

**Office of Juvenile Justice and Delinquency Prevention
State Relations and Assistance Division
Compliance Monitor Call
June 10, 2020**

I. Welcome and Roll Call

Katie Penkoff, Senior TA Consultant, Center for Coordinated Assistance to States (CCAS)

I'd like to welcome everyone to the Office of Juvenile Justice and Delinquency Prevention, State Relation and Assistance Division's monthly call with states. Today is June 10th, 2020 and today is the Compliance Monitor's call. Before we begin, we just have a few housekeeping items. All attendees are entering in a listen only mode. When you use and join by the call-only portion, we will need you to mute your line. We are attempting to mute all lines during each presentation and after each presentation or segment of the call, we will unmute them. If you have joined by phone only and not on the computer, at the opportunity when we do ask for your input please press star six on your phone keypad to unmute your line to speak. If you're experiencing any technical issues, you can certainly let us know in the chat. And if you're joining by phone, you can let us know by email at CCAS, ccas@air.org. For roll call, we are facilitating through the chat and I'll just provide some instruction on how to do that. Next slide, please.

Okay, if you're new to using WebEx we just wanted you to quickly orient you to the panel on the bottom that allows you to mute and unmute yourself and it also allows you to activate and bring up the chat. The panel normally that gives you options on how to navigate the platform will not be visible until you go to the bottom center of your screen and hover over that area. Once you hover over that area, you will see the different options for you to control different aspects of that platform. The most important one being the chat because we definitely want to know who's joining us today and we also want to know what questions and concerns or comments you have that you would like to share with OJJDP. Next slide, please.

In terms of housekeeping, as I mentioned before, please share your full name, the state or territory you represent, and anyone who is viewing with you today. Thanks so much. Next slide, please. Here is the agenda for the call today and at this point, it is my pleasure to turn the call over to Administrator Caren Harp.

OJJDP	Name
	Caren Harp
	Chryl Jones
	TeNeane Bradford
	Keisha Kersey
	Nicole McCrae
	Alyssa Malcomson
	Tina Borner
	Keith Towery
	Didier Moncion
	Marisa Harris
	Ashley Washington
CCAS	Name
	Lisa Hutchinson
	Okori Christopher
	Katie Penkoff

	Cassy Blakely
	Kia Jackson
	Kenya Roy
	Mark Ferrante
State	In Attendance/Mark with X
1. Alabama	Brian Forster, Jennifer Pembrook, Cynthianther L. May, Julie Beth Thomas
2. Alaska	
3. American Samoa	
4. Arizona	Steve Selover
5. Arkansas	Ricky Gaston, Ocie Hunter
6. California	Eloisa Tuitama, Timothy Polasik
7. Colorado	Mona Barnes, Kelly Abbott
8. Connecticut	
9. Delaware	
10. District of Columbia	Melissa Milchman
11. Florida	
12. Georgia	Stephanie Mikkelsen
13. Guam	
14. Hawaii	Shannessy M. Ahu, John Paekukui
15. Idaho	Chelsea Newton
16. Illinois	Drea Hall
17. Indiana	Renee White
18. Iowa	Scott Musel
19. Kansas	Brock Landwehr, Gregory Artis,
20. Kentucky	
21. Louisiana	Demetrius Joubert
22. Maine	Jay Pennell, Linda Barry Potter
23. Maryland	Bill Harper
24. Massachusetts	Jim Houghton
25. Michigan	Melinda Fandel, Robb Burroughs, Paul Elam
26. Minnesota	
27. Mississippi	Jackie Ledger, Anslem Palmer
28. Missouri	Chris Yeager, Michelle Parks
29. Montana	
30. Nebraska	
31. Nevada	Leslie Bittleston
32. New Hampshire	
33. New Jersey	Shaniqua McRae
34. New Mexico	Samantha Lucas
35. New York	Cynthia Allen, Keith Zobel, Tom Andriola, Debbie Slack-Bear, Brielle Christian
36. North Carolina	
37. North Dakota	
38. Northern Marianas Islands	
39. Ohio	Danny Turek
40. Oklahoma	
41. Oregon	Anya Sekino
42. Pennsylvania	Seth Bloomquist, Maddy Roman-Scott
43. Puerto Rico	Natalia Ríos

44. Rhode Island	Gina Tocco
45. South Carolina	Trevon Fordham
46. South Dakota	Nicole Gednalske
47. Tennessee	Zanira Whitfield, Vicki Taylor
48. Texas	
49. Utah	Kayley Richards
50. Vermont	RJ Vallie, Elizabeth Morris
51. Virgin Islands	
52. Virginia	Greg Hopkins, Ken Stables, Ed Holmes, Melissa O'Neill
53. Washington	Alice Coil, Aaron Moore
54. West Virginia	John Stigall
55. Wisconsin	Allison Budzinski, Sabrina Gentile
56. Wyoming	Craig Fisgus

I. **Message from the Administrator**

A. **OJJDP Existing Guidance**

Caren Harp, Administrator, OJJDP

Hey, everyone. Welcome to our Compliance Monitor phone call. It's good to be with you. I hope each of you is doing really well under, what I know, has been a challenging few months, personally, professionally and every other way I'm sure. I just trust everyone's healthy and happy and still being productive and working through this. I think one of the things or probably the most prominent thing on everyone's mind right now is this question of how to go about monitoring during this COVID situation and are we going to issue some guidance that specifically tells you 'this is waived' 'or you have an exemption here?' Or 'This is no longer enforced' or something concrete like that. And unfortunately, I know this is going to be hard to hear but the answer is no, we are not going to issue any guidance like that.

I want you understand we thought long and hard about this before making this decision and we talked with the Implementation Subcommittee on the [FACJJ](#) (Federal Advisory Committee on Juvenile Justice) as well as just among ourselves trying to think about how all of this would go. But think about it. Think about all of the new requirements that you now have from governors, designated state agencies (DSAs), local facilities, local governments, everything that you have now to navigate. And then if we were to throw in on top of that some new undoubtedly confounding and conflicting guidance about what has to happen in order for you to be compliant, I think it would just be... One, I think it would be overwhelming. Two, I think it would probably be obsolete as quickly as we got it out the door because things are changing.

So, I mean, pretty much every week it seems like there's something new they're learning or some new guidance that's out there. So, it might become then obsolete pretty quickly. And then you'd have to throw that out and start with something new. So, I don't think that would be helpful. And just because there are 56 different states and territories and all those different governors and orders and everything that is out there, no matter what we put out there would have to be, by definition, just very broad and kind of across the surface probably couldn't get down into the weeds of what you were wanting to know anyway. And everyone would apply it differently. Then we would spend probably the next I don't know how many years trying to figure out how everybody interpreted or misinterpreted what it is we were trying to say. It just doesn't make any sense for us to try to do that with you right now or to give you some new burden or a waiver or something like that. It doesn't make sense given the differences in the way you all are operating and the fluctuating and kind of changing horizon or ground that we are operating in.

And so we are not going to do that. What we are going to tell you is just we are planning to just stay the course, and we want you to just stay the course here. Continue to meet your requirements to the best that you are able. All right? Nothing is changing.

B. Collecting/Reporting the State's Processes and Policies for Operations during COVID-19

Caren Harp, Administrator, OJJDP

You have monitoring and our data verification and inspection requirements and then data submission and all of that. Those continue to be the requirements, and you need to meet them to the extent that you are able. If you are not able to do those, or to meet all of them, or you can't get all your inspections done, or whatever it is because of this COVID situation, what you need to do when you submit your Category 2 application to us and your data to us, if you submit with it the orders, the governor's order, the facility guidance, all of these things that are COVID-related that are prohibiting you from completing all of the tasks that are required in the application process, you have to show us what you are dealing with. We are going to get all of those in and then we are going to do everything humanly possible on our end to facilitate the flow of funds to the state. I think we are getting enough guidance now, whether it be from legal counsel or various other sources, that is going to tell us we, it really isn't reasonable for us to hold the states to the burden that is in the Act under these pandemic conditions.

C. Data Verification and Inspections Clarification

Caren Harp, Administrator, OJJDP

So, to the extent that we can get some discretion, we are going to apply it. Certainly. And we are going to do everything we can to move this money to you all because it doesn't help anybody. It doesn't protect kids. It doesn't help states. It doesn't do anything to withhold funds at this point. We are trying to get them to you. So, you know this is going to require a certain amount of trust, and I understand that. And I understand that in years past perhaps that really wasn't an option. My hope is that over the past two and a half years or so that we have taken some steps forward, that you are willing to suspend disbelief long enough to think that we might really, truly try to operate in your best interests and do what we are going to say here about facilitating the flow of funds to the states.

We are going to look with grace and all the charity we can to how you all comply and exercise the most discretion we can exercise within the confines of the law. So, I understand that, that probably isn't as specific or checkbox-oriented as you might want, but I truly believe that is the best process currently. We have the law. We know what the requirements are. Just stay the course. Do the best you can to meet those requirements and then trust us on this end to do the right thing by the states and kids and everyone else.

Oh, and the other thing, it is kind of on the slide. I mentioned it, but I want to emphasize it. Please document what you are doing. It is so important that if you are not able to do something, you have to document it and tell us why. Let us see the governor's orders and the facility's orders and the DSA orders or whatever it is you are operating with. We have to see that in your application. Because here is the other thing, you know when this will come up, right? Like two years or three years from now when it is time to audit your state and maybe the data verification did not get done or all of the sites did not get inspected or whatever the problem is. Us having the ability to go back to that data and that year and look at your submissions and see

all of the documents that you gave us that demonstrated why you could not do it, the orders and various things, that will just be enormously helpful, right?

You can wait until the audit comes, or you can submit it all to us now and I just think it is so much better while it is fresh on everybody's mind. Just have all of those orders and attach them all to your application when you submit them.

II. **Listening Session with the States: Status Updates and Outstanding Questions Collected from the States (Open to all participants)**

Caren Harp, Administrator, OJJDP

I was just going to ask for questions. I'm looking through the chats to see if there are any questions and unfortunately, I see that there are some remarks about not being able to hear me. But I am happy to go back through it, if that would be helpful. Can somebody let me know if I need to go back through that?

Katie Penkoff, Senior TA Consultant, CCAS

Okay. Let's see. We definitely heard you, Administrator Harp. Thank you so much. And again, as part of the listserv announcement that went out to the field, and also as part of this process today, we really want to know what questions and concerns the states have. So please, if you want to share those in the chat so that we can then share them with Administrator Harp, OJJDP Leadership and your State Relations and Assistance Division Representatives and Program Managers we have on the phone, we would greatly appreciate that.

Caren Harp, Administrator, OJJDP

I'm looking through here of those who are on the call and just to see if there was anybody... There is not. Okay. Well, that's fine. I will be here for the rest of the call. And if any questions about what I said pop up in the chat, I'll certainly answer them if I can or just make note of them, acknowledge it and make note of it, so that we can get to an answer. But that is pretty much all I had for how we are going to go about this question of monitoring during the pandemic. So, I guess, CCAS, it's back to you, or Keisha.

Katie Penkoff, Senior TA Consultant, CCAS

Absolutely. So again, we're looking for questions that you have around your collecting and reporting. And so again, you can put those in the chat box. And Keisha, at this point would you like us to unmute the lines in the event that folks have questions?

Keisha Kersey, Program Manager, OJJDP

Sure, let's go ahead and try that.

Katie Penkoff, Senior TA Consultant, CCAS

Okay. So it looks like lines are being unmuted. Okori is working on that for us now. If you have called in and muted your own line, please simply just hit star six on your keypad. And then also make sure that you hover over the control panel on the bottom of your screen, which allows you to also unmute yourself using the platform. So, at this point, do any states or territories have any questions that they would like to share with OJJDP?

Michael Ross, IN

Michael Ross here in Indiana. First thank you for putting together this call. If anything, it's greatly appreciated at this time. So just, as a way of background, I spent a long time in Disaster Fairness and Response before coming to this role. And one of the things that I'm curious about, and again you know, it might be far outside of your wheelhouse, but as we're talking through and talking with our state health department, talking with our other partners here in the state and looking at how they're thinking about visiting long-term care facilities, group homes, things of that nature, one of the things that does come up is our Compliance Monitors potentially continuing those visits but needing some basic PPE (personal protective equipment), some basic protective equipment. And that is not something we would normally keep on hand at our agency. It is not something normally that we would budget for. Obviously, there are multiple ways of acquiring that, but I'm just curious specifically on your end if you've put any thought into potential of any GAN (grant adjustment notifications) modifications for that? Or also any recommendations as far as basic levels of PPE, because I think Dr. Fauci today came out and clarified that asymptomatic spread is still a big concern.

Caren Harp, Administrator, OJJDP

I understand. That's a great question. We would love to be able to have funding that we could supply to people for this purpose which actually, well, there may be something. There may be something we can do along these lines. There isn't currently, I want you to understand, at least through OJJDP. I will see if there are any other avenues. There is at least a potential for something that might be useful in this vein. But unfortunately, at the moment, OJJDP does not have funding for this. But it is on my list now. Let me see if there are any other resources or check on the status of a potential resource that is out here.

Michael Ross, IN

And I would be happy to share with you what our state health department has put together for visiting extended care homes and their procedures. Essentially face masks and if there is an instance that there has been a positive COVID testing case in that facility that they can still do the visit, but they then wear the gown and they follow donning in and out procedures. So, I would be happy to share them with you all.

Caren Harp, Administrator, OJJDP

You know, we could put that on our website as practices engaged in around the state for various things that states might draw ideas from and incorporate in their state. So sure, we will be happy to take that information. And if it is useful for the state, which I think it might be, to create a page within our page that is short term solutions or what have you, that states are making use of. We would be glad to do that. That is a great idea.

Brian Forster, AL

This is Brian in Alabama. Can you guys hear me?

Katie Penkoff, Senior TA Consultant, CCAS

Yes, we can, Brian.

Brian Forster, AL

I just wanted to add something to the gentleman's statement just before, in looking for resources for PPEs. I don't know how many of you guys in other states manage multiple grant programs like I

am in Alabama. Part of that stimulus package, each state received a pretty good amount of money due to Coronavirus Emergency Stimulus Program that was handed down through the Edward Byrne Memorial JAG Program Managers for each state for those purposes. For instance, Alabama got an additional roughly \$9,500,000 for the response related to COVID and part of our plan on that was to include our juvenile facilities in purchasing some PPE supplies, maybe handing out some kits to include gloves and masks, and different things and thermometers. And so I don't know how many of you guys manage multiple grant programs, or know those contacts in your state, but you could easily search through the [CESF fund](#) through BJA (Bureau of Justice Assistance) and figure out what your state may have qualified for and see if those type instances are included in the plan to do some PPE type stuff. At least for our state it is.

Caren Harp, Administrator, OJJDP

That is great, Brian. You are right. That money, of course, it goes through BJA and when out, or is in the process of going out and they are the ones who have the flexibility to allow states to use it for these kinds of purchases.

Katie Penkoff, Senior TA Consultant, CCAS

Administrator Harp, we have a number of questions coming in through the chat box. We have one from a brand new Compliance Monitor, who has not yet been to the office or had an inspection. And once the states open up this Compliance Monitor, Gregory Artis, is planning to go to Missouri and meet with Chris Yeager there. But at this time, he has not completed his inspection or spoken with facility administrators. And he is seeking advice on how would you start the compliance monitoring inspections in this situation, and then once his state opens for him to complete inspections.

Caren Harp, Administrator, OJJDP

Okay, I want to be sure I understand. There hasn't been anything done yet with regards to inspections or data verification. I can't find the question. I'm sorry.

Katie Penkoff, Senior TA Consultant, CCAS

Gregory, are you able to unmute your line and add a little bit more context to your question, to share what process you have been able to engage in?

Greg Artis, KS

Yes, I actually started as a CM in Kansas the actual date they shut down the state. So I have been to the office only to get my work at home stuff, the phone and the laptop. I have not done an inspection. All I've been doing lately is revising the forms. They are 10 years old, and so I have just been revising everything including the policy and procedure manual.

I have talked with Susan Davis (retired CM from Colorado and CCAS consultant) and have training. I just have never done an inspection. I have no idea what it is going to look like or how to even entertain going to a facility at this time and trying to complete an inspection. So, I wanted to know what it would look like when the state does open, how would I start in the process of my CM duties.

Caren Harp, Administrator, OJJDP

I understand. First, congratulations on your new position. Welcome, welcome to the fray. You are incredibly brave to jump in at this point without any assistance. And you said you're in Missouri?

Greg Artis, KS

I'm in Kansas, but I plan on going to Missouri to kind of shadow Chris and have spoken other CMs but I still can't picture or don't have a picture of how to start this sort of compliance monitoring for the facilities in play.

Caren Harp, Administrator, OJJDP

I understand completely. We need to get you some technical assistance is what we need to do. CCAS or any of my staff that are on, do you all want to take this up?

Katie Penkoff, Senior TA Consultant, CCAS

Absolutely, Administrator Harp. Cassy Blakely is on the line and has mentioned that the Center for Coordinated Assistance to the States has been working and supporting Mr. Artis and will continue to do so. Cassy, are you able to unmute and share any further insight? And I know we've also helped facilitate the connection to Chris Yeager in Missouri. So, thank you, Chris for being a great peer support.

Cassy Blakely, TA Consultant, CCAS

Okay. Susan Davis is the Susan that Greg mentioned and she is a consultant with me. So he has done a compliance monitoring training virtually with Susan. And Susan historically, in some instances, would then follow up on and go on site with the Compliance Monitor after that virtual training before COVID prevented us from traveling. So, we could build that back in once travel is allowed. And then we also did put him in contact with Chris Yeager.

What we could do too, Greg, is follow up and set another call up with Susan for her to talk through that step-by-step site visit with you to help get a picture before you get on site with Chris.

Caren Harp, Administrator, OJJDP

Greg, is there nobody there in Kansas, anybody left who used to do this work who might be of value to you or might be a good person? Or have they all moved on, moved out of this work, moved on to something else?

Greg Artis, KS

The person that was in this position has moved on. The only person that has some knowledge or wisdom of my duties is Brock. And he has never been a Compliance Monitor, though.

Brock Landwehr, KS

Yes, sorry. This is Brock. We were in a little bit of a vacuum. So that is why we did the technical assistance request.

Greg Artis, KS

Okay.

Caren Harp, Administrator, OJJDP

Well, I applaud you, number one. Thank you so very much for weighing in here. This is huge. It is great to have you onboard. And we are going to find every way we can to get you the help that you

need to get you through this first compliance cycle or this first monitoring cycle for you all. CCAS and my staff, we need to get together and make sure that Greg has somebody out there with him to walk through this so that he knows what this looks like before he has to start it.

Whether that is somebody accompanying everybody to Missouri or when he goes to Missouri. Actually, probably, Greg it would be great to touch base with you after you have come back from shadowing the person in Missouri to see if you have any additional questions or different questions or if maybe just participating with you in that process may be sufficient to really kind of give you a toe hold here as you get started. Either way, we need to stay close in touch with you to make sure that you feel like you have a handle on what you are supposed to be doing. All right, kudos to you. Very good job. Good work.

Eloisa Tuitama, CA (via the chat box)

Will OJJDP issue anything formal regarding its plan to move to a 3 year cycle with no prescribed % for each year as long as states inspect a certain % of all facilities within the 3 years. Having something formally issued from OJJDP will allow us to modify our CM process and make modifications for COVID and any future situations.

Caren Harp, Administrator, OJJDP

Okay. I'm going to have to back to you all on that, because I'm not 100% sure. I understand exactly what you are asking, so we are going to have to get back to that as we move closer to Title II.

Renee White, IN (via the chat box)

As we get closer to Title II, will we receive more specific items on what exact documentations from the state offices are necessary to ensure we are not out of compliance?

Caren Harp, Administrator, OJJDP

Well I think we said that pretty much as specifically as we can. Anything you have from your governor's office or your DSA, your attorney general, or the facilities, everything that you have that is curtailing your ability to go into the facilities and monitor. Whatever it is, whatever the orders or court orders, or executive orders or any of that, just send it in with your applications. I don't know that it could really be more specific than that because the directives from the state kind of take a lot of different, they have a lot of different titles on their documents about how they are going to accomplish things. But you just need to document it for us. Send us what you have. Let's see.

Joe Vignati, Federal Advisory Council on Juvenile Justice (FACJJ) (via the chat box)

I am hearing a willingness of the Office to work with states on a case by case basis to address the challenges they are facing related to COVID. I agree that states would be best served to collect documentation related to this now. Executive orders limiting visits, hiring freezes related to budget crisis arising from COVID are 2 examples.

Caren Harp, Administrator, OJJDP

Joe Vignati weighed in from FACJJ. Collect the orders, executive orders, limiting visits, hiring freezes. That is a great point, whatever it is that is related to COVID that has curtailed your ability to do that.

Bill Harper, MD (via the chat box)

The question has come up from different states regarding virtual site inspections. Is this something OJJDP will allow?

Caren Harp, Administrator, OJJDP

Virtual site inspections. You know, it says here virtual site visits, virtual inspections. And is this something OJJDP will allow? Some have asked us to specifically sign off on that yes, you can do virtual monitoring in place of actual site visits. And we are not going to, as I said at the very beginning, we are not going to alter anything that we have in the Act that would not be sufficient for the Act.

However, I said you need to do the best that you can to comply. If, based on all of the orders and everything that you have in front of you, that is how you end up complying then you have to tell us that and show us why that is the only option that you have. But we are not going to issue any guidance that says, "Yes, that is sufficient". We are not going to deviate. We are not going to change the Act. We are going to do our best on the back end to try to find the discretion that we need to help facilitate the flow of money to you. But we are not going to tell you that, "Yes, virtual site inspections are okay or sufficient." But again, if that is all that your state will allow, then I need a document from your state that says that. You see what I'm saying? Hope that helps.

Shaniqua McRae, NJ (via the chat box)

How will this be taken into account when we apply data showing very little physical visits? Will this impact the compliance thresholds?

Caren Harp, Administrator, OJJDP

All right, that is again kind of the same take on the same question. We are going to just look at everything and do our best to find, to exercise our discretion in a way that finds that you are compliant. That is it. We have told you that. Do the best that you can. Document why, if you can't make all of the compliance things you are supposed to do or verify the data the way you are supposed to do it, tell us why with those documents, with the orders and how they affected you and then we will take it on this end. You are not going to get that on the front end. We are not going to tell you, "Oh, well you only have to do half," or, "You only have to do 25%," or, "You only have to do..." whatever.

We are not doing that. The law is the law. You are going to comply to the best of your ability. You are going to demonstrate, or you are going to give us all the orders and whatever problems you have had, COVID related, that have impacted your ability to meet those requirements. And then we are going to make that decision, on this end, this end of the process. Okay.

Wow, that's so nice. People offering to help (in the chat box), that is great.

Joe Vignati, FACJJ (via the chat box)

Documentation is the key. Joe Vignati, our FACJJ member, who is also on our Compliance Implementation Subcommittee. Documentation is key. He is exactly correct. You have got to just give us the state of affairs in your state, what orders your governor has issued, when you are opening up, when you have opened up, or when you are not going to be opening up what the limitations are with going into the facilities, all of those kinds of things.

Steve Selover, AZ

Hi, Administrator Harp, this is Steve from Arizona. I was wondering, are we currently in the first year of the three year cycle for completing compliance visits? I thought I heard that at the training in Kansas City, but I was looking through all the documentation. I couldn't find it written anywhere. So, I just wanted to double check that.

Caren Harp, Administrator, OJJDP

No. I'm sorry. I believe we are in the third year. This is the end of a three year cycle.

Steve Selover, AZ

Okay, right.

Caren Harp, Administrator, OJJDP

Yes, this is the end of a three year cycle. Now, I will get a little confused about this, so those of you who are from OJJDP out there, don't let me get off track here.

Dr. TeNeane Bradford, Associate Administrator, OJJDP, SRAD

You are correct Caren. This is TeNeane.

Caren Harp, Administrator, OJJDP, SRAD

Is it right? This is the end. Thank you, TeNeane, I love you. This is the end of the three year cycle, right.

Dr. TeNeane Bradford, Associate Administrator, OJJDP, SRAD

Yes mam, yes it is.

Steve Selover, AZ

And that is the three year cycle where, so the end of this three year cycle is when we should have all of the compliance monitoring universe that we are required to visit by?

Dr. TeNeane Bradford, Associate Administrator, OJJDP, SRAD

So, are you getting to inspection, Steve?

Steve Selover, AZ

Yes, because I thought in the past and before the reauthorization that states were required, that it was recommended that they do 10%, but it wasn't really required or recommended that they do 30% but it wasn't required. But I thought that the Kansas City training it was stated that from now on we will be obligated to do the 30% beginning in the following year. That is why I was thinking this was the first year of the cycle, where we actually are going to be held accountable for it whereas in the past I thought it was more of a recommendation that we complete the that percentage.

Dr. TeNeane Bradford, Associate Administrator, OJJDP, SRAD

This is the end of the three year cycle. In Kansas City, just to clarify, that was supposed to begin with 2021. So, that doesn't actually start until October 1, but we wanted to get ahead of that information because it is tied to the effective system of monitoring compliance monitoring requirement now in

the JJRA. And so, we needed to share that information. We will get more policy information out, but that is not effective until the data collection period starting in October 1. And that's 100% inspections within a three year period.

Caren Harp, Administrator, OJJDP

Right.

Dr. TeNeane Bradford, Associate Administrator, OJJDP, SRAD

Just broadly.

Steve Selover, AZ

Okay, then just to be clear because the before the effective it was an adequate system. So states weren't, again, it was more of a recommendation that they complete that one third every year, but I'm just wondering. So, when people report for the 2020 compliance monitoring reporting year, they won't be held accountable if they don't make a certain percentage because it was all recommendations prior to the effective system? Is that correct?

Dr. TeNeane Bradford, Associate Administrator, OJJDP, SRAD

Yes, that is correct, Steve. Yes, now there have been some states that have been dealing with not inspecting at all, that is required but the law doesn't saw how much under the JJDP or JJRA. And so, at some point about 10 years ago that changed to recommended and we will not be looking to bring you for corrective actions, should you not meet the 30% for this particular, that particular data collection period.

If it is before JJRA, we will be looking to see that you did, if you actually did some inspections because that is required. But how much and the rate obviously would not be something that we could find you out of compliance or if I have a finding for or a corrective action in the audit report for.

Steve Selover, AZ

Okay, that makes sense. So, I found like for this 2020 year, I think folks will be trying, obviously we will be required to get the 85% of reporting and sometimes people are allowed to do inspections to get that data, but if ours is just inspections alone, that will not be necessarily counted against anyone for this year if they don't meet inspections alone as long as I get that data 85% or higher.

Caren Harp, Administrator, OJJDP, SRAD

There you go.

Dr. TeNeane Bradford, Associate Administrator, OJJDP, SRAD

Yes, you are absolutely right. Great question. We've had this question come in, in many ways Caren, and so I think that was dead spot on in terms inspection concerns being 100% within three years is not starting until October 1 and the audit confirms related to what you may not have been able to do, as Caren said, will be addressed on the back end. Inspections are required, but the rate under this 2020 data collection period is not 100%, or 30%, or 10%. I hope I'm crystal clear.

Caren Harp, Administrator, OJJDP, SRAD

Yes.

Steve Selover, AZ

Yes, thank you. That helped a lot. Thank you.

Caren Harp, Administrator, OJJDP

That's great, TeNeane, thank you. I think what I was thinking of a moment ago was about when this period started, the data collection verification, all of that site stuff, started with, remember, it was back in October of 2019. So, there may well be plenty of states out there who have done a significant amount of monitoring and site visits and verification of data and all of that, but they have done a lot of that already because this problem didn't really start until mid-March. Right? So, that is almost six months of the year, so it is entirely likely that a big chunk of this, that some portion of this work, let me put it that way, that some portion of this is done. And I certainly hope that is the case and it certainly is kind of a cautionary tale about putting stuff off to the last, to the last half of year or right before the data verification or sites visits are due. That it is a good idea to keep doing it throughout the year so that this kind of problem doesn't throw a monkey wrench into everything. But again, like I said, we are going to do our best to make sure that it doesn't throw a monkey wrench financially into the states this year.

I'm just curious and you all don't have to tell me, or you can type in to the chat if you want, or just unmute and give me an example. How are you all doing? I mean, are you, has this thrown a huge wrench into your operation? I mean, in terms of, you haven't done any of your site visits and you haven't done any monitoring. Is anybody, aside from Kansas, with Greg, is there anybody else who is in that boat? Or have you all been kind of moving along?

Michael Ross, IN

So I can speak briefly for Indiana here, because I did ask the question earlier. So we, prior to this, have been moving along relatively effectively. We did have a mandatory state work from home that went into place in March and then a mandatory no travel for non-essential state workers. Obviously in that regard, being essential state workers, public health and others. So, for us there are lots of other things that you can obviously do and find, but the longer that anything like this goes on and the likelihood which is, I shouldn't even say likelihood, the reality is, is that it will occur in the fall again to some extent. And it presents a lot of concerns for us and our long-term functioning. But I think strategically we function in a logical manner so that we don't put things until the last minute. But again, any disruption over a month and a half and sort of a plan starts to create longitudinal problems.

Caren Harp, Administrator, OJJDP

Yes, well the best, from our perspective, certainly the best outcome, our best ability to help you, help states, would be if we got some kind of long term waiver, a long term discretionary waiver, a discretion, rather, around issuing waivers, for '20, '21, and '22. I mean that would be the best possible, from my perspective, or our perspective it would be the best possible solution here so that we could work within our discretion with you to tailor everything just to your specific needs and remove the worry or the fear of being out of compliance. And understand, know that unless there is just something extreme, unless everybody is just sitting at home with their feet up eating Bon-Bons and nobody is protecting children, there is a likelihood that this money is going to be coming to you. But we just don't have that yet or we may never. So, we have to follow the law, but at the same time on our end just do everything we can. Exercise discretion, push everywhere we can to help you after the fact.

Ocie Hunter, AR

Administrator Harp, this Ocie Hunter from Arkansas. Okay, so our biggest thing, like Indiana, our governor sent all of us home. And I talked to our director of DYS and asked him when we would be coming back into the office and they can't give us a set date because Arkansas has had a second peak. For the past six days our COVID-19 cases have been at 200 or more per day. So, what I, being a Compliance Monitor, have done, we just try to get the data in, the 85% rule. We did a few site visits before this hit, so we did start doing our site visits, but-

Caren Harp, Administrator, OJJDP, SRAD

Good.

Ocie Hunter, AR

Like I know a lot of people know, but like here one of, you guys tell us to go do some inspections on some prisons. One of our prisons here, it holds about 1200 and about 700 inmates were infected. So, then it spread to another prison and 200 of them were infected. So, we are just trying to work out, we are trying to make sure we do get those onsite inspections done. And I don't know. The governor, the first thing he said was we were going into Phase Two and then yesterday he said we wouldn't be able to go into Phase Two because we have hit a second peak in this COVID-19.

Caren Harp, Administrator, OJJDP

I'm so glad you brought this up Mr. Hunter, because this is just a classic example of how things, I mean, it just changes weekly. What we are doing, how we are responding. You all are having to be so nimble and you all are far more nimble than the federal government. But for you again, what do you do? So, what do you do as it relates to our requirements? And what you said, I think is just exactly what we need. You are going to explain to us what you just explained to me, or to all of us, here in 60 seconds and you are going to attach the governor's order and all of this and, "Hey, we're headed to Phase Two." "Whoop, never mind". Back up. "We were, but now we're not." You know?

You have got to give us all of that so that we understand what you are dealing with and that will help. See we are going to have to justify it by doing it this way. We have to justify every decision we make as it relates to getting the money out, right? We have to do that anyway, but we are really going to have to do it with regards to Title II. Any discretion we exercise, we are going to have to document. So, you document to us and then that gives us the documentation and the comfort we need to be completely reasonable in our dealing with the state, right?

I mean that is just kind of what this is. And then also, two years from now or three years from now, or whenever the audit for your state comes up, "Hey, this is what we had in front of us. This is what we were looking at," "No, we didn't verify all of the data," or, "We didn't do all the inspections, but this was the problem." And we will already have that.

So, everything you just said, I thoroughly understand why it is so tough, but you have just got to document that to us. And then I think my fingers are crossed here, I think we will be able to make this work for states. That is my plan anyway.

Dr. TeNeane Bradford, Associate Administrator, OJJDP

Caren, can I jump in?

Caren Harp, Administrator, OJJDP

Sure, jump in.

Dr. TeNeane Bradford, Associate Administrator, OJJDP, SRAD

Hey, everybody. I tried to stay quiet, but it is a difficult task to do from time to time when you are so passionate about this work. I have been getting hints of data collection concerns. Correct me if I'm wrong, send a note. I am not able to see them all where I am working remotely right now, but inspection and data verification is different from being able to collect data from at least 85% of your universe. And so that is a little bit of delineation that I think we would all like to be aware of because obviously the 85% puts you in a situation of ineligibility versus an audit gets you to three years that we may have discretion around remedying rather quickly. So, my understanding is that most states are able to collect data visually or they can send in or may be mailed in depending on the situation.

I just want to make sure we have a record of it. If there are concerns, like there are states that are actually shut down, there are actually juvenile justice systems that are furloughed, people are not working. And so, data could be sitting but they can't actually give you it.

That is also something that we would like to document. You don't have to say anything now, because it's towards the end of the call, but I do think it is an observation that needs to be made, something that needs to also be clarified. And we can actually kind of see where we land if there are issues around that, we can try to help remedy or be ahead of it and document that now.

Caren Harp, Administrator, OJJDP

Yes, ditto. Excellent. Good point, TeNeane, thank you.

Michael Ross, IN

I was going to say, sorry, this is Michael in Indiana. I had one final question. We deal with this very similarly to you are already dealing with, with some of my other work that we do at local councils and coalitions. And one of the pieces that we have really pushed to ensure that they have the flexibility that they need is really articulating the legal concept of good faith effort. And I'm just curious, from your perspective, the legal definition of good faith effort, if that is kind of how you all are operating and thinking about this?

Caren Harp, Administrator, OJJDP

Well, yes. I think that we are still in kind of, I don't want to say negotiating this, probably not the right word. We are still hashing out what, how much discretion we are going to be able to have, how much we are going to, well how much discretion we are going to be able to exercise.

But good faith is always part of it. That is part of the documentation process, right? That is the thing. If I look at your documents and you have been shut down, everybody was furloughed for a month, now you are back to work but the facilities won't let you in, and 25 things that kept you from doing this work, then at that point you would have done what you could have done, right? I mean, you have done it in the past, I'm sure you'll do it in the future. This stopped you from doing everything. That is a reason for, a good reason for you not to have been able to complete this.

And then if I have the discretion in any way to go ahead and provide those funds, then I can do it. If I find people who are, "Well, some states never even shut down." right? I mean, some just kept right on going. Just kept right on moving. And so, if they were to say, "Yeah, well we're not doing it because the rest of the country's not doing it," well, that's an example to me of what wouldn't be good faith effort. If you just say, "Well, no one else did. So, we're not going to be held to that standard either," no, that's not the case. Right? I mean, we are, all of this is about protecting kids. And so, yes it would be kind of a good faith effort standard you can think of. I don't have a definition

for you right off the top of my head, but yes. It is going to require good faith and good documentation.

Michael Ross, IN

Awesome. Thank you.

Katie Penkoff, Senior TA Consultant, CCAS

Administrator Harp, I know we just have a couple of minutes left, and so I know that it was important for OJJDP to hear from as many as of the states and territories as possible today on this call. And so, I want to just provide one more opportunity for states or territories who have not yet provided or given a question to do that now.

Danny Turek, OH

Hello, Administrator Harp this is Danny Turek from Ohio. How are you?

Caren Harp, Administrator, OJJDP

Good, Danny. I'm doing well. How are you?

Danny Turek, OH

Good, thank you. Hey, everybody. Administrator Harp, I have got a follow-up question in reference to audits. So, Ohio has kind of been in the same situation as other states have been sharing. We went into shut down right before our audit was supposed to take place. So, I guess my question to you is, now we have been shut down or working from home since the middle of March, March 12th I think, we are now with the state budget coming due, we are now taking 10 furlough days. About 73% as of last week. Our jails and lock ups are now getting back to normalcy as it pertains to the general public.

So, there has been exceptions for visiting. So, I would have been able to visit based on my title, working for the state department. However, our governor has a no-travel ban both in-state and out-of-state. So, that is a long way of getting to my question of do you have any idea once the pandemic is done, I know it may be state by state, I get that, as to when audits may take place? And before you answer, I appreciate you taking the time and sharing that information right out of the gate. That is helpful. And it is, I can't speak for others, but it has alleviated some stress for me, so I appreciate that. Thank you.

Caren Harp, Administrator, OJJDP

Thank heavens. That is the purpose of this. Yes, these audits, Boy, that was just such a, it is just so hard. You schedule everything for a year in advance. You get it all laid out there. And then bam, everything blows up. And I know, on our end, it is frustrating for us. And I know it is insanelly frustrating for you all as well. At this moment, unless I've just missed something, we don't, I don't even know when we are going to be able to get back out and travel, right now. Hopefully, it will be soon, it will be real soon. I'm not sure. That's just straight up. And I'm not just going to tell you, "Yeah, it's going to happen by July," or, "It's going to happen by September." I don't know when it's going to happen. Hopefully soon. But the problem is, as you know for Ohio, you can't travel. So, us coming out there doesn't do anybody any good. Some of these states have 14-day quarantine. So, when you travel it's great, but you have got to stay in the hotel room for 14 days. Well, that's not helpful.

I can't tell you. We may end up, it may be that we finish out this whole fiscal year without an audit since March and we will just have to start up again, reschedule, and start again after that. I'm just not sure. But I will do this. I will let you all know as quickly as we know. Because here is the other problem that I think is at least of some concern. As soon as we reschedule, your governors can change their minds again and say, "Well, we've had this flurry of cases so we are going to restrict travel again," or, "We're going to do whatever we're going to do." It's just so fluid. As everyone responds to this, it makes it a little bit difficult. Long way to say, I don't really have an answer for you. But we will get one for you, as quickly as we have an answer, we will get you an answer.

Danny Turek, OH

Okay, I appreciate that. And to kind of piggyback and share on something for the state of Ohio. I'm sure other states have done it as well, is implemented their CIM team and things of that nature. So, as far as essential travel, it has got to go through the command leader and all that kind of stuff to even get it approved before it even gets to the governor's office and all that kind of stuff. So, to your point about coming and not doing any good because we are on restriction and all these kind of things, it's kind of where we are at right now as well.

Caren Harp, Administrator, OJJDP

Yes, you know and here is the thing. We audit and we, I guess in '17, we started, maybe it started in '16, it was '17, I think it was '17, we kicked it up to 15 a year, right? And so, we are out there aggressively auditing and intend to continually aggressively audit because we think that is just important for everybody. But there were years where there were no audits. There were years when there were two audits, or three audits. You know, when you look back in history, auditing just hasn't been taken all that seriously over the past decade or 15 years or something like that.

So, the fact that we have jumped up to 15 a year is, I think it is really good, and I want us to return to that. But this is just one of those times when it is just not going to work for us or for anybody, for you all, for any of us. It may well be after the beginning of the year before we are able to do it.

Which also brings up the SRAD Conference. You know, we are planning to, we are planning on San Diego. We are planning on everybody being there and being with you and just having a great time of problem solving and talking about everything that is going on and having the FACJJ there and having the Tribal Youth Conference right alongside it so we can have lots of great overlap and in I would say co-mingling, but that is one way to say it. You know? We are so in hopes of making that happen. And the truth is, I just don't know if we are going to get to at this point. So, stuff still remains up in the air.

But to the extent that this alleviated some fear, I hope that, I am glad about that. I apologize or I'm sorry that I didn't have anything really concrete for you, but I think you can, hopefully you can see, when you think about it, that a bunch of concrete, "You have to do this. You have to do this. You have to do this," in addition to what the Act already requires, this wouldn't work because everything is still shifting and changing.

III. Closing Statements

Katie Penkoff, Senior TA Consultant, CCAS

Thank you so much, Administrator Harp. And I did want to let folks know for the states or territories that were not able to post questions, your State Relations and Assistance Division Program Managers will be following up with you to make sure that your questions and concerns are heard.

So, we wanted to let you know that. Additionally, the Center for Coordinated Assistance to States is willing to collect all of the different resources people are agreeing to share in the chat box. So, if you just send that to us at CCAS or ccas@air.org, we would be happy to collect those for you.

So, please feel free to send those our ways. We will share them of course with OJJDP and figure out the best mechanism to share them with the field. And then the final thing we want to share is there is a conference feedback form that has gone out as well as a call for presenters. And so, as Administrator Harp said, there are lots of things that are unknown, but we would still very much like to keep planning and moving forward. So, the more we have feedback from you, we can make sure it is a really positive experience. And then also too, we definitely want to hear from the field. So, if in that call for papers, or call for presenters, if you have something innovative that you would like to share, we definitely encourage you to submit that call for papers. Those are all of the announcements that I have, Administrator Harp. So, Administrator Harp and OJJDP, is there anything further you want to say to the field before we close the call?

Caren Harp, Administrator, OJJDP

I just have one more thing. I am reading the chat box now and I'm seeing all of your examples of what you have been dealing with in your state. How it has been, how you have been furloughed or curtailed, your activities have been curtailed. And someone thoughtfully provided a South Dakota definition of good faith effort in the context setting. Good job.

I just think it is, I appreciate all of your input here in this chat box. I think it's going to be enormously helpful for us. So, thank you so much for sharing what you are having to navigate as we go through this work. And I just can't thank you enough from my heart for all you are doing for kids. And that is what we just have to remember. As much of a headache as this is, you are doing it to protect kids. I just celebrate you and thank you so much for all your work and for all you are doing.

Katie Penkoff, Senior TA Consultant, CCAS

Thank you so much for your time everyone. We hope everyone stays safe and well. And we will definitely be following up. So, thank you so much for your time. Have a great rest of your day. And thank you so much OJJDP for your time and information you shared today.

Caren Harp, Administrator, OJJDP

Thank you all. Bye-bye. Be well.