

**§ 33.32**

**28 CFR Ch. I (7–1–25 Edition)**

(9) Providing programs which alleviate prison and jail overcrowding and programs which identify existing state and Federal buildings suitable for prison use;

(10) Providing, management, and technical assistance to criminal justice personnel and determining appropriate prosecutorial and judicial personnel needs;

(11) Providing prison industry projects designed to place inmates in a realistic working and training environment in which they will be enabled to acquire marketable skills and to make financial payments for restitution to their victims, for support of their own families, and for support of themselves in the institution;

(12) Providing for operational information systems and workload management systems which improve the effectiveness of criminal justice agencies;

(13) Not more than 10 percent of the state's block grant funds for providing programs of the same types as described in section 501(a)(4) of the Act which:

(i) The Bureau establishes under section 503(a) of the Act as discretionary programs for financial assistance; or

(ii) Are innovative and have been deemed by the Bureau as likely to prove successful;

(14) Implementing programs which address critical problems of crime, such as drug trafficking, which have been certified by the Director of the Bureau of Justice Assistance as having proved successful, after a process of consultation coordinated by the Assistant Attorney General of the Office of Justice Programs with the Director of the National Institute of Justice, Director of the Bureau of Justice Statistics, and Administrator of the Office of Juvenile Justice and Delinquency Prevention;

(15) Providing programs which address the problem of serious offenses committed by juveniles;

(16) Addressing the problem of crime committed against the elderly;

(17) Providing training, technical assistance, and programs to assist state and local law enforcement authorities in rural areas in combating crime, with particular emphasis on violent crime,

juvenile delinquency, and crime prevention; and

(18) Improving the operational effectiveness of law enforcement by integrating and maximizing the effectiveness of police field operations and the use of crime analysis techniques.

(b) *Programs.* The Bureau of Justice Assistance has certified that specific programs meet these purposes, conform with the program criteria, and are eligible for block grant support. (See §33.32 of the regulations, *Certified Programs*). These programs are described in *Program Briefs* that are available from the Bureau of Justice Assistance. The list of certified programs will be expanded in the future based on the statutory criteria to permit a more complete coverage of each of the purposes. This certification will be done in consultation with state and local governments and published in the FEDERAL REGISTER. States and localities may use block funds to implement one or more of these certified programs, if they agree to comply with the critical elements set forth in §33.32 of these regulations, and to provide data on the performance indicators listed. States and localities selecting these programs may identify the certified program in their application by name only, without further description. Programs other than those certified by the Bureau of Justice Assistance may be proposed by the state and/or units of local government and approved for funding by the Bureau. To obtain approval to fund a proposed program, the applicant must provide in its application a description of the program and evidence that it meets the statutory program criteria. The application requirements for program approval are contained in Subpart E—Application Requirements.

**§ 33.32 Certified programs.**

(a) The Act encourages the implementation of programs that have been proven successful. Pursuant to section 403(a)(14) of the Act, the Bureau of Justice Assistance, after a process of consultation coordinated by the Assistant Attorney General of the Office of Justice Programs with the National Institute of Justice, the Bureau of Justice Statistics, and the Office of Juvenile Justice and Delinquency Prevention,

certifies that the following programs have been proven successful:

(1)(i) *Purpose:* Providing community and neighborhood programs that enable citizens and police to undertake initiatives to prevent and control neighborhood crime.

(ii) *Certified program: Community crime prevention.* This program aims to prevent crime and reduce the fear of crime through organized collective citizen action. Community crime prevention programs may be initiated by either law enforcement agencies or existing community groups, but each must have the active support and involvement of the other. Local programs must be designed to meet the needs and problems of specific neighborhoods or communities and particular population groups, including the elderly. They must make extensive use of volunteers. The specific services or activities to be implemented depend on the local situation and crime problem, but usually have, as a core element, neighborhood (block) watch with additional activities optional. Programs to provide training, technical assistance and other support services are also eligible for funding. Program objectives and elements are described in greater detail in the *Program Brief on Community Crime Prevention*.

(A) *Critical elements:*

(1) Pre-program planning to determine needs and problems of community.

(2) Targeting of activities and services to meet local situation.

(3) Maximum use of volunteers.

(4) Cooperation of community organizations and law enforcement.

(B) *Optional activities:* Projects must implement one or more of the following:

(1) Neighborhood Watch

(2) Operation ID

(3) Security Surveys

(4) Citizen Patrols

(5) Escort or Special Services for the Elderly

(6) Block Homes or Safe-Houses

(7) Neighborhood Clean-Ups in High Crime Areas

(8) Public Education

(9) Training

(10) Technical Assistance

(C) *Performance indicators:*

(1) Number of staff assigned to project.

(2) Types of services provided.

(3) Units of service delivered (e.g., number of block watches organized).

(4) Number of volunteers participating.

(2)(i) *Purpose:* Disrupting illicit commerce in stolen goods and property.

(ii) *Certified program: Property Crime (STING) Program.* This program targets the apprehension and prosecution of burglars/thieves as well as those individuals who provide the outlets for receipt of stolen goods and property. The majority of the model programs have established *storefronts* in which law enforcement officers pose as fences who buy stolen goods. In areas where there is a high concentration of organized crime, programs have employed techniques to infiltrate organizations in order to obtain evidence for prosecution of serious crime. Program objectives and elements are described in greater detail in the *Program Brief on Property Crime (STING) Program*.

(A) *Critical elements:*

(1) Program planning, which consists of:

(i) Analysis of the stolen property redistribution system in the jurisdiction.

(ii) Selection of the target criminal population and/or property at which the program will be directed.

(iii) Establishment of policies and procedures governing roles of participants, and program implementation.

(2) Establishment of records maintenance and management system; security management procedures; and stolen property/contraband/evidence management.

(3) Implementation of operations, including undercover activities and ongoing intelligence gathering and analysis.

(4) Coordination with prosecutorial personnel in case development and proper use of undercover techniques; and cooperation with victims to assure return of property.

(B) *Performance indicators:*

(1) Number of arrest and type of offense.

(2) Number of convictions.

(3) Dollar value of property received.

(4) Dollar value of property returned to victims.

(5) Number of fencing operations disrupted.

(3)(i) *Purpose:* Combating arson.

(ii) *Certified program: Arson Prevention and Control Program.* This program employs the task force concept as a strategy to prevent and control the malicious or fraudulent burning of property. It attempts to reduce the incidence of arson and increase arrest, prosecution and conviction rates. The program focuses on arson that is economically motivated. Program objectives and elements are described in greater detail in the *Program Brief on Arson Prevention and Control*.

(A) *Critical elements:*

(1) Program planning to establish:

(i) An understanding to the area's specific arson problems.

(ii) A selection of program priorities, strategies, and the targeting of the criminal population.

(iii) An outline of policies and procedures for program participants and program implementation.

(iv) Written agreements indicating participation in the program, acceptance of established criteria and procedures, and commitment of resources.

(2) Establishment of a system for collecting and analyzing data to target and identify arson patterns, methods and areas of vulnerability.

(3) Establishment of investigative and prosecutorial elements directed at the crime of arson.

(4) Involvement of community groups and private industry in support of the program.

(B) *Performance indicators:*

(1) Number of staff assigned to the project.

(2) Number of confirmed arson incidents reported during reporting period.

(3) Number of confirmed arson incidents reported during equivalent pre-reporting period.

(4) Number of incidents resulting in a prosecution during program period.

(5) Number of incidents resulting in a prosecution during equivalent pre-reporting period.

(6) Number of prosecutions resulting in conviction.

(7) Amount of property damage/loss caused by incendiary/suspicious fires during program period.

(8) Amount of property damage/loss by incendiary/suspicious fires during equivalent pre-reporting period.

(4)(i) *Purpose:* Effectively investigating and bringing to trial white-collar crime, organized crime, public corruption crime, and fraud against the Government. (No specific program has been certified by the Bureau. Applicants may propose programs for approval in accordance with the provisions of §33.41.)

(5)(i) *Purpose:* Identifying criminal cases involving persons (including juvenile offenders) with a history of serious criminal conduct in order to expedite the processing of such cases and to improve court system management and sentencing practices and procedures in such cases.

(ii) *Certificate program: Career Criminal Prosecution Program.* This program targets the identification and prosecution of violent and repeat offenders. Model efforts include a full time prosecutorial unit devoted to increasing the rate of prosecution of such offenders, special screening criteria, and policies that initiate or enhance vertical prosecution. Program objectives and elements are described in greater detail in the *Program Brief on Career Criminal Prosecution*.

(A) *Critical elements:*

(1) Screening and prosecution criteria to identify cases involving violent offenses and repeat offenders.

(2) A separate, full-time prosecutorial unit for violent and repeat offenders to enable vertical prosecution of assigned cases.

(3) Reduction of caseload to enable thorough case preparation/presentation.

(4) A policy requiring limited or no plea negotiations.

(5) A policy of opposing pre-trial motions for continuances.

(6) A policy to maintain effective communications with victims and witnesses.

(B) *Performance indicators:*

(1) Number of full-time prosecutors assigned to unit.

(2) Number of cases meeting established criteria.

(3) Number of cases prosecuted.

(4) Number of and percentage of cases resulting in conviction.

(5) Number and percentage of individuals incarcerated.

(iii) *Certified program: Court Delay Reduction Program.* This program expedites the processing of felony cases in trial courts. It emphasizes reduction of backlogs while maintaining equitable treatment and due process. Model programs result in reduction of case processing time, minimization of court appearances for victims and witnesses, and improvement of the public's perception of the quality of the criminal justice system. This program is available for both metropolitan trial courts and state-level court systems. Program objectives and elements are described in greater detail in the *Program Brief on Court Delay Reduction*.

(A) *Critical elements:* Both the metropolitan and the state level programs are divided into two phases, planning and implementation.

(1) *Planning* (Phase I):

(i) Formation of delay reduction advisory committee.

(ii) Data collection, analysis, and problem identification.

(iii) Adoption of case processing goals for criminal cases.

(iv) Development of action plan(s).

(2) *Implementation* (Phase II):

(i) Education of trial judges and others on objectives, standards and procedures.

(ii) Systematic monitoring of all criminal cases filed in participating courts.

(iii) System for regular acquisition and assessment of data from each trial court (state level only).

(iv) Modification of rules and procedures at all levels of program participation when program results indicate need for changes.

(B) *Performance indicators.* (1) Time standard established for processing of criminal cases under the project (days from arrest to trial).

(2) Percentage of criminal cases prior to project that met standard.

(3) Percentage of criminal cases disposed of during the project reporting period that met time disposition standard.

(4) Reduction in the average number of continuances from the equivalent pre-project period.

(6)(i) *Purpose:* Developing and implementing programs which provide assistance to jurors and witnesses, and assistance (other than compensation) to victims of crimes.

(ii) *Certified program: victim assistance.* This program provides services and assistance to victims in order to speed their recovery from the financial loss, physical suffering and emotional trauma of victimization, and to assure proper and sensitive treatment of innocent victims in the criminal justice process. Victim assistance programs usually encompass a wide range of support services. The specific services to be provided, and the specific target group should reflect local needs and priorities. Program objectives and elements are described in greater detail in the *Program Brief on Victim Assistance*.

(A) *Critical elements:*

(1) Analysis of the community's victim/witness needs and problems.

(2) Targeting of existing and planned activities and services to respond to this community situation.

(3) Formulation of agreements for cooperation between criminal justice system agencies and public and private victim/witness service providers.

(B) *Optional activities:* Projects must implement a minimum of three (3) or more of the following:

(1) 24 hour crisis intervention and support or emergency services.

(2) Counseling.

(3) Assistance with compensation claims, creditors, community referrals, and restitution.

(4) Police, prosecutor or court-related services.

(5) Safety (including shelter), supportive counseling, social services support and criminal justice advocacy.

(6) Training and education for individuals having direct contact with the victims, i.e., police, medical personnel, prosecutors, judges, etc.

(C) *Performance indicators:*

(1) Number of staff assigned to project.

(2) Types of services provided.

(3) Number of victims/witnesses served (by type of service).

(4) Number of criminal justice personnel and others trained.

(7)(i) *Purpose:* Providing alternatives to pretrial detention, jail, and prison

§ 33.32

28 CFR Ch. I (7-1-25 Edition)

for persons who pose no danger to the community.

(ii) *Certified program: Jail overcrowding/alternatives to pretrial detention.* This program aims to control jail population through improved intake screening which assures that persons who should be in jail are detained, and that alternatives are available for those requiring less than maximum supervision. Particular care must be taken that persons charged with violent crimes be detained and that the impact on victims and witnesses be a factor in screening decisions. The program calls for the development of a jail population management plan as part of a planning phase, followed by implementation of specific activities and services. Among the activities and services that may be funded are central intake and screening, pretrial services, diversion to detoxification centers, citation release, community corrections, sentencing alternatives, and jail management information systems. Program objectives and elements are described in greater detail in the *Program Brief on Jail Overcrowding/Alternatives to Pretrial Detention.*

(A) *Critical elements:*

(1) Implementation of program by state.

(2) Formation of broad-based jail policy committee.

(3) Program planning that includes data collection, analysis, problem identification, and development of jail population management plan, including the removal of juveniles from adult jails and lockups.

(4) Implementation of plan.

(B) *Optional activities:* Based on their plans, projects must implement one or more of the following activities or components:

(1) Central intake and classification.

(2) Comprehensive pre-trial services.

(3) Diversion of public inebriates to detoxification centers.

(4) Diversion of juveniles to secure and non-secure alternatives.

(5) Citation release.

(6) Community correction centers.

(7) Sentencing alternatives (including restitution and work release).

(8) Jail management information system.

(C) *Performance indicators:*

(1) Number of staff assigned to project.

(2) Pretrial jail population.

(3) Types of services and alternatives implemented.

(4) Numbers of arrestees served/diverted by type of alternative.

(5) Convicted clients completing alternative punishment successfully.

(6) Re-arrest rate of released defendants.

(7) Estimated jail days saved.

(8)(i) *Purpose:* Providing programs which identify and meet the needs of drug-dependent offenders.

(ii) *Certified program: Treatment Alternatives to Street Crime Program (TASC).* This program intervenes in the criminal justice process by early identification of substance-abusing offenders, referral to community treatment resources, and monitoring of treatment. Model programs provide the following services: screening arrestees, providing diagnostic/referral services for treatment, and monitoring progress of clients. Persons charged with or convicted of violent crimes including murder, rape, arson, armed robbery, sexual assault, burglary, child molestation, and manslaughter are excluded. Program objectives and elements are described in greater detail in the *Program Brief on Treatment Alternatives to Street Crime.*

(A) *Critical elements:*

(1) Broad-based support by criminal justice agencies.

(2) Establishment of TASC advisory board.

(3) Establishment of administrative management unit with full-time director.

(4) Development of specific program eligibility criteria.

(5) Establishment of a process for screening potential clients and court liaison.

(6) Development of methods for assessing most appropriate treatment approaches.

(7) Documentation of the availability of community treatment programs and their willingness to accept TASC clients.

(8) Establishment of monitoring/tracking system.

(B) *Performance indicators:*

## Department of Justice

## § 33.32

(1) Number of staff assigned to project.

(2) Number of persons screened.

(3) Number of clients accepted.

(4) Number of clients completing program.

(5) Number of client re-arrests while in the program.

(9) *Purpose:* Providing programs which alleviate prison and jail overcrowding and programs which identify existing state and Federal buildings suitable for prison use. (No specific program has been certified by the Bureau. Applicants may propose programs for approval in accordance with the provisions of §33.41.)

(10)(i) *Purpose:* Provide training, management, and technical assistance to criminal justice personnel and determining appropriate prosecutorial and judicial personnel needs. (No specific program has been certified by the Bureau. Applicants may propose programs for approval in accordance with the provisions in §33.41. Training, management, and technical assistance programs must be focused on one of the 17 other statutory purposes and be based on a needs assessment. Entry level or basic training is prohibited.)

(11) *Purpose:* Providing prison industry projects designed to place inmates in a realistic working and training environment in which they will be enabled to acquire marketable skills and to make financial payments for restitution to their victims, for support of their own families, and for support of themselves in the institution. (No specific program has been certified by the Bureau. Applicants may propose programs for approval in accordance with the provisions of §33.41.)

(12)(i) *Purpose:* Providing for operational information systems and workload management systems which improve the effectiveness of criminal justice agencies. All operational information system programs must be based on a needs assessment and requirements analysis and must include the definition of goals and objectives. In addition, they must assure that if public domain software is not available, any improvements to proprietary software will be placed in the public domain.

(ii) *Certified program: Prosecution Management Support System (PMSS).*

This program is a specific application of the generic planning, implementation, and assessment requirements for effective system development and performance. PMSS uses automated data processing systems to support priority prosecution, improved conviction rates, speedy trial management, and improved efficiency/effectiveness of the prosecutor's office. Model programs result in information systems which support prosecution activities such as identification of violent and career criminals, case and subpoena preparation and witness notification. Systems are used to monitor management decisions and prosecutor actions and to reduce case processing time and case preparation time. Program objectives and elements are described in greater detail in the *Program Brief on Prosecution Management Support System*. This Program Brief has been designed to provide guidance for all criminal justice information systems. The critical elements for PMSS are transferable to and are equally critical for other criminal justice information systems.

(A) *Critical elements:*

(1) Pre-program needs assessment.

(2) Implementation plan for fulfilling information needs and improving management and research capabilities.

(3) Process for monitoring management decisions and prosecutor actions.

(B) *Performance indicators:*

(1) Number of staff assigned to project.

(2) Case processing time.

(3) Conviction rates.

(13) *Purpose:* Providing programs of the same types as programs described in section 501(a)(4) of the Act which:

(i) The Director establishes under section 503(a) of the Justice Assistance Act as discretionary programs for financial assistance; or

(ii) Are innovative and have been deemed by the Director as likely to prove successful.

(14) *Purpose:* Implementing programs which address critical problems of crime, such as drug trafficking, which have been certified by the Director, after a process of consultation coordinated by the Assistant Attorney General, Office of Justice Programs, with the Director of the National Institute of Justice, Director of the Bureau of

Justice Statistics, and Administrator of the Office of Juvenile Justice and Delinquency Prevention, as having proved successful.

(15)(i) *Purpose:* Providing programs which address the problem of serious offenses committed by juveniles.

(ii) *Certified program: Restitution by juvenile offenders:* This program promotes the use of restitution by juvenile offenders to make juveniles accountable to the victim and the community and to increase community confidence in the juvenile justice system. Juvenile restitution has been an effective alternative to incarceration in jurisdictions that have used it, reducing recidivism and providing benefits to victims. Assistance in the design and development of Juvenile Restitution Programs funded under this Program is available through the Restitution Education, Training and Technical Assistance (RESTTA) Program funded by the Office of Juvenile Justice and Delinquency Prevention. Program objectives and elements are described in greater detail in the *Program Brief on Restitution by Juvenile Offenders*.

(A) *Critical elements:*

(1) Legal authority to order restitution as a disposition for delinquent offenses.

(2) Commitment of the court and juvenile justice personnel.

(3) Pre-program planning to establish written policies and procedures, including:

(i) The stage of the system at which restitution will be initiated;

(ii) Specification of the target population; and

(iii) Establishment of procedures for determining the appropriate restitution to be rendered by the juvenile offender, enforcing restitution orders.

(4) Program management and administration should describe:

(i) Agency roles and responsibilities; and

(ii) Case management and tracking system for performance indicators.

(5) Community involvement in the program.

(B) *Performance indicators:*

(1) *Personnel:*

(i) Number employed full and part-time in restitution; and

(ii) Average restitution caseload per restitution/probation officer.

(2) *Program participation:*

(i) Number of juveniles by offense type;

(ii) Type and amount of restitution ordered; and

(iii) Number of victims (by type and amount of loss/injury) receiving restitution.

(3) Number/percent juveniles successfully completing their restitution orders.

(4) Total amount of restitution collected/completed.

(5) Number obtaining restitution-related employment/job services.

(6) Operational costs per case.

(7) Number of participants rearrested during the program.

(8) Number of participants incarcerated as a result of a rearrest or program failure.

(9) Number retaining restitution-related employment following completion.

(10) Victim satisfaction with the program.

(16) *Purpose:* Addressing the problem of crime committed against the elderly. (No specific program has been certified by the Bureau. Applicants may propose programs for approval in accordance with the provisions of § 33.41. Many of the programs identified under other purposes indirectly address the problem of crime against the elderly. Victim assistance programs and community crime prevention programs in particular often provide services that meet the special needs of the elderly.)

(17) *Purpose:* Provide training, technical assistance, and programs to assist state and local law enforcement authorities in rural areas in combating crime, with particular emphasis on violent crime, juvenile delinquency, and crime prevention. (No specific program has been certified by the Bureau. Applicants may propose programs for approval in accordance with the provisions of § 33.41. Many of the programs identified under other purposes are equally applicable to rural and urban areas.)

(18)(i) *Purpose:* Improve the operational effectiveness of law enforcement by integrating and maximizing

the effectiveness of police field operations and the use of crime analysis techniques.

(ii) *Certified program: Integrated Criminal Apprehension Program (ICAP)*. This program integrates and directs law enforcement activities relative to the prevention, detection and investigation of serious and violent crime. Components of model programs have included systematic data collection and analysis, crime analysis, structured planning and service delivery. The program emphasizes better use of existing resources and better management of the patrol operation and investigative process. It results in a process which increases arrests for serious crimes. Program objectives and elements are described in greater detail in the *Program Brief on the Integrated Criminal Apprehension Program*.

(A) *Critical elements:*

(1) Commitment of law enforcement agency top management to concept of manpower deployment based on crime analysis.

(2) Modification of agency data gathering methods to enhance planning and crime analysis.

(3) Establishment of crime analysis and planning function.

(4) Implementation of strategies, tactics and processes based on analysis that contribute to better management of criminal investigation and patrol.

(B) *Performance indicators:*

(1) Number of staff assigned to project.

(2) Types of strategies implementations e.g., directed patrol, crime analysis.

(3) Types of crimes targeted.

(4) Clearance rates (by arrest) for targeted crimes.

(5) Conviction rates for targeted crimes.

APPLICATION REQUIREMENTS

**§ 33.40 General.**

Sections 33.40 and 33.41 set forth the required programmatic content of block grant applications.

[50 FR 22990, May 30, 1985, as amended at 63 FR 50761, Sept. 23, 1998]

**§ 33.41 Application content.**

(a) *Format*. Applications from the states for criminal justice block grants must be submitted on Standard Form 424, Application for Federal Assistance, at a time specified by the Bureau of Justice Assistance. The Bureau will provide to the states an "Application Kit" that includes SF 424, a list of assurances that the applicant must agree to, a table of fund allocations, and additional guidance on how to prepare and submit an application for criminal justice block grants.

(b) *Programs*. Applications must set forth programs and projects covering a two-year period which meet the purposes and criteria of section 403(a) of the Justice Assistance Act and these regulations. Applications must be amended annually, if new programs or projects are to be added or if the programs or projects contained in the approved application are not implemented. The application must designate which statutory purpose the program or project is intended to achieve, identify the state agency or unit of local government that will implement the program or project, and provide the estimated funding level for the program or project including the amount and source of cash matching funds. Section 405 of the Act.

(1) Section 33.32 of the regulations identifies specific programs which have been certified by the Bureau to meet the requirements of the Act. Approval will be given for implementation of any of these programs, if the applicant agrees to include all the critical elements in the program design. An applicant need only identify the program, which purpose it is intended to achieve, the state agency or unit of local government which will implement it, the funding level (including amount and source of match).

(2) Applicants may request approval of programs other than one of those certified by the Bureau. The application must contain, in addition to the information in § 33.41(b), a description of the program (including its critical elements and performance indicators) and evidence that it meets the criteria of offering a high probability of improving the functions of the criminal justice system. Evidence may include,