§ 65.31 Application content.

The Act identifies six factors which the Attorney General will consider in approving or disapproving an application, and includes administrative requirements to ensure appropriate use of Federal assistance. Therefore, each application must be in writing and must include the following:

(a) Problem. A description of the nature and extent of the law enforcement emergency, including the specific identification and description of the political and geographical subdivision(s) wherein the emergency exists;

(b) Cause. A description of the situation or extraordinary circumstances which produced such emergency;

(c) Resources. A description of the state and local criminal justice resources available to address the emergency, and a discussion of why and to what degree they are insufficient;

(d) Assistance requested. A specific statement of the funds, equipment, training, intelligence information, or personnel requested, and a description of their intended use;

(e) Other assistance. The identification of any other assistance the state or appropriate unit of government has received, or could receive, under any provision of the Act; and,

(f) Other requirements. Assurance of compliance with other requirements of the Act, detailed in other parts of these regulations, including: Nonsupplantation; nondiscrimination; confidentiality of information; prohibition against land acquisition; recordkeeping and audit; limitation on civil justice matters.

Subpart E—Submission and Review of Applications

§ 65.40 General.

This subpart describes the process and criteria for the Attorney General’s review and approval or disapproval of state applications. The original application, on Standard Form 424, signed by the chief executive officer of the state should be submitted directly to the Attorney General, U.S. Department of Justice, Washington, DC 20531. One copy of the application should be sent to the Director, Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice, Washington, DC 20531.

[67 FR 7270, Feb. 19, 2002]

§ 65.41 Review of State applications.

(a) Review criteria. The Act provides the basis for review and approval or disapproval of state applications. Federal law enforcement assistance may be provided if such assistance is necessary to provide an adequate response to a law enforcement emergency. In determining whether to approve or disapprove an application for assistance under this section, the Attorney General shall consider:

(1) The nature and extent of such emergency throughout a state or in any part of a state;

(2) The situation or extraordinary circumstances which produced such emergency;

(3) The availability of state and local criminal justice resources to resolve the problem;

(4) The cost associated with the increased Federal presence;

(5) The need to avoid unnecessary Federal involvement and intervention in matters primarily of state and local concern; and,

(6) Any assistance which the state or other appropriate unit of government has received, or could receive, under any provision of title I of the Omnibus Crime Control and Safe Streets Act of 1968.

(b) Review process. (1) The Attorney General shall consult with the Assistant Attorney General, Office of Justice Programs, and the Director, Bureau of Justice Assistance, on requests for grant assistance.

(2) All requests for assistance of the Federal law enforcement community (e.g., equipment, training, information, or personnel) shall be reviewed by the Attorney General in consultation with appropriate members of the Federal law enforcement community, including the United States Attorney(s) in the affected District(s). Such requests will be subject to statutory restrictions, including section 609O on Federal agency activities.

(3) The Attorney General will approve or disapprove each application, submitted in accordance with these
§ 65.70 Definitions.

(a) Law enforcement emergency. The term law enforcement emergency is defined by the Act as an uncommon situation which requires law enforcement, which is or threatens to become of serious or epidemic proportions, and with respect to which state and local resources are inadequate to protect the lives and property of citizens, or to enforce the criminal law. The Act specifically excludes the following situations when defining “law enforcement emergency”: (1) The perceived need for planning or other activities related to crowd control for general public safety projects; and, (2) A situation requiring the enforcement of laws associated with scheduled public events, including political convention and sports events.

(b) Federal law enforcement assistance. The term Federal law enforcement assistance is defined by the Act to mean funds, equipment, training, intelligence information, and personnel.

(c) Federal law enforcement community. The term Federal law enforcement community is defined by the Act as the heads of the following departments or agencies:

(1) Federal Bureau of Investigation;