



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

February 25, 2010

The Honorable Richard J. Durbin
Chairman
Subcommittee on Human Rights and the Law
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

Please find enclosed responses to questions arising from the appearance of Deputy Assistant Attorney General Marylou Leary before the Subcommittee on September 15, 2009, at a hearing entitled "Human Rights at Home: Mental Illness in U.S. Prisons and Jails." We hope that this information is of assistance to the Subcommittee. Please do not hesitate to call upon us if we may be of additional assistance. The Office of Management and Budget has advised us that there is no objection to submission of this letter from the perspective of the Administration's program.

Sincerely,

Ronald Weich
Assistant Attorney General

Enclosure

cc: The Honorable Tom Coburn
Ranking Minority Member

**Hearing before the
Subcommittee on Human Rights and the Law
Committee on the Judiciary
United States Senate**

**Entitled
“Human Rights at Home: Mental Illness in U.S. Prisons and Jails”**

September 15, 2009

**Questions for the Record
Submitted to
Marylou Leary
Deputy Assistant Attorney General
Department of Justice**

Questions Submitted by Senator Coburn:

1. Ms. Leary, you mention in your testimony that the JMHCP grants funded via the Mentally Ill Offender Treatment and Crime Reduction Act (MIOTCRA) and other grants under the Second Chance Act are available to state and local governments to treat mentally ill offenders. Are these the only DOJ grants that can be used to further the treatment of mentally ill offenders?

Answer:

The Office of Justice Programs (“OJP”) administers other grant programs that, while not directly aimed at the treatment of mentally ill offenders, do help address mental health within the criminal justice system. One such program is the Residential Substance Abuse Treatment for State Prisoners (“RSAT”) Formula Grant Program. RSAT assists States and units of local government in developing and implementing residential substance abuse treatment programs in State and local correctional and detention facilities.

In addition, OJP provides grants under the Drug Court Discretionary Grant Program. This initiative provides financial and technical assistance to States, State courts, local courts, units of local government, and tribal governments to develop and implement court systems that effectively integrate substance abuse treatment, mandatory drug testing, sanctions and incentives, and transitional services in a judicially supervised court setting with jurisdiction over nonviolent, substance-abusing offenders. Drug treatment courts place nonviolent offenders in treatment, not in prison, so that the underlying cause of their criminality – addiction – can be addressed.

OJP also administers funding under the Edward Byrne Memorial Competitive Grant Program. Byrne Competitive Grants are available to improve the functioning of the criminal justice system, to assist victims of crime (other than by providing compensation), and to fund youth mentoring initiatives. These grants help State and local communities improve the capacity of local justice systems and may be used for national efforts such as training and technical assistance. Applicants may be national, regional, State, or local public and private entities; including for-profit (commercial) and nonprofit organizations, faith-based and community organizations, institutions of higher education, tribal jurisdictions, and units of local government that support the purpose areas of this grant program.

OJP and other Justice Department components also have launched collaborative projects with the Department of Health and Human Services to find better ways to help State and local governments improve the response to people with mental illness involved in the criminal justice system. OJP's Bureau of Justice Assistance ("BJA") joined the National Institute of Corrections ("NIC") and the Substance Abuse and Mental Health Services Administration to provide technical assistance to States to build on existing efforts and replicate them statewide. These partners worked with the Council of State Governments Justice Center and the CMHS National GAINS Center to sponsor a national conference in 2009, "Smart Responses in Tough Times: Achieving Better Outcomes for People with Mental Illness Involved in the Justice System." Over 450 people attended the conference, including many representatives from our JMHCP grantees and applicants. Together, conference attendees discussed how to address homeless populations, identify those in need of specialized responses, prioritize populations with co-occurring disorders, use data to identify a target population, and implement sustainable initiatives.

a. Isn't funding also available for these purposes under the Byrne grant programs?

Yes.

b. How many grants have been awarded specifically to grantees for treating mentally ill offenders under the various Byrne grant programs?

A number of States and local jurisdiction provide some funding to this type of program as only one of their multiple priorities. Justice Assistance Grant ("JAG") funds are based on a formula and are not awarded directly for treatment of mentally ill offenders. However, justice and mental health initiatives are allowable activities under the JAG Program. States may use JAG funds to support this type of program to the extent that the issue is a priority within the State. Because these decisions are made at the State and local level and because this treatment may be supported in a larger grant project (e.g., a mental health court grant), the exact number of sub-awards for mental health treatment is not known. Under the Byrne Competitive Program, a total of two awards were made in support of this purpose in fiscal year 2009.

2. In reviewing applications for grant awards, does your staff include mental health experts to determine the viability of various collaborations proposed by grant applicants?

While JAG funds are based on a formula and are not subject to peer review, OJP is committed to having well-rounded review panels, combining subject matter experts and researchers, practitioners, and academicians for the consideration of competitive applications. When appropriate, peer review panel members are drawn from a wide geographic area and represent both urban and rural perspectives. Special attention also is paid to ensuring various backgrounds and experiences are included.

3. Does your staff require grantees to report on how they use grant funds? If not, why not? If so, what role do those results play in making future grant awards?

OJP requires award recipients to submit both financial and program reports. These reports describe the status of the funds, the status of the project, comparison of actual accomplishments to the objectives, and other pertinent information. Past performance is taken into consideration with future awards as well as at anytime when a grantee requests an extension of an award project period.

When Financial Status Reports and Progress Reports are delinquent, funds are withheld from those grants and requests for drawdown are denied. In addition, any new awards for all OJP programs will be prohibited or restricted. Also, any Grant Adjustment Notices that release funds to retire special conditions will not be approved until the grantee is in administrative/financial compliance and all financial and progress reports are current.

It is important to note that this Administration has placed a very high value on evidence-based programming, and OJP is fully committed to advancing that cause. Evidence-based programs and practices are those that have demonstrated their effectiveness through rigorous evaluation. OJP is working to improving the quantity and quality of evidence that is generated through OJP-sponsored activities. This includes generating evidence through the progression from innovative to evidence-based practices. It also includes a greater investment in highly rigorous research and evaluation.

OJP also is improving the translation of evidence into practice through improved communication strategies and training. Even as organizations have identified evidence-based practices and programs over the years, there are a number of hurdles to overcome in implementing such practices. Information about effective practices must be distilled, accessible, and comprehensible. This is one reason why OJP is developing a “crime solutions” resource center. Through the resource center, criminal justice practitioners will be able to learn about successful programs, including related research and evaluation results.