



Welcome! We will begin promptly at 2:00 p.m. EST

- Please join us today by dialing 877.423.6338.
- For problems during the webinar, please contact PGI Technical Support at 888.569.3848.



OJJDP provides *Guidance for Data Collection and Reporting for Minors in Possession of Alcohol*



Introduction and Welcome

- Jeff Slowikowski, Acting Administrator for the Office of Juvenile Justice and Delinquency Prevention
- Rafael Madan, General Counsel for the Office of Justice Programs





Background

- OJJDP issued a memo in October 2010
 - Legal guidance from OGC regarding the Deinstitutionalization of Status Offenders (DSO) and Jail Removal as they apply to juveniles accused or adjudicated for minor in possession of alcohol offenses (MIP)
- OJJDP sought a statutory amendment to the JJDPA
 - Unable to get the “legislative fix”
- OJJDP issued a memo in March 2011
 - Guidance requires a change in how states report DSO and Jail Removal violation data to OJJDP



Legislation

- Section 223(a)(11)(A) of the JJDPA
 - DSO core requirement prohibits secure detention of “juveniles who are charged with or who have committed an offense that would not be criminal if committed by an adult[.]”
- In 1974, the JJDPA
 - Afforded juveniles charged with or who violated alcohol possession laws certain protections



Legislation continued

- Adults 18-20 may be charged with violating alcohol possession laws in all 50 states and DC
- Underage alcohol offenses cannot be categorized as “offense[s] that would not be criminal if committed by an adult”
 - They are criminal offenses when committed by some adults
 - Therefore, they are not “status offenses” under the JJDP



Question # 1 – State vs. Federal Law?

- Should states that treat MIP offenses as status offenses under state law include such offenses in determining DSO and Jail Removal violations?



Answer # 1 - State vs. Federal Law

- No, based on state law MIP offenses are not status offenses under the JJDPJA.
- Section 223(a)(11)(A) of the JJDPJA applies to “juveniles who are charged with or who have committed an offense that would not be criminal if committed by an adult.” In order to identify DSO violations, States must identify which offenses, under current state laws, would not be criminal if committed by an adult;
- Juveniles charged with such state offenses are protected by the DSO provision of the JJDPJA. Offenses that, under state law, would be criminal if committed by an adult are not protected by the DSO provision of the J





Question # 2 – Guidance for Law Enforcement and Corrections

- What written guidance should the state provide to law enforcement, jails, lockups and juvenile facilities?



Answer # 2 - Guidance for Law Enforcement and Corrections

- The October and March memos can both be shared with law enforcement to explain background on this issue
- An additional step-by-step instruction guide will be posted on the OJJDP website in the next few days



Question # 3 – Why Now and Why MIPs of Alcohol?

- Why is OJJDP issuing this guidance now and why is it only specific to MIPs of alcohol?



Answer # 3 – Why Now and Why MIPs of Alcohol ?

- This specific issue was raised by a state in the context of compliance monitoring



Question # 4 – Blood Alcohol Level

- What about states that have lower DUI blood alcohol level thresholds based on age? Would offenses based on these lower thresholds be “status offenses”?



Answer # 4 – Blood Alcohol Level

- It depends on the age limit set in the state law. If the state has *any* law that makes an offense of conduct that would not be criminal if committed by an adult, such offense is a status offense and should be included in the DSO violation rate.



Question # 5 – MIP of Tobacco?

- What about laws against minors having possession of tobacco? Are these still considered “status offenses” under the new guidance?



Answer # 5 – MIP of Tobacco

- If a state has a law that prohibits the possession of tobacco by an adult (an 18 year old), then that particular law is not a status offense. Juveniles who violate that law are not covered by DSO.



What States Need to do

- States will have to:
 - reassess MIP violations reported under Deinstitutionalization of Status Offenders (DSO) and Jail Removal
 - disaggregate MIP violations reported
 - Report the disaggregated data separately from other DSO and Jail Removal violations
- Disaggregated data is due to OJJDP by June 30, 2011



Steps to Disaggregate the Data



If any violations reported were based on MIP offenses:

1. Identify how many. That number will be subtracted from your total number of violations
2. Of that number, identify how many, if any, were held in adult jails or lockups



Steps to Disaggregate the Data, continued



3. Of that number held in jails or lockups, how many were accused, as opposed to adjudicated offenders
4. Of that number of accused offenders, how many were detained or confined pursuant to the 6 hour exception referenced above or pursuant to the rural exception referenced above? This number will be subtracted from your total number of Jail Removal violations.



Steps to Revise the Data

- Review the admitting offense data for all facility types (adult and juvenile)
- Resubmit reports if reported MIP holds as violations of DSO or Jail Removal for the 2012 FG eligibility
- Notify OJJDP by letter if no violations of MIP were reported



In Conclusion

- Collect and report violations based on MIP offenses similar to the way handgun data are collected and reported
- OJJDP will work with Congressional staff to amend the JJDPA
- A step-by-step instruction guide
 - Will be sent following the webinar
 - Posted on OJJDP website



Future Directions

OJJDP:

- Maintains that, as a matter of policy, juveniles accused or adjudicated of certain MIP offenses should never be securely detained in any facility type (adult or juvenile)
- Is committed to pursuing a statutory amendment to include MIP offenses as status offenses
- Will keep states informed on any changes
 - Data collection and reporting requirements may change in the future



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