



## Consultation Framing Paper on the Juvenile Justice Reform Act and Tribal Youth Delinquency Prevention and Intervention Programs

Through this consultation, the [Office of Juvenile Justice and Delinquency Prevention](#) (OJJDP) is seeking input on how it can collaborate with tribes to implement applicable provisions of the Juvenile Justice Reform Act (JJRA). The Office also seeks to increase tribes' awareness of and access to juvenile justice funding. This consultation will be conducted remotely via webinar. In addition, OJJDP is accepting written comments at [OJJDPtribalConsultation@ojp.usdoj.gov](mailto:OJJDPtribalconsultation@ojp.usdoj.gov).

### Tribal Provisions in the Juvenile Justice Reform Act

In 2018, Congress passed the JJRA, which reauthorized and substantially amended OJJDP's authorizing legislation—the Juvenile Justice and Delinquency Prevention (JJDP) Act.

The JJRA created specific provisions related to tribes regarding funding transparency, tribal representation in state advisory groups, and Title II Formula Grants funding. To ensure clarity about which provisions are applicable to tribes, the JJRA adds the term “tribal” to many parts of the legislation that are applicable to states and local units of governments.

The JJRA also requires that OJJDP include in its annual report a description of grants provided directly to tribes and indirectly through a state or unit of local government.

Additional [details regarding the tribal provisions](#) are available on OJJDP's website.

### OJJDP Title II Formula Grants Program

As part of the JJRA, OJJDP requires states to pass a specific amount of Title II formula grants through to federally recognized tribes. Tribes may use these funds for a variety of prevention and intervention activities such as counseling, training, and mentoring programs for at-risk youth, juvenile offenders, or youth with an incarcerated parent or guardian. Tribes can also use the grants to fund programs that address the needs of girls who are in or at risk of entering the juvenile justice system.

### About OJJDP

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) provides national leadership, coordination, and resources to prevent and respond to juvenile delinquency and victimization.

The Office supports states, tribes, and communities as they develop and implement effective and equitable juvenile justice systems that enhance public safety, ensure youth offenders are held appropriately accountable, and empower youth to live productive, law-abiding lives.

OJJDP is a component of the Office of Justice Programs, U.S. Department of Justice.

Learn more at [www.ojjdp.ojp.gov](http://www.ojjdp.ojp.gov).

To be eligible for pass-through funding, a tribe must perform law enforcement functions, as determined by the Secretary of the Interior, in consultation with the Attorney General. The tribe also must agree to attempt to comply with the four core requirements of the JJDP Act, i.e., deinstitutionalize status offenders, separate juvenile offenders from adults in secure facilities, remove juvenile offenders from adult jails and lockups, and address racial and ethnic disparities within the juvenile justice system.

The amount of pass-through funding tribes receive is based on the percentage of the state's youth population (younger than 18) who live on tribal lands. In fiscal year 2019, the total required pass-through amount for all states was \$287,204. The smallest pass-through amount received was \$219 and the largest was \$42,763. OJJDP encourages states to pass through more funding and allocate more than the required amount to support effective services for tribal youth.

The JJRA also specifies that to be eligible for Formula Grants funding, jurisdictions with one tribe or more must have, as a member of their state advisory group, a tribal representative (if available) or an individual with significant expertise in law enforcement and juvenile justice in tribal communities. State advisory group members are appointed by Governors or Chief Executives in each jurisdiction and are responsible for monitoring and supporting their state's progress in addressing the four core requirements of the JJDP Act.

### **Discretionary Grant Funding for Tribal Youth Delinquency Prevention and Intervention Programs**

OJJDP participates in the Department of Justice's Coordinated Tribal Assistance Solicitation (CTAS), which allows federally recognized tribes to submit a single application for most of the Department's tribal grant programs. CTAS combines funding from agencies within the Department's Office of Justice Programs, Office on Violence Against Women, and Office of Community Oriented Policing Services.

OJJDP supports two purpose areas under CTAS. Funding awarded under Purpose Area 9, the Tribal Youth Program, helps tribes prevent juvenile delinquency, respond to justice-involved youth, and improve their juvenile justice systems. The Tribal Juvenile Healing to Wellness Courts program (Purpose Area 8) helps tribal courts respond to the substance use challenges of court-involved youth younger than 21.

Tribes may also apply for other OJJDP discretionary funding. This includes funding for programs that support mentoring, juvenile and family drug courts, opioid-affected youth, children exposed to violence, children's advocacy centers, and Internet Crimes Against Children task forces. Other programs include those that promote delinquency prevention, comprehensive anti-gang strategies, reentry, juvenile justice and mental health collaborations, and juvenile justice system enhancements.

Despite the significant number of funding opportunities that are available to tribes, a 2018 report titled *Native American Youth: Involvement in Justice Systems and Information on Grants to Help Address Juvenile Delinquency*, revealed that most tribes do not apply for funding if that opportunity is not designated as tribal specific. OJJDP will explore tribes' barriers to accessing federal grants during the consultation.

For existing grantees, OJJDP's intensive, individualized, and culturally specific training and technical assistance is helping tribes strengthen delinquency prevention and intervention initiatives for court-involved youth. These resources also help improve treatment services for high- and at-risk youth, youth in detention or out-of-home placement, and child victims of sex trafficking. OJJDP will learn more about tribes' evolving training and technical assistance needs during the consultation.

Information about [training and technical assistance opportunities](#) for tribal grantees is available online.

## **Consultation Questions**

- How can OJJDP best collaborate with tribal communities to implement applicable JJRA provisions?
- How can OJJDP support the involvement of tribal representatives in state advisory groups?
- How can OJJDP help improve tribes' access to resources from a state's Title II formula funds? What barriers do tribes face in accessing these resources?
- How can OJJDP help increase state-tribal partnerships that support programs and services for tribal youth?
- How can OJJDP encourage tribes to apply for discretionary grant funding for eligible programs?
- What types of programs would enhance public safety and help to ensure that juvenile offenders are held appropriately accountable to crime victims and tribal communities?
- What other specific assistance can OJJDP provide to help existing programs, support innovative ideas to expand programs, and provide additional training and technical assistance?