

**FY17 Title II Formula Grants Program
Frequently Asked Questions (FAQs) as of March 10, 2017**

Note: Duplicative questions were consolidated to simplify responses.

1.

Q: What is the “hold” regarding the amendments to the Formula Grant Program regulation published on January 17, 2017?

A: The White House issued a directive on January 20, 2017, to all Executive Departments and Federal Agencies to temporarily postpone the effective date for regulations that had been published in the Federal Register but had not yet taken effect, until 60 days from the date of the directive, to allow for Administration review. As long as the Administration determines during the review period that the regulation raises no substantial questions of law or policy nor that further action is warranted, the regulation will take effect on March 21st. In either event, OJJDP will issue notification to the field.

2.

Q: Given the hold on the rule published on January 17, 2017, how should states proceed with revision of their compliance manuals to be consistent with the requirements under the rule?

A: The current Formula Grants Program regulation at 28 CFR Part 31 remains in effect until the rule published on January 17, 2017 takes effect and amends certain provisions of the regulation. Until then, any updates that states make to their compliance manuals should be consistent with the Juvenile Justice and Delinquency Prevention Act (JJDP), the current regulation, and OJJDP policy found at: www.ojjdp.gov/compliance.

Please contact your [State Compliance Analyst](#) should you have questions.

3.

Q: For the past several years, the data used to inform the RRI both statewide and for our three approved localities has always been collected on a calendar year basis. Recently, we were informed that the data collection period should be based on the federal fiscal year. This is not feasible, as our data collection tool is designed to collect and report data based on the calendar year. Is it possible to request a waiver of the federal fiscal year reporting requirement, and continue to collect DMC data on a calendar year basis?

A: States may continue to collect DMC data on a calendar year basis. Unlike the DSO, separation, and jail removal requirements, states’ compliance with DMC in a particular federal fiscal year is based not on data for that period, but on whether states undertook activities sufficient to *address* DMC during that period. The DMC data that states collect is used to calculate the Relative Rate Index (RRI), which helps states identify whether – and the extent to which -- DMC exists in a particular jurisdiction. But that data is not, itself, the basis for OJJDP’s determination of states’ compliance with the DMC requirement. States must report on their

activities undertaken to address DMC during the relevant federal fiscal year, but those activities may be formulated based on an RRI value calculated using data collected for a different time period.

4.

Q: Is the original definition of “detain and confine” still in effect?

A: The definition of “detain or confine”, consistent with 4th Amendment jurisprudence, and as published in the Formula Grant Program rule on January 17, 2017, is as follows: detain or confine means to hold, keep, or restrain a person such that he is not free to leave, except that a juvenile held by law enforcement solely for the purpose of returning him to his parent or guardian or pending his transfer to the custody of a child welfare or social service agency is not detained or confined within the meaning of this definition.

5.

Q: Parts of Appendix I in OJJDP’s FY2017 Formula Grant Program solicitation ask for information that states are required to provide as part of their compliance submission. If states submit their compliance information by February 28th with all the required information, is it necessary to resubmit the same information in the Title II application again, for the portions that relate to Appendix I?

A: It will be sufficient to clearly indicate where the compliance information states have previously submitted can be found to include specific page numbers. Keep in mind while there is some overlap between Appendix I and your compliance information, there are several parts that do not overlap so carefully review each item (and sub-item) in Appendix I and complete the Appendix in its entirety.

6.

Q: When is the DMC 3-year plan due to be submitted to OJJDP?

A: State’s DMC 3-year plans were due to OJJDP on February 28, 2017, unless the State requested and received approval for an extension to March 31, 2017.

7.

Q: Does GMS allow access to the DCTAT system? Or do users have to specifically use one of the links provided in the solicitation?

A: GMS and DCTAT are two separate systems. Depending on which system is being used, contact the appropriate help desk if needed. The GMS system can be accessed here: <https://grants.ojp.usdoj.gov/gmsexternal/> and the GMS help desk can be reached at 888-549-9901, option 3 or via email to GMS.HelpDesk@usdoj.gov. Due to the recent transition to the Single Sign On Performance Measurement Platform, the link to the online compliance reporting tool is now: <https://ojjdpcompliance.ojp.gov> and the help desk can be reached at 866-487-0512

or via email to ojjdp-compliance@usdoj.gov .The link for the data reporting tool is now <https://ojjdppmt.ojp.gov> and the help desk can be reached at 866-487-0512 or via email to ojjdppmt@usdoj.gov .

8.

Q: At this point, should we fill in the budget based on last year's award amount?

A: Yes, because there is no full-year appropriation for fiscal year 2017, OJJDP has been unable to calculate states' allocation amounts, and states should submit a budget using the amount they were allocated in Fiscal Year 2016.

9.

Q: We have a State university that is implementing a program at the local level in multiple counties. Would funds awarded to this entity count toward the requirement to pass-through 66 2/3 % of Formula funding?

A: Please contact your Program Manager with the specific details of the program being implemented by the State university. Generally, we look at whether the entity meets the description of how pass-through funds must be expended as described in the Juvenile Justice and Delinquency Prevention (JJDP) Act: *42 U.S.C. 5633(a)(5)*.

10.

Q: Under the Title II, Part B formula grant program, are language assistance costs allowable for the purpose of supporting access to services for individuals with limited English proficiency??

A: A Limited English Proficient (LEP) person is one whose first language is not English and who has a limited ability to read, write, speak, or understand English. To assist recipients in meeting their obligation to serve LEP persons, the Department of Justice has published a guidance document, which is available on the LEP.gov website. OJP also encourages applicants and recipients to include within their program budgets the costs for providing interpretation and translation services to eligible LEP service populations. Refer to <https://ojp.gov/funding/Explore/SolicitationRequirements/CivilRightsRequirements.htm> . Please consult with your [State Program Manager](#) if you have additional questions.

11.

Q: Will meeting minutes from the February 9, 2017, Juvenile Justice Specialist call be distributed?

A: Yes, minutes from the call will be distributed via email to the JJ Specialist listserv.