guidance regarding the program and specifically delineates the prohibition on participation by violent offenders. Detailed program guidelines and application materials for the Fiscal year 1995 Drug Court Program will be available in early 1995.

**DATES:** All comments must be received by February 27, 1995.

ADDRESSES: All comments should be addressed to Reginald L. Robinson, Deputy Assistant Attorney General, Office of Justice Program, 633 Indiana Avenue NW., Washington, DC 20531. FOR FURTHER INFORMATION CONTACT: The Department of Justice Response Center at 1–800–421–6770 or (202) 307–1480.

## SUPPLEMENTARY INFORMATION:

## **Overview of Title V-Drug Courts**

Federal discretionary grants are being made available under the Violent Crime Control and Law Enforcement Act of 1994, Title V, Public Law 103-322, 108 Stat. 1796 (September 13, 1994), 42 U.S.C. 3796ii-3796ii-8 [hereinafter the "Act"] to states, units of local government, Indian tribal governments, and state and local courts for assistance with drug court programs. The Act gives the Attorney General and, through statutory authority contained in the Omnibus Crime Control and Safe Streets Act, an authorized designee (in this case the Assistant Attorney General for the Office of Justice Programs), the authority to make grants to the above mentioned entities for drug court programs that involve continuing judicial supervision over non-violent offenders with substance abuse problems and the integrated administration of sanctions and services including: (1) mandatory periodic testing for the use of controlled substances or other addictive substances during any period of supervised release or probation for each participant; (2) substance abuse treatment for each participant; (3) diversion, probation, or other supervised release involving the possibility of prosecution, confinement, or incarceration based on noncompliance with program requirements or failure to show satisfactory progress; and (4) programmatic, offender management, and aftercare services such as relapse prevention, health care, education, vocational training, job placement, housing placement, and child care or other family support services for each participant requiring such services.

Section 50001 of Title V of the Act requires that regulations be issued to ensure exclusion of violent offenders from these funded programs. This proposed rule responds to that requirement. To more fully develop and define the grant program and to provide direction and guidance to potential applicants, program guidelines will be issued subsequent to the publication of this proposed rule. This Supplementary Information section is intended, in part, to elicit comment on a broad range of issues relevant to the development and implementation of those program guidelines.

## Statement of the Problem

More than half of all individuals brought into the criminal justice system have substance abuse problems. Many of these individuals are non-violent offenders who repeatedly cycle through the court, corrections and probation systems without help to change their behavior. The underlying problem of such non-violent substance abusing offenders frustrates and inhibits judicial effectiveness. All too often, the nonviolent drug offender faces little certainty of punishment and represents a long term recurring problem for both the criminal justice system and society.

In too many cases, the criminal justice system fails to subject non-violent, drug abusing offenders to intervention measures that provide the mix of services and sanctions necessary to change their behavior or, if necessary, coerce abstinence. Some courts and prosecutors, however, have costeffectively addressed the problem through the use of treatment drug courts. Their results suggest that "drug courts" can significantly enhance the offender's opportunity to break the cycle of substance abuse and crime. Those who are coming into contact with the criminal justice system for the first time may be particularly susceptible to effective early intervention.

Indeed, research and evaluation demonstrate that the "drug court" approach is effective in reducing both drug abuse and drug-related crime. The Drug Court discretionary grant program of Title V seeks to support the development of innovative measures that provide courts additional resources to assure certainty of punishment for drug abusing offenders through the integrated administration of services and sanctions, including close supervision and coerced abstinence.

## The Violent Crime Control and Law Enforcement Act of 1994

The Department of Justice (Department) recognizes that no single model exists for an effective drug court. To the contrary, the Department believes there may be a variety of valid approaches that deal effectively with non-violent offenders with substance abuse problems. Consequently, the Drug Court grant program will maintain flexibility in providing funds to support the development of a variety of initiatives that coordinate treatment and coerced abstinence.

The Department also recognizes the great diversity in the structure and operation of state and local courts and criminal justice systems. Hence, the Department is committed to a flexible approach that allows jurisdictions to tailor local initiatives to best suit their needs and local conditions. Program flexibility, however, is necessarily balanced by statutory requirements concerning the design and administration of the funded programs. Accordingly, Drug Court programs that receive grant awards must:

• Exclude violent offenders from program participation;

• Include a long-term strategy and detailed implementation plan;

• Explain the applicant's inability to fund the program adequately without federal assistance;

• Use federal support to supplement, and not supplant, State, Indian Tribal, and local sources of funding that would otherwise be available;

• Identify related governmental or community initiatives which complement or will be coordinated with the proposal;

• Consult with all affected agencies and insure that there will be appropriate coordination with all affected agencies in the implementation of the program;

• Certify that participating offenders will receive continuing judicial supervision by one or more designated judges with responsibility for the drug court program;

• Specify plans for obtaining necessary support and continuing the proposed program following the conclusion of Federal support; and

• Describe the methodology that will be used in evaluating the program.

Consistent with Congressional intent, program evaluation will be crucial. Grant recipients will be required to cooperate with a national evaluation team throughout their involvement with the program. Recipients will also be required to provide for independent evaluation of the impact and effectiveness of their funded programs. The following issues will be especially important in determining whether programs receiving grants under this initiative are effective: (1) Reduction in recidivism rates of program participants, (2) maintenance of acceptable substance abuse treatment completion rates among program participants, (3) decreased drug use by program participants, and (4) maintenance of a cost effective program