

OJJDP FY 2022 Title II
Year 2 Eligibility Assurances and Certifications
(Submit in [JustGrants](#))

The purpose of this portion of the application is for your state to assure and provide certification for its eligibility to participate in the Title II, Part B, Formula Grants Program in year 2 of the three-year state plan (FY 2022). Please refer to the [JJDP Act](#) Formula Grants Program requirements at 34 U.S.C. § 11133(a), which details the 33 requirements states must address and/or provide documentation for.

In order to receive formula grants under Title II, Part B, of the JJDP Act (34 U.S.C. §§ 11131–33), a state shall submit a plan for carrying out its purposes applicable to a 3-year period. Such plan shall be amended annually to include new programs, projects, and activities. The state shall submit annual performance reports to the Administrator, which shall describe progress in implementing programs contained in the original plan, and shall describe how the state plan is supported by or takes account of scientific knowledge regarding adolescent development and behavior and regarding the effects of delinquency prevention programs and juvenile justice interventions on adolescents. Not later than 60 days after the date on which a plan or amended plan submitted under this subsection is finalized, a state shall make the plan or amended plan publicly available by posting the plan or amended plan on the state’s publicly available website.

The state/territory of _____ assures that its state plan meets the following statutory state plan eligibility requirements for the Title II, Part B, Formula Grants Program: 34 U.S.C. § 11133(a)(16), (17), (19), (21), (24), (27), and (32):

- (16) provide assurance that youth in the juvenile justice system are treated equitably on the basis of gender, race, ethnicity, family income, and disability;
- (17) provide assurance that consideration will be given to and that assistance will be available for approaches designed to strengthen the families of delinquent and other youth to prevent juvenile delinquency (which approaches should include the involvement of grandparents or other extended family members when possible and appropriate and the provision of family counseling during the incarceration of juvenile family members and coordination of family services when appropriate and feasible);
- (19) provide assurances that—(A) any assistance provided under this Act will not cause the displacement (including a partial displacement, such as a reduction in the hours of nonovertime work,
- (21) provide reasonable assurances that Federal funds made available under this part for any period will be so used as to supplement and increase (but not supplant) the level of the State, local, tribal, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this part, and will in no event replace such State, local, tribal, and other non-Federal funds;
- (24) provide an assurance that if the State receives under section 222 for any fiscal year an amount that exceeds 105 percent of the amount the State received under such section for fiscal year 2000, all of such excess shall be expended through or for programs that are part of a comprehensive and coordinated community system of services;
- (27) provide assurances that juvenile offenders whose placement is funded through section 472 of the Social Security Act (42 U.S.C. 672) receive the protections specified in section 471 of such Act (42 U.S.C. 671), including a case plan and case plan review as defined in section 475 of such Act (42 U.S.C. 675);

- (32) provide an assurance that the agency of the State receiving funds under this title collaborates with the State educational agency receiving assistance under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) to develop and implement a plan to ensure that, in order to support educational progress—

The state must submit a program narrative that addresses the following requirements: § 11133(a)(1), (2), (4), (5), (6), (7), (8), (9), (10), (18), (20), (22), (23), (25), (26), (28), (29), (30), (31) and (33), as part of its submission in JustGrants.

The state must submit the State Advisory Group (SAG) roster pursuant to § 11133(a)(3), as part of its submission in JustGrants.

See *Compliance Data and R/ED Plans* [here](#) for additional information about what states must submit in the Compliance Monitoring Tool in order to meet the R/ED plan requirement under § 11133(a)(15).

With respect to the requirements in 34 U.S.C. § 11133(a)(11)(A), (12), and (13), your state must respond to the questions below and submit the following to address the core requirements of the Formula Grants Program under the JJDP Act and the implementing regulation at 28 C.F.R. Part 31, Subpart A.

1) Was your state determined to be in compliance with the deinstitutionalization of status offenders (DSO) core requirement for the October 1, 2018 – September 30, 2019 reporting period, pursuant to 34 U.S.C. § 11133(a)(11)?

Yes ___ No ___

If yes, please complete the Compliance Plans and Resources Certification located [here](#) and upload it to the OJJDP Compliance Monitoring Tool.

If no, your state must submit a plan that includes the following below.

Pursuant to 28 C.F.R. § 31.303(c), the state must:

- Describe its plan, procedure, and timetable covering the 3-year planning cycle for assuring that the DSO requirement will be met.
- Describe the barriers the state faces in achieving compliance with the DSO requirement.

This plan may include strategies for achieving and maintaining compliance, such as (1) a description of any state or local laws or pending legislation that impact or may impact compliance; (2) information on how the designated state agency and SAG will work together to address circumstances that have caused DSO violations to occur; (3) any recent or pending changes that could impact the state's compliance (e.g., staffing changes); and (4) detailed goals, objectives, and activities to achieve full compliance, including the title of the individual responsible for each activity and the date by which it will occur. Goals, objectives, and activities should be designed to address the circumstances in which DSO violations have occurred.

2) Was your state determined to be in compliance with all of the requirements of the separation of juveniles from adult inmates core requirement for the October 1, 2018 – September 30, 2019 reporting period, pursuant to 34 U.S.C. § 11133(a)(12)?

Yes ___ No ____

If yes, please complete the Compliance Plans and Resources Certification located [here](#) and upload it to the OJJDP Compliance Monitoring Tool.

In addition, all states must complete the Training Certification located [here](#), which assures that there is a policy in place to address the training requirement for their staff who work with both adult inmates and juveniles, including in collocated facilities.

If no, your state must submit a plan that includes the following below.

Pursuant to 28 C.F.R. § 31.303(d), a state must:

a. Describe its plan and procedure covering the 3-year planning cycle for assuring that the separation requirement is met.

b. Describe the barriers that may hinder the separation of the juveniles described above from adult inmates.

This plan may include strategies for achieving and maintaining compliance, such as (1) a description of any state or local laws or pending legislation that impact or may impact compliance; (2) information on how the designated state agency and SAG will work together to address circumstances that have caused separation violations to occur; (3) any changes that could impact the state's compliance (e.g., staffing changes); (4) detailed goals, objectives, and activities to achieve full compliance, including the title of the individual responsible for each activity and the date by which it will occur; and (5) an overall timetable for achieving compliance. Goals, objectives, and activities should be designed to address the circumstances in which separation violations have occurred.

In addition, your state must complete the Training Certification located [here](#), which assures that there is a policy in place to address the training requirement for their staff who work with both adult inmates and juveniles, including in collocated facilities.

3) Was your state determined to be in compliance with the jail removal core requirement for the October 1, 2018 – September 30, 2019 reporting period, pursuant to 34 U.S.C. § 11133(a)(13)?

Yes ___ No ____

If yes, please complete the Compliance Plans and Resources Certification located [here](#) and upload it to the OJJDP Compliance Monitoring Tool .

In addition, all states must complete the Training Certification located [here](#), which assures that there is a policy in place to address the training requirement for their staff who work with both adult inmates and juveniles in collocated facilities.

If no, your state must submit a plan that includes the following below.

Pursuant to 28 C.F.R. § 31.303(e), the state must:

- a. Describe its plan, procedure, and timetable for assuring that the jail and lockup removal requirement will be met.
- b. Describe the barriers that the state faces in meeting this requirement.

This plan may include strategies for achieving and maintaining compliance, such as (1) a description of any state or local laws or pending legislation that impact or may impact compliance; (2) information on how the designated state agency and SAG will work together to address circumstances that have caused jail removal violations to occur; (3) any recent or pending changes that could impact the state's compliance (e.g., staffing changes); and (4) detailed goals, objectives, and activities to achieve full compliance, including the title of the individual responsible for each activity and the date by which it will occur. Goals, objectives, and activities should be designed to address the circumstances in which jail removal violations have occurred.

In addition, your state must complete the Training Certification located here, which assures that there is a policy in place to address the training requirement for their staff who work with both adult inmates and juveniles in collocated facilities.

4) Pursuant to the JJDP Act at 34 U.S.C. § 11133(a)(14), the state must provide for an effective system of monitoring jails, lockups, detention facilities, and correctional facilities to ensure that the DSO, section 223(a)(11)(B), separation, and jail removal requirements are met. This includes the annual reporting of compliance data for at least 85 percent of facilities required to report such data.

The state must provide a plan describing how its system for compliance monitoring meets each of the following elements of an effective compliance monitoring system. If the state's compliance monitoring policies and procedures manual fully details each of these elements, the state may provide a copy of this manual in lieu of separately describing each of the elements below.

(1) **Policy and procedures.** Pursuant to 28 C.F.R. § 31.303(f)(1)(i), the state must provide a written plan and procedure for annually monitoring jails, lockups, detention facilities, and correctional facilities. This plan must detail the state's implementation of key monitoring system elements.

(2) **Monitoring authority.** Pursuant to 34 U.S.C. § 11133(a)(2), the designated state agency must document that it maintains requisite authority to carry out responsibilities imposed by the Formula Grants Program. This includes authority to inspect and collect data from facilities in the monitoring universe.

(3) **Violation procedures.** Pursuant to 28 C.F.R. § 31.303(f)(1)(iii), the state's monitoring system must describe any procedures established for receiving, investigating, and reporting alleged violations of the DSO, Separation, and Jail Removal requirements. This description should include any legislative and administrative procedures and sanctions that exist.

(4) **Definition of terms.** States might have different definitions for juvenile and criminal justice terms than those in the JJDP Act at 34 U.S.C. § 11103 and provided at 28 C.F.R. § 31.304. It is

critical that any such differences are identified and fully documented. The state must indicate that where its definitions differ from federal definitions in the monitoring process, the latter will be used.

(5) **Identification of the monitoring universe.** All public and private secure detention facilities, secure correctional facilities, and jails and lockups for adults, must be identified and included in the monitoring universe, pursuant to 34 U.S.C. § 11133(a)(14).

(6) **Classification of monitoring universe.** The state must classify facilities in the monitoring universe to determine facility type (e.g., secure detention facility, secure correctional facility, or jail or lockup for adults (which category includes court holding facilities)). This information is critical to determining the applicability of the DSO, Separation, and Jail Removal requirements in each facility. Factors to consider in determining a facility's classification include whether it is residential or nonresidential; and whether the population is juveniles-only, adults-only, or juveniles and adults. This information is critical to determining the applicability of the DSO, Separation, and Jail Removal requirements in each facility.

(7) **Inspection of facilities.** Pursuant to 28 C.F.R. § 31.303(f)(1)(i)(C), the state must inspect facilities to confirm classification and to verify that they are maintaining adequate sight and sound separation between detained juveniles and adult inmates. Such inspections must also verify that facilities maintain adequate data to demonstrate compliance with the DSO, Separation, and Jail Removal requirements.

(8) **Data collection and verification.** Pursuant to 28 C.F.R. § 31.303(f)(1)(i)(D), this is the actual collection and reporting of data to determine whether the facility is in compliance with the applicable core requirements. If the data are self-reported by the facility or are collected and reported by an agency other than the state agency designated pursuant to 34 U.S.C. § 11133(a)(1), the plan must provide a statistically valid procedure used to verify the reported data.

Note: The designated state agency implementing the Formula Grants Program is responsible for the state's compliance monitoring effort and the validity of the annual monitoring report; that agency may contract with a public or private agency to perform the monitoring function. ***If selecting another agency, the state must identify in its monitoring plan which agency it has authorized and/or tasked to assist in the monitoring functions. This plan should identify the funding amount and the name, address, and telephone number of the contractor. In addition, the plan should include the procedures and activities the state uses to monitor the contractual arrangement.***

CERTIFICATION

I certify that all of the information presented is correct, there has been appropriate coordination with subgrantees, and that the state will comply with the provisions of the Juvenile Justice and Delinquency Prevention Act (the Act) and all other federal laws. I acknowledge that failure to submit this completed form with all required compliance information to OJJDP signed by the appropriate certifying official, by August 2, 2022 will result in the state's ineligibility for FY 2022 formula grant funding.

I acknowledge that a materially false, fictitious, or fraudulent statement (or concealment or omission of a material fact) in this certification, or in the application that it supports, may be the subject of criminal prosecution (including under 18 U.S.C. §§ 1001 and/or 1621), and also may subject me and the applicant to civil penalties and administrative remedies for false claims or

otherwise (including under 31 U.S.C. §§ 3729–3730 and 3801–3812). I also acknowledge that OJP awards, including certifications provided in connection with such awards, are subject to review by the Department, including by OJP and by the Department’s Office of the Inspector General. I do hereby certify that if violation of any of these assurances or of the Act provisions occurs, OJJDP will be promptly notified in writing.

Signature of Certifying Official (Designated State Agency Head or Management Official Designee)

Printed Name of Certifying Official

Title of Certifying Official

Name of State/Jurisdiction

Name of Designated State Agency

Date