



U. S. Department of Justice

Office of the Deputy Attorney General

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Associate Deputy Attorney General

Washington, D.C. 20530

February 5, 2016

The Honorable Carolyn N. Lerner  
Special Counsel  
U.S. Office of Special Counsel  
1730 M Street, N.W., Suite 300  
Washington, D.C. 20036-4505

Re: OSC File No. DI-14-4226

Dear Ms. Lerner:

Enclosed is the Department of Justice's (Department) Report of Investigation to the U.S. Office of Special Counsel Regarding the Conduct of Director Denise E. O'Donnell of the Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA). By letter dated March 2, 2015, you referred to the Department for investigation allegations that Director O'Donnell engaged in actions that constituted a violation of law, rule, or regulations; an abuse of authority; and a violation of her ethical obligations. Specifically, a complainant alleged that Director O'Donnell had a conflict of interest with New York state entities based on her previous employment with the New York State Governor's Office and her husband's position as a New York State Supreme Court Judge. According to the complainant, Director O'Donnell violated her ethical obligations by communicating with New York state representatives and by considering particular matters involving prohibited parties.

On June 10, 2015, the Attorney General formally delegated to the Department's Office of Professional Responsibility (OPR) the authority to investigate the complaint. During OPR's investigation, the complainant made additional allegations involving Director O'Donnell's ethical obligations, which OPR also investigated.

Having completed a thorough investigation, OPR concluded that the complainant's allegations that Director O'Donnell violated her ethical obligations are not supported by the evidence. OPR found that the complainant could not provide specific information to support many of his allegations; was unable to recall details about when relevant meetings occurred and who was present; and when he offered details, he was sometimes inconsistent or inaccurate. In some instances, other witnesses and documentary evidence directly refuted or undermined the complainant's claims. The complainant also appears to mistakenly believe that Director O'Donnell's ethical obligations required that she avoid speaking to representatives of certain New York state courts about all matters, even if they did not discuss particular matters relating to the work of the BJA. OPR concluded that Director O'Donnell did not violate her ethical obligations and she engaged in no wrongdoing. I endorse OPR's conclusions.

The enclosed report details the findings and conclusions of OPR's investigation. Those findings and conclusions are summarized below:

*Allegation No. 1.* The complainant told the OSC that in early June 2012, he and Director O'Donnell attended a drug court training conference. He alleged that O'Donnell held a "small informal meeting" with a representative from the Rochester Drug Court and that she questioned the complainant about additional funding for Rochester. In OPR's first interview with the complainant, he said he actually did not know if Director O'Donnell had a "small informal meeting" with a Rochester representative; rather, he told OPR that while he and Director O'Donnell were having lunch together, Director O'Donnell questioned him about additional funding for the Rochester Drug Court. The complainant alleged that while he was speaking to O'Donnell, a New York State Supreme Court Judge who was involved with the Rochester Drug Court stood with colleagues near the table and listened to Director O'Donnell's and the complainant's conversation. In his second interview with OPR, the complainant stated that it was not the Rochester Drug Court Judge, but it was, in fact, a different New York State Supreme Court Judge who was involved in the Buffalo Veterans Treatment Court who stood near the table listening to Director O'Donnell's and the complainant's conversation.

Pursuant to her ethics agreement, Ethics Pledge, and relevant statutes and regulations, Director O'Donnell must recuse herself from participating "personally and substantially" in "particular matters" involving the New York State Unified Court System (NYCS) because her husband is a New York State Supreme Court Judge. A BJA grant application from the NYCS or any of its individual courts is a "particular matter" from which Director O'Donnell must recuse herself. Pursuant to 5 C.F.R. § 2635.402, the term "particular matter" "does not extend to the consideration or adoption of broad policy options that are directed to the interests of a large and diverse group of persons." Further, federal ethics regulations do not prohibit Director O'Donnell from having personal or social contact with employees or representatives of the NYCS.

OPR interviewed the New York State Supreme Court Judges from Rochester and Buffalo who the complainant had identified. Both Judges denied that such an incident occurred and denied requesting additional funds from BJA. OPR interviewed Director O'Donnell, who also denied that such an incident took place or that she advocated for additional funds for any court. The complainant did not take notes of the alleged incident and he did not speak to a supervisor or an OJP ethics officer about his concerns.

OPR concluded that the evidence does not support the complainant's allegation that Director O'Donnell discussed a particular matter with the NYCS representatives. OPR found that Director O'Donnell did not engage in wrongdoing regarding this allegation.

*Allegation No. 2.* The complainant alleged that sometime in 2012 or 2013, Director O'Donnell violated her ethical obligations when she met with a New York Supreme Court Judge involved with the Rochester Drug Court program in her office in Washington, D.C., to discuss BJA program funding.

OPR interviewed the New York State Supreme Court Judge, who denied that he traveled to Washington, D.C. to meet with Director O'Donnell. Director O'Donnell did not recall a meeting with the Judge, and no electronic e-mails or calendaring documentation corroborated that such a meeting occurred. The complainant did not take notes of the incident. The

complainant did not speak to a supervisor or an OJP ethics officer about his concerns regarding the incident.

OPR concluded that the complainant's allegation that Director O'Donnell violated her ethical obligations by meeting with a New York Supreme Court Judge in her office is not supported by the evidence. OPR could not establish that a meeting between Director O'Donnell and the Judge took place, as the complainant alleged. Even had the Judge and Director O'Donnell met, however, such a meeting would not be inappropriate if there were no discussion of a "particular matter" involving specific parties, that is, funding for the Rochester Drug Court. OPR found no evidence indicating that such a discussion between the Judge and Director O'Donnell occurred.

*Allegation No. 3.* The complainant alleged that Director O'Donnell violated her ethical obligations by failing to leave a grant application meeting when the NYCS grant applications were considered, and by commenting that a specific NYCS program deserved funding. The complainant further alleged that even though a specific court within the NYCS had not submitted a grant application during the FY 2013 solicitation process, Director O'Donnell recommended that the court receive a grant.

OPR interviewed the meeting participants who each denied that Director O'Donnell ever violated her ethical obligations at any grant application meeting. One BJA Deputy Director was designated as the deciding official for all NYCS grant applications. She told OPR that Director O'Donnell is "vigilant in her recusal obligations" and ensures she is not present when NYCS grant applications are reviewed. The BJA Associate Director who attended the meeting said she had never attended a meeting in which Director O'Donnell violated her ethical obligations. Director O'Donnell denied that she remained in the meeting or advocated for funds for specific NYCS grant applicants. The complainant did not take notes at the meeting or otherwise record the incident. He did not raise his concerns with his supervisor or an OJP ethics officer. Director O'Donnell documented her recusal from the NYCS grant applications by handwriting a note on the recommendation memorandum that she was recused and that another BJA official made the decisions recommending funding.

OPR found that the evidence does not support the complainant's allegations. The three participants in the BJA management meeting refuted the complainant's allegations. The only existing record, Director O'Donnell's handwritten note, documents that Director O'Donnell recused herself and that another BJA official acted as the deciding official for the grants. OPR found that Director O'Donnell did not engage in wrongdoing regarding this allegation.

OPR further found that the complainant's allegation that a particular court was awarded a grant even though it had not submitted a grant application was directly contradicted by the evidence. Evidence demonstrated that the court's grant application was properly submitted, peer reviewed, and evaluated as part of the BJA award decision making process. OPR found no evidence that Director O'Donnell participated in the grant award for the court, contrary to the complainant's allegations.

*Allegation No. 4.* The complainant alleged that in FY 2013, Director O'Donnell had somehow acquired additional funds to award grants to two NYCS applicants that had not been recommended for awards during the FY 2013 grant application process.

OPR concluded that this allegation is not supported by the evidence. The existence of supplemental funds was controlled by the appropriation and budget processes. Supplemental fund availability was determined by OJP's Chief Financial Officer and approved through the OJP Assistant Attorney General. Director O'Donnell had no involvement in this process and no input into the selection of grant applicants that received supplemental funding in FY 2013. OPR found that the complainant's allegation arose in large part from his lack of understanding about the supplemental appropriation process.

*Allegation No. 5.* The complainant alleged that Director O'Donnell allowed applicants from New York state who had filed their grant applications late, to re-submit their applications past the deadline. To support this allegation, the complainant provided to OPR an e-mail from the New York City Police Department (NYCPD) to Director O'Donnell about a late-filed grant application. The complainant alleged that Director O'Donnell authorized the NYCPD to file its application late and believed that the NYCPD had received a grant despite its late filing. OPR concluded that the complainant's allegations are not supported by the evidence. In fact, the NYCPD was not permitted to file a late application, and it did not receive grant funding.

In summary, OPR found no evidence that Director O'Donnell violated her ethical obligations or otherwise engaged in wrongdoing. I am providing to you the original report with exhibits. Because the complainant informed OPR that he does not consent to the release of his name in connection with the complaint, I am also providing a copy of the report that has been redacted to remove the complainant's name, as well as the names of certain witnesses, in case the report must be publicly released.

I believe that the enclosed report is thorough, and that it fulfills the requirements of 5 U.S.C. § 1213. Based on the results of OPR's investigation, the Department does not find any violation of law, rule or regulation, and therefore I have recommended no further action regarding this matter.

Thank you for bringing this matter to the attention of the Department of Justice. If you have any questions, please contact me at 202-514-2101..

Sincerely,



David Margolis  
Associate Deputy Attorney General

Enclosures

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# DEPARTMENT OF JUSTICE



## OFFICE OF PROFESSIONAL RESPONSIBILITY

**REDACTED**

Report of Investigation to the  
U.S. Office of Special Counsel  
Regarding Director Denise E. O'Donnell,  
Office of Justice Programs,  
Bureau of Justice Assistance

January 22, 2016

NOTE: THIS REPORT CONTAINS SENSITIVE AND CONFIDENTIAL INFORMATION. DO NOT DISTRIBUTE THE REPORT OR ITS CONTENTS WITHOUT THE PRIOR APPROVAL OF THE OFFICE OF PROFESSIONAL RESPONSIBILITY.

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## INTRODUCTION

By letter dated March 2, 2015, Special Counsel Carolyn N. Lerner, of the U.S. Office of Special Counsel (OSC), requested that the Attorney General investigate two allegations made by

[REDACTED] pursuant to the Whistleblower Protection Act, Title 5, U.S. Code Section 1213 (5 U.S.C. § 1213).<sup>1</sup> The OSC is an independent federal agency whose primary mission is to safeguard the merit system by protecting federal employees and applicants from prohibited personnel practices. The OSC also serves as a secure channel for federal workers to disclose violations of law, rules, or regulations, gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to the public health and safety.

[REDACTED] alleged that BJA Director Denise E. O'Donnell, a presidential appointee, engaged in actions that constituted a violation of law, rule, or regulations; an abuse of authority; and a violation of her ethical obligations. Specifically, [REDACTED] alleged that O'Donnell had a conflict of interest with New York state entities based on her previous employment with the New York State Governor's Office and her husband's position as a New York State Supreme Court Judge. According to [REDACTED] O'Donnell violated her ethical obligations by communicating with New York state representatives and by considering particular matters involving prohibited parties.

U.S. Attorney General Loretta Lynch referred the OSC's letter to the Department of Justice's Office of the Inspector General (Department's OIG), but the Department's OIG declined to investigate. The Attorney General then asked the Office of Professional Responsibility (OPR) to investigate. On June 10, 2015, the Attorney General formally delegated to OPR the authority to investigate [REDACTED]'s complaint.

OPR obtained documents and other materials relevant to the allegations. OPR interviewed: [REDACTED] (on two separate occasions);<sup>2</sup> OJP Assistant Attorney General (AAG) Karol Mason; BJA Director Denise E. O'Donnell; BJA Deputy Director for Policy Kirsten Mahoney; BJA Associate Deputy Director for Policy Ruby Qazilbash; BJA Deputy Director for Programs Tracey Trautman; BJA Deputy Director for Planning Eileen Garry; BJA Chief of Staff Pamela Cammarata; [REDACTED]; former BJA Budget Officer James Simonson; OJP Attorney Advisor and Ethics Officer Charles Moses; New York State Supreme Court Judge [REDACTED] of the Rochester Drug Court; New York State Supreme

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<sup>1</sup> The OSC's March 2, 2015 letter to the Attorney General is at Tab 1. Reports of investigation conducted pursuant to 5 U.S.C. § 1213 must include: (1) a summary of the information with respect to which the investigation was initiated; (2) a description of the conduct of the investigation; (3) a summary of any evidence obtained from the investigation; (4) a listing of any violation or apparent violation of law, rule, or regulations; and (5) a description of any action taken or planned as a result of the investigation, such as changes in agency rules, regulations or practices, the restoration of any aggrieved employee, disciplinary action against any employee, and referral of evidence of criminal violations to the Attorney General.

<sup>2</sup> [REDACTED] is represented by counsel, [REDACTED]. OPR contacted [REDACTED] who authorized OPR to speak directly with and interview [REDACTED] without his being present. E-mail from [REDACTED] to OPR (August 13, 2015).

Court Judge ██████████ of the Buffalo Veterans Treatment Court; Department of Justice Ethics Office (DEO) Director Janice Rodgers; and John Wyeth Jr., Assistant Director of Development for Institutional Giving, Sanctuary for Families. OPR also received comments from an OJP colleague of ██████████ who attended ██████████' OPR interviews as a union representative on his behalf.<sup>3</sup>

## I. Executive Summary

Based on the results of its investigation, OPR concludes that ██████████' allegations that BJA Director O'Donnell violated her ethical obligations are not supported by the evidence. With respect to certain allegations, ██████████ lacked specific information to support his allegations, could not recall important details, or provided information that was directly contradicted by witnesses and documentary evidence.

### A. O'Donnell's Ethical Obligations

Pursuant to her ethics agreement, Ethics Pledge, and relevant statutes and regulations, Director O'Donnell must recuse herself from participating "personally and substantially" in "particular matters" involving the New York State Unified Court System (NYCS) because her husband is a New York State Supreme Court Judge.<sup>4</sup> A "particular matter" is defined to include any investigation, application, request for a ruling or determination, rulemaking, contract, controversy, claim, charge, accusation, arrest, or judicial or other proceeding. 18 U.S.C. § 207(i)(3).<sup>5</sup> A BJA grant application from the NYCS or any of its individual courts is a "particular matter" from which O'Donnell must recuse herself. The term "particular matter" "does not extend to the consideration or adoption of broad policy options that are directed to the interests of a large and diverse group of persons."<sup>6</sup> Further, federal ethics regulations do not

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<sup>3</sup> ██████████' colleague at OJP provided some information to OPR during ██████████' interviews on July 23, 2015 and September 3, 2015. OPR offered her the opportunity to be separately interviewed about information related to ██████████' allegations and to submit documents to OPR for its review. She did not contact OPR. On November 9, 2015, OPR sent her another e-mail again offering to interview her. In a November 30, 2015 e-mail to OPR, ██████████' colleague declined to be interviewed. OPR responded and again offered to interview her or to review any documents related to ██████████' allegations. As of the date of this report, she has not responded to OPR's last e-mail.

<sup>4</sup> ██████████' allegations relate primarily to O'Donnell's failure to recuse herself from participating in particular matters involving NYCS, which is administered by the State of New York Office of Court Administration.

<sup>5</sup> Executive Order 13490 provides that "particular matter" shall have the same meaning as set forth in Section 207 of Title 18, United States Code, and Section 2635.402(b)(3) of Title 5, Code of Federal Regulations. Exec. Order No. 13490, 2009 WL 166658 (Pres.) Executive Order 13490, January 21, 2009. The Code of Federal Regulations at 5 C.F.R. § 2635.402, defines particular matter as follows:

The term particular matter encompasses only matters that involve deliberation, decision, or action that is focused upon the interests of specific persons, or a discrete and identifiable class of persons. Such a matter is covered by this subpart even if it does not involve formal parties and may include governmental action such as legislation or policy-making that is narrowly focused on the interests of such a discrete and identifiable class of persons. The term particular matter, however, does not extend to the consideration or adoption of broad policy options that are directed to the interests of a large and diverse group of persons.

<sup>6</sup> 5 C.F.R. § 2635.402.

prohibit O'Donnell from having personal or social contact with employees or representatives of NYCS.

OPR finds that O'Donnell accurately understood her ethical obligations, and with advice from OJP ethics officers, took steps to ensure that she had no involvement regarding grant applications or other "particular matters" in which the NYCS was a party. OPR did not find any evidence that O'Donnell violated her ethical obligations or otherwise engaged in wrongdoing.

## **B. Summary of Allegations and Conclusions**

### **Allegation #1**

██████ told the OSC that in early June 2012, he and Director O'Donnell attended the 18th Annual Training Conference of the National Association of Drug Court Professionals (NADCP) in Nashville, Tennessee. He alleged that O'Donnell held a "small informal meeting" with a representative from the Rochester Drug Court during which she questioned ██████ about funding for the Rochester Drug Court program. In OPR's first interview with ██████, he said he actually did not know if O'Donnell "met" with a representative; rather, he told OPR that while he and O'Donnell were having lunch together, O'Donnell questioned him about funding for the Rochester Drug Court. ██████ alleged that while he was speaking to O'Donnell, New York State Supreme Court Judge ██████ of the Rochester Drug Court stood with colleagues near the table and listened to O'Donnell's and ██████' conversation. In his second interview with OPR, ██████ stated that it was not Judge ██████, but that it was, in fact, New York State Supreme Court Judge ██████ of the Buffalo Veterans Treatment Court who stood near the table listening to O'Donnell's and ██████' conversation.

OPR concludes that ██████' allegation that O'Donnell violated her ethical obligations by meeting with NYCS representatives at the conference and advocating for funds for a specific court is not supported by the evidence. ██████ appears not to have accurately recalled the incident. The evidence obtained during OPR's investigation shows:

- OPR interviewed Judge ██████, who said that the incident at lunch "absolutely did not" happen, and he would never ask for additional or supplemental funding.
- OPR interviewed Judge ██████, who denied the incident happened, and said that he would never ask for additional or supplemental funding.
- OPR interviewed O'Donnell, who denied the allegations, and stated that she would never advocate for funding for any court.
- There was no documentation concerning the incident. ██████ did not take notes and he did not speak to a supervisor or an OJP ethics officer about his concerns.
- ██████' allegations are inconsistent and vague. He first claimed that O'Donnell and a representative from the Rochester Drug Court had an "informal meeting." ██████ then told OPR that while he and O'Donnell were having lunch discussing the funding issue, a representative from the Rochester Drug Court stood near their table and listened to their

conversation. He thereafter told OPR that it was a Buffalo Veterans Treatment Court representative who stood near their table. Finally, [REDACTED] was not sure if the representatives stood near the table, or actually joined them for lunch, or if they all stood together when the representatives approached the table.

Despite the lack of detail that [REDACTED] was able to provide, OPR understood [REDACTED]' concern to be based, at least in part, on his mistaken belief that O'Donnell could not speak or have contact with anyone from New York state because of her former employment and because of her husband's position with the NYCS. O'Donnell, however, does not violate her ethical obligations simply by speaking with NYCS representatives if there is no discussion of a "particular matter" involving specific parties as prohibited by her ethics agreement and ethics regulations. Judge [REDACTED], Judge [REDACTED], and Director O'Donnell all denied that BJA funding was discussed, but they all acknowledged they had spoken with each other socially at the conference. OPR concludes that the preponderance of the evidence does not support [REDACTED]' allegation that she discussed a particular matter with either Judge [REDACTED] or Judge [REDACTED]. OPR finds that O'Donnell did not engage in wrongdoing regarding this allegation.

### Allegation #2

[REDACTED] alleged in his OPR interview that Director O'Donnell and New York State Supreme Court Judge [REDACTED] of the Rochester Drug Court met in her office in Washington, D.C., to discuss BJA program funding.

OPR concludes that [REDACTED]' allegation that O'Donnell violated her ethical obligations by meeting with Judge [REDACTED] in her office is not supported by the evidence. OPR could not establish that a meeting between O'Donnell and [REDACTED] took place in O'Donnell's office:

- Judge [REDACTED] denied that he traveled to Washington, D.C. to meet with O'Donnell.
- O'Donnell did not recall meeting with Judge [REDACTED] or other Rochester Drug Court representatives in her office. She could not find a calendar entry regarding a meeting with Judge [REDACTED].
- OJP's Information Technology Specialist searched electronic entries and could not find a reference to such a meeting.
- [REDACTED] could not find any e-mails or other documentation corroborating his allegation that O'Donnell met with Judge [REDACTED].
- [REDACTED] did not take notes about the meeting and did not otherwise record any detail of the incident. [REDACTED] did not speak to a supervisor or an OJP ethics officer about his concerns regarding the incident.

Even had Judge [REDACTED] and O'Donnell met, however, such a meeting would not be inappropriate if there were no discussion of a "particular matter" involving specific parties, that is, funding for the Rochester Drug Court. OPR found no evidence indicating that such a discussion between Judge [REDACTED] and O'Donnell occurred:

- Judge ██████ denied ever speaking with O'Donnell about a specific grant or funding for the Rochester Drug Court.
- O'Donnell denied discussing a particular grant application or funding with Judge ██████.
- ██████ himself acknowledged that he did not recall what occurred at the alleged meeting, but believed he was called to the meeting to provide information about BJA programs.
- The only substantive conversation O'Donnell recalled having with Judge ██████ was in his capacity as an NADCP board member. Judge ██████ had inquired about possible funding for a drug treatment program to work in conjunction with the Adult Drug Court Discretionary Grant Program (ADCDGP) for all 3,000 drug courts nationwide. O'Donnell did not recall when or where this conversation occurred.

OPR was unable to identify the meeting to which ██████ was referring, and there was insufficient evidence provided by ██████ or other sources to support a conclusion that O'Donnell violated her ethical obligations regarding the alleged incident. Again, however, it appears that ██████ believed that any contacts between O'Donnell and a member of the NYCS violated her ethical obligations. Under the federal ethics regulations, however, the term "particular matter" "does not extend to the consideration or adoption of broad policy options that are directed to the interests of a large and diverse group of persons." O'Donnell's conversation with Judge ██████, in his capacity as an NADCP board member, and regarding a policy issue relevant to all drug courts nationwide, did not constitute a discussion about a "particular matter," and thus did not violate O'Donnell's ethical obligations. OPR finds that O'Donnell did not engage in wrongdoing regarding this allegation.

### Allegation #3

██████ told the OSC that in mid-June 2013, ██████, Director O'Donnell, Deputy Director for Policy Kristen Mahoney, and Associate Deputy Director for Policy Ruby Qazilbash met to discuss grant awards to applicants for the FY 2013 ADCDGP. ██████ alleged that O'Donnell violated her ethical obligations by failing to leave the meeting when NYCS grant applications were considered, and by commenting that a specific NYCS program deserved funding. ██████ further alleged that even though the Chautauqua Drug Court (a court within the NYCS) had not submitted a grant application during the FY 2013 solicitation process, O'Donnell recommended that the Chautauqua Drug Court receive a \$200,000 grant.<sup>7</sup> OPR finds that ██████' allegations are not supported by the evidence. The evidence OPR developed established that:

- Mahoney told OPR that the allegations were "outrageous," and confirmed that she was the deciding official for any matter on which O'Donnell was recused, including NYCS grant applications. She said that O'Donnell would never direct her or Qazilbash to grant

<sup>7</sup> ██████ alleged in his complaint to the OSC that the Chautauqua Drug Court grant application was one of the NYCS grants that O'Donnell had discussed during the meeting. However, during OPR's interview with ██████ on July 23, 2015, he stated that he did not know where the Chautauqua Drug Court grant recommendation "came from" because it was not on his Excel spreadsheet that listed all grant applicants and contained recommendations for awards. See Section III.C, *infra*, for further discussion of this issue.

an award for a matter for which she is recused, or try to influence that process by making offhand comments or advocating for an award. Mahoney told OPR that O'Donnell makes clear via e-mail, meetings, and otherwise, that she is recused from participating in particular matters, and is "vigilant in her recusal obligations." Mahoney said that O'Donnell ensures that she is not present when NYCS grant applications are reviewed.

- Qazilbash said that before every decision making meeting, O'Donnell would announce, "I am recused from everything from NYCS and we will not be discussing those." Qazilbash said that if an NYCS grant application were to be considered during a decision making meeting, O'Donnell would say, "please hold the conversation and talk to Kristen [Mahoney] about them." Qazilbash stated that she had "never been in a meeting and had that red flag go off where [O'Donnell] shouldn't be talking about this." Qazilbash said that when there was an NYCS grant application, they would skip over it in the decision making meeting, and afterwards, she, [REDACTED] and Mahoney would discuss it.
- O'Donnell told OPR, "I totally deny that I would have advocated for giving funds to those two entities. . . . It is not something that I would ethically do." O'Donnell said she always began meetings with an announcement that she was recused from NYCS grant applications. If NYCS applications were being considered, they would skip over those applicants and Mahoney, Qazilbash, and [REDACTED] would discuss them afterwards.
- [REDACTED] did not take notes of the meeting and did not otherwise record any detail of the incident. He did not raise his concerns with his supervisor or with an OJP ethics officer.
- O'Donnell documented her recusal from the NYCS grant applications by handwriting a note on the recommendation memorandum that she was recused from the decision making for the NYCS grants and that Mahoney made the decisions recommending funding.

The three participants in the BJA management meeting refuted [REDACTED]'s allegations. The only existing record -- O'Donnell's handwritten note -- documents that O'Donnell recused herself and that Mahoney was the deciding official. OPR finds, based on the preponderance of the evidence, that O'Donnell did not engage in wrongdoing regarding this allegation.

OPR further finds that [REDACTED]'s allegation that the Chautauqua Drug Court was awarded a grant even though it had not submitted a grant application is directly contradicted by the evidence:

- The Chautauqua Drug Court submitted a timely application for ADCDGP enhancement monies for FY 2013, was part of the FY 2013 peer-review process, and received a Tier 1 rating (Application No. 2013-H0332-NY-DC).
- [REDACTED] himself prepared an Excel spreadsheet listing recommendations for FY 2013 ADCDGP applications, including the Chautauqua Drug Court, and recommended that Chautauqua receive \$200,000.
- [REDACTED] himself prepared the final recommendation memorandum recommending an award to the Chautauqua Drug Court and also signed the memorandum.



- Sanctuary for Families appealed to the BJA to have its separate, late-filed application considered.
- Neither the NYCPD nor Sanctuary for Families were allowed to re-submit their late-filed applications.
- The final BJA funding recommendation for this grant did not list the NYCPD or Sanctuary for Families as grant applicants, and did not recommend either applicant for an award. ██████████ confirmed that the NYCPD was not awarded funds. A manager at Sanctuary for Families confirmed that it was not awarded funds.
- O'Donnell did not participate in the Sanctuary for Families appeal discussions or decision.
- There is no evidence that O'Donnell's e-mail to a BJA staff member was an instruction that the staff member should allow the NYCPD to re-submit its late-filed grant application. The staff member denied that O'Donnell attempted to influence her actions in any way.

Regarding ██████████' second claim, OPR concludes that ██████████'s statement that he (██████████) was "sick and tired" of opening grant applications, did not refer to any New York state late-filed applicant, but to an entirely different matter that the Department's OIG investigated in 2014:

- ██████████ told OPR that his comment was not about any late-filed New York state application, but instead, that he was referring to a FY 2013 late-filed application from an Ohio applicant for Second Chance Act funds. ██████████ submitted a complaint to the Department's OIG regarding that matter.<sup>8</sup>
- The Department's OIG confirmed to OPR that ██████████ filed a complaint in August 2014 alleging that O'Donnell allowed an Ohio grant applicant for a Second Chance Act award to re-submit its late-filed application without justification. The Department's OIG completed its investigation in January 2015 and concluded that O'Donnell did not engage in wrongdoing.
- BJA records show that in 2014 and 2015, the BJA did not allow any entity from New York state to file a grant application late.
- In 2013, there were 10 late-filed applicants in the ADCDGP (drug court) program. Six of those applicants were allowed to re-file because of a computer network error that had caused their applications to be filed late. None of those six drug courts were from New York. O'Donnell was not involved in the decision to allow the ADCDGP applicants to re-submit their applications.

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<sup>8</sup> During ██████████'s interview with OPR, he provided to OPR additional documents regarding late-filed applications related to his complaint to the Department's OIG. OPR forwarded ██████████'s additional documents to the Department's OIG.

OPR found no evidence that O'Donnell engaged in wrongdoing regarding this allegation.

## **II. O'Donnell's Ethical Obligations as Director of the BJA**

On June 1, 2011, O'Donnell was sworn in as the BJA's Director after being nominated by President Obama and confirmed by the Senate. The BJA was established by the Justice Assistance Act of 1984 to distribute resources to, and develop programs with, local and state law enforcement agencies and organizations.<sup>9</sup> O'Donnell reports to OJP AAG Karol Mason. The OJP has an annual budget of over \$2 billion.<sup>10</sup>

Grant administration is a significant part of the OJP's activities. In FY 2013, the OJP granted 2,960 awards to state and local law enforcement agencies and non-governmental organizations totaling over \$1.6 billion.<sup>11</sup> AAG Mason reports on the progress of the criminal justice systems to the public and federal government, serves as liaison to the other branches of state and federal government, and coordinates the OJP's bureaus.<sup>12</sup> Besides overseeing the subordinate bureaus' grant management, AAG Mason makes grant award decisions for programs delegated by the Attorney General.<sup>13</sup>

O'Donnell oversees the BJA, establishes programs, and makes grant recommendations for AAG Mason's review and approval. The BJA administers approximately 47 of the OJP grant programs and oversees approximately 10,000 open grants totaling over \$5 billion.

Before her appointment as the BJA's Director, O'Donnell worked in the U.S. Attorney's Office for the Western District of New York from 1985 to 2001; she was U.S. Attorney from 1997 to 2001. From 2001 until 2007, O'Donnell worked in private practice in New York. Beginning in 2007, O'Donnell held positions with the New York state government as Commissioner of the New York State Division of Criminal Justice Services and Deputy Secretary for Public Safety. She resigned from those positions on February 26, 2010.

O'Donnell also served in an uncompensated capacity for numerous groups and committees, including the Sex Crimes Working Group of the New York City Police Department. She resigned from that position prior to joining the Department.

Director O'Donnell is married to John F. O'Donnell, a New York State Supreme Court Judge in the Eighth Judicial District. Judge O'Donnell was appointed to the New York State

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<sup>9</sup> See 42 U.S.C. § 3741.

<sup>10</sup> Office of Justice Programs, FY 2015 Budget Request at a Glance (2014), available at <http://www.justice.gov/sites/default/files/jmd/legacy/2014/04/01/ojp.pdf>.

<sup>11</sup> See *OJP Grant Awards*, Office of Justice Programs, U.S. Dep't of Justice, <http://grants.ojp.usdoj.gov:85/selector/main>. These totals include noncompetitive funds and congressionally directed awards, in addition to discretionary grants.

<sup>12</sup> See 42 U.S.C. § 3712.

<sup>13</sup> See e.g., 42 U.S.C. § 3797u (2012) (providing statutory authority for the Attorney General to administer drug court grants or to delegate the authority); 28 C.F.R. § 93.4 (directing the OJP AAG to administer drug court grants).

Supreme Court in 1991, and was elected to the position thereafter. Judge O'Donnell serves on the Attorneys for Children Advisory Committee and the NYCS Family Violence Task Force.

A. **O'Donnell's Ethics Agreement, Ethics Pledge, and Relevant Ethical Standards**

When President Obama was considering O'Donnell for the BJA director position in 2010, as part of the vetting process, O'Donnell identified her employment and former employment with New York state agencies and her husband's position as a New York Supreme Court Judge. O'Donnell completed a financial disclosure form which was evaluated by the OJP and Department ethics officers to identify potential conflicts of interest.

1. **Relevant Ethical Standards**

Each federal employee has a responsibility to the United States government and its citizens to place loyalty to the Constitution, laws and ethical principles above private gain.<sup>14</sup> The appearance of a conflict of interest, which arises from a seeming incompatibility between a government official's private interests and public duties, undermines an official's responsibility to "ensure that every citizen can have complete confidence in the integrity of the Federal Government."<sup>15</sup>

The Department of Justice notifies all employees of the statutory prohibitions set forth in 18 U.S.C. § 208:

You may not participate personally and substantially in a matter which you, your spouse, minor child or general partner has a financial interest. This prohibition also applies if an organization in which you serve as an officer, director, trustee, or employee has a financial interest; or if a person or organization with which you are negotiating for future employment has a financial interest.

In addition, the government ethics regulations at 5 C.F.R. § 2635.502, require government employees to avoid the appearance of a conflict of interest:

Where an employee knows that a particular matter involving specific parties is likely to have a direct and predictable effect on the financial interest of a member of his household, or knows that a person with whom he has a covered relationship is or represents a party to such matter, and where the employee determines that the circumstances would cause a reasonable person with knowledge of the relevant facts to question his impartiality in the matter, the employee should not participate in the matter unless he has informed the agency designee of the appearance problem and received authorization from the agency designee.

The Department of Justice Ethics Handbook Impartiality Standard provides:

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<sup>14</sup> See 5 C.F.R. § 2635.101(a); see also U.S. Office of Gov't Ethics, Annual Financial Report, Fiscal Year 2014 (2014) ("Public servants are expected to make impartial decisions based on the interests of the public when performing their job duties").

<sup>15</sup> See 5 C.F.R. § 2635.101(a).

You [Department employees] should seek advice before participating in any matter in which your impartiality could be questioned. You may not participate without authorization in a particular matter having specific parties that could affect the financial interests of members of your household or where one of the following is a party or represents a party: someone with whom you have or are seeking employment, or a business, contractual or other financial relationship; a member of your household or a relative with whom you have a close relationship; a present or prospective employer of a spouse, parent or child; or an organization which you now serve actively or have served, as an employee or in another capacity, within the past year.<sup>16</sup>

## 2. Ethics Agreement and Ethics Pledge

On September 30, 2010, AAG Lee Lofthus, of the Department's Justice Management Division, issued an ethics agreement in the form of a letter that set forth O'Donnell's obligations under 18 U.S.C. § 208 (the conflict of interest statute).<sup>17</sup> O'Donnell signed a statement that same day, "agree[ing] to . . . follow the procedures set forth in the agreement," and to be "bound by the requirements and restrictions" set forth in the Ethics Pledge (discussed *infra*). The ethics agreement contained two provisions relevant to OPR's investigation. The first provision relates to O'Donnell's former employment and the second provision relates to O'Donnell's covered relationship with her husband. The first provision states:

Ms. O'Donnell resigned from her positions as Deputy Secretary for Public Safety, Office of the Secretary to the Governor, and Commissioner of the Division of Criminal Justice Services, with the State of New York as of February 26, 2010. For a period of one year after her resignation, Ms. O'Donnell will have a covered relationship with the state of New York pursuant to 5 C.F.R. § 2635.502. We have determined that her participating in particular matters involving specific parties in which the State of New York is a party or represents a party will be authorized pursuant to 5 C.F.R. § 2635.502(d). However, Ms. O'Donnell will not be authorized to participate personally and substantially in any particular matter involving specific parties in which she participated in her capacity as Deputy Secretary for Public Safety, Office of the Secretary to the Governor, and Commissioner of the Division of Criminal Justice Services.

The Department of Justice's Director of the Department Ethics Office told OPR that under this paragraph, O'Donnell is always prohibited from working on a particular matter in which she participated in her former employment with the New York State Governor's office. If a matter that she did not personally work on involves the State of New York as a party, O'Donnell can participate in the matter if she receives a waiver under 5. C.F.R. § 2635.502(d), but she has never done so.

The second relevant provision states:

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<sup>16</sup> Departmental Ethics Office, Ethics Handbook 2 (2015) (citing 5 C.F.R. § 2635.502).

<sup>17</sup> The September 30, 2010 ethics agreement between the Department and O'Donnell is attached at Tab 2.

Ms. O'Donnell's spouse is a Supreme Court [Judge] employed by the Office of Court Administration of the State of New York. Accordingly, she will not participate personally and substantially in any particular matter involving specific parties in which the State of New York Office of Court Administration is a party or represents a party, unless she is first authorized to participate pursuant to 5 C.F.R § 2635.502(d).

O'Donnell has never sought a waiver of this prohibition under 5 C.F.R § 2635.502(d).

On June 21, 2011, O'Donnell signed an Ethics Pledge, which stated in relevant part:<sup>18</sup>

As a condition, and in consideration, of my employment in the United States Government in a position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law: \* \* \* 2. **Revolving Door Ban: All Appointees Entering Government.** I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.

(Emphasis in original.) Under the Ethics Pledge, O'Donnell was precluded from participating in any particular matter involving her former employer or former clients from June 1, 2011 to June 1, 2013. The definition of "former employer" in Exec. Order No. 13490, 74 Fed. Reg. 4673 (Jan. 26, 2009), however, provides:

"Former employer" is any person for whom the appointee has within the 2 years prior to the date of his or her appointment served as an employee, officer, director, trustee, or general partner, except that "former employer" does not include any executive agency or other entity of the Federal Government, State or local government, the District of Columbia, Native American tribe, or any United States territory or possession. *Id.* at 4674, Sec.2(i).

Because O'Donnell's former employer was a state executive agency, her recusal obligations are defined by 18 U.S.C. § 208, 5 C.F.R. § 2635.502, and her ethics agreement, rather than the Ethics Pledge.

Finally, as long as her husband is a New York State Supreme Court Judge, O'Donnell has a conflict, and must be recused from engaging in all particular matters involving the State of New York Office of Court Administration, which administers the NYCS.

#### **B. O'Donnell's Recusal Procedures as BJA Director**

When Director O'Donnell began her position with the BJA, she met with OJP ethics officers Greg Brady and Charles Moses to review her ethical obligations under her ethics agreement and Ethics Pledge. Following their advice, O'Donnell established a system designed to ensure that she did not participate in matters from which she needed to be recused, including

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<sup>18</sup> The Ethics Pledge signed by O'Donnell is at Tab 3.

those matters involving consideration of NYCS grant applications. O'Donnell established "gatekeepers" to review written materials and correspondence sent to her for official action. O'Donnell made BJA Deputy Director of Policy Kristen Mahoney, the "gatekeeper" for grant solicitation matters from which O'Donnell was recused, including decision making on NYCS grant applications. Mahoney was given full authority to take action on matters from which O'Donnell was recused. The OJP ethics officers met with the gatekeepers to ensure that they understood their obligations.

O'Donnell said that when she became BJA Director in 2011, the BJA grant solicitation process was being completed for FY 2011, so she did not participate in the grant award process that year. Beginning in FY 2012, O'Donnell began management of the grant solicitation process. On July 16, 2012, O'Donnell sent an e-mail to all BJA staff members reminding them of the recusal procedure for all matters from which she was recused, including the State of New York Office of Court Administration, which administers the NYCS:<sup>19</sup>

We have been recently reminded by OGC of the importance of strict adherence to conflict of interest rules. . . . Below is the list of entities from which I am recused. Any correspondence for my attention related to those entities should be forwarded directly to Kristen Mahoney for handling. If any of the entities below appear on a list of prospective grantees, please place a clear notice identifying the conflicted source on the routing slip to identify the potential conflict of interest and I will recuse myself from the recommendation related to that entity. As far as I know, only the first two organizations are BJA grantees, but it is possible one or more could become grantees, sub-grantees, research partners or parties to a BJA cooperative agreement in the future. Any help you are able to give in avoiding potential conflicts with these organizations would be much appreciated. Thank you.

The State of New York Division of Criminal Justice Services (DCJS) and the State of New York Office of Court Administration (OCA), were listed as entities that O'Donnell knew submitted grant applications to the BJA. Those entities from which she could be recused, but which did not generally participate in the BJA grant application process were: Hodgson Russ LLP law firm; University of Buffalo Foundation; National Association of Former U.S. Attorneys; Justice Task Force (New York State Court of Appeals); Conviction Integrity Advisory Panel (New York County District Attorney's Office); Sex Crimes Working Group (New York City Police Department); Criminal Justice Committee of the New York State Bar Association; and the Criminal Justice Council of the Association of the Bar of the City of New York.

O'Donnell said that when she attended a grant decision making meeting that included NYCS grant applications, she would announce that she was recused from those matters, that Mahoney was the decision maker for those applications, and that any discussion about the applications should be with Mahoney.

O'Donnell explained that she followed two general procedures when there was a conflict. First, if BJA management had a large number of applications to review and she had a conflict

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<sup>19</sup> The July 16, 2012 e-mail from O'Donnell to the BJA staff is at Tab 4.

with an applicant, she would stay in the room, but the reviewers would “skip” over that applicant. After the meeting, the other BJA managers would make a decision on those applicants outside of her presence. Second, in other circumstances, O’Donnell would leave the room immediately so the other BJA managers could then discuss the applications.

OJP ethics officers advised O’Donnell to document her recusals by handwriting a note on the bottom of the first page of the final recommendation memorandum, stating that she had been recused from the specified matters and documenting who had been the decision maker.

O’Donnell told OPR that she “worked very hard” to fulfill her ethical obligations and stated that if BJA Deputy Directors or Associate Deputy Directors thought she were violating her ethical obligations, they would let her know, but they had never brought any potential problem to her attention. O’Donnell told OPR that some of the BJA staff had a misunderstanding about her recusal obligations and believed she should not have any contact with anyone from New York state. O’Donnell said that based on her agreements, ethics regulations, and conversations with OJP ethics officers, she did not consider that belief to be accurate. She stated, however: “I’ve been aware of [this misunderstanding] so I’ve tried not to create any indication of favoritism or impropriety . . . I’ve tried to keep a focus on the [NYCS as] an absolute conflict and a bright line.”

### III. ANALYSIS OF ALLEGATIONS

#### A. Allegation #1: O’Donnell’s Contact with New York State Court Representatives at a June 2012 Conference

##### 1. Relevant Facts

██████ alleged in his complaint to the OSC that in early June 2012, ██████ and Director O’Donnell attended the 18th Annual Training Conference of the National Association of Drug Court Professionals (NADCP) in Nashville, Tennessee and that

[a]fter a conference session, Ms. O’Donnell held a small informal meeting with a representative from Rochester, New York. During the meeting, Director O’Donnell asked an ████████████████████ who was present whether there was any money remaining from the 2012 funding cycle that BJA could provide to Rochester, as it had a significant need for assistance. . . . [T]his conversation occurred after grant distributions had been made and the award window had closed. . . . [Ms. O’Donnell’s] interactions with representatives from Rochester constituted a conflict of interest.<sup>20</sup>

In his July 23, 2015 interview with OPR, ██████ provided facts that differed from those set forth in his initial complaint to the OSC. He first claimed that instead of one representative, there were two to three judges from the Rochester Drug Court present. ██████ identified the

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<sup>20</sup>

See March 2, 2015 OSC Letter to the Attorney General at 3, Tab 1.

primary representative as New York State Supreme Court Judge ██████████ of the Rochester Drug Court.<sup>21</sup>

In contrast to the “small informal meeting” that ██████████ told the OSC had occurred, in his OPR interview, ██████████ said he did not know if O’Donnell and the Rochester representatives met; rather, he said that O’Donnell asked him questions during a lunch attended only by O’Donnell and himself:

After one of the opening sessions, [O’Donnell] and I were in the host hotel having lunch, she mentioned to me that she had heard that the jurisdiction in New York did not have enough money to continue operating effectively, that it’s a good program, and can we give our discretionary grant dollars to this specific jurisdiction. My response was that this was a discretionary grant program and that they did not apply for funding. And she said well they need the money, we recognize that they need the funding to continue operations. And I said well we just finished our round of the peer review and we’ve made selections and we just submitted our recommendation to the AAG for signoff. We cannot do what you are asking without violating any type of protocol we do to administer grants. She kept asking, why can’t we fund them, why can’t we give them money . . . where can we get them dollars from.

██████████ said that as he and O’Donnell spoke, Judge ██████████ and other Rochester Drug Court representatives (whom he could not identify) were standing near the table listening to his explanation of why they could not receive the funds.

On September 3, 2015, OPR again interviewed ██████████. ██████████ admitted that he did not know whether O’Donnell and the Drug Court representatives had a “small informal meeting.” He further told OPR that he did not “know if we were all sitting there at lunch, or if [██████████] came over to the table, or [if] they were [all] standing together.” Also in his second OPR interview, ██████████ told OPR that the representative who stood near their table was not Judge ██████████; rather, it was New York State Supreme Court Judge ██████████ of the Buffalo Veterans Treatment Court.<sup>22</sup> ██████████ said that Judge ██████████ “probably had just come up to the table and started to talk to her [O’Donnell] about something. The lunch was in an open area. After he finished the session, I imagine he came over and talked to her.”

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<sup>21</sup> The Adult Drug Court Discretionary Grant Program (42 U.S.C. § 3797u *et seq.*) provides financial and technical assistance to states, state courts, local courts, units of local government, and Indian tribal governments to develop and implement drug treatment courts that effectively integrate evidence-based substance abuse treatment, mandatory drug testing, sanctions and incentives, and transitional services in a judicially supervised court setting with jurisdiction over nonviolent, substance-abusing offenders. The grant recipient uses the funds to establish new services for target populations not currently being served; enhance existing court operations; expand court services and improve the quality and/or intensity of offender services such as healthcare including mental health services; educational, vocational, and job training; and job and housing placement assistance, childcare, and/or other family support services for each adult participant who requires such services.

<sup>22</sup> If a Veteran becomes involved in the criminal justice system due to difficulty in adjusting to life at home or coping with combat-related stress, the Veteran’s Treatment Court offers an alternative to traditional justice system case processing by offering mental health treatment and support with regular judicial supervision.

When OPR asked [REDACTED] why, in his first interview, he had identified Judge [REDACTED] of the Rochester Drug Court, and in his second interview, identified Judge [REDACTED] of the Buffalo Veterans Treatment Court as the person involved in the discussions, [REDACTED] said, "I think they are synonymous. . . . I use the two courts interchangeably, I think they are in the same district." When OPR pointed out that the two courts are in separate districts, [REDACTED] could not provide an explanation for the discrepancy.

OPR interviewed [REDACTED] New York State Supreme Court Judge [REDACTED] of Rochester. Judge [REDACTED], but had initiated a drug court program in Rochester as early as 1995, and his court had actively participated in the program since that time. Judge [REDACTED] was on the NADCP board and he was a former Chair of the NADCP conference. Judge [REDACTED] said that he "absolutely [did] not" have a conversation with O'Donnell about funding at the 2012 conference in Nashville. He told OPR that he has known O'Donnell for years and although he was friendly to her at the conference, asking how she was and chatting, that was the extent of his conversations with her. Judge [REDACTED] said that he never asked for special funding, discretionary funding, or special treatment from O'Donnell. Judge [REDACTED] added that he was not involved in the grant submission or application process for the Rochester Drug Court, so it was not a subject he would have raised with O'Donnell. When OPR asked Judge [REDACTED] if he had stood near O'Donnell and [REDACTED] at lunch in an effort to listen to their conversation about funding for the Rochester Drug Court, Judge [REDACTED] told OPR, "Absolutely not. It did not happen." He stated that his relationship with O'Donnell was always "on the up and up" and that O'Donnell was "always on the up and up."

OPR also interviewed New York State Supreme Court Judge [REDACTED] of Buffalo. Judge [REDACTED] attended the June 2012 conference. He said he did not have a conversation with O'Donnell about funding for the Buffalo Veterans Treatment Court program, or any of the other programs with which his court was involved. Judge [REDACTED] had been involved in the Buffalo Drug Treatment Court since 1995, the Mental Health Court since 2002, and he created the nation's first Veterans Treatment Court in 2008. Judge [REDACTED] was the past Chairman of the Board of Directors of the NADCP, and the past president of the New York State Association of Drug Treatment Court Professionals, Inc. Judge [REDACTED] said he knows O'Donnell, and that at the conference he exchanged "general pleasantries," with her, saying "hello, how do you do, and asking about her family." Judge [REDACTED] said he is always grateful and thankful for assistance with the funding for these programs, but that he did not seek additional funding for any of the Buffalo court programs, and would never ask for additional funding in such a manner. Judge [REDACTED] explained that the Buffalo court had always participated in the application process through the BJA and that he was not personally involved in the application process. He said that a contact person in Buffalo sent their grant applications to the New York State Court Administrative Office; the state office then applied to the BJA on Buffalo's behalf. Judge [REDACTED] did not recall a lunch or standing near O'Donnell at a lunch listening to a conversation with [REDACTED], and did not believe it occurred.

OPR interviewed Director O'Donnell. O'Donnell disputed [REDACTED]'s allegation. She told OPR that she did not recall any lunch with [REDACTED] in which she asked for funding for any court and would not advocate that any court, whether an NYCS court or not, receive special or additional funding. O'Donnell told OPR, "I don't give out funds except through [the BJA] grant procedure," and noted that, in any event, she does not award funds; rather, the final authority for grant application approval rested with AAG Mason. In response to the allegation that the court

representatives stood near her table during lunch in an attempt to listen to her conversation with [REDACTED]. O'Donnell stated that "[this] does not sound like any way that I would behave -- speaking loudly so a drug court [representative] could hear."

O'Donnell explained that she attends the NADCP conference every year and that 2,000 to 3,000 drug court professionals from all over the country attend the conference. O'Donnell always speaks at the opening ceremony and attends a reception immediately following the ceremony. She sometimes meets with the NADCP Board of Directors to talk about their concerns with the BJA grant programs generally, but never discusses funding for a particular court or for a pending application. She did not recall if she met with the NADCP Board of Directors in 2012, but said that Judge [REDACTED] was on the NADCP board. O'Donnell recalled a conversation she had with Judge [REDACTED] about policy issues, but said the conversation was in his capacity as an NADCP board member, and had nothing to do with the Rochester Drug Court or any grant application for a specific court.<sup>23</sup> She did not recall when or where this conversation occurred.

O'Donnell said she has known Judge [REDACTED] for a long time and did not recall having any conversation with him about funding his Veterans Treatment Court. O'Donnell said that Judge [REDACTED] "is the first judge to start a Veterans Treatment Court and . . . I have a lot of respect for him and what he has done." O'Donnell said that because Judge [REDACTED] had been involved in the programs for so long, he "would already know all this [about grant applications funding and how it worked] so [he] would not ask for information," nor would he seek additional funding outside the grant application process. O'Donnell concluded, "I would not have met with either of these judges about providing funding to their court. . . . I don't have meetings with people about providing funding for their programs, whether New York or not. We give federal funding according to procedures."

## 2. Conclusion

OPR concludes that [REDACTED]'s allegation that O'Donnell violated her ethical obligations by meeting with NYCS representatives at the conference and advocating for funds for specific courts is not supported by the evidence.

Important to OPR's conclusion is the fact that [REDACTED] did not accurately recall what occurred at the NADCP conference in 2012. [REDACTED] first told the OSC that O'Donnell had a "small informal meeting" with a Rochester Drug Court representative, and later said there was no such meeting, but that he and O'Donnell had lunch and discussed funding for a court program. [REDACTED] first said that court representatives were first standing near the table listening to his conversation with O'Donnell, but later said he was not sure if the representatives joined them for lunch, or whether they all stood together when the representatives approached their table.

In addition, [REDACTED] first claimed to the OSC and in his first OPR interview that the representative was Judge [REDACTED] of the Rochester Drug Court, but in a subsequent interview, claimed it was Judge [REDACTED] of the Buffalo Veterans Treatment Court. He could not explain the change in his allegation. [REDACTED] explained only that he views the two courts as "synonymous,"

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<sup>23</sup> See Section III.B, *infra*, for more detail on this issue.

and believed them to be in the same district so he could refer to them interchangeably. [REDACTED] did not take notes or otherwise record the incident. [REDACTED] did not speak to a supervisor or an OJP ethics officer about his concerns regarding the incident.

OPR found the following facts relevant to its conclusion:

- Judge [REDACTED] denied that he had any conversation with O'Donnell about funding for the Rochester Drug Court and stated that any claim that he listened to [REDACTED] and O'Donnell's conversation at lunch "absolutely did not" happen. Judge [REDACTED] said he would "absolutely not" have requested special or additional funding for the Rochester Drug Court, and that he spoke to O'Donnell at the conference only socially.
- Judge [REDACTED] denied that he had any conversation with O'Donnell about funding for the Buffalo Veterans Treatment court and stated that he never would have sought special or additional funding from her. Judge [REDACTED] denied that he listened to a conversation between O'Donnell and [REDACTED] at a lunch. He said he spoke to O'Donnell only about "general pleasantries."
- O'Donnell denied the allegations, stating she had no conversations with Judge [REDACTED] or Judge [REDACTED] about funding their courts and that she would never speak with anyone about specific funding or grant applications, whether it was an NYCS court or not.

OPR concludes, therefore, based on [REDACTED] vague and inconsistent recall of the incident; the lack of any record documenting the incident; and the consistent denial of the allegations by Judge [REDACTED] Judge [REDACTED] and Director O'Donnell, that O'Donnell did not advocate for additional funding for either the Buffalo Veterans Treatment Court or the Rochester Drug Court.

OPR understood [REDACTED]' concern to be based, at least in part, on his belief that O'Donnell could not speak with or have contact with anyone from New York state courts because of her former employment and because of her husband's position with the NYCS. OPR finds that [REDACTED]' belief is based on a misunderstanding of the application and scope of O'Donnell's recusal obligations.

Because of her husband's employment, O'Donnell must not "participate personally and substantially in any particular matter involving specific parties in which the State of New York Office of Court Administration is a party or represents a party." "Particular matter" is defined to include any investigation, application, request for a ruling or determination, rulemaking, contract, controversy, claim, charge, accusation, arrest, or judicial or other proceeding.<sup>24</sup> A grant application is a "particular matter" from which she must be recused.

To the extent that [REDACTED] may be concerned with the social contact between O'Donnell and the judges, O'Donnell is not prohibited from having social, personal, or general conversations with any person as long as there is not a discussion of a "particular matter" involving specific parties. OPR interviewed the Department of Justice's Director of the Department Ethics Office, who explained that the federal ethics statutes and regulations were never intended to preclude a person from having personal or social contact or conversations.

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<sup>24</sup> 18 U.S.C. § 207(i)(3).

OPR concludes that O'Donnell did not violate her ethical obligations by speaking with NYCS representatives if there was not a discussion of a "particular matter" involving specific parties." There is no evidence that such a discussion occurred with either Rochester Drug Court representatives or Buffalo Veterans Treatment Court representatives. Accordingly, OPR finds, based on a preponderance of the evidence, that O'Donnell did not engage in wrongdoing.

**B. Allegation #2: O'Donnell's Meeting with Representatives from the Rochester Drug Court**

**1. Relevant Facts**

During his July 23, 2015 OPR interview, ██████ alleged that several months after the 2012 NADCP training conference, he was called into O'Donnell's office in Washington, D.C., where she was meeting with representatives from the Rochester Drug Court.<sup>25</sup> ██████ claimed that these were the same representatives who had spoken to O'Donnell at the June 2012 NADCP training conference in Nashville, that is, Judge ██████ and several of his court staff (whose names ██████ did not recall). According to ██████, O'Donnell asked ██████ to attend the meeting to provide substantive information about the BJA grant programs and the grant application process. ██████ did not recall any details about the meeting, and did not recall if the Rochester Drug Court representatives asked him questions. ██████ told OPR that the representatives "wanted funding, we have lots of programs, so [they] could have been asking for money from any program, I don't remember."

██████ said that at the time, he did not believe that the meeting was inappropriate, and he did not take notes. He could not locate e-mails or other records documenting the event. ██████ now believes that O'Donnell's alleged meeting with Judge ██████ and the Rochester Drug Court representatives violated O'Donnell's ethical obligations and that she should have recused herself from participating in that meeting.

OPR interviewed Judge ██████. Judge ██████ told OPR that he has never traveled to Washington, D.C. to meet with O'Donnell.

In OPR's interview of O'Donnell, she did not recall meeting with Judge ██████ in her office, but said that she met with people "all the time," and maybe just did not recall that meeting. O'Donnell searched her calendar for 2012 and 2013 and could not find a meeting with Judge ██████ referenced in her calendar. OJP's Information Technology Specialist also searched through the BJA electronic calendar and e-mails, but could not locate any reference to a meeting with Judge ██████

O'Donnell told OPR that she recalled speaking with Judge ██████ about a policy matter that he raised on behalf of the NADCP, in his capacity as an NADCP board member, regarding the potential funding for drug treatment for the 3,000 drug courts nationwide. O'Donnell does not recall when or where that conversation occurred, adding that it could have occurred at one of the NADCP conferences. O'Donnell stated that Judge ██████ "was approaching this from the NADCP point of view. I did not identify this as meeting with [the

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<sup>25</sup> ██████ could not recall the date of the alleged meeting, but in his first OPR interview, he said he believed it took place several months after the June 2012 NADCP training conference. In his second OPR interview, ██████ stated the meeting might have occurred in 2013.

Rochester Drug Court, but with a leader in [the] drug court movement.” O’Donnell stated that Judge ██████ sought information from a policy point of view: “would we think about that, would that work. This is something we do all the time. We are always soliciting feedback from the grantees about how to better meet their needs. I frequently do that at the conference to get feedback on the program.”

Because the conversation with Judge ██████ concerned a broad policy issue relevant to all drug courts nationwide, and did not address a grant application, or a “particular matter” involving “specific parties,” O’Donnell did not believe she had a conflict or that she needed to avoid speaking with Judge ██████ on the issue. O’Donnell believed that the discussion she had with Judge ██████ was appropriate.

O’Donnell recalled speaking with ██████ in her office about possible ways that drug courts could provide drug treatment, and asked him whether any of the BJA funding programs could help accomplish that goal. O’Donnell said that ██████ did not know that information, but O’Donnell later learned that the Substance Abuse and Mental Health Services Administration (SAMHSA) might provide funding for drug treatment.

## 2. Conclusion

OPR concludes that ██████’ allegation that O’Donnell violated her ethical obligations by meeting with Judge ██████ in her office in Washington, D.C., is not supported by the evidence:

- Judge ██████ denies that he ever traveled to Washington, D.C. to meet with O’Donnell.
- O’Donnell does not recall meeting with Judge ██████ or Rochester Drug Court representatives in her office. O’Donnell also stated she could not find a calendar entry for a meeting with Judge ██████
- OJP’s Information Technology Specialist searched the BJA electronic calendar and e-mails and could not find a reference to such a meeting.
- ██████ did not take notes of the meeting and did not otherwise record any detail of the incident. ██████ could not find any e-mail or other documentation that corroborated his allegation that O’Donnell met with Judge ██████. ██████ did not speak to a supervisor or an OJP ethics officer about his concerns regarding the incident.

Even had ██████ and O’Donnell met, however, there is no evidence that they discussed a particular grant or funding for the Rochester Drug Court; that is, a “particular matter involving specific parties.” The evidence instead reveals that:

- Judge ██████ denied speaking with O’Donnell about a specific grant or funding for the Rochester Drug Court.
- O’Donnell denied discussing a particular grant application or funding with Judge ██████

- [REDACTED] himself acknowledged that he does not recall what occurred at the meeting, although he believes he was asked to provide information about BJA programs.
- The only conversation O'Donnell recalled having with Judge [REDACTED] was in his capacity as an NADCP board member, during which he inquired about a drug treatment program to work in conjunction with the ADCDGP program. This was a policy issue relevant to the 3,000 drug courts nationwide. O'Donnell did not recall when or where this conversation occurred.

OPR does not have sufficient evidence to conclude that a meeting such as that which [REDACTED] described between Judge [REDACTED] and Director O'Donnell ever occurred.

In any event, OPR understood that [REDACTED] believed that any contacts between O'Donnell and Judge [REDACTED] violated her ethical obligations and that O'Donnell was required to avoid having any contact or communication with him. As discussed above, O'Donnell's recusal obligations prohibit her from participating in "particular matters" involving specific parties. In the only substantive discussion identified by O'Donnell herself, she and Judge [REDACTED] addressed a broad policy program relevant to all drug courts nationwide. They both deny discussing a particular matter such as a grant application or other funding for the Rochester Drug Court at any time. As noted, the term "particular matter," does not extend to the consideration or adoption of "broad policy options that are directed to the interests of a large and diverse group of persons." Because O'Donnell spoke with Judge [REDACTED] in his capacity as an NADCP board member regarding a policy issue relevant to all 3,000 drug courts nationwide, this conversation did not constitute a "particular matter" within the scope of her ethical obligations.<sup>26</sup> OPR, therefore, concludes that O'Donnell did not engage in wrongdoing with regard to this allegation.

**C. Allegation #3: The June 2013 Adult Drug Court Diversion Grant Program Application Review**

**1. Relevant Facts**

In his complaint to the OSC, [REDACTED] stated that in mid-June 2013, [REDACTED] and the BJA leadership, consisting of Director O'Donnell, BJA Deputy Director for Policy Kristen Mahoney, and BJA Associate Deputy Director for Policy Ruby Qazilbash, met to discuss grant awards to applicants for the FY 2013 Adult Drug Court Discretionary Grant Program (ADCDGP). He alleged that O'Donnell violated her ethical obligations by failing to leave the meeting when

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<sup>26</sup> Title 5 of the Code of Federal Regulations § 2635.502(b) gives examples of how the regulations are defined and applied. One example provides the following guidance:

An employee of the Department of Labor is providing technical assistance in drafting occupational safety and health legislation that will affect all employers of five or more persons. His wife is employed as an administrative assistant by a large corporation that will incur additional costs if the proposed legislations is enacted. Because the legislation is not a particular matter involving specific parties, the employee may continue to work on the legislation and need not be concerned that his wife's employment with an affected corporation would raise a question concerning his impartiality.

5 C.F.R. § 2635.502(b)(3).

NYCS grant applications were considered and by commenting that a certain NYCS program needed funding. [REDACTED] also alleged that the final June 28, 2013 BJA grant recommendation memorandum contained an NYCS court -- the Chautauqua Drug Court -- that had not submitted a grant application, but was nevertheless recommended for a grant award. OPR concludes that [REDACTED]'s allegations are not supported by the evidence.

a. **The FY 2013 ADCDGP Award Process**

Congress annually funds the OJP Adult Drug Court Discretionary Grant Program. Once funds are appropriated, the BJA posts solicitations for grant applications with a deadline that is usually two months from the opening of solicitations.<sup>27</sup> For FY 2013, solicitation for the ADCDGP was opened on December 18, 2012, with a closing date of February 21, 2013 for all applications. The BJA received 193 ADCDGP applications for FY 2013.

The BJA hired Lockheed Martin to facilitate an independent peer review and rating of the ADCDGP applications. Once the application period closed, the applications were sent to the Lockheed Martin facilitator, who reviewed them for completeness and compliance with all technical and legal requirements. For FY 2013, the facilitator's review determined that 178 potentially eligible ADCDGP applications qualified for further review.<sup>28</sup>

Lockheed Martin then initiated a peer review of the applications to ensure that they were fairly and impartially rated. Thirteen peer-review panels of three persons each were convened to review the grant applications. The selected panelists represented persons with diverse backgrounds with significant experience dealing with issues relating to substance abuse and treatment, tribal and criminal justice experience, and drug court experience.

Each panel member reviewed applications and scored them based on established selection criteria and point assignment. After their review, each panel and the Lockheed Martin facilitator participated in a "consensus call" to discuss the individual scores for each applicant and any variances in scoring. A final "normalized" score was computed for each application by averaging the three independent peer-review scores. Because Lockheed Martin facilitated the peer review, OJP and BJA employees were not involved in the peer-review or scoring process. The grant manager for the program, in this case [REDACTED], could participate on the consensus call to provide program information if needed, but he would not attempt to influence or provide opinions regarding the peer-review ratings.

After the peer review was completed and the score normalized, the Lockheed Martin facilitator compiled the final scores and provided them to the BJA. Peer-review ratings were either a raw score (100 being the highest score) or a tier (based on a raw score, with Tier 1 applicants generally receiving priority for grant awards).

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<sup>27</sup> See sample FY 2013 ADCDGP solicitation at Tab 5.

<sup>28</sup> Under this review, an application could be excluded if it were missing a critical application element, was duplicative of another application, was not submitted by an eligible applicant, or was not responsive to the funding purpose. See June 28, 2013 ADCDGP recommendation memorandum from [REDACTED] to AAG Mason at Tab 6.

After receiving the scores, ██████ prepared a detailed Excel spreadsheet of the reviewed applications (ADCDGP spreadsheet). Based on the scores, available funding, and other BJA policy criteria, he recommended which applicants should receive grant awards and the amounts each should receive. These recommendations were added to the ADCDGP spreadsheet.

For FY 2013, the NYCS submitted ten grant applications in two separate categories of ADCDGP grants: (1) Implementation and (2) Statewide Enhancement.<sup>30</sup> In the ADCDGP spreadsheet, ██████ recommended that only two NYCS grant applications for the Implementation category be funded:

1. The Chautauqua Drug Court (a court within the NYCS), 2013-H0332-NY-DC, requesting \$157,628, rated Tier 1. ██████ recommended it receive the full requested amount.
2. NYCS, 2013-H0341-NY-DC, requesting \$199,615, rated Tier 1. ██████ recommended it receive the full requested amount.

██████ recommended that the remaining NYCS grant applications in the Implementation category not be funded:

3. NYCS, 2013-H0340-NY-DC, requesting \$200,000, rated Tier 1.
4. NYCS, Kings County, 2013-H0331-NY-DC, requested \$199,970, rated Tier 2.
5. NYCS, 2013-H0342-NY-DC, requesting \$62,680, rated Tier 3.
6. NYCS, 2013-H0343-NY-DC, requesting \$148,408, rated Tier 3.
7. NYCS, 2013-H0351-NY-DC, requesting \$199, 729, rated Tier 3.
8. NYCS, 2013-H0347-NY-DC, requesting \$349,342, rated Tier 3.

██████ also recommended that two NYCS grant applications in the Statewide Enhancement category not be funded:

9. NYCS, 2013-H0356-NY-DC, requesting \$199,323, rated 86.
10. NYCS, 2013-H0350-NY-DC, requesting \$200,000, rated 84.5.

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<sup>29</sup> The FY 2013 ADCDGP spreadsheet is at Tab 7.

<sup>30</sup> BJA has three categories of grants under the ADCDGP. Under Category 1, Implementation, an applicant can receive a maximum of \$350,000 to implement a new drug court program. Applicants must demonstrate that a substantial amount of planning has already occurred and a level of readiness exists to support implementation. Under Category 2, Enhancement, applicants can receive a maximum of \$200,000 to enhance drug court operations and provide additional services to drug court participants. Under Category 3, Statewide Enhancement, state agencies can receive a maximum of \$1.5 million under Subcategories a and b to improve, enhance, or expand drug court services statewide, including passing up to \$1.3 million to state drug courts in adherence with a state problem-solving strategy.

**b. The BJA Mid-June 2013 Meeting**

In mid-June 2013, BJA management met to consider and recommend awards for the ADCDGP applications. The meeting was attended by O'Donnell, Mahoney, Qazilbash, and [REDACTED]. During the meeting, [REDACTED] provided to the BJA leadership the ADCDGP spreadsheet of eligible grant applicants that included the name of the applicants, award titles, the applicants' award score or tier, the award amounts that the applicants requested, and the award amounts that [REDACTED] recommended.<sup>31</sup>

The meeting participants reviewed and discussed the applicants as they went through the ADCDGP spreadsheet recommendations. The BJA management considered priority factors for the award of grants including applicants who had completed the BJA Drug Court Planning Initiative Training, and applicants that proposed designs and strategies consistent with the Drug Court key components. The funding recommendations also included consideration of an applicant's stated capacity for performance; avoidance of duplicate drug court funding; letters of recommendation from state court administrators; geographic diversity; and past grant performance.

According to [REDACTED], during this meeting, Director O'Donnell did not leave the meeting and "asked employees specific questions about these [NYCS] applicants and stated that these entities merited the grant awards."<sup>32</sup>

[REDACTED] had no notes or other documents that recorded what occurred at the meeting. [REDACTED] told OPR that he never spoke to anyone in the BJA or the OJP about his concerns, including Qazilbash, his immediate supervisor. OPR interviewed the other meeting participants, O'Donnell, Mahoney, and Qazilbash.

Mahoney told OPR that the allegation was "outrageous" and explained the procedure that BJA management followed when there was an NYCS grant applicant. Mahoney told OPR that she, O'Donnell, Qazilbash, and [REDACTED] would go through each item on the spreadsheet and "skip" the NYCS grant applications. The meeting participants would then wait until O'Donnell left the room to discuss and decide the final recommendations for the NYCS grant applications. Mahoney said this is the practice followed for all meetings with NYCS grant applicants. She said that O'Donnell is "vigilant in her recusal obligations," and always states during the meeting that she is recused from NYCS grant applications and instructs the meeting participants not to talk about those applications while she is present.

Mahoney confirmed that she was the deciding official for any matter on which O'Donnell was recused. She said that O'Donnell takes her recusal obligations "very, very seriously" and would never direct her or Qazilbash to grant an award for a matter for which she is recused or try to influence her in any way. She stated that O'Donnell has never made any offhand comment about an applicant or advocated for an award for a particular applicant. Mahoney said that since she started working with the BJA in July 2012, O'Donnell had made clear to everyone via e-

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<sup>31</sup> See FY 2013 ADCDGP spreadsheet at Tab 7.

<sup>32</sup> The OSC March 2, 2015 Letter to the Attorney General at 3, Tab 1.

mail, meetings, and otherwise, that she is recused from participating in particular matters, including the NYCS grant applications.

Qazilbash did not recall the specifics of the June 2013 meeting because by the time of her OPR interview, the meeting had occurred three funding cycles before. Qazilbash said, however, that before every decision making meeting, O'Donnell announces, "I am recused from everything from NYCS and we will not be discussing those." Qazilbash said that since she began working with O'Donnell, if an issue arose regarding an NYCS grant application, O'Donnell would say "please hold the conversation and talk to Kristen [Mahoney] about them." Qazilbash said they would then skip over the grant application, and afterwards go to Mahoney's office to discuss it. She said O'Donnell always documents those matters from which she is recused, and for which Mahoney is the decision maker, on the BJA final funding recommendation memoranda. Qazilbash told OPR that she had "never been in a meeting and had that red flag go off where [O'Donnell] shouldn't be talking about this." Qazilbash said the fact that O'Donnell's husband is a judge with the NYCS has never influenced any of their decisions regarding grant awards.

O'Donnell told OPR, "I totally deny that I would have advocated giving funds to those two entities. . . . It is not something that I would ethically do." O'Donnell said that Mahoney, Qazilbash, and [REDACTED] all knew that she was recused from considering matters involving the NYCS. She said that because the NYCS is so large, it almost always had applications for drug court monies, so she always reminded everyone at the beginning of a grant application review meeting that she was recused from participating in the review of the NYCS grant applications. In OPR's interview with [REDACTED], he confirmed that O'Donnell always reminded the meeting participants that she was recused from reviewing the NYCS grant applications.

O'Donnell explained that she had two general procedures she followed when there was a conflict. In the first, if the BJA management had a large number of applications to review and she had a conflict with an applicant, she would stay in the room, and she, Mahoney, and Qazilbash would skip over that matter and go to the next matter on the list. After the meeting, Mahoney and Qazilbash would go to Mahoney's office and review the skipped applications and discuss them. Mahoney was designated as her "gatekeeper" for those matters and had authority to make final funding recommendations on those applications for which O'Donnell had a conflict. When O'Donnell reviewed the final grant recommendation memorandum, she would document the recusal by including a handwritten note at the bottom of the first page, stating that she had been recused from the specified matters and that Mahoney was the decision maker. O'Donnell told OPR that the OJP ethics officers had advised her to document the recusal in this manner.

O'Donnell explained that alternatively, if Mahoney and Qazilbash felt they had to discuss the applications right then, O'Donnell would leave the room. She said this had not happened often, and usually occurred when there was a particular need to make final decisions quickly.

O'Donnell said she did not recall all of the specifics of the meeting in June 2013, but she recalled asking whether the Chautauqua Drug Court was part of the NYCS because she did not know, and needed to determine whether she should be recused from that grant application review. Because someone at the meeting told her that Chautauqua was part of the NYCS, she did not participate in reviewing that grant application. O'Donnell told OPR that she "worked

very hard” to fulfill her ethical obligations and stated that if either Mahoney or Qazilbash thought she was violating her ethical obligations, they would let her know, and they had never brought any potential problems to her attention.

c. **The June 28, 2013 Recommendation Memorandum**

In a memorandum dated June 28, 2013, created by [REDACTED] and directed to AAG Mason, through O’Donnell, Mahoney, and Qazilbash, the BJA made its final FY 2013 funding recommendations for the Adult Drug Court Discretionary Grant Program.<sup>33</sup> [REDACTED] alleged that the June 28 memorandum demonstrates that O’Donnell had influenced the award of grants to the two NYCS applicants.

The June 28, 2013 funding memorandum recommended that 51 ADCDGP grant applications be awarded. This number included 16 Implementation awards, 26 Enhancement awards, and 9 Statewide Enhancement awards. The June 28, 2013 memorandum awarded the Chautauqua Drug Court a grant of \$157,628 (2013-H0332-NY-DC) and the NYCS a grant of \$199,615 (2013-H0341-NY-DC).<sup>34</sup> The two grant award recommendations were consistent with the recommendations [REDACTED] set forth in his ADCDGP spreadsheet. Also consistent with [REDACTED]’ recommendations, the remaining eight NYCS grant applications were *not* recommended for a funding award.

[REDACTED] and each of the BJA managers reviewed and signed the memorandum. When O’Donnell signed the memorandum, she handwrote at the bottom of the front page of the memorandum:

NOTE: Director O’Donnell is recused from recommendations on p 11 to NYS Unified Court System and Chautauqua Drug Court Grants. Those recommendations were approved by Deputy Director Kristen Mahoney.

[Signed] DEO’Donnell<sup>35</sup>

O’Donnell told OPR that when she reviewed the June 28, 2013 memorandum, it probably would have been the first time she learned of the BJA award recommendations that Mahoney had made for the NYCS and the Chautauqua Drug Court. The June 28, 2013 memorandum was sent to

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<sup>33</sup> The June 28, 2013 memorandum was entitled, *FY 2013 Competitive Funding Recommendations for the Adult Drug Court Discretionary Grant Program Solicitation and Supplemental Award Recommendations for the Adult Drug Court Training and Technical Assistance Portfolio*, at Tab 6.

<sup>34</sup> Mahoney told OPR that the NYCS generally prefers to coordinate and submit drug court grant applications for all regional supreme courts through its New York State Office of Court Administration, but that sometimes a particular region will submit an individual application. She said it is unusual, but presumes this is what happened when the Chautauqua Drug Court submitted an application individually, rather than through the New York State Office of Court Administration.

<sup>35</sup> See June 28, 2013 memorandum, at Tab 6.

AAG Mason for approval.<sup>36</sup> On July 3, 2013, AAG Mason approved the BJA's grant recommendations.

█████ claimed that the grant award recommended to the Chautauqua Drug Court in the June 28, 2013 memorandum demonstrated that O'Donnell violated her ethical obligations because he believed that the Chautauqua Drug Court had not submitted a grant application and was not listed on his ADCDGP spreadsheet. █████ told OPR that he did not know where the Chautauqua Drug Court "came from," and did not "know why it stands out like this [in O'Donnell's handwritten note] and is separate." █████ believed O'Donnell's note included Chautauqua to make it appear as though she had recused herself from considering the Chautauqua Drug Court as a grant recipient, when he believed she had not. In support of this allegation, █████ provided to OPR what he represented to be the relevant FY 2013 ADCDGP spreadsheet. However, OPR learned during its investigation that █████ had provided to OPR an incomplete spreadsheet. █████' copy did not include the page that contained his recommendation for the Chautauqua Drug Court grant award.<sup>37</sup> OPR believes that █████' reliance on this incomplete document was, at least in part, the basis for this mistaken allegation.

Qazilbash supervised █████ in the preparation and review of the ADCDGP spreadsheet prior to the decision making meeting. Qazilbash confirmed to OPR that █████ himself had included the Chautauqua Drug Court grant application on the spreadsheet (2013-H0332-NY-DC) as one of the applications that had gone through the independent peer-review process and had been rated with a Tier 1 score. In the spreadsheet, █████ had recommended that the Chautauqua Drug Court be awarded \$157,628 based on its score and eligibility for the funds.

## 2. Conclusion

OPR finds that █████' allegations that O'Donnell inappropriately failed to recuse herself from the FY 2013 ADCDGP review meeting that considered the NYCS applicants, and that she made supportive comments about an NYCS applicant during that meeting, were not supported by the evidence. OPR's interviews of O'Donnell, Mahoney, and Qazilbash, who attended the meeting, revealed the following:

- Mahoney said that the allegations were "outrageous." She confirmed that she was the deciding official for any matter on which O'Donnell was recused. She told OPR that O'Donnell would never direct her or Qazilbash to grant an award for a matter for which she was recused, or try to influence the review process by making offhand comments or advocating for an award. Mahoney said that O'Donnell makes clear via e-mails, meetings, and otherwise, that she is recused from participating in particular matters, and is "vigilant in her recusal obligations." She said that O'Donnell ensures that she is not present when NYCS grant applications are reviewed.

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<sup>36</sup> The BJA Office of the Chief Financial Officer (OCFO) conducts a financial review of all recommended grant awards to evaluate the fiscal integrity and financial capability of applicants, examines proposed costs to determine if the budget and budget narrative accurately explain project costs, and determines whether costs are reasonable, necessary, and allowable under applicable federal cost principles and agency regulations.

<sup>37</sup> Compare the partial FY 2013 ADCDGP spreadsheet that █████ produced to OPR at Tab 8, with the complete FY 2013 ADGDCP spreadsheet at Tab 7.

- Qazilbash said that before every decision making meeting, O'Donnell would announce, "I am recused from everything from NYCS and we will not be discussing those." Qazilbash said that if an NYCS grant application came up during a decision making meeting, O'Donnell would say, "please hold the conversation and talk to Kristen [Mahoney] about them." Qazilbash stated that she had "never been in a meeting and had that red flag go off where [O'Donnell] shouldn't be talking about this." Qazilbash told OPR that when there was an NYCS grant application, they would skip over it in the decision making meeting with O'Donnell, and afterwards, go to Mahoney's office to discuss the NYCS applications.
- O'Donnell told OPR, "I totally deny that I would have advocated for giving funds to those two entities. . . . It is not something that I would ethically do." O'Donnell said she always began meetings with an announcement that she was recused from NYCS grant applications. If NYCS applications were being considered, they would skip over that applicant and Mahoney, Qazilbash, and ██████ would discuss them afterwards; or she would leave the meeting so they could discuss the NYCS applications.
- Mahoney and Qazilbash both said that O'Donnell had never said or done anything that would make them believe that she violated her ethical obligations.
- O'Donnell documented her recusal from the NYCS grant applications by handwriting a note on the recommendation memorandum stating that she was recused from the decision making for the NYCS grants and that Mahoney made the decisions recommending funding.
- ██████ did not take notes of the meeting and did not otherwise record any details concerning the incident. ██████ did not raise his concerns with his supervisor or an OJP ethics officer.

Accordingly, OPR concludes that ██████' allegations that O'Donnell violated her ethical obligations by remaining in a grant application review meeting and commenting on NYCS grant applications, was not supported by the evidence.

OPR further finds that ██████' allegation that the Chautauqua Drug Court, an NYCS court, was awarded a grant even though it had not submitted a grant application, was not supported by the evidence. The evidence established the following:

- The Chautauqua Drug Court submitted a timely application for ADCDGP enhancement monies for FY 2013, and was part of the FY 2013 peer-review process. It received a Tier 1 rating (Application No. 2013-H0332-NY-DC).
- ██████ prepared an Excel spreadsheet of all FY 2013 ADCDGP applications that had gone through the peer-review process. He included the Chautauqua Drug Court as an applicant and recommended that it receive the entire amount it requested, \$157,628.
- ██████ prepared the final recommendation memorandum recommending an award to Chautauqua Drug Court, and he signed the memorandum.

The documents available to OPR demonstrate that the Chautauqua Drug Court submitted a grant application in response to the ADCDGP solicitation in FY 2013; that ██████ reviewed and included the Chautauqua Drug Court application in his ADCDGP spreadsheet; and that ██████ participated in the BJA recommendation that it receive an award as a Tier 1 peer-reviewed applicant. ██████ also prepared the June 28, 2013 memorandum recommending that the Chautauqua Drug Court be awarded \$157,628 (2013-H0332-NY-DC). OPR concludes that the Chautauqua Drug Court application was properly submitted, peer reviewed, and evaluated as part of the BJA award decision making process. OPR finds that O'Donnell did not engage in wrongdoing regarding this allegation.

**D. Allegation #4: The August 6, 2013 Supplemental Funding Memorandum**

On August 6, 2013, ██████ created a second memorandum directed to AAG Mason, through O'Donnell, Mahoney, and Qazilbash.<sup>38</sup> The memorandum included recommendations for a supplemental grant award to four ADCDGP grant applicants, including two NYCS grant applicants (2013-H0350-NY-DC (H0350) and 2013-H0356-NY-DC (H0356)) that had not been funded in the FY 2013 grant application process. ██████ had never heard of supplemental appropriations for funding and suspected that O'Donnell had surreptitiously appropriated budget monies to fund the two NYCS grant applicants. In his original ADCDGP spreadsheet, ██████ had recommended that the NYCS not receive funds for applications H0350 and H0356.<sup>39</sup> OPR concludes that ██████' allegations are not supported by the evidence.

**1. Relevant Facts**

**a. The BJA FY 2013 Supplemental Funding Process**

OPR obtained documents showing that OJP Chief Financial Officer (CFO) Ralph Martin notified the BJA that supplemental funds would be available in FY 2013. In a July 2, 2013 memorandum, Martin explained:

The purpose of this memorandum is to inform you of the FY 2013 programmatic unobligated prior year balances. The Consolidated and Furthering Continuation Appropriations Act, 2013, Public Law 113-6, Section 526 requires OJP to meet a rescission of unobligated balances. For FY 2013, this amount is \$43M.

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<sup>38</sup> The August 6, 2013, Supplemental Funding Memorandum is at Tab 9. The memorandum is entitled, *FY 2013 Competitive Funding Recommendations for the BJA/CSAT Joint Adult Drug Court Solicitation and the BJA Adult Drug Court Discretionary Grant Program and Supplemental Funding Recommendation for Adult Drug Court Training and Technical Assistance* (the August 6, 2013 Supplemental Funding Memorandum).

<sup>39</sup> ██████ noted in his spreadsheet that application H0350's project funding was to "implement the New York State Assessment and Implementation of Evidence-Based Practices . . . a state-wide initiative designed to address the deficits presented in the recently completed multi-site adult drug court evaluation. . . ." ██████ noted in red in the "BJA Priority 2 – Projected Capacity Per Year" column, that "The initiative will enhance services for all New York state drug court participants, currently over 11,000 individuals." ██████ did not recommend funding for H0350 because that program already had received a previous award. ██████ noted in his spreadsheet for application H0356 that: "The goals of this project will incorporate the following statewide initiatives . . . it will include a comprehensive program evaluation of seven Veterans Treatment Courts (VTCs) in New York state (population 19.5 million). . . ." ██████ did not recommend funding for application H0350.

Appropriators expect deobligations to be applied to the rescission before never-obligated balances. To meet this congressional mandate, all unobligated balances as of September 30<sup>th</sup> of this year, are encumbered until OJP has sufficient recoveries to meet this requirement.

As of May 31, 2013, OJP has collected sufficient recoveries (deobligations) to meet the FY 2013 rescission of \$43M. The final determination of the release of FY 2013 unobligated prior year balances has been made by the AAG, and funds are readily available.

Attached you will find the list of programs pertaining to your office which have carry forward funds. We will provide additional guidance to your budget contacts on the process for identifying the use of these funds in FY 2013.<sup>40</sup>

Martin included a chart showing that the Drug Court program (ADCDGP) had an unobligated balance of \$989,603.<sup>41</sup> On July 30, 2013, AAG Mason notified O'Donnell that the money was available for the BJA grant programs. The Drug Court's prior year unobligated balance of \$989,603 was added to unobligated FY 2013 ADCDGP appropriations, for a total of \$1,183,845 available for supplemental ADCDGP grant funding in FY 2013.<sup>42</sup>

Mahoney and former BJA Budget Officer James Simonson both told OPR that supplemental funding is not available every year. The Office of the Chief Financial Officer for

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<sup>40</sup> July 2, 2013 memorandum from Martin and accompanying e-mail are at Tab 10.

<sup>41</sup> The August 6, 2013 Supplemental Funding Memorandum explained:

In FY 2013, Congress appropriated a total of \$41 million for the Drug Court Program. After sequestration cuts and reductions for programmatic costs (\$7,108,230), a remainder of \$33,891,770 was available. Of this amount, \$14,692,460 was approved for the ADCDGP awards; \$5.9 million was approved for the drug court TTA program; and \$10 million was transferred to the Office of Juvenile Justice and Delinquency Prevention for juvenile and family drug court programming. That left \$2,975,212 available for competitive awards under the BJA/CSAT Adult Drug Court Enhancement Program. In July 2013, a total of \$989,603 was made available in prior year unobligated balances, allowing for additional drug court awards and TTA to be recommended for funding within this memorandum.

August 6, 2013 Supplemental Funding Memorandum at 2, Tab 9.

<sup>42</sup> See August 6, 2013 Supplemental Funding Memorandum at 5, Tab 9. In his OPR interview, [REDACTED] also alleged that he believed O'Donnell inappropriately funded a Second Chance Act program in New York. [REDACTED] based this allegation on a statement made to him by an unidentified BJA employee who had spoken on the telephone with an employee at a New York state agency. The agency employee had stated that her agency had received additional BJA Second Chance Act monies. [REDACTED] provided no names or other information to support this allegation. OPR identified only one New York agency that received supplemental Second Chance Act funds in FY 2013, the Center for Community Alternatives (CCA). The CCA is a non-profit organization that coordinates diversion and re-entry for incarcerated individuals. The CCA is not an agency with which O'Donnell is prohibited from participating in "particular matters." In an August 20, 2013 memorandum, O'Donnell recommended that the CCA, along with 14 other Second Chance Act grant applicants, be awarded remaining Second Chance Act funds. OPR finds that [REDACTED]'s allegation that O'Donnell engaged in wrongdoing is not supported by any evidence. See August 20, 2013 Second Chance Act Memorandum entitled *Addendum: FY 2013 Funding Recommendation for Use of Remaining Funds under the Second Chance Act Programs* at Tab 11.

OJP begins reconciling OJP's financial records near the end of each fiscal year and uses unobligated balances to meet OJP's rescission. Once the rescission is met, there may be unobligated balances remaining. The CFO then notifies AAG Mason of the supplemental funds available for the BJA grant applications or projects. Simonson, Mahoney, and O'Donnell explained that the unobligated funds must be spent on the programs for which they were originally designated. Therefore, unobligated ADCDGP funds must be spent on ADCDGP programs.

Mahoney stated that after the BJA made the initial ADCDGP funding recommendations on June 28, 2013, "we thought we were done, then we are made aware that new monies are available." Mahoney said that the BJA had to act quickly because generally, the cutoff date for funding grant applications was August 1, and they were notified on July 30, 2013 of the final amounts that could be expended.<sup>43</sup> Mahoney explained that the BJA "goes back to the spreadsheets to see what was funded, what's eligible, what's possible, and plug it in so all funds are expended." If the BJA "does not act fast and spend the money, it goes to waste," that is, it cannot be spent during that fiscal year.

**b. The Decision to Fund NYCS ADCDGP Grant Applications**

O'Donnell told OPR that she was not involved in deciding the FY 2013 supplemental fund awards for ADCDGP because she was out of the office when the decisions were made.<sup>44</sup> Mahoney and Qazilbash confirmed that O'Donnell was not involved in the decision making process for the supplemental fund awards for ADCDGP.

According to Mahoney, when unobligated funds become available for a specific grant program, the BJA refers back to the list of original grant applicants. Mahoney did not recall the FY 2013 supplemental funding, but said that the BJA's procedure would have been to look at the original group of FY 2013 ADCDGP applicants because they had already submitted appropriate application packages, had been vetted through the peer-review process, and had received raw scores or tier ratings. Mahoney said that the BJA would then determine which applicants to fund based on the applicants that received the highest raw score.

Qazilbash concurred with Mahoney's explanation of how supplemental funding award decisions were made.<sup>45</sup> As the Associate Deputy Director for Policy, she reviewed the grant applications and made recommendations for the supplemental awards. Qazilbash explained that in 2013, when the BJA received notice that supplemental funding was available, she used this process to make a preliminary determination of which grant applications could be awarded. The

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<sup>43</sup> See July 30, 2013 e-mails notifying the BJA of supplemental budget appropriations at Tab 12.

<sup>44</sup> O'Donnell stated that even if she had been in the office, if NYCS applicants were being considered, she would have recused herself from that decision.

<sup>45</sup> Deputy Director for Planning Eileen Garry also told OPR that it is not unusual in situations where supplemental funding requires a quick turnaround, to approve the grant applicants that were top-rated by the peer reviewers. Garry said that the BJA spends a considerable amount of money on the peer-review process to ensure a fair and unbiased grant award process. She said that although other factors are considered to ensure a well-balanced program, the peer-review process should be respected.

BJA had determined that of the \$1,183,845 available for ADCDGP, \$743,845 would fund remaining eligible ADCDGP grant applications and \$400,000 would supplement the previously competed Training and Technical Assistance (TTA) program.

In the ADCDGP Enhancement category, Qazilbash recommended that BJA award the Superior Court of the County of Solano \$187,826. Qazilbash said that in the ADCDGP Statewide Enhancement category, five grant applicants remained that had not been recommended for an award in the June 28, 2013 memorandum:

(1) The Missouri Office of State Courts Administrator, which requested \$1.3 million (2013-H0281-MO-DC) (raw score 88.8);

(2) The Tennessee Department of Mental Health and Substance Abuse, which requested \$200,000 for Category a and \$1.3 million for Category b (2013-N0251-NY-DC) (raw score 87.5);

(3) NYCS, which requested \$199,323 (2013-H0356-NY-DC) (raw score 86);

(4) NYCS, which requested \$200,000 (2013-H0350-NY-DC) (raw score 84.5); and

(5) The Oregon Criminal Justice Commission, which requested \$1.5 million (2013-H0226-OR-DC) (raw score 76.5).

Qazilbash said that she “went down the line in terms of the raw score and picked off the top ones.” She said that with the remaining funds, the BJA “did not have enough money to fund the big requests [such as Missouri and Oregon], so we looked to go as far as we could or as wide as we could with the additional money that we had left.” She determined that because Tennessee had broken its request into categories a and b, the BJA could fund Tennessee’s category a request for \$200,000. Qazilbash explained that the only funds that the BJA could award with the remaining funds were the two NYCS applications. She recommended awards of \$199,323 and \$196,696. For the second NYCS application, the BJA reduced the award amount by \$3,304 because there were insufficient funds to award the full application request amount of \$200,000.

██████ believed that the grant award to NYCS H0350 was inappropriate because it already had an active grant. When OPR questioned Qazilbash about this, she said she knew that it had an active grant, but that after her review, she believed that the supplemental funding of \$196,696 “would have added on to or supplemented [its] previous grant, so I was comfortable with going ahead and funding the award.”

Qazilbash explained that because the funding decisions in question occurred three funding cycles ago, she does not remember specific discussions with anyone in the BJA office, but she told OPR that her usual practice is to make preliminary funding recommendations based on the available supplemental funding and the peer-review scores, and then to discuss her recommendations with Mahoney. Qazilbash does not believe that O’Donnell was involved in this process, and she told OPR that she would not have discussed the NYCS applications with O’Donnell.

██████ told OPR that Qazilbash had asked him to prepare a memorandum recommending awards for the supplemental or “no year” ADCDGP funding. ██████ had not heard about

unobligated or “no year” funding and did not know where the money came from, which made him suspicious. ██████ said that Qazilbash told him to fund particular ADCDGP applicants, including the two NYCS applicants. ██████ stated that he did not know the criteria for awarding funding for the two NYCS applications, but thought it was “odd” because the money appeared “from nowhere” to fund the NYCS grants. ██████, however, did not discuss the matter with Qazilbash, did not ask any questions about the source of the supplemental funding, or question the recommendation to approve awards for the two NYCS grant applicants. ██████ drafted portions of the August 6, 2013 memorandum as requested.

The August 6, 2013 memorandum making final recommendations to AAG Mason explained:

The following chart includes four additional competitive applications recommended for award (one Enhancement and three Statewide Enhancement) with the additional funds made available. After reviewing applications, there were no remaining Category 1 [Implementation category] Tier 1 or Tier 2 applications that BJA recommends for award, nor were there any remaining Category 2 [Enhancement category] Tier 1 applications BJA recommends for award. Therefore, BJA recommends the below Category 2, Tier 2 application [Solano County], two partial Category 3 [Statewide Enhancement category] applications, and one full Category 3 application for funding.

The category 3 applications that the BJA recommended for supplemental ADCDGP awards were to: (1) Tennessee Department of Mental Health and Substance Abuse for \$200,000; (2) NYCS H0356 for \$199,323; and (3) NYCS H0350 for \$196,696. The supplemental ADCDGP award recommendations totaled \$743,845.

In recommending the four FY 2013 ADCDGP grants for the supplemental awards, the BJA’s memorandum concluded:

Utilizing unobligated prior year balances and the remaining FY 2013 Drug Court appropriation balance, BJA also recommends funding four additional awards totaling \$783,845 under the FY 2013 ADCDGP solicitation, and increasing one FY 2013 supplemental award by \$400,000 for a previously competed drug court TTA project. This leaves \$0 in remaining funds under this program.

Neither O’Donnell nor Mahoney signed the August 6, 2013 Supplemental Funding memorandum because they were not in the office that day. Rather, Qazilbash signed for ██████ and herself; BJA Deputy Director for Planning Garry signed for O’Donnell; and BJA Chief of Staff Pamela Cammarata signed for Mahoney.<sup>46</sup> During his OPR interview, ██████ acknowledged that if O’Donnell did not sign the memorandum, “she was probably out of the office” and they “wanted to push it through quickly, so [others] will sign for the person [who is out of the office].”

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<sup>46</sup> Cammarata told OPR that, based on her review of relevant e-mails, on August 6, 2013, she and Mahoney probably spoke by telephone regarding the August 6, 2013 supplemental funding memorandum, and that Cammarata would have signed the memorandum for Mahoney, once Mahoney gave her approval. Cammarata understood that the grants had gone through the peer-review and decision making process. Similarly, Garry said that on August 6, 2013, she was Acting Director for O’Donnell because O’Donnell was out of the office.

O'Donnell told OPR, "I did not have a voice in recommending anyone for these fundings. It was signed by one of the deputy directors for me." O'Donnell said that at the end of the fiscal year, the BJA must move funds quickly, so if she is not in the office, she delegates that authority to one of the BJA deputy directors. In this instance, she delegated her authority to Garry, who reviewed and signed the August 6, 2013 memorandum. O'Donnell said that for FY 2013, "I don't believe that I participated in this process at all. I did not make recommendations to anyone to fund NYCS grants." O'Donnell concluded, "I am very very sensitive to making totally unbiased decisions about what should be done here. I would not make any recommendation based on personal relationships or personal agenda."

Qazilbash sent the memorandum to the AAG, and AAG Mason approved the supplemental funding recommendations.

## 2. Conclusion

OPR concludes that [REDACTED]'s allegation that O'Donnell improperly authorized awarding supplemental budget monies to the NYCS after the grant application process had closed for FY 2013 was not supported by the evidence. The evidence established the following:

- The existence of supplemental funds for FY 2013 was entirely controlled by the appropriation and budget processes. Supplemental funds availability was determined by OJP's Chief Financial Officer and approved through AAG Mason. The amount awarded to the ADCDGP program was determined by the amount of unobligated funds available. O'Donnell had no involvement in this process.
- O'Donnell had no input into the selection of the NYCS grant applicants for supplemental funding. She was out of the office when the supplemental funding decisions were made. O'Donnell's absence was confirmed by Mahoney, Qazilbash, Garry, and Cammarata. [REDACTED] acknowledged that since O'Donnell did not sign the memorandum, she was probably out of the office.
- Mahoney, Qazilbash, and Garry provided consistent explanations of how additional grant applications are selected when the BJA has supplemental funding. OPR finds that in making preliminary recommendations, Qazilbash followed an established process by selecting the grant applications that were ranked highest by peer reviewers and for which there were available funds.
- Qazilbash explained that although she knew that NYCS H0350 already had an active grant, she believed that the recommended supplemental funding of \$196,696, "would have added on to or supplemented [its] previous grant, so I was comfortable with going ahead and funding the award." OPR found Qazilbash's explanation reasonable and within the discretion of the BJA.

[REDACTED]'s allegation apparently arose out of a misunderstanding about the supplemental appropriation process because he had no previous experience with supplemental or "no year" funding. Even though he had written portions of the August 6, 2013 supplemental funding memorandum, [REDACTED] acknowledged to OPR that he did not ask his supervisor, Qazilbash, about

where the supplemental funding monies came from, or the basis for recommending specific grant applicants.

Accordingly, [REDACTED]'s allegation that O'Donnell violated her ethical obligations by improperly awarding additional funds to two NYCS ADCDGP grant applicants is not supported by the evidence. O'Donnell did not participate in or influence the appropriation or budget process. O'Donnell did not participate in or influence the decision to fund the two NYCS grant applicants. OPR finds no evidence that O'Donnell engaged in wrongdoing with regard to this allegation.

**E. Allegation #5: O'Donnell Authorized New York State Entities to File Grant Applications Late**

[REDACTED] alleged that O'Donnell violated her ethical obligations by permitting New York state entities to file grant applications after the grant solicitation period had closed. [REDACTED] provided a March 15, 2013 e-mail from the New York City Police Department (NYCPD) to O'Donnell regarding a late-filed application for the Enhanced Collaborative Model to Combat Human Trafficking grant solicitation.<sup>47</sup> [REDACTED] alleged that O'Donnell allowed the NYCPD to re-submit its application after the deadline, and believed that thereafter, BJA granted the NYCPD an award of funds.

[REDACTED] also alleged that [REDACTED], who manages the BJA grant applications through Grants.gov, complained to him that he was "sick and tired" of opening grant applications for late-filed applications for New York state entities. OPR found neither of [REDACTED]'s allegations to be supported by the evidence.

**1. The NYCPD Late-Filed Application**

**a. Relevant Facts**

[REDACTED] provided OPR with an e-mail dated March 15, 2013, sent at 1:49 p.m., from an attorney with the NYCPD, Katherine A. Lemire, to Director O'Donnell stating, "I sent an e-mail to your other e-mail address re a grant application snafu . . . unsuccessful attempt to file 1 minute after deadline last night . . . read the e-mail --" [ellipses in original]. The attempted filing was in response to a joint BJA and Office for Victims of Crime (OVC), "Enhanced Collaborative Model to Combat Human Trafficking" solicitation that the BJA posted on January 15, 2013. The deadline for the submissions was March 14, 2013 at 11:59 p.m. Eastern Standard Time. Submissions were required to be made through Grants.gov. The announcement solicited separate, but coordinated applications from a lead local law enforcement agency and a lead victim service agency to be funded at \$500,000 for each application for a two-year period. For this program, the victim services agency, Sanctuary for Families, and the NYCPD were partnered, so each had to submit separate and timely applications to qualify for consideration. The BJA had funds to grant awards to only 7 partners (7 law enforcement agencies and 7 victim assistance agencies).

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<sup>47</sup> The March 15, 2013 e-mail from the NYCPD to O'Donnell, and O'Donnell's e-mail to Trautman, is attached at Tab 13.

That same day, March 15, at 3:24 p.m., O'Donnell forwarded Lemire's e-mail to Associate Deputy Director for Programs Tracey Trautman and asked: "Can you look into this and let me know what happened? Denise." On March 20, 2013 at 10:27 a.m., Trautman forwarded the e-mail to [REDACTED] stating:

Can you look into this one? Unfortunately, I don't have an attachment where she says "read the e-mail." Maybe you can look for an NYPD app[lication] for the solicitation (whichever one closed on Thursday, 3/14) and find out what happened. I did note that they applied AFTER the deadline.

At 10:35 a.m., [REDACTED] responded:

No problem. I am assuming this is from the NYPD, as I do see a rejected application for them. "1 minute after deadline" would be stretching it though, as their attempted submission was on 2013-03-15 at 11:08:18 am and the solicitation deadline was 23:59:59 on 03/14. They received their rejection notification [at] 11:08:30am which stated: **"The Closing Date of the grant opportunity for which you have applied has already passed and the grantor agency is no longer accepting applications."**

(Emphasis in original).<sup>48</sup>

Trautman sent an e-mail to Lemire asking about the late-filed application.<sup>49</sup> Lemire referred Trautman to John Wyeth, Assistant Director of Development for Institutional Giving, Sanctuary for Families, who had collaborated with the NYCPD on the coordinated grant applications. In an e-mail to Trautman, Wyeth explained that he tried to file the Sanctuary for Families application on March 14, 2013, but was rejected one minute after midnight:

I DID attempt to file Sanctuary's application on March 14, but it was rejected, with my receipt time-stamped 12:01am.<sup>50</sup> Attached is a PDF of the submission receipt with the corresponding time stamp. As you know, the NYPD filed their application the following morning.<sup>51</sup>

Wyeth requested that the BJA allow the Sanctuary for Families application to be filed late. According to Trautman, there was no communication from the NYCPD about their late-filed application.

[REDACTED] confirmed through Grants.gov that Sanctuary for Families attempted to apply on March 14, at 23:29:29, 23:47:43, 23:55:30, 23:58:59, and on March 15 at 00:01:27, but that the

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<sup>48</sup> The March 20, 2013 e-mails between Trautman and [REDACTED] are at Tab 14.

<sup>49</sup> The March 20, 2013 e-mails between Trautman, Lemire, and Wyeth are at Tab 15.

<sup>50</sup> This is actually 12:01 a.m. on March 15, 2013.

<sup>51</sup> This refers to the NYCPD's attempt to file its separate application on March 15, 2013 at 11:08:18 a.m. See Tab 15.

application was repeatedly rejected because of defects.<sup>52</sup> The NYCPD attempted to apply on March 15 at 11:08:18 a.m., but its application was rejected because it was filed late. █████ recommended to Trautman that Sanctuary for Families' appeal to file its application late be denied because the rejections of its application were caused by Sanctuary for Families' defective application, and not by a technical problem outside of its control.<sup>53</sup>

Trautman forwarded █████'s information to Deputy Director for Planning Garry and Deputy Director for Policy Mahoney. O'Donnell was out of the office at this time. Trautman recommended that Sanctuary for Families not be provided "special treatment;" that is, that its appeal to file a late application be denied. Trautman noted "they failed to follow the published instructions and that led to their error messages" and rejection of the application.<sup>54</sup>

Garry responded to Trautman by stating, "I agree we should not accept their application."<sup>55</sup> Garry told OPR that when she read the e-mails and attachment, she agreed that the BJA could not accept the Sanctuary for Families application. She said that the reason it was filed late was because Sanctuary for Families did not follow the instructions for applying. She noted that the BJA had a "black and white" rule regarding the re-opening of late-filed applications of competitive grants; otherwise, that issue could become a "slippery slope." She said that the BJA only authorizes a late-filed application if the late filing occurred as a result of an issue that was out of the control of the applicant, such as Grants.gov not working, a major power outage, or some other technical or computer error that was the government's responsibility. She said that an appeal to submit a late-filed application is rarely granted.<sup>56</sup>

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<sup>52</sup> That is, on March 14, 2013 at 11:29:29 p.m., 11:47:43 p.m., 11:55:30 p.m., 11:58:59 p.m., and on March 15 at 12:01:27 a.m. See Tabs 14 and 15.

<sup>53</sup> See Tab 14.

<sup>54</sup> See Tab 15.

<sup>55</sup> See *id.*

<sup>56</sup> Indeed, the BJA's solicitation form, which every applicant obtains when applying for a grant, includes language describing the appeal procedure:

**Experiencing Unforeseen Grants.gov Technical Issues**

Applicants that experience unforeseen Grants.gov technical issues beyond their control that prevent them from submitting their application by the deadline must e-mail the BJA Justice Information Center . . . **within 24 hours after the application deadline** and request approval to submit their application. The e-mail must describe the technical difficulties, and include a timeline of the applicant's submission efforts, the complete grant application, the applicant's DUNS number, and any Grants.gov Help Desk or SAM tracking number(s). **Note: BJA does not automatically approve requests.** After the program office reviews the submission, and contacts the Grants.gov or SAM Help Desks to validate the reported technical issues, BJA will inform the applicant whether the request to submit a late application has been approved or denied. If the technical issues reported cannot be validated, BJA will rejected the applications as untimely.

The following conditions are not valid reasons to permit late submissions: (1) failure to register in sufficient time, (2) failure to follow Grants.gov instructions on how to register and apply as posted on its web site, (3) failure to follow all of the instructions in the OJP solicitation, and (4) technical issues with the applicant's computer or information technology environment, including firewalls.

Mahoney, as Acting Director for O'Donnell, responded to Trautman's e-mail by stating, "Pam [Cammarata] will let them [Sanctuary for Families] know that we will not be able to accept their application."<sup>57</sup> Cammarata told OPR that even if Sanctuary for Families had timely submitted its application, they would have been rejected because the NYCPD did not submit its application until 11:08 a.m. the following day, and therefore, Sanctuary for Families would not have a qualified partner. Cammarata asked BJA Senior Policy Advisor for Law Enforcement David Adams to inform Sanctuary for Families that its appeal was denied and its application could not be re-submitted. In a March 26, 2013 e-mail, Adams reported to Cammarata that he had called Wyeth and told him that his request to submit a late-filed application was denied.<sup>58</sup>

OPR spoke with John Wyeth, Assistant Director at Sanctuary for Families. Wyeth confirmed that Sanctuary for Families did not receive the 2013 human trafficking grant from the BJA. He stated that after the application was rejected, he asked the BJA to reconsider and allow him to re-submit it, but was told that it was filed late and could not be accepted. Wyeth did not recall with whom he spoke at the BJA, but said he understood why the BJA could not accept the application.

On June 13, 2013, Adams sent a FY 2013 funding recommendation memorandum to AAG Mason through O'Donnell, Acting Director for Office for Victims of Crime Joye E. Frost, Mahoney, and Cammarata with the final funding recommendations for the Enhanced Collaborative Model to Combat Human Trafficking.<sup>59</sup> The memorandum included an attachment listing each of the partnered law enforcement and victim service agencies that had applied and were considered for the collaborative grants. Neither Sanctuary for Families nor the NYCPD was listed. Page five of the memorandum listed the 14 applications recommended for funding. Neither Sanctuary for Families nor the NYCPD was listed. [REDACTED], who manages the Grants.gov applications for the BJA, confirmed for OPR that the NYCPD was not awarded funds.

OPR asked Trautman about [REDACTED]' allegation that O'Donnell's e-mail to Trautman directed her to allow the NYCPD to re-submit its application. Trautman told OPR that O'Donnell's e-mail to her was not an attempt to influence her in any way or to seek some pre-determined result in favor of a New York entity. Rather, she understood that O'Donnell was only asking her to check on the matter to find out what happened.<sup>60</sup> Indeed, O'Donnell's e-mail

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(Emphases in original.) See sample FY 2013 ADCDGP Solicitation at Tab 6. [REDACTED] told OPR that when the 24-hour period closes, he reviews all appeals in Grants.gov to determine the cause for the late filing and advises BJA management whether the late filing was due to a technical problem outside the control of the applicant, or due to the applicant's failure to follow instructions. [REDACTED] said that approximately 99% of the late-filed applications are due to the applicants' errors.

<sup>57</sup> See March 22, 2013 e-mail from Mahoney at Tab 16.

<sup>58</sup> See March 25-26, 2013 e-mails between Adams and Cammarata at Tabs 17 and 18.

<sup>59</sup> See the June 13, 2013 memorandum at Tab 19. The memorandum was entitled, "*Fiscal Year 2013 Funding Recommendation for the Enhanced Collaborative Model to Combat Human Trafficking; Bureau of Justice Assistance and Office for Victims of Crime [J]oint [S]olicitation for [H]uman [T]rafficking [T]ask [F]orces.*"

<sup>60</sup> Trautman's statement is supported by her March 20, 2013 e-mail to Lemire, in which she stated, "Last week, you had contacted my boss, Denise O'Donnell, about a snafu in your grant application. She was on her

to Trautman simply asked, "Can you look into this and let me know what happened? Denise." Trautman said that O'Donnell had never asked her to do anything unethical and had never tried to influence her on any matter.

Trautman told OPR that O'Donnell was not involved in any aspect of the late-filed application after O'Donnell forwarded Lemire's e-mail to her on March 15, 2013. Trautman said "that was the end of it [O'Donnell's participation]." Trautman said she followed the BJA protocol for these types of issues by forwarding the e-mail to [REDACTED] to complete the "forensics" regarding why the application was submitted late. Trautman said it was obvious that it did not fit the protocol for allowing a late-filed application because it was rejected for application errors, not because of any system-wide failure. Trautman did not believe that she ever told O'Donnell how the matter was resolved.

O'Donnell told OPR that she did not recall the e-mail. She said that when she receives an e-mail like the March 15, 2013 communication, she refers it to her staff to investigate and to respond. She said that in this e-mail, she was not "asking for anyone to change or let them in. . . . I presume someone on the staff spoke to them. I did not have anything more to do with this [after referring it to Trautman]." <sup>61</sup> O'Donnell added that if any BJA staff member receives an e-mail about an appeal, it goes through a process and "a lot of people weigh in." O'Donnell did not recall if she heard anything further about this late-filed application. <sup>62</sup>

#### **b. Conclusion**

OPR finds that [REDACTED]'s allegation that O'Donnell allowed the NYCPD to re-submit its human trafficking grant application after the deadline and that the applicant was awarded funds is not supported by the evidence. OPR further concludes that O'Donnell did not attempt to direct or influence Trautman to allow the NYCPD to re-submit its application. The evidence reveals that:

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way out of town, so she asked me to follow up and find out what had happened." See e-mail from Trautman to Lemire at Tab 16.

<sup>61</sup> O'Donnell told OPR that the e-mail from the NYCPD was sent to her personal e-mail address, but that she did not respond to it. She explained that when she did volunteer work with the Sex Crimes Working Group of the NYCPD prior to beginning her position at the BJA, she used her personal e-mail address. Lemire evidently still had O'Donnell's personal e-mail address and initially used that address, rather than contacting her at the BJA. O'Donnell stated that once she learned of the allegation, she searched her personal e-mails, but could not locate Lemire's e-mail to her. O'Donnell said she knew Lemire professionally from her work on the Sex Crimes Working Group, and that they had both participated on an ethics panel at a conference about this time. O'Donnell told OPR, "Otherwise I did not have any communications with her." OPR attempted to contact Lemire at the NYCPD to obtain a copy of the original e-mail to O'Donnell, but she is no longer with the NYCPD. The NYCPD was unable to provide OPR with a copy of the e-mail.

<sup>62</sup> O'Donnell told OPR that pursuant to the terms of her ethics agreement, she was not recused from handling matters that involved the entire NYCPD; rather she was only recused from handling matters that involved the Sex Crimes Working Group of the NYCPD. Therefore, for this reason also, she did not believe that her minimal involvement regarding Lemire's e-mail constituted a violation of her recusal obligations.

- The NYCPD did not appeal its late-filed grant application; rather, the NYCPD's collaborative partner in the grant, Sanctuary for Families, appealed its late-filed application.
- The e-mail communications between Trautman, Garry, Mahoney, and Cammarata demonstrate that neither the NYCPD nor Sanctuary for Families was allowed to re-submit their late-filed applications.
- Wyeth confirmed that Sanctuary for Families was not allowed to re-submit its application and was not awarded funds.
- The June 13, 2013 BJA final recommendation memorandum for the Enhanced Collaborative Model to Combat Human Trafficking grant demonstrated that neither the NYCPD nor Sanctuary for Families had been allowed to re-submit their late-filed applications, nor were they awarded funding.
- ██████████ confirmed that according to his records, the NYCPD was not awarded funds.
- After forwarding the March 15, 2013 NYCPD e-mail to Trautman, O'Donnell had no further participation in the matter.
- There is no evidence that O'Donnell's e-mail to Trautman directed Trautman to allow the NYCPD to re-submit its late-filed grant application. O'Donnell denies the allegation. Trautman denies that the e-mail was an attempt to influence how she handled the matter, and maintains that it did not influence how she handled the request.

OPR concludes there is no evidence that O'Donnell engaged in wrongdoing regarding this allegation.

## 2. ██████████'s Comment About Accepting Late-Filed Applications

### a. Relevant Facts

█████████ alleged that ██████████, who manages the BJA grant applications through Grants.gov, complained to him that he was "sick and tired" of opening grant applications for New York state entities. OPR found that this allegation is not supported by evidence.

█████████ admitted to OPR that he had told ██████████ that he was "sick and tired" of opening grant applications, but stated the comment had nothing to do with late-filed applications from New York state entities, and in fact, he did not know of any late-filed applications from New York that had been re-opened. Rather, ██████████ told OPR that his comment referred to an Ohio agency that had late-filed an application for a FY 2013 Second Chance Act grant. He told OPR that the Ohio agency was subsequently allowed to re-submit its application without justification and referred and he referred to other BJA matters related to this allegation.<sup>63</sup> ██████████ said that in

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<sup>63</sup> During ██████████'s interview, he provided to OPR additional documents that related to late-filed applications. He believed that the applicants should not have been allowed to re-submit. None of these matters

2014, he had referred the Ohio matter to the Department's OIG for investigation and had been interviewed regarding the matter.

OPR contacted the Department's OIG. The OIG agent who investigated ██████'s allegation confirmed to OPR that ██████ had filed a complaint with the Department's OIG in August 2014 alleging that O'Donnell had allowed an Ohio grant applicant to late-file an application for a FY 2013 Second Chance Act award without justification. The Department's OIG completed its investigation in January 2015. It concluded that O'Donnell did not engage in wrongdoing.

Consistent with ██████'s representations that no New York entity had been allowed to late-file an application, OPR found no evidence that O'Donnell authorized any New York state entity to file its application late. In FY 2015, the BJA received approximately 37 appeals by applicants who had filed their applications late; the BJA granted 3 appeals, none of which involved an entity from New York.<sup>64</sup> In FY 2014, the BJA received approximately 20 appeals by applicants who had filed their applications late; the BJA granted 2 appeals, neither of which involved an entity from New York.<sup>65</sup>

Mahoney and ██████ told OPR that the BJA received a large number of appeals in FY 2013 because of several computer problems that arose during the solicitation period. The first problem involved the System for Award Management (SAM) computer. A grant applicant must have a valid SAM number when uploading its application to Grants.gov. Once the application is submitted, the Grants.gov program verifies the applicant's SAM number with the SAM network. If the SAM number is not entered, or if it has expired, the application is rejected. Between March 17 and 19, 2013, the SAM computer system was down for security maintenance, and grant applications submitted to Grants.gov during that time were rejected because the SAM number could not be verified.<sup>66</sup> The OJP and the BJA identified 43 applicants that were rejected because of the "SAM issue." All applicants were allowed to re-apply.

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involved a New York state entity. Because ██████ believed these documents related to his previous complaint to the OIG, OPR forwarded those documents to the OIG.

<sup>64</sup> In FY 2015, the BJA had open solicitations in 38 BJA programs. The BJA approved the late filing of a Virginia entity that applied for Justice and Mental Health Collaboration Program funding. The BJA also approved the late filings of two agencies, located in Florida and Pennsylvania, that applied for Body Worn Camera funding.

<sup>65</sup> In FY 2014, the BJA had open solicitations for 28 BJA programs. The BJA approved the late filing for two agencies, located in Louisiana and Pennsylvania, that applied for Project Safe Neighborhoods funding.

<sup>66</sup> The System for Award Management (SAM) is part of the cross-government Integrated Award Environment (IAE) managed by the General Services Administration (GSA). All grant applicants must obtain a "SAM" number to apply for a federal government grant. In a March 19, 2013 e-mail from Maria Swineford, Deputy Director of the OJP's Grants Management Division, Office of Audit, Assessment, and Management, to the OJP Grants Management Board, the BJA was advised that the GSA had identified a security vulnerability in the SAM computer system:

SAM is currently down for maintenance to repair [a] security vulnerability. This could potentially affect applicants from getting registered in SAM in time to submit applications via Grants.gov. You should be aware that this was identified by SAM on Sunday, March 17, 2013 and they anticipate resolution tomorrow, March 19, 2013 [sic]. Should grant applicants indicate

The second problem occurred because of new settings in Grants.gov that rejected applications containing certain symbols or characters. The BJA's solicitation advised applicants that symbols and characters could not be included in the application:

**Note on File Names and File Types:** Grants.gov only permits the use of certain specific characters in names of attachment files. Valid file names may include only the characters shown in the table below. Grants.gov is designed to reject any application that includes an attachment(s) with a file name that contains any characters not shown in the table below.

Characters	Special		
Upper case	Parenthesis ( )	Curly braces {	Square
Lower case	Ampersand (&)	Tilde (~)	Exclamation
Underscore ( _ )	Comma ( , )	Semicolon ( ; )	Apostrophe ( ' )
Hyphen ( - )	At sign (@)	Number sign	Dollar sign (\$)
Space	Percent sign (%)	Plus sign (+)	Equal sign (=)
Period ( . )	<b>When using the ampersand (&amp;) in XML, applicants must use the "&amp;amp;" format.</b>		

Although these restrictions had been in place before FY 2013, they were not enforced. In FY 2013, for the first time, Grants.gov rejected applications that included the prohibited symbols or characters. Grant award applicants that were re-submitting a grant application accepted previously were now rejected because of the new computer settings designed to detect the use of the prohibited symbols and to reject applications containing them. There were 65 applicants rejected because of this error. OJP leadership and BJA Director O'Donnell offered the 65 rejected applicants the opportunity to re-apply whether or not they had appealed. According to an OJP management report, 62 applicants re-applied.

In FY 2013, Mahoney and [REDACTED] told OPR that Qazilbash evaluated and made decisions concerning the late-filed appeals for the ADCDGP. Both stated that O'Donnell was not involved in reviewing appeals from applicants that filed late.

In FY 2013, there were 10 appeals submitted by late-filing ADCDGP applicants. [REDACTED] initially reviewed the appeals and forwarded the information to Qazilbash stating, "I have vetted this log with [REDACTED] and determined that 6 of the 10 should be allowed to re-submit tomorrow. Please review the list and let me know if we are ok to invite the 6 to reapply tomorrow." [REDACTED] sent Qazilbash the following list containing his recommendations as to how the BJA should respond to each appeal:

Jurisdiction . . .	BJA Response
DeKalb County [TN]	Yes they can resubmit because of an Error with SAM system
25 <sup>th</sup> Judicial district [TN]	Yes they can resubmit because of an Error with SAM system
Rockdale county DWI [GA]	Yes they can resubmit because of an Error with SAM system
Rockdale county adult [GA]	Yes they can resubmit because of an Error with SAM system
Utah Statewide	Yes they can resubmit because of an Error with SAM system
Missouri 25 <sup>th</sup> circuit	Yes they can resubmit because of an Error with SAM system

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that they were unable to register in SAM and request a waiver to submit a late application, this information could be considered in the bureau or program office's waiver decisions.

See March 19, 2013 e-mail from Swineford at Tab 20.

Muscogee County [OK]	No because attachments included unacceptable file names
Puerto Rico Court Admin	No because they never received a confirmation that application was submitted
21 <sup>st</sup> Drug Court... [TN]	No because they did not check confirmation email
Josephine County [OR]	No because attachments included unacceptable file names

Qazilbash responded, “Yes, these 6 should be able to submit their applications. Can you work with each other [REDACTED] to get the information to the applicants?”<sup>67</sup> O’Donnell was not involved in the decision making for these appeals. None of these appeals were from a New York entity.

**b. Conclusion**

OPR finds that [REDACTED]’ allegation that [REDACTED] complained to him that he was “sick and tired” of opening grant applications to accommodate late-filed applications for New York entities was not supported by the evidence. [REDACTED] told OPR that although he said he was “sick and tired” of opening grant applications, it had nothing to do with late-filed applications from a New York entity. In fact, [REDACTED] told OPR he was unaware of any late-filed applications authorized for a New York entity. Based on the results of its investigation, OPR concludes that:

- The Department OIG agent who investigated [REDACTED]’s complaint confirmed to OPR that [REDACTED] had filed a complaint with the OIG in August 2014 alleging that BJA Director O’Donnell had allowed an Ohio grant application for a Second Chance Act award to be filed late without justification. The Department OIG completed its investigation in January 2015, and concluded that O’Donnell did not engage in wrongdoing.
- BJA records show that in 2014 and 2015, the BJA did not allow any entity from New York to file a grant application late.
- In 2013, OJP management and the BJA allowed 65 applicants to re-submit their grant applications, whether they had appealed or not, because of problems with the SAM network, and because newly-enforced symbol and character requirements in the Grants.gov application submission prevented otherwise valid applications from being timely submitted.
- In 2013, there were 10 late-filed applicants in the ADCDGP program. Six of those applicants were allowed to re-file because of the SAM network error. None of those six drug court applicants were from New York. O’Donnell was not involved in the decision to allow the ADCDGP applicants to re-submit their applications.

OPR found no evidence that Director O’Donnell engaged in wrongdoing with regard to this allegation.

**IV. Action Taken**

With regard to the allegations of wrongdoing made by [REDACTED] against BJA Director Denise E. O’Donnell, OPR has found no evidence that Director O’Donnell engaged in

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<sup>67</sup> February 26, 2013 e-mails between [REDACTED] and Qazilbash at Tab 21.

wrongdoing or otherwise violated her ethical obligations in the fulfillment of her duties as the BJA Director. OPR's investigation confirmed that O'Donnell had sufficient recusal procedures and safeguards in place to ensure that she would not violate her ethical obligations. Some of the allegations regarding Director O'Donnell stemmed from a misunderstanding by the complainant about O'Donnell's ethical obligations and the applicable ethics statutes and regulations. OPR also notes that ██████'s allegations arose from events that he maintains occurred in 2012 and 2013, and OPR is not aware of additional allegations of misconduct being made by ██████. The Department of Justice concludes that no action is necessary and makes no recommendations.

██████ told OPR that no retaliatory action has been taken against him by the OJP or the BJA. ██████ asked OPR not to disclose his name as the complainant and OPR complied with his request during its investigation.<sup>68</sup> OPR advised each OJP and BJA manager who it interviewed that an employee who makes a complaint under the Whistleblower Protection Act, 5 U.S.C. § 1213, is protected from retaliation and other prohibited personnel practices and that retaliation is unlawful and will not be tolerated by the Department of Justice.

### CONCLUSION

Based on the results of its investigation, OPR concludes that ██████'s allegations that BJA Director O'Donnell violated her ethical obligations are not supported by the evidence. With respect to certain allegations, ██████ lacked specific information to support his allegations, could not recall important details, or provided information that was directly contradicted by other witnesses and documentary evidence.

Some of ██████'s allegations were premised on unsubstantiated suspicions or speculation, or stemmed from ██████'s apparent misunderstanding of the laws and regulations governing O'Donnell's ethical obligations. For example, pursuant to her ethics agreement, Ethics Pledge, and relevant statutes and regulations, O'Donnell was recused from participating "personally and substantially" in "particular matters" involving certain entities, including the New York State Unified Court System. While Director O'Donnell was indeed prohibited from discussing a "particular matter involving specific parties," there was no blanket restriction prohibiting her from having any contact whatsoever with New York court representatives, as ██████ apparently believed. In addition to Director O'Donnell herself, numerous witnesses described the steps Director O'Donnell had taken to ensure that she had no involvement when the BJA reviewed grant applications or participated in other "particular matters" in which the NYCS or other prohibited parties were involved. OPR found no evidence to support a finding that Director O'Donnell engaged in wrongdoing regarding her handling of such matters.

Accordingly, based on the result of its investigation, OPR concludes that:

- Under her ethics agreement and Ethics Pledge, and pursuant to relevant statutes and regulations, O'Donnell was recused from participating "personally and substantially" in "particular matters" involving the NYCS. She was not prohibited from having social or personal communications with NYCS representatives, nor was she prohibited from discussing matters of "general applicability." O'Donnell knew her obligations and took

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<sup>68</sup> OPR discussed with ██████ the fact that some of his allegations were so factually specific, that even though OPR would not disclose his name, it was possible he would be identified as the complainant. ██████ told OPR that he understood that possibility.

steps to ensure she had no involvement with grant applications or other “particular matters” in which the NYCS was a party. OPR found no evidence that O’Donnell violated her ethical obligations or otherwise engaged in wrongdoing regarding her duties as the BJA Director.

- [REDACTED]’ allegation that O’Donnell violated her ethical obligations by meeting with NYCS representatives at the NADCP conference in June 2012 and advocating for funds for specific courts is not supported by the evidence.
- [REDACTED]’ allegation that O’Donnell violated her ethical obligations by meeting with Judge [REDACTED] of the Rochester Drug Court in her office in Washington, D.C. is not supported by the evidence.
- [REDACTED]’ allegation that the Chautauqua Drug Court, an NYCS court, was awarded a grant even though it had not submitted a grant application was not supported by the evidence.
- [REDACTED]’ allegation that O’Donnell violated her ethical obligations by attending a meeting in June 2013 at which FY 2013 ADCDGP grant applications were reviewed, and by commenting about an NYCS applicant, is not supported by the evidence.
- [REDACTED]’ allegation that O’Donnell appropriated supplemental budget monies to fund two NYCS grant applicants after the FY 2013 grant application process had closed is also not supported by the evidence.
- [REDACTED]’ allegation that O’Donnell allowed the NYCPD to re-submit its human trafficking grant application after the deadline and that the NYCPD was thereafter awarded funds, is not supported by the evidence.
- O’Donnell did not direct or attempt to influence her Deputy Director to allow the NYCPD to re-submit its application.
- [REDACTED]’ allegation that O’Donnell had required one of her staff members to re-open Grants.gov to allow New York state entities to late-file grant applications is not supported by the evidence.

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# DEPARTMENT OF JUSTICE



## OFFICE OF PROFESSIONAL RESPONSIBILITY

### REDACTED EXHIBITS 1-21

Report of Investigation to the  
U.S. Office of Special Counsel  
Regarding Director Denise E. O'Donnell,  
Office of Justice Programs,  
Bureau of Justice Assistance

January 22, 2016

NOTE: THIS REPORT CONTAINS SENSITIVE AND CONFIDENTIAL INFORMATION. DO NOT DISTRIBUTE THE REPORT OR ITS CONTENTS WITHOUT THE PRIOR APPROVAL OF THE OFFICE OF PROFESSIONAL RESPONSIBILITY.

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<b>Tab</b>	<b>EXHIBIT</b>
1	March 2, 2015 OSC Letter to the Attorney General
2	September 30, 2010 Department of Justice Ethics Agreement with O'Donnell
3	O'Donnell's Ethics Pledge
4	July 16, 2012 e-mail from O'Donnell to BJA Staff Members regarding her recusal obligations
5	Sample FY 2013 ADCDGP Solicitation
6	June 28, 2013 Memorandum Recommending ADCDGP Grant Application Awards for FY 2013
7	FY 2013 ADCDGP Spreadsheet of Grant Applicants
8	Partial FY 2013 ADCDGP Spreadsheet Produced to OPR by the Complainant
9	August 6, 2013 FY 2013 Supplemental Funding Memorandum for ADCDGP Grant Applications
10	July 2, 2013 CFO E-mail and Memorandum Notifying BJA of Supplemental Appropriations for FY 2013
11	August 20, 2013 FY 2013 Supplemental Funding Memorandum for Second Chance Act Applications
12	July 30, 2013 E-mails Notifying the BJA of Supplemental Budget Appropriations
13	March 15, 2013 E-mails from NYCPD to O'Donnell; and O'Donnell to Trautman
14	March 20, 2013 E-mails between Trautman and [REDACTED]
15	March 20, 2013 E-mails between Lemire, Wyeth, and Trautman
16	March 22, 2013 E-mail from Mahoney approving denial of Sanctuary for Families Appeal
17	March 25, 2013 E-mails between Adams and Cammarata regarding Denial of Sanctuary for Families Appeal
18	March 25, 2013 E-mails between Adams and Cammarata regarding Denial of Sanctuary for Families Appeal
19	June 13, 2013 FY 2013 Funding Recommendation for the Enhanced Collaborative Model to Combat Human Trafficking
20	March 19, 2013 E-mail from Swineford re: SAM Computer Interface
21	February 26, 2013 E-mails approving ADCDGP Late-Filed Applications in FY 2013

# **EXHIBIT 1**



U.S. OFFICE OF SPECIAL COUNSEL  
1730 M Street, N.W., Suite 300  
Washington, D.C. 20036-4505

The Special Counsel

March 2, 2015

The Honorable Eric H. Holder, Jr.  
Attorney General  
Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530-0001

Re: OSC File No. DI-14-4226

Dear Mr. Attorney General:

Pursuant to my responsibilities as Special Counsel, I am sending to you a whistleblower disclosure that officials at the Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA), may have engaged in actions that constitute a violation of law, rule, or regulation, and an abuse of authority.

[REDACTED] disclosed that Denise E. O'Donnell, the BJA Director, has improperly participated in components of the grant selection process administered by the BJA. The allegations to be investigated are as follows:

- Notwithstanding her conflict, Ms. O'Donnell has not recused herself from discussions and reviews of grant applications from New York State entities; and
- Ms. O'Donnell has improperly directed BJA employees to award grants to New York State.

The BJA is responsible for providing leadership and services in grant administration and criminal justice policy development to support local, state, and tribal justice efforts to achieve safer communities. The BJA supports programs and initiatives in the areas of law enforcement, justice information sharing, and counter-terrorism. Within the BJA, the Programs Office coordinates and administers all state and local grant programs and acts as the BJA's direct liaison with these entities by providing assistance and coordinating resources.

The BJA administers the Adult Drug Court Discretionary Grant Program, which supports building state and local drug court capacity to increase participation among appropriate adult target populations and to maximize criminal justice and treatment

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resources. This program makes yearly awards to applicants as well as supplemental awards for entities involved in extensive multi-year programs.

The grant solicitation and award procedure is a yearlong process, beginning in January, when the solicitation is made public. After the solicitation period closes in March, BJA employees review grant applications for completeness and merit. [REDACTED] explained that during the period lasting from April through June, BJA officials, including Ms. O'Donnell, Kristin Mahoney, the deputy director for policy, and Ruby Qazilbash, associate director for policy, review these applications and draft a memorandum containing funding recommendations to Karol V. Mason, the Assistant Attorney General for OJP.

[REDACTED] noted that prior to her current appointment, Ms. O'Donnell served as the New York State commissioner of Criminal Justice Services and as assistant secretary to the governor for criminal justice for both Governor David Paterson and Governor Eliot Spitzer. Prior to these appointments, Ms. O'Donnell served as the U.S. Attorney for the Western District of New York. Ms. O'Donnell's husband, John O'Donnell is a judge in the New York State Supreme Court's 8th Judicial District, located in Buffalo.

The DOJ Ethics Handbook states as a general rule that DOJ employees "should avoid situations where your official actions affect or appear to affect your private interests, financial or non-financial." In addition under 5 C.F.R § 2635.502, employees are required to consider whether their impartiality would be questioned whenever their involvement in a "particular matter involving specific parties" might affect certain personal or business relationships. The Office of Government Ethics has indicated that the term "particular matter involving specific parties" includes matters such as contract or grant administration and awards. See Office of Government Ethics 06x9 Memorandum dated October 4, 2006. Under 5 C.F.R § 2635.502 (a), when an employee determines that the circumstances would cause a reasonable person with knowledge of the relevant facts to question their involvement in the matter, the employee should not participate in the matter unless they have apprised an agency designee regarding the issue. The DOJ Ethics Handbook states that in cases where impartiality might be questioned, an individual must obtain a formal determination from their component head that the department's interest in the employee's participation outweighs the concern that the integrity of the agency's operations would be questioned.

[REDACTED] reported that in June 2012, he and Ms. O'Donnell attended the 18th Annual Training Conference of Drug Court Professionals, in Nashville, Tennessee. After a conference session, Ms. O'Donnell held a small informal meeting with a representative from Rochester, New York. During the meeting Ms. O'Donnell asked [REDACTED] if there was any money remaining from the 2012 funding cycle that BJA could provide to Rochester, as it had a significant need for assistance. According to [REDACTED], this conversation occurred after grant distributions had been made and the award window had

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closed. He alleged that while Rochester did not receive any additional funding in 2012, given Ms. O'Donnell's connections to this area, her interactions with representatives from Rochester constituted a conflict of interest.

██████████ further noted that in mid-June 2013, grant managers met with BJA leadership, including Ms. O'Donnell, Ms. Mahoney, and Ms. Qazilbash, to discuss grant applications for fiscal year 2013 Adult Drug Court Discretionary Grant Program solicitations. During this meeting, ██████████ presented Ms. O'Donnell, Ms. Mahoney, and Ms. Qazilbash with a spreadsheet of eligible grant applicants, featuring award titles, award amounts requested, and locations. ██████████ explained that during this meeting, two applicants from New York State were discussed: the New York Unified Court System and the Chautaugua Drug Court System, and that Ms. O'Donnell asked employees specific questions about these applicants and stated that these entities merited the grant awards.

██████████ noted that on the funding recommendation memorandum that was later transmitted to Ms. Mason, Ms. O'Donnell included a hand-written note stating: "Director O'Donnell is recused from recommendations on P. 11 to NYS Unified Court System and Chautaugua Drug Court Grants." ██████████ asserted that notwithstanding her note, Ms. O'Donnell did not leave the meeting when the New York State grants were discussed; rather she was a participant in the discussion, going so far as to indicate that these applicants should receive funding. ██████████ further observed that these two New York State applicants received the grant awards they applied for.

██████████ alleged that Ms. O'Donnell's prior appointments within New York State government, and the position that her husband holds, creates the appearance of a conflict of interest. Therefore, she should recuse herself from any discussion of these matters, especially when they concern grant award decisions. ██████████ contends that Ms. O'Donnell stated prior to meetings concerning New York State grants that she was recusing herself, but made no effort to exit the meetings and instead, actively engaged in discussions of these grant applications.

\*\*\*\*\*

The Office of Special Counsel (OSC) is authorized by law to receive disclosures of information from federal employees alleging violations of law, rule, or regulation, gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health and safety. 5 U.S.C. § 1213(a) and (b). OSC does not have the authority to investigate a whistleblower's disclosure; rather, if I determine that there is a substantial likelihood that one of the aforementioned conditions exists, I am required to advise the appropriate agency head of my determination, and the agency head is required to conduct an investigation of the allegations and submit a written report within 60 days after the date on which the information is transmitted. 5 U.S.C. § 1213(c).

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Upon receipt, I will review the agency report to determine whether it contains all of the information required by statute and that the findings of the head of the agency appear to be reasonable. 5 U.S.C. § 1213(e)(2). I will determine that the agency's investigative findings and conclusions appear reasonable if they are credible, consistent, and complete based upon the facts in the disclosure, the agency report, and the comments offered by the whistleblower under 5 U.S.C. § 1213(e)(1).

In this case, I have determined that there is a substantial likelihood that the information the [REDACTED] provided constitutes a violation of law, rule, or regulation, and an abuse of authority. I am referring this information to you for an investigation of these allegations and a report of your findings within 60 days after the date on which the information is transmitted. OSC will not routinely grant an extension of time to an agency in conducting a whistleblower disclosure investigation. However, OSC will consider an extension request where an agency concretely evidences that it is conducting a good faith investigation that will require more time to successfully complete. By law, this report should be reviewed and signed by you personally. Nevertheless, should you delegate your authority to review and sign the report to the Inspector General, or other agency official, the delegation must be specifically stated and *must include the authority to take the actions necessary under 5 U.S.C. § 1213(d)(5)*. The requirements of the report are set forth at 5 U.S.C. § 1213(c) and (d). A summary of section 1213(d) is enclosed. Please note that where specific violations of law, rule, or regulation are identified, these references are not intended to be exclusive. As you conduct your review of these disclosures and prepare your report, OSC requests that you include information reflecting any dollar savings, or projected savings, and any management initiatives related to these cost savings, that may result from your review.

As a matter of policy, OSC also requires that your investigators interview [REDACTED] during the agency investigation when, as in this case, the whistleblower consents to the disclosure of their name. As the originator of the complaint, [REDACTED] can provide additional information and an explanation of his allegations, thereby streamlining the agency investigation. Please note that where specific violations of law, rule, or regulation are identified, these references are not intended to be exclusive.

Further, in some cases, whistleblowers who have made disclosures to OSC that are referred for investigation pursuant to 5 U.S.C. § 1213 also allege retaliation for whistleblowing once the agency is on notice of their claims. I urge you to take all appropriate measures to ensure that employees are protected from such retaliation and from other prohibited personnel practices, including informing those charged with investigating the whistleblowers allegations that retaliation is unlawful and will not be tolerated.

At the outset, or during the course of your investigation, your investigative team may have questions regarding the statutorily mandated report you will deliver to OSC under 5 U.S.C. § 1213. OSC attorneys are available at any time in person or by telephone

The Special Counsel

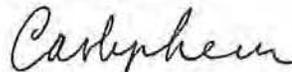
The Honorable Eric H. Holder, Jr.  
March 2, 2015  
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to discuss OSC's statutory process, expectations for credible, consistent, and complete reports, and for general assistance. Please contact Catherine A. McMullen, chief, Disclosure Unit, at (202) 254-3604 to initiate this process.

As required by 5 U.S.C. § 1213(e)(3), I will send copies of the report, along with any comments on the report from the whistleblower and any comments or recommendations from me, to the President and the appropriate oversight committees in the Senate and House of Representatives. Unless the report is classified or prohibited from release by law or by Executive Order requiring that information be kept secret in the interest of national defense or the conduct of foreign affairs, OSC will place a copy of the report in a public file in accordance with 5 U.S.C. § 1219(a). To prevent public disclosure of personally identifiable information (PII), OSC requests that you ensure that the report does not contain any sensitive PII, such as Social Security numbers, home addresses and phone numbers, personal e-mail addresses, dates and places of birth, and personal financial information. OSC does not consider names and titles to be sensitive PII requiring redaction. Agencies are requested not to redact such information in reports provided to OSC for the public file.

Please refer to our file number in any correspondence on this matter. If you need further information, please contact Ms. McMullen. I am also available for any questions you may have.

Sincerely,



Carolyn N. Lerner

Enclosure

cc: The Honorable Michael E. Horowitz, Inspector General

Enclosure

Requirements of 5 U.S.C. § 1213(d)

Any report required under subsection (c) shall be reviewed and signed by the head of the agency<sup>1</sup> and shall include:

- (1) a summary of the information with respect to which the investigation was initiated;
- (2) a description of the conduct of the investigation;
- (3) a summary of any evidence obtained from the investigation;
- (4) a listing of any violation or apparent violation of law, rule, or regulation; and
- (5) a description of any action taken or planned as a result of the investigation, such as:
  - (A) changes in agency rules, regulations or practices;
  - (B) the restoration of any aggrieved employee;
  - (C) disciplinary action against any employee; and
  - (D) referral to the Attorney General of any evidence of criminal violation.

In addition, we are interested in learning of any dollar savings, or projected savings, and any management initiatives that may result from this review.

To prevent public disclosure of personally identifiable information (PII), OSC requests that you ensure that the report does not contain any sensitive PII, such as Social Security numbers, home addresses and phone numbers, personal e-mail addresses, dates and places of birth, and personal financial information. With the exception of patient names, OSC does not consider names and titles to be sensitive PII requiring redaction. Agencies are requested not to redact such information in reports provided to OSC for inclusion in the public file.

<sup>1</sup> Should you decide to delegate authority to another official to review and sign the report, your delegation must be specifically stated.

# **EXHIBIT 2**



U.S. Department of Justice

Washington, D.C. 20530

SEP 30 2010

Robert I. Cusick  
Director  
Office of Government Ethics  
Suite 500  
1201 New York Avenue, NW  
Washington, DC 20005-3919

Dear Mr. Cusick:

In accordance with the provisions of Title I of the Ethics in Government Act of 1978, as amended, I am forwarding the financial disclosure report of Denise E. O'Donnell. President Obama has announced his intent to nominate Ms. O'Donnell to serve as the Director of the Bureau of Justice Assistance, United States Department of Justice.

We have conducted a thorough review of the enclosed report. The conflict of interest statute, 18 U.S.C. § 208, requires that Ms. O'Donnell recuse herself from participating personally and substantially in any particular matter that has a direct and predictable effect on her financial interests or the financial interests of any other person whose interests are imputed to her, unless she first obtains a written waiver, pursuant to Section 208(b)(1), or qualifies for a regulatory exemption, pursuant to Section 208(b)(2). Ms. O'Donnell understands that the interests of the following persons are imputed to her: her spouse; minor children; any general partner of a partnership in which she is a limited or general partner; any organization in which she serves as an officer, director, trustee, general partner or employee; and any person or organization with which she is negotiating or has an arrangement concerning prospective employment. In determining whether a particular matter has a direct and predictable effect on her financial interests or on those of any other person whose interests are imputed to her, Ms. O'Donnell will consult with Department of Justice ethics officials.

Ms. O'Donnell resigned from her positions as Deputy Secretary for Public Safety, Office of the Secretary to the Governor, and Commissioner of the Division of Criminal Justice Services, with the State of New York as of February 26, 2010. For a period of one year after her resignation, Ms. O'Donnell will have a covered relationship with the State of New York pursuant to 5 C.F.R. § 2635.502. We have determined that her participation in particular matters involving specific parties in which the State of New York is a party or represents a party will be authorized pursuant

to 5 C.F.R. § 2635.502(d). However, Ms. O'Donnell will not be authorized to participate personally and substantially in any particular matter involving specific parties in which she participated in her capacity as Deputy Secretary for Public Safety, Office of the Secretary to the Governor, and Commissioner of the Division of Criminal Justice Services.

Ms. O'Donnell's spouse is a Supreme Court Justice employed by the Office of Court Administration of the State of New York. Accordingly, she will not participate personally and substantially in any particular matter involving specific parties in which the State of New York Office of Court Administration is a party or represents as party, unless she is first authorized to participate pursuant to 5 C.F.R. § 2635.502(d).

Under the terms of her Defined Benefit Retirement Plan with the State of New York, Ms. O'Donnell is eligible to receive a monthly pension payment from the State of New York beginning at age 62. Accordingly, she will not participate personally and substantially in any particular matter that has a direct and predictable effect on the ability or willingness of the State of New York to provide these contractual benefits to her, unless she first obtains a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualifies for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2).

Ms. O'Donnell has a defined benefit plan with Hodgson Russ. Accordingly, she will not participate personally and substantially in any particular matter that has a direct and predictable effect on the ability or willingness of Hodgson Russ to provide these contractual benefits to her, unless she first obtains a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualifies for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2).

Ms. O'Donnell's three year term as Director, University at Buffalo Foundation, concluded on June 26, 2010 and she no longer holds this position. Her position as Director, National Association of Former U.S. Attorneys, concluded on October 3, 2009. For a period of one year after the termination of the position with the University at Buffalo Foundation and the position with the National Association of Former U.S. Attorneys, she will not participate personally and substantially in any particular matter involving specific parties in which that organization is a party or represents a party, unless she is first authorized to participate pursuant to 5 C.F.R. § 2635.502(d).

In addition, Ms. O'Donnell currently holds the following positions: (1) Justice Task Force (New York State Court of Appeals); (2) Conviction Integrity Advisory Panel (New York County District Attorney's Office); (3) Sex Crimes Working Group (New York Police Department); (4) Criminal Justice Committee of the New York State Bar Association; and (5) Criminal Justice Council of the Association of the Bar of the City of New York. She will resign from these positions upon confirmation.

Mr. Robert Cusick

Page 3

We have advised Ms. O'Donnell that because of the standard of conduct on impartiality at 5 C.F.R. § 2635.501, she should seek advice before participating in any particular matter involving specific parties in which a member of her household has a financial interest or in which someone with whom she has a covered relationship is a party or represents a party.

Finally, Ms. O'Donnell understands that as an appointee she is required to sign the Ethics Pledge (Exec. Order No. 13490) and that she will be bound by the requirements and restrictions therein in addition to the commitments she has made in this and any other ethics agreement.

Based on the above agreements and counseling, I am satisfied that the report presents no conflicts of interest under applicable laws and regulations and that you can so certify to the Senate Judiciary Committee.

Sincerely,



Lee J. Loftis  
Assistant Attorney General  
for Administration and  
Designated Agency Ethics Official

Enclosure

NOMINEE STATEMENT

I have read the attached Ethics Agreement signed by Lee J. Lofthus, Assistant Attorney General for Administration and Designated Agency Ethics Official on 9/30/10, 2010, and I agree to comply with the conflict of interest statute and regulations, and to follow the procedures set forth in the agreement. In addition, I understand that as an appointee I am required to sign the Ethics Pledge (Exec. Order No. 13490) and that I will be bound by the requirements and restrictions therein in addition to the commitments I have made in this and any other ethics agreement.

Denise E. O'Donnell  
Denise E. O'Donnell

9/30/10  
Date

# **EXHIBIT 3**

### ETHICS PLEDGE

As a condition, and in consideration, of my employment in the United States Government in a position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

1. **Lobbyist Gift Ban.** I will not accept gifts from registered lobbyists or lobbying organizations for the duration of my service as an appointee.

2. **Revolving Door Ban: All Appointees Entering Government.** I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.

3. **Revolving Door Ban: Lobbyists Entering Government.** If I was a registered lobbyist within the 2 years before the date of my appointment, in addition to abiding by the limitations of paragraph 2, I will not for a period of 2 years after the date of my appointment:

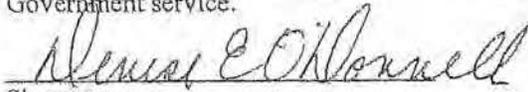
- (a) participate in any particular matter on which I lobbied within the 2 years before the date of my appointment;
- (b) participate in the specific issue area in which that particular matter falls; or
- (c) seek or accept employment with any executive agency that I lobbied within the 2 years before the date of my appointment.

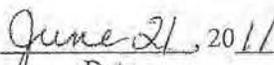
4. **Revolving Door Ban: Appointees Leaving Government.** If, upon my departure from the Government, I am covered by the post employment restrictions on communicating with employees of my former executive agency set forth in section 207(c) of title 18, United States Code, I agree that I will abide by those restrictions for a period of 2 years following the end of my appointment.

5. **Revolving Door Ban: Appointees Leaving Government to Lobby.** In addition to abiding by the limitations of paragraph 4, I also agree, upon leaving Government service, not to lobby any covered executive branch official or non-career Senior Executive Service appointee for the remainder of the Administration.

6. **Employment Qualification Commitment.** I agree that any hiring or other employment decisions I make will be based on the candidate's qualifications, competence, and experience.

7. **Assent to Enforcement.** I acknowledge that the Executive Order entitled "Ethics Commitments by Executive Branch Personnel," issued by the President on January 21, 2009, which I have read before signing this document, defines certain of the terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive Order as a part of this agreement and as binding on me. I understand that the terms of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Federal Government service.

  
Signature

  
Date

  
Print or type your/full name (Last, first, middle)

# **EXHIBIT 4**

## O'Donnell, Denise

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**From:** O'Donnell, Denise  
**Sent:** Monday, July 16, 2012 2:17 PM  
**To:** BJA All Staff  
**Subject:** Conflict of Interest List for Director

Team BJA,

We have been recently reminded by OGC of the importance of strict adherence to conflict or interest rules. OGC has pointed out that there have been several instances in the past where individuals in Federal Agencies have run into difficulty because an entity subject to recusal was a sub grantee or partner in a consortium of agencies participating in a cooperative agreement, and hence not readily recognizable as a conflicted source. Below is the list of entities from which I am recused. Any correspondence for my attention related to those entities should be forwarded directly to Kristen Mahoney for handling. If any of the entities below appear on a list of prospective grantees, please place a clear notice identifying the conflicted source on the routing slip to identify the potential conflict of interest and I will recuse myself from the recommendation related to that entity. As far as I know, only the first two organizations are BJA grantees, but it is possible one or more could become grantees, sub-grantees, research partners or parties to a BJA cooperative agreement in the future. Any help you are able to give in avoiding potential conflicts with these organizations would be much appreciated. Thank you.

### Potential Conflicted Sources for Director O'Donnell

- State of New York Division Criminal Justice Services (DCJS)
- State of New York Office of Court Administration (OCA)
- Hodgson Russ LLP law firm
- University of Buffalo Foundation
- National Association of Former U.S. Attorneys (NAFUSA)
- Justice Task Force (New York State Court of Appeals)
- Conviction Integrity Advisory Panel (New York County District Attorney's Office)
- Sex Crimes Working Group (New York City Police Department)
- Criminal Justice Committee of the New York State Bar Association
- Criminal Justice Council of the Association of the Bar of the City of New York

Denise E. O'Donnell  
Director  
Bureau of Justice Assistance  
U.S. Department of Justice  
Washington, D.C.  
202-616-3613  
Denise.Odonnell@usdoj.gov

# **EXHIBIT 5**



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The U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA) is seeking applications for funding to establish or enhance drug court services, coordination, offender management, and recovery support services. This program furthers the Department's mission by providing resources to state, local, and tribal governments and state, local, and tribal courts to enhance drug court programs and systems for nonviolent substance-abusing offenders.

## Adult Drug Court Discretionary Grant Program FY 2013 Competitive Grant Announcement

### Eligibility

For **Category 1: Implementation** and **Category 2: Enhancement**, applicants are limited to states, state and local courts, counties, units of local government, and Indian tribal governments (as determined by the Secretary of the Interior).

For **Category 3: Statewide**, applicants are limited to state agencies such as the State Administering Agency (SAA), the Administrative Office of the Courts, and the state Alcohol and Substance Abuse Agency.

**Note:** Applicants must demonstrate that eligible drug court participants promptly enter the drug court program following a determination of their eligibility. A required initial period of incarceration will be grounds for disqualification unless the period of incarceration is mandated by statute for the offense in question. In such instances, the applicant must demonstrate the offender is receiving treatment services while incarcerated if available and begins drug court treatment services immediately upon release.

**Note:** BJA may elect to make awards for applications submitted under this solicitation in future fiscal years, dependent on the merit of the applications and on the availability of appropriations.

### Deadline

Applicants must register with [Grants.gov](http://Grants.gov) prior to submitting an application. (See "How To Apply," page 29.) All applications are due by 11:59 p.m. eastern time on February 21, 2013. (See "Deadlines: Registration and Application," page 4.)

## Contact Information

For technical assistance with submitting the application, contact Grants.gov Customer Support Hotline at 1-800-518-4726 or 606-545-5035, or via e-mail to [support@grants.gov](mailto:support@grants.gov).

**Note:** The [Grants.gov](http://Grants.gov) Support Hotline hours of operation are 24 hours a day, seven days a week, except federal holidays.

For assistance with any other requirement of this solicitation, contact the BJA Justice Information Center at 1-877-927-5657, via e-mail to [JIC@telesishq.com](mailto:JIC@telesishq.com), or by [live web chat](#). The BJA Justice Information Center hours of operation are 8:30 a.m. to 5:00 p.m. eastern time, Monday through Friday, and 8:30 a.m. to 8:00 p.m. eastern time on the solicitation close date.

Grants.Gov number assigned to announcement: BJA-2013-3418

Release date: December 18, 2012

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# Adult Drug Court Discretionary Grant Program CFDA #16.585

## Overview

BJA is accepting applications for FY 2013 grants to establish new drug courts or enhance existing drug court services, coordination, and offender management and recovery support services. The purpose of the Adult Drug Court Discretionary Grant Program (42 U.S.C. 3797u et seq.) is to provide financial and technical assistance to states, state courts, local courts, units of local government, and Indian tribal governments to develop and implement drug courts that effectively integrate evidenced-based substance abuse treatment, mandatory drug testing, sanctions and incentives, and transitional services in a judicially supervised court setting with jurisdiction over substance-abusing offenders. (See page 6 for a definition of "evidence-based.")

## Deadlines: Registration and Application

Applicants must register with Grants.gov in order to submit an application. OJP encourages applicants to **register several weeks before** the application submission deadline. In addition, OJP urges applicants to submit applications well in advance of the application due date. The deadline to apply for funding under this announcement is 11:59 p.m. eastern time on February 21, 2013. See the "How To Apply" section on page 29 for more details. Note that while the deadline for submission is 11:59 p.m. eastern time on February 21, 2013, staff assistance through the BJA Justice Information Center is only available until 8:00 p.m. eastern time (see "Contact Information" on the title page for more information about BJA's Justice Information Center).

## Eligibility

Refer to the title page for eligibility under this program.

## Adult Drug Court Discretionary Grant Program—Specific Information

Drug courts are part of the larger universe of problem-solving courts, and have been demonstrated (where implemented in an evidence-based manner) to reduce recidivism and substance abuse among high-risk substance abusing offenders and increase their likelihood of successful rehabilitation through:

- early, continuous, and intense treatment,
- close judicial supervision and involvement (including judicial interaction with participants and frequent status hearings),
- mandatory and random drug testing,
- community supervision,
- appropriate incentives and sanctions, and
- recovery support aftercare services.

BJA provides drug court applicants the flexibility to identify the most appropriate court (service/docket) model in which to base the drug court in order to accommodate the needs and

BJA-2013-3418

available resources of that jurisdiction, so long as the model conforms to the key drug court components, which describe the basic elements that define drug courts.

For the purposes of this solicitation, an "adult drug court" is a court program managed by a multidisciplinary team that responds to the offenses and treatment needs of offenders who have a drug addiction. Drug courts funded through this grant solicitation may use federal funding and matched funding to serve only nonviolent offenders<sup>1</sup> and must operate the adult drug court based on BJA's and the National Association of Drug Court Professionals' publication: Defining Drug Courts: The Key Components.

For the purposes of this solicitation, eligible drug court models include: Adult Drug Courts; Driving While Intoxicated (DWI)/Driving Under the Influence (DUI) Courts; Co-Occurring Substance Abuse and Mental Health Courts; Veterans Treatment Courts; and Tribal Healing to Wellness Courts. Court programs that combine or propose to combine a drug court model (meeting the requirements of such) with other court programs or dockets are eligible for funding, although the funding under this program must be used to address only those clients eligible for drug court services. Applicants should refer to their relevant local statutes to define the legal age of an "adult."

For Tribal Healing to Wellness Courts, Veterans Treatment Courts, and DWI Courts, program designs must function in accordance with the corresponding key components or principles as included in the appendices of this solicitation.

The National Drug Court Resource Center, available at [www.NDCRC.org](http://www.NDCRC.org), is a BJA-funded resource for the drug court field that serves as a clearinghouse for drug court training, technical assistance, publications, funding resources, and other practitioner-specific resources. Applicants are encouraged to visit this site for information.

## **Goals, Objectives, and Outcomes**

The overall goal of the Adult Drug Court Discretionary Grant Program is to build and/or expand drug court capacity at the state, local, and tribal levels to reduce crime and substance abuse among high-risk, high-need offenders. A drug court program logic model is available on the National Institute of Justice (NIJ) web site.

Program objectives include building and maximizing the capacity of jurisdictions to ensure that all potential participants are identified and assessed for risk and need; ensure all participants receive targeted research-based services; enhance the provision of recovery support services

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<sup>1</sup> Programs funded through this solicitation may not, with Adult Drug Court Discretionary Grant Program funding or matched funding, serve violent offenders. As defined in 42 U.S.C. 3797u-2, a "violent offender" means a person who—(1) is charged with or convicted of an offense that is punishable by a term of imprisonment exceeding one year, during the course of which offense or conduct— (A) the person carried, possessed, or used a firearm or dangerous weapon; (B) there occurred the death of or serious bodily injury to any person; or (C) there occurred the use of force against the person of another, without regard to whether any of the circumstances described in subparagraph (A) or (B) is an element of the offense or conduct of which or for which the person is charged or convicted; or (2) has 1 or more prior convictions for a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm. A BJA Adult Drug Court Discretionary Grant Program-funded drug court may, at its own discretion and after taking a valid assessment of risk into consideration, choose to provide services to an offender that is otherwise excluded from this program if the grantee is using non-federal (including match) funding to provide the services to that offender. BJA strongly encourages the use of valid risk assessment instruments and consideration of public safety needs in this local decision making process.

that prevent recidivism such as individualized treatment, vocational and educational services, and community reintegration services to achieve long-term recovery; and lower costs associated with this target population. For enhancement grants (state and local), objectives also include supporting strategies that ensure drug court practitioners have tools to effectively manage these interventions, including data collection and analysis, training and technical assistance, and tracking and improving drug court performance.

### **Evidence-Based Programs or Practices**

OJP places a strong emphasis on the use of data and evidence in policy making and program development in criminal justice. OJP is committed to:

- improving the quantity and quality of evidence OJP generates;
- integrating evidence into program, practice, and policy decisions within OJP and the field; and
- improving the translation of evidence into practice.

OJP considers programs and practices to be evidence-based when their effectiveness has been demonstrated by causal evidence, generally obtained through one or more outcome evaluations. Causal evidence documents a relationship between an activity or intervention (including technology) and its intended outcome, including measuring the direction and size of a change, and the extent to which a change may be attributed to the activity or intervention. Causal evidence depends on the use of scientific methods to rule out, to the extent possible, alternative explanations for the documented change. The strength of causal evidence, based on the factors described above, will influence the degree to which OJP considers a program or practice to be evidence-based. OJP's [CrimeSolutions.gov](http://CrimeSolutions.gov) web site is one resource that applicants may use to find information about evidence-based programs in criminal justice, juvenile justice, and crime victim services.

Applicants can also find information on evidence-based treatment practices in the Substance Abuse and Mental Health Services Administration's (SAMHSA) *Guide to Evidence-Based Practices* available at [www.samhsa.gov/ebpwebguide](http://www.samhsa.gov/ebpwebguide). The *Guide* provides a short description and a link to dozens of web sites with relevant evidence-based practices information—either specific interventions or comprehensive reviews of research findings. Note that SAMHSA's *Guide to Evidence-Based Practices* also references the National Registry of Evidence-Based Programs and Practices (NREPP), a searchable database of interventions for the prevention and treatment of mental and substance use disorders. NREPP is intended to serve as a decision support tool, not as an authoritative list of effective interventions. *Being included in NREPP, or in any other resource listed in the Guide, does not mean an intervention is "recommended" or that it has been demonstrated to achieve positive results in all circumstances.*

### **Priority Consideration**

- A. Category 1: BJA will give priority consideration to all Category 1 Implementation applicants who have completed the BJA Drug Court Planning Initiative (DCPI) training. For more information or to register for the training, visit [www.NDCRC.org](http://www.NDCRC.org).
- B. Categories 1-3: Based on a review of drug court evaluations and research, BJA has partnered with the NIJ to identify recommended policies and practices to yield effective

interventions that maximize the return on investment for Adult Drug Court Program funding. Findings from the NIJ's Multisite Adult Drug Court Evaluation are available at [www.ojp.usdoj.gov/nij/topics/courts/drug-courts/madce.htm](http://www.ojp.usdoj.gov/nij/topics/courts/drug-courts/madce.htm). BJA will give priority consideration to applicants who propose designs and strategies that are consistent with the following Key Components and their corresponding evidence-based program principles.

## **Adult Drug Court 10 Key Components and Corresponding Evidence-Based Program Principles**

**Key Component #1:** Drug courts integrate alcohol and other drug treatment services with justice system case processing.

*(Corresponding evidence-based program principle) Treatment and Other Services—*  
*The applicant should maintain program resources that: address drug court participant needs identified over time; accommodate the range of treatment and other rehabilitation services required; and apply case management beyond initial referral to confirm that providers appropriately deliver ongoing assessment and services.*

**Key Component #2:** Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.

**Key Component #3:** Eligible participants are identified early and promptly placed in the drug court program.

*(Corresponding evidence-based program principle) Screening and Assessment—*  
*Referral sources and other stakeholders should be clear on program eligibility criteria, which must be consistent with targeted population needs and available program resources. Applicants should demonstrate an ability to screen promptly and systematically for all offenders potentially eligible for the drug court, identify the agency which will conduct this screening, and detail the procedures that will be used for screening.*

*The applicant should further demonstrate how those offenders determined to be eligible for the drug court as a result of screening will then be assessed to identify their risk for relapse and recidivism, as well as the nature of treatment and other rehabilitation needs. Assessments should be conducted using instruments that have been validated for the targeted population and updated periodically. Treatment and other service assessments should be reviewed and adjusted to gauge offender needs that may change over time.*

*(Corresponding evidence-based program principle) Target Population—*  
*Program resources should be prioritized for offenders who demonstrate both high criminogenic risk and high substance abuse treatment need. Applicants should aim to serve offenders whose characteristics and risk factors directly relate to a high probability of offending, and who are frequent drug users diagnosed for drug dependence. Also, applicants should target offenders who are subject to (or eligible for) legal sanctions that may provide greater leverage in program compliance.*

**Key Component #4:** Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services.

***(Corresponding evidence-based program principle) Relapse Prevention, Aftercare and Community Integration***—From the first program phase, the applicant should demonstrate how culturally sensitive planning and other programming will be implemented to support relapse prevention, community integration, and aftercare/continuing care services.

**Key Component #5:** Abstinence is monitored by frequent alcohol and other drug testing.

***(Corresponding evidence-based program principle) Monitoring***—The applicant should demonstrate a comprehensive plan to: monitor drug court participants using random drug testing and community supervision; disseminate results efficiently to the drug court team; and immediately respond to noncompliance according to established program requirements.

**Key Component #6:** A coordinated strategy governs drug court responses to participants' compliance.

***(Corresponding evidence-based program principle) Procedural and Distributive Justice***—Applicants should establish and clearly communicate a system of graduated sanctions and incentives that is activated and delivered with certainty in response to offender behavior. Information from the drug court team and the offender should be considered in determining noncompliance and the appropriate response. Specific program responses should be meaningful to the offenders, understandable, and delivered in a manner perceived as fair and equitable.

**Key Component #7:** Ongoing judicial interaction with each drug court participant is essential.

***(Corresponding evidence-based program principle) Judicial Interaction***—Judges should interact directly and regularly with drug court participants during drug court hearings, which should be as frequent as the participant may require. As the program leader, the judge will maintain authority by demonstrating support for the program and knowledge of individual offenders. Communication between the participant and the judge should be based on a foundation of respect, and judges must maintain an understanding of program resources available to assess and respond to participant behavior.

**Key Component #8:** Monitoring and evaluation to measure the achievement of program goals and gauge effectiveness.

**Key Component #9:** Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations.

**Key Component #10:** Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court program effectiveness.

More information on designing a program around recent evidence-based research findings is available from the National Center for State Courts web site at [www.research2practice.org/index.html](http://www.research2practice.org/index.html).

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**For additional information related to the drug court research supporting the Evidence-Based Program Principles and Key Components, visit the following:**

- Quality Improvement for Drug Courts: Evidence-Based Practices: [www.ndci.org/sites/default/files/ndci/Mono9.QualityImprovement.pdf](http://www.ndci.org/sites/default/files/ndci/Mono9.QualityImprovement.pdf)
- SAMHSA's National Registry of Evidence-Based Programs and Practices, an online registry of mental health and substance abuse interventions: [www.nrepp.samhsa.gov/LearnLanding.aspx](http://www.nrepp.samhsa.gov/LearnLanding.aspx)
- NIJ's Multi-site Adult Drug Court Evaluation: [www.nij.gov/topics/courts/drug-courts/madce.htm#results](http://www.nij.gov/topics/courts/drug-courts/madce.htm#results)

**Note:** Appendices A-C include Key Components and corresponding evidence-based program principles of the Tribal Healing to Wellness Courts, Veterans Treatment Courts, and Driving While Intoxicated Courts.

### **Amount and Length of Awards**

The FY 2013 solicitation offers three drug court grant categories: Category 1 Implementation, Category 2 Enhancement, and Category 3 Statewide. Jurisdictions that are in the planning stages should consider participation in BJA's DCPI. Upon completion of the DCPI, jurisdictions will receive a priority consideration when applying for an implementation grant. DCPI provides training, technical assistance, and travel support to assist jurisdictions in planning a new adult, veterans, or tribal drug court program. For more information, see [www.NDCRC.org](http://www.NDCRC.org).

All awards are subject to the availability of appropriated funds and any modifications or additional requirements that may be imposed by law.

**CATEGORY 1: IMPLEMENTATION. Grant maximum: \$350,000. Project period: 36 months. Competition ID: BJA-2013-3420**

Implementation grants are available to jurisdictions that have completed a substantial amount of planning and are ready to implement an evidence-based adult drug court as described above (i.e., meeting the key components as well as the evidence-based program principles).

Applicants may propose to use funding for court operations and services; offender supervision, management, and services; and provision and coordination of recovery support services including education, job training and placement, housing placement assistance, primary and mental health care, and childcare and other supportive services.

**CATEGORY 2: ENHANCEMENT. Grant maximum: \$200,000. Project period: 24 months. Competition ID: BJA-2013-3419**

Enhancement grants are available to jurisdictions with a fully operational (at least 1 year) adult drug court. Applicants may propose to use funding to incorporate the evidence-based program principles above to address one or more of the following: 1) expand the number of participants served that meet the existing target population description; 2) expand the target population description and serve additional participants who meet the expanded description; 3) enhance court operations; 4) enhance court and/or supervision services; and 5) enhance recovery support services.

Applicants should be mindful of the following considerations:

1. Applicants are encouraged to include or establish new services for populations not currently being served in the drug court based on an examination of the emerging needs in their local offender population. Applicants must demonstrate that the jurisdiction's arrestee population will support the expected capacity of the drug court as stated in the application.
2. Applicants may propose to enhance court operations including training programs for drug court practitioners, drug court program evaluations, performance management system implementation, and automated management information system implementation.
3. Applicants may propose to use funding to expand or enhance court services in areas such as offender management, including drug testing, case management, and community supervision.
4. Applicants may also propose to improve the quality and/or intensity of services; for instance, funding may be used for enhancing offender services such as healthcare and mental health care, education, vocational training, job training and placement, housing placement assistance, and childcare or other family support services for each participant who requires such services.

**CATEGORY 3: STATEWIDE. Grant maximum per applicant for Subcategories A and B: \$1.5 million. Of the \$1.5 million, a maximum of \$200,000 is available per applicant under subcategory A, and a maximum of \$1,300,000 is available per applicant under subcategory B. Project period: 36 months. Competition ID: BJA-2013-3421**

Applicants can apply for Subcategory A or Subcategory B or can apply for both A and B.

Statewide drug court grants are available for two purposes:

3a. To improve, enhance, or expand drug court services statewide by encouraging adherence to the evidence-based program principles above and through activities such as: training and/or technical assistance programs for drug court teams geared to improve drug court functioning and to increase drug court participation and participant outcomes; tracking, compiling, coordinating, and disseminating state drug court information and resources; increasing communication, coordination, and information sharing among drug court programs; conducting a statewide drug court evaluation; or establishing a statewide automated drug court data collection and/or performance management system.

3b. To financially support drug courts in local or regional jurisdictions which do not currently operate with BJA Adult Drug Court Discretionary Grant Program funding. (A list of active BJA drug court grantees is available at [www.bja.gov/ProgramDetails.aspx?Program\\_ID=58](http://www.bja.gov/ProgramDetails.aspx?Program_ID=58).) States applying for funding under this subcategory must demonstrate a statewide, data-driven strategy for reaching and expanding capacity of drug court options and services for nonviolent substance-abusing offenders, which may include: implementing new drug courts; reaching capacity of existing drug courts; and expanding/enhancing capacity of existing drug courts to reach specific or emerging offender populations with drug treatment needs. The support provided through such statewide awards must also be consistent with the evidence-based principles outlined above.

Statewide applicants should also demonstrate how the proposal conforms to the framework of the State Strategy of Substance Abuse Treatment. Statewide applicants must identify which drug courts and the type of court they propose to fund, at what amounts, for which periods of

time, how the statewide applicant will assist the funded courts in achieving their goals and objectives, and how the applicant will monitor progress. Applicants must clearly describe their rationale for drug court selection and connect this back to their statewide, data-driven goals and objectives of reducing recidivism among substance-abusing offenders.

The state must also demonstrate a plan for sustaining drug court programming after federal funding has ended. **All federal funds under this category must be passed through to drug courts within the state; no funds may be retained for administrative purposes.**

## **Budget Information**

### **Limitation on Use of Award Funds for Employee Compensation; Waiver**

With respect to any award of more than \$250,000 made under this solicitation, federal funds may not be used to pay total cash compensation (salary plus bonuses) to any employee of the award recipient at a rate that exceeds 110 percent of the maximum annual salary payable to a member of the federal government's Senior Executive Service (SES) at an agency with a Certified SES Performance Appraisal System for that year. The 2012 salary table for SES employees is available at [www.opm.gov/oca/12tables/indexSES.asp](http://www.opm.gov/oca/12tables/indexSES.asp). Note: A recipient may compensate an employee at a higher rate, provided the amount in excess of this compensation limitation is paid with non-federal funds. (Any such additional compensation will not be considered matching funds where match requirements apply.)

The Assistant Attorney General (AAG) for OJP may exercise discretion to waive, on an individual basis, the limitation on compensation rates allowable under an award. An applicant requesting a waiver should include a detailed justification in the budget narrative of the application. Unless the applicant submits a waiver request and justification with the application, the applicant should anticipate that OJP will request the applicant to adjust and resubmit the budget.

The justification should include the particular qualifications and expertise of the individual, the uniqueness of the service the individual will provide, the individual's specific knowledge of the program or project being undertaken with award funds, and a statement explaining that the individual's salary is commensurate with the regular and customary rate for an individual with his/her qualifications and expertise, and for the work to be done.

### **Minimization of Conference Costs**

OJP encourages applicants to review the OJP guidance on conference approval, planning, and reporting that is available on the OJP web site at [www.ojp.gov/funding/confcost.htm](http://www.ojp.gov/funding/confcost.htm). This guidance sets out the current OJP policy, which requires all funding recipients that propose to hold or sponsor conferences (including meetings, trainings, and other similar events) to minimize costs, requires OJP review and prior written approval of most conference costs for cooperative agreement recipients (and certain costs for grant recipients), and generally prohibits the use of OJP funding to provide food and beverages at conferences. The guidance also sets upper limits on many conference costs, including facility space, audio/visual services, logistical planning services, programmatic planning services, and food and beverages (in the rare cases where food and beverage costs are permitted at all).

Prior review and approval of conference costs can take time (see the guidance for specific deadlines), and applicants should take this into account when submitting proposals. Applicants

also should understand that conference cost limits may change and that they should check the guidance for updates before incurring such costs.

Note on food and beverages: OJP may make exceptions to the general prohibition on using OJP funding for food and beverages, but will do so only in rare cases where food and beverages are not otherwise available (e.g., in extremely remote areas); the size of the event and capacity of nearby food and beverage vendors would make it impractical to not provide food and beverages; or a special presentation at a conference requires a plenary address where conference participants have no other time to obtain food and beverages. Any such exception requires OJP's prior written approval. The restriction on food and beverages does not apply to water provided at no cost, but does apply to any and all other refreshments, regardless of the size or nature of the meeting. Additionally, this restriction does not affect direct payment of per diem amounts to individuals in a travel status under your organization's travel policy.

**Costs Associated with Language Assistance (if applicable)**

If an applicant proposes a program or activity that would deliver services or benefits to individuals, the costs of taking reasonable steps to provide meaningful access to those services or benefits by individuals with limited English proficiency may be allowable. Reasonable steps to provide meaningful access to services or benefits may include interpretation or translation services where appropriate.

For additional information, see the "Civil Rights Compliance" section of the OJP "Other Requirements for OJP Applications" web page at [www.ojp.gov/funding/other\\_requirements.htm](http://www.ojp.gov/funding/other_requirements.htm).

**Match Requirement (a portion of the match must be cash and the remainder can be in-kind)**

Federal funds awarded under this program may not cover more than 75 percent of the total costs of the project being funded. The applicant must identify the source of the 25 percent non-federal portion of the total project costs and how match funds will be used. If a successful applicant's proposed match exceeds the required match amount, and OJP approves the budget, the total match amount incorporated into the approved budget becomes mandatory and subject to audit. (Match is restricted to the same uses of funds as allowed for the federal funds.) Applicants may satisfy this match requirement with any portion of cash and the remainder can be in-kind funds. See the OJP Financial Guide for definitions and examples of in-kind funding. The formula for calculating the match is:

$$\frac{\text{Federal Award Amount}}{\text{Federal Share Percentage}} = \text{Adjusted (Total) Project Costs}$$

$$\text{Required Recipient's Share Percentage} \times \text{Adjusted Project Cost} = \text{Required Match}$$

**Example:** 75%/25% match requirement: for a federal award amount of \$350,000, match would be calculated as follows:

$$\frac{\$350,000}{75\%} = \$466,667 \quad 25\% \times \$466,667 = \$116,667 \text{ match}$$

**Applicants wishing to exceed the 25 percent match amount should reflect the amount above 25 percent in the program narrative section only.** The budget detail should

distinguish cash from in-kind matched funds using an asterisk to show what percentage of the budget is cash. (Refer to the OJP Financial Guide at [www.ojp.gov/financialguide/index.htm](http://www.ojp.gov/financialguide/index.htm).)

## Performance Measures

To assist the Department with fulfilling its responsibilities under the Government Performance and Results Act of 1993 (GPRA), Public Law 103-62, and the GPRA Modernization Act of 2010, Public Law 111-352, applicants that receive funding under this solicitation must provide data that measure the results of their work done under this solicitation.

Award recipients will be required to provide the relevant data by submitting quarterly performance metrics through BJA's online Performance Measurement Tool (PMT) located at [www.bjaperformancetools.org](http://www.bjaperformancetools.org). The following measures are examples of some of the core performance measures for the Adult Drug Court Discretionary Grant Program, but applicants should examine the complete list at: (1) Implementation, [www.bjaperformancetools.org/help/BJADrugCourtImplementationIndicatorNew.pdf](http://www.bjaperformancetools.org/help/BJADrugCourtImplementationIndicatorNew.pdf); (2) Enhancement, [www.bjaperformancetools.org/help/BJADrugCourtENHANCEMENTNew.pdf](http://www.bjaperformancetools.org/help/BJADrugCourtENHANCEMENTNew.pdf); or (3) Statewide, [www.bjaperformancetools.org/help/BJADRUGCOURTStatewideIndicators111011.pdf](http://www.bjaperformancetools.org/help/BJADRUGCOURTStatewideIndicators111011.pdf).

### Implementation/Enhancement Grantees

Objective	Performance Measure	Data Grantees Provide
Improve, enhance, and/or expand drug court services to reduce substance use and recidivism of drug court participants.	Percentage of participants admitted to the program	During this reporting period: A. Number of drug court participants that were admitted B. Total number of eligible drug court participants
	Percentage of participants who successfully completed the program	A. Number of participants enrolled in the program B. Number of participants who successfully completed program requirements C. Total number of successful and unsuccessful completions
	Percentage of participants who tested positive for illegal substance	A. Number of drug court participants in the program for 90 days who tested positive for the presence of an illegal substance during this reporting period B. Number of drug court participants in the program for 90 days who were tested for the presence of illegal drugs during this reporting period
	Percentage of program participants who recidivate while enrolled in the program Percentage of program participants who were arrested	A. Number of drug court participants B. Number of drug court participants who recidivate while enrolled in the program. C. Number of drug court participants who were arrested for drug offenses D. Number of drug court participants who were arrested for non-drug offenses E. Number of drug court participants who were arrested for non-drug and drug offense one year after program

	Percentage of program participants who recidivate within one year after completion of the program	completions
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OJP does not require applicants to submit performance measures data with their application. Instead, applicants should discuss in their application their proposed methods for collecting data for performance measures. Refer to the section "What an Application Should Include" on page 14 for additional information.

**Note on Project Evaluations**

Applicants that propose to use funds awarded through this solicitation to conduct project evaluations should be aware that certain project evaluations (such as systematic investigations designed to develop or contribute to generalizable knowledge) may constitute "research" for purposes of applicable DOJ human subjects protection regulations. However, project evaluations that are intended only to generate internal improvements to a program or service, or are conducted only to meet OJP's performance measure data reporting requirements, likely do not constitute "research." Applicants should provide sufficient information for OJP to determine whether the particular project they propose would either intentionally or unintentionally collect and/or use information in such a way that it meets the DOJ regulatory definition of research.

Research, for the purposes of human subjects protections for OJP-funded programs, is defined as, "a systematic investigation, including research development, testing, and evaluation, designed to develop or contribute to generalizable knowledge" 28 C.F.R. § 46.102(d). For additional information on determining whether a proposed activity would constitute research, see the decision tree to assist applicants on the "Research and the Protection of Human Subjects" section of the OJP "Other Requirements for OJP Applications" web page ([www.ojp.gov/funding/other\\_requirements.htm](http://www.ojp.gov/funding/other_requirements.htm)). Applicants whose proposals may involve a research or statistical component also should review the "Confidentiality" section on that web page.

**Notice of Post-Award FFATA Reporting Requirement**

Applicants should anticipate that OJP will require all recipients (other than individuals) of awards of \$25,000 or more under this solicitation, consistent with the Federal Funding Accountability and Transparency Act of 2006 (FFATA), to report award information on any first-tier subawards totaling \$25,000 or more, and, in certain cases, to report information on the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients. Each applicant entity must ensure that it has the necessary processes and systems in place to comply with the reporting requirements should it receive funding. Reports regarding subawards will be made through the FFATA Subaward Reporting System (FSRS), found at [www.fsrs.gov](http://www.fsrs.gov).

Note also that applicants should anticipate that no subaward of an award made under this solicitation may be made to a subrecipient (other than an individual) unless the potential subrecipient acquires and provides a Data Universal Numbering System (DUNS) number.

**What an Application Should Include**

Applicants should anticipate that if they fail to submit an application that contains all of the specified elements, it may negatively affect the review of the application, and, should a decision

be made to make an award, it may result in the inclusion of special conditions that preclude access to or use of award funds pending satisfaction of the conditions.

Moreover, applicants should anticipate that applications that are determined to be nonresponsive to the scope of the solicitation, or that do not include application elements that BJA has designated to be critical, will neither proceed to peer review nor receive further consideration. Under this solicitation, BJA has designated the following application elements as critical: Abstract; Program Narrative; Time/Task Plan; and Budget Detail Worksheet and Budget Narrative. Applicants may combine the Budget Detail Worksheet and Budget Narrative in one document. However, if an applicant submits only one document, it must contain **both** narrative and detail information.

OJP strongly recommends that applicants use appropriately descriptive file names (e.g., "Program Narrative," "Budget Detail Worksheet and Budget Narrative," "Time Task Plan," "Memoranda of Understanding," "Resumes") for all attachments. Also, OJP recommends that resumes be included in a single file.

#### **1. Information to Complete the Application for Federal Assistance (SF-424)**

The SF-424 is a standard form required for use as a cover sheet for submission of pre-applications, applications, and related information. Grants.gov and GMS take information from the applicant's profile to populate the fields on this form. When selecting "type of applicant," if the applicant is a for-profit entity, select "For-Profit Organization" or "Small Business" (as applicable). **Failure to indicate the entire amount of federal funds requested for the entire project period may result in the applicant receiving an incorrect federal award amount.**

#### **2. Abstract**

Applicants must include an abstract that should contain the following information in the order listed:

- List the category of funding requested (1, 2, or 3a/b), jurisdiction size (state, regional, local, tribe), urbanicity (urban, suburban, rural), and type of drug court(s) for which funds are being requested (e.g., Adult Drug Court; Driving While Intoxicated (DWI)/Driving Under the Influence (DUI) Court; Co-Occurring Substance Abuse and Mental Health Court; Veterans Treatment Court; Tribal Healing to Wellness Court), and whether the court is pre- or post-adjudication.
- State the total federal amount requested for the life of the grant. This total amount should be the same amount listed on the SF-424 form and should align with the goals and objectives of the solicitation.
- **State the current maximum participant capacity the applicant drug court can serve on any given day AND the increase in capacity that would result if a grant is awarded.**
- **State the total number of participants proposed to receive services with these grant funds** (if awarded) over the life of the grant project period. Applicants can calculate this number by dividing the length of the grant project period (in months) by the average length of the drug court program (in months) and then multiplying that number by the number of additional people that can be served in the drug court program

because of the grant funds. Identify the minimum, maximum, and average length of program participation.

- Briefly describe the target population, including the risk and need level of participants and how criminogenic risk and need are screened and assessed.
- Affirm that the key components of a drug court are or will be met and indicate which of the seven evidence-based program principles are proposed to be implemented in the application, noting the page numbers where each item is discussed in the application. More information including definitions and incorporation of program design for each of the evidence-based program principles can be found at [www.research2practice.org/projects/seven-design/](http://www.research2practice.org/projects/seven-design/).
- Briefly describe how, if awarded, the applicant will collect and report on recidivism information for program participants and for graduates one year post program completion. Recidivism is defined as any criminal offense that results in a **formal charge** in any local, state, federal, or tribal court.
- Indicate whether the applicant is designated as an Empowerment Zone or Renewal Community by the U.S. Department of Housing and Urban Development.
- Indicate whether the jurisdiction is leveraging any other federal funding sources (e.g. Justice Assistance Grant Program) to support the drug court.
- Indicate whether the applicant jurisdiction has ever received a Drug Court grant from the OJP (include grant number) or ever participated in the Drug Court Planning Initiative. If the jurisdiction received planning assistance, include the dates of the training.

Applications should include a high-quality "Project Abstract" that summarizes the proposed project. Project abstracts should be—

- Written for a general public audience.
- Submitted as a separate attachment with <Project Abstract> as part of its file name.
- Single-spaced, using a standard 12-point font (Times New Roman) with 1-inch margins, and should not exceed 1 page.

As a separate attachment, the project abstract will **not** count against the page limit for the program narrative.

Permission to Share Project Abstract with the Public: It is unlikely that BJA will be able to fund all promising applications submitted under this solicitation, but it may have the opportunity to share information with the public regarding promising but unfunded applications, for example, through a listing on a web page available to the public. The intent of this public posting would be to allow other possible funders to become aware of such proposals.

In the project abstract, applicants are asked to indicate whether they give OJP permission to share their project abstract (including contact information) with the public. Granting (or failing to grant) this permission will not affect OJP's funding decisions, and, if the application is not

funded, granting permission will not guarantee that abstract information will be shared, nor will it guarantee funding from any other source.

Note: OJP may choose not to list a project that otherwise would have been included in a listing of promising but unfunded applications, should the abstract fail to meet the format and content requirements noted above and outlined in the project abstract template.

### **3. Program Narrative**

The program narrative must respond to the solicitation and the Selection Criteria (1-4) listed below in the order given. The program narrative should be double-spaced, using a standard 12-point font (Times New Roman is preferred) with 1-inch margins, and should not exceed 20 pages. Number pages "1 of 20", "2 of 20," etc.

If the program narrative fails to comply with these length-related restrictions, BJA may consider such noncompliance in peer review and in final award decisions.

The following sections should be included as part of the program narrative:

- a. Statement of the Problem
- b. Project Design and Implementation
- c. Capabilities and Competencies
- d. Evaluation, Aftercare and Healthcare Integration Strategy, Sustainment, and Plan for Collecting the Data Required for this Solicitation's Performance Measures  
BJA does not require applicants to submit performance measures data with their application. Performance measures are included as an alert that BJA will require successful applicants to submit specific data to BJA as part of their reporting requirements. For the application, the applicant should indicate an understanding of these requirements and discuss how the applicant will gather the required data, should they receive funding.

Refer to the Selection Criteria, page 20, for the specific components of what the narrative should include.

### **4. Budget Detail Worksheet and Budget Narrative**

Applicants must provide a separate itemized budget for each year of grant activity. A total budget for the grant period should follow to include all combined federal and non-federal expenditures and satisfying the 25 percent match requirement. Applicants must submit the budget worksheets and budget narrative in one file.

Applicants should allocate funds for up to eight people to attend the National Drug Court Training Conference or one BJA-sponsored training per year. A list of BJA-approved drug court trainings can be found on the National Drug Court Resource Center web site at [www.NDCRC.org](http://www.NDCRC.org).

#### **a. Budget Detail Worksheet**

A sample budget detail worksheet can be found at [www.ojp.gov/funding/forms/budget\\_detail.pdf](http://www.ojp.gov/funding/forms/budget_detail.pdf). Applicants that submit their budget in a

different format should include the budget categories listed in the sample budget worksheet.

For questions pertaining to budget and examples of allowable and unallowable costs, please see the OJP Financial Guide at [www.ojp.usdoj.gov/financialguide/index.htm](http://www.ojp.usdoj.gov/financialguide/index.htm).

**b. Budget Narrative**

The Budget Narrative should thoroughly and clearly describe every category of expense listed in the Budget Detail Worksheet. OJP expects proposed budgets to be complete, cost effective, and allowable (e.g., reasonable, allocable, and necessary for project activities).

Applicants should demonstrate in their budget narratives how they will maximize cost effectiveness of grant expenditures. Budget narratives should demonstrate cost effectiveness in relation to potential alternatives and the goals of the project. For example, a budget narrative should detail why planned in-person meetings are necessary, or how technology and collaboration with outside organizations could be used to reduce costs, without compromising quality.

The narrative should be mathematically sound and correspond with the information and figures provided in the Budget Detail Worksheet. The narrative should explain how the applicant estimated and calculated all costs, and how they are relevant to the completion of the proposed project. The narrative may include tables for clarification purposes but need not be in a spreadsheet format. As with the Budget Detail Worksheet, the Budget Narrative should be broken down by year to reflect the entire grant period; however, the budget summary page totals should reflect the entire grant period.

**5. Indirect Cost Rate Agreement (if applicable)**

Indirect costs are allowed only if the applicant has a federally approved indirect cost rate. (This requirement does not apply to units of local government.) Attach a copy of the federally approved indirect cost rate agreement to the application. Applicants that do not have an approved rate may request one through their cognizant federal agency, which will review all documentation and approve a rate for the applicant organization or, if the applicant's accounting system permits, costs may be allocated in the direct cost categories. If DOJ is the cognizant federal agency, obtain information needed to submit an indirect cost rate proposal at [www.ojp.usdoj.gov/funding/pdfs/indirect\\_costs.pdf](http://www.ojp.usdoj.gov/funding/pdfs/indirect_costs.pdf).

**6. Tribal Authorizing Resolution (if applicable)**

Tribes, tribal organizations, or third parties proposing to provide direct services or assistance to residents on tribal lands should include in their applications a resolution, a letter, affidavit, or other documentation, as appropriate, that certifies that the applicant has the legal authority from the tribe(s) to implement the proposed project on tribal lands. In those instances when an organization or consortium of tribes applies for a grant on behalf of a tribe or multiple specific tribes, then the application should include appropriate legal documentation, as described above, from all tribes that would receive services/assistance under the grant. A consortium of tribes for which existing consortium bylaws allow action without support from all tribes in the consortium (i.e., without an authorizing resolution or comparable legal documentation from each tribal governing body) may submit, instead, a copy of its consortium bylaws with the application.

## 7. Additional Attachments

- **Time Task Plan (Required)** A Time Task Plan is required and should outline when goals and objectives will be met over the project period. The Time Task Plan will summarize the major activities, responsible agencies, and expected completion dates for the principal tasks required to implement and manage the drug court program. **Applicants must indicate the number of program participants to be served quarterly under the grant-funded project to demonstrate how the total number of anticipated participants will be served before the end of the grant period.**
- **Letters of Support (Recommended for Implementation and Enhancement Applicants)**  
Attach a letter of support from each key drug court team member, with responsibilities outlined for each member. Key drug court team members include a judge, prosecutor, defense attorney, treatment provider, researcher/evaluator/management information specialist, and drug court coordinator.
- **State Substance Abuse (SSA) Agency Director or Designee Letter (Recommended)**  
Applicants are encouraged to include a letter from the SSA Director or designated representative in support of the application and include confirmation that the proposal conforms to the framework of the State Strategy of Substance Abuse Treatment. **A listing of the SSAs can be found on Substance Abuse and Mental Health Services Administration's (SAMHSA) web site at [www.samhsa.gov/Grants/ssadirectory.pdf](http://www.samhsa.gov/Grants/ssadirectory.pdf).** See #6 above for information about the Tribal Authorizing Resolution requirement.
- **Chief Justice, State Court Administrator, or Designee Letter (Recommended)**  
Applicants are encouraged to include a letter from the Chief Justice of the state's highest court, the State Court Administrator, or a designee (e.g., the state drug or problem-solving court coordinator) describing how the proposed application would enhance the statewide efforts related to problem-solving courts, and/or is part of the state's problem-solving court strategy. A listing of the state drug and problem solving court coordinators can be found at the [National Drug Court Resource Center](#).
- **Applicant disclosure of pending applications**  
Applicants are to disclose whether they have pending applications for federally funded assistance that include requests for funding to support the same project being proposed under this solicitation and will cover the identical cost items outlined in the budget narrative and worksheet in the application under this solicitation. The disclosure should include both direct applications for federal funding (e.g., applications to federal agencies) and indirect applications for such funding (e.g., applications to state agencies that will be subawarding federal funds).

OJP seeks this information to help avoid any inappropriate duplication of funding. Leveraging multiple funding sources in a complementary manner to implement comprehensive programs or projects is encouraged and is not seen as inappropriate duplication.

Applicants that have pending applications as described above are to provide the following information about pending applications submitted within the last 12 months:

- The federal or state funding agency
- The solicitation name/project name
- The point of contact information at the applicable funding agency

Federal or State Funding Agency	Solicitation Name/Project Name	Name/Phone/E-mail for Point of Contact at Funding Agency
DOJ/COPS	COPS Hiring Program	Jane Doe, 202/000-0000; <a href="mailto:jane.doe@usdoj.gov">jane.doe@usdoj.gov</a>
HHS/ Substance Abuse & Mental Health Services Administration	Drug Free Communities Mentoring Program/ North County Youth Mentoring Program	John Doe, 202/000-0000; <a href="mailto:john.doe@hhs.gov">john.doe@hhs.gov</a>

Applicants should include the table as separate attachment, with the file name "Disclosure of Pending Applications," to their application. Applicants that do not have pending applications as described above are to include a statement to this effect in the separate attachment page (e.g. "[Applicant Name] does not have pending applications within the last 12 months for federally funded assistance that include requests for funding or support the same project being proposed under this solicitation and will cover the identical cost items outlined in the budget narrative and worksheet in the application under this solicitation.").

#### 8. Other Standard Forms

Additional forms that may be required in connection with an award are available on OJP's funding page at [www.ojp.usdoj.gov/funding/forms.htm](http://www.ojp.usdoj.gov/funding/forms.htm). For successful applicants, receipt of funds may be contingent upon submission of all necessary forms. Note in particular the following forms:

- a. Standard Assurances\*  
Applicants must read, certify, and submit this form in GMS prior to the receipt of any award funds.
- b. Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements  
Applicants must read, certify, and submit in GMS prior to the receipt of any award funds.
- c. Accounting System and Financial Capability Questionnaire  
Any applicant (other than an individual) that is a non-governmental entity and that has not received any award from OJP within the past 3 years, must download, complete, and submit this form.

\*These OJP Standard Assurances and Certifications are forms which applicants accept in GMS. They are not additional forms to be uploaded at the time of application submission.

### Selection Criteria

The following five selection criteria will be used to evaluate each application, with the different weight given to each based on the percentage value listed below after each individual criteria. For example, for the first criteria, "Statement of the Problem," for Category 1 applicants, this section is worth 20 percent of the entire application in the review process.

## 1. Statement of the Problem

Within this section all applicants should explain the inability to fund the program adequately without federal assistance.

### Category 1: Implementation Applicants (20 percent of 100)

- Describe the nature and scope of the substance abuse problem in the jurisdiction. Include data on race, ethnicity, age, gender, arrest volume, and crime patterns for adult offenders.
- Explain the problems with the current court response to cases involving substance abuse, identify how, and to what extent the proposed project will address the current arrest volume, and describe how the current number of treatment slots meets the needs of anticipated referrals.
- Describe the proposed target population, including criminogenic risk level (high, medium, low), substance abuse treatment need, and the average jail or prison sentence that potential participants face, if any. Explain how the target number of people the applicant plans to serve with grant funds was derived.

### Category 2: Enhancement Applicants (25 percent of 100)

- Describe the immediate issues that the enhancement grant seeks to address. The issues should be derived from one or any combination of the five criteria listed under the Category 2: Enhancement section on pages 9-10.
- Describe the current operation of the adult drug court, addressing:
  - Referral, screening, and assessment process/eligibility requirements
  - Target population
  - Structure of the drug court (pre-/post-plea, etc.)
  - Current capacity
  - Length and phases of the program
  - Case management process
  - Community supervision
  - Recovery support services delivery plan
  - Judicial supervision
  - Process for randomized drug testing
  - Incentives and sanctions
  - Graduation requirements and expulsion criteria
  - Restitution costs and all fees required for program participation
- Identify the treatment service(s)/ practice(s) available for drug court participants and how those services are currently monitored for quality and effectiveness.
- Discuss the evidence that shows that the treatment service(s)/practice(s) is/are effective with the target population. If the evidence is limited or non-existent for the target population, provide other information to support the intervention selection. Provide local data and any evaluation findings that demonstrate the program's impact with regard to offender and community outcomes. Describe a mechanism that prioritizes court resources and services for the individuals with high criminogenic risk and need including repeat substance abusing offenders.

### Category 3: Statewide Applicants (20 percent of 100)

- List the subcategory and total funding amount the applicant is applying for: A, B, or both. Describe the enhancement and/or number and type of drug court(s) and other problem solving courts operating statewide with jurisdiction over substance abusing offenders.

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- Describe the extent that the state or these courts meet the needs of the eligible population of nonviolent substance-abusing offenders, are operating at capacity, and the non-budgetary reasons if they are not operating at capacity.
- Provide information about the extent that the enhancement and/or drug courts within the state are incorporating evidenced-based treatment practices/services.
- Describe the issue or need that the enhancement grant seeks to address. Provide state data and any evaluation findings that demonstrate the state drug court program's impact with regard to offender and community outcomes.

## 2. Project Design and Implementation

Within the Project Design and Implementation section, all applicants should address the following two items and then address their specific category requirements below.

- 1) The Drug Court Discretionary Grant Program authorizing statute requires participant payments for treatment and restitution; however, it does not allow imposing a fee on a client that would interfere with the client's rehabilitation. Applicants should include in their application provisions for determining if these costs would interfere with a client's rehabilitation or graduation.
- 2) Applicants should demonstrate that eligible drug court participants promptly enter the drug court program following a determination of their eligibility. Drug court programs which require an initial period of incarceration are ineligible unless the period of incarceration is mandated by statute for the offense in question. In such instances, the applicant must demonstrate the offender is receiving treatment services while incarcerated if available and begins drug court treatment services immediately upon release.

### Category 1: Implementation Applicants (40 percent of 100):

- Describe the drug court program to include the following:
  - Screening and referral process/eligibility requirements
  - Structure of the drug court (pre-/post-plea, etc.)
  - Length and phases of the program
  - Case management process
  - Community supervision
  - Treatment services
  - Recovery supportive services delivery plan
  - Judicial supervision
  - Process for randomized drug testing
  - Incentives and sanctions. Demonstrate an understanding that relapse is a part of the substance addiction recovery process and is taken into consideration in the development of incentives and sanctions.
  - Graduation requirements and expulsion criteria
  - Restitution costs and all fees required for program participation and identify how the fees will be absorbed back into the program. Also describe whether the program fees present a barrier to participation and measures available to reduce or waive fees for indigent participants.
  - Describe how the project design and strategy conforms with the **key components/ evidence-based program principles** described on page 6.
- Describe how the treatment provider(s) will be selected and address the frequency for which key drug court team members will monitor the providers. Monitoring should ensure

that the treatment is effective. Describe the evidence-base for the treatment intervention(s) to be used and how it is responsive to the needs of the target population described above. Describe the range of treatment to be provided to address the substance abuse, mental health, and cognitive behavioral needs of participants.

- Describe how the court will identify, assess, and prioritize participation and services for high-risk/high-need offenders. Identify the validated assessment tool which will be utilized and provide information on why the specific assessment tool was selected.
- If a post-adjudication drug court model is proposed, discuss how the concept of "early intervention" will be implemented.
- Discuss how the community has been engaged in the planning process and describe the community partnerships available to support the drug court program.
- Demonstrate how the proposal conforms to the framework of the State Strategy of Substance Abuse Treatment and the extent to which treatment resources will be available to the court.

**Category 2: Enhancement Applicants (40 percent of 100):**

- Describe the proposed enhancement and its specific goals and objectives, linking the enhancement to the evidence-based program principles described on page 6 and the key components of drug courts.
- Describe how the court will identify, assess, and prioritize participation and services for high-risk/high-need offenders. Identify the validated assessment tool used and provide information on why the specific assessment tool was selected.
- Identify which of the enhancements options discussed on pages 9-10 for which funds are being requested and explain how each will be accomplished. In the explanation address the following:
  - Describe the detailed and randomized drug testing process and how it will occur throughout all components/phases of the program. Describe the mechanism which the court will use to ensure coverage and coordination of drug testing among all available agencies associated with clients.
  - Describe the proposed frequency of judicial status hearings and related criteria in the program. Describe how the program will ensure consistent procedures in the status hearings.
  - Describe the process the court will use to ensure a perception of procedural fairness throughout all court and program operations.
  - Describe the evidence-base for the treatment intervention(s) to be used and how it is responsive to the needs of the target population described above. Describe the range of treatment to be provided to address the substance abuse, mental health, and cognitive behavioral needs of participants.
  - Demonstrate how the proposal conforms to the framework of the State Strategy of Substance Abuse Treatment.

**Category 3: Statewide Applicants (50 percent of 100):**

- Describe the specific design, goals, and objectives for the proposed statewide enhancement project and how the project will incorporate and address the evidence-based program principles identified on pages 7-9 of this solicitation. Provide a project strategy identifying how one or more of the following statewide initiatives will be accomplished: training or technical assistance programs for drug court teams; tracking or compiling state drug court information and resources; disseminating statewide drug court information to enhance or strengthen drug court programs; increasing communication, coordination, and information sharing among drug court programs;

conducting a statewide drug court evaluation; or establishing an automated drug court data collection system. Demonstrate how the proposal conforms to the framework of the State Strategy of Substance Abuse Treatment.

- Describe the statewide, data-driven drug court strategy for expanding capacity of problem-solving court options and services for substance-abusing offenders, which may include: implementing new drug courts; reaching capacity of existing drug courts; and expanding/enhancing capacity of existing drug courts to reach specific or emerging offender populations with drug treatment needs.
- If applicable, identify which drug courts are proposed to receive funding, the type of program, at what amounts, for which periods of time, how the statewide applicant will assist the funded courts in achieving their goals and objectives, and how the applicant will monitor progress. Identify how the selected jurisdiction(s) drug court programs will operate in accordance with *Defining Drug Courts: The Key Components* and will use subgranted funds to implement research-based, data-driven strategies. Also describe:
  - The detailed and randomized drug testing process and how it will occur throughout all components/phases of the program. Describe the mechanism which the court will use to ensure coverage and coordination of drug testing among all available agencies associated with clients.
  - Describe the proposed frequency of judicial status hearings and related criteria in the program. Describe how the program will ensure consistent procedures in the status hearings.
  - Describe the process the court will use to ensure a perception of procedural fairness throughout all court and program operations.
  - Describe the plan for sustaining drug court programming after federal funding has ended.
  - Demonstrate how the SSA was consulted and how the proposal conforms to the framework of the State Strategy of Substance Abuse Treatment.

### 3. Capabilities and Competencies

#### Category 1: Implementation Applicants (20 percent of 100)

- Indicate whether the drug court team members have received training through the BJA Drug Court Planning Initiative or through another opportunity.
- Identify each member of the drug court team and describe their roles and responsibilities.
- Describe how effective communication and coordination among the team will be implemented throughout the project period. Key drug court team members must include a judge, prosecutor, defense attorney, treatment provider, researcher/evaluator/management information specialist, and drug court coordinator.
- Indicate whether the drug court team includes members from local law enforcement and probation departments. If applicable, describe the roles of these members as related to staffing attendance, home visits, and court appearances.
- Describe the drug court program's proposed treatment partners; describe the history of this partnership and how the court will ensure these substance abuse treatment providers will use evidenced-based treatment services.
- Attach a letter of support from each key drug court team member, with responsibilities outlined for each member (see Additional Attachments on page 19).

**Category 2: Enhancement Applicants (20 percent of 100):**

- Identify each drug court team member who will have a significant role in implementing the enhancement and describe their roles, responsibilities, and qualifications to ensure success of the proposed enhancement project. Key drug court team members must include a judge, prosecutor, defense attorney, treatment provider, researcher/evaluator/management information specialist, and drug court coordinator.
- Identify personnel other than team members who are critical to the enhancement project's successful implementation and discuss their roles, responsibilities, and qualifications.
- Discuss organizational capabilities or competencies that will directly impact the ability to successfully implement the proposed enhancement.
- Describe the drug court program's proposed treatment partners; describe the history of this partnership and how will the court ensure that these substance abuse treatment providers use evidenced-based treatment services and monitor the quality and effectiveness of service delivery.
- Attach a letter of support from each key drug court team member, with responsibilities outlined for each member (see Additional Attachments on page 19).

**Category 3: Statewide (15 percent of 100):**

- Subcategory A: Identify personnel who are critical to the enhancement project's successful implementation and discuss their roles, responsibilities, and qualifications. Discuss organizational capabilities or competencies that will directly impact the ability to successfully implement the proposed enhancement.
- Subcategory B: Detail the system and process that will be used to monitor the drug court(s) to which funds are passed through for performance, compliance, and technical assistance needs, as well as how the drug court(s) will contribute to a reduction in substance abuse related recidivism. Describe current state-funded drug court services such as practitioner training and professional development opportunities, accessible statewide treatment contracts, and technical assistance available to support the implementation and/or enhancement operations of the drug courts proposed to receive funding. Describe the drug court program's proposed treatment partners; describe the history of this partnership and how will these substance abuse/addiction treatment providers use evidenced-based treatment services.

**4. Evaluation, Aftercare and Healthcare Integration, Sustainment, and Plan for Collecting the Data Required for this Solicitation's Performance Measures**

All applicants should describe their current ability to collect and analyze client-level performance and outcome data and to conduct regular assessments of program service delivery and performance as described in the evidence-based program principles described in this solicitation. All applicants must indicate their willingness and ability to report aggregated client-level performance and outcome data through BJA's Performance Measurement Tool (PMT). Statewide applicants are expected to report on behalf of subawardees.

**Category 1: Implementation Applicants (15 percent of 100):**

- Describe the steps the drug court will take to develop a performance management and evaluation plan. The plan should include strategies to collect data, review data, use data to improve program performance, and where appropriate, discuss how the drug court will work with an evaluator.

- Describe who will be responsible for, and the process of, the quarterly review of the actual number of participants served with grant funds as compared to the projected number of participants to be served. The Time Task Plan should reflect when and how the jurisdiction plans to reach that capacity and should be measured on a quarterly basis.
- Provide a client community reintegration or aftercare strategy detailing the step down provisions for aftercare services to assist program graduates as they reintegrate into the community. If applicable, applicants are also encouraged to consider and describe how their state's planned Medicaid expansion, as allowed under the Patient Protection and Affordable Care Act will increase future program capacity or sustainability.
- Provide a sustainability plan detailing how drug court operations will be maintained after federal assistance ends. The sustainability plan should describe how current collaborations and evaluations will be used to leverage ongoing resources. BJA encourages applicants to ensure sustainability by coordinating with local, state, and other federal resources. Allowable uses of funds under the BJA Justice Assistance Grant (JAG) Program are court services and substance abuse and treatment.

**Category 2: Enhancement Applicants (10 percent of 100):**

- Provide a plan detailing how performance of court operations will be evaluated and managed. Describe the program's screening and referral process which ensures that offenders screened and referred to drug court mirror the jurisdiction's substance abuse arrestee percentages.
- Describe who will be responsible for, and the process of, the quarterly review of the actual number of participants served with grant funds as compared to the projected number of participants to be served. The Time Task Plan should reflect when and how the jurisdiction plans to reach that capacity and should be measured on a quarterly basis.
- Describe how operation and enhancement efforts will be maintained after federal assistance ends and how current collaborations and evaluations will be used to leverage ongoing resources.
- Provide a client community reintegration or aftercare strategy as well as a sustainability plan detailing how court operations will be maintained after federal assistance ends with support from local or state funding. Applicants are also encouraged to consider and describe how the drug court will leverage any state Medicaid expansion under the Patient Protection and Affordable Care Act to increase program capacity and facilitate sustainability.
- BJA encourages applicants to ensure sustainability by coordinating with local, state and other federal resources. Such resources, like JAG, have purposes are to support court services and substance abuse treatment.

**Category 3: Statewide Applicants (10 percent of 100):**

- Provide a plan detailing how enhancement activities and performance of funded drug court operations will be managed and evaluated.
- Detail a screening and referral process using valid screening and assessment tools to ensure the most appropriate offenders are referred to drug court.
- Describe who will be responsible for, and the process of, the quarterly review of the actual number of participants served with grant funds as compared to the projected number of participants to be served. The Time Task Plan should reflect when and how the jurisdiction plans to reach that capacity and should be measured on a quarterly basis.

- Describe how operation and enhancement efforts will be maintained after federal assistance ends and how current collaborations and evaluations will be used to leverage ongoing resources.
- Provide a client community reintegration or aftercare strategy as well as a sustainability plan detailing how court operations will be maintained after federal assistance ends with the support from local or state funding. BJA encourages applicants to ensure sustainability by coordinating with local, state and other federal resources. Such resources, like JAG, have purpose areas to support court services and substance abuse treatment.

#### 5. Budget (5 percent of 100)

All applicants (Categories 1-3) must provide a proposed multi-year budget that is complete, cost effective, and allowable (e.g., reasonable, allocable, and necessary for project activities). Budget narratives should demonstrate how applicants will maximize cost effectiveness of grant expenditures. Budget narratives should demonstrate cost effectiveness in relation to potential alternatives and the goals of the project.<sup>2</sup> Applicants must provide a separate itemized budget for each year of grant activity reflecting the 25 percent match requirement. A total budget for the grant period should follow to include all combined federal and non-federal match expenditures. The **total** amount must be identified on the SF-424 and abstract. Applicants must submit the budget detail worksheets and budget narrative in one file.

### Review Process

OJP is committed to ensuring a fair and open process for awarding grants. BJA reviews the application to make sure that the information presented is reasonable, understandable, measurable, and achievable, as well as consistent with the solicitation.

Peer reviewers will review the applications submitted under this solicitation that meet basic minimum requirements. BJA may use either internal peer reviewers, external peer reviewers, or a combination to review the applications under this solicitation. An external peer reviewer is an expert in the field of the subject matter of a given solicitation who is NOT a current DOJ employee. An internal reviewer is a current DOJ employee who is well-versed or has expertise in the subject matter of this solicitation. A peer review panel will evaluate, score, and rate applications that meet basic minimum requirements. Peer reviewers' ratings and any resulting recommendations are advisory only. In addition to peer review ratings, considerations for award recommendations and decisions may include, but are not limited to, underserved populations, geographic diversity, strategic priorities, past performance, and available funding.

The Office of the Chief Financial Officer (OCFO), in consultation with BJA, reviews applications for potential discretionary awards to evaluate the fiscal integrity and financial capability of applicants, examines proposed costs to determine if the Budget Detail Worksheet and Budget Narrative accurately explain project costs; and determines whether costs are reasonable, necessary, and allowable under applicable federal cost principles and agency regulations.

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<sup>2</sup> Generally speaking, a reasonable cost is a cost that if, in its nature or amount, does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the costs.

Absent explicit statutory authorization or written delegation of authority to the contrary, all final award decisions will be made by the Assistant Attorney General, who may consider factors including, but not limited to, underserved populations, geographic diversity, strategic priorities, past performance, and available funding when making awards.

## **Additional Requirements**

Applicants selected for awards must agree to comply with additional legal requirements upon acceptance of an award. OJP encourages applicants to review the information pertaining to these additional requirements prior to submitting your application. Additional information for each can be found at [www.ojp.usdoj.gov/funding/other\\_requirements.htm](http://www.ojp.usdoj.gov/funding/other_requirements.htm).

- Civil Rights Compliance
- Civil Rights Compliance Specific to State Administering Agencies
- Faith-Based and Other Community Organizations
- Confidentiality
- Research and the Protection of Human Subjects
- Anti-Lobbying Act
- Financial and Government Audit Requirements
- National Environmental Policy Act (NEPA)
- DOJ Information Technology Standards (if applicable)
- Single Point of Contact Review
- Non-Supplanting of State or Local Funds
- Criminal Penalty for False Statements
- Compliance with Office of Justice Programs Financial Guide
- Suspension or Termination of Funding
- Non-Profit Organizations
- For-Profit Organizations
- Government Performance and Results Act (GPRA)
- Rights in Intellectual Property
- Federal Funding Accountability and Transparency Act (FFATA) of 2006

- Awards in Excess of \$5,000,000 – Federal Taxes Certification Requirement
- Policy and Guidance for Conference Approval, Planning, and Reporting
- OJP Training Guiding Principles for Grantees and Subgrantees

## How To Apply

Applicants must submit applications through Grants.gov. Applicants must first register with Grants.gov in order to submit an application through Grants.gov, a "one-stop storefront" to find federal funding opportunities and apply for funding. Find complete instructions on how to register and submit an application at [www.Grants.gov](http://www.Grants.gov). Applicants that experience technical difficulties during this process should call the Grants.gov Customer Support Hotline at **800-518-4726** or **606-545-5035**, 24 hours a day, 7 days a week, except federal holidays. Registering with Grants.gov is a one-time process; however, **processing delays may occur, and it can take several weeks** for first-time registrants to receive confirmation and a user password. OJP encourages applicants to **register several weeks before** the application submission deadline. In addition, OJP urges applicants to submit applications well in advance of the application due date to allow time to receive validation messages or rejection notifications from Grants.gov, and to correct in a timely fashion any problems that may have caused a rejection notification.

**Note:** BJA encourages all prospective applicants to sign up for Grants.gov email notifications regarding this solicitation. If this solicitation is cancelled or modified, individuals who sign up with Grants.gov for email updates will be notified.

All applicants are required to complete the following steps:

1. **Acquire a Data Universal Numbering System (DUNS) number.** In general, the Office of Management and Budget requires that all applicants (other than individuals) for federal funds include a DUNS number in their applications for a new award or a supplement to an existing award. A DUNS number is a unique nine-digit sequence recognized as the universal standard for identifying and differentiating entities receiving federal funds. The identifier is used to for tracking purposes and to validate address and point of contact information for federal assistance applicants, recipients, and subrecipients. The DUNS number will be used throughout the grant life cycle. Obtaining a DUNS number is a free, one-time activity. Call Dun and Bradstreet at 866-705-5711 to obtain a DUNS number or apply online at [www.dnb.com](http://www.dnb.com). A DUNS number is usually received within 1-2 business days.
2. **Acquire registration with the System for Award Management (SAM).** SAM replaces the **Central Contractor Registration (CCR) database** as the repository for standard information about federal financial assistance applicants, recipients, and subrecipients. OJP requires all applicants (other than individuals) for federal financial assistance to maintain current registrations in the SAM database. Applicants must be registered in SAM to successfully register in Grants.gov. (Previously, organizations that had submitted applications via Grants.gov were registered with CCR, as it was a requirement for Grants.gov registration. SAM registration replaces CCR as a pre-requisite for Grants.gov registration.) Applicants must **update or renew their SAM registration annually** to maintain an active status.

Applicants that were previously registered in the CCR database must, at a minimum:

- Create a SAM account;
- Log in to SAM and migrate permissions to the SAM account (all the entity registrations and records have already been migrated).

Applicants that were not previously registered in the CCR database must register in SAM prior to registering in Grants.gov. Information about SAM registration procedures can be accessed at [www.sam.gov](http://www.sam.gov).

3. **Acquire an Authorized Organization Representative (AOR) and a Grants.gov username and password.** Complete the AOR profile on Grants.gov and create a username and password. The applicant organization's DUNS number must be used to complete this step. For more information about the registration process, go to [www.grants.gov/applicants/get\\_registered.jsp](http://www.grants.gov/applicants/get_registered.jsp).
4. **Acquire confirmation for the AOR from the E-Business Point of Contact (E-Biz POC).** The E-Biz POC at the applicant organization must log into Grants.gov to confirm the applicant organization's AOR. Note that an organization can have more than one AOR.
5. **Search for the funding opportunity on Grants.gov.** Use the following identifying information when searching for the funding opportunity on Grants.gov. The Catalog of Federal Domestic Assistance (CFDA) number for this solicitation is 16.585, titled "Drug Court Discretionary Grant Program," and the funding opportunity number is BJA-2013-3418.
6. **Select the correct Competition ID.** Some OJP solicitations posted to Grants.gov contain multiple purpose areas, denoted by the individual Competition ID. If applying to a solicitation with multiple Competition IDs, select the appropriate Competition ID for the intended purpose area of the application.
7. **Complete the Disclosure of Lobbying Activities.** All applicants must complete this information. An applicant that expends any funds for lobbying activities must provide the detailed information requested on the form, *Disclosure of Lobbying Activities*, (SF-LLL). Applicants that do not expend any funds for lobbying activities should enter "N/A" in the required highlighted fields.
8. **Submit an application consistent with this solicitation by following the directions in Grants.gov.** Within 24–48 hours after submitting the electronic application, the applicant should receive an e-mail validation message from Grants.gov. The message will state whether OJP has received and validated the application, or rejected it, with an explanation. **Important:** OJP urges applicants to submit applications **well in advance** of the application due date to allow time to receive the validation messages or rejection notifications from Grants.gov, and to correct in a timely fashion any problems that may have caused a rejection notification.

**Note: Grants.gov only permits the use of specific characters in names of attachment files. Valid file names may only include the following characters: A-Z, a-z, 0-9, underscore ( ), hyphen (-), space, and period. Grants.gov will forward the application to OJP's Grants Management System (GMS). GMS does not accept executable file types as application attachments.** These disallowed file types include, but are not limited to, the following

extensions: ".com," ".bat," ".exe," ".vbs," ".cfg," ".dat," ".db," ".dbf," ".dll," ".ini," ".log," ".ora," ".sys," and ".zip."

**Note: Duplicate Applications**

If an applicant submits multiple versions of an application, BJA will review the most recent version submitted.

**Experiencing Unforeseen Grants.gov Technical Issues**

Applicants that experience unforeseen Grants.gov technical issues beyond their control that prevent them from submitting their application by the deadline must e-mail the BJA Justice Information Center (see page 1 for contact information) **within 24 hours after the deadline** and request approval to submit their application. The e-mail must describe the technical difficulties, and include a timeline of the applicant's submission efforts, the complete grant application, the applicant DUNS number, and any Grants.gov Help Desk or SAM tracking number(s). **Note: BJA does not automatically approved requests.** After the program office reviews the submission, and contacts the Grants.gov or SAM Help Desks to validate the reported technical issues, BJA will inform the applicant whether the request to submit a late application has been approved or denied. If the technical issues reported cannot be validated, BJA will reject the applications as untimely.

The following conditions are not valid reasons to permit late submissions: (1) failure to register in sufficient time, (2) failure to follow Grants.gov instructions on how to register and apply as posted on its web site, (3) failure to follow all of the instructions in the OJP solicitation, and (4) technical issues with the applicant's computer or information technology environment, including firewalls.

Notifications regarding known technical problems with Grants.gov, if any, are posted at the top of the OJP funding web page at [www.ojp.usdoj.gov/funding/solicitations.htm](http://www.ojp.usdoj.gov/funding/solicitations.htm).

**Provide Feedback to OJP on This Solicitation**

To assist OJP in improving its application and award processes, we encourage applicants to provide feedback on this solicitation, application submission process, and/or the application review/peer review process. Feedback can be provided to [OJPSolicitationFeedback@usdoj.gov](mailto:OJPSolicitationFeedback@usdoj.gov).

**IMPORTANT:** This e-mail is for feedback and suggestions only. Replies are **not** sent from this mailbox. If you have specific questions on any program or technical aspect of the solicitation, **you must** directly contact the appropriate number or e-mail listed on the front of this solicitation document. These contacts are provided to help ensure that you can directly reach an individual who can address your specific questions in a timely manner.

If you are interested in being a reviewer for other OJP grant applications, e-mail your resume to [ojppeerreview@lmbps.com](mailto:ojppeerreview@lmbps.com). The OJP Solicitation Feedback e-mail account cannot forward your resume. **Note:** Neither you nor anyone else from your organization can be a peer reviewer in a competition in which you or your organization has submitted an application.

## Application Checklist

### FY 2013 Adult Drug Court Discretionary Grant Program

The application checklist has been created to assist in developing an application.

#### Eligibility

\_\_\_\_\_ States, state and local courts, counties, units of local government

#### The Federal Request is within Allowable Limits and not to exceed:

- \_\_\_\_\_ \$350,000 for Category 1: Implementation
- \_\_\_\_\_ \$200,000 for Category 2: Enhancement
- \_\_\_\_\_ \$200,000 for Category 3: Statewide Subcategory A
- \_\_\_\_\_ \$1,300,000 for Category 3: Statewide Subcategory B

\*\* Note, the total federal amount requested for all years should be the same amount listed on the SF-424.

#### What an Application Should Include:

- \_\_\_\_\_ Application for Federal Assistance (SF-424) (see page 15)
- \_\_\_\_\_ Abstract\* (including affirmation of evidence-based program features and total budget amount) (see page 15)
- \_\_\_\_\_ Program Narrative\* (see page 17)
- \_\_\_\_\_ Budget Detail Worksheet\* and Budget Narrative\* (see page 17)
- \_\_\_\_\_ Indirect Cost Rate Agreement (if applicable) (see page 18)
- \_\_\_\_\_ Tribal Authorizing Resolution (if applicable) (see page 18)
- \_\_\_\_\_ Additional Attachments (see page 19):
  - \_\_\_\_\_ Time Task Plan\*
  - \_\_\_\_\_ State Substance Abuse Agency Director, or Designee Letter
  - \_\_\_\_\_ Chief Justice, State Court Administrator or Designee Letter
  - \_\_\_\_\_ Applicant disclosure of pending applications
- \_\_\_\_\_ Other Standard Forms as applicable, (see page 20):
  - \_\_\_\_\_ Accounting System and Financial Capability Questionnaire (if applicable)

\*These elements are the basic minimum requirements for applications. Applications that do not include these elements shall neither proceed to peer review nor receive further consideration by BJA.

## Appendix A

### Tribal Healing to Wellness Court Key Components

**Key Component #1:** Tribal Healing to Wellness Courts brings together community-healing resources with the tribal justice process, using a team approach to achieve the physical and spiritual healing of the participant and the well-being of the community.

*(Corresponding evidence-based program principle) **Treatment and Other Services**—The applicant should maintain program resources that: address drug court participant needs identified over time; accommodate the range of treatment and other rehabilitation services required; and apply case management beyond initial referral to confirm that providers appropriately deliver ongoing assessment and services.*

*(Corresponding evidence-based program principle) **Relapse Prevention, Aftercare and Community Integration**—From the first program phase, the applicant should demonstrate how culturally sensitive planning and other programming will be implemented to support relapse prevention, community integration, and aftercare/continuing care services.*

**Key Component #2:** Participants enter the wellness court program through various referral points and legal procedures while protecting their due process rights.

*(Corresponding evidence-based program principle) **Screening and Assessment**—Referral sources and other stakeholders should be clear on program eligibility criteria, which must be consistent with targeted population needs and available program resources. Applicants should demonstrate an ability to screen promptly and systematically for all offenders potentially eligible for the drug court, identify the agency which will conduct this screening, and detail the procedures that will be used for screening.*

*The applicant should further demonstrate how those offenders determined to be eligible for the drug court as a result of screening will then be assessed to identify their risk for relapse and recidivism, as well as the nature of treatment and other rehabilitation needs. Assessments should be conducted using instruments that have been validated for the targeted population and updated periodically. Treatment and other service assessments should be reviewed and adjusted to gauge offender needs that may change over time.*

*(Corresponding evidence-based program principle) **Target Population**—Program resources should be prioritized for offenders who demonstrate both high criminogenic risk and high substance abuse treatment need. Applicants should aim to serve offenders whose characteristics and risk factors directly relate to a high probability of offending, and who are frequent drug users diagnosed for drug dependence. Also, applicants should target offenders who are subject to (or eligible for) legal sanctions that may provide greater leverage in program compliance.*

**Key Component #3:** Eligible substance abuse offenders are identified early through legal and clinical screening for eligibility and are promptly placed in the Tribal Healing to Wellness Program.

**Key Component #4:** Tribal Healing to Wellness Programs provides access to holistic, structured and phased substance abuse treatment and rehabilitation services that incorporate culture and tradition.

**Key Component #5:** Participants are monitored through intensive supervision that includes frequent and random testing for alcohol and other substance use.

*(Corresponding evidence-based program principle) **Monitoring**—The applicant should demonstrate a comprehensive plan to: monitor drug court participants using random drug testing and community supervision; disseminate results efficiently to the drug court team; and immediately respond to noncompliance according to established program requirements.*

**Key Component #6:** Progressive consequences (or sanctions) and rewards (or incentives) are used to encourage participant compliance with program requirements.

*(Corresponding evidence-based program principle) **Procedural and Distributive Justice**—Applicants should establish and clearly communicate a system of graduated sanctions and incentives that is activated and delivered with certainty in response to offender behavior. Information from the drug court team and the offender should be considered in determining noncompliance and the appropriate response. Specific program responses should be meaningful to the offenders, understandable, and delivered in a manner perceived as fair and equitable.*

**Key Component #7:** Ongoing judicial interaction with each participant and judicial involvement in team staffing is essential.

*(Corresponding evidence-based program principle) **Judicial Interaction**—Judges should interact directly and regularly with drug court participants during drug court hearings, which should be as frequent as the participant may require. As the program leader, the judge will maintain authority by demonstrating support for the program and knowledge of individual offenders. Communication between the participant and the judge should be based on a foundation of respect, and judges must maintain an understanding of program resources available to assess and respond to participant behavior.*

**Key Component #8:** Monitoring and evaluation measure the achievement of program goals and gauge effectiveness to meet three purposes: providing information to improve the Healing to Wellness process; overseeing participant progress; and preparing evaluative information for interested community groups and funding sources.

**Key Component #9:** Continuing interdisciplinary education promotes effective wellness court planning, implementation, and operation.

**Key Component #10:** The development of ongoing communication, coordination, and cooperation among team members, the community and relevant organizations are critical for program success.

## Appendix B

### Veterans Treatment Court 10 Key Components

**Key Component #1:** Veterans Treatment Court integrate alcohol, drug treatment, and mental health services with justice system case processing.

*(Corresponding evidence-based program principle) **Treatment and Other Services**—The applicant should maintain program resources that: address drug court participant needs identified over time; accommodate the range of treatment and other rehabilitation services required; and apply case management beyond initial referral to confirm that providers appropriately deliver ongoing assessment and services.*

**Key Component #2:** Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.

*(Corresponding evidence-based program principle) **Procedural and Distributive Justice**—Applicants should establish and clearly communicate a system of graduated sanctions and incentives that is activated and delivered with certainty in response to offender behavior. Information from the drug court team and the offender should be considered in determining noncompliance and the appropriate response. Specific program responses should be meaningful to the offenders, understandable, and delivered in a manner that can be perceived as fair and equitable.*

**Key Component #3:** Eligible participants are identified early and promptly placed in the Veterans Treatment Court program.

*(Corresponding evidence-based program principle) **Screening and Assessment**—Referral sources and other stakeholders should be clear on program eligibility criteria, which must be consistent with targeted population needs and available program resources. Applicants should demonstrate an ability to screen promptly and systematically for all offenders potentially eligible for the drug court, identify the agency which will conduct this screening, and detail the procedures that will be used for screening.*

*The applicant should further demonstrate how those offenders determined to be eligible for the drug court as a result of screening will then be assessed to identify their risk for relapse and recidivism, as well as the nature of treatment and other rehabilitation needs. Assessments should be conducted using instruments that have been validated for the targeted population and updated periodically. Treatment and other service assessments should be reviewed and adjusted to gauge offender needs that may change over time.*

*(Corresponding evidence-based program principle) **Target Population**—Program resources should be prioritized for offenders who demonstrate both high criminogenic risk and high substance abuse treatment need. Applicants should aim to serve offenders whose characteristics and risk factors directly relate to a high probability of offending, and who are frequent drug users diagnosed for drug dependence. Also, applicants should target offenders who are subject to (or eligible for) legal sanctions that may provide greater leverage in program compliance.*

**Key Component #4:** Veterans Treatment Court provide access to a continuum of alcohol, drug, mental health and other related treatment and rehabilitation services.

*(Corresponding evidence-based program principle) **Relapse Prevention, Aftercare and Community Integration**—From the first program phase, the applicant should demonstrate how culturally sensitive planning and other programming will be implemented to support relapse prevention, community integration, and aftercare/continuing care services.*

**Key Component #5:** Abstinence is monitored by frequent alcohol and other drug testing.

*(Corresponding evidence-based program principle) **Monitoring**—The applicant should demonstrate a comprehensive plan to: monitor drug court participants using random drug testing and community supervision; disseminate results efficiently to the drug court team; and immediately respond to noncompliance according to established program requirements.*

**Key Component #6:** A coordinated strategy governs Veterans Treatment Court responses to participants' compliance.

**Key Component #7:** Ongoing judicial interaction with each Veteran is essential.

*(Corresponding evidence-based program principle) **Judicial Interaction**—Judges should interact directly and regularly with drug court participants during drug court hearings, which should be as frequent as the participant may require. As the program leader, the judge will maintain authority by demonstrating support for the program and knowledge of individual offenders. Communication between the participant and the judge should be based on a foundation of respect, and judges must maintain an understanding of program resources available to assess and respond to participant behavior.*

**Key Component #8:** Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.

**Key Component #9:** Continuing interdisciplinary education promotes effective Veterans Treatment Court planning, implementation, and operations.

**Key Component #10:** Forging partnerships among Veterans Treatment Court, Veterans Administration, public agencies, and community-based organizations generates local support and enhances Veteran Treatment Court effectiveness.

## Appendix C

### The Guiding Principles of DWI Courts

#### Guiding Principle #1: Determine the Population

*(Corresponding evidence-based program principle) **Target Population**—Program resources should be prioritized for offenders who demonstrate both high criminogenic risk and high substance abuse treatment need. Applicants should aim to serve offenders whose characteristics and risk factors directly relate to a high probability of offending, and who are frequent drug users diagnosed for drug dependence. Also, applicants should target offenders who are subject to (or eligible for) legal sanctions that may provide greater leverage in program compliance.*

#### Guiding Principle #2: Perform a Clinical Assessment

*(Corresponding evidence-based program principle) **Screening and Assessment**—Referral sources and other stakeholders should be clear on program eligibility criteria, which must be consistent with targeted population needs and available program resources. Applicants should demonstrate an ability to screen promptly and systematically for all offenders potentially eligible for the drug court, identify the agency which will conduct this screening, and detail the procedures that will be used for screening.*

*The applicant should further demonstrate how those offenders determined to be eligible for the drug court as a result of screening will then be assessed to identify their risk for relapse and recidivism, as well as the nature of treatment and other rehabilitation needs. Assessments should be conducted using instruments that have been validated for the targeted population and updated periodically. Treatment and other service assessments should be reviewed and adjusted to gauge offender needs that may change over time.*

#### Guiding Principle #3: Develop the Treatment Plan

#### Guiding Principle #4: Supervise the Offender

*(Corresponding evidence-based program principle) **Monitoring**—The applicant should demonstrate a comprehensive plan to: monitor drug court participants using random drug testing and community supervision; disseminate results efficiently to the drug court team; and immediately respond to noncompliance according to established program requirements.*

#### Guiding Principle #5: Forge Agency, Organization, and Community Partnerships

*(Corresponding evidence-based program principle) **Relapse Prevention, Aftercare and Community Integration**—From the first program phase, the applicant should demonstrate how culturally sensitive planning and other programming will be implemented to support relapse prevention, community integration, and aftercare/continuing care services.*

#### Guiding Principle #6: Take a Judicial Leadership Role

*(Corresponding evidence-based program principle) **Procedural and Distributive Justice**—Applicants should establish and clearly communicate a system of graduated sanctions and incentives that is activated and delivered with certainty in response to offender behavior.*

*Information from the drug court team and the offender should be considered in determining noncompliance and the appropriate response. Specific program responses should be meaningful to the offenders, understandable, and delivered in a manner that can be perceived as fair and equitable.*

**Guiding Principle #7:** Develop Case Management Strategies

**Guiding Principle #8:** Address Transportation Issues

**Guiding Principle #9:** Evaluate the Program

**Guiding Principle #10:** Ensure a Sustainable Program

# **EXHIBIT 6**



U.S. Department of Justice

Office of Justice Programs

Bureau of Justice Assistance

MEMORANDUM

Washington, D.C. 20532

**TO:** Karol V. Mason  
Assistant Attorney General  
Office of Justice Programs

**THROUGH:** Denise E. O'Donnell *DEOD*  
Director  
Bureau of Justice Assistance

Kristen Mahoney  
Deputy Director for Policy *KM*  
Bureau of Justice Assistance

Ruby Qazilbash *RQ*  
Associate Deputy Director for Policy  
Bureau of Justice Assistance

**FROM:** [REDACTED]  
Bureau of Justice Assistance

**SUBJECT:** FY 2013 Competitive Funding Recommendations for the Adult Drug Court Discretionary Grant Program Solicitation and Supplemental Award Recommendations for the Adult Drug Court Training and Technical Assistance Portfolio

**DATE:** June 28, 2013

**PURPOSE:**

The purpose of this memorandum is to recommend: (1) a total of 51 applications for funding under the Bureau of Justice Assistance's (BJA) Fiscal Year (FY) 2013 Adult Drug Court Discretionary Grant Program (ADCDGP); (2) 7 supplemental awards to previously competed drug court and other problem-solving court training and technical assistance (TTA) projects; and (3) 2 supplemental awards to FY 2012 ADCDGP grantees who last year received only 1 year of funding for multiple year projects. This funding recommendation includes funding for awards under the FY 2013 Drug Court Program appropriation as well as the new FY 2013 Veterans Treatment Court appropriation.

*NOTE: Director O'Donnell is recused from recommendations on p 11 to NYS Unified Court System and Chautauque Drug Court Grants, those recommendations were approved by Deputy Director Kristen Mahoney.*  
*DEOD*  
*7/1/13*

**BACKGROUND:**

Through Title V of the Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322, 108 Stat. 1796 (September 13, 1994), Congress authorized the Attorney General to make grants to states, state courts, local courts, units of local government, and Indian tribal governments to establish drug courts. The enactment of this legislation acknowledges the promise of drug courts to rehabilitate offenders, hold offenders accountable for their actions, and reduce victimization by intervening soon after arrest. Drug courts help reduce recidivism and substance abuse and increase an offender's likelihood of successful rehabilitation through early, continuous, and intense judicially supervised treatment, mandatory periodic drug testing, community supervision, and appropriate sanctions and other habilitation services.

For FY 2013, a total of \$41 million was appropriated for the Drug Court Program. After sequestration cuts and reductions for programmatic costs (\$7,108,230), a remainder of \$33,891,770 is available. Of this remaining amount, \$14.7 million is recommended for competitive Adult Drug Court Program awards; \$2,975,212 is recommended for competitive awards under the Joint BJA/Center for Substance Abuse Treatment (CSAT) Drug Court Enhancement Program; \$5.9 million is available for TTA; and \$10 million will be transferred to the Office of Juvenile Justice and Delinquency Prevention for juvenile and family drug court programming. Funding recommendations for the Joint BJA/CSAT Drug Court Enhancement Program will follow in a separate memorandum.

In FY 2013, a new appropriation in the amount of \$4 million was made to support veterans treatment courts (VTC). Due to appropriations not be made until late March, BJA consulted both the Office of Justice Programs' (OJP) Office of General Counsel (OGC) as well as the Department of Veterans Affairs about its decision to use this VTC appropriation to fund Adult Drug Court Program applications proposing to support VTC implementation or enhancement and to fund supportive TTA for these sites. Both organizations were supportive of this decision. After sequestration cuts and reductions for programmatic costs (\$651,071), there is \$3,348,929 available of which BJA proposes to make \$2,848,929 in ADCDGP awards for VTCs and \$500,000 available for VTC TTA.

**SUPPLEMENTS TO PREVIOUSLY COMPETED TRAINING AND TECHNICAL ASSISTANCE AND SITE-BASED AWARDS:**

The goal of the Adult Drug Court Training and Technical Assistance Program (ADCTTAP) is to assist operational adult drug court programs in the development and implementation of improved program practices for increased program effectiveness and long-term participant success. BJA continues to fund the collaborative of partners to assist operational courts with their individual goals of building and maximizing capacity; ensuring offenders are identified and assessed for risk and need; ensuring offenders receive targeted research-based services; enhancing the provision of recovery support services; ensuring the provision of community reintegration services to achieve long-term recovery; and assisting in collecting and reporting on performance measures and identify and explain trends. The ADCTTAP awards were last competed in FY 2012. These recommended awards represent the first supplements to the original cooperative agreements. The following chart details the recipient organizations, initiatives, award numbers,

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amounts recommended, previous award amounts, and an award summary including a brief review of BJA's TTA Reporting System (TTARS). Amounts recommended to come out of the VTC appropriation are noted.

Grantee/ Initiative/Award Number	Amount	Previous Award Amounts	Award Summary/TTARS Review
National Association of Drug Court Professionals Adult Drug Court Planning Initiative 2012-DC-BX-K003	\$1,600,000 *\$400,000 of this total award will be funded under VTC appropriation	\$1,600,000	Implement and manage the population-specific (adult, veterans, tribal) drug court planning training to educate drug court teams using a standardized core curriculum based on adult learning theory and the drug court key components.  A TTARS report reveals that the grantee has submitted a change of scope request due to the new DOJ conference reporting requirement. The grantee is expected to resume all deliverables and spending in accordance with their time task plan.
National Association of Drug Court Professionals Adult Drug Court Training Initiative 2012-DC-BX-K004	\$1,500,000	\$1,250,000	Plan, deliver, evaluate, market, and modify a menu of 22 BJA-approved onsite and online adult drug court training courses for improved drug court team functioning, more effective service delivery, and better outcomes for drug court participants. An increase of \$250,000 is recommended to support the newly selected Adult Mentor Drug Courts.  A TTARS report reveals that the grantee is meeting the expected deliverables and is spending in accordance with their time task plan.
American University Site-Based Adult Drug Court Technical Assistance 2012-DC-BX-K005	\$1,200,000 *\$100,000 of this total award will be funded under VTC appropriation	\$1,200,000	Assist operational adult drug treatment court programs in the development and implementation of program practices for increased program effectiveness and long-term participant success.  A TTARS report reveals that the grantee is meeting the expected deliverables, and is spending in accordance with their time task plan.
Fund for the City of New York/ Center for Court Innovation State-Based Adult Drug Court Technical Assistance 2012-DC-BX-K006	\$400,000	\$250,000	Provide direct support to state agencies to enhance the leadership of the statewide drug court efforts and improve coordination and collaboration among drug courts statewide in order to achieve statewide performance measurement and to standardize drug court operations.  A TTARS report reveals that the grantee is meeting the expected deliverables, and is spending in accordance with their time task plan.
National Association of Drug Court Professionals National Drug Court Resource Center 2012-DC-BX-K007	\$400,000	\$400,000	Manage online presence and collect, maintain, and disseminate information about drug court operations, best practices, and trends.  A TTARS report reveals that the grantee is meeting all expected deliverables and is spending in accordance with their time task plan.

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In the past, BJA has supported other problem-solving court technical assistance as well as judicial training on the science of addiction to support the full range of professional and community needs around improving outcomes for offenders with substance abuse disorders. BJA also recommends supplementing the following awards via the FY 2013 Drug Court Program appropriation. As provided above, the following chart details the recipient organizations, initiatives, award numbers, amounts recommended, previous award amounts, and an award summary including a brief review of BJA's TTARS.

Grantee/ Initiative/Award Number	Amount	Previous Award Amounts	Award Summary/TTARS Review
Fund for the City of New York/Center for Court Innovation  2011-DC-BX-K002  Community Court Technical Assistance	\$1,200,000	FY 2011: \$1,000,000	Assist communities to plan, implement, sustain, enhance, and evaluate community courts and other diversionary initiatives that link addicted offenders to drug treatment and coordinate sanctions and services through continued judicial supervision while improving outcomes for communities.  A TTARS report reveals that the grantee is meeting all expected deliverables and is spending in accordance with their time task plan.
National Judicial College (NJC)  Judicial Training on the Science of Substance Abuse Addiction and Justice System Responses  2011-DB-BX-K004	\$100,000	FY 2011: \$500,000  FY 2012: \$610,000	With these funds, NJC will offer a national symposium for presiding judges. Participants will complete pre- and post-coursework. Learning goals for the symposium include: 1) increased knowledge of the extent of substance abuse in the justice system related to specific issues within jurisdictions; 2) increased understanding of addiction as a brain disease that impacts behavior; 3) increased knowledge about evidence-based treatment, including medications that effectively address addiction and crime; 4) ability to select appropriate judicial strategies (including drug courts) and available tools for addressing all substance abuse offenders; 5) ability to apply the science and evidence-based practices in judicial decision making throughout the entire criminal justice system; and 6) commitment to convene and facilitate stakeholders to implement improvements to the criminal justice system's response to substance abuse in their jurisdictions.  A TTARS report reveals that the grantee is meeting all expected deliverables and is spending in accordance with their time task plan.

Lastly, in this previously competed category, BJA recommends supplementing two FY 2012 ADCDGCP grantees who last year were only awarded 1 year of funding and had proposed multiple year projects.

Grantee/ Initiative/Award Number	Amount	Previous Award Amounts	Award Summary/ Performance Measurement Tool Review
Reno County, KS  2012-DC-BX- 0041	\$222,710	\$106,987	Continue drug court operations.  The grantee is up to date on all financial and progress reporting.
Lee County, IL  2012-DC-BX-0016	\$101,388	\$98,604	Continue drug court operations.  The grantee is up to date on all financial and progress reporting.

**OGC CONSULTATION:**

On June 28, 2013, BJA Policy Office staff consulted with Emily Gallas, Attorney Advisor, OGC, to discuss and review the proposed supplemental award recommendations as highlighted in this memorandum. Based upon this discussion and the information provided, OGC found no legal restrictions that would preclude making the proposed awards. OGC's analysis is based on the assumption that the spend plan for OJP transmitted to the Appropriations Committees on May 13, 2013, will be finalized without any potentially relevant changes. If the spend plan is altered in any legally-significant way before it is finalized, additional legal review will be necessary prior to award.

**COMPETITIVE AWARDS RECOMMENDED:**

BJA released the ADCDGP solicitation on December 18, 2012, with a closing date of February 21, 2013. Under Category 1: Implementation, applicants could receive a maximum of \$350,000 to implement a new drug court program. In order to receive an implementation grant, applicants had to demonstrate that a substantial amount of planning has already taken place and that a level of readiness exists to support implementation. Under Category 2: Enhancement, applicants could receive a maximum of \$200,000 to enhance drug court operations and provide additional services to drug court participants. Finally, under Category 3: Statewide Enhancement, state agencies could receive a maximum of \$1.5 million under Subcategories A and B to improve, enhance, or expand drug court services statewide, including passing through up to \$1.3 million to drug courts in the state in adherence with the state problem-solving court strategy:

ADCDGP applicants needed to demonstrate that eligible drug court participants promptly enter the drug court program following a determination of their eligibility. A required initial period of incarceration was grounds for disqualification unless the period of incarceration is mandated by statute for the offense in question. In such instances, the applicant must have demonstrated that offenders receive treatment services while incarcerated if available and begins drug court treatment services immediately upon release.

**REVIEW PROCESS:**

Under this solicitation, a total of 178 applications were received and reviewed for Basic Minimum Requirements (BMR). An application was potentially excluded at BMR if it was missing a critical application element, duplicative of another application, or was not submitted by an eligible applicant, or not responsive to the funding purpose. The chart below shows the number of applications received and peer reviewed per solicitation category:

Category	Number of Applications Received	Number of Applications Peer Reviewed
Category 1 - Implementation	38	35
Category 2 - Enhancement	140	129
Category 3 - Statewide	15	14
<b>Totals</b>	<b>193</b>	<b>178</b>

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**Peer Review Process:** Following the BMR review, BJA convened 13 peer review panels with 3 external reviewers on each panel. BJA sought peer reviewers who represented diverse backgrounds, with significant substance abuse and treatment, tribal justice, and criminal justice, experience, as well as drug court experience. Prior to peer reviewers reading and scoring applications, they participated in an orientation call with BJA to discuss the solicitation and to receive general reviewing instructions. Panel members scored each application based on the established selection criteria and point assignment within the solicitation. Peer reviewers participated in a consensus call to discuss initial scores prior to finalizing scores in preparation for the final report to BJA.

OJP's banding process allowed for the establishment of tiers for solicitation Categories 1 and 2. Because the total number of applications received for the Statewide category was less than 15, BJA received the individual scores for each applicant in Category 3. In setting the tiers for Categories 1 and 2, BJA sought to provide sufficient applications within Tier 1 to allow for a range of applications to be considered for funding. Ranges by category for average raw scores and normalized scores for Tiers 1 through 3 for Categories 1 and 2 are listed in the following chart:

	Number of Applications	Raw Score Range	Normalized Score Range
<b>Category 1 - Implementation</b>			
Tier 1	17	80.33-94.67	80.32-97.73
Tier 2	3	75.83-79.00	75.20-79.31
Tier 3	15	Below 75.83	Below 75.2
<b>Category 2 - Enhancement</b>			
Tier 1	35	86.00-96.33	86.08-96.07
Tier 2	12	83.00-85.50	83.03-85.17
Tier 3	82	Below 83.00	Below 83.03

**Feedback from U.S. Attorneys and Staff:** N/A

**RECOMMENDATION:**

BJA included in their consideration of the applications demonstration of the priority consideration factors (i.e., Implementation applicants who have completed the BJA Drug Court Planning Initiative training and all applicants who proposed designs and strategies that are consistent with the Drug Court 10 Key Components and the seven corresponding evidence-based program principles as outlined in the solicitation).

In addition to the priority considerations, BJA made funding recommendations based on the following criterion: the participant capacity which the applicant stated they could serve over the life of the grant project period; consultation with federal partners to avoid duplication of drug court funding; a review of letters of recommendation from state court administrators to ensure alignment with state problem solving court and substance abuse strategies; an expert panel of peer reviewer recommendations; overall geographic distribution to include territories, rural,

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urban, suburban and tribal areas; past grant performance by consulting with such sources as the OJP High Risk Grantee List, the Federal System for Award Management's Debarment List, a list of all OJP former grantees with past non-compliant grant closeouts, and grantee reports submitted into OJP's Grant Management System, and an internal management discussion. The internal review addressed each applicant's prior grant funding, any remaining amounts on former awards, and level of functioning during past awards. This took into account technical assistance provider findings and site visit assessments, and the type of evidence-based screening and assessment tools identified by the applicant.

This approach resulted in the selection of a wide range of programs which will provide services to adult participants including veterans, tribal members, those with co-occurring substance abuse and mental health disorders, and those under the jurisdiction of Driving While Intoxicated courts. For various reasons, however, BJA is not recommending 3 Category 1 and 12 Category 2 applications for funding. The following chart outlines each Tier 1 application not recommended for funding and the reason why.

Application Number	Category	Denial Justification
2013-H0279-MS-DC Jones County Board of Supervisors	1	The program length is excessively long and does not comply with research-based best practice
2013-H0390-TX-DC City of Dallas	1	The program length is excessively short and does not comply with research-based best practice
2013-H0317-KY-DC KY Administrative Office of the Courts	1	The same jurisdiction will be funded under another category.
2013-H0113-GA-DC Clayton County State Court	2	Another award is being recommended for the same county in this same category.
2013-H0224-MN-DC Judiciary Courts of the State of Minnesota	2	The same jurisdiction (Ramsey County) is recommended for funding under the Category 1
2013-H0250-IL-DC Macon County Court Services Department	2	The jurisdiction is currently operating with an open and active drug court grant
2013-H0253-NV-DC Eighth Judicial District Court	2	The program length is excessively short and does not comply with research-based best practice
2013-H0266-CO-DC Colorado Judicial Department	2	The jurisdiction is currently operating with an open and active drug court grant
2013-H0312-OR-DC Yamhill County	2	The jurisdiction is currently operating with an open and active drug court grant
2013-H0316-IL-DC Lake County, IL	2	The jurisdiction is currently operating with an open and active drug court grant
2013-H0327-UT-DC Weber Human Services	2	The jurisdiction is currently operating with an open and active drug court grant
2013-H0340-NY-DC New York State Unified Court System	2	The program length is excessively short and does not comply with research-based best practice
2013-H0366-MN-DC Judiciary Court of Minnesota	2	The same jurisdiction (Ramsey County) is recommended for funding under the Category 1
2013-H0379-GA-DC Baldwin County Board of Commissioners	2	The program length is excessive and does not comply with research-based best practice
2013-H0441-GA-DC Rockdale County, GA	2	The same jurisdiction will be funded under another category

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The attached chart includes all applications considered as well as those that are recommended for funding. BJA recommends funding a total of 51 applications (16 for Implementation, 26 for Enhancement, and 9 for Statewide).

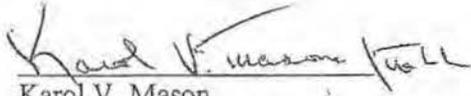
**CONCLUSION:**

Based upon the above information, BJA recommends a total of 51 newly competed ADCDGP applications be funded totaling \$17,541,389; 7 previously competed TTA awards be supplemented totaling \$6.4 million; and 2 FY 2012 ADCDGP grantees be supplemented totaling \$324,098. BJA will set aside \$2.9 million to award up to 10 Joint BJA/CSAT Adult Drug Court Enhancement Program grants under a separate funding recommendation memo, which will leave \$0 in remaining funds under this program. The chart below summarizes recommendations for the entire Adult Drug Court Program and Veterans Treatment Court Program appropriations.

FY 2013 Funding Chart		Drug Court Program Appropriation Amount	Veterans Treatment Court Appropriation Amount	Total
Competitive Grant Awards	# of Awards	Amount		
<b>Adult Drug Court Program Solicitation</b>				
Category 1: Implementation	16	3,788,042	1,771,549	5,559,591
Category 2: Enhancement	26	4,642,989		4,642,989
Category 3: Statewide	9	6,261,429	1,077,380	7,338,809
Joint BJA/SAMHSA Drug Court Enhancement Program awards (Projected)*	10	2,975,212		2,975,212
Non Competitive Supplements & Transfers				0
FY 2012 Supplemental year funding		324,098		324,098
Drug Court Planning Initiative	1	1,100,000	400,000	1,500,000
Drug Court Training Initiative	1	1,500,000		1,500,000
National Drug Court Resource Center	1	400,000		400,000
Drug Court Technical Assistance	1	1,200,000	100,000	1,300,000
Statewide Drug Court Technical Assistance	1	400,000		400,000
Problem Solving Courts Technical Assistance	1	1,200,000		1,200,000
National Judicial Leadership Symposium	1	100,000		100,000
OJJDP- Juvenile and Family Drug Court (Transfer)	1	10,000,000		10,000,000
Taxes and Sequestration Reductions		7,108,230	651,071	7,759,301
<b>TOTAL</b>		<b>41,000,000</b>	<b>4,000,000</b>	<b>45,000,000</b>
* The Joint BJA/SAMHSA Drug Court Enhancement applications are currently being peer-reviewed and applications for that solicitation will be recommended under separate cover.				

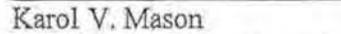
FY 2013 Competitive Funding Recommendations for the Adult Drug Court Discretionary Grant Program  
Solicitation and Supplemental Award Recommendations for the Adult Drug Court Training and Technical  
Assistance Portfolio

APPROVED:



Karol V. Mason  
Assistant Attorney General  
Office of Justice Programs

DISAPPROVED:

  
Karol V. Mason  
Assistant Attorney General  
Office of Justice Programs

7-3-2013  
Date

Attachment

cc: Tracey Trautman  
Ed Aponte  
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Cornelia Sorensen Sigworth

FY 2013 Competitive Funding Recommendations for the Adult Drug Court Discretionary Grant Program Solicitation and Supplemental Award Recommendations for the Adult Drug Court Training and Technical Assistance Portfolio

GMS Number	Applicant Legal Name	Federal Amount Requested	Federal Amount Recommended	Tier
<b>FY 2013 Drug Court Program Solicitation Implementation Category</b>				
2013-H0203-MN-DC	Ramsey County*	350,000	350,000	1
2013-H0220-NM-DC	Cibola County District Court	350,000	350,000	1
2013-H0259-MT-DC	Hill County, Montana	349,923	349,923	1
2013-H0260-OR-DC	Marion County*	348,435	348,435	1
2013-H0261-KY-DC	KY Administrative Office of the Courts*	350,000	350,000	1
2013-H0279-MS-DC	Jones County Board of Supervisors	349,935		1
2013-H0282-FL-DC	City of Jacksonville, Florida*	350,000	350,000	1
2013-H0296-CO-DC	Colorado Judicial Department*	344,285	344,285	1
2013-H0317-KY-DC	KY Administrative Office of the Courts	350,000		1
2013-H0334-VA-DC	Arlington County Drug Court Program	350,000	350,000	1
2013-H0344-WI-DC	Fond du Lac County	350,000	350,000	1
2013-H0376-CO-DC	Colorado Judicial Department	350,000	350,000	1
2013-H0377-NV-DC	Nye County, Nevada	350,000	350,000	1
2013-H0390-TX-DC	City of Dallas	350,000		1
2013-H0396-CA-DC	Behavioral Health and Recovery Services/ San Mateo County**	349,900	349,900	1
2013-H0442-GA-DC	Rockdale County, Georgia	345,000	345,000	1
2013-H2153-WA-DC	Makah Tribe	322,158	322,158	1
2013-H0198-MI-DC	Saginaw Chippewa Indian Tribe	349,890	349,890	2
2013-H0229-NH-DC	County of Cheshire	350,000	350,000	2
2013-H0306-OH-DC	Crawford Marion Alcohol Drug Addiction Mental Health Board	347,723		2
2013-H0373-MO-DC	Jasper County	350,000		3
2013-H0064-NM-DC	12th Judicial District Court	329,200		3
2013-H0267-KS-DC	31st Judicial District Adult Drug Court	206,522		3
2013-H0273-TX-DC	Uvalde County	350,000		3
2013-H0278-IN-DC	LaPorte County	347,961		3
2013-H0280-WA-DC	Swinomish Tribal Community	343,462		3
2013-H0313-NV-DC	Fourth Judicial District Court	350,000		3
2013-H0325-MI-DC	Calhoun County Tenth District Court	49,369		3
2013-H0353-TN-DC	Shelby County Government	233,379		3
2013-H0367-NV-DC	Carson City, City Of	349,899		3
2013-H0375-TX-DC	Bexar County Commissioners Court	350,000		3
2013-H0385-WA-DC	Quinault Indian Nation	294,157		3
2013-H0440-TN-DC	25th Judicial Drug Court	99,054		3

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2013-H2116-GA-DC	Berrien County Board of Commissioners	350,000		3
2013-H2168-SD-DC	Rosebud Sioux Tribe	330,185		3
<b>Implementation Subcategory Total</b>		<b>11,290,437</b>	<b>5,559,591</b>	
<b>FY 2013 Drug Court Program Solicitation Enhancement Category</b>				
2013-H0076-GA-DC	Clayton County Superior Court	198,902	198,901	1
2013-H0082-VA-DC	Chesterfield County	199,994	199,994	1
2013-H0113-GA-DC	Clayton County State Court	170,651		1
2013-H0132-MI-DC	20th Judicial Circuit Court	120,417	120,417	1
2013-H0224-MN-DC	Judiciary Courts of the State of Minnesota	199,675		1
2013-H0227-MI-DC	Jackson County, Michigan	200,000	200,000	1
2013-H0232-WI-DC	Milwaukee County	156,848	156,848	1
2013-H0233-MT-DC	Montana Supreme Court	199,971	199,971	1
2013-H0241-KY-DC	KY Administrative Office of the Courts	200,000	200,000	1
2013-H0246-KY-DC	KY Administrative Office of the Courts	200,000	200,000	1
2013-H0250-IL-DC	Macon County Court Services Department	200,000		1
2013-H0253-NV-DC	Eighth Judicial District Court	188,812		1
2013-H0266-CO-DC	Colorado Judicial Department	199,940		1
2013-H0272-OH-DC	Cleveland Municipal Court	200,000	200,000	1
2013-H0276-FL-DC	Pasco County, FL	200,001	200,000	1
2013-H0301-GU-DC	Judiciary of Guam	200,000	200,000	1
2013-H0312-OR-DC	Yamhill County	180,000		1
2013-H0316-IL-DC	Lake County, IL	200,000		1
2013-H0321-IN-DC	Hancock County Community Corrections	96,523	96,522	1
2013-H0327-UT-DC	Weber Human Services	200,000		1
2013-H0332-NY-DC	Chautauqua Drug Court Grants	157,628	157,628	1
2013-H0336-IL-DC	Circuit Court of Cook County	200,000	200,000	1
2013-H0340-NY-DC	New York State Unified Court System	200,000		1
2013-H0341-NY-DC	New York State Unified Court System	199,615	199,615	1
2013-H0358-NC-DC	Brunswick County Government	200,000	200,000	1
2013-H0361-VA-DC	City of Richmond, Virginia	199,969	199,969	1
2013-H0362-MI-DC	Keweenaw Bay Indian Community	200,000	200,000	1
2013-H0366-MN-DC	Judiciary Courts of the State of Minnesota	200,000		1

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2013-H0368-GA-DC	City of Augusta	200,000	200,000	1
2013-H0369-OR-DC	Clackamas County	200,000	200,000	1
2013-H0379-GA-DC	Baldwin County Board of Commissioners	197,706		1
2013-H0386-IN-DC	Grant County Drug Court	91,762	91,762	1
2013-H0389-OH-DC	Ashtabula County Common Pleas Drug Court	126,495	126,495	1
2013-H0441-GA-DC	Rockdale County, Georgia	199,988		1
2013-H2130-IL-DC	County of Cook	200,000	200,000	1
2013-H0102-AZ-DC	Pima County	199,995		2
2013-H0242-MN-DC	Judiciary Courts of the State of Minnesota	199,070		2
2013-H0270-CO-DC	Colorado Judicial Department	94,867	94,867	2
2013-H0274-KY-DC	KY Administrative Office of the Courts	200,000		2
2013-H0290-OR-DC	Harney County	200,000		2
2013-H0303-NH-DC	County of Grafton	199,361		2
2013-H0322-OH-DC	Hocking County Municipal Court	200,000	200,000	2
2013-H0330-CA-DC	Superior Court of California, County of Solano	187,826		2
2013-H0331-NY-DC	NYS Unified Court System- Kings County	199,970		2
2013-H0359-CA-DC	Marin, County of	200,000	200,000	2
2013-H0387-MI-DC	Little Traverse Bay Bands of Odawa Indians	200,000		2
2013-H0060-IL-DC	Maoupin County Probation and Court Services Department	54,225		2
2013-H0036-MS-DC	Twentieth Circuit Court District Drug Court of Mississippi	200,000		3
2013-H0059-NV-DC	Justice Court, Las Vegas Township	200,000		3
2013-H0083-MI-DC	Macomb County District Court, 37A	200,000		3
2013-H0120-OH-DC	Fairfield County Municipal Drug Court	141,300		3
2013-H0209-MI-DC	County of Berrien	199,765		3
2013-H0213-AR-DC	AR Administrative Office of the Courts	200,000		3
2013-H0221-IL-DC	County of McHenry, a body politic	136,260		3
2013-H0225-MO-DC	Stone County Circuit Court	195,776		3
2013-H0234-TN-DC	Sevier County Government	200,000		3
2013-H0236-MI-DC	41B District Court	200,000		3
2013-H0237-AZ-DC	Maricopa County Adult Probation Department	199,007		3
2013-H0239-TX-DC	Potter County Community Supervision & Corrections Dept.	182,965		3

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2013-H0243-MN-DC	Judiciary Courts of the State of Minnesota	200,000		3
2013-H0248-AR-DC	Benton County	200,000		3
2013-H0249-PA-DC	Lackawanna County	194,974		3
2013-H0252-MN-DC	Itasca County, Minnesota	194,582		3
2013-H0254-NM-DC	First Judicial District Court	200,000		3
2013-H0255-AZ-DC	Yavapai-Apache Nation	186,588		3
2013-H0257-MT-DC	Chippewa Cree Tribe	199,314		3
2013-H0265-MS-DC	Columbus Municipal Drug Court	200,000		3
2013-H0268-OR-DC	Marion County	199,815		3
2013-H0275-NC-DC	Wake County by and through its Department of Human Services	200,000		3
2013-H0277-IN-DC	County of Marion	185,752		3
2013-H0283-WA-DC	Lummi Nation	199,974		3
2013-H0284-MO-DC	City of Kansas City, Missouri	200,000		3
2013-H0286-IL-DC	Ogle County (On Behalf of the Ogle County Probation Dept.)	169,125		3
2013-H0291-KS-DC	Kickapoo Tribe in Kansas	200,000		3
2013-H0293-CA-DC	Modoc Superior Court	195,260		3
2013-H0297-TX-DC	Webb County 406th District Court	200,000		3
2013-H0302-SC-DC	Richland County, South Carolina	207,753		3
2013-H0304-MI-DC	Calhoun County Tenth District Court	178,183		3
2013-H0305-MD-DC	Commissioners of Caroline County	20,000		3
2013-H0307-RI-DC	Rhode Island Supreme Court	195,832		3
2013-H0308-WV-DC	Kanawha County Commission	199,152		3
2013-H0309-NC-DC	County of Durham	199,157		3
2013-H0311-FL-DC	Palm Beach County Board of County Commissioners	200,000		3
2013-H0314-CA-DC	Placer County Health and Human Services	0		3
2013-H0315-PA-DC	Lawrence County Commissioners	195,000		3
2013-H0324-MI-DC	Lenawee County Court	0		3
2013-H0326-IN-DC	Vanderburgh County Treatment Court	199,029		3
2013-H0328-IN-DC	Vanderburgh County Treatment Court	199,029		3
2013-H0333-LA-DC	Orleans Parish Criminal District Court	200,000		3
2013-H0335-WI-DC	Walworth County Clerk Of Circuit Court	210,615		3
2013-H0337-LA-DC	22nd Judicial District Court of Louisiana	200,000		3
2013-H0338-NC-DC	County Of Union	200,000		3
2013-H0339-IN-DC	Indianapolis Community Court	200,000		3

FY 2013 Competitive Funding Recommendations for the Adult Drug Court Discretionary Grant Program  
 Solicitation and Supplemental Award Recommendations for the Adult Drug Court Training and Technical  
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2013-H0342-NY-DC	New York State Unified Court System	62,680		3
2013-H0343-NY-DC	New York State Unified Court System	148,408		3
2013-H0345-CO-DC	Southern Ute Indian Tribe	200,000		3
2013-H0346-NY-DC	Red Hook Community Justice Center	200,000		3
2013-H0351-NY-DC	NYS Unified Court System	199,729		3
2013-H0352-OH-DC	Jackson County Commilssioners	200,000		3
2013-H0354-NH-DC	New Hampshire Department of Justice	195,145		3
2013-H0355-NC-DC	City of Fayetteville	189,423		3
2013-H0357-NY-DC	Saint Regis Mohawk Tribe	200,000		3
2013-H0360-FL-DC	Orange County Government	100,000		3
2013-H0363-DE-DC	Executive Office of the Governor of Delaware	200,000		3
2013-H0364-AL-DC	22nd Judicial Circuit Drug Court	200,000		3
2013-H0365-MI-DC	County of Bay, Michigan -- 74th District Court	200,000		3
2013-H0371-TX-DC	Bexar County Commissioners Court	200,000		3
2013-H0372-VA-DC	The City of Bristol Virginia	199,969		3
2013-H0378-WI-DC	Outagamie County	217,155		3
2013-H0380-MI-DC	CMHA/CEI/CA	200,000		3
2013-H0381-OR-DC	Jackson County	200,000		3
2013-H0382-ND-DC	Turtle Mountain Band of Chippewa Indians	190,864		3
2013-H0383-TN-DC	Cumberland County Tennessee	199,988		3
2013-H0388-OH-DC	Guernsey County Common Pleas Court Adult Probation	169,045		3
2013-H0391-IL-DC	Sangamon County	200,000		3
2013-H0392-NV-DC	Judiciary Courts of the State of Nevada	200,000		3
2013-H0395-MI-DC	Third Judicial Circuit of Michigan	200,000		3
2013-H0397-NM-DC	Pueblo of Laguna	125,633		3
2013-H0398-NV-DC	City of Henderson	200,000		3
2013-H0399-TN-DC	Campbell County Government	200,000		3
2013-H0400-GA-DC	Cobb County Board of Commissioners	184,500		3
2013-H0401-MS-DC	Clay County Justice Drug Court	200,000		3
2013-H0439-MO-DC	25th Circuit Drug Court	200,000		3
2013-H0271-GA-DC	Cherokee County	131,734		3
2013-H0347-NY-DC	New York State Unified Court System	349,342		3
2013-H0370-LA-DC	24th Judicial District Court	200,000		3
2013-H2087-OR-DC	Josephine County	200,000		3
2013-H2091-TN-DC	Hamilton County Government	155,500		3

FY 2013 Competitive Funding Recommendations for the Adult Drug Court Discretionary Grant Program Solicitation and Supplemental Award Recommendations for the Adult Drug Court Training and Technical Assistance Portfolio

2013-H2113-TN-DC	Tennessee Supreme Court	200,000		3
<b>Enhancement Category Subtotal</b>		<b>23,823,533</b>	<b>4,642,989</b>	

FY 2013 Drug Court Program Solicitation Statewide Enhancement Category				
2013-H0455-UT-DC	Utah Department of Human Services	1,472,952	1,472,952	90.83
2013-H0289-OK-DC	Oklahoma Dept. of Mental Health and Substance Abuse Services	175,971	175,971	90.67
2013-H0285-OK-DC	Oklahoma Dept. of Mental Health and Substance Abuse Services*	1,077,380	1,077,380	90.17
2013-H0318-KY-DC	KY Administrative Office of the Courts	143,234	143,234	89.83
2013-H0281-MO-DC	Missouri Office of State Courts Administrator	1,299,986		88.83
2013-H0251-TN-DC	Tennessee Department of Mental Health and Substance Abuse Se	1,500,000		87.5
2013-H0214-AR-DC	AR Administrative Office of the Courts	1,281,156	1,281,156	87.17
2013-H0294-IN-DC	Indiana Judicial Center	199,706	199,706	87.17
2013-H0356-NY-DC	New York State Unified Court System	199,323		86
2013-H0310-NE-DC	Administrative Office of the Courts/Nebraska Supreme Court	199,898	199,898	85.83
2013-H0384-CA-DC	California Judicial Council Admin. Office of the Courts	1,299,998	1,299,998	85.33
2013-H0292-WV-DC	Supreme Court of Appeals of West Virginia	1,488,514	1,488,514	84.5
2013-H0350-NY-DC	New York State Unified Court System	200,000		84.5
2013-H0226-OR-DC	Oregon Criminal Justice Commission	1,500,000		76.5
<b>Statewide Enhancement Category Subtotal</b>		<b>12,038,118</b>	<b>7,338,809</b>	
<b>GRAND TOTAL</b>		<b>47,152,088</b>	<b>17,541,389</b>	

\* Denotes applications for veterans treatment courts and corresponding bolded amounts to be funded with the Veterans Treatment Court Program appropriation.

\*\* \$28,829 of this application should be funded with the Veterans Treatment Court appropriation.

# **EXHIBIT 7**

FY 2013 Drug Court Program Statewide Applications

Applicant Legal Name	State	Application Number	Category: Implementation, Enhancement, Statewide	Project description	Type (Adult, DWI, Veterans, Co-Occurring, Tribal - Healing to Wellness)	Urbanacity	Current SAMHSA grantee Y/N	Current BJA grantee Y/N	Previous Grants	High Risk list	Non Compliant Closeout	Debarment, SAM	Prior Grants at Rating	BJA Priority 1, DCPI in last 3 Years Y/N	BJA Priority 2, Projected capacity per year	DC Priority 3, HR/HH	BJA Priority 4, Length of program	Ranking	Amount Requested	Amount Recommended	Letters of Support (Y/N) State or Local	Comments
Utah Department of Human Services	UT	2013-H0455-UT-DC	STATE	To assist 24 felony adult drug court programs in primarily rural areas to include a mix of adult, family, and veterans courts	Veterans	State	N	N	2012-DC-BX-0023 (Kane County Implementation), 2013-2015; 2012-DC-BX-0032 (Weber County DUI Enhancement), 2012-2015; 2010-DC-BX-0122 (State of Utah Statewide Enhancement), 2010-2013 (September); 2009-DC-BX-0092 (Weber County Enhancement), 2009-2012; 2005-DC-BX-0042 (Grand County), 2005-2008; 2001-DC-BX-0076 (Washington County), 2003-2004; and 2000-DC-VX-0131 (Weber County Implementation), 2008-2003.	no	no	no	N/A	y	Y1=2,475; Y2=3,550; Y3=2,625	HR/HH	Minimum: 12 months; Maximum: 36 months; Average: 18 months	90.83	1,472,952	1,472,952	y	Will use the RANT tool for assessment
Oklahoma Dept of Mental Health and Substance Abuse Services	OK	2013-H0289-OK-DC	STATE	to fund statewide implementation of the Matrix Model, an evidenced-based treatment curriculum for stimulant abuse and dependence. Funds are also requested to support attendance at the 2014, 2015, and 2016 National Drug Court Conferences for one staff in order to strengthen the statewide monitoring and management of Oklahoma's drug courts and to better implement the improvements funded by this proposed project.	Adult	State	N	N	2010-DC-BX-0116, 2011-DC-BX-0035 and 2012-DC-BX-0045	no	no	no	N/A	N	By providing more uniformly in drug court treatment services provided, Oklahoma will maximize positive program outcomes for all 4,100 program participants, including improving treatment completion rates.		12 months	90.67	175,971	175,971		
Oklahoma Dept of Mental Health and Substance Abuse Services	OK	2013-H0285-OK-DC	STATE	to fund implementation of three Oklahoma Veteran Treatment Courts. Funds are also requested to enhance the 45 operational, adult drug court programs by improving outcomes for veterans served currently and in the future within these programs. The ODMHSAS will refer to this enhancement as the Veterans Initiative Project (VIP).	Veterans	state	N	N	2010-DC-BX-0116, 011-DC-BX-0035 and 2012-DC-BX-0045	no	no	no	N/A	N	servicing a total of 115 veteran slots per year		6 months min; 24 months max; 12 months avg	90.17	1,077,380	1,077,380		
KY Administrative Office of the Courts	KY	2013-H0318-KY-DC	STATE	The goals are to provide drug court staff, judges and team members with fundamental training sessions regarding evidence based practices needed to maintain a successful drug court and to evaluate the conference sessions and provide recommendations for further courses for staff during orientation, regional trainings and via KDC website. Funding from this project will provide expert trainers, a facility and hotel rooms for	Adult	Rural/Urban ???	N	N		no	no	no	n/a	N	local program capacity varies for each established site and ranges anywhere between 30 participants in rural areas to 200 plus participants in		18 months	89.83	143,234	143,234		looks like funds will provide a statewide training to integrate evidence based practices for 89 courts
Missouri Office of State Courts Administrator	MO	2013-H0281-MO-DC	STATE	To improve the quality of treatment for 5 adult drug courts in rural and suburban areas. Will enhance evidence based services by using RANT, MRT, and NIATX	Adult	Rural/SubUrban	N	Y	OSCA currently has a BIA grant which was used to purchase the RANT assessment tool, which is due to end September 30, 2013.	no	no	no	N	700 Participants over 3 years	HR/HH	18 months avg; 12 months min; 24 months max	88.83	1,299,986	0			

Tennessee Department of Mental Health and Substance Abuse Se	TN	2013-H0251-TN-DC	STATE	Goals 1. Assess and identify nonviolent felony offenders with prescription drug substance abuse disorders who voluntarily enter into a drug court program 2. Plan for the successful and stable transition from the drug court program to the community by identifying and linking offenders to appropriate resources and services that will improve social functioning, employment skills, and reduce recidivism	Adult	Rural	N	N	no	no	no	-	N	144		36 months?	87.5	1,500,000	0			
AR Administrative Office of the Courts	AR	2013-H0214-AR-DC	STATE	This enhancement project seeks to address the immediate issues of inadequate funding for drug court practitioner training (both state and national opportunities) and fill the funding gap that currently exists for providing mental health treatment, critical service needs, and positive reinforcement interventions to Arkansas drug court participants.	Adult	Rural	Y	Y	no	no	no	-	N	3500	medium to HR	min 1 year; max 2 years	87.17	1,281,156	1,281,156		will use the OHIO risk assessment tool	
Indiana Judicial Center	IN	2013-H0294-IN-DC	STATE	Funds are being requested to support the development and deployment of a drug court management information system, development of a performance measures reporting tool and evaluation activities for certified adult drug courts. Indiana drug courts may accept participants both pre and post-conviction	Adult	SubUrban/Rural	N	N	no	no	no	-	N	2010 DC BX 0123	The maximum capacity of Indiana's 33 certified drug courts is estimated at 2500 participants on any given day	The minimum program length is 12 months, the maximum program length is 36 months and the average program length is 24 months.	87.17	199,706	0		will use the Indiana risk assessment system	
New York State Unified Court System	NY	2013-H0356-NY-DC	STATE	The goals of this project will incorporate the following statewide initiatives: (1) firstly, it will include a comprehensive program evaluation of seven Veterans Treatment Courts (VTCs) in New York State (population 19.5 million). Jurisdictions chosen are from two downstate urban areas (Brooklyn [population 2.5 million] and Queens [population 2.2 million]), two upstate urban areas (Buffalo [population 261,000] and Rochester	Veterans	state	N	N	no	no	no	-	N				86	199,323	0			
Administrative Office of the Courts/Nebraska Supreme Court	NE	2013-H0310-NE-DC	STATE	to develop evidence-based standards for Nebraska's Adult Drug and DUI Courts, and to facilitate their implementation with fidelity by providing a supporting information infrastructure along with statewide training and/or technical assistance to drug court teams. The AOC will engage the National Center for State Courts (NCSC) to assist in all aspects of developing and implementing the standards statewide. The standards will take the 10 key components of Adult Drug Courts and their corresponding evidence-based program principles as their point of departure and will encompass all of them. The project will enable the AOC to realize a crucial goal of the strategic plan developed for Nebraska's problem-solving courts in 2012 and will benefit all drug and DUI courts in Nebraska.	Adult	Rural	N	N	no	no	no	-	N	Grant No. #2009-DC-BX-0113	During the course of this project, an estimated 1,680 participants would be served.		7 months avg	85.83	199,898	199,898		Will work with NCSC to develop evidence based state standards

California Judicial Council Admin. Office of the Courts	CA	2013-H0384-CA-DC	STATE	The judicial council and AOC will be requesting funding to support the Adult reentry drug court project in conjunction with the realignment initiative. Specifically they will use funding to continue funding drug courts that were supported by the state and former ARRA funding.	Adult	Urban, SubUrban, Rural	N	N	The AOC has been the recipient of several Office of Justice Programs grants. The AOC was awarded BIA-2011-3025, Category 3A: Statewide Grant, Adult Drug Court Discretionary Grant Program FY 2011, for the California Veterans Treatment Court Technical Assistance Project. Prior to that, the AOC was awarded: Drug Court grant #2009-DC-BX0052. Contra Costa County received Comprehensive Drug Court Implementation and Drug Court Program funds in FY2010-11 to establish a Multi-Agency Plan (MAP) with participation by the county Alcohol and Drug Program and the Contra Costa Superior Court. The MAP provided treatment and support services to probationers and parolees. Funding ended in 2011; remaining funds are being used for residential treatment. Santa Clara county has received the following BIA grants: Alumni Aftercare in Adult Drug Treatment Court Grant 2011 DC BX 0106	no	no	no	-	N	350	HR/HN	12-18 months	85.33	1,299,998	1,299,998	To assist with call realignment pop with co-occurring issues	
Supreme Court of Appeals of West Virginia	WV	2013-H0292-WV-DC	STATE	West VA is requesting funds to serve 14 adult programs and implement an additional 3 courts in primarily rural areas.	Adult	Rural	N	N		no	no	no	-	N	the 17 adult drug courts aim to serve approximately 450-600 participants annually, for a total of 1,550 over the grant period (YRL=50; see page 10)	medium to HR	Minimum: 12 months; Maximum: 24 months; Average: 16 months	84.5	1,488,514	1,488,514		
New York State Unified Court System	NY	2013-H0350-NY-DC	STATE	to Implement the New York State Assessment and Implementation of Evidence-Based Practices ("Initiative"), a statewide initiative designed to address the deficits presented in the recently completed multi-site adult drug court evaluation. The New York evaluation, funded by the Bureau of Justice Assistance and conducted in partnership with the Center for Court Innovation and the Urban Institute, is an impact evaluation that	Adult	SubUrban, Rural, Urban	N	N	2007-DC-BX0001, 2009-DC-BX-0018, 2010-DC-BX-0121, 2011-DC-BX-0140, 2011-DC-BX-0138, and 2012-DC-BX-0012	no	no	yes	-	N	The Initiative will enhance services for all New York State drug court participants, currently over 11,000 individuals.	?	?	84.5	200,000		0	
Oregon Criminal Justice Commission (no abstract)	OR	2013-H0226-OR-DC	STATE	This proposal is consistent with Oregon's State Substance Abuse Strategy (SSAS), which identifies drug courts as an integral component of Oregon's plan to reduce illicit drug use and recidivism, and urges further investment in "services for special populations such as drug court participants" for 2009 - 2015. Oregon Speaks: Community Addiction Services Investment Strategy (2008) Oregon's most recent statewide drug court evaluation, published in 2011,	Adult	Urban, SubUrban, and/or Rural	N	Y		no	no	no	-	N	expects to serve 250 adult drug court participants		average length of stay of 10 months (vs. 18 months for "completers")	76.5		1,500,000		0
New York State Unified Court System	NY	2013-H0323-NY-DC	STATE		Veterans	2 Rural/ 1 SubUrban	N	N		no	no	yes	-	N						200,000		0

FY 2013 Drug Court Program Enhancement Applications

Applicant Legal Name	State	Application Number	Category: Implementation, Enhancement, Statewide A or B	Project description	Type (Adult, DWI, Veterans, Co-Occurring, Tribal - Healing to Wellness)	Urbanicity	Current SAMHSA grantee Y/N	Current BJA grantee Y/N	Previous Grants	High Risk list	Non Compliant Closeout	Debarment, SAM	Prior grant status rating	Past performance compliance Y/N	BJA Priority 1, DCPI training in the last 3 Years Y/N	BJA Priority 2, Projected capacity per year	BJA Priority 3, HR/HN	Length of program	Tier Ranking	Amount Requested	Amount Recommended	Comments
Clayton County Superior Court	GA	2013-H0076-GA-DC	ENH		Adult	SubUrban	N	N	Clayton County Superior Court currently receives federal funding from a DOJ/BJA grant to support Drug Court. The Superior Court received the 2009 Drug Court Implementation Grant from the OJP/BJA, Grant #2009-DC-BX-0067, which is scheduled to expire on August 31, 2013.	no	no	no	Low	A	y	60		2 years	1	198,902	198,901	
Chesterfield County	VA	2013-H0082-VA-DC	ENH	The proposed enhancement grant will build upon the existing substance abuse services and allow the drug court team to better address the multiple needs of the individual. These enhancements will allow the CCHADC to enhance court operations, court and/or supervision services, and recovery support services by: (1) Providing expanded parenting skills training, thereby enhancing the family functioning of drug court participants. (2) Enhancing recovery support services by adding employment support services for drug court participants. (3) Providing data analysis/evaluation to better improve court operations. (4) Enhancing court operations by providing additional skill-based training and technical assistance to the existing drug court team.	Adult	SubUrban	N	Y	The Chesterfield/Colonial Heights Adult Drug Court is not designated as an Empowerment Zone or Renewal Community by the U.S. Department of Housing and Urban Development, received a planning grant from the Drug Court Discretionary Grant Program (1999-DC-VX-007), participated in the Drug Court Planning Initiative (1998-2000), received a drug court implementation grant in 2001 (Grant No. 2001-DCBX-0042), and received a drug court enhancement grant in 2009 (Grant No. 2009-DCBX-0055).	no	no	no	-		N	45		24 month	1	199,994	199,994	

Applicant Legal Name	State	Application Number	Category: Implementation, Enhancement, Statewide A or B	Project description	Type (Adult, DWI, Veterans, Co-Occurring, Tribal - Healing to Wellness)	Urbanicity	Current SAMHSA grantee Y/N	Current BJA grantee Y/N	Previous Grants	High Risk list	Non Compliant Closeout	Debarment, SAM	Prior grant status rating	Past performance compliance Y/N	BJA Priority 1, DCPI training in the last 3 Years Y/N	BJA Priority 2, Projected capacity per year	BJA Priority 3, HR/HN	Length of program	Tier Ranking	Amount Requested	Amount Recommended	Comments
Clayton County State Court	GA	2013-H0113-GA-DC	ENH		DUI	SubUrban	N	N	The State Court received the 2006 Byrne JAG grant from the OJP, Grant #2006-DJ-BX-0914.	no	no	no	-		N	125		average length of program participation is 12 months, 36 months, and 17 months, respectively	1	170,651	170,651	
20th Judicial Circuit Court (NO ABSTRACT)	MI	2013-H0132-MI-DC	ENH	The proposed enhancement to the ADTC is designed to bridge this gap in services by: (1) Purchasing a vehicle to facilitate field-based case management services and increase field-based community supervision of participants; (2) Provide access to state-of-the-practice training opportunities for ADTC team members – related to working with persons who have substance abuse and co-occurring disorders, and staying abreast of drug court best practices; (3) Pay for the cost of mental health assessments for persons who are legally eligible to participate in the ADTC.	Adult		N	Y		no	no	no	Medium		30			16 months; 30 months max	1	120,417	120,417	

Applicant Legal Name	State	Application Number	Category: Implementation, Enhancement, Statewide A or B	Project description	Type (Adult, DWI, Veterans, Co-Occurring, Tribal - Healing to Wellness)	Urbanicity	Current SAMHSA grantee Y/N	Current BJA grantee Y/N	Previous Grants	High Risk list	Non Compliant Closeout	Debarment, SAM	Prior grant status rating	Past performance compliance Y/N	BJA Priority 1, DCPI training in the last 3 Years Y/N	BJA Priority 2, Projected capacity per year	BJA Priority 3, HR/HN	Length of program	Tier Ranking	Amount Requested	Amount Recommended	Comments
Judiciary Courts of the State of Minnesota	MN	2013-HO224-MN-DC	ENH	operations, enhance recovery support services and enhance supervision services by developing and incorporating peer recovery coaching; provide assistance for sober living to ASAC participants; add a Recovery Support Specialist position to the ASAC Team of professionals; and provide training by sending two (2) team members to the National Drug Court Conference each year. Without federal funding, ASAC will not be able to offer proper intensive	Adult	Urban	N	Y	Substance Abuse Court received a Drug Court Enhancement Grant(s) in 2009 (2009-DC-BX-0007) which is expired and one in 2010 (2010-DC-BX-0010) which will expire on August 31,	no	no	no			N - 2002	80		program length is 12 months, the average program length for ASAC	1	199,675	0	Ramsey county, already funded in another category
Jackson County, Michigan	MI	2013-HO227-MI-DC	ENH		Adult		N	N		no	no	no			N	any day: 80 Increased capacity with grant: 104		Minimum: 16 months Maximum: 24 months Average: 18 months	1	200,000	200,000	
Milwaukee County	WI	2013-HO232-WI-DC	ENH	This project aligns with Milwaukee County Early Intervention Strategy (EI) goals to effectively apply evidence-based principles and practices to the management of defendants and offenders in the Milwaukee County Courts, which includes pre-charge diversion, post-charge deferred prosecution, drug treatment court, and a veteran's treatment initiative. EI will "ensure the appropriate assessment of potential candidates for these programs and services; careful review of eligibility based upon explicit selection criteria; monitoring of participants' program compliance; and collection and analysis of data to ensure that the desired outcomes are achieved both at the individual level and at the programmatic level."	Adult	Urban	Y	Y	In 2009 Milwaukee County was awarded OJP Drug Court Discretionary Grant: Implementation Grant (grant number 2009-DC-BX-0041).	no	no	no	High	B	N - Oregon IN February, 2008	80 max		minimum of 9 months with the maximum of 20 months	1	156,848	156,848	
Montana Supreme Court	MT	2013-HO233-MT-DC	ENH	The mission of 13th JDDC is to provide non-violent offenders with a substance use disorder, court and treatment services to give them the tools and incentives necessary to conquer their substance abuse problems to become productive, law-abiding citizens.	Adult	Rural/Urban	N	N		no	no	no			Y - April 18-23, 2010	20		Unclear to me (there are 4 phases)	1	199,971	199,971	
KY Administrative Office of the Courts	KY	2013-HO241-KY-DC	ENH		Adult	Rural		N	AOC has received numerous federal grants from the Office of Justice Programs (most recent: 2012-DC-BX-0039; 2012-DC-BX-0057; 2012-DC-BX-0048).	no	no	no			N	45		15-18 months	1	200,000	200,000	floyd county
KY Administrative Office of the Courts	KY	2013-HO246-KY-DC	ENH	listed in the BJA grant announcement for enhancement projects: 1) Criterion 2 (expand the target population description) is addressed by focusing on a high risk/high needs population who have a substance use disorder and mental health service needs; 2) Criterion 4 (enhance supervision services) is addressed by enhancing clinical case management services by offering Assertive Community treatment to assist clients in accessing the needed clinical and	Adult	Rural	N	N		no	no	no			N	42		18 months	1	200,000		

Applicant Legal Name	State	Application Number	Category: Implementation, Enhancement, Statewide A or B	Project description	Type (Adult, DWI, Veterans, Co-Occurring, Tribal - Healing to Wellness)	Urbanicity	Current SAMHSA grantee Y/N	Current BJA grantee Y/N	Previous Grants	High Risk list	Non Compliant Closeout	Debarment, SAM	Prior grants rating	Past performance compliance Y/N	BJA Priority 1, DCPI training in the last 3 Years Y/N	BJA Priority 2, Projected capacity per year	BJA Priority 3, HR/HN	Length of program	Tier Ranking	Amount Requested	Amount Recommended	Comments
Macon County Court Services Department	IL	2013-H0250-IL-DC	ENH		Adult/DUI	Urban	N	N		no	no	no	-	C	Y - MaY 1 to MaY 6, 2011	110-115		12 months	1	200,000		
Eighth Judicial District Court	NV	2013-H0253-NV-DC	ENH	The proposed enhancement grant will build upon the existing strengths of all four problem-solving courts while taking advantage of the experience and expertise of each unique court. Each of the courts developed at different time periods, under different judicial leadership and program staff, and the programs have largely operated in isolation of one another.	DUI		y	Y	received a drug court enhancement grant in 2010 (Grant No. #2010-DC-BX-0058).	no	no	no	-		N	300		16-18 months	1	188,812	188,812	
Colorado Judicial Department	CO	2013-H0266-CO-DC	ENH	This proposed grant will be led by the Denver District Court, Denver Adult Drug Court (DADC) in collaboration with Addiction Research and Treatment Services (ARTS) in order to address the issue of opiate addiction within the drug court population. One of the goals of this project is to enhance court operations and treatment services by connecting program participants to medication assisted treatment (MAT) in combination with comprehensive outpatient therapy. Many of the program participants cannot afford MAT and therefore must achieve sobriety without the assistance of these medications. Furthermore, Denver Probation does not have sufficient funds to pay for MAT at this time given budget constraints.	Adult	Urban	N	N	The Denver Drug Court previously received a grant from the Office of Justice Programs in 2009 under funding opportunity number BJA 2009-1979	no	no	no	-	(Unsure if this is for this applicant - this note is for: "2nd Judicial district and denver county court") - Proceeding as planned; no needs; would like training on working with special needs clients	N	The Denver Adult Drug Court does not have a specific program capacity but given current court staffing, capacity should not exceed 900 participants		13 months min; 24 months average	1	199,940		

Applicant Legal Name	State	Application Number	Category: Implementation, Enhancement, Statewide A or B	Project description	Type (Adult, DWI, Veterans, Co-Occurring, Tribal - Healing to Wellness)	Urbanicity	Current SAMHSA grantee Y/N	Current BJA grantee Y/N	Previous Grants	High Risk list	Non Compliant Closeout	Debarment, SAM	Prior grant status rating	Past performance compliance Y/N	BJA Priority 1, DCPI training in the last 3 Years Y/N	BJA Priority 2, Projected capacity per year	BJA Priority 3, HR/HN	Length of program	Tier Ranking	Amount Requested	Amount Recommended	Comments
Cleveland Municipal Court	OH	2013-H0272-OH-DC	ENH	This proposed project is submitted by the Cleveland Municipal Court (CMC) to enhance the current array of services available to veterans enrolled in the Veterans Treatment Docket (VTD). This proposed enhancement includes evidence-based alcohol and other drug treatment, cooccurring disorders treatment and recovery support services, including peer mentoring services, for participants of the VTD who are ineligible for benefits through the U. S. Department of Veterans Affairs.	Veterans	Urban	Y	N	The Cleveland Municipal Court received a FY10 Adult Drug Court Discretionary Grant (2010-DC-BX-0012) for the Greater Cleveland Drug Court.	no	no	no	-	non-responsive: CC not yet conducted due to lack of response to multiple requests	N	The current maximum capacity of the Veterans Treatment Docket is 125 participants with an average daily census of 85. This project will increase the number of participants enrolled in the program by 20.		12 months avg.	1	200,000	200,000	
Pasco County, FL	FL	2013-H0276-FL-DC	ENH		Adult	Urban/Rural	N	N		no	no	no	-	N	PDT track the Court will serve 20 participants per year and total of 40 participants over the life		12 months avg.	1	200,001	200,000		
Judiciary of Guam	GU	2013-H0301-GU-DC	ENH		Adult		N	N	1999-DC-VX-0069; 1997-DC-VX-0074; 2001-DC-BX-0058; and 2002-DC-BX-0072	no	no	no	-	N	73			18 months, maximum is 24 months. The average program length is 18	1	200,000	200,000	the only territory that is recommended
Yamhill County	OR	2013-H0312-OR-DC	ENH				N	Y		no	no	no	-		no because received 2010,2012 joint.			1	180,000	0		

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Lake County, IL	IL	2013-H0316-IL-DC	ENH	community-based provider Haymarket Center to implement evidence based moral reconnection therapy (MRT) during treatment to help high risk offenders address their criminal and addictive thinking. The grant will provide funding for one fulltime and one part-time recovery coach trained in the Manual for Recovery Coaching and MRT to help clients develop recovery plans, link them to recovery support services to reduce drug use and criminogenic risk, and provide on-going	Adult	SubUrban	N	Y	Award #2012-DC-BX-0007	no	no	no	-		N	18	no because received a 2012	of 30 months with a minimum stay of 24 months and maximum stay of 36	1	200,000	0	
Hancock County Community Corrections	IN	2013-H0321-IN-DC	ENH		Adult	SubUrban	N	N	2010-dc-bx-0059	no	no	no	-		N	50 max; 80 total life of grant		24 months min; max 48 months; avg 24 months	1	96,523	96,522	
Weber Human Services	UT	2013-H0327-UT-DC	ENH	enhancement grant, the Felony Drug Court could expand capacity in the program to reduce crime and substance use among high risk, high needs offenders. This goal would be achieved by expanding services to a population not currently being served by increasing 25 additional treatment slots, expanding court services to increase frequency of UA testing, and training of the Felony Drug Court team members to enhance court operations. The program would be able to maximize	Adult	Urban	N	N	Federal Award #: 2009-DC-BX-0092, another ended in September 2012, Federal Award #: 2010-MO-BX-0026, and a current Federal Award #: 2012-DC-BX-0032.	no	no	no	-		N	90		minimum length of program participation is 1 year and maximum length is 2 years.	1	200,000	200,000	2012 Dwl
Chautauqua Drug Court Grants	NY	2013-H0332-NY-DC	ENH		Adult	state	N	N	2003-dc-bx-0056	no	no	no	-		N	200 participants at any given day; total 300 participants throughout life of grant		min 12 months; max 24 months; 16 months avg	1	157,628	157,628	
Circuit Court of Cook County	IL	2013-H0336-IL-DC	ENH	The Drug Court program will be strengthened through two primary goals: 1) Enhance recovery support services for adult offenders participating in the Circuit Court's four countywide ADTC programs through integration of supportive housing services, job training and placement services, and other culturally appropriate community-based continuing care and recovery support services provided by A Safe Haven Foundation; and 2) Enhance court operations by providing additional training and continuing education opportunities for ADTC team members in order to standardize and streamline processes and assure implementation of best practices countywide.	Adult	Urban	N	N	The applicant Jurisdiction, Circuit Court of Cook County has received Drug Court grant from the Office of Justice Programs as follows: Family Drug Court, OJP (2011-DC-BX-007); Juvenile Drug Treatment, OJP (95-DC-WK-0010); Adult Drug Court-Criminal Division (97DCVX0102); Adult Drug Court-4th District (97DCVX0173); and Adult Drug Court-6th District (97DCVX0177).	no	no	no	-		N	It is anticipated that a total of 800 persons will receive ADTC services and 55 ADTC participants will be directly served through the proposed enhancements over a two-year program period.		12 months	1	200,000	200,000	

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New York State Unified Court System	NY	2013-H0340-NY-DC	ENH	This program will provide enhanced support services for high-risk/high-need SCTC clients whose language barriers, educational deficiencies, limited employment history, lack of community supports, or other challenges significantly impede their ability to reintegrate into the community.		Urban	N	N	received four previous grant awards from the Office of Justice Programs: 97-DC-VX-0 115 [planning], 01200333-65 [implementation ], 2009-DC-BX-0006 [enhancement], and	no	no	yes	-		N	150-175		min 7-9 months; max 25 months or more; 13-18 months average	1	200,000	0	no because it is a community court 10 week program
New York State Unified Court System	NY	2013-H0341-NY-DC	ENH		Veterans	Urban	N	N	The ROTC has received Drug Court grants from the Office of Justice Programs. 2008-DC-BX-004   2009-DC-BX-004   2012 - DC-BX-0005	no	no	yes	-		N	135		19 months avg	1	199,615	199,615	yes, rochester veterans court
Brunswick County Government (NO ABSTRACT)	NC	2013-H0358-NC-DC	ENH	No Abstract	DWI		N	N		no	no	no	-		N	Current capacity for DTC is 40 participants, 40 for MHC and 15 for DWI court.		12 months	1	200,000	200,000	
City of Richmond, Virginia	VA	2013-H0361-VA-DC	ENH		Adult	Urban	N	Y	(#2010-DC-BX-0060)	no	no	no	-		N	The current maximum daily participant capacity is 75; 100 over life of grant		average length of program participation is 18 months with the minimum being 15	1	199,969	199,969	
Keweenaw Bay Indian Community	MI	2013-H0362-MI-DC	ENH	The proposed project will expand capacity and enhance program services in our Tribal Healing to Wellness Court to assist post-adjudication non-violent offenders with substance abuse problems.	tribal	Rural	N	Y	Grant # 2010-IC-BX-0056	no	no	no	-		N	20		minimum program participation period is one year, with an average program	1	200,000	200,000	
Judiciary Courts of the State of Minnesota	MN	2013-H0366-MN-DC	ENH		Co-Occurring	Urban	N	Y	District Mental Health Court received a start-up Problem-Solving Partnership Grant (2006-PSP-00457) and the Adult Drug Court Discretionary Grant (2010-DC-BX-0041) from the Office of	no	no	no	-		N	32-40		minimum length of participation is 12 months with a maximum length of 36	1	200,000		Ramsey county, already funded in another category
City of Augusta	GA	2013-H0368-GA-DC	ENH	modify existing drug testing procedures and frequencies, to enhance court operations by having the program evaluated and to attend training programs, and to expand offender management services by improving the overall quality of case management and community supervision.	Adult	SubUrban/Rural	N	N		no	no	no	-		N	support up to 125; est 150-175 over 24 months		24 months	1	200,000	200,000	

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Clackamas County	OR	2013-H0369-OR-DC	ENH		Adult	SubUrban/Urban	N	N		no	no	no			N	60		minimum length of time engaged in CCADC is 15 months with the average	1	200,000	200,000	
Baldwin County Board of Commissioners	GA	2013-H0379-GA-DC	ENH		Co-Occurring	Rural	N	N		no	no	no			N	150 max participant capacity		minimum length of program participation is 18 months, maximum is 24 months	1	197,706	197,706	
Grant County Drug Court	IN	2013-H0386-IN-DC	ENH	Jackson County Community Justice is the applicant and OnTrack the subcontractor for this application for funding to enhance our county's Adult Drug Courts by adding five treatment sanction beds within Jackson County's Transitional Correctional Facility giving judges an opportunity to sanction participants without interrupting their treatment. During their stays offenders will participate in motivational enhancement techniques to increase compliance, as well as other evidence based clinical and supportive services consistent with what they would receive in the community. Services focus on achieving abstinence from substances as well as reduction in criminogenic thinking and behaviors.	Adult	Rural	N	Y	2004-DCBX-0027 (Implementation), 2009-DCBX-0062 (Enhancement), 2011-DC-BX-0104.	no	no	no	Low		N	60		Minimum length of participation is 12 months; maximum length is 30 months.	1	91,762	91,762	
Ashtabula County Common Pleas Drug Court (NO ABSTRACT)	OH	2013-H0389-OH-DC	ENH		Adult		N	N		no	no	no			capacity would increase to 50 participants per day or an additional 25 persons			12-18 months	1	126,495	126,495	

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Rockdale County, Georgia	GA	2013-H0441-GA-DC	ENH		DUI	34% SubUrban, 35% Rural and 16% Urban	N	N	2010-DC-BX-0036	no	no	no	-	as planned; SV may be helpful to address issues with MIS/Eval; voluntary	N	50 any given day		1	199,988	0	duplicate of another app	
County of Cook	IL	2013-H2130-IL-DC	ENH	Bond Court ASA and one part-time Research Assistant in order to establish a more uniform screening process for non-violent offenders at the earliest point possible, thereby increasing the number of offenders offered assignment into the treatment court systems, while decreasing the time for that assignment to occur. This will allow for quicker placement in the appropriate treatment court and with a decreased period of time spent in custody awaiting that placement.	Veterans	Urban/suburban				no	no	no			N	794		1	200,000	200,000	ok because of veterans	
Maoupin County Probation and Court Services Department	IL	2013-H0060-IL-DC	ENH	no response	Adult	Rural	N	N		no	no	no	-	N	10			2				
Pima County	AZ	2013-H0102-AZ-DC	ENH	Year One, with a gradual decline in the same population to about 55 in Year Two as participants complete their three year sentences. As repeat felony drug offenders, they would otherwise have been sentenced to prison. All were initially screened by The Pima County Attorney's Office to ensure that they were legal residents with no history of violent, sex or non-drug related crimes and then assessed by Probation for their levels of addiction and	Adult	SubUrban/Rural	Y	Y	are now in the third and final year of a combined Drug Court Enhancement/Expansion Grant # BJA # 2010-DC-BX-0088 / SAMHSA #10T123397A	no	no	no	-	N	annual capacity of about 250 regular and 60 DTAP participants			2				
Judiciary Courts of the State of Minnesota	MN	2013-H0242-MN-DC	ENH	Grant funding will help the Ramsey County DWI Court accomplish its missions and goals to enhance the target population and services not only to felony level DWI offenders, but to all offenders serviced in DWI Court.	DWI	Urban	N	Y	Ramsey County DWI Court has received a Drug Court Discretionary Program Implementation grant in 2007, 2007-DC-BX-0007	no	no	no	-	N	60			2				
Colorado Judicial Department	CO	2013-H0270-CO-DC	ENH	This project will enhance court operations and supervision through inter-disciplinary training at the National Association of Drug Court Professionals (NADCP) annual conference. Also, we are seeking to improve the quality, variety and intensity of treatment services through training clinicians in Dialectical Behavior Therapy (DBT) and Eye Movement Desensitization & Reprocessing (EMDR).	Adult	SubUrban/Rural	N	N			\$54,225.00	\$46,937.00	if additional funding is available	N	34			2				
KY Administrative Office of the Courts	KY	2013-H0274-KY-DC	ENH		Adult	Rural	N	N	numerous federal grants from the Office of Justice Programs. From 1996-2004, Kentucky had 42 Drug CoUnits, and all but 12 were federally-funded by BJA. AOC and personnel from each				-	N	32			2				

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Harney County	OR	2013-H0290-OR-DC	ENH	Funds would provide a treatment provider/life skills trainer, participant drug and alcohol testing, evidence-based training for the HCTC team, participant mental health and support services, Multiphasic Personality Inventories (MMPI) and an auto dialer appointment reminder system.	Adult	Rural	N	Y	Grant Contract #BJ/DC-2011-HarneyCo-00023				-		N	program can currently serve up to 15 participants on any given day and		program participation requirements are 15 months, with an average	2			
County of Grafton	NH	2013-H0303-NH-DC	ENH	Rehabilitation through Education, Assistance and Training (G.R.E.A.T.) Enhancement Program which would increase public safety and reduce recidivism and substance abuse through the following activities: 1) Increasing program participant enrollment; 2) Improving participant success; 3) Expanding rehabilitation and supportive services; 4) Developing court function and community involvement; and 5) Establishing program monitoring and evaluation. Once	Adult	Rural	N	N					-		N	31 served in the project period		18 months min	2			
Hocking County Municipal Court	OH	2013-H0322-OH-DC	ENH		Adult	Rural	N	N	This court was awarded a drug court planning grant (1999-DC-VX-0151), an implementation grant (2001-DC-BX-0060) and an enhancement grant (2009-DC-BX-0056).				-		N	70 any given day		minimum length of program participation is ten (10) months, while the maximum	2			
Superior Court of California, County of Solano	CA	2013-H0330-CA-DC	ENH		Adult	Urban	Y	Y	The Court received an OJP grant #2010-DC-BX-0001 for its Dependency Drug Court program, which is a family drug court.				-	to categorize ... court appears loosely coordinated and less effective	N	Capacity: 75; will provide services to an additional 150 clients during the twenty-four		18 months min	2			
NYS Unified Court System-Kings County	NY	2013-H0331-NY-DC	ENH	<ul style="list-style-type: none"> <li>Goal #1: Assess participant health and well ness status and needs</li> <li>Goal #2: Improve participant health and wellness status</li> <li>Goal #3: Reduce participant health risk behaviors</li> <li>Goal #4: Improve access to primary health care and dental care.</li> </ul>	UNSURE	Urban	N	N					-		N	300 life of grant		min 8 months; max 3 years; avg 14 months	2			
Marin, County of	CA	2013-H0359-CA-DC	ENH	The need is based on an examination of the emerging trends in the local offender population and Drug Court data. Interventions are needed to address the dangerous use of opiates, prescription drug abuse, and alcohol.	Adult	SubUrban/Rural	N	N	The Marin County Adult Drug Court was the recipient of a joint BJA/CSAT Drug Court Enhancement grant in 2010 that ends September 30, 2013				-		N	50		12 months	2			
Little Traverse Bay Bands of Odawa Indians	MI	2013-H0387-MI-DC	ENH		tribal	Rural	N	N	Grant #2009-DC-BX-0094				High		N	15 any given day		Minimum Length of Participation: 11 months • Maximum Length of Participati	2			

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Twentieth Circuit Court District Drug Court of Mississippi	MS	2013-H0036-MS-DC	ENH	Court will be to enhance public safety by reducing the number of drug and alcohol addicted adults who are engaged in criminal activity; reduce substance abuse by providing access to treatment for participants to help break the cycle of drug and alcohol abuse, thereby reducing recidivism in criminal behavior; reduce the impact of drug abuse within the criminal justice system by coordinating public and private resources in order to provide a more efficient	Adult	Urban	N	N							Y	150 life of grant		five-phase treatment modality: The program is designed to last an average	3			
Justice Court, Las Vegas Township	NV	2013-H0059-NV-DC	ENH	on enhancing court services in the area of case management. Specifically, the project objectives will be to fund a court coordinator who will screen and assess referred defendants for program eligibility/appropriateness and appropriate level of care, provide clinical case management services that include coordinating placement in treatment programs and referrals to ancillary services, and preparing court calendars and reports that provide the Drug Court	Adult	Urban	N	N							N	125 total	N/A		3			
Macomb County District Court, 37A	MI	2013-H0083-MI-DC	ENH		Adult	SubUrban	Y	N	The 37th District Court Drug Court has received a Drug Court Grant from the OJP in 1999, Grant #1999-DC-VX-0031.						most recent Drug Court Planning Initiative training took place in	120			3			
Fairfield County Municipal Drug Court	OH	2013-H0120-OH-DC	ENH	The structure of drug court is a post-conviction program, generally following a probation revocation. Once a candidate is determined eligible, he/she attends a weekly status hearing to be inducted into the program. The Drug Court Program is approximately an 18 month long program, depending on individuals' level of compliance. Participants are made aware of current requirements.	Adult	Rural	N	N							N	100		min 18 months	3			
County of Berrien	MI	2013-H0209-MI-DC	ENH	The Berrien County Drug Treatment Court (DTC) works with substance abusers with a history of contact with the criminal justice system. Candidates are referred to the court by judges, attorneys, probation officers or other parties familiar with the defendant's needs. The DTC case manager screens the referred parties for substance dependency and assesses their requisite level of care.	Adult	Urban/Rural	N	Y	Current DTC funding has been provided under award number #2009-DC-BX-0095.				High	GRANTSTAT 2011	N	40		15-18 months	3			
County of McHenry, a body politic	IL	2013-H0221-IL-DC	ENH	work readiness program titled Workforce Skills for Community Success (WSCS). WSCS participants will be active in the Adult Drug Court program and compliant with all requirements such as undergoing a minimum of two random and observed drug screens per week. WSCS participants will receive a stipend for each day they attend vocational preparation classes and job search support group sessions (stipends are proven to be very successful motivational enhancements aimed	Adult	SubUrban	N	N	NDCI Mentor Drug Court Observation-Benton County, OR, December 8, 2010 Recipient of OJP Drug Court Implementation Grant Number 2011-DC-BX-0024						Nashville, TN, March 22-26, 2010	It is estimated that over the life of the grant, up to 60 participants will be served			3			
Stone County Circuit Court	MO	2013-H0225-MO-DC	ENH	Specifically, this funding opportunity would allow the court to send four licensed mental health professionals to participate in Prolonged Exposure Therapy (PET) training provided through Perelman School of Medicine at the University of Pennsylvania. Without federal assistance, fiscal constraints prevent the court from providing this type of clinical training and development.	Adult & DWI	Rural	N	N							Planning Training was attended by Barry, Lawrence, and Stone County	Lawrence, and Stone County is 30, 30, and 100 participants, respectively. Expansion efforts will		minimum, maximum, and average length of program participation is 18	3			

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Sevier County Government	TN	2013-H0234-TN-DC	ENH	This is an Adult Drug Court that serves both pre- and post-plea felons in its four rural counties.	Adult	Rural	N	Y	The drug court currently receives funding from BJA's Implementation Grant (BJA 2010-DC-BX-0105).					N	40		18 months	3				
41B District Court	MI	2013-H0236-MI-DC	ENH	be used for is capacity expansion, adding key ancillary services and therapeutic housing, as needed and developing an aftercare program that focuses on relapse prevention and community reintegration. This is designed to give the participants of this program the tools they need to overcome their disease and achieve long term success with their recovery. The outcome of this enhancement will result in increased public safety, mending of family relationships, saving	Adult		N	Y					Low	N	55 participants over the course of the grant			18 months	3			
Maricopa County Adult Probation Department	AZ	2013-H0237-AZ-DC	ENH	Increasing supervision to align with drug court best practices, and incorporating evidenced based curriculum to address treatment needs related to trauma, the Seeking Safety Curriculum. The intent of the Drug Court enhancement is to add a level of support not previously available in the program for this population of medium high and high risk/high needs women. Risk and need are assessed using validated assessment tools. The Offender Screening	Adult	Urban/Rural	N	N	The Grant numbers were 97-DC-VX-0176, 2000-DC-VX-0009, 2000-DC-VX-0010, and 2010-DC-BX-4033 (which ends June 2013).					N	720			18 months average	3			
Potter County Community Supervision & Corrections Dept	TX	2013-H0239-TX-DC	ENH		Adult	Urban	N	Y	The Potter, Randall and Armstrong Counties CSCD has previously received Drug Court funding from the Office of Justice Programs (award number 2010-DC-BX-0102).					N	75			18 months min, 30 max	3			
Judiciary Courts of the State of Minnesota	MN	2013-H0243-MN-DC	ENH	<ul style="list-style-type: none"> <li>• Increase alternative transportation options for rural communities,</li> <li>• Provide mental health treatment and dental care for those participants who do not qualify for assistance and cannot afford insurance,</li> <li>• Provide funding assistance to allow drug/DWI court teams to attend the Minnesota State Drug Court Conference.</li> </ul>	Adult/DWI	Rural	N	Y	County DUI/Substance Abuse Court has received grants from the Minnesota Office of Justice Programs: 2005-DGCT-00282, 2006-DGCT-00423, 2008-DGCT-00269, and 2010-JAGR-00231. The					as planned; request assistance in training due to emense turn over; sustainabi	N	230 any given day		length of 15 months, average length of 20-22 months, and maximum	3			
Benton County	AR	2013-H0248-AR-DC	ENH	Veteran's Court, increase community involvement and mentoring and awareness, provide more case management services, maintain services to the current number of clients and provide more intensive treatment, and provide drug court training for the drug court team. To accomplish our goals we are requesting financial assistance to support one counselor and administrative assistant, and to provide NADCP Training for the Drug Court Team.	Adult	Rural	N	Y	The grant number are 2008-DC-BX-0038 and 2011-DC-BX-0110.				Low	N	135			18 months	3			
Lackawanna County	PA	2013-H0249-PA-DC	ENH	The goal of this program is to increase access to mental health services and substance use disorder treatment services for persons with co-occurring disorders who come in contact with the criminal justice system. By combining the resources of the justice system and treatment specialists, a solution rather than incarceration is available.	Co-Occurring	Urban/Rural	N	N						N	40-50				3			

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Itasca County, Minnesota (NO ABSTRACT)	MN	2013-H0252-MN-DC	ENH		Adult	Rural	N	Y					Low		N	40		18 months	3			
First Judicial District Court	NM	2013-H0254-NM-DC	ENH		Adult	Rural	N	N	2011-DC-BX-0135				High	GRANTSTAT 2012; New Drug Court Judge; Difficulties in obtaining MAT for	N	45		36 week	3			
Yavapai-Apache Nation	AZ	2013-H0255-AZ-DC	ENH	The intent of this drug court will be to increase the number of drug court clients by increasing number of participants and increasing court services. This will be accomplished by having all courts refer clients along with departments and agencies. With an increase in the number of clients will come the need to expand services.	Adult	Rural	N	Y					Medium		N	14?		12-18 months	3			
Chippewa Cree Tribe	MT	2013-H0257-MT-DC	ENH		Adult	Rural	N	Y	The award number is 2011-DC-BX-0112				High		N	35 clients at any given time		8 weeks	3			
Columbus Municipal Drug Court (ABSTRACT WRONG)	MS	2013-H0265-MS-DC	ENH	Drug Court Expansion/Enhancement Initiative will allow the Drug Court to expand the services that are offered and the population of offenders that is reached. The Court will be able to add multiple support groups, provide services to those that suffer from chemical dependency, provide more individuals with inpatient services, provide more daily living skills, and education resources. The Columbus Drug Court believes that with the opportunity to provide more	Adult	No Response	N	N					-		N	unclear		12 months	3			
Marion County	OR	2013-H0268-OR-DC	ENH		Adult	Urban/Rural	N	N					-	Proceeding as planned; requested various info	N	45 at any one time		15 months average	3			
Cherokee County	GA	2013-H0271-GA-DC	ENH		Adult	SubUrban	N	Y					-		N	125 max participation		12-24 months	3			

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Wake County by and through its Department of Human Services	NC	2013-H0275-NC-DC	ENH	The goal of the DTC is to enhance recovery support services to drug court participants to increase the likelihood of successful rehabilitation. This enhancement project will focus efforts on participants who need medicated assisted treatment (MAT) and mental health services.	Adult	Urban	N	Y	Currently, Wake County Drug Treatment Court is operating under a BJA/CSAT joint grant (BJA- 2010-DC-BX-0086, CSAT-T1023403) through September 30, 2013.					N	176 annual total		12 months min	3				
County of Marion	IN	2013-H0277-IN-DC	ENH		Adult	Urban	Y	N	Marion County Superior Court was awarded FY 2009 OJP grant funds (Award Number: 2009-DC-BX-0111).					N	maximum capacity of the Marion County Drug Treatment Court (MCDTC) is 100		15-18 months avg	3				
Lummi Nation	WA	2013-H0283-WA-DC	ENH		Adult	semi-Rural	N	N	Drug Court Planning Grant 2000-DC-VX-0122; Tribal Drug Court Grant 2002-DC-BX-0066; and Drug Court Discretionary Grant, Enhancement 2008-DC-BX-0021.					N	37		min 12 months; 24 months max; 13 months avg	3				
City of Kansas City, Missouri (BARELY ANYTHING IN ABSTRACT)	MO	2013-H0284-MO-DC	ENH	This grant application proposes and is prepared to incorporate evidence-based principles into the existing Drug Court program and be responsive to the strategic direction identified by the Sequential Intercept Mapping exercise supported by the Gains Center and SAMHSA.	Adult		N	N						as planned; requested TA on drug testing; strategies /techniques for	N	maximum capacity for active participants is 80, though in a given year ~CMDC will enter		12 months min; 14 months avg	3			
Ogle County (On Behalf of the Ogle County Probation Dept.)	IL	2013-H0286-IL-DC	ENH		Adult	Rural	N	Y	2010-DC-BX-0083					N	20		18 months	3				
Kickapoo Tribe In Kansas	KS	2013-H0291-KS-DC	ENH	The project/program design is to increase access to, and success rates in, the Healing To Wellness Court so as to reduce alcohol and substance abuse on the reservation, reduce the high rate of recidivism, provide encouragement and support for participants, and bring healing and wellness to the community. The Kickapoo Healing To Wellness Court contains four phases of individualized rehabilitation services and treatment for alcohol and/or substance abuse.	Adult	Rural	N	Y	(AWARD NUMBER: 2010-1C-BX-0101).					N	30		15-18 months	3				
Modoc Superior Court	CA	2013-H0293-CA-DC	ENH		Adult	Rural	N	Y	Modoc Superior Court received a BJA Adult Drug Court Enhancement Grant in 2009 (2009-DC-BX-0028) and in 2011 (2011-DC-BX-0027).				Low	Struggling to improve tx services, otherwise functioning as planned	N	have a maximum participant capacity, serving all who meet the eligibility criteria and		17.5 months avg	3			

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WEBB COUNTY 406TH DISTRICT COURT	TX	2013-H0297-TX-DC	ENH	is seeking to enhance and expand current DCP services by providing a County-Based Judicial Jurisdiction Reentry Court Model which implements evidenced based services including the Risk-Need-Responsivity (RNR) Simulation Model for guiding offender assessment, the A-CRA Model for 18 to 25 year old adults, and the Cognitive Behavioral Therapy (CBT) model Thinking for a Change, developed by the National Institute of Corrections	Adult		y	N					-		N	175 new participants over a two year period		12 months	3			
Richland County, South Carolina	SC	2013-H0302-SC-DC	ENH	these issues. Not only to successfully rehabilitate veterans by diverting them from the traditional criminal justice system but providing them with the tools they need in order to lead a productive and law-abiding lifestyle. The objectives include achieving positive veteran behavior by providing a holistic and integrated set of support services to include substance abuse services; mental health and psychiatric services; academic and/or vocational skills improvement	Veterans	Urban, SubUrban, and Rural	N	N					-		N	70 over life of grant		12 months min; 18 months max; 15 months avg	3			
Calhoun County Tenth District Court	MI	2013-H0304-MI-DC	ENH	Sobriety Court and accept individuals facing felony alcohol/drug related driving offenses, as well as individuals who reside in the outskirts of our county or on the other side of our county border. We would also like to enhance court supervision services by sending Sobriety Court staff to the state and national drug court trainings. Our current operating budget does not have any money available for either training. Both trainings are invaluable resources for	(Adult SOBRIETY? IS THAT Adult OR DWI???)	Rural	N	N					-		N	150		56 weeks min; 24 months max; 15.3 months avg	3			
Commissioners of Caroline County	MD	2013-H0305-MD-DC	ENH	problems not anticipated, such as eligibility, housing, transportation, mental illness, and addressing the drug issue earlier in probation rather than waiting for more charges that result in violation. This expansion will expand the target population description and serve additional participants who meet the expanded description, enhance court and supervision services and enhance recovery support services. The research is clear that criminal offenders with substance abuse	Adult	Rural	N	Y	2010-DC-BX-0099				-		N	50		12-15 months	3			
Rhode Island Supreme Court	RI	2013-H0307-RI-DC	ENH	The intent of the project is to enhance our Veterans treatment and ensure Veterans are successfully rehabilitated by being diverted from the traditional criminal justice system as early as possible and providing them with the assistance and tools they need to maintain a productive and law-abiding life.	Veterans	Urban	N	N	BJA-20 11-3022				-		N	100		8 months, maximum is 24 months, and average is 9 months	3			
Kanawha County Commission	WV	2013-H0308-WV-DC	ENH	The mission of the Kanawha County Drug Court is to enhance public safety while reducing crime and related convictions. This is to be accomplished through judicially supervised substance abuse treatment, rehabilitation, and intense monitoring with the goal of returning drugfree, law abiding, and productive citizens to the community.	Adult	Urban/Rural	N	N	award number 2008-DC-BX-0029				Medium		N	50 people over the life of the grant's two year span		12 months	3			
County of Durham	NC	2013-H0309-NC-DC	ENH		Adult		N	N					-		N	30-35		12 months	3			

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Palm Beach County Board of County Commissioners	FL	2013-H0311-FL-DC	ENH	No abstract	Adult		N	Y					High		N	available funding allows for a program capacity of 250 participants, and the daily		18 months	3			
Placer County Health and Human Services	CA	2013-H0314-CA-DC	ENH		Veterans	SubUrban	N	N	Placer County has in the past been graciously awarded BJA grant funds to support its community				-		N	Placer County ASOC collaborative courts has the capacity to serve (95) PC1210 and (35)		designates transition/graduation dates of 18 months for felony cases and	3			
Lawrence County Commissioners	PA	2013-H0315-PA-DC	ENH	is to offer substance abuse treatment as an alternative to incarceration. The goals are to improve public safety, reduce criminal recidivism, improve the quality of offenders' lives, and save public dollars. The effectiveness of the program will be evaluated through a coordinated effort with Westminster College. Academic research professionals at the college have agreed to develop a database to track established outcomes and a process to evaluate the success of the	Co-Occurring	Rural/SubUrban	N	N					-		N	60		12 months minimum, 36 month maximum, 24 month average	3			
Lenawee County Court	MI	2013-H0324-MI-DC	ENH		enhance our Sobriety Court Program(?)		N	N					-		Y - March 2011	100		12-24 months	3			
Vanderburgh County Treatment Court	IN	2013-H0328-IN-DC	ENH	capacity and to reduce crime, recidivism, and substance abuse among high risk/high need clients. This purpose is accomplished through goals and objectives set to grow and enhance the program. VCTC has plans to add a Satellite Office to meet the growing demands of the population served. Maintaining current staff and increasing support staff will allow the program to grow in an efficient manner. Grant funding will assist with needed supplies and	Adult	Urban, Rural, SubUrban	Y	N	Number Grant Name Award Period Amount 005 (OJP) Discretionary Grant 10-1-10-9-30-13 \$214,996.00 1411				-	Proceeding as planned; requested various info	N	140 capacity; 224 life of grant		minimum amount of time a successful participant remained within the Program	3			
Orleans Parish Criminal District Court	LA	2013-H0333-LA-DC	ENH		Adult	Urban	Y	Y	97-DC-VX-0019; 2005-DC-BX-0035; 2010-DC-BX-0043				-	received funding 2 weeks prior to CC; will probably proceed as planned	N	maximum capacity that the drug court can serve on any given day is 600 clients and that		minimum length of program participation is 18 months, the maximum length of	3			
WALWORTH COUNTY CLERK OF CIRCUIT COURT (NO ABSTRACT)	WI	2013-H0335-WI-DC	ENH			Rural	N	N					-		N			18 months	3			

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22nd Judicial District Court of Louisiana	LA	2013-H0337-LA-DC	ENH	A Behavioral Health Court (BHC) would provide interventions in addition to those provided to other drug courts: mental health treatment, prescription medication management, peer to peer support for clients and group support for families, transportation, and interim housing. Recent cuts to mental health programs and facilities have exacerbated an already critical mental health issue in St. Tammany Parish.	Adult/DWI	SubUrban	N	N							N	the adult drug courts and the DWI court serve 420 clients in St. Tammany Parish. The maximum		18-month (minimum) phase-based program. Optimally, the duration of each	3			
COUNTY OF UNION, NORTH CAROLINA	NC	2013-H0338-NC-DC	ENH	Union County is requesting the Enhancement funds in order to make enhancements in two primary areas (1) enhancement of court and/or supervision services, and (2) enhancement of recovery support services.	DWI	SubUrban	N	N	2010-H1307-NC-DC.						N	anticipates serving approximately 60 participants over the subsequent two-year period		of twelve months, a maximum of twenty-four months, with an average participati	3			
Indianapolis Community Court	IN	2013-H0339-IN-DC	ENH		Veterans	Urban	N	N							Y - Accepted to participate May 2013	Court has served approximately 2500 cases annually from 2010 through 2012.		18 months	3			
New York State Unified Court System	NY	2013-H0342-NY-DC	ENH	Funding would provide those participants who are not currently prepared to achieve High School Equivalency- which constitutes half of the Court's population- the skills to do so. This can be achieved by contracting with Fulton County's local BOCES program to provide an adult educator for the purpose of tutoring participants in basic skills and High School Equivalency Preparedness.	Adult	Rural	N	N	2009-dc-vx-0101; 2009-dc-bx-009						N	g ahead of schedule; request TA re: law enforcement education; funds	80	12 months	3			
New York State Unified Court System	NY	2013-H0343-NY-DC	ENH	To enhance the supervision services BATC will utilize the Binghamton Police Department (BPD) with heightening our community supervision. BATC has been working with the BPD for approximately a year. BATC will need to cover the overtime salary for the Binghamton Police Department to monitor curfews	Adult	SubUrban/Rural	N	N							N		18months; 12 months min	3				
Southern Ute Indian Tribe	CO	2013-H0345-CO-DC	ENH	component of Court's substance treatment-oriented continuum of care by increasing knowledge of what best serves the needs of the local population, in order to provide the means for successful rehabilitation from substance use among young adults. This will be accomplished by strengthening its basis of the ten key components to drug courts, primarily strengthening traditional healing resources in conjunction with the tribal judicial process.	tribal	Rural	N	Y	#2008-DC-BX-0046; #2011-DC-BX-0021				Low		N	No identified participant capacity, approximately 17		average length of program participation is 14 months. The minimum is 12	3			
Red Hook Community Justice Center	NY	2013-H0346-NY-DC	ENH		Adult	Urban	N	N	2007-DC-BX000 1, 2009-DC-BX-0018, 2010-DC-BX-0121, 2011-DC.. BX-0140, 2011-DC-BX-0138, and 2012-DC-BX-0012.						N	currently serve 70 any given day, daily capacity will increase to 90 if grant awarded		12 months avg; min 6 months; max 16 months	3			

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NYS Unified Court System	NY	2013-H0351-NY-DC	ENH	Jurisdictional DUI/DWI Hybrid Treatment Courts, specifically targeting offenders in Erie and Niagara Counties. By expanding the target population, this program enhancement will treat OUI/DWI offenders in a highly structured and resource intensive program that will span across two counties to protect society against future impaired driving. (2) Individuals that drive while intoxicated are a severe and persistent threat to the public. The implementation of an	DUI	6 cities, 12 townships?	N	N						N	300 life of grant			minimum amount of time the individual would be in the Drug court program	3			
Jackson County Commissioners	OH	2013-H0352-OH-DC	ENH		Adult	Rural	N	Y	Current grant award is #2010DCBX0034.					N	30; 59 for project period			length of the stay in the JCOMDC is 19 months. Minimum stay is 15 1/2	3			
New Hampshire Department of Justice	NH	2013-H0354-NH-DC	ENH		Adult	Urban	N	N	#2010-DC-BX-0065					N				18-24 months	3			
City of Fayetteville	NC	2013-H0355-NC-DC	ENH	to enhance an adult drug court to supervise and assist chemically dependent, high-risk, high-need offenders in receiving treatment in a rehabilitative environment monitored by the Court. The intent of this drug court will be to promote public safety and reduce cost to the community by providing a judicially mandated system of treatment and supervision for the substance abusing offender.	Adult	Urban	N	Y	2011-H3716-NC-DC.				High	N	60			of 12 months to a maximum of 18 months of STARS program participation	3			
Saint Regis Mohawk Tribe	NY	2013-H0357-NY-DC	ENH	nightmare with portions of the reservation being located within New York State and bordered by the provinces of Quebec and Ontario, Canada. New York has shared jurisdiction pursuant to 25 USC §232, which is similar to Public Law 280 states. This often creates a complex and contentious maze to transverse. The SRMT HWDC began accepting participants in August 2010, which was a year before planned. The HWDC brought together multiple stakeholders from the	tribal	Rural	N	N					Medium	N	30-50			12 months	3			
Orange County Government	FL	2013-H0360-FL-DC	ENH	(OCADC) by creating a "Co-occurring Track" to assist nonviolent offenders with co-occurring disorders an opportunity to successfully rehabilitate from the use of drugs and/or alcohol by providing psychiatric assessments, development of individual treatment plans and treatment plan reviews by a Psychiatric ARNP; counseling and case management services specifically oriented to the needs of individuals suffering from co-occurring disorders; access to	Co-Occurring	Urban/Sub Urban	Y	N	Currently, Orange County is in year one of a three year SAMHSA Treatment Court grant #TI-024188.					N	40			min 7 months; max 18 months	3			
Executive Office of the Governor of Delaware	DE	2013-H0363-DE-DC	ENH	The overarching goal of this collaboration is to work to establish participant's personal freedom through responsible behavior and accountability. In achieving this goal, we will continue to reduce the overrepresentation of justice-involved individuals with substance abuse disorders. Funds will assist nonviolent offenders with successful rehabilitation from the use of drugs and/or alcohol.	Adult		N	N						N	300			minimum of fourteen weeks	3			

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22nd Judicial Circuit Drug Court	AL	2013-H0364-AL-DC	ENH		Adult	Rural	N	Y	2010-DC-BX-0037				-	N	75			3				
County of Bay, Michigan -- 74th District Court	MI	2013-H0365-MI-DC	ENH		Co-Occurring		N	N					-	N	100			12-24 months	3			
24th Judicial District Court, State of Louisiana	LA	2013-H0370-LA-DC	ENH		Veterans	suburban	N	N					-	Members of the team are schedule to participate in a DWI Court Planning	Intensive Probation Drug Court of the 24th Judicial District Court accommodates 200			not complete the VTC program in less than 18 months, however, there is	3			
Bexar County Commissioners Court	TX	2013-H0371-TX-DC	ENH	These funds will be used to implement a post-adjudication, misdemeanor and felony Dual Diagnosis Court focused on those individuals who are charged with a drug-related offense. The goal of the Dual Diagnosis Court is successful abstinence from the abuse of drugs and recovery from mental illness.	Adult (?)	Urban with some SubUrban and Rural	Y	N	2010-DC-BX-0051 ; 2009-DC-BX-0037				-	N	unduplicated individuals will be served at any given time over the life of the grant.			program's four phases require a minimum of 18 months; however, the	3			
The City of Bristol Virginia	VA	2013-H0372-VA-DC	ENH	Virginia is requesting funding from the Bureau of Justice Assistance to implement several enhancements designed to increase participant enrollment, participant retention, and the graduation rate for participants in the program. The Drug Court has been operating at less than optimal capacity and graduation rates are lower than termination rate in the program. To reverse these trends, the Veritas program will utilize current research findings and evidence-based	Adult	Rural	N	Y	2010-DC-BX-0084; 2009-SB-B9-1972				-	N	proposal is funded, the Veritas Drug Court plans to serve 46 participants over the next two years			Program is a minimum of 12 months long. The average length of participation	3			
Outagamie County	WI	2013-H0378-WI-DC	ENH		Adult	SubUrban/Rural	N	N					-	N	30			minimum length of program participation is 12 months and the maximum is 20	3			
CMHA/CEI/CA	MI	2013-H0380-MI-DC	ENH			SubUrban/Rural/Urban	N	N					-	N	capacity of all three problem-solving courts is 150 participants and the total			12 months	3			

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Jackson County	OR	2013-H0381-OR-DC	ENH	OnTrack the subcontractor for this application for funding to enhance our county's Adult Drug Courts by adding five treatment sanction beds within Jackson County's Transitional Correctional Facility giving judges an opportunity to sanction participants without interrupting their treatment. During their stays offenders will participate in motivational enhancement techniques to increase compliance, as well as other evidence based clinical and supportive	Adult	Rural	N	N	2009; BJA-2009-1979				-		N	min 30 / year		12-18 months	3			
Turtle Mountain Band of Chippewa Indians	ND	2013-H0382-ND-DC	ENH	The Turtle Mountain Drug Court is requesting Adult Drug Court Discretionary Grant Program funds to implement the key components of Tribal Healing to Wellness, increase the number of participants and provide enhanced services to project participants in order to improve services, coordination, and collaboration for participants with crime-related substance abuse disorders.	tribal	Rural	N	Y	Band of Chippewa has been awarded Adult Drug Court Grant #2010-DC-BX-0064 10/01/2010-09/30/2013, Tribal Court Assistance Program Grant #2008-IC-BX-0005 09/01/08-				-		N	plans to serve 40 - 44 clients during the life of the grant.			3			
Cumberland County Tennessee	TN	2013-H0383-TN-DC	ENH		DUI	Rural	N	Y	2009-DC-BX-0059				Low		N	35-45 over grant period		12 months min; average 18 months	3			
Guernsey County Common Pleas Court Adult Probation	OH	2013-H0388-OH-DC	ENH		Adult		N	N	grant #2009-RA-C01-2075				-			100 over project period		minimum length of program participation is one year, the maximum 3 years, with the	3			
Sangamon County	IL	2013-H0391-IL-DC	ENH	improve public safety by reducing recidivism among Drug Court participants, to develop community collaborations, to link participants to community resources, and for the Drug Court to be a cost-effective alternative to traditional court case processing and sentencing. Drug Court objectives include having a system that integrates alcohol and other drug treatment and clinical case management with the court system, identifying appropriate offenders for	Adult	Urban	N	Y	2010-DC-BX-0069				-		N	40		Court participant is in the program for a minimum period of eighteen (18)	3			
Judiciary Courts of the State of Nevada	NV	2013-H0392-NV-DC	ENH		DUI	Urban	N	N					-		N	185 at one time		programs run from 12 to 18 months, with 15 being the average time before	3			
Third Judicial Circuit of Michigan	MI	2013-H0395-MI-DC	ENH		Adult	Urban	N	N					-		N	125-150		minimum length of the ADTC Program is 12 months and the maximum length of	3			

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Pueblo of Laguna	NM	2013-H0397-NM-DC	ENH	Wellness Court operations, enhance court and/or supervision services and enhance recovery support services program by training Wellness Court team members, by improving our evidence-based practices and by obtaining additional supplies for the Court. Our ongoing goal is to have upon completion a stronger healthier individual who no longer commits crimes and is a contributing member of the community.	tribal	Rural	N	N					-	N	22			program length for each participant being about one year to a year and a half	3			
City of Henderson	NV	2013-H0398-NV-DC	ENH		Adult	SubUrban	N	N	2010-DC-BX-0025				-	N	40			1-2 year program with participants graduating after an average of 14	3			
CAMPBELL COUNTY GOVERNMENT	TN	2013-H0399-TN-DC	ENH		Adult	Rural	N	N					-	N	50			duration is between 18 and 24 months, with 18 months as the average	3			
Cobb County Board of Commissioners	GA	2013-H0400-GA-DC	ENH		DUI	SubUrban	N	N					-	N	150 in 24 months			minimum; 24 months maximum; 14.4 months average	3			
Clay County Justice Drug Court	MS	2013-H0401-MS-DC	ENH	safety, reducing recidivism by drug and alcohol dependent offenders and the identification and treatment of offenders with co-occurring substance abuse and mental health disorders. Other goals include improving quality of life and reducing costs associated with unemployment and poverty by providing participants with the education and vocational skills that are necessary for gainful employment in a competitive job market.	Adult (?)		N	N					-	N	200			12-24 months	3			
25th Circuit Drug Court	MO	2013-H0439-MO-DC	ENH		Adult	Rural	N	Y	2009-DC-BX-0020 and 2009-DC-BX-0021				Low	as planned; would benefit from SV re: strategy to get prosecutor	training was attended in 2007 by Phelps and Texas Counties / Texas and	50				3		
Josephine County	OR	2013-H2087-OR-DC	ENH	expanding the functions of the Treatment Court Clerk who will be focused on data tracking, monitoring and reporting recidivism and program outcomes. The grant will also provide additional staff time for substance abuse counseling, through funding for the treatment provider for the JCDC, Choices Counseling Center. This increased staffing will allow the JCDC the capacity to provide additional gender-specific treatment groups and increased risk separation for our participants in		rural										40				3		





FY 2013 Drug Court Program Implementation Applications

Applicant Legal Name	State	Application Number	Category: Implementation, Enhancement, Statewide A or B	Project Description	Type (Adult, DWI, Veterans, Co-Occurring, Tribal - Healing to Wellness)	Urbanacity	Current SAMHSA grantee Y/N	Current BJA grantee Y/N (BJA website)	Previous Grants	High Risk list	Non Compliant Closeout	Debarment, SAM
Ramsey County	MN	2013-H0203-MN-DC	IMP	Ramsey County is lacking a systematic veteran identification process as well as a coordinated delivery of evidence-based veteran treatment services and benefits.	Veterans	Unclear	N	N	Ramsey County Attorney's Office has never received a Drug Court grant from the OJP, but the Ramsey County Jurisdiction has received OJP grants for its Adult Substance Abuse Court (2009-DC-BX-0007; 2010-DC-BX-001; and an Implementation Grant), DWI Court (#2007-DC-BX-0007), and Mental Health Court (in 2007)	no	no	no
Cibola County District Court	NM	2013-H0220-NM-DC	IMP	The grant would pay for a surveillance officer, essential for community safety, treatment services that include evidence-based therapy that is proven effective in addressing drug and alcohol addictions, as well as case management to help offenders identify and access community resources that will support them in sobriety, including housing, transportation, educational and vocational resources. The grant funding also covers the costs of GED tests for participants. Many offenders who would be eligible for the adult drug court have low educational achievement, which is tied to risk of recidivism. The Court will match funds for the costs of urine collection kits and labs, as well as the program manager's time to oversee program implementation and data collection and reporting.	Adult	Rural	N	N		no	no	no
Hill County, Montana	MT	2013-H0259-MT-DC	IMP	Hill county adult drug court will target repeat chemically dependent, HR HN non violent misdemeanor and felony offenders.	Adult	Rural	N	N		no	no	no
Marion County	OR	2013-H0260-OR-DC	IMP	Marion County is requesting grant funds to serve veterans and service related non-violent individuals who face criminal charges from substance abuse and mental illness issues.	Veterans	Unclear/Not Stated: "Marion County is located sixty miles south of the Portland Metropolitan Area and has a population of 390,738. Marion	N	N	A different drug court in Marion County, "Adult Drug Court" has previously received BJA grants: 1999-DC-VX-0126 (Planning), 2001-20188 OR-DC (Implementation), and 2004-F1683-OR-DC (Enhancement). Additionally, "Fostering Attachment Treatment Court" received a BJA grant: 2012-3120.	no	no	no

Applicant Legal Name	State	Application Number	Category: Implementation, Enhancement, Statewide A or B	Project Description	Type (Adult, DWI, Veterans, Co-Occurring, Tribal - Healing to Wellness)	Urbanacity	Current SAMHSA grantee Y/N	Current BJA grantee Y/N (BJA website)	Previous Grants	High Risk list	Non Compliant Closeout	Debarment, SAM
KY Administrative Office of the Courts	KY	2013-H0261-KY-DC	IMP	This application focuses on Hardin County, a mid-sized community in rural, north central KY, near Fort Knox. Alcohol, cocaine, marijuana, and methamphetamine are the primary drugs of choice. However, in recent years this area has shown an increase in opiate use and methamphetamine use is higher when compared to other parts of Kentucky	Veterans	Rural	N	N		no	no	no
Jones County Board of Supervisors	MS	2013-H0279-MS-DC	IMP	Jones County (JC) Drug Court Program, the Mississippi 18th Circuit Drug Court Program, is a newly formed adult drug court (Category 1) seeking assistance to build its infrastructure and implement an evidence-based program. With assistance from BJA, we plan to divert approximately 50 offenders from prison by providing treatment for chronic substance abuse and co-occurring substance abuse and mental health disorders (COD).	Adult	Rural	N	N		no	no	no
City of Jacksonville, Florida	FL	2013-H0282-FL-DC	IMP	The program is designed to provide essential substance abuse and/or mental health services to current and former military service members who have been arrested for a criminal offense and in which a nexus between the offense/diagnoses and the veteran's military service exists.	Veterans	Urban/SubUrban	N	Y	The circuit currently has an OJP grant, 2011-DC-BX-0036	no	no	no
Colorado Judicial Department	CO	2013-H0296-CO-DC	IMP	The VTC is post-adjudication, enhanced probation supervision, probation revocation, adult Veteran's Treatment Court. The target population for the VTC is high-risk, high-need adult service members who have committed felonies. All participants must meet the DSM-IV-TR criteria for an Axis I Diagnosis, with preference given to individuals with PTSD and/or TBI.  The greatest need in the VTC is having a dedicated, full time Probation Officer (PO) as well as a funded part time Lead Peer Mentor (LPM). With current funding putting a capacity of only 15 clients for the entire district, a Probation Officer (PO) that is dedicated to 15 hours a week, and no funded lead peer mentor (LPM), the VTC has had difficulties from its inception.	Veterans	SubUrban/Rural	N	N	There are two federal funds that support the VTC by funding the VTC coordinator position, each supplying 0.5 FTE to the 1.0 position. They are the 2012 BJA Drug Court Discretionary Statewide Grant (Grant #: 2012-DC-BX-0037) and the Jail Diversion and Trauma Recovery - Priority to Veterans grant through SAMHSA (Grant #: 5H795M058806).	no	no	no
KY Administrative Office of the Courts	KY	2013-H0317-KY-DC	IMP	DUI court request	DUI	Rural	N	N		no	no	no

Applicant Legal Name	State	Application Number	Category: Implementation, Enhancement, Statewide A or B	Project Description	Type (Adult, DWI, Veterans, Co-Occurring, Tribal - Healing to Wellness)	Urbanicity	Current SAMHSA grantee Y/N	Current BJA grantee Y/N (BJA website)	Previous Grants	High Risk list	Non Compliant Closeout	Debarment, SAM
Arlington County Drug Court Program	VA	2013-H0334-VA-DC	IMP	The Arlington county will use grant funds to serve HR/HN adults with alcohol dependency issues.	Adult	Urban	N	Y		no	no	no
Fond du Lac County	WI	2013-H0344-WI-DC	IMP	will aid non violent offenders with drug addiction	Adult	Urban/Rural	N	N		no	no	no
Colorado Judicial Department	CO	2013-H0376-CO-DC	IMP	Program objectives are to: a) Expand capacity to screen referred individuals meeting the target population criteria; b) Ensure that participants with co-occurring disorders receive evidence-based services; c) Enhance recovery support services through forensic intensive case management; and d) Lower criminal justice system costs associated with this target population.	Co-Occurring	Urban/Rural	N	N	2010-DB-BX-K049	no	no	no
Nye County, Nevada	NV	2013-H0377-NV-DC	IMP	will use funds to implement an adult drug court.	Adult	Rural	N	N	BJA #2010-DC-BX-0100 SAMHSA #1H79T1023416-01	no	no	no
City of Dallas	TX	2013-H0390-TX-DC	IMP	The proposed expansion addresses three primary issues: (1) the inability to provide substance abuse treatment to docket cases involving substance abuse; (2) inefficient/ineffective outreach and case management; and, (3) a waste of federal/state/local resources because of revolving door of re-arrests. The Dallas Drug Court has three goals: (1) to increase awareness about drug and alcohol addiction in the target community, (2) to increase public safety and reduce recidivism, and (3) to increase the efficiency of service delivery through networked services.	Adult	Urban	N	N		no	no	no

Applicant Legal Name	State	Application Number	Category: Implementation, Enhancement, Statewide A or B	Project Description	Type (Adult, DWI, Veterans, Co-Occurring, Tribal - Healing to Wellness)	Urbanicity	Current SAMHSA grantee Y/N	Current BJA grantee Y/N (BJA website)	Previous Grants	High Risk list	Non Compliant Closeout	Debarment, SAM
Behavioral Health and Recovery Services/ County of San Mateo	CA	2013-H0396-CA-DC	IMP	San Mateo county is requesting funding for a veterans court in the San Francisco area. Clients must present a SUD diagnosis as well as PTSD, TBI or military trauma	Veterans	Urban	N	N	Award# 2012-DC-BX-0029 and award # 2007-DC-BX-0013	no	no	no

Applicant Legal Name	State	Application Number	Category: Implementation, Enhancement, Statewide A or B	Project Description	Type (Adult, DWI, Veterans, Co-Occurring, Tribal - Healing to Wellness)	Urbanicity	Current SAMHSA grantee Y/N	Current BJA grantee Y/N (BJA website)	Previous Grants	High Risk list	Non Compliant Closeout	Debarment, SAM
Rockdale County, Georgia	GA	2013-H0442-GA-DC	IMP	Rockdale County Adult Drug Court Program (RCADC) proposes to address the following immediate issues: (a) sharp increase in drug-related criminal activity and its impact on community safety and (b) offender recidivism rates through the implementation of offender management specifically drug testing and community supervision. The program will include intense judicial supervision, as well as the provision of evidenced-based substance abuse treatment, employment support, and aftercare services.	Adult	36% SubUrban, 32% Rural, and 32% Urban	N	N	#2010-DC-BX-0036	no	no	no
Makah Tribe	WA	2013-H2153-WA-DC	IMP	We are requesting a total of \$322,158 in funding over the three-year life of the grant, including funding for a new HTWC Coordinator position, supplies for urinalysis testing and incentives, contractual funds for a HTWC judge and evaluation services, training and cross-training for team members, office supplies for team members, and JustWare case management software to assist in data collection, evaluation and sustainability software which will assist us in collecting and reporting on recidivism, i.e., repeat alcohol and drug (AOD)-related offenses in Makah Tribal Court and other jurisdictions.	Tribal	Rural				no	no	no
Saginaw Chippewa Indian Tribe	MI	2013-H0198-MI-DC	IMP		Tribal	Rural	N	N				

Applicant Legal Name	State	Application Number	Category: Implementation, Enhancement, Statewide A or B	Project Description	Type (Adult, DWI, Veterans, Co-Occurring, Tribal - Healing to Wellness)	Urbanicity	Current SAMHSA grantee Y/N	Current BJA grantee Y/N (BJA website)	Previous Grants	High Risk list	Non Compliant Closeout	Debarment, SAM
County of Cheshire	NH	2013-H0229-NH-DC	IMP		Adult	Rural	N	N				
Crawford Marion Alcohol Drug Addiction Mental Health Board	OH	2013-H0306-OH-DC	IMP		Adult		N	N				
12th Judicial District Court	NM	2013-H0064-NM-DC	IMP		Adult	Rural	N	N				
31st Judicial District Adult Drug Court	KS	2013-H0267-KS-DC	IMP		Adult	Rural	N	N				
Uvalde County	TX	2013-H0273-TX-DC	IMP	The goal/mission of the Comprehensive Uvalde County Rural Adult Drug Court (CURAD) is to improve the safety and quality of life in our community and to increase long-term abstinence by holding substance dependent offenders accountable and ultimately reducing drug related crime. Inherent within this mission are the goals of improving the overall functioning of participants by getting them clean and sober, helping them find employment, improving their educational functioning and assisting them in developing positive peer and family relationships.	Adult	Rural	N	N				

Applicant Legal Name	State	Application Number	Category: Implementation, Enhancement, Statewide A or B	Project Description	Type (Adult, DWI, Veterans, Co-Occurring, Tribal - Healing to Wellness)	Urbanicity	Current SAMHSA grantee Y/N	Current BJA grantee Y/N (BJA website)	Previous Grants	High Risk list	Non Compliant Closeout	Debarment, SAM
LaPorte County	IN	2013-H0278-IN-DC	IMP	The threat of illicit drug use poses a significant and continuing threat in LaPorte County. LaPorte County is located between the cities of Detroit and Chicago, two prominent drug distribution markets, which perpetuates the flow of illicit drugs in to and out of the county. According to recent statistics gathered by local law enforcement Michigan City's drug related arrests increased by 26.4% from 2009 to 2010. According to the 2009 study, "Consumption and Consequences of Alcohol, Drugs, and Tobacco in LaPorte County," the number of arrests for dealing cocaine increased by 17% between 2006 and 2008.	Adult	Urban	N	N				
Swinomish Tribal Community	WA	2013-H0280-WA-DC	IMP	The Swinomish Wellness Court is a court diversion program for substance abusing adults charged with non-violent substance related crimes. The Swinomish Wellness Court offers a holistic approach that emphasizes treating the whole person (mind, body, spirit, emotions) and involves the entire community. The overarching goal of the Swinomish Wellness Court is to promote long-term healing of the Swinomish community by; 1) holding substance abusing offenders accountable, 2) providing them an opportunity to be clean and sober, 3) supporting them in resisting future criminal activity, 4) allowing them to perform well in employment and develop positive relationships in the community, and 5) providing them with skills that will aid them in leading productive, substance-free and crime-free lives.	Tribal	Rural	N	N	The Swinomish Tribe received an OJP Tribal Youth Program Grant #2004-TY-FX-K002			
Fourth Judicial District Court	NV	2013-H0313-NV-DC	IMP	A Felony DUI Court was partially implemented in November 2012; and we see need to implement a Misdemeanor DUI Court. The courts will run independently under separate judicial supervision, but will follow the same basic policies and procedures, will adhere to the same guiding principles, and will draw from the same pool in terms of treatment resources, testing services, and administrative support	DUI	Rural	N	N	2005-DC-BX-0028			

Applicant Legal Name	State	Application Number	Category: Implementation, Enhancement, Statewide A or B	Project Description	Type (Adult, DWI, Veterans, Co-Occurring, Tribal - Healing to Wellness)	Urbanicity	Current SAMHSA grantee Y/N	Current BJA grantee Y/N (BJA website)	Previous Grants	High Risk list	Non Compliant Closeout	Debarment, SAM
Calhoun County Tenth District Court	MI	2013-H0325-MI-DC	IMP	The mission of the Tenth District Veterans Treatment Court is to take an active role in promoting the safety of our community while recognizing a veterans' honorable and significant service to our country by offering a court-supervised treatment program aimed at addressing the military related health/behavioral issues that led to criminal behavior. Our mission is driven by our community's need for public safety, accountability, education, reduced victimization, costeffectiveness and responsible citizenship.	Veterans	Rural	N	N				
New York State Unified Court System	NY	2013-H0347-NY-DC	IMP	The goals ofthis program include reduction of the large criminal ,court caseloads and the overcrowding at local county jails by addressing the underlying chemical dependency issues of these defendants and developing alternatives to incarceration of non-violent chemically dependent offenders. The proposed grant will also provide for savings in comt resources resulting from the collaborative functioning of the court staff with a comprehensive range of treatment court professionals. The overall goal of the CPMJJ program is to interrupt the cycle of drug abuse and repeated revolving door of incarceration of defendants with substance abuse history which has been shown to be an ineffective response for most of these defendants. By providing evaluation, treatment and resources at the earliest intercept point of the defendant's contact with the criminal justice system, the goal is to hall the substance	Adult	Urban, Rural, SubUrban	N	N	(2007-MO-BX- 0005)			
Shelby County Government	TN	2013-H0353-TN-DC	IMP		Veterans	Urban	N	Y	2011-DC-BX-0030.			
CARSON CITY, CITY OF	NV	2013-H0367-NV-DC	IMP	The main goal of the Misdemeanor Drug Court is to administer a comprehensive program following the National Standards for Drug Courts	Adult	Rural	N	N				
Jasper County	MO	2013-H0373-MO-DC	IMP		DWI	Rural	N	N				

Applicant Legal Name	State	Application Number	Category: Implementation, Enhancement, Statewide A or B	Project Description	Type (Adult, DWI, Veterans, Co-Occurring, Tribal - Healing to Wellness)	Urbanicity	Current SAMHSA grantee Y/N	Current BJA grantee Y/N (BJA website)	Previous Grants	High Risk list	Non Compliant Closeout	Debarment, SAM
Bexar County Commissioners Court	TX	2013-H0375-TX-DC	IMP		DWI	Urban	N	N	2010-DC-BX-0051 ; 2009-DC-BX-0037			
Quinault Indian Nation (NO ABSTRACT)	WA	2013-H0385-WA-DC	IMP		Adult	Rural	N	N				
25th Judicial Drug Court	TN	2013-H0440-TN-DC	IMP	Funding will assist in the implementation of the adult drug court program that will assist non-violent offenders with successful rehabilitation from the use of drugs and/or alcohol. Cases entered into the drug court program are post-adjudication in a Circuit Court. It will assist the adult drug court program in promoting community safety and individual wellbeing while conserving justice system resources. Impacting community safety and individual wellbeing is accomplished by assisting offenders in reducing criminal behavior/recidivism, reducing/eliminating drug use and decreasing reliance on social and human services while increasing the offender's independence and social responsibilities. The adult drug court program will provide cost savings while conserving justice system resources by reduced arrests, less incarceration and jail time, as well as fewer trials and preliminary hearings. This will	Adult	Rural	N	N				
Berrien County Board of Commissioners	GA	2013-H2116-GA-DC	IMP			Rural						

FY 2013 Drug Court P

Applicant Legal Name	Prior grant/stat program rating	Past performance, Key Component Compliance	BJA Priority 1, DCPI training in last 3 Years Y/N	BJA Priority 2, Projected capacity per year	BJA Priority 3, HR/HN	BJA Priority 4, Length of Program	Tier Ranking	Amount Requested	Amount Recommended	Letters of Support (Y/N) State or Local	Comments
Ramsey County			N	25	HR/HN	12-Sep	1	350,000	350,000		will be screened using LS/CRI
Cibola County District Court			Y - April, 2011 IN DeNver, Colorado	total of m90 participants over the three year grant period: 20 in year 1, 30 in year 2 and 40 in year 3	HR/HN	10 min- 13 max	1	350,000	350,000		will us the GAIN
Hill County, Montana			Y	40 participants per year	HR/HN	12 min- 18 max	1	349,923	349,923		
Marion County			Y	60	HR/HN	18 months	1	348,435	348,435		

Applicant Legal Name	Prior grant/stat program rating	Past performance, Key Component Compliance	BJA Priority 1, DCPI training in last 3 Years Y/N	BJA Priority 2, Projected capacity per year	BJA Priority 3, HR/HN	BJA Priority 4, Length of Program	Tier Ranking	Amount Requested	Amount Recommended	Letters of Support (Y/N) State or Local	Comments
KY Administrative Office of the Courts			Y	25-30	HR/HN		1	350,000	350,000		the court will be associated with Morehead state university/ will use ls/cml assessment tool
Jones County Board of Supervisors			N	60	HR/HN	4-6 years	1	349,935	0		will use the MDOC probation and parole risk and screening assessment
City of Jacksonville, Florida			N	40	HR/HN	15 months	1	350,000	350,000	y	attended a mentor court site visit
Colorado Judicial Department			N	30	HR/HN		1	344,285	344,285		all will have DSM diagnosis for PTSD/ requesting funds for PO and mentor coordinator
KY Administrative Office of the Courts			N	25-30	HR/HN		1	350,000	0		will fund the same jurisdiction under veterans funding

Applicant Legal Name	Prior grant/stat program rating	Past performance, Key Component Compliance	BJA Priority 1, DCPI training in last 3 Years Y/N	BJA Priority 2, Projected capacity per year	BJA Priority 3, HR/HN	BJA Priority 4, Length of Program	Tier Ranking	Amount Requested	Amount Recommended	Letters of Support (Y/N) State or Local	Comments
Arlington County Drug Court Program			Y	20	HR/HN	15-18 months	1	350,000	350,000		
Fond du Lac County			N	25	HR/HN	12-18 months	1	350,000	350,000	Y	will have a DSM diagnosis for alcohol dependence
Colorado Judicial Department			N	30	HR/HN	18-24 months	1	350,000	0		
Nye County, Nevada			N	25	HR/HN	12-36 months	1	350,000	350,000		must meet asam and DSM for substance abuse dependency/ will use ASI
City of Dallas	Medium		N	60		30 days to 12 months	1	350,000	350,000		will use the Gain tool/ looks like dallas is an enhancement and community court

Applicant Legal Name	Prior grant/stat program rating	Past performance, Key Component Compliance	BJA Priority 1, DCPI training in last 3 Years Y/N	BJA Priority 2, Projected capacity per year	BJA Priority 3, HR/HN	BJA Priority 4, Length of Program	Tier Ranking	Amount Requested	Amount Recommended	Letters of Support (Y/N) State or Local	Comments
Behavioral Health and Recovery Services/ County of San Mateo			N	25	HR/HN	12-18 months	1	349,900	349,900		will use an evidence based correctional assessment

Applicant Legal Name	Prior grant/stat program rating	Past performance, Key Component Compliance	BJA Priority 1, DCPI training in last 3 Years Y/N	BJA Priority 2, Projected capacity per year	BJA Priority 3, HR/HN	BJA Priority 4, Length of Program	Tier Ranking	Amount Requested	Amount Recommended	Letters of Support (Y/N) State or Local	Comments
Rockdale County, Georgia			N	proposes to service a total of 90 participants over the life of the grant period if awarded funds	HR/HN	13-18 months	1	345,000	345,000		will use evidence based assessment
Makah Tribe			Y	25	HR/HN	18-Dec	1	322,158	322,158		Only Tribal application recommended
Saginaw Chippewa Indian Tribe			N	20			2				

Applicant Legal Name	Prior grant/stat program rating	Past performance, Key Component Compliance	BJA Priority 1, DCPI training in last 3 Years Y/N	BJA Priority 2, Projected capacity per year	BJA Priority 3, HR/HN	BJA Priority 4, Length of Program	Tier Ranking	Amount Requested	Amount Recommended	Letters of Support (Y/N) State or Local	Comments
County of Cheshire	-		N	120 drug court participants in the 36 month period			2				
Crawford Marion Alcohol Drug Addiction Mental Health Board	-		N	min 30			2				
12th Judicial District Court	-		N	23/year			3				
31st Judicial District Adult Drug Court	-		Y - San Diego, California from July 30, 2012 to August 3, 2012	40 over the life time of the grant project			3				
Uvalde County	-		Y	expects to serve a total of 200 offenders throughout the length of the grant			3				

Applicant Legal Name	Prior grant/stat program rating	Past performance, Key Component Compliance	BJA Priority 1, DCPI training in last 3 Years Y/N	BJA Priority 2, Projected capacity per year	BJA Priority 3, HR/HN	BJA Priority 4, Length of Program	Tier Ranking	Amount Requested	Amount Recommended	Letters of Support (Y/N) State or Local	Comments
LaPorte County	-		Y- maY 2012	100 life of grant			3				
Swinomish Tribal Community	-		N	Currently 0 (zero) as the program is not operational. Anticipated capacity if grant is awarded is 12-15 participants at any given time.			3				
Fourth Judicial District Court	-		N	60			3				

Applicant Legal Name	Prior grant/stat program rating	Past performance, Key Component Compliance	BJA Priority 1, DCPI training in last 3 Years Y/N	BJA Priority 2, Projected capacity per year	BJA Priority 3, HR/HH	BJA Priority 4, Length of Program	Tier Ranking	Amount Requested	Amount Recommended	Letters of Support (Y/N) State or Local	Comments
Calhoun County Tenth District Court	-		N				3				
New York State Unified Court System	-		N	The yearly increase in participants in the 8111 Judicial Districts Drug Court is estimated to be 1200 participants, and a grant lifetime increase of 3600 participants.			3			Yes	
Shelby County Government	Medium		N	If the grant is awarded, the SCVTC would be able to conservatively increase the capacity by 61 participants during the first year and 120 participants during the second.			3				
CARSON CITY, CITY OF	-		N	30			3				
Jasper County	-		N	100			3				

Applicant Legal Name	Prior grant/stat program rating	Past performance, Key Component Compliance	BJA Priority 1, DCPI training in last 3 Years Y/N	BJA Priority 2, Projected capacity per year	BJA Priority 3, HR/HH	BJA Priority 4, Length of Program	Tier Ranking	Amount Requested	Amount Recommended	Letters of Support (Y/N) State or Local	Comments
Bexar County Commissioners Court			N	At least 135 individuals will be served over the life of the grant.			3				
Quinalt Indian Nation (NO ABSTRACT)							3				
25th Judicial Drug Court			N	136			3				
Berrien County Board of Commissioners			Y	36-72			3				

# **EXHIBIT 8**

Applicant Legal Name	State	Application Number	Project description	Type (Adult, DWI, Veterans, Co-Occurring, Tribal - Healing to Wellness)	Current SAMHSA grantee Y/N	Current BJA grantee Y/N	Previous Grants	High Risk list	Non-Compliant Closeout	Debarment - SAM	Prior Grant/Stat Rating	BJA Priority 1, DCPI in last 3 Years Y/N	BJA Priority 2, Projected capacity per year	DC Priority 3, HR/HN	BJA Priority 4, Length of program	Ranking	Amount Requested	Amount Recommended	Comments	Letters of Support (Y/N) State or Local	Healthcare Integration Strategy Narrative / healthcare component/Affordable healthcare act	Designated EZ or established a collaborative with local partners
Utah Department of Human Services	UT	2013-H0455-UT-DC	To assist 24 felony adult drug court programs in primarily rural areas to include a mix of adult, family, and veterans courts	Adult	N	N	2012-DC-BX-0028 (Kane County-Implementation), 2012-2015; 2012-DC-BX-0032 (Weber County DUI Enhancement), 2012-2015; 2010-DC-BX-0122 (State of Utah-Statewide Enhancement), 2010- 2013 (September); 2009-DC-BX-0092 (Weber County Enhancement), 2009-2012; 2008-DC-BX-0042 (Grand County), 2009-2008; 2002-DC-BX-0076 (Washington County), 2002-2004, and 2005-DC-VX-0131 (Weber County Implementation), 2008-2003.				N/A	Y	YR1=2,475; YR2=2,550; YR3=2,625	HR/HN	Minimum: 12 months; Maximum: 36 months; Average: 18 months	90.83	\$1,472,952.00	\$1,472,952.00	Will use the RANT tool for assessment	Y	this grant project efforts will be sustainable through the expansion of drug court educational funding through a state building block and reallocation of current resources as the Health Care Affordable Care Act (ACA) is implemented.	N
Oklahoma Dept of Mental Health and Substance Abuse Services	OK	2013-H0289-OK-DC	to fund statewide implementation of the Matrix Model, an evidenced-based treatment curriculum for stimulant abuse and dependence. Funds are also requested to support attendance at the 2014, 2015, and 2016 National Drug Court Conferences for one staff in order to strengthen the statewide monitoring and management of Oklahoma's drug courts and to better implement the improvements funded by this proposed project.	Adult	N	N	2010-DC-BX-0116, 2012-DC-BX-0035 and 2012-DC-BX-0045				N/A	N	By providing more uniformity in drug court treatment services provided, Oklahoma will maximize positive program outcomes for all 4,100 program participants, including improving treatment completion rates.		12 months	90.67	\$175,971.00	\$175,971.00			The ODMHSAS has collaborated with the Oklahoma Health Care Authority in requiring all treatment providers that contract with either agency to enter treatment information into the Medicaid Management Information System (MMIS). MMIS data allows the ODMHSAS to track all treatment services provided to the drug court participants.	N



<p>Shelburne Dept of Human Health and Substance Abuse Services</p>	<p>24</p>	<p>2012 - 2024 NY NY-OC</p>	<p>NY</p>	<p>N</p>	<p>NY-OC</p>	<p>NY-OC</p>	<p>NY-OC</p>	<p>NY-OC</p>	<p>NY-OC</p>	<p>NY-OC</p>	<p>NY-OC</p>	<p>NY-OC</p>	<p>NY-OC</p>	<p>NY-OC</p>						
<p>NY Department Office of the Clerks</p>	<p>NY</p>	<p>2012 10234 NY-OC</p>	<p>Adult</p>	<p>N</p>	<p>N</p>	<p>N</p>	<p>N</p>	<p>N</p>	<p>N/A</p>	<p>N</p>	<p>Level program capacity varies by court for each jurisdiction</p>	<p>between 30 participants to 200 plus participants in urban areas.</p>	<p>18 months</p>	<p>88.88</p>	<p>\$143,234.00</p>	<p>\$143,234.00</p>	<p>\$143,234.00</p>	<p>100 participants</p>	<p>NY</p>	
<p>The goals are to provide drug court staff, judges and team members with ongoing training regarding evidence based practices needed to maintain a pretrial drug court and to evaluate the confidence levels and recruitment of staff</p>	<p>NY-OC</p>	<p>2012 10234 NY-OC</p>	<p>Adult</p>	<p>N</p>	<p>N</p>	<p>N</p>	<p>N</p>	<p>N</p>	<p>N/A</p>	<p>N</p>	<p>Level program capacity varies by court for each jurisdiction</p>	<p>between 30 participants to 200 plus participants in urban areas.</p>	<p>18 months</p>	<p>88.88</p>	<p>\$143,234.00</p>	<p>\$143,234.00</p>	<p>\$143,234.00</p>	<p>100 participants</p>	<p>NY</p>	







# **EXHIBIT 9**



U.S. Department of Justice

Office of Justice Programs

Bureau of Justice Assistance

Washington, D.C. 20531

MEMORANDUM

**TO:** Karol V. Mason  
Assistant Attorney General  
Office of Justice Programs

**THROUGH:** Denise E. O'Donnell *(E. O'Donnell)*  
Director  
Bureau of Justice Assistance

*(Kristen Mahoney)*  
Kristen Mahoney  
Deputy Director for Policy  
Bureau of Justice Assistance

Ruby Qazilbash *RQ*  
Associate Deputy Director for Policy  
Bureau of Justice Assistance

**FROM:**   
Bureau of Justice Assistance

**SUBJECT:** FY 2013 Competitive Funding Recommendations for the BJA/CSAT Joint Adult Drug Court Solicitation and the BJA Adult Drug Court Discretionary Grant Program and Supplemental Funding Recommendation for Adult Drug Court Training and Technical Assistance

**DATE:** August 6, 2013

**PURPOSE:**

The purpose of this memorandum is to recommend: (1) 10 applications for funding under the Bureau of Justice Assistance's (BJA) Fiscal Year (FY) 2013 Joint Adult Drug Court Solicitation to Enhance Services, Coordination, and Treatment (BJA/CSAT Adult Drug Court Enhancement Program), which is co-funded by BJA and the Substance Abuse and Mental Health Services Administration's (SAMHSA) Center for Substance Abuse Treatment (CSAT); (2) 5 additional awards under the FY 2013 Adult Drug Court Discretionary Grant Program (ADCDGP) solicitation utilizing both FY 2013 and prior year unobligated balances; and (3) 1 supplemental award to a previously competed drug court training and technical assistance (TTA) project.

## **BACKGROUND:**

Through Title V of the Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322, 108 Stat. 1796 (September 13, 1994), Congress authorized the Attorney General to make grants to states, state courts, local courts, units of local government, and Indian tribal governments to establish drug courts. The enactment of this legislation acknowledges the promise of drug courts to rehabilitate offenders, hold offenders accountable for their actions, and reduce victimization by intervening soon after arrest. Drug courts help reduce recidivism and substance abuse and increase an offender's likelihood of successful rehabilitation through early, continuous, and intense judicially supervised treatment, mandatory periodic drug testing, community supervision, and appropriate sanctions and other habilitation services.

Drug court applicants needed to demonstrate that eligible drug court participants promptly enter the drug court program following a determination of their eligibility. A required initial period of incarceration was grounds for disqualification unless the period of incarceration is mandated by statute for the offense in question. In such instances, the applicant must have demonstrated that offenders receive treatment services while incarcerated if available and begin drug court treatment services immediately upon release. Priority consideration was given to applicants who proposed designs and strategies that are consistent with seven evidence-based program design features highlighted within the solicitation.

For FY 2013, a total of \$41 million was appropriated for the Drug Court Program. After sequestration cuts and reductions for programmatic costs (\$7,108,230), a remainder of \$33,891,770 was available. Of this remaining amount, \$14,692,460 has been approved in competitive Adult Drug Court Program awards; \$5.9 million has already been approved for drug court TTA; and \$10 million will be transferred to the Office of Juvenile Justice and Delinquency Prevention for juvenile and family drug court programming, leaving \$2,975,212 available for competitive awards under the BJA/CSAT Adult Drug Court Enhancement Program. In July 2013, a total of \$989,603 was made available in prior year unobligated balances, allowing for additional drug court awards and TTA to be recommended for funding within this memorandum.

## **COMPETITIVE FUNDING RECOMMENDATIONS: BJA/CSAT ADULT DRUG COURT ENHANCEMENT PROGRAM SOLICITATION**

BJA released the BJA/CSAT Joint Adult Drug Court Solicitation to Enhance Services, Coordination, and Treatment on April 25, 2013, with a closing date of June 13, 2013. BJA and SAMHSA accepted applications for FY 2013 grants to enhance the court services, coordination, and evidence-based substance abuse treatment and recovery support services of adult drug courts. The purpose of this joint initiative is to allow applicants to submit a comprehensive strategy for enhancing drug court services and capacity, permitting applicants to compete for both criminal justice and substance abuse treatment funds with one application. This application was to fund only operational drug court programs, and applicants could request a maximum of \$300,000 from BJA and up to \$975,000 from SAMHSA/CSAT to enhance or improve drug court operations and treatment.

**REVIEW PROCESS:**

Under this solicitation, a total of 55 applications were received and reviewed for Basic Minimum Requirements (BMR). An application was potentially excluded at BMR if it was missing a critical application element, duplicative of another application, was not submitted by an eligible applicant, or not responsive to the funding purpose.

**Peer Review Process:** Following the BMR review, a total of 46 applications were sent forward to peer review, and BJA convened 4 peer review panels with 3 external reviewers on each panel. BJA sought peer reviewers who represented diverse backgrounds, with significant substance abuse and treatment, tribal justice, and criminal justice experience, as well as drug court experience. Prior to peer reviewers reading and scoring applications, they participated in an orientation call with BJA and SAMHSA to discuss the solicitation and to receive general reviewing instructions. Panel members scored each application based on the established selection criteria and point assignment within the solicitation. Peer reviewers participated in a consensus call to discuss initial scores prior to finalizing scores in preparation for the final report to BJA. As outlined in the Memorandum of Understanding, which describes the parameters of this joint funding initiative, SAMHSA requires straight scores resulting from the peer review process. For this reason BJA did not participate in the banding process for this solicitation.

**RECOMMENDATION:**

BJA recommends funding a total of 10 BJA/CSAT Adult Drug Court Enhancement Program applications identified in the chart below. BJA staff consulted with SAMHSA/CSAT staff and a consensus was reached on this slate of recommended applications for funding. The chart below contains a list of all peer reviewed applications, including the 10 applications jointly recommended for funding by BJA and CSAT. Explanations for high scoring applications not recommended for funding are also provided in the chart. BJA included in its consideration of the applications demonstration of the priority consideration factors (i.e., applicants who proposed designs and strategies that are consistent with the Drug Court 10 Key Components and the seven corresponding evidence-based program principles as outlined in the solicitation).

In addition to the priority considerations, BJA also considered the following factors: the participant capacity which the applicant stated they could serve over the life of the grant project period and the applicants' past grant performance by consulting such sources as the OJP High Risk Grantee List, the Federal System for Award Management's Debarment List, and a list of all OJP former grantees with past non-compliant grant closeouts.

GMS Number	Applicant Legal Name	Federal Amount Requested*	Final Score	BJA Amount Recommended
2013-H4567-FL-DC	Miami-Dade County	1,267,114	92.69	298,525
2013-H4423-KY-DC	KY Administrative Office of the Courts	299,100	91.66	300,000
2013-H4535-NM-DC	Bernalillo County Metropolitan Court	1,266,279	90.55	292,968

FY 2013 Competitive Funding Recommendations for the BJA/CSAT Joint Adult Drug Court Solicitation and the BJA Adult Drug Court Discretionary Grant Program and Supplemental Funding Recommendation for Adult Drug Court Training and Technical Assistance

2013-H4647-CO-DC	Colorado Judicial Department	1,265,866	89.59	295,550
2013-H4544-FL-DC	Orange County Government	1,275,000	88.85	300,000
2013-H4301-KY-DC	KY Administrative Office of the Courts	300,000	88.41	2013 BJA Drug Court grantee
2013-H4655-MI-DC	44th Circuit Court of Livingston County, MI	94,010	88.25	94,010
2013-H4353-KY-DC	KY Administrative Office of the Courts	299,612	88.07	2013 BJA Drug Court grantee
2013-H4553-MI-DC	20th Judicial Circuit Adult Drug Treatment Court	252,143	87.37	2013 BJA Drug Court grantee
2013-H4654-CA-DC	Tehama County Health Services Agency	300,000	87.18	300,000
2013-H4568-NY-DC	Office of the Bronx District Attorney	299,694	87.16	2013 BJA Drug Court grantee
2013-H4664-IL-DC	Madison County Government-- Probation and Court Services Dept.	1,260,016	87.03	299,917
2013-H4646-NY-DC	New York State Unified Court System	300,000	86.92	Excessively exceeded page limit
2013-H4640-LA-DC	22nd Judicial District Court of Louisiana	1,275,000	85.41	300,000
2013-H4659-WA-DC	Clark County, Washington	1,275,000	85.01	300,000
2013-H4668-WA-DC	Pierce County Superior Court	975,000	84.69	
2013-H3966-AZ-DC	Pima County	299,493	84.52	
2013-H4639-MD-DC	Montgomery County, Maryland	299,794	83.1	
2013-H4637-IL-DC	Kane County Court Services	287,640	82.73	
2013-H4648-NY-DC	City of New York-Office of the Criminal Justice Coordinator	1,220,481	82.52	
2013-H4521-RI-DC	Rhode Island Supreme Court	297,297	82.21	
2013-H4649-OR-DC	Lane County, Oregon	100,000	80.91	
2013-H4849-CA-DC	Riverside County DBA Mental Health Dept.	1,275,000	80.4	
2013-H4494-MS-DC	Jones County Board of Supervisors	299,200	79.99	
2013-H4543-CA-DC	Marin, County of	300,000	78.42	
2013-H4644-NY-DC	New York State Unified Court System	299,112	77.87	
2013-H4660-TN-DC	TN Dept. of Mental Health and Substance Abuse Services	1,275,000	76.81	
2013-H4653-VA-DC	City of Bristol Virginia	275,470	74.1	
2013-H4635-IN-DC	Marion Superior Court	289,980	72.37	
2013-H4669-WI-DC	Walworth County	300,000	72.18	
2013-H4563-NM-DC	Pueblo of Acoma	1,275,000	71.94	
2013-H4542-NV-DC	City of Henderson	300,000	67.09	
2013-H4390-AR-DC	Independence County District Court	214,228	66.22	
2013-H4852-WY-DC	Eastern Shoshone Tribe	1,187,038	65.82	

FY 2013 Competitive Funding Recommendations for the BJA/CSAT Joint Adult Drug Court Solicitation and the BJA Adult Drug Court Discretionary Grant Program and Supplemental Funding Recommendation for Adult Drug Court Training and Technical Assistance

2013-H4510-MO-DC	25th Circuit Adult Drug Court	708,200	63.59	
2013-H4665-OR-DC	Jackson County, OR	285,007	63.08	
2013-H4645-ME-DC	Kennebec County, Maine	34,726	61.17	
2013-H4914-TX-DC	County of El Paso Texas	1,265,928	58.07	
2013-H4847-GA-DC	Athens-Clarke County Unified Government	97,700	57.86	
2013-H4458-MO-DC	Jefferson County, Missouri	50,659	55.54	
2013-H4657-GA-DC	Columbus Consolidated Government	149,647	54.49	
2013-H4520-MI-DC	County of Bay, Michigan -74th District Court	910,413	53.58	
2013-H4464-AZ-DC	San Carlos Apache Tribe	206,545	53.57	
2013-H4666-AZ-DC	Yavapai-Apache Nation	1,030,543	53.26	
2013-H4670-TN-DC	Madison County of INC	325,000	44.91	
2013-H4470-CA-DC	Siskiyou County District Attorney's Office	406,254	42.83	

\* Under the BJA/CSAT Adult Drug Court Enhancement Program solicitation, the maximum BJA funding amount is \$300,000. Some applicants combined their total funding request to both BJA and SAMHSA, which resulted in larger amounts in the Federal Amount Requested column.

**COMPETITIVE FUNDING RECOMMENDATION: BJA ADULT DRUG COURT DISCRETIONARY GRANT PROGRAM ADDITIONAL AWARDS**

With a prior year unobligated balance of \$989,603 and remaining unobligated FY 2013 Drug Court appropriations, a total of \$1,183,845 is available. BJA recommends four additional competitive FY 2013 ADCDGP applications for award and an increase to a previously-competed TTA award.

On July 3, 2013, a funding recommendation was approved (copy attached), which included 51 ADCDGP applications for award: 16 Implementation (Category 1), 26 Enhancement (Category 2), and 9 Statewide Enhancement (Category 3). The following chart includes four additional competitive applications recommended for award (one Enhancement and three Statewide Enhancement) with the additional funds made available. After reviewing applications, there were no remaining Category 1 Tier 1 or Tier 2 applications that BJA recommends for award, nor were there any remaining Category 2 Tier 1 applications BJA recommends for award. Therefore, BJA recommends the below Category 2, Tier 2 application, two partial Category 3 applications, and one full Category 3 application for funding.

GMS Number	Applicant Legal Name	Amount Requested	Amount Recommended	Tier/Score
<b>ADCDGP Category 2: Enhancement</b>				
2013 H0330-CA-DC	Superior Court of CA, County of Solano	187,826	187,826	Tier 2

FY 2013 Competitive Funding Recommendations for the BJA/CSAT Joint Adult Drug Court Solicitation and the BJA Adult Drug Court Discretionary Grant Program and Supplemental Funding Recommendation for Adult Drug Court Training and Technical Assistance

ADCDGP Category 3: Statewide Enhancement				
2013-H0251-TN-DC	Tennessee Department of Mental Health and Substance Abuse	Category 3A: 200,000 Category 3B: \$1,300,000	200,000*	87.5
2013-H0356-NY-DC	New York State Unified Court System	199,323	199,323	Score 86
2013-H0350-NY-DC	New York State Unified Court System	200,000	196,696**	Score 84.5
<b>TOTAL</b>			<b>743,845</b>	

\* BJA recommends only funding the Category 3a application amount as there are not enough funds remaining to fund the full application.

\*\* BJA recommends reducing this award amount by \$3,304 as there are not enough funds remaining to fund the full application.

**SUPPLEMENT TO PREVIOUSLY COMPETED TRAINING AND TECHNICAL ASSISTANCE:**

With the final FY 2013 Adult Drug Court funds remaining, BJA recommends increasing a previously competed adult drug court TTA award. The goal of the Adult Drug Court Training and Technical Assistance Program (ADCTTAP) is to assist operational adult drug court programs in the development and implementation of improved program practices for increased program effectiveness and long-term participant success. BJA continues to fund the collaborative of partners to assist operational courts with their individual goals of building and maximizing capacity; ensuring offenders are identified and assessed for risk and need; ensuring offenders receive targeted research-based services; enhancing the provision of recovery support services; ensuring the provision of community reintegration services to achieve long-term recovery; and assisting in collecting and reporting on performance measures and identifying and explaining trends. The ADCTTAP awards were last competed in FY 2012 and supplemented in FY 2013.

BJA recommends that \$400,000 be added to the National Association of Drug Court Professionals' National Drug Court Institute cooperative agreement to address the following priority areas: assistance for drug courts as they navigate the expansion of Medicaid eligibility for clients and other relevant implications of the Patient Protection and Affordable Care Act; and support for drug courts in addressing the needs of historically disadvantaged groups. With these additional funds, TTA will be developed and provided to assist drug courts in developing policies, screening and assessment, and services which ensure equal access and services to engage and retain the population reflective of the arrestee demographics in the jurisdiction.

FY 2013 Competitive Funding Recommendations for the BJA/CSAT Joint Adult Drug Court Solicitation and the BJA Adult Drug Court Discretionary Grant Program and Supplemental Funding Recommendation for Adult Drug Court Training and Technical Assistance

Grantee/ Initiative/Award Number	FY 2013 Supplemental Amount	Previous Award Amount	Award Summary/TTARS Review
National Association of Drug Court Professionals  Adult Drug Court Training Initiative  2012-DC-BX-K004	Previously Approved FY 2013 Amount: \$1,500,000  FY 2013 Additional Amount: \$400,000	FY 2012: \$1,500,000	Plan, deliver, evaluate, market, and modify a menu of 22 BJA-approved onsite and online adult drug court training courses for improved drug court team functioning, more effective service delivery, and better outcomes for drug court participants. An increase of \$400,000 is recommended to develop and deliver training on ensuring drug courts provide equal access and services to demographic groups, and to train drug court professionals on how the Patient Protection and Affordable Care Act will impact operations.  A TTARS report reveals that the grantee is meeting the expected deliverables and is spending in accordance with their time task plan.

**OGC CONSULTATION:**

On August 5, 2013, BJA Policy Office staff consulted with Emily Gallas, Attorney Advisor, OGC, to discuss and review the proposed additional supplemental award recommendation as highlighted in this memorandum. Based upon this discussion and the information provided, OGC found no legal restrictions that would preclude making the proposed award.

**Feedback from U.S. Attorneys and Staff:** N/A

**CONCLUSION:**

Based upon this information, BJA recommends jointly funding 10 applications with CSAT under the BJA/CSAT Adult Drug Court Enhancement Program in the amount of \$2,780,970. Utilizing unobligated prior year balances and the remaining FY 2013 Drug Court appropriation balance, BJA also recommends funding four additional awards totaling \$783,845 under the FY 2013 ADCDGP solicitation, and increasing one FY 2013 supplemental award by \$400,000 for a previously competed drug court TTA project. This leaves \$0 in remaining funds under this program.

**APPROVED:**

**DISAPPROVED:**

  
 Karol V. Mason  
 Assistant Attorney General  
 Office of Justice Programs

\_\_\_\_\_  
 Karol V. Mason  
 Assistant Attorney General  
 Office of Justice Programs

8/14/2013  
 Date

Attachment

FY 2013 Competitive Funding Recommendations for the BJA/CSAT Joint Adult Drug Court Solicitation and the BJA Adult Drug Court Discretionary Grant Program and Supplemental Funding Recommendation for Adult Drug Court Training and Technical Assistance

cc: Tracey Trautman  
Ed Aponte  
Jon Faley  
Naydine Fulton-Jones  
Tammy Reid  
Eileen Garry  
Jim Simonson  
Amanda LoCicero  
Nakita Parker  
Cornelia Sorensen Sigworth  
Lionel Artis

# **EXHIBIT 10**

**Hardy, Lyn (OPR)**

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**Subject:** FW: FY 2013 Unobligated Prior Year Balances  
**Attachments:** FY 2013 Unobligated Prior Year Balances Memorandum final.docx; FY13 OCFO Release of Unob PY Bal to BJA.XLSX

**From:** Martin, Ralph  
**Sent:** Tuesday, July 02, 2013 11:21 AM  
**To:** O'Donnell, Denise  
**Cc:** Trautman, Tracey; Mahoney, Kristen; Simonson, James; Parker, Nakita; Garry, Eileen; Benda, Leigh; Wilson, Quinttella; Jones, Shalette; Price-Grear, Lisa  
**Subject:** FY 2013 Unobligated Prior Year Balances

Good morning,

Good news. As of May 31, 2013, OJP has collected sufficient recoveries (deobligations) to meet the FY 2013 rescission of \$43M. OJP can now make some previously encumbered prior balances available for obligation in FY2013. Please note these balances must be obligated by September 30th, 2013, or they again become encumbered for the FY2014 rescission. The final determination of the release of FY 2013 unobligated prior year balances has been made by the AAG, and funds are now available for your use.

Attached you will find the list of programs pertaining to your office of which have carry forward funds. We will provide additional guidance to your budget contacts on the process for identifying the use of these funds in FY2013.

If you have any questions, please contact Quinttella Wilson, Associate Chief Financial Officer, Budget Execution Division, at [Quinntella.Wilson@usdoj.gov](mailto:Quinntella.Wilson@usdoj.gov) or via phone (202) 307-3792.

## MEMORANDUM

**TO:** Bureau/Program Office

**FROM:** Ralph Martin  
Deputy Chief Financial Officer  
Office of the Chief Financial Officer

**DATE:** July 2, 2013

**SUBJECT:** FY 2013 Programmatic Unobligated Prior Year Balances

The purpose of this memorandum is to inform you of the FY 2013 programmatic unobligated prior year balances. The Consolidated and Furthering Continuation Appropriations Act, 2013, Public Law 113-6, Section 526 requires OJP to meet a rescission of unobligated balances. For FY 2013, this amount is \$43M.

Appropriators expect deobligations to be applied to the rescission before never-obligated balances. To meet this congressional mandate, all unobligated balances as of September 30<sup>th</sup> of year, are encumbered until OJP has sufficient recoveries to meet this requirement.

As of May 31, 2013, OJP has collected sufficient recoveries (deobligations) to meet the FY 2013 rescission of \$43M. The final determination of the release of FY 2013 unobligated prior year balances has been made by the AAG, and funds are readily available.

Attached you will find the list of programs pertaining to your office of which have carry forward funds. We will provide additional guidance to your budget contacts on the process for identifying the use of these funds in FY2013.

If you have any questions, please contact Quinttella Wilson, Associate Chief Financial Officer, Budget Execution Division, at [Quinntella.Wilson@usdoj.gov](mailto:Quinntella.Wilson@usdoj.gov) or via phone (202) 307-3792.

Attachment

FY 2013 Release of Prior Year Unobligated Funds

**FY 2013 BJA Prior Year Unobligated Balances Released to BPO**

Fund Code	Program Code	Administered By	Project Code	Fund and Program	FY 2013 Prior Year Unobligated Balances	Recommended for Release to BPO	Available Balance
CX				<b>Research, Evaluation, and Statistics (Justice Assistance):</b>			
	VN	BJA		Victim Notification System (SAVIN)	657,052.30	657,052.30	0.00
				<b>Subtotal, Research, Evaluation, and Statistics (Justice Assistance)</b>	<b>\$657,052.30</b>	<b>\$657,052.30</b>	<b>\$0.00</b>
BX				<b>State and Local Law Enforcement Assistance:</b>			
				<b>Justice Assistance Grants Programs:</b>			
DJ	BJA			Byrne Justice Assistance Grants (JAG Formula)	9,216,002.42	9,216,002.42	0.00
DG	BJA			Precipitous increase in crime carve-out of JAG Formula appropriation (Discretionary) 5%	520,009.57	520,009.57	0.00
				<b>Total Justice Assistance Grants</b>	<b>9,736,011.99</b>	<b>9,736,011.99</b>	<b>0.00</b>
BV	BJA			Bulletproof Vest Partnership Program	10,471,952.25	10,471,952.25	0.00
BW	BJA			Southwest Border	1,955,506.40	1,955,506.40	0.00
D1	BJA			Byrne Discretionary Grants (Earmarks)	1,441,854.56	0.00	1,441,854.56
J2	BJA			Residential Substance Abuse Treatment (RSAT)	570,676.78	570,676.78	0.00
DC	BJA			Drug Court	989,603.12	989,603.12	0.00
RP	BJA			BJA Prison Rape Grants	381,872.59	381,872.59	0.00
BE	BJA			Economic, High-Tech, Cybercrime Prevention	274,381.62	274,381.62	0.00
GP	BJA			S&L Gun Crime Prosecution Assistance/Violent Gang and Gun Crime Reduction	90,809.02	90,809.02	0.00

**FY 2013 BJA Prior Year Unobligated Balances Released to BPO**

Fund Code	Program Code	Administered By	Project Code	Fund and Program	FY 2013 Prior Year Unobligated Balances	Recommended for Release to BPO	Available Balance
				<b>Second Chance Act/Offender Re-entry:</b>			
	CZ	BJA		Adult and Juvenile Offender S&L Reentry Demonstration	2,987,950.65	2,987,950.65	0.00
	RM	BJA		State, Tribal, and Local Reentry Courts	5,541,405.00	5,541,405.00	0.00
	RY	BJA		Prisoner Reentry Research	518,310.97	518,310.97	0.00
				<b>Total Second Chance Act/Offender Re-entry</b>	<b>9,047,666.62</b>	<b>9,047,666.62</b>	<b>0.00</b>
				<b>Subtotal State &amp; Local Law Enforcement</b>	<b>\$34,960,334.95</b>	<b>\$33,518,480.39</b>	<b>\$1,441,854.56</b>

<b>DX</b>				<b>Public Safety Officers Benefits:</b>			
	PD	BJA		Disability	2,428,655.14	2,428,655.14	0.00
	PE	BJA		Education	3,958,935.92	3,958,935.92	0.00
				<b>Subtotal, PSOB</b>	<b>\$6,387,591.06</b>	<b>\$6,387,591.06</b>	<b>\$0.00</b>
	PS	BJA		PSOB Mandatory	\$6,460,284.16	\$6,460,284.16	\$0.00
				<b>Total PSOB</b>	<b>\$12,847,875.22</b>	<b>\$12,847,875.22</b>	<b>\$0.00</b>

				<b>Total BJA Funding</b>	<b>\$48,465,262.47</b>	<b>\$47,023,407.91</b>	<b>\$1,441,854.56</b>
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# **EXHIBIT 11**



U.S. Department of Justice

Office of Justice Programs

Bureau of Justice Assistance

Washington, D.C. 20531

MEMORANDUM

**TO:** Karol V. Mason  
Assistant Attorney General  
Office of Justice Programs

**THROUGH:** Denise E. O'Donnell *DEOD*  
Director  
Bureau of Justice Assistance

Kristen Mahoney *KM*  
Deputy Director for Policy  
Bureau of Justice Assistance

Ruby Qazilbash *RQ*  
Associate Deputy Director for Policy  
Bureau of Justice Assistance

Gary L. Dennis *GLD*  
Senior Policy Advisor for Corrections  
Bureau of Justice Assistance

**FROM:** Thurston Bryant *TB*  
Policy Advisor for Corrections  
Bureau of Justice Assistance

**SUBJECT:** Addendum: FY 2013 Funding Recommendation for Use of Remaining  
Funds under the Second Chance Act Programs

**DATE:** August 20, 2013

**PURPOSE:**

The purpose of this memorandum is to recommend 14 additional applications for funding under 4 different program areas of Bureau of Justice Assistance's (BJA) Second Chance Act (SCA) Program. These include the following: (1) Second Chance Act Technology Career Training Program for Incarcerated Adults and Juveniles—two awards; (2) Second Chance Act Reentry Program for Adult Offenders with Co-Occurring Substance Abuse and Mental Health Disorders—three awards, (3) Second Chance Act Adult Mentoring and Transitional Services for

Successful Reentry Program—eight awards; and (4) supplemental funding for a project that includes a “Pay for Success” component—one award.

### **DESCRIPTION:**

The SCA of 2007 (Pub. L. 110-199) provides a comprehensive response to the increasing number of incarcerated adults and juveniles who are released from prison, jail, and juvenile residential facilities and returning to communities. There are currently over 2.3 million individuals serving time in our federal and state prisons, and millions of people cycling through local jails every year. Ninety-five percent of all offenders incarcerated today will eventually be released and will return to communities. The SCA will help ensure that the transition individuals make from prison, jail, or juvenile residential facilities to the community is successful and promotes public safety.

#### **FY 2013 Second Chance Act Technology Career Training Program for Incarcerated Adults and Juveniles**

Section 115 of the Second Chance Act authorizes federal awards to states, units of local government, territories, and federally recognized Indian tribes to provide technology career training to persons confined in state prisons, local jails, and juvenile residential facilities. This program supports the education, training, mentoring, support services, and job placement for incarcerated/detained adults and juveniles in a technology field. To receive an award under this announcement, applicants must have adhered to the following deliverables and mandatory requirements:

- Demonstrate a partnership with an employer(s) with technology-related employment opportunities and training (that may include tribal, local, and small businesses and colleges) in the geographic areas to which targeted participants are likely to return, and provide documentation demonstrating the partnership, such as a memorandum of agreement (MOA);
- Target medium- to high-risk offenders as identified using a validated assessment tool;
- Provide a baseline recidivism rate for the proposed target population including documentation to support the development of the rate;
- Restrict access to the Internet by incarcerated persons, as appropriate, to ensure public safety;
- Ensure all program participants receive individualized reentry plans and case management that link them to community-based services and supports post-release; and
- Demonstrate ability to collect and report data on participant post-program employment outcomes and recidivism.

#### **FY 2013 Second Chance Act Reentry Program for Adult Offenders with Co-Occurring Substance Abuse and Mental Health Disorders**

The Second Chance Act Reentry Program for Adult Offenders with Co-Occurring Substance Abuse and Mental Health Disorders (Section 201) is designed to implement or expand offender treatment programs for offenders with co-occurring substance abuse and mental health disorders. The goal of Section 201 is to provide support to eligible applicants for the development and implementation of comprehensive and collaborative strategies that address the challenges posed by reentry to increase public safety and reduce recidivism. The objectives of Section 201 are to improve outcomes for offenders with co-occurring substance abuse and mental health disorders through the provision of appropriate evidence-based services—including addressing individual

criminogenic needs—based on a reentry plan that relies on a risk and needs assessment that reflects the risk of recidivism for that offender.

**FY 2013 Second Chance Act Adult Mentoring and Transitional Services for Successful Reentry Program**

Section 211 of the Act authorizes grants to nonprofit organizations and federally recognized Indian tribes that may be used for mentoring programs to promote the safe and successful reintegration into the community of adults who have been incarcerated. The specific objective of the program is to recruit and train individuals as mentors and match them with participants in pre- and post-release services. Program efforts should establish or improve the administration of mentoring programs, including expanding mentoring strategies and program design; enhancing and improving organizational capacity, system efficiency, and cost effectiveness of mentoring programs; improving training programs and supports for mentors; and improving outcomes for offender participants in mentoring programs.

**FY 2012 Second Chance Act (Section 101) Supplement Award: Pay for Success Priority Consideration**

Pay for Success (PFS) represents a new way to potentially achieve positive outcomes with the criminal justice population at a lower cost to governments. Under a typical PFS model, service providers either directly or through an intermediary organization secure capital to fund their operations and achieve specified outcomes for a predefined target population. The funding organizations only recoup their investment at such time that the outcomes for the target population have been achieved and that achievement has been verified via an evaluation methodology mutually agreed upon by the government participant and the investors. This model is designed to be a low-cost, low-risk way for governments to achieve outcomes for certain populations. BJA offered a "Priority Consideration" for applicants proposing to incorporate a PFS model into their offender reentry programs. Under this priority, Second Chance grants may be used (1) to fund operations if a state, local, or other organization will pay for outcomes after they are achieved; or (2) to pay for outcomes achieved within the grant period.

This project is being funded under Section 101 of the Second Chance Act. The grantee is compliant with the requirements of SCA §101, including the eligibility requirements codified at 42 USC 3797w(1). Further, BJA has determined that the grantee has made adequate progress towards reducing the recidivism rate, as required pursuant to 42 USC 3797w(1)(4).

**REVIEW PROCESS:**

Thirteen of the fourteen applications being recommended for funding under this memorandum were previously reviewed for Basic Minimum Requirements (BMR) and also examined by external peer reviewers. An application was excluded at BMR if it did not include a Program Narrative, did not include a Budget Detail Worksheet and Budget Narrative (could be combined into one document), was a duplicate of another application submitted, or the applicant did not meet the eligibility requirement. The 13 applications being recommended for awards are all "Tier 1" applications.

The internal BJA Policy Office review process for determining these awards was based on the mechanisms used for selecting previous applications under the already-approved funding recommendations for these programs. These include the following information: project

Addendum: FY 2013 Funding Recommendation for Use of Remaining Funds under the Second Chance Act Programs

description (type of services, program design, goals and objectives); inclusion of evidence-based programs or practices; target population; projected number of program participants; inclusion of the match requirement (if applicable); geographic location; type of jurisdiction; type of facility (prison or jail); inclusion of both pre- and post-release services; whether the priority considerations were addressed; whether the applicant received any previous Second Chance Act awards (including the undelivered balance); and other components.

The single FY 2012 grantee being recommended for supplemental funding is based on its PFS component that will provide ongoing information on this high-profile initiative. Beginning in 2012, through support from the White House, both the U.S. Department of Justice and U.S. Department of Labor began providing support to state and local governments through Pay for Success pilot projects. This supplemental funding will provide the grantee with additional resources to continue the existing project, maintain the implementation of the PFS model into their reentry project through training, advance partnerships with investors to finance the expansion of the project, and other activities that enhance the project's PFS model incorporation.

**Feedback from U.S. Attorneys and Staff:** No feedback was received in response to the applicant list for this solicitation.

**JUSTIFICATION:**

The award detail chart below lists the applications recommended for funding through this memorandum.

**Addendum: BJA FY 2013 Funding Recommendation for Use of Remaining Funds under the Second Chance Act Programs  
Applications and Funding Recommendations**

<b>FY 2013 Second Chance Act Technology Career Training Program for Incarcerated Adults and Juveniles</b>					
<b>GMS Application or Award Number</b>	<b>Applicant Legal Name</b>	<b>State</b>	<b>Federal Amount Requested</b>	<b>Federal Amount Recommended</b>	<b>Tier Level</b>
2013-H0667-LA-RV	Louisiana DPS&C	LA	\$418,917	\$418,917	1
2013-H0656-TN-RV	Franklin County Government	TN	\$594,415	\$594,415	1
<b>FY 2013 Second Chance Act Reentry Program for Adult Offenders with Co-Occurring Substance Abuse and Mental Health Disorders</b>					
2013-H3640-OH-RW	Alcohol, Drug Addiction & MH Services Board of Cuyahoga County	OH	599,923	599,923	1
2013-H3666-OR-RW	Marion County	OR	599,963	599,963	1
2013-H3577-TN-RW	Franklin County Government	TN	599,800	599,800	1
<b>FY 2013 Second Chance Act Adult Mentoring and Transitional Services for Successful Reentry Program</b>					
2013-H0962-NY-CY	Center for Community Alternatives	NY	\$300,000	\$300,000	1
2013-H1354-WA-CY	Seattle Indian Center	WA	\$299,759	\$299,759	1
2013-H1355-MN-CY	SOAR Career Solutions	MN	\$300,000	\$300,000	1

Addendum: FY 2013 Funding Recommendation for Use of Remaining Funds under the Second Chance Act Programs

2013-H1250-DC-CY	Veterans on the Rise, Inc.	DC	\$300,000	\$300,000	1
2013-H0992-OR-CY	Volunteers of America of Oregon, Inc.	OR	\$300,000	\$300,000	1
2013-H0995-FL-CY	WestCare GulfCoast-Florida Inc.	FL	\$300,000	\$300,000	1
2013-H0984-WI-CY	BASICS in Milwaukee, Inc.	WI	\$300,000	\$300,000	1
2013-H1334-TX-CY	Santa Maria Hostel, Inc.	TX	\$299,921	\$299,921	1
<b>FY 2012 Section 101: Supplemental Funding for Project Including a "Pay for Success" Component</b>					
2012-H2236-OH-CZ 2012-CZ-BX-0002	Cuyahoga County Office of Reentry	OH	\$749,679	500,000	N/A
<b>TOTAL</b>			<b>\$5,962,377</b>	<b>\$5,712,698</b>	

**OGC CONSULTATION:**

On August 19, 2013, BJA Policy Office staff consulted with Emily Gallas, Attorney Advisor, from the Office of General Counsel (OGC), to discuss and review the potential award recommendation(s) as described in this memorandum. Based upon this discussion and the information provided, OGC found no legal restrictions or other issues that would preclude making the proposed awards.

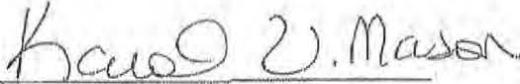
**CONCLUSION:**

As of this date, there is a balance of \$11,595,213 to be utilized for remaining FY 2013 award selections under various Second Chance Act activities. Based upon the information above, BJA recommends that the 14 applications highlighted be funded in the total amount of \$5,712,698.

The remaining balance of \$5,882,515 (from the total \$11,595,213 available) will be used to make award selections under the Second Chance Act Comprehensive Statewide Adult Recidivism Reduction Planning Program and also for a supplemental award to the National Reentry Resource Center. This amount of \$5,882,515 will be contained in a joint forthcoming funding recommendation. These overall transactions will exhaust the balance of \$11,595,213 in available FY 2013 funding.

**APPROVED:**

**DISAPPROVED:**

  
 Karol V. Mason  
 Assistant Attorney General  
 Office of Justice Programs

\_\_\_\_\_  
 Karol V. Mason  
 Assistant Attorney General  
 Office of Justice Programs

August 22, 2013  
 Date

Addendum: FY 2013 Funding Recommendation for Use of Remaining Funds under the Second Chance Act Programs

cc: Tracey Trautman  
Ed Aponte  
Jon Faley  
Eileen Garry  
James Simonson  
Amanda LoCicero  
Nakita Parker  
Alissa Huntoon  
Lionel Artis

# **EXHIBIT 12**

## Hardy, Lyn (OPR)

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**From:** O'Donnell, Denise  
**Sent:** Tuesday, July 30, 2013 8:55 PM  
**To:** Simonson, James; Garry, Eileen; Trautman, Tracey  
**Subject:** FW: Release of Prior Balances to BJA and OJJDP  
**Attachments:** FY13 OCFO Release of Unob PY Bal to BJA v4.xlsx; FY13 OCFO Release of Unob PY Bal to OJJDP v2.xlsx

Jim, Eileen and Tracey Copying you, as well. Denise

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**From:** Mason, Karol V.  
**Sent:** Tuesday, July 30, 2013 8:48 PM  
**To:** O'Donnell, Denise; Listenbee, Robert L.  
**Cc:** Martin, Ralph; Benda, Leigh; Leary, Marylou; Mason, Karol V.; Pride, Theron; Solomon, Amy  
**Subject:** Release of Prior Balances to BJA and OJJDP

Denise and Bob,

Good news. Ralph and Leigh have confirmed that we have excess prior balances available to be obligated by September 30, 2013. Thank you for concurring in using the funds as follows, to support the Department's and OJP's priorities:

- 1) BJA to use \$1.44 million to support indigent defense objectives, including funding for Tribal communities.
- 2) OJJDP to use \$1.39 million to support indigent defense and programming to address the critical needs of underserved youth populations. I hope that you will talk with Theron Pride as you develop the uses for this additional funding.
- 3) BJA to use the remaining Second Chance money, i.e. \$6.765 million, for second chance initiatives. I hope that you will talk with Amy Solomon as you develop the uses for this Second Chance money.

I'm excited that we've been given the gift of these additional resources to deal with these important issues. Thank you Ralph and Leigh for identifying these additional resources. You are my new heroes.

**Karol V. Mason**  
Assistant Attorney General  
Office of Justice Programs  
U.S. Department of Justice  
Ph: 202-307-5933

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**From:** Martin, Ralph  
**Sent:** Tuesday, July 30, 2013 1:48 PM  
**To:** Mason, Karol V.  
**Cc:** Benda, Leigh  
**Subject:** Release of Prior Balances to BPO (update)

Karol,

Per our discussion, the revised PY balance charts for JJ and BJA are attached (changes highlighted in green).

The JJ chart was updated to include the release of the Part E funding (\$1.390M)

The BJA chart was updated to include the release of the Byrne Discretionary (\$1.440M) In addition, the chart was also updated to include the release of recoveries or previously obligated Second Chance Act funding (\$6.765M). In FY2010 BJA was appropriated SCA reentry courts funding that was overly restrictive and received no interest in the field. We are proposing to make PY recoveries available to BJA and rescind the SCA reentry funds.

Please let me know if you would like to discuss further.

Ralph

FY 2013 BJA Prior Year Unobligated Balances

Fund Code	Program Code	Administered By	Project Code	Fund and Program	FY 2013 Prior Year Unobligated Balances	FY13 Recoveries
CX				<b>Research, Evaluation, and Statistics (Justice Assistance):</b>		
	VN	BJA		Victim Notification System (SAVIN)	657,052.30	0.00
				<b>Subtotal, Research, Evaluation, and Statistics (Justice Assistance)</b>	<b>\$657,052.30</b>	
BX				<b>State and Local Law Enforcement Assistance:</b>		
				<b>Justice Assistance Grants Programs:</b>		
	DJ	BJA		Byrne Justice Assistance Grants (JAG Formula)	9,216,002.42	0.00
	DG	BJA		Precipitous increase in crime carve-out of JAG Formula appropriation (Discretionary) 5%	520,009.57	0.00
				<b>Total Justice Assistance Grants</b>	<b>9,736,011.99</b>	<b>0.00</b>
	BV	BJA		Bulletproof Vest Partnership Program	10,471,952.25	0.00
	BW	BJA		Southwest Border	1,955,506.40	0.00
	D1	BJA		Byrne Discretionary Grants (Earmarks)	1,441,854.56	0.00
	J2	BJA		Residential Substance Abuse Treatment (RSAT)	570,676.78	0.00
	DC	BJA		Drug Court	989,603.12	0.00
	RP	BJA		BJA Prison Rape Grants	381,872.59	0.00
	BE	BJA		Economic, High-Tech, Cybercrime Prevention	274,381.62	0.00
	GP	BJA		S&L Gun Crime Prosecution Assistance/Violent Gang and Gun Crime Reduction	90,809.02	0.00

FY 2013 BJA Prior Year Unobligated Balances

Fund Code	Program Code	Administered By	Project Code	Fund and Program	FY 2013 Prior Year Unobligated Balances	FY13 Recoveries
				<b>Second Chance Act/Offender Re-entry:</b>		0.00
	CY	BJA		Second Chance Act: Youth Mentoring	41,598.00	680,837.77
	CZ	BJA		Second Chance Act: Adult and Juvenile Offender S&L Reentry Demonstration	2,987,950.65	1,122,298.58
	RM	BJA		Second Chance Act: State, Tribal, and Local Reentry Courts	5,541,405.00	307,198.77
	RN	BJA		Second Chance Act: Family-based Substance Abuse Treatment	0.00	245,730.87
	RV	BJA		Second Chance Act: Technology Careers Training Demonstration Grants	0.00	33,465.78
	RW	BJA		Second Chance Act: Offender Reentry Substance Abuse and Criminal Justice Collaboration	0.00	827,857.31
	RY	BJA		Second Chance Act: Prisoner Reentry Research	518,310.97	0.00
				<b>Total Second Chance Act/Offender Re-entry</b>	<b>9,089,264.62</b>	<b>3,217,389.08</b>
				<b>Subtotal State &amp; Local Law Enforcement</b>	<b>\$35,001,932.95</b>	<b>\$3,217,389.08</b>
<b>DX</b>				<b>Public Safety Officers Benefits:</b>		
	PD	BJA		Disability	2,428,655.14	0.00
	PE	BJA		Education	3,958,935.92	0.00
				<b>Subtotal, PSOB</b>	<b>\$6,387,591.06</b>	<b>\$0.00</b>
	PS	BJA		PSOB Mandatory	\$6,460,284.16	\$0.00
				<b>Total PSOB</b>	<b>\$12,847,875.22</b>	<b>\$0.00</b>
				<b>Total BJA Funding</b>	<b>\$48,506,860.47</b>	<b>\$3,217,389.08</b>

FY 2013 BJA Prior Year Unobligated Balances

Recommended for Release to BPO	Available Balance
657,052.30	0.00
<b>\$657,052.30</b>	<b>\$0.00</b>

9,216,002.42	0.00
520,009.57	0.00
9,736,011.99	0.00
0.00	10,471,952.25
1,955,506.40	0.00
1,441,854.56	0.00
570,676.78	0.00
989,603.12	0.00
381,872.59	0.00
274,381.62	0.00
90,809.02	0.00

FY 2013 BJA Prior Year Unobligated Balances

Recommended for Release to BPO	Available Balance
722,435.77	0.00
4,110,249.23	0.00
307,198.77	5,541,405.00
245,730.87	0.00
33,465.78	0.00
827,857.31	0.00
518,310.97	0.00
6,765,248.70	5,541,405.00
<b>\$22,205,964.78</b>	<b>\$16,013,357.25</b>

2,428,655.14	0.00
3,958,935.92	0.00
<b>\$6,387,591.06</b>	<b>\$0.00</b>

<b>\$6,460,284.16</b>	<b>\$0.00</b>
<b>\$12,847,875.22</b>	<b>\$0.00</b>

<b>\$35,710,892.29</b>	<b>\$16,013,357.25</b>
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FY 2013 OJJDP Prior Year Unobligated Balances Released to BPO

Fund Code	Program Code	Administered By	Project Code	Fund and Program	FY 2013 Prior Year Unobligated Balances	Recommended for Release to BPO	Available Balance
CX				<b>Research, Evaluation, and Statistics (Justice Assistance):</b>			
	MC	OJJDP		Missing and Exploited Children	481,272.85	481,272.85	0.00
				<b>Subtotal, Research, Evaluation, and Statistics (Justice Assistance)</b>	<b>\$481,272.85</b>	<b>\$481,272.85</b>	<b>\$0.00</b>

Fund Code	Program Code	Administered By	Project Code	Fund and Program	FY 2013 Prior Year Unobligated Balances	Recommended for Release to BPO	Available Balance
FX				<b>Juvenile Justice Programs:</b>			
	JX	OJJDP		Part B: Formula Grants	205,225.06	205,225.06	0.00
	JL/JE	OJJDP		Part E: Developing New Initiatives (Earmarks)	1,390,126.79	1,390,126.79	0.00
				<b>Title V:</b>			
	JP	OJJDP		Incentive Grants	180,018.12	180,018.12	0.00
	JV	OJJDP/BJA		Gang Prevention (G.R.E.A.T.)/Gang and Youth Violence Prevention and Intervention Initia	160,338.85	160,338.85	0.00
	AH	OJJDP	AHBL	Enforcing Underage Drinking Laws	87,104.63	87,104.63	0.00
				<b>Total Title V</b>	<b>427,461.61</b>	<b>427,461.61</b>	<b>0.00</b>
				<b>Subtotal Juvenile Justice</b>	<b>\$2,022,813.46</b>	<b>\$2,022,813.46</b>	<b>\$0.00</b>
				<b>Total OJJDP Funding</b>	<b>\$2,504,086.31</b>	<b>\$2,504,086.31</b>	<b>\$0.00</b>

# **EXHIBIT 13**

From: Trautman, Tracey  
Sent: Wednesday, March 20, 2013 10:27 AM  
To: [REDACTED]  
Subject: FW: I forgot to mention

Hi [REDACTED]

Can you look into this one? Unfortunately, I don't have an attachment where she says "read the email". Maybe you can look for an NYPD app for the solicitation (whichever one closed on Thursday, 3/14) and find out what happened. I did note that they applied AFTER the deadline.....

Trx  
Tracey

---

From: O'Donnell, Denise  
Sent: Friday, March 15, 2013 3:24 PM  
To: Trautman, Tracey  
Subject: Fw: I forgot to mention

Can you look into this and let me know what happened? Denise

---

From: Katherine A. Lemire [mailto:[Katherine.Lemire@nypd.org](mailto:Katherine.Lemire@nypd.org)]  
Sent: Friday, March 15, 2013 01:48 PM  
To: O'Donnell, Denise  
Subject: I forgot to mention

I sent an email to your other email address re a grant application snafu . . . . unsuccessful attempt to file 1 minute after deadline last night . . . read the email --  
L. Lie

Katherine A. Lemire  
Counsel to the Police Commissioner  
New York City Police Department  
One Police Plaza  
New York, NY 10038  
(.46) 610-8513

# **EXHIBIT 14**

**Hardy, Lyn (OPR)**

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**From:** [REDACTED]  
**Sent:** Monday, November 16, 2015 2:09 PM  
**To:** Hardy, Lyn (OPR)  
**Subject:** FW: Question regarding BJA Human Trafficking application

[REDACTED]  
Bureau of Justice Assistance

[REDACTED]  
[REDACTED]

**From:** [REDACTED]  
**Sent:** Wednesday, March 20, 2013 3:56 PM  
**To:** Trautman, Tracey  
**Subject:** RE: Question regarding BJA Human Trafficking application

Tracey,  
I made a mistake in saying "Operation Safe House" in my previous email. Sorry, the OVC ones are all running together. All of the references in my email are in fact for "Sanctuary for Families," I just had the other one on the brain when I wrote the explanation at the beginning of the email Sorry!

You're going to need to consult with David Adams on this (Sanctuary for Families), I'm afraid.

I sent a very long explanation (for audit reasons) why I do not believe the applicant Sanctuary for Families should be allowed to submit according to our solicitation regulations, however it appears that I am not going to be listened to on this one.

Sanctuary for Families did attempt to submit an application on 3/14; however it was rejected (more than once). The details are as follows:

[REDACTED]  
Bureau of Justice Assistance  
Office of Justice Programs  
United States Department of Justice  
[REDACTED]  
[REDACTED]

**From:** [REDACTED]  
**Sent:** Wednesday, March 20, 2013 3:36 PM  
**To:** Trautman, Tracey  
**Subject:** RE: Question regarding BJA Human Trafficking application

You're going to need to consult with David Adams on this (Operation Safe House), I'm afraid.

I sent a very long explanation (for audit reasons) why I do not believe the applicant Operation Safe House should be allowed to submit according to our solicitation regulations, however it appears that I am not going to be listened to on this one.

Operation Safe House did attempt to submit an application on 3/14; however it was rejected (more than once). The details are as follows:

Submission: 2013-03-14 23:29:29

Rejection: 2013-03-14 23:30:13

Applicant username: Sanctuary

DUNS: 196455380

Email: [jwyeth@sffny.org](mailto:jwyeth@sffny.org)

Rejection Email Text:

Please use only the following UTF-8 characters when naming your attachments: A-Z, a-z, 0-9, underscore( \_ ), hyphen (-), space, period and limit the file name to 50 or fewer characters. Attachments that do not follow this rule may cause the entire application to be rejected or cause issues during processing. This application contains the following attachments with a filename that does not meet Grants.gov requirements: **1247-SFF-NYPD Project Narrative (Attachment 2).docx**, **1238-NYPD-SFF Letter of Intent (Attachment 9a).pdf**, **1237-SFF MOU (Attachment 9b).pdf**, **1236-SFF-NYPD Project Abstract (Attachment 1).docx**, **1240-SFF-NYPD Project Timeline (Attachment 6).xlsx**, **1239-SFF Data Collection and Evaluation Plan (Attachment 5).docx**, **1242-SFF Plan for Provision of Direct Victim Services (Attachment 10).docx**, **1241-SFF Position Descriptions-Resumes (Attachment 7).pdf**, **1243-SFF-NYPD Training Plan (Attachment 11).docx**, **1245-SFF Letters of Support (Attachment 9c).pdf**

Submission: 2013-03-14 23:47:43

Rejection: 2013-03-14 23:48:26

Applicant username: Sanctuary

DUNS: 196455380

Email: [jwyeth@sffny.org](mailto:jwyeth@sffny.org)

Rejection Email Text:

Please use only the following UTF-8 characters when naming your attachments: A-Z, a-z, 0-9, underscore( \_ ), hyphen (-), space, period and limit the file name to 50 or fewer characters. Attachments that do not follow this rule may cause the entire application to be rejected or cause issues during processing. This application contains the following attachments with a filename that does not meet Grants.gov requirements: **1247-SFF-NYPD Project Narrative (Attachment 2).docx**, **1238-SFF Data Collection-Eval Plan (Attach 5).docx**, **1248-SFF-NYPD Project Narrative (Attach 2).docx**, **1237-SFF Letters of Support (Attach 9C).pdf**, **1236-NYPD-SFF Letter of Intent (Attach 9A).pdf**, **1242-SFF Position Descriptions-Resumes (Attach 7).pdf**, **1241-SFF MOU (Attach 9B).pdf**, **1244-SFF-NYPD Project Abstract (Attach 1).docx**, **1243-SFF Victim Service Plan (Attach 10).docx**, **1246-SFF-NYPD Training Plan (Attach 11).docx**, **1245-SFF-NYPD Project Timeline (Attach 6).xlsx**

Submission: 2013-03-14 23:55:30

Rejection: 2013-03-14 23:56:15

Applicant username: Sanctuary

DUNS: 196455380

Email: [jwyeth@sffny.org](mailto:jwyeth@sffny.org)

Rejection Email Text:

Please use only the following UTF-8 characters when naming your attachments: A-Z, a-z, 0-9, underscore( \_ ), hyphen (-), space, period and limit the file name to 50 or fewer characters. Attachments that do not follow this rule may cause the entire application to be rejected or cause issues during processing. This application contains the following attachments with a filename that does not meet Grants.gov requirements: **1248-SFF-NYPD Project Narrative (Attach 2).docx**

Submission: 2013-03-14 23:58:59

Rejection: 2013-03-14 23:59:41

Applicant username: Sanctuary

DUNS: 196455380

Email: [jwveth@sffny.org](mailto:jwveth@sffny.org)

Rejection Email Text:

Please use only the following UTF-8 characters when naming your attachments: A-Z, a-z, 0-9, underscore( \_ ), hyphen (-), space, period and limit the file name to 50 or fewer characters. Attachments that do not follow this rule may cause the entire application to be rejected or cause issues during processing. This application contains the following attachments with a filename that does not meet Grants.gov requirements: **1248-SFF-NYPD Project Narrative (Attach 2).docx**

Submission: 2013-03-15 00:01:27

Rejection: 2013-03-15 00:02:12

Applicant username: Sanctuary

DUNS: 196455380

Email: [jwveth@sffny.org](mailto:jwveth@sffny.org)

Rejection Email Text:

**The Closing Date of the grant opportunity for which you have applied has already passed and the grantor agency is no longer accepting applications.**

They fall squarely into #3 for invalid reasons for permitting a late submission (page 30):

The following conditions are not valid reasons to permit late submissions: (1) failure to register in sufficient time, (2) failure to follow Grants.gov instructions on how to register and apply as posted on its web site, **(3) failure to follow all of the instructions in the OJP solicitation**, and (4) technical issues with the applicant's computer or information technology environment, including firewalls.

Specifically, it states in our solicitation on pages 29 & 30 that:

Note: Grants.gov only permits the use of specific characters in names of attachment files. **Valid file names may only include the following characters: A-Z, a-z, 0-9, underscore ( \_ ), hyphen (-), space, and period. Grants.gov will forward the application to OJP's Grants Management System (GMS).** GMS does not accept executable file types as application attachments. These disallowed file types include, but are not limited to, the following extensions: ".com," ".bat," ".exe," ".vbs," ".cfg," ".dat," ".db," ".dbf," ".dll," ".ini," ".log," ".ora," ".sys," and ".zip."

As far as the NYPD application goes, it is simply not a case where anything technical prevented them from applying. The deadline was 11:59:59 on 3/14, and they did not apply until 11:08:18 on 3/15.

[REDACTED]  
Bureau of Justice Assistance  
Office of Justice Programs  
United States Department of Justice  
[REDACTED]  
[REDACTED]

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**From:** Trautman, Tracey

**Sent:** Wednesday, March 20, 2013 3:22 PM

**To:** [REDACTED]

**Subject:** FW: Question regarding BJA Human Trafficking application

Can you check into this? They claim them tried to file on the 14<sup>th</sup>, but it looks like maybe a different applicant.

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Wednesday, March 20, 2013 10:35 AM  
**To:** Trautman, Tracey  
**Subject:** RE: I forgot to mention

No problem. I am assuming this is from the NYPD, as I do see a rejected application for them. "1 minute after deadline" would be stretching it though, as their attempted submission was on 2013-03-15 at 11:08:18am, and the solicitation deadline was 23:59:59 on 03/14. They received their rejection notification 11:08:30am which stated: "The Closing Date of the grant opportunity for which you have applied has already passed and the grantor agency is no longer accepting applications."

For your information:  
Applicant POC: Raymond Kelly  
Username: Corey  
Email address for account: [john.shipone@nypd.org](mailto:john.shipone@nypd.org)  
Legal Name: New York City Police Department  
They were applying for the Human Trafficking solicitation.

[REDACTED]  
**Bureau of Justice Assistance**  
**Office of Justice Programs**  
**United States Department of Justice**  
[REDACTED]  
[REDACTED]

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**From:** Trautman, Tracey  
**Sent:** Wednesday, March 20, 2013 10:27 AM  
**To:** [REDACTED]  
**Subject:** FW: I forgot to mention

Hi [REDACTED]

Can you look into this one? Unfortunately, I don't have an attachment where she says "read the email". Maybe you can look for an NYPD app for the solicitation (whichever one closed on Thursday, 3/14) and find out what happened. I did note that they applied AFTER the deadline.....

Thx  
Tracey

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**From:** O'Donnell, Denise  
**Sent:** Friday, March 15, 2013 3:24 PM  
**To:** Trautman, Tracey  
**Subject:** Fw: I forgot to mention

Can you look into this and let me know what happened? Denise

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**From:** Katherine A. Lemire [<mailto:Katherine.Lemire@nypd.org>]  
**Sent:** Friday, March 15, 2013 01:48 PM  
**To:** O'Donnell, Denise  
**Subject:** I forgot to mention

I sent an email to your other email address re a grant application snafu . . . , unsuccessful attempt to file 1 minute after deadline last night . . . read the email --  
Katie

**Katherine A. Lemire**  
**Counsel to the Police Commissioner**  
**New York City Police Department**  
**One Police Plaza**  
**New York, NY 10038**  
**(646) 610-8513**

# **EXHIBIT 15**

**Garry, Eileen**

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**From:** Garry, Eileen  
**Sent:** Friday, March 22, 2013 2:08 PM  
**To:** Mahoney, Kristen; Trautman, Tracey  
**Subject:** Re: Question regarding BJA Human Trafficking application

I agree we should not accept their application.

E.

Eileen M. Garry  
Députy Director  
Bureau of Justice Assistance  
US Department of Justice  
202-307-6226  
202-353-5609 (cell)

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**From:** Mahoney, Kristen  
**Sent:** Friday, March 22, 2013 12:58 PM  
**To:** Trautman, Tracey; Garry, Eileen  
**Subject:** RE: Question regarding BJA Human Trafficking application

Thanks Tracey, I will reach out to pam and let you know.

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**From:** Trautman, Tracey  
**Sent:** Friday, March 22, 2013 12:24 PM  
**To:** Garry, Eileen; Mahoney, Kristen  
**Cc:** Trautman, Tracey  
**Subject:** FW: Question regarding BJA Human Trafficking application

Kristen, Eileen:

See enclosed email string about an applicant (Sanctuary for Families, but partnered with NYPD) who did not apply on time for the Human Trafficking solicitation. They would like to have the solicitation re-opened for their group to re-apply. As noted below, they failed to follow the published instructions and that led to their error messages.

As this is a competitive solicitation, I would recommend that we not provide special treatment for an applicant. Further, since they are from New York, this could become a perception issue as Denise halls from there (although this is not the SAA).

Kristen -- [REDACTED] told me that David Adams may lobby for them to get in (as I think he has worked with them); as well, I think Joye Frost might weigh in because this is the joint BJA/OVC solicitation. It might be worth a conversation with Pam or her staff.

You're the Acting, so I defer to you, but Eileen, feel free to weigh in if you have other thoughts. There may be other circumstances I am unaware of. I know we've had a rash of these requests for more submission time lately and it's best to treat everyone the same, IMHO.

Thanks-

Tracey

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**From:** [REDACTED]  
**Sent:** Wednesday, March 20, 2013 3:36 PM  
**To:** Trautman, Tracey  
**Subject:** RE: Question regarding BJA Human Trafficking application

I sent a very long explanation (for audit reasons) why I do not believe the applicant Sanctuary for Families should be allowed to submit according to our solicitation regulations.

Sanctuary for Families did attempt to submit an application on 3/14; however it was rejected (more than once). The details are as follows:

Submission: 2013-03-14 23:29:29  
Rejection: 2013-03-14 23:30:13  
Applicant username: Sanctuary  
DUNS: 196455380  
Email: [jwyeth@sffny.org](mailto:jwyeth@sffny.org)  
Rejection Email Text:

Please use only the following UTF-8 characters when naming your attachments: A-Z, a-z, 0-9, underscore( \_ ), hyphen (-), space, period and limit the file name to 50 or fewer characters. Attachments that do not follow this rule may cause the entire application to be rejected or cause issues during processing. This application contains the following attachments with a filename that does not meet Grants.gov requirements: 1247-SFF-NYPD Project Narrative (Attachment 2).docx, 1238-NYPD-SFF Letter of Intent (Attachment 9a).pdf, 1237-SFF MOU (Attachment 9b).pdf, 1236-SFF-NYPD Project Abstract (Attachment 1).docx, 1240-SFF-NYPD Project Timeline (Attachment 6).xlsx, 1239-SFF Data Collection and Evaluation Plan (Attachment 5).docx, 1242-SFF Plan for Provision of Direct Victim Services (Attachment 10).docx, 1241-SFF Position Descriptions-Resumes (Attachment 7).pdf, 1243-SFF-NYPD Training Plan (Attachment 11).docx, 1245-SFF Letters of Support (Attachment 9c).pdf

Submission: 2013-03-14 23:47:43  
Rejection: 2013-03-14 23:48:26  
Applicant username: Sanctuary  
DUNS: 196455380  
Email: [jwyeth@sffny.org](mailto:jwyeth@sffny.org)  
Rejection Email Text:

Please use only the following UTF-8 characters when naming your attachments: A-Z, a-z, 0-9, underscore( \_ ), hyphen (-), space, period and limit the file name to 50 or fewer characters. Attachments that do not follow this rule may cause the entire application to be rejected or cause issues during processing. This application contains the following attachments with a filename that does not meet Grants.gov requirements: 1247-SFF-NYPD Project Narrative (Attachment 2).docx, 1238-SFF Data Collection-Eval Plan (Attach 5).docx, 1248-SFF-NYPD Project Narrative (Attach 2).docx, 1237-SFF Letters of Support (Attach 9C).pdf, 1236-NYPD-SFF Letter of Intent (Attach 9A).pdf, 1242-SFF Position Descriptions-Resumes (Attach 7).pdf, 1241-SFF MOU (Attach 9B).pdf, 1244-SFF-NYPD Project Abstract (Attach 1).docx, 1243-SFF Victim Service Plan (Attach 10).docx, 1246-SFF-NYPD Training Plan (Attach 11).docx, 1245-SFF-NYPD Project Timeline (Attach 6).xlsx

Submission: 2013-03-14 23:55:30  
Rejection: 2013-03-14 23:56:15

Applicant username: Sanctuary

DUNS: 196455380

Email: [jwyeth@sffny.org](mailto:jwyeth@sffny.org)

Rejection Email Text:

Please use only the following UTF-8 characters when naming your attachments: A-Z, a-z, 0-9, underscore( \_ ), hyphen (-), space, period and limit the file name to 50 or fewer characters. Attachments that do not follow this rule may cause the entire application to be rejected or cause issues during processing. This application contains the following attachments with a filename that does not meet Grants.gov requirements: **1248-SFF-NYPD Project Narrative (Attach 2).docx**

Submission: 2013-03-14 23:58:59

Rejection: 2013-03-14 23:59:41

Applicant username: Sanctuary

DUNS: 196455380

Email: [jwyeth@sffny.org](mailto:jwyeth@sffny.org)

Rejection Email Text:

Please use only the following UTF-8 characters when naming your attachments: A-Z, a-z, 0-9, underscore( \_ ), hyphen (-), space, period and limit the file name to 50 or fewer characters. Attachments that do not follow this rule may cause the entire application to be rejected or cause issues during processing. This application contains the following attachments with a filename that does not meet Grants.gov requirements: **1248-SFF-NYPD Project Narrative (Attach 2).docx**

Submission: 2013-03-15 00:01:27

Rejection: 2013-03-15 00:02:12

Applicant username: Sanctuary

DUNS: 196455380

Email: [jwyeth@sffny.org](mailto:jwyeth@sffny.org)

Rejection Email Text:

**The Closing Date of the grant opportunity for which you have applied has already passed and the grantor agency is no longer accepting applications.**

They fall squarely into #3 for invalid reasons for permitting a late submission (page 30):

The following conditions are not valid reasons to permit late submissions: (1) failure to register in sufficient time, (2) failure to follow Grants.gov instructions on how to register and apply as posted on its web site, (3) failure to follow all of the instructions in the OJP solicitation, and (4) technical issues with the applicant's computer or information technology environment, including firewalls.

Specifically, it states in our solicitation on pages 29 & 30 that:

Note: Grants.gov only permits the use of specific characters in names of attachment files. **Valid file names may only include the following characters: A-Z, a-z, 0-9, underscore ( \_ ), hyphen (-), space, and period. Grants.gov will forward the application to OJP's Grants Management System (GMS). GMS does not accept executable file types as application attachments. These disallowed file types include, but are not limited to, the following extensions: ".com," ".bat," ".exe," ".vbs," ".cfg," ".dat," ".db," ".dbf," ".dll," ".ini," ".log," ".ora," ".sys," and ".zip."**

As far as the NYPD application goes, it is simply not a case where anything technical prevented them from applying. The deadline was 11:59:59 on 3/14, and they did not apply until 11:08:18 on 3/15.

**Bureau of Justice Assistance  
Office of Justice Programs  
United States Department of Justice**

[REDACTED]  
**From:** Trautman, Tracey  
**Sent:** Wednesday, March 20, 2013 3:22 PM  
**To:** [REDACTED]  
**Subject:** FW: Question regarding BJA Human Trafficking application

Can you check into this? They claim they tried to file on the 14<sup>th</sup>, but it looks like maybe a different applicant.

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**From:** John Wyeth [mailto:JWyeth@SFFNY.ORG]  
**Sent:** Wednesday, March 20, 2013 3:17 PM  
**To:** Trautman, Tracey  
**Cc:** FAVALE, ANTHONY; Katherine A. Lemire  
**Subject:** RE: Question regarding BJA Human Trafficking application

Dear Ms. Trautman,

Thanks so much for following up with us on this. The NYPD and Sanctuary for Families did indeed collaborate on a very ambitious program with support from both U.S. Attorneys' Offices covering New York City, the District Attorneys' offices in Manhattan and Queens, and a wide range of other governmental and service provider partners.

We were ready to file on March 14, well before the deadline; however, we still needed the signature of Police Commissioner Raymond Kelly for our Letter of Intent. The Commissioner was unfortunately unavailable due to critical law enforcement obligations. Deputy Inspector Anthony Favale, who heads up the Human Trafficking Team detailed in our joint proposal, went to extraordinary lengths to obtain the Commissioner's signature after 10pm that night – he personally went to the Commissioner's home, and then back to his own office to complete the process. However by the time I had the signed Letter of Intent in PDF form, it was close to midnight.

I DID attempt to file Sanctuary's application on March 14, but it was rejected, with my receipt time-stamped 12:01am. Attached is a PDF of the submission receipt with the corresponding time stamp. As you know, the NYPD filed their application the following morning.

We believe our application represents an extraordinary coalition of law enforcement, criminal justice, and social and legal service partners to combat human trafficking in New York City. If there is anything you can do to include our application in the review process, we would be profoundly grateful.

Please do not hesitate to call me if you have any questions.

Sincerely,

John Wyeth, Jr.  
Assistant Director of Development for Institutional Giving  
Sanctuary for Families  
PO Box 1406, Wall Street Station, New York, NY 10268  
P: 212.349.6009 x 266  
F: 212.349.6810  
[www.sanctuaryforfamilies.org](http://www.sanctuaryforfamilies.org)

 please consider the environment before printing this e-mail

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**From:** Katherine A. Lemire [<mailto:Katherine.Lemire@nypd.org>]  
**Sent:** Wednesday, March 20, 2013 10:52 AM  
**To:** 'Trautman, Tracey'; John Wyeth; FAVALE, ANTHONY  
**Subject:** RE: Question regarding BJA Human Trafficking application

hello Tracey -- I am forwarding your email to Tony Favale (NYPD) and John Wyeth (Sanctuary for Families) -- they can provide you with the details with regard to delay -- thank you, Katie Lemire

**From:** Trautman, Tracey [<mailto:Tracey.Trautman@usdoj.gov>]  
**Sent:** Wednesday, March 20, 2013 10:46 AM  
**To:** Katherine A. Lemire  
**Subject:** Question regarding BJA Human Trafficking application

Good morning Ms. Lemire:

Last week, you had contacted my boss, Denise O'Donnell, about a snafu in your grant application. She was on her way out of town, so she asked me to follow up and find out what had happened.

In your email, you reference additional information, but that part was not on the email I received.

Our system notes an application by NYPD was received on 3/15/13 at 11:08 a.m., which is several hours past the deadline. Are there additional circumstances you'd like us to know?

Thank you—

Tracey Trautman

Tracey Trautman

Deputy Director

Bureau of Justice Assistance

U.S. Department of Justice

810 7th St. NW

Washington, DC 20531

(202) 305-1491 (desk)

(202) 353-5333 (cell)

[Tracey.Trautman@usdoj.gov](mailto:Tracey.Trautman@usdoj.gov)