

FY 2009 Adult Drug Court Program Frequently Asked Questions (FAQs)

- 1. What is the Catalog of Federal Domestic Assistance (CFDA) number?**
The CFDA number is 16.585.
- 2. What is the legislative authority for the program?**
The Drug Court Program is authorized under Title I, Part EE, of the Omnibus Crime Control and Safe Streets Act of 1968, Pub. L. No. 90-351, Title I, 82 Stat. 197, as amended by the 21st Century Department of Justice Appropriation Authorization Act, Pub. L. No. 107-273, Division B Title II, Subtitle C, 116 Stat 1758 (2002).
- 3. What is the appropriation amount for the Drug Court Discretionary Grant Program?**
Awards are contingent upon Congress appropriating funds for the program. In FY 2008, Congress appropriated \$15.2 million to implement the program. At the time of the posting of the FY 2009 Adult Drug Court Discretionary Grant Program solicitation announcement, there is a continuing resolution in place until March 6, 2009, and no FY 2009 funds have yet been appropriated.
- 4. What is the purpose of the Drug Court Discretionary Grant Program?**
The Drug Court Discretionary Grant Program provides resources to states, local, and tribal governments and state and local courts to establish or enhance adult drug courts and systems for nonviolent substance-abusing offenders.
- 5. Is this a discretionary or formula grant?**
This is a discretionary, competitive grant.
- 6. When are the applications due?**
All applications must be submitted electronically through Grants.gov by January 29, 2009.
- 7. Who is eligible to apply?**
Applicants are limited to states, state and local courts, counties, units of local government, and Indian tribal governments, acting directly or through other public and private entities.
- 8. What date should I list as the start date on the SF-424 form?**
Applicants may begin their proposed project dates on or after September 1, 2009.
- 9. How is the application review process conducted?**
A peer review will take place after the application due date.
- 10. Is there a local match requirement?**
Yes, 25 percent of the total program cost is required for Implementation and Enhancement grants. A portion of the match must be cash. This is required by statute; the term "portion" is not defined.
- 11. Are waivers of the local match an option?**
No, a 25 percent match is required.

12. In the solicitation, implementation grants are available for up to three years and up to \$350,000. Does this mean a total of \$1,050,000 is available for implementation grants?
No, a total of \$350,000 in federal assistance is available over the three-year period for implementation awards.

13. Can I apply for \$350,000 for just a one-year implementation grant?
Yes, you are not required to apply for a three-year grant. The length of the grant depends on your jurisdictional needs, and may not exceed three years.

14. Can tribal communities apply or will there be a separate application for tribes?
Tribal jurisdictions may apply under the same solicitation as the states. There will not be a separate application for tribes.

15. Can I apply for funding for Juvenile Drug Courts and Family Dependency Treatment Courts through this solicitation?
No, the solicitation only applies to adult and statewide drug courts. Juvenile Drug Court and Family Dependency Treatment Court grants are administered by the Office of Juvenile Justice and Delinquency Prevention (OJJDP). Please see OJJDP's web site for information on Juvenile and Family Dependency Treatment Courts at <http://ojjdp.ncjrs.gov/>.

16. Are communities that have or previously have had a grant from the former Drug Court Program Office (DCPO) or BJA eligible to apply for the Drug Court Discretionary Grant Program?
Yes, however, funding priority will be given to applicants who have never received a grant under DCPO's or BJA's Drug Court Program.

17. Are planning grants still available?
BJA will assist communities planning adult drug courts through the Drug Court Planning Initiative (DCPI). Under DCPI, a community will not need to submit an application or provide a 25 percent match to receive training and technical assistance. As of the release of the Adult Drug Court Discretionary Grant Program, the application process for the next round of the DCPI is still open and will remain open until training capacity is reached. For information about the DCPI, go to www.dcpj.ncjrs.org/dcpj/.

18. What is the definition of a "violent offender?"
As defined in 42 U.S.C. 3797 u-2, a "violent offender means a person who is:
1. 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.

19. Is a criminal charge required to participate in the program?

No. However, the target population must be under the jurisdiction of the court.

20. 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 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.

21. 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 that cause a person to be categorized as a "violent offender" to felony convictions. 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.

22. 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.

23. Is an offender eligible for the drug court program if a charge that would qualify as a violent offense according to the statute 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.

24. 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.

25. 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.