



Competitive Grant

A n n o u n c e m e n t

Resource Guide for Drug Court Applicants

Fiscal Year
2004

BJA

U.S. Department of Justice
Office of Justice Programs
810 Seventh Street NW.
Washington, DC 20531

John Ashcroft
Attorney General

Deborah J. Daniels
Assistant Attorney General

C. Camille Cain
Acting Director, Bureau of Justice Assistance

Office of Justice Programs
Home Page
www.ojp.usdoj.gov

Bureau of Justice Assistance
Home Page
www.ojp.usdoj.gov/BJA

SL000623

The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime.

Resource Guide for Drug Court Applicants

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INTRODUCTION

About OJP

The Office of Justice Programs (OJP), U.S. Department of Justice, was created in 1984 to provide federal leadership in developing the nation's capacity to prevent and control crime and delinquency, administer justice, and assist crime victims. OJP carries out this mission by forming partnerships with other federal, state, and local agencies as well as national and community-based organizations. OJP is dedicated to comprehensive approaches that empower communities to address crime, break the cycle of substance abuse and crime, combat family violence, address youth crime, hold offenders accountable, protect and support crime victims, enhance law enforcement initiatives, and support advancements in adjudication. OJP also works to reduce crime in Indian Country, enhance technology's use within the criminal and juvenile justice systems, and support state and local efforts through technical assistance and training.

About BJA

The Bureau of Justice Assistance (BJA), a component of the Office of Justice Programs, U.S. Department of Justice, supports innovative programs that strengthen the nation's criminal justice system. Its primary mission is to provide leadership and a range of assistance to local criminal justice strategies to make America's communities safer. BJA accomplishes this mission by providing funding, training, technical assistance, and information to state and community criminal justice programs and by emphasizing the coordination of federal, state, and local efforts. BJA's specific goals are to help communities reduce and prevent crime, violence, and drug abuse and to improve the functioning of the criminal justice system.

For general information about BJA programs, training, and technical assistance, contact the BJA Clearinghouse at 1-800-851-3420 or visit the BJA home page at www.ojp.usdoj.gov/BJA.

About the Resource Guide

This publication supports and provides additional guidance for the following grant categories of the Drug Court Discretionary Grant Program:

- Adult Drug Court Implementation Grants
- Juvenile Drug Court Implementation Grants
- Family Drug Court Implementation Grants
- Single Jurisdiction Drug Court Enhancement Grants
- Statewide Drug Court Enhancement Grants

For Help With Your Proposal

Staff of the Bureau of Justice Assistance are available at 202-514-6278 to answer questions about this solicitation. For general information about BJA programs and training and technical assistance, contact the BJA Clearinghouse at 1-800-851-3420 or visit the BJA home page at www.ojp.usdoj.gov/BJA.

The Drug Court Movement

The emergence of crack cocaine in the mid-1980s had an unprecedented and dramatic impact on the nation's criminal justice system. In an effort to stem the street drug dealing and the crime and violence associated with illegal drug use, the arrest and prosecution of drug offenders was dramatically escalated. At the same time, penalties for the possession and sale of illegal drugs were toughened so that greater numbers of drug offenders were charged with felonies that carried sentences of incarceration. As a result of the nation's war on drugs, greater numbers of drug offenders were arrested, prosecuted, and convicted; however, drug offenders received few, if any, treatment services. The result was a revolving door syndrome: drug offenders cycled in and out of the justice system.

The influx of drug offenders into the system severely strained the courts, forcing some to the brink of collapse. In an effort to address growing caseloads, courts employed delay-reduction strategies, including establishing specialized court dockets to expedite drug case processing. These approaches, however, did little to stem the tide of drug offenders flowing into the system, to habilitate drug offenders already in the system, or to reduce recidivism among released offenders.

In 1989, troubled by the devastating 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. This new approach integrated substance abuse treatment, sanctions, and incentives with case processing to place nonviolent drug-involved defendants in judicially supervised habilitation programs. The traditional system had rarely provided substance abuse treatment to defendants in any systematic way and, in many cases, provided little or no threat of sanctions to drug offenders.

The new approach—a significant departure from traditional court practice—was not always widely supported by members of the judiciary, prosecutors, and the defense bar. However, judges, prosecutors, and other representatives of the justice system across the country who were struggling with similar issues involving drug offenders gradually began to examine the drug court approach to assess whether replication (or adaptation) might offer them a better response to drug cases.

Since 1989, more than 1,500 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 coercive power of the court to force abstinence and alter

behavior with a combination of escalating sanctions, mandatory drug testing, treatment, and strong aftercare programs to help offenders reenter the community. This grassroots criminal justice initiative began with the adult offender population, but with the success of adult drug courts over the past 10 years, the approach has been adapted to juvenile, tribal, and family drug courts.

Congress joined local communities in acknowledging the promise of drug courts to rehabilitate offenders, hold offenders accountable for their actions, and reduce victimization by intervening soon after arrest. 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 Attorney General to make 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 Grant Program and to provide training, financial and technical assistance, and related programmatic guidance and leadership to communities interested in drug courts. A slightly modified Drug Court 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, the Bureau of Justice Assistance (BJA) began directing the Drug Court Discretionary Grant Program, with the administration of drug court grants being fully integrated into BJA's overall grant administration program.

Important Partnership With Treatment

For drug courts to be most effective, judges must rely on treatment providers and treatment coordinators to assist in developing treatment, habilitation, and supervision plans for each defendant. Treatment is most effective when offenders are matched correctly with an appropriate level of care as identified through the clinical assessment or diagnostic process. The treatment needs of individuals eligible for the drug court program are assessed, as are any related medical and psychological problems that the treatment program will have to address. 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 other case management personnel (such as those involved with Treatment Alternatives to Street Crime [TASC] programs) 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.¹

1. J.S. Baer and Associates (ed.). *Addictive Behaviors: Across the Life Plan: Prevention, Treatment, and Policy Issues*. Sage Publications: Newbury Park, CA. 1993.

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, but are not limited to, prompt intake and assessment; detoxification, if indicated; and substance abuse treatment ranging from outpatient to residential services, including a strong focus on therapeutic relapse prevention methodologies.²

Key Components of Drug Courts

In January 1997, the U.S. Department of Justice (DOJ) 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 (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 key components. More than 30,000 copies of the key components document have been distributed. The document has been used at more than 175 federal, state, and locally sponsored drug court training conferences. The report is now available through the National Criminal Justice Reference Service at 1-800-851-3420 and on the BJA home page (www.ojp.usdoj.gov/BJA).

As identified by the committee, the 10 key components of a drug court are as follows:

1. Drug courts integrate alcohol and other drug treatment services with justice system case processing.
2. Using a nonadversarial 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.

2. Drug Courts Program Office. *Defining Drug Courts: The Key Components*. U.S. Department of Justice: Washington, DC. 1997.

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 adult, family, and tribal drug courts, a "violent offender" is a person who either:

1. Is charged with or convicted of an offense during the course of which:
 - A. The person carried, possessed, or used a firearm or another dangerous weapon.
 - B. There occurred the use of force against the person of another.
 - 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.
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.

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.
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.

Retention: Retention is the number of 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 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 kit, 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 kit. Nonprofit and for-profit agencies are not eligible applicants.

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 (described above) 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 25.

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 in the Grants Management System (GMS) before your application is reviewed.

B. Assurances

The applicant, by clicking "Accept" in the Assurances and Certifications section of GMS, 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 fully understand and 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/or no such proceedings have been 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 GMS 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. For example, if the request for federal support is \$200,000, the minimum local match requirement would be \$66,667, making the total project budget at least \$266,667.

The following formula may be used to calculate local match:

$$\begin{aligned} &(\text{Federal Request} \div .75) \times .25 = \text{Local Match} \\ &\$200,000 \div .75 = \$266,667 \\ &\$266,666 \times .25 = \$66,667 \end{aligned}$$

Local match is restricted to the same uses of funds as allowed for federal funds. As required by statute, “cash” contributions must constitute a portion of the nonfederal share of the grant. “Portion” is not defined in the statute. The remainder of the match may be in-kind.

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 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 understand 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.
- 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 the Financial Status Reports and Categorical Assistance Progress Reports. Additionally, recipients who expend \$300,000 or more of federal funds during their fiscal year are required to submit an organizationwide financial and compliance audit report. Refer to appendix C for more specific information on these reporting requirements.

APPLICATION PROCESS

Sample Time Task Plan

The time task plan is part of the program narrative file and is attached in GMS. 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 people involved in implementing the drug court program. March 1, 2004.	All invited agencies: judiciary, district attorney, defense bar, treatment agencies, court administrator, law enforcement, school administrator (for juvenile drug court).
Establish communications with key stakeholders from partner agencies.	Make initial contact with the drug court judge, assistant district attorney, defense attorney, drug court coordinator, and treatment provider (residential and outpatient). March 1, 2004. Subsequent meeting to follow. April 3, 2004.	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, 2004.	Judge.
	Establish agreements with outside community groups for extra drug court activities. May 15, 2004.	Drug court coordinator.
	Plan and hold monthly administrative meetings with partner agencies. March 1, 2004 through end of project.	Steering Committee.

Goal #2		
Construct the complete 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 10, 2004.	Drug court team.
Create the Policies and Procedures Manual (per grant requirement).	Include procedures of the program, from arrest to graduation/ termination. August 30, 2004.	Drug court coordinator and team.
	Create role descriptions for each team member. August 30, 2004.	Drug court team.
	List graduation and termination criteria. September 1, 2004.	Drug court team.
	Circulate Policies and Procedures Manual to steering committee for review. June 1, 2004.	Judge.
	Submit Policies and Procedures Manual to BJA per grant requirement. One hundred twenty days after receipt of grant.	Drug court team.

Sample Consent Forms

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

I, *defendant's name*, hereby consent to communication between *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), (*other*).

The purpose of and need for this disclosure is to inform the court and other above-named 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)

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 _____, 2004

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 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. 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 you do not assemble and attach year 1, year 2, and year 3 as one file, we will only receive the last file that you attached. For example, if an applicant initially attaches year 1 as one file and subsequently attaches year 2 as a separate file, we will only receive year 2. Please 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. Applicants are reminded that 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.**
3. 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. For example, treatment services must be available for the number of clients to be served, and the budget must show how the amount requested for treatment ties to the number of clients to be served.
4. It is imperative that the amount of federal funds requested in box A under the “Estimated Funding” in GMS reflect the total amount of federal funds over the entire 1-, 2-, or 3-year project period.

5. Similarly, the amount given in box B under “Estimated Funding” in GMS should 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.
6. Recipients of juvenile drug court grant funds 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. The training and technical assistance is designed to promote and support best practices in the development, implementation, evaluation, and institutionalization of effective drug court programs.
7. 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 and year 2 Budget Detail Worksheets and Narratives must be uploaded to the Budget Detail Worksheet Attachment as one file. Similarly, year 1 and 2 Budget Detail Worksheets and Narratives must be uploaded to the Budget Detail Worksheet Narrative Attachment as one file. Only the most current file uploaded as an attachment is saved as part of the application. If you do not assemble and attach year 1 and 2 as one file, we will only receive the last file that you attached. For example, if an applicant initially attaches year 1 as one file and subsequently attaches year 2 as a separate file, we will only receive year 2. Please note that in order for your application to be considered for funding all year 1 and year 2 Budget Detail Worksheets and Narratives must be submitted.
2. Applicants are reminded that 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 use 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.**

3. The budget must be complete and reasonable.
4. It is imperative that the amount of federal funds requested in Box A under “Estimated Funding” in GMS reflect the total amount of federal funds over the entire 1- or 2-year project period.
5. Similarly, the amount given in box B under “Estimated Funding” in GMS should 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.
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.

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.)

The previous policy that prohibited the use of federal funds for the following personnel has been rescinded:

- Judge.
- Prosecutor.
- Defense attorney.

Funds may be requested ONLY to support new positions dedicated to the drug court.

Personnel information in this section 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 salary x 1 year	\$20,000

B. Fringe Benefits

Fringe benefit costs should 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

We encourage using BJA funds for the team to travel to other drug courts, even if the grantee's drug court has been operational for a few years. Learning through direct observation and through

practitioner to practitioner dialogue is critical in the drug court field. Please remember, 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. This is an excellent opportunity to learn new techniques and network with other drug court practitioners.

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 travel costs. We recommend that applicants budget up to \$1,000 per person to attend each conference.

Example

Purpose of Travel	Location	Item	Computation	Cost
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 should confirm that there is a need and not just a desire for the newest 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.

It is sometimes difficult to break down equipment costs, but they should be itemized to the extent possible.

Example

Item	Computation	Cost
Computer	\$850	\$850

E. Supplies

It is important to distinguish between supplies and equipment—the general rule of thumb is that supplies are expendable. Examples of expendable supplies include office supplies and drug tests.

Example

Supply Item	Computation	Cost
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. The BJA director must approve all renovations.

G. Consultants/Contracts

Generally, 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 the Bureau of Justice Assistance.

The grantee should always 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

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

H. Other Costs

This category 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

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

I. Indirect Costs

The grantee 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, match, and total amount must be shown for each category.

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

Example

Category	Federal	Local	Total
A. Personnel			
B. Fringe Benefits			
C. Travel			
D. Equipment			
E. Supplies			
F. Construction			
G. Consultants/Contracts			
H. Other			
Total Direct Costs			
I. Indirect Costs			
TOTAL PROJECT COSTS			
Federal Request			
Nonfederal Amount			

Unallowable Costs

Generally, the following are unallowable:

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

Sample Authorization Letter

C. Camille Cain
Acting Director
Bureau of Justice Assistance
810 Seventh Street NW, Fourth Floor
Washington, DC 20531

[current date]

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

Dear Ms. Cain:

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 in whole or in part. 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].

Sincerely,

[name and title]

Additional Civil Rights Guidance

The following is additional guidance from the OJP Office for Civil Rights:

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

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 when necessary. 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, or 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 Seventh Street NW., Eighth Floor
Washington, DC 20531

Racial and Ethnic Preferences in Grantee Programs

Because the aforementioned 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.

APPENDIXES

Appendix A

Violent Offender Frequently Asked Questions

Background

Questions are pursuant to the definition of “violent offender” as stated in the statute.

A “violent offender,” for purposes of adult, family, and tribal drug courts, is defined as a person who either:

1. Is charged with or convicted of an offense during the course of which:
 - A. The person carried, possessed, or used a firearm or another dangerous weapon.
 - B. There occurred the use of force against the person of another.
 - 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.
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.

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.
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.

Questions

Adult Drug Courts Only

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 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 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.

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

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:

- a) Using a legally licensed firearm or dangerous weapon in a legally justifiable way, such as in circumstances of self-defense.
- b) 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?

Yes/No. 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

- 6. If a violent offender is admitted, inadvertently or otherwise, to a drug court program, is it possible for the OJP 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.

- 7. 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 Only

- 8. 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 should determine whether a juvenile’s conduct involves physical force and whether the juvenile meets the definition of violent offender based on state law.

- 9. 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.

- 10. 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.

11. 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.

12. 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.

13. 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.)

14. 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.

NOTE: Violent offenders may be placed into a separate drug court track not funded by the Drug Court Discretionary Grant Program.

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 (SF 269A) 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. The Office of the Comptroller will provide a copy of this form in the initial award package. Future awards and fund drawdowns will be withheld if financial status reports are delinquent.
2. **Categorical Assistance 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 be submitted within 30 days after the end of the reporting periods, which are January 1 through June 30 and July 1 through 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. The Office of the Comptroller will provide a copy of this form in the initial award package. Future awards and fund drawdowns will be withheld if financial status reports are delinquent.
3. **Single Audit Report:** Recipients who expend \$300,000 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 Accounting 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 and Management Information Systems

Recipients of implementation grants are required to conduct a process evaluation of their drug court program. The process evaluation should be designed to assess the program's effectiveness in meeting its operational and administrative goals. Ideally, process evaluations should be conducted by an independent researcher, working in close collaboration with drug court program staff.

Process evaluations should document not only the history of program development and implementation, but also the specific elements of the program. A process evaluation supplements good internal management and monitoring, providing an independent and objective appraisal of operational performance. A good process evaluation will target problematic program areas and provide recommendations for improvement. Ideally, the following information should be collected and analyzed as part of a process evaluation.

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, and who refuse?

Case processing: 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? (Each of these 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 that 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 (a) accepted into the program; (b) graduated; (c) currently active (and length of time in program); and (d) 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 are 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?

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 because of their drug problems? 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?

IMPORTANT NOTE: In order to assist national efforts to evaluate drug court programs and to firmly establish the success of drug courts both nationally and locally, the following guidance is offered on defining recidivism in your evaluation efforts.

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. Therefore, drug court programs are encouraged to define recidivism as instances in which criminal behavior has resulted in reentering the criminal justice system via formal misdemeanor and felony criminal charges. If at

all 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 in which 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 which data are being collected (i.e., 1 or 2 years following program completion).

Additional Questions for 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?

Additional Questions for 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? *[NOTE: 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 receives 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? *[NOTE: 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?

To answer these types of questions, drug courts must maintain or have ready access to a considerable amount of information about individuals *and* must be able to aggregate relevant data in appropriate categories at reasonably frequent intervals. The information needed for monitoring and evaluation purposes should be obtainable from the records used in the program's day-to-day operations, including records of screening activities, assessments, drug court dockets, treatment

progress reports, drug test results, and criminal history “rap sheets.” Optimally, program managers should be able to review reports that aggregate and present this type of information in easy-to-read report formats at least once a month. They should also be able to generate ad hoc reports that provide relevant information on all of the topics listed above and many others as well.

Management Information Systems To Aid in the Collection of Evaluation Data

Applicants are strongly encouraged to design, implement, and maintain an automated data collection system for use in collecting 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 specific data elements to be included in the automated data collection system and outline procedures to collect this information, including specific budgetary and personnel information. Following is a list of the minimum types of information that drug court information systems should routinely collect:

- Number of persons found eligible for the program.
- Number of persons admitted to the program.
- Number of eligible persons who were not admitted to the program. (Note: if at all possible, the reasons for nonadmission should be obtained and demographic, case, and criminal history information should be collected for these persons for comparison purposes.)
- 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 appropriate categorization to reflect the number of persons in specific program phases, duration of time in program, principal types of treatment being provided, etc.

- 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, please refer to the OJP publication *Drug Court Monitoring, Evaluation, and Management Information Systems*. The report is available by calling the National Criminal Justice Reference Service at 1-800-851-3420 (refer to publication number NCJ 171138).

Appendix D

Comprehensive Care Continuum

A comprehensive treatment continuum is described below. Most, if not all, of these components are appropriate for members of every target population. However, not all services and interventions are needed by every individual in treatment or recovery.

This continuum is not specific to treatment philosophy, modality, or setting. It is a generic framework within which applicants can conceptualize a comprehensive service delivery plan.

Methods of implementing the components of this continuum, the staff who deliver each service, the manner and setting in which different services are delivered, and so on should be based on (1) the unique needs of the target population; (2) the extent to which there are addiction treatment, health care, human services, housing, and labor training alternatives elsewhere in the jurisdiction [of authority]; and (3) the extent of available resources. The array of services described below need not be provided by a single treatment entity but can be provided by a consortium of addiction treatment providers, health and human services providers, and criminal justice supervision agencies linked via coordinated case management.

An effective service delivery plan must include the following components.

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); dealing 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 that is 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 (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 should be 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 (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.

RESOURCES: ADDITIONAL FEDERAL DRUG COURT FUNDING SOURCES

A. Bureau of Justice Assistance

State Offices Administering the Edward Byrne Memorial State and Local Law Enforcement Assistance Program

State Single Points of Contact Intergovernmental Review Process

Executive Order 12372 requires applicants from state and local units of government or other organizations providing service 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. You must contact your state SPOC to find out if this program has been selected for review by your state.

The *Catalog of Federal Domestic Assistance* reference for this program is number 16.586. A current list of state SPOCs is set forth below.*

ARKANSAS

Tracy L. Copeland
Manager, State Clearinghouse
Office of Intergovernmental Services
Department of Finance and
Administration
1515 West Seventh Street, Room 412
Little Rock, AR 72203
Phone: 501-682-1074
Fax: 501-682-5206
E-mail: tlcopeland@dfa.state.ar.us

CALIFORNIA

Grants Coordination
State Clearinghouse
Office of Planning and Research
P.O. Box 3044, Room 222
Sacramento, CA 95812-3044
Phone: 916-445-0613
Fax: 916-323-3018
E-mail: state.clearinghouse@opr.ca.gov

DELAWARE

Charles H. Hopkins
Executive Department
Office of the Budget
540 South Dupont Highway,
Third Floor
Dover, DE 19901
Phone: 302-739-3323
Fax: 302-739-5661
E-mail: chopkins@state.de.us

DISTRICT OF COLUMBIA

Luisa Montero-Diaz
Office of Partnerships and Grants
Development
Executive Office of the Mayor
441 Fourth Street NW,
Suite 530 South
Washington, DC 20001
Phone: 202-727-8900
Fax: 202-727-1652
E-mail: opgd.eom@dc.gov

FLORIDA

Jasmin Raffington
Florida State Clearinghouse
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
Phone: 850-922-5438
Fax: 850-414-0479
E-mail: clearinghouse@dca.state.fl.us

GEORGIA

Georgia State Clearinghouse
270 Washington Street SW.
Atlanta, GA 30334
Phone: 404-656-3855
Fax: 404-656-7901
E-mail: gach@mail.opb.state.ga.us

ILLINOIS

Virginia Bova
Department of Commerce and
Community Affairs

James R. Thompson Center
100 West Randolph, Suite 3-400
Chicago, IL 60601
Phone: 312-814-6028
Fax 312-814-8485
E-mail: vbova@commerce.state.il.us

IOWA

Steven R. McCann
Division of Community and Rural
Development
Iowa Department of Economic
Development
200 East Grand Avenue
Des Moines, IA 50309
Phone: 515-242-4719
Fax: 515-242-4809
E-mail: steve.mccann@ided.state.ia.us

KENTUCKY

Ron Cook
Department for Local Government
1024 Capital Center Drive, Suite 340
Frankfort, KY 40601
Phone: 502-573-2382
Fax: 502-573-2512
E-mail: ron.cook@mail.state.ky.us

MAINE

Joyce Benson
State Planning Office
184 State Street

* In accordance with Executive Order #12372, "Intergovernmental Review of Federal Programs," this listing represents the designated state Single Points of Contact. The states not listed no longer participate in the process. This list is based on the most current information provided by the states. Information on any changes or apparent errors should be provided to the Office of Management and Budget and the state in question. Changes to the list will only be made upon formal notification by the state. Also, this listing is published biannually in the *Catalog of Federal Domestic Assistance*.

38 State House Station
Augusta, ME 04333
Phone: 207-287-3261
Fax: 207-287-6489
E-mail: joyce.benson@state.me.us

MARYLAND

Linda Janey
Manager, Clearinghouse and Plan
Review Unit
Maryland Office of Planning
301 West Preston Street, Room 1104
Baltimore, MD 21201-2305
Phone: 410-767-4490
Fax: 410-767-4480
E-mail: linda@mail.op.state.md.us

MICHIGAN

Richard Pfaff
Southeast Michigan Council of
Governments
535 Griswold, Suite 300
Detroit, MI 48226
Phone: 313-961-4266
Fax: 313-961-4869
E-mail: pfaff@semcog.org

MISSISSIPPI

Cathy Mallette
Clearinghouse Officer
Department of Finance and
Administration
1301 Woolfolk Building, Suite E
501 North West Street
Jackson, MS 39201
Phone: 601-359-6762
Fax: 601-359-6758

MISSOURI

Angela Boessen
Federal Assistance Clearinghouse
Office of Administration
P.O. Box 809
Truman Building, Room 840
Jefferson City, MO 65102
Phone: 573-751-4834
Fax: 573-522-4395
E-mail: igr@mail.oea.state.mo.us

NEVADA

Heather Elliott
Department of Administration
State Clearinghouse
209 East Musser Street, Room 200
Carson City, NV 89701
Phone: 775-684-0209

Fax: 775-684-0260
E-mail: helliott@govmail.state.nv.us

NEW HAMPSHIRE

Jeffrey H. Taylor
Director
New Hampshire Office of
State Planning
Attn: Intergovernmental
Review Process
Mike Blake
2 1/2 Beacon Street
Concord, NH 03301
Phone: 603-271-2155
Fax: 603-271-1728
E-mail: jtaylor@osp.state.nh.us

NEW MEXICO

Ken Hughes
Local Government Division
Room 201 Bataan Memorial
Building
Santa Fe, NM 87503
Phone: 505-827-4370
Fax: 505-827-4948
E-mail: khughes@dfa.state.nm.us

NORTH CAROLINA

Jeanette Furney
Department of Administration
1302 Mail Service Center
Raleigh, NC 27699-1302
Phone: 919-807-2323
Fax: 919-733-9571
E-mail: jeanette.furney@ncmail.net

NORTH DAKOTA

Jim Boyd
Division of Community Services
600 East Boulevard Avenue,
Department 105
Bismarck, ND 58505-0170
Phone: 701-328-2094
Fax: 701-328-2308
E-mail: jboyd@state.nd.us

RHODE ISLAND

Kevin Nelson
Department of Administration
Statewide Planning Program
One Capitol Hill
Providence, RI 02908-5870
Phone: 401-222-2093
Fax: 401-222-2083
E-mail: knelson@doa.state.ri.us

SOUTH CAROLINA

Omeagia Burgess
Budget and Control Board
Office of State Budget
1122 Ladies Street, 12th Floor
Columbia, SC 29201
Phone: 803-734-0494
Fax: 803-734-0645
E-mail: aburgess@budget.state.sc.us

TEXAS

Denise S. Francis
Director, State Grants Team
Governor's Office of Budget
and Planning
P.O. Box 12428
Austin, TX 78711
Phone: 512-305-9415
Fax: 512-936-2681
E-mail: dfrancis@governor.state.tx.us

UTAH

Carolyn Wright
Utah State Clearinghouse
Governor's Office of Planning
and Budget
State Capitol, Room 114
Salt Lake City, UT 84114
Phone: 801-538-1535
Fax: 801-538-1547
E-mail: cwright@gov.state.ut.us

WEST VIRGINIA

Fred Cutlip
Director, Community Development
Division
West Virginia Development Office
Building #6, Room 553
Charleston, WV 25305
Phone: 304-558-4010
Fax: 304-558-3248
E-mail: fcutlip@wvdo.org

WISCONSIN

Jeff Smith
Section Chief, Federal/State Relations
Wisconsin Department of
Administration
101 East Wilson Street, Sixth Floor
P.O. Box 7868
Madison, WI 53707
Phone: 608-266-0267
Fax: 608-267-6931
E-mail: jeffrey.smith@doa.state.wi.us

U.S. TERRITORIES

AMERICAN SAMOA

Pat M. Galea'i
Federal Grants/Programs Coordinator
Office of Federal Programs
Office of the Governor/Department
of Commerce
Pago Pago, AS 96799
Phone: 684-633-5155
Fax: 684-633-4195
E-mail: pmgaleai@samoatelco.com

GUAM

Director
Bureau of Budget and Management
Research
Office of the Governor
P.O. Box 2950
Agana, GU 96910
Phone: 011-671-472-2285
Fax: 011-671-472-2825
E-mail: jer@ns.gov.gu

PUERTO RICO

Jose Caballero/Mayra Silva
Puerto Rico Planning Board
Federal Proposals Review Office
Minillas Government Center
P.O. Box 41119
San Juan, PR 00940-1119
Phone: 787-723-6190
Fax: 787-722-6783

**NORTHERN MARIANA
ISLANDS**

Jacoba T. Seman
Federal Programs Coordinator
Office of Management and Budget
Office of the Governor
Saipan, MP 96950
Phone: 670-664-2289
Fax: 670-664-2272
E-mail: omb.jseman@saipan.com

VIRGIN ISLANDS

Ira Mills
Director, Office of Management and
Budget
#41 Norre Gade Emancipation
Garden Station, Second Floor
Saint Thomas, VI 00802
Phone: 340-774-0750
Fax: 340-776-0069
E-mail: lrmills@usvi.org

**B. Office of Juvenile Justice and Delinquency
Prevention**

**State Offices Administering the Juvenile Accountability Incentive
Block Grants Program**

State Offices Administering the Juvenile Accountability Incentive Block Grants Program

Alabama

Don Lee
Department of Economic and Community Affairs
401 Adams Avenue
P.O. Box 5690
Montgomery, AL 36103-5690
Phone: 334-242-5830
Fax: 334-242-0712
E-mail: donl.@adeca.state.al.us

Alaska

William Hurr, Grants Officer
Alaska Office of Juvenile Justice
P.O. Box 110635
Juneau, AK 99811-0630
Phone: 907-465-2116
Fax: 907-465-2333
E-mail: Will_Hurr@health.state.ak.us

Arizona

Marcella Crane
Governor's Division for Children
1700 West Washington, Suite 101-B
Phoenix, AZ 85007
Phone: 602-542-3485
Fax: 602-542-4644
E-mail: mcrane@azgov.state.az.us

Arkansas

Cheryl Moten, Juvenile Justice Coordinator
Division of Youth Services
Department of Human Services
P.O. Box 1437, Slot 3200/500
Little Rock, AR 72203-1437
Phone: 501-682-1708
Fax: 501-682-1339
E-mail: cheryl.moten@mail.state.ar.us

California

Briggitte Baul, Juvenile Justice Coordinator
Office of Criminal Justice Planning
1130 K Street, Suite 300
Sacramento, CA 95814
Phone: 916-327-8705
Fax: 916-324-9167
E-mail: bbaul@ocsp.ca.gov

Colorado

Patricia Cervera
Division of Criminal Justice
Department of Public Safety
700 Kipling Street, Suite 1000

Denver, CO 80215
Phone: 303-239-4476
Fax: 303-239-4491
E-mail: patricia.cervera@cdps.state.co.us

Connecticut

Valerie LaMotte, Planning Analyst Supervisor
Office of Policy and Management
Policy Development and Planning Division
450 Capitol Avenue, MS #52CPD
Hartford, CT 06106-1308
Phone: 860-418-6316
Fax: 860-418-6496
E-mail: valerie.lamotte@po.state.ct.us

Delaware

James Kane, Executive Director
Criminal Justice Council
Carvel State Office Building, 10th Floor
820 North French Street
Wilmington, DE 19801
Phone: 302-577-5030
Fax: 302-577-3440

District of Columbia

Doris Howard
Office of Grants Management and Development
717 14th Street NW., Suite 1200
Washington, DC 20005
Phone: 202-727-6537
Fax: 202-727-1617
E-mail: dho9@aol.com

Florida

George Hinchliffe
Asst. Secretary for Programming and Planning
Department of Juvenile Justice
2737 Centerview Drive
Tallahassee, FL 32399-3100
Phone: 850-921-4188
Fax: 850-922-2992
E-mail: george.hinchliffe@djj.state.fl.us

Georgia

Pete Colbenson
Children and Youth Coordinating Council
10 Park Place South, Suite 410
Atlanta, GA 30303
Phone: 404-657-6982
Fax: 404-651-9354

Hawaii

Suzanne Toguchi, Children and Youth Specialist
Department of Human Services
Office of Youth Services
1481 South King Street, Suite 223
Honolulu, HI 96814
Phone: 808-973-3434
Fax: 808-587-5734
E-mail: oys@pixie.com

Idaho

Sharon Harrigfeld, Juvenile Justice Planner
Department of Juvenile Corrections
400 North 10th Street
P.O. Box 83720
Boise, ID 83720-0285
Phone: 208-334-5100, ext. 111
Fax: 208-334-5120

Illinois

Robert Taylor
Illinois Criminal Justice Information Agency
120 South Riverside Plaza, Suite 1016
Chicago, IL 60606
Phone: 312-793-8550
Fax: 312-793-8422
E-mail: taylor@icjia.state.il.us

Indiana

Catherine O'Conner
Indiana Criminal Justice Institute
302 West Washington Street, Room E-209
Indianapolis, IN 46204
Phone: 317-232-1233
Fax: 317-232-4979

Iowa

Steve Michael
Division of Criminal and Juvenile Justice Planning
Lucas State Office Building, First Floor
Des Moines, IA 50319
Phone: 515-281-6509
Fax: 515-242-6115
E-mail: steve.michael@cjjp.state.ia.us

Kansas

Paula Schuttera, Juvenile Justice Specialist
Jay Hawk Building
714 SW. Jackson, Suite 300
Topeka, KS 66603
Phone: 785-296-4213
Fax: 785-296-1412
E-mail: pschutte@jjaco.wpo.state.ks.us

Kentucky

Sharon Cook
Kentucky Department of Juvenile Justice
1025 Capitol Center Drive, Building 3
Frankfort, KY 40601-2638

Phone: 502-573-2738, ext. 305
Fax: 502-573-0836
E-mail: skcook@mail.state.ky.us

Louisiana

Robert Miller, JAIB Coordinator
Commission on Law Enforcement and the
Administration of Criminal Justice
1885 Wooddale Boulevard, Room 708
Baton Rouge, LA 70806-1511
Phone: 504-925-4259
Fax: 504-925-1998
E-mail: bobm@cole.state.la.us

Maine

Roxy Hennings, Juvenile Justice Planner
Department of Corrections
Division of Youth Services
111 State House Station
Augusta, ME 04333
Phone: 207-287-4378
Fax: 207-287-4370
E-mail: Roxy.Hennings@state.me.us

Maryland

Catrice Alphonso
Governor's Office of Crime Control and Prevention
300 East Joppa Road, Suite 1105
Towson, MD 21286-3016
Phone: 410-321-3521, ext. 329
Fax: 410-321-3116
E-mail: catrice@goccp.usa.com

Massachusetts

Lynn Wright, Director of Prevention Programs
Massachusetts Committee on Criminal Justice
One Ashburton Place, Suite 2110
Boston, MA 02108
Phone: 617-727-6300, ext. 319
Fax: 617-727-5356
E-mail: lynn.wright@eps.state.ma.us

Michigan

Greg Rivet, Director
Michigan Family Independence Agency
235 South Grand Avenue, Suite 1515
Lansing, MI 48909
Phone: 517-241-7497
Fax: 517-373-2799
E-mail: rivetg2@state.mi.us

Minnesota

Jerry Ascher, Juvenile Justice Specialist
Office of Youth Development
Department of Economic Security
390 North Robert Street
St. Paul, MN 55101
Phone: 651-296-8601
Fax: 651-297-4689
E-mail: jascher@ngwmail.des.state.mn.us

Mississippi

Dr. Billy V. White, Jr., Executive Director
Department of Public Safety
Division of Public Safety Planning
P.O. Box 23039
Jackson, MS 39225-3039
Phone: 601-359-7880
Fax: 601-359-7832

Missouri

Maria Hines, Juvenile Justice Coordinator
Missouri Department of Public Safety
Truman Office Building
P. O. Box 749
Jefferson City, MO 65102
Phone: 573-526-1931
Fax: 573-751-5399
E-mail: maria@dps.state.mo.us

Montana

Allen C. Horsfall, Jr., Juvenile Justice Specialist
Montana Board of Crime Control
3075 North Montana Avenue
Helena, MT 59620-1408
Phone: 406-444-3651
Fax: 406-444-4722
E-mail: ahorsfall@mt.gov

Nebraska

Nancy Steeves, Grants Division Chief
Commission on Law Enforcement and Criminal
Justice
301 Centennial Mall South
P.O. Box 94946
Lincoln, NE 68509-4946
Phone: 402-471-3998
Fax: 402-471-2837
E-mail: nsteeves@crimecom.state.ne.us

Nevada

Stephen Shaw, Administrator
Division of Child and Family Services
Department of Human Resources
711 East Fifth Street
Carson City, NV 89711-1002
Phone: 775-687-5982
Fax: 775-684-8093

New Hampshire

John McDermott
Juvenile Justice Administrator
Department of Health and Human Services
6 Hazen Drive
Concord, NH 03301-6522
Phone: 603-271-4714
Fax: 603-271-4729
E-mail: jmcdermo@dhhs.state.nh.us

New Jersey

Terry Edwards, c/o Pat Walker
Juvenile Justice Specialist
Juvenile Justice Commission
Department of Law and Public Safety
840 Bear Tavern Road, CN 107
Trenton, NJ 08625
Phone: 609-530-4798
Fax: 609-530-5039
E-mail: bear_tavern.jjcwalk@smtp.lps.state.nj.us

New Mexico

Richard Lindahl
Children, Youth, and Families Department
P.O. Drawer 5160
Santa Fe, NM 87502
Phone: 505-827-7625
Fax: 505-827-8408

New York

Gary Schreivogl, Director, OFPA
Division of Criminal Justice Services
4 Tower Place
Albany, NY 12203-3702
Phone: 518-457-8462
Fax: 518-485-7358
E-mail: schreivogl@dcjs.state.ny.us

North Carolina

Joel Rosch
Department of Crime Control and Public Safety
Governor's Crime Commission
3824 Barrett Drive, Suite 100
Raleigh, NC 27609-7220
Phone: 919-733-4564
Fax: 919-733-4625
E-mail: joel.rosch@ncmail.net

North Dakota

Terry Traynor, Juvenile Justice Specialist
Division of Juvenile Services
Department of Corrections
P.O. Box 1898
Bismarck, ND 58502-1898
Phone: 701-328-9800
Fax: 701-258-2469

Ohio

Karla Eldridge
Office of Criminal Justice Services
400 East Town Street, Suite 120
Columbus, OH 43215-4242
Phone: 614-466-7782
Fax: 614-466-0308
E-mail: kmason@ocjs.state.oh.us

Oklahoma

Lisa Gregg, Office of Juvenile Affairs
Department of Juvenile Justice
3814 North Santa Fe
Oklahoma City, OK 73025
Phone: 405-530-2914
Fax: 405-530-2913

Oregon

Ed Reilly
Criminal Justice Services Division
Oregon State Police
400 Public Service Building
Salem, OR 97310
Phone: 503-378-3725, ext. 4147
Fax: 503-378-8666
E-mail: ed.reilly@state.or.us

Pennsylvania

Ruth Williams
Commission on Crime and Delinquency
Bureau of Program Development
P.O. Box 1167
Harrisburg, PA 17108-1167
Phone: 717-787-8559, ext. 3030
Fax: 717-783-7713

Rhode Island

Joseph Smith, Executive Director
Governor's Justice Commission
One Capitol Hill, Fourth Floor
Providence, RI 02908
Phone: 401-222-4495
Fax: 401-222-1294

South Carolina

Laura Whitlock
Department of Public Safety
Office of Safety and Grants
5400 Broad River Road
Columbia, SC 29210-4088
Phone: 803-896-8713
Fax: 803-896-8714
E-mail: laura_whitlockd@scdps.state.sc.us

South Dakota

Vicki Feist, JAIBG Coordinator
Department of Corrections
115 East Dakota Avenue
Pierre, SD 57501-3216
Phone: 605-773-3478
Fax: 605-773-3194
E-mail: vickief@doc.state.sd.us

Tennessee

Michael Stein, Planning and Research
Tennessee Department of Children's Services
Cordell Hull Building, Seventh Floor
436 Sixth Avenue North
Nashville, TN 37243-1290
Phone: 615-532-1101

Fax: 615-532-3580

E-mail: mstein@mail.state.tn.us

Texas

Glenn Brooks, Juvenile Justice Coordinator
Criminal Justice Division
Office of the Governor
P.O. Box 12428
221 East I Street
Austin, TX 78711
Phone: 512-463-1944
Fax: 512-475-2440
E-mail: gbrooks@governor.state.tx.us

Utah

Susan Burke, Executive Director
Commission on Criminal and Juvenile Justice
101 State Capitol
Salt Lake City, UT 84114
Phone: 801-538-1057
Fax: 801-538-1024
E-mail: sburke@gov.state.ut.us

Vermont

Dr. Paula Duncan, Director
Vermont Agency of Human Services
103 South Main Street
Waterbury, VT 05671-0203
Phone: 802-241-2234
Fax: 802-241-2979

Virginia

Marion Kelly, JAIBG Program Manager
Criminal Justice Services
805 East Broad Street, 10th Floor
Richmond, VA 23219
Phone: 804-225-4072
Fax: 804-371-8981
E-mail: mkelly@dcjs.state.va.us

Washington

Dana Phelps, Program Administrator
Juvenile Rehabilitation Administration
Department of Social and Health Services
P.O. Box 45045
Olympia, WA 98504-5045
Phone: 360-902-8406
Fax: 360-902-8180
E-mail: phelpd@dshs.wa.gov

West Virginia

Angela Saunders, Juvenile Justice Coordinator
Criminal Justice and Highway Safety Division
Department of Military Affairs and Public Safety
1204 Kanawha Boulevard East
Charleston, WV 25301-2900
Phone: 304-558-8814, ext. 220
Fax: 304-558-0391
E-mail: wvdcjs@citynet.net

Wisconsin

Kerrie Kaner-Bischoff, Juvenile Justice Specialist
Wisconsin Office of Justice Assistance
131 West Wilson Street, Suite 202
Madison, WI 53702-0001
Phone: 608-266-7639
Fax: 608-266-6676
E-mail: kerrie.bischoff@oja.state.wi.us

Wyoming

Renee D. Gamino, Business Systems Analyst
Wyoming Department of Family Services
2300 Capitol Avenue
Hathaway Building, Third Floor
Cheyenne, WY 82000
Phone: 307-777-6994
Fax: 307-777-3659
E-mail: rgamin@missc.state.wy.us

Puerto Rico

Cecilia Duquela, Legal Advisor
Office of Youth Affairs
San José #252, Old San Juan
San Juan, PR 00901
Phone: 787-722-3005
Fax: 787-722-8615
E-mail: cduquela@excite.com

American Samoa

Craig Keeneri
Criminal Justice Planning Agency
American Samoa Government
P.O. Box 3760
Pago Pago, AS 96799
Phone: 011-684-633-5221
Fax: 011-684-633-7552
E-mail: jaylu@samoatelco.com

Guam

David G. Dell'Isola, Acting Director
Department of Youth Affairs
P.O. Box 23672
Guam Main Facility, GU 96921
Phone: 671-734-2597
Fax: 671-734-7536
E-mail: ddellisola@hotmail.com

Palau

N/A

Virgin Islands

Flemon Lewis, Director, Juvenile Justice Programs
Law Enforcement Planning Commission
8172 Subbase, Suite 3
St. Thomas, VI 00802
Phone: 340-774-6400
Fax: 340-776-3317
E-mail: flemonlewis@usa.net

Northern Mariana Islands

John Cruz
Criminal Justice Planning Agency
P.O. Box 1133 CK
Saipan, MP 96950
Phone: 670-664-4550
Fax: 670-664-4560
E-mail: john.cjpa@saipan.com

**C. U.S. Department of Health and Human Services,
Center for Substance Abuse Treatment (CSAT)**

State Offices Administering the CSAT Block Grant Program

**Center for Substance Abuse Treatment
Substance Abuse and Mental Health Services Administration
U.S. Department of Health and Human Services**

The Center for Substance Abuse Treatment (CSAT) of the Substance Abuse and Mental Health Services Administration (SAMHSA), U.S. Department of Health and Human Services (HHS), was created in October 1992 with the Congressional mandate to expand the availability of effective treatment and recovery services for people with alcohol and drug problems. CSAT works cooperatively across the private and public treatment spectrum to identify, develop, and support policies, approaches, and programs that enhance and expand treatment services for individuals who abuse alcohol and other drugs and that address individuals' addiction-related problems. The CSAT National Advisory Council, in accordance with statutory mandates, provides advice, consultation, and recommendations to the CSAT director and to the secretary of HHS on programmatic and policy matters relating to activities of the center.

Office of the Director
H. Westley Clark, M.D., J.D., M.P.H., CAS, FASAM, Director
301-443-5700
Fax: 301-443-8751

The CSAT Division of State and Community Assistance (DSCA) developed a State Systems Development Program (SSDP) to enhance federal and state accountability for the Substance Abuse Prevention and Treatment (SAPT) Block Grant. SSDP encompasses:

- A. Development of a standard application to report statewide substance abuse prevention activities and treatment services delivery plans.
- B. The conduct of state prevention and treatment needs assessments.
- C. The conduct of onsite state Alcohol and Other Drug (AOD) Systems Technical Reviews.
- D. The provision of targeted technical assistance (TA) to states.
- E. The creation of a national database of current prevention activities and treatment services delivery information.

SSDP is a comprehensive, systematic approach to administering the SAPT Block Grant that enables the federal government—

- 1. To make a determination regarding a state's compliance to the statutory (see 42 U.S.C. 300x-21 et seq.) and regulatory (see 45 C.F.R. part 96) requirements regarding the use of block grant funds.
- 2. To monitor state expenditures of block grant funds at the provider level.
- 3. To assist states in matching AOD prevention and treatment needs to existing service delivery capacity.
- 4. To strengthen state management of the AOD prevention and treatment infrastructure. SSDP provides a structure for the federal government to guide and monitor substance abuse prevention activities and treatment services supported by the SAPT Block Grant on

a state, regional, and national scale while providing states with the flexibility to plan, carry out, and evaluate (See 42 U.S.C. 300x–21) state-specific solutions to local AOD prevention and treatment needs.

Standard Application

The Center for Substance Abuse Treatment and its state partners developed and implemented the standard application for SAPT Block Grant funds. Prior to the introduction of the standard application, states annually submitted two separate documents: an annual report and a state plan. The format and content of the standard application incorporates some elements of the previous documents; however, the standard application provides a template for states to display both aggregate and entity expenditure data and also provides a description of a state's planning and needs assessment activities. CSAT's partners were encouraged, but not required, to submit electronically the uniform application using Block Grant Application System (BGAS) software, developed expressly for the states. Fifty-one states voluntarily use BGAS annually to submit their standard application. The aggregate data is stored in a database that can be used to provide analyses of state, regional, and national trends with regard to how federal block grant funds are allocated and expended and the activities and services provided to reduce the impact of alcohol and other drug abuse and dependence across the nation.

Targeted Capacity Expansion Program

Additionally the Center for Substance Abuse Treatment administers the Targeted Capacity Expansion Program to expand substance abuse treatment capacity in targeted areas for a targeted response to treatment capacity problems and/or emerging trends. This program is designed to address gaps in treatment capacity by supporting rapid and strategic responses to demands for substance abuse (including alcohol and drug) treatment services in communities with serious, emerging drug problems, as well as in communities that have innovative solutions to unmet needs. This program announcement is a reissuance (with revisions) of a prior guidance for applicants (GFA) by the same title, *Targeted Capacity Expansion*, GFA No. TI 99–002.

For further information about programs funded by CSAT, visit their web site at www.samhsa.gov/csat.

SINGLE STATE AGENCY DIRECTORY

Alabama

Kent Hunt, Director
Division of Substance Abuse Services
Alabama Department of Mental Health and
Mental Retardation
RSA Union Building
100 North Union Street
Montgomery, AL 36130-1410
Phone: 334-242-3953
Fax: 334-242-0759

Alaska

Ernie Turner, Acting Director
Division of Alcoholism and Drug Abuse
Alaska Department of Health and Social Services
P.O. Box 110607
Juneau, AK 99811-0607
Phone: 907-465-2071
Fax: 907-465-2185

Arizona

Christy Dye, Program Manager
Bureau of Substance Abuse
Division of Behavioral Health Services
Arizona Department of Health Services
2122 East Highland
Phoenix, AZ 85016
Phone: 602-381-8999
Fax: 602-553-9143

Arkansas

Ray L. Stevens, Director
Arkansas Bureau of Alcohol and
Drug Abuse Prevention
5800 West 10th Street, Suite 907
Little Rock, AR 72204
Phone: 501-280-4500
Fax: 501-280-4519

California

Ann Horn, Acting Chief Deputy Director
Department of Alcohol and Drug Programs
1700 K Street, Fifth Floor
Executive Office
Sacramento, CA 95814-4037
Phone: 916-445-1943
Fax: 916-323-5873

Colorado

Janet Wood, Director
Alcohol and Drug Abuse Division
Colorado Department of Human Services
4055 South Lowell Boulevard
Denver, CO 80236-3120

Phone: 303-866-7480
Fax: 303-866-7481

Connecticut

Thomas A. Kirk, Jr., Ph.D., Deputy Commissioner
Department of Mental Health and Addiction
Services
P.O. Box 341431
Hartford, CT 06134
Phone: 860-418-6958
Fax: 860-418 6691

Delaware

Renata Henry, Director
Delaware Health and Social Services
Division of Alcoholism, Drug Abuse and Mental
Health
1901 North DuPont Highway
Administration Building
DHHS Campus, Room 192
New Castle, DE 19701
Phone: 302-577-4461
Fax: 302-577-4486

Florida

Kenneth A. DeCerchio, MSW, CAP
Assistant Secretary
Substance Abuse Program Office
Florida Department of Children and Families
Services
1317 Winewood Boulevard
Building 3, Room 101S
Tallahassee, FL 32399-0700
Phone: 850-414-1503
Fax: 850-487-2239

Georgia

Bruce Hoopes, Acting Chief
Substance Abuse Program
Division of Mental Health, Mental Retardation and
Substance Abuse
Georgia Department of Human Resources
2 Peachtree Street NW., Fourth Floor
Atlanta, GA 30303-3171
Phone: 404-657-2135
Fax: 404-657-2160

Hawaii

Elaine Wilson, Chief
Alcohol and Drug Abuse Division
Hawaii Department of Health
Kakuhihewa Building
601 Kamokila Boulevard
Room 360

Kapolei, HI 96707
Phone: 808-692-7507
Fax: 808-692-7521

Idaho

Pharis Stanger, Acting Director
Bureau of Mental Health and Substance Abuse
Division of Family and Community Services
Idaho Department of Health and Welfare
P.O. Box 83720, Fifth Floor
Boise, ID 83720-0036
Phone: 208-334-4944
Fax: 208-334-6699

Illinois

Melanie Whitter, Director
Illinois Department of Alcoholism and Substance Abuse
James R. Thompson Center
100 West Randolph Street, Suite 5-600
Chicago, IL 60601
Phone: 312-814-2291/3840
Fax: 312-814-2419

Indiana

Janet Corson, Director
Division of Mental Health
Indiana Family and Social Services Administration
402 West Washington Street
Indiana Government Building
Room W353
Indianapolis, IN 46204
Phone: 317-232-7844
Fax: 317-233-3472

Iowa

Janet Zwick, Director
Division of Substance Abuse and Health Promotion
Iowa Department of Public Health
321 East 12th Street
Lucas State Office Building, Third Floor
Des Moines, IA 50319-0075
Phone: 515-281-4417
Fax: 515-281-4535

Kansas

Karen Suddath, Director
Mental Health and Substance Abuse
Treatment and Recovery
Docking State Office Building
Fifth Floor North
915 Harrison Street
Topeka, KS 66612
Phone: 785-296-7272
Fax: 785-296-5507

Kentucky

Michael Townsend, Director
Division of Substance Abuse
Kentucky Department of Mental Health
and Mental Retardation Services
100 Fair Oaks Lane
Frankfort, KY 40621-0001
Phone: 502-564-2880
Fax: 502-564-7152

Louisiana

Alton E. Hadley, MSW, Assistant Secretary
Office of Alcohol and Drug Abuse
Louisiana Department of Health and Hospitals
P.O. Box 2790 BIN 18
Baton Rouge, LA 70821-3868
Phone: 225-342-6717
Fax: 225-342-3931

Maine

Kim Johnson, Director
Maine Office of Substance Abuse
Augusta Mental Health Complex
Marquardt Building, Third Floor
159 State House Station
Augusta, ME 04333-0159
Phone: 207-287-2595/6330
Fax: 207-287-4334

Maryland

Thomas Davis, Director
Alcohol and Drug Abuse Administration
Maryland Department of Health
and Mental Hygiene
201 West Preston Street, Fourth Floor
Baltimore, MD 21201
Phone: 410-767-6925
Fax: 410-333-7206

Massachusetts

Mayra Rodriguez-Howard, Director
Bureau of Substance Abuse Services
Massachusetts Department of Public Health
250 Washington Street
Boston, MA 02108
Phone: 617-624-5151
Fax: 617-624-5185

Michigan

Deborah Hollis, Director
Michigan Department of Community Health
Division of Substance Abuse Quality and Planning
Lewis Cass Building Fifth Floor
320 South Walnut Street
Lansing, MI 48913
Phone: 517-335-0267
Fax: 517-335-3090

Minnesota

Sue Gronemeyer, Acting Director
Chemical Dependency Program Division
Minnesota Department of Human Services
444 Lafayette Road North
St. Paul, MN 55155-3823
Phone: 651-296-4728
Fax: 651-297-1862

Mississippi

Herbert Loving, Director
Division of Alcohol and Drug Abuse
Mississippi Department of Mental Health
Robert E. Lee State Building
239 North Lamar Street, 11th Floor
Jackson, MS 39201
Phone: 601-359-6220
Fax: 601-359-6295

Missouri

Michael Couty, MA, Director
Division of Alcohol and Drug Abuse
Missouri Department of Mental Health
P.O. Box 687
Jefferson City, MO 65102-0687
Phone: 573-751-4942
Fax: 573-751-7814

Montana

Roland Mena, Chief
Chemical Dependency Bureau
Addictive and Mental Disorders Division
P.O. Box 202951
Helena, MT 59620-2951
Phone: 406-444-3964
Fax: 406-444-4435

Nebraska

Gordon Tush, Ph.D., Director
Division of Mental Health, Substance Abuse and
Addictions Services
Nebraska Department of Health and Human
Services Systems
P.O. Box 94728
Lincoln, NE 68509-4728
Phone: 402-471-2851, ext. 5583
Fax: 402-479-5162

Nevada

Maria Canfield, Chief
Bureau of Alcohol and Drug Abuse, Health Division
Department of Human Resource
505 East King Street, Room 500
Carson City, NV 89701-3703
Phone: 775-684-4190
Fax: 775-684-4185

New Hampshire

Tim Hartnett, Director
Office of Alcohol and Drug Abuse Prevention
New Hampshire Department of Health and Human
Services
State Office Park South
105 Pleasant Street
Concord, NH 03301
Phone: 603-271-6105
Fax: 603-271-6116

New Jersey

Terrence O'Connor, Assistant Commissioner
New Jersey Department of Health and Senior
Services
Division of Addiction Services
P.O. Box 362
Trenton, NJ 08625-0362
Phone: 609-292-5760
Fax: 609-292-3816

New Mexico

Mary Schumacher, Director
Behavioral Health Services Division
New Mexico Department of Health
Harold Runnels Building
Room 3200 North
1190 St. Francis Street
Santa Fe, NM 87501-6110
Phone: 505-827-2601
Fax: 505-827-0097

New York

Jean Somers-Miller, Commissioner
New York State Office of Alcoholism and Substance
Abuse Services
1450 Western Avenue
Albany, NY 12203-3526
Phone: 518-457-2061
Fax: 518-457-5474

North Carolina

Flo Stein, M.P.H., Chief
Substance Abuse Services Section
Division of Mental Health, Development
Disabilities and Substance Abuse Services
North Carolina Department of Health and Human
Services
325 North Salisbury Street
Raleigh, NC 27603
Phone: 919-733-4670
Fax: 919-733-9455

North Dakota

Don Wright, Unit Manager
Substance Abuse Services
Division of Mental Health and Substance Abuse
Services

Professional Building
600 South Second Street
Suite 1E
Bismarck, ND 58504-5729
Phone: 701-328-8922/8920
Fax: 701-328-8969

Ohio

Luceille Fleming, Director
Ohio Department of Alcohol and Drug Addiction
Services
280 North High Street
Two Nationwide Plaza
12th Floor
Columbus, OH 43215-2537
Phone: 614-466-3445
Fax: 614-752-8645

Oklahoma

Rand Baker, Acting Director
Substance Abuse Services
Oklahoma Department of Mental Health
and Substance Abuse Services
P.O. Box 53277
Capitol Station
Oklahoma City, OK 73152
Phone: 405-522-3858
Fax: 405-522-3650

Oregon

Barbara Cimaglio, Director
Office of Alcohol and Drug Abuse Programs
Oregon Department of Human Resources
Human Resources Building, Third Floor
500 Summer Street NE.
Salem, OR 97310-1016
Phone: 503-945-5763
Fax: 503-378-8467

Pennsylvania

Gene Boyle, Director
Office of Drug and Alcohol Programs
Pennsylvania Department of Health
2635 Paxton Street
Harrisburg, PA 17111
Phone: 717-783-8200
Fax: 717-787-6285

Rhode Island

Barbara J. Inderlin, LICSW, Associate Director
Division of Substance Abuse
Department of Mental Health, Retardation
and Hospitals
14 Harrington Road
Barry Hall
Cranston, RI 0292
Phone: 401-462-4680
Fax: 401-462-3204

South Carolina

Rick Wade, Director
South Carolina Department of Alcohol and Other
Drug Abuse Services
3700 Forest Drive, Suite 300
Columbia, SC 29204-4082
Phone: 803-734-9520
Fax: 803-734-9663

South Dakota

Gilbert Sudbeck, Director
Division of Alcohol and Drug Abuse
South Dakota Department of Human Services
East Highway 34
Hillsview Plaza
500 East Capitol
Pierre, SD 57501-5070
Phone: 605-773-3123/5990
Fax: 605-773-5483

Tennessee

Stephanie W. Perry, M.D.
Assistant Commissioner
Bureau of Alcohol and Drug Abuse Services
Tennessee Department of Health
Cordell Hull Building, Third Floor
426 Fifth Avenue North
Nashville, TN 37247-4401
Phone: 615-741-1921
Fax: 615-532-2419

Texas

Jay Kimbrough, J.D., Executive Director
Texas Commission on Alcohol
and Drug Abuse
P.O. Box 80529
Austin, TX 78708-0529
Phone: 512-349-6600
Fax: 512-837-0998
TCADA Overnight Mail Address:
9001 North IH-35, Suite 105
Austin, Texas 778753-5233

Utah

Patrick J. Fleming, Acting Director
Division of Substance Abuse
Utah Department of Human Services
120 North 200 West
Room 413
Salt Lake City, UT 84103
Phone: 801-538-3939
Fax: 801-538-4696

Vermont

Tom Perras, Director
Office of Alcohol and Drug Abuse Programs
Vermont Agency of Human Services
108 Cherry Street
Burlington, VT 05402

Phone: 802-651-1550
Fax: 802-651-1573

Virginia

Lewis Gallant, Ph.D., Director
Substance Abuse Speciality Services
Virginia Department of Mental Health, Mental
Retardation and Substance Abuse Services
1220 Bank Street
Eighth Floor
Richmond, VA 23218
Phone: 804-786-3906
Fax: 804-371-0091

Washington

Kenneth D. Stark, Director
Division of Alcohol and Substance Abuse
Washington Department of Social and Health
Services
P.O. Box 45330
Olympia, WA 98504-5330
Phone: 360-438-8200
Fax: 360-438-8078

West Virginia

Steve Mason, Director
Division of Alcohol and Drug Abuse
Office of Behavioral Health Services
West Virginia Department of Health and Human
Services
1900 Kanawha Boulevard
Capitol Complex
Building 6, Room 738
Charleston, WV 25305
Phone: 304-558-2276
Fax: 304-558-1008

Wisconsin

Philip S. McCullough, Director
Bureau of Substance Abuse Services
Division of Supportive Living
Department of Health and Family Services
P.O. Box 7851
Madison, WI 53707-7851
Phone: 608-266-3719
Fax: 608-266-1533

Wyoming

Diane Galloway, Administrator
Division of Behavioral Health
Department of Health
447 Hathaway Building
Cheyenne, WY 82002
Phone: 307-777-7997
Fax: 307-777-5580

District of Columbia

Larry Siegel, M.D., Administrator
Department of Operations
Addiction Prevention and Recovery Administration
825 North Capitol Street NE.
Suite 3132
Washington, DC 20002
Phone: 202-442-5898
Fax: 202-442-9429

Puerto Rico

Jose Acevedo, Ph.D., Administrator
Puerto Rico Mental Health and Anti-Addiction
Services Administration
P.O. Box 21414
San Juan, PR 00928-1414
Phone: 787-764-3795
Fax: 787-765-5895

Virgin Islands

Derek V. Spencer, M.D., M.P.H., Director
Division of Mental Health, Alcoholism and Drug
Dependency Services
U.S. Virgin Islands Department of Health
Barbel Plaza South, Second Floor
St. Thomas, VI 00802
Phone: 340-774-4888 or 774-7700
Fax: 340-774-7900

Red Lake

Bobby Whitefeather, Sr., Chairman
Tribal Council
Red Lake Band of the Chippewa Indian Tribe
P.O. Box 574
Red Lake, MN 56671
Phone: 218-679-3341
Fax: 218-679-3378

American Samoa

Marie Ma'o, Director
Department of Human and Social Services
Government of American Samoa
Pago Pago, AS 96799
Phone: 684-633-2696
Fax: 684-633-7449

Micronesia

Eliuel K. Pretrick, M.O., M.P.H., Secretary
Department of Health, Education and Social Affairs
Federated States of Micronesia
P.O. Box PS 70
Palikir, Pohnpei, Micronesia 96941
Phone: 691-320-2619
Fax: 691-320-5263

Guam

John Leon Guerrero, Director
Department of Mental Health and Substance Abuse
Government of Guam
790 Governor Carlos G. Camacho Road
Tamuning, GU 96911
Phone: 671-647-5445
Fax: 671-649-6948

Northern Mariana Islands

Joe Villagomez, M.S.W., Secretary of Health
Department of Public Health
Commonwealth of the Northern Mariana Islands
P.O. Box 409 CK
Saipan, MP 96950
Phone: 670-234-8950, ext. 2001
Fax: 670-234-8930

Palau

The Honorable Masao Ueda
Minister of Health
Ministry of Human Services
Palau National Hospital
Republic of Palau
P.O. Box 6027
Koro, Republic of Palau 96940-0504
Phone: 680-488-2813
Fax: 680-488-1211

Marshall Islands

Donald Capelle, Secretary
Ministry of Health Services
P.O. Box 16
Majuro, Marshall Islands 96960
Phone: 692-625-3355
Fax: 692-625-3432

RECOMMENDED READING

The following documents are the latest U.S. Department of Justice publications on drug courts and are available from the National Criminal Justice Reference Service at 1-800-851-3420.

American University Drug Court Clearinghouse and Technical Assistance Project Justice Programs Office

Summary Assessment of the Drug Court Experience, May 1996.

1997 Drug Court Survey Report: Executive Summary, October 1997.

Drug Court Discretionary Grant Program, Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice

About the Drug Courts Program Office, Fact Sheet, June 2000, FS 000265.

Defining Drug Courts: The Key Components, January 1997, DD 165478.

Drug Court Monitoring, Evaluation, and Management Information Systems, June 1998, NCJ 171138.

Drug Testing in a Drug Court Environment: Common Issues to Address, May 2000, NCJ 181103.

Guideline for Drug Courts on Screening and Assessment, June 1998, NCJ 171143.

The Interrelationship Between the Use of Alcohol and Other Drugs: Summary Overview for Drug Court Practitioners, August 1999, NCJ 178940.

Juvenile and Family Drug Courts: An Overview, June 1998, NCJ 171139 (Revised 1999).

Juvenile and Family Drug Courts: Profile of Program Characteristics and Implementation Issues, June 1998, NCJ 171142.

Looking at a Decade of Drug Courts, June 1998, NCJ 171140 (Revised 1999).

Practical Guide for Applying Federal Confidentiality Laws to Drug Court Operations, June 1999, NCJ 176977.

Treatment Services in Adult Drug Courts: Executive Summary, May 2001, NCJ 188086.

Treatment Services in Adult Drug Courts, May 2001, NCJ 188085.

National Association of Drug Court Professionals

Drug Courts: A Revolution in Criminal Justice, 1999.

National Drug Court Institute

Drug Court Publications: Resource Guide, May 1999.

DUI/Drug Courts: Defining a National Strategy, March 1999.

Reentry Drug Courts, December 1999.

**Bureau of Justice Assistance, Office of Justice Programs,
U.S. Department of Justice**

Special Drug Courts, Program Brief, NCJ 144531.

**Office of Juvenile Justice and Delinquency Prevention,
Office of Justice Programs, U.S. Department of Justice**

American Probation and Parole Association's Drug Testing Guidelines and Practices for Juvenile Probation and Parole Agencies, 1992, NCJ 136450.

Capacity Building for Juvenile Substance Abuse Treatment, 1997, NCJ 167251.

Conflict Resolution Education: A Guide to Implementing Programs in Schools, Youth-Serving Organizations, and Community and Juvenile Justice Settings, 1996, NCJ 160935.

Drug Identification and Testing in the Juvenile Justice System, 1998, NCJ 167889.

Preventing Drug Abuse Among Youth: An Overview of Community, Family, and School-Based Programs, 1997, NCJ 165583.

Focus on Accountability: Best Practices for Juvenile Court and Probation, 1999, NCJ 177611.

**National Institute of Justice, Office of Justice Programs,
U.S. Department of Justice**

John S. Goldkamp and Doris Weiland, *Assessing the Impact of Dade County's Felony Drug Court*, NCJ 145302.

Adele Harrell, Shannon Cavanagh, and John Roman, *Findings from the Evaluation of the D.C. Superior Court Drug Intervention Program*, May 1999, NCJ 181894.

John S. Goldkamp, *The Drug Court Movement*, Update, September 1995, NCJ 184392.

John S. Goldkamp, *Issues and Practices, Justice and Treatment Innovation: The Drug Court Movement, A Working Paper of the First National Drug Court Conference*, December 1993, NCJ 149260.

Peter Finn and Andrea K. Newlyn, *Miami's Drug Court, A Different Approach*, NCJ 142412.

ADDRESSES ON THE WORLD WIDE WEB

- Drug Court Clearinghouse and Technical Assistance Program/Justice Programs Office, American University: www.american.edu/justice
- Drug Free Workplace Helpline: helpline@samhsa.gov (e-mail)
- Drug Information and Strategy Clearinghouse: gopher://ric.aspensys.com:76
- National Clearinghouse for Alcohol and Drug Abuse Information: www.health.org
- National Criminal Justice Reference Service: www.ncjrs.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 Labor: www.dol.gov

Bureau of Justice Assistance Information

For more indepth information about BJA, its programs, and its funding opportunities, contact:

Bureau of Justice Assistance

810 Seventh Street NW.

Washington, DC 20531

202-616-6500

Fax: 202-305-1367

Web site: www.ojp.usdoj.gov/BJA

E-mail: AskBJA@ojp.usdoj.gov

The BJA Clearinghouse, a component of the National Criminal Justice Reference Service, shares BJA program information with state and local agencies and community groups across the country. Information specialists provide reference and referral services, publication distribution, participation and support for conferences, and other networking and outreach activities. The clearinghouse can be contacted at:

Bureau of Justice Assistance Clearinghouse

P.O. Box 6000

Rockville, MD 20849-6000

1-800-851-3420

Fax: 301-519-5212

Web site: www.ncjrs.org

E-mail: Askncjrs@ncjrs.org

Clearinghouse staff are available Monday through Friday, 8:30 a.m. to 7 p.m. eastern time. Ask to be placed on the BJA mailing list.

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