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# National Institute of Justice

## S o l i c i t a t i o n

*Jeremy Travis, Director*

*June 1996*

### **NIJ Solicits Proposals for Executive Seminar Series on Sentencing and Corrections**

**In Cooperation With**

**Office of Justice Programs  
Corrections Program Office**



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## NIJ Solicits Proposals for Executive Seminar Series on Sentencing and Corrections

### Introduction

The National Institute of Justice (NIJ) is soliciting proposals to provide conceptual and administrative direction to a research forum on the interdependent relationship between sentencing policy and correctional practice. Entitled "The Executive Seminar on Sentencing and Corrections," the forum will periodically bring together a core group of corrections executives, sentencing experts, policymakers, and researchers for the purpose of examining the issues that constrain or enhance the capability of correctional administrators to carry out sentencing policies. A concomitant purpose of the forum will be to explore ways that corrections research and experience can contribute to the formation of more effective sanctioning policies.

### Background

In the early 1960s, in comparison to subsequent decades, fewer high-risk youths were in the population, illegal drugs were less pervasive,<sup>1</sup> violent crimes were proportionately lower,<sup>2</sup> and the probability was higher that offenders would be apprehended and, if incarcerated after apprehension, would serve longer terms.<sup>3</sup> In most States, there was an acceptable balance between supply and demand for prison space.<sup>4</sup> Judges and correctional administrators were permitted wide discretion in carrying out sentencing policies,<sup>5</sup> and the concerns of victims, if considered at all, were regarded as being appropriately within the purview of social service agencies rather than the criminal justice system.

Rising crime rates became a major, often paramount, public concern beginning in the mid-1960s.<sup>6</sup> Responding to the concern, public policymakers during the following three decades increased funding for law enforcement and passed legislation that greatly changed how the Nation deals with offenders. Perhaps the foremost changes were to greatly reduce judicial discretion in sentencing,<sup>7</sup> to increase the use of imprisonment,<sup>8</sup> and, to a lesser degree, to limit correctional discretion by adopting parole guidelines or simply abolishing parole. Parole release, an integral part of indeterminate sentencing, was abolished in at

least 11 States, although virtually all States retained postrelease supervision for some types of offenders.<sup>9</sup>

Although research findings appear to have had only modest influence on the establishment of sentencing policies, the often cited finding from Martinson et al., published in 1974, that "nothing works" in correctional treatment programs became conventional wisdom.<sup>10</sup> While Martinson et al. subsequently disavowed this conclusion, the erroneous interpretation of their findings undoubtedly contributed to the movement to eliminate indeterminate sentencing.<sup>11</sup>

As prison commitments increased and crowding of prisons became commonplace, many States, sometimes under court order, embarked on costly prison construction programs.<sup>12</sup> By the latter part of the 1980s, State legislatures continued to limit judicial discretion through passage of mandatory sentences for specific crimes, particularly drug dealing, or for offenders with extensive criminal histories, reinforcing the policy of reducing crime through incapacitation. As a consequence, commitments to prison continued to outpace available space.<sup>13</sup> Some States adopted early release programs in which selected property offenders were released ahead of schedule so that bed space would be made available for more serious offenders or persons mandated to be incarcerated.<sup>14</sup>

Probation caseloads also increased greatly in many jurisdictions. Because prison space was not available, many States placed relatively high-risk offenders on probation.<sup>15</sup> Inevitably, sizable numbers violated the terms of their probation, contributing significantly to the problem of prison crowding.<sup>16</sup>

In response to growing numbers of convicted offenders, many States developed programs designed to be possible alternatives to custody. Called "intermediate sanctions" because they are punishments intended to be more severe than traditional probation but less so than prison, these punishments are increasingly being used, primarily for nonviolent offenders. The three best known of these are probably boot camps, electronic monitoring, and intensive supervision probation (ISP). Early research findings into the effectiveness of these programs have either been inconclusive or moderately disappointing. When compared

to traditional prison or jail programs, intermediate sanction alternatives do not exhibit lower recidivism or reduced costs. Since participant dropout rates are often high in these programs and failure rates are typically high due to increased supervision, it also is not clear that these programs can achieve significant reductions in commitments to prison. However, current research findings may be instrumental in improving a “second generation” of intermediate sanction programs.<sup>17</sup>

Sentencing policies determine the demographics and characteristics of correctional populations. In the past decade, the average age of offenders entering prison has increased, and, if time served increases, prison populations will become increasingly older.<sup>18, 19</sup> The majority of these prisoners are serving sentences for violent offenses or have had a previous conviction for violence.<sup>20</sup> Some States have adopted policies of waiving violent juveniles to adult courts. Even though the number of juveniles serving terms in adult prisons remains minuscule, they are a special management population.<sup>21</sup> Ethnic minorities, always disproportionately represented in prison populations, have significantly increased in number.<sup>22</sup> More ominously, in many prisons, prisoners have organized into ethnic gangs who compete for dominance.<sup>23</sup> Inmate idleness, a chronic problem in the best of times, may be exacerbated in many States where legislation provides few programs to employ prisoners or requires administrators to remove or restrict access to such perceived luxuries as television and exercise equipment.<sup>24</sup>

Excessive caseloads in the community and crowding in prison, due largely to the number of inmates serving long terms, remain the most pressing problems facing corrections administrators. It is also particularly frustrating to correctional administrators when well-intentioned sentencing policies appear to produce results opposed to those intended, as when offenders who present greater risk to the public serve shorter terms than low-level and low-risk drug users or dealers.<sup>25</sup> Furthermore, as the number of long-term inmates increases, many correctional systems must consider how to manage future “geriatric prisons” with their attendant high medical costs.<sup>26</sup>

Corrections is the most costly component of the criminal justice system for State governments. State prison construction has lagged behind the demand for bed space, as has funding for intermediate sanctions. Many States may have reached the limits of their ability to fund corrections

(operating expenses as well as capital expenditures), as such costs begin to divert moneys needed for other vital public purposes.<sup>27</sup> While some funds for prison construction will be available to the States under the Violent Crime Control and Law Enforcement Act of 1994 (the Crime Act), it is not clear whether States building additional facilities will be able to fund operating costs over the lifetime of the buildings. In the past 10 years a number of States, particularly Texas, have “privatized” some of their prison facilities in an effort to reduce costs.<sup>28</sup> The Federal Government has also initiated a policy of entering into contracts with private corporations to operate Federal correctional facilities.<sup>29</sup>

Sanctioning policies spring from a desire to uphold specific values or achieve a specific purpose. Sentencing research, which has often focused on the judicial process, will become a greater asset to policymakers when it integrates the findings of corrections research, with its focus on the consequences of sentencing policies.

### The Executive Seminar

The venue chosen by NIJ for examining the reciprocal relationship between sentencing and correctional practice is the Executive Seminar (ES). The ES is a core group of 20 to 30 individuals with expertise in sentencing, corrections, public policy analysis, or research in the fields of sentencing or corrections. The membership of the ES, including the number of persons from each discipline, will be jointly decided by NIJ and the grantee. Consistent with the purpose of the project, the majority of the ES will be executives from State and local corrections, both institutional and community. The work of the ES will be carried out through discussion, original writings, commissioned papers, and directed research. The products of the project will be a series of NIJ publications and, perhaps, publications in other media formats, on the issues surrounding the symbiotic relationship between sentencing and corrections.

The specific issues to be discussed will be selected jointly by NIJ, the grantee, and the ES. The Association of State Correctional Administrators (ASCA), at a meeting in July 1995 convened by the Department of Justice, identified a number of issues that are central to the question of whether sentencing policies, as implemented through correctional programs and practice, are achieving their intended purposes. The foremost issues include the following:

**1. Measurement of policy outcomes.** Some sentencing policies may produce results opposite to those intended. Outcome studies are needed that assess the impact of both sentencing policies and the correctional programs associated with them. A fundamental issue is how to clearly specify and then measure policy goals and program outcomes, particularly how to define and quantify the concept of recidivism.

**2. Costs and expected benefits of alternative sentencing policies.** This is an area of study that will become increasingly important as the costs of public safety increase. A current salient issue for corrections is the question of whether the public good can be met at less cost through contracting of corrections with private, profitmaking corporations.

**3. Impact of sentencing policies on correctional populations and practice.** How sentencing policies determine the size, composition, time under custody, and type of supervision of correctional populations needs assessment, as does how correctional policies and practices are, in turn, determined by the size and nature of correctional populations.

**4. Performance measures.** While linked to outcome measures, corrections also needs consensual measures of basic operational concepts such as rated capacity, average daily population, individual and institutional security levels, and similar measures that can be used to distinguish sound from inadequate correctional practice. Such measures would not only contribute to the improvement of correctional operations but would also be essential in examining the costs of achieving sentencing goals, thus enabling legislators and policymakers to better weigh alternative policies.

**5. Role of the victim—concept of restorative justice in corrections.** Inclusion of victim concerns in corrections is new ground for most corrections administrators, and perhaps for most legislators and judges as well. At this point restorative justice is more a concept than a policy or a set of practices, but it has the potential to change corrections significantly, particularly in the areas of intermediate sanctions and community corrections.

**6. The impact of sentencing issues on correctional practice.** A number of issues will be discussed, including movement of offenders up and down the correctional supervision ladder, employment of ex-offenders in selected correctional occupations such as drug counselors,

and use of technologically sophisticated equipment for security and supervision, particularly community supervision of offenders.

**7. Other issues.** A number of other issues may be considered by seminar participants. Potential topics include:

- The influence of public opinion on sentencing policies and correctional practice.
- The impact of crowded and/or harsh prison environments on inmate behavior and officer safety.
- The impact, if any, of contracting with private correctional corporations on sentencing policies and demand for prison bed space.
- The impact of sentencing policies on correctional standards, both in prison and in the community.

### Statement of Work

It is anticipated that the ES will meet six times in 3 years. It will be the responsibility of the grantee to:

- Provide support to the ES through provision of both professional and support staff.
- Manage and facilitate ES meetings, including administration of the logistical requirements associated with member travel.
- Contribute conceptual and editorial support in the commissioning and publication of papers.
- Provide routine administrative and financial oversight of the project.

### Application Requirements

This section presents general application information, recommendations to proposal writers, and requirements for grant recipients. The application form, SF 424, is included at the end of this document. Proposals not conforming to these application procedures will not be considered.

**Eligibility.** A major focus of this project will be on examining the interdependence of sentencing and corrections. It is expected that a wide range of issues will be explored from a number of differing conceptual perspectives. Academic institutions have established traditional approaches for the weighing of competing concepts and assessment of their related bases of knowledge. It is this approach that NIJ seeks for this project.

This solicitation is open to institutions of higher education that have law colleges and/or Ph.D. programs in the areas of criminal justice or public policy analysis. Individuals proposed by applicants to be director of this program should be recognized authorities in sentencing research.

**Award period.** In general, NIJ limits its grants and cooperative agreements to a maximum period of 24 months. However, longer budget periods may be considered.

**Award amount.** Up to \$400,000 will be available to support efforts under this NIJ solicitation.

In order to contain costs, applicants are encouraged to waive or reduce overhead or indirect fees or to reduce direct costs through the provision of in-kind services.

**Due date.** Ten (10) copies of **fully executed proposals** should be sent to:

Executive Seminar Series on Sentencing and Corrections  
National Institute of Justice  
633 Indiana Avenue N.W.  
Washington, DC 20531

Completed proposals **must be received** at the National Institute of Justice by the close of business on **July 29, 1996**. Extensions of this deadline will not be permitted.

**Contact.** Applicants are encouraged to contact John Spevacek, 202-307-0466, for this solicitation to discuss topic viability, data availability, or proposal content be-

NIJ is trying to streamline its process to accommodate the volume of proposals anticipated under this and other Crime Act solicitations. **Researchers can help in a significant way by sending NIJ a nonbinding letter of intent by July 17, 1996.** The Institute will use these letters to forecast the numbers of peer panels it needs and to identify conflicts of interest among potential reviewers. There are three ways to send these "letters." You can fill out the mailer on the last page of this solicitation. You can reach NIJ by Internet by sending e-mail to [tellnij@ncjrs.org](mailto:tellnij@ncjrs.org) and identifying the solicitation and section(s) you expect to apply for. You can write a letter with the same information to NIJ Proposals for Executive Seminar Series on Sentencing and Corrections, 633 Indiana Avenue, N.W., Washington, DC 20531. Help us help you.

fore submitting proposals. For information about the Violent Crime Control and Law Enforcement Act of 1994, contact the Department of Justice Response Center at 800-421-6770 or 202-307-1480.

## Recommendations to Grant Writers

Over the past 4 years, Institute staff have reviewed approximately 1,500 grant applications. On the basis of those reviews and inquiries from applicants, the Institute offers the following recommendations to help potential applicants present workable, understandable proposals. Many of these recommendations were adopted from materials provided to NIJ by the State Justice Institute, especially for applicants new to NIJ. Others reflect standard NIJ requirements.

The author(s) of the proposal should be clearly identified.

Proposals that are incorrectly collated, incomplete, or handwritten will be judged as submitted or, at NIJ's discretion, will be returned without a deadline extension. No additions to the original submission are allowed. The Institute suggests that applicants make certain that they address the questions, issues, and requirements set forth below when preparing an application.

**1. Which forms should be used?** A copy of Standard Form (SF) 424, Application for Federal Assistance, plus instructions, appears in the back of this document. Please follow the instructions carefully and include all parts and pages. In addition to SF 424, recent requirements involve certification regarding (1) lobbying; (2) debarment, suspension, and other responsibility matters; and (3) drug-free workplace requirements. The certification form that is attached to SF 424 should be signed by the appropriate official and included in the grant application.

**2. What is the page order?** The following order is mandatory. Omission can result in rejection of the application:

1. SF 424.
2. Names and affiliations of all key persons from applicant and subcontractor(s), advisers, consultants, and Advisory Board members. Include the name of the Principal Investigator, title, organizational affiliation (if any), department (if institution of higher education), address, phone, and fax.
3. Abstract.
4. Table of contents.

5. Budget narrative.
6. Assurances and Certifications, etc.
7. Negotiated rate agreement.
8. Program narrative.
9. References.
10. Resumés of key personnel.

### 3. What technical materials are required to be included in the application?

- A program narrative, which is the technical portion of the proposal. It should include a clear, concise statement of the problem, goals, and objectives of the project and related questions to be explored. A discussion of the relationship of the proposed work to the existing literature is expected. The proposed data sources, data collection strategies, and variables and issues to be examined should be delineated.

- The organization and management plan to conduct the project. A list of major milestones of events, activities, and products and a timetable for completion that indicates the time commitments to individual project tasks should be included. All grant activities, including writing of the final report, should be completed within the duration of the award period.

- The applicant's curriculum vitae should summarize education, research experience, and bibliographic information related to the proposed work.

**4. How much detail should be included in the budget narrative?** The budget narrative should list all planned expenditures and detail the salaries, materials, and cost assumptions used to estimate project costs. The narrative and cost estimates should be presented under the following standard budget categories: personnel, fringe benefits, travel, equipment, supplies, contracts, other, and indirect costs. For multiyear projects, applicants must include the full amount of NIJ funding for the entire life of the project. This amount should be reflected in item 15g on Form 424 and line 6k on 424A. When appropriate, grant applications should include justification of consultants and a full explanation of daily rates for any consultants proposed. To avoid common shortcomings of application budget narratives, include the following information:

- Personnel estimates that accurately provide the amount of time to be spent by personnel involved with the project and the total associated costs, including current salaries for the designated personnel (e.g., Project Director, 50 percent of 1 year's annual salary of \$50,000 = \$25,000). If salary costs are computed using an hourly or daily rate, the annual salary and number of hours or days in a work year should be shown.

- Estimates for supplies and expenses supported by a complete description of the supplies to be used, nature and extent of printing to be done, anticipated telephone charges, and other common expenditures, with the basis for computing the estimates included (e.g., 100 reports x 75 pages each x \$0.05/page = \$375). Supply and expense estimates offered simply as "based on experience" are not sufficient.

- The components of "other" or "miscellaneous" items should be specified in the application budget narrative and should not include set-asides for undefined contingencies.

**Equipment.** Grant funds may be used to purchase or lease equipment essential to accomplishing the objectives of the project. The budget narrative must list such equipment and explain why the equipment is necessary. Funds may not be used for operating programs, writing texts or handbooks, training, etc.

**Indirect costs.** It is the policy of the Institute that all costs should be budgeted directly; however, if an applicant has an indirect cost rate that has been approved by a Federal agency within the past 2 years, an indirect cost recovery estimate may be included in the budget. A copy of the approved rate agreement should be submitted as an appendix to the application. If an applicant does not have an approved rate agreement, the applicant should contact the Office of the Comptroller, Office of Justice Programs, 202-307-0623, to obtain information about preparing an indirect cost rate proposal.

**Travel.** Transportation costs and per diem rates must comply with the policies of the applicant organization, and a copy of the applicant's travel policy should be submitted as an appendix to the application. If the applicant does not have a travel policy established in writing, then travel rates must be consistent with those established by the Federal Government. The budget narrative should state which regulations are in force for the project and should include the estimated fare, the number of persons traveling, the number of trips to be taken, and the length

of stay. The estimated costs of travel, lodging, ground transportation, and other subsistence should be listed separately. When combined, the subtotals for these categories should equal the estimate listed on the budget form.

**Other funding sources.** Applicants are expected to identify all other Federal, local, or private sources of support, including other NIJ programs, to which this or a closely related proposal has been or will be submitted. This information permits NIJ to consider the joint funding potential and limits the possibility of inadvertent duplicate funding. Applicants may submit more than one proposal to NIJ, but the same proposal cannot be submitted in more than one program area.

**5. Is there a page limit?** The Institute has established a limit of 30 double-spaced pages for all normal grant applications. This page limit does not include references, budget narrative, curriculum vitae, or necessary appendices. Applications for small grants (\$1,000 – \$50,000) are limited to 15 double-spaced pages. NIJ does not wish to create elaborate regulations regarding type fonts, margins, and spacing. Applicants are cautioned, however, that obvious attempts to stretch interpretations of the Institute's limits have, in the past, caused proposal reviewers to regard such efforts unfavorably.

**6. What does the review process entail?** After all applications are received, NIJ will convene peer review panels of criminal justice professionals and researchers. Panel assessments of the proposals, together with assessments by NIJ staff, are submitted to the Director, who has sole and final authority over approval and awards. The review normally takes 60 to 90 days, depending on the number of applications received.

## Requirements for Award Recipients

**Required Products.** Each project is expected to generate tangible products of maximum benefit to criminal justice professionals, researchers, and policymakers. In particular, NIJ strongly encourages documents that provide information of practical utility to law enforcement officials; prosecutors; judges; corrections officers; victims services providers; and Federal, State, county, and local elected officials.

Products should include:

- A summary of approximately 2,500 words highlighting the findings of the seminars and the policy issues those findings will inform. The material should be written in a style that will be accessible to policy officials and practitioners and suitable for possible publication as an NIJ Research in Brief. An NIJ editorial style guide is sent to each project director at the time of the award.
- A full technical report, including a discussion of the questions addressed, literature review, detailed review of project findings, and conclusions and policy recommendations.
- Clean copies of any automated data sets developed during the research and full documentation prepared in accordance with the instructions discussed below.
- Brief project summaries for NIJ use in preparing annual reports to the President and the Congress. As appropriate, additional products such as case studies and interim and final reports (e.g., articles, manuals, or training materials) may be specified in the proposal or negotiated at the time of the award.

**Public Release of Automated Data Sets.** NIJ is committed to ensuring the public availability of research data and to this end established its Data Resources Program in 1984. All NIJ award recipients who collect data are required to submit a machine-readable copy of the data and appropriate documentation to NIJ prior to the conclusion of the project. The data and materials are reviewed for completeness. NIJ staff then create machine-readable data sets, prepare users' guides, and distribute data and documentation to other researchers in the field. A variety of formats are acceptable; however, the data and materials must conform with requirements detailed in *Depositing Data With the Data Resources Program of the National Institute of Justice: A Handbook*. A copy of this handbook is sent to each project director at the time of the award. For further information about NIJ's Data Resources Program, contact Dr. James Trudeau, 202-307-1355.

**Standards of Performance by Recipients.** NIJ expects individuals and institutions receiving its support to work diligently and professionally toward completing a high-quality research or study product. Besides this general expectation, the Institute imposes specific requirements to ensure that proper financial and administrative controls are applied to the project. Financial and general reporting requirements are detailed in *Financial and Administrative Guide for Grants*, a publication of the Office of Justice Programs. This guideline manual is sent to re-

recipient institutions with the award documents. Project directors and recipient financial administrators should pay particular attention to the regulations in this document.

**Program Monitoring.** Award recipients and Principal Investigators assume certain responsibilities as part of their participation in government-sponsored research and evaluation. NIJ's monitoring activities are intended to help grantees meet these responsibilities. They are based on good communication and open dialog, with collegiality and mutual respect. Some of the elements of this dialog are as follows:

- Communication with NIJ in the early stages of the grant, as the elements of the project's design and methods are developed and operationalized.
- Timely communication with NIJ regarding any developments that might affect the project's compliance with the schedules, milestones, and products set forth in the proposal. (See statement on Timeliness below.)
- Communication with other NIJ grantees conducting related research projects.
- Providing NIJ on request with brief descriptions of the project in interim stages at such time as the Institute may need this information to meet its reporting requirements to Congress. NIJ will give as much advance notification of these requests as possible but will expect a timely response from grantees when requests are made. NIJ is prepared to receive such communication through electronic media.
- Providing NIJ with copies of presentations made at conferences, meetings, and elsewhere based in whole or in part on the work of the project.
- Providing NIJ with prepublication copies of articles based on the project appearing in professional journals or the media, either during the life of the grant or after.
- Other reporting requirements (Progress Reports, Final Reports, and other grant products) are spelled out elsewhere in this section of the Research Plan. Financial reporting requirements will be described in the grant award documents received by successful applicants.

**Communications.** NIJ Program Managers should be kept informed of research progress. The grantee shall submit programmatic reports to the Institute consisting of:

- Regular progress reports due on July 31 and January 31 concerning the events of the previous 6 months of the calendar year. The first report should include the administra-

tive activities of the project and a brief update of progress. The second report should include a similar summary of administrative activities as well as a more detailed progress report, including any substantive findings from the work to date.

**Timeliness.** Grantees are expected to complete award products within the time frames that have been agreed upon by NIJ and the grantee. The Institute recognizes that there are legitimate reasons for project extensions. However, NIJ does not consider the assumption of additional research projects that impinge upon previous time commitments as legitimate reasons for delay. Projects with unreasonable delays can be terminated administratively. In this situation, any funds remaining are withdrawn. Future applications from either the project director or the recipient institution are subject to strict scrutiny and may be denied support based on past failure to meet minimum standards.

**Publications.** The Institute encourages grantees to prepare their work for NIJ publication. In cases where grantees disseminate their findings through a variety of media, such as professional journals, books, and conferences, copies of such publications should be sent to the Program Manager as they become available, even if they appear well after a project's expiration. NIJ imposes no restriction on such publications other than the following acknowledgment and disclaimer:

*This research was supported by grant number \_\_\_\_\_ from the National Institute of Justice. Points of view are those of the author(s) and do not necessarily represent the position of the U.S. Department of Justice.*

**Data Confidentiality and Human Subjects Protection.** Research that examines individual traits and experiences plays a vital part in expanding our knowledge about criminal behavior. It is essential, however, that researchers protect subjects from needless risk of harm or embarrassment and proceed with their willing and informed cooperation. NIJ requires that investigators protect information identifiable to research participants. When information is safeguarded, it is protected by statute from being used in legal proceedings:

“[S]uch information and copies thereof shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial, legislative, or administrative proceedings” (42 United States Code 3789g).

Applicants should file their plans to protect sensitive information as part of their proposal. Necessary safeguards are detailed in 28 Code of Federal Regulations (CFR), ¶22. A short “how-to” guideline for developing a privacy and confidentiality plan can be obtained from NIJ Program Managers.

In addition, the U.S. Department of Justice has adopted Human Subjects policies similar to those established by the U.S. Department of Health and Human Services. If an Institutional Review Board is necessary for this project, a copy of the Board’s approval must be submitted to the National Institute of Justice prior to the initiation of data collection. Researchers are encouraged to review 28 CFR 46, ¶46.101 to determine their individual project requirements.

## Notes

<sup>1</sup> Arrests of adults for drug abuse violations per 100,000 persons rose from 36.4 in 1965 to 554.7 in 1992. Bureau of Justice Statistics, *Sourcebook of Criminal Justice Statistics*, Washington, D.C.: U.S. Department of Justice, Bureau of Justice Statistics, 1993:457.

<sup>2</sup> The rate of violent crimes per 100,000 persons has increased from 160.9 in 1960 to 757.5 in 1992. Murders and nonnegligent manslaughters in the United States in 1964 stood at 7,990; in 1992 the number was 22,540. Bureau of Justice Statistics, *Sourcebook*, 352, 377.

<sup>3</sup> The “punishment index,” defined as the probability of arrest plus the length of time served, declined in the late 1960s and 1970s, before beginning to rise in the 1980s. Neither measure has reached the levels of the early 1960s. Wilson, James Q., “Crime and Public Policy,” in *Crime*, eds. James Q. Wilson and Joan Petersilia, San Francisco, CA: Institute for Contemporary Studies, 1995:499, 502; and Langan, Patrick A., “America’s Soaring Prison Population,” *Science*, 251 (March 1991):1570.

<sup>4</sup> Prison populations had actually declined in the years 1951, 1962–67, and 1970–72; in those years in which they did increase, they did so at a rate lower than the rates in the years 1973 to the present. See Langan, “America’s Soaring Prison Population,” 1568, 1573.

<sup>5</sup> Prior to 1975 all States employed some type of indeterminate sentencing. Tonry, Michael, *Intermediate Sanctions in Structured Sentencing*, Issues and Practices, Washington, D.C.: U.S. Department of Justice, National Institute of Justice, forthcoming.

<sup>6</sup> The index for all crimes known to the police increased 54 percent from 1960 to 1966. As crime rates rose, crime became a political issue that resulted in a “war on crime” and the establishment of the Office of Law Enforcement Assistance (OLEA) in 1965. Bureau of Justice Statistics, *Sourcebook*, 352.

<sup>7</sup> Tonry, “Intermediate Sanctions,” 24–26, succinctly discusses the movement(s) to limit sentencing discretion. See also Langan, “America’s Soaring Prison Population,” 1569; and Greenfeld, Lawrence A., *Prison Sentences and Time Served for Violence*, Washington, D.C.: U.S. Department of Justice, Bureau of Justice Statistics, April 1995:1.

<sup>8</sup> Bureau of Justice Statistics, *Sourcebook*, 599, presents a striking graphical depiction of the sudden upturn in prison populations that began in the mid-1970s. Langan, “America’s Soaring Prison Population,” 1568–1569, also reports that the U.S. prison population tripled in the 16 years following 1973.

Probation caseloads also grew rapidly in the same time period, but the largest growth occurred in the time frame of 1980–1994, when the number of offenders on probation increased 165 percent. See Gilliard, Darrell, and Allen Beck, “Nation’s Correctional Population Tops 5 Million” (Press Release), Washington, D.C.: U.S. Department of Justice, Bureau of Justice Statistics, 1995:7.

<sup>9</sup> In 1977, 72 percent of releases from State prisons were by parole decision; by 1992, the proportion of releases by parole decision had shrunk to 40 percent. Greenfeld, *Prison Sentences*, 1; and Langan, “America’s Soaring Prison Population,” 1569.

<sup>10</sup> Martinson, Robert, “What Works? Questions and Answers About Prison Reform,” *The Public Interest*, 35 (1974): 22–54.

<sup>11</sup> Martinson, Robert, “New Findings, New Views: A Note of Caution Regarding Sentencing Reform,” *Hofstra Law Review*, 7 (1979):243–258.

<sup>12</sup> A rule of thumb in the 1970s was that it took 5 years to build a prison. By 1980, prisons that had been under construction in the 1970s were opening in a number of States. In June 1980, there were 503 State prisons in operation, 23 of them new. An additional 45 institutions had been expanded in capacity. Every State except one was either constructing prisons, in the midst of the planning process, or both. By 1993 there were 1,036 State prisons.

See Kwartler, Richard, *The Corrections Yearbook—1981*, Criminal Justice Institute, 1982:15, 22–26; Camp, George, and Camille Camp, *The Corrections Yearbook—1993*, 1994:33–36; and *Corrections Compendium*, May 1994:7–14.

<sup>13</sup> There are a number of sources reporting the vast increase in drug offenders committed to prison. Beck and Gilliard noted that an even greater source of growth of State prison populations has been the increased incarceration of offenders convicted of violent crimes. Gilliard and Beck, “Nation’s Correctional Population Tops 5 Million,” 10–11.

<sup>14</sup> In 1993, 17 States had early release programs to relieve prison crowding. In 1992, 10 States released 32,999 inmates prior to schedule; however, one State, Florida, accounted for 79 percent of these early releases (26,087 inmates). Camp and Camp, *The Corrections Yearbook—1993*, 20.

<sup>15</sup> Petersilia and Turner report that by 1990 the majority of offenders on probation were felons. See Petersilia, Joan, and Susan Turner, *Evaluating Intensive Supervision Probation/Parole: Results of a Nationwide Experiment*, Research in Brief, Washington, D.C.: U.S. Department of Justice, National Institute of Justice, April 1993; and Parent, Dale, et al., *Day Reporting Centers, Issues and Practices*, Washington, D.C.: U.S. Department of Justice, National Institute of Justice, 1995:3.

<sup>16</sup> Parent et al. report that the probation population increased 125 percent in the decade 1980–90. Inevitably, the numbers failing also increased. Due to current statistical reporting practice, parole violators and probation violators are not distinguished by States in prison admissions reports. But, in some States, more persons are committed to prison for probation or parole revocation than are committed directly from the courts. See Parent, Dale M., and Dan Wentworth, *Responding to Probation and Parole Violations, Issues and Practices*, Washington, D.C.: U.S. Department of Justice, National Institute of Justice, July 1994:1–2, 4.

<sup>17</sup> Examples of constructive research reports include: Cowles, Ernest L., and Thomas C. Castellano, *‘Boot Camp’ Drug Treatment and Aftercare Intervention: An Evaluation Review*, Issues and Practices, Washington, D.C.: U.S. Department of Justice, National Institute of Justice, July 1995; Austin, James, Michael Jones, and Melissa Bolyard, *The Growing Use of Jail Boot Camps:*

*The Current State of the Art*, Research in Brief, Washington D.C.: U.S. Department of Justice, National Institute of Justice, October 1993; and MacKenzie, Doris L., and Gene Hebert, eds., *Correctional Boot Camps: A Tough Intermediate Sanction*, Research Report, Washington D.C.: U.S. Department of Justice, National Institute of Justice, February 1996.

<sup>18</sup> For the time period 1987–1992, the average age of persons entering prison increased rather than decreased. This may change in the immediate future due to both demographic factors and probable changes in State sentencing policies. Camp, George, and Camille Camp, *The Corrections Yearbook: Adult Corrections, 1993*, Criminal Justice Institute, 1994:14.

Data on young offenders as a proportion of the total prison population, as opposed to admissions, is seemingly not available.

<sup>19</sup> The impact of longer sentences has not yet been felt. Data from three sources reveal that the average stay in State prisons has increased only slightly over the past 3 to 5 years, even for violent offenders. See Camp and Camp, *The Corrections Yearbook*, 14, 16; Gilliard and Beck, “Nation’s Correctional Population Tops 5 Million,” 12; and Greenfeld, *Prison Sentences*, 1–2.

<sup>20</sup> Sixty-two percent of State prisoners incarcerated in 1991 were either serving a sentence for a violent offense or had a previous conviction for a violent offense. Beck, Allen, et al., *Survey of State Prison Inmates, 1991*, Washington, D.C.: U.S. Department of Justice, Bureau of Justice Statistics, 1993:11.

<sup>21</sup> The issue of waiving violent juveniles to adult court is a legislative issue in a number of States as reported in an unpublished report conducted for NIJ by Abt Associates, Inc. See Parent, Dunworth, Rhodes, and McDonald, *Sentencing Quickscan*, 1995. Additionally, a National Institute of Corrections-sponsored study revealed that two States account for over one-third of offenders age 17 or younger who were admitted to State prisons in 1993. See Austin, J., B. Krisberg, R. DeCome, S. Rudenstine, and D. Del Rosario, *Juveniles Taken Into Custody Research Program: 1994 Annual Report*, San Francisco, CA: National Council on Crime and Delinquency, 1994.

<sup>22</sup> In 1993, 35.8 percent of the sentenced prison population in the United States was non-Hispanic whites. Gilliard and Beck, “Nation’s Correctional Population Tops 5 Million,” 9.

<sup>23</sup> Identification of gang members and control of gang activities in prison was reported to be a significant concern of corrections commissioners and wardens in a 1994 survey funded by NIJ. See National Institute of Justice, *NIJ Survey of Wardens and State Commissioners of Corrections*, Research Update, Washington, D.C.: U.S. Department of Justice, National Institute of Justice, May 1995:1.

Six percent of a sample of State prisoners in 1991 reported they had belonged to a gang prior to commitment. Another 6 percent reported membership in less organized gangs. Beck et al., *Survey of State Prison Inmates*, 20.

<sup>24</sup> At least three States have removed weight-lifting equipment from their prisons, and at least four others are considering taking such action. See *Corrections Digest*, March 24, 1995:1–2.

It is not known how many jurisdictions other than Maricopa County, Arizona, have banned or are considering banning television, although the press frequently reports that such legislation has been proposed. In 1996, NIJ will collect information on “no frills” prisons.

<sup>25</sup> Cohen and her colleagues studied two jurisdictions in which offenders committed for burglary and robbery served shorter sentences so that beds would be available for low-level drug dealers. A comparison of the criminal histories of the two groups revealed that the drug dealers had incurred fewer serious convictions than the burglars and robbers and likely posed a lower risk of committing further serious offenses when free. Cohen, Jacqueline, Daniel Nagin, and Lawrence Wasserman, *Incarceration of Drug Offenders: Crime Control Benefits*, National Institute of Justice, forthcoming. A study by the Cato Institute agreed. See Kopel, David B., *Prison Blues: How America’s Foolish Sentencing Policies Endanger Public Safety*, Policy Analysis Series, no. 208, The Cato Institute: 1995.

<sup>26</sup> Two of the best discussions of the potential costs of “geriatric prisons” can be found in McDonald, Douglas C., *Managing Prison Health Care and Costs*, Issues and Practices, Washington, D.C.: U.S. Department of Justice, National Institute of Justice, May 1995; and Crawford, Cheryl, “Health Care Needs in Corrections: NIJ Responds,” *National Institute of Justice Journal*, Washington, D.C.: U.S. Department of Justice, National Institute of Justice, November 1994.

<sup>27</sup> By 1986, expenditures for prison construction approached \$4 billion; in the period 1987–1990, expenditures exceeded \$12 billion, before declining to \$10 billion for the years 1991–1994. Federal expenditures are included in these figures. See *Corrections Compendium*, May 1994:14.

State expenditures for corrections have increased at higher rates than State spending for other purposes in recent years. In 1994, economic growth in the States averaged 7.8 percent, while corrections expenditures grew 13.4 percent. However, corrections still consumes only 3–4 percent of the budgets of most States, a proportion that has not changed significantly in the past decade. See *The Justice Bulletin*, National Criminal Justice Association, 3, no. 4 (April 1995):13.

<sup>28</sup> There is no unequivocal evidence to support or refute claims that private corrections can, at lower cost, provide services equal to or better than public facilities and employees. However, a number of States, particularly Texas, are pursuing the private contractor option. See Bureau of Justice Statistics, *Sourcebook*, 116–122; Thomas, Charles, *Private Adult Correctional Facility Census*, University of Florida, 1995; and Logan, Charles H., “Proprietary Prisons,” in *The American Prison*, eds. Lynne Goodstein and Doris Layton MacKenzie, Plenum Press, 1989:45–62.

<sup>29</sup> See Gerth, Jeff, and Stephen Labatan, “The Pitfalls of Private Penitentiaries,” *The New York Times* (November 24, 1995):A1.

# *Application Forms*



## INSTRUCTIONS FOR THE SF 424

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

- | Item: | Entry:  | Item: | Entry:   |
|-------|---|-------|--|
| 1.    | Self-explanatory.   | 12.   | List only the largest political entities affected (e.g., State, counties, cities).   |
| 2.    | Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable).   | 13.   | Self-explanatory.  |
| 3.    | State use only (if applicable).   | 14.   | List the applicant's Congressional District and any District(s) affected by the program or project.  |
| 4.    | If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.   | 15.   | Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate <i>only</i> the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15. |
| 5.    | Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.  | 16.   | Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.  |
| 6.    | Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.   | 17.   | This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.  |
| 7.    | Enter the appropriate letter in the space provided.   | 18.   | To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)  |
| 8.    | Check appropriate box and enter appropriate letter(s) in the space(s) provided:<br>—“New” means a new assistance award.<br>—“Continuation” means an extension for an additional funding/budget period for a project with a projected completion date.<br>—“Revision” means any change in the Federal Government's financial obligation or contingent liability from an existing obligation. |       |  |
| 9.    | Name of Federal agency from which assistance is being requested with this application.  |       |  |
| 10.   | Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.   |       |  |
| 11.   | Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.   |       |  |

# Budget Detail Worksheet

**A. Personnel** - List each position by title and name of employee, if available. Show the annual salary rate and the percentage of time to be devoted to the project. Compensation paid for employees engaged in grant activities must be consistent with that paid for similar work within the applicant organization.

Name/Position	Computation	Cost
		<b>TOTAL</b> _____

**B. Fringe Benefits** - Fringe benefits should be based on actual known costs or an established formula. Fringe benefits are for the personnel listed in budget category (A) and only for the percentage of time devoted to the project.

Name/Position	Computation	Cost
		<b>TOTAL</b> _____

**C. Travel** - Itemize travel expenses of project personnel by purpose (e.g., staff to training, field interviews, advisory group meeting, etc.). Show the basis of computation (e.g., six people to 3-day training at \$X airfare, \$X lodging, \$X subsistence). In training projects, travel and meals for trainees should be listed separately. Show the number of trainees and the unit costs involved. Identify the location of travel, if known.

Purpose of Travel	Location	Item	Computation	Cost
				<b>TOTAL</b> _____

**D. Equipment** - List non-expendable items that are to be purchased. Non-expendable equipment is tangible property having a useful life of more than two years and an acquisition cost of \$5,000 or more per unit. Expendable items should be included either in the “supplies” category or in the “Other” category. Applicants should analyze the cost benefits of purchasing versus leasing equipment, especially high cost items and those subject to rapid technical advances. Rented or leased equipment costs should be listed in the “Contractual” category. Explain how the equipment is necessary for the success of the project. Attach a narrative describing the procurement method to be used.

Item	Computation	Cost
		<b>TOTAL</b> _____

**E. Supplies** - List items by type (office supplies, postage, training materials, copying paper, and expendable equipment items costing less than \$5,000, such as books, hand held tape recorders) and show the basis for computation. Generally, supplies include any materials that are expendable or consumed during the course of the project.

Supply Items	Computation	Cost
		<b>TOTAL</b> _____

**F. Construction** - As a rule, construction costs are not allowable. In some cases, minor repairs or renovations may be allowable. Check with the program office before budgeting funds in this category.

Purpose	Description of Work	Cost
		<b>TOTAL</b> _____

## G. Consultants/Contracts

**Consultant Fees:** For each consultant enter the name, if known, service to be provided, hourly or daily fee (8-hour day), and estimated time on the project. Consultant fees in excess of \$150 per day require additional justification.

Name of Consultant	Service Provided	Computation	Cost
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*Subtotal*\_\_\_\_\_

**Consultant Expenses:** List all expenses to be paid from the grant to the individual consultants in addition to their fees (i.e., travel, meals, lodging, etc.)

Item	Location	Computation	Cost
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*Subtotal*\_\_\_\_\_

**Contracts:** Provide a description of the product or service to be procured by contract and an estimate of the cost. Applicants are encouraged to promote free and open competition in awarding contracts. A separate justification must be provided for sole source contracts in excess of \$100,000.

Item	Cost
------	------

*Subtotal*\_\_\_\_\_

**TOTAL**\_\_\_\_\_

**(H) Other Costs** - List items (e.g., rent, reproduction, telephone, janitorial or security services, and investigative or confidential funds) by major type and the basis of the computation. For example, provide the square footage and the cost per square foot for rent, or provide a monthly rental cost and how many months to rent.

Description	Computation	Cost
		<b>TOTAL</b> _____

**(I) Indirect Costs** - Indirect costs are allowed only if the applicant has a Federally approved indirect cost rate. A copy of the rate approval, (a fully executed, negotiated agreement), must be attached. If the applicant does not have an approved rate, one can be requested by contacting the applicant's 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.

Description	Computation	Cost
		<b>TOTAL</b> _____

**Budget Summary**- When you have completed the budget worksheet, transfer the totals for each category to the spaces below. Compute the total direct costs and the total project costs. Indicate the amount of Federal funds requested and the amount of non-Federal funds that will support the project.

<b>Budget Category</b>	<b>Amount</b>
<b>A. Personnel</b>	_____
<b>B. Fringe Benefits</b>	_____
<b>C. Travel</b>	_____
<b>D. Equipment</b>	_____
<b>E. Supplies</b>	_____
<b>F. Construction</b>	_____
<b>G. Consultants/Contracts</b>	_____
<b>H. Other</b>	_____
<b>Total Direct Costs</b>	_____
<b>I. Indirect Costs</b>	
<b>TOTAL PROJECT COSTS</b>	_____
<b>Federal Request</b>	_____
<b>Non-Federal Amount</b>	_____

## INSTRUCTIONS

### PROGRAM NARRATIVE

Prepare the program narrative statement in accordance with the following instructions for all new grant programs. Requests for continuation or refunding and changes on an approved project should respond to item 5b only. Requests for supplemental assistance should respond to question 5c only.

#### 1. OBJECTIVES AND NEED FOR THIS ASSISTANCE.

Pinpoint any relevant physical, economic, social, financial, institutional, or other problems requiring a solution. Demonstrate the need for assistance and state the principal and subordinate objectives of the project. Supporting documentation or other testimonies from concerned interests other than the applicant may be used. Any relevant data based on planning studies should be included or footnoted.

#### 2. RESULTS OR BENEFITS EXPECTED.

Identify results and benefits to be derived. For example, when applying for a grant to establish a neighborhood health center, provide a description of who will occupy the facility, how the facility will be used, and how the facility will benefit the general public.

#### 3. APPROACH.

- a. Outline a plan of action pertaining to the scope and detail of how the proposed work will be accomplished for each grant program, function, or activity provided in the budget. Cite factors which might accelerate or decelerate the work and your reason for taking this approach as opposed to others. Describe any unusual features of the project such as design or technological innovations, reductions in cost or time, or extraordinary social and community involvement.
- b. Provide for each grant program, function, or activity quantitative monthly or quarterly projections of the accomplishments to be achieved in such terms as the number of jobs created, the number of people served, and the number of patients treated. When accomplishments cannot be quantified by activity or function, list item in chronological order to show the schedule of accomplishments and their target dates.

- c. Identify the kinds of data to be collected and maintained and discuss the criteria to be used to evaluate the results and successes of the project. Explain the methodology that will be used to determine if the needs identified and discussed are being met and if the results and benefits identified in item 2 are being achieved.
- d. List organizations, cooperators, consultants, or other key individuals who will work on the project along with a short description of the nature of their effort or contribution.

#### 4. GEOGRAPHIC LOCATION.

Give a precise location of the project or area to be served by the proposed project. Maps or other graphic aids may be attached.

#### 5. IF APPLICABLE, PROVIDE THE FOLLOWING INFORMATION:

- a. For research or demonstration assistance requests, present a biographical sketch of the program director with the following information: name, address, phone number, background, and other qualifying experience for the project. Also, list the name, training, and background for other key personnel engaged in the project.
- b. Discuss accomplishments to date and list in chronological order a schedule of accomplishments, progress, or milestones anticipated with the new funding request. If there have been significant changes in the project objectives, location approach, or time delays, explain and justify. For other requests for changes or amendments, explain the reason for the change(s). If the scope or objectives have changed or an extension of time is necessary, explain the circumstances and justify. If the total budget items have changed more than the prescribed limits contained in the Uniform Administrative Requirements for Grants and Cooperative Agreements - 28 CFR, part 66, Common Rule (or Attachment J to OMB Circular A-110, as applicable), explain and justify the change and its effect on the project.
- c. For supplemental assistance requests, explain the reason for the request and justify the need for additional funding.

## ASSURANCES

The Applicant hereby assures and certifies compliance with all Federal statutes, regulations, policies, guidelines and requirements, including OMB Circulars No. A-21, A-110, A-122, A-128, A-87; E.O. 12372 and Uniform Administrative Requirements for Grants and Cooperative Agreements—28 CFR, Part 66, Common Rule, that govern the application, acceptance and use of Federal funds for this federally-assisted project. Also the Applicant assures and certifies that:

1. It possesses legal authority to apply for the grant; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
2. It will comply with requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and federally-assisted programs.
3. It will comply with provisions of Federal law which limit certain political activities of employees of a State or local unit of government whose principal employment is in connection with an activity financed in whole or in part by Federal grants. (5 USC 1501, et seq.)
4. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act if applicable.
5. It will establish safeguards to prohibit employees from using their positions for a purpose that is or give the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
6. It will give the sponsoring agency or the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant.
7. It will comply with all requirements imposed by the Federal Sponsoring agency concerning special requirements of law, program requirements, and other administrative requirements.
8. It will insure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the project are not listed in the Environmental protection Agency's (EPA-list of Violating Facilities and that it will notify the Federal grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.
9. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1976. Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that had been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.
10. It will assist the Federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 USC 470), Executive Order 11593, and the Archeological and Historical Preservation Act of 1966 (16 USC 569a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.
11. It will comply, and assure the compliance of all its subgrantees and contractors, with the applicable provisions of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, the Juvenile Justice and Delinquency Prevention Act, or the Victims of Crime Act, as appropriate; the provisions of the current edition of the Office of Justice Programs Financial and Administrative Guide for Grants, M7100.1; and all other applicable Federal laws, orders, circulars, or regulations.
12. It will comply with the provisions of 28 CFR applicable to grants and cooperative agreements including Part 18, Administrative Review Procedure; Part 20, Criminal Justice Information Systems; Part 22, Confidentiality of Identifiable Research and Statistical Information; Part 23, Criminal Intelligence Systems Operating Policies; Part 30, Intergovernmental Review of Department of Justice Programs and Activities; Part 42, Nondiscrimination/Equal Employment Opportunity Policies and Procedures; Part 61, Procedures for Implementing the National Environmental Policy Act; Part 63, Floodplain Management and Wetland Protection Procedures; and Federal laws or regulations applicable to Federal Assistance Programs.
13. It will comply, and all its contractors will comply, with the nondiscrimination requirements of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 USC 3789(d), or Victims of Crime Act (as appropriate); Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; Subtitle A, Title II of the Americans With Disabilities Act (ADA) (1990); Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; Department of Justice Non-Discrimination Regulations, 28 CFR Part 42, Subparts C, D, E, and G; and Department of Justice regulations on disability discrimination, 28 CFR Part 35 and Part 39.
14. In the event a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, sex, or disability against a recipient of funds, the recipient will forward a copy of the finding to the Office for Civil Rights, Office of Justice Programs.
15. It will provide an Equal Employment Opportunity Program if required to maintain one, where the application is for \$500,000 or more.
16. It will comply with the provisions of the Coastal Barrier Resources Act (P.L. 97-348) dated October 19, 1982 (16 USC 3501 et seq.) which prohibits the expenditure of most new Federal funds within the units of the Coastal Barrier Resources System.

Signature

Date



U.S. DEPARTMENT OF JUSTICE  
OFFICE OF JUSTICE PROGRAMS  
OFFICE OF THE COMPTROLLER

## CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying" and 28 CFR Part 67, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Justice determines to award the covered transaction, grant, or cooperative agreement.

### 1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR Part 69, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

### 2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (DIRECT RECIPIENT)

As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 CFR Part 67, for prospective participants in primary covered transactions, as defined at 28 CFR Part 67, Section 67.510—

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a

public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

### 3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67 Sections 67.615 and 67.620—

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about—

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will—

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 633 Indiana Avenue, N.W., Washington, D.C. 20531. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted—

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

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Check  if there are workplaces on file that are not identified here.

Section 67, 630 of the regulations provides that a grantee that is a State may elect to make one certification in each Federal fiscal year. A copy of which should be included with each application for Department of Justice funding. States and State agencies may elect to use OJP Form 4061/7.

Check  if the State has elected to complete OJP Form 4061/7.

**DRUG-FREE WORKPLACE  
(GRANTEES WHO ARE INDIVIDUALS)**

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67; Sections 67.615 and 67.620—

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 633 Indiana Avenue, N.W., Washington, D.C. 20531.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

1. Grantee Name and Address:

2. Application Number and/or Project Name

3. Grantee IRS/Vendor Number

4. Typed Name and Title of Authorized Representative

5. Signature

6. Date

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