or replace staff who are being trained.
 - (d) The lack of adequate budgets limits the ability of staff to participate in training in other jurisdictions.
 - (2) Results sought. This program will provide demonstration training programs for correctional officers in major institutions and jails, with emphasis on changing role models. Skills will be improved through innovative training delivery methodologies, including the use of software and audio-visual aids within the correctional system. The use of advanced technology, such as a communications education network (CEN), is one possible means of providing training for correctional officers. The program will impact upon the system by providing more efficient organization and delivery of services, a better understanding of the officers' role in the system, and improved inmate-staff relationships within institutions. A long range impact of this program includes the effective and efficient redistribution of manpower.
 - (3) Program strategy.
 - (a) Five grants are contemplated including projects to develop training resources and to address the development of methods for the delivery of training.

(b) Scope and description of projects.

- 1 Applicants must provide information on number and kinds of staff to be trained, numbers and kinds of training staff, number and kinds of training conducted, hours of training conducted per year, and a clear statement of the training problem to be addressed.
- 2 Training should include the fundamentals of facility operation, correctional programming, role definition, and current correctional issues.
- 3 Where a subcontractor is to be used, the applicant should describe the criteria for selection, the manner of selection, the specific responsibilities of the subcontractor, the manner by which the work is to be monitored, and the manner of evaluation.
- 4 The application should contain, at a minimum, the following elements:
 - a A clear, concise description of the correctional system for which training is to be provided.
 - b Current training policies and procedures.
 - c Identification of training needs including the problems inherent in current policies and procedures, and the existing gaps in training.
 - d Definitive goal statements and measurable objectives.
 - e The training methodologies and mechanisms to be undertaken and carried out.
 - f The use of current technology and its relationship to project implementation.
 - g Resources to be used, including the capability of the applicant to fully utilize all available resources.
 - h Results anticipated in terms of impact upon the system.

- i Capabilities of the applicant, or a subcontractor, to provide the required training, including demonstrated abilities in effective management techniques, communications skills, organizational theory and practices, and knowledge and understanding of the corrections field.
 - c Dollar Range and Number of Grants. Five grants are contemplated ranging from \$30,000-250,000 for one year funding.
 - d Eligibility to Receive Grants. Eligibility is limited to State Planning Agencies and local units of government under Part E requirements. State Correctional Agencies must be co-applicants with or subgrantees of SPA's.
 - e Submission and Processing Category. Track I. (See App. 2, Par. 6)
 - f Deadline for Submission of Applications. Applications must be received by February 15, 1977. Panel review selection process (App. 2, Par. 8) will apply.
 - g Criteria for Selection of Grants. Applications will be reviewed and selections made based on the following criteria: Specific and measurable objectives; a clear statement of training problems and how the proposal is related to a resolution of these problems; the number of persons to be trained; the nature of the training methodologies to be used, including the use of technology, and the intended impact of the training program upon the trainees and upon the system in which they are employed.
 - h Evaluation Requirements. Some projects in this program will be selected for intensive project evaluation. In addition to the self-assessment and monitoring requirements of Appendix 4, Paragraphs 3, 4, and 5, all applications must meet the project level evaluation requirements specified in Appendix 4, Paragraph 8.
16. CORRECTIONS SYSTEM MANAGEMENT IMPROVEMENT PROGRAM.
- a Program Objective. The objective of this program is to improve the management of corrections systems through the development of research, evaluation, planning and monitoring capabilities in State Adult Probation and Parole Systems.
 - b Program Description.
 - (1) Problem addressed. The lack of adequate data and analysis of offender populations for planning and management of probation and parole programs.

- (2) Results sought. The development and demonstration of planning, evaluation and monitoring units for probation and parole in correctional systems such as offender based tracking systems or other management and planning tools. The efficient and effective utilization of scarce resources and the analysis and evaluation of specific programs and any resultant program revision, deletion, expansion, or addition of new programs based upon defined needs are long term results.
- (3) Program strategy.
- (a) Four planning units are expected to be funded.
- (b) Applicants must provide data on:
- 1 size of system;
 - 2 number and kinds of programs administered; and
 - 3 problems of system.
- (c) Projects must include provisions for:
- 1 planning staff and duties,
 - 2 data collection system to be used,
 - 3 use of data and analysis in program development and decision-making,
 - 4 location of unit in agency structure,
 - 5 coordination of proposed unit with related data collection and planning agencies, e.g., SPA, CDS, OBSCIS, and
 - 6 plans for assumption of cost of project.
- c. Dollar Range and Number of Grants. Four awards are contemplated ranging from \$75,000-125,000. Grants will be limited to two years, but awarded on one-year basis; for second year (or continuation) the applicant will assume 30% of costs.
- d. Eligibility to Receive Grants. Eligibility is limited to State Planning Agencies and local units of government under Part E requirements. State Correctional Agencies must be co-applicants with or subgrantees of SPA's.

- e. Submission and Processing Category. Track II. (See App. 2, Par. 7)
- f. Deadline for Submission of Applications. Applications must be submitted by December 30, 1976. Panel review selection process (App. 2, Par. 8) will apply.
- g. Criteria for Project Selection. Applications will be judged on the following criteria:
- (1) Clarity of objectives,
 - (2) Precision of workplans,
 - (3) Documentation of need,
 - (4) Demonstration of relationship of project to existing system,
 - (5) Evidence of program management capability.
- h. Evaluation Requirements. Evaluation is not required but applicants must meet self-assessment and monitoring requirements specified in Appendix 4, Paragraphs 3, 4, and 5.

17. RESERVED.

SECTION 5. JUVENILE JUSTICE AND DELINQUENCY PREVENTION.

18. RESERVED.

19. RESERVED.

20. RESERVED.

21. RESERVED.

CHAPTER 2. PROGRAMS TO IMPROVE THE INTERACTION
BETWEEN THE CRIMINAL JUSTICE SYSTEM
AND OTHER AGENCIES AND ORGANIZATIONS

22. SCOPE OF CHAPTER. This chapter describes programs to demonstrate ways to improve criminal justice through the efforts of agencies, organizations, and individuals not traditionally part of the criminal justice system. Likely applicants for projects in these programs include non-criminal justice agencies and, in some cases, criminal justice agencies.

SECTION 1. GENERAL

23. VICTIM/WITNESS ASSISTANCE PROGRAM.

- a. Program Objective. To assist in the development, implementation and replication of projects designed to improve the treatment of victims and witnesses and to increase citizen confidence in and cooperation with the criminal justice system.
- b. Program Description. This program is designed to improve confidence in the integrity and effectiveness of the legal system by improving the system's responsiveness to citizens, particularly those who come in most contact with the system: victims and witnesses. The program is based on the concept of mutual support: the system supporting the citizen and the citizen, in turn, supporting the system.
- (1) Problem addressed. The National Crime Panel Victimization Surveys, the District of Columbia Witness Study, and other surveys regarding citizens' perceptions of law enforcement and criminal justice agencies reveal widespread citizen apathy. Some citizens fail to report crimes; others fail to appear as witnesses, not because they are unwilling, but because they are not fully informed as to what they are to do. Frequently, victims are shown less concern and offered less assistance by criminal justice agencies than their assailants. The absence of the victim in the many proceedings following victimization allows criminal justice personnel, as well as defendants, to view crime in a remote and impersonal way.

Criminal victimization of elderly persons is a special problem. The National Crime Panel found that the victimization rate for persons 65 and over is 140 per 1,000 (household and crimes against persons combined). Independent population estimates indicate that approximately 2,100,000 crimes are committed in a given year against elderly persons directly or against households headed by persons age 65 and older. The rate of victimization for the urban poor and black is considerably

higher. In New York City in 1969, the elderly were only 9.7 percent of all tenants in city housing authority projects but experienced 29.6 percent of robberies and 19.6 percent of all categories of crimes committed. An Administration on the Aging Study in Kansas City concluded that elderly persons are more vulnerable to and disproportionately damaged by virtually all major crimes because they are less able to escape offenders and are more likely to receive serious injury. They often live on a small fixed income and suffer a greater financial loss than younger employed persons and often avoid risk situations at the expense of needed social activities.

Another group of victims who require special attention are victims of sensitive crimes such as rape, sexual abuse of children and domestic violence. These victims share a similar reluctance to bring complaints to the criminal justice system. Because these crimes involve illicit sexual contact or violence between people involved in a sexual relationship, they violate strong social taboos and are often accompanied by feelings of shame on the part of the victim, the victim's family and the offender.

(2) Results sought.

- (a) Increased reporting of crimes by victims and witnesses;
- (b) Reduced waiting time and unnecessary appearances of police and civilian witnesses;
- (c) Increased witness cooperation in the prosecution of cases, particularly those cases involving traditionally uncooperative witnesses, including rape victims, victims of domestic violence, children who have been sexually assaulted, the elderly and those fearing reprisals.
- (d) Systems improvements for victims and witnesses, including computerized witness notification, televised testimonies of expert witnesses, citizens' information terminals in courthouses, and other new and improved methods aimed at cost savings.
- (e) Development and dissemination of programmatic guidelines for victims of sensitive crimes including rape, sexual abuse of children, and domestic violence.
- (f) Development and demonstration of new methods for victim participation in criminal justice proceedings.

- (g) Reduction in the repeated victimization of sexually abused children, victims of domestic violence, and vulnerable elderly victims.
- (3) Hypothesis to be tested. Better treatment of victims and witnesses will restore public confidence in the criminal justice system and result in greater effectiveness of the criminal justice system.
- (4) Assumptions underlying the program.
 - (a) Criminal justice personnel want to provide more sensitive treatment to victims and witnesses, and, if given necessary resources, will support programs and methods for improving existing procedures and conditions.
 - (b) The community's awareness of improved treatment of victims and witnesses will restore public confidence and result in an increase in crime reporting and witness cooperation on the part of ALL community members, not just those directly benefitting from the program.
- (5) Program strategy.
 - (a) Eleven continuation projects will be funded.
 - 1 Two Track I (see App. 2, Par. 6) grants to national organizations or a consortium of national organizations which will focus nationwide attention on (1) the problems of victims and witnesses and (2) the special services needed by these groups, to be accomplished through a coordinated effort of public education, technical assistance and demonstrations in selected communities.
 - 2 Six Track II (see App. 2, Par. 7) National Competition projects which have demonstrated significant accomplishments during their first year and which show strong evidence of institutionalization at the local level.
 - 3 Two Track II (see App. 2, Par. 7) projects which are particularly innovative and which need additional time to demonstrate their suitability for replication.
 - 4 One technical assistance grant to improve and expand existing LEAA-funded victim/witness projects' response to victims of sensitive crimes.

(b) Five new projects will include:

- 1 One Track I (see App. 2, Par. 6) grant to a national organization or a consortium of national organizations with a constituency which can bring about significant improvements in the criminal justice system's lack of response to the interests of victims in the arrest, prosecution and sentencing of offenders.
- 2 Two Track II (see App. 2, Par. 7) projects which document the special needs of elderly victims and witnesses and appropriate methods of addressing these needs.
- 3 Two Track II (see App. 2, Par. 7) projects which document the special needs of victims of domestic violence and/or children who have been sexually abused and appropriate methods of addressing these needs.

(c) Applicants must provide data on:

- 1 Extent and nature of victimization based on numbers and kinds of reported crimes; estimated unreported crime, including basis for estimate; any additional information which documents why certain crimes are underreported, any documented geographical concentration of crime or evidence of crime trends influenced by an identifiable set of social, cultural, or economic conditions; and any documentation of repeated victimization of the same persons.
- 2 Extent of lack of witness cooperation shown by numbers of witnesses who refuse to give information to the police or prosecutors; number of witnesses who come forward to testify but fail to show up for trial; and available information concerning characteristics of cooperative and uncooperative witnesses.
- 3 Extent and nature of witness problems as shown by results of surveys or other studies which document why witnesses failed to cooperate with the police or prosecutor; amount of witness waiting time and number of unnecessary appearances; and instances of insensitivity of criminal justice personnel toward witnesses or gross inefficiency in the policies or procedures of a given criminal justice or social service agency affecting witnesses and victims.
- 4 General information on the state of the art and how project relates to other significant work in the area.

(d) All projects must include the following components or elements:

- 1 Specific activities to increase awareness on the part of the public and the criminal justice community regarding victims and witnesses, particularly victims of sensitive crimes and elderly victims and witnesses;
- 2 Specifically designated mechanisms for citizen support and involvement in projects, either as volunteers, community representatives or advisors;
- 3 Training for criminal justice and social service agency personnel;
- 4 A commitment from appropriate criminal justice agencies to support the project and to participate in those project activities which are related to the particular criminal justice agency's responsibilities;
- 5 Crime prevention information and training to victims to help them avoid further victimization.

(e) The national scope grant to demonstrate increased victim participation in criminal justice proceedings must include the following elements:

- 1 Evidence of sufficient organizational ties with criminal justice agencies to produce a significant improvement in the criminal justice system's lack of response to the interests of victims in the arrest, prosecution, and sentencing and parole of offenders;
- 2 Mechanisms for involving victims in specific criminal justice proceedings at three or four selected sites, each site demonstrating victim participation in a different proceeding. For example, one site may demonstrate increased victim input in probation recommendations while another focuses on victim participation in parole hearings or plea negotiations.
- 3 For each demonstration site, there must be a mediator whose responsibility is to represent the victim's interests to the various criminal justice agencies involved in the proceedings.
- 4 Each demonstration project must have its own baseline data, stated goals and objectives, and measurements of success.

- (f) Projects to assist elderly victims and witnesses must include the following elements:
- 1 Part-time staff positions for a selected number of elderly persons;
 - 2 Emergency assistance and follow-up social services;
 - 3 Transportation and other services which make serving as a witness more comfortable and convenient;
 - 4 Close coordination with other community programs for the elderly.
- (g) Projects to assist sexually abused children must include the following elements:
- 1 A close coordination with schools, hospitals, recreation centers and other agencies and institutions which have frequent contact with children;
 - 2 Identified community resources where sexually abused children and their parents or guardians can be referred for needed assistance and counseling;
 - 3 Improved reporting procedures and methods of handling these kinds of cases which will encourage reporting of crimes.
- (h) Projects to assist victims of domestic violence must include:
- 1 Emergency shelter for victims and their dependents either as part of the project or as an available resource;
 - 2 Counseling, referrals and follow-up services, and, if possible, arbitration and mediation services in the prosecutor's citizen complaint unit;
 - 3 Witness protection, if necessary.
- (i) Each grantee must submit to LEAA within six months of the grant award a step-by-step plan for institutionalization. Quarterly reports must include progress toward assumption of cost.

c. Dollar Range and Number of Grants.

- (1) Grants will range from \$50,000 to \$300,000.
- (2) Grants will be awarded on a one year basis, with consideration for second and third year funding based on project success and evidence of institutionalization.
- (3) Priority for continuation funding will be given to projects which provide 20 percent matching contribution in the second year and 40 percent in the third year.

d. Eligibility to Receive Grants.

- (1) Units of State or local government or combinations of such units;
- (2) National professional or citizen organizations; and
- (3) Universities or other private organizations or agencies.

e. Submission and Processing Procedures. See Program Strategy (paragraph 23.b.(5)) and Appendix 2, Paragraphs 6 and 7.

f. Deadline for Submission of Applications. Applications must be submitted by December 15, 1976. Panel Review Selection process (App. 2, Par. 8) will apply.

g. Criteria for Selection of Projects.

- (1) If applicant is a private organization, there must be evidence of at least two (2) years of responsible fiscal management.
- (2) All applicants must either have criminal justice expertise or at least one staff position for someone with significant experience in criminal justice.
- (3) Projects serving elderly victims and witnesses or victims and witnesses of sensitive crimes must show expertise in those given areas.
- (4) Applicants must have the WRITTEN endorsement of the project from those criminal justice agencies whose support and cooperation is essential to project success.

h. Evaluation Requirements.

- (1) An independent national evaluation of this program is planned. Each project will be evaluated as an element of the total program and will also be evaluated individually. This program evaluation will be undertaken by an independent contractor selected by the National Institute of Law Enforcement and Criminal Justice.
- (2) All applicants must propose an evaluation plan for their project containing the evaluation plan elements detailed in Appendix 4, Paragraph 7.
- (3) All grant recipients will be required to modify their proposed project specific evaluation plans in order to be integrated into the national level program evaluation design to be developed by the independent national contractor.
- (4) All grantees must indicate in advance their willingness to cooperate fully with the national contractor to participate in the program evaluation.

24. CITIZEN PARTICIPATION PROGRAM.

- a. Program Objective. To encourage citizen participation in support of the law enforcement and criminal justice system, with emphasis on crime prevention and the unique problems of the elderly.

The program has two sub-objectives:

- (1) Assist in the organizing of the community through the development of action projects that will reduce crime.
- (2) The reduction in the vulnerability of the elderly as crime victims.

b. Program Description.

- (1) Problem addressed. Crime in the community, particularly in the inner cities, is altering the quality of life. Fear of street crime and burglary has affected the social patterns of many communities and in some instances resulted in that fear making people prisoners in their own homes; the fear of crime has reduced street activity, made neighborhoods appear deserted and has increased the isolation between persons. The social isolation of people has destroyed the feeling of community necessary for any form of social control.

The elderly are especially vulnerable to crime; physically they are more prone to injury and, once injured, are slow to recover. Furthermore, they frequently do not have the economic resources to fall back on after being victimized.

(2) Results sought:

- (a) Citizen/police cooperation in crime prevention through mutual participation in action projects.
- (b) Trained citizens who will organize the community for participation in crime prevention programs.
- (c) The development of training materials (a monograph or training curriculum) describing how to plan, organize manage and operate a local-level citizen volunteer program supporting the criminal justice system.
- (d) Demonstration of methods to work with police and other community resources to reduce the vulnerability of the elderly as crime victims.

(3) Hypotheses to be tested.

- (a) The involvement of citizens with the criminal justice system can result in system improvement.
- (b) The quality of life for elderly citizens can be measurably improved through the development and implementation of programs that will reduce their vulnerability as crime victims.

(4) Assumption underlying the program.

- (a) Citizen groups are increasingly interested in the development of action programs to address crime.
- (b) The increasing number of senior citizens as part of the population, and their increased victimization, are creating an interest in this age group, and increasing concern for a program in crime control that will assist them.

(5) Program strategy.

- (a) Types of projects:

1 Community Crime Prevention

- a Projects that involve citizen/police participation in action programs.
- b Projects that reduce the isolation of community members from each other.
- c Projects that address the idleness and unsupervised activities of juveniles in the community and that develop activities for them.

2 Crimes against the Elderly

- a Projects that identify the unique needs of the elderly and are intended to reduce the isolation of the elderly in the community.
- b Projects that reduce the economic and physical consequences of crime against the elderly.
- c Projects that make use of the elderly as a resource in community crime prevention.

(b) Project requirements:

- 1 The major component of the program must show an action orientation. The conducting of meetings and conferences will not be considered sufficient as an objective.
- 2 The application must indicate how the program will utilize other social agencies in the community.
- 3 The application must indicate how the program relates to other programs concerned with crime and crime prevention that are currently in place in the community.
- 4 Applicant must include information concerning previous or current projects, their funding levels, and the agency for whom conducted, which demonstrate the applicant's fiscal, managerial, and programmatic capabilities.
- 5 All applications must include a state of the art statement along with a brief bibliography.
- 6 Where applicable, the applicant must show how the program will be institutionalized if successful.

c. Dollar Range and Number of Grants.

- (1) Community crime prevention. Three grants ranging from \$250,000 to \$500,000.
- (2) Crimes against the elderly. Three grants ranging from \$250,000 to \$500,000.

All grants will be for periods of 12-18 months. Refunding consideration will be based on an evaluation of the progress made in achieving objectives and on increased matching contribution by the grantee.

d. Eligibility to Receive Grants.

- (1) Community crime prevention. Incorporated, non-profit community organizations, community social agencies, state or national agencies with a strong community representation.
- (2) Crimes against the elderly. Incorporated, non-profit community organizations, community social agencies, state or national agencies with a strong community representation.

e. Submission and Processing Procedure. Track I. (See App. 2, Par. 6)

f. Deadlines for Submission.

- (1) Community crime prevention. Applications must be submitted by January 31, 1977. The Panel Review selection process (App. 2, Par. 8) will apply.
- (2) Crimes against the elderly. Applications for this program must be submitted by December 15, 1976.

g. Criteria for Selection of Projects.

- (1) Clearly defined objectives.
- (2) Crime analysis data on the community that demonstrates a need for the program.
- (3) Endorsement of the proposal by the local police department.
- (4) Demonstrated coordination and involvement of the police in the program.
- (5) Specific qualifications of applicant to perform the projects.

- h. Evaluation Requirements. Some projects in this program will be selected for intensive project evaluation. In addition to the self-assessment and monitoring requirements of Appendix 4, Paragraphs 3, 4, and 5, applicants must meet the project level evaluation requirements specified in Appendix 4, Paragraph 8.

25. CRIME PREVENTION PROGRAM. RESERVED.

26. CRIMES AGAINST BUSINESS PROGRAM. RESERVED.

27. RESERVED.

SECTION 2. JUVENILE JUSTICE AND DELINQUENCY PREVENTION

28. PROGRAM TO PREVENT JUVENILE DELINQUENCY.

- a. Program Objective. The objective of this program is to develop and implement new approaches, techniques, and methods to prevent juvenile delinquency in communities where youth are in greatest danger of becoming delinquent through improving the abilities of not-for-profit private youth-serving agencies and organizations to implement programs which increase or expand social, cultural, educational, vocational, recreational and health services to youth.

- b. Program Description. This guideline provides a brief description of the Program to Prevent Juvenile Delinquency. A more detailed description, including specific application requirements, definitions of terms, and criteria for selection of projects, and a background paper, is provided in the Program Announcement for this program, available from LEAA Regional Offices or the Office of Juvenile Justice and Delinquency Prevention, LEAA, Washington, D.C. Potential applicants are urged to obtain the Program Announcement before preparing applications.

- (1) Target Population. Youth in greatest danger of becoming delinquent living in communities characterized by high rates of crime and delinquency, high infant mortality rates, high unemployment and underemployment, sub-standard housing, physical deterioration and low median incomes.

- (2) Results sought.

- (a) To increase the number of youth from target communities utilizing the services of private and public not-for-profit youth-serving agencies and organizations;
- (b) To increase the number and types of services available to youth in target communities through coordinative efforts among private and public youth-serving agencies;
- (c) To increase the capacity of target communities to respond more effectively to the social, economic and familial needs of youth residing in target communities;
- (d) To increase the capacity of national, regional and local youth-serving agencies to implement and sustain effective services to youth in target communities;
- (e) To increase volunteer participation and broaden community support for delinquency prevention activities; and

- (f) To disseminate information regarding successful prevention projects for replication through national youth-serving agencies and organizations.

c. Program Strategy. Program approaches may include the following strategies either alone or in combination.

(1) Direct service projects which must:

- (a) Provide for a significant increase in youth served from target communities.
- (b) Involve youth and community residents in planning.
- (c) Employ youth in project implementation.
- (d) Utilize service models which result in new or improved social, educational, physical, and vocational skills of youth.
- (e) Demonstrate an ability to include those youths in the target community who do not normally use or under-utilize private youth-serving agency services because of location of services, staffing patterns, types of services, and criteria for eligibility or termination of services.
- (f) Address organizational policies, procedures, and practices which limit accessibility and restrict utilization of services by youth and families in target communities.
- (g) Provide for appropriate training of staff, residents, and youth, as well as other support services essential to developing and maintaining viable programs.

(2) Community development projects which must:

- (a) Be directed toward improving and increasing services for youth through involvement of residents and youth from target communities in planning and implementation of youth service programs.
- (b) Address those community conditions and organizational/institutional policies, practices and procedures which limit accessibility and restrict utilization of services within target communities.

- (c) Facilitate the community's ability to support and sustain improved and expanded services to youth.

- (d) Provide for appropriate training of staff, residents and youth, as well as other support services essential to developing and sustaining viable programs.

(3) Projects to improve delivery of services to youth which must: (N.B.: Such projects should normally operate in combination with direct service or community development projects.)

- (a) Address one or more institutional/organizational problems known to interfere with maximum utilization of private agency/organizational resources by youth in target communities.
- (b) Propose solutions which have potential for ameliorating problems and providing needed resources in diverse geographic locations and across the full spectrum of public and private not-for-profit youth-serving agencies.
- (c) Focus improvements upon those affiliates located in communities of target populations.
- (d) Show in specific and measurable terms how the capacity to serve youth in target communities will be improved.

(4) Applications requirement. Specific application requirements are specified in the Program Announcement, available from LEAA Regional Offices or Central Office. These must be addressed in the submission of application.

- d. Dollar Range, Number and Duration of Grants. Awards for this program will be for a two year period, funded in annual increments. Applications must include budgets for a two year period, broken out for each budget year. LEAA's commitment to continue in the second year is contingent upon satisfactory grantee performance in achieving stated objectives in the previous program year and compliance with the terms and conditions in the grant. All project objectives must be achieved within two years and no continuations are contemplated beyond this time period. Grants will range up to \$1,000,000 for a two year period with grant sizes based upon number of agencies participating in a project, complexity of problems addressed, and number of youth to be served. MATCHING FUNDS ARE NOT REQUIRED FOR PROJECTS IN THIS PROGRAM.

- e. Eligibility to receive grants. Applications are invited from agencies who propose to serve disadvantaged youth from rural and medium size jurisdictions as well as private youth-serving agencies who propose to serve youth in large cities. The primary applicant must have at least two years experience in development and implementation of services to youth. Where collaborations or multiple jurisdictions apply a single agency must be designated as the primary applicant. Applications are invited from:
- (1) National private not-for-profit youth-serving agencies or organizations to implement youth-serving projects through 5 to 10 identified local affiliates with populations of less than 350,000 with characteristics of the target population described in paragraph 28.b.(1).
 - (2) Multiple units or collaborations of public and private not-for-profit youth-serving agencies and organizations in cities of 350,000 or more; counties of 500,000 or more; or contiguous multiple jurisdictions of 750,000 or more.
 - (3) Statewide private not-for-profit youth-serving agencies/organizations in states with populations under 500,000 on behalf of three or more youth-serving agencies. Territorial private or public youth-serving agencies may submit on behalf of one or more youth-serving agency(s).
 - (4) Regional not-for-profit youth-serving agencies/organizations or collaborations of private and public youth-serving agencies/organizations on behalf of three or more isolated rural communities with individual populations of 50,000 or less.
- f. Submission and Processing Procedures.
- (1) Applications from national or regional not-for-profit youth-serving agencies must be submitted according to Track I procedures (Appendix 2, Paragraph 6).
 - (2) Applications from other than national or regional not-for-profit youth-serving agencies must be submitted according to Track II procedures (Appendix 2, Paragraph 7).
- g. Deadline for Submission of Applications. All applications must be mailed or hand-delivered to the appropriate LEAA Regional Office (for Track II) or Central Office (for Track I) by January 30, 1977. Applications sent by mail will be considered to be received on time if sent by registered or certified mail not later than January 30, 1977, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope or on the original receipt from the U.S. Postal Service.

- h. Evaluation Requirements. This program will be subject to a national evaluation. Applicants must include in their proposed budgets up to 10% of the total project costs for project evaluation. An evaluation plan must be included with the application; the evaluation plan must be designed to:
- (1) determine the extent to which youth in target communities increased their utilization of services provided by private and public youth-serving agencies and organizations;
 - (2) determine the effects of the project on clients, community residents, social service agencies and juvenile justice system components;
 - (3) determine the extent to which policies, practices, and procedures of private and public youth-serving agencies are modified to address more effectively the needs of the target community;
 - (4) determine project cost effectiveness in relationship to number of youth served, services delivered and the number and degree of agency(s) participations; and
 - (5) determine the impact of these changes upon delinquency of target youth as evidenced by officially reported law enforcement actions, self-report and victimization studies, and other relevant sources of data.
- i. Special Requirements.
- (1) Sixty days following grant award, grantees must, if necessary, submit a updated budget and statement of work which reflect adjustments in tasks and milestones.
 - (2) To support coordination and information exchange among projects, funds will be budgeted in applications to cover the cost of three meetings during the course of the two year project. The first meeting will be held shortly after grant award.
- j. Criteria for Selection of Projects. Applications will be rated and ranked in four separate categories: national, regional, state and multiple units or collaborations of local youth-serving agencies. Only those meeting all criteria at the highest level will be considered for grant award. Other criteria being equal, LEAA reserves the right to require modifications to insure geographic spread and equitable distribution of resources in relation to need and diversification of programmatic design. Criteria are specified in the Program Announcement.

29. RESERVED.
30. RESERVED.
31. RESERVED.

CHAPTER 3. PROGRAMS TO IMPROVE CRIMINAL
JUSTICE PLANNING CAPABILITIES

32. SCOPE OF CHAPTER. This chapter describes programs to demonstrate and support improvements in planning and evaluation capabilities in states, local governments, and criminal justice agencies. Likely applicants for projects in these programs are criminal justice agencies and units of general government.
33. RESERVED.
34. SPECIAL PROGRAMS FOR AREAS WITH HIGH CRIME RATES. RESERVED.
35. COMPREHENSIVE DATA SYSTEMS (CDS).
- a. Program Objective. The objective of this program is to assist states in the development of State level capacity for collection, utilization, dissemination and evaluation of criminal justice statistics and information from all agencies within the State.
- b. Program Description.
- (1) Problem addressed. The lack of sufficient and comparable data about the operation of criminal justice agencies and systems for use in planning, management and evaluation.
- (2) Results sought. The Comprehensive Data Systems program seeks to develop, within each State, an integrated criminal justice information and statistics system.
- (3) Assumptions underlying program. Increased availability, accuracy, and comprehensiveness of criminal justice statistics will lead to improved planning, management, and evaluation; and national criminal justice statistical reporting should ultimately be based on data compiled at the State level.
- (4) Program strategy.
- (a) Implementation and utilization within each state of the three CDS program components are sought. The components will provide uniform and reliable data on a year-to-year, state-to-state, agency-to-agency, and national basis without unnecessary duplication of data collection. The three modules of the CDS program and their functions are:
- 1 The Statistical Analysis Center (SAC) to serve the information needs of planners and administrators, providing management and administrative statistics and providing and coordinating technical assistance to facilitate implementation of this program.

2 Offender Based Transaction Statistics and Computerized Criminal Histories (OBTS/CCH) to enable states to participate in the rapid and accurate interchange of information on individuals and provide the basis for effective crime reduction planning and evaluation. They will also facilitate compliance with DOJ's Privacy and Security Regulations by providing complete and secure criminal history record information.

3 Uniform Crime Reports (UCR) compiled at the State level provide a central collection point for crime data.

(b) Funds are to be made available to the states to establish the three CDS components. Each of these components can be established as a module, giving the State the capability to develop the information needed for program and budgetary planning and evaluation.

(c) Further information and details about projects are covered in the CDS Guideline Manual (M 6640.1 effective edition).

c. Dollar Range and Number of Grants. Grant size limits, by type of funds, are:

	No Match	Part C	Part E	Total
SAC	\$100,000	\$25,000	\$50,000	\$175,000
UCR	---	250,000	---	250,000
OBTS/CCH	---	750,000	750,000	1,500,000

Eighty to ninety grants are expected to be awarded.

d. Eligibility to Receive Grants. Grants for CDS components will be awarded at the State level only. A state agency may choose to subgrant funds to local or regional agencies for their participation in development of an overall system. To become eligible for funding for a component of the CDS, the State must first submit to LEAA a CDS Action Plan for approval in accordance with the CDS Guidelines Manual (M6640.1, effective edition).

e. Submission and Processing Category. Track II. (See App. 2, Par. 7)

f. Deadline for Submission of Applications. Applications may be submitted at any time.

g. Evaluation Requirements. Evaluation is not required but applicants must meet self-assessment and monitoring requirements specified in Appendix 4, paragraphs 3, 4, and 5.

h. Other Special Requirements. Grantees must meet requirements and criteria specified in the CDS Guideline Manual (M 6640.1, effective edition).

36. COURT PLANNING UNITS.

a. Program Objective. Through planning, to improve operations, to obtain more efficient allocation of statewide resources, and to provide more effective policy direction by state courts.

b. Program Description.

(1) Problem addressed. Inadequate short and long-term planning capacity in state courts which has contributed to inefficient operation and inadequate delivery of justice.

(2) Results sought. The upgrading of planning capacity in a state through the establishment and augmentation of planning capacity for improved operations, more efficient allocation of statewide resources, and more effective policy direction by state courts.

(3) Assumptions underlying program. Improved ability to plan for and manage judicial system resources will significantly contribute to the overall improved performance of local and State prosecutor, defense, court and pretrial subsystems.

(4) Program strategy. Each planning unit application (new or continuation) must include the following:

(a) Detailed outline of present planning capacity of the system--statewide and local--and what the introduction of or augmentation of a planning unit into the system will (or has) accomplish(ed).

(b) Relationship, if any, to the State Judicial Information System project and other relevant statewide or local information system.

(c) The office structure and planning techniques to be employed by the planning unit, including a description of the line of authority and relationships with respect to such entities as the Supreme Court, the State Court Administrator's office, the Judicial Council, and other appropriate entities.

(d) Provision for and resumes of key personnel including:

1 planner,

2 budget officer, and

3 evaluator or other provision for data collection and interpretation.

- (e) Statement of support from the state judicial leadership, legislature, and state planning agency, as appropriate.
 - (f) Provision for eventual assumption of planning unit costs by non-Federal funding source.
 - (g) Specification of a detailed project implementation schedule, including a target date for the completion of a courts' plan.
 - (h) Assurance of cooperation with LEAA's independent national technical assistance/clearinghouse project charged with evaluating and documenting the entire planning initiative process.
- c. Dollar Range and Number of Grants. Up to 20 new and continuation grants ranging up to \$150,000 may be awarded.
 - d. Eligibility to Receive Grants. State judicial organizations or agencies and assisting organizations.
 - e. Submission and Processing Category. Track II. (See App. 2, Par. 7)
 - f. Deadline for Submission of Applications. Applications must be received by the cognizant LEAA Regional Office by May 1, 1977. Concept papers are invited prior to the deadline. The Panel Review selection process (App. 2, Par. 8) will apply.
 - g. Criteria for Selection. Applications will be judged on the quality of their responses to the application requirements specified in Paragraph 36b(4), program strategy.
 - h. Evaluation Requirements. Evaluation is not required but applicants must meet self-assessment and monitoring requirements specified in Appendix 4, paragraphs 3, 4, and 5.
37. STATE JUDICIAL INFORMATION SYSTEM PROGRAM (SJIS).
- a. Program Objective. The objective of this program is to support the development, implementation and evaluation of state judicial information systems.
 - b. Program Description. The program is coordinated through the SEARCH SJIS Committee which consists of state court administrators, representing the chief justices of the 18 participating states. Membership is available to additional states. Each member state is eligible for two successive grants to further the automation of its SJIS.

- (1) Problem addressed. The need for timely, accurate and complete information necessary for decision making by state court officials.
 - (2) Results sought.
 - (a) Generation of comprehensive, reliable and timely judicial statistics, court management information, and planning and research data.
 - (b) Development of judicial statistical reporting which permits to the extent practical, intra- and inter-state comparison of court activities.
 - (c) Development of alternative systems for collecting, analyzing and reporting judicial information and statistics by state judicial departments which could be implemented on a manual or automated basis in different jurisdictions.
 - (3) Program strategy.
 - (a) During FY 77 it is expected that a maximum of 5 states will receive first year funding.
 - (b) Applications must be prepared in draft in consultation with the Grant Awards Evaluation and Monitoring Subcommittee of the SEARCH SJIS Committee. Grant applications and subsequent workplans will be prepared based on the work products of Phase I of the SJIS Program.
 - 1 State-of-the-art Report, SEARCH Technical Memorandum No. 11.
 - 2 Requirements Analysis and Systems Design, SEARCH Technical Report No. 12.
- Early consultation and coordination with State Planning Agencies and Regional Systems Specialists is encouraged to ensure compatibility with appropriate state plans.
- (c) The application program narrative must include but is not limited to the following:
 - 1 Current status of the OBTS/CCH component of the state's Comprehensive Data System.
 - 2 Relevant authority (Statute, Executive Order, Judicial Order or Rule) for statewide collection, processing, quality control, analysis and dissemination of data.

- 3 Existing system capability for a statewide agency.
- 4 Selection of one or more of the following subsystems for implementation or upgrade:
 - a criminal subsystem,
 - b appellate subsystem, or
 - c juvenile subsystems.

NOTE: A civil subsystem may be added to any of the above.

- 5 An indication of the manner in which the current project will be integrated into the state judiciary's overall network of information systems.
- 6 A phased plan for completion and delivery of documentation.

(d) The budget narrative must include but is not to be limited to the following:

- 1 An estimate of annual maintenance costs for the State judiciary's information system to include the current project.
- 2 An indication of the manner of providing financial support for systems created by the current project to include source and estimated funding requirements.

- c. Dollar Range and Number of Grants. Current policy provides for a Phase I grant of \$200,000 for twelve months to each member state. Upon successful completion of a Phase I grant, a member state may be awarded a Phase II grant for twelve months and \$200,000.
- d. Eligibility to Receive Grants. Eligibility is limited to members of the SEARCH SJIS Committee (see paragraph 37b).
- e. Submission and Processing Category. Track II. (See App. 2, Par. 7)
- f. Deadline for Submission of Applications. Draft grant applications may be submitted by the SJIS Committee member states at any time. Upon approval by the SJIS Committee each grant application should be submitted officially to the appropriate SPA and LEAA Regional Office.

- g. Criteria for Selection of Projects. Selection of projects will be based on review and analysis of applications by the SEARCH SJIS Committee.
- h. Evaluation Requirements. Evaluation is not required but applicants must meet self-assessment and monitoring requirements of Appendix 4, paragraphs 3, 4, and 5.

38. CORRECTIONS MASTER PLANNING.

- a. Program Objective. The objective of this program is to develop correctional master plans for six states. Such plans would set forth a systematic and logical planning approach for the entire state correctional system, would acknowledge changing concepts and priorities, and would provide the means for developing more effective programs and facilities and more efficient administration of the correctional system, including utilization of management information systems.
- b. Program Description.
 - (1) Problem addressed. As arrests, prosecutions, and sentences increase, the number of persons committed to corrections facilities and programs also increases. New programs and new institutions must be planned to respond. Furthermore, the jails in the U.S. have not been systematically evaluated, their problems have not been identified on a state by state basis, and no plans have been developed to assign priorities for their renewal.
 - (2) Results sought. This program will provide for the development of comprehensive approaches to the problems of population pressure, resource allocation, program development and system planning and system management through master planning. Correctional master plans will become blueprints for correctional action identifying measurable objectives, assessing alternative courses of action to attain these objectives, evaluating efficiency, and defining those alternatives which most clearly facilitate objective attainment. The major impact of the program will be the development and implementation of a correctional delivery system that maximizes offenders' access to community resources through a range of alternative programs, including the most effective use of facilities in response to determined needs. The program provides a total system planning approach to correctional needs.
 - (3) Assumptions underlying program. Comprehensive planning for corrections is a necessary tool for system improvement.

(4) Program strategy.

- (a) Applications must contain information on offender population, including current and projected population if available, available beds, space needs, kinds of available and needed resources, and how master planning is expected to alleviate current and anticipated problems.
 - (b) Where master planning will address jails, the proposal must indicate the number of jails in the state, the size of the jail population, age and known condition of the jails and the nature of the problems to be addressed by the proposed project.
 - (c) Applications for master planning must include a discussion of the methods to be used in examining the total system, how the plan will address the problem of the impact of local sentencing and confinement practices, and the relationship of the state criminal code to current sentencing and correctional practices. The proposal must indicate clearly how the master planning process will address both institution and community corrections and the time phasing of the master plan.
 - (d) Proposals should address coordination strategies with the judicial system, law enforcement agencies, and public and private agencies involved in criminal justice.
 - (e) If applicable, the applicant should state the relationship between the proposed project and the Offender Based State Corrections Information System (OBSCIS).
 - (f) Applications addressing jails must include a plan for developing a unified jail inspection program, indicate how the plan will relate to the state comprehensive plan, the extent to which consideration will be given to the development of regional jails, and examine alternatives to confinement including the decriminalization of status offenders.
- c. Dollar Range and Number of Grants. Six grants ranging from \$100,000 to \$175,000 may be awarded. Awards will be made for one year. Possible second year funding will be dependent upon an evaluation of the master plan that is developed and a commitment by the applicant jurisdiction to fund the implementation of the master plan at the expiration of Federal funding. Any second year award will be based on a 50 percent LEAA share and a 50 percent grantee share.

- d. Eligibility to Receive Grants. Grants in this program area are limited to state departments of corrections, state umbrella agencies that include a department of corrections, and state planning agencies or departments of corrections interested in conducting a statewide jail study, as co-applicants with or sub-grantees of State Planning Agencies.
 - e. Submission and Processing Category. Track I. (See App. 2, Par. 6)
 - f. Deadline for Submission of Applications. Applications must be received by March 1, 1977. Panel review selection process (Appendix 2, Paragraph 8) will apply.
 - g. Criteria for Selection of Applications. Proposals submitted will be selected based upon criteria including statements of specific and measurable objectives, adequacy of statistical data and other supporting information to document need, the degree to which the proposal demonstrates total systems planning and coordination, the resources identified to initiate and carry out the project, the commitment to implement the total systems planning concepts, and the adherence to the specific requirements of Part E. Special consideration will be given to projects using corrections agency staff to develop and implement the master plan.
 - h. Evaluation Requirements. Evaluation is not required but applicants must meet self-assessment and monitoring requirements of Appendix 4, paragraphs 3, 4, and 5.
39. OFFENDER BASED STATE CORRECTIONS INFORMATION SYSTEM (OBSCIS).
- a. Program Objective. The objective of this program is to support the development of information systems to support corrections system decision making for operations and planning.
 - b. Program Description. OBSCIS is a model state level information system under concurrent development in eighteen states to provide corrections agencies with improved operational and administrative information while also supporting overall, integrated national reporting and analysis capabilities. It interfaces with other systems of national scope such as National Prisoner Statistics (NPS) and Offender Based Transaction Statistics and Computerized Criminal Histories (OBTS/CCH). This program is coordinated with the Corrections Master Planning program and the Corrections System Management Improvement program.

- (1) Problem addressed. Few systems for Corrections departments exist which provide readily retrievable and accurate data for decision making.
- (2) Results sought.
 - (a) Provide population statistics and reports and, as authorized, provide evaluative studies, including program and rehabilitative information.
 - (b) Provide information about inmates to make proper decisions concerning inmate behavioral and rehabilitative change and to monitor the progress of inmates in terms of health, education, attitude adjustment and other factors.
 - (c) Maintain information on program activities that allows evaluation of their success.
 - (d) Provide timely management information concerning principal resources necessary for timely and realistic decision-making and budget preparation.
 - (e) Provide the capability for retrieving historical data, providing feedback and projections for planning of facilities, programs, personnel and funding.
- (3) Assumptions underlying program. It is possible to provide state corrections agencies with improved operational and administrative capabilities geared to their own requirements while meeting the objectives of national reporting systems and generating information to be used in developing state corrections master plans by designing a conceptual model which individual states may tailor for their own use while achieving commonality among all states.
- (4) Program strategy.
 - (a) Applicants must agree to follow the basic development procedures, applications and data elements contained in SEARCH Technical Report No. 10, OBSCIS (Volumes I-V). Initially, a state should concentrate development in the following eight application areas:

- 1 admissions,
- 2 assessment,
- 3 institutions,
- 4 parole,
- 5 movement status,
- 6 legal status,
- 7 management and research,
- 8 national reporting.

The order of development is dependent upon the level of corrections information systems development in each state and the priorities of that state. Other applications should not be developed until a minimal level operating capability has been achieved in the above application areas.

Support for these applications will be built upon a uniform data base established by the corrections authority in each participating state. The OBSCIS data base has three separate strata of data elements:

- 1 CORE - The minimum level necessary to support all national programs and interface with OBTS/CCH.
- 2 RECOMMENDED - The basis for correctional information system in individual states.
- 3 OPTIONAL - The addition of data elements which enhance the system and allow individual states to tailor their system to the particular requirements of their state authorities.

A state must agree to accept the CORE level of data elements and acceptance of the RECOMMENDED and OPTIONAL is encouraged.

- c. Dollar Range and Number of Grants. Grants will range from \$75,000 to \$200,000 each. New grants are not expected to be awarded in FY 77 although several new awards are expected to be made in FY 78 utilizing the software package developed and documented in FY 77.

- d. Eligibility to Receive Grants. The State Department of Corrections or other authority charged with statewide corrections management as co-applicant with or subgrantee of the State Planning Agency. The Chief Administrator of such agency must sign the application.
- e. Submission and Processing Category. Track II. (See App. 2; Par. 7)
- f. Deadline for Submission of Applications. Continuation grant applications should be submitted by states to the cognizant Regional Office 90 days before expiration of their current grant. Deadline for submission of applications for new grants will be announced at a later date.
- g. Selection Criteria. Approval of grant applications for OBSCIS will be based upon the following criteria:
- (1) Fulfillment of the special requirements noted in item i.
 - (2) Current status of the CDS Action Plan and OBTS/CCH component.
 - (3) SPA endorsement, approval and certification that the project is consistent with the state comprehensive plan.
 - (4) Regional Office comments and recommendation.
 - (5) Level of development of existing corrections information systems within the state.
- h. Evaluation Requirements. Evaluation is not required but applicants must meet self-assessment and monitoring requirements of Appendix 4, paragraphs 3, 4, and 5.
- i. Other Special Requirements. States seeking participation in OBSCIS must meet the following special requirements.
- (1) A state must have an approved Comprehensive Data System (CDS) Action Plan and a plan for development of the OBTS/CCH component in the near future.
 - (2) A state must agree to interface with the CDS Program by providing the data elements necessary for meeting state reporting obligations in implementing OBTS/CCH and supplying information to the Statistical Information Center (SAC), particularly in the area of management and administrative statistics.

- (3) A state must agree to participate in national correctional statistics programs.
- (4) In those states in which the parole functions are distinctly separate from the corrections functions, the applicant shall show commitment to the OBSCIS project from both parole and corrections agencies. Beyond indication of cooperation between these agencies, the applicant should also describe the method by which the parole and corrections segment of OBSCIS will be developed and where the responsibilities for providing state and national data will be.
- (5) A state must agree to accept the basic development procedures, application and data elements contained in SEARCH Technical Report No. 10.
- (6) A state must agree to participate in the SEARCH OBSCIS committee. Funds for one state representative to attend committee meetings will be provided by SEARCH Group, Inc.
- (7) With its application, a State must submit a written commitment, signed by the Chief Administrator of the State Department of Corrections to participate in the total project.

40. RESERVED.

CHAPTER 4. OTHER DISCRETIONARY GRANT PROGRAMS

41. SCOPE OF CHAPTER. This chapter briefly describes discretionary grant programs for which funding is limited to continuations of projects previously funded or to projects which LEAA has preselected according to special programmatic or demonstration criteria. LEAA is not seeking applications for new projects in these programs at this time.
42. STANDARDS AND GOALS TECHNICAL ASSISTANCE PROGRAM. This program includes projects to support the efforts of national criminal justice professional organizations to assist states and localities in standards implementation.
43. INDIAN NATIONAL SCOPE PROGRAM. This program includes five projects to demonstrate and provide training in new methods and procedures for Indian criminal justice systems. Included are projects in Judicial Training, Prisoner Pre-release, Juvenile Code development, Indian Council and Indian research.
44. LAW ENFORCEMENT MANAGEMENT PROGRAM. This program includes projects to provide structured, selective management training for police administrators and mid-management personnel.
45. POLICE ELDERLY PROGRAM. This program includes one project to improve police capabilities to respond to special needs of elderly people and to increase the use of older citizens as community protection resources.
46. JOINT FEDERAL/STATE/LOCAL ORGANIZED CRIME PROGRAM. This program includes several projects to develop and improve cooperation and coordination between Federal, State and local law enforcement units to decrease duplication of efforts and increase the level of operational security and data exchange for the investigation and prosecution of organized crime.
47. ORGANIZED CRIME CONTROL REGIONAL TRAINING PROGRAM. This program includes projects to provide regionally, on a year-round basis, training for investigators and prosecutors involved in organized crime control efforts.
48. DRUG ENFORCEMENT AGENCY TASK FORCE PROGRAM. This program provides grants from the Drug Enforcement Agency to assist local enforcement agencies in investigations of individuals at low and mid-levels of drug trafficking.

49. CIVIL DISORDER AND TERRORISM CONTROL PROGRAM. This program includes two projects to develop and implement regional training programs to assist local agencies to plan and design operational techniques to improve law enforcement response to terrorism.
50. COURTS TECHNICAL ASSISTANCE PROGRAM. This program includes several projects to deliver services, information, education, and technical assistance to courts related agencies and officials through training, diagnostic and problem solving technical assistance, and a service oriented clearinghouse function.
51. STANDARDIZED CRIME REPORTING SYSTEM PROGRAM. This program includes seven projects to demonstrate the feasibility of systematic use by police departments of the Standardized Reporting System developed by SEARCH Group, Inc.
52. PUBLIC INTEREST GROUP PROGRAM. This program includes several projects to provide information exchange, training, and assistance in criminal justice to State and local agencies and governments through nationally based, representative public interest groups.
53. SMALL STATE SUPPLEMENT PROGRAM. This program provides 15 states and territories with supplements to their Block Grant allocations to bring them to a minimal level for effective criminal justice improvement programming.
54. RESERVED.

APPENDIX 1. GENERAL SPECIFICATIONS AND REQUIREMENTS
FOR DISCRETIONARY GRANTS

1. SCOPE. This appendix contains general requirements for and limits on use of discretionary fund grants, including eligibility rules, general requirements, prohibitions and restrictions, and other applicable technical requirements.

SECTION 1. ELIGIBLE PROJECTS AND APPLICANTS.

2. ELIGIBLE PROJECTS. Applications will normally be considered only if they fall within the scope and coverage of programs described in Chapters 1 through 4 of this Manual.
3. ELIGIBLE APPLICANTS.
 - a. Discretionary grants authorized under Part C (Grants for Law Enforcement Purposes) of the Crime Control and Safe Streets Act can be made only to:
 - (1) States, state agencies or combinations of states or state agencies;
 - (2) Local units of government;
 - (3) Combinations of local units of government;
 - (4) Non-profit organizations; or
 - (5) State Planning Agencies.
 - b. Discretionary grants authorized under Part E (Grants for Correctional Purposes) of the Crime Control and Safe Streets Act can be made only to:
 - (1) State Planning Agencies;
 - (2) Local units of government;
 - (3) Combinations of local units of government; or
 - (4) Non-profit organizations.
 - c. Special emphasis grants authorized under Section 224 of the Juvenile Justice and Delinquency Act (Grants for Juvenile Delinquency Prevention and Treatment Programs) can be made to public and private agencies, organizations and institutions. Private non-profit agencies, organizations or institutions must have had experience in dealing with youth.

- (1) A private non-profit agency, organization or institution is defined as any corporation, foundation, trust, association, cooperative, accredited institution of higher education, and any other agency, organization or institution which is operated primarily for scientific, educational, service, charitable, or similar public purposes, but which is not under public supervision or control, and no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual, and which has been held by IRS to be tax-exempt under the provisions of Section 501(c)(3) of the 1954 Internal Revenue Code.
 - (2) Experience in dealing with youth means that the non-profit agency, organization or institution has been in existence for at least two years and has established program services for youth related to the program or project for which funding is sought. Under special circumstances the two year requirement may be waived by the Administrator of LEAA if a project meets all statutory requirements for Special Emphasis Prevention and Treatment Programs, is meritorious, and is financially and programmatically acceptable.
- d. Programs contemplating action by a particular type of law enforcement agency, or efforts conducted for State and local government by a university or other private agency, must have the application submitted by either:
- (1) The department of state government under whose jurisdiction the project will be conducted; or
 - (2) A unit of general local government, or combination of such units, whose law enforcement agencies, systems, or activities will execute or be benefited by the grant.

SECTION 2. GENERAL REQUIREMENTS

4. GRANTEE MATCHING CONTRIBUTION. All applicants for grants authorized under Parts C and E of the Crime Control Act (except Indian Tribes) must provide at least 10 percent of the total project costs. For some programs a larger matching contribution is required for second and subsequent years of award.
- a. Matching contributions must be in cash rather than in-kind goods and services.

- b. Matching contributions may be funds from State, local or private sources but may not include other Federal funds except from the following sources:
 - (1) Funds provided by the Housing and Community Development Act of 1974, and
 - (2) Funds provided by the Appalachian Regional Development Act of 1965.
 - c. Unless otherwise indicated in program descriptions (Chapters 1 through 4), all applicants for Special Emphasis grants authorized by Part B, Subpart II of the Juvenile Justice and Delinquency Prevention Act must provide a cash match of at least ten percent of total project costs. In some circumstances, at the discretion of the Administrator of LEAA, Federal funds may be used to pay up to 100 percent of costs of such projects; such exceptions are indicated, as applicable, in program descriptions (Chapters 1 through 4).
 - d. For more detailed information regarding grantee matching contributions see the appropriate edition of LEAA M 7100.1.
5. ASSUMPTION OF COSTS. It is LEAA policy that funds are awarded for initial development and demonstration and not for long term support.
- a. Projects will not normally be funded for a total of more than three years.
 - b. Applicants must indicate how project activities will be paid for when Federal funding ceases and what plans will be made during the period of Federal funding to arrange for that funding.
 - c. It is LEAA policy to normally require increasing grantee matching contribution for second and subsequent years of award.
 - d. See individual program descriptions (Chapters 1 through 4) for any special requirements or exemptions with respect to assumption of costs.
6. GRANT ASSURANCES. The grant assurances contained in Part V of LEAA Form 4000/3 (attachment to SF 424, Application for Federal Assistance) and LEAA Form 4000/4 (Application for Federal Assistance (Construction Program)) are incorporated in and made a part of all discretionary grant awards.
- a. All grant assurances should be reviewed carefully because they define the obligations of grantees and their subgrantees and express commitments that have binding contractual effect when the award is accepted by the grantee.

- b. Special Conditions. Frequently, LEAA will approve or require, as a condition of grant award and receipt of funds, "special conditions" applicable only to the particular project or type of program receiving grant support. These special conditions are to be negotiated and included in the terms of an award. Notice and opportunity for discussion will be provided to grant applicants. Special conditions may:

- (1) Set forth specific grant administration policies;
- (2) Set forth LEAA regulations (e.g. written approval of changes);
- (3) Seek additional project information or detail;
- (4) Establish special reporting requirements; and/or
- (5) Provide for LEAA approval of critical project elements such as key staff, evaluation designs, dissemination of manuscripts, contracts, etc.

- c. All grants are subject to applicable Federal and LEAA issuances. Copies of these and other grant condition references may be obtained from the applicant's cognizant LEAA Regional Office. Major other LEAA issuances are:

- (1) M 7100.1 (effective edition), Financial Management for Planning and Action Grants, which is the basic fiscal administration manual for LEAA grants;
- (2) LEAA regulations implementing the provisions of Title VI of the Civil Rights Act of 1964 with respect to LEAA grants (Appendix 13).
- (3) LEAA equal employment opportunity regulations (28 C.F.R. 42.201, subpart D) and equal employment opportunity program guidelines (28 C.F.R. 42.301, subpart E) with respect to LEAA grants (Appendices 14 and 15).
- (4) LEAA Guideline G 7400.2A, Effect on Minorities and Women of Minimum Height Requirements for Employment of Law Enforcement Officers.
- (5) Department of Justice-LEAA regulations on privacy and security of criminal history information systems (28 C.F.R. Part 20) (Appendix 16).
- (6) Department of Justice-LEAA regulations on the Confidentiality of Identifiable Research and Statistical Information (28 C.F.R. Part 22).

- d. The following general condition applies to all grants awarded by LEAA:

"THIS GRANT, OR PORTION THEREOF, IS CONDITIONAL UPON SUBSEQUENT CONGRESSIONAL OR EXECUTIVE ACTION WHICH MAY RESULT FROM FEDERAL BUDGET DEFERRAL OR REVISION 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, PUBLIC LAW 93-344, 88 STAT. 297 (JULY 12, 1974)."

7. SPECIAL REQUIREMENTS FOR APPLICATIONS FOR PART E (CORRECTIONS) FUNDS. As a condition for receipt of Part E funds for the planning, construction, acquisition, or renovation of adult or juvenile correctional institutions or facilities, ALL applicants for such must demonstrate and provide the following to the extent applicable:

- a. Evidence of reasonable use of alternatives to incarceration, including but not limited to referral and bail practices, diversionary procedures, court sentencing practices, comprehensive probation resources and the minimization of incarceration by State and local parole practices, work-study release or other programs assuring timely release of prisoners under adequate supervision. (Applications should indicate the areas to be served, comparative rates of disposition for fines, suspended sentences, probation, institutional sentences and other alternatives, and rates of parole.);
- b. Evidence of special provision for the treatment of alcohol and drug abusers in institutions and community-based programs;
- c. Architectural provision for the complete separation of juvenile, adult female, and adult male offenders;
- d. Architectural designs for new facilities providing for appropriate correctional treatment programs, particularly those involving other community resources and agencies;
- e. Willingness to accept in the facilities persons charged with or convicted of offenses against the United States, subject to negotiated contractual agreements with the Bureau of Prisons;
- f. Certification that, where feasible and desirable, provisions will be made for the sharing of correctional institutions and facilities on a regional basis;
- g. Certification that Part E funds will utilize advanced techniques in the design of institutions and facilities;

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- h. Satisfactory assurances that the personnel standards and programs of the institutions and facilities will reflect advanced practices including designation of the kinds of personnel standards and programs which will be sought in institutions and facilities receiving Part E support; and
- i. Certification that special administrative requirements dealing with objectives, architectural and cost data, contractual arrangements, etc., will be made applicable to contractors.
- j. All applications for Part E funds for purposes of construction or renovation of juvenile and adult correctional institutions or facilities MUST BE submitted in accordance with Guideline G 4063.2 (effective edition) to the National Clearinghouse for Criminal Justice Planning and Architecture for clearance of the architectural plans, designs and construction drawings. Applications should be forwarded to the clearinghouse at the same time they are submitted to the State Planning Agency and to LEAA. In turn, the Clearinghouse will respond to the applicant, the State Planning Agency and the cognizant LEAA Regional or Central Office. The address of the Clearinghouse is:

The National Clearinghouse of Criminal Justice
Planning and Architecture
University of Illinois
505 East Green, Suite 200
Champaign, Illinois 61820

- 8. SPECIAL REQUIREMENTS FOR MULTI-STATE OR MULTI-UNIT PROJECTS. Several discretionary programs encourage multi-State, regional, or cooperative projects involving multiple units of State or local government.
 - a. Unless otherwise indicated in the specifications for a particular program, applications may be made by:
 - (1) One government unit in the group on behalf of the others;
 - (2) All units in the group jointly; or
 - (3) A special combination, association or joint venture created by a group of governmental units for general or grant application purposes.
 - b. In all cases, clear evidence will be required of approval by all participating units of government with respect to:
 - (1) Their participation in the project; and
 - (2) The terms and commitments of the grant proposal or application.

SECTION 3. PROHIBITIONS AND RESTRICTIONS

- 9. LETHAL WEAPONS, AMMUNITION AND RELATED ITEMS. LEAA Discretionary Funds may not be used to purchase lethal weapons, ammunition, armored vehicles, explosive devices, and related items.
- 10. MEDICAL RESEARCH AND PSYCHOTHERAPY. LEAA Discretionary Funds may not be used for medical research or for the use of medical procedures which seek to modify behavior by means of any aspect of psychosurgery, aversion therapy, chemotherapy (except as part of routine clinical care), and physical therapy of mental disorders. Such proposals should be submitted to the Secretary of the Department of Health, Education and Welfare for appropriate funding consideration. This policy does not apply to programs involving procedures generally recognized and accepted as not subjecting the patient to physical or psychological risk (e.g., methadone maintenance and certain alcoholism treatment programs), specifically approved in advance by the Office of the Administration, LEAA, after appropriate consultation with and advice of the Department of Health, Education, and Welfare; or to those programs of behavior modification such as involve environmental changes or social interaction where no medical procedures are utilized.
- 11. EXPENDITURES FOR PERSONNEL. Not more than one-third of any discretionary grant may be expended for compensation of police or other regular law enforcement and criminal justice personnel, exclusive of time engaged in training programs or in research, development, demonstration, or other short term programs. Indian manpower projects not exceeding 24 months duration are excepted from this restriction.
- 12. CONSTRUCTION PROJECTS.
 - a. The Act provides for construction projects under both Part C and Part E. Construction grants under Part C are intended to be supportive of and supplemental to programs aimed at crime reduction and criminal justice system improvement. Construction grants under Part E are intended to meet the need for improved correctional facilities, with prime emphasis on community-based correctional facilities, and must be an integral part of a comprehensive plan for correctional programs and facilities.
 - b. New construction projects will be considered for funding only when they represent the only method available to meet program goals set forth in the State's comprehensive plan or when they are the only method available to meet program goals of LEAA national programs.

- c. Construction projects will be funded only when they meet critical needs, are innovative, and when they involve approaches which are replicable to other jurisdictions. An innovative approach to construction involves special attention to the needs of citizens who come in contact with the criminal justice system, special attention to possible multi-jurisdictional, regional, or multi-purpose use of the facility, and flexible design which anticipates changes in the use of the facility, among other elements. To be replicable, projects must show how requirements for the facility were developed, how the facility supported the goals, objectives, and priorities of the State comprehensive plan, and how considerations of program objectives were built into the design of the facility.
- d. Construction projects will be allocated no more than 5 percent of Part C discretionary funds, and no more than 30 percent of Part E discretionary funds in any one year.
- e. Applicants must comply with LEAA Guideline, G 7400.1B, Equal Employment Opportunity Procedure for Submitting Information on Construction and Renovation Contracts and with Executive Orders 11246 and 11375.
- f. Construction programs and projects funded under the Juvenile Justice and Delinquency Prevention Act are limited to construction of innovative community based facilities for less than 20 people. Facilities include both buildings, and parts or sections of a building to be used for a particular program or project.
 - (1) Errection of new buildings is not permitted with Juvenile Justice and Delinquency Prevention funds.
 - (2) Federal funds may not be used for more than 50 percent of the cost of construction of a facility developed pursuant to Section 227 of the Juvenile Justice and Delinquency Prevention Act.
- g. All construction projects must comply with standard grant conditions for construction programs (Appendix 8).
- h. For more information on definitions and requirements with respect to construction programs, see M 7100.1, effective edition.

SECTION 4. REQUIREMENTS OF OTHER FEDERAL LEGISLATION

13. SPECIAL REQUIREMENTS OF OTHER FEDERAL LEGISLATION AND REGULATIONS
LEAA is required to insure that ALL discretionary grants meet certain administrative and legal requirements imposed by other laws and administrative issuances. Therefore, the applicant must insure that the following requirements are met:

- a. Clean Air Act Violations. In accordance with the provisions of the Clean Air Act (42 U.S.C. 1857) as amended by Public Law 91-604, the Federal Water Pollution Act (33 U.S.C. 1251 et seq.) as amended by Public Law 92-500 and Executive Order 11738, grants, subgrants or contracts cannot be entered into, reviewed or extended with parties convicted of offenses under these laws.
- b. Relocation Provisions. In accordance with the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, P.L. 91-646, 84 Stat. 1894, and the regulations of the Department of Justice (effective edition of LEAA Guideline G 4061.1, Relocation Assistance and Payments):
 - (1) The applicant and State Planning Agency shall assure that any program under which LEAA financial assistance is to be used to pay all or part of the cost of any program or project which results in displacement of any individual family, business and/or farm shall provide that:
 - (a) Within a reasonable period of time prior to displacement comparable decent, safe, and sanitary replacement dwellings will be available to displaced persons in accordance with such regulations as issued by the Attorney General;
 - (b) Fair and reasonable relocation payments and assistance shall be provided to or for displaced persons as are required in such regulations as are issued by the Attorney General;
 - (c) Relocation or assistance programs shall be provided for such persons in accordance with such regulations issued by the Attorney General;
 - (d) The affected persons will be adequately informed of the available benefits and policies and procedures relating to the payment of monetary benefits; and
 - (2) Such assurances shall be accompanied by an analysis of the relocation problems involved and a specific plan to resolve such problems.
- c. Environmental Impact.
 - (1) The National Environmental Policy Act of 1969 established environmental review procedures to determine if a proposed LEAA funded program or project is a "major Federal action significantly affecting the human environment." Each pro-

posed action listed below must include an environmental evaluation.

- (a) New construction.
 - (b) The renovation or modification of a facility which leads to an increased occupancy of more than 25 persons.
 - (c) The implementation of programs involving the use of pesticides and other harmful chemicals.
 - (d) The implementation of programs involving harmful radiation (x-rays, etc.).
 - (e) Research and technology whose anticipated or intended future application could be expected to have a potential effect on the environment.
 - (f) Other actions determined by the LEAA Regional Administrator to possibly have a significant effect on the quality of the environment.
- (2) A determination shall thereafter be made by the responsible Federal official as to whether the action will have a significant effect on the environment requiring the preparation of an environmental analysis (a draft environmental impact statement) or whether a negative declaration can be filed.
- (3) An environmental evaluation is a report of the environmental effects of the proposal and should consist of questions and narrative answers as well as supporting documentation that substantiates conclusions (see Appendix 17).
- (4) An environmental analysis must be submitted with the original application in cases where the proposed action would significantly affect the environment. It will be utilized in the preparation of a draft environmental impact statement.
- (5) A negative declaration (see Appendix 18) will be filed by the LEAA Regional Administrator if the environmental evaluation does not indicate a significant environmental impact.
- d. Historic Sites. Before approving grants involving construction, renovation, purchasing or leasing of facilities the cognizant LEAA Regional or Central Office shall consult with the State Liaison Officer for Historic Preservation to determine if the undertaking may have an effect on properties listed in the National Register of Historic Places. If the undertaking may have an effect on the

listed program properties, the cognizant LEAA Regional or Central Office shall notify the Advisory Council on Historic Preservation.

- e. A-95 Notification Procedures. Applicants must notify appropriate areawide and State Clearinghouses of their intent to apply for Discretionary Grants, in accordance with the A-95 requirements in Appendix 11 of this Guide.
- f. 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.
- g. Rehabilitation. In accordance with the Rehabilitation Act of 1973 (P.L. 93-112), no otherwise qualified handicapped individual in the United States, as defined in Section 7(6) of that Act, shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

APPENDIX 2. PREPARATION AND SUBMISSION OF APPLICATIONS

1. SCOPE. This appendix provides information on how to prepare applications and on the process for submitting applications.

SECTION 1. PREPARATION OF APPLICATIONS

2. STANDARD APPLICATION FORMS.

- a. Applications for non-construction projects must be made on Standard Form 424, Application for Federal Assistance with Attachment LEAA Form 4000/3 (Appendix 7).
- b. Applications for construction projects must be made on Standard LEAA Form 424 with Attachment Form 4000/4, Application for Federal Assistance (Construction Program)(Appendix 8).
- c. Because of the variety of discretionary programs, parts of the standard forms may not seem appropriate for certain applications. In such cases, applicants should be as responsive as possible and seek assistance from their State Planning Agencies or LEAA Regional Office.
- d. Some program descriptions require special data, information or evaluation plans from applicants. This should be added to the standard information required by LEAA Forms 4000/3 and 4000/4.
- e. Applicants must follow the Special LEAA instructions for Parts III and IV of the application found in Appendix 9 to this Manual.

3. PERIOD OF SUPPORT.

- a. Projects will normally be awarded funds for a twelve month period.
- b. Awards for longer periods, not to exceed eighteen months, may be made subject to grantee and LEAA needs.
- c. Projects exceeding eighteen months require separate applications for specific periods of eighteen months or less.
- d. Exceptions to funding period limitations, where applicable, are noted in program descriptions (Chapters 1 through 4).

SECTION 2. SUBMISSION OF APPLICATIONS

4. CONSULTATION AND PARTICIPATION WITH STATE PLANNING AGENCIES.

- a. Applicants must consult with the State Planning Agency of their State before making application for funds to LEAA. (See Appendix 6 for names and addresses of State Planning Agencies.) Applicants are encouraged to review the most recent Comprehensive State Plan produced by the State Planning Agency and to request a conference with the SPA to discuss the proposed project. The conference should also include the applicant, relevant personnel from LEAA Regional and/or Central Offices, regional and/or local planning unit representatives.
- b. When an application is submitted to LEAA for consideration, it MUST BE submitted at the same time to the appropriate State Planning Agency for review and comment. (Except applications for projects to be considered according to Track I procedures indicated in Paragraph 6 below, which will be submitted by LEAA to the State Planning Agency for review.)
- c. The State Planning Agency has thirty days from the receipt of the application to comment to LEAA. It is not required to provide Certification, as indicated in subparagraph 4e at this time although it may if it wishes (Certification is required before grant award, if the grant is awarded to the SPA.) It should provide LEAA with its comments regarding the desirability and feasibility of the proposed project. If no comments are received within 30 days, LEAA will assume that the SPA has no major objections to the proposed project.
- d. Most grants will be made to State Planning Agencies, which will in turn subgrant to the applicant.
- e. If the award is made to State Planning Agency, the State Planning Agency must certify that it is willing to administer the grant and that:
 - (1) The proposed project is not inconsistent with the overall goals and general thrust of the State Comprehensive Plan;
 - (2) The project, if approved, will be accounted for as an element of the State's multi-year and annual action plan;

- (3) Block grant allocations to the beneficiary agency, unit of government, or region will not be reduced by virtue of the discretionary award; and
- (4) The State Planning Agency will assist the subgrantee to obtain incorporation of the project's costs in State or local budgets, if the project is successful.
- f. A suggested form for State Planning Agency certification is provided in Appendix 12.
- g. If the State Planning Agency declines to accept the award, LEAA may award the grant directly to the applicant, but only after consulting with the State Planning Agency.
5. TWO TRACK SUBMISSION AND PROCESSING PROCEDURES. Two systems are used for submission and processing of applications. Program Descriptions (Chapters 1 through 4) indicate which system is to be used for projects in each program.
 - a. Applications for projects involving more than one region or which have direct national impact are submitted and processed according to Track I procedures indicated below.
 - b. Applications for projects involving a single jurisdiction or jurisdictions in one region only and which do not have direct national impact are submitted and processed according to Track II procedures indicated below.
6. TRACK I SUBMISSION AND PROCESSING.
 - a. Prior to application, applicant discusses proposed project with appropriate State Planning Agency (see Appendix 6 for names and addresses) and regional and/or local planning units.
 - b. Prior to submission of applications to LEAA, applicant notifies or submits application to appropriate A-95 Clearinghouse(s) in accordance with A-95 requirements (Appendix 11).
 - c. Applicant sends original and two copies of application to:

Grants and Contracts Management Division
Law Enforcement Assistance Administration
633 Indiana Avenue, N.W.
Washington, D. C. 20531

by the deadline indicated in Program Description (Chapters 1 through 4).

- d. LEAA (Central Office) sends copy of application to appropriate LEAA Regional Office(s) and State Planning Agency(ies) for review within thirty days. If no comments are received within 30 days, Regional Office and SPA concurrence is assumed.
- e. LEAA (Central Office) reviews application and comments and recommends approval or disapproval to Administrator, LEAA.
- f. Administrator, LEAA, approves or disapproves application and, if approved, award is made.

7. TRACK II SUBMISSION AND PROCESSING.

- a. Prior to application, applicant discusses proposed project with appropriate State Planning Agency (see Appendix 6 for names and addresses) and regional and/or local planning unit.
- b. Prior to submission of application to LEAA and SPA, applicant notifies or submits application to appropriate A-95 Clearinghouse(s) in accordance with A-95 requirements (Appendix 11).
- c. Applicant sends original and two copies of application to cognizant LEAA Regional Office (see Appendix 5 for map and addresses) by deadline indicated in Program Description (Chapters 1 through 4).
- d. Applicant sends one copy of application to appropriate State Planning Agency (or Agencies in the case of multi-state projects) at the same time as applications are sent to LEAA.
- e. LEAA Regional Office reviews application within 10 days and, if application meets program requirements, sends it to appropriate LEAA (Central Office) program offices.
- f. LEAA program office reviews application within 30 days and recommends action to Regional Office or rejects application, giving reasons for rejection, and requesting Regional Office to inform applicant, SPA and A-95 Clearinghouse(s).
- g. If program office recommends action, Regional Office completes review of application and comments and recommends approval or disapproval to Regional Administrator.
- h. Regional Administrator approves or disapproves application.
- i. Applications which meet the following criteria are submitted by the Regional Administrator to the Administrator, LEAA, for final approval:

- (1) Proposed project cost of \$300,000 or more;
- (2) Proposed approach which has not been demonstrated or tested elsewhere;
- (3) Controversial nature; or
- (4) Construction projects.

- 8.. PANEL REVIEW PROCESS. In many program areas, LEAA receives more grant applications than can be supported by available funds. The Panel Review Process is intended to promote more effective employment of discretionary funds by providing for a comparison of each grant application with all of the other grant applications under the same program. In addition, advisory reviews by panels of experts will reduce the unavoidable influences of individual staff member preferences.

Applications for grants under any LEAA discretionary program which employs the Panel Review Process (indicated in Program Descriptions, Chapters 1-4) are to be submitted so as to be received by LEAA at any time up to the deadline stated in the program description in this Guideline Manual. Additional material or replacement material also may be submitted and will be considered, provided that it reaches LEAA before the applicable deadline. Applications will not be processed in the receiving office prior to the deadline. After the deadline, all applications will be reviewed concurrently by a panel of expert authorities; their rankings and recommendations will be forwarded to the cognizant LEAA staff members for consideration in further concurrent processing and selection of projects to be funded. Applicants will be informed of LEAA's decision concerning funding as expeditiously as possible within 90 days of the program's closing deadline date.

9. NOTIFICATION. Applicants will be notified of approval or disapproval of their applications within 90 days of the indicated program deadline date for programs utilizing the Panel Review process (paragraph 8) or within 90 days of LEAA's receipt of application for programs not utilizing the panel review process.

APPENDIX 3. AWARD AND ADMINISTRATION OF GRANTS

1. SCOPE. This appendix describes the procedures for awarding and administering grant funds, for grantee reporting, and for termination of grants.
2. APPLICABILITY OF FINANCIAL MANAGEMENT GUIDE. Discretionary grants will be administered in accordance with M 7100.1, effective edition, Financial Management for Planning and Action Grants.
3. AWARD AND PAYMENT OF FUNDS.
 - a. When applicants are notified of grant approval they will receive formal statement of award indicating amount and type of grant and any special conditions.
 - b. Awards will normally be made to State Planning Agencies who are obligated to promptly award subgrants to the intended implementing agency.
 - c. Payment of funds will be through Letter of Credit procedure in use by State Planning Agencies. Grantees awarded funds directly not under the Letter of Credit system, must submit payment requests to Office of the Comptroller, LEAA, 633 Indiana Ave., N.W. Washington, D.C. 20531.
 - d. Recipients of subgrants will make all applications for funds to the State Planning Agency through which the grant was awarded, and such applications will be in accordance with normal subgrant regulations and procedures of the State Planning Agency.
 - e. The provisions of Chapter 5, paragraph 6 of M 7100.1A, are not applicable to discretionary grants. Discretionary grant funds will be obligated within the specific grant period indicated on grantee's statement of award.
 - f. Requests for change or extension of the grant period must be made in writing at least 90 days in advance of the expiration of the grant.
4. ALLOWABILITY OF COSTS. The allowability of costs incurred under any grant shall be determined in accordance with the general principles of allowability and standards for selected cost items set forth in GSA Federal Management Circular FMC-74-4, "Cost Principles Applicable to Grants and Contracts with State and Local Government" and in LEAA Guideline Manual, (effective edition, M 7100.1), Financial Management for Planning and Action Grants.

- a. Each individual project supported under the discretionary grant program will, unless otherwise provided in program specifications, be subject to a separate grant application to the Administration incorporating a detailed budget of proposed project costs.
- b. The budget narrative will set forth the details of cost items specified in the effective edition of M 7100.1 as requiring specific prior approval.
- c. Award of the discretionary grant will constitute approval in each instance of specified cost items and therefore "prior approval" items will receive consideration and subsequent approval or disapproval as part of the award process.
- d. Changes among items within one of the budget categories may be made by the subgrantee without prior approval but remain subject to M 7100.1 cost allowability and budget requirements and may not constitute a change in the scope or objectives of the approved project.
- e. Limitations of travel and subsistence charges by grantee personnel who are in travel status on official business incident to a grant program shall be consistent with those normally allowed in like circumstances in the non-federally sponsored activities of the grantees. (See LEAA Guide G 7100.3, effective edition, Principles for Determining Travel Cost Applicable to LEAA Grants for further explanation of the LEAA travel policy.)
- f. Grants to nonprofit organizations are subject to GSA Federal Management Circulars setting forth cost principles for such organizations.
- g. Upward revisions of provisional indirect cost rates which cause expenditures of grant funds in excess of the amount obligated by LEAA will normally be absorbed by grantee in lieu of supplementary awards by LEAA.

5. STATE PLANNING AGENCY SUPERVISION AND MONITORING RESPONSIBILITY.

- a. State Planning Agencies are responsible for supervising and monitoring only those grants which have been awarded to them.
- b. When it is the grantee, the State Planning Agency has the responsibility for assuring proper administration of discretionary subgrants including responsibility for:
 - (1) Proper conduct of the financial affairs of any subgrantee or contractor insofar as they relate to programs or projects for which discretionary grants funds have been made available; and
 - (2) Default in which the State Planning Agency may be held accountable for improper use of grant funds.
- c. The State Planning Agency should incorporate Discretionary Grants into its system for subgrant monitoring and supervision and, to the extent appropriate and consistent with this guideline, use the same procedures with discretionary subgrants as are used with block subgrants.
- d. Subgrantees have the authority to transfer, between direct cost object class budget categories:
 - (1) The cumulative amount of 5 percent of the grant budget (Federal and non-Federal funds) or \$10,000, whichever is greater, for grant budgets in excess of \$100,000; or
 - (2) A cumulative 5 percent change of the grant budget (Federal and non-Federal funds) for grants of \$100,000 or less.
- e. The State Planning Agency has the authority to make the changes listed below, provided that the State Planning Agency informs the cognizant LEAA monitoring office in writing of the request, and the action, within 14 calendar days of the SPA action and prior to the original termination date of the grant. Exceptions to this authority may be made, but will be made known before the SPA has been made the grantee. The areas where SPA's may make changes are:
 - (1) Any cumulative amount of transfers exceeding the limitations set in paragraph 5d above.

- (2) Extensions of discretionary projects up to three months beyond the initially approved duration.
- (3) Other minor deviations from discretionary grants necessary to assure efficient administration, not to include departures which change the scope or objectives of the approved project or which vary from the program description published in this Manual.
- f. Changes not authorized to be made by subgrantees in paragraph 5d or SPA's in paragraph 5e above, must receive prior approval from the cognizant LEAA Regional Office or Central Office monitor.
- g. State Planning Agency must submit Discretionary subgrantee quarterly reports to the cognizant LEAA Regional Office or Central Office.
- 6. SUSPENSION AND TERMINATION OF GRANTS. If a subgrantee fails to comply with the terms and conditions of a grant, the SPA may recommend:
 - a. Suspension of the grant,
 - b. Termination of the grant for cause, or
 - c. Such other remedies as may be legally available and appropriate in the circumstances.
 - d. The decision to terminate or suspend a grant represents a serious judgement that must reflect a thorough analysis of all relevant factors. The SPA must determine that the subgrantee has failed to comply with one or more of the terms and conditions of the grant, and that such non-compliance is of sufficient magnitude to warrant the termination or suspension of subgrantee support. Each case must be considered on the basis of its individual set of circumstances, recognizing that the decision to terminate or suspend a subgrant contains a responsibility to conform to the principles of due process. An SPA that is considering recommending the termination or suspension of a subgrant should seek early advice from the cognizant LEAA Regional or Central program office and at the same time should notify the subgrantee or local funding units of its intention.

- e. When conditions are identified which may be serious enough to cause the SPA to consider termination or suspension of a subgrant, the SPA must advise the subgrantee by letter of the nature of the problem and that failure to correct the deficiency may result in suspension or termination of the grant. The subgrantee shall be required to respond in writing within 30 days of the date of such letter, describing the action taken or the plan designed to correct the deficiency.
- f. If a satisfactory written response to the letter described in paragraph 6e is not received within 30 days of the date of such letter, the SPA shall inform the cognizant LEAA Regional or Central program office of its recommendation to suspend or terminate a subgrant. Such notice shall fully set forth the reasons for the action.
- g. Upon recommendation by an SPA to suspend or terminate a subgrant, LEAA shall determine the action to be taken. Where the SPA is authorized to terminate a grant, such action must be in accord with the States' hearing and appeal procedures. If LEAA takes direct action to terminate, then such action will be taken in accord with LEAA's hearing and appeal procedures. The cognizant LEAA Regional or Central Office will be responsible for forwarding the information to all parties concerned.
- 7. REPORTS REQUIRED OF GRANT RECIPIENTS. Grant recipients (subgrantees or direct grantees) must submit the following reports:
 - a. Discretionary Grant Progress Reports must be submitted quarterly to the State Planning Agency and the cognizant LEAA Regional Office (or Central Office). LEAA Form 4587/1 (Appendix 19) shall be used.
 - b. Financial Status Reports (H-1 Reports) must be submitted quarterly to:

Accounting Division, Office of the Comptroller
Law Enforcement Assistance Administration
633 Indiana Avenue, N.W. Washington, D. C. 20531

An original and one copy is required. In addition, one copy is to be submitted to the State Planning Agency and to the cognizant LEAA Regional Office (or Central Office). LEAA Form 7160/1 (Appendix 20) shall be used.

- c. Grantees receiving funds through letters of credit must submit Reports of Federal Cash Transactions, LEAA Form 7160/2 (H-2 Report).
- d. Grantees receiving funds directly from LEAA and not through letters of credit must submit Requests for Advance or Reimbursement, LEAA Form 7160/3 (H-3 Report).
- e. Grantees using audio-visual, media, printing and publications materials or equipment in grants or replication of grants must submit quarterly one copy of LEAA Form 4587/1 and LEAA Form 7160/1 to:

Audio-Visual Communications Division, OOS
Law Enforcement Assistance Administration
633 Indiana Avenue, N.W.
Washington, D. C. 20531

Att: Audio-Visual Communications Monitor

Two copies of audio-visual, media, publications or graphics materials produced must also be submitted when available.

- g. For additional information on Financial reports and reporting procedures, see effective edition of M 7100.1.

APPENDIX 4. MEASUREMENT OF PERFORMANCE: EVALUATION
AND MONITORING OF DISCRETIONARY GRANTS

1. BACKGROUND. The measurement of performance of discretionary grants by LEAA has been clearly mandated by the Crime Control Act of 1973 and the Juvenile Justice and Delinquency Prevention Act of 1974. Performance measurement is required because it is essential to know which programs are working and which programs are failing and why. LEAA considers it to be of the highest priority that performance measurement be made an integral part of the LEAA program at all levels. Every effort must be made to learn whether programs and projects are having the effect intended and whether they are cost effective. It is therefore LEAA policy that every application for discretionary funds contains a fully developed plan for generating on a regular basis sufficient performance data to allow LEAA to closely monitor grant progress. In addition for certain programs, selected on an annual basis as part of the annual LEAA agency-wide evaluation plan, it is LEAA policy that applications contain separate and distinct evaluation plans which fully meet the criteria set forth in this chapter and which enables LEAA to intensively evaluate grants for those projects and programs in addition to the normal monitoring of grant activity.
2. THE FOUR TYPES OF PERFORMANCE MEASUREMENT. The performance measurement requirements set forth in this chapter are designed to assure that information is systematically generated about the level of, and the reasons for, the success or failure which is achieved by projects and programs funded with LEAA monies. More specifically, the purpose of these requirements is to provide for a process which permits determination of the extent to which discretionary fund projects are contributing to LEAA program objectives, general objectives, and overall goals. Finally, these requirements are designed to determine the relative effectiveness and costs of different approaches to the same objectives. Grantees can expect that the measurement of performance of projects funded with Discretionary Funds will be undertaken in as many as four ways. These include:
 - a. Self-Assessment through which all recipients of discretionary funds assess their own project results in accordance with an assessment plan approved by LEAA.
 - b. Monitoring through which projects supported by Discretionary Funds are closely monitored by appropriate SPA and LEAA personnel.
 - c. Program Evaluation through which selected LEAA programs, consisting of groups of similar projects or of projects of different kinds aimed at achievement of the same objectives, are evaluated by

independent evaluators selected by LEAA in accordance with an evaluation design approved by LEAA. Only a limited number of LEAA programs will be selected each year for this type of intensive program level evaluation. These programs will be selected as part of the development of an annual LEAA agency-wide evaluation plan.

- d. Intensive Project Evaluation through which selected projects are intensively evaluated by an independent evaluator approved by LEAA and in accordance with an evaluation plan approved by LEAA.

3. PERFORMANCE MEASUREMENT PREREQUISITES FOR ALL DISCRETIONARY GRANTS.

Each grant application for discretionary funds must provide the following minimum prerequisites for self-assessment by the grant recipient and for monitoring by LEAA and SPA's of the activities to be carried out by the grantee.

- a. The identification of the problem which the grant addresses in measurable terms.
- b. A clear statement of project goals or objectives in tangible, measurable terms. The goals or objectives should denote the project's impact on the reduction of crime and/or delinquency, prevention of juvenile delinquency, or the improvement of the criminal justice system.
- c. A statement of the hypotheses and working assumptions which provided the conceptual foundation and thrust for the project.
- d. Specific indicators and measures to be used to assess the results of the project against its own objectives, and also to be used in assessing its contribution to the program.
- e. A description of the means to be used in collecting data and information needed to measure and assess project performance. All these elements must be combined into a performance measurement plan which must be a part of each grant application. This performance measurement plan is to be included in Part IV, Program Narrative of the grant application, under Section 3, Approach. (See Appendices 7 and 8). This plan should form the basis for grantee self-assessment as well as LEAA project monitoring as described in the paragraphs below.

4. SELF-ASSESSMENT.

- a. Assessment by the grantee of his own performance, or self-assessment, shall include:

- (1) An analysis of the results and impact of the project on the problem including the extent to which specific objectives were achieved.
- (2) A comparison of the status of the problem before and after the project, and a quantitative description of the nature of the change.
- (3) A description of the implementation and operation of the project.
- (4) Modifications of program activities called for by the self-assessment findings and by any monitoring findings.

- b. Progress Reports (Self-Assessment Reports) shall be submitted by the grant recipient quarterly to the LEAA Regional Office and the appropriate SPA in the form specified in Appendix 3, Paragraph 7a.

5. LEAA PROJECT MONITORING.

- a. All projects supported by Discretionary Funds will be monitored by LEAA and SPA's on a periodic basis. Monitoring involves reviewing planned project results and comparing these planned results with actual project achievements. Monitoring, therefore, provides current information on project performance (resources expended, activities implemented and objectives achieved), comparing project performance with some relative or absolute standard of expected performance to determine to what extent project objectives are being met. Projects can expect that monitoring will include:

- (1) A comparison of actual activities carried out and the results actually achieved with the activities and results originally specified in the grant application.
- (2) An examination of the objective and subjective results and impacts of the project on project and program objectives, and on the specific problems addressed by the project.
- (3) LEAA assistance when appropriate in solving implementation problems.

- b. Monitoring will involve periodic site visits by LEAA project monitors and interviews with project staff and clients.
- c. Monitoring will be based on the grantee's Performance Measurement Plan required in Appendix 4, Paragraph 3.
6. EVALUATION REQUIREMENTS. In addition to the performance measurement requirements for all discretionary grants, discretionary grants in certain selected LEAA programs will be intensively evaluated by an independent evaluator either as part of an intensive program level evaluation or individually as intensive project level evaluations. Evaluation involves much more intensive analysis than monitoring and utilizes more accurate or conclusive information that infers a causal relationship or that changes or achievements are, in fact, attributable to project activities. Evaluation, therefore, is designed to determine to what extent a specific set of program/project activities can be said to be directly related to the accomplishment of program objectives. The crucial difference between evaluation and monitoring is that monitoring is designed to measure outputs, whereas evaluation is designed to determine the extent to which those outputs resulted from the project or program or can be attributed directly to the program or project. Evaluations will be undertaken each year only in selected program areas which have been determined as part of the process of developing the annual LEAA agency-wide evaluation plan. In such cases where intensive project or program level evaluation is required, the grantee will be required to submit as part of the discretionary grant application an evaluation plan in addition to the assessment plan required for all discretionary grants. This evaluation plan is to be included in Part IV, Program Narrative, of the grant application, under Section 3, Approach (see Appendices 7 and 8). The required components of the evaluation plan are defined for both program level evaluation and project level evaluation in paragraphs 7 and 8 below.
7. PROGRAM EVALUATION. Those major LEAA programs which have been selected for program level evaluation according to the LEAA annual evaluation plan will be evaluated in depth by the National Institute of Law Enforcement and Criminal Justice or the National Institute of Juvenile Justice and Delinquency Prevention. The programs which have been selected this year for national program level evaluation are indicated in the appropriate program descriptions (Chapters 1 through 4). These evaluations will be carried out in accordance with an evaluation plan developed by the National Institute and by an independent evaluator selected competitively by LEAA. Such program level evaluation should be funded by the National Institute but may, if the

relevant LEAA program office so desires, be funded by that office. Although these programs will be evaluated in accordance with an evaluation plan developed by the National Institute and by the independent contractor, applicants for grants in these programs must submit as part of the discretionary grant application a proposed evaluation plan for their particular projects. This proposed evaluation plan is to be included in Part IV, Program Narrative, of the grant application, under Section 3, Approach (see Appendices 7 and 8). This evaluation plan must:

- a. Propose the measures of effectiveness that should be used to evaluate the project (e.g., the number of addicts drug free or employed six months after release from treatment; the percent reduction in court backlog; etc.), and why these indicators are accurate measurements of the impact of the project.
- b. Describe the data and information which should be necessary for evaluation, including:
- (1) The kinds of data to be obtained;
 - (2) The source and date of the data (e.g., police records, court files, project forms);
 - (3) The extent to which the data is expected to be accurate and its expected relevance to the measurement of project results and impact; and
 - (4) The frequency and format in which the data can be collected. Where possible, examples of all forms that can be used in collecting data and information should be included with the application attached to the Evaluation Plan.
- c. Indicate what steps should be taken to provide regular reporting of evaluation findings to the project and the uses to which evaluation results are likely to be put.
- d. Propose an evaluation design, the evaluation activities which should take place (site visits, interviews with staff and clients, record-keeping and data collection, submission of reports, etc.), and who should be responsible for these activities.

Although only a limited number of LEAA programs will be subjected to this level of evaluation each year, all projects related to the program being evaluated will be required to provide each of the elements of the evaluation plan indicated above and in addition will be required to modify their proposed evaluation plan as necessary in order to be integrated into national level program evaluation to be undertaken by the nationally selected independent contractor. All

projects related to the program being evaluated will be required to indicate in advance their willingness to cooperate fully with the national contractor and to participate in the program evaluation.

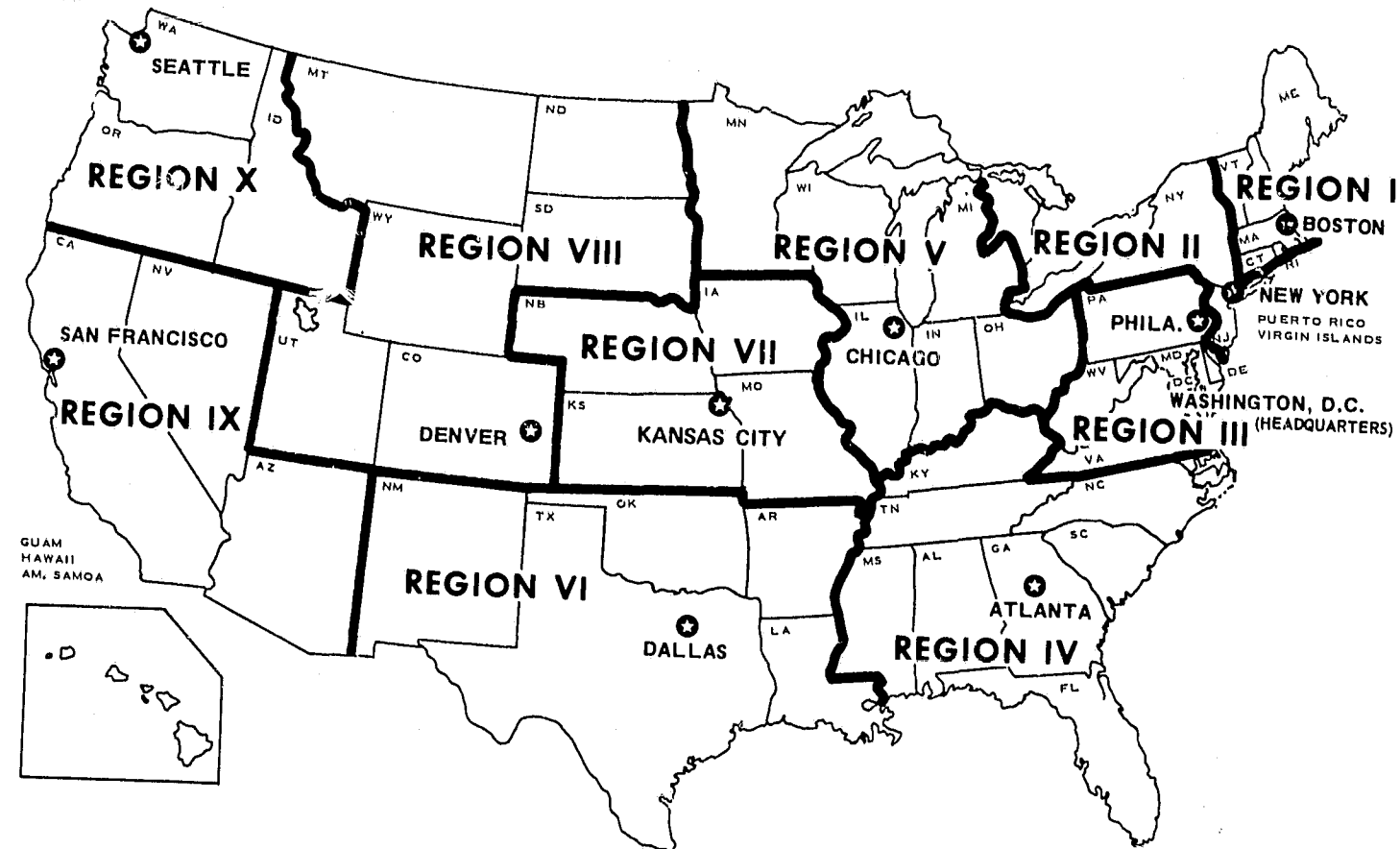
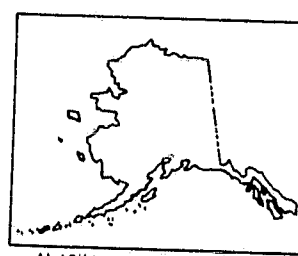
8. INTENSIVE PROJECT EVALUATION.

- a. In addition to the major program level evaluations which are undertaken by LEAA each year, selected projects for which more definitive information is desired than routine monitoring can provide will be selected by LEAA for intensive impact and cost-benefit evaluation. These are indicated in the program descriptions (Chapters 1 through 4).
- b. Each application for a grant under a program for which intensive project evaluation is required must contain a separate Evaluation Plan. This Evaluation Plan is to be included in Part IV, Program Narrative of the grant application, under Section 3, Approach (see Appendices 7 and 8). The Evaluation Plan must:
 - (1) state the project objectives or goals in terms of tangible measurable impacts on criminal justice improvement;
 - (2) nominate for LEAA approval an independent professional evaluation subcontractor, selected by the grantee and paid out of grant funds; evidence must be presented to show that the people responsible for conducting the evaluation portion of the project have specific education and experience in the design and conduct of experiments, objective measurement and data collection, statistical analysis, and cost analysis;
 - (3) contain an evaluation plan agreed to by the evaluator which specifies:
 - (a) what data will be collected;
 - (b) how the data will be collected;
 - (c) how the data will be analyzed;
 - (d) what schedule of events will be followed; and
 - (e) what reports, including quarterly and final evaluation reports as a minimum, will be made during the course of the project being evaluated and after its other activities have been completed.

Project evaluations shall incorporate sound evaluation methodology including control groups and independent data collection where appropriate.

- c. Services of evaluators will be obtained in conformity with the requirements of LEAA Guideline Manual M 7100.1 (effective edition), with respect to obtaining competition to the maximum extent practical. The costs of intensive project evaluations shall be included in the project budget and identified as a separate additional grant activity on LEAA Form 4000/3 (Appendix 10). In general, the costs of intensive project evaluation should not exceed 15% of the total project cost. Budget allocations for evaluation may not be changed by the grantee without prior LEAA approval.
- d. Although only a limited number of projects are selected each year for intensive project level evaluation and these are indicated in the program descriptions (Chapters 1 through 4), applicants may include an evaluation component in any grant application to the extent to which the applicant believes that an evaluation effort would assist to improve the project or to improve decisions relative to future resource allocations.

**U.S. DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
LEAA REGIONAL OFFICES**



APPENDIX 5. MAP AND ADDRESSES OF LEAA REGIONAL OFFICES

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September 27, 1976

APPENDIX 5 - ADDRESSES OF LEAA REGIONAL OFFICES

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223-5675 (TA)
223-5665 (FMD)
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264-8194 (PD & TAD)
264-8988 (Opns)
264-4630 (FMD)
Commercial 212/ + 7 digits above

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597-0804 (FMD)
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APPENDIX 5. (Cont'd)

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Vacant Director
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APPENDIX 6. (Cont'd)

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APPENDIX 6. (Cont'd)

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APPENDIX 6. (Cont'd)

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APPENDIX 6. (Cont'd)

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APPENDIX 6. (Cont'd)

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WYOMING

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Governor's Planning Committee on
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State Office Building East
Cheyenne, WY 82002
307/777-7716 FTS 328-9716

M 4500.1E

September 27, 1976

APPENDIX 7. STANDARD FORM 424, APPLICATION FOR FEDERAL ASSISTANCE
(NON-CONSTRUCTION PROGRAM) WITH ATTACHED LEAA FORM 4000/3.

OMB Approval No. 29-R0218

FEDERAL ASSISTANCE		2. APPLICANT'S APPLICATION	3. STATE APPLICATION IDENTIFIER	4. NUMBER
1. TYPE OF ACTION (Mark appropriate box) <input type="checkbox"/> PREAPPLICATION <input type="checkbox"/> APPLICATION <input type="checkbox"/> NOTIFICATION OF INTENT (Opt.) <input type="checkbox"/> REPORT OF FEDERAL ACTION	a. NUMBER	b. DATE Year month day 19	b. DATE Year month day 19	a. NUMBER
4. LEGAL APPLICANT/RECIPIENT a. Applicant Name : b. Organization Unit : c. Street/P.O. Box : d. City : e. State : f. Contact Person (Name & telephone No.) :		5. FEDERAL EMPLOYER IDENTIFICATION NO.		
7. TITLE AND DESCRIPTION OF APPLICANT'S PROJECT		6. PRO-GRAM (From Federal Catalog) a. NUMBER b. TITLE		
10. AREA OF PROJECT IMPACT (Names of cities, counties, States, etc.)		8. TYPE OF APPLICANT/RECIPIENT A-State B-Interstate C-Substate D-County E-City F-School District G-Special Purpose District H-Community Action Agency I-Higher Educational Institution J-Indian Tribe K-Other (Specify): Enter appropriate letter <input type="checkbox"/>		
13. PROPOSED FUNDING a. FEDERAL \$.00 b. APPLICANT .00 c. STATE .00 d. LOCAL .00 e. OTHER .00 f. TOTAL \$.00		9. TYPE OF ASSISTANCE A-Basic Grant B-Supplemental Grant C-Loan D-Insurance E-Other Enter appropriate letter(s) <input type="checkbox"/>		
14. CONGRESSIONAL DISTRICTS OF: a. APPLICANT b. PROJECT		12. TYPE OF APPLICATION A-New B-Renewal C-Revision D-Continuation E-Augmentation Enter appropriate letter <input type="checkbox"/>		
16. PROJECT START DATE Year month day 19		15. TYPE OF CHANGE (For 1st or 1st) A-Increase Dollars B-Decrease Dollars C-Increase Duration D-Decrease Duration E-Cancellation Enter appropriate letter(s) <input type="checkbox"/>		
17. PROJECT DURATION Months		19. EXISTING FEDERAL IDENTIFICATION NUMBER		
18. ESTIMATED DATE TO BE SUBMITTED TO FEDERAL AGENCY 19		21. REMARKS ADDED <input type="checkbox"/> Yes <input type="checkbox"/> No		
20. FEDERAL AGENCY TO RECEIVE REQUEST (Name, City, State, ZIP code)		22. THE APPLICANT CERTIFIES THAT: a. To the best of my knowledge and belief, data in this preapplication/application are true and correct; the document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is approved. b. If required by OMB Circular A-95 this application was submitted, pursuant to instructions therein, to appropriate clearinghouses and all responses are attached: (1) <input type="checkbox"/> (2) <input type="checkbox"/> (3) <input type="checkbox"/>		
23. CERTIFYING REPRESENTATIVE a. TYPED NAME AND TITLE b. SIGNATURE c. DATE SIGNED Year month day 19		25. APPLICATION RECEIVED 19		
24. AGENCY NAME		28. FEDERAL APPLICATION IDENTIFICATION		
26. ORGANIZATIONAL UNIT		30. FEDERAL GRANT IDENTIFICATION		
27. ADDRESS		34. STARTING DATE 19		
31. ACTION TAKEN <input type="checkbox"/> a. AWARDED <input type="checkbox"/> b. REJECTED <input type="checkbox"/> c. RETURNED FOR AMENDMENT <input type="checkbox"/> d. DEFERRED <input type="checkbox"/> e. WITHDRAWN		32. FUNDING a. FEDERAL \$.00 b. APPLICANT .00 c. STATE .00 d. LOCAL .00 e. OTHER .00 f. TOTAL \$.00		
33. ACTION DATE 19		35. CONTACT FOR ADDITIONAL INFORMATION (Name and telephone number)		
36. ENDING DATE 19		37. REMARKS ADDED <input type="checkbox"/> Yes <input type="checkbox"/> No		
38. FEDERAL AGENCY A-95 ACTION		39. FEDERAL / VCY A-95 OFFICIAL (Name and telephone no.)		

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Prescribed by GSA, Federal Management Circular 74-7

APPENDIX 7. (CONT'D)

SECTION IV-REMARKS (Please reference the proper item number from Sections I, II or III, if applicable)

APPENDIX 7. (CONT'D)

GENERAL INSTRUCTIONS

This is a multi-purpose standard form. First, it will be used by applicants as a required facesheet for pre-applications and applications submitted in accordance with Federal Management Circular 74-7. Second, it will be used by Federal agencies to report to Clearinghouses on major actions taken on applications reviewed by clearinghouses in accordance with OMB Circular A-95. Third, it will be used by Federal agencies to notify States of grants-in-aid awarded in accordance with Treasury Circular 1082. Fourth, it may be used, on an optional basis, as a notification of intent from applicants to clearinghouses, as an early initial notice that Federal assistance is to be applied for (clearinghouse procedures will govern).

APPLICANT PROCEDURES FOR SECTION I

Applicant will complete all items in Section I. If an item is not applicable, write "NA". If additional space is needed, insert an asterisk "*", and use the remarks section on the back of the form. An explanation follows for each item:

- | Item | Item |
|--|---|
| 1. Mark appropriate box. Pre-application and application guidance is in FMC 74-7 and Federal agency program instructions. Notification of intent guidance is in Circular A-95 and procedures from clearinghouse. Applicant will not use "Report of Federal Action" box. | D. Insurance. Self explanatory.
E. Other. Explain on remarks page. |
| 2a. Applicant's own control number, if desired. | 10. Governmental unit where significant and meaningful impact could be observed. List only largest unit or units affected, such as State, county, or city. If entire unit affected, list it rather than subunits. |
| 2b. Date Section I is prepared. | 11. Estimated number of persons directly benefiting from project. |
| 3a. Number assigned by State clearinghouse, or if delegated by State, by areawide clearinghouse. All requests to Federal agencies must contain this identifier if the program is covered by Circular A-95 and required by applicable State/areawide clearinghouse procedures. If in doubt, consult your clearinghouse. | 12. Use appropriate code letter. Definitions are:
A. New. A submittal for the first time for a new project.
B. Renewal. An extension for an additional funding/budget period for a project having no projected completion date, but for which Federal support must be renewed each year.
C. Revision. A modification to project nature or scope which may result in funding change (increase or decrease).
D. Continuation. An extension for an additional funding/budget period for a project the agency initially agreed to fund for a definite number of years.
E. Augmentation. A requirement for additional funds for a project previously awarded funds in the same funding/budget period. Project nature and scope unchanged. |
| 3b. Date applicant notified of clearinghouse identifier. | 13. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions will be included. If the action is a change in dollar amount of an existing grant (a revision or augmentation), indicate only the amount of the change. For decreases enclose the amount in parentheses. If both basic and supplemental amounts are included, breakout in remarks. For multiple program funding, use totals and show program breakouts in remarks. Item definitions: 13a, amount requested from Federal Government; 13b, amount applicant will contribute; 13c, amount from State, if applicant is not a State; 13d, amount from local government, if applicant is not a local government; 13e, amount from any other sources, explain in remarks. |
| 4a-4h. Legal name of applicant/recipient, name of primary organizational unit which will undertake the assistance activity, complete address of applicant, and name and telephone number of person who can provide further information about this request. | 14a. Self explanatory. |
| 5. Employer identification number of applicant as assigned by Internal Revenue Service. | 14b. The district(s) where most of actual work will be accomplished. If city-wide or State-wide, covering several districts, write "city-wide" or "State-wide." |
| 6a. Use Catalog of Federal Domestic Assistance number assigned to program under which assistance is requested. If more than one program (e.g., joint-funding) write "multiple" and explain in remarks. If unknown, cite Public Law or U.S. Code. | 15. Complete only for revisions (Item 12c), or augmentations (Item 12e). |
| 6b. Program title from Federal Catalog. Abbreviate if necessary. | |
| 7. Brief title and appropriate description of project. For notification of intent, continue in remarks section if necessary to convey proper description. | |
| 8. Mostly self-explanatory. "City" includes town, township or other municipality. | |
| 9. Check the type(s) of assistance requested. The definitions of the terms are:
A. Basic Grant. An original request for Federal funds. This would not include any contribution provided under a supplemental grant.
B. Supplemental Grant. A request to increase a basic grant in certain cases where the eligible applicant cannot supply the required matching share of the basic Federal program (e.g., grants awarded by the Appalachian Regional Commission to provide the applicant a matching share).
C. Loan. Self explanatory. | |

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APPENDIX 7. (CONT'D)

- | Item | Item |
|--|--|
| 16. Approximate date project expected to begin (usually associated with estimated date of availability of funding). | 19. Existing Federal identification number if this is not a new request and directly relates to a previous Federal action. Otherwise write "NA". |
| 17. Estimated number of months to complete project after Federal funds are available. | 20. Indicate Federal agency to which this request is addressed. Street address not required, but do use ZIP. |
| 18. Estimated date preapplication/application will be submitted to Federal agency if this project requires clearinghouse review. If review not required, this date would usually be same as date in item 2b. | 21. Check appropriate box as to whether Section IV of form contains remarks and/or additional remarks are attached. |

APPLICANT PROCEDURES FOR SECTION II

Applicants will always complete items 23a, 23b, and 23c. If clearinghouse review is required, item 22b must be fully completed. An explanation follows for each item:

- | Item | Item |
|--|---|
| 22b. List clearinghouses to which submitted and show in appropriate blocks the status of their responses. For more than three clearinghouses, continue in remarks section. All written comments submitted by or through clearinghouses must be attached. | 23b. Self explanatory. |
| 23a. Name and title of authorized representative of legal applicant. | 23c. Self explanatory. |
| | Note: Applicant completes only Sections I and II. Section III is completed by Federal agencies. |

FEDERAL AGENCY PROCEDURES FOR SECTION III

If applicant-supplied information in Sections I and II needs no updating or adjustment to fit the final Federal action, the Federal agency will complete Section III only. An explanation for each item follows:

- | Item | Item |
|--|---|
| 24. Executive department or independent agency having program administration responsibility. | 35. Name and telephone no. of agency person who can provide more information regarding this assistance. |
| 25. Self explanatory. | 36. Date after which funds will no longer be available. |
| 26. Primary organizational unit below department level having direct program management responsibility. | 37. Check appropriate box as to whether Section IV of form contains Federal remarks and/or attachment of additional remarks. |
| 27. Office directly monitoring the program. | 38. For use with A-95 action notices only. Name and telephone of person who can assure that appropriate A-95 action has been taken—If same as person shown in item 35, write "same". If not applicable, write "NA". |
| 28. Use to identify non-award actions where Federal grant identifier in item 30 is not applicable or will not suffice. | |
| 29. Complete address of administering office shown in item 26. | |
| 30. Use to identify award actions where different from Federal application identifier in item 28. | |
| 31. Self explanatory. Use remarks section to amplify where appropriate. | |
| 32. Amount to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions will be included. If the action is a change in dollar amount of an existing grant (a revision or augmentation), indicate only the amount of change. For decreases, enclose the amount in parentheses. If both basic and supplemental amounts are included, breakout in remarks. For multiple program funding, use totals and show program breakouts in remarks. Item definitions: 32a, amount awarded by Federal Government; 32b, amount applicant will contribute; 32c, amount from State, if applicant is not a State; 32d, amount from local government if applicant is not a local government; 32e, amount from any other sources, explain in remarks. | |
| 33. Date action was taken on this request. | |
| 34. Date funds will become available. | |

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APPENDIX 7. (CONT'D)
PART II

PROJECT APPROVAL INFORMATION

- | | |
|---|--|
| Item 1.
Does this assistance request require State, local, regional, or other priority rating?
_____ Yes _____ No | Name of Governing Body _____
Priority Rating _____ |
| Item 2.
Does this assistance request require State, or local advisory, educational or health clearances?
_____ Yes _____ No | Name of Agency or Board _____
(Attach Documentation) |
| Item 3.
Does this assistance request require clearinghouse review in accordance with OMB Circular A-95?
_____ Yes _____ No | (Attach Comments) |
| Item 4.
Does this assistance request require State, local, regional or other planning approval?
_____ Yes _____ No | Name of Approving Agency _____
Date _____ |
| Item 5.
Is the proposed project covered by an approved comprehensive plan?
_____ Yes _____ No | Check one: State <input type="checkbox"/>
Local <input type="checkbox"/>
Regional <input type="checkbox"/>
Location of Plan _____ |
| Item 6.
Will the assistance requested serve a Federal installation?
_____ Yes _____ No | Name of Federal Installation _____
Federal Population benefiting from Project _____ |
| Item 7.
Will the assistance requested be on Federal land or installation?
_____ Yes _____ No | Name of Federal Installation _____
Location of Federal Land _____
Percent of Project _____ |
| Item 8.
Will the assistance requested have an impact or effect on the environment?
_____ Yes _____ No | See instructions for additional information to be provided. |
| Item 9.
Will the assistance requested cause the displacement of individuals, families, businesses, or farms?
_____ Yes _____ No | Number of:
Individuals _____
Families _____
Businesses _____
Farms _____ |
| Item 10.
Is there other related assistance on this project previous, pending, or anticipated?
_____ Yes _____ No | See instructions for additional information to be provided. |

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Attachment to SF-424

(LEAA FORM 4000/3 (Rev. 8-74) is obsolete.)

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APPENDIX 7. (CONT'D)

INSTRUCTIONS

PART II

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

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

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

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

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

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

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

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

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

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

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

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

No grant may be awarded unless a completed application form has been received.
(Sec. 501, P.L. 93-83)

PART III - BUDGET INFORMATION						
SECTION A - BUDGET SUMMARY						
Grant Program, Function or Activity (a)	Federal Catalog No. (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1.		\$	\$	\$	\$	\$
2.						
3.						
4.						
5. TOTALS		\$	\$	\$	\$	\$
SECTION B - BUDGET CATEGORIES						
6. Object Class Categories	- Grant Program, Function or Activity				Total (5)	
	(1)	(2)	(3)	(4)		
a. Personnel	\$	\$	\$	\$	\$	
b. Fringe Benefits						
c. Travel						
d. Equipment						
e. Supplies						
f. Contractual						
g. Construction						
h. Other						
i. Total Direct Charges						
j. Indirect Charges						
k. TOTALS	\$	\$	\$	\$	\$	
7. Program Income	\$	\$	\$	\$	\$	

APPENDIX 7. (CONT'D)

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APPENDIX 7. (CONT'D)

INSTRUCTIONS

PART III

General Instructions

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

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

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

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

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

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

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

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

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

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

Line 5 — Show the totals for all columns used.

Section B. Budget Categories

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

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

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

Line 6j — Show the amount of indirect cost. Refer to FMC 74-4.

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

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

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APPENDIX 7. (CONT'D)

SECTION C - NON-FEDERAL RESOURCES				
(a) Grant Program	(b) APPLICANT	(c) STATE	(d) OTHER SOURCES	(e) TOTALS
8.	\$	\$	\$	\$
9.				
10.				
11.				
12. TOTALS	\$	\$	\$	\$

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

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT				
(a) Grant Program	FUTURE FUNDING PERIODS (YEARS)			
	(b) FIRST	(c) SECOND	(d) THIRD	(e) FOURTH
16.	\$	\$	\$	\$
17.				
18.				
19.				
20. TOTALS	\$	\$	\$	\$

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

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APPENDIX 7. (CONT'D)

INSTRUCTIONS

PART III
(continued)

Section C. Source of Non-Federal Resources

Line 8-11 — Enter amounts of non-Federal resources that will be used on the grant. If in-kind contributions are included, provide a brief explanation on a separate sheet. (See Attachment F, FMC 74-7. ~

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

Column (b) — Enter the amount of cash and in-kind contributions to be made by the applicant as shown in Section A. (See also Attachment F, FMC 74-7.

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

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

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

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

Section D. Forecasted Cash Needs

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

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

LEAA Instructions

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

APPENDIX 7. (CONT'D)

INSTRUCTIONS

PART IV
PROGRAM NARRATIVE

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

1. OBJECTIVES AND NEED FOR THIS ASSISTANCE.

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

2. RESULTS OR BENEFITS EXPECTED.

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

3. APPROACH.

a. Outline a plan of action pertaining to the scope and detail of how the proposed work will be accomplished for each grant program, function or activity, provided in the budget. Cite factors which might accelerate or decelerate the work and your reason for taking this approach as opposed to others. Describe any unusual features of the project such as design or technological innovations, reductions in cost or time, or extraordinary social and community involvement.

b. Provide for each grant program, function or activity, quantitative monthly or quarterly projections of the accomplishments to be achieved in such terms as the number of jobs created; the number of people served; and the number of patients treated. When accomplishments cannot be quantified by activity or function, list them in chronological order to show the schedule of accomplishments and their target dates.

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

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

4. GEOGRAPHIC LOCATION.

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

5. IF APPLICABLE, PROVIDE THE FOLLOWING INFORMATION:

a. For research or demonstration assistance requests, present a biographical sketch of the program director with the following information; name, address, phone number, background, and other qualifying experience for the project. Also, list the name, training and background for other key personnel engaged in the project.

b. Discuss accomplishments to date and list in chronological order a schedule of accomplishments, progress or milestones anticipated with the new funding request. If there have been significant changes in the project objectives, location approach, or time delays, explain and justify. For other requests for changes or amendments, explain the reason for the change(s). If the scope or objectives have changed or an extension of time is necessary, explain the circumstances and justify. If the total budget has been exceeded, or if individual budget items have changed more than the prescribed limits contained in Attachment K to FMC 74-7, explain and justify the change and its effect on the project.

c. For supplemental assistance requests, explain the reason for the request and justify the need for additional funding.

APPENDIX 7. (CONT'D)

PART V

ASSURANCES

The Applicant hereby assures and certifies that he will comply with the regulations, policies, guidelines, and requirements, including OMB Circular No. A-95 and FMCs 74-4 and 74-7, as they relate to the application, acceptance and use of Federal funds for this federally assisted project. Also the Applicant assures and certifies with respect to the grant that:

1. It possesses legal authority to apply for the grant; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
2. It will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and in accordance with Title VI of that Act, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement.
- 3a. It will comply with the provisions of 28 C.F.R. 42.101 et seq. prohibiting discrimination based on race, color or national origin by or through its contractual arrangements. If the grantee is an institution or a governmental agency, office or unit then this assurance of nondiscrimination by race, color or national origin extends to discrimination anywhere in the institution or governmental agency, office, or unit.
- 3b. If the grantee is a unit of state or local government, state planning agency or law enforcement agency, it will comply with Title VII of the Civil Rights Act of 1964, as amended, and 28 C.F.R. 42.201 et seq. prohibiting discrimination in employment practices based on race, color, creed, sex or national origin. Additionally, it will obtain assurances from all subgrantees, contractors and subcontractors that they will not discriminate in employment practices based on race, color, creed, sex or national origin.
- 3c. It will comply with and will insure compliance by its subgrantees and contractors with Title I of the Crime Control Act of 1973, Title VI of the Civil Rights Act of 1964 and all requirements imposed by or pursuant to regulations of the Department of Justice (28 C.F.R. Part 42) such that no person, on the basis of race, color, sex or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity funded by LEAA.
4. It will comply with requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and federally-assisted programs.
5. It will comply with the provisions of the Hatch Act which limit the political activity of employees.
6. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
7. It will give the grantor agency or the Comptroller General through any authorized representative the access to and the right to examine all records, books, papers, or documents related to the grant.
8. It will comply with all requirements imposed by the Federal grantor agency concerning special requirements of law, program requirements, and other administrative requirements approved in accordance with FMC 74-7.
9. It will comply with the provision of 28 CFR Part 20 regulating the privacy and security of criminal history information systems.
10. All published material and written reports submitted under this grant or in conjunction with the third party agreements under this grant will be originally developed material unless otherwise specifically provided for in the grant document. Material not originally developed included in reports will have the source identified either in the body of the report or in a footnote, whether the material is in a verbatim or extensive paraphrase format. All published material and written reports shall give notice that funds were provided under an LEAA grant.
11. Requests for proposal or invitations for bid issued by the grantee or a subgrantee to implement the grant or subgrant project will provide notice to prospective bidders that the LEAA organizational conflict of interest provision is applicable in that contractors that develop or draft specifications, requirements, statements of work and/or RFP's for a proposed procurement shall be excluded from bidding or submitting a proposal to compete for the award of such procurement.

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APPENDIX 7. (CONT'D)
SPECIAL INSTRUCTIONS FOR LEAA FORM 4000/3 (NON-CONSTRUCTION).

a. Part I. (Standard Form 424)

- (1) Item No. 6, Federal Catalog Number. The Catalog of Federal Domestic Assistance program number for LEAA discretionary grants is 16.501. Only this number should be placed in block 6.
- (2) Item No. 8, Type of Applicant. Applicant here refers to the State agency, local government unit, institution or department or non-profit organization which will implement the project whether as direct grantee or subgrantee of a State Planning Agency.
- (3) Item No. 7, Title and Description. Indicate title and brief description of project. Also indicate program category (e.g., Rural Law Enforcement, Career Criminal, Victim/Witness Assistance, etc.) from chapter 1-4 of this Manual from which funding sought.
- (4) Item No. 23, Signature of Authorized Representative. The signature shown MUST BE that of the individual authorized to enter into binding commitments on behalf of the applicant or implementing agency. He will normally be the chief officer of the agency or governmental unit involved.

b. Part III, Budget Information. (Refer to Appendix 6 for an example of a properly completed application budget.)

- (1) Section A, column (a). Grant applications requesting only one kind of discretionary funds (either Part C or Part E), should place the designation "DF-Part C" or "DF-Part E" as appropriate on line 1. (See Appendix 6) Grant applications requesting a combination of Part C and Part E funding should place the designation on line 2.
- (2) Section A, column (b). Column (b) will always reflect the Catalog of Federal Domestic Assistance program number for LEAA discretionary grants, 16.501. This is the same number that appears in Item 6 of page 1 of the application.
- (3) Special LEAA Instructions. Applicants must follow the Instructions for completing Part III, Budget Narrative and Part IV Program Narrative contained in Appendix 5 of this manual.

M 4500.1E
September 27, 1976

APPENDIX 8. STANDARD FORM 424, APPLICATION FOR FEDERAL ASSISTANCE
(CONSTRUCTION PROGRAM) WITH ATTACHED LEAA FORM 4000/4

FEDERAL ASSISTANCE		2. APPLICANT'S APPLICATION	3. NUMBER	4. STATE APPLICATION IDENTIFICATION	5. NUMBER
1. TYPE OF ACTION (Mark appropriate box.) <input type="checkbox"/> PRIOR APPLICATION <input type="checkbox"/> APPLICATION <input type="checkbox"/> NOTIFICATION OF INTENT (Dpl.) <input type="checkbox"/> REPORT OF FEDERAL ACTION	6. DATE Year month day 19	7. DATE Year month day 19	8. DATE Year month day 19	9. DATE Year month day 19	10. DATE Year month day 19
11. LEGAL APPLICANT/RECIPIENT a. Applicant Name b. Organization Unit c. Street/P.O. Box d. City e. State f. Contact Person (Name & telephone No.)			12. FEDERAL EMPLOYER IDENTIFICATION NO. a. NUMBER b. TITLE		
13. TITLE AND DESCRIPTION OF APPLICANT'S PROJECT			14. TYPE OF APPLICANT/RECIPIENT A-State B-Indian Tribe C-School District D-City E-County F-School District G-Special Purpose District H-Community Action Agency I-Higher Educational Institution J-Indian Tribe K-Other (Specify):		
15. AREA OF PROJECT IMPACT (Names of cities, counties, States, etc.)			16. TYPE OF ASSISTANCE A-Basic Grant B-Supplemental Grant C-Loan D-Insurance E-Other (Specify):		
17. PROPOSED FUNDING a. FEDERAL \$.00 b. APPLICANT \$.00 c. STATE \$.00 d. LOCAL \$.00 e. OTHER \$.00 f. TOTAL \$.00			18. TYPE OF APPLICATION A-New B-Renewal C-Revision D-Continuation E-Augmentation		
19. CONGRESSIONAL DISTRICTS OF: a. APPLICANT b. PROJECT			20. TYPE OF CHANGE (For 1st or 1st): A-Increase Dollars B-Decrease Dollars C-Increase Duration D-Decrease Duration E-Cancellation		
21. PROJECT START DATE Year month day 19			22. PROJECT DURATION Months		
23. ESTIMATED DATE TO BE SUBMITTED TO FEDERAL AGENCY Year month day 19			24. EXISTING FEDERAL IDENTIFICATION NUMBER		
25. FEDERAL AGENCY TO RECEIVE REQUEST (Name, City, State, ZIP code)			26. REMARKS ADDED <input type="checkbox"/> Yes <input type="checkbox"/> No		
27. THE APPLICANT CERTIFIES THAT: a. To the best of my knowledge and belief, data in this preapplication/application are true and correct, the document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is approved. b. If required by DMB Circular A-95 this application was submitted, pursuant to instructions therein, to appropriate clearinghouses and all responses are attached: (1) (2) (3)			28. CERTIFYING REPRESENTATIVE a. TYPED NAME AND TITLE b. SIGNATURE c. DATE SIGNED Year month day 19		
29. AGENCY NAME			30. APPLICATION RECEIVED 19		
31. ORGANIZATIONAL UNIT			32. FEDERAL APPLICATION IDENTIFICATION		
33. ADDRESS			34. FEDERAL GRANT IDENTIFICATION		
35. ACTION TAKEN <input type="checkbox"/> A. AWARDED <input type="checkbox"/> B. REJECTED <input type="checkbox"/> C. RETURNED FOR AMENDMENT <input type="checkbox"/> D. DEFERRED <input type="checkbox"/> E. WITHDRAWN			36. FUNDING a. FEDERAL \$.00 b. APPLICANT \$.00 c. STATE \$.00 d. LOCAL \$.00 e. OTHER \$.00 f. TOTAL \$.00		
37. ACTION DATE Year month day 19			38. CONTACT FOR ADDITIONAL INFORMATION (Name and telephone number)		
39. REMARKS ADDED <input type="checkbox"/> Yes <input type="checkbox"/> No			40. FEDERAL AGENCY A-95 OFFICIAL (Name and telephone number)		

424-101

STANDARD FORM 424, PAGE 1 (10-75)
Prescribed by GSA, Federal Management Circular 74-7

APPENDIX 8. (CONT'D)

SECTION IV-REMARKS (Please reference the proper item number from Sections I, II or III, if applicable)

STANDARD FORM 424 PAGE 2 (10-75)

APPENDIX 8. (CONT'D)
GENERAL INSTRUCTIONS

This is a multi-purpose standard form. First, it will be used by applicants as a required facesheet for pre-applications and applications submitted in accordance with Federal Management Circular 74-7. Second, it will be used by Federal agencies to report to Clearinghouses on major actions taken on applications reviewed by clearinghouses in accordance with OMB Circular A-95. Third, it will be used by Federal agencies to notify States of grants-in-aid awarded in accordance with Treasury Circular 1082. Fourth, it may be used, on an optional basis, as a notification of intent from applicants to clearinghouses, as an early initial notice that Federal assistance is to be applied for (clearinghouse procedures will govern).

APPLICANT PROCEDURES FOR SECTION I

Applicant will complete all items in Section I. If an item is not applicable, write "NA". If additional space is needed, insert an asterisk "*", and use the remarks section on the back of the form. An explanation follows for each item:

- | Item | Item |
|--|---|
| 1. Mark appropriate box. Pre-application and application guidance is in FMC 74-7 and Federal agency program instructions. Notification of intent guidance is in Circular A-95 and procedures from clearinghouse. Applicant will not use "Report of Federal Action" box. | D. Insurance. Self explanatory.
E. Other. Explain on remarks page. |
| 2a. Applicant's own control number, if desired. | 10. Governmental unit where significant and meaningful impact could be observed. List only largest unit or units affected, such as State, county, or city. If entire unit affected, list it rather than subunits. |
| 2b. Date Section I is prepared. | 11. Estimated number of persons directly benefiting from project. |
| 3a. Number assigned by State clearinghouse, or if delegated by State, by areawide clearinghouse. All requests to Federal agencies must contain this identifier if the program is covered by Circular A-95 and required by applicable State/areawide clearinghouse procedures. If in doubt, consult your clearinghouse. | 12. Use appropriate code letter. Definitions are:
A. New. A submittal for the first time for a new project.
B. Renewal. An extension for an additional funding/budget period for a project having no projected completion date, but for which Federal support must be renewed each year.
C. Revision. A modification to project nature or scope which may result in funding change (increase or decrease).
D. Continuation. An extension for an additional funding/budget period for a project the agency initially agreed to fund for a definite number of years.
E. Augmentation. A requirement for additional funds for a project previously awarded funds in the same funding/budget period. Project nature and scope unchanged. |
| 3b. Date applicant notified of clearinghouse identifier. | 13. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions will be included. If the action is a change in dollar amount of an existing grant (a revision or augmentation), indicate only the amount of the change. For decreases enclose the amount in parentheses. If both basic and supplemental amounts are included, breakout in remarks. For multiple program funding, use totals and show program breakouts in remarks. Item definitions: 13a, amount requested from Federal Government; 13b, amount applicant will contribute; 13c, amount from State, if applicant is not a State; 13d, amount from local government, if applicant is not a local government; 13e, amount from any other sources, explain in remarks. |
| 4a-4h. Legal name of applicant/recipient, name of primary organizational unit which will undertake the assistance activity, complete address of applicant, and name and telephone number of person who can provide further information about this request. | 14a. Self explanatory. |
| 5. Employer identification number of applicant as assigned by Internal Revenue Service. | 14b. The district(s) where most of actual work will be accomplished. If city-wide or State-wide, covering several districts, write "city-wide" or "State-wide." |
| 6a. Use Catalog of Federal Domestic Assistance number assigned to program under which assistance is requested. If more than one program (e.g., joint-funding) write "multiple" and explain in remarks. If unknown, cite Public Law or U.S. Code. | 15. Complete only for revisions (item 12c), or augmentations (item 12e). |
| 6b. Program title from Federal Catalog. Abbreviate if necessary. | |
| 7. Brief title and appropriate description of project. For notification of intent, continue in remarks section if necessary to convey proper description. | |
| 8. Mostly self-explanatory. "City" includes town, township or other municipality. | |
| 9. Check the type(s) of assistance requested. The definitions of the terms are:
A. Basic Grant. An original request for Federal funds. This would not include any contribution provided under a supplemental grant.
B. Supplemental Grant. A request to increase a basic grant in certain cases where the eligible applicant cannot supply the required matching share of the basic Federal program (e.g., grants awarded by the Appalachian Regional Commission to provide the applicant a matching share).
C. Loan. Self explanatory; | |

STANDARD FORM 424 PAGE 3 (10-75)

APPENDIX 8. (CONT'D)

- | Item | Item |
|--|--|
| 16. Approximate date project expected to begin (usually associated with estimated date of availability of funding). | 19. Existing Federal Identification number if this is not a new request and directly relates to a previous Federal action. Otherwise write "NA". |
| 17. Estimated number of months to complete project after Federal funds are available. | 20. Indicate Federal agency to which this request is addressed. Street address not required, but do use ZIP. |
| 18. Estimated date preapplication/application will be submitted to Federal agency if this project requires clearinghouse review. If review not required, this date would usually be same as date in item 2b. | 21. Check appropriate box as to whether Section IV of form contains remarks and/or additional remarks are attached. |

APPLICANT PROCEDURES FOR SECTION II

Applicants will always complete items 23a, 23b, and 23c. If clearinghouse review is required, item 22b must be fully completed. An explanation follows for each item:

- | Item | Item |
|--|------------------------|
| 22b. List clearinghouses to which submitted and show in appropriate blocks the status of their responses. For more than three clearinghouses, continue in remarks section. All written comments submitted by or through clearinghouses must be attached. | 23b. Self explanatory. |
| 23a. Name and title of authorized representative of legal applicant. | 23c. Self explanatory. |
- Note: Applicant completes only Sections I and II. Section III is completed by Federal agencies.

FEDERAL AGENCY PROCEDURES FOR SECTION III

If applicant-supplied information in Sections I and II needs no updating or adjustment to fit the final Federal action, the Federal agency will complete Section III only. An explanation for each item follows:

- | Item | Item |
|--|---|
| 24. Executive department or independent agency having program administration responsibility. | 35. Name and telephone no. of agency person who can provide more information regarding this assistance. |
| 25. Self explanatory. | 36. Date after which funds will no longer be available. |
| 26. Primary organizational unit below department level having direct program management responsibility. | 37. Check appropriate box as to whether Section IV of form contains Federal remarks and/or attachment of additional remarks. |
| 27. Office directly monitoring the program. | 38. For use with A-95 action notices only. Name and telephone of person who can assure that appropriate A-95 action has been taken—If same as person shown in item 35, write "same"; If not applicable, write "NA". |
| 28. Use to identify non-award actions where Federal grant identifier in item 30 is not applicable or will not suffice. | |
| 29. Complete address of administering office shown in item 26. | |
| 30. Use to identify award actions where different from Federal application identifier in item 28. | |
| 31. Self explanatory. Use remarks section to amplify where appropriate. | |
| 32. Amount to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions will be included. If the action is a change in dollar amount of an existing grant (a revision or augmentation), indicate only the amount of change. For decreases, enclose the amount in parentheses. If both basic and supplemental amounts are included, breakout in remarks. For multiple program funding, use totals and show program breakouts in remarks. Item definitions: 32a, amount awarded by Federal Government; 32b, amount applicant will contribute; 32c, amount from State, if applicant is not a State; 32d, amount from local government if applicant is not a local government; 32e, amount from any other sources, explain in remarks. | |
| 33. Date action was taken on this request. | |
| 34. Date funds will become available. | |

Federal Agency Procedures—special considerations

- A. Treasury Circular 1082 compliance. Federal agency will assure proper completion of Sections I and III. If Section I is being completed by Federal agency, all applicable items must be filled in. Addresses of State Information Reception Agencies (SCIRA's) are provided by Treasury Department to each agency. This form replaces SF 240, which will no longer be used.
- B. OMB Circular A-95 compliance. Federal agency will assure proper completion of Sections I, II, and III. This form is required for notifying all reviewing clearinghouses of major actions on all programs reviewed under A-95. Addresses of State and areawide clearinghouses are provided by OMB to each agency. Substantive differences between applicant's request and/or clearinghouse recommendations, and the project as finally awarded will be explained in A-95 notifications to clearinghouses.
- C. Special note. In most, but not all States, the A-95 State clearinghouse and the (TC 1082) SCIRA are the same office. In such cases, the A-95 award notice to the State clearinghouse will fulfill the TC 1082 award notice requirement to the State SCIRA. Duplicate notification should be avoided.

APPENDIX 8. (CONT'D)

PART II

PROJECT APPROVAL INFORMATION
SECTION A

- Item 1. Does this assistance request require State, local, regional, or other priority rating? ☐ Yes ☐ No Name of Governing Body _____ Priority Rating _____
- Item 2. Does this assistance request require State, or local advisory, educational or health clearances? ☐ Yes ☐ No (Attach Documentation) Name of Agency or Board _____
- Item 3. Does this assistance request require clearinghouse review in accordance with OMB Circular A-95? ☐ Yes ☐ No (Attach Comments)
- Item 4. Does this assistance request require State, local, regional or other planning approval? ☐ Yes ☐ No Name of Approving Agency _____ Date _____
- Item 5. Is the proposed project covered by an approved comprehensive plan? ☐ Yes ☐ No Check one: State ☐ Local ☐ Regional ☐ Location of plan _____
- Item 6. Will the assistance requested serve a Federal installation? ☐ Yes ☐ No Name of Federal Installation _____ Federal Population benefiting from Project _____
- Item 7. Will the assistance requested be on Federal land or installation? ☐ Yes ☐ No Name of Federal Installation _____ Location of Federal Land _____ Percent of Project _____
- Item 8. Will the assistance requested have an impact or effect on the environment? ☐ Yes ☐ No See instruction for additional information to be provided.
- Item 9. Will the assistance requested cause the displacement of individuals, families, businesses, or farms? ☐ Yes ☐ No Number of: Individuals _____ Families _____ Businesses _____ Farms _____
- Item 10. Is there other related Federal assistance on this project previous, pending, or anticipated? ☐ Yes ☐ No See instructions for additional information to be provided.

APPENDIX 8. (CONT'D)

INSTRUCTIONS

PART II - SECTION A

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

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

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

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

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

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

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

Item 6 - Show the Federal 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 impact on the environment because of the proposed project. If an adverse environmental impact is anticipated, explain what action will be taken to minimize the impact. Federal agencies will provide separate instructions if additional data is needed.

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

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

APPENDIX 8. (CONT'D)

INSTRUCTIONS

PART III

Section A. General

1. Show the Federal Domestic Assistance Catalog Number from which the assistance is requested. When more than one program or Catalog Number is involved and the amount cannot be distributed to the Federal grant program or catalog number on an overall percentage basis, prepare a separate set of Part III forms for each program or Catalog Number. However, show the total amounts for all programs in Section B of the basic application form.

2. Show the functional or other categorical breakdowns, if required by the Federal grantor agency. Prepare a separate set of Part III forms for each category.

Section B. Calculation of Federal Grant

When applying for a new grant, use the Total Amount Column only. When requesting revisions of previously awarded amounts, use all columns.

Line 1 - Enter amounts needed for administration expenses including such items as travel, legal fees, rental of vehicles and any other expense items expected to be incurred to administer the grant. Include the amount of interest expense when authorized by program legislation and also show this amount under Section E Remarks.

Line 2 - Enter amounts pertaining to the work of locating and designing, making surveys and maps, sinking test holes, and all other work required prior to actual construction.

Line 3 - Enter amounts directly associated with the acquisition of land, existing structures, and related right-of-way.

Line 4 - Enter basic fees for architectural engineering services.

Line 5 - Enter amounts for other architectural engineering services, such as surveys, tests, and borings.

Line 6 - Enter fees for inspection and audit of construction and related programs.

Line 7 - Enter amounts associated with the development of land where the primary purpose of the grant is land improvement. Site work normally associated with major construction should be excluded from this category and shown on Line 11.

Line 8 - Enter the dollar amounts needed to provide relocation advisory assistance, and the net amounts for replacement (last resort) housing. Do not include relocation administration expenses on this Line; include them on Line 1.

Line 9 - Enter the estimated amount of relocation payments to be made to displaced persons, business concerns and non-profit organizations for moving expenses and replacement housing.

Line 10 - Enter the gross salaries and wages of employees of the grantee who will be directly engaged in performing demolition or removal of structures from developed land. This line should show also the cost of demolition or re-

moval of improvements on developed land under a third party contract. Reduce the costs on this line by the amount of expected proceeds from the sale of salvage, if so instructed by the Federal grantor agency. Otherwise, show the proceeds on Line 15.

Line 11 - Enter amounts for the actual construction of, addition to, or restoration of a facility. Also include in this category the amounts of project improvements such as sewers, streets, landscaping and lighting.

Line 12 - Enter amounts for equipment both fixed and movable exclusive of equipment used for construction. For example, include amounts for permanently attached laboratory tables, built-in audio visual systems, movable desks, chairs, and laboratory equipment.

Line 13 - Enter amounts for items not specifically mentioned above.

Line 14 - Enter the sum of Lines 1-13.

Line 15 - Enter the estimated amount of program income that will be earned during the grant period and applied to the program.

Line 16 - Enter the difference between the amount on Line 14 and the estimated income shown on Line 15.

Line 17 - Enter amounts for those items which are part of the project but not subject to Federal participation (See Section C, Line 26g, Column (1)).

Line 18 - Enter the estimated amount for contingencies. Compute this amount as follows. Subtract from the net project amount shown on Line 16 the ineligible project exclusions shown on Line 17 and the amount which is excluded from the contingency provisions shown in Section C, Line 26g, Column (2). Multiply the computed amount by the percentage factor allowed by the grantor agency in accordance with the Federal program guidance. For those grants which provide for a fixed dollar allowance in lieu of a percentage allowance, enter the dollar amount of this allowance.

Line 19 - Show the total amount of Lines 16, 17, and 18. (This is the amount to which the matching share ratio prescribed in program legislation is applied.)

Line 20 - Show the amount of Federal funds requested exclusive of funds for rehabilitation purposes.

Line 21 - Enter the estimated amounts needed for rehabilitation expense if rehabilitation grants to individuals are made for which grantees are reimbursed 100 percent by the Federal grantor agency in accordance with program legislation. If the grantee shares in part of this expense show the total amount on Line 13 instead of on Line 21 and explain in Section E.

Line 22 - Show the total amount of the Federal grant requested.

Line 23 - Show the amount from Section D, Line 27h.

Line 24 - Show the amount from Section D, Line 28c.

Line 25 - Self-explanatory.

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APPENDIX 8. (CONT'D)

INSTRUCTION

PART II - SECTION B

OMB NO. 50-R0184

11. SITES AND IMPROVEMENTS: _____ Not required, _____ Attached as exhibits Applicant intends to acquire the site through: _____ Eminent domain, _____ Negotiated purchase, _____ Other means (specify)
12. TITLE OR OTHER INTEREST IN THE SITE IS OR WILL BE VESTED IN: _____ Applicant, _____ Agency or institution operating the facility, _____ Other (specify)
13. INDICATE WHETHER APPLICANT/OPERATOR HAS: _____ Fee simple title, _____ Leasehold interest, _____ Other (specify)
14. IF APPLICANT/OPERATOR HAS LEASEHOLD INTEREST, GIVE THE FOLLOWING INFORMATION: a. Length of lease or other estate interest _____, and number of years to run _____ b. Is lease renewable? _____ Yes _____ No c. Current appraised value of land \$ _____ d. Annual rental rate \$ _____
15. ATTACH AN OPINION FROM ACCEPTABLE TITLE COUNSEL DESCRIBING THE INTEREST APPLICANT/OPERATOR HAS IN THE SITE AND CERTIFYING THAT THE ESTATE OR INTEREST IS LEGAL AND VALID.
16. WHERE APPLICABLE, ATTACH SITE SURVEY, SOIL INVESTIGATION REPORTS AND COPIES OF LAND APPRAISALS.
17. WHERE APPLICABLE, ATTACH CERTIFICATION FROM ARCHITECT ON THE FEASIBILITY OF IMPROVING EXISTING SITE TOPOGRAPHY.
18. ATTACH PLOT PLAN.
19. CONSTRUCTION SCHEDULE ESTIMATES: _____ Not required, _____ Being prepared, _____ Attached as exhibits Percentage of completion of drawings and specifications at application date: Schematics _____ % Preliminary _____ % Final _____ %
20. TARGET DATES FOR: Bid Advertisement _____ Contract Award _____ Construction Completion _____ Occupancy _____
21. DESCRIPTION OF FACILITY: _____ Not required _____ Attached as exhibits Drawings - Attach any drawings which will assist in describing the project. Specifications - Attach copies of completed outline specifications. (If drawings and specifications have not been fully completed, please attach copies or working drawings that have been completed.)

NOTE: ITEMS ON THIS SHEET ARE SELF-EXPLANATORY; THEREFORE, NO INSTRUCTIONS ARE PROVIDED.

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APPENDIX 8. (CONT'D)

OMB NO. 50-R0184

PART III - BUDGET INFORMATION - CONSTRUCTION			
SECTION A - GENERAL			
1. Federal Domestic Assistance Catalog No.			
2. Functional or Other Breakout			
SECTION B - CALCULATION OF FEDERAL GRANT			
Cost Classification	Use only for revisions		Total Amount Required
	Latest Approved Amount	Adjustment + or (-)	
1. Administration expense	\$	\$	\$
2. Preliminary expense			
3. Land, structures, right-of-way			
4. Architectural engineering basic fees			
5. Other architectural engineering fees			
6. Project inspection fees			
7. Land development			
8. Relocation Expenses			
9. Relocation payments to individuals and Businesses			
10. Demolition and removal			
11. Construction and project improvement			
12. Equipment			
13. Miscellaneous			
14. Total (Lines 1 through 13)			
15. Estimated Income (if applicable)			
16. Net Project Amount (Line 14 minus 15)			
17. Less: Ineligible Exclusions			
18. Add: Contingencies			
19. Total Project Amt. (Excluding Rehabilitation Grants)			
20. Federal Share requested of Line 19			
21. Add Rehabilitation Grants Requested (100 Percent)			
22. Total Federal grant requested (Lines 20 & 21)			
23. Grantee share			
24. Other shares			
25. Total project (Lines 22, 23 & 24)	\$	\$	\$

APPENDIX 8. (CONT'D)

INSTRUCTIONS

PART III

Section A. General

1. Show the Federal Domestic Assistance Catalog Number from which the assistance is requested. When more than one program or Catalog Number is involved and the amount cannot be distributed to the Federal grant program or catalog number on an overall percentage basis, prepare a separate set of Part III forms for each program or Catalog Number. However, show the total amounts for all programs in Section B of the basic application form.

2. Show the functional or other categorical breakdowns, if required by the Federal grantor agency. Prepare a separate set of Part III forms for each category.

Section B. Calculation of Federal Grant

When applying for a new grant, use the Total Amount Column only. When requesting revisions of previously awarded amounts, use all columns.

Line 1 - Enter amounts needed for administration expenses including such items as travel, legal fees, rental of vehicles and any other expense items expected to be incurred to administer the grant. Include the amount of interest expense when authorized by program legislation and also show this amount under Section E Remarks.

Line 2 - Enter amounts pertaining to the work of locating and designing, making surveys and maps, sinking test holes, and all other work required prior to actual construction.

Line 3 - Enter amounts directly associated with the acquisition of land, existing structures, and related right-of-way.

Line 4 - Enter basic fees for architectural engineering services.

Line 5 - Enter amounts for other architectural engineering services, such as surveys, tests, and borings.

Line 6 - Enter fees for inspection and audit of construction and related programs.

Line 7 - Enter amounts associated with the development of land where the primary purpose of the grant is land improvement. Site work normally associated with major construction should be excluded from this category and shown on Line 11.

Line 8 - Enter the dollar amounts needed to provide relocation advisory assistance, and the net amounts for replacement (last resort) housing. Do not include relocation administration expenses on this Line; include them on Line 1.

Line 9 - Enter the estimated amount of relocation payments to be made to displaced persons, business concerns and non-profit organizations for moving expenses and replacement housing.

Line 10 - Enter the gross salaries and wages of employees of the grantee who will be directly engaged in performing demolition or removal of structures from developed land. This line should show also the cost of demolition or re-

moval of improvements on developed land under a third party contract. Reduce the costs on this line by the amount of expected proceeds from the sale of salvage, if so instructed by the Federal grantor agency. Otherwise, show the proceeds on Line 15.

Line 11 - Enter amounts for the actual construction of, addition to, or restoration of a facility. Also include in this category the amounts of project improvements such as sewers, streets, landscaping and lighting.

Line 12 - Enter amounts for equipment both fixed and movable exclusive of equipment used for construction. For example, include amounts for permanently attached laboratory tables, built-in audio visual systems, movable desks, chairs, and laboratory equipment.

Line 13 - Enter amounts for items not specifically mentioned above.

Line 14 - Enter the sum of Lines 1-13.

Line 15 - Enter the estimated amount of program income that will be earned during the grant period and applied to the program.

Line 16 - Enter the difference between the amount on Line 14 and the estimated income shown on Line 15.

Line 17 - Enter amounts for those items which are part of the project but not subject to Federal participation (See Section C, Line 26g, Column (1)).

Line 18 - Enter the estimated amount for contingencies. Compute this amount as follows. Subtract from the net project amount shown on Line 16 the ineligible project exclusions shown on Line 17 and the amount which is excluded from the contingency provisions shown in Section C, Line 26g, Column (2). Multiply the computed amount by the percentage factor allowed by the grantor agency in accordance with the Federal program guidance. For those grants which provide for a fixed dollar allowance in lieu of a percentage allowance, enter the dollar amount of this allowance.

Line 19 - Show the total amount of Lines 16, 17, and 18. (This is the amount to which the matching share ratio prescribed in program legislation is applied.)

Line 20 - Show the amount of Federal funds requested exclusive of funds for rehabilitation purposes.

Line 21 - Enter the estimated amounts needed for rehabilitation expense if rehabilitation grants to individuals are made for which grantees are reimbursed 100 percent by the Federal grantor agency in accordance with program legislation. If the grantee shares in part of this expense show the total amount on Line 13 instead of on Line 21 and explain in Section E.

Line 22 - Show the total amount of the Federal grant requested.

Line 23 - Show the amount from Section D, Line 27h.

Line 24 - Show the amount from Section D, Line 28c.

Line 25 - Self-explanatory.

APPENDIX 8. (CONT'D)

SECTION C - EXCLUSIONS		
Classification	Ineligible for Participation (1)	Excluded from Contingency Provision (2)
26.		
a.	\$	\$
b.		
c.		
d.		
e.		
f.		
g. Totals	\$	\$
SECTION D - PROPOSED METHOD OF FINANCING NON-FEDERAL SHARE		
27. Grantee Share		\$
a. Securities		
b. Mortgages		
c. Appropriations (By Applicant)		
d. Bonds		
e. Tax Levies		
f. Non Cash		
g. Other (Explain)		
h. TOTAL - Grantee share		
28. Other Shares		
a. State		
b. Other		
c. Total Other Shares		
29. TOTAL		\$
SECTION E - REMARKS		

PART IV PROGRAM NARRATIVE (Attach - See Instructions)

APPENDIX 8. (CONT'D)

INSTRUCTIONS

PART III

Section C. Exclusions

Line 26 a-g = Identify and list those costs in Column (1) which are part of the project cost but are not subject to Federal participation because of program legislation or Federal grantor agency instructions. The total amount on Line g should agree with the amount shown on Line 17 of Section B. Show in Column (2) those project costs that are subject to Federal participation but are not eligible for inclusion in the amount used to compute contingency amounts as provided in the Federal grantor agency instructions.

Section D. Proposed Method of Financing Non-Federal Share

Line 27 a-g = Show the source of the grantee's share. If cash is not immediately available, specify the actions completed to date and those actions remaining to make cash available under Section E Remarks. Indicate also the period of time that will be required after execution of the grant agreement to obtain the funds. If there is a noncash contribution, explain what this contribution will consist of.

Line 27 h = Show the total of Lines 27 a-g. This amount must equal the amount shown in Section B, Line 23.

Line 28 a = Show the amount that will be contributed by a State or state agency, *only* if the applicant is *not* a State or state agency. If there is a noncash contribution, explain what the contribution will consist of under Section E Remarks.

Line 28 b = Show the amount that will be contributed from other sources. If there is a noncash contribution, explain what this contribution will consist of under Section E Remarks.

Line 28 c = Show the total of Lines 28a and 28b. This amount must be the same as the amount shown in Section B, line 24.

Line 29 = Enter the totals of Line 27h and Line 28c.

Section E. Other Remarks

Make any remarks pertinent to the project and provide any other information required by these instructions or the grantor agency. Attach additional sheets, if necessary.

APPENDIX 8: (CONT'D)

PART IV

PROGRAM NARRATIVE

Prepare the program narrative statement in accordance with the following instructions for all new grant programs. Requests for supplemental assistance should be responsive to Item 5b only. Requests for continuation or refunding or other changes of an approved project should be responsive to Item 5c only.

1. OBJECTIVES AND NEED FOR THIS ASSISTANCE.

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

2. RESULTS OR BENEFITS EXPECTED.

Identify results and benefits to be derived. For example, include a description of who will occupy the facility and show how the facility will be used. For land acquisition or development projects, explain how the project will benefit the public.

3. APPROACH.

- Outline a plan of action pertaining to the scope and detail of how the proposed work will be accomplished for each grant program. Cite factors which might accelerate or decelerate the work and your reason for taking this approach as opposed to others. Describe any unusual features of the project such as design or technological innovations, reductions in cost or time, or extraordinary social and community involvements.
- Provide for each grant program monthly or quarterly quantitative projections of the accomplishments to be achieved, if possible. When accomplishments cannot be quantified, list the activities in chronological order to show the schedule of accomplishments and their target dates.
- Identify the kinds of data to be collected and maintained, and discuss the criteria to be used to evaluate the results and success of the project. Explain the methodology that will be used to determine if the

needs identified and discussed are being met and if the results and benefits identified in Item 2 are being achieved.

- List each organization, cooperator, consultant, or other key individuals who will work on the project along with a short description of the nature of their effort or contribution.

4. GEOGRAPHIC LOCATION.

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

5. IF APPLICABLE, PROVIDE THE FOLLOWING INFORMATION:

- Describe the relationship between this project and other work planned, anticipated, or underway under the Federal Assistance listed under Part II, Section A, Item 10.
- Explain the reason for all requests for supplemental assistance and justify the need for additional funding.
- Discuss accomplishments to date and list in chronological order a schedule of accomplishments, progress or milestones anticipated with the new funding request. If there have been significant changes in the project objectives, location, approach or time delays, explain and justify. For other requests for changes or amendments, explain the reason for the change(s). If the scope or objectives have changed or an extension of time is necessary, explain the circumstances and justify. If the total budget has been exceeded or if individual budget items have changed more than the prescribed limits contained in Attachment K, Office of Management and Budget Circular No. A-102, explain and justify the change and its effect on the project.

APPENDIX 8. (CONT'D)

PART V

ASSURANCES

The applicant hereby assures and certifies that he will comply with the regulations, policies, guidelines and requirements, including Office of Management and Budget Circulars Nos. A-87, A-95, and A-102, as they relate to the application, acceptance and use of Federal funds for this federally-assisted project. Also, the applicant gives assurance and certifies with respect to the grant that:

1. It possesses legal authority to apply for the grant, and to finance and construct the proposed facilities; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

2. It will comply with the provisions of: Executive Order 11296, relating to evaluation of flood hazards, and Executive Order 11288, relating to the prevention, control, and abatement of water pollution.

3. It will have sufficient funds available to meet the non-Federal share of the cost for construction projects. Sufficient funds will be available when construction is completed to assure effective operation and maintenance of the facility for the purposes constructed.

4. It will obtain approval by the appropriate Federal agency of the final working drawings and specifications before the project is advertised or placed on the market for bidding; that it will construct the project, or cause it to be constructed, to final completion in accordance with the application and approved plans and specifications; that it will submit to the appropriate Federal agency for prior approval changes that alter the costs of the project, use of space, or functional layout; that it will not enter into a construction contract(s) for the project or undertake other activities until the conditions of the construction grant program(s) have been met.

5. It will provide and maintain competent and adequate architectural engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications; that it will furnish progress reports and such other information as the Federal grantor agency may require.

6. It will operate and maintain the facility in accordance with the minimum standards as may be required or prescribed by the applicable Federal, State and local agencies for the maintenance and operation of such facilities.

7. It will give the grantor agency and the Comptroller General through any authorized representative access to and the right to examine all records, books, papers, or documents related to the grant.

8. It will require the facility to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," Number A117.1-1961, as modified (41 CFR 101-17.703). The applicant will be responsible for

conducting inspections to insure compliance with these specifications by the contractor.

9. It will cause work on the project to be commenced within a reasonable time after receipt of notification from the approving Federal agency that funds have been approved and that the project will be prosecuted to completion with reasonable diligence.

10. It will not dispose of or encumber its title or other interests in the site and facilities during the period of Federal interest or while the Government holds bonds, whichever is the longer.

11a. It will comply with the provisions of 28 C.F.R. 42.101 et seq. prohibiting discrimination based on race, color, or national origin by or through its contractual arrangements. If the grantee is an institution or a governmental agency, office or unit then this assurance of nondiscrimination by race, color or national origin extends to discrimination anywhere in the institution or governmental agency, office or unit.

b. If the grantee is a unit of state or local government, state planning agency or law enforcement agency, it will comply with Title VII of the Civil Rights Act of 1964, as amended, and 28 C.F.R. 42.201 et seq. prohibiting discrimination in employment practices based on race, color, creed, sex or national origin. Additionally, it will obtain assurances from all subgrantees, contractors and subcontractors that they will not discriminate in employment practices based on race, color, creed, sex or national origin.

c. It will comply with and will insure compliance by its subgrantees and contractors with Title I of the Crime Control Act of 1973, Title VI of the

APPENDIX 8. (CONT'D)

Civil Rights Act of 1964 and all requirements imposed by or pursuant to regulations of the Department of Justice (28 C.F.R. Part 42) such that no person, on the basis of race, color, sex or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity funded by LEAA. If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the applicant, this assurance shall obligate the applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for the purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.

12. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.

13. It will comply with the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and federally assisted programs.

14. It will comply with all requirements imposed by the Federal grantor agency concerning special requirements of law, program requirements, and other administrative requirements approved in accordance with Office of Management and Budget Circular No. A-102.

15. It will comply with the provisions of the Hatch Act which limit the political activity of employees.

16. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, as they apply to hospital and educational institution employees of State and local governments.

APPENDIX 8. (CONT'D)

SPECIAL INSTRUCTIONS FOR LEAA FORM 4000/4 (CONSTRUCTION).
Part I (Standard Form 424)

- a. Item No. 6, Federal Catalog Number. The Catalog of Federal Domestic Assistance program number for LEAA discretionary grants is 16.501. Only this number should be placed in block 6.
- b. Item No. 7, Title and Description. Indicate title and brief description of project. Also indicate program category (e.g., Rural Law Enforcement, Career Criminal, Victim/Witness Assistance, etc.) from chapter 1-4 of this Manual from which funding sought.
- c. Item No. 8, Type of Applicant. Applicant here refers to the State agency, local government unit, institution or department or non-profit organization which will implement the project whether as direct grantee or subgrantee of a State Planning Agency.'
- d. Item No. 23, Signature of Authorized Representative. The signature shown MUST BE that of the individual authorized to enter into binding commitments on behalf of the applicant or implementing agency. He will normally be the chief officer of the agency or government unit involved.
- e. Special LEAA Instructions. Applicant must follow the Instructions for completing Part III, Budget Narrative and Part IV Program Narrative in Appendix 5 of this manual.

APPENDIX 9. INSTRUCTIONS FOR GRANT APPLICATION PART III
BUDGET NARRATIVE AND PART IV PROGRAM NARRATIVE.

1. Part III - Budget Narrative Instruction. LEAA instructions (on application form Page 10) require applicants to provide on a separate sheet(s) a budget narrative which details by budget category, the Federal and non-federal (in-kind and cash) share. The purpose of the budget narrative is to relate items budgeted to project activities and to provide justification and explanation for budgeted items, including criteria and data used to arrive at the estimates for each budget category. The following information is provided to assist the applicant in developing the budget narrative.
 - a. Personnel Category. List each position by title (and name of employee, if available), show annual salary rate and percentage of time to be devoted to the project by the employee. Compensation paid for employees engaged in Federally assisted activities must be consistent with that paid for similar work in other activities of the applicant.
 - b. Fringe Benefits Category. Indicate each type of benefit included and the total cost allowable to employees assigned to the project.
 - c. Travel Category. Itemize travel expenses of project personnel by purpose (e.g., faculty to training site, field interviews, advisory group meetings, etc.) and show basis or computation (e.g., "Five trips for 'x' purpose at \$80 average cost - \$50 transportation and two days per diem at \$15" or "Six people to 3-day meeting at \$70 transportation and \$45 subsistence".) In training projects where travel and subsistence of trainees is included, this should be separately listed indicating the number of trainees and the unit costs involved.

Identify the tentative location of all training sessions, meetings, and other travel.

Applicants should consult such references as the Official Airline Guide and the Hotel and Motel Redbook in projecting travel costs to obtain competitive rates.
 - d. Equipment. List each type of equipment to be purchased or rented with unit or monthly costs.
 - e. Supplies. List items within this category by major type (office supplies, training materials, research forms, postage) and show basis for computation. Provide unit or monthly estimates.

APPENDIX 9. (CONT'D)

- f. Contractual Category. State the selection basis for any contract or subcontract or prospective contract or subcontract, (including construction services and equipment).
- (1) For individuals to be reimbursed for personal services on a fee basis, list by name or type of consultant or service the proposed fee (by day, week or hour) and the amount of time to be devoted to such services. The rate of compensation for consultants (evaluation, faculty, or other) is maximum of \$135 per day, calculation on eight hour day at \$16.88 per hour; no consultant should be paid in excess of his/her present rate of compensation or in excess of normal rates for such services in that particular field.
- (2) For construction contracts and organizations, (including professional associations and education institutions performing professional services), indicate the type of services to be performed and the estimated contract cost data.
- g. Construction Category. Describe construction or renovation which will be accomplished using grant funds and the method used to calculate cost.
- h. Other Category. Include under "other" such items as rent, reproduction, telephone, and janitorial or security services. List items by major type with basis of computation shown. (Provide square footage and cost per square foot for rent - provide local and long distance telephone charges separately.)
- i. Indirect Cost Category. The Administration may accept any indirect cost rate previously approved for an applicant by a Federal agency. Applicants should enclose a copy of the approved rate agreement or indicate the date the rate was approved and the Federal agency that approved the rate. In lieu of an approved flat rate, amounts not in excess of 10 percent of total direct costs may be claimed. If this method is used, the applicant must justify the requested amount.
- j. Program Income. If applicable, provide a detailed estimate of the amount of program income to be generated during the grant period and its proposed application (to reduce the costs of the project or to increase the scope of the project). Also, describe the source of program income, listing the

APPENDIX 9. (CONT'D)

- rental rates to be obtained, sale prices or publications supported by grant funds, and registration fees charged for particular sessions. If scholarships (covering, for example, registration fees) are awarded by the organization to certain conferences attendees, the application should identify the percentage of all attendees that are projected as "scholarship" cases and the precise criteria for their selection.
- k. Matching Funds. Describe the source and amount of matching funds.
2. Part IV - Program Narrative Instructions. The program narrative consists of four sections. If a particular section levies a requirement which is not practical or possible given the nature of the grant, a justification for not completing that section must be given. All applicants must follow the format provided in this instruction.
- a. Section I. Assessment Plan. The assessment plan details a strategy for measuring the progress of the grant during its life. The plan identifies performance and impact goals which are sought and achievable during the grant period and how and when these goals will be achieved and measured.
- (1) Performance Goals. Performance goals helps to measure the progress of project implementation. Performance goals relate therefore to the "means" selected to accomplish the project. In a crime prevention project, for example, a performance goals might be "to target harden (lights and locks) one hundred residencies within census tract three by month six." (For comparative purposes see the impact goals example for this same type of project given below.)
- In this section identify each performance goal, the target day/month by which it is to be achieved, the source and type of data required to measure achievement, and the person(s) responsible for data collection and measurement.

APPENDIX 9. (CONT'D)

- (2) Impact Goal. An impact goal helps to measure the effect that the project is expected to have on crime or the criminal justice system itself. An impact goal relates therefore to project "ends" rather than project "means". To use the crime prevention example again, an impact goal might be "a 5% reduction in residential burglaries within census tract three by month eight."
- b. Section 2. Operating Plan. The operating plan details the major steps which must be taken to carry the grant through to completion and goal achievement. The operating plan consists of two parts, a "start-up" plan and a "program operations" plan. Instructions for completing each part follow.
- (1) Start-up. For each of the following identify the major activities involved in starting and completing each step. If a particular step will take longer than two months to complete, divide it into substeps so its progress can be measured.
- (a) Contract Staff/Consultant Hiring. List each staff and consultant position which is critical to project start-up program operations. Indicate the target dates for starting to recruit and fill each critical position.
- (b) Space, Major Equipment and Services. Identify the major space, equipment and services items which must be acquired before the grant can become operational. Indicate for each item the target dates for starting and completing acquisition efforts.
- (c) Preparatory Program Steps. Identify and list the program steps that must be accomplished before the grant can become operational. Include target start and complete dates for each step. Examples of preparatory program steps include data or clients to the grant program, design and production of survey instruments, etc.
- (d) Establishment of Administrative Controls. Controls and list critical administrative controls that must be established during the start-up period of the grant. A critical control is one that is essential to the management of resources and project implementation. Include start and complete dates for establishing each control.

APPENDIX 9. (CONT'D)

- (e) Anticipated Start-up Delay. Indicate whether a delay can be expected from date of LEAA award to project start-up. For example, the project may be delayed by the requirement that Federal funds be "passed-through" other levels of government before they reach the project. Another delay might be caused by state legislative action required by approve matching funds.
- (2) Program Operations. Identify the major steps that must be taken once the grant is operational to complete it. Also, identify grant products and give the target start and estimated day/month for each step and product. If a particular step will take longer than two months to complete break it down into substeps so progress towards it can be measured.
- The entire Operating Plan should consist of a step-by-step process for completing the grant and achieving its goals. If the plan does not achieve this, it will not support an LEAA decision to fund the grant application.
- c. Section 3. Technical Assistance Plan. Identify the need for outside technical assistance in implementing the start-up and program operating plans by comparing the technical requirements of the "Operating" and "Assessment" plans with the actual or proposed technical capabilities of the project staff. Provide a description of the technical assistance required during grant implementation, an implementation schedule, and the source of the assistance (e.g., LEAA, SPA, consultant, etc.).
- d. Section 4. Product Utilization Plan. If the intent of the grant is to produce a publishable product or a result which is to be replicated within the criminal justice system recommend a plan of action and schedule for publication or replication in this Section. Identify the target beneficiary of the publication/replication.

PART III - BUDGET INFORMATION

SECTION A - BUDGET SUMMARY

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

SECTION B - BUDGET CATEGORIES

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

APPENDIX 10 EXAMPLE OF COMPLETED BUDGET PAGES.
LEAA FORM 4000/3.M 4500.1E
September 27, 1976

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

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

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

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

App 10
Page 2

APPENDIX 10 - (CONTINUED)

M 4500.1E
September 27, 1976

PART III - BUDGET INFORMATION.

SECTION A - BUDGET SUMMARY

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

SECTION B - BUDGET CATEGORIES

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

APPENDIX 10 (CONTINUED) EXAMPLE OF PART C AND PART E COMPLETED
BUDGET PAGES, LEAA FORM 4000/3.M 4500.1E
September 27, 1976

SECTION C - NON-FEDERAL RESOURCES

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

SECTION D - FORECASTED CASH NEEDS

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

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

(a) Grant Program	FUTURE FUNDING PERIODS (YEARS)			
	(b) FIRST	(c) SECOND	(d) THIRD	(e) FOURTH
16. DF-Part C	\$ 210,995	\$	\$	\$
17. DF-Part E	678,400			
18.				
19.				
20. TOTALS	\$ 889,395	\$	\$	\$

SECTION F - OTHER BUDGET INFORMATION

(Attach additional Sheets If Necessary)

21. Direct Charges:

22. Indirect Charges:

23. Remarks:

APPENDIX 1Q (CONTINUED)

M 4500.1E
September 27, 1976

APPENDIX 11 REGULATIONS IMPLEMENTING OMB CIRCULAR A-95

Title 28--Judicial Administration
CHAPTER 1--DEPARTMENT OF JUSTICE
PART 30--FINAL REGULATION RELATING
TO THE LEAA IMPLEMENTATION OF THE
OMB CIRCULAR NO. A-95 REVISED

Evaluation, Review, and Coordination of
Federal and Federally Assisted Programs
and Projects

The Law Enforcement Assistance Administration hereby adds a new Part 30 to Chapter 1 of Title 28 of the Code of Federal Regulations. This regulation will revise current guidelines governing compliance with OMB Circular No. A-95 Revised, entitled "Evaluation, Review, and Coordination of Federal and Federally Assisted Programs and Projects."

On February 27, 1976, the Law Enforcement Assistance Administration published proposed regulations for implementing OMB Circular No. A-95 Revised in the FEDERAL REGISTER. Comments have been received and modifications to the regulation have been made.

Effective date: This regulation will become effective May 6, 1976.

RICHARD W. VELDE,
Administrator.

Accordingly, Part 30 of Title 28 is added to read as follows:

Subpart A--General Provisions

Sec.

30.1 Purpose.

30.2 Authority.

30.3 Implementation.

30.4 Coverage, exceptions, and variations.

30.5 Clearinghouse functions.

30.6 Memorandum of agreement signatories.

30.7 Applicant for assistance to accomplish

areawide planning.

30.8 SPA implementation of memorandum

of agreement requirement.

Subparts B-E (Reserved)

Subpart F--Definitions

30.9 Definitions.

Authority: OMB Circ. No. A-95 Rev.; Sec. 501, Crime Control Act of 1973, as amended (42 USC 3701).

Subpart A--General Provisions

§ 30.1 Purpose.

The purpose of this regulation is to implement OMB Circular A-95 Revised (41 Federal Register 2052 (January 13, 1976)) for the cooperation with the Law Enforcement Assistance Administration (LEAA) and State Planning Agencies (SPAs) in the evaluation, review, and coordination of LEAA assisted programs and projects.

§ 30.2 Authority.

This regulation is based upon and incorporates OMB Circular No. A-95 Revised, and is promulgated for the:

(a) Encouragement for the use of a project notification and review system to facilitate coordinated planning on an intergovernmental basis for certain Federal assistance programs in furtherance of section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 and Title IV of the Intergovernmental Cooperation Act of 1963.

(b) Coordination of direct Federal development programs and projects which State, areawide, and local planning and programs pursuant to Title IV of the Intergovernmental Cooperation Act of 1963.

(c) Securing the comments and views of State and local agencies which are authorized to develop and enforce environmental standards on certain Federal or federally assisted projects affecting the environment pursuant to section 102(c)(C) of the National Environmental Policy Act of 1969 and regulations of the Council on Environmental Quality.

(d) Furthering the objectives of Title VI of the Civil Rights Act of 1964; section 262(b) of the Juvenile Justice and Delinquency Prevention Act of 1974; and section 518(c) of the Crime Control Act of 1973.

§ 30.3 Implementation.

Full compliance with OMB Circular No. A-95 Revised is required by all applicants for funds under programs associated with section 205, section 308(a), section 455(a) and section 515(b) of the Crime Control Act of 1973, Pub. L. 93-83 as amended by Pub. L. 93-415, and section 222(a) and section 224(a) of the Juvenile Justice Delinquency Prevention Act of 1974, Pub. L. 93-415. This regulation and OMB Circular No. A-95 Revised will have applicability to all programs, projects, and activities (or significant substantive changes thereto) for which LEAA assistance is being sought as outlined below:

(a) This regulation and Part I of OMB Circular No. A-95 Revised cover the following programs:

- (1) 16.509 Law Enforcement Assistance--Comprehensive Planning Grants.
- (2) 16.501 Law Enforcement Assistance--Discretionary Grants.
- (3) 16.502 Law Enforcement Assistance--Improving and Strengthening Law Enforcement and Criminal Justice.

APPENDIX 11 (CONT'D)

(4) 16.515 Criminal Justice Systems Development.

(5) 16.516 Law Enforcement Assistance—Juvenile Justice and Delinquency Prevention—Formula Allocation to the States.

(6) 16.517 Law Enforcement Assistance—JJDP Special Emphasis Prevention and Treatment.

(b) Part II of OMB Circular No. A-95 Revised does not apply to LEAA assisted programs and projects.

(c) This regulation and Part III of OMB Circular No. A-95 Revised cover the following programs:

(1) 16.502 Law Enforcement Assistance—Improving and Strengthening Law Enforcement and Criminal Justice.

(2) 16.516 Law Enforcement Assistance—Juvenile Justice and Delinquency Prevention—Allocation to the States.

(d) This regulation and Part IV of OMB Circular No. A-95 Revised cover the same programs as listed in § 30.3(a).

§ 30.4 Coverage exceptions, and variations.

(a) LEAA may request an exemption from OMB for certain classes of projects or activities under programs otherwise covered as defined in paragraph 8c of OMB Circular No. A-95 Revised.

(b) LEAA may request procedural variations from normal review processes as defined in paragraph 8d of OMB Circular No. A-95 Revised.

(c) All requests from LEAA offices or SPAs through LEAA Regional Offices for exemptions or procedural variations should be routed through the Office of Regional Operations, LEAA, Washington, D.C. 20531.

§ 30.5 Clearinghouse functions.

In addition to clearinghouse functions specified in paragraph 3e of OMB Circular No. A-95 Revised, organizations such as State and local commissions on the status of women will be afforded an opportunity to comment on the proposed project's impact on women.

§ 30.6 Memorandum of agreement signatories.

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) above. (Not infrequently (a) and (b) are the same, in which case no memorandum of agreement is required.)

§ 30.7 Applicant for assistance to accomplish areawide planning.

The applicant referred to in § 30.6(b) will in most cases mean any Regional Planning Units which covers a multi-jurisdictional area comprising, encompassing or extending into more than one unit of general local government and which does not operate under the auspices of an areawide comprehensive planning agency.

§ 30.8 SPA implementation of memorandum of agreement requirement.

The SPA is required to assure that the memorandum of agreement requirement is followed. SPA procedures must reflect that requirement.

Subpart F—Definitions

§ 30.9 Definitions.

The following definitions provided in Part V of OMB Circular No. A-95 Revised are modified as follows for the purpose of applicability to LEAA assisted programs and projects:

(a) "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.

(b) "Unit of general local government" means any city, county, township, town, borough, parish, village or other general purpose political subdivision of 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.

(c) "Federal assistance, Federal financial assistance, Federal assistance program, or federally assisted program" means any LEAA program that provides assistance through grant or contractual arrangements. The term does not include any annual payment by the United States to the District of Columbia authorized by article VI of the District of Columbia Revenue Act of 1947 (D.C. Code sec. 47-2501a and 47-2501b).

(d) "Funding agency" is the Law Enforcement Assistance Administration (LEAA) or, in the case of block or formula grant programs, the State Planning Agency (SPA) which is responsible for final approval of applications for assistance.

[FR Doc.76-13181 Filed 5-5-76; 8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

(Circular No. A-95 Revised)

EVALUATION, REVIEW, AND COORDINATION OF FEDERAL AND FEDERALLY ASSISTED PROGRAMS AND PROJECTS

JANUARY 2, 1976.

1. Purpose. This Circular furnishes guidance to Federal agencies for cooperation with State and local governments in the evaluation, review, and coordination of Federal and federally assisted programs and projects. The Circular promulgates regulations (Attachment A) which provide, in part, for:

a. Encouraging the establishment of a project notification and review system to facilitate coordinated planning on an intergovernmental basis for certain Federal assistance programs in furtherance of section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 and Title IV of the Intergovernmental Cooperation Act of 1968 (Attachment B).

b. Coordination of direct Federal development programs and projects with State, areawide, and local planning and programs pursuant to Title IV of the Intergovernmental Cooperation Act of 1968.

c. Securing the comments and views of State and local agencies which are authorized to develop and enforce environmental standards on certain Federal or federally assisted projects affecting the environment pursuant to section 102 (2)(C) of the National Environmental Policy Act of 1969 (Attachment C) and regulations of the Council on Environmental Quality.

d. Furthering the objectives of Title VI of the Civil Rights Act of 1964.

This Circular supersedes Circular No. A-95 (Revised), dated November 13, 1973 (Part II, FEDERAL REGISTER, Vol. 38, No. 228, pp. 32874-32881, November 28, 1973). It will become effective February 27, 1976.

2. Basis. This Circular has been prepared pursuant to:

a. Section 401(a) of the Intergovernmental Cooperation Act of 1968 which provides, in part, that:

"The President shall . . . establish rules and regulations governing the formulation, evaluation, and review of Federal programs and projects having a significant impact on area and community development . . ."

and the President's Memorandum of November 8, 1968, to the Director of the Bureau of the Budget ("FEDERAL REGISTER, Vol. 33, No. 221, November 13, 1968) which provides:

"By virtue of the authority vested in me by section 301 of title 3 of the United States Code and section 401(a) of the Intergovernmental Cooperation Act of 1968 (Public Law 90-577), I hereby delegate to you the authority vested in the President to establish the rules and regulations provided for in that section governing the formulation, evaluation, and review of Federal programs and projects having a significant impact on area

and community development, including programs providing Federal assistance to the States and localities, to the end that they shall most effectively serve these basic objectives.

"In addition, I expect the Bureau of the Budget to generally coordinate the actions of the departments and agencies in exercising the new authorizations provided by the Intergovernmental Cooperation Act, with the objective of consistent and uniform action by the Federal Government."

b. Title IV, section 403, of the Intergovernmental Cooperation Act of 1968 which provides that:

"The Bureau of the Budget or such other agency as may be designated by the President, is hereby authorized to prescribe such rules and regulations as are deemed appropriate for the effective administration of this Title."

c. Section 204(c) of the Demonstration Cities and Metropolitan Development Act of 1966 which provides that:

"The Bureau of the Budget, or such other agency as may be designated by the President, shall prescribe such rules and regulations as are deemed appropriate for the effective administration of this section," and

d. Reorganization Plan No. 2 of 1970 and Executive Order No. 11541 of July 1, 1970, which vest all functions of the Bureau of the Budget or the Director of the Bureau of the Budget in the Director of the Office of Management and Budget.

3. Coverage. The regulations promulgated by this Circular (Attachment A) will have applicability:

a. Under Part I, to all projects and activities (or significant substantive changes thereto) for which Federal assistance is being sought under the programs listed in Attachment D or Appendix I of the Catalog of Federal Domestic Assistance whichever bears the later date. Limitations and provisions for exceptions are noted therein or under paragraph 8 of Part I.

b. Under Part II, to all direct Federal development activities, including the acquisition, use, and disposal of Federal real property; in addition, agencies responsible for granting licenses and permits for developments or activities significantly affecting area and community development or the physical environment are strongly urged to consult with clearinghouses on applications for such licenses or permits.

c. Under Part III, to all Federal programs as listed in Appendix II of the Catalog of Federal Domestic Assistance, requiring, by statute or administrative regulation, a State plan as a condition of assistance.

d. Under Part IV, to all Federal programs providing assistance to State, areawide, or local agencies or organizations for multi-jurisdictional or areawide planning.

4. "A-95: What It Is—How It Works." A fuller discussion of the background, purposes, and objectives of the Circular and of the requirements promulgated thereunder may be found in the brochure,

"A-95: What It Is—How It Works," obtainable from the Office of Management and Budget or from Federal Regional Councils.

5. "A-95 Administrative Notes." From time to time OMB will issue "A-95 Administrative Notes" providing interim determinations or interpretations on matters of national scope relating to administration of the Circular.

6. Federal Regional Councils. Federal Regional Councils are responsible for coordinating the implementation of the requirements of this Circular at the Federal regional level. The Office of Management and Budget is responsible for policy oversight of the Circular and liaison with departmental and agency liaison officers on matters of national scope related to the requirements of the Circular.

7. Federal agency implementing procedures and regulations. Agencies will develop interim procedures and regulations implementing the requirements of this Circular revision which will become effective on February 27, 1976. The interim procedures and regulations will be published in the FEDERAL REGISTER no later than February 27, 1976. Agencies will promulgate final implementing procedures and regulations no later than April 29, 1976. OMB will assist and cooperate with agencies in developing such procedures and regulations.

8. Inquiries. Inquiries concerning this Circular may be addressed to the Regional A-95 Coordinator for the appropriate Federal Regional Council or to the Office of Management and Budget, Washington, D.C. 20503, telephone (202)-395-3031.

JAMES T. LYNN,
Director.

ATTACHMENT A—Circular No. A-95
REVISED

Regulations Under Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, Title IV of the Intergovernmental Cooperation Act of 1968, and Section 102(2)(C) of the National Environmental Policy Act of 1969

PART I: PROJECT NOTIFICATION AND REVIEW SYSTEM

1. Purpose. The purpose of this Part is to:

a. Further the policies and directives of Title IV of the Intergovernmental Cooperation Act of 1968 by encouraging the establishment of a network of State and areawide planning and development clearinghouses which will aid in the coordination of Federal or federally assisted projects and programs with State, areawide, and local planning for orderly growth and development.

b. Implement the requirements of section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 for metropolitan areas within that network.

c. Implement, in part, requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, which

APPENDIX 11 (CONT'D)

ire that State, areawide, and local
... enforce environmental standards be
given an opportunity to comment on the
environmental impact of Federal or fed-
erally assisted projects.

d. Provide public agencies charged
with enforcing or furthering the objec-
tives of State and local civil rights laws
with opportunity to participate in the
review process established under this
Part.

e. Discourage, by means of early con-
tact between applicants for Federal as-
sistance and State and local govern-
ments and agencies, an expeditious pro-
cess of intergovernmental coordination
and review of proposed projects.

2. Notification of intent.

a. Any agency of State or local gov-
ernment or any organization or individ-
ual undertaking to apply for assistance
to a project or major substantive modifi-
cation thereof under a Federal program
covered by this Part will be required to
notify both the State and areawide plan-
ning and development clearinghouse in
the jurisdiction of which the project is to
be located of its intent to apply for as-
sistance at such time as it determines
it will develop an application.

In the case of applications for projects
involving land or water use and develop-
ment or construction in the National
Capital Region (as defined in section
1(b) of the National Capital Planning
Act of 1952, as amended) a copy of the
notification will be sent to the National
Capital Planning Commission (NCPC) in
addition to the areawide clearinghouse
and the appropriate State clearinghouse.
NCPC is the official planning agency for
the Federal Government in the National
Capital Region.

In the case of an application in any
State for an activity that is Statewide
or broader in nature (such as for various
types of research) and does not affect
nor have specific applicability to are-
awide or local planning and programs, the
notification need be sent only to the
State clearinghouse. Involvement of
areawide clearinghouses in the review in
such cases will be at the initiative of the
State clearinghouse.

Notifications will include a summary
description of the project for which as-
sistance will be sought. The summary
description will contain the following
information, as appropriate and to the
extent available:

(1) Identity of the applicant agency,
organization, or individual.

(2) The geographic location of the
project to be assisted. A map should be
provided, if appropriate.

(3) A brief description of the proposed
project to be assisted. A map should be
sent, estimated cost, beneficiaries, or
other characteristics which will enable
the clearinghouses to identify agencies
of State or local government having
plans, programs, or projects that might
be affected by the proposed project.

(4) A statement as to whether or not
the applicant has been advised by the
funding agency from which assistance
is being sought that he will be required

to submit environmental impact infor-
mation in connection with the proposed
project.

(5) The Federal program title and
number and agency under which assis-
tance will be sought as indicated in At-
tachment D or the latest *Catalog of Fed-
eral Domestic Assistance*. (The *Catalog*
is issued annually in the spring and is up-
dated during the year.) In the case of
programs not listed therein, programs
will be identified by Public Law number
or U.S. Code citation.

(6) The estimated date the applicant
expects to formally file an application.

Many clearinghouses have developed
notification forms and instructions. Ap-
plicants are urged to contact their clear-
inghouses for such information in order
to expedite clearinghouse review.

b. In order to assure maximum time
for effective coordination and so as not
to delay the timely submission of the
completed application to the funding
agency, notifications containing the pre-
liminary information indicated above
should be sent at the earliest feasible
time.

c. Applications from federally recog-
nized Indian tribes are not subject to
the requirements of this Part. However,
Indian tribes may voluntarily partici-
pate in the Project Notification and Re-
view System and are encouraged to do
so. Federal agencies will notify the ap-
propriate State and areawide clearing-
houses of any applications from federa-
lly recognized Indian tribes upon their
receipt. Where a federally recognized
Tribal Government has established a
mechanism for coordinating the activi-
ties of Tribal departments, divisions,
enterprises, and entities, Federal agen-
cies will, upon request of such Tribal
Government transmitted through the
Office of Management and Budget, re-
quire that applications for assistance
under programs covered by this Part
from such Tribal departments, divisions,
enterprises, and entities be subject to re-
view by such Tribal coordinating mecha-
nism as though it were a State or are-
awide clearinghouse.

3. Clearinghouse functions. Clearing-
house functions include:

a. Evaluating the significance of pro-
posed Federal or federally assisted pro-
jects to State, areawide, or local plans
and programs.

b. Receiving and disseminating project
notifications to appropriate State and
multistate agencies in the case of the
State clearinghouse and to appropriate
local governments and agencies and re-
gional organizations in the case of are-
awide clearinghouses; and providing liai-
son, as may be necessary, between such
agencies or bodies and the applicant. In
the case of units of general local gov-
ernment, notifications of all projects af-
fecting his jurisdiction will, if requested,
be sent to the chief executive of such
unit by the areawide clearinghouse or to
such central agency as he may designate
for review and reference to appropriate
agencies of such unit.

c. In the case of projects under pro-
grams covered by this Part located in

the coastal zone, as defined in the Coastal
Zone Management Act of 1972, assuring
that the State agency, if other than the
State clearinghouse, responsible for ad-
ministration of the approved program for
the management of the coastal zone, is
given opportunity to review the project
for its relationship to such program and
its consistency therewith.

d. Assuring, pursuant to section 102(2)
(C) of the National Environmental Policy
Act of 1969, that appropriate State,
multistate, areawide, or local agencies
which are authorized to develop and en-
force environmental standards are in-
formed of and are given opportunity to
review and comment on the environ-
mental significance of proposed projects
for which Federal assistance is sought.

e. Providing public agencies charged
with enforcing or furthering the objec-
tives of State and local civil rights laws
with opportunity to review and comment
on the civil rights aspects of the project
for which assistance is sought.

f. Providing, pursuant to Part II of
these regulations, liaison between Fed-
eral agencies contemplating direct Fed-
eral development projects and the State
or areawide agencies or local govern-
ments having plans or programs that
might be affected by the proposed
project.

g. In the case of a project for which
Federal assistance is sought by a special
purpose unit of local government, clear-
inghouses will assure that any unit of
general local government having jurisdic-
tion over the area in which the project
is to be located has opportunity to con-
fer, consult, and comment upon the pro-
ject and the application.

h. Where areawide clearinghouse juris-
dictions are contiguous, coordinative ar-
rangements should be established be-
tween the clearinghouses in such areas
to assure that projects in one area which
may have an impact on the development
of a contiguous area are jointly studied.
Any comments and recommendations
made by or through a clearinghouse in
one area on a project in a contiguous area
will accompany the application for as-
sistance to that project.

4. Consultation and review. a. State
and areawide clearinghouses may have a
period of 30 days after receipt of a pro-
ject notification in which to inform State
and multistate agencies and local or re-
gional governments or agencies (includ-
ing agencies referred to in subparagraphs
c, d, and e, above) that may be affected
by the proposed project and arrange, as
may be necessary, to consult with the ap-
plicant thereon. The review may be com-
pleted in this period and comments may
be submitted to the applicant.

b. If the review is not completed dur-
ing this period, the clearinghouse may
work with the applicant in the resolution
of any problems raised by the proposed
project during the period in which the
application is being completed.

c. In cases where no project notifica-
tion has been submitted and the clear-
inghouse receives only a completed ap-
plication, it may have 60 days to review
the completed application. If a completed

application is submitted during the first
30 days after a notification has been sub-
mitted, the clearinghouse may have 30
days plus the number of days remaining
in the initial 30 day notification period
to complete its review. In all other cases,
the clearinghouse may have 30 days to
review a completed application. Where
clearinghouses have not completed their
reviews during the 30 day notification pe-
riod, they are strongly urged to give the
applicant formal notice to that effect.
Where reviews have been completed prior
to completion of an application, an in-
formation copy will be supplied to the
clearinghouse, upon request, when the
application is submitted to the funding
agency.

d. Written comments submitted to the
areawide clearinghouse by other jurisdic-
tions, agencies, or parties will be included
as attachments to the comments of are-
awide clearinghouses, when they are at
variance with the clearinghouse com-
ments; and others from whom comments
were solicited and received should be
listed.

e. Under some programs, applicants—
primarily nongovernmental—are re-
quired to submit confidential information
to the funding agency. Such information
may relate to the applicant's financial
status or structure (e.g., overall invest-
ment program or holdings); to personnel
(e.g., personal histories of project offi-
cers) or may involve proprietary infor-
mation (e.g., industrial processes, re-
search ideas). Such confidential infor-
mation need not be included with appli-
cations submitted to clearinghouses for
review.

f. Applicants will include with the com-
pleted application as submitted to the
Federal agency (or to the State agency
in the case of projects for which the
State, under certain programs, has final
project approval):

(1) All comments and recommenda-
tions made by or through clearinghouses,
along with a statement that such com-
ments have been considered prior to sub-
mission of the application; or

(2) Where no comments have been
received from a clearinghouse, a state-
ment that the procedures outlined in
this section have been followed and that
no comments or recommendations have
been received.

g. Applications for renewal or con-
tinuation grants or applications not sub-
mitted to or acted on by the funding
agency within one year after completion
of clearinghouse review will be subject to
re-review upon request of the clear-
inghouse.

5. Subject matter of comments and
recommendations. Comments and rec-
ommendations made by or through clear-
inghouses with respect to any project are
for the purpose of assuring maximum
consistency of such project with State,
areawide, and local comprehensive plans.
They are also intended to assist the Fed-
eral agency (or State agency, in the case
of projects for which the State under
certain Federal grants has final project
approval) administering such a program

in determining whether the project is in
accord with applicable Federal law, par-
ticularly those requiring consistency
with State, areawide, or local plans.
Comments or recommendations may in-
clude, but need not be limited to, infor-
mation about:

a. The extent to which the project is
consistent with or contributes to the ful-
fillment of comprehensive planning for
the State, area, or locality.

b. The extent to which the proposed
project:

(1) Duplicates, runs counter to, or
needs to be coordinated with other pro-
jects or activities being carried out in or
affecting the area; or

(2) Might be revised to increase its
effectiveness or efficiency in relationship
to other State, area, or local programs
and projects.

c. The extent to which the project
contributes to the achievement of State,
areawide, and local objectives and pri-
orities relating to natural and human
resources and economic and community
development as specified in section 401 of
the Intergovernmental Cooperation Act
of 1968, including:

(1) Appropriate land uses for housing,
commercial, industrial, governmental,
institutional, and other purposes;

(2) Wise development and conserva-
tion of natural resources, including land,
water, mineral, wildlife, and others;

(3) Balanced transportation systems,
including highway, air, water, pedes-
trian, mass transit, and other modes for
the movement of people and goods;

(4) Adequate outdoor recreation and
open space;

(5) Protection of areas of unique
natural beauty, historical and scientific
interest;

(6) Properly planned community fa-
cilities, including utilities for the supply
of power, water, and communications,
for the safe disposal of wastes, and for
other purposes; and

(7) Concern for high standards of
design.

d. As provided under section 102(2)
(C) of the National Environmental
Policy Act of 1969, the extent to which
the project significantly affects the en-
vironment including consideration of:

(1) The environmental impact of the
proposed project;

(2) Any adverse environmental effects
which cannot be avoided should the pro-
posed project be implemented;

(3) Alternatives to the proposed
project;

(4) The relationship between local
short term uses of man's environment
and the maintenance and enhancement
of long term productivity; and

(5) Any irreversible and irretrievable
commitments of resources which would
be involved in the proposed project or
action, should it be implemented.

e. Effects on energy resource supply
and demand.

f. The extent to which people or busi-
nesses will be displaced and the avail-
ability of relocation resources.

g. As provided under section 307(d) of
the Coastal Zone Management Act of

APPENDIX 11 (CONT'D)

1972, in the case of a project located in
the coastal zone, the relationship of the
project to the approved State program
for the management of the coastal zone
and its consistency therewith.

h. The extent to which the project con-
tributes to more balanced patterns of
settlement and delivery of services to all
sectors of the area population, including
minority groups.

i. In the case of a project for which
assistance is being sought by a special
purpose unit of local government, whether
the unit of general local govern-
ment having jurisdiction over the
area in which the project is to be located
has applied, or plans to apply, for as-
sistance for the same or a similar type
project. This information is necessary
to enable the Federal (or State) agency
to make the judgments required under
section 402 of the Intergovernmental
Cooperation Act of 1968.

6. Federal agency procedures. Federal
agencies having programs covered under
this Part will develop appropriate pro-
cedures for:

a. Informing potential applicants for
assistance under such programs of the
requirements of this Part (1) in program
information materials, (2) in response
to inquiries respecting application pro-
cedures, (3) in pre-application confer-
ences, or (4) by other means which will
assure earliest contact between applicant
and clearinghouses.

b. Assuring that all applications for
assistance under programs covered by
this part have been submitted to appro-
priate clearinghouses for review prior
to their submission to the funding
agency. Applications that do not carry
evidence that both areawide and State
clearinghouses have been given an op-
portunity to review the application will
be returned to the applicant with in-
structions to fulfill the requirements of
this Part. Agencies will insure that all
applications contain a State Application
Identifier (SAI) number. (This is man-
datory for use in notifying clearinghouses
of action taken on the application.)

c. Notifying such clearinghouses within
seven working days of any major action
taken on such applications that have
been reviewed by said clearinghouses.
Major actions will include awards, re-
jections, returns for amendment, deferrals,
or withdrawals. The standard multi-
purpose form, SF 424, promulgated by
Federal Management Circular 74-7, will
be used for this purpose, unless a waiver
has been granted by OMB. (See Attach-
ment E.)

d. Where a clearinghouse has recom-
mended against approval of an applica-
tion or approval only with specific and
major substantive changes, and the
funding agency approves the applica-
tion substantially as submitted, the
funding agency will provide the clearing-
house, along with the action notice, an
explanation therefor.

e. Where a clearinghouse has recom-
mended against approval of a project be-
cause it conflicts with or duplicates
another Federal or federally assisted
project, the funding agency will consult

with the clearinghouse to determine if
the project can be modified to avoid
the conflict or duplication. If the project
cannot be modified, the funding agency
will explain the reasons for its decision
to the applicant.

f. In the case of a project for which
assistance is being sought by a special
purpose unit of local government, whether
the unit of general local govern-
ment having jurisdiction over the
area in which the project is to be located
has applied, or plans to apply, for as-
sistance for the same or a similar type
project. This information is necessary
to enable the Federal (or State) agency
to make the judgments required under
section 402 of the Intergovernmental
Cooperation Act of 1968.

g. Informing potential applicants for
assistance under such programs of the
requirements of this Part (1) in program
information materials, (2) in response
to inquiries respecting application pro-
cedures, (3) in pre-application confer-
ences, or (4) by other means which will
assure earliest contact between applicant
and clearinghouses.

h. Assuring that all applications for
assistance under programs covered by
this part have been submitted to appro-
priate clearinghouses for review prior
to their submission to the funding
agency. Applications that do not carry
evidence that both areawide and State
clearinghouses have been given an op-
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be used for this purpose, unless a waiver
has been granted by OMB. (See Attach-
ment E.)

j. Where a clearinghouse has recom-
mended against approval of an applica-
tion or approval only with specific and
major substantive changes, and the
funding agency approves the applica-
tion substantially as submitted, the
funding agency will provide the clearing-
house, along with the action notice, an
explanation therefor.

k. Where a clearinghouse has recom-
mended against approval of a project be-
cause it conflicts with or duplicates
another Federal or federally assisted
project, the funding agency will consult

with the clearinghouse to determine if
the project can be modified to avoid
the conflict or duplication. If the project
cannot be modified, the funding agency
will explain the reasons for its decision
to the applicant.

l. In the case of a project for which
assistance is being sought by a special
purpose unit of local government, whether
the unit of general local govern-
ment having jurisdiction over the
area in which the project is to be located
has applied, or plans to apply, for as-
sistance for the same or a similar type
project. This information is necessary
to enable the Federal (or State) agency
to make the judgments required under
section 402 of the Intergovernmental
Cooperation Act of 1968.

m. Informing potential applicants for
assistance under such programs of the
requirements of this Part (1) in program
information materials, (2) in response
to inquiries respecting application pro-
cedures, (3) in pre-application confer-
ences, or (4) by other means which will
assure earliest contact between applicant
and clearinghouses.

n. Assuring that all applications for
assistance under programs covered by
this part have been submitted to appro-
priate clearinghouses for review prior
to their submission to the funding
agency. Applications that do not carry
evidence that both areawide and State
clearinghouses have been given an op-
portunity to review the application will
be returned to the applicant with in-
structions to fulfill the requirements of
this Part. Agencies will insure that all
applications contain a State Application
Identifier (SAI) number. (This is man-
datory for use in notifying clearinghouses
of action taken on the application.)

o. Notifying such clearinghouses within
seven working days of any major action
taken on such applications that have
been reviewed by said clearinghouses.
Major actions will include awards, re-
jections, returns for amendment, deferrals,
or withdrawals. The standard multi-
purpose form, SF 424, promulgated by
Federal Management Circular 74-7, will
be used for this purpose, unless a waiver
has been granted by OMB. (See Attach-
ment E.)

p. Where a clearinghouse has recom-
mended against approval of an applica-
tion or approval only with specific and
major substantive changes, and the
funding agency approves the applica-
tion substantially as submitted, the
funding agency will provide the clearing-
house, along with the action notice, an
explanation therefor.

q. Where a clearinghouse has recom-
mended against approval of a project be-
cause it conflicts with or duplicates
another Federal or federally assisted
project, the funding agency will consult

APPENDIX 11 (CONT'D)

agency assisting the referenced prior to acting, if it plans to apply application.

ing, in the case of an application submitted by a special purpose unit of local government, where accompanying comments indicate that the unit of general local government having jurisdiction over the area in which the project is to be located has submitted or plans to submit an application for assistance for the same or a similar type project, that appropriate considerations and preferences as specified in section 402 of the Intergovernmental Cooperation Act of 1968, are accorded the unit of general local government. Where such preference cannot be so accorded, the agency shall supply, in writing, to the unit of general local government and the Office of Management and Budget its reasons therefor.

7. **Housing programs.** For housing programs of the Department of Housing and Urban Development, the Veterans Administration, and the Farmers Home Administration of the Department of Agriculture the following procedures will be followed, except as provided in subparagraph d below:

a. The appropriate HUD, VA, or USDA/FHA office will transmit to the appropriate State and areawide clearinghouses a copy of the initial application for project approval.

b. Clearinghouses will have 30 days from receipt to review the applications and to forward to the HUD, VA, or USDA/FHA office any comments which they may have, including observations concerning the consistency of the proposed project with State and areawide development plans, the extent to which the proposed project will provide housing opportunities for all segments of the community, and identification of major environmental concerns including impact on energy resource supply and demand. Processing of applications in the HUD, VA, or USDA/FHA office will proceed concurrently with the clearinghouse review.

c. This procedure will include only applications involving new construction or substantial rehabilitation and will apply to applications for loans, loan guarantees, mortgage insurance, or other housing assistance:

(1) In Urbanized Areas, as defined by the U.S. Bureau of the Census (see Appendix A, 1970 Census of Population, Characteristics of the Population or Characteristics of Housing), to:

(a) Subdivisions having 25 or more lots.

(b) Multifamily projects having 50 or more dwelling units.

(c) Mobile home courts with 50 or more spaces.

(d) College housing provided under the debt service or direct loan programs for 200 or more students.

(2) In all other areas, to:

(a) Subdivisions having 10 or more lots.

(b) Multifamily projects having 25 or more dwelling units.

(c) Mobile home courts with 25 or more spaces.

(d) College housing provided under the debt service or direct loan programs for 100 or more students.

d. As an alternative to the above procedure, the developer may submit his application directly to the appropriate clearinghouses prior to submitting it to the Federal agency. In such cases, the application, when submitted to the Federal agency, will be accompanied by the comments of the clearinghouses.

e. **Exemption:** Applications for additional units in a subdivision substantially completed (i.e., with streets, water and sewer facilities, culverts, etc.) are exempted from this requirement when:

(1) The subdivision was approved and/or recorded by the appropriate unit of local government within three years of the application submitted; and

(2) In cases of subdivisions approved more than three years prior, the clearinghouses waive the requirement.

This exemption does not apply to applications for housing in an undeveloped subdivision or in proposed extensions of existing subdivisions.

8. **Coverage, exceptions, and variations.**

a. Generally, this Part of this Circular and the laws on which it is based are concerned with programs providing financial assistance to projects and activities which have an impact on State, areawide, and local development, including development of natural, economic, and human resources. This Part is concerned with achieving the most effective and efficient utilization of Federal assistance programs through coordination among and between Federal, multistate, State, areawide, and local plans and programs and the elimination of conflict, overlap, and duplication of projects and activities under such programs. Coverage under this Part includes, or will be extended from time to time as deemed necessary and practicable to include programs bearing upon these concerns and objectives.

b. Programs not considered appropriate to this Part are programs of the following types:

(1) Direct financial assistance to individuals or families for housing, welfare, health care services, education, training, economic improvement, and other direct assistance for individual and family enhancement.

(2) Incentive payments or insurance for private sector activities not involving real property development or land use and development.

(3) Agricultural crop supports or payments.

(4) Assistance to organizations and institutions for the provision of education or training not designed to meet the needs of specific individual States or localities.

(5) Research, not involving capital construction, which is national in scope, or is not designed to meet the needs or to address problems of a particular State, area, or locality (except in the case of

demonstration or pilot research programs where projects may have an impact on the community or area in which they are being conducted).

(6) Assistance to educational, medical, or similar service institutions or agencies for internal staff development or management improvement purposes.

(7) Assistance to educational institutions for activities that are part of a school's regular academic program and are not related to local programs of health, welfare, employment, or other social services.

(8) Assistance for construction involving only routine maintenance, repair, or minor construction which does not change the use or the scale or intensity of use of the structure or facility.

c. OMB will consider Federal agency requests for exemption of certain classes of projects or activities under programs otherwise covered which:

(1) Meet any of the above characteristics of programs inappropriate for coverage under this Part;

(2) Are of small scale or size or are highly localized as to impact; or

(3) Display other characteristics which might make review impractical.

d. OMB will consider Federal agency requests for procedural variations from normal review processes:

(1) On a temporary basis for programs with time constraints brought about because of start up requirements or other unusual circumstances beyond the control of the funding agency. (Note: Delay in fund availability is not normally an acceptable reason for a variation. When a delay is anticipated, applicants should be instructed to have their applications reviewed by clearinghouses in readiness for submission when funds become available.)

(2) For programs where statutory or related procedural limitations make the normal review processes impracticable.

e. All requests from Federal agencies for exemptions or procedural variations should be addressed to the Associate Director for Management and Operations, Office of Management and Budget.

f. Individual clearinghouses may exempt certain types of projects from review for reasons indicated above or for other reasons appropriate to the State or area.

g. Applicants should be made aware that, in various States, State law requires review of applications for Federal assistance under various programs not covered by this Part. Implementation of such laws is enforced through State rules and regulations, and applicants are urged to ascertain the existence of such laws and to acquaint themselves with applicable State procedures.

9. **Joint Funding.** Applications for assistance to activities under the Joint Funding Simplification Act (P.L. 93-510) or any other joint funding authority, which involve activities funded under one or more of the programs covered under this Part, will be subject to the requirements of this Part.

10. **Agency procedures and regulations.**

a. Proposed agency procedures and regulations for implementing the requirements of this Part will be published in the Federal Register as specified in paragraph 7 of this Circular. Programs to which the procedures and regulations will apply will be cited by their numbers in the Catalog of Federal Domestic Assistance. Where such numbers have not yet been assigned, programs will be referenced by Public Law and section or by U.S. Code citation. Subsequent amendments to such procedures and regulations will also be published pursuant to paragraph 7 of the Circular.

b. As a part of such proposed procedures and regulations published in the Federal Register, agencies may identify specific types of projects which they believe should be exempt from coverage under programs for which proposed procedures and regulations are being published. Such publication will constitute a formal request for exemption to the Office of Management and Budget, to which it will respond in its review of the proposed procedures and regulations.

c. OMB will assist and cooperate with agencies in developing such procedures and regulations.

d. A copy of agency internal procedures for implementation of this Part, if not contained in the above procedures and regulations, will be sent to the Associate Director of the Office of Management and Budget for Management and Operations.

11. **Reports and directories.** a. The Director of the Office of Management and Budget may require reports, from time to time, on the implementation of this Part.

b. The Office of Management and Budget will maintain and distribute to appropriate Federal agencies a directory of State and areawide clearinghouses.

c. The Office of Management and Budget will notify Federal Regional Councils, clearinghouses, and Federal agencies of any excepted categories of projects under covered programs.

PART II: DIRECT FEDERAL DEVELOPMENT

1. **Purpose.** The purpose of this Part is to:

a. Provide State and local government with information on projected Federal development so as to facilitate coordination with State, areawide, and local plans and programs.

b. Provide Federal agencies with information on the relationship of proposed direct Federal development projects and activities to State, areawide, and local plans and programs; and to assure maximum feasible consistency of Federal developments with State, areawide, and local plans and programs.

c. Provide Federal agencies with information on the possible impact on the environment of proposed Federal development.

2. **Coordination of direct Federal development projects with State, areawide, and local development.** a. Federal agencies having responsibility for the planning and construction of Federal build-

ings and installations or other Federal public works or development or for the acquisition, use, and disposal of Federal land and real property will establish procedures for:

(1) Consulting with Governors, State and areawide clearinghouses, and local elected officials at the earliest practicable stage in project or development planning on the relationship of any plan or project to the development plans and programs of the State, area, or locality in which the project is to be located. In the case of projects in the National Capital Region, such consultation should be undertaken in cooperation with the the National Capital Planning Commission.

(2) Assuring that any such Federal plan or project is consistent or compatible with State, areawide, and local development plans and programs identified in the course of such consultations. Exceptions will be made only where there is clear justification. Explanation of any necessary inconsistency or incompatibility will be provided, in writing, to the appropriate clearinghouses.

(3) Providing State, areawide, and local agencies which are authorized to develop and enforce environmental standards with adequate opportunity to review such Federal plans and projects pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969. Any comments of such agencies will accompany the environmental impact statement submitted by the Federal agency.

(4) Providing, in the case of projects located in the coastal zone, the State agency responsible for administration of the approved program for the management of the coastal zone with opportunity to review the relationship of the proposed project to such program and its consistency therewith.

(5) Providing, through the appropriate clearinghouses, Health Systems Agencies and State Health Planning and Development Agencies designated pursuant to the National Health Planning and Resources Development Act of 1974 with adequate opportunity to review Federal projects for construction and/or equipment involving capital expenditures exceeding \$200,000 for modernization, conversion, and expansion of Federal inpatient care facilities, which alter the bed capacity or modify the primary function of the facility, as well as plans for provision of major new medical care services. (Excluded are projects to renovate or install mechanical systems, air conditioning systems, or other similar internal system modifications.) The agencies are expected to evaluate proposed Federal projects for consistency with areawide and local health delivery plans and health supply-demand situations, as well as considering clearinghouse comments on such specific points as those listed in paragraph 5 of Part I.

The comments of such agencies and any clearinghouse comments will accompany the plan and budget requests submitted by the Federal agency to the Office of Management and Budget or a certification that the agencies and clearing-

houses had been provided a reasonable time to comment and had failed to do so.

3. **Use of clearinghouses.** The State and areawide planning and development clearinghouses established pursuant to Part I will be utilized to the greatest extent practicable to effectuate the requirements of this Part. Agencies are urged to establish early contact with clearinghouses to work out arrangements for carrying out the consultation and review required under this Part, including identification of types of projects considered appropriate for consultation and review. Clearinghouses may utilize criteria set forth in paragraph 5 of Part I in evaluating direct Federal development projects.

4. **Federal licenses and permits.** Agencies responsible for granting Federal licenses and permits for development projects and activities which would have a significant impact on State, interstate, areawide, or local development plans or programs or on the environment are strongly urged to consult with State and areawide clearinghouses and to seek their evaluations of such impacts prior to granting such licenses or permits.

5. **Agency procedures and regulations.**

a. To the greatest extent possible, agencies engaged in direct Federal development activities will follow the general procedures outlined under Part I of Attachment A in affording State and areawide clearinghouses opportunities to review and comment on plans and developments.

b. Where legislative or executive constraints or related circumstances do not permit following such procedures, agency procedures and regulations will set forth for each program, at a minimum:

(1) The point in project planning at which clearinghouses will be contacted;

(2) The minimum time clearinghouses will be afforded to review the proposed project;

(3) The minimum information to be provided to the clearinghouses; and

(4) Procedures for notifying clearinghouses on actions taken on such project (implementation, timing, postponement, abandonment) and explaining actions taken contrary to clearinghouse recommendations.

c. The Office of Management and Budget will consider other procedures such as memoranda of agreement between Federal installations and clearinghouses for coordinating Federal and civilian planning, that are designed to achieve the objectives of this Part.

d. All proposed agency procedures and regulations to implement this Part will be published in the Federal Register pursuant to paragraph 7 of the Circular. OMB will assist and cooperate with agencies in developing such procedures and regulations.

PART III: STATE PLANS

1. **Purpose.** The purpose of this Part is to provide Federal agencies with information about the relationship to State or areawide comprehensive planning of State plans which are required or form

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CONTINUED

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the basis for funding under various Federal programs.

2. *State plans.* To the extent not presently required by statute or administrative regulation, Federal agencies administering programs requiring by statute or regulation a State plan as a condition of assistance under such programs will require that the Governor, or his delegated agency, be given the opportunity to comment on the relationship of such State plan to comprehensive and other State plans and programs and to those of affected areawide or local jurisdictions. The Governor is urged to involve areawide clearinghouses in the review of State plans, particularly where such plans have specific applicability to or affect areawide or local plans and programs.

a. The Governor will be afforded a period of 45 days in which to make such comments, and any such comments will be transmitted with the plan.

b. A "State plan" under this Part is defined to include any required supporting planning reports or documentation that indicate the programs, projects, and activities for which Federal funds will be utilized. Such reports or documentation will also be submitted for review at the request of the Governor or the agency he has designated to perform review under this Part.

c. Programs requiring State plans are listed in Appendix II of the Catalog of Federal Domestic Assistance.

PART IV: COORDINATION OF PLANNING IN MULTIJURISDICTIONAL AREAS

1. *Policies and objectives.* The purposes of this Part are:

a. To encourage and facilitate State and local initiative and responsibility in developing organizational and procedural arrangements for coordinating comprehensive and functional planning activities.

b. To eliminate overlap, duplication, and competition in areawide planning activities assisted or required under Federal programs and to encourage the most effective use of State and local resources available for planning.

c. To minimize inconsistency among Federal administrative and approval requirements placed on areawide planning activities.

d. To encourage the States to 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 planning and coordination of Federal, State, and local development programs.

e. To encourage Federal agencies administering programs assisting or requiring areawide planning to utilize agencies that have been designated to perform areawide comprehensive planning in planning and development districts or regions established pursuant to subparagraph d above (generally, areawide clearinghouses designated pursuant to Part I of Attachment A of this Circular) to carry out or coordinate planning under such programs. In the case of

interstate metropolitan areas, agencies designated as metropolitan areawide clearinghouses should be utilized to the extent possible to carry out or coordinate Federally assisted or required areawide planning.

2. *Common or consistent planning and development districts or regions.* a. Prior to the designation or redesignation (or approval thereof) of any planning and development district or region under any Federal program, Federal agency procedures will provide a period of 30 days for the Governor(s) of the State(s) in which the district or region will be located to review the boundaries thereof and comment upon its relationship to planning and development districts or regions established by the State. Where the State has established such planning and development districts, the boundaries of areas designated under Federal programs will conform to them unless there is clear justification for not doing so.

b. Where the State has not established planning and development districts or regions which provide a basis for evaluation of the boundaries of the area proposed for designation, major units of general local government and the appropriate Federal Regional Council in such areas will also be consulted prior to designation of the area to assure consistency with districts established under inter-local agreement and under related Federal programs.

c. The Office of Management and Budget will be notified through the appropriate Federal Regional Council by Federal agencies of any proposed designation and will be informed of such designation when it is made, including such justifications as may be required under subparagraph a above.

3. *Common and consistent planning bases and coordination of related activities in multijurisdictional areas.* Each agency will develop procedures and requirements for applications for multijurisdictional 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 comprehensive planning agency or clearinghouse designated under Part I of this Circular in the multijurisdictional area.

Such procedures shall include provision for submission to the funding agency by any applicant for multijurisdictional planning assistance, if the applicant is other than an areawide comprehensive planning agency referred to in paragraph 1e of this Part, of a memorandum of agreement between the applicant and such areawide comprehensive planning agency covering the means by which their 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 areawide agency

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 reviews of projected activities and policies, information exchange, etc.;

c. Cooperative arrangements for sharing planning resources (funds, personnel, facilities, and services);

d. Agreed upon base data, statistics, and projections (social, economic, demographic) on the basis of which planning in the area will proceed.

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 funding agency, in consultation with the Federal Regional Council and the State clearinghouse designated under Part I, will undertake, within a 30 days period after receipt of the application, resolution of the issues before approving the application, if it is otherwise in good order.

4. *Joint funding.* Where it will enhance the quality, comprehensive scope, and coordination of planning in multijurisdictional areas, Federal agencies will, to the extent practicable, provide for joint funding of planning activities being carried on therein.

5. *Coordination of agency procedures and regulations.* With respect to the steps called for in paragraphs 2 and 3 of this Part, departments and agencies will develop for relevant programs appropriate draft procedures and regulations which will be published in the Federal Register pursuant to paragraph 7 of this Circular. Copies of such drafts will be furnished to the Director of the Office of Management and Budget and to the heads of departments and agencies administering related programs. The Office, in consultation with the agencies, will review the draft procedures and regulations to assure the maximum obtainable consistency among them.

PART V: DEFINITIONS

Term used in this Circular will have following meanings:

1. *Federal agency*—any department, agency, or instrumentality in the executive branch of the Government and any wholly owned Government corporation.

2. *State*—any of the several States of the United States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State.

3. *Unit of general local government*—any city, county, town, parish, village, or other general purpose political subdivision of a State.

4. *Special purpose unit of local government*—any special district, public purpose corporation, or other strictly limited purpose political subdivision of a

APPENDIX 11 (CONT'D)

State, but shall not include a school district.

5. *Federal assistance, Federal financial assistance, Federal assistance program, or federally assisted programs*—programs that provide assistance through grant or contractual arrangements. They include technical assistance programs, or programs providing assistance in the form of loans, loan guarantees, or insurance. The term does not include any annual payment by the United States to the District of Columbia authorized by article VI of the District of Columbia Revenue Act of 1947 (D.C. Code sec. 47-2501a and 47-2501b).

6. *Funding agency.* The Federal agency or, in the case of certain formula grant programs, the State agency which is responsible for final approval of applications for assistance.

7. *Comprehensive planning*, to the extent directly related to area needs or needs of a unit of general local government, including the following:

a. Preparation, as a guide for governmental policies and action, of general plans with respect to:

(1) Pattern and intensity of land use, (2) Provision of public facilities (including transportation facilities) and other government services.

(3) Effective development and utilization of human and natural resources.

b. Preparation of long range physical and fiscal plans for such action.

c. Programming of capital improvements and other major expenditures, based on a determination of related urgency, together with definitive financing plans for such expenditures in the earlier years of the program.

d. Coordination of all related plans and activities of the State and local governments and agencies concerned.

e. Preparation of regulatory and administrative measures in support of the foregoing.

8. *Metropolitan area*—a standard metropolitan statistical area as established by the Office of Management and Budget, subject, however, to such modifications and extensions as the Office of Management and Budget may determine to be appropriate for the purposes of section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, and these Regulations.

9. *Areawide*—comprising, in metropolitan areas, the whole of contiguous urban and urbanizing areas; and in non-metropolitan areas, contiguous counties or other multijurisdictional areas having common or related social, economic, or physical characteristics indicating a community of developmental interests; or, in either, the area included in a sub-state district designated pursuant to paragraph 1d, Part IV, Attachment A of this Circular.

10. *Planning and development clearinghouse or clearinghouse* includes:

a. "State clearinghouse"—an agency of the State Government designated by the Governor or by State law to carry out the requirements of Part I of Attachment A of this Circular.

b. "Areawide clearinghouse"—(1) In nonmetropolitan areas a comprehensive

planning agency designated by the Governor (or Governors in the case of regions extending into more than one State) or by State law to carry out requirements of this Circular; or

(2) In metropolitan areas an areawide agency that has been recognized by the Office of Management and Budget as an appropriate agency to perform review functions under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, Title IV of the Intergovernmental Cooperation Act of 1968, and this Circular.

11. *Multijurisdictional area*—any geographical area comprising, encompassing, or extending into more than one unit of general local government.

12. *Planning and development district or region*—a multijurisdictional area that has been formally designated or recognized as an appropriate area for planning under State law or Federal program requirements.

13. *Direct Federal development*—planning and construction of public works, physical facilities, and installations on land and real property development (including the acquisition, use, and disposal of real property) undertaken by or for the use of the Federal Government or any of its agencies; or the leasing of real property for Federal use where the use or intensity of use of such property will be substantially altered.

ATTACHMENT B—CIRCULAR NO. A-95
REVISED

Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 as amended (80 Stat. 1263, 82 Stat. 208)

"Sec. 204. (a) All applications made after June 30, 1967, for Federal loans or grants to assist in carrying out open-space land projects or for planning or construction of hospitals, airports, libraries, water supply and distribution facilities, sewage facilities and waste treatment works, highways, transportation facilities, law enforcement facilities, and water development and land conservation projects within any metropolitan area shall be submitted for review—

"(1) to any areawide agency which is designated to perform metropolitan or regional planning for the area within which the assistance is to be used, and which is, to the greatest practicable extent, composed of or responsible to the elected officials of a unit of areawide government or of the units of general local government within whose jurisdiction such agency is authorized to engage in such planning; and

"(2) if made by a special purpose unit of local government, to the unit or units of general local government with authority to operate in the area within which the project is to be located.

"(b) (1) Except as provided in paragraph (2) of this subsection, each application shall be accompanied (A) by the comments and recommendations with respect to the project involved by the areawide agency and governing bodies of the units of general local govern-

ment to which the application has been submitted for review, and (B) by a statement by the applicant that such comments and recommendations have been considered prior to formal submission of the application. Such comments shall include information concerning the extent to which the project is consistent with comprehensive planning developed or in the process of development for the metropolitan area or the unit of general local government, as the case may be, and the extent to which such project contributes to the fulfillment of such planning. The comments and recommendations and the statement referred to in this paragraph shall, except in the case referred to in paragraph (2) of this subsection, be reviewed by the agency of the Federal Government to which such application is submitted for the sole purpose of assisting it in determining whether the application is in accordance with the provisions of Federal law which govern the making of the loans or grants.

"(2) An application for a Federal loan or grant need not be accompanied by the comments and recommendations and the statements referred to in paragraph b(1) of this subsection, if the applicant certifies that a plan or description of the project, meeting the requirements of such rules and regulations as may be prescribed under subsection (c), or such application, has been before an appropriate areawide agency or instrumentality or unit of general local government for a period of sixty days without comments or recommendations thereon being made by such agency or instrumentality.

"(3) The requirements of paragraphs (1) and (2) shall also apply to any amendment of the application which, in light of the purposes of this title, involves a major change in the project covered by the application prior to such amendment.

"(c) The Bureau of the Budget, or such other agency as may be designated by the President, is hereby authorized to prescribe such rules and regulations as are deemed appropriate for the effective administration of this section."

TITLE IV OF THE INTERGOVERNMENTAL COOPERATION ACT OF 1968 (82 STAT. 1103)

"Title IV—Coordinated Intergovernmental Policy and Administration of Development Assistance Programs"

"Declaration of development assistance policy"

"Sec. 401. (a) The economic and social development of the Nation and the achievement of satisfactory levels of living depend upon the sound and orderly development of all areas, both urban and rural. Moreover, in a time of rapid urbanization, the sound and orderly development of urban communities depends to a large degree upon the social and economic health and the sound development of small communities and rural areas. The President shall, therefore, establish rules and regulations governing the formulation, evaluation, and review of Federal programs and projects having a significant impact on area and

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community development, including programs providing Federal assistance to the States and localities, to the end that they shall most effectively serve these basic objectives. Such rules and regulations shall provide for full consideration of the concurrent achievement of the following specific objectives and, to the extent authorized by law, reasoned choices shall be made between such objectives when they conflict:

"(1) Appropriate land uses for housing, commercial, industrial, governmental, institutional, and other purposes;

"(2) Wise development and conservation of natural resources, including land, water, minerals, wildlife, and others;

"(3) Balanced transportation systems, including highway, air, water, pedestrian, mass transit, and other modes for the movement of people and goods;

"(4) Adequate outdoor recreation and open space;

"(5) Protection of areas of unique natural beauty, historical and scientific interest;

"(6) Properly planned community facilities, including utilities for the supply of power, water, and communications, for the safe disposal of wastes, and for other purposes; and

"(7) Concern for high standards of design.

"(b) All viewpoints—national, regional, State and local—shall, to the extent possible, be fully considered and taken into account in planning Federal or federally assisted development programs and projects. State and local government objectives, together with the objectives of regional organizations shall be considered and evaluated within a framework of national public objectives, as expressed in Federal law, and available projections of future national conditions and needs of regions, States, and localities shall be considered in plan formulation, evaluation, and review.

"(c) To the maximum extent possible, consistent with national objectives, all Federal aid for development purposes shall be consistent with and further the objectives of State, regional, and local comprehensive planning. Consideration shall be given to all developmental aspects of our total national community, including but not limited to housing, transportation, economic development, natural and human resources development, community facilities, and the general improvement of living environments.

"(d) Each Federal department and agency administering a development assistance program shall, to the maximum extent practicable, consult with and seek advice from all other significantly affected Federal departments and agencies in an effort to assure fully coordinated programs.

"(e) Insofar as possible, systematic planning required by individual Federal programs (such as highway construction, urban renewal, and open space) shall be coordinated with and, to the extent authorized by law, made part of comprehensive local and areawide development planning."

"Favoring units of general local government"

"Sec. 402. Where Federal law provides that both special-purpose units of local government and units of general local government are eligible to receive loans or grants-in-aid, heads of Federal departments and agencies shall, in the absence of substantial reasons to the contrary, make such loans or grants-in-aid to units of general local government rather than to special-purpose units of local government."

"Rules and regulations"

"Sec. 403. The Bureau of the Budget, or such other agency as may be designated by the President, is hereby authorized to prescribe such rules and regulations as are deemed appropriate for the effective administration of this title."

ATTACHMENT C—CIRCULAR NO. A-95
REVISED

SECTION 102(2)(C) OF THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (83 STAT. 853)

"Sec. 102. The Congress authorizes, and directs that, to the fullest extent possible: (1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act, and (2) all agencies of the Federal Government shall—

"(C) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

"(i) the environmental impact of the proposed action,

"(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,

"(iii) alternatives to the proposed action,

"(iv) the relationship between local short-term use of man's environment and the maintenance and enhancement of long-term productivity, and

"(v) any irreversible or irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

"Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public as provided by section 552 of Title 5, United States Code, and shall accompany the proposal through the existing agency review processes; * * *"

ATTACHMENT D—CIRCULAR NO. A-95
REVISED

Coverage of Programs Under
Attachment A, Part I

1. Programs listed below are referenced several ways, due to transitional phases in program development, funding status, etc. Generally, citations are to programs as they are listed in the June, 1975 *Catalog of Federal Domestic Assistance*. For certain new legislation, *Catalog* citations have not yet been developed. In such cases, references are to Public Law number and section. When no funding is available for a program, it is not generally listed in the *Catalog* or this Attachment; but if funding becomes available for a program previously covered, it continues to be covered unless specifically exempted by OMB. The *Catalog* is issued annually and revised periodically during the year. Every effort will be made to keep Appendix I and Attachment D current. Reference should always be made to the one bearing the latest issue date. (However, the update to the 1975 *Catalog* will not reflect all the changes herein. Therefore, this list should be referenced until issuance of the 1976 *Catalog*.)

Asterisks indicate certain State formula grant programs requiring State plans which are also covered under Part III. When listed under Part I, reference is to applications for subgrants under the State allocation, not to the State's application for its allocation under the formula grant which is reviewable under Part III.

2. Heads of Federal departments and agencies may, with the concurrence of the Office of Management and Budget, exclude certain categories of projects or activities under listed programs from the requirements of Attachment A, Part I. (Also see Part I, paragraph 8.)

APPENDIX 12 SUGGESTED FORM OF STATE PLANNING AGENCY APPROVAL
AND CERTIFICATION RE DISCRETIONARY GRANT AWARD

DISCRETIONARY GRANT APPLICATION
ENDORSEMENT STATE PLANNING AGENCY
CERTIFICATION AND APPROVAL

Discretionary Grant Application Title: _____

Implementing Agency or Governmental Unit: _____

TO: Regional Office _____
Law Enforcement Assistance Administration

The undersigned State Planning Agency ("SPA"), duly constituted under P.L. 93-83, as amended, has reviewed the attached grant application and represents as follows:

1. The proposed project is not inconsistent with the general thrust of the state comprehensive law enforcement plan and is endorsed for favorable consideration by LEAA pursuant to the terms of the discretionary funds program under which it is being submitted.
2. The project, if approved, will be accounted for as an element of the State's multi-year and annual action plan.
3. If approved for grant award by LEAA, the State Planning Agency is willing to be the grant recipient and, in turn, to subgrant funds to the relevant unit of State or local government, or combination of units, for execution of the project in accordance with the application. This endorsement will constitute the SPA as co-applicant with the implementing agency or unit of government for such purposes and the SPA reserves the right to apply its normal subgrant administration and reporting requirements to this project.
4. If the application is approved for grant award by LEAA, the State Planning Agency certifies that its "block grant" allocations or subgrants to the

APPENDIX 12 (CONT'D)

implementing State agency or unit of local government or to the region or metropolitan area in which it is located will not, by virtue of such discretionary award action, be reduced or curtailed.

5. The State Planning Agency will assist the subgrantee to obtain incorporation of the project's costs in State or local budgets, if the project is successful.
6. This application has been submitted to the State, regional and metropolitan Clearinghouses in accordance with OMB Circular A-95. Clearinghouse review / / has / / has not been completed.

State Planning Agency: _____

Date: _____ By: _____
(Authorized Officer)

Note 1: Where the State Planning Agency, for any reason, is unable to complete the endorsement as constituted, it should promptly notify the presenting unit or LEAA and explain the reasons or submit a certification containing such modifications as it may deem acceptable.

Note 2: With respect to grants to Indian tribes, where the State cannot enforce liability, the following SPA certification should be added:

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

APPENDIX 13. REGULATIONS IMPLEMENTING TITLE VI OF THE
CIVIL RIGHTS ACT OF 1964, 28 C.F.R. 42.101,
ET SEQ., SUBPART C.

REVISED JULY 5, 1973

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

AUTHORITY: The provisions of this Subpart C issued under secs. 601-605, 78 Stat. 252, secs. 1-11, 78 Stat. 828, 80 Stat. 379; 42 U.S.C. 2000d-2000d-4, 18 U.S.C. Prec. 8001 note, 5 U.S.C. 301, sec. 2, Reorganization Plan No. 2 of 1950, 64 Stat. 1261; 3 CFR, 1949-1953 Comp.

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

§ 42.101 Purpose.

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

§ 42.102 Definitions.

As used in this subpart—

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

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

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

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

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

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

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

APPENDIX 13 (CONT'D)

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

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

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

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

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

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

§ 42.103 Application of this subpart.

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

[Order No. 365-66, 31 FR 10265, July 29, 1966, as amended by Order No. 519-73, 38 FR 17955, July 5, 1973]

§ 42.104 Discrimination prohibited.

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

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

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

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

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

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

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

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

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

(2) A recipient, in determining the type of disposition, services, financial aid, benefits, or facilities which will be provided under any such program, or the class of individuals to whom, or the situations in which, such will be provided under any such program, or the class of individuals to be afforded an opportunity to participate in any such program, may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respects individuals of a particular race, color, or national origin.

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

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

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

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

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

(c) *Employment practices.* (1) Whenever a primary objective of the Federal financial assistance to a program to which this subpart applies, is to provide employment, a recipient of such assistance may not (directly or through contractual or other arrangements) subject any individual to discrimination on the ground of race, color, or national origin in its employment practices under such program (including recruitment or recruitment advertising, employment, layoff, or termination, upgrading, demotion, or transfer, rates of pay or other forms of compensation, and use of facilities). That prohibition also applies to programs as to which a primary objective

of the Federal financial assistance is (1) to assist individuals, through employment, to meet expenses incident to the commencement or continuation of their education or training, or (2) to provide work experience which contributes to the education or training of the individuals involved. The requirements applicable to construction employment under any such program shall be those specified in or pursuant to Part III of Executive Order 11246 or any Executive order which supersedes it.

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

§ 42.105 Assurance required.

(a) *General.* (1) Every application for Federal financial assistance to carry out a program to which this subpart applies, and every application for Federal financial assistance to provide a facility shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to the application, contain or be accompanied by an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed by or pursuant to this subpart. In the case where the Federal financial assistance is to provide or is in the form of personal property, or real property or interest therein or structures thereon, such assurance shall obligate the recipient, or, in the case of a subsequent transfer, the transferee, for the period during which the property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits, or for as long as the recipient retains ownership or possession of the property, whichever is longer. In all other cases, such assurance shall obligate the recipient for the period during which Federal financial assistance

APPENDIX 13 (CONT'D)

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

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

(b) *Assurances from government agencies.* In the case of any application from any department, agency, or office of any State or local government for Federal financial assistance for any specified purpose, the assurance required by this section shall extend to any other department, agency, or office of the same governmental unit if the policies of such other department, agency, or office will substantially affect the project for which Federal financial assistance is requested. That requirement may be waived by the

responsible Department official if the applicant establishes, to the satisfaction of the responsible Department official, that the practices in other agencies of parts or programs of the governmental unit will in no way affect (1) its practices in the program for which Federal financial assistance is sought, or (2) the beneficiaries of or participants in or persons affected by such program, or (3) full compliance with the subpart as respects such program.

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

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

(d) *Continuing State programs.* Any State or State agency administering a program which receives continuing Federal financial assistance subject to this regulation shall as a condition for the extension of such assistance (1) provide a statement that the program is (or, in the case of a new program, will be) conducted in compliance with this regulation, and (2) provide for such methods

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of administration as are found by the responsible Department official to give reasonable assurance that the primary recipient and all other recipients of Federal financial assistance under such program will comply with this regulation. [Order No. 365-66, 31 FR 10265, July 29, 1966, as amended by Order No. 519-73, 38 FR 17955, July 5, 1973]

§ 42.106 Compliance information.

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

(b) *Compliance reports.* Each recipient shall keep such records and submit to the responsible Department official or his designee timely, complete, and accurate compliance reports at such times, and in such form and containing such information, as the responsible Department official or his designee may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this subpart. In general, recipients should have available for the Department racial and ethnic data showing the extent to which members of minority groups are beneficiaries of federally assisted programs. In the case of any program under which a primary recipient extends Federal financial assistance to any other recipient or subcontracts with any other person or group, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this subpart.

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

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

[Order No. 365-66, 31 FR 10265, July 29, 1966, as amended by Order No. 519-73, 38 FR 17955, July 5, 1973]

§ 42.107 Conduct of investigations.

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

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

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

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

APPENDIX 13. (CONT'D)

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

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

[Order No. 365-66, 31 FR 10265, July 29, 1966, as amended by Order No. 519-73, 38 FR 17955, July 5, 1973]

§ 42.108 Procedure for effecting compliance.

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

(b) *Noncompliance with assurance requirement.* If an applicant or recipient fails or refuses to furnish an assurance required under § 42.105, or fails or refuses to comply with the provisions of the assurance it has furnished, or otherwise fails or refuses to comply with any requirement imposed by or pursuant to Title VI or this subpart, Federal financial assistance may be suspended, terminated, or refused in accordance with the pro-

cedures of Title VI and this subpart. The Department shall not be required to provide assistance in such a case during the pendency of administrative proceedings under this subpart, except that the Department will continue assistance during the pendency of such proceedings whenever such assistance is due and payable pursuant to a final commitment made or an application finally approved prior to the effective date of this subpart.

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

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

APPENDIX 13 (CONT'D)

§ 42.109 Hearings.

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

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

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

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

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

(e) *Consolidated or joint hearings.* In cases in which the same or related facts are asserted to constitute noncompliance with this subpart with respect to two or more programs to which this subpart applies, or noncompliance with this subpart and the regulations of one or more other Federal Departments or agencies issued under Title VI of the Act, the Attorney General may, by agreement with such other departments

APPENDIX 13 (CONT'D)

or agencies, whenever appropriate, provide for the conduct of consolidated or joint hearings, and for the application to such hearings of rules of procedure not inconsistent with this subpart. Final decisions in such cases, insofar as this subpart is concerned, shall be made in accordance with § 42.110.

[Order No. 365-66, 31 FR 10265, July 29, 1966, as amended by Order No. 519-73, 38 FR 17953, July 5, 1973]

§ 42.110 Decisions and notices.

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

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

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

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

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

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

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

APPENDIX 13 (CONT'D)

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

[Order No. 365-66, 31 FR 10265, July 29, 1966, as amended by Order No. 519-73, 38 FR 17956, July 5, 1973]

§ 42.111 Judicial review.

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

§ 42.112 Effect on other regulations; forms and instructions.

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

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

(c) *Supervision and coordination.* The Attorney General may from time to time assign to officials of the Department, or to officials of other departments or agencies of the Government, with the consent of such departments or agencies, responsibilities in connection with the effectuation of the purposes of Title VI of the Act and this subpart (other than responsibility for final decision as provided in § 42.110(e)), including the achievement of the effective coordination and maximum uniformity within the Department and within the Executive Branch of the Government in the application of Title VI of the Act and this subpart to similar programs and in similar situations. Any action taken, determination made, or requirement imposed by an official of another Department or agency acting pursuant to an assignment of responsibility under this subsection shall have the same effect as though such action had been taken by the Attorney General.

[Order No. 365-66, 31 FR 10265, July 29, 1966, as amended by Order No. 519-73, 38 FR 17956, July 5, 1973; Order No. 568-74, 39 FR 18646, May 29, 1974]

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

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

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

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

APPENDIX 14. LEAA EXTERNAL EQUAL EMPLOYMENT OPPORTUNITY
REGULATIONS, 28.C.F.R. 42.201, ET SEQ., SUBPART D.
REVISED AUGUST 18, 1972

**Title 28—JUDICIAL
ADMINISTRATION**

**Chapter I—Department of Justice
PART 42—NONDISCRIMINATION:
EQUAL OPPORTUNITY: POLICIES
AND PROCEDURES**

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

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

AUTHORITY: The provisions of this Sub-
part D issued under 5 U.S.C. 301; and sec.
501 of the Omnibus Crime Control and Safe
Streets Act of 1968, Public Law 90-351, §2
Stat. 197, as amended.

§ 42.201 Purpose and application.

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

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

§ 42.202 Definitions.

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

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

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

§ 42.203 Discrimination prohibited.

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

§ 42.204 Assurances required.

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

APPENDIX 14. (CONT'D)

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

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

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

§ 42.205 Compliance information.

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

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

(a) Each responsible Department official shall take appropriate measures to effectuate and enforce the provisions of this subpart; and shall issue and promptly make available to interested persons forms, instructions, and procedures for effectuating this subpart as applied to programs for which he is responsible. Insofar as feasible and not inconsistent with this subpart, the conduct of investigations and the procedures for effecting compliance, holding hearings, rendering decisions and initiating judicial review of such decisions shall be consistent with those prescribed by §§ 42.107 through 42.111 of subpart C of this part; provided, that where the responsible Department official determines that judicial proceedings (as contemplated by § 42.108(d)) are as likely or

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

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

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

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

Dated: August 9, 1972.

JERRIS LEONARD,
Administrator, Law Enforcement
Assistance Administration.

Concur:

RICHARD W. VELDE,
Associate Administrator.

CLARENCE M. COSTER,
Associate Administrator.

(FR Doc.72-14083 Filed 8-17-72; 8:50 am)

APPENDIX 15. LEAA EQUAL EMPLOYMENT OPPORTUNITY PROGRAM
GUIDELINES (AFFIRMATIVE ACTION REGULATIONS).
28 C.F.R. 42.301, ET SEQ., SUBPART E.

REVISED AUGUST 31, 1973

Title 28—Judicial Administration
CHAPTER I—DEPARTMENT OF JUSTICE
PART 42—NONDISCRIMINATION: EQUAL
OPPORTUNITY: POLICIES AND PROCEDURE

Subpart E—Equal Employment
Opportunity Guidelines

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

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

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

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

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

Subpart E—Equal Employment Opportunity
Guidelines

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

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

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

SOURCE: 38 FR 23516, Aug. 31, 1973, unless otherwise noted.

§ 42.301 Purpose.

(a) The experience of the Law Enforcement Assistance Administration in implementing its responsibilities under the Omnibus Crime Control and Safe Streets Act of 1968, as amended, (Pub. L. 90-351, 82 Stat. 197; Pub. L. 91-644, 84 Stat. 1881) has demonstrated that the full and equal participation of women and minority individuals in employment opportunities in the criminal justice system is a necessary component to the Safe Streets Act's program to reduce crime and delinquency in the United States.

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

APPENDIX 16. (CONT'D)

§ 42.302 Application.

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

(b) The obligation of a recipient to formulate, implement, and maintain an equal employment opportunity program, in accordance with this Subpart, extends

to state and local police agencies, correctional agencies, criminal court systems, probation and parole agencies, and similar agencies responsible for the reduction and control of crime and delinquency.

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

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

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

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

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

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

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

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

§ 42.303 Evaluation of employment opportunities.

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

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

APPENDIX 15. (CONT'D)

(c) In making the evaluation of employment opportunities, the recipient shall conduct such analysis separately for minorities and women. However, all racial and ethnic data collected to perform an evaluation pursuant to the requirements of this section should be cross classified by sex to ascertain the extent to which minority women or minority men may be underutilized. The evaluation

should include but not necessarily be limited to, the following factors:

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

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

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

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

§ 42.304 Written Equal Employment Opportunity Program.

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

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

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

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

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

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

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

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

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

APPENDIX 15. (CONT'D)

weight is given to test scores, how a cut-off score is established and whether the test has been validated to predict or measure job performance and, if so, a detailed description of the validation study. Similarly detailed responses are required with respect to other employment policies, procedures, and practices used by the applicant.

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

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

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

(i) Designation of specified personnel to implement and maintain adherence to the Equal Employment Opportunity Program and a description of their specific responsibilities suggested in Revised Order No. 4 of the Office of Federal Contract Compliance, U.S. Department of Labor, found at 41 CFR 60-2.22.

§ 42.305 Recordkeeping and certification.

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

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

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

APPENDIX 15. (CONT'D)

§ 42.306 Guidelines.

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

(b) Post award compliance reviews of recipient agencies will be scheduled by LEAA, giving priority to any recipient agencies which have a significant disparity between the percentage of minority persons in the service population and the percentage of minority employees in the agency. Equal employment program modification may be suggested by LEAA whenever identifiable referral or selection procedures and policies suggest to LEAA the appropriates of improved selection procedures and policies. Accordingly, any recipient agencies falling within this category are encouraged to develop recruitment, hiring or promotional guidelines under their equal employment opportunity program which will correct, in a timely manner, any identifiable employment impediments which may have contributed to the existing disparities.

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

§ 42.307 Obligations of recipients.

The obligation of those recipients subject to these Guidelines for the maintenance of an Equal Employment Opportunity Program shall continue for the period during which the LEAA assistance is extended to a recipient or for the period during which a comprehensive law enforcement plan filed pursuant to the Safe Streets Act is in effect within the State, whichever is longer, unless the assurances of compliance, filed by a recipient in accordance with § 42.204(a) (2), specify a different period.

§ 42.308 Noncompliance.

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

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

Dated August 24, 1973.

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

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

APPENDIX 16 REGULATIONS IMPLEMENTING CRIMINAL JUSTICE INFORMATION SYSTEMS

Title 28—Judicial Administration
CHAPTER I—DEPARTMENT OF JUSTICE
PART 20—CRIMINAL JUSTICE
INFORMATION SYSTEMS

On May 20, 1975, regulations were published in the Federal Register (40 FR 22114) relating to the collection, storage, and dissemination of criminal history record information. Amendments to these regulations were proposed October 24, 1975 (40 FR 49789) based upon a re-evaluation of the dedication requirement contained in § 20.21(f). Hearings on the proposed changes were held November 17, 18, 21 and December 4, 1975. In addition, hearings were held to consider changes to the dissemination provisions of the regulations (40 FR 52846). These hearings were held December 11, 12 and 15, 1975, to consider comments from interested parties on the limitations placed on dissemination of criminal history record information to non-criminal justice agencies. The purpose of the hearings was to determine whether the regulations, as they were drafted, appropriately made the balance between the public's right to know such information with the individual's right of privacy.

As a result of these hearings modifications to the regulations have now been made to better draw this balance. The regulations are based upon section 524 (b) of the Crime Control Act of 1973 which provides in relevant part:

"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, 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."

The regulations, as now amended, provide that conviction data may be disseminated without limitation; that criminal history record information relating to the offense for which an individual is currently within the criminal justice system may be disseminated without limitations. Insofar as nonconviction record information is concerned (nonconviction data is defined in § 20.20(k)), the regulations require that after December 31,

1977, most non-criminal justice access would require authorization pursuant to a statute, ordinance, executive order or court rule, decision or order. The regulations no longer require express authority, that is specific language in the authorizing statute or order requiring access to such information, but only that such dissemination is pursuant to and can be construed from the general requirement in the statute or order. Such statutes include State public record laws which have been interpreted by a State to require that criminal history record information, including nonconviction information, be made available to the public. Determinations as to the purposes for which dissemination of criminal history record information is authorized by State law, executive order, local ordinance, court rule, decision or order will be made by the appropriate State or local officials. The deadline of December 31, 1977, will permit States to obtain the authority, as they believe necessary, to disseminate nonconviction data.

The regulations, as now amended, remove the prohibition that criminal history record information in court records of public judicial proceedings can only be accessed on a chronological basis. § 20.20(b)(3) deletes the words "compiled chronologically". Therefore, court records of public judicial proceedings whether accessed on a chronological basis or on an alphabetical basis are not covered by the regulations.

In addition, the regulations would not prohibit the dissemination of criminal history record information for purposes of international travel (issuance of visas and granting of citizenship). The commentary on selected portions of the regulations have been amended to conform to the changes.

Pursuant to the authority vested in the Law Enforcement Assistance Administration by sections 501 and 524 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by the Crime Control Act of 1973, Pub. L. 93-83, 87 Stat. 197 (42 U.S.C. 3701 *et seq.*) (Aug. 6, 1973), these amendments to Chapter I of Title 28 of the Code of Federal Regulations are hereby adopted to become final on April 19, 1976. These amendments only amend subparts A and B. Subpart C remains the same.

Subpart A—General Provisions

- | | |
|------|--------------|
| Sec. | |
| 20.1 | Purpose. |
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Subpart B—State and Local Criminal History Record Information Systems

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| 20.20 | Applicability. |
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- 20.23 Documentation: Approval by LEAA.
- 20.24 State laws on privacy and security.
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Subpart C—Federal System and Interstate Exchange of Criminal History Record Information

- 20.30 Applicability.
- 20.31 Responsibilities.
- 20.32 Includable offenses.
- 20.33 Dissemination of criminal history record information.
- 20.34 Individual's right to access criminal history record information.
- 20.35 National Crime Information Center Advisory Policy Board.
- 20.36 Participation in the Computerized Criminal History Program.

- Sec.
- 20.37 Responsibility for accuracy, completeness, currency.
 - 20.38 Sanction for noncompliance.

AUTHORITY: Pub. L. 93-83, 87 Stat. 197 (42 USC 3701, *et seq.*; 28 USC 534), Pub. L. 92-544, 86 Stat. 1115.

Subpart A—General Provisions

§ 20.1 Purpose.

It is the purpose of these regulations to assure that criminal history record information wherever it appears is collected, stored, and disseminated in a manner to insure the completeness, integrity, accuracy and security of such information and to protect individual privacy.

§ 20.2 Authority.

These regulations are issued pursuant to sections 501 and 524(b) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by the Crime Control Act of 1973, Pub. L. 93-83, 87 Stat. 197, 42 USC 3701, *et seq.* (Act), 28 USC 534, and Pub. L. 92-544, 86 Stat. 1115.

§ 20.3 Definitions.

As used in these regulations:

(a) "Criminal history record information system" means a system including the equipment, facilities, procedures, agreements, and organizations thereof, for the collection, processing, preservation or dissemination of criminal history record information.

(b) "Criminal history record information" means information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, sentencing, correctional supervision, and release. The term does not include identification information such as fingerprint records to the extent that such information does not indicate involvement of the individual in the criminal justice system.

(c) "Criminal justice agency" means: (1) courts; (2) a government agency or any subunit thereof which performs the administration of criminal justice pursuant to a statute or executive order, and

which allocates a substantial part of its annual budget to the administration of criminal justice.

(d) The "administration of criminal justice" means performance of any of the following activities: detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. The administration of criminal justice shall include criminal identification activities and the collection, storage, and dissemination of criminal history record information.

(e) "Disposition" means information disclosing that criminal proceedings have been concluded, including information disclosing that the police have elected not to refer a matter to a prosecutor or that a prosecutor has elected not to commence criminal proceedings and also disclosing the nature of the termination in the proceedings; or information disclosing that proceedings have been indefinitely postponed and also disclosing the reason for such postponement. Dispositions shall include, but not be limited to, acquittal, acquittal by reason of insanity, acquittal by reason of mental incompetence, case continued without finding, charge dismissed, charge dismissed due to insanity, charge dismissed due to mental incompetency, charge still pending due to insanity, charge still pending due to mental incompetence, guilty plea, nolle prosequi, no paper, nolo contendere plea, convicted, youthful offender determination, deceased, deferred disposition, dismissed—civil action, found insane, found mentally incompetent, pardoned, probation before conviction, sentence commuted, adjudication withheld, mistrial—defendant discharged, executive clemency, placed on probation, paroled, or released from correctional supervision.

(f) "Statute" means an Act of Congress or State legislature of a provision of the Constitution of the United States or of a State.

(g) "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.

(h) An "executive order" means an order of the President of the United States or the Chief Executive of a State which has the force of law and which is published in a manner permitting regular public access thereto.

(i) "Act" means the Omnibus Crime Control and Safe Streets Act, 42 USC 3701, *et seq.*, as amended.

(j) "Department of Justice criminal history record information system" means the Identification Division and the Computerized Criminal History File systems operated by the Federal Bureau of Investigation.

APPENDIX 16. (CONT'D)

(k) "Nonconviction data" means arrest information without disposition if an interval of one year has elapsed from the date of arrest and no active prosecution of the charge is pending; or information disclosing that the police have elected not to refer a matter to a prosecutor, or that a prosecutor has elected not to commence criminal proceedings, or that proceedings have been indefinitely postponed, as well as all acquittals and all dismissals.

(l) "Direct access" means having the authority to access the criminal history record data base, whether by manual or automated methods.

Subpart B—State and Local Criminal History Record Information Systems

§ 20.20 Applicability.

(a) The regulations in this subpart apply to all State and local agencies and individuals collecting, storing, or disseminating criminal history record information processed by manual or automated operations where such collection, storage, or dissemination has been funded in whole or in part with funds made available by the Law Enforcement Assistance Administration subsequent to July 1, 1973, pursuant to Title I of the Act. Use of information obtained from the FBI/NCIC system shall also be subject to limitations contained in Subpart C.

(b) The regulations in this subpart shall not apply to criminal history record information contained in: (1) posters, announcements, or lists for identifying or apprehending fugitives or wanted persons; (2) original records of entry such as police blotters maintained by criminal justice agencies, compiled chronologically and required by law or long standing custom to be made public, if such records are organized on a chronological basis; (3) court records of public judicial proceedings; (4) published court or administrative opinions or public judicial, administrative or legislative proceedings; (5) records of traffic offenses maintained by State departments of transportation, motor vehicles or the equivalent thereof for the purpose of regulating the issuance, suspension, revocation, or renewal of driver's, pilot's or other operators' licenses; (6) announcements of executive clemency.

(c) Nothing in these regulations prevents a criminal justice agency from disclosing to the public criminal history record information related to the offense for which an individual is currently within the criminal justice system. Nor is a criminal justice agency prohibited from confirming prior criminal history record information to members of the news media or any other person, upon specific inquiry as to whether a named individual was arrested, detained, indicted, or whether an information or

other formal charge was filed, on a specified date, if the arrest record information or criminal record information disclosed is based on data excluded by paragraph (b) of this section. The regulations do not prohibit the dissemination of criminal history record information for purposes of international travel, such as issuing visas and granting of citizenship.

§ 20.21 Preparation and submission of a Criminal History Record Information Plan.

A plan shall be submitted to LEAA by each State on March 16, 1976, to set forth all operational procedures, except those portions relating to dissemination and security. A supplemental plan covering these portions shall be submitted no later than 90 days after promulgation of these amended regulations. The plan shall set forth operational procedures to—

(a) *Completeness and accuracy.* Insure that criminal history record information is complete and accurate.

(1) Complete records should be maintained at a central State repository. To be complete, a record maintained at a central State repository which contains information that an individual has been arrested, and which is available for dissemination, must contain information of any dispositions occurring within the State within 90 days after the disposition has occurred. The above shall apply to all arrests occurring subsequent to the effective date of these regulations. Procedures shall be established for criminal justice agencies to query the central repository prior to dissemination of any criminal history record information to assure that the most up-to-date disposition data is being used. Inquiries of a central State repository shall be made prior to any dissemination except in those cases where time is of the essence and the repository is technically incapable of responding within the necessary time period.

(2) To be accurate means that no record containing criminal history record information shall contain erroneous information. To accomplish this end, criminal justice agencies shall institute a process of data collection, entry, storage, and systematic audit that will minimize the possibility of recording and storing inaccurate information and upon finding inaccurate information of a material nature, shall notify all criminal justice agencies known to have received such information.

(b) *Limitations on dissemination.* By December 31, 1977, insure that dissemination of nonconviction data has been limited, whether directly or through any intermediary only to:

(1) Criminal justice agencies, for purposes of the administration of criminal

APPENDIX 16. (CONT'D)

justice and criminal justice agency employment;

(2) Individuals and agencies for any purpose authorized by statute, ordinance, executive order, or court rule, decision, or order, as construed by appropriate State or local officials or agencies;

(3) Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice pursuant to that agreement. The agreement shall specifically authorize access to data, limit the use of data to purposes for which given, insure the security and confidentiality of the data consistent with these regulations, and provide sanctions for violation thereof;

(4) Individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency. The agreement shall specifically authorize access to data, limit the use of data to research, evaluative, or statistical purposes, insure the confidentiality and security of the data consistent with these regulations and with section 524(a) of the Act and any regulations implementing section 524(a), and provide sanctions for the violation thereof.

These dissemination limitations do not apply to conviction data.

(c) *General policies on use and dissemination.* (1) Use of criminal history record information disseminated to non-criminal justice agencies shall be limited to the purpose for which it was given.

(2) No agency or individual shall confirm the existence or nonexistence of criminal history record information to any person or agency that would not be eligible to receive the information itself.

(3) Subsection (b) does not mandate dissemination of criminal history record information to any agency or individual. States and local governments will determine the purposes for which dissemination of criminal history record information is authorized by State law, executive order, local ordinance, court rule, decision or order.

(d) *Juvenile records.* Insure that dissemination of records concerning proceedings relating to the adjudication of a juvenile as delinquent or in need of supervision (or the equivalent) to non-criminal justice agencies is prohibited, unless a statute, court order, rule or court decision specifically authorizes dissemination of juvenile records, except to the same extent as criminal history records may be disseminated as provided in § 20.21(b) (3) and (4).

(e) *Audit.* Insure that annual audits of a representative sample of State and local criminal justice agencies chosen on a random basis shall be conducted by the State to verify adherence to these regulations and that appropriate records shall

be retained to facilitate such audits. Such records shall include, but are not limited to, the names of all persons or agencies to whom information is disseminated and the date upon which such information is disseminated. The reporting of a criminal justice transaction to a State, local or Federal repository is not a dissemination of information.

(f) *Security.* Wherever criminal history record information is collected, stored, or disseminated, each State shall insure that the following requirements are satisfied by security standards established by State legislation, or in the absence of such legislation, by regulations approved or issued by the Governor of the State.

(1) Where computerized data processing is employed, effective and technologically advanced software and hardware designs are instituted to prevent unauthorized access to such information.

(2) Access to criminal history record information system facilities, systems operating environments, data file contents whether while in use or when stored in a media library, and system documentation is restricted to authorized organizations and personnel.

(3) (A) Computer operations, whether dedicated or shared, which support criminal justice information systems, operate in accordance with procedures developed or approved by the participating criminal justice agencies that assure that:

(i) Criminal history record information is stored by the computer in such manner that it cannot be modified, destroyed, accessed, changed, purged, or overlaid in any fashion by non-criminal justice terminals.

(ii) Operation programs are used that will prohibit inquiry, record updates, or destruction of records, from any terminal other than criminal justice system terminals which are so designated.

(iii) The destruction of records is limited to designated terminals under the direct control of the criminal justice agency responsible for creating or storing the criminal history record information.

(iv) Operational programs are used to detect and store for the output of designated criminal justice agency employees all unauthorized attempts to penetrate any criminal history record information system, program or file.

(v) The programs specified in (ii) and (iv) of this subsection are known only to criminal justice agency employees responsible for criminal history record information system control or individuals and agencies pursuant to a specific agreement with the criminal justice agency to provide such programs and the program(s) are kept continuously under maximum security conditions.

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(vi) Procedures are instituted to assure that an individual or agency authorized direct access is responsible for A the physical security of criminal history record information under its control or in its custody and B the protection of such information from unauthorized access, disclosure or dissemination.

(vii) Procedures are instituted to protect any central repository of criminal history record information from unauthorized access, theft, sabotage, fire, flood, wind, or other natural or manmade disasters.

(B) A criminal justice agency shall have the right to audit, monitor and inspect procedures established above.

(4) The criminal justice agency will:

(A) Screen and have the right to reject for employment, based on good cause, all personnel to be authorized to have direct access to criminal history record information.

(B) Have the right to initiate or cause to be initiated administrative action leading to the transfer or removal of personnel authorized to have direct access to such information where such personnel violate the provisions of these regulations or other security requirements established for the collection, storage, or dissemination of criminal history record information.

(C) Institute procedures, where computer processing is not utilized, to assure that an individual or agency authorized direct access is responsible for (i) the physical security of criminal history record information under its control or in its custody and (ii) the protection of such information from unauthorized access, disclosure, or dissemination.

(D) Institute procedures, where computer processing is not utilized, to protect any central repository of criminal history record information from unauthorized access, theft, sabotage, fire, flood, wind, or other natural or manmade disasters.

(E) Provide that direct access to criminal history record information shall be available only to authorized officers or employees of a criminal justice agency and, as necessary, other authorized personnel essential to the proper operation of the criminal history record information system.

(5) Each employee working with or having access to criminal history record information shall be made familiar with the substance and intent of these regulations.

(g) *Access and review.* Insure the individual's right to access and review of criminal history information for purposes of accuracy and completeness by instituting procedures so that—

(1) Any individual shall, upon satisfactory verification of his identity, be entitled to review without undue burden to

either the criminal justice agency or the individual, any criminal history record information maintained about the individual and obtain a copy thereof when necessary for the purpose of challenge or correction;

(2) Administrative review and necessary correction of any claim by the individual to whom the information relates that the information is inaccurate or incomplete is provided;

(3) The State shall establish and implement procedures for administrative appeal where a criminal justice agency refuses to correct challenged information to the satisfaction of the individual to whom the information relates;

(4) Upon request, an individual whose record has been corrected shall be given the names of all non-criminal justice agencies to whom the data has been given;

(5) The correcting agency shall notify all criminal justice recipients of corrected information; and

(6) The individual's right to access and review of criminal history record information shall not extend to data contained in intelligence, investigatory, or other related files and shall not be construed to include any other information than that defined by § 20.3(b).

§ 20.22 Certification of Compliance.

(a) Each State to which these regulations are applicable shall with the submission of its plan provide a certification that to the maximum extent feasible action has been taken to comply with the procedures set forth in the plan. Maximum extent feasible, in this subsection, means actions which can be taken to comply with the procedures set forth in the plan that do not require additional legislative authority or involve unreasonable cost or do not exceed existing technical ability.

(b) The certification shall include—

(1) An outline of the action which has been instituted. At a minimum, the requirements of access and review under § 20.21(g) must be completely operational;

(2) A description of any legislation or executive order, or attempts to obtain such authority that has been instituted to comply with these regulations;

(3) A description of the steps taken to overcome any fiscal, technical, and administrative barriers to the development of complete and accurate criminal history record information;

(4) A description of existing system capability and steps being taken to upgrade such capability to meet the requirements of these regulations; and

(5) A listing setting forth categories of non-criminal justice dissemination. See § 20.21(b).

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§ 20.23 Documentation: Approval by LEAA.

Within 90 days of the receipt of the plan, LEAA shall approve or disapprove the adequacy of the provisions of the plan and certification. Evaluation of the plan by LEAA will be based upon whether the procedures set forth will accomplish the required objectives. The evaluation of the certification(s) will be based upon whether a good faith effort has been shown to initiate and/or further compliance with the plan and regulations. All procedures in the approved plan must be fully operational and implemented by December 31, 1977. A final certification shall be submitted in December 1977.

§ 20.24 State laws on privacy and security.

Where a State originating criminal history record information provides for sealing or purging thereof, nothing in these regulations shall be construed to prevent any other State receiving such information, upon notification, from complying with the originating State's sealing or purging requirements.

§ 20.25 Penalties.

Any agency or individual violating subpart B of these regulations shall be subject to a fine not to exceed \$10,000. In addition, LEAA may initiate fund cut-off procedures against recipients of LEAA assistance.

RICHARD W. VELDE,
Administrator.

APPENDIX—COMMENTARY ON SELECTED SECTIONS OF THE REGULATIONS ON CRIMINAL HISTORY RECORD INFORMATION SYSTEMS

Subpart A—§ 20.3(b). The definition of criminal history record information is intended to include the basic offender-based transaction statistics/computerized criminal history (OBTS/CCH) data elements. If notations of an arrest, disposition, or other formal criminal justice transactions occur in records other than the traditional "rap sheet" such as arrest reports, any criminal history record information contained in such reports comes under the definition of this subsection.

The definition, however, does not extend to other information contained in criminal justice agency reports. Intelligence or investigative information (e.g., suspected criminal activity, associates, hangouts, financial information, ownership of property and vehicles) is not included in the definition of criminal history information.

§ 20.3(c). The definitions of criminal justice agency and administration of criminal justice of 20.3(c) must be considered together. Included as criminal justice agencies would be traditional

police, courts, and corrections agencies as well as subunits of non-criminal justice agencies performing a function of the administration of criminal justice pursuant to Federal or State statute or executive order. The above subunits of non-criminal justice agencies would include for example, the Office of Investigation of the U.S. Department of Agriculture which has as its principal function the collection of evidence for criminal prosecutions of fraud. Also included under the definition of criminal justice agency are umbrella-type administrative agencies supplying criminal history information services such as New York's Division of Criminal Justice Services.

§ 20.3(e). Disposition is a key concept in section 524(b) of the Act and in 20.21(a)(1) and 20.21(b). It, therefore, is defined in some detail. The specific dispositions listed in this subsection are examples only and are not to be construed as excluding other unspecified transactions concluding criminal proceedings within a particular agency.

§ 20.3(k). The different kinds of acquittals and dismissals as delineated in 20.3(e) are all considered examples of nonconviction data.

Subpart B—§ 20.20(a). These regulations apply to criminal justice agencies receiving funds under the Omnibus Crime Control and Safe Streets Act for manual or automated systems subsequent to July 1, 1973. In the hearings on the regulations, a number of those testifying challenged LEAA's authority to promulgate regulations for manual systems by contending that section 524(b) of the Act governs criminal history information contained in automated systems.

The intent of section 524(b), however, would be subverted by only regulating automated systems. Any agency that wished to circumvent the regulations would be able to create duplicate manual files for purposes contrary to the letter and spirit of the regulations.

Regulation of manual systems, therefore, is authorized by section 524(b) when coupled with section 501 of the Act which authorizes the Administration to establish rules and regulations "necessary to the exercise of its functions * * *."

The Act clearly applies to all criminal history record information collected, stored, or disseminated with LEAA support subsequent to July 1, 1973.

Limitations as contained in Subpart C also apply to information obtained from the FBI Identification Division or the FBI/NCIC System.

§ 20.20 (b) and (c). Section 20.20 (b) and (c) exempts from regulations certain types of records vital to the apprehension of fugitives, freedom of the

APPENDIX 16. (CONT'D)

press, and the public's right to know. Court records of public judicial proceedings are also exempt from the provisions of the regulations.

Section 20.20(b)(2) attempts to deal with the problem of computerized police blotters. In some local jurisdictions, it is apparently possible for private individuals and/or newsmen upon submission of a specific name to obtain through a computer search of the blotter a history of a person's arrests. Such files create a partial criminal history data bank potentially damaging to individual privacy, especially since they do not contain final dispositions. By requiring that such records be accessed solely on a chronological basis, the regulations limit inquiries to specific time periods and discourage general fishing expeditions into a person's private life.

Subsection 20.20(c) recognizes that announcements of ongoing developments in the criminal justice process should not be precluded from public disclosure. Thus, announcements of arrest, convictions, new developments in the course of an investigation may be made. It is also permissible for a criminal justice agency to confirm certain matters of public record information upon specific inquiry. Thus, if a question is raised: "Was X arrested by your agency on January 3, 1975" and this can be confirmed or denied by looking at one of the records enumerated in subsection (b) above, then the criminal justice agency may respond to the inquiry. Conviction data as stated in 20.21(b) may be disseminated without limitation.

§ 20.21. The regulations deliberately refrain from specifying who within a State should be responsible for preparing the plan. This specific determination should be made by the Governor. The State has 90 days from the publication of these revised regulations to submit the portion of the plan covering 20.21(b) and 20.21(f).

§ 20.21(a)(1). Section 524(b) of the Act requires that LEAA insure criminal history information be current and that, to the maximum extent feasible, it contain disposition as well as current data.

It is, however, economically and administratively impractical to maintain complete criminal histories at the local level. Arrangements for local police departments to keep track of dispositions by agencies outside of the local jurisdictions generally do not exist. It would, moreover, be bad public policy to encourage such arrangements since it would result in an expensive duplication of files.

The alternatives to locally kept criminal histories are records maintained by a central State repository. A central State repository is a State agency having the function pursuant to a statute or executive order of maintaining compre-

hensive statewide criminal history record information files. Ultimately, through automatic data processing the State level will have the capability to handle all requests for in-State criminal history information.

Section 20.20(a)(1) is written with a centralized State criminal history repository in mind. The first sentence of the subsection states that complete records should be retained at a central State repository. The word "should" is permissive; it suggests but does not mandate a central State repository.

The regulations do require that States establish procedures for State and local criminal justice agencies to query central State repositories wherever they exist. Such procedures are intended to insure that the most current criminal justice information is used.

As a minimum, criminal justice agencies subject to these regulations must make inquiries of central State repositories whenever the repository is capable of meeting the user's request within a reasonable time. Presently, comprehensive records of an individual's transactions within a State are maintained in manual files at the State level, if at all. It is probably unrealistic to expect manual systems to be able immediately to meet many rapid-access needs of police and prosecutors. On the other hand, queries of the State central repository for most non-criminal justice purposes probably can and should be made prior to dissemination of criminal history record information.

§ 20.21(b). The limitations on dissemination in this subsection are essential to fulfill the mandate of section 524(b) of the Act which requires the Administration to assure that the "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." The categories for dissemination established in this section reflect suggestions by hearing witnesses and respondents submitting written commentary.

The regulations distinguish between conviction and nonconviction information insofar as dissemination is concerned. Conviction information is currently made available without limitation in many jurisdictions. Under these regulations, conviction data and pending charges could continue to be disseminated routinely. No statute, ordinance, executive order, or court rule is necessary in order to authorize dissemination of conviction data. However, nothing in the regulations shall be construed to negate a State law limiting such dissemination.

After December 31, 1977, dissemination of nonconviction data would be allowed, if authorized by a statute, ordinance, executive order, or court rule, decision, or order. The December 31, 1977,

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deadline allows the States time to review and determine the kinds of dissemination for non-criminal justice purposes to be authorized. When a State enacts comprehensive legislation in this area, such legislation will govern dissemination by local jurisdictions within the State. It is possible for a public record law which has been construed by the State to authorize access to the public of all State records, including criminal history record information, to be considered as statutory authority under this subsection. Federal legislation and executive orders can also authorize dissemination and would be relevant authority.

For example, Civil Service suitability investigations are conducted under Executive Order 10450. This is the authority for most investigations conducted by the Commission. Section 3(a) of 10450 prescribes the minimum scope of investigation and requires a check of FBI fingerprint files and written inquiries to appropriate law enforcement agencies.

§ 20.21(b)(3). This subsection would permit private agencies such as the Vera Institute to receive criminal histories where they perform a necessary administration of justice function such as pretrial release. Private consulting firms which commonly assist criminal justice agencies in information systems development would also be included here.

§ 20.21(b)(4). Under this subsection, any good faith researchers including private individuals would be permitted to use criminal history record information for research purposes. As with the agencies designated in § 20.21(b)(3) researchers would be bound by an agreement with the disseminating criminal justice agency and would, of course, be subject to the sanctions of the Act.

The drafters of the regulations expressly rejected a suggestion which would have limited access for research purposes to certified research organizations. Specifically "certification" criteria would have been extremely difficult to draft and would have inevitably led to unnecessary restrictions on legitimate research.

Section 524(a) of the Act which forms part of the requirements of this section states:

"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."

LEAA anticipates issuing regulations pursuant to Section 524(a) as soon as possible.

§ 20.21(c)(2). Presently some employers are circumventing State and local dissemination restrictions by requesting applicants to obtain an official certification of no criminal record. An employer's request under the above circumstances gives the applicant the unenviable choice of invasion of his privacy or loss of possible job opportunities. Under this subsection routine certifications of no record would no longer be permitted. In extraordinary circumstances, however, an individual could obtain a court order permitting such a certification.

§ 20.21(c)(3). The language of this subsection leaves to the States the question of who among the agencies and individuals listed in § 20.21(b) shall actually receive criminal records. Under these regulations a State could place a total ban on dissemination if it so wished. The State could, on the other hand, enact laws authorizing any member of the private sector to have access to non-conviction data.

§ 20.21(d). Non-criminal justice agencies will not be able to receive records of juveniles unless the language of a statute or court order, rule, or court decision specifies that juvenile records shall be available for dissemination. Perhaps the most controversial part of this subsection is that it denies access to records of juveniles by Federal agencies conducting background investigations for eligibility to classified information under existing legal authority.

§ 20.21(e). Since it would be too costly to audit each criminal justice agency in most States (Wisconsin, for example, has 1075 criminal justice agencies) random audits of a "representative sample" of agencies are the next best alternative. The term "representative sample" is used to insure that audits do not simply focus on certain types of agencies. Although this subsection requires that there be records kept with the names of all persons or agencies to whom information is disseminated, criminal justice agencies are not required to maintain dissemination logs for "no record" responses.

§ 20.21(f). Requirements are set forth which the States must meet in order to assure that criminal history record information is adequately protected. Automated systems may operate in shared environments and the regulations require certain minimum assurances.

§ 20.21(g)(1). A "challenge" under this section is an oral or written contention by an individual that his record is inaccurate or incomplete; it would require him to give a correct version of his record and explain why he believes his version to be correct. While an individual should have access to his record for review, a copy of the record should ordi-

APPENDIX 16. (CONT'D)

narily only be given when it is clearly established that it is necessary for the purpose of challenge.

The drafters of the subsection expressly rejected a suggestion that would have called for a satisfactory verification of identity by fingerprint comparison. It was felt that States ought to be free to determine other means of identity verification.

§ 20.21(g)(5). Not every agency will have done this in the past, but henceforth adequate records including those required under 20.21(e) must be kept so that notification can be made.

§ 20.21(g)(6). This section emphasizes that the right to access and review extends only to criminal history record information and does not include other information such as intelligence or treatment data.

§ 20.22(a). The purpose for the certification requirement is to indicate the extent of compliance with these regulations. The term "maximum extent feasible" acknowledges that there are some areas such as the completeness requirement which create complex legislative and financial problems.

Note: In preparing the plans required by these regulations, States should look for guidance to the following documents: National Advisory Commission on Criminal Justice Standards and Goals, Report on the Criminal Justice System; Project SEARCH: Security and Privacy Considerations in Criminal History Information Systems, Technical Reports No. 2 and No. 13; Project SEARCH: A Model State Act for Criminal Offender Record Information, Technical Memorandum No. 3; and Project SEARCH: Model Administrative Regulations for Criminal Offender Record Information, Technical Memorandum No. 4.

M 4500.1E
September 27, 1976

APPENDIX 17. APPLICANT'S ENVIRONMENTAL EVALUATION
APPROVED: OMB NO. 43-R0563

APPLICANT'S NAME:

1. Project Description
 - a. Type of grant.
 - b. Type of project.
 - c. Size of project (construction projects only)
 - (1) Cost.
 - (2) Square feet (floor area).
 - (3) Number of occupants (if applicable).
 - d. Location of project.
 - (1) Location in city.
 - (2) Miles from nearest city.
 - (3) Location map.
 - e. Surrounding area.
 - (1) Land use and zoning.
 - (2) Density.
2. Does the proposed action conform to all local, state and Federal plans, policies and controls for the affected area, including the Clean Air Act and the Federal Water Pollution Act of 1972?
3. What alternatives are there to the proposed action.
 - a. Change in location.
 - b. Change in program.
 - c. Postponing action.
4. Environmental effects. Will the implementation of the proposed projects or programs produce the following effects:

APPENDIX 17. (CONT'D)

- a. Lead to a significant increase in air pollution.
 - b. Lead to a significant increase in water pollution.
 - (1) What is the ability of waste water system to meet demand without degrading water quality?
 - (2) How will water supply be affected?
 - c. Lead to a significant increase in ambient noise level for a substantial number of people.
 - d. Lead to poor incompatible land use, soil erosion or soil pollution.
 - e. Destroy or derogate from an important recreation area.
 - f. Substantially alter the pattern or behavior of wildlife or interfere with important breeding, nesting, or feeding grounds.
 - g. Disturb the ecological balance of land or water area, or impact critical areas such as flood plains, wetlands, beaches and dunes, unstable soils, steep slopes and aquifer recharge areas.
 - h. Have significant effect upon areas of historical significance, archaeological significance, cultural significance or educational scientific significance.
 - i. Have an adverse aesthetic or visual effect.
 - j. Have a detrimental effect on the safety of the community.
5. Is there opposition to the proposal?
- a. Who?
 - b. Why?

APPENDIX 17. (CONT'D)

6. To be completed by the Regional Clearinghouse (check one).
- ☐ We have reviewed this assessment and agree that no adverse environmental impact is probable.
 - ☐ Our comments upon the environmental impact are attached.

Date

Signature

Regional Clearinghouse

To be completed by the State Clearinghouse or the appropriate State agency (check one).

- ☐ We have reviewed this assessment and agree that no adverse environmental impact is probable.
- ☐ Our comments upon the environmental impact are attached.

Date

Signature

State Clearinghouse or
appropriate agency

Date

Applicant

After evaluation of the above questions it has been determined that:

- ☐ There are no significant environmental impacts.

APPENDIX 17. (CONT'D)

[] There may be significant environmental impacts and an environmental statement should be prepared.

Applicant Signature _____

SPA Signature _____

LEAA Official Signature _____

APPENDIX 18. NEGATIVE ENVIRONMENTAL DECLARATION

In accordance with the procedures for the preparation of environmental impact statements, 28 C.F.R. 19, an environmental review has been completed on the proposed agency action below:

"Project Description - [A paragraph will be sufficient to describe the project]

The environmental evaluation forwarded by the applicant does not indicate a significant environmental impact. Accordingly, based upon this review, I hereby find that implementation of the proposal in this grant request will not significantly affect the environment. The proposal does not, therefore, require a detailed environmental impact statement.

The environmental evaluation and supporting material is on file at the above office and is available for examination upon request.


SIGNATURE

TITLE (Appropriate LEAA Office Head)

M 4500.1E
September 27, 1976

APPENDIX 19. DISCRETIONARY GRANT PROGRESS REPORT
LEAA FORM 4587/1

OMB APPROVAL NO. 43-R0225

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

LEAA FORM 4587/1 (REV. 10-75)

REPLACES EDITION OF 1-73 WHICH IS OBSOLETE.

DOJ

M 4500.1E
September 27, 1976

APPENDIX 19. (CONT'D)

PROGRESS REPORTS--INSTRUCTIONS FOR LEAA DISCRETIONARY GRANTS

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

- a. Reporting Party. The party responsible for preparing the report will be the agency, whether grantee or subgrantee, actually implementing the project. Thus, where a State Planning Agency is the grantee but has subgranted funds to a particular unit or agency to carry on the project, the report should be prepared by the subgrantee.
- b. Due Date. Reports are submitted by the subgrantee to its State Planning Agency on a quarterly basis (i.e., as of June 30, September 30, December 31, and March 31) and are due at the cognizant Regional Office on the 30th day following the close of the quarter, unless specified otherwise by LEAA. The first report will be due after the close of the first full quarter following approval of the grant (i.e., for a grant approval on May 1 the first report will be due for the quarter ending September 30. It will cover the five month period May through September). The award recipient's final progress report will be due 90 days following the close of the project or any extension thereof.
- c. Form and Execution. Three (3) copies of each report should be submitted. However, five (5) copies must be submitted for all final reports. (If the grantee wishes to submit the same report to several agencies it may utilize LEAA Form 4587/1 (Rev. 9-75) as a face sheet completing all items and attach the report to it.) If continuation pages are needed, plain bond paper is to be used. It should be noted that the report is to be signed by the person designated as project director on the grant application or any duly designated successor and reviewed by the cognizant State Planning Agency.
- d. Reporting Requirements. The reporting requirements noted in this section are designed to provide information which permits determination of the extent to which LEAA Discretionary Fund projects are contributing to the overall goals and objectives of the Agency. Reports will be submitted on a quarterly basis, unless otherwise directed. The first report will include, as concisely as possible, the following information elements:
 1. Statement of project goals or objectives in tangible, measurable terms. The goals or objectives should denote the project's impact on the reduction of crime and delinquency, or the improvement of the criminal justice system, or both. Project goals or objectives should be consistent with LEAA's "Management-By-Objectives" planning concepts.
 2. Statement of the problem in measurable terms.
 3. Statement of hypotheses and working assumptions which provide the conceptual foundation and thrust for the project.
 4. Statement of specific indicators and measures to be used to assess the results of the project in terms of both 1 above and intermediate project outputs. Data sources and appropriate collection methods will be noted in this paragraph.
 5. Statement of the results achieved by the project during the first reporting period, utilizing the indicators developed in 4 above.
 6. Statement of significant administrative, budgetary, and programmatic problems confronting the project during the first reporting period. Obstacles to progress are to be noted in concise, frank terms. Major administrative, budgetary, and programmatic developments which are expected to affect the ultimate course and substance of the project will be described as precisely as possible.Subsequent progress reports will be required to address, as appropriate, the information elements contained in paragraphs 4 through 6 above, with the exception of that portion of paragraph 4 dealing with data sources and appropriate collection methods. Special reports, evaluation studies, and publications or articles related to the project which were issued during the reporting period should be attached to the progress report.
- e. Dissemination. All three (3) copies of regular progress reports and all five (5) copies of final reports should be submitted to the subgrantee's State Planning Agency. After review the State Planning Agency will forward two (2) copies of the report and four (4) copies of the final report to the cognizant LEAA Regional Office. The Regional Office will route the reports to all interested LEAA units. Copies should also be provided to other agencies cooperating in or providing services to the project.
- f. Special Requirements. Special reporting requirements or instructions may be prescribed for discretionary projects in certain program or experimental areas to better assess impact and comparative effectiveness of the overall discretionary program. These will be communicated to affected grantees by LEAA.

FINANCIAL STATUS REPORT (H-1)		No further monies or other benefits may be paid out under this program unless this report is completed and filed as required by existing law and regulations (34 CFR 256)		1. Federal Agency and Organizational Element U.S. Department of Justice, LEAA		2. Federal Grant No. or Other Ident. No.			
3. Name and Address of Grantee Organization		4. Employer Identification No.		5. Grantee Acct. No. or Ident. No.		6. Final Report <input type="checkbox"/> Yes (Complete 12b(3) below) <input type="checkbox"/> No		7. Basis of Report <input type="checkbox"/> Cash <input type="checkbox"/> Accrued Expenditures	
		8. Project Period (Mo., Day, Yr.) FROM: TO:		9. Report Period (Mo., Day, Yr.) FROM: TO:					
10. STATUS OF FUNDS		PROGRAMS - FUNCTIONS - ACTIVITIES							
		(1)	(2)	(3)	(4)	(5)	(6)	TOTAL	
a. Total outlays previously reported (Line 10e from previous rept.) . . .									
b. Tot. program outlays this period . . .									
c. Less: Program income credits . . .									
d. Net program outlays this period (Line b minus Line c) . . .									
e. Tot. program outlays to date (Sum of Lines a and d) . . .									
f. Less: Non-Federal share of program outlays . . .									
g. Tot. Federal share of program outlays (Line e minus Line f) . . .									
h. Total unpaid obligations . . .									
i. Less: Non-Federal share of unpaid obligations . . .									
j. Fed. share of unpaid obligations (Line h minus Line i) . . .									
k. Tot. Fed. share of outlays and unpaid obligations (Line g plus line j) . . .									
l. Tot. Fed. funds authorized . . .									
m. Unobligated balance of Fed. funds (line l minus line k) . . .									
11. Indirect Expense: a. Type of rate (Mark box) <input type="checkbox"/> Provisional <input type="checkbox"/> Predetermined <input type="checkbox"/> Final <input type="checkbox"/> Fixed		12. REMARKS (Attach additional sheets if necessary) - See instructions on Reverse.							
b. Rate		c. Base							
d. Total Amount		e. Federal Share							
13. CERTIFICATION - I certify that to the best of my knowledge and belief this report is correct and complete and that all outlays and unpaid obligations are for the purposes set forth in the grant award documents.		12a. Planning Grants							
		(1) Consultant Services \$				Part C \$ Pass Through \$			
		(2) Pass Through \$				Part E \$ Pass Through \$			
						JJDP \$ Pass Through \$			
Name and Title		Area Code		Number		Ext.			
Signature of Authorized Official		Date Rept. Is Submitted		12b(2). Buy-In \$		12b(3). Block-Final H-1 Rept. Part Total Personnel \$		12c. Categorical Grants - Pt. C Total Personnel \$	

LEAA Form 7160/1 (Rev. 6-76) Replaces edition of 11-75 which is obsolete.

APPENDIX 20. FINANCIAL STATUS REPORT (H-1), LEAA FORM 7160/1.

M 4500.1E
Sept. 27, 1976

APPENDIX 20. (CONTINUED)

INSTRUCTIONS FOR PREPARING THE FINANCIAL STATUS REPORT

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

Item 2 — Enter the Federal grant number.

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

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

Item 5 — Enter "NA" for not applicable.

Items 6 and 7 — Mark the appropriate block.

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

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

Item 10 —

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

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

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

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

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

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

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

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

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

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

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

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

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

Item 11 — INDIRECT EXPENSE

a. Type of rate — Mark appropriate block.

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

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

d. Total Amount — Enter the total amount of indirect cost charged during the quarter.

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

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

If more than one rate was applied during the project period, include a separate schedule which shows the basis against which the indirect cost rates were applied, the respective indirect rates, the month, day, and year the indirect rates were in effect, amounts of indirect expense charged to the project, and the Federal share of indirect expense charged to the project to date. (See Federal Management Circular 74-4 which contains principles for determining allowable costs of grants and contracts with State and local governments.)

Item 12 — Provide the following information, if applicable:

a. Planning Grants

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

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

b. Block Action Grants — Parts C, E, and JJDP

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

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

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

c. Categorical Grants — Part C

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

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

ADDITIONAL INFORMATION

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

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

C. Distribution: Original and one copy to—
U.S. Department of Justice, LEAA
Office of the Comptroller-Acct. Div.
Washington, D.C. 20531

One copy to cognizant LEAA Regional or Central Office.

One copy to be retained by SPA or other grantee.

END