



Formula Grants Program

Program Announcement

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OJJDP

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The Office of Juvenile Justice and Delinquency Prevention is a component of the Office of Justice Programs, which also includes the Bureau of Justice Assistance, the Bureau of Justice Statistics, the National Institute of Justice, and the Office for Victims of Crime.

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Formula Grants Program

Overview

In an effort to simplify the Formula Grants application process, Congress amended the JJDP legislation in 1980 to allow states to submit a plan to cover a 3-year period. To conform with this objective, OJJDP began the use of a 3-year program plan cycle with the fiscal year (FY) 1982 applications. The plan may be updated annually to cover new or modified state programs or objectives that address specific requirements in the Juvenile Justice and Delinquency Prevention (JJDP) Act. This announcement contains instructions applicable to the 2005 Formula Grants application and updates for the Comprehensive 3-Year Plan (see pages 4–12).

Any questions regarding the use of this announcement should be addressed to your OJJDP State Representative at 202–307–5924.

The Formula Grants Program is authorized under the JJDP Act of 1974 and subsequent amendments (42 U.S.C. 5601 *et seq.*). The instructions contained in this announcement are provided for plan updates consistent with provisions of the JJDP Act of 2002 (Pub. L. 107–273). The purpose of this program is to support state and local delinquency prevention and intervention efforts and juvenile justice system improvements.

Participating states may apply for FY 2005 Formula Grants funds provided under the JJDP Act of 2002 through this application process.

The FY 2005 state allocations and required American Indian passthrough amounts are being calculated and will be sent under separate cover. The amounts will no doubt be very close to the amounts specified for the states' FY 2004 applications. Please be reminded that the required American Indian passthrough amounts are very small and in most cases do not total enough to support serious programming. Therefore, where appropriate, states are encouraged to pass through greater amounts and to encourage tribes, in addition, to make application for funds under the Tribal Youth Program discretionary grant program.

Award Information

State allocation: States will be notified of their respective FY 2005 allocations, which are being calculated.

Project period: The awards are for a 3-year project and budget period lasting from October 1, 2004, to September 30, 2007.

Eligibility

Only the agency designated by the chief executive (i.e., the governor) of each state is eligible to apply for these funds. The term “state” means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands. Applicants who do not meet this criterion are not eligible to apply for this grant program.

GMS Registration

All applications for this program announcement must be submitted online through OJP’s Grants Management System (GMS) (<https://grants.ojp.usdoj.gov>). A detailed “Step-by-Step Guide to OJP’s Grants Management System” (<https://grants.ojp.usdoj.gov/gmshelp/index.html>) is available on OJJDP’s Web site to assist applicants through the online application process.

Applicants must register for this solicitation by selecting “OJJDP FY 2005 Title II” from the Funding Opportunities page in GMS. To register, applicants must select “Apply Now,” read the warning message that appears, and select “Continue.” **The deadline for applicants to register on GMS is March 18, 2005.**

Application for Federal Assistance (SF-424)

Applicants must complete the Overview, Applicant Information, and Project Information sections of GMS. These sections provide the information needed to generate the Application for Federal Assistance (SF-424), a standard form that most federal agencies use.

Applicants will need to provide the following information to complete the SF-424:

- ❖ *DUNS Number.* Applicants can call 800-333-0505 to request a free DUNS number. Applicants must have a DUNS number *before* beginning the application process.
- ❖ *CFDA Number.* The Catalog of Federal Domestic Assistance (CFDA) number for this solicitation is 16.540, titled “Juvenile Justice and Delinquency Prevention Allocation to States.”
- ❖ *Type of Application.* Select “New” in the drop-down menu for “Type of Application.”

Assurances and Certifications

Applicants are required to review and accept the “Assurances” and “Certifications Regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and the Drug-Free Workplace Requirement” to receive federal funds under this program. To accept the Assurances and Certifications in GMS, select the Assurances and Certifications link and click the “Accept” button at the bottom of the screen. Please

verify that the contact information (name, address, phone number, fax number, and e-mail address) for the applicant's authorizing official is correct.

Budget Detail Worksheet (Attachment #1)

The Budget Detail Worksheet—which must be submitted as a Microsoft Word document (.doc), PDF file (.pdf), or text document (.txt)—must include both a detailed worksheet itemizing all costs and a narrative explaining and justifying each budget item.

This attachment should include the budget amount for each standard program area identified to receive FY 2005 Formula Grant funds. Funds allocated for Planning and Administration Funds and Match Requirement, the State Advisory Group (SAG), and the American Indian Tribes Passthrough (where applicable) are required line items.

Planning and Administration Funds and Match Requirement

OJJDP funds allocated to planning and administration may not exceed 10 percent of the total award. States that experience a reduction in their Formula Grant allocation based on noncompliance with one or more of the JJDP Act's core requirements will receive a reduction in their planning and administration funds accordingly. The state must match planning and administration funds dollar for dollar.

State Advisory Group Allocation

For planning and budget purposes, the maximum amount of the annual state allocation that may be made available to assist the SAG is \$30,000 (based on FY 2004 figures in accordance with Section 222(d) of the JJDP Act). States will be notified of the actual SAG allocation once OJJDP receives its final appropriation.

State Allocations and Standard Program Areas

The states are instructed to use the FY 2004 allocations for planning purposes. Once the 2005 appropriation and individual state allocations are available, states will be notified. See appendix C on pages 22–23 for FY 2004 distribution of Formula Grants by state and appendix E on pages 26–29 for standard program areas.

American Indian Passthrough Amount

The required American Indian passthrough amount represents the minimum dollars a state must pass through to tribes that perform law enforcement functions. Until 2005 calculations are finalized, states are instructed to use the FY 2004 American Indian passthrough amounts where applicable. Although the amount is based on a statutory formula, in many instances the amount is too small to support effective juvenile justice and delinquency prevention activities. Therefore, where appropriate, states are encouraged to pass through greater amounts. (See appendix D on pages 24–25 for FY 2004 amounts.)

Supplanting Prohibition

Federal funds may not replace (supplant) nonfederal funds that have been appropriated for the same purpose. Potential supplanting will be the subject of monitoring and audit.

Violations can result in a range of penalties, including suspension of current and future funds under this program, suspension or debarment from federal grants, recoupment of monies provided under this grant, and civil and/or criminal penalties.

A sample Budget Detail Worksheet form is available on the Grants/Funding section of OJP's Web site (www.ojp.usdoj.gov/forms.htm).

Please note: Total costs specified in the complete budget must match the amount provided in the Estimated Funding section of the Project Information screen in GMS. All funds listed in the budget will be subject to audit.

Program Narrative (Attachment #2)

Applicants must submit a program narrative that presents a detailed description of the purpose, goals, objectives, strategies, design, and management of the proposed program.

This attachment should include updates to the 2004 Comprehensive 3-Year Plan, a Juvenile Crime Analysis, Plans for Compliance with the first three core requirements of the JJDP Act (Sections 223(a)(11), (12), (13) and the state's Plan for Compliance Monitoring and adherence to section 223 (a)(14) of the JJDP Act, the SAG Membership, staff of the JJDP Formula Grants Program, and a passthrough waiver request (if applicable). (See appendix F on page 30 for the waiver guidelines.)

Note: Amendments for Attachment 2 should only be completed where there are changes, modifications, or updates to the 3-Year Plan components since submission of the FY 2003 application. If there are no changes, enter the heading and simply state that there are no changes. Where there are changes, provide sufficient information and data to explain the changes.

Comprehensive 3-Year Plan Components

1. Updated Description of System

A. Structure and Function of Juvenile Justice System

This description should include information on the organization, responsibilities, and functions of the major components of the formal juvenile justice system. Generally this would include law enforcement, juvenile detention and other pretrial programs, courts, corrections, and community-based programs for delinquent and status offenders.

B. System Flow

This section should include a display, with the use of a flow chart, of how youth move through the system.

C. Service Network

This section should include a description of major state or local programs operated outside the formal juvenile justice system that directly affect delinquency reduction, control, or prevention. Examples include, but are not limited to, alcohol and drug programs, child abuse and neglect programs, mental health services available to juveniles in the juvenile justice system, alternatives or special education programs for delinquent youth, and job training and development.

2. Updated Analysis of Juvenile Crime Problems and Juvenile Justice Needs

This analysis should be based on the description of the system in section 1 above and include conditions the state considers or determines to be relevant to addressing juvenile justice and delinquency prevention problems.

A. Updated Analysis of Juvenile Crime Problems

As part of the 3-year planning process, the state shall conduct an analysis of **current** juvenile crime problems (including juvenile gangs that commit crimes) and juvenile justice and delinquency prevention and educational needs within the state, including those geographic areas in which tribes perform law enforcement functions. This section should summarize the number and characteristics of youth handled at each stage of the process, from arrest through disposition. Please provide a minimum of 3 years of recent data for the areas listed below. Provide the **most recent** data to the extent possible by county, parish, or city. **If requested data is not available, describe the problem in obtaining the data and plans to improve data collection and reporting efforts, including designated resources for improvement in this area.**

The data reporting requirements below should be viewed as the minimum needed for this section of the juvenile crime analysis. Information within the recommended categories 1–4 below should be expanded if relevant to analyzing current juvenile crime problems and juvenile justice needs.

- (1) Juvenile arrests by offense type, gender, age, and race.
- (2) Number and characteristics (by offense type, gender, race, and age) of juveniles referred to juvenile court, a probation agency, or special intake unit for allegedly committing a delinquent or status offense.
- (3) Number of cases handled informally (nonpetitioned) and formally (petitioned) by gender, race, and type of disposition (e.g., diversion, probation, commitment, residential treatment).

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- (4) Number of delinquent and status offenders admitted, by gender and race, to juvenile detention facilities and adult jails and lockups (if applicable).
 - (5) Extent of disproportionate minority contact (DMC). Include full discussion in Attachment 3 (Other Program Attachments).
 - (6) Discussions of educational needs, gender-specific services, delinquency prevention and treatment services available in rural areas, and mental health services available to juveniles in the juvenile justice system.
 - (7) Other social, economic, legal, and organizational conditions considered relevant to delinquency prevention programming.

B. List of State’s Priority Juvenile Justice Needs/Problem Statements

(Please list and discuss in order of priority.)

The product of the above analysis of juvenile crime problems shall be a series of problem statements. The state must establish a priority ranking for each problem statement.

A problem statement is defined as a written presentation that describes the magnitude, seriousness, rate of change, persons affected, and other aspects of a problem using qualitative and quantitative information. It identifies the nature, extent, and effect of system response, makes projections based upon historical precedent, and rigorously attempts to address the origins of the problem. The problem statements should be linked to the current data and needs analysis, the requirements of the JJDP Act, the functions of the juvenile justice system, geographic locations and, whenever possible, related socioeconomic factors. A problem statement is a clear and succinct summary that reflects the results of the analysis undertaken. It does not necessarily represent all the analysis undertaken or all data collected for any given problem.

Aside from expenditures for planning and administration (standard program area 23; see appendix E) and SAG allocations (standard program area 31), these data-based problem statements and their priority ranking provide the basis for developing a state’s 3-Year Program Plan for funding juvenile justice programs.

- 3. Plans for Compliance With the First Three Core Requirements of the JJDP Act and the State’s Plan for Compliance Monitoring** (The plans must be data-based and program specific, including the necessary “who, what, where, how, and when” to provide clear plans of action.)

The Comprehensive 3-Year Plan shall contain:

A. Plan for Deinstitutionalization of Status Offenders (Removal of Status Offenders and Nonoffenders From Secure Detention and Correctional Facilities)

Pursuant to Section 223(a)(11) of the JJDP Act of 2002, the state must develop a plan that ensures status offenders and nonoffenders are not placed in secure detention or secure

correctional facilities, except as allowed by OJJDP's *Guidance Manual for Monitoring Facilities Under the Juvenile Justice and Delinquency Prevention Act of 2002* (revised September 2003).

For those states that have not achieved substantial compliance as outlined in Section 223(c) of the Act, the plan must indicate and provide sufficient documentation of an unequivocal commitment to achieving full compliance and a strategy, activities, and timetable for achieving full compliance.

B. Plan for Separation of Juveniles From Adult Offenders (Separation)

Pursuant to Section 223(a)(12) of the JJDP Act of 2002, the state must develop a plan that ensures juveniles alleged to be or found to be delinquent and status offenders shall not have contact with adult inmates who are incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges.

If the state will use the same staff to serve both the adult and juvenile populations in approved collocated juvenile detention facilities, the state must have a policy in effect that requires individuals who work with both juveniles and adult inmates to be trained and certified to work with juveniles. A copy of this policy, including a description of the training and certification process, must be submitted with this application.

This section of the application must provide an assurance that juveniles who have been transferred or waived or are otherwise under the jurisdiction of a criminal court are moved to an adult facility or separated from other juvenile delinquent offenders in secure juvenile detention centers or correctional facilities within 6 months after the youth reaches the state's age of full criminal responsibility.

C. Plan for Removal of Juveniles From Adult Jails and Lockups (Jail Removal)

Pursuant to Section 223(a)(13) of the JJDP Act of 2002, the state must develop a plan that ensures no juvenile shall be detained or confined in any adult jail or lockup, except as allowed by OJJDP's *Guidance Manual for Monitoring Facilities Under the Juvenile Justice and Delinquency Prevention Act of 2002* (revised September 2003).

If any of the following exceptions to the secure holding of juveniles apply, describe how these exceptions are addressed by developing the jail removal plan:

- (1) Six-hour hold exception: OJJDP regulations allow for a 6-hour period that permits the secure detention in an adult jail or lockup of those juveniles accused of committing criminal-type offenses (i.e., offenses that would be a criminal offense if committed by an adult). The juvenile may be held for up to 6 hours for the purpose of identification and processing or to arrange for release or transfer. This 6-hour period applies to a time period both before and after a court appearance. Under this exception, the juvenile cannot have sight or sound contact with incarcerated adults during the time the juvenile is in a secure custody status in the adult jail or lockup.

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- (2) Removal exception: OJJDP regulations implement a statutory rural exception, allowing the temporary detention beyond the 6-hour limit of juveniles accused of delinquent offenses who are awaiting an initial court appearance. It is important to note that the rural exception does not apply to status offenders. Status offenders may not be held for any length of time in an adult jail or lockup.
 - (3) Transfer or waiver exception: If criminal felony charges have been filed against a juvenile in a court exercising criminal jurisdiction, the juvenile can be detained in an adult jail or lockup. The jail and lockup removal requirement does not apply to those juveniles formally waived or transferred to criminal court and against whom criminal felony charges have been filed or to juveniles over whom a criminal court has original or concurrent jurisdiction and such court's jurisdiction has been invoked through the filing of criminal felony charges. It is important to note that waiver or transfer and the filing of criminal felony charges do not transform a juvenile into an adult. Therefore, such a juvenile can be detained (or confined after conviction) in a juvenile facility and commingled with juvenile offenders until he reaches the age of majority.

D. Plan for Compliance Monitoring

Pursuant to Section 223(a)(14) of the JJDP Act of 2002, the state must provide for an adequate system of monitoring jails, lockups, detention facilities, correctional facilities, and nonsecure facilities.

The state must provide a monitoring plan that includes a detailed description of monitoring tasks and identifies the specific agency or agencies responsible for each task. The tasks to be included in the discussion are:

- (1) Identification of the monitoring universe: This refers to the identification of all facilities in the state that might hold juveniles pursuant to public authority. Every facility that has this potential, regardless of the purpose for housing juveniles, comes under the purview of the monitoring requirements. This also includes those facilities that public and private agencies own or operate.
- (2) Classification of facilities: This is the classification of all facilities in the state to determine which ones should be considered a secure detention or correctional facility, adult correctional institution, jail, lockup, or other type of secure or nonsecure facility.
- (3) Inspection of facilities: Inspection of facilities is necessary to ensure an accurate assessment of each facility's classification and record keeping. All facilities classified as secure detention or correctional facilities, jails, lockups, and other facilities must have periodic, onsite inspections to determine compliance with Sections 223(a)(11), (12), and (13) of the JJDP Act of 2002.
- (4) Data collection and verification: Data collection and reporting are required to determine whether facilities in the state are in compliance with the applicable requirements of deinstitutionalization of status offenders (DSO), jail removal, and separation. The length

of the reporting period should be up to 12 months but in no case less than 6 months. If reporting 6 months of data, the data must be projected for a full year in a statistically valid manner. If the facility self-reports the data or an agency other than the state agency receiving federal grant funds collects and reports the data, the plan must describe a statistically valid procedure used to verify the reported data.

This section of the application shall also describe the legislative and administrative procedures and sanctions that the state has established to receive, investigate, and report compliance violations. If an agency other than the designated state agency is responsible for monitoring, describe how that agency maintains accountability for compliance with this requirement.

If monitoring is provided through contractual services, identify the funds provided to support this program and the name, address, and telephone number of the contractor. In addition, describe the procedures and activities the state agency uses to monitor the contract.

For each of the requirements (3A–3D) above, the state should describe:

- a. Strategy, specific activities, timetable covering the 3-year planning cycle, and resources to support the implementation of the plans.
- b. Barriers the state faces in achieving full compliance and how these barriers will be overcome.
- c. Role of the SAG in monitoring for compliance with the DSO, separation, and removal requirements.
- d. If the state has been found to be in full compliance with these requirements, provide an assurance that indicates:
 - (1) Adequate plans are on file and available for review.
 - (2) Resources to maintain compliance are identified, on file, and available to review.
 - (3) The state will notify OJJDP if circumstances arise or if resources are lost that would jeopardize the state’s capability of maintaining compliance with the requirements.
- e. For states out of compliance with one or more of these requirements, describe specific activities and resources designated to achieve full compliance

4. Program Descriptions (See appendix G on pages 31–32 for a sample program description.)

Based on “List of State’s Priority Juvenile Justice Needs/Problem Statements,” applications must include descriptions of programs to be supported with JJDP Act Formula Grant funds during the

3-year period of the plan. Programs are groupings of projects with similar or common goals. Program descriptions should not be more than three or four pages in length, although this page limit may vary. Each item below must be addressed for each program:

- A. **State Program Designator.** The code the state uses to identify the program.
- B. **Standard Program Area Code.** Please use only OJJDP's codes to identify the program (see appendix E).
- C. **Title.** Please use only the titles in appendix E.
- D. **Program Problem Statement.** Briefly state which of the priority juvenile justice problems/needs this program intends to address.
- E. **Program Goals/Objectives/Performance Indicators/Activities and Services Planned** (Please follow the format provided in appendix G).
 - (1) **Program goals** state the overall intent of the program to change, reduce, or eliminate the problem described. The goals should describe what the program intends to accomplish in general terms.
 - (2) **Program objectives** explain how the program goal statement will be accomplished. Objectives are specific, quantifiable statements of the desired results of the program; therefore, they further define goals and provide the means to measure program performance.
 - (3) **Performance indicators** are data/information that will be collected to measure whether the objectives have been achieved. Therefore, they must be developed and included with each program objective.
 - (4) **Activities and services planned** are the specific steps or projects that will be taken or funded to accomplish each objective. This part of the program description must summarize which agencies will implement the program, where and when activities will take place, the specific services that will be provided, who will benefit from the services, and the target population. This section must indicate how the program relates to similar state or local programs directed at the same or similar problems.
 - (5) **Budget** must present total federal funds anticipated from JJDP allocations, along with any expected state, local, or private funds.

<u>JJDP Funds</u>		<u>State/Local/Private Funds</u>	
FY 2004	\$ _____	FY 2004	\$ _____
Total	\$ _____	Total	\$ _____

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- (6) **Expected number of subgrants** should indicate the expected number of subgrants and the anticipated dollar range. Include minimum duration of each program and minimum number of years that funding may be requested and received from projects.

5. **Coordination of Child Abuse and Neglect and Delinquency Programs**

(The JJDP Act of 2002 emphasizes interagency coordination and collaboration in addressing the prevention and treatment of juvenile delinquency. Programming for the following areas may be funded under standard program areas 03, 09, and 19; see appendix G.)

A Comprehensive 3-Year Plan shall provide for:

A. Reducing the Caseload of Probation Officers

Pursuant to Section 223(a)(25) of the JJDP Act of 2002, the state may provide incentive grants to units of general local government that reduce the caseload of probation officers. Funds reserved for this purpose may not exceed 5 percent of the state's allocation (other than funds made available to the SAG).

B. Sharing Public Child Welfare Records With the Courts in the Juvenile Justice System

Pursuant to Section 223(a)(26) of the JJDP Act of 2002, the state shall to the maximum extent practicable implement a system to ensure that if a juvenile is before a court in the juvenile justice system, that juvenile's public child welfare records (including child protective services records) for the geographical area under the jurisdiction of that court will be made known to the court.

C. Establishing Policies and Systems To Incorporate Relevant Child Protective Services Records Into Juvenile Justice Records

Pursuant to Section 223(a)(27) of the JJDP Act of 2002, the state shall establish policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing and implementing treatment plans for juvenile offenders.

Pursuant to Section 223(a)(28) of the JJDP Act of 2002, this section of the application must provide an assurance that juvenile offenders whose placement is funded through Section 472 of the Social Security Act (42 U.S.C. 672) receive the protections specified in Section 471 of such Act (42 U.S.C. 671), including a case plan and case plan review as defined in Section 475 of such Act (42 U.S.C. 675).

6. **Technical Assistance Needs**

The state is requested to forecast technical assistance needs. Please see appendix H on page 33.

7. **SAG Membership**

Pursuant to Section 223(a)(3)(A) of the JJDP Act, the SAG shall consist of not less than 15 and not more than 33 members appointed by the chief executive officer of the state. At least one

member shall be a locally elected official representing general purpose local government. At least one-fifth of the members shall be younger than 24 years old at the time of appointment. At least three members shall have been or currently are under the jurisdiction of the juvenile justice system. A majority of the members (including the chairperson) shall not be full-time employees of federal, state, or local government. The membership qualifications are described in subsections i–v of Section 223(a)(3)(A) of the JJDP Act, as amended. (See appendix I on pages 35–37 for detailed membership instructions and see appendix J on page 38 for a sample membership table.)

8. Staff of the JJDP Formula Grants Program

The state must provide the following to OJJDP:

- The organizational chart of the agency designated to implement the Formula Grants Program.
- A list of the other programs administered by the agency or division administering the Formula Grants Program.
- The staffing and management plan for the state agency/division implementing the Formula Grants Program, including names, titles of staff, funding sources (and state match), and percentage of time devoted to the JJDP program.
- Descriptions of the duties for the Juvenile Justice Specialist (at least one full-time position is required) and other juvenile justice and delinquency prevention staff.

9. Exceptions to the Certified Assurances (See appendix L on pages 40–49.)

Other Program Attachments (Attachment #3)

Applicants must submit the following materials in a single file as an attachment to their GMS application. The Other Program Attachments—*which must be submitted as a Microsoft Word document (.doc), PDF file (.pdf), or text document (.txt)*—must include the state’s FY 2005 Plan Update for Reducing DMC. The plan update must discuss the specific progress made in FY 2004 or since the submission of FYs 2003–2005 DMC Compliance Plan, any adjustment to the 3-year plan, planned activities for FY 2005, the goals and objectives of the planned activities, and the specific resources designated to conduct these activities. **A response of “no change” is not acceptable.** States are encouraged to use the recommended outline in appendix K on page 39.

Plan for Reducing DMC

Pursuant to section 223(a)(22) of the JJDP Act of 2002, states must address specific delinquency prevention and system improvement efforts to reduce specific minority groups’ rate of contact with the juvenile justice system if that rate is significantly greater than the rate of contact for whites or other minority groups. The analysis should be conducted separately for each minority group that represents at least 1 percent of the total youth population within the state or locality. Contact refers both to the initial

legal encounters through law enforcement (arrest) and to ongoing contact through actions within the juvenile justice system such as referral to juvenile court, diversion before adjudication, secure detention, issuance of petitions, adjudication, placement on probation, placement in secure corrections, transfer to adult courts, and other such processes unique to the states and localities. This section of the application must describe the state's strategy, activities, and timetable for assessing and reducing DMC in the juvenile justice system.

For the purpose of completing the FY 2005 Formula Grants Program application, states are instructed to document five required phases of DMC activities in the following manner:

Phase I: Identification (identify the extent to which DMC exists)

In conducting phase I, the state must provide quantifiable documentation (state and county) to indicate whether minority youth are disproportionately represented at all stages of the juvenile justice system from arrest, referrals to juvenile court, diversion before adjudication, secure detention, petition, adjudication, placement on probation, placement in secure confinement, and transfers to adult court. For states that place youth in out-of-state secure facilities, data on such placements should be included. In preparing such documentation, states must provide their most recent available data in the Data Entry Section of the *DMC Identification Spreadsheets* to obtain the Relative Rate Indexes (RRI) for various racial/ethnic groups at different juvenile justice system contact points. The spreadsheets and their accompanying instructions, *Steps in Calculating Relative Rate Indexes* and *Sample Completed DMC Identification Spreadsheets*, are available from OJJDP's DMC Web Site at www.ojjdp.ncjrs.org/dmc/tools/index.html. The RRI analysis must be completed for the statewide level and at least three counties or jurisdictions with the highest concentration of minorities in the state and/or the counties or jurisdictions with significant local DMC reduction activities. The analysis should be conducted separately for each minority group that represents at least 1 percent of the juvenile population (i.e., African Americans, American Indians, Asians, Pacific Islanders, and Hispanics) within the state. States can use the category "Other" to include those of mixed racial origins if their state/county juvenile justice information systems permit such distinctions. The state must provide a narrative summary describing the extent of DMC at different stages of the juvenile justice system. The narrative summary should be a component of the problem statement section of the analysis of juvenile crime problems and juvenile justice needs (see pages 5–6).

The RRIs as shown in the completed spreadsheets should be used to point to areas for more intensive examination and to serve as an ongoing set of vital signs or an early warning system for addressing DMC. In addition, they should be used for comparison and monitoring the changes in DMC trends over time.

Phase II: Assessment (assess the factors that contribute to DMC, if it exists)

Phase II must be undertaken when the documentation required in phase I demonstrates that DMC exists. An assessment study is a comprehensive analysis, using sophisticated research methodologies, to examine minority overrepresentation, explain differences in all stages of the juvenile justice system, and identify the factors that contribute to DMC. An assessment study should conclude with recommendations for specific intervention strategies. If a completed assessment is not available, the state must submit a time-limited plan (not to exceed 12 months from submission of the Formula Grant

application) for completing the assessment. Assessment studies with particular focuses shall be conducted when significant changes in the rates of minority juvenile justice system contact are noted in monitoring DMC trends. Assessment studies shall also be conducted after significant changes in laws, procedures, and policies are implemented within the juvenile justice system that may have a negative impact on DMC. For more details, see chapter 2 of the *DMC Technical Assistance Manual (2nd Edition)*.

Phase III: Intervention (develop an intervention plan to address causative factors)

If DMC has been demonstrated and reasons assessed and identified, this section of the application must contain a state plan that addresses the identified reasons. Research literature suggests that minority overrepresentation may be evident at some stages of the juvenile justice system but not at others; therefore, it is imperative that the selected intervention strategies are data-based, targeting those geographic areas where large numbers of minorities are affected and those stages of the juvenile justice system where major disparities occur. Intervention strategies also should address the contributing factors at these stages. Examples of intervention strategies are diversion, prevention, reintegration, policies and procedures, and staffing and training. **Because multiple factors contribute to DMC, multiple intervention strategies (both programmatic and system improvement approaches) are necessary.** For more details, see chapter 3 of the *DMC Technical Assistance Manual (2nd Edition)*.

Phase IV: Evaluation (evaluate the efficacy of intervention strategies)

The evaluation of state/local initiatives for reducing DMC is essential to determining the effectiveness of DMC reduction efforts. Information obtained through evaluation can be used to further develop and modify implemented strategies. Evaluations provide important information to make policy and funding decisions. **States should describe methods and resources designated to establish a systematic process of data collection, analysis, and reporting needed to track the progress and evaluate the impact of state and local DMC efforts.** For more details, see chapter 4 of the *DMC Technical Assistance Manual (2nd Edition)*.

Phase V: Ongoing Monitoring (monitor changes in DMC trends)

The ultimate question that needs to be answered is “Has DMC been reduced?” Because addressing DMC requires ongoing efforts for a long period of time, states must continue their data collection to monitor the possible emergence and/or changing trends of DMC as well as minority overrepresentation in all stages of the juvenile justice system. As discussed in phase I, states that have completed their identification phase in the earlier years should update their *DMC Identification Spreadsheets* **at least every 3 years** (for statewide and/or selected localities, as appropriate) at the time when the Formula Grants Comprehensive 3-Year Plans are due. **Comparisons should also be made between the updated spreadsheets and data obtained in earlier years.** For more details, see chapter 5 of the *DMC Technical Assistance Manual (2nd Edition)*.

All states should describe their systematic data collection procedures to monitor DMC trends at regular intervals so that intervention strategies can be adjusted accordingly.

All states should discuss the role of the SAG in implementing activities related to the DMC core requirement.

States are encouraged to use the recommended outline in appendix K. States that choose not to use this recommended outline must ensure that all required elements are adequately addressed.

Due Date

Applicants must register for this funding opportunity by March 18, 2005, and completed applications must be submitted online through OJP's Grants Management System (<https://grants.ojp.usdoj.gov>) by 8:00 p.m. ET, March 31, 2005.

For Additional Information

If you have questions about this program announcement, please contact Wandra Simmons at 202-514-8932 or Wandra.Simmons@usdoj.gov.

Appendix A: Other Requirements

Anti-Lobbying Act

Applicants should be aware that the Anti-Lobbying Act, 18 U.S.C. § 1913, recently was amended to expand significantly the restriction on use of appropriated funding for lobbying. This expansion also makes the anti-lobbying restrictions enforceable via large civil penalties, with civil fines between \$10,000 and \$100,000 per each occurrence of lobbying activity. These restrictions are in addition to the anti-lobbying and lobbying disclosure restrictions imposed by 31 U.S.C. § 1352. The Office of Management and Budget (OMB) is currently in the process of amending the OMB cost circulars and the common rule (codified at 28 CFR part 69 for U.S. Department of Justice grantees) to reflect these modifications. However, in the interest of full disclosure, all applicants must understand that no federally appropriated funding made available under this grant program may be used, either directly or indirectly, to support the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government, without the express approval by OJP. Any violation of this prohibition is subject to a minimum \$10,000 fine for each occurrence. This prohibition applies to all activity, even if currently allowed within the parameters of the existing OMB circulars.

Civil Rights Compliance

All recipients of federal grant funds are required to comply with nondiscrimination requirements contained in various federal laws. In the event that a court or administrative agency makes a finding of discrimination on grounds of race, color, religion, national origin (see also “Services to Limited English Proficient (LEP) Persons” on page 19), gender, disability, or age against a recipient of funds after a due process hearing, the recipient must agree to forward a copy of the finding to the Office of Civil Rights, Office of Justice Programs. All applicants should consult the Assurances required to be submitted with the application to understand the applicable legal and administrative requirements.

Confidentiality and Human Subjects Protection

Applicants should be aware of the U.S. Department of Justice’s requirements for privacy and confidentiality in research and statistical efforts. These requirements are stipulated by 42 U.S.C. § 3879g. The U.S. Department of Justice has issued a specific regulation concerning the implementation of this statutory requirement in 28 CFR Part 22. In accordance with 28 CFR Part 22, applicants requesting funds for research or statistical activities must submit a Privacy Certificate with the application. The purpose of the Privacy Certificate is to ensure that the applicant has appropriate policies and procedures in place to protect the confidentiality of data identifiable to private persons. Specifically, the Privacy Certificate must be in compliance with the requirements of 28 CFR § 22.23. OJJDP has developed guidelines for preparing a Privacy Certificate in accordance with the confidentiality regulation. Copies of the Privacy Certificate Guidelines, a Privacy Certificate Face Sheet, and a Sample Attachment for a Privacy Certificate are available on the OJJDP Web site (ojjdp.ncjrs.org/funding/privacy.pdf).

Applicants are further advised that an institutional review board¹ (IRB), in accordance with U.S. Department of Justice regulations at 28 CFR Part 46, must review any project that will involve the use of human research subjects. IRB review is not required prior to submission of the application. However, if an award is made and the project involves research using human subjects, OJJDP will place a special condition on the award requiring that an appropriate IRB approve the project before federal funds can be disbursed for activities involving human subjects. Applicants should include plans for IRB review, where applicable, in the project timeline submitted with the proposal. A copy of “Confidentiality of Identifiable Research and Statistical Information (28 CFR Part 22)” is available on the OJJDP Web site (ojjdp.ncjrs.org/funding/confidentiality.pdf).

Coordination of Federal Efforts

To encourage better coordination among federal agencies in addressing state and local needs, the U.S. Department of Justice requests that applicants provide information on the following: (1) active federal grant award(s) supporting this or related efforts,² including awards from the U.S. Department of Justice; (2) any pending application(s) for federal funds for this or related efforts; and (3) plans for coordinating any funds described in items (1) or (2) with the funding that this application seeks. For each federal award, applicants must include the program or project title, the federal grantor agency, the amount of the award, and a brief description of its purpose.

¹ Institutional Review Boards (IRBs) are the governing bodies that assure that data collection efforts are in accordance with all relevant local, state, and federal laws to protect human subjects. Background information on IRBs is available from the National Institute of Justice (www.ojp.usdoj.gov/nij/humansubjects/index.html) and the U.S. Department of Health and Human Services (www.hhs.gov/ohrp/).

Most local and state governments, colleges and universities, hospitals, and private contract research firms have IRBs in place. Agencies that might help you find an IRB to review your data collection plans for the purpose of the application include a local jail, hospital, mental health treatment facility, public health agency, community college, or 4-year college or university. Try calling these agencies, explain that you are submitting an application for federal funding and are required to collect data on the children you serve, and you therefore need IRB clearance and ask if they have ever encountered this situation and what they did about it. It is likely that at least one of these agencies will have some experience they would be willing to share.

IRB reviews are now available from for-profit organizations, if the potential applicant does not have access to an IRB through his/her own institution. They cost about \$6,000–\$10,000, and those costs would need to be built into the first year's budget. Query the term “Institutional Review Board” with any Internet search engine to find these firms.

You do not need to have IRB clearance at the time you submit your application to OJJDP. In your application, you can outline the process for getting IRB clearance in your community. If possible, you should start the process, so that you could say in your application that an IRB is reviewing your study/plan/design and give the expected date for final clearance. Applicants are not required to get final clearance until/if they are funded. In fact, some IRBs won't review a study until after funding is secured.

² “Related efforts” is defined for these purposes as one of the following: efforts for the same purpose (i.e., the proposed award would supplement, expand, complement, or continue activities funded with other federal grants); another phase or component of the same program or project (e.g., to implement a planning effort using other federal funds or to provide a substance abuse treatment or education component within a criminal justice project); or services of some kind (e.g., technical assistance, research, or evaluation) rendered to the program or project described in the application.

Faith-Based and Community Organizations

It is OJP policy that faith-based and community organizations that statutorily qualify as eligible applicants under OJP programs are invited and encouraged to apply for assistance awards. Faith-based and community organizations will be considered for an award on the same basis as any other eligible applicants and, if they receive assistance awards, will be treated on an equal basis with non-faith-based and community organization grantees in the administration of such awards. No eligible applicant or grantee will be discriminated against on the basis of its religious character or affiliation, religious name, or the religious composition of its board of directors or persons working in the organization.

Financial and Government Audit Requirements

Federal grants are governed by the provisions of the Office of Management and Budget (OMB) circulars applicable to financial assistance and OJP's *Financial Guide*, which is available from the OJP Web site (www.ojp.usdoj.gov/oc). The *Guide* includes information on allowable costs, methods of payment, audit requirements, accounting systems, and financial records. This document will govern the administration of funds by all successful applicants.

Audits of state and local units of government, institutions of higher education, and other nonprofit institutions must comply with the organizational audit requirements of OMB circular A-133, which states that recipients who expend \$500,000 or more of federal funds during their fiscal year are required to submit an organizationwide financial and compliance audit report to their cognizant federal agency within 9 months after the close of each fiscal year during the term of the award.

Grantees must comply with the following OJP reporting requirements:

Subgrantee information form. Subgrantee information forms, submitted through OJP's GMS system, are required within 30 days of granting the subaward.

Financial status reports. Financial status reports (SF 269A) are due quarterly on the 45th day following the end of each calendar quarter, and a final report is due 120 days following the end of the award period.

Annual performance reports. OJJDP requires states to submit annual performance reports, due June 30. See the Performance Measures section for formatting requirements.

Future awards and fund drawdowns may be withheld if the reporting requirements are not met.

Performance Measures

The Government Performance and Results Act (GPRA), Public Law 103-62, requires that recipients of federal grant awards collect, analyze, and report data that measure the results of strategies implemented with federal funds. To ensure compliance with GPRA, grantees will be required to collect and report data that measure the results of the program implemented with this grant.

OJJDP has developed a performance measurement system to enable grantees to demonstrate the effectiveness of their programs. OJJDP requires states to submit annual performance reports, due June 30, using performance measures outlined by OJJDP. States are required to submit aggregated performance measure data from subgrants and awards that the state makes. Detailed instructions for submitting performance measure data will be distributed at regional trainings on performance measure reporting in early 2005.

To better assure that programs funded with federal awards will produce positive outcomes, states shall to the extent practicable give priority in funding to programs and activities that have been proven effective based on systematic and objective research. To enable local subgrantees to implement evidence-based juvenile justice programs, OJJDP has developed the Model Programs Guide and Database, a searchable Web site containing information on the full range of evidence-based juvenile justice programs, from delinquency prevention and intervention to reentry. Communities can use the database to locate evidence-based juvenile justice strategies that will fit their needs and enhance their likelihood for success.

Award recipients will be required to collect and report data in support of these measures. Recipients' assistance in obtaining this information will facilitate future program planning and will allow OJP to provide Congress with measurable program results of federally funded programs.

Services to Limited English Proficient (LEP) Persons

Recipients of Office of Justice Programs (OJP) financial assistance are required to comply with several Federal civil rights laws, including Title VI of the Civil Rights Act of 1964 ("Title VI") and the Omnibus Crime Control and Safe Streets Act of 1968 ("Safe Streets Act"), as amended. These laws prohibit discrimination on the basis of race, color, religion, national origin, and sex in the delivery of services.

National origin discrimination includes discrimination on the basis of limited English proficiency (LEP). To ensure compliance with Title VI and the Safe Streets Act, recipients are required to take reasonable steps to ensure that LEP persons have meaningful access to their programs. Meaningful access may entail providing language assistance services, including oral and written translation, where necessary. *Grantees are encouraged to consider the need for language services for LEP persons served or encountered both in developing their proposals and budgets and in conducting their programs and activities. Reasonable costs associated with providing meaningful access for LEP individuals are considered allowable program costs.*

The U.S. Department of Justice has issued guidance for grantees to assist them in complying with Title VI requirements. The guidance document can be accessed on the Internet at www.lep.gov, by contacting OJP's Office for Civil Rights at 202-307-0690, or by writing to the following address:

Office for Civil Rights
Office of Justice Programs
U.S. Department of Justice
810 Seventh Street NW., 8th Floor
Washington, DC 20531

Single Point of Contact Review

Executive Order 12372 requires applicants from state and local units of government or other organizations providing services within a state to submit a copy of the application to the state Single Point of Contact (SPOC) if one exists and if the state has selected this program for review. A list of state SPOCs is available on the Office of Management and Budget Web site (www.whitehouse.gov/omb/grants/spoc.html). Applicants must contact their state SPOCs to determine whether their programs have been selected for state review. The date that the application was sent to the SPOC or the reason such submission is not required should be entered in Block 3 of the Overview section of the GMS application.

Suspension or Termination of Funding

OJJDP may suspend funding in whole or in part, terminate funding, or impose other sanctions on a recipient for the following reasons:

- ❖ Failing to comply substantially with the requirements or statutory objectives of the appropriate Act, program guidelines issued thereunder, or other provisions of federal law.
- ❖ Failing to make satisfactory progress toward the goals, objectives, or strategies set forth in the application.
- ❖ Failing to adhere to the requirements in the agreement, standard conditions, or special conditions.
- ❖ Proposing or implementing substantial plan changes to the extent that, if originally submitted, the application would not have been selected for funding.
- ❖ Failing to submit reports.
- ❖ Filing a false certification in this application or other report or document.

Before imposing sanctions, OJJDP will provide reasonable notice to the recipient of its intent to impose sanctions and will attempt to resolve the problem informally. Hearing and appeal procedures will follow those in U.S. Department of Justice regulations in 28 CFR Part 18.

Appendix B: Application Checklist

Formula Grants Program

All applications must be submitted electronically through the Office of Justice Programs' Grants Management System (GMS).

- GMS Registration** must be completed no later than March 18, 2005.
- Application for Federal Assistance (SF-424)** is generated by completing the Overview, Applicant Information, and Project Information screens in GMS.
- Assurances and Certifications** must be reviewed and accepted online by the applicant's authorizing official.
- Budget Detail Worksheet (Attachment #1)** must include a worksheet that identifies and a narrative that justifies all proposed costs.
- Program Narrative (Attachment #2)** must present a statement of the problem, outline the project's goals and objectives, describe the project design, and detail the applicant's management and organizational capability. (Please see appendix G for a sample program description.)
- Other Program Attachments (Attachment #3)** must include the state's FY 2005 Plan for Reducing DMC (see page 12). (Please see appendix K for a recommended outline/required components.)

Files attached to your GMS application must be submitted as a Microsoft Word document (.doc), PDF file (.pdf), or text document (.txt). Refer to the program announcement for detailed descriptions of these items.

Deadlines

- Applicants must register on GMS by March 18, 2005.
- Applicants must submit completed applications by 8 p.m. ET March 31, 2005.

Applications will be accepted only through the GMS online application system. Mailed or faxed applications will not be considered.

Appendix C: Distribution of Formula Grants, by State (FY 2004)

State	Formula Grant Base Allocation	Accountability- Based Sanctions Supplement	Total
Alabama	\$964,000	\$37,000	\$1,001,000
Alaska	\$600,000	\$68,000	\$668,000
Arizona	\$1,172,000	\$0	\$1,172,000
Arkansas	\$600,000	\$243,000	\$843,000
California	\$7,934,000	\$0	\$7,934,000
Colorado	\$944,000	\$49,000	\$993,000
Connecticut	\$722,000	\$179,000	\$901,000
Delaware	\$600,000	\$69,688	\$669,688
District of Columbia	\$600,000	\$41,000	\$641,000
Florida	\$3,128,000	\$0	\$3,128,000
Georgia	\$1,861,000	\$0	\$1,861,000
Hawaii	\$600,000	\$106,000	\$706,000
Idaho	\$600,000	\$132,000	\$732,000
Illinois	\$2,784,000	\$0	\$2,784,000
Indiana	\$1,350,000	\$0	\$1,350,000
Iowa	\$629,000	\$233,000	\$862,000
Kansas	\$612,000	\$243,000	\$855,000
Kentucky	\$853,000	\$102,000	\$955,000
Louisiana	\$1,046,000	\$0	\$1,046,000
Maine	\$600,000	\$108,000	\$708,000
Maryland	\$1,163,000	\$0	\$1,163,000
Massachusetts	\$1,287,000	\$0	\$1,287,000
Michigan	\$2,227,000	\$0	\$2,227,000
Minnesota	\$1,104,000	\$0	\$1,104,000
Mississippi	\$665,000	\$212,000	\$877,000
Missouri	\$1,225,000	\$0	\$1,225,000
Montana	\$600,000	\$82,000	\$682,000
Nebraska	\$600,000	\$161,000	\$761,000
Nevada	\$600,000	\$183,000	\$783,000
New Hampshire	\$600,000	\$111,000	\$711,000
New Jersey	\$1,791,000	\$0	\$1,791,000
New Mexico	\$600,000	\$182,000	\$782,000
New York	\$4,023,000	\$0	\$4,023,000
North Carolina	\$1,685,000	\$0	\$1,685,000
North Dakota	\$600,000	\$57,000	\$657,000
Ohio	\$2,478,000	\$0	\$2,478,000
Oklahoma	\$265,000	\$154,000	\$919,000
Oregon	\$726,000	\$176,000	\$902,000
Pennsylvania	\$2,507,000	\$0	\$2,507,000
Rhode Island	\$600,000	\$88,688	\$688,688
South Carolina	\$866,000	\$95,000	\$961,000
South Dakota	\$600,000	\$72,000	\$672,000
Tennessee	\$1,200,000	\$0	\$1,200,000
Texas	\$5,050,000	\$0	\$5,050,000
Utah	\$616,000	\$241,000	\$857,000
Vermont	\$600,000	\$53,000	\$653,000

State	Formula Grant Base Allocation	Accountability- Based Sanctions Supplement	Total
Virginia	\$1,491,000	\$0	\$1,491,000
Washington	\$1,298,069	\$0	\$1,298,069
West Virginia	\$600,000	\$144,000	\$744,000
Wisconsin	\$1,174,000	\$0	\$1,174,000
Wyoming	\$600,000	\$46,000	\$646,000
American Samoa	\$100,000	\$9,000	\$109,000
Guam	\$100,000	\$20,000	\$120,000
Puerto Rico	\$937,000	\$53,000	\$990,000
No. Mariana Islands	\$100,000	\$6,000	\$106,000
Virgin Islands	\$100,000	\$12,000	\$112,000
Total	\$69,447,069	\$3,768,376	\$73,245,445

Appendix D: American Indian Passthrough Amounts, by State (FY 2004)

State	Total Juvenile Population*	Juvenile Native American Population	FY 2004 Formula Grant Allocation	Total State Native American Pass-Through
Alabama	1,123,422	72	\$964,000	\$40
Alaska	190,717	14,917	\$600,000	\$29,722
Arizona	1,366,947	71,731	\$1,172,000	\$39,951
Arkansas	680,369	0	\$600,000	\$0
California	9,249,829	3,904	\$7,934,000	\$2,224
Colorado	1,100,795	3,873	\$944,000	\$2,144
Connecticut	841,688	719	\$722,000	\$394
Delaware	194,587	0	\$600,000	\$0
District of Columbia	114,992	0	\$600,000	\$0
Florida	3,646,340	274	\$3,128,000	\$155
Georgia	2,169,234	0	\$1,861,000	\$0
Hawaii	295,767	0	\$600,000	\$0
Idaho	369,030	8,309	\$600,000	\$8,556
Illinois	3,245,451	0	\$2,784,000	\$0
Indiana	1,574,396	0	\$1,350,000	\$0
Iowa	733,638	0	\$629,000	\$0
Kansas	712,993	1,795	\$612,000	\$977
Kentucky	994,818	0	\$853,000	\$0
Louisiana	1,219,799	176	\$1,046,000	\$98
Maine	301,238	795	\$600,000	\$1,003
Maryland	1,356,172	0	\$1,163,688	\$0
Massachusetts	1,500,064	40	\$1,287,000	\$22
Michigan	2,595,767	2,383	\$2,227,688	\$1,345
Minnesota	1,286,894	11,405	\$1,104,000	\$6,345
Mississippi	775,187	2,129	\$665,000	\$1,163
Missouri	1,427,692	0	\$1,225,000	\$0
Montana	230,062	22,023	\$600,000	\$36,376
Nebraska	450,242	2,823	\$600,000	\$2,383
Nevada	511,799	2,173	\$600,000	\$1,613
New Hampshire	309,562	0	\$600,000	\$0
New Jersey	2,087,558	0	\$1791,431	\$0
New Mexico	508,574	48,121	\$600,000	\$35,955
New York	4,690,107	923	\$4,023,000	\$524
North Carolina	1,964,047	2,576	\$1,685,000	\$1,447
North Dakota	160,849	7,420	\$600,000	\$17,529
Ohio	2,888,339	0	\$2,478,000	\$0
Oklahoma	892,360	127,668	\$765,000	\$70,103
Oregon	846,526	3,951	\$726,000	\$2,166
Pennsylvania	2,922,221	0	\$2,507,000	\$0
Rhode Island	247,822	13	\$600,000	\$20
South Carolina	1,009,641	0	\$866,000	\$0
South Dakota	202,649	18,618	\$600,000	\$34,911
Tennessee	1,398,521	0	\$1,200,000	\$0
Texas	5,886,759	344	\$5,050,687	\$196
Utah	718,698	3,038	\$616,000	\$1,651

State	Total Juvenile Population*	Juvenile Native American Population	FY 2003 Formula Grant Allocation	Total State Native American Pass-Through
Vermont	147,523	0	\$600,000	\$0
Virginia	1,738,262	0	\$1,491,000	\$0
Washington	1,513,843	34,383	\$1,298,069	\$19,200
West Virginia	402,393	0	\$600,000	\$0
Wisconsin	1,368,756	11,858	\$1,174,000	\$6,607
Wyoming	128,873	6,823	\$600,000	\$20,118
American Samoa	25,538	0	\$100,000	\$0
Guam	54,854	0	\$100,000	\$0
Puerto Rico	1,092,101	0	\$937,000	\$0
No. Mariana Islands	17,733	0	\$100,000	\$0
Virgin Islands	34,289	0	\$100,000	\$0
Total	73,518,327	415,277	\$69,477,069	\$344,938

* Population figures are based on Census 2000 data.

Appendix E: Standard Program Areas

- 01 **Aftercare/Reentry.** Programs to prepare targeted juvenile offenders to successfully return to their communities after serving a period of secure confinement in a training school, juvenile correctional facility, or other secure institution. Aftercare programs focus on preparing juvenile offenders for release and providing a continuum of supervision and services after release.
- 02 **Alternatives to Detention.** Alternative services provided to a juvenile offender in the community as an alternative to confinement.
- 03 **Child Abuse and Neglect Programs.** Programs that provide treatment to juvenile offenders who are victims of child abuse or neglect and to their families to reduce the likelihood that such juvenile offenders will commit subsequent violations of law.
- 04 **Children of Incarcerated Parents.** Services designed to prevent delinquency or treat delinquent juveniles who are the children of incarcerated parents.
- 05 **Community Assessment Centers (CACs).** Centers that lead to more integrated and effective cross-system services for juveniles and their families. CACs are designed to positively affect the lives of youth and divert them from a path of serious, violent, and chronic delinquency. Using a collaborative approach, CACs serve the community in a timely, cost-efficient, and comprehensive manner.
- 06 **Compliance Monitoring.** Programs, research, staff support, or other activities designed primarily to enhance or maintain a state's ability to adequately monitor jails, detention facilities, and other facilities to assure compliance with Sections 223(a)(11), (12), (13), and (14) of the JJDP Act of 2002.
- 07 **Court Services.** Programs designed to encourage courts to develop and implement a continuum of pre- and postadjudication restraints that bridge the gap between traditional probation and confinement in a correctional setting. Services include expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, electronic monitoring, translation services and similar programs, and secure, community-based treatment facilities linked to other support services.
- 08 **Deinstitutionalization of Status Offenders.** Programs, research, or other initiatives designed to eliminate or prevent the placement of accused or adjudicated status offenders and nonoffenders in secure facilities, pursuant to Section 223(a)(11) of the JJDP Act of 2002.

09 **Delinquency Prevention.** Programs, research, or other initiatives designed to reduce the incidence of delinquent acts and directed to the general youth population thought to be at risk of becoming delinquent. This category includes what is commonly referred to as “primary prevention” (e.g., parent education, peer counseling). This program area excludes programs targeted at youth already adjudicated delinquent and those programs designed specifically to prevent gang-related or substance abuse activities undertaken as part of program areas 12 and 32.

10 **Disproportionate Minority Contact.** Programs, research, or other initiatives designed primarily to address the disproportionate number of juvenile members of minority groups who come into contact with the juvenile justice system, pursuant to Section 223(a)(22) of the JJDP Act of 2002.

11 **Diversion.** Programs to divert juveniles from entering the juvenile justice system.

12 **Gangs.** Programs, research, or other initiatives designed primarily to address issues related to juvenile gang activity. This program area includes prevention and intervention efforts directed at reducing gang-related activities.

13 **Gender-Specific Services.** Services designed to address the needs of female offenders in the juvenile justice system.

14 **Graduated Sanctions.** A system of sanctions that escalate in intensity with each subsequent, more serious delinquent offense.

15 **Gun Programs.** Programs (excluding programs to purchase from juveniles) designed to reduce the unlawful acquisition and illegal use of guns by juveniles.

16 **Hate Crimes.** Programs designed to prevent and reduce hate crimes committed by juveniles.

17 **Jail Removal.** Programs, research, or other initiatives designed to eliminate or prevent the placement of juveniles in adult jails and lockups, as defined in Section 223(a)(13) of the JJDP Act of 2002.

18 **Job Training.** Projects to enhance the employability of juveniles or prepare them for future employment. Such programs may include job readiness training, apprenticeships, and job referrals.

19 **Juvenile Justice System Improvement.** Programs, research, and other initiatives designed to examine issues or improve practices, policies, or procedures on a systemwide basis (e.g., examining problems affecting decisions from arrest to disposition and detention to corrections).

20 **Mental Health Services.** Services include, but are not limited to, the development and/or enhancement of diagnostic, treatment, and prevention instruments; psychological and psychiatric evaluations; counseling services; and/or family support services.

21 **Mentoring.** Programs designed to develop and sustain a one-to-one supportive relationship between a responsible adult age 18 or older (mentor) and an at-risk juvenile (mentee) that takes place on a regular basis.

22 **American Indian Programs.** Programs designed to address juvenile justice and delinquency prevention issues for American Indians and Alaska Natives.

23 **Planning and Administration.** Activities related to state plan development, other preawarded activities, and administration of the Formula Grant Program, including evaluation and monitoring, pursuant to Section 222 (c) of the JJDP Act of 2002 and the OJJDP Formula Grant Regulation.

24 **Probation.** Programs to permit juvenile offenders to remain in their communities under conditions that the juvenile court prescribes.

25 **Restitution/Community Service.** Programs to hold juveniles accountable for their offenses by requiring community service or repayment to the victim.

26 **Rural Area Juvenile Programs.** Prevention, intervention, and treatment services in an area located outside a metropolitan statistical area as designated by the U.S. Bureau of the Census.

27 **School Programs.** Education programs and/or related services designed to prevent truancy, suspension, and expulsion. School safety programs may include support for school resource officers and law-related education.

28 **Separation of Juveniles From Adult Inmates.** Programs that ensure that juveniles will not be detained or confined in any institutions where they may come into contact with adult inmates, pursuant to Section 223(a)(12) of the JJDP Act of 2002.

29 **Serious Crime.** Programs, research, or other initiatives designed to address serious and violent criminal-type behavior by youth. This program area includes intervention, treatment, and reintegration of serious and violent juvenile offenders.

30 **Sex Offender Programs.** Programs to support the assessment, treatment, rehabilitation, supervision, and accountability of juvenile sex offenders.

31 **State Advisory Group Allocation.** Activities related to carrying out the State Advisory Group's responsibilities under Section 223(a)(3) of the JJDP Act of 2002.

32 **Substance Abuse.** Programs, research, or other initiatives designed to address the use and abuse of illegal and other prescription and nonprescription drugs and the use and abuse of alcohol. Programs include control, prevention, and treatment.

33 **Youth Advocacy.** Projects designed to develop and implement advocacy activities focused on improving services for and protecting the rights of youth affected by the juvenile justice system.

34 **Youth Courts.** Youth courts (also known as teen courts) are juvenile justice programs in which peers play an active role in the disposition of the juvenile offender. Most youth courts are used as a sentencing option for first-time offenders charged with misdemeanor or nonviolent offenses who acknowledge their guilt. The youth court serves as an alternative to the traditional juvenile court.

UNITED STATES
DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE ASSISTANCE,

RESEARCH, AND STATISTICS



APPENDIX F

OJJDP G 4040.4

January 6, 1982

Guideline

WAIVER OF PASSTHROUGH REQUIREMENT OF

Subject: OJJDP GUIDELINES

1. Purpose. To notify CJs of Waiver of Passthrough requirement criteria.
2. Scope. This information affects all Criminal Justice Councils and OJJDP personnel.
3. Information. Section 223(a)(5) of the JJDP Act, as amended, provides the passthrough requirement for funds received by the state under Section 222. This notice set forth the waiver of passthrough criteria the state must submit to the Administrator of OJJDP.
4. The state must make all requests for waivers to the Administrator of OJJDP.

The following essential elements must be included:

- a. The extent of state and local implementation of juvenile justice and delinquency prevention programs.
 - b. The extent of state and local financial responsibility for juvenile delinquency programs.
 - c. The extent to which the state provides services or direct outlays for or on behalf of local governments (as distinct from statewide services).
 - d. The approval of the state Juvenile Justice Advisory Group.
 - e. Specific comments from local units of government expressing their position regarding their waiver.
5. Contact. For further information or clarification contact your JJDP specialist.

/s/

CHARLES A. LAUER
ACTING ADMINISTRATOR
OFFICE OF JUVENILE JUSTICE
AND DELINQUENCY PREVENTION

Distribution: CJs, ALL OJJDP PROFESSIONAL PERSONNEL

Initiated By: OJJDP

Appendix G: Sample Program Description

(Excerpts from Colorado's FY 2000 Formula Grants Application)

SUBSTANCE ABUSE TREATMENT (ILLEGAL DRUGS AND ALCOHOL)

STATE PROGRAM DESIGNATOR: 32 STANDARD PROGRAM AREA: 32

Program Problem Statement: Colorado has a limited number of resources to prevent and treat juvenile alcohol and drug abuse. A recent study of juveniles in detention/ correction placements regarding involvement with alcohol and drugs indicates a significant level of abuse. Of the 878 new commitments to the Division of Youth Corrections (DYC) in 1998/1999, 55 percent of males and almost 70 percent of females were assessed at the treatment level for substance abuse. Immediate intervention programs and a continuum of services have been identified as needs to address growing substance abuse issues. The State Judicial Department reports that 4,704 cases were filed in FY 1998/1999 for underage alcohol offenses.

Goals/Objectives/Performance Indicators/Activities:

Goal A: Increase statewide capacity to address the continuum of substance abuse needs of juvenile offenders.

Objective 1: Collaborate with the juvenile justice system agencies in problem solving and identification of service delivery challenges and goals.

Performance Indicators: Number of meetings and collaborative activities attended to identify need and review service delivery.

Activities: Establish a working group to review current services and determine gaps and resources. This group should include the Division of Youth Correction, the Alcohol and Drug Abuse Division, local juvenile services planning groups, and representatives of the managed care service providers.

Objective 2: Identify effective drug and alcohol treatment and intervention strategies for juveniles.

Performance Indicators: Identify substance abuse programs and review/research for potential of local duplication.

Activities: Meet with the Denver Juvenile Justice Integrated Treatment Network and other collaborative groups in Colorado to identify proven approaches. Request technical assistance from OJJDP to enhance the continuum of care.

Objective 3: Endorse and support comprehensive substance abuse intervention efforts/programs.

Performance Indicators: Number of local programs developed to prevent or treat substance abuse by juveniles.

Activities: Provide funds and program assistance to local juvenile substance abuse programs, including crisis intervention, detox services, and local enhanced substance abuse intervention programs.

Budget:	<u>JJDPA Funds</u>	<u>State/Local/Private Funds</u>
	FY 2003 \$ <u>100,000.00</u>	FY 2003 \$ _____
	Total \$ <u>100,000.00</u>	Total \$ _____

Expected Number of Subgrants: The state expects to make two subgrants for local substance abuse programs of \$50,000 each.

Appendix H: Technical Assistance Needs

The state should determine needs based on the analysis of the juvenile crime problem, the juvenile justice needs analysis, and the constraints that affect the state's ability to fully achieve the objectives of the JJDP Act. Technical assistance should address needs for state and local program and policy areas, as well as needs that the designated state agency and the State Advisory Group (SAG) identify in carrying out their administrative, operational, and advisory responsibilities.

Priority will be given to technical assistance requests contained in the 3-Year Plan and Plan Update. The criteria for OJJDP acceptance and prioritizations are based on the following factors:

- Relevance to Sections 223(a)(11), (12), (13), (14), and (22) of the JJDP Act of 2002.
- Involvement of the designated state agency/SAG and other related agencies.
- Relevance to overall state juvenile justice and delinquency prevention plan.
- Applicability or transferability to other jurisdictions in the state and other states.
- Level of support for the requested activity and the potential for impact on issues related to the JJDP Act.
- Level of resources that the recipient has committed to carry out the activity.
- Resources required. Is it a request that can use short-term national experience? Or is it a request that can easily be accomplished with state/local resources? What is the scope of the work?
- The expected impact of the requested technical assistance.

Format: The following information should be provided for each technical assistance need identified:

-
- State program designator and standard program area where technical assistance is needed (See appendix E).
 - Statement of problem to be addressed.
 - Specific needs (e.g., type of assistance requested, planning, program development).
 - Expected recipients of technical assistance.
 - Anticipated providers of technical assistance (if known).
 - Anticipated timeframe for provision of technical assistance.
 - End product sought.

Appendix I: State Advisory Group Membership Instructions

The State Advisory Group (SAG) Membership Table was designed to simplify state reporting requirements. The state should select the designator listed below that best describes each member's qualifications and experience.

Column 1 (Name)

List the names of each SAG member beginning with the chairperson and, if applicable, place an asterisk (*) after each of those SAG members who are also members of the State Supervisory Board.

Column 2 (Represents)

Identify each member's qualification by selecting the item from the following list that most applies:

- A. Locally elected official representing general purpose local government.

- B. Representative of law enforcement and juvenile justice agencies, including:
 - 1. Juvenile and family court judges.
 - 2. Prosecutors.
 - 3. Counsel for children and youth.
 - 4. Probation workers.

- C. Representatives of public agencies concerned with delinquency prevention or treatment:
 - 1. Welfare.
 - 2. Social services.
 - 3. Mental health.
 - 4. Education.
 - 5. Special education.
 - 6. Recreation.
 - 7. Youth services.

-
- D. Representatives of private nonprofit organizations, including persons concerned with:
1. Family preservation and strengthening.
 2. Parent groups and parent self-help groups.
 3. Youth development.
 4. Delinquency prevention and treatment.
 5. Neglected or dependent children.
 6. Quality of juvenile justice.
 7. Education.
 8. Social services for children.
- E. Volunteers who work with juvenile justice.
- F. Youth workers involved with programs that are alternatives to incarceration, including organized recreation activities.
- G. Persons with special experience and competence in addressing problems related to school violence and vandalism and alternatives to suspension and expulsion.
- H. Persons with special experience and competence in addressing problems related to learning disabilities, emotional difficulties, child abuse and neglect, and youth violence.

Column 3 (Full-Time Government)

If the person is a full-time government employee, place an "X" in this column.

Column 4 (Youth Member)

If the person was younger than 24 at the time of appointment, place an "X" in this column.

Column 5 (Date of Appointment)

Provide the date the member was appointed to the SAG.

Column 6 (Residence)

Provide the member's residential or preferred mailing address.

Appendix J: Sample State Advisory Group Membership*

	Name	Represents	Full-Time Government	Youth Member	Date of Appointment	Residence
1	Jane Smith, Chair	D, F			June 1997	Harlem
2	Jane Smith	C	X		June 1997	Helena
3	Jane Smith	E		X	June 2001	Missoula
4	Jane Smith	A	X		June 1997	Great Falls
5	Jane Smith	B	X		June 1998	Great Falls
6	Jane Smith	E		X	June 2001	Missoula
7	Jane Smith	E		X	June 2001	Bozeman
8	Jane Smith	B	X		June 1998	Helena
9	Jane Smith	C	X		June 1998	Helena
10	Jane Smith	D			June 1997	Bozeman
11	Jane Smith	B	X		June 1999	Butte
12	Jane Smith	A, C	X		June 1999	Kalispell
13	Jane Smith	A, D			June 2000	Great Falls
14	Jane Smith	D			June 1997	Billings
15	Jane Smith	C	X		June 2000	Helena
16	Jane Smith	B		X	June 2000	Billings
17	Jane Smith	C	X		June 2001	Helena
18	Jane Smith	D, F			June 2001	Missoula
19	Jane Smith	C	X		June 2000	East Helena
20	Jane Smith	F		X	June 2001	Bozeman
21	Jane Smith	G			June 1998	Harlem
22	Jane Smith	H			June 1998	Kalispell

The SAG serves as the supervisory or advisory board. (Check one.)

*List the Chair first.

Source: Modified from Montana's FY 2002 Formula Grants application.

Appendix K: Plan for Reducing Disproportionate Minority Contact (DMC)

Recommended Outline/Required Components

1. For states with required corrective actions or recommended enhancements, list and describe activities relative to these areas.
2. List and describe activities implemented last year (FY 2004) by **discussing the status of each of the planned activities described in the 3-Year Plan and the FY 2004 plan update**. States with significant local DMC-reduction efforts should complete this section by localities as well.
 - A. Which activities have been implemented? Discuss specific progress made.
 - B. Which activities were not implemented? Discuss reasons that have prevented their implementation and plans to overcome these obstacles.
3. What are the planned activities for FY 2005? Include plans to evaluate DMC intervention strategies and monitor DMC trends. States with significant local DMC-reduction efforts should complete this section by localities as well. Be sure to include planned Formula Grant-supported activities under the “Program Descriptions” section of Attachment 2: Program Narrative.
 - A. Which activities are to be continued? Include the specific goals and objectives of these activities and the specific resources designated to conduct these activities.
 - B. Which activities are to be modified to enable implementation? Describe how the planned activities will be revised, the specific goals, objectives, timeline, and specific resources designated to conduct these activities.
 - C. Are there new activities planned for FY 2005 that were not included in the FYs 2003–2005 DMC Compliance Plan? Describe them in detail, including specific goals and objectives, a timeline, and specific resources designated to conduct these activities.

Appendix L: Certified Assurances of the Juvenile Justice and Delinquency Prevention Act

By submitting the application for the Formula Grants Program, states certify that the requirements cited below have been met. In cases where requirements cannot be certified, justification must be provided in Attachment 2 under the heading “Exceptions to the Certified Assurances,” along with a statement as to when the omission will be corrected. Refer to the most recent OJJDP Formula Grants Consolidated Regulation, 28 CFR Part 31.

1. **Plan Supervision, Administration, and Implementation**

Pursuant to Section 223(a)(1) and (2) and Section 291(c) of the JJDP Act, the grantee assures that it is the sole agency responsible for supervising the preparation and administration of the plan and has the legal authority to implement the formula grant plan required by Section 223 of the Act.

2. **Planning and Administration (P&A) Funds**

Pursuant to Section 222(c) of the JJDP Act, the grantee assures that planning and administration funds will be made available to units of local government on an equitable basis (indicate the amount of P&A funds allocated to the state on Attachment 1: Budget Detail Worksheet). The grantee further assures that the total of such funds may not exceed 10 percent of the total JJDP award and will be matched dollar for dollar, in cash.

3. **Supervisory Board**

Pursuant to Section 223(a)(1) and Section 291(c) of the JJDP Act, the grantee:

- A. Assures it has a supervisory board that has responsibility for supervising the preparation, administration, and implementation of the formula grant plan required by Section 223 of the Act.
- B. Assures that one of the following boards serves as the supervisory board:
 - (1) The State Advisory Group (SAG) appointed under Section 223(a)(3); **or**
 - (2) A broad-based law enforcement and criminal justice supervisory board (council) meeting all the requirements of Section 402(b)(2) of the Justice System Improvement Act of 1979. The grantee will

provide a list of all current supervisory board members, including their dates of appointment and how each meets the membership requirements specified in Section 402(b)(2) of the Justice System Improvement Act of 1979; **or**

- (3) A board with balanced representation of juvenile justice interests that has been specifically approved by the OJJDP Administrator.
- C. Assures, if applicable, by having a broad-based law enforcement and criminal justice supervisory council serving as the supervisory board, that such a board has been continuously maintained since the enactment of the Justice System Improvement Act of 1979. The grantee further assures that such board's membership includes the chairperson and at least two additional citizen members of the SAG and that any executive committee of the board includes the same proportion of juvenile justice advisory group members as are included in the board membership.

4. State Advisory Group

Pursuant to Section 223(a)(3) of the JJDP Act, the grantee:

- A. Shall provide a list of all current advisory group members (see appendix I for detailed instructions), including their respective dates of appointment and how each member meets the membership specified in this section of the Act. Members appointed prior to their 24th birthday (youth members) must be identified as well as those members who also serve on a separate supervisory board, if one exists. The grantee assures that the information on the SAG listing is accurate and current.
- B. Assures that three members who have been or are now under the jurisdiction of the juvenile justice system have been appointed to the advisory group.
- C. Assures that it will comply with the requirement of Section 222(d) of the JJDP Act.
- D. Assures that a majority of SAG members and the chairperson are not full-time employees of the federal, state, or local government.

-
- E. Assures that it complies with all requirements of Section 223(a)(3) of the JJDP Act.
 - F. Assures, if applicable pursuant to Section 223(b) of the JJDP Act, that the SAG's advice and recommendations have been received and considered by the supervisory board prior to approval and submission to OJJDP.

5. Consultation With and Participation of Units of General Local Government and Indian Tribes

Pursuant to Sections 223(a)(4), (5), and (6) of the JJDP Act, the grantee assures that:

- A. Units of general local government or combinations of such units have been actively consulted and have participated in the development of the state plan.
- B. Indian tribes, a combination of eligible Indian tribes, or an organization(s) designated by qualifying tribes within the state has been actively consulted in the state plan development, which adequately takes into account the juvenile justice needs and request of those Indian tribes that perform law enforcement functions within the state.
- C. Every effort has been made to incorporate the needs of such units into the state plan.
- D. The chief executive officer of each major unit of general local government has been given the opportunity to assign responsibility for the preparation and administration of its part of the state or the supervision thereof to an appropriate local agency.

6. Passthrough Requirements

Pursuant to Section 223(a)(5) of the JJDP Act, the grantee assures that:

- A. The amount and percentage of funds specified below will be passed through to units of general local government and to local private agencies and eligible Indian tribes. For purposes of this requirement, "local private agency" is defined as a private nonprofit agency or organization that provides program services within an identifiable unit or combination of

units of general local government. (In calculating the minimum pass through amount, the state takes the total formula grant award, subtracts the 5 percent SAG allocation, then multiplies by 66 2/3 percent.)

For information regarding a waiver of the 66 2/3-percent passthrough requirement, see OJJDP Guideline 4040.4 in appendix F. Note that planning and administration funds passed through to units or a combination of units of local government under Section 222(c) and reported in assurance 2 above and the Indian passthrough funds reported in assurance 6B below may be included in meeting the total Section 223(a)(5) passthrough requirement.

- B. Funds will be made available to Indian tribes that perform law enforcement functions. The grantee further assures that the program budget provides for the required minimum amount of American Indian passthrough funds.

7. Equitable Distribution of Juvenile Justice Funds and Assistance

Pursuant to Section 223(a)(6) of the JJDP Act, the grantee assures that:

- A. The state will adhere to procedures that ensure equitable distribution of JJDP Act Formula Grant Program funds within the state.
- B. The problem and need analyses have examined the needs of disadvantaged youth and that assistance will be available equitably to deal with special juvenile justice and delinquency prevention program needs identified for these juveniles.

8. Concentration of State Effort

The grantee assures that pursuant to Section 223(a)(7)(A) of the JJDP Act, a plan for the concentration of state efforts as they relate to the coordination of all state juvenile delinquency programs with respect to overall policy and development of objectives and priorities for all state juvenile delinquency programs and activities is on file.

9. Participation of Public and Private Agencies

Pursuant to Section 223(a)(8) of the JJDP Act, the grantee assures that private agencies have been actively consulted and allowed to participate in the development

and execution of the state plan and that there is coordination and maximum use of existing juvenile delinquency programs and other related programs, such as recreation, education, special education, health, and welfare, within the state.

10. Advanced Techniques

The grantee assures that at least 75 percent of the JJDP Act funds, other than funds made available to the State Advisory Committee, will be used to support advanced-technique programs as identified in Section 223(a)(9)(A–S).

11. Analytical and Training Capacity

Pursuant to Section 223(a)(10) of the JJDP Act, the state ensures that it will develop and conduct research, training, and evaluation activities appropriate to the state's needs.

12. Equitable Treatment

Pursuant to Section 223(a)(15), the grantee assures that youth in the juvenile justice system are treated equitably on the basis of gender, race, family income, and mental, emotional, and physical limitations.

13. Strengthening and Maintaining Family Units

Pursuant to Section 223(a)(16) of the JJDP Act, the grantee assures that consideration will be given to and that assistance will be available for approaches designed to strengthen and maintain the families of delinquent and other youth and that family counseling during the incarceration of juvenile family members and coordination of family services will be provided where appropriate and feasible.

14. Right of Privacy for Recipients of Services

Pursuant to Sections 223(a)(17) and 296 of the JJDP Act, the grantee assures that procedures have been established to ensure that programs funded under the JJDP Act shall not disclose program records containing the identity of individual juveniles. Exceptions to this requirement include (a) authorization by law, (b) consent of either the juvenile or his or her legally authorized representative, or (c) justification that the functions of this title cannot be performed otherwise. Under no circumstances may public project reports or findings contain names of actual juvenile service recipients.

15. Equitable Arrangements for Employees Affected by Assistance in This Act

Pursuant to Section 223(a)(18) of the JJDP Act, the state assures that it has established all terms and conditions for the protection of employees affected by the JJDP Act.

16. Fiscal Control and Fund Accountability

Pursuant to Section 223(a)(19) of the JJDP Act, the grantee assures that fiscal control, fund accounting, auditing, monitoring, evaluation procedures, and such records as OJJDP prescribes shall be provided to assure fiscal control, proper management, and efficient disbursement of funds received. This requirement applies to funds disbursed by units of local government and entitlement areas and funds disbursed directly by the grantee.

17. Nonsupplanting

Pursuant to Section 223(a)(20) of the JJDP Act, the grantee assures that the Formula Grant funds will be so used as to supplement and increase (but not supplant) the level of the state, local, and other nonfederal funds that would, in the absence of the Formula Grant funds, be made available for programs and will in no event replace such state, local, and other nonfederal funds.

18. Annual Performance Report

Pursuant to Section 223(a) and Section 223(a)(21) of the JJDP Act, the grantee assures that the state will review at least annually the Formula Grant plan and submit to the OJJDP Administrator an analysis and evaluation of the effectiveness of the programs and activities carried out under the Formula Grant plan and any modifications in the plan, including the survey of state and local needs. The report will describe the progress in implementing programs contained in the plan and will identify the status of compliance with the state plan requirements.

19. Comprehensive and Coordinated Services

Pursuant to Section 223(a)(24), the grantee assures that program fund allocations in excess of 105 percent of the amount a state received in FY 2000 will be expended through or for programs that are part of a “comprehensive and coordinated system of services.”

20. Lobbying

Pursuant to Section 294(c) of the JJDP Act, the grantee assures that funds paid pursuant to Section 223(a)(9)(D) of the Act to any public or private agency, organization, or institution or to any individual (whether directly or through a state criminal justice council) shall not be used to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device intended or designed to influence a member of Congress or any other federal, state, or local elected official to favor or oppose any act, bills, resolutions, or similar legislation or any referendum, initiative, constitutional amendment, or any similar procedure by the Congress, any state legislature, any local council, or any similar governing body, except that this assurance shall not preclude such funds from being used in connection with communications to federal, state, or local elected officials, upon the request of such officials through proper official channels, pertaining to authorization, appropriation, or oversight measures directly affecting the operation of the program involved.

The grantee further assures, pursuant to Section 319 of Pub. L. 101–121, to comply with the provisions of this law as it relates to lobbying activities and the disclosure of such lobbying activities.

21. Biomedical Experimentation

Pursuant to Section 291(d) of the JJDP Act, the grantee assures that no Formula Grant funds will be used for any biomedical or behavior control experimentation on individuals or any research involving such experimentation.

22. Open Meetings and Public Access to Records

The grantee assures that it, the supervisory board established pursuant to Section 291(c)(1), and the SAG will follow applicable state open-meeting and public-access laws and regulations in the conduct of meetings and the maintenance of records relating to their functions.

23. Fund Termination

The grantee understands that this grant may be terminated or that fund payments may be suspended or discontinued by OJJDP if the state substantially fails to comply with the provisions of the JJDP Act, Pub. L. 102–586, or regulations promulgated thereunder.

24. Match Requirements for Juvenile Justice Programs

The grantee assures that:

- A. Financial assistance extended under the provision of the JJDP Act shall be 100 percent of approved costs of any program or activity with the exceptions of planning and administration funds and construction activities.

- B. Financial assistance for construction programs and projects shall be limited to not more than 50 percent of the cost of construction. In addition, construction using funds available under the JJDP Act is limited to innovative community-based facilities for less than 20 persons. All such programs and projects shall be subject to prior OJJDP approval and guidelines promulgated by the OJJDP Administrator.

25. Reports

The applicant assures that it shall maintain data and information and submit reports in such a form at such times and containing such data and information as OJJDP may reasonably require to administer the program.

26. Drug-Free Workplace

The applicant assures that it will comply with Title V of the Anti-Drug Abuse Act of 1988 and regulations promulgated by the federal government to maintain a drug-free workplace.

27. Debarment and Suspension

The applicant assures it will comply with Executive Order 12549, Debarment and Suspension, 28 CFR Part 67, Section 67.510.

28. Release of Information

The applicant acknowledges that all records, papers, and other documents kept by recipients of JJDP funds and their subgrantees and contractors relating to the receipt and disposition of such funds are required to be made available to OJJDP. These

records and other documents submitted to OJJDP and its grantees pursuant to other provisions of the Act, including plans and applications for funds are required to be made available to OJJDP under the terms and conditions of the Federal Freedom of Information Act, 5 U.S.C. 552.

29. Published Material

The applicant assures that all published material and written reports submitted under this grant or in conjunction with contractors under this grant will be originally developed material unless otherwise specially provided in the grant or contract document. When material not originally developed is included in the report, it will have the source identified. This identification may be in the body of the report or by footnote. This provision is applicable when the material is in a verbatim or extensive paraphrase format.

30. Copyrights and Rights in Data

The applicant acknowledges that where activities supported by this grant produce original computer programs, writing, sound recordings, pictorial reproductions, drawings or other graphical representations, and works of any similar nature (the term “computer programs” includes executable computer programs and supporting data in any form), the government has the right to use, duplicate, and disclose them, in whole or in part in any manner for any purpose whatsoever, and have others do so. If the material is copyrightable, the grantee may copyright such, but the government reserves a royalty-free, nonexclusive, and irreversible license to reproduce, publish, and use such materials in whole or in part and to authorize others to do. The grantee shall include provisions appropriate to effectuate the purpose of this condition in all contracts of employment, consultants agreements, contracts, or subgrants.

31. Electronic Surveillance

Under 18 U.S.C. 2512, transactions involving devices “primarily useful for the purpose of the surreptitious interception of wire or oral communication” and advertising that promotes the use of any devices for such purposes are prohibited, unless, in the case of the state officer, his conduct with regard to such a device falls within “the normal course of activities of . . . [the] State . . .” (18 U.S.C. 2512 [2][b]). Normally, officers of a state that has no enabling statute under 18 U.S.C. 2516(2) would have no occasion to use, possess, or otherwise deal with devices within the scope of 18 U.S.C. 2512(1). Without such legislation, only consensual use is permitted. No grants relating to such devices and their use will be authorized in states that do not have enabling legislation unless special justification, as explained below, is furnished. Accordingly, all applicants that list the acquisition of equipment, with either federal or matching funds, that may be used for electronic surveillance purposes in a state

that does not have enabling legislation must include as part of the budget narrative for such equipment the following information:

- A. A complete description of each item of equipment to be obtained.
- B. A statement of how each item of equipment will be used.
- C. The legal citations and justifications for the purchase and intended use of each item of equipment.
- D. A description of the controls to be established regarding access to, use of, and ultimate disposal of such equipment.

Each subgrantee application must contain the following statement signed by the project director: “(Applicant) agrees not to purchase or use in the course of this project any electronic, mechanical, or other device for surveillance purposes in violation of 18 U.S.C. 2511 and any applicable state statute related to wiretapping and surveillance.”

The grantee assures to review all subgrant applications for compliance.

32. Patents

The grantee assures that if any discovery or invention arises or is developed in the course of, or as a result of, work performed under this grant, the grantee shall refer the discovery or invention to OJJDP. The grantee hereby agrees that determination of rights to inventions made under this grant shall be made by the administrator of OJJDP or his duly authorized official representative, who shall have the sole and exclusive powers to determine whether and where patent applications should be filed and to determine the disposition of all rights in such inventions, including title which may issue thereon. The determination of the Administrator, or his duly authorized representative, shall be accepted as final. In addition, the grantee hereby agrees and otherwise recognizes that the government shall acquire at least an irrevocable, nonexclusive, royalty-free license to practice and have practiced throughout the world for governmental purposes any invention made in the course of or under this grant. The grant shall include provisions appropriate for effectuating the purpose of this condition in contracts or subgrants.