



Drug Court Discretionary Grant Program: FY 2009 Resource Guide for Drug Court Applicants

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Introduction

About the Resource Guide

Applicants should review this document carefully to address all required factors in their proposal. This publication provides required and supplemental guidance for the following grant categories of the Drug Court Discretionary Grant Program:

- Adult Drug Court Implementation Grants.
- Adult Drug Court Enhancement Grants.
- Statewide Drug Court Enhancement Grants.

Assistance with the Proposal

For specific information about the adult solicitation, contact Tim Jeffries at 202–616–7385 or Timothy.Jeffries@usdoj.gov.

For specific information about the juvenile solicitation, contact Gwendolyn Williams at 202-616-1611 or Gwendolyn.Williams@usdoj.gov.

For general information about Bureau of Justice Assistance (BJA) programs and training and technical assistance, contact BJA at 202–616–6500 or visit the BJA home page at www.ojp.usdoj.gov/BJA.

The Drug Court Movement

In 1989, troubled by the increasing impact of drugs and drug-related crime on their criminal justice systems, several communities began experimenting with an approach to low-level drug offenses that brought significant change to the way the court system does business. Miami, Florida established the first known drug court in the country. This new approach integrated substance abuse treatment, sanctions, and incentives with case processing to place nonviolent drug-involved defendants in judicially supervised programs.

Since 1989, more than 2,100 courts have implemented or are planning to implement a drug court to address the problems of substance abuse and drug-related crime. Local coalitions of judges, prosecutors, defense attorneys, treatment professionals, law enforcement officials, and other community stakeholders are using the court to structure services including escalating sanctions, mandatory drug testing, treatment, and strong aftercare programs to help offenders remain drug and crime free. This grassroots criminal justice initiative began with the adult offender population, but with the success of adult drug courts over the past 19 years, the approach has been adapted to juvenile, tribal, and family drug courts.

In 1994, Congress joined local communities in supporting the drug court philosophy to rehabilitate offenders while holding them accountable for their actions. By enacting Title V of the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322, 108 Stat. 1796 (September 13, 1994), Congress authorized the U.S. Attorney General to award grants to states, state courts, local courts, units of local government, and Indian tribal governments to establish drug courts. The authority was delegated to the Assistant Attorney General, Office of Justice Programs (OJP). In 1995, the Drug Courts Program Office (DCPO) was established by OJP to administer the Drug Court Discretionary Grant Program and to

provide training, financial and technical assistance, and related programmatic guidance and leadership to communities interested in drug courts. A modified program was authorized under the 21st Century Department of Justice Appropriations Authorization Act, Public Law 107-273, 116 Stat. 1758 (November 8, 2002) as Part EE of the Omnibus Crime Control and Safe Streets Act of 1968, as amended. In FY 2003, BJA began administering the Drug Court Discretionary Grant Program.

Partnership With Treatment

For drug courts to be most effective, judges, court personnel, treatment providers, and treatment coordinators partner to assist in developing treatment, habilitation, and supervision plans for each defendant based on a clinical assessment or diagnostic process. Length of stay in treatment and in aftercare are factors associated with positive outcomes and, in particular, with the cessation of drug use, reduction in recidivism rates, and improvement in educational and employment status and family relationships.

In coordination with the drug court judge and other court personnel, treatment and case management personnel assess clients' treatment needs, track their progress in treatment programs, and determine appropriate levels of treatment services. Supportive social services provide drug court staff with links to employment, educational/vocational placement, family counseling, and housing placement assistance for drug court participants.

Drug court practitioners understand that drug addiction is a complex, chronic, relapsing disease and that a comprehensive, sustained continuum of therapeutic interventions and services can increase clients' periods of abstinence and reduce the rate of relapse, rearrest, and incarceration. Therapeutic interventions and services include prompt intake and assessment, detoxification, substance abuse treatment ranging from outpatient to residential services, and a strong focus on therapeutic relapse prevention methodologies.

Key Components of Drug Courts

In January 1997, DCPO released *Defining Drug Courts: The Key Components*, which is based on the experiences of those in the drug court field. The report describes the 10 key components of a drug court and provides performance benchmarks for each component. It was developed through a cooperative agreement between DCPO and the National Association of Drug Court Professionals, which convened the Drug Court Standards Committee. The committee comprised drug court practitioners throughout the nation and included judges, prosecutors, defense attorneys, treatment providers, pretrial services officers, and probation officers. The Conference of Chief Justices, the Conference of State Court Administrators, and several states have adopted the following key components. The report is available online at www.ojp.usdoj.gov/BJA/grant/DrugCourts/DefiningDC.pdf.

Ten Key Components of a Drug Court

1. Drug courts integrate alcohol and other drug treatment services with justice system case processing.
2. Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.
3. Eligible participants are identified early and promptly placed in the drug court program.

4. Drug courts provide access to a continuum of alcohol, drug, and related treatment and rehabilitation services.
5. Abstinence is monitored by frequent alcohol and other drug testing.
6. A coordinated strategy governs drug court responses to participants' compliance.
7. Ongoing judicial interaction with each drug court participant is essential.
8. Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.
9. Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations.
10. Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court program effectiveness.

General Information

Definitions

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

Violent offender: For purposes of BJA-funded adult, family, and tribal drug courts, a person who either:

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

Note: This definition includes recent amendments made by the Second Chance Act of 2007, Pub. L. 110-199.

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

1. Has as an element, the use, attempted use, or threatened use of physical force against the person or property of another or the possession or use of a firearm; or

2. By its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing an offense.

This definition is amended by the Second Chance Act 42 USC 17501, Section 2953(a)(1) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797u-2(a)(1)) by inserting “that is punishable by a term of imprisonment exceeding one year” after “convicted of an offense.”

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

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

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

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

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

Eligible applicants: For purposes of this application, eligible applicants are states, state courts, local courts, counties, and other units of local government and Indian tribal governments acting directly or through agreement with other public or private entities. All applicants must demonstrate management and financial capabilities to effectively plan and implement projects of the size and scope described in this application. While faith- and community-based and non- and for-profit agencies are not eligible applicants for drug court funding, they are encouraged to partner with applicants for delivery of services to offenders.

If a subunit of government (e.g., county probation department, district attorney’s office, or pretrial services agency) wishes to apply, it must be designated by an eligible applicant as the authorized representative of that applicant for purposes of applying for this grant. For example, the county executive may designate the county probation or county district attorney’s office as its representative for the purpose of applying for this grant. A sample authorization letter may be found on page 29.

Program Provisions

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

A. Application for Federal Assistance (SF-424)

The Application for Federal Assistance is a standard form used by most federal agencies. This form contains 18 different items, all of which must be completed before the application is reviewed.

B. Assurances

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

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

- Lobbying

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

- Debarment

The applicant and its principals have not been debarred or suspended from federal benefits and have not had any proceedings initiated against them; have not been convicted of, indicted for, or criminally or civilly charged by a government entity for fraud, violation of antitrust statutes, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; and have not had a public transaction terminated for cause or default.

- Drug-Free Workplace

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

D. Match Requirements

The federal share of a grant-funded project may not exceed 75 percent of the total project costs. At least 25 percent of the total project costs is a required match and must come from local sources.

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

E. Single Point of Contact Review

Executive Order 12372 requires applicants from state and local units of government or other organizations providing services within a state to submit a copy of the application to the state Single Point of Contact (SPOC), if one exists, and if this program has been selected for review by the state. Applicants must contact their state SPOCs (www.whitehouse.gov/omb/grants/spoc.html) to determine whether their programs have been selected for state review. The date that the application was sent to the SPOC or the reason such submission is not required should be entered in Block 3 of the Overview section of GMS.

F. Civil Rights Compliance

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

G. Suspension or Termination of Funding

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

- Failure to comply substantially with the statutory requirements of Part EE of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, Public Law 90-351, Title I, 82 Stat. 197, and the program guidelines issued thereunder, or other provisions of federal law.
- Failure to make satisfactory progress toward the goals or strategies set forth in this application.
- Failure to adhere to the requirements in the grant agreement, standard conditions, or special conditions.
- Proposing or implementing substantial plan changes to the extent that, if originally submitted, the application would not have been selected for funding.
- Knowingly filing a false certification in this application or other report or document.
- Other good cause shown.

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

H. Reporting Requirements

All recipients of grants awarded by the Bureau of Justice Assistance are required to submit quarterly Financial Status Reports and semiannual Categorical Assistance Progress Reports. Additionally, recipients who expend \$500,000 or more of federal funds during their fiscal year are required to submit an organization-wide financial and compliance audit report. Refer to appendix B for more specific information on these reporting requirements.

Application Process

Applicant Information Page

The first page of the program narrative must include the following information in the order listed. This page does not count toward the 10-page limit for the program narrative.

A. Applicant Contact Information

1. Name and job title
2. Agency
3. Address
4. Phone
5. Fax
6. E-mail

B. Size of Jurisdiction

1. Population
2. Urban, suburban, or rural
3. State, local, tribal community
4. Name of city and county where court is located

C. Type of Drug Court Application

1. Category I: Adult Drug Court Implementation Grant
2. Category II: Adult Drug Court Enhancement Grant
3. Category III: Statewide Drug Court Enhancement Grant

D. Indicate whether the court will target DUI or DWI offenders, and, if so, indicate how you learned about this solicitation. If known, please indicate the National Highway and Traffic Safety Administration (NHTSA) region (www.nhtsa.gov/nhtsa/whatis/regions/Index.cfm?Fitting=No).

E. Indicate whether the applicant jurisdiction is designated as an Empowerment Zone or Enterprise Community by the U.S. Department of Housing and Urban Development. Indicate whether the jurisdiction is urban, suburban, or rural, and whether it is a state, local, or tribal community. Give the names of the city and county where the court is located.

F. Indicate whether the applicant jurisdiction has ever received a planning grant from the Drug Court Discretionary Grant Program or participated in the Drug Court Planning Initiative. If the jurisdiction received a planning grant, include the grant number for the award. If the jurisdiction participated in the Drug Court Planning Initiative, include the dates of the training programs.

G. Indicate whether the applicant jurisdiction has ever received a drug court continuation, enhancement, implementation, or minigrant from OJP. Include the grant number for each award.

H. Indicate whether the application is requesting federal funding to support either the development and/or implementation of an automated management information system or a process or outcome evaluation.

Selection Criteria

Category I—Adult Drug Court Implementation Grants

Applicants must address each component in the project design/strategy section (selection Criteria #3) of the application.

- **Screening and eligibility.** Applicants must:
 1. Describe the group of adult offenders who will be eligible to receive the services of the drug court. Estimate the proportions of the target population who are substance dependent at arrest, experiencing physical symptoms of withdrawal, and in need of medically monitored detoxification or maintenance services.
 2. Specify the drugs of choice and the substance abuse patterns for the target population.
 3. Explain how, and by whom, eligible clients are identified, screened, and referred to the drug court. If all arrestees or drug arrestees are not routinely screened for drug abuse, explain what criteria trigger a substance abuse assessment.
 4. Describe how the drug court will ensure that program participants reflect the race, ethnic diversity, age, and gender of the arrestee population, and that the program is serving the target population as defined in the program design.
 5. Indicate the average length of time, in days, between arrest and first appearance in the drug court. Explain the process of moving an individual from arrest to first drug court appearance.
 6. Indicate the average length of time, in days, between arrest and enrollment in treatment. Explain the process of moving an individual from arrest to enrollment in treatment.
 7. Describe the monitoring process that will be implemented to ensure that the targeted capacity of the program is reached and describe how the targeted capacity was determined. Relate this to the amount of funding requested.
- **Structure of the drug court.** Applicants must describe how the drug court will be structured (e.g., deferred prosecution, postadjudication, or a combination).
- **Length of the program.** Applicants must indicate the planned and average length of program participation.
- **Case processing.** Applicants must explain the process by which a case enters the drug court and how a case is resolved, based on the client's successful or unsuccessful completion of the drug court program.
- **Assessment.** Applicants must:
 1. Explain who and/or what agency is responsible for conducting a clinical assessment of the client and describe the criteria for assessment.

2. Explain how substance abuse and dependence are diagnosed, how level-of-care placements are determined, how symptoms of physiological tolerance and withdrawal are assessed, and how risk factors or predictors of success or failure in treatment are assessed.
 3. Specify the time period for conducting an initial assessment and explain the assessment process.
 4. Explain how the assessment is used to develop the treatment plan and to match treatment needs with treatment services.
 5. Describe the specific characteristics used to match services to needs.
- **Service delivery plan.** Applicants must address each of the following:
 1. **Substance abuse treatment services.**
 - a. Describe the treatment philosophy and interventions employed in treatment (e.g., 12-step, cognitive-behavioral, group vs. individual). Indicate whether the treatment protocols are in a manual or otherwise standardized format and, if so, how the protocol integrity is ensured and measured. Specify what training curricula, if any, the treatment professionals complete related to the treatment of drug offenders and to integrating treatment services with the criminal justice system.
 - b. Indicate whether the drug court uses one treatment provider or multiple providers. Indicate the proportion of clients actually referred to various programs and the average and modal length of stay for each modality of treatment, if known.
 - c. Describe how the program will monitor the effectiveness and quality of the services and ensure that services are being provided based on proven practices.
 - d. Describe how individualized treatment plans are developed for each client to address the client's strengths and needs. State how often the plan is reviewed and/or revised.
 - e. Describe in detail the treatment protocol (e.g., phase structure, criteria for progressing through the program, frequency and intensity of treatment services).
 - f. Explain how frequently written progress reports are submitted to the court and what minimum data elements are contained in the reports (e.g., urine results, counseling attendance). Specify what proportion of court hearings are held with up-to-date information on urine results, counseling attendance, and recidivism.
 - g. Indicate whether treatment services include group counseling sessions, individual counseling sessions, and/or family counseling sessions and, if so, how frequently.
 - h. Describe how the program will address the need for different treatment modalities to be responsive to client needs, as stated in the problem statement.
 - i. Describe the gender- and age-specific treatment that is available.
 - j. Indicate whether treatment providers have a recruitment strategy to ensure diversity that is reflective of the clients.
 - k. Describe how the treatment services will serve clients from different cultures in the community.

1. Describe how the program addresses anger management, violence prevention, victimization issues (e.g., restitution to victims), and the formation of values (as part of cognitive behavior therapy).
2. **Aftercare/continuing care services.**
 - a. Explain who is responsible for working with clients to develop their aftercare/continuing care plans. Describe the client's role in developing the plan.
 - b. Describe the specific aftercare services available to clients. Specify what proportion of aftercare services are professionally administered, based on self-help, or delivered through an alumni association.
 - c. Describe the timeframe during which services are available. Indicate the average duration of aftercare.
 - d. Indicate who is responsible for coordinating and managing the aftercare/continuing care services. Explain the coordination and management process.
3. **Educational and vocational services.**
 - a. Explain to what extent available community resources are being leveraged by the drug court to provide educational and vocational services.
 - b. Describe the instruments used to assess a client's needs for educational and vocational services. Specify what variables are considered by the drug court program in linking educational and vocational service referrals to a client's needs assessments.
 - c. Describe the role of the local education community with the drug court.
4. **Primary and mental health care services.**
 - a. Describe the instruments used to assess a client's needs for primary and mental health care services. Specify what variables are considered by the drug court program in linking primary and mental health care service referrals to a client's needs assessments.
 - b. Explain to what extent available community resources are being leveraged by the drug court to help provide primary and mental health care services.
 - c. Describe the role of the local medical and mental health community in the drug court program.
5. **Collateral services.**
 - a. Describe the instruments used to assess a client's needs for collateral services. Specify what variables are considered by the drug court program in linking collateral service referrals to a client's needs assessments.
 - b. Describe to what extent available community resources are being leveraged by the drug court to help provide collateral services.

- c. Describe the relationship the court has established to meet the collateral service needs of clients. Collateral services may include, but are not limited to, public housing, transportation, mentoring programs, community service, and job preparation.
- **Case management.** Applicants must explain who is responsible for providing case management and how case management is defined. Indicate what services are provided, how frequently cases are monitored, and the approximate caseload per case manager.
- **Judicial supervision.** Applicants must:
 1. Indicate whether the drug court team meets before regularly scheduled status hearings to review and discuss the progress of clients. If not, explain how this information is provided to the judge and communicated to the team. State how frequently written progress reports are submitted to the court and what data elements are routinely contained in the reports (e.g., urine results, counseling attendance records).
 2. Specify how frequently the client appears before the judge. Describe how the initial schedule or frequency of status hearings is linked to a client's needs assessment or risk assessment. Explain what criteria are employed in determining whether to increase or decrease the frequency of court hearings.
 3. Indicate who, in addition to the judge and the client, participates in the status hearings (e.g., prosecutor, defense attorney, probation officers, treatment counselors). Describe the role of each participant.
- **Drug testing.** Applicants must:
 1. Indicate how frequently clients are tested for drug use. State what methods of analysis are used for the initial testing and for confirmation testing (e.g., test cups, EMIT, GCMS). Describe the quantitative methods, if any, used for assessing changes in levels of cannabis or other drugs and for assessing recent alcohol ingestion.
 2. Indicate who is responsible for administering drug tests.
 3. Explain the randomization process.
 4. Explain the process/procedures used to guard against tampering and adulteration.
 5. Specify the turnaround time for results.
 6. Indicate for what drugs clients will be tested, and describe the rationale for determining these drugs for testing.
- **Incentives and sanctions.** Applicants must:
 - a. Indicate what graduated incentives and sanctions are used in the program.
 - b. Explain what target behaviors (e.g., positive urine tests, missed counseling sessions) are eligible for sanctions or incentives during each phase of the program. Indicate how sanctions and incentives are applied for short-term behaviors such as counseling attendance versus long-term behaviors such as abstinence.

- c. Describe the guidelines for applying graduated sanctions and incentives.
- d. State the average and modal time intervals between infractions and sanctions and between accomplishments and rewards.
- e. Describe the methods used to develop incentives and sanctions based on research on what is effective with the target population.
- **Graduation requirements.** Applicants must provide details about the requirements for sobriety, employment, education, and life skills.
- **Expulsion criteria.** Applicants must explain under what circumstances a client would be terminated from the program.
- **Treatment and restitution costs.** Applicants must describe how the program will collect payments from an offender, in whole or in part, for costs associated with treatment (e.g., drug testing and counseling) and restitution either to the offender’s victim or to a victim support fund, if applicable.

Note: The current statute requires payments for treatment and restitution; however, it does not allow imposing a fee on a client that would interfere with the client’s rehabilitation. Thus, the description must include provisions for determining if these costs would interfere with a client’s rehabilitation.

- **Linkages.** Applicants must identify and describe related governmental or community linkages that complement or will be coordinated with the program, such as bar associations, businesses, civic groups, community foundations, faith organizations, health and mental health agencies, hospitals, media outlets, social service agencies, universities and colleges, and the Urban League.
- **Management Information System (MIS) Description**

MIS description. Applicants must address each of the following:

- a. Describe the methods planned for collecting, storing, and maintaining data to support the drug court’s operations as well as the process and outcome evaluations.
- b. Discuss plans for data-sharing agreements with treatment service providers and other agencies. Please note that all applicants are expected to adhere to applicable local, state, and federal confidentiality guidelines and requirements regarding treatment program records.
- c. Provide information on how the MIS will be flexible enough to allow the evaluator to analyze the following data by participant characteristics and other factors: program services received, drug test results, in-program rearrests, length of time in the program, sanctions and rewards, number of court hearings, and completion rates.

Selection Criteria for Category II—Adult Drug Court Enhancement Grants

Applicant must include a discussion of the following in the program strategy section of the application.

- **Treatment and restitution costs.** Applicants must describe how the program will collect payments from an offender, in whole or in part, for costs associated with treatment (e.g., drug testing and counseling) and restitution either to the offender’s victim or to a victim support fund.

Note: The current statute requires payments for treatment and restitution; however, it does not allow imposing a fee on a client that would interfere with the client's rehabilitation. Thus, the description must include provisions for determining if these costs would interfere with a client's rehabilitation.

- **Statistical information on program success.** Applicants must provide the following:
 1. Program capacity.
 2. Retention rate.
 3. Daily average number of clients enrolled.
 4. Total clients, graduates, and terminations since the beginning of the program.
 5. Data on the race and ethnicity, age, and gender of the arrestee population in the applicant community.
 6. Information on the specific substance abuse patterns among adult offenders in the applicant community.
- **Enhancement of capacity or improvement of services.** If the application seeks funding to enhance the resources available to the drug court or to provide additional services to drug court clients, applicants must provide the following information:
 1. The specific goals and objectives of the proposed enhancement.
 2. Evaluation findings that justify the need for the additional resources or services.
 3. The specific problems that will be addressed by the additional resources or services.
 4. An explanation of how the additional resources or services will benefit drug court clients.
- **Development of training programs for drug court practitioners.** If the application seeks funding to develop training programs for drug court practitioners, applicants must provide the following information:
 1. A full description of the proposed training program.
 2. An explanation of why federal funds are needed to develop training programs.
 3. The specific goals and objectives of the trainings.
 4. The target audience.
 5. An explanation of how the training programs will be organized.
 6. The intended impact of the trainings.
 7. An explanation of how the training programs will be evaluated.
 8. A description of the intended followup after the training events.
 9. An explanation of how the training programs will incorporate the 10 key components of a drug court (see [*Defining Drug Courts: The Key Components*](#)).

- **Attendance at training programs by drug court practitioners.** If the application requests funding for drug court practitioners to attend training programs, applicants must provide the following information:
 1. The subject matter of the training programs to be attended.
 2. A list of the drug court team members who will attend the trainings.
 3. An explanation of how the trainings will benefit the drug court program.
 4. A description of the intended followup after the training events.
- **Completion of a process and/or outcome evaluation.** If the application seeks funding to conduct a process and/or outcome evaluation:

Applicants must identify the independent evaluator who will help the drug court conduct the process and outcome evaluations. If the evaluator has not been identified, the applicant must describe the steps the drug court will take to solicit and select the evaluator, and how the drug court will work with the evaluator to design the data collection process, collect and maintain the data, analyze the data, and prepare evaluation reports.

The description must incorporate measurable program goals and objectives. Examples include size and type of target population screened and admitted, program completion rates, average time in program (or cohort-based 1-year retention rates), percentage of drug tests that are negative, percentage of participants rearrested during program participation, amount and type of services received, and percentage of participants employed after 1 year.

1. **Process evaluation.** Applicants must:
 - a. Describe how the process evaluation will help the drug court assess the effectiveness of its operations and its ability to meet its goals and objectives, and how the findings could be used to change and improve the court's operations.
 - b. Describe the specific data elements to be collected and analyzed for the process evaluation and how these data will be used for program operation and management.
2. **Outcome evaluation.** Applicants must:
 - a. Describe how the outcome evaluation will help the drug court assess the effectiveness of its operations, and how the findings could be used to change and improve the court's operations.
 - b. Describe the plan for collecting data on rearrest, reconviction, and/or re-incarceration for 1 year following drug court completion or dropout. If available, provide the identification of sources of data for other postprogram outcomes such as drug use, employment and earnings, health care, and drug treatment participation.
 - c. Identify and justify a comparison group for measuring the relative change in postprogram recidivism outcome measures. The comparison group should be as similar as possible to the drug court participants. Indicate what variables will be used, either to match drug court participants to comparison subjects, or to balance the samples statistically for analysis. Indicate how the evaluation will identify and control other potential matching variables or covariates.

- **Development and implementation of an automated management information system.** If the application seeks funds to develop and implement an automated management information system (MIS), applicants must provide the following information:
 1. Describe how the information is currently being collected and analyzed and how the proposed system will benefit the drug court.
 2. Describe the methods planned for collecting, storing, and maintaining adequate data to support the drug court's operations as well as the process and outcome evaluations.
 3. Discuss plans for data-sharing agreements with treatment service providers and other agencies.
 4. Provide information on how the MIS will be flexible enough to allow the evaluator to analyze the following data by participant characteristics and other factors such as program services received, drug test results, in-program rearrests, length of time in the program, sanctions and rewards, number of court hearings, and completion rates.

Selection Criteria for Category III—Statewide Drug Court Enhancement Grants

Applicants must include one or more of the following in the program strategy/design section of the application.

- **Development of training programs for drug court practitioners.** If the application seeks funding to develop training programs for drug court practitioners, applicants must provide:
 1. Description of the proposed training program.
 2. Explanation of why federal funds are needed to develop training programs.
 3. Specific goals and objectives of the trainings.
 4. Planned target audience.
 5. Explanation of how the training programs will be organized.
 6. Intended impact of the trainings.
 7. Explanation of how the training programs will be evaluated.
 8. Description of the intended followup after the training events.
 9. Explanation of how the training programs will incorporate the 10 key components of a drug court (see [*Defining Drug Courts: The Key Components*](#)).
- **Attendance at training programs by drug court practitioners.** If the application requests funding for drug court practitioners to attend training programs, applicants must provide:
 1. Subject matter of the training programs to be attended.

2. List of the drug court team members who will attend the trainings.
 3. Explanation of how the trainings will benefit the drug court program.
 4. Description of the intended followup after the training events.
- **Completion of a process and/or outcome evaluation.** If the application seeks funding to conduct a process and/or outcome evaluation:

Applicants must identify the independent evaluator who will help the state conduct the process and outcome evaluations. If the evaluator has not been identified, the applicant must describe the steps the state will take to solicit and select the evaluator, and how the drug court will work with the evaluator to design the data collection process, collect and maintain the data, analyze the data, and prepare evaluation reports.

The description must incorporate measurable program goals and objectives. Examples include size and type of target population screened and admitted, program completion rates, average time in program (or cohort-based 1-year retention rates), percentage of drug tests that are negative, percentage of participants rearrested during program participation, amount and type of services received, and percentage of participants employed after 1 year.

1. **Process evaluation.** Applicants must:

- a. Describe how the process evaluation will help the state assess the effectiveness of drug court operations and the ability to meet statewide drug court goals and objectives, and how the findings could be used to change and improve the state's drug court operations.
- b. Describe the specific data elements to be collected and analyzed for the process evaluation and how these data will be used for program operation and management.

2. **Outcome evaluation.** Applicants must:

- a. Describe how the outcome evaluation will help the state assess the effectiveness of drug court operations, and how the findings could be used to change and improve the state's drug court operations.
- b. Describe the plan for collecting data on rearrest, reconviction, and/or re-incarceration for 1 year following drug court completion or dropout. If available, provide the identification of sources of data for other postprogram outcomes such as drug use, employment and earnings, health care, and drug treatment participation.
- c. Identify and justify a comparison group for measuring the relative change in postprogram recidivism outcome measures. The comparison group should be as similar as possible to the drug court participants. Indicate what variables will be used, either to match drug court participants to comparison subjects, or to balance the samples statistically for analysis. Indicate how the evaluation will identify and control other potential matching variables or covariates.

3. **Development and implementation of an automated management information system.** If the application seeks funds to develop and implement an automated management information system (MIS), applicants must provide the following information:

- a. Describe how the information is currently being collected and analyzed and how the proposed system will benefit the state's drug courts.
- b. Describe the methods planned for collecting, storing, and maintaining adequate data to support the state's drug court operations as well as the process and outcome evaluations.
- c. Discuss plans for data-sharing agreements with treatment service providers and other agencies.
- d. Provide information on how the MIS will be flexible enough to allow the evaluator to analyze the following data by participant characteristics and other factors such as program services received, drug test results, in-program rearrests, length of time in the program, sanctions and rewards, number of court hearings, and completion rates.

Sample Time Task Plan

A time task plan must be submitted as part of Other Program Attachments (Attachment #3). The following is a sample of a partial time task plan.

Goal #1		
Establish coordination among agencies involved in developing, implementing, and maintaining the drug court program.		
Objectives	Activities/Timeframe	Person Responsible
Identify agencies and key representatives needed for a drug court program.	Establish roles and responsibilities for individuals involved in implementing the drug court program. March 1, 2009.	All invited agencies: judiciary, district attorney, defense bar, treatment agencies, court administrator, law enforcement, school administrator.
Establish communications with key stakeholders from partner agencies.	Make initial contact with the drug court judge, assistant district attorney, drug court coordinator, and treatment provider. March 1, 2009. Subsequent meeting to follow. April 4, 2005.	Drug court coordinator will plan the initial meeting. The second meeting will be located at the outpatient treatment provider's facility.
	Establish memorandums of understanding or agreements with each necessary agency. April 15, 2009.	Judge.
	Establish agreement with outside community groups for extra drug court activities. May 16, 2009.	Drug court coordinator.
	Plan and hold monthly administrative meeting with	Steering committee.

	partner agencies. March 1, 2009 to end of project.	
Goal #2		
Construct the case processing plan from program entry to graduation/termination.		
Objectives	Activities/Timeframe	Person Responsible
Have a complete plan for each client when he or she enters the program.	Construct the drug court program flow chart. April 11, 2009.	Drug court team.
Create the Policies and Procedures Manual (per grant requirement)	Include procedures of the program, from arrest to graduation/termination. August 31, 2009.	Drug court coordinator and team.
	List graduation and termination criteria. September 1, 2009.	Drug court team.
	Circulate Policies and Procedures Manual to steering committee for review. June 1, 2009.	Judge.
	Submit Policies and Procedures Manual to BJA per grant requirement.	Drug court team.

Sample Consent Form

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

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

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

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

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

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

Date _____

Signature of Defendant _____

Signature of Parent, Guardian or Representative (if Required) _____

Sample Service Agreement

QUALIFIED SERVICE ORGANIZATION AGREEMENT

Between

PIONEER CLAIM MANAGEMENT and OSBORNE TREATMENT SERVICES, INC.

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

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

Executed this day of _____, 2005

Signature of PIONEER Officer

Signature of OSBORNE Officer

Print Name of Signing Officer

Print Name of Signing Officer

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

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

Budget Guidance

Applicants applying for an implementation grant are required to do the following:

1. Provide a Budget Detail Worksheet and Narrative that justifies or explains each budget item, relates it to project activities, and supports the number of clients projected in the application. If applying for a multiple-year project, provide the following:
 - a. Complete Budget Detail Worksheet and Narrative for year 1 of the project.
 - b. Complete Budget Detail Worksheet and Narrative for year 2 of the project.
 - c. Complete Budget Detail Worksheet and Narrative for year 3 of the project.
 - d. Year 1, year 2, and year 3 Budget Detail Worksheets must be uploaded to the Budget Detail Worksheet as one file. Similarly, year 1, year 2, and year 3 Budget Detail Worksheets and Narratives must be uploaded to the Budget Detail Worksheet Attachment as one file. Only the most current file uploaded as an attachment is saved as part of the application. If years 1, 2, and 3 are not attached as one file, BJA will only receive the last file attached. Note that in order for your application to be considered for funding all year 1, year 2, and year 3 Budget Detail Worksheets and Narratives must be submitted.
2. The amount of funding requested in the budget must be justified. One of the major criteria that must be met for a budget to be considered reasonable is for the number of clients to be served to match the services to be offered and the funds requested.
3. The amount of federal funds requested in box A under the “Estimated Funding” in GMS must reflect the total amount of federal funds over the entire 1-, 2-, or 3-year project period.
4. The amount given in box B under “Estimated Funding” in GMS must reflect the entire 25 percent match requirement. Further, the Budget Detail Worksheets and Budget Narratives for each year of the proposed project period must reflect the federal request and the match amount.
5. Recipients of juvenile drug court grant funds (now administered by the Office of Juvenile Justice and Delinquency Prevention) are required to include a line item in the budget to attend training on implementing a juvenile drug court, as well as for technical assistance or a visit to an operational drug court. The Drug Court Training and Technical Assistance Program provides recipients of BJA grants with assistance in a variety of areas.
6. Applicants must include detailed requests for data collection and evaluation costs. The amount budgeted should be sufficient to accomplish the data collection and evaluation plans described in the application, including the preparation of research reports. Budgets should distinguish MIS-related costs from evaluation costs, and internal vs. external staff costs.

Applicants applying for an enhancement grant are required to do the following:

1. Provide a Budget Detail Worksheet and Narrative that justifies or explains each budget item, relates it to project activities, and supports the number of clients projected for in the application. If applying for a multiple-year project, provide the following:
 - a. Complete Budget Detail Worksheet and Narrative for year 1 of the project.

- b. Complete Budget Detail Worksheet and Narrative for year 2 of the project.
 - c. Year 1, year 2, and year 3 Budget Detail Worksheets must be uploaded to the Budget Detail Worksheet as one file. Similarly, year 1, year 2, and year 3 Budget Detail Worksheets and Narratives must be uploaded to the Budget Detail Worksheet Attachment as one file. Only the most current file uploaded as an attachment is saved as part of the application. If years 1, 2, and 3 are not attached as one file, BJA will only receive the last file attached. Note that in order for your application to be considered for funding all year 1, year 2, and year 3 Budget Detail Worksheets and Narratives must be submitted.
2. The amount of federal funds requested in Box A under “Estimated Funding” in Grants.gov must reflect the total amount of federal funds over the entire 1- or 2-year project period.
 3. The amount given in box B under “Estimated Funding” in Grants.gov must reflect the entire 25 percent match requirement. Further, the Budget Detail Worksheets and Budget Narratives for each year of the proposed project period must reflect the federal request and the match amount.
 4. Applicants must include detailed requests for data collection and evaluation costs. The amount budgeted should be sufficient to accomplish the data collection and evaluation plans described in the application, including the preparation of research reports. Budgets should distinguish MIS-related costs from evaluation costs, and internal vs. external staff costs.

Note: Federal funds allowable for this program will be 75 percent of the total project costs with a 25 percent match requirement. Match is restricted to the same uses of funds as allowed for federal funds. As required by statute, a portion of the match must be in cash. The term “portion” is not defined. Please refer to Program Provisions: D. Match Requirements in this guide for more information on this match requirement. Applicants must note clearly on the Budget Detail Worksheet the budget items that represent local match. For example, the individual items that represent local match may be indicated with an asterisk.

Sample Drug Court Budget

Allowable Costs

A. Personnel

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

Note: The previous policy that prohibited the use of federal funds for the judges, prosecutors, and defense attorneys has been rescinded.

- Funds may be requested only to support new positions dedicated to the drug court.
- Personnel information must include each employee's annual salary, either percentage of time on the project or Full-Time Equivalent (FTE) (1 FTE = 100 percent), and the duration of the grant period.

Example

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

B. Fringe Benefits

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

Example

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

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

C. Travel

- BJA encourages the use of funds for the team to travel to other drug courts, even if the grantee's drug court has been operational for one or more years. All travel must be preapproved by the program manager.
- Grant recipients are encouraged to use BJA funds to send a team to attend the annual drug court conference sponsored by the National Association of Drug Court Professionals.

- Recipients of drug court grant funds are required to include a line item in the budget to attend MIS training (if receiving federal funds to develop or implement an MIS) and to attend the training on implementing a juvenile drug court (if implementing a juvenile program), as well as for technical assistance or a visit to an operational drug court.
- Grant recipients must follow their local travel regulations. If the grantee does not have local travel regulations itemized on the Budget Detail Worksheet, federal regulations would apply.
- Funds in this category must be broken out. When locations of workshops and/or conferences are not known, applicants are asked to estimate conference travel costs, up to \$1,000 per person.

Example

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

D. Equipment

- Only nonexpendable items should be listed in this category. Expendable items should be listed under Supplies or Other Costs.
- Federal funds may be used to purchase equipment when current equipment either does not exist or is unable to perform the necessary tasks required in drug court operations. Prior to requesting funds for equipment, applicants must confirm that there is a need for the technology and that equipment will be used by drug court personnel only.
- Equipment must be used 100 percent of the time for drug court purposes.
- Equipment costs should be itemized to the extent possible.

Example

<u>Item</u>	<u>Computation</u>	<u>Cost</u>
Computer	\$850	\$850

E. Supplies

- It is important to distinguish between supplies and equipment; generally, supplies are expendable. Examples of expendable supplies include office supplies and drug tests.

Example

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

F. Construction

Construction is not an allowable expenditure. Minor repairs or renovations may be allowable, with approval from the BJA Director.

G. Consultants/Contracts

- This category includes costs for treatment, collateral services, and evaluation activities.
- Consultant fees in excess of \$450 per day require additional justification and approval by BJA.
- Grant recipients must follow local guidelines for sole source procurement. Contracts of more than \$100,000 awarded without competition (regardless of whether it is federal or match funds) require a sole source justification and approval prior to the awarding of such contracts.

Example

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

H. Other Costs

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

Example

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

I. Indirect Costs

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

J. Budget Summary

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

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

Example

<u>Category</u>	<u>Federal</u>	<u>Local</u>	<u>Total</u>
-----------------	----------------	--------------	--------------

- A. Personnel
- B. Fringe Benefits
- C. Travel
- D. Equipment
- E. Supplies
- F. Construction
- G. Consultants/Contracts
- H. Other Costs

Total Direct Costs

- I. Indirect Costs

TOTAL PROJECT COSTS

Federal Request

Nonfederal Amount

Unallowable Costs

The following costs are unallowable:

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

Sample Authorization Letter

[name]

[current date]

Director

Bureau of Justice Assistance

810 Seventh Street NW.

Washington, DC 20531

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

Dear Director [name]:

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

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

Sincerely,

[name and title]

Civil Rights Guidance

- 12-Step Program and Religious Discrimination

Because the Safe Streets Act prohibits discrimination on the basis of religion, drug court grant recipients are prohibited from requiring individuals to participate in any substance abuse program that incorporates religious elements that are contrary to an individual's religious beliefs (mandatory participation in a substance abuse program that incorporates religious elements may also violate the U.S. Constitution). While requiring participation in some type of established recovery program does not run counter to the Safe Streets Act, numerous courts have found 12-step programs to be religious in nature. Therefore, if a drug court grant recipient uses a 12-step program as its primary method of treatment, it is required that the recipient also identify viable, alternative secular programs, which it can make available on an equal-access basis to individuals who object to the religious tenets of the 12-step program.

- Services to Limited-English-Proficient Persons

Recipients of OJP financial assistance are required to comply with several federal civil rights laws, including Title VI of the Civil Rights Act of 1964 (Title VI) and the Omnibus Crime Control and Safe Streets Act of 1968 (Safe Streets Act), as amended. These laws prohibit discrimination on the basis of race, color, religion, national origin, and sex in the delivery of services.

National origin discrimination includes discrimination on the basis of limited English proficiency (LEP). To ensure compliance with Title VI and the Safe Streets Act, recipients are required to take reasonable steps to ensure that LEP persons have meaningful access to their programs. Meaningful access may entail providing language assistance services, including oral and written translation, where necessary. Grantees are encouraged to consider the need for language services for LEP persons served or encountered both in developing their proposals and budgets and in conducting their programs and activities. Reasonable costs associated with providing meaningful access for LEP individuals are considered allowable program costs.

The U.S. Department of Justice has issued guidance for grantees to assist them in complying with Title VI requirements. The guidance document can be accessed on the Internet at www.lep.gov, by contacting OJP's Office for Civil Rights at 202-307-0690, or by writing to the following address:

Office for Civil Rights
Office of Justice Programs
U.S. Department of Justice
810 7th Street NW., Eighth Floor
Washington, DC 20531

- Racial and Ethnic Preferences in Grantee Programs

Because the above statutes prohibit discrimination on the basis of race and national origin, programs funded by OJP must not condition the delivery of benefits and services on racial classifications. Recipients, therefore, should exercise diligence and caution in attempting to target programs and services to particular racial or ethnic groups. Absent clear evidence of past discrimination by recipients, programs that use race as a criterion for participation, or for providing a service, or benefit are generally impermissible.

Appendices

Appendix A: Frequently Asked Questions

Adult Drug Courts

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

The statute's definition of violent offender specifically limits prior offenses, punishable by a term of imprisonment exceeding one year, that cause a person to be categorized as a "violent offender" to felony crimes of violence. If a person has a prior misdemeanor conviction, even though threatened or actual use of force or use, possession, or carrying of a firearm or another dangerous weapon occurred during the offense, the person is not a violent offender according to the statute. Therefore, the offender is eligible for the drug court program as long as his or her current offense does not fall within the violent offender definition.

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

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

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

OJP and BJA interprets the definition of violent offender as being restricted to persons who illegally use, possess, or carry a firearm or another dangerous weapon. Therefore, offenders are not precluded from participation in a drug court for either using a legally licensed firearm or dangerous weapon in a legally justifiable way, such as in circumstances of self-defense, or possessing or carrying an otherwise legally licensed firearm or dangerous weapon.

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

Any new charge for a violent offense, as defined by the statute, whether a misdemeanor or a felony, prohibits the client from further or continued participation in the BJA-funded program. If and only if the violent charges are dropped or the client is found not guilty can the client reenter the program.

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

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

Adult, Family, Juvenile, and Tribal Drug Courts

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

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

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

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

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

Juvenile Drug Courts

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

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

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

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

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

No. The statute provides that a juvenile who has been convicted of or adjudicated delinquent for any violent offense is not eligible to participate in a juvenile drug court program. The statute makes no

distinction between felonies and misdemeanors in rendering a juvenile ineligible based on a prior conviction or adjudication for a violent offense.

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

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

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

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

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

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

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

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

Appendix B: Drug Court Grantee Reporting Requirements

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

1. **Financial Status Reports (SF-269A):** Financial status reports are due quarterly no later than the 45th day following the end of each calendar quarter. A report must be submitted every quarter the award is active, even if there has been no financial activity during the reporting period. The final report is due 120 days after the end date of the award. Future awards and fund drawdowns will be withheld if financial status reports are delinquent.

Performance Measures: Beginning in the 2008, Adult Drug Court Discretionary Grant Program performance measures will be collected quarterly through BJA's [Performance Measurement Tool \(PMT\)](#). Grantees will upload their performance measures results from the new web site to the [Grants Management System \(GMS\)](#) on a semi-annual basis. The BJA PMT will support grantees' ability to identify, collect, and submit performance measures data for BJA grant awards. An assigned userID and password is needed to access the system. Please contact the help desk at 1-888-252-6867 to obtain a userID. The [Drug Court User's Guide](#) provides more information about this process.

2. **Semiannual Progress Reports:** Recipients of funding are required to submit an initial and then semiannual progress report. The progress reports describe activities during the reporting period and the status or accomplishment of objectives as set forth in the approved application for funding. Progress reports must also address the Government Performance and Results Act and programmatic performance measures identified in the solicitation. Progress reports must be submitted within 30 days after the end of the reporting periods (January 1-June 30; July 1-December 31) for the life of the award. A final report, which provides a summary of progress toward achieving the goals and objectives of the award, significant results, and any products developed under the award, is due 120 days after the end date of the award.
3. **Single Audit Report: Recipients** who expend \$500,000 or more of federal funds during their fiscal year are required to submit an organizationwide financial and compliance audit report. The audit must be performed in accordance with the U.S. General Accountability Office Government Auditing Standards. The audit report currently is due to the Federal Audit Clearinghouse no later than 9 months after the end of the recipient's fiscal year.

Appendix C: Process Evaluations

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

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

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

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

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

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

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

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

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

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

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

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

Retention in the program: To what extent is the drug court successful in retaining participants in the program and in treatment, as evidenced by the number of persons accepted into the program, graduated, currently active (and length of time in program), and terminated? Are reasons for termination consistent? What are the characteristics (demographics, type of drug problem, charge, prior criminal record, social indicators, health) of clients who graduate from the program? Who is terminated? Who remain at least 6 months? Who remain at least 1 year? If possible, calculate 6-month and 1-year program retention rates including only those clients who were admitted to the program at least 6 months prior to the calculation of retention and 1 year prior, respectively.

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

Because arrest data may not provide a true depiction of recidivism for criminally involved individuals due to the use of certain crime deterrent strategies in many communities, drug court programs are encouraged to define recidivism as instances where criminal behavior has resulted in reentering the criminal justice system via formal misdemeanor and felony criminal charges. If possible, this should include arrests both during program participation and from 1 to 2 years after program completion. At a minimum, recidivism should be defined as instances where an individual has reentered the criminal justice system by way of a formal arrest. Whether arrest data are for misdemeanor and/or felony charges and if they apply to program participants and/or program graduates should always be noted. Also note the range of time for when data are being collected (i.e., 1 or 2 years following program completion).

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

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

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

Juvenile Drug Court Process Evaluations

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

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

Outcome Evaluation

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

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

Collection of Evaluation Data

Applicants are encouraged to design, implement, and maintain an automated data collection system to collect program implementation data, process information, and baseline data that can be used to chart the progress and impact of the funded program. The application should detail data elements to be included in the automated data collection system and outline procedures to collect this information, including budgetary and personnel information. The following is a list of the types of information that drug court information systems should routinely collect in addition to the information listed under the Performance Measures section of the solicitation:

- Characteristics of persons admitted to the program.
- Date of arrest.
- Date of admission to the drug court program.
- Age.
- Sex.
- Race/ethnicity.
- Family status.
- Employment status.
- Educational level.
- Current charge(s).
- Criminal history.
- Drug use history.
- Alcohol and other drug treatment history.
- Mental health treatment history.
- Medical needs (including detoxification).
- Nature and severity of substance abuse problem.
- Treatment recommendations (from initial assessment and any followup assessments) and record of treatment regimen followed by each participant.
- Number of participants currently active in the program, with categorization to reflect the number of persons in specific program phases, duration of time in program, and principal types of treatment being provided
- Number and characteristics of persons who successfully complete the program.
- Number and characteristics of persons who have been terminated from the program, reasons for termination, and length of time in the program before termination.
- Criminal justice sanctions imposed on participants who do not complete the program.
- Number of participants who fail to appear at drug court hearings, and number of bench warrants issued for participants by stage of participation in the program.
- Number of rearrests during involvement in the drug court program and for a period of at least 1 year thereafter, and the types of arrests (e.g., drug possession, other nonviolent offense, violent offense).
- Fees, fines, costs, and restitution paid by each participant.

- Community service hours completed by each participant.
- Drug test histories of each participant while in the drug court program.
- Record of attendance and treatment progress for each participant.
- Record of program sanctions imposed on each participant in response to a positive drug test or other evidence of noncompliance with program requirements.
- Principal accomplishments of each participant while in the drug court program (e.g., advancement to new phase, attainment of GED or other educational objective, employment, family reunification, birth of drug-free baby).
- Costs of drug court operations, and the source(s) of funding for each operational component.

For further information, refer to the BJA publication *Drug Court Monitoring, Evaluation, and Management Information Systems*, available online at www.ncjrs.org/html/bja/monitor/welcome.html.

Appendix D: Comprehensive Care Continuum

The following comprehensive treatment continuum is a solid and general framework within which applicants can conceptualize a comprehensive service delivery plan.

Program Management, Structure, and Staff

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

Screening, Intake, and Monitoring

- Intake and assessment protocol that consists of a medical exam; alcohol and drug use history; psychosocial evaluation where indicated; psychiatric assessment appropriate for evaluating all clients with respect to drug use, alcohol use, and degree of psychopathology; assessment of physical health; extent of cognitive or other impairments; employment history and capability; social history and status (e.g., family of origin, sociocultural background, exposure to abuse or violence); educational status; and history of involvement in the criminal or juvenile justice systems.
- Screening for infectious diseases, including HIV/AIDS (to include pre- and posttest counseling), tuberculosis, sexually transmitted diseases, hepatitis B, and others, as appropriate.
- Health education, including safe sex and risk reduction techniques to mitigate the spread of HIV and other sexually transmitted diseases.
- Initial urine screening for the presence of prevalent drugs (licit or illicit) and a system of randomized (at least weekly), monitored urine testing for all treated inmates.
- Referral of clients to treatment and recovery settings and modalities that are best suited to meet their needs (client-treatment matching).
- Case management including timely treatment plan development, treatment record maintenance and patient monitoring, integration of treatment services into supervised programming, and continuation of recovery support services in community-based settings with continual case supervision throughout.

Timing and Duration of Treatment and Recovery Services

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

Treatment and Recovery Services

- Special focus groups (peer based and professionally monitored), general peer/support groups, cognitive group therapy, and counseling for HIV-positive clients and victims of sexual abuse.
- Special treatment programming designed to address anger management, violence prevention, victimization issues, and values formation.
- Preventive and primary medical care as required per client, including gynecologic/obstetric or reproductive health, pre- and postnatal care, and pediatric care.
- Psychiatric assessments, followed by provision of specialized therapy to address indicated psychopathology, appropriate pharmacologic interventions, and monitoring, provided by practitioners recognized by appropriate state or local authorities (e.g., appropriately credentialed psychiatrists, psychologists, and psychiatric nurses).
- Psychological counseling (when indicated) by persons recognized by state/local authorities as qualified to provide the indicated form of therapy.
- Strategies to involve family members and significant others in the treatment process and provision of family/collateral counseling, as appropriate, provided by persons recognized by state/local authorities to provide such counseling.
- Use of peers as mentors and sponsors; strong linkages with self-help groups such as Alcoholics Anonymous, Narcotics Anonymous, and Cocaine Anonymous.
- Gender-specific, age-specific, and culturally relevant strategies (e.g., staff recruitment and retention, unique treatment setting attributes, appropriate literature and audiovisual materials, and social activities) to keep clients actively engaged in the treatment process.
- Parenting skills development for both fathers and mothers, including infant and childhood development courses to enhance parental functioning.
- Nutritional and general health education by a qualified technician.
- Skill development components that emphasize daily life skills, how to make use of available community resources, and maintaining a drug- and crime-free lifestyle in a community context.
- Childcare provision at the treatment facility, where appropriate for custodial parent residents.
- Recreational and social activities.
- Transportation, both onsite or offsite for specialized services or employment, as appropriate.

- Intensive supervision through probation, parole, community supervision, juvenile supervision, or other supervision agencies (e.g., Treatment Alternatives to Street Crime [TASC]).
- Sustained continuity of treatment, recovery, and support services postrelease, including frequent interaction with a mentor, primary counselor, or case manager, as appropriate; intensive interventions as needed (e.g., in the event of a traumatic event such as death or divorce); participation in ongoing peer-based support programs; and drug-free cooperative living arrangements.
- Coordination of the treatment and recovery continuum with other germane services, such as vocational rehabilitation, education, legal aid, and transportation.

Appendix E: Recommended Internet Resources

To access a wide range of court resources, visit the following web sites:

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