

representatives of State and local government, and community leaders who will provide advice and recommendations on relevant community goals and objectives, and performance targets and measures.

(Pub. L. 90-351, title I, §2987, as added Pub. L. 107-273, div. C, title I, §11027(b), Nov. 2, 2002, 116 Stat. 1834.)

§ 3797y-3. Requirements

(a) Training and technical assistance

The rural State shall provide training and technical assistance, including through such groups as the National Crime Prevention Council, to assist local communities in developing Crime Prevention Plans that reflect statewide strategic goals and objectives, and performance targets and measures.

(b) Reports

The rural State shall provide a report on its statewide strategic plan to the Attorney General, including information about—

- (1) involvement of relevant State-level agencies to assist communities in the development and implementation of their Crime Prevention Plans;
- (2) support for local applications for Community Grants; and
- (3) community progress toward reducing crime, violence, and substance abuse.

(c) Certification

Beginning in the third year of the program, States must certify that the local grantee's project funded under the community grant is generally consistent with statewide strategic goals and objectives, and performance targets and measures.

(Pub. L. 90-351, title I, §2988, as added Pub. L. 107-273, div. C, title I, §11027(b), Nov. 2, 2002, 116 Stat. 1835.)

§ 3797y-4. Authorization of appropriations

There are authorized to be appropriated \$10,000,000 to carry out this subchapter for each of fiscal years 2003, 2004, and 2005.

(Pub. L. 90-351, title I, §2989, as added Pub. L. 107-273, div. C, title I, §11027(b), Nov. 2, 2002, 116 Stat. 1835.)

SUBCHAPTER XIX—ADULT AND JUVENILE COLLABORATION PROGRAM GRANTS

§ 3797aa. Adult and juvenile collaboration programs

(a) Definitions

In this section, the following definitions shall apply:

(1) Applicant

The term “applicant” means States, units of local government, Indian tribes, and tribal organizations that apply for a grant under this section.

(2) Collaboration program

The term “collaboration program” means a program to promote public safety by ensuring access to adequate mental health and other

treatment services for mentally ill adults or juveniles that is overseen cooperatively by—

- (A) a criminal or juvenile justice agency or a mental health court; and
- (B) a mental health agency.

(3) Criminal or juvenile justice agency

The term “criminal or juvenile justice agency” means an agency of a State or local government or its contracted agency that is responsible for detection, arrest, enforcement, prosecution, defense, adjudication, incarceration, probation, or parole relating to the violation of the criminal laws of that State or local government.

(4) Diversion and alternative prosecution and sentencing

(A) In general

The terms “diversion” and “alternative prosecution and sentencing” mean the appropriate use of effective mental health treatment alternatives to juvenile justice or criminal justice system institutional placements for preliminarily qualified offenders.

(B) Appropriate use

In this paragraph, the term “appropriate use” includes the discretion of the judge or supervising authority, the leveraging of graduated sanctions to encourage compliance with treatment, and law enforcement diversion, including crisis intervention teams.

(C) Graduated sanctions

In this paragraph, the term “graduated sanctions” means an accountability-based graduated series of sanctions (including incentives, treatments, and services) applicable to mentally ill offenders within both the juvenile and adult justice system to hold individuals accountable for their actions and to protect communities by providing appropriate sanctions for inducing law-abiding behavior and preventing subsequent involvement in the criminal justice system.

(5) Mental health agency

The term “mental health agency” means an agency of a State or local government or its contracted agency that is responsible for mental health services or co-occurring mental health and substance abuse services.

(6) Mental health court

The term “mental health court” means a judicial program that meets the requirements of subchapter XII-J of this chapter.

(7) Mental illness

The term “mental illness” means a diagnosable mental, behavioral, or emotional disorder—

- (A) of sufficient duration to meet diagnostic criteria within the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association; and

(B)(i) that, in the case of an adult, has resulted in functional impairment that substantially interferes with or limits 1 or more major life activities; or

(ii) that, in the case of a juvenile, has resulted in functional impairment that substantially interferes with or limits the juvenile's role or functioning in family, school, or community activities.

(8) Nonviolent offense

The term “nonviolent offense” means an offense that does not have as an element the use, attempted use, or threatened use of physical force against the person or property of another or is not a felony that by its nature involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

(9) Preliminarily qualified offender

The term “preliminarily qualified offender” means an adult or juvenile accused of a nonviolent offense who—

(A)(i) previously or currently has been diagnosed by a qualified mental health professional as having a mental illness or co-occurring mental illness and substance abuse disorders; or

(ii) manifests obvious signs of mental illness or co-occurring mental illness and substance abuse disorders during arrest or confinement or before any court; and

(B) has faced, is facing, or could face criminal charges for a misdemeanor or nonviolent offense and is deemed eligible by a diversion process, designated pretrial screening process, or by a magistrate or judge, on the ground that the commission of the offense is the product of the person's mental illness.

(10) Secretary

The term “Secretary” means the Secretary of Health and Human Services.

(11) Unit of local government

The term “unit of local government” means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, including a State court, local court, or a governmental agency located within a city, county, township, town, borough, parish, or village.

(b) Planning and implementation grants

(1) In general

The Attorney General, in consultation with the Secretary, may award nonrenewable grants to eligible applicants to prepare a comprehensive plan for and implement an adult or juvenile collaboration program, which targets preliminarily qualified offenders in order to promote public safety and public health.

(2) Purposes

Grants awarded under this section shall be used to create or expand—

(A) mental health courts or other court-based programs for preliminarily qualified offenders;

(B) programs that offer specialized training to the officers and employees of a criminal or juvenile justice agency and mental health personnel serving those with co-occurring mental illness and substance abuse

problems in procedures for identifying the symptoms of preliminarily qualified offenders in order to respond appropriately to individuals with such illnesses;

(C) programs that support cooperative efforts by criminal and juvenile justice agencies and mental health agencies to promote public safety by offering mental health treatment services and, where appropriate, substance abuse treatment services for—

(i) preliminarily qualified offenders with mental illness or co-occurring mental illness and substance abuse disorders; or

(ii) adult offenders with mental illness during periods of incarceration, while under the supervision of a criminal justice agency, or following release from correctional facilities; and

(D) programs that support intergovernmental cooperation between State and local governments with respect to the mentally ill offender.

(3) Applications

(A) In general

To receive a planning grant or an implementation grant, the joint applicants shall prepare and submit a single application to the Attorney General at such time, in such manner, and containing such information as the Attorney General and the Secretary shall reasonably require. An application under subchapter XII-J of this chapter may be made in conjunction with an application under this section.

(B) Combined planning and implementation grant application

The Attorney General and the Secretary shall develop a procedure under which applicants may apply at the same time and in a single application for a planning grant and an implementation grant, with receipt of the implementation grant conditioned on successful completion of the activities funded by the planning grant.

(4) Planning grants

(A) Application

The joint applicants may apply to the Attorney General for a nonrenewable planning grant to develop a collaboration program.

(B) Contents

The Attorney General and the Secretary may not approve a planning grant unless the application for the grant includes or provides, at a minimum, for a budget and a budget justification, a description of the outcome measures that will be used to measure the effectiveness of the program in promoting public safety and public health, the activities proposed (including the provision of substance abuse treatment services, where appropriate) and a schedule for completion of such activities, and the personnel necessary to complete such activities.

(C) Period of grant

A planning grant shall be effective for a period of 1 year, beginning on the first day of the month in which the planning grant is

made. Applicants may not receive more than 1 such planning grant.

(D) Amount

The amount of a planning grant may not exceed \$75,000, except that the Attorney General may, for good cause, approve a grant in a higher amount.

(E) Collaboration set aside

Up to 5 percent of all planning funds shall be used to foster collaboration between State and local governments in furtherance of the purposes set forth in the Mentally Ill Offender Treatment and Crime Reduction Act of 2004.

(5) Implementation grants

(A) Application

Joint applicants that have prepared a planning grant application may apply to the Attorney General for approval of a non-renewable implementation grant to develop a collaboration program.

(B) Collaboration

To receive an implementation grant, the joint applicants shall—

(i) document that at least 1 criminal or juvenile justice agency (which can include a mental health court) and 1 mental health agency will participate in the administration of the collaboration program;

(ii) describe the responsibilities of each participating agency, including how each agency will use grant resources to provide supervision of offenders and jointly ensure that the provision of mental health treatment services and substance abuse services for individuals with co-occurring mental health and substance abuse disorders are coordinated, which may range from consultation or collaboration to integration in a single setting or treatment model;

(iii) in the case of an application from a unit of local government, document that a State mental health authority has provided comment and review; and

(iv) involve, to the extent practicable, in developing the grant application—

(I) preliminarily qualified offenders;

(II) the families and advocates of such individuals under subclause (I); and

(III) advocates for victims of crime.

(C) Content

To be eligible for an implementation grant, joint applicants shall comply with the following:

(i) Definition of target population

Applicants for an implementation grant shall—

(I) describe the population with mental illness or co-occurring mental illness and substance abuse disorders that is targeted for the collaboration program; and

(II) develop guidelines that can be used by personnel of an adult or juvenile justice agency to identify preliminarily qualified offenders.

(ii) Services

Applicants for an implementation grant shall—

(I) ensure that preliminarily qualified offenders who are to receive treatment services under the collaboration program will first receive individualized, validated, needs-based assessments to determine, plan, and coordinate the most appropriate services for such individuals;

(II) specify plans for making mental health, or mental health and substance abuse, treatment services available and accessible to preliminarily qualified offenders at the time of their release from the criminal justice system, including outside of normal business hours;

(III) ensure that there are substance abuse personnel available to respond appropriately to the treatment needs of preliminarily qualified offenders;

(IV) determine eligibility for Federal benefits;

(V) ensure that preliminarily qualified offenders served by the collaboration program will have adequate supervision and access to effective and appropriate community-based mental health services, including, in the case of individuals with co-occurring mental health and substance abuse disorders, coordinated services, which may range from consultation or collaboration to integration in a single setting treatment model;

(VI) make available, to the extent practicable, other support services that will ensure the preliminarily qualified offender's successful reintegration into the community (such as housing, education, job placement, mentoring, and health care and benefits, as well as the services of faith-based and community organizations for mentally ill individuals served by the collaboration program); and

(VII) include strategies, to the extent practicable, to address developmental and learning disabilities and problems arising from a documented history of physical or sexual abuse.

(D) Housing and job placement

Recipients of an implementation grant may use grant funds to assist mentally ill offenders compliant with the program in seeking housing or employment assistance.

(E) Policies and procedures

Applicants for an implementation grant shall strive to ensure prompt access to defense counsel by criminal defendants with mental illness who are facing charges that would trigger a constitutional right to counsel.

(F) Financial

Applicants for an implementation grant shall—

(i) explain the applicant's inability to fund the collaboration program adequately without Federal assistance;

(ii) specify how the Federal support provided will be used to supplement, and not supplant, State, local, Indian tribe, or tribal organization sources of funding that

would otherwise be available, including billing third-party resources for services already covered under programs (such as Medicaid, Medicare, and the State Children's Insurance Program); and

(iii) outline plans for obtaining necessary support and continuing the proposed collaboration program following the conclusion of Federal support.

(G) Outcomes

Applicants for an implementation grant shall—

(i) identify methodology and outcome measures, as required by the Attorney General and the Secretary, to be used in evaluating the effectiveness of the collaboration program;

(ii) ensure mechanisms are in place to capture data, consistent with the methodology and outcome measures under clause (i); and

(iii) submit specific agreements from affected agencies to provide the data needed by the Attorney General and the Secretary to accomplish the evaluation under clause (i).

(H) State plans

Applicants for an implementation grant shall describe how the adult or juvenile collaboration program relates to existing State criminal or juvenile justice and mental health plans and programs.

(I) Use of funds

Applicants that receive an implementation grant may use funds for 1 or more of the following purposes:

(i) Mental health courts and diversion/alternative prosecution and sentencing programs

Funds may be used to create or expand existing mental health courts that meet program requirements established by the Attorney General under subchapter XII-J of this chapter, other court-based programs, or diversion and alternative prosecution and sentencing programs (including crisis intervention teams and treatment accountability services for communities) that meet requirements established by the Attorney General and the Secretary.

(ii) Training

Funds may be used to create or expand programs, such as crisis intervention training, which offer specialized training to—

(I) criminal justice system personnel to identify and respond appropriately to the unique needs of preliminarily qualified offenders; or

(II) mental health system personnel to respond appropriately to the treatment needs of preliminarily qualified offenders.

(iii) Service delivery

Funds may be used to create or expand programs that promote public safety by

providing the services described in subparagraph (C)(ii) to preliminarily qualified offenders.

(iv) In-jail and transitional services

Funds may be used to promote and provide mental health treatment and transitional services for those incarcerated or for transitional re-entry programs for those released from any penal or correctional institution.

(J) Geographic distribution of grants

The Attorney General, in consultation with the Secretary, shall ensure that planning and implementation grants are equitably distributed among the geographical regions of the United States and between urban and rural populations.

(c) Priority

The Attorney General, in awarding funds under this section, shall give priority to applications that—

(1) promote effective strategies by law enforcement to identify and to reduce risk of harm to mentally ill offenders and public safety;

(2) promote effective strategies for identification and treatment of female mentally ill offenders;

(3) promote effective strategies to expand the use of mental health courts, including the use of pretrial services and related treatment programs for offenders; or

(4)(A) demonstrate the strongest commitment to ensuring that such funds are used to promote both public health and public safety;

(B) demonstrate the active participation of each co-applicant in the administration of the collaboration program;

(C) document, in the case of an application for a grant to be used in whole or in part to fund treatment services for adults or juveniles during periods of incarceration or detention, that treatment programs will be available to provide transition and reentry services for such individuals; and

(D) have the support of both the Attorney General and the Secretary.

(d) Matching requirements

(1) Federal share

The Federal share of the cost of a collaboration program carried out by a State, unit of local government, Indian tribe, or tribal organization under this section shall not exceed—

(A) 80 percent of the total cost of the program during the first 2 years of the grant;

(B) 60 percent of the total cost of the program in year 3; and

(C) 25 percent of the total cost of the program in years 4 and 5.

(2) Non-Federal share

The non-Federal share of payments made under this section may be made in cash or in-kind fairly evaluated, including planned equipment or services.

(e) Federal use of funds

The Attorney General, in consultation with the Secretary, in administering grants under

this section, may use up to 3 percent of funds appropriated to—

- (1) research the use of alternatives to prosecution through pretrial diversion in appropriate cases involving individuals with mental illness;
- (2) offer specialized training to personnel of criminal and juvenile justice agencies in appropriate diversion techniques;
- (3) provide technical assistance to local governments, mental health courts, and diversion programs, including technical assistance relating to program evaluation;
- (4) help localities build public understanding and support for community reintegration of individuals with mental illness;
- (5) develop a uniform program evaluation process; and
- (6) conduct a national evaluation of the collaboration program that will include an assessment of its cost-effectiveness.

(f) Interagency task force

(1) In general

The Attorney General and the Secretary shall establish an interagency task force with the Secretaries of Housing and Urban Development, Labor, Education, and Veterans Affairs and the Commissioner of Social Security, or their designees.

(2) Responsibilities

The task force established under paragraph (1) shall—

- (A) identify policies within their departments that hinder or facilitate local collaborative initiatives for preliminarily qualified offenders; and
- (B) submit, not later than 2 years after October 30, 2004, a report to Congress containing recommendations for improved interdepartmental collaboration regarding the provision of services to preliminarily qualified offenders.

(g) Minimum allocation

Unless all eligible applications submitted by any State or unit of local government within such State for a planning or implementation grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.75 percent of the total amount appropriated in the fiscal year for planning or implementation grants pursuant to this section.

(h) Law enforcement response to mentally ill offenders improvement grants

(1) Authorization

The Attorney General is authorized to make grants under this section to States, units of local government, Indian tribes, and tribal organizations for the following purposes:

(A) Training programs

To provide for programs that offer law enforcement personnel specialized and comprehensive training in procedures to identify and respond appropriately to incidents in which the unique needs of individuals with mental illnesses are involved.

(B) Receiving centers

To provide for the development of specialized receiving centers to assess individuals in the custody of law enforcement personnel for suicide risk and mental health and substance abuse treatment needs.

(C) Improved technology

To provide for computerized information systems (or to improve existing systems) to provide timely information to law enforcement personnel and criminal justice system personnel to improve the response of such respective personnel to mentally ill offenders.

(D) Cooperative programs

To provide for the establishment and expansion of cooperative efforts by criminal and juvenile justice agencies and mental health agencies to promote public safety through the use of effective intervention with respect to mentally ill offenders.

(E) Campus security personnel training

To provide for programs that offer campus security personnel training in procedures to identify and respond appropriately to incidents in which the unique needs of individuals with mental illnesses are involved.

(2) BJA training models

For purposes of paragraph (1)(A), the Director of the Bureau of Justice Assistance shall develop training models for training law enforcement personnel in procedures to identify and respond appropriately to incidents in which the unique needs of individuals with mental illnesses are involved, including suicide prevention.

(3) Matching funds

The Federal share of funds for a program funded by a grant received under this subsection may not exceed 50 percent of the costs of the program. The non-Federal share of payments made for such a program may be made in cash or in-kind fairly evaluated, including planned equipment or services.

(i) Authorization of appropriations

(1) In general

There are authorized to be appropriated to the Department of Justice to carry out this section—

- (A) \$50,000,000 for fiscal year 2005;
- (B) such sums as may be necessary for each of the fiscal years 2006 and 2007; and
- (C) \$50,000,000 for each of the fiscal years 2009 through 2014.

(2) Allocation of funding for administrative purposes

For fiscal year 2009 and each subsequent fiscal year, of the amounts authorized under paragraph (1) for such fiscal year, the Attorney General may obligate not more than 3 percent for the administrative expenses of the Attorney General in carrying out this section for such fiscal year.

(Pub. L. 90-351, title I, §2991, as added Pub. L. 108-414, §4(a), Oct. 30, 2004, 118 Stat. 2328; amend-

ed Pub. L. 110-416, §§ 3, 4, Oct. 14, 2008, 122 Stat. 4352, 4353.)

REFERENCES IN TEXT

The Mentally Ill Offender Treatment and Crime Reduction Act of 2004, referred to in subsec. (b)(4)(E), is Pub. L. 108-414, Oct. 30, 2004, 118 Stat. 2327, which enacted this subchapter and provisions set out as notes below. For complete classification of this Act to the Code, see Short Title of 2004 Amendment note set out under section 3711 of this title and Tables.

AMENDMENTS

2008—Subsec. (c). Pub. L. 110-416, § 3(c), amended subsec. (c) generally. Prior to amendment, text read as follows:

“The Attorney General, in awarding funds under this section, shall give priority to applications that—

“(1) demonstrate the strongest commitment to ensuring that such funds are used to promote both public health and public safety;

“(2) demonstrate the active participation of each co-applicant in the administration of the collaborative program;

“(3) document, in the case of an application for a grant to be used in whole or in part to fund treatment services for adults or juveniles during periods of incarceration or detention, that treatment programs will be available to provide transition and re-entry services for such individuals; and

“(4) have the support of both the Attorney General and the Secretary.”

Subsec. (h). Pub. L. 110-416, § 4(2), added subsec. (h). Former subsec. (h) redesignated (i).

Pub. L. 110-416, § 3(b), designated existing provisions as par. (1), inserted heading, redesignated former pars. (1) to (3) as subpars. (A) to (C), respectively, realigned margins, and added par. (2).

Pub. L. 110-416, § 3(a), substituted “for each of the fiscal years 2006 and 2007; and” for “for fiscal years 2006 through 2009.” in par. (2) and added par. (3).

Subsec. (i). Pub. L. 110-416, § 4(1), redesignated subsec. (h) as (i).

FINDINGS

Pub. L. 110-416, § 2, Oct. 14, 2008, 122 Stat. 4352, provided that: “Congress finds the following:

“(1) Communities nationwide are struggling to respond to the high numbers of people with mental illnesses involved at all points in the criminal justice system.

“(2) A 1999 study by the Department of Justice estimated that 16 percent of people incarcerated in prisons and jails in the United States, which is more than 300,000 people, suffer from mental illnesses.

“(3) Los Angeles County Jail and New York’s Rikers Island jail complex hold more people with mental illnesses than the largest psychiatric inpatient facilities in the United States.

“(4) State prisoners with a mental health problem are twice as likely as those without a mental health problem to have been homeless in the year before their arrest.”

Pub. L. 108-414, § 2, Oct. 30, 2004, 118 Stat. 2327, provided that: “Congress finds the following:

“(1) According to the Bureau of Justice Statistics, over 16 percent of adults incarcerated in United States jails and prisons have a mental illness.

“(2) According to the Office of Juvenile Justice and Delinquency Prevention, approximately 20 percent of youth in the juvenile justice system have serious mental health problems, and a significant number have co-occurring mental health and substance abuse disorders.

“(3) According to the National Alliance for the Mentally Ill, up to 40 percent of adults who suffer from a serious mental illness will come into contact with the American criminal justice system at some point in their lives.

“(4) According to the Office of Juvenile Justice and Delinquency Prevention, over 150,000 juveniles who come into contact with the juvenile justice system each year meet the diagnostic criteria for at least 1 mental or emotional disorder.

“(5) A significant proportion of adults with a serious mental illness who are involved with the criminal justice system are homeless or at imminent risk of homelessness, and many of these individuals are arrested and jailed for minor, nonviolent offenses.

“(6) The majority of individuals with a mental illness or emotional disorder who are involved in the criminal or juvenile justice systems are responsive to medical and psychological interventions that integrate treatment, rehabilitation, and support services.

“(7) Collaborative programs between mental health, substance abuse, and criminal or juvenile justice systems that ensure the provision of services for those with mental illness or co-occurring mental illness and substance abuse disorders can reduce the number of such individuals in adult and juvenile corrections facilities, while providing improved public safety.”

PURPOSE

Pub. L. 108-414, § 3, Oct. 30, 2004, 118 Stat. 2328, provided that: “The purpose of this Act [see Short Title of 2004 Amendment note set out under section 3711 of this title] is to increase public safety by facilitating collaboration among the criminal justice, juvenile justice, mental health treatment, and substance abuse systems. Such collaboration is needed to—

“(1) protect public safety by intervening with adult and juvenile offenders with mental illness or co-occurring mental illness and substance abuse disorders;

“(2) provide courts, including existing and new mental health courts, with appropriate mental health and substance abuse treatment options;

“(3) maximize the use of alternatives to prosecution through graduated sanctions in appropriate cases involving nonviolent offenders with mental illness;

“(4) promote adequate training for criminal justice system personnel about mental illness and substance abuse disorders and the appropriate responses to people with such illnesses;

“(5) promote adequate training for mental health and substance abuse treatment personnel about criminal offenders with mental illness or co-occurring substance abuse disorders and the appropriate response to such offenders in the criminal justice system;

“(6) promote communication among adult or juvenile justice personnel, mental health and co-occurring mental illness and substance abuse disorders treatment personnel, nonviolent offenders with mental illness or co-occurring mental illness and substance abuse disorders, and support services such as housing, job placement, community, faith-based, and crime victims organizations; and

“(7) promote communication, collaboration, and intergovernmental partnerships among municipal, county, and State elected officials with respect to mentally ill offenders.”

SUBCHAPTER XX—CONFRONTING USE OF METHAMPHETAMINE

§ 3797cc. Authority to make grants to address public safety and methamphetamine manufacturing, sale, and use in hot spots

(a) Purpose and program authority

(1) Purpose

It is the purpose of this subchapter to assist States, territories, and Indian tribes (as defined in section 3797d of this title)—

(A) to carry out programs to address the manufacture, sale, and use of methamphetamine drugs; and