



The [U.S. Department of Justice](#) (DOJ), [Office of Justice Programs](#) (OJP), [Office of Juvenile Justice and Delinquency Prevention](#) (OJJDP) is seeking applications for its Fiscal Year (FY) 2013 Title II Formula Grants Program. This program furthers DOJ's mission by providing funding to the states to develop programs to address juvenile delinquency and improve the juvenile justice system.

OJJDP FY 2013 Title II Formula Grants Program

Eligibility

Only the agency that the chief executive (i.e., the governor) of each state designates is eligible to apply for these funds. Applicants that do not meet this criterion are ineligible to apply under this solicitation. (See Eligibility, page 3.)

Deadline

Applicants must register with [OJP's Grant Management System \(GMS\)](#) prior to submitting an application. Select the "Apply Online" button associated with the solicitation title. The deadline to register in GMS is 8:00 p.m., eastern time, on March 18, 2013, and the deadline to apply for funding under this announcement is 8:00 p.m., eastern time, on April 1, 2013. See How to Apply, page 29, for details.

Contact Information

For technical assistance with submitting an application, contact the GMS Support Hotline at 1-888-549-9901, option 3, or via e-mail to GMSHelpDesk@usdoj.gov. Hotline hours of operation are Monday-Friday, 6:00 a.m. to midnight eastern time, except for federal holidays.

For assistance with any other requirements of this solicitation, call your OJJDP State Representative at 202-305-9005 or Lawrence Fiedler, Formula Grants Program Manager, at 202-514-8822 or e-mail him at lawrence.fiedler@usdoj.gov.

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OJJDP FY 2013 Title II Formula Grants Program (CFDA #16.540)

Overview

The Formula Grants Program is authorized under Sections 221–223 of the Juvenile Justice and Delinquency Prevention Act (JJDP Act) of 1974, as amended, 42 U.S.C. §§ 5631–5633. Pursuant to Part B of Title II of the JJDP Act, states must submit a 3-year plan that addresses each of the program’s requirements. States must update their plan annually to cover new or modified state programs or objectives that address specific requirements in the JJDP Act. This announcement contains instructions applicable to the FY 2013 Title II Formula Grants application and the comprehensive FY 2012 to 2014 3-Year Plan.

Deadlines: Registration and Application

Applicants must register within GMS prior to submitting an application. The deadline to register in GMS is 8:00 p.m., eastern time, on March 18, 2013, and the deadline to apply for funding under this announcement is 8:00 p.m., eastern time, on April 1, 2013. See How to Apply, page 29, for details.

Eligibility

Only the agency that the chief executive (e.g., the governor) of each state designates is eligible to apply for these funds. The term “state” means any state of the United States, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands. Applicants that do not meet this criterion are ineligible to apply under this solicitation.

Program-Specific Information

This program supports state and local efforts to plan, establish, operate, coordinate, and evaluate projects directly or through grants and contracts with public and private agencies for the development of more effective education, training, research, prevention, diversion, treatment, and rehabilitation programs in the area of juvenile delinquency and programs to improve the juvenile justice system.

OJJDP strongly encourages states to focus their Formula Grants on programs that will encourage and sustain compliance with the core requirements of the JJDP Act. States should give priority consideration to the following Formula Grant program areas: alternatives to detention, compliance monitoring, deinstitutionalization of status offenders, disproportionate minority contact, jail removal, and separation of juveniles from adult inmates. OJJDP also encourages states to consider funding programs that will support state compliance with the final Prison Rape Elimination Act standards, effective August 20, 2012, and available at: www.gpo.gov/fdsys/pkg/FR-2012-06-20/pdf/2012-12427.pdf. In addition, OJJDP encourages states to review the recommendations from the Attorney General’s National Task Force on Children Exposed to Violence, <http://www.justice.gov/defendingchildhood/cev-rpt-full.pdf>, prior to submitting their updated state plan.

Goals, Objectives, and Deliverables

The program's goal is to increase the availability and types of prevention and intervention programs and juvenile justice system improvements. The objective of the program is to support both state and local efforts in the above areas. State grantees will submit annual performance measurement-based progress reports.

Evidence-based Programs or Practices

OJP places a strong emphasis on the use of data and evidence in policy making and program development in criminal justice. OJP is committed to:

- improving the quantity and quality of evidence OJP generates;
- integrating evidence into program, practice, and policy decisions within OJP and the field; and
- improving the translation of evidence into practice.

OJP considers programs and practices to be evidence-based when their effectiveness has been demonstrated by causal evidence, generally obtained through one or more outcome evaluations. Causal evidence documents a relationship between an activity or intervention (including technology) and its intended outcome, including measuring the direction and size of a change, and the extent to which a change may be attributed to the activity or intervention. Causal evidence depends on the use of scientific methods to rule out, to the extent possible, alternative explanations for the documented change. The strength of causal evidence, based on the factors described above, will influence the degree to which OJP considers a program or practice to be evidence-based. OJP's CrimeSolutions.gov and OJJDP's [Model Programs Guide](#) Web sites are two resources that applicants may use to find information about evidence-based programs in criminal justice, juvenile justice, and crime victim services.

Amount and Length of Awards

Awards are for a 3-year project and budget period from October 1, 2011, to September 30, 2014. FY 2012 state allocations can be found in Appendix B.

All awards are subject to the availability of appropriated funds and to any modifications or additional requirements that may be imposed by law. OJJDP expects to make any awards under this solicitation by no later than September 30, 2013.

Budget Information

Limitation on Use of Award Funds for Employee Compensation, Waiver. With respect to any award of more than \$250,000 made under this solicitation, recipients may not use federal funds to pay total cash compensation (salary plus cash bonuses) to any employee of the award recipient at a rate that exceeds 110% of the maximum annual salary payable to a member of the Federal Government's Senior Executive Service (SES) at an agency with a Certified SES Performance Appraisal System for that year. The 2012 salary table for SES employees is available at www.opm.gov/oca/12tables/indexSES.asp. Note: A recipient may compensate an employee at a greater rate, provided the amount in excess of this compensation limitation is paid with non-federal funds. (Any such additional compensation will not be considered matching funds where match requirements apply.)

The Assistant Attorney General (AAG) for OJP may exercise discretion to waive, on an individual basis, the limitation on compensation rates allowable under an award. An applicant requesting a waiver should include a detailed justification in the budget narrative of the application. Unless the applicant submits a waiver request and justification with the application, the applicant should anticipate that OJP will request the applicant to adjust and resubmit the budget.

The justification should include the particular qualifications and expertise of the individual, the uniqueness of the service the individual will provide, the individual's specific knowledge of the program or project being undertaken with award funds, and a statement explaining that the individual's salary is commensurate with the regular and customary rate for an individual with his/her qualifications and expertise, and for the work to be done.

Minimization of Conference Costs. OJP encourages applicants to review the OJP guidance on conference approval, planning, and reporting that is available on the OJP Web site at www.ojp.gov/funding/confcost.htm. This guidance sets out the current OJP policy, which requires all funding recipients that propose to hold or sponsor conferences (including meetings, trainings, and other similar events) to minimize costs, requires OJP review and prior written approval of most conference costs for cooperative agreement recipients (and certain costs for grant recipients) and generally prohibits the use of OJP funding to provide food and beverages at conferences. The guidance also sets upper limits on many conference costs, including facility space, audio/visual services, logistical planning services, programmatic planning services, and food and beverages (in the rare cases where food and beverage costs are permitted at all).

Prior review and approval of conference costs can take time (see the guidance for specific deadlines), and applicants should take this into account when submitting proposals. Applicants also should understand that conference cost limits may change and that they should check the guidance for updates before incurring such costs.

Note on food and beverages: OJP may make exceptions to the general prohibition on using OJP funding for food and beverages but will do so only in rare cases where food and beverages are not otherwise available (e.g., in extremely remote areas); the size of the event and capacity of nearby food and beverage vendors would make it impractical to not provide food and beverages; or a special presentation at a conference requires a plenary address where conference participants have no other time to obtain food and beverages. Any such exception requires OJP's prior written approval. The restriction on food and beverages does not apply to water provided at no cost, but does apply to any and all other refreshments, regardless of the size or nature of the meeting. Additionally, this restriction does not affect direct payment of per diem amounts to individuals in a travel status under your organization's travel policy.

The provision of food and/or beverages to youth as part of programmatic activity is not subject to the above restriction because such activity does not fall within the definition of a conference, training, or meeting.

Costs Associated with Language Assistance (if applicable). If an applicant proposes a program or activity that would deliver services or benefits to individuals, the costs of taking reasonable steps to provide meaningful access to those services or benefits for individuals with limited English proficiency may be allowable. Reasonable steps to provide meaningful access to services or benefits may include interpretation or translation services where appropriate.

For additional information, see the "Civil Rights Compliance" section of the OJP "Other Requirements for OJP Applications" Web page at www.ojp.usdoj.gov/funding/other_requirements.htm.

Match Requirement. Pursuant to Section 222(c) of the JJDP Act, states may use no more than 10 percent of their Formula Grant allocation for planning and administration. States that choose to use funds in this manner must indicate that choice in their state plans and attached budgets. States must match on an equal basis any amount of federal funds that they expend or obligate for such purposes. States must identify the source of the match and how they will use match funds in their attached budget. (See Budget Detail Worksheet and Budget Narrative information beginning on page 24.) States may satisfy this match requirement with either cash or in-kind services. If a state's proposed match exceeds the required match amount, the match amount that is incorporated into the OJP-approved budget is mandatory and subject to audit.

Performance Measures

To assist the Department in fulfilling its responsibilities under the Government Performance and Results Act of 1993 (GPRA), Public Law 103-62, and the GPRA Modernization Act of 2010, Public Law 111-352, applicants that receive funding under this solicitation must provide data that measure the results of their work done under this solicitation. OJP will require any award recipient, post award, to provide the data requested in the "Data Grantee Provides" column so that OJP can calculate values for the "Performance Measures" column. OJJDP will require award recipients to submit annually performance metrics of relevant data through the Data Reporting Tool (DCTAT) located at www.ojjdp-dctat.org/. The following measures are examples of some of the core performance measures for the Juvenile Accountability Block Grants Program, but applicants should examine the complete Performance Measures Grid at <http://www.ojjdp-dctat.org>

Objective	Performance Measure(s)	Description	Data Grantee Provides
<p>Program objectives will depend upon the specific project funded.</p> <p>Examples of objectives may include decrease of delinquent behaviors and increase of pro-social behaviors.</p>	<p>These will differ, depending on the specific program goals and objectives. Examples follow.</p> <p>Number of program youth served.</p> <p>Number of grantees implementing an evidence-based</p>	<p>An unduplicated count of the number of youth the program served during the reporting period. Definition of the number of youth served for a reporting period is the number of program youth carried over from the previous reporting period plus new admissions during the reporting period. Program records are the preferred data source.</p> <p>Evidence-based programs and practices include program models that have</p>	<p>OJJDP has developed an online reporting system for state grantees or their subgrantees to submit subgrantee data electronically.</p> <p>Number of program youth carried over from the previous reporting period plus new admissions during the reporting period.</p> <p>Evidence-based programs/practices that the grantee implements.</p>

	<p>program/practice, as determined by OJJDP.</p> <p>Percentage of program youth who complete program requirements.</p> <p>Percentage of program youth who were adjudicated (short and long term).</p> <p>Percentage of program youth exhibiting desired change in the targeted behavior, which will depend on specific program goals and activities and may include academic achievement, school attendance, social competence, etc. (short and long term).</p>	<p>been shown, through rigorous evaluation and replication, to be effective at preventing or reducing juvenile delinquency or related risk factors, such as substance abuse. Model programs can come from many valid sources (e.g., Blueprints, OJJDP's Model Programs Guide, SAMHSA's Model Programs, state model program resources, etc.).</p> <p>The number and percentage of program youth who have successfully fulfilled all program obligations and requirements. Program obligations will vary by program.</p> <p>The total number of youth includes those who exited successfully or unsuccessfully.</p> <p>The number and percentage of participating program youth who were adjudicated for a new delinquent offense during the reporting period or 6-12 months post program completion. A juvenile residential facility is a place where young persons who have committed offenses may be housed overnight. A facility has living and sleeping units, such as wings, floors, dorms, barracks, or cottages.</p> <p>The number and percentage of program youth who have exhibited a desired change in the targeted behavior during the reporting period or 6-12 months post program completion.</p>	<p>Number of program youth who exited the program having completed program requirements.</p> <p>Total number of youth who exited the program during the reporting period (both successfully and unsuccessfully).</p> <p>Number of program youth who were committed to a juvenile residential facility as a result of a new adjudication.</p> <p>Number of youth sentenced to adult prison as a result of a new adjudication.</p> <p>Number of youth given some other sentence as a result of a new adjudication.</p> <p>Number of program youth tracked for adjudications.</p> <p>Number of youth exhibiting a desired change in targeted behavior which will depend on specific program goals and activities and may include academic achievement, school attendance, social competence, etc. (short and long term) as indicated on a pre/post survey tool.</p>
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	Percentage of program youth who re-offend.		Number of program youth who re-offend (are arrested) compared with total number of program youth.
	Percentage of program youth who offend.		Number of program youth who offend (are arrested) compared with the total number of program youth.

OJP does not require applicants to submit performance measures data with their applications. Instead, applicants should discuss in their application their proposed methods for collecting data for performance measures. Refer to the section What an Application Is Expected To Include, page 9, for additional information.

Project Evaluations

Applicants that propose to use funds awarded through this solicitation to conduct project evaluations or statistical data collections should be aware that these activities (such as systematic investigations designed to develop or contribute to generalizable knowledge) may constitute research, which is defined as follows:

Research means a systematic investigation, including research development, testing, and evaluation, designed to develop or contribute to generalizable knowledge. Activities that meet this definition constitute research for the purposes of this policy, whether or not they are conducted or supported under a program that is considered research for other purposes. For example, some demonstration and service programs may include research activities. 28 C.F.R. § 46.102(d). The following information pertains to applications that propose to conduct research and involves human subjects:

DOJ regulations (28 C.F.R. Part 46) protect the human subjects of federally funded research. In brief, 28 C.F.R. Part 46 requires that most research involving human subjects that is conducted or supported by a federal department or agency be reviewed and approved by an Institutional Review Board (IRB), in accordance with the regulations, before federal funds are expended for that research. As a rule, persons who participate in federally funded research must provide their "informed consent" and must be permitted to terminate their participation at any time. Funding recipients, before they will be allowed to spend OJP funds on any research activity involving human subjects, must submit appropriate documentation to OJP showing compliance with 28 C.F.R. Part 46 requirements, as requested by OJP.

DOJ regulations (28 C.F.R. Part 22) require recipients of OJP funding to submit a Privacy Certificate as a condition of approval of any grant application or contract proposal that contains a research or statistical component under which "information identifiable to a private person" will be collected, analyzed, used, or disclosed. The funding recipient's Privacy Certificate includes a description of its policies and procedures to be followed to protect the confidentiality of identifiable data. 28 C.F.R. § 22.23. The Department's regulations provide, among other matters, that: "Research or statistical information identifiable to a private person may be used only for research or statistical purposes." 28 C.F.R. § 22.21. Moreover, any private person from whom information identifiable to a private person is collected or obtained (either orally or by means of written questionnaire or other document) must be advised that the information will only be used or disclosed for research or statistical purposes and that

compliance with the request for information is voluntary and may be terminated at any time. 28 C.F.R. § 22.27.

OJP has developed a decision tree http://www.ojp.usdoj.gov/funding/pdfs/decision_tree.pdf to assist applicants in assessing whether an activity they plan to undertake with OJP funds may constitute research involving human subjects. **Applicants should review this decision tree and include a specific statement in their application narrative that clarifies if they intend to use any information from a project evaluation or data collection to contribute to generalizable knowledge or if they intend to use the information solely for the purpose of internal improvements and/or to meet OJP's performance measures data reporting requirements.** If an application includes a research, demonstration evaluation, or statistical data collection component, OJP will examine that component to determine whether it meets the definition of research.

For additional information visit the "Research and Protection of Human Subjects" and the "Confidentiality" sections of the OJP "Other Requirements" Web page at www.ojp.usdoj.gov/funding/other_requirements.htm.

Notice of Post-Award FFATA Reporting Requirement

Applicants should anticipate that OJP will require all recipients (other than individuals) of awards of \$25,000 or more under this solicitation, consistent with the Federal Funding Accountability and Transparency Act of 2006 (FFATA), to report award information on any first-tier subawards totaling \$25,000 or more, and, in certain cases, to report information on the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients. Each applicant entity must ensure that it has the necessary processes and systems in place to comply with the reporting requirements should it receive funding. Reports regarding subawards will be made through the FFATA Subaward Reporting System (FSRS), found at www.fsrs.gov.

Please note also that applicants should anticipate that no subaward of an award made under this solicitation may be made to a subrecipient (other than an individual) unless the potential subrecipient acquires and provides a Data Universal Numbering System (DUNS) number.

What an Application Is Expected To Include

Applicants should anticipate that failure to submit an application that contains all of the specified elements may negatively affect the review of the application; and, should a decision be made to make an award, it may result in the inclusion of special conditions that preclude access to or use of award funds pending satisfaction of the conditions.

OJP strongly recommends use of appropriately descriptive file names (e.g., "Program Narrative," "Budget Detail Worksheet and Budget Narrative," "Timelines," "Memoranda of Understanding," "Resumes") for all attachments. OJP recommends that resumes be included in a single file.

1. Information to Complete the Application for Federal Assistance (SF-424)

The SF-424 is a standard form used as a cover sheet for submission of pre-applications, applications, and related information. Grants.gov and GMS take information from the applicant's profile to populate the fields on this form. When selecting "type of applicant," if the applicant is a for-profit entity, select "For-Profit Organization" or "Small Business" (as applicable). Instructions on completing the SF 424 are available at www.grants.gov/assets/SF424Instructions.pdf.

2. Project Abstract

Applications should include a high-quality project abstract that summarizes the proposed project in 400 words or less. Project abstracts should be—

- written for a general public audience.
- submitted as a separate attachment with “Project Abstract” as part of its file name.
- single-spaced, using a standard 12-point font (Times New Roman) with 1-inch margins.

As a separate attachment, the project abstract will **not** count against the page limit for the program narrative.

Applicants should include a project abstract as the first page of the program narrative, and it is included in the page limitation specified above. The abstract should not exceed 400 words and should briefly describe the project’s purpose, identify the population to be served, and summarize the activities that the applicant will implement to achieve the project’s goals and objectives. These goals and objectives should focus on short-term and intermediate outcomes (see Goals, Objectives, and Performance Measures, below). The abstract should describe how the applicant will measure progress toward these goals.

3. Program Narrative (Attachment 1)

This attachment should include updates to the 2012-2014 Comprehensive 3-Year Plan. Where there are changes, modifications, or updates to the 3-year plan components since the 2012 application, the applicant must provide sufficient information and data to explain the changes. If there are no changes, the applicant should enter the heading and simply state that there are no changes.

The applicant must provide the required components for the FY 2013 Plan for Compliance with the First Three Core Requirements of the JJDP Act, the State’s Compliance Monitoring Plan, and Plan for Compliance with the Disproportionate Minority Contact Core Requirement (see pages 12 and 16). A response of “no change” to components d.(1), (2), (3), and f. of the plan is unacceptable.

Although this solicitation specifically describes several of the statutory requirements that applicants must meet to be eligible for Title II Formula Grant Program funding, applicants must ensure that they meet ALL of the requirements enumerated in Section 223(a) of the JJDP Act (42 U.S.C. §5633(a), attached as Appendix J.

This attachment must address the following:

- a. System Description: Structure and Function of the Juvenile Justice System.** This description should include information on the organization, responsibilities, and functions of the major components of the formal juvenile justice system. Generally, this would include law enforcement, juvenile detention and other pretrial programs, courts, corrections, and community-based programs for delinquent and status offenders.

- b. Analysis of Juvenile Crime Problems and Juvenile Justice Needs.** States should base this analysis on the system description in section b above and include conditions they consider or determine to be relevant to addressing juvenile justice and delinquency prevention problems.

(1) Analysis of Juvenile Crime Problems. Section 223(a)(7)(A) of the JJDP Act requires the state, as part of the 3-year planning process, to analyze current juvenile crime problems and juvenile justice and delinquency prevention and educational needs, including any geographical area in which an Indian tribe performs law enforcement functions, describe the services the state will provide, and describe performance goals and priorities, to include a statement of how the state expects the programs to address those problems (including the joining of gangs that commit crimes) and meet those needs.

Section 223(a)(7)(B) requires the states to develop plans: (1) to provide gender-specific services for the prevention and treatment of juvenile delinquency, (2) to provide services for the prevention and treatment of juvenile delinquency in rural areas, and (3) to provide mental health services to youth in the juvenile justice system, including information on how the state is implementing the plan and how the state is targeting those services to juveniles in the system who need them most.

This section should summarize the number and characteristics of youth handled at each stage of the process, from arrest through disposition. Applicants must provide a minimum of 3 years of recent data for the areas listed below and the most recent data to the extent possible by county, parish, or city. If the requested data are not available, applicants must describe the problem in obtaining the data and plans to improve collection and reporting efforts, including designated resources for improvement in this area.

Applicants should view the data reporting requirements below as the minimum needed for this section of the juvenile crime analysis. They should expand the information within the recommended categories (a)-(d) below, if relevant to analyzing current juvenile crime problems and juvenile justice needs.

(a) Juvenile arrests by offense type, gender, age, and race.

(b) Number and characteristics (by offense type, gender, race, and age) of juveniles referred to juvenile court, a probation agency, or special intake unit for allegedly committing a delinquent or status offense.

(c) Number of cases handled informally (non-petitioned) and formally (petitioned) by gender, race, and type of disposition (e.g., diversion, probation, commitment, residential treatment).

(d) Number of delinquent and status offenders admitted, by gender and race, to juvenile detention facilities and adult jails and lockups (if applicable).

(e) Other social, economic, legal, and organizational conditions considered relevant to delinquency prevention programming.

(2) State Priority Juvenile Justice Needs/Problem Statements. The product of the above analysis of juvenile crime problems shall be a series of problem statements. The state must establish a priority ranking for each problem statement, and applicants should list

and discuss them in order of priority. A problem statement is a written presentation that uses qualitative and quantitative information to describe the magnitude, seriousness, rate of change, persons affected, and other aspects of a problem. It identifies the nature, extent, and effect of system response, makes projections based upon historical precedent, and rigorously addresses the origins of the problem. Applicants should link the problem statements to the current data and needs analysis, the requirements of the JJDP Act, the functions of the juvenile justice system, geographic locations, and, whenever possible, related socioeconomic factors. A problem statement is a clear and succinct summary that reflects the results of the analysis undertaken. It does not necessarily represent all the analysis undertaken or all data collected for any given problem.

Aside from expenditures for planning and administration and state advisory group (SAG) allocations (see Appendix C, program areas 23 and 31, respectively), these data-based problem statements and their priority ranking provide the state with the basis for developing its 3-year plan for funding juvenile justice programs.

- c. **Plan for Compliance with the First Three Core Requirements of the JJDP Act and the State's Compliance Monitoring Plan.** Plans should be data based and program specific, including the necessary "who, what, where, how, and when."

The comprehensive 3-Year Plan must include:

- (1) **Plan for Deinstitutionalization of Status Offenders (DSO).** Pursuant to Section 223(a)(11) of the JJDP Act, the state must develop a plan that stipulates that status offenders and nonoffenders will not be placed in secure detention or secure correctional facilities except as allowed under the exceptions set forth in Section 223(a)(11)(A).

This plan should include trend analysis of the state's DSO rates in preceding years (i.e., are rates increasing or decreasing and why). In addition, the plan should discuss the nature of DSO violations the state has typically experienced (e.g., status/nonoffenders in jails or lockups; accused status offenders held in juvenile detention centers for more than 24 hours; incorrect or inappropriate usage of the valid court order exception, etc.). The state's plan to achieve or maintain compliance with DSO must relate directly to this analysis of violations.

For states currently in compliance with DSO, the plan must provide a strategy for maintaining compliance, including a description of any state or local laws that impact compliance and information on how the designated state agency and SAG will work together to address those circumstances in which DSO violations have occurred.

The plan must address any changes that could impact the state's compliance (e.g., pending or new legislation and staffing changes).

For states not in compliance with DSO, the plan must provide detailed goals, objectives, and action steps to achieve full compliance, including the individual responsible for each step and the date by which it will occur. The state must also submit an overall timetable for achieving compliance. In addition, the strategy should include information on the SAG's proposed involvement. Goals, objectives, and activities must be directly tied to those circumstances in which DSO violations have occurred. Also, the plan must address any legislative or other changes that could impact the state's compliance.

(2) Plan for Separation of Juveniles from Adult Inmates. Pursuant to Section 223(a)(12) of the JJDP Act, the state must develop a plan that provides juveniles alleged or found to be delinquent and status offenders shall not have contact with an individual who has reached the age of full criminal responsibility under applicable state law and has been arrested and is in custody for or awaiting trial on a criminal charge or is convicted of a criminal offense. This plan should include trend analysis of the state's separation rates in preceding years (i.e., are rates increasing or decreasing and why). In addition, the plan should discuss the nature of separation violations the state has typically experienced (e.g., problems with adult trustees, physical plant issues in older facilities, etc.). The state's plan to achieve or maintain compliance with separation must relate directly to this analysis of violations.

For states currently in compliance with separation, the plan must provide a strategy for maintaining compliance, including a description of any state or local laws that impact compliance and information on how the designated state agency and the SAG will work together to address those circumstances in which separation violations have tended to occur. Also, the plan must address any legislative or other changes that could impact the state's compliance.

The plan must address any changes that could impact the state's compliance (e.g., pending or new legislation, staffing changes).

For states not in compliance with separation, the plan must provide detailed goals, objectives, and action steps to achieve full compliance, including the individual responsible for each step and the date by which it will occur. The state must submit an overall timetable for achieving compliance. In addition, the strategy should include information on the SAG's proposed involvement. Goals, objectives, and activities must be directly tied to those circumstances in which separation violations have occurred. Also, the plan must address any legislative or other changes that could impact the state's compliance.

For any state that utilizes the same staff to serve both adult and juvenile populations, including but not limited to approved collocated juvenile detention facilities, a policy must be in effect requiring individuals who work with both juveniles and adult inmates to be trained and certified to work with juveniles. The state must submit a copy of this policy, including a description of the training and certification process, with this application.

(3) Plan for Removal of Juveniles from Adult Jails and Lockups. Pursuant to Section 223(a)(13) of the JJDP Act, the state must develop a plan that stipulates that no juvenile shall be detained or confined in any adult jail or lockup, except as *OJJDP's Guidance Manual for Monitoring Facilities Under the Juvenile Justice and Delinquency Prevention Act of 2002* (revised January 2007) allows.

This plan should include trend analysis of the state's jail removal rates in preceding years (i.e., are rates increasing or decreasing and why). In addition, the plan should discuss the nature of jail removal violations the state has typically experienced (e.g., status offenders held securely for any length of time in adult facilities, accused juvenile delinquents held in excess of the 6-hour rule, incorrect or inappropriate usage of the rural exception, etc.). The state's plan to achieve or maintain compliance with jail removal must relate directly to this analysis of violations.

For states currently in compliance with jail removal, the plan must provide a strategy to maintain compliance, including a description of any state or local laws that impact

compliance and information on how the designated state agency and SAG will work together to address those circumstances in which jail removal violations have tended to occur.

The plan must address any changes that could impact the state's compliance (e.g., pending or new legislation, staffing changes).

For states not in compliance with jail removal, the plan must provide detailed goals, objectives, and action steps for achieving full compliance, including the individual responsible for each step and the date by which it will occur. The state must submit an overall timetable for achieving compliance. In addition, the strategy should include information on the SAG's proposed involvement. Goals, objectives, and activities must be directly tied to those circumstances in which jail removal violations have occurred. Also, the plan must address any legislative or other changes that could impact the state's compliance.

For those states that utilize or seek to utilize the rural removal exception, Section 223(a)(13)(B) and OJJDP regulations provide for a rural removal exception with regard to juveniles accused of delinquent offenses, held in certain rural areas, and who are awaiting an **initial court appearance**. Under certain circumstances, such juveniles may be temporarily detained beyond the 6-hour time limit. It is important to note that **the rural removal exception does not apply to status offenders**. Status offenders may not be held securely for any length of time in an adult jail or lockup. States must receive prior approval from OJJDP to use the rural exception.

All states that have received OJJDP approval to use the rural exception must complete the Rural Removal Exception Certification form (Appendix G) certifying that approved facilities continue to meet the required conditions. The juvenile justice specialist should sign this form, and the state should submit it with its formal grant application.

States may submit requests for newly identified facilities at any time to OJJDP's Title II Program Manager or to OJJDP's Compliance Monitoring Coordinator. OJJDP must approve any use of the rural exception for each new facility prior to utilization.

- d. Plan for Compliance Monitoring for the First Three Core Requirements of the JJDP Act.** Pursuant to Section 223(a)(14) of the JJDP Act, the state must provide for an adequate system of monitoring jails, lockups, detention facilities, correctional facilities, and non-secure facilities to ensure that the core protections are met.

States must provide a plan describing how their system for compliance monitoring meets each of the following 10 elements of an adequate compliance monitoring system:

- (1) Policy and Procedures.** As an attachment to this application, states must provide a copy of their compliance monitoring policy and procedures manual. The general parameters for the contents of this manual can be found in chapter 5 of *OJJDP's Guidance Manual for Monitoring Facilities Under the JJDP Act* (see: www.ojdp.gov/compliance/guidancemanual2010.pdf).
- (2) Monitoring Authority.** The designated state agency that implements the JJDP Act core requirements should have the legal authority to inspect and collect data from all facilities in which juveniles might be placed pursuant to public authority. As an attachment to this

application, the state must provide a copy of the legislative statute or executive order that provides the designated state agency with this authority. If this information is included in the above-referenced policies and procedures manual, provide the page or appendix number.

- (3) Monitoring Timeline.** States must keep an annual calendar denoting when and where compliance monitoring will occur. As an attachment to this application, states must provide a copy of their monitoring timetable. If this information is included in the above-referenced policies and procedures manual, provide the page or appendix number.
- (4) Violation Procedures.** This section of the plan must describe the legislative and administrative procedures and sanctions that the state has established to receive, investigate, and report compliance violations. If an agency other than the designated state agency monitors, describe how that agency maintains accountability for compliance with this requirement. If this information is included in the policies and procedures manual, provide the page number where it can be found.
- (5) Barriers and Strategies.** Provide a written description of barriers the state faces in implementing an adequate system of compliance monitoring. This description must include strategies the state employs to overcome the barriers. If an up-to-date description of barriers and strategies is included in the policies and procedures manual, provide the page number where it can be found.
- (6) Definition of Terms.** States' definitions for key juvenile and criminal justice terms may differ from those provided in the JJDP Act. It is critical that these differences are identified and addressed in the monitoring process. Provide a discussion of how key state terms differ from those provided in the JJDP Act. If this information is included in the policies and procedures manual, provide the page number where it can be found. In addition, the state must certify that where state definitions differ from federal definitions in the monitoring process, federal definitions will be used in the monitoring process.
- (7) Identification of the Monitoring Universe.** States must identify all facilities in the state that might hold juveniles pursuant to public authority. Every facility that has this potential, regardless of the purpose to house juveniles, comes under the purview of the monitoring requirements. This list may include both public and privately owned or operated facilities. If a detailed description of the state's identification process is included in the policies and procedures manual, provide the page number where it can be found.
- (8) Classification of Monitoring Universe.** States must classify all facilities in the state to determine which ones should be considered a secure detention or correctional facility, adult correctional institution, jail, lockup, or other type of secure or nonsecure facility. Moreover, classification also includes determining whether a facility is public or private, residential or nonresidential, and whether the population is juvenile only, adult only, or juvenile and adult. If a detailed description of the state's classification process is included in the policies and procedures manual, provide the page number where it can be found.
- (9) Inspection of Facilities.** Inspection of facilities is necessary to ensure an accurate assessment of each facility's classification and record keeping. States must provide a plan for annually monitoring jails, lockups, and other facilities to determine that they comply with Sections 223(a)(11), (12), and (13) of the JJDP Act. If a detailed description of the

state's inspection process is included in the policies and procedures manual, provide the page number where it can be found.

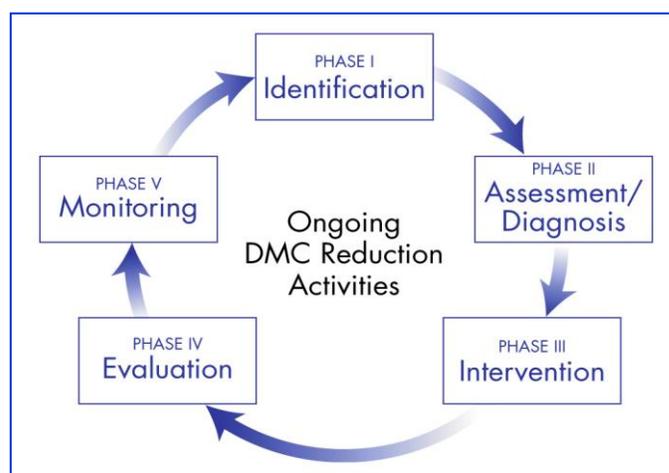
(10) Data Collection and Verification. States must collect and report data to determine whether facilities in the state comply with the applicable requirements of Sections 223(a)(11), (12), and (13) of the JJDP Act. If the facility self-reports data or an agency other than the state agency receiving federal grant funds collects and reports the data, the plan must describe a statistically valid procedure to verify the reported data. On-site data verification must involve the review of data that a facility self reports, including a review of the facility's admissions records and/or booking logs. If a detailed description of the state's process for data collection and verification is included in the policies and procedures manual, provide the page number where it can be found.

Although OJJDP holds the designated state agency implementing the Formula Grants program responsible for the 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.

e. Plan for Compliance with the Disproportionate Minority Contact (DMC) Core Requirement. Pursuant to Section 223(a)(22) of the JJDP Act, states and territories must address specific delinquency prevention and system improvement efforts to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile numbers of minority groups who come into contact with the juvenile justice system. DMC exists if the rate of contact with the juvenile justice system of a specific minority group is significantly different than the rate of contact for non-Hispanic whites or other minority groups.

The purpose of this core requirement is to ensure equal and fair treatment for every youth (regardless of membership in a minority or majority population group) involved in the juvenile justice system. States achieve compliance with this core requirement when they meet the requirements set forth in Formula Grants Consolidated Regulation 28 CFR Part §31.303(j). These include addressing DMC continually through identification (identifying the extent to which DMC exists), assessment (examining and determining the factors that contribute to DMC, if it exists), intervention (developing and implementing strategies to reduce DMC), evaluation (evaluating the efficacy of implemented strategies), and monitoring (tracking changes in DMC trends over time).

DMC Reduction Cycle



All states, except for Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the U.S. Virgin Islands shall submit DMC Identification Spreadsheets as part of the DMC compliance plan in their 3-year plans. All U.S. territories, except Puerto Rico, shall submit any data they have collected and analyzed by race and ethnicity. When a state determines that DMC exists, it shall provide in its 3-year plan and the subsequent updates, a plan that complies with the implementation guidelines below. Responses to the 2012 DMC Plan must address the five phases of the DMC Reduction Cycle.

Phase I: Identification. The purpose of the identification phase of a state's DMC effort is to determine whether disproportionality exists and the extent to which it exists. This requires the state to make comparisons between races within targeted jurisdictions. By collecting and examining data on the volumes of occurrence at the major contact/decision points in the juvenile justice system, states and territories can determine whether overrepresentation exists, in which jurisdictions it may exist, and the degree to which it exists at any contact/decision point within the juvenile justice system (See *Disproportionate Minority Contact Technical Assistance Manual, 4th Edition* [2009] for detailed descriptions of the juvenile justice system contact points).

Additionally, based on experience with the Relative Rate Index (RRI) process over several years, OJJDP has created a series of steps in the analysis of index values to drive decision-making within a community. The objective is for the community to identify a small set (at least five) contact point/racial group combinations that will be the focus of later assessment, intervention, and evaluation work. In other words, select points of focus for the ongoing DMC activity within a community. The five-step process involves:

(1) Updated DMC Identification Spreadsheets. OJJDP requires states to collect, analyze, and enter the data statewide and for at least three local jurisdictions into the [DMC Web-Based Data Entry System](#) every 3 years; states also may do so annually or biannually. The data should be no older than state, federal, or calendar year 2010. Once the state has entered the data, export the RRI spreadsheets to GMS and label as "Attachment #2." Identify the jurisdiction when exporting to GMS (example: Attachment #2: Smith County/Township/Parish). **Note:** States may submit data for fewer than three local jurisdictions if the statewide minority population does not meet the 1 percent threshold to

be analyzed separately and/or if the state has requested and received a waiver to target fewer than three jurisdictions.

Note: Not applicable for American Samoa, Guam, the Commonwealth of the Northern Mariana Islands and the U.S. Virgin Islands as the DMC Web-Based Data Entry System does not currently reflect their specific races and ethnicities. However, the U.S. territories must submit any data they have collected and analyzed for youth who have come into contact with the juvenile justice systems based on OJJDP's standard definitions.

(2) DMC Data Discussion. Respond to the following:

Note: States must complete the RRI Analysis Tracking Sheet as a component of their data discussion statewide and for at least three local jurisdictions unless OJJDP has granted a waiver. Include the corresponding RRI values (See a sample sheet in Appendix I).

- (a)** When quantifiable documentation is unavailable or incomplete to determine whether DMC exists or changes, the state must provide a time-limited plan, not to exceed 6 months, for developing and implementing a system to routinely collect the data to track progress in DMC reduction and demonstrate consistent improvement in this area. Again, the data should be no older than state, federal, or calendar year 2010 for those states that collect data every 3 years. States that anticipate the time-limited plan will exceed 6 months must provide additional information as to how they will collect and analyze data prior to their submission of their next 3-Year Plan Update.

The time-limited plan must include, if applicable, the following items:

- current and future barriers.
- the agencies, organizations, or individual(s) that will collect and analyze the data.
- the anticipated outcomes.

- (b)** Discuss the RRIs obtained, compare the updated data with the data in the FY 2009-2011 3-Year Comprehensive Plan, and illustrate how the data inform/guide the state's FY 2012-2014 DMC reduction efforts.

Additionally, per the congressional mandate to address total contact with the juvenile justice system, the preferred type of data is the duplicated count, one reflecting the total number of youth contacts with the justice system. Indicate whether statewide and local data reflect a duplicated or unduplicated count (i.e. one youth who has juvenile justice system contact regardless of the number of contacts). If this is unknown, provide a time-limited plan not to exceed 12 months of how the state will determine whether the counts are duplicated, unduplicated, or a combination. The time-limited plan must include, if applicable, the following items:

- current and future barriers.
- the agencies, organizations, or individual(s) that will determine whether the contacts are duplicated, unduplicated, or a combination.

- the anticipated outcomes.
- (c) Use the RRI Tracking Sheet (see example in Appendix I) to interpret and analyze the values that should drive decisionmaking:
- (1) Identify the RRI values that are statistically significant. This also includes discussing statistical parity (i.e. how many less or more minority youth would it take to show statistical equality with white non-Hispanic and/or majority youth; see “Volume Issues” tab in the RRI Spreadsheet).
 - (2) From statistically significant RRI values, identify those with the greatest magnitude (i.e. more than 1.0 for arrests, referrals to court, cases resulting in secure detention, cases petitioned, cases resulting in delinquent findings, cases resulting in secure correctional facilities, and transfers to adult court and less than 1.0 for diversion and probation) that is, those that reflect the greatest degree of disproportionate contact.
 - (3) From among statistically significant RRI values and those with the greatest magnitude, identify those that involve the greatest volume of activity, that is, the largest number of minority youth who potentially may be affected.
 - (4) If applicable, compare the RRI values noted in step 2 or 3 with the range of RRI values nationally (**Note:** See the [National Disproportionate Minority Contact Databook](#) and/or the “Compare Counties” and “States” tabs in the RRI Spreadsheet).
 - (5) Examine the local context for each of the RRI values identified in steps (1)–(4) to consider which jurisdictions may be the more feasible target populations for activities to reduce DMC. **Note:** See Chapter 1 in the [Disproportionate Minority Contact Technical Assistance Manual, 4th Edition](#) for the discussion and list of contextual considerations.

Phase II: Assessment/Diagnosis. When a state or territory identifies that DMC exists, it must undertake an assessment. States should also undertake targeted assessments when they note significant changes in the RRIs at particular contact/decision points, or after they implement significant changes in laws, procedures, and policies within the juvenile justice system that may negatively impact DMC. A DMC assessment is a comprehensive analysis using advanced research methodologies to identify the contributing factors and examine minority over-representation and explain differences at all contact stages of the juvenile justice system. It should also include recommendations for specific delinquency prevention, intervention, and systems improvement strategies.

Respond to the following:

- (1) Provide a brief summary of the findings of the statewide DMC assessment study published from 2005-2013 that includes any identified contributing mechanisms, findings, and recommendations. (See Appendix H for examples of major mechanisms contributing to DMC).

(2) If a statewide DMC assessment study has not been conducted or completed, provide a time-limited plan not to exceed 12 months for completing this assessment and/or any technical assistance needed. The plan must include, if applicable, the following items:

- current and future barriers.
- the agencies, organizations, or individual(s) that will complete the assessment study.
- the anticipated outcomes.

Note: If a state requested an extension and OJJDP approved, attach documentation (Attachment #3: OJJDP approved DMC assessment study extension).

Phase III: Intervention. Each state's DMC Compliance Plan shall, where DMC has been demonstrated and contributing factors determined, provide an intervention plan for reduction. Base the plan on the results of the identification data and assessment study findings (if applicable). The state should also target comprehensive prevention and intervention programming and system improvement efforts to communities where DMC is most prominent and those contact stages of the system where major disproportionate rates occur. Ultimately, the intervention efforts should address any individual, family, community, systemic (juvenile justice, education, etc.), and related laws and policies that may contribute to DMC.

Respond to the following:

(1) **Progress Made in FY 2012.** Discuss the status of each of the planned activities in the FY 2012 DMC Compliance Plan. States that have implemented local delinquency prevention and systems improvement strategies should complete this section for each individual locality.

- (a) which activities have been implemented? Discuss progress made and include planned Formula Grant-supported activities with DMC specific goals and objectives.
- (b) which activities were not implemented? Discuss the reason that prevented implementation and plans to overcome these obstacles.

(2) States that have identified one or more local jurisdiction(s) as DMC reduction sites but have not implemented delinquency prevention, intervention, and/or systems improvement activities, must provide a time-limited plan not to exceed 12 months of when implementation will occur. The plan must include, if applicable, the following items:

- current and future barriers.
- the agencies, organizations, or individual(s) that will determine which strategies will be implemented and why.
- the anticipated outcomes.

Phase IV: Evaluation. States shall evaluate the efficacy of their efforts to reduce DMC. At a minimum, all intervention strategies to reduce DMC shall include specific goals, objectives,

activities, and selected performance measures. Some states have conducted formal process and/or outcome evaluations of DMC activities.

If applicable, include a brief summary of findings of any formal process or outcome evaluation related to DMC activities (i.e. those that contain a specific research methodology to evaluate the program's effectiveness or implementation process).

If no formal process or outcome evaluation has been conducted write "Not applicable."

Performance Measures. Provide a list of the required and other applicable DMC performance measures in this section.

Phase V: Monitoring. States and their selected localities shall monitor and track changes in DMC trends over time and/or conduct site monitoring visits to identify emerging critical issues to determine whether there has been reduction. The ultimate question that jurisdictions must answer is: Has DMC been reduced? Whether such a change is directly attributable to specific DMC efforts is a secondary issue that requires a specific evaluation study.

Respond to the following:

- (1) Include a time-limited plan, not to exceed 6 months, of how the state will monitor and track changes in DMC trends over time.
- (2) Include a description of how the state will monitor any delinquency prevention, intervention, and/or systems improvement activities implemented to reduce DMC.
- (3) Indicate who will monitor these activities. If this is a DMC coordinator, indicate if the position is full or part-time.
- (4) Provide a timeline of current and/or future monitoring activities.

DMC Reduction Plan for FY 2012–2014:

- (1) States must specify the timeline (i.e., FY 2012, FY 2013, and FY 2014), to conduct delinquency prevention, intervention, and systems improvement activities.
- (2) States must specify the funding amount and funding source(s) designated to conduct delinquency prevention, intervention, and systems improvement activities.

f. Coordination of Child Abuse and Neglect and Delinquency Programs. The JJDP Act emphasizes interagency coordination and collaboration in addressing the prevention and treatment of juvenile delinquency. Applicants may fund such programming under program area 19 (see Appendix C).

(1) **Reducing Probation Officer Caseloads.** Pursuant to Section 223(a)(25) of the JJDP Act, the state may provide incentive grants to units of general local government that reduce the caseload of probation officers. Funds reserved for this purpose may not exceed 5 percent of the state's allocation (other than funds made available to the SAG).

(2) **Sharing Public Child Welfare Records with Juvenile Courts.** Pursuant to Section 223(a)(26) of the JJDP Act, the state shall, to the maximum extent practicable, implement

a system to ensure that each juvenile court shall have access to and be aware of the public child welfare records (including child protective services records) generated within its jurisdiction for each juvenile before the court.

(3) Establishing Policies and Systems To Incorporate Child Protective Services Records into Juvenile Justice Records. Pursuant to Section 223(a)(27) of the JJDP Act, the state shall establish policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing and implementing treatment plans for juvenile offenders. Pursuant to Section 223(a)(28) of the JJDP Act, this section of the application must provide an assurance 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).

h. Disaster Preparedness Plan. States that have completed a disaster preparedness plan detailing how juveniles in secure and non-secure placements are handled during a disaster, should attach a copy of the plan with their application. OJJDP strongly encourages states that have not started or completed such a plan to complete one by the time of the next Title II Formula Grants Program 3-Year Plan due date of March 31, 2015.

Find a copy of *Emergency Planning for Juvenile Justice Residential Facilities*, a document from OJJDP that serves as a guide for juvenile justice residential facilities in preparing for, responding to, and recovering from emergencies, at www.ncjrs.gov/pdffiles1/ojjdp/234936.pdf.

i. Suicide Prevention. OJJDP strongly encourages states to include suicide prevention initiatives in their Title II Formula Grants Program 3-Year Plan. Suicide is a major public health issue and is the third leading cause of death for youth ages 15-24. Studies have indicated that the majority of youth suicides are youth involved with the juvenile justice system and that a direct correlation exists between number of referrals and increased suicide risk. Initiatives to address this public health problem include the development or expansion of suicide prevention programs at each point of contact in the juvenile justice system, public awareness campaigns, research on suicide and suicide prevention for youth in contact with the juvenile justice system, unique training targeted to suicide prevention in juvenile facilities, and increased collaboration between the mental health and juvenile justice systems.

j. Collecting and Sharing Juvenile Justice Information. To better understand the difficulties state agencies that administer the Formula Grants Program encounter in collecting and sharing juvenile justice information, OJJDP requests that they provide the following information in their FY 2013 Formula Grants application:

(1) Describe the state's process for gathering juvenile justice information and data across state agencies—i.e., state departments of education and welfare, mental health services, local law enforcement—and how the state makes this information available across agencies and incorporates the data into its comprehensive 3-year plan and annual plan updates.

(2) Identify specific barriers the state encounters with the sharing of juvenile information on at-risk youth among state agencies, including local law enforcement, i.e., where state statute, regulation, or policy prohibits the sharing of this information.

States are to direct sufficient resources to accomplish this effort and increase the capacity to implement new or improve existing juvenile justice information sharing systems.

k. Statement of the Problem/Program Narrative. In addressing the state’s priority juvenile justice needs, as identified in response to 3b page 11, applicants must describe the programs they will support with FY 2013 Formula Grant funds. Programs are groups of projects with common or similar or goals. Address each item below for each program:

(1) Program Area Code and Title. Use only OJJDP’s codes and titles available in Appendix C. Applicants should bear in mind that some program area codes have been changed and that a 36th program area, Indigent Defense, has been added and use the correct code in the application.

(2) Program Goals. Provide a broad statement that conveys, in general terms, the program’s intent to change, reduce, or eliminate the problem described. Goals identify the program’s intended short-and long-term results.

(3) Program Objectives. Explain how the program will accomplish the goals. Objectives are specific, quantifiable statements of the program’s desired results, and they should include the target level of accomplishment, thereby further defining goals and providing the means to measure program performance.

(4) Activities and Services. Provide the specific steps or projects that the grantee will take or fund to accomplish each objective. This part of the program description must summarize which agencies will implement the program, where and when activities will take place, the specific services that the applicant will provide, who will benefit from the services, and the target population. This section must indicate how the program relates to similar state or local programs directed at the same or similar problems.

(5) Performance Measures. Represent the data and information that subgrantees in this program area will collect to measure the specific outputs and short-and long-term outcomes their programs are designed to achieve. Beginning with the October 1, 2012, to September 30, 2013, data collection period, states must collect and report data on the mandatory performance measures for each applicable program area. Although not required, states may collect and report on non-mandatory measures, if they choose.

The aforementioned performance measures are to be reported online via the Data Collection Technical Assistance Tool (DCTAT). For more information on performance measures and DCTAT, see www.ojjdp-dctat.org/.

l. Budget. Present total federal funds the state plans to use in this program area from its Formula Grant allocation, along with any expected state, local, or private funds:

Fiscal Year	Formula Grant Funds (\$)	State/Local Funds (\$)	Total (\$)
2013			
2014			
2015			

- m. **SMART.** All applicants must register with OJJDP's Socioeconomic Mapping and Resource Topography (SMART) system at [//smart.gismapping.info/](http://smart.gismapping.info/). Applicants must demonstrate that they have queried the SMART system to determine program placement in a community facing significant need. Applicants should attach to their applications generated maps and reports that support the problem they have identified in this section. If the SMART system does not provide the most recent data or information to validate the problem, the applicant may identify and submit additional data points (e.g., local incidents of crime or community resources) instead. Instructions specific to the FY 2013 solicitations will be posted on the home page of the SMART site. For questions about the SMART system, contact Dennis Mondoro at 202–514–3913 or dennis.mondoro@usdoj.gov.
- n. **SAG Membership.** Pursuant to Section 223(a)(3)(A) of the JJDP Act, the state advisory group shall consist of not less than 15 and not more than 33 members appointed by the chief executive officer of the state. At least one member shall be a locally elected official representing general purpose local government. At least one-fifth of the members shall be younger than 24 years old at the time of appointment. At least three members shall have been or currently are under the jurisdiction of the juvenile justice system. A majority of the members (including the chairperson) shall not be full-time employees of federal, state, or local government. The membership qualifications are described in subsections i–v of Section 223(a)(3)(A) of the JJDP Act, as amended. (See Appendix F for detailed membership instructions and a sample membership table). Pursuant to 28 C.F.R. § 31.102, in the event that a state's SAG serves in a strictly advisory capacity, the state agency must, as an alternative, maintain a supervisory board (i.e. board of directors, commission, committee, council, or other policy board) with responsibility for supervising the preparation and administration of the three-year plan and its implementation. As per 28 C.F.R. § 31.103, this board must include the chairperson and at least two additional citizen members of the SAG. A citizen member is defined as any person who is not a full-time government employee or elected official.
- o. **Formula Grants Program Staff.** The state must include in its application an organizational chart of the agency designated to implement the Formula Grants program; a list of the other programs that the designated agency or division administers; the staffing and management plan for the state agency/division implementing the Formula Grants program, including names, titles of staff, funding sources and state match, and percentage of time devoted to the JJDP program; descriptions of the duties for the juvenile justice specialist (at least one full-time position is required) and other juvenile justice and delinquency prevention staff.
- p. **Performance Measures Data.** Submission of performance measures data is not required for the application. Performance measures are included as an alert that OJJDP will require successful applicants to submit specific data as part of their reporting requirements. For the application, applicants should indicate an understanding of these requirements and discuss how they will gather the required data, should they receive funding. (See Appendix C).

4. Budget Detail Worksheet and Budget Narrative (Attachment 3)

Applicants should provide a budget that (1) is complete, allowable, and cost-effective in relation to the proposed activities; (2) shows the cost calculations demonstrating how they arrived at the total amount requested; and (3) provides a brief supporting narrative to link costs with project activities. The budget should cover the entire award period.

Applicants should demonstrate in their budget narratives how they will maximize cost effectiveness of grant expenditures. Budget narratives should generally describe cost effectiveness in relation to potential alternatives and the goals of the project. For example, a budget narrative should detail why planned in-person meetings are necessary or how the applicant could use technology and collaboration with outside organizations to reduce costs without compromising quality.

Applicants should explain how they calculated fringe benefits, how they estimated travel costs, why they must purchase particular items of equipment or supplies, and how they calculated overhead or indirect costs (if applicable). The budget narrative should justify the specific items listed in the budget detail worksheet (particularly supplies, travel, and equipment) and demonstrate that all costs are reasonable.

Section 223(a)(5) of the JJDP Act, as amended, states “unless the provisions of this paragraph are waived at the discretion of the Administrator for any state in which the services for delinquent or other youth are organized primarily on a statewide basis, provide that at least 66 2/3 per centum of funds received by the state under section 222, reduced by the percentage (if any) specified by the state under the authority of paragraph (25) and excluding funds made available to the state advisory group under section 222, shall be expended:

- a. Through programs of units of local government or combinations thereof, to the extent such programs are consistent with the state plan;
- b. Through programs of local private agencies, to the extent such programs are consistent with the state plan, except that direct funding of any local private agency by a state shall be permitted only if such agency requests such funding after it has applied for and been denied funding by any unit of local government or combination thereof; and
- c. To provide funds for programs of Indian tribes that perform law enforcement functions (as determined by the Secretary of the Interior) and that agree to attempt to comply with the requirements specified in paragraphs (11), (12), and (13) applicable to the detention and confinement of juveniles, an amount that bears the same ratio to the aggregate amount to be expended through programs referred to in subparagraphs (A) and (B) as the population under 18 years of age in the geographical areas in which such tribes perform such functions bears to the State population under 18 years of age.”

See Appendix D for additional information. For questions pertaining to budget and examples of allowable and unallowable costs, see the OJP Financial Guide at www.ojp.usdoj.gov/financialguide/index.htm.

Budget Detail Worksheet. This attachment should include the amount the state has budgeted for each program area it has identified to receive FY 2013 Formula Grant funds, see Appendix B. Funds allocated for planning and administration and match requirement, the SAG, and the American Indian tribal pass-through (where applicable) are required line items (see sample worksheet, Appendix E). The budget worksheet must present a complete and detailed itemization of all proposed costs.

- a. **Planning and Administration Funds and Match Requirement.** Pursuant to Section 222(c) of the JJDP Act, states may use no more than 10 percent of their Formula Grant allocation for state plan development, other pre-award activities associated with that state plan, administration of the Formula Grants program, including evaluation, monitoring, and at least

one full-time juvenile justice specialist position. States that experience a reduction in their Formula Grant allocation based on noncompliance with one or more of the JJDP Act's core requirements will receive a reduction in their planning and administration funds accordingly. The state must match planning and administration funds dollar for dollar.

- b. SAG Allocation.** For planning and budget purposes, states may make as much as \$20,000 of their annual allocations available to assist the SAG.
- c. State Allocations and Program Areas.** As Section 223(c) of the JJDP Act requires, OJJDP will reduce a state's FY 2013 allocation by 20 percent for each of the core requirements for which the state was found to be not in compliance in FY 2012. States that were determined to be not in compliance with one or more core requirements in FY 2012 should plan their FY 2013 expenditures using the correctly reduced amounts from their FY 2013 allocations. See Appendix B for FY 2012 state allocations and Appendix C for Formula Grant program areas.
- d. Indian Tribe Pass-through.** The required amount of the American Indian pass-through represents the minimum dollars a state must pass through to tribes that perform law enforcement functions. Although this amount is based on a statutory formula, in many instances, it may be insufficient to support effective juvenile justice and delinquency prevention activities. Therefore, where appropriate, OJJDP encourages the states to pass through greater amounts. In addition, OJJDP advises states to encourage tribes to apply for a discretionary grant under the Tribal Youth Program. OJJDP will notify the juvenile justice specialist when the FY13 Indian Tribe Pass-through amount will be available on the www.irsa.org/napt/index.htm.

Note: Total costs that the state specifies in its complete budget must match the amount it provides in the Estimated Funding section of the Project Information screen in GMS. All funds listed in the budget will be subject to audit.

Budget Narrative. The Budget Narrative should thoroughly and clearly describe every category of expense listed in the Budget Detail Worksheet. Proposed budgets are expected to be complete; reasonable and allowable; cost effective; and necessary for project activities. The narrative should be mathematically sound and correspond with the information and figures provided in the Budget Detail Worksheet. The narrative should explain how the applicant estimated and calculated all costs and how they are relevant to the completion of the proposed project. The narrative may include tables for clarification purposes but need not be in a spreadsheet format. As with the Budget Detail Worksheet, the Budget Narrative should be broken down by year.

Subgrant Award Assurances. Pursuant to Section 223(a)(21)(A) and (B) of the JJDP Act, states shall, to the extent practicable, give priority in funding to evidence-based programs and activities. Further, under Section 223(a)(21)(C) of the JJDP Act, states shall not continue to fund a program if the subgrant recipient who carried out that program during the preceding 2-year period fails to demonstrate that the program achieved substantial success in meeting the goals specified in the original subgrant application. Applicants should describe the process that the state will use to assure the implementation of the preceding requirements of the subgrant award process.

To enable local subgrantees to implement evidence-based programs, two Web sites: OJJDP's [Model Programs Guide](#) and OJP's CrimeSolutions.gov have been developed. The Model Programs Guide and CrimeSolutions.gov are two resources that applicants may use to find

information about evidence-based programs in juvenile justice, criminal justice, and crime victim services and enhance their likelihood for success.

5. Additional Attachments

Applicant disclosure of pending applications. Applicants are to disclose whether they have pending applications for federally funded assistance that include requests for funding to support the same project being proposed under this solicitation and will cover the identical cost items outlined in the budget narrative and worksheet in the application under this solicitation. The disclosure should include both direct applications for federal funding (e.g., applications to federal agencies) and indirect applications for such funding (e.g., applications to state agencies that will be subawarding federal funds).

OJP seeks this information to help avoid any inappropriate duplication of funding. Leveraging multiple funding sources in a complementary manner to implement comprehensive programs or projects is encouraged and is not seen as inappropriate duplication.

Applicants that have pending applications as described above are to provide the following information about pending applications submitted within the last 12 months:

- the federal or state funding agency
- the solicitation name/project name
- the point of contact information at the applicable funding agency

Federal or State Funding Agency	Solicitation Name/Project Name	Name/Phone/E-mail for Point of Contact at Funding Agency
DOJ/COPS	COPS Hiring Program	Jane Doe, 202/000-0000; jane.doe@usdoj.gov
HHS/ Substance Abuse & Mental Health Services Administration	Drug Free Communities Mentoring Program/ North County Youth Mentoring Program	John Doe, 202/000-0000; john.doe@hhs.gov

Applicants should include the table as a separate attachment, with the file name “Disclosure of Pending Applications,” to their application. Applicants that do not have pending applications as described above are to include a statement to this effect in the separate attachment page. (e.g., “[Applicant Name] does not have pending applications submitted within the last 12 months for federally funded assistance that include requests for funding to support the same project being proposed under this solicitation and will cover the identical cost items outlined in the budget narrative and worksheet in the application under this solicitation.”)

6. Other Standard Forms

Additional forms that may be required in connection with an award are available on OJP’s funding page at www.ojp.usdoj.gov/funding/forms.htm. For successful applicants, receipt of funds may be contingent upon submission of all necessary forms. Note in particular the following forms.

- a. [Standard Assurances](#).^{*} Applicants must read, certify, and submit this form in GMS prior to the receipt of any award funds.
- b. [Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements](#).^{*} Applicants must read, certify, and submit in GMS prior to the receipt of any award funds.
- c. [Accounting System and Financial Capability Questionnaire](#). Any applicant (other than an individual) that is a non-governmental entity and that has not received any award from OJP within the past 3 years, must download, complete, and submit this form.

^{*}These OJP Standard Assurances and Certifications are forms which applicants accept in GMS. They are not additional forms to be uploaded at the time of application submission.

Review Process

OJP is committed to ensuring a fair and open process for awarding grants. OJJDP reviews the application to make sure that the information presented is reasonable, understandable, measurable, and achievable, as well as consistent with the solicitation. OJJDP will review applications for formula awards to ensure statutory requirements have been met.

Absent explicit statutory authorization or written delegation of authority to the contrary, the Assistant Attorney General will make all final award decisions.

Additional Requirements

Applicants selected for awards must agree to comply with additional legal requirements upon acceptance of an award. OJP strongly encourages applicants to review the information pertaining to these additional requirements prior to submitting an application. Additional information for each requirement can be found at www.ojp.usdoj.gov/funding/other_requirements.htm.

- Civil Rights Compliance
- Civil Rights Compliance Specific to State Administering Agencies
- Faith-Based and Other Community Organizations
- Confidentiality
- Research and the Protection of Human Subjects
- Anti-Lobbying Act
- Financial and Government Audit Requirements
- National Environmental Policy Act (NEPA)
- DOJ Information Technology Standards (if applicable)

- Single Point of Contact Review
- Non-Supplanting of State or Local Funds
- Criminal Penalty for False Statements
- Compliance with [Office of Justice Programs Financial Guide](#)
- Suspension or Termination of Funding
- Nonprofit Organizations
- For-Profit Organizations
- Government Performance and Results Act (GPRA)
- Rights in Intellectual Property
- Federal Funding Accountability and Transparency Act of 2006 (FFATA)
- Awards in Excess of \$5,000,000 – Federal Taxes Certification Requirement
- Policy and Guidance for Conference Approval, Planning, and Reporting
- OJP Training Guiding Principles for Grantees and Subgrantees

How to Apply

Applicants must submit applications through the Grants Management System ([GMS](#)), which provides cradle to grave support for the application, award, and management of awards at OJP. Applicants **must register in GMS for each specific funding opportunity** and should **register immediately** to meet the GMS registration deadline for this funding opportunity, especially if this is their first time using the system. Complete instructions on how to register and submit an application in GMS can be found at www.ojp.usdoj.gov/gmscbt/. Applicants that experience technical difficulties during this process should e-mail GMS.HelpDesk@usdoj.gov or call 888-549-9901 (option 3), Monday – Friday 6:00 a.m. to midnight eastern time, except federal holidays. OJP recommends that applicants **register immediately** to prevent delays in submitting an application package by the deadline.

All applicants should complete the following steps:

1. **Acquire a Data Universal Numbering System (DUNS) number.** In general, the Office of Management and Budget requires that all applicants (other than individuals) for federal funds include a DUNS number in their application for a new award or a supplement to an existing award. A DUNS number is a unique nine-digit sequence recognized as the universal standard for identifying and differentiating entities receiving federal funds. The identifier is used for tracking purposes and to validate address and point of contact information for federal assistance applicants, recipients, and subrecipients. The DUNS number will be used throughout the grant life cycle. Obtaining a DUNS number is a free, one-time activity. Call Dun and Bradstreet at 866-705-

5711 to obtain a DUNS number or apply online at www.dnb.com. A DUNS number is usually received within 1-2 business days.

- 2. Acquire registration with the System for Award Management (SAM).** SAM replaces the Central Contractor Registration (CCR) database as the repository for standard information about federal financial assistance applicants, recipients, and subrecipients. OJP requires that all applicants (other than individuals) for federal financial assistance maintain current registrations in the SAM database. Applicants must **update or renew their SAM registration annually** to maintain an active status.

Applicants that were previously registered in the CCR database must, at a minimum:

- create a SAM account.
- log into SAM and migrate permissions to the SAM account (all the entity registrations and records should already have been migrated).

Applicants that were not previously registered in the CCR database must register in SAM prior to registering in GMS. Information about SAM registration procedures can be accessed at www.sam.gov.

- 3. Acquire a GMS username and password.** New users must create a GMS profile by selecting the “First Time User” link under the sign-in box of the [GMS](http://www.ojp.usdoj.gov/gmscbt/) home page. For more information on how to register in GMS, go to www.ojp.usdoj.gov/gmscbt/.
- 4. Verify the SAM registration in GMS, formerly CCR registration.** OJP requests that all applicants verify their SAM registration in GMS. Once logged into GMS, click the “CCR Claim” link on the left side of the default screen. Click the submit button to verify the SAM (formerly CCR) registration.
- 5. Search for the funding opportunity on GMS.** After logging into GMS or completing the GMS profile for username and password, go to the “Funding Opportunities” link on the left side of the page. Select OJJDP and the OJJDP FY 2013 Title II Formula Grants Program.
- 6. Register by selecting the “Apply Online” button associated with the solicitation title.** The search results from step 5 will display the solicitation title along with the registration and application deadlines for this funding opportunity. Select the “Apply Online” button in the “Action” column to register for this solicitation and create an application in the system.
- 7. Complete the Disclosure of Lobbying Activities, if applicable.** Any applicant that expends any funds for lobbying activities must provide the detailed information requested on the form, *Disclosure of Lobbying Activities* ([SF-LLL](#)).
- 8. Follow the directions in GMS to submit an application consistent with this solicitation.** Once submitted, GMS will display a confirmation screen stating the submission was successful. **Important:** In some instances, applicants must wait for GMS approval before they can submit an application. OJP urges applicants to submit the application **at least 72 hours prior** to the due date of the application.

Note: GMS does not accept executable file types as application attachments. These disallowed file types include, but are not limited to, the following extensions: “.com,” “.bat,” “.exe,” “.vbs,” “.cfg,” “.dat,” “.db,” “.dbf,” “.dll,” “.ini,” “.log,” “.ora,” “.sys,” and “.zip.”

Note: Duplicate Applications. If an applicant submits multiple versions of an application, OJJDP will review the most recent version submitted.

Experiencing Unforeseen GMS Technical Issues

Applicants that experience unforeseen GMS technical issues beyond their control that prevent them from submitting their application by the deadline must e-mail the OJJDP contact identified in the Contact Information section on page 1 **within 24 hours after the application deadline** and request approval to submit their application. The e-mail must describe the technical difficulties and include a timeline of the applicant’s submission efforts, the complete grant application, the applicant’s DUNS number, and any GMS Help Desk or SAM tracking number(s). **Note: OJJDP does not automatically approve requests.** After OJJDP reviews the submission and contacts the GMS Help Desk to validate the reported technical issues, OJP will inform the applicant whether the request to submit a late application has been approved or denied. If the technical issues reported cannot be validated, the application will be rejected as untimely.

The following conditions are not valid reasons to permit late submissions: (1) failure to register in sufficient time, (2) failure to follow GMS instructions on how to register and apply as posted on its Web site, (3) failure to follow each instruction in the OJP solicitation, and (4) technical issues with the applicant’s computer or information technology environment, including firewalls.

Notifications regarding known technical problems with GMS, if any, are posted at the top of the OJP funding Web page at www.ojp.usdoj.gov/funding/solicitations.htm.

Provide Feedback to OJP on this Solicitation

To assist OJP in improving its application and award processes, we encourage applicants to provide feedback on this solicitation, the application submission process, and/or the application review/peer review process. Feedback may be provided to OJPSolicitationFeedback@usdoj.gov.

IMPORTANT: This e-mail is for feedback and suggestions only. Replies are **not** sent from this mailbox. If you have specific questions on any program or technical aspect of the solicitation, **you must** directly contact the appropriate number or e-mail listed on the front of this solicitation document. These contacts are provided to help ensure that you can directly reach an individual who can address your specific questions in a timely manner.

If you are interested in being a reviewer for other OJP grant applications, e-mail your resume to ojppeerreview@lmbps.com. The OJP Solicitation Feedback e-mail account will not forward your resume. **Note:** Neither you nor anyone else from your organization can be a peer reviewer in a competition in which you or your organization have submitted an application.

Appendix A: Application Checklist

OJJDP FY 2013 Title II Formula Grants Program

Applicants should submit all applications electronically through OJP's GMS.

_____ **Disclosure of Lobbying Activities (SF-LLL)** (see page 30).

_____ **DUNS Number** (see page 29)

_____ **System for Award Management (SAM) Registration** (see page 30)

_____ **Application for Federal Assistance (SF-424)** is generated by completing the Overview.

_____ **Applicant Information, and Project Information** screens in GMS (see page 10).

_____ **Program Narrative (Attachment #1)** must address all 11 required items (see page 10).

- a. Project Abstract
- b. System Description: Structure and Function of the Juvenile Justice System
- c. Analysis of Juvenile Crime Problems and Juvenile Justice Needs
- d. Plan for Compliance Monitoring for the First Three Core Requirements of the JJDP Act.
- e. Plan for Compliance with the Disproportionate Minority Contact Core Requirement.
- f. Coordination of Child Abuse and Neglect and Delinquency Programs
- g. Disaster Preparedness Plan.
- h. Suicide Prevention
- i. Collecting and Sharing Juvenile Justice Information
- j. Statement of the Problem/Program Narrative

_____ **Budget Detail Worksheet and Budget Narrative (Attachment #3)** must include a worksheet that identifies and a narrative that justifies all proposed costs (see page 24 and Appendix E)

_____ **Additional Attachments** (see page 27)

_____ **Other Standard Forms** (see page 27)

- a. Accounting System and Financial Capability Questionnaire, if applicable.

Applicants must submit files attached to their GMS application as a Microsoft Word document (.doc), PDF (.pdf), or text document (.txt). Refer to the program announcement for detailed descriptions of these items.

Deadlines

_____ Applicants must register on GMS by 8 p.m. ET on March 18, 2013.

_____ Applicants must submit completed applications by 8 p.m. ET on April 1, 2013.

OJJDP will accept only those applications submitted through the GMS online application system. OJJDP will not consider mailed or faxed applications.

Appendix B: Distribution of Formula Grants by State (FY 2012)

<u>STATE</u>	<u>AMOUNT</u>	<u>STATE</u>	<u>AMOUNT</u>
ALABAMA	421,875	NEVADA	400,000
ALASKA	400,000	NEW HAMPSHIRE	400,000
ARIZONA	532,296	NEW JERSEY	629,296
ARKANSAS	400,000	NEW MEXICO	400,000
CALIFORNIA	2,237,024	NEW YORK	1,131,798
COLORADO	442,589	NORTH CAROLINA	677,422
CONNECTICUT	400,000	NORTH DAKOTA	400,000
DELAWARE	400,000	OHIO	777,294
District. OF COLUMBIA	400,000	OKLAHOMA	400,000
FLORIDA	1,060,008	OREGON	400,000
GEORGIA	724,102	PENNSYLVANIA	790,949
HAWAII	400,000	RHODE ISLAND	400,000
IDAHO	400,000	SOUTH CAROLINA	410,314
ILLINOIS	865,894	SOUTH DAKOTA	400,008
INDIANA	527,689	TENNESSEE	502,717
IOWA	400,000	TEXAS	1,696,829
KANSAS	400,000	UTAH	400,000
KENTUCKY	400,000	VERMONT	400,000
LOUISIANA	418,663	VIRGINIA	582,255
MAINE	400,000	WASHINGTON	521,697
MARYLAND	470,909	WEST VIRGINIA	400,000
MASSACHUSETTS	485,577	WISCONSIN	467,914
MICHIGAN	691,305	WYOMING	400,000
MINNESOTA	455,587	AMERICAN SAMOA	75,000
MISSISSIPPI	400,000	GUAM	75,000
MISSOURI	487,025	PUERTO RICO	400,000
7. MONTANA	400,000	N. MARIANA ISLANDS	75,000
NEBRASKA	400,000	VIRGIN ISLANDS	75,000

TOTAL

29,109,036

Population figures based on July 1, 2010, Bureau of Census Data for States and Puerto Rico. Population estimates for the other U.S. territories, namely American Samoa, Guam, North Marianna Islands, and the Virgin Islands were taken from the International Data Base located on the U.S. Census Bureau Web site www.census.gov/population/international/.

Appendix C: Formula Grant Program Areas

1. **Aftercare/Reentry.** Programs to prepare targeted juvenile offenders to successfully return to their communities after serving a period of secure confinement in a training school, juvenile correctional facility, or other secure institution. Aftercare programs focus on preparing juvenile offenders for release and providing a continuum of supervision and services after release
2. **Alternatives to Detention.** Alternative services provided to a juvenile offender in the community as an alternative to confinement
3. **Child Abuse and Neglect Programs.** Programs that provide treatment to juvenile victims of child abuse or neglect and to their families to reduce the likelihood that such juvenile offenders will commit subsequent violations of law
4. **Children of Incarcerated Parents.** Services to prevent delinquency or treat delinquent juveniles who are the children of incarcerated parents
5. **Community Assessment Centers (CACs).** Centers that lead to more integrated and effective cross-system services for juveniles and their families. CACs are designed to positively affect the lives of youth and divert them from a path of serious, violent, and chronic delinquency. Using a collaborative approach, CACs serve the community in a timely, cost-efficient, and comprehensive manner
6. **Compliance Monitoring.** Programs, research, staff support, or other activities primarily to enhance or maintain a state's ability to adequately monitor jails, detention facilities, and other facilities to assure compliance with Sections 223(a)(11), (12), (13), and (22) of the JJDP Act.
7. **Court Services.** Programs to encourage courts to develop and implement a continuum of pre- and post-adjudication restraints that bridge the gap between traditional probation and confinement in a correctional setting. Services include expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, electronic monitoring, translation services and similar programs, and secure, community-based treatment facilities linked to other support services
8. **Deinstitutionalization of Status Offenders.** Programs, research, or other initiatives to eliminate or prevent the placement of accused or adjudicated status offenders and nonoffenders in secure facilities, pursuant to Section 223(a)(11) of the JJDP Act
9. **Delinquency Prevention.** Programs, research, or other initiatives to prevent or reduce the incidence of delinquent acts and directed to youth at risk of becoming delinquent to prevent them from entering the juvenile justice system or to intervene with first-time and non-serious offenders to keep them out of the juvenile justice system. This program area excludes programs targeted at youth already adjudicated delinquent, on probation, in corrections, and those programs designed specifically to prevent gang-related or substance abuse activities undertaken as part of program areas 12 and 32
10. **Disproportionate Minority Contact.** Programs, research, or other initiatives primarily to address the disproportionate number of juvenile members of minority groups who come into contact with the juvenile justice system, pursuant to Section 223(a)(22) of the JJDP Act

11. **Diversion.** Programs to divert juveniles from entering the juvenile justice system
12. **Gangs.** Programs, research, or other initiatives primarily to address issues related to juvenile gang activity. This program area includes prevention and intervention efforts directed at reducing gang-related activities
13. **Gender-Specific Services.** Services to address the needs of female offenders in the juvenile justice system
14. **Graduated Sanctions.** A system of sanctions that escalate in intensity with each subsequent, more serious delinquent offense
15. **Gun Programs.** Programs (excluding programs to purchase from juveniles) to reduce the unlawful acquisition and illegal use of guns by juveniles
16. **Hate Crimes.** Programs to prevent and reduce hate crimes committed by juveniles
17. **Jail Removal.** Programs, research, or other initiatives to eliminate or prevent the placement of juveniles in adult jails and lockups, as defined in Section 223(a)(13) of the JJDP Act
18. **Job Training.** Projects to enhance the employability of juveniles or prepare them for future employment. Such programs may include job readiness training, apprenticeships, and job referrals
19. **Juvenile Justice System Improvement.** Programs, research, and other initiatives to examine issues or improve practices, policies, or procedures on a system-wide basis (e.g., examining problems affecting decisions from arrest to disposition and detention to corrections)
20. **Mental Health Services.** Services include, but are not limited to, the development and/or enhancement of diagnostic, treatment, and prevention instruments; psychological and psychiatric evaluations; counseling services; and/or family support services
21. **Mentoring.** Programs to develop and sustain a one-to-one supportive relationship between a responsible adult age 18 or older (mentor) and an at-risk juvenile (mentee) that takes place on a regular basis
22. **Indian Tribe Programs.** Programs to address juvenile justice and delinquency prevention issues for Indian Tribes and Alaska Natives
23. **Planning and Administration.** Activities related to state plan development, other preawarded activities, and administration of the Formula Grant Program, including evaluation, monitoring, and one full-time staff position pursuant to Section 222 (c) of the JJDP Act and the OJJDP Formula Grant Regulation
24. **Probation.** Programs to permit juvenile offenders to remain in their communities under conditions that the juvenile court prescribes
25. **Restitution/Community Service.** Programs to hold juveniles accountable for their offenses by requiring community service or repayment to the victim

26. **Rural Area Juvenile Programs.** Prevention, intervention, and treatment services in an area located outside a metropolitan statistical area as designated by the U.S. Bureau of the Census
27. **School Programs.** Education programs and/or related services to prevent truancy, suspension, and expulsion. School safety programs may include support for school resource officers and law-related education
28. **Separation of Juveniles From Adult Inmates.** Programs that ensure that juveniles will not be detained or confined in any institutions where they may come into contact with adult inmates, pursuant to Section 223(a)(12) of the JJDP Act
29. **Serious Crime.** Programs, research, or other initiatives to address serious and violent criminal-type behavior by youth. This program area includes intervention, treatment, and reintegration of serious and violent juvenile offenders
30. **Sex Offender Programs.** Programs to support the assessment, treatment, rehabilitation, supervision, and accountability of juvenile sex offenders
31. **State Advisory Group Allocation.** Activities related to carrying out the state advisory group's responsibilities under Section 223(a)(3) of the JJDP Act
32. **Substance Abuse.** Programs, research, or other initiatives to address the use and abuse of illegal and other prescription and nonprescription drugs and the use and abuse of alcohol. Programs include control, prevention, and treatment
33. **Youth Advocacy.** Projects to develop and implement advocacy activities focused on improving services for and protecting the rights of youth affected by the juvenile justice system
34. **Youth or Teen Courts.** Juvenile justice programs in which peers play an active role in the disposition of the juvenile offender. Most communities use youth courts as a sentencing option for first-time offenders charged with misdemeanor or nonviolent offenses who acknowledge their guilt. The youth court serves as an alternative to the traditional juvenile court
35. **Strategic Community Action Planning.** Programs and activities that bring together committed community leaders and residents to identify and access existing local resources for the development of a multifaceted response to juvenile justice issues
36. **Indigent Defense.** Hiring court-appointed defenders, providing training, coordination, and innovative strategies for indigent defense services.

Appendix D: Pass-Through Waiver Requirements

1. Section 223(a)(5) of the JJDP Act, as amended, requires states to pass-through 66 2/3 per centum of funds that the state receives under Section 222 unless waived at the discretion of the Administrator.
2. The request for waiver should be attached to the state's Title II application in the form of a letter to Melodee Hanes, OJJDP Acting Administrator, who will review requests for exceptions to this waiver; however, the state must meet the following criteria prior to review or approval:
 - a. Demonstration, by comparing state and local expenditures for the preceding fiscal year, of how the state bears the primary financial burden for juvenile justice services provided in each of the authorized purpose areas.
 - b. Demonstration of consultation with units of local government in the state, either directly or through organizations representing such units, regarding the proposed waiver.
 - c. Demonstration of consultation with other state agencies that bear the primary financial burden for juvenile justice.
 - d. The approval of the state advisory group.
3. For further information or clarification, contact your OJJDP State Representative.

Appendix E: Sample Budget Detail Worksheet

OJJDP FY 2013 Title II Formula Grants Program

Program Areas	Program Area Title	State Match	OJJDP Federal Share	Total Funds
23	Planning and Administration	\$40,000	\$40,000	\$80,000
31	State Advisory Group Allocation	0	\$20,000	\$20,000
17	Jail Removal	0	\$210,000	\$210,000
8	Deinstitutionalization of Status Offenders	0	\$80,000	\$80,000
10	Disproportionate Minority Contact	0	\$35,000	\$35,000
26	Rural Area Juvenile Programs	0	\$15,000	\$15,000
	Total	\$40,000	\$400,000	\$440,000

The planning and administrative costs cover:

1. The salaries of a full-time juvenile justice specialist, a part-time compliance monitor, and a part-time administrative assistant.
2. Travel costs of staff for the following:
 - to attend national and regional OJJDP-sponsored conferences and workshops, as appropriate.
 - to attend local conferences and workshops, as appropriate.
 - to monitor contracts with providers throughout the state.

If a state is out of compliance with one or more of the core requirements of the JJDP Act, OJJDP will reduce its award by 20 percent for each requirement with which the state fails to comply. Planning and administration is computed on the new amount of the award. After subtracting planning and administration and SAG funding, the state must use 50 percent of the remaining amount to achieve compliance. The state may use the remaining funds for other programming.

Appendix F: Instructions to Complete the SAG Membership Table (with Sample Roster)

The state advisory group (SAG) membership table was designed to simplify state reporting requirements. The state should select the designator listed below that best describes each member's qualifications and experience. A sample roster is at the end of this appendix.

Column 1 (Name)

List the names of each SAG member beginning with the chair and place an asterisk (*) after any of those members who are also members of the state supervisory board.

Column 2 (Represents)

Select the item from the following list that most closely identifies each member's qualification:

- A. Locally elected official representing general purpose local government.
- B. Representative of law enforcement and juvenile justice agencies, including:
 - 1. Juvenile and family court judges
 - 2. Prosecutors
 - 3. Counsel for children and youth
 - 4. Probation workers
- C. Representatives of public agencies concerned with delinquency prevention or treatment:
 - 1. Welfare
 - 2. Social services
 - 3. Mental health
 - 4. Education
 - 5. Special education
 - 6. Recreation
 - 7. Youth services
- D. Representatives of private nonprofit organizations, including persons concerned with:
 - 1. Family preservation and strengthening
 - 2. Parent groups and parent self-help groups
 - 3. Youth development
 - 4. Delinquency prevention and treatment
 - 5. Neglected or dependent children
 - 6. Quality of juvenile justice
 - 7. Education
 - 8. Social services for children
- E. Volunteers who work with juvenile justice.
- F. Youth workers involved with programs that are alternatives to confinement, including organized recreation activities.
- G. Persons with special experience and competence in addressing problems related to school violence and vandalism and alternatives to suspension and expulsion.

H. Persons with special experience and competence in addressing problems related to learning disabilities, emotional difficulties, child abuse and neglect, and youth violence.

Column 3 (Full-Time Government)

If the person is a full-time government employee, place an “X” in this column.

Column 4 (Youth Member)

If the person was younger than 24 years old at the time of appointment, place an “X” in this column.

Column 5 (Date of Appointment)

Provide the date the member was appointed to the SAG.

Column 6 (Residence)

Provide the member’s residential or preferred mailing address.

Sample State Advisory Group Membership Roster*

Name	Represents	Full-Time Government	Youth Member	Date of Appointment	Residence
1 Jane Smith, Chair	D, F			June 1997	Harlem
2 John Smith	C	X		June 1997	Helena
3 June Smith	E		X	June 2001	Missoula
4 Jim Smith	A	X		June 1997	Great Falls
5 Joan Smith	B	X		June 1998	Great Falls
6 Judy Smith	E		X	June 2001	Missoula
7 Jon Smith	E		X	June 2001	Bozeman
8 Janet Smith	B	X		June 1998	Helena
9 James Smith	C	X		June 1998	Helena
10 Jan Smith	D			June 1997	Bozeman
11 Junie Smith	B	X		June 1999	Butte
12 Jonny Smith	A, C	X		June 1999	Kalispell

13 John Smith	A, D			June 2000	Great Falls
14 Julie Smith	D			June 1997	Billings
15 Jewel Smith	C	X		June 2000	Helena
16 Joanie Smith	B		X	June 2000	Billings
17 Justus Smith	C	X		June 2001	Helena
18 Judie Smith	D, F			June 2001	Missoula
19 Jack Smith	C	X		June 2000	East Helena
20 Jill Smith	F		X	June 2001	Bozeman

Source: Modified from Montana's FY 2002 Formula Grants application.
 *List the Chair first.

The SAG serves as the supervisory or advisory board . (Check one.)

If the above noted SAG has been designated as an advisory board, the following entity fulfills the requirement for an agency supervisory board:

The following SAG members serve as citizen members of the above-noted supervisory board:

Appendix G: Rural Removal Exception Certification Form

RURAL REMOVAL EXCEPTION CERTIFICATION

The State/Territory of _____ certifies that all facilities OJJDP has approved for use of the Rural Removal Exception continue to meet the statutory conditions of the JJDP Act including:

- _____ the state compliance monitor has determined that the facility(s) meets or exceeds sight and sound separation standards;
- _____ the state has a policy in effect that requires individuals who work with both juveniles and adult inmates in collocated facilities to be trained and certified to work with juveniles;
- _____ the facility(s) is/are located outside a metropolitan statistical area (as defined by the Office of Management and Budget) and has no existing acceptable alternative placement available;
- _____ the facility(s) is/are located where conditions of distance to be traveled or the lack of highway, road, or transportation do not allow for court appearances within 48 hours (excluding Saturdays, Sundays, and legal holidays) so that a brief (not to exceed 48 hours) delay is excusable; **or**
- _____ the facility/(s) is/are located where conditions of safety exist (such as severely adverse, life-threatening weather conditions that do not allow for reasonably safe travel), in which case the time for an appearance may be delayed until 24 hours after the time that such conditions allow for reasonably safe travel.

Juvenile Justice Specialist

Appendix H: Contributing Mechanisms to DMC

Mechanism	Definition
Seasonal Mobility	Occurs when a community has an influx of juveniles during a particular season, frequently either a holiday season (spring break) or a vacation season (summer break).
Attractive Nuisance	Applied to a number of commercial or entertainment areas, particularly in urban settings. For example, a shopping mall or entertainment facility may be located in a suburban community or an urban neighborhood that has lower proportions of minority residents but draws youth from across an urban area.
Immigration-and Migration-Related Mobility	May have an impact on communities to create higher levels of DMC, particularly where policies of the U.S. Citizenship and Immigration Services are a major concern.
Institutional Effects	May occur when a jurisdiction provides residential or detention capacity for a number of other jurisdictions. For example, if a county operates a regional detention facility, then it might appear that its volume of detention activity is higher than in surrounding counties, and if the county includes these nonresident youth in its RRI calculation, it might create erroneous results.
Indirect Effects	Reflects economic status, education, location, and a host of risk factors associated with delinquent behavior, among other factors, that are linked with race and ethnicity. These factors are related to delinquent activity or contact within the justice system.
Specific Risk Factors	Are correlated with race or ethnicity, may lead to differential offending issues. Risk factors such as poor school performance or living in disorganized neighborhoods are more likely to occur to minority youth, putting them at a greater risk of system involvement.
Programming Access/Eligibility	For example, access to some forms of behavioral health or substance use treatment is often contingent on medical insurance coverage. That coverage is, in turn, often contingent on economic circumstances, which places many minority families at a disadvantage in obtaining such services.
Decision-making Factors	For example, a number of studies have indicated that juvenile justice decision-makers respond differently to youth from an “intact” two-parent family setting than to youth from a single-parent home.
Access	May be limited by geography, hours of operation, or other means. For example, if a program is located in an area of a community that is not accessible through public transportation, the unintended outcome may be that only families who have access to private automobiles may participate.
Eligibility	May be used in many programs to define a set of youth most likely to benefit from the program or to exclude those youth that program leaders believe will likely disrupt the program or otherwise be less likely to benefit from the program resources

Implementation	For example, the physical tone of a facility may be inviting or discouraging, may indicate an appreciation of multiple cultures, or may be sterile and institutional.
Effectiveness	The capability to achieve intended outcomes. Many prevention or treatment programs have been developed initially with a particular group of youth in mind, often white youth.
Differential Processing or Inappropriate Decision-making Criteria	An issue in determining program eligibility, implementing diversion programs, and selecting alternative decision outcomes.
Justice by geography	The concept that youth in general, and minority youth in particular, may be processed or handled differently in one jurisdiction than in another within the same state.
Legislation, Policies, and Legal Factors	Policies enacted through legislation or through administrative action may sometimes contain elements that create a disadvantage for minority youth
Simple Accumulation	There may be a greater rate of arrest for minority youth, followed by a lower rate of diversion, greater rates of formal processing as delinquent, etc.
Impacts On Later Decisions	Another example where race and ethnicity may work indirectly through factors that influence decision-making is the impact of earlier stages on later stages of the justice system, such as the impact of pre-adjudicatory detention.

Appendix I: Sample Relative Rate Index Analysis and Tracking Sheet

State: Any State, USA County: Smith	Black or African-American	Hispanic or Latino	Asian	Native Hawaiian or other Pacific Islander	American Indian or Alaska Native	Other/Mixed	All Minorities
1. Juvenile Arrests	S,M,V,C 6.42	S, M,V,C 3.73	S, M, C,C 2.00	S,M,C 2.45	S, M,C,C 2.75	S,M,V,C 4.00	S, M,V,C,C 4.75
2. Referrals to Juvenile Court	S,M,V,C 5.00	S,M,V,C 2.50	S,M 1.89	S,M,V,C 2.23	S,M 2.25	S,V,C 3.75	S,M,V 4.25
3. Cases Diverted	S,M,V 0.50	S,M,V,C 0.70	S,M 1.23	S,M,C 0.50	S,M,V,C 0.50	**	S,V,C 0.50
4. Cases Involving Secure Detention	S,M,V 3.85	S,M,V 3.00	**	S,V,C 1.85	**	S,M,V 3.00	S,M,V 2.99
5. Cases Petitioned (Charges Filed)	S,M,V,C 3.50	S,M,V, C 2.00	**	S,M,V 1.55	S,M 1.45	S,M 1.50	S,M,V,C 3.25
6. Cases Resulting in Delinquent Findings	S,M,V 2.90	S,V,C 1.87	**	S,M,V 2.00	S,M,V,C 1.80	S,M,V 2.00	S,M,V,C 1.98
7. Cases resulting Probation Placement	S,M,V 1.50	S,M,V,C 1.23	**	S,M,V 1.11	**	S 1.25	S,V,C 1.15
8. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	S,M,V 2.00	S,M,V 1.99	**	**	**	S,M,V 1.64	S,M,V,C 1.85
9. Cases Transferred to Adult Court	S,M,V 1.90	S,M,V **	S 1.01	S 1.21	S,M 1.15	S,M,V 1.60	S,M,V 1.45

Key: S= Statistically Significant M=Magnitude of RRI V=Volume of Activity

C=Comparative with other jurisdictions C=Contextual Considerations

** Does not meet 1 percent threshold to be analyzed separately

Appendix J: 42 U.S.C. 5633 Sec. 223 (a)

(a) Requirements. In order to receive formula grants under this part, 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 the status of compliance with State plan requirements. In accordance with regulations which the Administrator shall prescribe, such plan shall—

- (1) designate the State agency described in section 299(c)(1) [42 USC § 5671(c)(1)] as the sole agency for supervising the preparation and administration of the plan;
- (2) contain satisfactory evidence that the State agency designated in accordance with paragraph (1) has or will have authority, by legislation if necessary, to implement such plan in conformity with this part;
- (3) provide for an advisory group that--
 - (A) shall consist of not less than 15 and not more than 33 members appointed by the chief executive officer of the State--
 - (i) which members have training, experience, or special knowledge concerning the prevention and treatment of juvenile delinquency, the administration of juvenile justice, or the reduction of juvenile delinquency;
 - (ii) which members include--
 - (I) at least 1 locally elected official representing general purpose local government;
 - (II) representatives of law enforcement and juvenile justice agencies, including juvenile and family court judges, prosecutors, counsel for children and youth, and probation workers;
 - (III) representatives of public agencies concerned with delinquency prevention or treatment, such as welfare, social services, mental health, education, special education, recreation, and youth services;
 - (IV) representatives of private nonprofit organizations, including persons with a special focus on preserving and strengthening families, parent groups and parent self-help groups, youth development, delinquency prevention and treatment, neglected or dependent children, the quality of juvenile justice, education, and social services for children;
 - (V) volunteers who work with delinquents or potential delinquents;
 - (VI) youth workers involved with programs that are alternatives to incarceration, including programs providing organized recreation activities;

- (VII) persons with special experience and competence in addressing problems related to school violence and vandalism and alternatives to suspension and expulsion; and
- (VIII) persons with special experience and competence in addressing problems related to learning disabilities, emotional difficulties, child abuse and neglect, and youth violence;
- (iii) a majority of which members (including the chairperson) shall not be full-time employees of the Federal, State, or local government;
- (iv) at least one-fifth of which members shall be under the age of 24 at the time of appointment; and
- (v) at least 3 members who have been or are currently under the jurisdiction of the juvenile justice system;
- (B) shall participate in the development and review of the State's juvenile justice plan prior to submission to the supervisory board for final action;
- (C) shall be afforded the opportunity to review and comment, not later than 30 days after their submission to the advisory group, on all juvenile justice and delinquency prevention grant applications submitted to the State agency designated under paragraph (1);
- (D) shall, consistent with this title--
 - (i) advise the State agency designated under paragraph (1) and its supervisory board; and
 - (ii) submit to the chief executive officer and the legislature of the State at least annually recommendations regarding State compliance with the requirements of paragraphs (11), (12), and (13); and
 - (iii) contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system; and
- (E) may, consistent with this title--
 - (i) advise on State supervisory board and local criminal justice advisory board composition; [and]
 - (ii) review progress and accomplishments of projects funded under the State plan.
- (4) provide for the active consultation with and participation of units of local government or combinations thereof in the development of a State plan which adequately takes into account the needs and requests of units of local government, except that nothing in the plan requirements, or any regulations promulgated to carry out such requirements, shall be construed to prohibit or impede the State from making grants to, or entering into contracts with, local private agencies or the advisory group;
- (5) unless the provisions of this paragraph are waived at the discretion of the Administrator for any State in which the services for delinquent or other youth are organized primarily on a

statewide basis, provide that at least 66 2/3 per centum of funds received by the State under section 222 [42 USC § 5632] reduced by the percentage (if any) specified by the State under the authority of paragraph (25) and excluding funds made available to the State advisory group under section 222(d) [42 USC § 5632(d)], shall be expended--

(A) through programs of units of local government or combinations thereof, to the extent such programs are consistent with the State plan;

(B) through programs of local private agencies, to the extent such programs are consistent with the State plan, except that direct funding of any local private agency by a State shall be permitted only if such agency requests such funding after it has applied for and been denied funding by any unit of local government or combination thereof; and

(C) to provide funds for programs of Indian tribes that perform law enforcement functions (as determined by the Secretary of the Interior) and that agree to attempt to comply with the requirements specified in paragraphs (11), (12), and (13), applicable to the detention and confinement of juveniles, an amount that bears the same ratio to the aggregate amount to be expended through programs referred to in subparagraphs (A) and (B) as the population under 18 years of age in the geographical areas in which such tribes perform such functions bears to the State population under 18 years of age,[:]

(6) provide for an equitable distribution of the assistance received under section 222 [42 USC § 5632] within the State, including in rural areas;

(7) (A) provide for an analysis of juvenile delinquency problems in, and the juvenile delinquency control and delinquency prevention needs (including educational needs) of, the State (including any geographical area in which an Indian tribe performs law enforcement functions), a description of the services to be provided, and a description of performance goals and priorities, including a specific statement of the manner in which programs are expected to meet the identified juvenile crime problems (including the joining of gangs that commit crimes) and juvenile justice and delinquency prevention needs (including educational needs) of the State; and

(B) contain-

(i) an analysis of gender-specific services for the prevention and treatment of juvenile delinquency, including the types of such services available and the need for such services.

(ii) a plan for providing needed gender-specific services for the prevention and treatment of juvenile delinquency;

(iii) a plan for providing needed services for the prevention and treatment of juvenile delinquency in rural areas; and

(iv) a plan for providing needed mental health services to juveniles in the juvenile justice system, including information on how such plan is being implemented and how such services will be targeted to those juveniles in such system who are in greatest need of such services;

- (8) provide for the coordination and maximum utilization of existing juvenile delinquency programs, programs operated by public and private agencies and organizations, and other related programs (such as education, special education, recreation, health, and welfare programs) in the State;
- (9) provide that not less than 75 percent of the funds available to the State under section 222 [42 USC § 5632], other than funds made available to the State advisory group under section 222(d) [42 USC § 5632(d)], whether expended directly by the State, by the unit of local government, or by a combination thereof, or through grants and contracts with public or private nonprofit agencies, shall be used for--
 - (A) community-based alternatives (including home-based alternatives) to incarceration and institutionalization including--
 - (i) for youth who need temporary placement: crisis intervention, shelter, and after-care; and
 - (ii) for youth who need residential placement: a continuum of foster care or group home alternatives that provide access to a comprehensive array of services;
 - (B) community-based programs and services to work with--
 - (i) parents and other family members to strengthen families, including parent self-help groups, so that juveniles may be retained in their homes;
 - (ii) juveniles during their incarceration, and with their families, to ensure the safe return of such juveniles to their homes and to strengthen the families; and
 - (iii) parents with limited English-speaking ability, particularly in areas where there is a large population of families with limited-English speaking ability;
 - (C) comprehensive juvenile justice and delinquency prevention programs that meet the needs of youth through the collaboration of the many local systems before which a youth may appear, including schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies, and private nonprofit agencies offering youth services;
 - (D) programs that provide treatment to juvenile offenders who are victims of child abuse or neglect, and to their families, in order to reduce the likelihood that such juvenile offenders will commit subsequent violations of law;
 - (E) educational programs or supportive services for delinquent or other juveniles--
 - (i) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations;
 - (ii) to provide services to assist juveniles in making the transition to the world of work and self-sufficiency; and
 - (iii) enhance coordination with the local schools that such juveniles would otherwise attend, to ensure that--

- (I) the instruction that juveniles receive outside school is closely aligned with the instruction provided in school; and
 - (II) information regarding any learning problems identified in such alternative learning situations are communicated to the schools;
- (F) expanding the use of probation officers--
- (i) particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and
 - (ii) to ensure that juveniles follow the terms of their probation;
- (G) counseling, training, and mentoring programs, which may be in support of academic tutoring, vocational and technical training, and drug and violence prevention counseling, that are designed to link at-risk juveniles, juvenile offenders, or juveniles who have a parent or legal guardian who is or was incarcerated in a Federal, State, or local correctional facility or who is otherwise under the jurisdiction of a Federal, State, or local criminal justice system, particularly juveniles residing in low-income and high-crime areas and juveniles experiencing educational failure, with responsible individuals (such as law enforcement officials, Department of Defense personnel, individuals working with local businesses, and individuals working with community-based and faith-based organizations and agencies) who are properly screened and trained;
- (H) programs designed to develop and implement projects relating to juvenile delinquency and learning disabilities, including on-the-job training programs to assist community services, law enforcement, and juvenile justice personnel to more effectively recognize and provide for learning disabled and other juveniles with disabilities;
- (I) projects designed both to deter involvement in illegal activities and to promote involvement in lawful activities on the part of gangs whose membership is substantially composed of youth;
- (J) programs and projects designed to provide for the treatment of youths' dependence on or abuse of alcohol or other addictive or nonaddictive drugs;
- (K) programs for positive youth development that assist delinquent and other at-risk youth in obtaining--
- (i) a sense of safety and structure;
 - (ii) a sense of belonging and membership;
 - (iii) a sense of self-worth and social contribution;
 - (iv) a sense of independence and control over one's life; and
 - (v) a sense of closeness in interpersonal relationships;

- (L) programs that, in recognition of varying degrees of the seriousness of delinquent behavior and the corresponding gradations in the responses of the juvenile justice system in response to that behavior, are designed to--
 - (i) encourage courts to develop and implement a continuum of post-adjudication restraints that bridge the gap between traditional probation and confinement in a correctional setting (including expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, electronic monitoring, and similar programs, and secure community-based treatment facilities linked to other support services such as health, mental health, education (remedial and special), job training, and recreation); and
 - (ii) assist in the provision [by the provision] by the Administrator of information and technical assistance, including technology transfer, to States in the design and utilization of risk assessment mechanisms to aid juvenile justice personnel in determining appropriate sanctions for delinquent behavior;
 - (M) community-based programs and services to work with juveniles, their parents, and other family members during and after incarceration in order to strengthen families so that such juveniles may be retained in their homes;
 - (N) programs (including referral to literacy programs and social service programs) to assist families with limited English-speaking ability that include delinquent juveniles to overcome language and other barriers that may prevent the complete treatment of such juveniles and the preservation of their families;
 - (O) programs designed to prevent and to reduce hate crimes committed by juveniles;
 - (P) after-school programs that provide at-risk juveniles and juveniles in the juvenile justice system with a range of age-appropriate activities, including tutoring, mentoring, and other educational and enrichment activities;
 - (Q) community-based programs that provide follow-up post-placement services to adjudicated juveniles, to promote successful reintegration into the community;
 - (R) projects designed to develop and implement programs to protect the rights of juveniles affected by the juvenile justice system; and
 - (S) programs designed to provide mental health services for incarcerated juveniles suspected to be in need of such services, including assessment, development of individualized treatment plans, and discharge plans.
- (10) provide for the development of an adequate research, training, and evaluation capacity within the State;
- (11) shall, in accordance with rules issued by the Administrator, provide that--
- (A) juveniles who are charged with or who have committed an offense that would not be criminal if committed by an adult, excluding--

- (i) juveniles who are charged with or who have committed a violation of section 922(x)(2) of title 18, United States Code, or of a similar State law;
 - (ii) juveniles who are charged with or who have committed a violation of a valid court order; and
 - (iii) juveniles who are held in accordance with the Interstate Compact on Juveniles as enacted by the State;
- shall not be placed in secure detention facilities or secure correctional facilities; and

(B) juveniles--

- (i) who are not charged with any offense; and
- (ii) who are-
 - (I) aliens; or
 - (II) alleged to be dependent, neglected, or abused; shall not be placed in secure detention facilities or secure correctional facilities;

(12) provide that-

- (A) juveniles alleged to be or found to be delinquent or juveniles within the purview of paragraph (11) will not be detained or confined in any institution in which they have contact with adult inmates; and
- (B) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adult inmates, including in collocated facilities, have been trained and certified to work with juveniles;

(13) provide that no juvenile will be detained or confined in any jail or lockup for adults except--

- (A) juveniles who are accused of nonstatus offenses and who are detained in such jail or lockup for a period not to exceed 6 hours--
 - (i) for processing or release;
 - (ii) while awaiting transfer to a juvenile facility; or
 - (iii) in which period such juveniles make a court appearance; and only if such juveniles do not have contact with adult inmates and only if there is in effect in the State a policy that requires individuals who work with both such juveniles and adult inmates in collocated facilities have been trained and certified to work with juveniles;
- (B) juveniles who are accused of nonstatus offenses, who are awaiting an initial court appearance that will occur within 48 hours after being taken into custody (excluding Saturdays, Sundays, and legal holidays), and who are detained in a jail or lockup—
 - (i) in which--

- (I) such juveniles do not have contact with adult inmates; and
 - (II) there is in effect in the State a policy that requires individuals who work with both such juveniles and adults inmates in colocated facilities have been trained and certified to work with juveniles; and
- (ii) that--
- (I) is located outside a metropolitan statistical area (as defined by the Office of Management and Budget) and has no existing acceptable alternative placement available;
 - (II) is located where conditions of distance to be traveled or the lack of highway, road, or transportation do not allow for court appearances within 48 hours (excluding Saturdays, Sundays, and legal holidays) so that a brief (not to exceed an additional 48 hours) delay is excusable; or
 - (III) is located where conditions of safety exist (such as severe adverse, life-threatening weather conditions that do not allow for reasonably safe travel), in which case the time for an appearance may be delayed until 24 hours after the time that such conditions allow for reasonable safe travel;
- (14) provide for an adequate system of monitoring jails, detention facilities, correctional facilities, and non-secure facilities to insure that the requirements of paragraphs (11), (12), and (13) are met, and for annual reporting of the results of such monitoring to the Administrator, except that such reporting requirements shall not apply in the case of a State which is in compliance with the other requirements of this paragraph, which is in compliance with the requirements in paragraphs (11) and (12), and which has enacted legislation which conforms to such requirements and which contains, in the opinion of the Administrator, sufficient enforcement mechanisms to ensure that such legislation will be administered effectively;
- (15) provide assurance that youth in the juvenile justice system are treated equitably on the basis of gender, race, family income, and disability;
- (16) 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);
- (17) provide for procedures to be established for protecting the rights of recipients of services and for assuring appropriate privacy with regard to records relating to such services provided to any individual under the State plan;
- (18) 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, wages, or employment benefits) of any currently employed employee;

- (B) activities assisted under this Act will not impair an existing collective bargaining relationship, contract for services, or collective bargaining agreement; and
 - (C) no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization involved;
- (19) provide for such fiscal control and fund accounting procedures necessary to assure prudent use, proper disbursement, and accurate accounting of funds received under this title;
- (20) provide reasonable assurance 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, 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, and other non-Federal funds;
- (21) provide that the State agency designated under paragraph (1) will--
- (A) to the extent practicable give priority in funding to programs and activities that are based on rigorous, systematic, and objective research that is scientifically based;
 - (B) from time to time, but not less than annually, review its plan and submit to the Administrator an analysis and evaluation of the effectiveness of the programs and activities carried out under the plan, and any modifications in the plan, including the survey of State and local needs, that it considers necessary; and
 - (C) not expend funds to carry out a program if the recipient of funds who carried out such program during the preceding 2-year period fails to demonstrate, before the expiration of such 2-year period, that such program achieved substantial success in achieving the goals specified in the application submitted by such recipient to the State agency;
- (22) address juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups, who come into contact with the juvenile justice system;
- (23) provide that if a juvenile is taken into custody for violating a valid court order issued for committing a status offense--
- (A) an appropriate public agency shall be promptly notified that such juvenile is held in custody for violating such order;
 - (B) not later than 24 hours during which such juvenile is so held, an authorized representative of such agency shall interview, in person, such juvenile; and
 - (C) not later than 48 hours during which such juvenile is so held—
 - (i) such representative shall submit an assessment to the court that issued such order, regarding the immediate needs of such juvenile; and
 - (ii) such court shall conduct a hearing to determine--

- (I) whether there is reasonable cause to believe that such juvenile violated such order; and
 - (II) the appropriate placement of such juvenile pending disposition of the violation alleged;
- (24) provide an assurance that if the State receives under section 222 [42 USC § 5632] 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;
- (25) specify a percentage (if any), not to exceed 5 percent, of funds received by the State under section 222 [42 USC § 5632] (other than funds made available to the State advisory group under section 222(d) [42 USC § 5632(d)]) that the State will reserve for expenditure by the State to provide incentive grants to units of general local government that reduce the caseload of probation officers within such units;
- (26) provide that the State, to the maximum extent practicable, will implement a system to ensure that if a juvenile is before a court in the juvenile justice system, public child welfare records (including child protective services records) relating to such juvenile that are on file in the geographical area under the jurisdiction of such court will be made known to such court;
- (27) establish policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing and implementing treatment plans for juvenile offenders; and
- (28) 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).