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(3) Refer any related matters to a Hearing Officer (as a special master), to recommend factual findings and dispositions in connection therewith.

[73 FR 76536, Dec. 17, 2008, as amended at 83 FR 22387, May 15, 2018]

§ 32.55 Judicial appeal.

Consistent with § 32.8, no administrative action other than an approval or denial described in § 32.54(a) shall constitute a final agency determination for purposes of the Act, at 34 U.S.C. 10287.

[83 FR 22387, May 15, 2018]

PART 33—BUREAU OF JUSTICE ASSISTANCE GRANT PROGRAMS

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AUTHORITY: 42 U.S.C. 3701 through 3797y–4; 5 U.S.C. 301.

SOURCE: 50 FR 22990, May 30, 1985, unless otherwise noted.

Subpart A—Criminal Justice Block Grants

GENERAL PROVISIONS

§ 33.1 General.

This subpart defines eligibility criteria and sets forth requirements for application for and administration of block grants by state and local governments.

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

§ 33.2 Statutory authority.

The statutory authority for the regulations is the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3701, *et. seq.*, as amended (Pub. L. 90–351, as amended by Pub. L. 93–83, Pub. L. 93–415, Pub. L. 94–430, Pub. L. 94–503, Pub. L. 95–115, Pub. L. 96–157, and Pub. L. 98–473) (hereinafter referred to as the Justice Assistance Act of 1984 or the Act).

§ 33.3 OMB approval of information collection requirements.

The information collection requirements in this subpart A have been approved by the Office of Management and Budget under control no. 1121–0113.

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

ELIGIBLE APPLICANTS

§ 33.10 State government.

All states are eligible to apply for and receive block grants. Section 404 of the Act. State, as defined in the statute, means any state of the United

States and includes the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands. Section 901(a)(2) of the Act.

§ 33.11 Units of local government.

(a) Units of local government are eligible to receive subgrants from a participating state. Unit of local government means any city, county, township, borough, parish, village, or other general purpose political subdivision of a state and includes Indian tribes which perform law enforcement functions as determined by the Secretary of the Interior. Section 901(a)(3) of the Act.

(b) If the Bureau determines, during any fiscal year, that a portion of the funds allocated to a state will not be required, or that a state will be unable to qualify and receive funds, or that a state chooses not to participate in the program, then the Bureau shall award the funds allocated to the state directly to urban, rural, and suburban units of local government or combinations thereof within the state, giving priority to those jurisdictions with the greatest need. Section 407(d) of the Act.

§ 33.12 Establishment of State Office.

(a) Section 408(a) of the Act provides that the chief executive of each participating state shall designate a State Office for the purposes of:

(1) Preparing an application to obtain funds; and

(2) Administering funds received from the Bureau of Justice Assistance, including receipt, review, processing, monitoring, progress and financial report review, technical assistance, grant adjustments, accounting, auditing, and fund disbursements.

(b) An office or agency performing other functions within the state's executive branch may be designated as the State Office. Section 408(b) of the Act.

ALLOCATION OF FUNDS

§ 33.20 Fund availability.

Section 407(a) of the Justice Assistance Act provides that 80 percent of the total amount appropriated for part D (block grants) and part E (discretionary grants) shall be allocated for block grants.

(a) *Allocation to States.* Each participating state shall receive a base amount of $250,000 with the remaining funds allocated to each state on the basis of the state's relative share of total U.S. population. Section 407(a) of the Act. If a state does not elect to participate in the Act, the states allocation shall be awarded by the Bureau directly to local units of government and combinations of units of local government within the state. Section 407(d) of the Act.

(b) *Allocation of funds within the State.* (1) Funds granted to the state are further subgranted by the state to state agencies and units of local government to carry out programs and projects contained in an approved application. Each state shall distribute to its local units of government, in the aggregate, a portion of the state's block grant funds equal to the local government share of total state and local criminal justice expenditures. Section 407(b) of the Act. In determining the portion to be distributed to local units, the most recent and complete data available from the Bureau of Justice Statistics of the U.S. Department of Justice shall be used unless the use of other data has been approved in advance by the Bureau of Justice Assistance.

(2) To request approval of a distribution ratio other than that based on data of the Bureau of Justice Statistics, the head of the State Office must certify in writing to the Bureau of Justice Assistance that the ratio it proposes is a correct reflection of the local share of total state and local criminal justice expenditures and that the state has notified its major local governments of the request and informed them of the opportunity to contact the Bureau within 30 days, if they have any objections. The written request must also cite the expenditure data used to substantiate the proposed change.

(c) *Allocation based on greatest need.* In distributing funds among urban, rural, and suburban units of local government, the state shall give priority to those jurisdictions with the greatest need. Section 407(b)(2) of the Act.

§ 33.21 Match.

(a) Funds may be used to pay up to 50 percent of the cost of a program or

project. Section 403(b)(1) of the Act. The remaining non-Federal share shall be in cash. Section 403(b)(2) of the Act. Match will be provided on a project by project basis. However, states may request the Bureau to approve exceptions such as match on a program by program basis, state-wide basis, unit-of-government basis, or a combination of the above. States must include any requests for approval of other than project-by-project match in their applications to the Bureau.

(b) Funds subgranted to an Indian tribe which performs law enforcement functions (as determined by the Secretary of the Interior) shall be used to pay 100 percent of the cost of a program or project. Section 403(b)(1) of the Act.

§ 33.22 Title to personal property.

Section 808 of the Justice Assistance Act provides that notwithstanding any other provision of law, title to all expendable and nonexpendable personal property purchased with funds made available under this title, including property with funds made available under this title as in effect before the effective date of the Justice Assistance Act of 1984, shall vest in the criminal justice agency or nonprofit organization that purchased the property if it certifies to the State Office that it will use the property for criminal justice purposes. If such certification is not made, title to the property shall vest in the State Office, which shall seek to have the property used for criminal justice purposes elsewhere in the state prior to using it or disposing of it in any other manner. If a State Office does not exist, certification will be made directly to the Bureau of Justice Assistance.

§ 33.23 Limitations on fund use.

In order to insure the most efficient and effective use of grant funds, the Justice Assistance Act places restrictions on the award of block monies for routine equipment, personnel costs, construction, supplanting of state and local funds, and land acquisition.

(a) *Equipment and hardware.* The purchase or acquisition of equipment or hardware with grant funds is prohibited unless the purchase or acquisition is an incidental and necessary part of a program. Section 406(c)(1) of the Act.

(b) *General salaries and personnel costs.* Payment of personnel costs with grant funds is prohibited unless the costs are an incidental and necessary part of a program. Section 406(c)(1) of the Act. Programs which have as their primary purpose the payment of usual salaries paid to employees generally, or to specific classes of employees within a jurisdiction, are prohibited. Notwithstanding the above, grant funds may be used to compensate personnel for time engaged in conducting or undergoing training programs or the compensation of personnel engaged in research, development demonstration, or short-term programs. Section 406(c)(2) of the Act.

(c) *Construction.* Construction projects are prohibited. Section 406(c)(3) of the Act.

(d) *Land acquisition.* Acquisition of land with grant funds is prohibited. Section 406(c)(3) of the Act.

(e) *Ineffective programs.* The use of grant funds is prohibited for programs or projects which, based upon evaluations by the National Institute of Justice, Bureau of Justice Assistance, Bureau of Justice Statistics, state or local agencies, and other public or private organizations, have been demonstrated to offer a low probability of improving the functioning of the criminal justice system. The Bureau of Justice Assistance will formally identify ineffective programs by notice in the FEDERAL REGISTER after opportunity for public comment. Section 406(c)(4) of the Act.

(f) *Administrative costs.* The use of grant funds to pay for costs incurred in applying for or administering the block grant is prohibited. Block grant funds may only be used to carry out programs that fall within one of the purposes listed in section 403(a) of the Justice Assistance Act. Section 403(a) of the Act.

(g) *Period of project support.* A grant recipient may receive block grant funds for a specific program or project for a period not to exceed four years. The four-year maximum allowable period of funding includes any period prior to the Justice Assistance Act

when the program or project was supported by funds made available under title I of the Omnibus Crime Control and Safe Streets Act. Section 403(c) of the Act.

(h) *Non-supplantation.* Block grant funds shall not be used to supplant state or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal aid, be made available for criminal justice activities. Section 405(2) of the Act.

PURPOSES OF BLOCK GRANT FUNDS

§ 33.30 Program criteria.

The Justice Assistance Act requires that block grant funds assist states and local governments to carry out specific programs which offer a high probability of improving the functioning of the criminal justice system, with special emphasis on violent crime and serious offenders. Section 403(a) of the Act.

(a) *High probability of improving the criminal justice system. High probability of improving the criminal justice system* means that a prudent assessment of the concepts and implementation plans included in a proposed program, project, approach, or practice, together with an assessment of the problem to which it is addressed and of data and information bearing on the problem, concept, and implementation plan, provides strong evidence that the proposed activities would result in identifiable improvements in the criminal justice system if implemented as proposed. Section 901(a)(21) of the Act.

(b) *Special emphasis on violent crime and serious offenders. Special emphasis on violent crime and serious offenders* means that a relationship exists between the program and violent crime, the victims of violent crime, serious offenders and their acts, and the prevention of violent crime and serious offenses. Violent crime, for the purpose of this program, includes homicide, robbery, assault, arson, residential burglary, child abuse and molestation, sexual assault, kidnapping, and all felonies involving weapons or narcotics trafficking. Serious offenders are those who commit violent crimes.

(c) *Criminal justice. Criminal justice* means activities pertaining to crime prevention, control, or reduction, or the enforcement of the criminal law, including but not limited to, police efforts to prevent, control, or reduce crime or to apprehend criminals, including juveniles, activities of courts having criminal jurisdiction, and related agencies (including but not limited to prosecutorial and defender services, juvenile delinquency agencies, and pretrial service or release agencies), activities of corrections, probation or parole authorities and related agencies assisting in the rehabilitation, supervision, and care of criminal offenders, and programs relating to the prevention, control, or reduction of narcotic addiction and juvenile delinquency. Section 901(a)(1) of the Act.

§ 33.31 Eligible purposes and programs.

(a) *Eligible purposes.* Block grant funds may be used for the following purposes listed in section 403(a) of the Justice Assistance Act:

(1) Providing community and neighborhood programs that enable citizens and police to undertake initiatives to prevent and control neighborhood crime;

(2) Disrupting illicit commerce in stolen goods and property;

(3) Combating arson;

(4) Effectively investing and bringing to trial white-collar crime, organized crime, public corruption crimes, and fraud against the Government;

(5) 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;

(6) Developing and implementing programs which provide assistance to jurors and witnesses, and assistance (other than compensation) to victims of crimes;

(7) Providing alternatives to pretrial detention, jail, and prison for persons who pose no danger to the community;

(8) Providing programs which identify and meet the needs of drug-dependent offenders;

(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

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:*

(*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 familes, 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,

but is not necessarily limited to, the results of any evaluations of previous tests or demonstrations of the program concept.

(3) Applicants may also request approval to expend up to 10 per centum of their funds for programs which the Director of the Bureau of Justice Assistance has established as priorities for discretionary grants under section 503 of the Act, or which are innovative programs that are deemed by the Director as likely to prove successful. For a program the same as a discretionary program, the applicant may identify it by name only and provide the information required under §33.41(b)(1) of the regulations. For an innovative program, the applicant must describe the program (including its critical elements and performance indicators) and provide evidence that it is likely to prove successful.

(c) *Confidential information.* Applications which request funds for the STING Program should not state the location of the project. The application should only include the program designation, the funds involved, and the number of projects. The state agency or unit of local government implementing the project will be made known to the Bureau of Justice Assistance upon request or upon completion of the project.

(d) *Audit requirement.* Applications from the state must include the date of the State Office's last audit and the anticipated date of the next audit.

(e) *Civil rights contact.* Applications from the state must include the name of a civil rights contact person who has lead responsibility in insuring that all applicable civil rights requirements are met and who shall act as liaison in civil rights matters with the Office of Civil Rights Compliance of the Office of Justice Programs.

(f) *Application assurances.* Applications must include the following assurances:

(1) An assurance that, following the first fiscal year covered by an application and each fiscal year thereafter, the applicant will submit to the Bureau of Justice Assistance, where the applicant is a state or jurisdiction in a non-participating state, a performance report concerning the activities carried out, and an assessment of their impact; section 405(1) of the Act.

(2) A certification that Federal funds made available under this title will not be used to supplant state or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for criminal justice activities; section 405(2) of the Act.

(3) An assurance that funds accounting, auditing, monitoring, and such evaluation procedures as may be necessary to keep such records as the Bureau of Justice Assistance shall prescribe will be provided to assure fiscal control, proper management, and efficient disbursement of funds received under this title; section 405(3) of the Act.

(4) An assurance that the applicant shall maintain such data and information and submit such reports, in such form, at such times, and containing such information as the Bureau of Justice Assistance may require; section 405(4) of the Act.

(5) A certification that the programs meet all the requirements, that all the information contained in the application is correct, that there has been appropriate coordination with affected agencies, and that the applicant will comply with all provisions of the Justice Assistance Act 1984 and all other applicable Federal laws; section 405(5) of the Act.

(6) If the applicant is a state, an assurance that not more than 10 percent of the aggregate amount of funds received by a State under this part for a fiscal year will be distributed for programs and projects designated as intended to achieve the purpose specified in section 403(a)(13) of the Act; section 405(6) of the Act.

(7) An assurance that the state will take into account the needs and requests of units of general local government in the state and encourage local initiative in the development of programs which meet the purposes of the Act; section 405(7) of the Act.

(8) An assurance that the state application and any amendment to such application, has been submitted for review to the state legislature or its designated body (for purpose of this requirement, an application or amendment shall be deemed to be reviewed if the state legislature or its designated body does not review it within 60 days from the time it was submitted to it); section 405(8) of the Act.

(9) An assurance that the state application and any amendment thereto was made public before submission to the Bureau and, to the extent provided under state law or established procedure, an opportunity to comment thereon was provided to citizens and to neighborhood and community groups; section 405(9) of the Act.

(10) An assurance that the applicant will comply, and all its subgrantees and contractors will comply, with the non-discrimination requirements of the Justice Assistance Act; title VI of the Civil Rights Act of 1964; section 504 of the Rehabilitation Act of 1973, as amended; title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; and the Department of Justice Non-Discrimination regulations 28 CFR part 42, subparts C, D, E, and G;

(11) An assurance that in the event a Federal or state court or Federal or state administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national orgin or sex against a recipient of funds, the recipient will forward a copy of the finding to the Office of Civil Rights Compliance (OCRC) of the Office of Justice Programs;

(12) An assurance that the applicant will require that every recipient required to formulate an Equal Employment Opportunity Program (EEOP) in accordance with 28 CFR 42.301 *et. seq.*, submit a certification to the state that it has a current EEOP on file which meets the requirements herein;

(13) An assurance that the applicant will provide an EEOP, if required to maintain one, where the application is for $500,000 or more and provide the EEOP of any subgrantee of $500,000 or more;

(14) An assurance that the applicant will comply with the provisions of the Office of Justice Programs ''Financial and Administrative Guide for Grants,'' M 7100.1;

(15) An assurance that the applicant will comply with the provisions of 28 CFR applicable to grants and cooperative agreements including part 18, Administrative Review Procedure; part 20, Criminal Justice Information Systems; part 22, Confidentiality of Identifiable Research and Statistical Information; part 23, Criminal Intelligence Systems Operating Policies; part 30, Intergovernmental Review of Department of Justice Programs and Activities; part 42; Non-discrimination Equal Employment Opportunity Policies and Procedures; part 61, Procedures for Implementing the National Environmental Policy Act; and part 63, Floodplain Management and Wetland Protection Procedures.

(g) *Non-participating State.* If a state notifies the Bureau of Justice Assistance of its intent not to apply for block grant funds or fails to submit an application by the submission date, the Bureau will announce the availability of the block grant funds to local units of government in the non-participating state and will invite them to submit applications directly to the Bureau. A unit of local government receiving a block grant award directly from the Bureau assumes responsibility for all activities which would normally be the responsibility of the State Office.

ADDITIONAL REQUIREMENTS

§ 33.50 General financial requirements.

Grants funded under the criminal justice block grant program are governed by the provisions of the Office of Management and Budget (OMB) Circulars applicable to financial assistance. These Circulars along with additional information and guidance are contained in ''Financial and Administrative Guide for Grants,'' Guideline Manual 7100.1, available from the Office of Justice Programs. This Guideline Manual provides information on cost allowability, methods of payment, audit, accounting systems and financial records.

§ 33.51 Audit.

Pursuant to Office of Management and Budget Circular A–128 ''Audits of State and Local Governments,'' all grantees and subgrantees must provide for an independent audit of their activities on a periodic basis. For additional information on audit requirements, applicants should refer to the ''Financial and Administrative Guide for Grants,'' Guideline Manual 7100.1, Office of Justice Programs.

§ 33.52 Civil rights.

The Justice Assistance Act provides that ''no person in any state shall on the ground of race, color, religion, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under or denied employment in connection with any programs or activity funded in whole or in part with funds made available under this title.'' Section 809(c)(1) of the Act. Recipients of funds under the Act are also subject to the provisions of title VI of the Civil Rights Act of 1964; section 504 of the Rehabilitation Act of 1973, as amended; title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; and the Department of Justice Non-Discrimination regulations 28 CFR part 42, subparts C, D, E, and G.

§ 33.53 Participation by faith-based organizations.

The funds provided under this part shall be administered in compliance with the standards set forth in part 38 (Equal Treatment for Faith-based Organizations) of this chapter.

[Order No. 2703–2004, 69 FR 2838, Jan. 21, 2004]

SUBMISSION AND REVIEW OF APPLICATIONS

§ 33.60 General.

This subpart describes the process and criteria for Bureau of Justice Assistance review and approval of state applications and amendments.

§ 33.61 Review of State applications.

(a) *Review criteria.* The Act provides the basis for review and approval or disapproval of state applications and amendments in whole or in part. These are:

(1) Compliance with the statutory requirements of the Justice Assistance Act and the regulations of the Bureau of Justice Assistance. Section 406(a)(1) of the Act.

(2) Compliance with Executive Order 12372, ''Intergovernmental Review of Federal Programs.'' This program is covered by Executive Order 12372 and Department of Justice Implementing regulations 28 CFR part 30. States must submit block grant applications to the state ''Single Point of Contact'', if there is a ''Single Point of Contact'', and if this program has been selected for coverage by the state process, at the same time applications are submitted to the Bureau of Justice Assistance. State processes have 60 days starting from the application submission date to comment on applications. Applicants should contact their state ''Single Point of Contact'' as soon as possible to alert them of the prospective application and receive instructions regarding the process.

(b) *Sixty day rule.* The Bureau of Justice Assistance shall approve or disapprove applications or amendments within sixty (60) days of official receipt. The application or amendment shall be considered approved unless the Bureau of Justice Assistance informs the applicant in writing of specific reasons for disapproval prior to the expiration of the 60-day period. Applications that are incomplete, as determined by the Bureau of Justice Assistance, shall not be considered officially received for purposes of the 60-day rule. Section 406(a)(2) of the Act.

(c) *Written notification and reasons for disapproval.* The Bureau of Justice Assistance shall notify the applicant in writing of the specific reasons for the disapproval of the application or amendment, in whole or in part. Section 406(a)(2) of the Act.

(d) *Affirmative finding.* The Bureau of Justice Assistance, prior to approval of the application or amendments, must make an affirmative finding in writing that the program or project has been reviewed in accordance with section 405 of the Act and is likely to contribute effectively to the achievement of the

objectives of the Act. Section 406(a)(2) of the Act.

REPORTS

§ 33.70 Annual performance report.

(a) Section 405 of the Justice Assistance Act requires that the state, or a local unit of government in the case of a non-participating state, submit annually to the Bureau of Justice Assistance a performance report (including an assessment of impact) concerning the activities carried out under the grant. These performance reports will provide the basis for the annual report from the Bureau to the President and the Congress as required by section 810 of the Act.

(b) The performance report will describe the activities undertaken and results achieved of each project funded. It will include the data gathered on the approved performance indicators. The report is due to the Bureau by no later than December 31 and must cover projects for the prior Federal fiscal year that have either been completed or been in operation for 12 months or more. The first performance report shall be due to the Bureau by December 31, 1986.

(c) In order to help states and localities prepare these performance reports, the Bureau will provide data collection forms and instructions that will enable information to be gathered and reported in the most convenient manner possible. These forms and instructions will be developed in consultation with states and localities.

§ 33.71 Initial project report.

States are required to provide to the Bureau of Justice Assistance within 30 days after the award of a subgrant, an initial project report which provides information on the subgrant recipient (name, address, contact person), the subgrant period, the type of award (new or renewal), the subgrant funding level, and the general target area (geographic area, population group) to be impacted. The Bureau of Justice Assistance will provide a form to assist the states in reporting this information.

SUSPENSION OF FUNDING

§ 33.80 Suspension of funding.

The Bureau of Justice Assistance shall, after reasonable notice and opportunity for a hearing on the record, terminate or suspend funding for a state that implements programs or projects which fail to conform to the requirements or statutory objectives of the Act, or that fails to comply substantially with the Justice Assistance Act, these regulations or the terms and conditions of its grant award. Hearing and appeal procedures are set forth in Department of Justice regulations 28 CFR part 18.

Subpart B—Bulletproof Vest Partnership Grant Program Applying for the Program

SOURCE: 63 FR 50761, Sept. 23, 1998, unless otherwise noted.

§ 33.100 Definitions.

The Bureau of Justice Assistance (BJA) will use the following definitions in providing guidance to your jurisdiction regarding the purchase of armor vests under the Bulletproof Vest Partnership Grant Act of 1998—

(a) The term *program* will refer to the activities administered by BJA to implement the Bulletproof Vest Partnership Grant Act of 1998;

(b) The terms *you* and *your* will refer to a jurisdiction applying to this program;

(c) The term *armor vest* under this program will mean a vest that has met the performance standards established by the National Law Enforcement and Corrections Technology Center of the National Institute of Justice (NIJ) as published in NIJ Standard 0101.03, or any formal revision of this standard;

(d) The term *State* will be used to mean each of the 50 States, as well as the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands;

(e) The term *unit of local government* will mean a county, municipality,

town, township, village, parish, borough, or other unit of general government below the State level;

(f) The term *Indian tribe* has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)) which defines Indian tribe as meaning any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688) (43 U.S.C. 1601 *et seq.*);

(g) The term *law enforcement officer* will mean any officer, agent, or employee of a State, unit of local government, or Indian tribe authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law, or authorized by law to supervise sentenced criminal offenders; and

(h) The term *mandatory wear policy* will mean a policy formally adopted by a jurisdiction that requires a law enforcement officer to wear an armor vest throughout each duty shift whenever feasible.

§ 33.101 Standards and requirements.

This program has been developed to assist your jurisdiction with selecting and obtaining high quality armor vests in the quickest and easiest manner available. The program will assist your jurisdiction in determining which type of armor vest will best suit your jurisdiction's needs, and will ensure that each armor vest obtained through this program meets the NIJ standard.

(a) Your jurisdiction will be provided with model numbers for armor vests that meet the NIJ Standard in order to ensure your jurisdiction receives the approved vests in the quickest manner;

(b) If you are a State or unit of local government, your jurisdiction will be required to partner with the Federal government in this program by paying at least 50 percent of the total cost for each armor vest purchased under this program. These matching funds may not be obtained from another Federal source;

(c) If you are an Indian tribe, your jurisdiction will be required to partner with the Federal government in this program by paying at least 50 percent of the total cost for each armor vest purchased under this program. Total cost will include the cost of the armor vests, taxes, shipping, and handling. You may use any funds appropriated by Congress toward the performing of law enforcement functions on your lands as matching funds for this program or any funds appropriated by Congress for the activities of any agency of your tribal government;

(d) BJA will conduct outreach to ensure that at least half of all funds available for armor vest purchases be given to units of local government with fewer than 100,000 residents;

(e) Each State government is responsible for coordinating the needs of law enforcement officers across agencies within its own jurisdiction and making one application per fiscal year;

(f) Each unit of local government and Indian tribe is responsible for coordinating the needs of law enforcement officers across agencies within its own jurisdiction and making one application per fiscal year;

(g) Your individual jurisdiction may not receive more than 5 percent of the total program funds in any fiscal year;

(h) The 50 States, the District of Columbia, and the Commonwealth of Puerto Rico, together with their units of local government, each may not receive less than one half percent and not more than 20 percent of the total program funds during a fiscal year;

(i) The United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, together with their units of local government, each may not receive less than one fourth percent and not more than 20 percent of the total program funds during a fiscal year; and

(j) If your jurisdiction also is applying for a Local Law Enforcement Block Grant (LLEBG), then you will be asked to certify:

(1) Whether LLEBG funds will be used to purchase vests; and, if not,

(2) Whether your jurisdiction considered using LLEBG funds to purchase vests, but has concluded it will not use its LLEBG funds in that manner.

§ 33.102 Preferences.

BJA may give preferential consideration, at its discretion, to an application from a jurisdiction that—

(a) Has the greatest need for armor vests based on the percentage of law enforcement officers who do not have access to an armor vest;

(b) Has, or will institute, a mandatory wear policy that requires on-duty law enforcement officers to wear armor vests whenever feasible; and

(c) Has a violent crime rate at or above the national average as determined by the Federal Bureau of Investigation; or

(d) Has not received a Local Law Enforcement Block Grant.

§ 33.103 How to apply.

BJA will issue Guidelines regarding the process to follow in applying to the program for grants of armor vests.

PART 34—OJJDP COMPETITION AND PEER REVIEW PROCEDURES

Subpart A—Competition

Sec.

34.1 Purpose and applicability.
34.2 Exceptions to applicability.
34.3 Selection criteria.
34.4 Additional competitive application requirements and procedures.

Subpart B—Peer Review

34.100 Purpose and applicability.
34.101 Exceptions to applicability.
34.102 Peer review procedures.
34.103 Definition.
34.104 Use of peer review.
34.105 Peer review methods.
34.106 Number of peer reviewers.
34.107 Use of Department of Justice staff.
34.108 Selection of reviewers.
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34.111 Compensation.

Subpart C—Emergency Expedited Review [Reserved]

AUTHORITY: Juvenile Justice and Delinquency Prevention Act of 1974, as amended, (42 U.S.C. 5601 *et seq.*).

SOURCE: 55 FR 39234, Sept. 25, 1990, unless otherwise noted.

Subpart A—Competition

§ 34.1 Purpose and applicability.

(a) This subpart of the regulation implements section 262(d)(1) (A) and (B) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended (42 U.S.C. 5601 *et seq.*). This provision requires that project applications, selected for categorical assistance awards under part C—National Programs shall be selected through a competitive process established by rule by the Administrator, OJJDP. The statute specifies that this process must include announcement in the FEDERAL REGISTER of the availability of funds for assistance programs, the general criteria applicable to the selection of applications for assistance, and a description of the procedures applicable to the submission and review of assistance applications.

(b) This subpart of the regulation applies to all grant, cooperative agreement, and other assistance awards selected by the Administrator, OJJDP, or the Administrator's designee, under part C—National Programs, of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, except as provided in the exceptions to applicability set forth below.

§ 34.2 Exceptions to applicability.

The following are assistance and procurement contract award situations that OJJDP considers to be outside the scope of the section 262(d)(1) competition requirement:

(a) Assistance awards to initially fund or continue projects if the Administrator has made a written determination that the proposed program is not within the scope of any program announcement expected to be issued, is otherwise eligible for an award, and the proposed project is of such outstanding merit, as determined through peer review under subpart B of this part, that an assistance award without competition is justified (section 262(d)(1)(B)(i));

(b) Assistance awards to initially fund or continue training services to be funded under part C, section 244, if the Administrator has made a written determination that the applicant is uniquely qualified to provide proposed training services and other qualified