

OJJDP FY 2019 Title II
Year 2 Eligibility Assurances and Certifications
(Submit in [GMS](#) under Category 1 – OJJDP-2019-14923)

The purpose of this portion of the application is for your state to assure and provide certification for its eligibility to participate in the Title II, Part B Formula Grants Program in year 2 (FY 2019). If the state was found to be eligible for funding as a result of the submission of the FY 2018 state plan in year 1 (FY 2018), the state will only need to complete and submit the following information below. Please note that included with this section is a copy of the JJDP Act, which details the 28 requirements states must address and/or provide documentation for.

By responding yes to the following statement, the state certifies that it has met the requirements of 34 U.S.C. § 11133(a)(1)-(28) (formerly 42 U.S.C. § 5633(a)(1)-(28)). Please affirm that your state plan still reflects the approved plan from year 1, FY 2018.

The state and/or territory of _____ assures that its state plan meets the 28 statutory state plan requirements and indicates no changes that affect eligibility of the Title II, Part B Formula Grants Program.

In addition to the assurance statement above, your state must respond and submit the following to address the core protections requirements of the JJDP Act statute and applicable regulations.

- 1) Was your state determined to be in compliance with the deinstitutionalization of status offenders (DSO) core requirement for the 10/1/16 – 9/30/17 reporting period, per section 223(a)(11) of the JJDP Act [34 U.S.C. § 11133(a)(11)]?

Yes ____

No ____

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

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

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

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

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

- 2) Was your state determined to be in compliance with all of the requirements of the separation of juvenile and adult inmates core requirement for the 10/1/16 – 9/30/17 reporting period, per section 223(a)(12) of the JJDP Act [34 U.S.C. § 11133(a)(12)]?

Yes ____

No ____

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

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

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

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

- a. Describe its plan and procedure covering the 3-year planning cycle for assuring that the separation requirement is met.
- b. Describe the barriers that may hinder the separation of the juveniles described above from adult inmates.

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

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

- 3) Was your state determined to be in compliance with the jail removal core requirement for the 10/1/16 – 9/30/17 reporting period, per section 223(a)(13) of the JJDP Act [34 U.S.C. § 11133(a)(13)]?

Yes ____

No ____

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

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

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

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

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

- 4) Pursuant to the JJDP Act at 34 U.S.C. § 11133(a)(14), the state must provide for an adequate system of monitoring jails, lockups, detention facilities, correctional facilities, and nonsecure facilities to ensure that the DSO, separation, and jail removal requirements are met.

The state must provide a plan describing how its system for compliance monitoring meets each of the following elements of an adequate compliance monitoring system. If the state's compliance monitoring policies and procedures manual fully details each of these elements, the state may provide a copy of this manual in lieu of separately describing each of the elements below. Please indicate the specific page where each element is addressed within the manual.

- (1) **Policy and procedures.** Pursuant to 28 C.F.R. § 31.303(f)(1)(i), the state must provide a written plan and procedure for annually monitoring jails, lockups, secure detention facilities, secure correctional facilities, and nonsecure facilities. This plan must detail the state's implementation of key monitoring system elements.
- (2) **Monitoring authority.** Pursuant to 34 U.S.C. § 1133(a)(2), the designated state agency must document that it maintains requisite authority to carry out responsibilities imposed by the Formula Grants Program. This includes authority to inspect and collect data from facilities in the monitoring universe.
- (3) **Monitoring timeline.** Pursuant to 28 C.F.R. § 31.303(f)(1)(i), the state must provide a timetable for annually monitoring jails, lockups, secure detention facilities, secure correctional facilities, and nonsecure facilities.
- (4) **Violation procedures.** Pursuant to 28 C.F.R. § 31.303(f)(1)(iii), the state's monitoring system must describe any procedures established for receiving, investigating, and reporting alleged violations of the DSO, separation, and jail removal requirements. This description should include any legislative and administrative procedures and sanctions that exist.
- (5) **Barriers and strategies.** Pursuant to 28 C.F.R. § 31.303(f)(1)(ii), the state must 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.

- (6) **Definition of terms.** States may have different definitions for juvenile and criminal justice terms than those in the JJDP Act and provided at 28 C.F.R. § 31.304. It is critical that any such differences are identified and fully documented. The state must indicate that where its definitions differ from federal definitions in the monitoring process, the latter will be used.
- (7) **Identification of the monitoring universe.** Facilities in the state that might detain juveniles pursuant to law enforcement or juvenile court authority must be fully identified and included in the monitoring universe, pursuant to 28 C.F.R. § 31.303(f)(1)(i)(A). Every facility that has this potential, whether it is publicly operated or privately owned, falls within the purview of monitoring requirements.
- (8) **Classification of monitoring universe.** Pursuant to 28 C.F.R. § 31.303(f)(1)(i)(B), the state must classify facilities in the monitoring universe to determine facility type (e.g., juvenile detention or correctional facility, adult detention or correctional facility, adult jail, adult lockup, other secure facility in which juveniles may have contact with adult inmates, or nonsecure facility). This information is critical to determining the applicability of the DSO, separation, and jail removal requirements in each facility. In addition, classification determines whether each facility is secure or nonsecure; residential or nonresidential; and whether the population is juveniles only, adults only, or juveniles and adults.
- (9) **Inspection of facilities.** Pursuant to 28 C.F.R. § 31.303(f)(1)(i)(C), the state must inspect facilities to confirm classification and to verify that they are maintaining adequate sight and sound separation between detained juvenile and adult inmates. Such inspections must also verify that facilities maintain adequate data to demonstrate compliance with the DSO, separation, and jail removal requirements.
- (10) **Data collection and verification.** Pursuant to 28 C.F.R. § 31.303(f)(1)(i)(D), the state must collect data and verify it onsite to determine whether facilities are in compliance with the applicable requirements of DSO, separation, and jail removal. Onsite data verification must involve the review of data that a facility self-reports, including a review of the facility's admissions records and booking logs.

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

CERTIFICATION

I certify that all of the information presented is correct, there has been appropriate coordination with affected agencies, and that the state will comply with the provisions of the Juvenile Justice and Delinquency Prevention Act (the Act) and all other federal laws. I acknowledge that failure to submit this completed form with all required compliance information to the OJJDP signed by the appropriate certifying official, by October 1, 2018, will result in the state's ineligibility for FY 2019 formula grant funding.

I acknowledge that a materially false, fictitious, or fraudulent statement (or concealment or omission of a material fact) in this certification, or in the application that it supports, may be the subject of criminal prosecution (including under 18 U.S.C. §§ 1001 and/or 1621, and/or 34 U.S.C. § 10272), and also may subject me and the applicant to civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. §§ 3729-3730 and 3801-3812). I also acknowledge that OJP awards, including certifications provided in connection with such awards, are subject to review by the Department, including by OJP and by the Department's Office of the Inspector General. I do hereby certify that if violation of any of these assurances or of the Act provisions occurs, OJJDP will be promptly notified in writing.

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

Printed Name of Certifying Official

Title of Certifying Official

Name of State/Jurisdiction

Name of Designated State Agency

Date