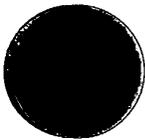


JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT (JAIBG) PROGRAM

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*GUIDANCE MANUAL
FY 1998*

OJJDP



Office of Juvenile Justice & Delinquency Prevention



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JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT (JAIBG) PROGRAM

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- B. House Report 105-405, Provisions Relative to the JAIBG Program
- C. Overview of:
 - Office of Justice Programs (OJP)
 - Office of Juvenile Justice and Delinquency Prevention (OJJDP)
 - State Relations and Assistance Division (SRAD)
- D. Juvenile Accountability Incentive Block Grants Program
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Section 1 Introduction

Public Law 105-119, November 26, 1997, Making Appropriations for the Departments of Commerce, Justice and State, the Judiciary, and Related Agencies for the Fiscal Year Ending September 30, 1998, and for other Purposes (Appropriations Act) appropriated \$250,000,000 for the Juvenile Accountability Incentive Block Grants (JAIBG) program described in Title III of H.R. 3, as passed by the House of Representatives on May 8, 1997. The Appropriations Act directs the Attorney General to establish guidelines, in consultation with Congress, to assist States (see Section 6.1, "Definitions") in determining whether they may certify eligibility for the JAIBG program in fiscal year (FY) 1998. Eligibility is based on certification by the Governor (or other chief executive) that the State is actively considering, or will consider within one year from the date of certification, legislation, policies, or practices that, if enacted, would qualify such State for a grant under Section 1802 of H.R. 3.

In addition, the Conference Report on the Appropriations Act (H. Rept. 105-405, November 13, 1997, appendix B) directs that the Attorney General's guidelines include "accommodations, which provide for a reduction in the local distribution requirement of Section 1803 of H.R. 3, with respect to any State which bears the primary financial burden within the State for the administration of juvenile justice and which provide for local distribution consistent with H.R. 728 for the State of Louisiana."¹

This Guidance Manual, which incorporates the Attorney General's guidelines established in consultation with Congress, is intended to assist States in applying for, receiving, obligating, and expending, by the State and through subgrants, JAIBG funds. An accompanying regulation will establish the procedure for States and units of local government (see Section 6.2, "Definitions") to provide notice to OJJDP of the proposed uses of funds. Responsibility for administering the block grant, on the federal level, has been delegated by the Attorney General, through the Assistant Attorney General for the Office of Justice Programs (OJP), to the Administrator of the Office of Juvenile Justice and Delinquency Prevention (OJJDP).

The JAIBG Guidance Manual is designed to be the primary reference for State and local program managers on program-related matters. It provides an overview of the legislation that created the JAIBG program, and reviews the major requirements for program participation.

¹For the State of Louisiana, parish sheriffs will be considered a "unit of local government" under Section 1803(b)(1) of H.R. 3 for the purpose of funding for law enforcement activities under their jurisdiction. Parish sheriffs will be required to appoint a local juvenile crime enforcement coalition (JCEC) as required under the Appropriations Act. Parish sheriffs will be required to follow the recommendations made by their local coalitions in the allocation and expenditure of funds for activities under their jurisdiction in the parishes.

Section 2 Overview of the Juvenile Accountability Incentive Block Grants Program

2.1 Legislative Origin

The JAIBG program is based on Title III of H. R. 3, The Juvenile Accountability Block Grants Act of 1997, as passed by the House of Representatives on May 8, 1997 (see appendix A). The Appropriations Act (see appendix B) directs the Attorney General to establish guidelines, in consultation with Congress, to assist States in determining whether they may certify eligibility for JAIBG funds in FY 1998 .

2.2 Program Administration

Congress authorized the Attorney General to provide grants under the JAIBG program for use by the States and units of local government to promote greater accountability in the juvenile justice system. The Office of Juvenile Justice and Delinquency Prevention (OJJDP), one of five program bureaus in the Office of Justice Programs (OJP), has been delegated the authority to administer the JAIBG program.

The JAIBG program will be managed by the State Relations and Assistance Division (SRAD). One of OJJDP's seven organizational components, SRAD also manages the Formula Grants program under Part B of the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974, as amended; the State Challenge Activities program under Part E of the JJDP Act; and the Community Prevention Grants program, established under Title V of the JJDP Act. Working with the Juvenile Justice Specialist in each State's administering agency and the Supervisory Board/State Advisory Group, SRAD assists States and territories in the prevention and control of delinquency and the improvement of their juvenile justice systems. An overview of OJP, OJJDP, and SRAD is included in appendix C.

2.3 Fiscal Year 1998 Appropriations

The FY 1998 Appropriation for the JAIBG program is \$250 million. After deducting statutory set asides for program administration (\$5.25 million), research, evaluation, and demonstration (\$7.5 million), and training and technical assistance (\$5 million), the balance available for distribution to eligible States is \$232.25 million. For this purpose, the term "State" includes commonwealths, territories, and the District of Columbia (see Section 6.1, "Definitions"). Funds are available on a formula basis. This formula provides a minimum allocation of 0.5 percent of the available funds to each State, with the remaining funds allocated to each eligible State based

on relative share of the aggregate of all States' population of people under the age of 18 (see appendix E for allocations to each State).

2.4 Program Purpose Areas

The purpose of the JAIBG Program is to provide States and units of local government with funds to develop programs to promote greater accountability in the juvenile justice system. Funds are available for the following eleven program purpose areas, as enumerated in H.R. 3. In addition, the Appropriations Act provides a twelfth area for which funds may be expended: the implementation of a State or local policy of controlled substance testing for appropriate categories of juveniles within the juvenile justice system.

Purpose Area 1

Building, expanding, renovating, or operating temporary or permanent juvenile correction or detention facilities, including training of correctional personnel (see Section 6.11, 6.12, "Definitions");

Purpose Area 2

developing and administering accountability-based sanctions for juvenile offenders;

Purpose Area 3

hiring additional juvenile judges, probation officers, and court-appointed defenders, and funding pre-trial services for juveniles, to ensure the smooth and expeditious administration of the juvenile justice system;

Purpose Area 4

hiring additional prosecutors, so that more cases involving violent juvenile offenders can be prosecuted and backlogs reduced;

Purpose Area 5

providing funding to enable prosecutors to address drug, gang, and youth violence problems more effectively;

Purpose Area 6

providing funding for technology, equipment, and training to assist prosecutors in identifying and expediting the prosecution of violent juvenile offenders;

Purpose Area 7

providing funding to enable juvenile courts and juvenile probation offices to be more effective and efficient in holding juvenile offenders accountable and reducing recidivism;

Purpose Area 8

the establishment of court-based juvenile justice programs that target young firearms offenders through the establishment of juvenile gun courts for the adjudication and prosecution of juvenile firearms offenders;

Purpose Area 9

the establishment of drug court programs for juveniles so as to provide continuing judicial supervision over juvenile offenders with substance abuse problems and to provide the integrated administration of other sanctions and services;

Purpose Area 10

establishing and maintaining interagency information-sharing programs that enable the juvenile and criminal justice system, schools, and social services agencies to make more informed decisions regarding the early identification, control, supervision, and treatment of juveniles who repeatedly commit serious delinquent or criminal acts;

Purpose Area 11

establishing and maintaining accountability-based programs that work with juvenile offenders who are referred by law enforcement agencies, or which are designed, in cooperation with law enforcement officials, to protect students and school personnel from drug, gang, and youth violence; and,

Purpose Area 12

implementing a policy of controlled substance testing for appropriate categories of juveniles within the juvenile justice system.

2.5 Eligibility Requirements

State Eligibility

In order to be eligible for FY 1998 JAIBG funds, the Chief Executive Officer of the State must certify to the OJJDP Administrator either active or prospective consideration of the requirements outlined below. If a State already complies with one (or more) of these requirements, certification of such compliance would be sufficient with regard to that requirement(s). Consideration of only the remaining requirement(s) would be necessary.

“Active consideration,” for purposes of this program, means the deliberation or debate of policies that would result in a State’s compliance with the requirements of H.R. 3, as referenced in the Appropriations Act. Such consideration may take place in any branch of State government, so long as the implementation of such policies or practices, if adopted by that branch, would achieve compliance with the requirement(s) addressed under the “Areas of Certification.” For example, “active consideration” by a State legislature could mean the introduction of, or hearings on, legislative proposals within the pertinent subcommittee or committee that would bring the State into compliance. “Active consideration” by a State judiciary could mean, for example, the deliberation by pertinent judicial or judicially appointed committees or authorities concerning judicial policies or rules that, if adopted, would bring the State into compliance. “Active consideration” by the State executive could mean, for example, the issuance of an executive order, the appointment of a Juvenile Justice Task Force to review State juvenile justice procedures and make recommendations consistent with H.R. 3, the review by the appropriate administrative or law enforcement agency, or the transmission of a package of H.R. 3-related reforms to the State legislature, any of which would, if adopted, bring the State into compliance.

Such “active consideration” by any branch need not entail the enactment or adoption of any or all legislation, policies, or practices under consideration.

In addition, for purposes of compliance under the statute, “consideration” shall be deemed “active” if it is occurring at the time of the certification or if it has occurred within the three years prior to certification. This interpretation is intended to avoid a loss of funding eligibility for States that took an early lead in addressing these issues and have completed their consideration. It would be unfair to deem those jurisdictions ineligible for funds, in favor of States and communities that have not yet taken up those issues, or to prompt those jurisdictions to reconsider legislation, policies, or practices they recently considered and resolved.

Eligibility may also be based on certification that a State will consider these requirements within one year from the date of such certification.

Certification by the Chief Executive that a State “is actively considering” such legislation, policies, or practices shall set forth a clear record of how the State’s consideration was or is being accomplished. Certification that a State “will consider” such legislation, policies, or practices shall be followed, within one year, by a brief report detailing how that consideration was achieved.

Local Eligibility

Units of local government (see Section 6.2, “Definitions”) are eligible to receive an allocation as provided in Section 2.6, concerning subgrants by States. Absent certification by the Chief Executive of a State, and the submission of an application that qualifies the State to receive an award, no JAIBG program funds will be available for direct awards to units of local government

in such State from FY 1998 funds. This is because the Appropriations Act expressly provides:

...a State, or unit of local government within such State, shall be eligible for a grant under this program if the Governor of the State certifies...that the State is actively considering, or will consider within one year from the date of such certification [the provisions of Section 1802 of H.R. 3].

Areas of Certification

(1) Prosecution of Juveniles as Adults

States must consider legislation, policies, or practices to ensure that juveniles who commit an act after attaining 15 years of age that would be a serious violent crime (see Section 6.6 , “Definitions”) if committed by an adult are treated as adults for purposes of prosecution as a matter of law or that the prosecutor has the authority to determine whether to prosecute such juveniles as adults.

Treatment as an adult for purposes of prosecution “as a matter of law” refers to statutory exclusion of these charges from the jurisdiction of a court exercising delinquency jurisdiction. For example, States that circumscribe the jurisdiction of their juvenile courts to *exclude* charges of murder, aggravated sexual assault, and assault with a firearm for juveniles 15 and over would be in compliance with this requirement.

States with *presumptive* jurisdiction of a criminal court for such offenders would also comply with this requirement. In other words, States that have placed jurisdiction of juveniles 15 or older charged with such offenses in criminal court, but permit the prosecutor or the juvenile to move for transfer to juvenile court, in the discretion of the criminal court judge, would be considered in compliance with this requirement.

States in which the prosecutor “has the authority to determine whether or not to prosecute such juveniles as adults” would include any State in which the prosecutor may file in criminal court without the necessity of judicial approval. Consequently, States that require prosecutors to seek judicial waiver or approval to transfer such juveniles from a juvenile court exercising only delinquency jurisdiction to criminal court, whether or not waiver is presumptive, would not meet this requirement. By contrast, as stated above, States that permit prosecutors to initiate proceedings in criminal court, even where the possibility exists that the juvenile defendant may seek transfer to juvenile court, would be deemed in compliance.

A few States permit delinquency proceedings with the option of criminal disposition and adult sentencing, in appropriate circumstances. States that permit such proceedings against juveniles age 15 and older for serious violent offenses would also be deemed to qualify.

(2) Graduated Sanctions

States must consider legislation, policies, or practices that impose sanctions on juvenile offenders for every delinquent or criminal act, or violation of probation, ensuring that such sanctions escalate in severity with each subsequent, more serious delinquent or criminal act, or violation of probation, including such accountability-based sanctions as restitution; community service; punishment imposed by community accountability councils comprising individuals from the offender's and victim's communities; fines; and short-term confinement.

This requirement is intended to refer to every *adjudication* of delinquency, *conviction* of a crime, or *judicial finding* of a probation violation. It is not intended to deter States or units of local government from implementing diversion programs, drug court programs, or other alternative disposition or treatment options that permit authorities to decline to proceed with a delinquency adjudication or criminal conviction when they deem it appropriate. Nor is it intended to direct States' behavior concerning subsequent offenses that are not more serious than prior ones.

The concept of "sanctions" includes a full range of dispositions and sentences, including those traditionally available to juvenile and criminal courts, such as restitution, fines, supervised release, drug testing, probation, mandatory treatment (e.g., for sex offenders, drug abusers), out-of-home placement, and short- or long-term incarceration. The accountability-based sanctions enumerated in the statute are examples of such options and are not intended to serve as an exhaustive list.

The determination of how sanctions "escalate in severity" shall be left to each State. In general, sanctions that require a general period of probation are the least severe, although the specific terms of probation or assignment to an intensive probation program can increase the severity of a probation sanction. Sanctions that require only commitments of money and/or time, including restitution and community service, are generally considered the next level of sanction severity. Sanctions that limit personal freedom, including intensive probation, placement, commitment, confinement, and incarceration, are generally considered the most severe. The determination of escalating severity within each jurisdiction may be accomplished by legislation, by executive branch policy, if applicable, or by court rules or policies. In imposing such sanctions, judges would continue to be responsible for ensuring that the sanction is proportionate to the juvenile's offense, taking into account the juvenile's history, circumstances, and needs.

(3) Juvenile Recordkeeping

States must consider legislation, policies, or practices to establish, at a minimum, a system of records relating to any adjudication of a juvenile who has a prior delinquency adjudication and who is adjudicated delinquent for conduct that, if committed by an adult, would constitute a felony under Federal or State law, which is a system equivalent to that maintained for adults who commit felonies under Federal or State law. States must also consider making such records available to the Federal Bureau of Investigation (FBI) in a manner equivalent to adult records.

Maintaining delinquency records in a system “equivalent” to the criminal system would mean, for purposes of meeting the minimum statutory requirement: (1) providing a delinquency data base that captures adjudications of juveniles for delinquent acts (acts that would be crimes if committed by an adult); (2) matching delinquency adjudication information for felony offenses with that delinquency data base in order to identify repeat offenders; and (3) for those juveniles identified under (2), above, compiling the basic identifying information that the State criminal history record system compiles on convicted criminal offenders (e.g., name, alias(es), date of birth, address, charge(s), place of adjudication, offense(s) for which adjudicated, and disposition). The juvenile record may also maintain information specific to juvenile records, such as names of parents or guardians and name of school attending. If a State uniquely identifies its criminal offenders, e.g., by fingerprint or photograph, an equivalent system would be required for delinquent offenders subject to this requirement.

The expanded recordkeeping requirement is triggered if a second or subsequent delinquency adjudication is for conduct that, if committed by an adult, would constitute a felony under Federal or State law. This provision does not require States to identify and include conduct that constitutes a felony only under Federal law.

States would make the applicable juvenile delinquency records available to the FBI in a manner equivalent to the way they make adult records available; e.g., by conveying the records to a central repository that then submits them to the FBI data base or by direct submissions from individual units of local government. (This provision is not intended to require that juvenile records be maintained in the same central State repository that maintains criminal history records).

Pertinent delinquent history information should be accessible to law enforcement and other authorized parties under the same circumstances as adult criminal history record information is accessible under State law.

(4) Parental Supervision

States must consider legislation, policies or practices to ensure that State law does not prevent a juvenile court judge from issuing a court order against a parent, guardian, or custodian of a juvenile offender regarding the supervision of such an offender and from imposing sanctions for a violation of such an order.

States need not take affirmative steps to encourage or require such orders, but rather must ensure that their law does not prevent such orders from being issued and enforced.

Controlled Substance Testing

In addition to consideration of the four areas of certification listed above, the Appropriations Act also requires that a State or unit of local government, to be determined eligible to receive a JAIBG award or subgrant, must have implemented, or agree to implement by January 1, 1999, a policy of testing appropriate categories of juveniles within the juvenile justice system for use of controlled substances.

The categories of juveniles within the juvenile justice system that are "appropriate" for testing shall be determined by the Chief Executive Officer of the State certifying compliance or by the applicant unit of local government. It is expected that appropriate categories will vary among jurisdictions depending on their needs and resources. States and units of local government are encouraged to include drug treatment in their overall plan to reduce juvenile drug use.

2.6 Allocation of Funds

State Allocation

The Appropriations Act allocates 0.5 percent of the available funds for each State and, of the total funds remaining, allocates to each State an amount that bears the same ratio as the population of people under the age of 18 living in each State for the most recent calendar year in which the data are available. OJJDP has determined the allocation amounts for each State for FY 1998 under this formula, and a chart of these amounts is available in appendix E.

Allocation From State to Units of Local Government

Absent a waiver (see page 12, Waiver of Local Pass-Through), each State shall distribute not less than 75 percent of the State's allocation received among all units of local government in the State. In making such distribution, the State shall allocate to each unit of local government an amount, by formula, based on a combination of law enforcement expenditures (see Section 6.4, "Definitions") for each unit of local government and the average annual number of Uniform Crime Report part 1 violent crimes (see Section 6.5, "Definitions") reported by each unit of local government for the three most recent calendar years for which data are available. Two-thirds of each unit of local government's allocation will be based on the law enforcement expenditure data and one-third will be based on the reported violent crime data, in the same ratio to the aggregate of all other units of general local government in the State. OJJDP, in cooperation with the Bureau of Justice Statistics (BJS), will provide to the States, in supplemental guidance and through technical assistance, information to assist the States in determining the appropriate allocation to each unit of local government, including available statistical information, such as Uniform Crime Report data; information available from the Bureau of the Census regarding local law enforcement expenditures; and contacts in each State that may assist in providing information already collected or available within the State. The State shall be responsible for obtaining, from State and local sources, any additional data needed to allocate funds among units

of local government and for determining, in cooperation with units of local government, and organizations representing such units, the final allocation of funds among units of local government in the State.

Unavailability of Local Violent Crime or Law Enforcement Expenditure Data

If the State has reason to believe that the reported rate of part 1 violent crimes or law enforcement expenditure data for a unit of local government are insufficient or inaccurate, the State shall investigate the methodology used by the unit to determine the accuracy of the submitted data and, if necessary, use the best available comparable data regarding the number of violent crimes or law enforcement expenditure data for the relevant years for the unit of local government.

Unit of Local Government Cap

No unit of local government shall receive an allocation that exceeds 100 percent of the average law enforcement expenditures of such unit for the three most recent calendar years for which data are available. The amount of any unit of local government's allocation that is not available to such unit by operation of the preceding paragraph shall be available to other units of local government that are not affected by the operation of this paragraph.

Allocation Less Than \$5,000

If an allocation for a unit of local government is less than \$5,000 during a fiscal year, the amount allocated must be expended by the State on services to units of local government whose allotment is less than such amount. States are encouraged to consult with these units to determine the best use of the funds available in a manner that maximizes the number of such units receiving services.

Allocation of \$5,000 or More - Nonparticipation or Waiver of Direct Award

Where a unit of local government qualifies for a subgrant of \$5,000 or more but is unable, unwilling, ineligible, or otherwise declines to participate in the JAIBG program, such funds shall be retained by the State to be reallocated among eligible units of local government in FY 1998 or the following fiscal year.

A State may establish a policy and procedure under which a qualifying unit of local government may waive its right to a direct subgrant award and request that such unit's funds be awarded to and expended for its benefit by a larger or contiguous unit of local government. Further, the State may establish a policy and procedure to allow units of local government to enter into regional coalitions utilizing combined allocations from all local governments agreeing to enter into the coalition to expend JAIBG funds using a regional Juvenile Crime Enforcement Coalition (JCEC) (see Section 4.2 for JCEC membership requirements). However, a unit of local

government, or a legally authorized combination, must serve as the fiscal agent(s) for receiving the award from the State and obligating and expending funds for the benefit of the combined units.

Program Purpose Area Distribution of Funds

States applying for funding to OJJDP and units of local government receiving funds from States must provide an assurance that, other than funds set aside for administration, not less than 45 percent is allocated for program purpose areas 3-9, and not less than 35 percent is allocated for program purpose areas 1, 2 and 10. This allocation is required unless the State certifies to OJJDP or a unit of local government certifies to the State that the interests of public safety and juvenile crime control would be better served by expending its funds in a proportion other than the 45 and 35 percent minimums. Such certification shall provide information concerning the availability of existing structures or initiatives within the intended areas of expenditure (or the availability of alternative funding sources for those areas), and the reasons for the State or unit of local government's alternative use. However, with or without such certification, all program funds must be expended for programs within the 12 authorized program purpose areas.

Waiver of Local Pass-Through

A waiver may be requested by a State for the 75 percent pass-through to units of local government if the State demonstrates that it bears the primary financial burden (more than 50 percent) for the administration of juvenile justice within that State. The State must demonstrate how the level of primary financial burden for services provided in the authorized program purpose areas was established (see Section 6.8, "Definitions") and submit a letter to the OJJDP Administrator requesting approval of the waiver request. In submitting a waiver request, the State shall demonstrate that it has consulted with units of local government in the State or organizations representing such units. OJJDP will review the request, and in the Administrator's discretion, may waive the 75% pass-through requirement and substitute a lower local pass-through requirement in an amount that reflects the relative financial burden for the administration of juvenile justice that is borne by the State.

Example: State X demonstrates that it bears 90 percent of the total costs incurred within that State for the administration of juvenile justice (versus 10 percent for all units of local government). The State could request a reduction of the required local pass-through from 75 to 10 percent.

Administration

A State may use up to 10 percent of the total grant award for administrative costs related to the JAIBG program. A unit of local government may also use up to 10 percent of the subgrant awarded to that unit of local government for administrative costs related to the JAIBG program. All funds used for administrative costs are subject to the match requirement.

Repayment of Unexpended Amounts

A State must repay, not later than 27 months after receipt of JAIBG funds, any amount that is not expended by the State and its subgrantees within 24 months after initial receipt of such funds through a grant payment. The initial grant payment shall be deemed to be received on the date that non administrative Federal funds are deposited to the trust fund. States may draw down funds set aside for administration, for deposit to the trust fund, up to 180 days prior to the drawdown of program funds, in order to effectively administer the program and to provide maximum flexibility to the State and units of local government in utilizing a full 24 months for expenditure of program funds.

2.7 Uses of Program Funds

Section 1803(a)(3) of H. R. 3 provides that:

No funds allocated to a State under this subsection or received by a State for distribution under subsection (b) [to units of local government] may be distributed by the Attorney General or by the State involved for any program other than a program contained in an approved application.

The specific program areas allowed are identified in Section 2.4 of this Guidance Manual. All programs must be funded within one or more of the 12 purpose areas. States must report compliance with this requirement as provided by OJJDP's pending JAIBG Regulation (28 CFR Part 95) and as provided in Section 4 of this Guidance Manual.

2.8 Utilization of Private Sector

Section 1806 of H. R. 3 encourages States and units of local government to utilize private nonprofit entities or community-based organizations to carry out the purposes specified under Purpose Area 2. This provision does not limit utilization of the private sector in any of the other purpose areas, but rather serves to highlight the strengths that the private sector may have to offer within Purpose Area 2.



Section 3 Application Process

3.1 Application Kit

OJJDP will send applications to each State agency designated by the State's Chief Executive to administer the Juvenile Accountability Incentive Block Grant . Application kits include:

- o An application diskette with instructions.
- o Certifications Regarding Consideration of Prosecution of Juveniles as Adults; Graduated Sanctions; Juvenile Recordkeeping; Parental Supervision; and Implementation of Controlled Substance Testing (for signature by the State's Chief Executive).
- o Additional forms for signature (Certification Regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace).

Technical assistance on the application process is available to applicants from OJJDP's State Relations and Assistance Division (SRAD). The deadline for submitting applications to OJJDP for FY 1998 is June 30, 1998.

The implementation of the JAIBG program includes a number of innovations patterned after the Bureau of Justice Assistance (BJA) Local Law Enforcement Block Grant (LLEBG) program application process. Applicants will submit to OJJDP an electronic application by returning the diskette included in the application kit. OJJDP is utilizing an automated application tracking and award system that gives SRAD staff access to an electronic grant binder and OJJDP's internal grant management tracking system. This system will enable staff to respond quickly and efficiently to grant-related requests. Finally, grantees will be able to submit reports in the same fashion in which they submitted their application. If the applicant is unable to submit the application electronically, OJJDP will make arrangements for submission of a hard copy, however, OJJDP urges all applicants to take advantage of the electronic submission option.

The following subsections address the important pre-award requirements that are part of the JAIBG application process:

3.2 Certifying Eligibility for Juvenile Accountability Incentive Block Grant Funds: "Active Consideration" of Policies Required in H.R. 3

The State's Chief Executive Officer must certify the State's active consideration of the four requirements, and existence of, or commitment to implement, a system of controlled substance testing, described in Section 2.5, "Eligibility Requirements." The certification form provided in the application package is the necessary instrument for certifying eligibility for JAIBG funds. The Chief Executive Officer's certification should be submitted with the State's grant

application. A State's application cannot be processed until OJJDP has received the Chief Executive Officer certification.

3.3 Cash Match Requirement

The JAIBG program provides that Federal funds may not exceed 90 percent of total program costs, including any funds set aside for program administration, by a State or unit of local government. Interest derived from the award does not have to be matched, but interest generated from the State's trust fund (see Section 4.1) cannot be used to match the Federal award. Finally, other than as outlined in Section 3.4, there is no waiver provision for the cash match requirement.

Matching contributions need not be applied at the exact time or in proportion to the obligation of Federal funds. However, the full match amount must be provided and obligated by the end of the project period as identified in each State's award package.

Funds required to pay the non-Federal portion of the cost of each program or project for which a grant is made, must be in addition to funds that would otherwise be made available for the program or project.

Construction costs. If, under Purpose Area 1, a State or unit of local government uses funds to construct a permanent juvenile corrections facility, the State or unit of local government must provide at least 50 percent of the total cost of the project.

State award recipients. The State award recipient is the State agency designated by the Chief Executive Officer of a State as eligible to apply for, receive, and administer JAIBG program funds. The designated State agency (DSA) must certify, as part of its grant application, that the funds required to pay the non-Federal portion of the cost of programs funded under the State's JAIBG allocation will be made available by the end of the project period. Regardless of how the match is provided, it must be made available in the aggregate by the end of the project period.

In meeting the cash match requirement, DSA's may choose from the following options:

- *Unit of local government funds.* Require each subrecipient unit of local government to provide aggregate cash match at the prescribed level or provide State funds to some or all such units to reduce the amount of required match.
- *State funds.* Provide the cash match in the aggregate (statewide match basis) by requiring some State fund recipients to "overmatch" so that other recipients can

“undermatch” or provide no match at all, provide the required match on a project-by-project basis, provide the required match through a legislative appropriation, or use a combination of these options.

It is the State’s responsibility to ensure that the proper aggregate level of match is met.

3.4 Cash Match Waiver

Pursuant to 48 U.S.C. 1469a(d), Guam, American Samoa, the U.S. Virgin Islands, and the Northern Mariana Islands are defined as Insular Areas. Insular Areas can be exempted from providing the match requirement by the grantor agency if the match requirement is less than \$200,000. Because their individual match amounts are below this threshold, OJJDP will exempt these jurisdictions from the match requirement.

3.5 Cash Match Computation

The State or local government recipient of a JAIBG award must contribute (in the form of a cash match) 10 percent of the total program cost (other than costs of construction of permanent corrections facilities, which require a 50 percent match). The total program cost is made up of the Federal award amount and the cash match. If only the Federal award amount is known, the calculation of the match requirement is as follows:

1. Convert the Federal award amount percentage to a fraction (example, 90 percent = 9/10).
2. Invert the fraction from 9/10 to 10/9.
3. Multiply the Federal award amount by the numerator (example, \$80,000 x 10).
4. Divide the result by the denominator to determine the total program cost (example $\$800,000/9 = \$88,889$).
5. Subtract the amount of the Federal award from the total program cost to determine the cash match (example $\$88,889 - \$80,000 = \$8,889$).

3.6 Allowable Sources of Match

Allowable sources of cash match under the JAIBG program are as follows:

1. Funds from States and units of local government.

2. Housing and Community Development Act of 1974.
3. Appalachian Regional Development Act.
4. Equitable Sharing Program, a Federal asset forfeiture distribution program to State and local officials.
5. Private funds.

Funds received from any federal fund sources other than those listed above may not be used as the cash match required for the JAIBG program.

3.7 State Single Point of Contact

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 this program has been selected for review by the State. Applicants must contact their State SPOC to determine if the JAIBG program has been selected for review in their State. The date that the application was sent to the SPOC should be entered on the application form.

3.8 Civil Rights Requirements

All recipients of Federal grant funds, including JAIBG awards, are required to comply with Federal nondiscrimination laws. Specifically, the statute that governs OJP-funded programs or activities (Section 809 (c), Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 U.S.C. 3789d) prohibits such discrimination:

No person in any State shall on the ground of race, color, religion, national origin, sex [or disability] be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, or denied employment in connection with any program or activity funded in whole or in part with funds made available under this title.

Grantees receiving \$500,000 or more must acknowledge that failure to submit an acceptable Equal Employment Opportunity Plan, which must be approved by OJP's Office for Civil Rights, is a violation of its Certified Assurances and may result in the suspension of funding obligation authority. If any court or administrative agency makes a finding of discrimination on grounds of race, color, religion, national origin, gender, disability, or age against a recipient of funds after a due process hearing, the recipient must agree to forward a copy of the findings to the OJP Office for Civil Rights.

All grantees receiving a JAIBG award from OJJDP will receive additional instruction from the OJP Office for Civil Rights upon award. All correspondence relating to Civil Rights Requirements should be sent directly to the Office for Civil Rights at U.S. Department of Justice, Office of Justice Programs, Office for Civil Rights, 810 7th Street, NW., Washington, DC 20531.

3.9 Immigration and Naturalization Service Requirements

Organizations funded under the JAIBG program must agree to complete and keep on file, as appropriate, the Immigration and Naturalization Service Employment Eligibility Form (I-9). This form is to be used by the recipient of Federal funds to verify that persons employed by the recipient are eligible to work in the United States.

3.10 Audit Requirements

State and local governments, nonprofit organizations, and institutions of higher education are governed by OMB Circular A-133, as amended. Whether an audit is required under this circular is dependent upon the amount of Federal funds that can be audited during the recipient's fiscal year. If the organization receives \$300,000 or more per year in Federal funds, the organization shall have an organization-wide financial and compliance audit. Commercial (for-profit) organizations shall have financial and compliance audits performed by qualified individuals who are independent from those who authorize the expenditure of Federal funds. This audit must be performed in accordance with Government Auditing Standards. The audit thresholds contained in OMB Circular A-133, as amended, apply.

Applicants are required to provide the name of their organization's cognizant Federal agency in the application form. The cognizant Federal agency is generally determined to be the agency that provides the preponderance of Federal dollars received by the applicant.

3.11 Certification Regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and the Drug-Free Workplace Requirement

Applicants are required to review and sign the certification form included in the application kit. Signing this form commits the applicant to compliance with the certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying," and 28 CFR Part 67, "A Government-Wide Debarment and Suspension (Nonprocurement) and Government-Wide Requirements for Drug-Free Workplace (Grants)." The certification will be treated as a material representation of the fact upon which reliance will be placed by the U.S. Department of Justice in making awards.

3.12 Office of Justice Programs Financial Guide

The Office of Justice Programs Financial Guide serves as the primary reference for financial management and grants administration for all programs administered under the Office of Justice Programs, including the JAIBG program. The provisions of the Financial Guide, must be utilized by direct recipients and subrecipients participating in the JAIBG program. To receive a copy of the Financial Guide, contact the United States Department of Justice Response Center at (800) 421-6770, or via Internet at www.ojp.usdoj.gov/OC/finance.html.

Section 4 Award Process

OJJDP will use an automated grants management and tracking system to facilitate an efficient and expedited process through which the grant awards may be processed. In addition to the award document and special conditions, the award package will contain a preformatted Request for Payment Form and an electronic Follow up Information Form (see Section 4.3). The following subsections highlight key requirements that grant recipients must comply with prior to obligating JAIBG funds.

4.1 Trust Fund Requirement

A State that receives a grant award under the JAIBG program must establish an interest-bearing trust fund to deposit program funds. For purposes of the JAIBG program, a trust fund is defined as an interest-bearing account that is specifically designated for this program. The State must use the amounts in the trust fund (including interest) during a period not to exceed 24 months from the date the initial grant payment is received by the State. As provided in Section 2.6, the first grant payment shall be deemed to be received on the date the non administrative Federal funds are deposited to the trust fund. States, may draw down funds set aside for administration, to the trust fund, up to 180 days prior to the drawdown of program funds, in order to effectively administer the program and to allow maximum flexibility to the State and units of local government in utilizing a full 24 months for expenditure of program funds. The funds may be used only for application in the 12 program purpose areas and for authorized program administration purposes. This fund may *not* be used to pay debts incurred by other activities beyond the scope of the JAIBG program. The trust fund must be established by the recipient designated State agency.

In order to be in compliance with the trust fund requirement, a recipient's account must include the following four features:

1. The account must earn interest.
2. The recipient must be able to account for the Federal award amount.
3. The recipient must be able to account for the local match amount.
4. The recipient must be able to account for the interest earned.

If these requirements can be met within the recipient's current financial management system, there is no need to establish a separate account.

If State law prohibits a State agency recipient from establishing an interest-bearing account, the grantee will need to submit to the OJJDP SRAD Division Director a letter requesting OJJDP's concurrence with the situation. The request must address:

1. The situation that prevents the grantee from meeting the interest-bearing requirement (i.e., cite the specific State law that bars the establishment of an interest-bearing account).
2. The grantee's plan to account for the Federal award and the State and local match in its proposed financial accounting system.

OJJDP will review and make a final determination of the situation on a case-by-case basis. A list of affected jurisdictions will be maintained by OJJDP and the OJP's Office of the Comptroller for monitoring purposes.

4.2 Juvenile Crime Enforcement Coalition

States and units of local government that are eligible to receive JAIBG funds must establish a coordinated enforcement plan for reducing juvenile crime (see Section 6.13, "Definitions"), developed by a Juvenile Crime Enforcement Coalition (JCEC).

State Coalitions

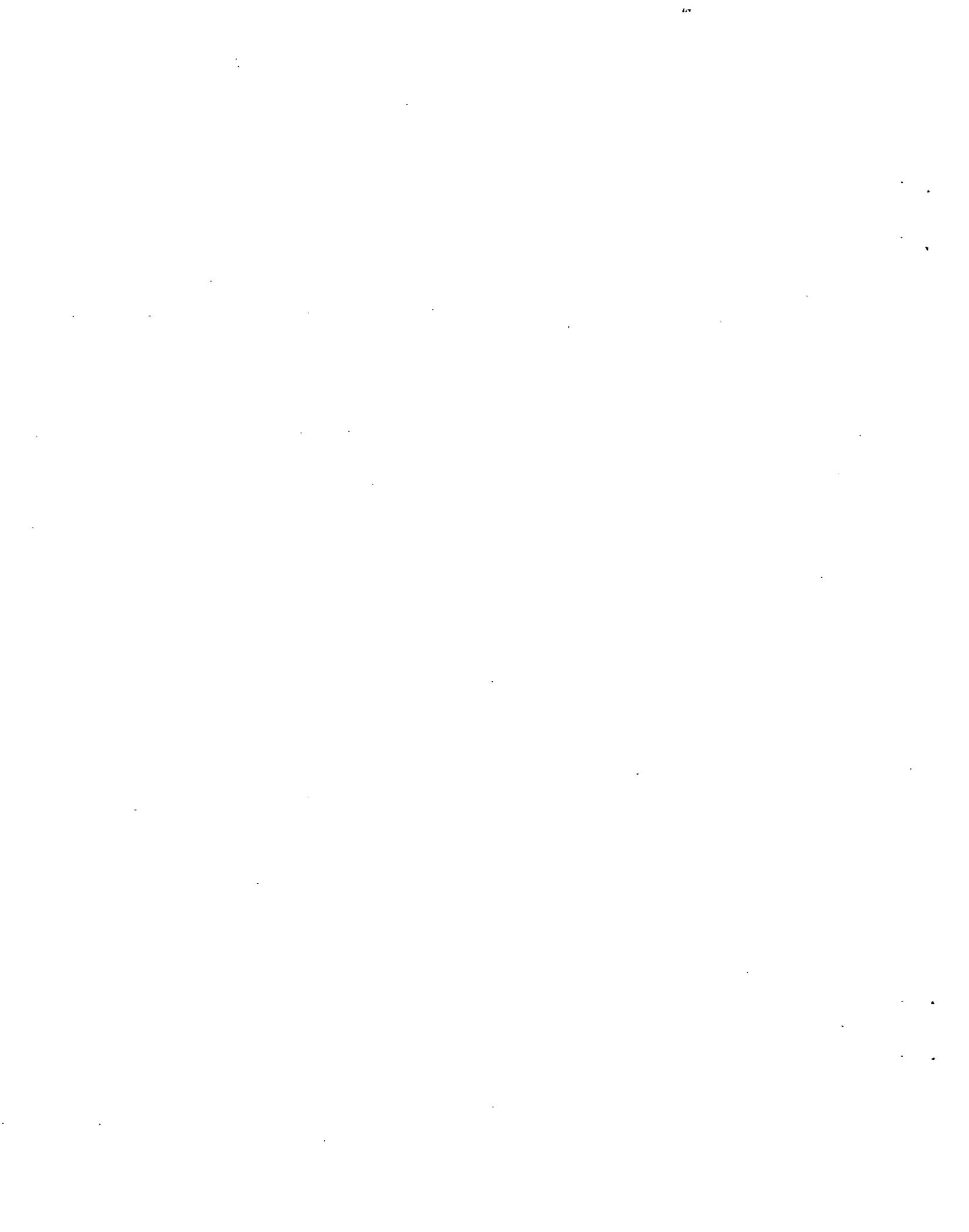
State plans must be developed by a JCEC consisting of law enforcement and social service agencies involved in juvenile crime prevention. To assist in developing the State's enforcement plans, States may choose to utilize members of the State Advisory Group (SAG) established by the State's Chief Executive under Section 223(a)(3) of Part B of the JJDP Act, if appropriate membership exists, or some other planning group that constitutes a coalition of law enforcement and social service agencies.

Local Coalitions

When establishing a local JCEC, units of local government must include, unless impracticable, individuals representing (1) police, (2) sheriff, (3) prosecutor, (4) State or local probation services, (5) juvenile court, (6) schools, (7) business, and (8) religious affiliated, fraternal, nonprofit, or social service organizations involved in crime prevention. The eight listed groups for establishing a JCEC is not an exhaustive list. Units of local government may add additional representation as appropriate. Units of local government may utilize members of Prevention Policy Boards established pursuant to Section 505 (b) (4) of Title V of the JJDP Act to meet the JCEC requirement, provided that each such Coalition meets the membership requirements listed in this paragraph.

4.3 Additional Award Package Attachments

In addition to the award document and special conditions, the FY 1998 JAIBG award package will also contain an electronic Follow up Information Form and an application evaluation instrument for comment on OJJDP's automated application process. Grantees must return the signed award document and special conditions to OJJDP in order to receive their payment. The Follow up Information Form is the mechanism OJJDP is using for the States to report their compliance with the JCEC requirements. Once this form is returned to OJJDP, the Special Conditions related to these requirements will be cleared with a Grant Adjustment Notice (GAN), thereby allowing the State to obligate program funds. OJJDP encourages each State to submit the evaluation form included in the award package. Feedback from jurisdictions across the country will be incorporated into future application processes.



Section 5 Role of the Designated State Agency and Requirements of State Recipients and Local Subgrantees

5.1 The Designated State Agency (DSA)

The legislation creating the JAIBG Program requires each State Chief Executive Officer to identify the Designated State Agency (DSA) to apply for, receive, and administer JAIBG funds.

5.2 State-Level Award Process

As provided for in Section 2.6, OJJDP will award a single grant directly to each DSA, which will, absent a waiver, distribute not less than 75 percent of the total award among units of local government to be expended for authorized purposes. Such distribution shall include services provided in lieu of a subgrant award to units of local government that do not qualify for at least \$5,000 in any fiscal year.

The DSA will be responsible for submitting the State's application, disbursing funds, monitoring and reporting on programmatic and fiscal aspects of the program, and performing other administrative functions related to the JAIBG Program. The DSA should have State employees or equivalent contractual resources at an FTE level appropriate to allow the State to address each of the program functions outlined in this Guidance Manual.

The DSA may use up to 10 percent of the total State award to pay for costs incurred in administering the JAIBG program. The State is reminded that it is responsible for the match required on administrative funds. Each State must provide on the forms included in the application package, information indicating the amount of funds set aside for administrative costs.

5.3 Requirements To Be Fulfilled Prior to the Obligation of Program Funds

Following award of JAIBG funds to a State by OJJDP, but prior to obligation of program funds by the State or a unit of local government in any of the 12 purpose areas, the State must provide to OJJDP information that demonstrates that the State and each unit of local government that receives JAIBG funds have established a coordinated enforcement plan for reducing juvenile crime, developed by a Juvenile Crime Enforcement Coalition (JCEC). This information must demonstrate that the membership requirements of Section 4.2 have been met.

Additionally, the State must provide information demonstrating that the requirements outlined in Section 2.6, related to "Allocation of Funds", have been met.

State recipients of JAIBG awards must comply with the applicable trust fund, JCEC coordinated enforcement plan, and program allocation reporting requirements prior to obligating program funds.

The obligation of program funds is defined as a formal commitment of funds by the recipient organization for program costs. Examples of program costs include salary expenditures and contracts for goods and/or services.

The mechanism to report on compliance with the above referenced provisions is by electronic submission of the Follow up Information Form, included in the award package. After review of the Follow up Information Form, special conditions placed on the JAIBG grant award restricting obligation of non administrative funds will be removed. The DSA shall establish the process whereby each unit of local government receiving a JAIBG award, will be required to report to the DSA, demonstrating how the requirements of the program have been met by the unit of local government. Units of local government will not report directly to OJJDP.

5.4 Program Reporting Requirements

Recipients of funds are required to submit both programmatic progress reports and financial status reports throughout the grant period. Both types of reports and their required submission schedules are outlined below.

Program Progress Reports

The DSA is required to submit an initial progress report on either June 30 or December 31, based on date of award, and semiannual program progress reports thereafter. Progress reports should describe activities at the State and local level during the reporting period, the status of funding within the program purpose areas as approved upon submission of the Follow up Information Form, and updates on the "active consideration" requirement. Reports are due within 30 days following the end of that reporting period. For example:

If the grant award date is March 31, 1998, the first report would cover the period from the grant award date through June 30, 1998, and would be due July 30, 1998. The next report would cover the period of July 1 through December 31, 1998, and would be due January 30, 1999.

A final report summarizing the program's activities and significant results is due within 120 days

of the grant's end date. Copies of the program progress report forms will be provided with the award packet.

In order to assist with the submission of the reports described above, the DSA may establish the procedures, requirements, and time lines for submission of information from the subgrantee units of local government. However, at a minimum, information identified as necessary for the administration of the program, by the DSA, must be submitted by units of local government to the DSA at least quarterly.

Financial Status Reports

Financial status reports (SF 269A) are required quarterly, within 45 days following the end of each calendar quarter. For example:

If the grant award date is March 31, 1998, the first financial status report would cover the period April 1 through June 30, 1998, and would be due August 15, 1998. The next report would cover the period July 1 through September 30, 1998, and would be due November 15, 1998.

This schedule should be followed for every quarter the award is active. The Office of the Comptroller will include a copy of this form in each initial award package. In addition, the Office of the Comptroller will provide guidance on how to account for interest generated by program funds, to each grantee to report first quarter activity.

5.5 Nonsupplanting Requirement

JAIBG program funds cannot be used to supplant State or local funds. They must increase the amount of funds that would otherwise be available from State and local sources. (see Section 6.9, "Definitions")

5.6 Suspension of Funding

OJJDP may suspend (in whole or in part) authority to drawdown or expend funds, terminate a grant, or impose another sanction on a grantee for the following reasons:

1. Failure to adhere to the requirements, standard conditions, or special conditions of the JAIBG program.
2. Failure to submit reports in a timely manner.

3. Filing a false certification in this application or in another report or document.
4. Other good cause shown.

Before taking action, OJJDP will provide reasonable notice to the grantee of its intent to impose sanctions and will attempt to resolve the problem informally. Hearing and appeal procedures will follow 28 CFR Part 18 of the Department of Justice Regulations.

Section 6 **Definitions**

6.1 State

The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, except that American Samoa, Guam, and the Northern Mariana Islands shall be considered as one State and that, for purposes of Section 1803(a), 33 percent of the amounts allocated shall be allocated to American Samoa, 50 percent to Guam, and 17 percent to the Northern Mariana Islands.

6.2 Unit of Local Government

A "unit of local government" means a county, township, city, or political subdivision of a county, township, or city that is a unit of local government as determined by the Secretary of Commerce for general statistical purposes; the District of Columbia; and the recognized body of an Indian tribe or Alaskan Native village that carries out substantial governmental duties and powers.

6.3 Juvenile

The term "juvenile" means an individual who is 17 years of age or younger. However, individuals who are under the original or extended jurisdiction of the juvenile justice system beyond the age of 17 are eligible to receive services under the JAIBG program.

6.4 Law Enforcement Expenditures

The term "law enforcement expenditures" means the expenditures associated with police, prosecutorial, legal, and judicial services and corrections as reported to the Bureau of the Census for the fiscal year preceding the fiscal year for which a determination is made.

6.5 Part 1 Violent Crimes

The term "part 1 violent crimes" means murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports.

6.6 Serious Violent Crime

The term "serious violent crime" means murder, aggravated sexual assault, or assault with a firearm.

6.7 Designated State Agency (DSA)

The term "Designated State Agency" refers to that agency which is designated by the Governor or other Chief Executive of a State to receive, manage, and administer JAIBG funds.

6.8 Primary Financial Burden

The term “primary financial burden” means that a State bears more than 50 percent of the financial responsibility within that State for the administration of the juvenile justice functions delineated in the program purpose areas under Section 1801(b) of H. R. 3.

Example: State X demonstrates that it bears 90 percent of the total costs incurred within that State for the administration of juvenile justice (versus 10 percent for all units of local government). The State could request a reduction of the required local pass-through from 75 to 10 percent.

6.9 Nonsupplanting

The term “nonsupplanting” means the prohibition on using Federal funds to substitute or replace State or local funds that would otherwise be spent for a particular program or purpose. The nonsupplanting requirement provides that funds shall be used to increase the amount of funds that would be made available from State or local sources.

6.10 Juvenile Crime Enforcement Coalition

The term “crime enforcement coalition” means a group of individuals representing the police, sheriff, prosecutor, State or local probation services, juvenile court, schools, business, and religious affiliated, fraternal, nonprofit, or social service organizations involved in crime prevention. The coalition is responsible for establishing a coordinated enforcement plan for reducing juvenile crime within a unit of local government.

6.11 Juvenile Detention Facility

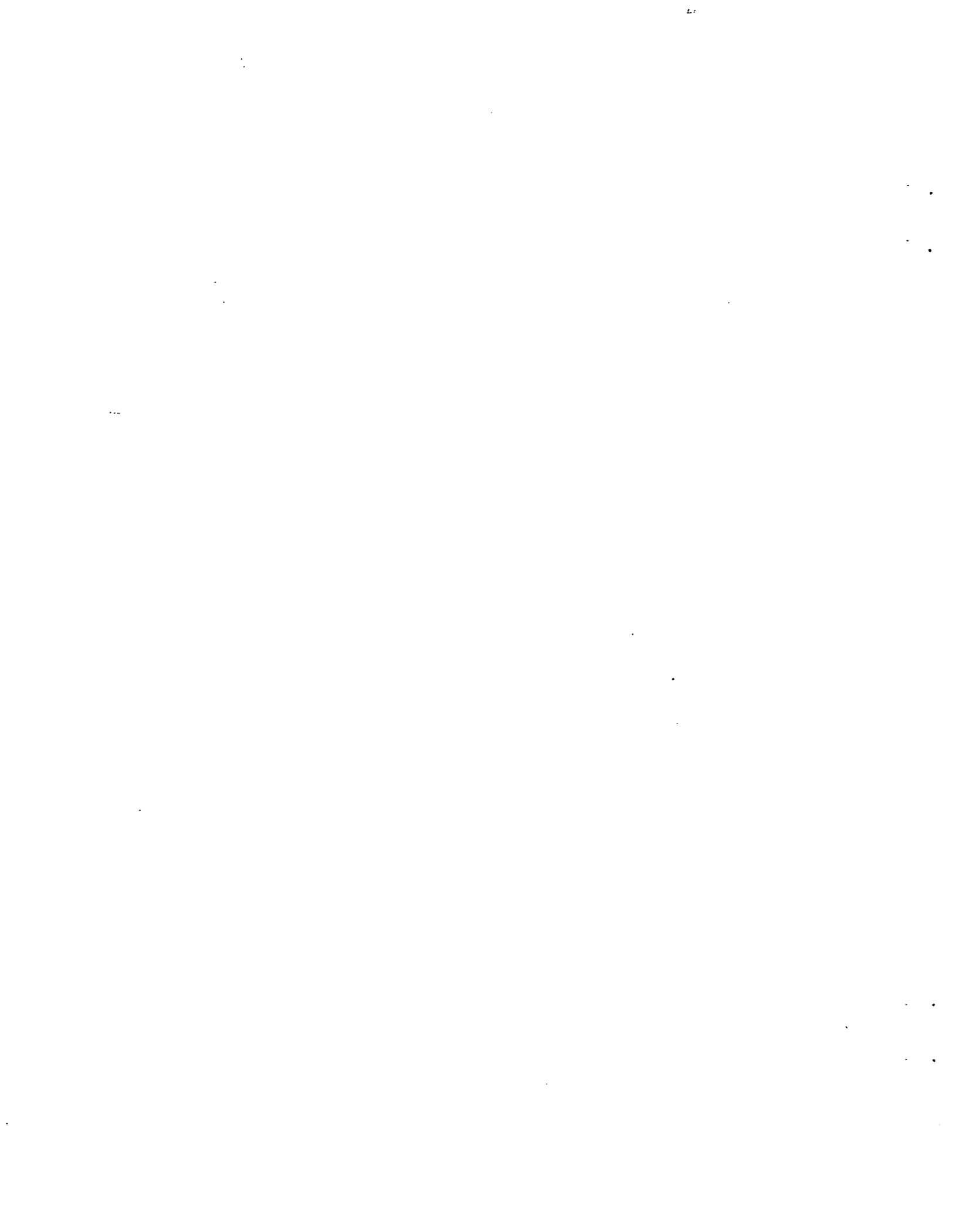
The term “juvenile detention facility” means any public or private residential facility that includes permanent and temporary construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody and that is used for the temporary placement of any juvenile who is accused of having committed an offense, of any nonoffender, or of any other individual accused of having committed a criminal offense.

6.12 Juvenile Correction Facility

The term “juvenile correction facility” means any public or private residential facility that includes permanent and temporary construction fixtures which are designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody and that is used for the placement, after adjudication and disposition, of any juvenile who has been adjudicated as having committed an offense, any nonoffender, or any other individual convicted of a criminal offense.

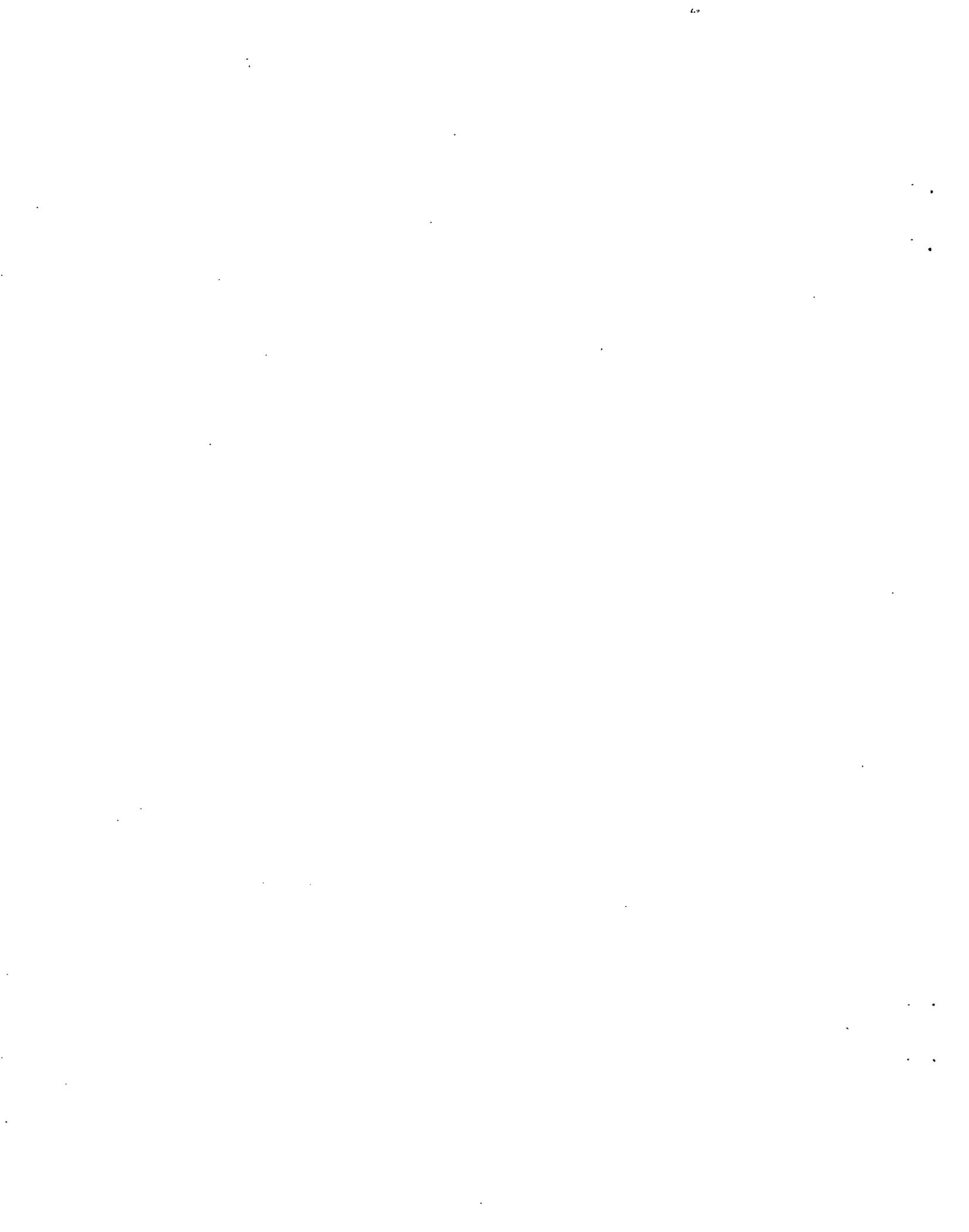
6.13 Coordinated Enforcement Plan for Reducing Juvenile Crime

A plan developed by a State or local Juvenile Crime Enforcement Coalition that is based on an analysis of juvenile justice system needs. The analysis determines the most effective uses of funds, within the twelve JAIBG program purpose areas, to achieve the greatest impact on reducing juvenile delinquency, improving the juvenile justice system, and increasing accountability for juvenile offenders.



Appendix

- A. Title III of H.R. 3**
- B. House Report 105-405, Provisions Relative to the JAIBG Program**
- C. Overview of the:
Office of Justice Programs (OJP),
Office of Juvenile Justice and Delinquency Prevention
(OJJDP), and
State Relations and Assistance Division (SRAD)**
- D. Juvenile Accountability Incentive Block Grants Program SRAD State
Assignments**
- E. Chart: Individual State Allocations**



Appendix A

Title III of H.R. 3



105TH CONGRESS
1ST SESSION

H. R. 3

IN THE SENATE OF THE UNITED STATES

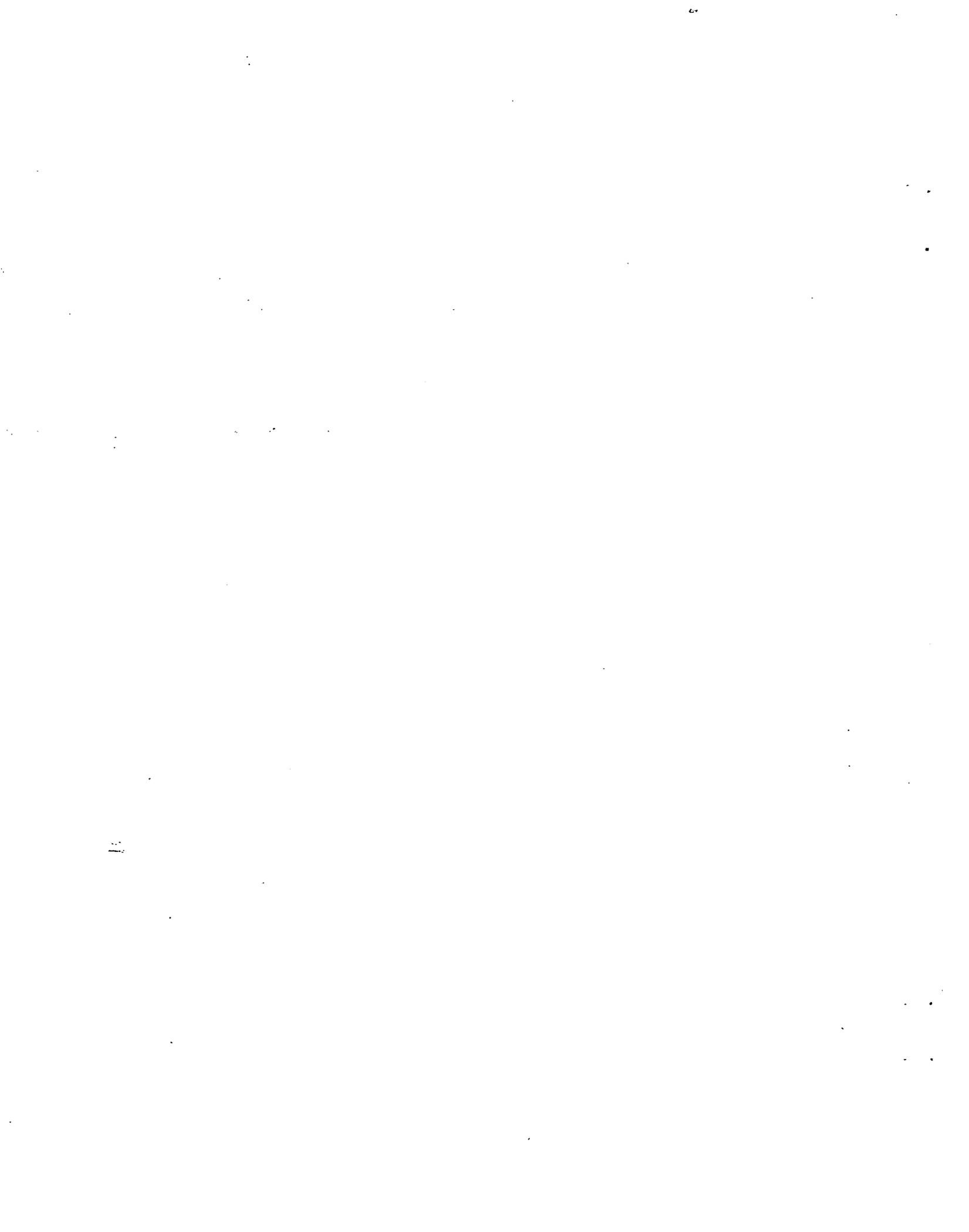
MAY 8, 1997

Received; read twice and referred to the Committee on the Judiciary

A BILL

To combat violent youth crime and increase accountability
for juvenile criminal offenses.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*



1 **TITLE III—ACCOUNTABILITY**
2 **FOR JUVENILE OFFENDERS**
3 **AND PUBLIC PROTECTION IN-**
4 **CENTIVE GRANTS**

5 **SEC. 301. SHORT TITLE.**

6 This title may be cited as the “Juvenile Accountabil-
7 ity Block Grants Act of 1997”.

8 **SEC. 302. BLOCK GRANT PROGRAM.**

9 (a) **IN GENERAL.**—Part R of title I of the Omnibus
10 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
11 3796 et seq.) is amended to read as follows:

12 **“PART R—JUVENILE ACCOUNTABILITY BLOCK**
13 **GRANTS**

14 **“SEC. 1801. PROGRAM AUTHORIZED.**

15 **“(a) IN GENERAL.**—The Attorney General is author-
16 ized to provide grants to States, for use by States and
17 units of local government, and in certain cases directly to
18 eligible units.

19 **“(b) AUTHORIZED ACTIVITIES.**—Amounts paid to a
20 State, a unit of local government, or an eligible unit under
21 this part shall be used by the State, unit of local govern-
22 ment, or eligible unit for the purpose of promoting greater
23 accountability in the juvenile justice system, which in-
24 cludes—

1 “(1) building, expanding, renovating, or operat-
2 ing temporary or permanent juvenile correction or
3 detention facilities, including training of correctional
4 personnel;

5 “(2) developing and administering accountabil-
6 ity-based sanctions for juvenile offenders;

7 “(3) hiring additional juvenile judges, probation
8 officers, and court-appointed defenders, and funding
9 pre-trial services for juveniles, to ensure the smooth
10 and expeditious administration of the juvenile justice
11 system;

12 “(4) hiring additional prosecutors, so that more
13 cases involving violent juvenile offenders can be
14 prosecuted and backlogs reduced;

15 “(5) providing funding to enable prosecutors to
16 address drug, gang, and youth violence problems
17 more effectively;

18 “(6) providing funding for technology, equip-
19 ment, and training to assist prosecutors in identify-
20 ing and expediting the prosecution of violent juvenile
21 offenders;

22 “(7) providing funding to enable juvenile courts
23 and juvenile probation offices to be more effective
24 and efficient in holding juvenile offenders account-
25 able and reducing recidivism;

1 “(8) the establishment of court-based juvenile
2 justice programs that target young firearms offend-
3 ers through the establishment of juvenile gun courts
4 for the adjudication and prosecution of juvenile fire-
5 arms offenders;

6 “(9) the establishment of drug court programs
7 for juveniles so as to provide continuing judicial su-
8 pervision over juvenile offenders with substance
9 abuse problems and to provide the integrated admin-
10 istration of other sanctions and services;

11 “(10) establishing and maintaining interagency
12 information-sharing programs that enable the juve-
13 nile and criminal justice system, schools, and social
14 services agencies to make more informed decisions
15 regarding the early identification, control, super-
16 vision, and treatment of juveniles who repeatedly
17 commit serious delinquent or criminal acts; and

18 “(11) establishing and maintaining accountabil-
19 ity-based programs that work with juvenile offenders
20 who are referred by law enforcement agencies, or
21 which are designed, in cooperation with law enforce-
22 ment officials, to protect students and school person-
23 nel from drug, gang, and youth violence.

1 **"SEC. 1802. GRANT ELIGIBILITY.**

2 “(a) STATE ELIGIBILITY.—To be eligible to receive
3 a grant under this section, a State shall submit to the
4 Attorney General an application at such time, in such
5 form, and containing such assurances and information as
6 the Attorney General may require by rule, including assur-
7 ances that the State and any unit of local government to
8 which the State provides funding under section 1803(b),
9 has in effect (or will have in effect not later than 1 year
10 after the date a State submits such application) laws, or
11 has implemented (or will implement not later than 1 year
12 after the date a State submits such application) policies
13 and programs, that—

14 “(1) ensure that juveniles who commit an act
15 after attaining 15 years of age that would be a seri-
16 ous violent crime if committed by an adult are treat-
17 ed as adults for purposes of prosecution as a matter
18 of law, or that the prosecutor has the authority to
19 determine whether or not to prosecute such juveniles
20 as adults;

21 “(2) impose sanctions on juvenile offenders for
22 every delinquent or criminal act, or violation of pro-
23 bation, ensuring that such sanctions escalate in se-
24 verity with each subsequent, more serious delinquent
25 or criminal act, or violation of probation, including
26 such accountability-based sanctions as—

1 “(A) restitution;

2 “(B) community service;

3 “(C) punishment imposed by community
4 accountability councils comprised of individuals
5 from the offender’s and victim’s communities;

6 “(D) fines; and

7 “(E) short-term confinement;

8 “(3) establish at a minimum a system of
9 records relating to any adjudication of a juvenile
10 who has a prior delinquency adjudication and who is
11 adjudicated delinquent for conduct that if committed
12 by an adult would constitute a felony under Federal
13 or State law which is a system equivalent to that
14 maintained for adults who commit felonies under
15 Federal or State law; and

16 “(4) ensure that State law does not prevent a
17 juvenile court judge from issuing a court order
18 against a parent, guardian, or custodian of a juve-
19 nile offender regarding the supervision of such an
20 offender and from imposing sanctions for a violation
21 of such an order.

22 “(b) LOCAL ELIGIBILITY.—

23 “(1) SUBGRANT ELIGIBILITY.—To be eligible to
24 receive a subgrant, a unit of local government shall
25 provide such assurances to the State as the State

1 shall require, that, to the maximum extent applica-
2 ble, the unit of local government has laws or policies
3 and programs which—

4 “(A) ensure that juveniles who commit an
5 act after attaining 15 years of age that would
6 be a serious violent crime if committed by an
7 adult are treated as adults for purposes of pros-
8 ecution as a matter of law, or that the prosecu-
9 tor has the authority to determine whether or
10 not to prosecute such juveniles as adults;

11 “(B) impose a sanction for every delin-
12 quent or criminal act, or violation of probation,
13 ensuring that such sanctions escalate in severity
14 with each subsequent, more serious delinquent
15 or criminal act, or violation of probation; and

16 “(C) ensure that there is a system of
17 records relating to any adjudication of a juve-
18 nile who is adjudicated delinquent for conduct
19 that if committed by an adult would constitute
20 a felony under Federal or State law which is a
21 system equivalent to that maintained for adults
22 who commit felonies under Federal or State
23 law.

24 “(2) SPECIAL RULE.—The requirements of
25 paragraph (1) shall apply to an eligible unit that re-

1 ceives funds from the Attorney General under sec-
2 tion 1803, except that information that would other-
3 wise be submitted to the State shall be submitted to
4 the Attorney General.

5 **"SEC. 1803. ALLOCATION AND DISTRIBUTION OF FUNDS.**

6 **"(a) STATE ALLOCATION.—**

7 **"(1) IN GENERAL.—**In accordance with regula-
8 tions promulgated pursuant to this part, the Attor-
9 ney General shall allocate—

10 **"(A)** 0.25 percent for each State; and

11 **"(B)** of the total funds remaining after the
12 allocation under subparagraph (A), to each
13 State, an amount which bears the same ratio to
14 the amount of remaining funds described in this
15 subparagraph as the population of people under
16 the age of 18 living in such State for the most
17 recent calendar year in which such data is
18 available bears to the population of people
19 under the age of 18 of all the States for such
20 fiscal year.

21 **"(2) PROPORTIONAL REDUCTION.—**If amounts
22 available to carry out paragraph (1)(A) for any pay-
23 ment period are insufficient to pay in full the total
24 payment that any State is otherwise eligible to re-
25 ceive under paragraph (1)(A) for such period, then

1 the Attorney General shall reduce payments under
2 paragraph (1)(A) for such payment period to the ex-
3 tent of such insufficiency. Reductions under the pre-
4 ceding sentence shall be allocated among the States
5 (other than States whose payment is determined
6 under paragraph (2)) in the same proportions as
7 amounts would be allocated under paragraph (1)
8 without regard to paragraph (2).

9 “(3) PROHIBITION.—No funds allocated to a
10 State under this subsection or received by a State
11 for distribution under subsection (b) may be distrib-
12 uted by the Attorney General or by the State in-
13 volved for any program other than a program con-
14 tained in an approved application.

15 “(b) LOCAL DISTRIBUTION.—

16 “(1) IN GENERAL.—Each State which receives
17 funds under subsection (a)(1) in a fiscal year shall
18 distribute not less than 75 percent of such amounts
19 received among units of local government, for the
20 purposes specified in section 1801. In making such
21 distribution the State shall allocate to such units of
22 local government an amount which bears the same
23 ratio to the aggregate amount of such funds as—

24 “(A) the sum of—

25 “(i) the product of—

1

“(I) two-thirds; multiplied by

2

“(II) the average law enforcement ex-

3

penditure for such unit of local government

4

for the 3 most recent calendar years for

5

which such data is available; plus

6

“(ii) the product of—

7

“(I) one-third; multiplied by

8

“(II) the average annual number of

9

part 1 violent crimes in such unit of local

10

government for the 3 most recent calendar

11

years for which such data is available,

12

bears to—

13

“(B) the sum of the products determined under

14

subparagraph (A) for all such units of local govern-

15

ment in the State.

16

“(2) EXPENDITURES.—The allocation any unit

17

of local government shall receive under paragraph

18

(1) for a payment period shall not exceed 100 per-

19

cent of law enforcement expenditures of the unit for

20

such payment period.

21

“(3) REALLOCATION.—The amount of any unit

22

of local government's allocation that is not available

23

to such unit by operation of paragraph (2) shall be

24

available to other units of local government that are

1 not affected by such operation in accordance with
2 this subsection.

3 “(c) UNAVAILABILITY OF DATA FOR UNITS OF
4 LOCAL GOVERNMENT.—If the State has reason to believe
5 that the reported rate of part 1 violent crimes or law en-
6 forcement expenditure for a unit of local government is
7 insufficient or inaccurate, the State shall—

8 “(1) investigate the methodology used by the
9 unit to determine the accuracy of the submitted
10 data; and

11 “(2) if necessary, use the best available com-
12 parable data regarding the number of violent crimes
13 or law enforcement expenditure for the relevant
14 years for the unit of local government.

15 “(d) LOCAL GOVERNMENT WITH ALLOCATIONS LESS
16 THAN \$5,000.—If under this section a unit of local gov-
17 ernment is allocated less than \$5,000 for a payment pe-
18 riod, the amount allotted shall be expended by the State
19 on services to units of local government whose allotment
20 is less than such amount in a manner consistent with this
21 part.

22 “(e) DIRECT GRANTS TO ELIGIBLE UNITS.—

23 “(1) IN GENERAL.—If a State does not qualify
24 or apply for funds reserved for allocation under sub-
25 section (a) by the application deadline established by

1 the Attorney General, the Attorney General shall re-
2 serve not more than 75 percent of the allocation that
3 the State would have received under subsection (a)
4 for such fiscal year to provide grants to eligible units
5 which meet the requirements for funding under sub-
6 section (b).

7 “(2) AWARD BASIS.—In addition to the quali-
8 fication requirements for direct grants for eligible
9 units the Attorney General may use the average
10 amount allocated by the States to like governmental
11 units as a basis for awarding grants under this sec-
12 tion.

13 **“SEC. 1804. REGULATIONS.**

14 “The Attorney General shall issue regulations estab-
15 lishing procedures under which an eligible State or unit
16 of local government that receives funds under section 1803
17 is required to provide notice to the Attorney General re-
18 garding the proposed use of funds made available under
19 this part.

20 **“SEC. 1805. PAYMENT REQUIREMENTS.**

21 “(a) TIMING OF PAYMENTS.—The Attorney General
22 shall pay each State or unit of local government that re-
23 ceives funds under section 1803 that has submitted an ap-
24 plication under this part not later than—

1 “(1) 180 days after the date that the amount
2 is available, or

3 “(2) the first day of the payment period if the
4 State has provided the Attorney General with the as-
5 surances required by subsection (c),

6 whichever is later.

7 “(b) REPAYMENT OF UNEXPENDED AMOUNTS.—

8 “(1) REPAYMENT REQUIRED.—From amounts
9 appropriated under this part, a State shall repay to
10 the Attorney General, by not later than 27 months
11 after receipt of funds from the Attorney General,
12 any amount that is not expended by the State within
13 2 years after receipt of such funds from the Attor-
14 ney General.

15 “(2) PENALTY FOR FAILURE TO REPAY.—If the
16 amount required to be repaid is not repaid, the At-
17 torney General shall reduce payment in future pay-
18 ment periods accordingly.

19 “(3) DEPOSIT OF AMOUNTS REPAYED.—Amounts
20 received by the Attorney General as repayments
21 under this subsection shall be deposited in a des-
22 ignated fund for future payments to States.

23 “(c) ADMINISTRATIVE COSTS.—A State, unit of local
24 government or eligible unit that receives funds under this

1 part may use not more than 10 percent of such funds to
2 pay for administrative costs.

3 “(d) NONSUPPLANTING REQUIREMENT.—Funds
4 made available under this part to States, units of local
5 government, or eligible units shall not be used to supplant
6 State or local funds as the case may be, but shall be used
7 to increase the amount of funds that would, in the absence
8 of funds made available under this part, be made available
9 from State or local sources, as the case may be.

10 “(e) MATCHING FUNDS.—The Federal share of a
11 grant received under this part may not exceed 90 percent
12 of the costs of a program or proposal funded under this
13 part.

14 **“SEC. 1806. UTILIZATION OF PRIVATE SECTOR.**

15 “Funds or a portion of funds allocated under this
16 part may be utilized to contract with private, nonprofit
17 entities or community-based organizations to carry out the
18 purposes specified under section 1801(a)(2).

19 **“SEC. 1807. ADMINISTRATIVE PROVISIONS.**

20 “(a) IN GENERAL.—A State that receives funds
21 under this part shall—

22 “(1) establish a trust fund in which the govern-
23 ment will deposit all payments received under this
24 part; and

1 “(2) use amounts in the trust fund (including
2 interest) during a period not to exceed 2 years from
3 the date the first grant payment is made to the
4 State;

5 “(3) designate an official of the State to submit
6 reports as the Attorney General reasonably requires,
7 in addition to the annual reports required under this
8 part; and

9 “(4) spend the funds only for the purposes
10 under section 1801(b).

11 “(b) TITLE I PROVISIONS.—The administrative pro-
12 visions of part H shall apply to this part and for purposes
13 of this section any reference in such provisions to title I
14 shall be deemed to include a reference to this part.

15 **“SEC. 1808. DEFINITIONS.**

16 “For the purposes of this part:

17 “(1) The term ‘unit of local government’
18 means—

19 “(A) a county, township, city, or political
20 subdivision of a county, township, or city, that
21 is a unit of local government as determined by
22 the Secretary of Commerce for general statis-
23 tical purposes; and

24 “(B) the District of Columbia and the rec-
25 ognized governing body of an Indian tribe or

1 Alaskan Native village that carries out substan-
2 tial governmental duties and powers.

3 “(2) The term ‘eligible unit’ means a unit of
4 local government which may receive funds under sec-
5 tion 1803(e).

6 “(3) The term ‘State’ means any State of the
7 United States, the District of Columbia, the Com-
8 monwealth of Puerto Rico, the Virgin Islands, Amer-
9 ican Samoa, Guam, and the Northern Mariana Is-
10 lands, except that American Samoa, Guam, and the
11 Northern Mariana Islands shall be considered as 1
12 State and that, for purposes of section 1803(a), 33
13 percent of the amounts allocated shall be allocated
14 to American Samoa, 50 percent to Guam, and 17
15 percent to the Northern Mariana Islands.

16 “(4) The term ‘juvenile’ means an individual
17 who is 17 years of age or younger.

18 “(5) The term ‘law enforcement expenditures’
19 means the expenditures associated with police, pros-
20 ecutorial, legal, and judicial services, and corrections
21 as reported to the Bureau of the Census for the fis-
22 cal year preceding the fiscal year for which a deter-
23 mination is made under this part.

24 “(6) The term ‘part 1 violent crimes’ means
25 murder and nonnegligent manslaughter, forcible

1 rape, robbery, and aggravated assault as reported to
2 the Federal Bureau of Investigation for purposes of
3 the Uniform Crime Reports.

4 “(7) The term ‘serious violent crime’ means
5 murder, aggravated sexual assault, and assault with
6 a firearm.

7 **“SEC. 1809. AUTHORIZATION OF APPROPRIATIONS.**

8 “(a) AUTHORIZATION OF APPROPRIATIONS.—There
9 are authorized to be appropriated to carry out this part—

10 “(1) \$500,000,000 for fiscal year 1998;

11 “(2) \$500,000,000 for fiscal year 1999; and

12 “(3) \$500,000,000 for fiscal year 2000.

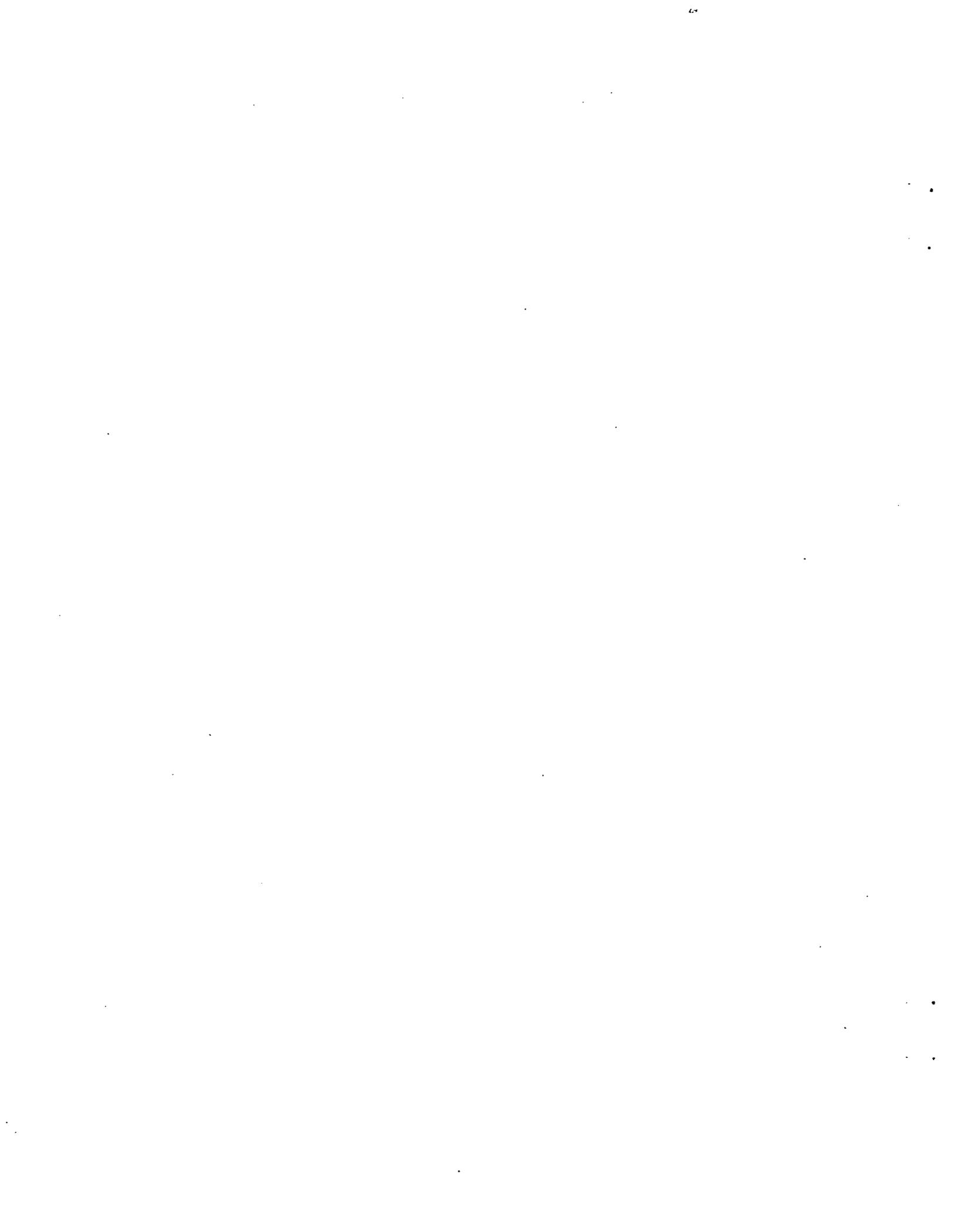
13 “(b) OVERSIGHT ACCOUNTABILITY AND ADMINIS-
14 TRATION.—Not more than 1 percent of the amount au-
15 thorized to be appropriated under subsection (a), with
16 such amounts to remain available until expended, for each
17 of the fiscal years 1998 through 2000 shall be available
18 to the Attorney General for studying the overall effective-
19 ness and efficiency of the provisions of this part, assuring
20 compliance with the provisions of this part, and for admin-
21 istrative costs to carry out the purposes of this part. The
22 Attorney General shall establish and execute an oversight
23 plan for monitoring the activities of grant recipients.

1 “(c) FUNDING SOURCE.—Appropriations for activi-
2 ties authorized in this part may be made from the Violent
3 Crime Reduction Trust Fund.”.

4 (b) CLERICAL AMENDMENTS.—The table of contents
5 of title I of the Omnibus Crime Control and Safe Streets
6 Act of 1968 is amended by striking the item relating to
7 part R and inserting the following:

“PART R—JUVENILE ACCOUNTABILITY BLOCK GRANTS

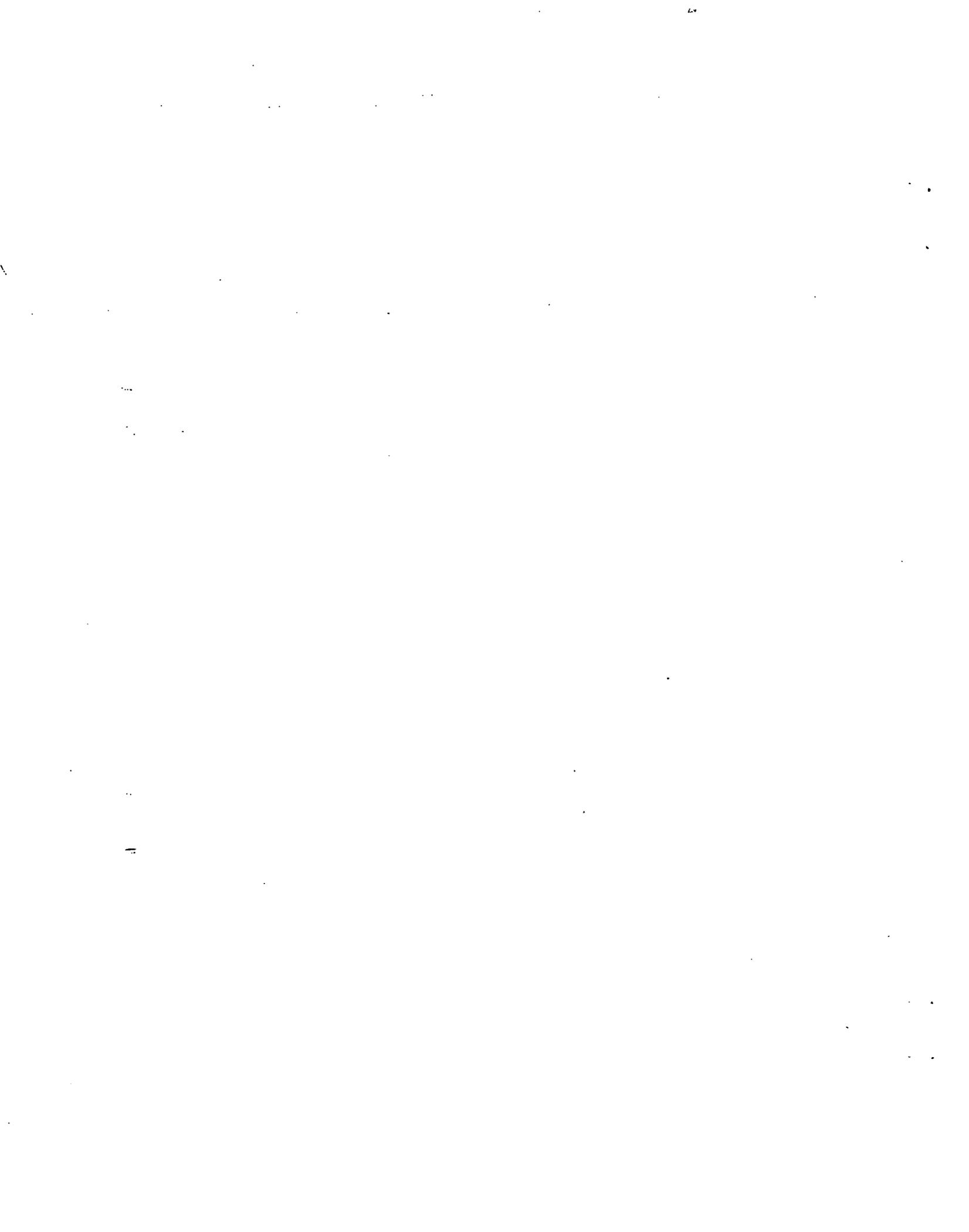
- “Sec. 1801. Program authorized.
- “Sec. 1802. Grant eligibility.
- “Sec. 1803. Allocation and distribution of funds.
- “Sec. 1804. Regulations.
- “Sec. 1805. Payment requirements.
- “Sec. 1806. Utilization of private sector.
- “Sec. 1807. Administrative provisions.
- “Sec. 1808. Definitions.
- “Sec. 1809. Authorization of appropriations.”.



Appendix B

House Report 105-405

Provisions Relative to the JAIBG Program



MAKING APPROPRIATIONS FOR THE DEPARTMENTS OF
COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND
RELATED AGENCIES FOR THE FISCAL YEAR ENDING SEP-
TEMBER 30, 1998, AND FOR OTHER PURPOSES

NOVEMBER 13, 1997.—Ordered to be printed

Mr. ROGERS, from the committee on conference,
submitted the following

CONFERENCE REPORT

[To accompany H.R. 2267]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2267) "making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1998, and for other purposes, namely:

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, \$76,199,000, of which not to exceed \$3,317,000 is for the Facilities Program 2000, to remain available until expended: Provided, That not to exceed 43 permanent positions and 44 full-time equivalent workyears and \$7,860,000 shall be expended for the

violence reduction, as authorized by section 40603 of the 1994 Act; of which \$63,000,000 shall be for grants for residential substance abuse treatment for State prisoners, as authorized by section 1001(a)(17) of the 1968 Act; of which \$12,500,000 shall be for grants to States and units of local government for projects to improve DNA analysis, as authorized by section 1001(a)(22) of the 1968 Act; of which \$900,000 shall be for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(c) of the 1994 Act; of which \$750,000 shall be for Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act; of which \$30,000,000 shall be for Drug Courts, as authorized by title V of the 1994 Act; of which \$1,000,000 shall be for Law Enforcement Family Support Programs, as authorized by section 1001(a)(21) of the 1968 Act; of which \$2,500,000 shall be for public awareness programs addressing marketing scams aimed at senior citizens, as authorized by section 250005(3) of the 1994 Act; and of which \$250,000,000 shall be for Juvenile Accountability Incentive Block Grants pursuant to Title III of H.R. 3 as passed by the House of Representatives on May 8, 1997: Provided further, That notwithstanding the requirements of H.R. 3, a State, or unit of local government within such State, shall be eligible for a grant under this program if the Governor of the State certifies to the Attorney General, consistent with guidelines established by the Attorney General in consultation with Congress, that the State is actively considering, or will consider within one year from the date of such certification, legislation, policies, or practices which if enacted would qualify the State for a grant under section 1802 of H.R. 3: Provided further, That 3 percent shall be available to the Attorney General for research, evaluation, and demonstration consistent with this program and 2 percent shall be available to the Attorney General for training and technical assistance consistent with this program: Provided further, That not less than 45 percent of any grant provided to a State or unit of local government shall be spent for the purposes set forth in paragraphs (3) through (9), and not less than 35 percent shall be spent for the purposes set forth in paragraphs (1), (2) and (10) of section 1801(b) of H.R. 3, unless the State or unit of local government certifies to the Attorney General or the State, whichever is appropriate, that the interests of public safety and juvenile crime control would be better served by expending its grant for other purposes set forth under section 1801(b) of H.R. 3: Provided further, That the Federal share limitation in section 1805(e) of H.R. 3 shall be 50 percent in relation to the costs of constructing a permanent juvenile corrections facility: Provided further, That prior to receiving a grant under this program, a unit of local government must establish a coordinated enforcement plan for reducing juvenile crime, developed by a juvenile crime enforcement coalition, such coalition consisting of individuals representing the police, sheriff, prosecutor, State or local probation services, juvenile court, schools, business, and religious affiliated, fraternal, non-profit, or social service organizations involved in crime prevention: Provided further, That the conditions of sections 1802(a)(3) and 1802(b)(1)(C) of H.R. 3 regarding juvenile adjudication records require a State or unit of local government to make available to the Federal Bureau of Investigation records of delinquency adjudications which are treated in a manner equivalent

to adult records: Provided further, That no State or unit of local government may receive a grant under this program unless such State or unit of local government has implemented, or will implement no later than January 1, 1999, a policy of controlled substance testing for appropriate categories of juveniles within the juvenile justice system and funds received under this program may be expended for such purpose: Provided further, That the minimum allocation for each State under section 1803(a)(1)(A) of H.R. 3 shall be 0.5 percent: Provided further, That the terms and conditions under this heading for juvenile accountability incentive block grants are effective for fiscal year 1998 only and upon the enactment of authorization legislation for juvenile accountability incentive block grants, funding provided in this Act shall from that date be subject to the provisions of that legislation and any provisions in this Act that are inconsistent with that legislation shall no longer have effect: Provided further, That funds made available in fiscal year 1998 under subpart 1 of part E of title I of the 1968 Act may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions and for drug testing initiatives: Provided further, That if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform non-administrative public safety service.

WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement "Weed and Seed" program activities, \$33,500,000, for intergovernmental agreements, including grants, cooperative agreements, and contracts; with State and local law enforcement agencies engaged in the investigation and prosecution of violent crimes and drug offenses in "Weed and Seed" designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the "Weed and Seed" program strategy: Provided, That funds designated by Congress through language for other Department of Justice appropriation accounts for "Weed and Seed" program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: Provided further, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of "Weed and Seed" program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

COMMUNITY ORIENTED POLICING SERVICES

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322 ("the 1994 Act") (including administrative costs), \$1,400,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, for Public Safety and Community Policing

nities with their own solutions. Within the amount provided, the conference agreement includes language providing \$20,000,000 of these funds to the Boys and Girls Clubs of America. The conferees direct the Office of Justice Programs to work with the Boys and Girls Clubs of America and the Boys and Girls Clubs of Greater Washington to develop a proposal for establishment of a Flagship Boys and Girls Club to be located in Washington, DC and to submit a report to the Committees on Appropriations of the House and the Senate by April 1, 1998. In addition, the conference agreement includes language as proposed in the House bill that defines the Commonwealth of Puerto Rico as a unit of local government and includes language similar to that proposed in the Senate bill, which designates parish sheriffs as the recipient of block grant funds in Louisiana. The conferees are aware of the unique law enforcement system that exists in the State of Louisiana whereby the constitution of the State of Louisiana establishes independent and wholly autonomous parish sheriffs and names the sheriff as the chief law enforcement officer of the constitutionally established law enforcement districts. The conferees direct the Department of Justice to ensure that parish sheriffs establish an advisory board pursuant to section 103 of H.R. 728 and shall consider recommendations made by this board to be binding.

Juvenile Accountability Incentive Block Grant.—The conference agreement provides \$250,000,000 for a Juvenile Accountability Incentive Block Grant program to address the growing problem of juvenile crime by encouraging accountability-based reforms at the State and local level, instead of \$300,000,000 as proposed in the House bill and \$145,000,000 as proposed in the Senate bill. Under this program, funds are to be made available to States, based on each State's comparative juvenile population, and units of local governments are to receive 75% of the amount provided to the States based on a combination of law enforcement expenditures and Uniform Crime Report part 1 violent crimes. To be eligible to receive funds under this program, States must have certified to the Attorney General that they are actively considering, or will consider within the next year, through laws, policies or programs, accountability-based reforms—including graduated sanctions, adult prosecution of violent juveniles, and juvenile record reforms—in accordance with H.R. 3. Funds are available for the following purposes:

- (1) building, expanding or operating juvenile detention and corrections facilities;
- (2) developing and administering accountability-based sanctions for juvenile offenders;
- (3) hiring additional juvenile judges, probation officers, and court-appointed defenders, and funding pre-trial services for juveniles, to ensure the smooth and expeditious administration of the juvenile justice system;
- (4) hiring additional prosecutors so that more cases involving violent juvenile offenders can be prosecuted and backlogs can be reduced;
- (5) providing funding to enable prosecutors to address drug, gang, and youth violence more effectively;

(6) providing funding for technology, equipment and training to assist prosecutors in identifying and expediting the prosecution of violent juvenile offenders;

(7) providing funding to enable juvenile courts and probation offices to be more effective and efficient in holding juvenile offenders accountable;

(8) establishing court-based juvenile justice programs that target young firearms offenders through the establishment of juvenile gun courts for the adjudication and prosecution of juvenile firearms offenders;

(9) establishing drug court programs for juvenile offenders;

(10) establishing and maintaining interagency information-sharing programs that enable the juvenile and criminal justice system, schools, and social services agencies to identify, control, supervise and treat serious juvenile offenders; and

(11) establishing and maintaining accountability-based programs that work with the juvenile offenders who are referred by law enforcement agencies, or which are designed, in cooperation with law enforcement officials, to protect students and school personnel from drug, gang, and youth violence.

The conference agreement provides a presumption that not less than 45% of any grant provided to a state or unit of local government is available for the purposes set forth in paragraphs (3) through (9) above and not less than 35% is available for the purposes set forth in paragraphs (1), (2), and (10) above. The conference agreement includes language limiting the federal share of construction costs of permanent juvenile corrections facilities to no more than 50% of the total cost. The conferees are concerned that little data exists on the capacity of juvenile detention and corrections facilities to handle both existing and future needs and direct the Office of Justice Programs to conduct a national assessment of the supply of and demand for juvenile detention space, with particular emphasis on capacity requirements in New Hampshire, Mississippi, Alaska, Wisconsin, California, Montana, West Virginia, Kentucky, Louisiana, and South Carolina, and to provide a report to the Committees on Appropriations of the House and the Senate by July 15, 1998. The conference agreement provides that to receive funds under this block grant, States must have in place a coordinated plan for reducing juvenile crime, developed by a coalition of law enforcement and social service agencies involved in juvenile crime prevention, and have implemented, or will implement by January 1, 1999, a policy of testing appropriate categories of juveniles for use of controlled substances. The conferees agree that the coalitions should have broad discretion to utilize funds for a variety of purposes, consistent with items referenced above, targeted at reducing juvenile crime at the local level. The conference agreement also provides that States should consider making available to the FBI records of delinquency adjudication which are treated in a manner equivalent to adult records as part of their consideration of juvenile records reforms.

The conferees expect the Justice Department to establish guidelines in consultation with the Committees on Appropriations and the Judiciary of both the House and Senate that set forth the various circumstances by which States may qualify for funding

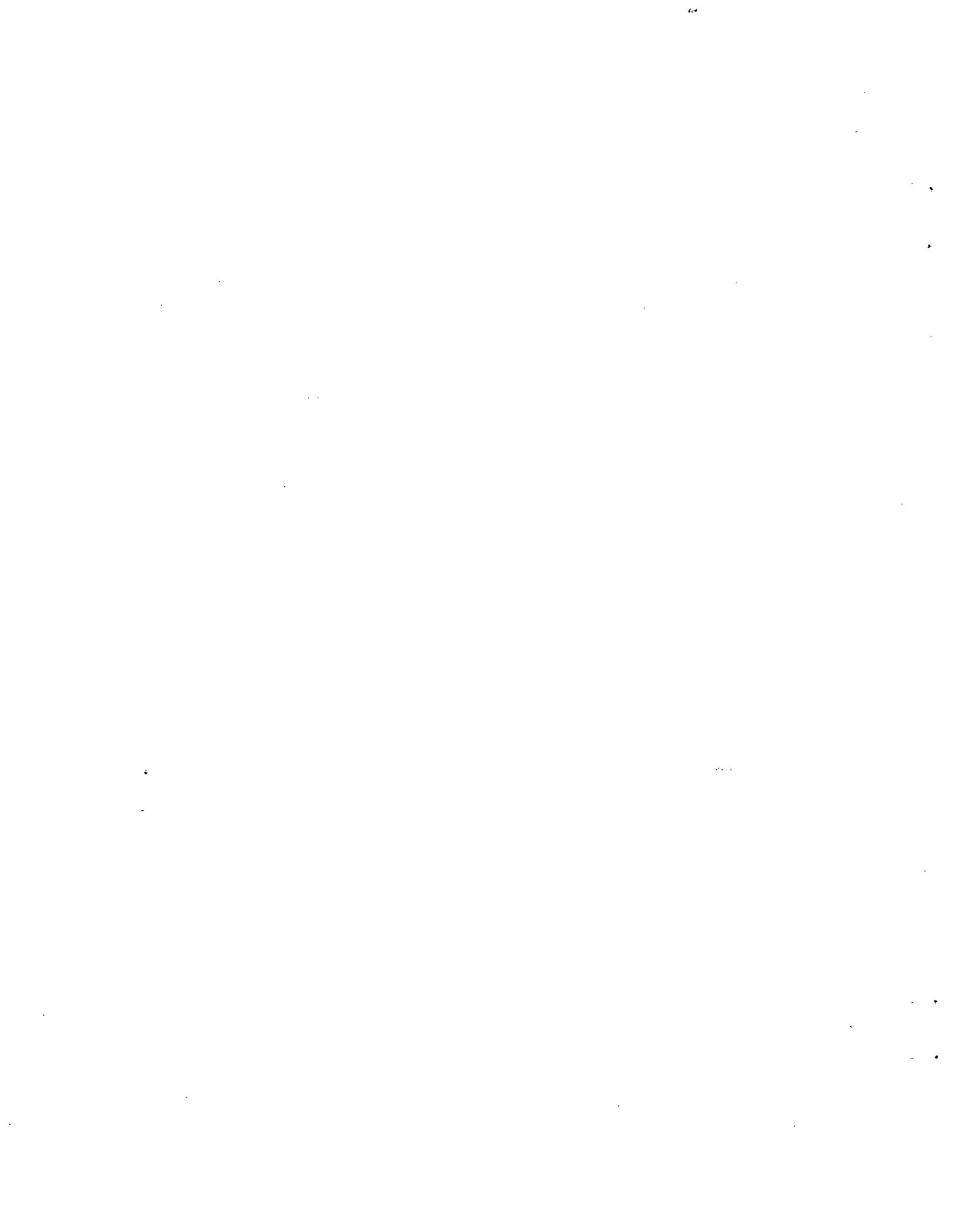
under this program. Such guidelines should identify what generally constitutes active consideration of the reform requirements in H.R. 3 in order to direct State governors for purposes of the certification process described above. The guidelines should also include accommodations, which provide for a reduction in the local distribution requirement of section 1803 of H.R. 3, with respect to any State which bears the primary financial burden within the State for the administration of juvenile justice and which provide for local distribution consistent with H.R. 728 for the State of Louisiana. The conferees expect that the Justice Department, in developing the guidelines, will take into consideration the fact that many States are currently in the process of reforming their juvenile justice systems.

Drug Courts.—The conference agreement includes \$30,000,000 for drug courts as proposed in the House bill instead of \$40,000,000 as proposed in the Senate bill. The conferees note that localities may also obtain funding for drug courts under the Local Law Enforcement Block Grant and the Juvenile Accountability Incentive Block Grant.

Upgrade Criminal History Records (Brady Bill).—The conference agreement provides \$45,000,000, as proposed in both the House and Senate bills, for States to upgrade criminal history records as required under the Brady Bill.

State Prison Grants.—The conference agreement provides \$720,500,000 for State Prison Grants, instead of \$722,500,000 as proposed in the House bill and \$740,500,000 as proposed in the Senate bill. Of the amount provided, \$525,500,000 is available to states to build and expand prisons, \$165,000,000 is available to States for the incarceration of criminal aliens and \$25,000,000 is for the Cooperative Agreement Program. The conference agreement also adopts language in the Senate bill which provides \$5,000,000 for construction of jails on Indian reservations and directs the Office of Justice Programs, within the amount provided to examine a proposal, provide a grant if warranted, and report to the Committees on Appropriations of the House and the Senate on its intentions for funding to support the design phase of a tribal detention facility in Philadelphia, Mississippi. The conference agreement does not include language proposed in the House bill that allows California to use funds provided under the State Prison Grant program to support the cost of incarcerating criminal aliens. The conference agreement also does not include language proposed in the Senate bill to permit prison construction funds to be used to construct juvenile detention facilities, because construction of juvenile facilities is an allowable use of funds under the Juvenile Accountability Incentive Block Grant program.

The conferees continue to be concerned that there is no consistent annual reporting of the incidence and circumstances of deaths that occur at municipal or county jails, State or Federal prisons, or other similar facilities for the confinement of accused or convicted criminals. The conferees direct OJP to provide a report to the Committees on Appropriations of the House and the Senate by February 15, 1998 on the feasibility of creating a single source for annual statistics on in-custody deaths.



Appendix C

Overview of the:

**Office of Justice Programs;
Office of Juvenile Justice and
Delinquency Prevention; and,
State Relations and Assistance
Division**



Overview of the Office of Justice Programs, the Office of Juvenile Justice and Delinquency Prevention, and the State Relations and Assistance Division

This appendix provides an overview of the organizational structure and mission of the Office of Juvenile Justice and Delinquency Prevention (OJJDP), the agency charged by the Attorney General with administering the Juvenile Accountability Incentive Block (JAIBG) Program. Because OJJDP is one of five bureaus operating under the Office of Justice Programs (OJP), an overview of OJP is provided first to further orient State and local program managers.

Office of Justice Programs

The Omnibus Crime Control and Safe Streets Act of 1968, as amended by the Justice Assistance Act of 1984, established OJP, which coordinates the activities of five program components: the Office of Juvenile Justice and Delinquency Prevention, the Bureau of Justice Statistics, the National Institute of Justice, the Bureau of Justice Assistance, and the Office for Victims of Crime. OJP's organizational structure also includes three Crime Act program offices: the Corrections Program Office, the Drug Courts Program Office, and the Violence Against Women Grants Office. These offices are responsible for administering funds stemming from the passage of the Violent Crime Control and Law Enforcement Act of 1994. In addition, the Executive Office for Weed and Seed is now located within OJP.

The mission of OJP is to identify emerging criminal justice issues, develop and test promising approaches to address those issues, evaluate program results, and disseminate findings and other information to units of State and local government. OJP is led by an Assistant Attorney General, who by statute and delegated authority from the U.S. Attorney General coordinates policy, establishes priorities, focuses on national priorities, directs the general management of OJP efforts on national priorities, and directs the general management of OJP'S five component bureaus and four program offices. OJP contains six administrative support offices, including the Office of the Comptroller, the Office of General Counsel, the Office of Congressional and Public Affairs, the Office for Civil Rights, the Office of Budget and Management Services, and the Office of Personnel.

Office of Juvenile Justice and Delinquency Prevention

Congress enacted the Juvenile Justice and Delinquency Prevention (JJDP) Act in 1974. This landmark legislation established the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to support local and State efforts to improve their juvenile justice systems. In accordance with the Act's purposes, OJJDP leads the national initiative to promote a comprehensive and coordinated strategy to meet the challenge facing America's children. The activities reflected in OJJDP's mission encompasses the spectrum of juvenile justice issues, including researching the causes and correlates of delinquency, developing and implementing cost-effective programs that prevent delinquency and reduce recidivism, and providing training that enhances the operation of the juvenile justice system and assists youth service providers.

OJJDP's initiatives share a common purpose of promoting practical solutions to the problems challenging our Nation's juveniles.

OJJDP is headed by an Administrator, who is a presidential appointee. OJJDP conducts its program activities through the Office of the Administrator and seven organizational components:

- o State Relations and Assistance Division
- o Research and Program Development Division
- o Special Emphasis Division
- o Training and Technical Assistance Division
- o Concentration of Federal Efforts Program
- o Missing and Exploited Children's Program
- o Information Dissemination Unit

The Research and Program Development Division (RPDD), the Information Dissemination Unit, and the Training and Technical Assistance Division constitute the National Institute for Juvenile Justice and Delinquency Prevention. The Institute offers a broad array of programs that serve juvenile justice professionals.

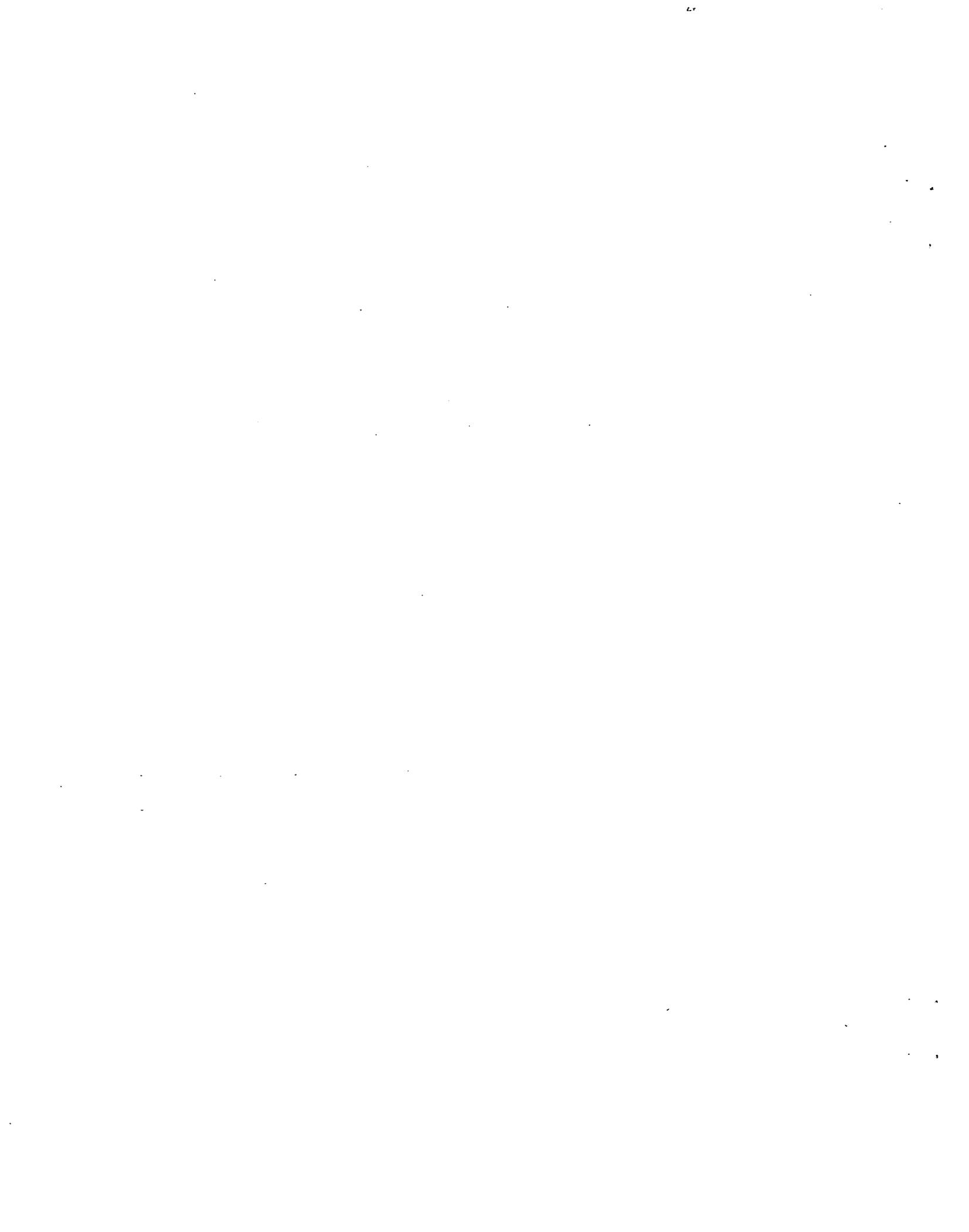
The Special Emphasis Division provides discretionary funds to public and private nonprofit agencies, professional organizations, and individuals to carry out programs and activities designed to establish a continuum of care for at-risk and delinquent youth; RPDD pursues a comprehensive research agenda, develops knowledge about specific problems, monitors trends, and analyzes the practices of the juvenile justice system; and the Training and Technical Assistance Division strengthens the juvenile justice system, including law enforcement, juvenile courts, corrections, youth service, and child advocacy organizations by providing training, technical assistance, and state-of-the-art information.

State Relations and Assistance Division

The State Relations and Assistance Division (SRAD) is the OJJDP component that manages the Juvenile Accountability Incentive Block Grant Program (JAIBG). In addition, SRAD manages OJJDP's Formula Grants program, Challenge Grants activities under Part E of the JJDP Act, and Title V Grant fund activities, which help the States, territories, to prevent and treat delinquency and improve their juvenile justice systems. In pursuit of these objectives, SRAD, working with each participating State's Juvenile Justice Specialist:

- o Oversees the development of comprehensive State juvenile justice plans that determine priorities for the expenditure of Formula Grant funds.
- o Monitors State compliance with JJDP Act core requirements: deinstitutionalization of status offenders, separation of juveniles and adults in institutions, removal of juveniles from adult jails and lockups, and addressing disproportionate minority confinement where it is found to exist.
- o Provides training and technical assistance to States in formulating and implementing their State plans.
- o Awards and monitors Title V discretionary funds that are provided through States to enable communities to implement local juvenile delinquency prevention plans.
- o Awards funds to States to conduct Challenge Grant activities under Part E of the JJDP Act.

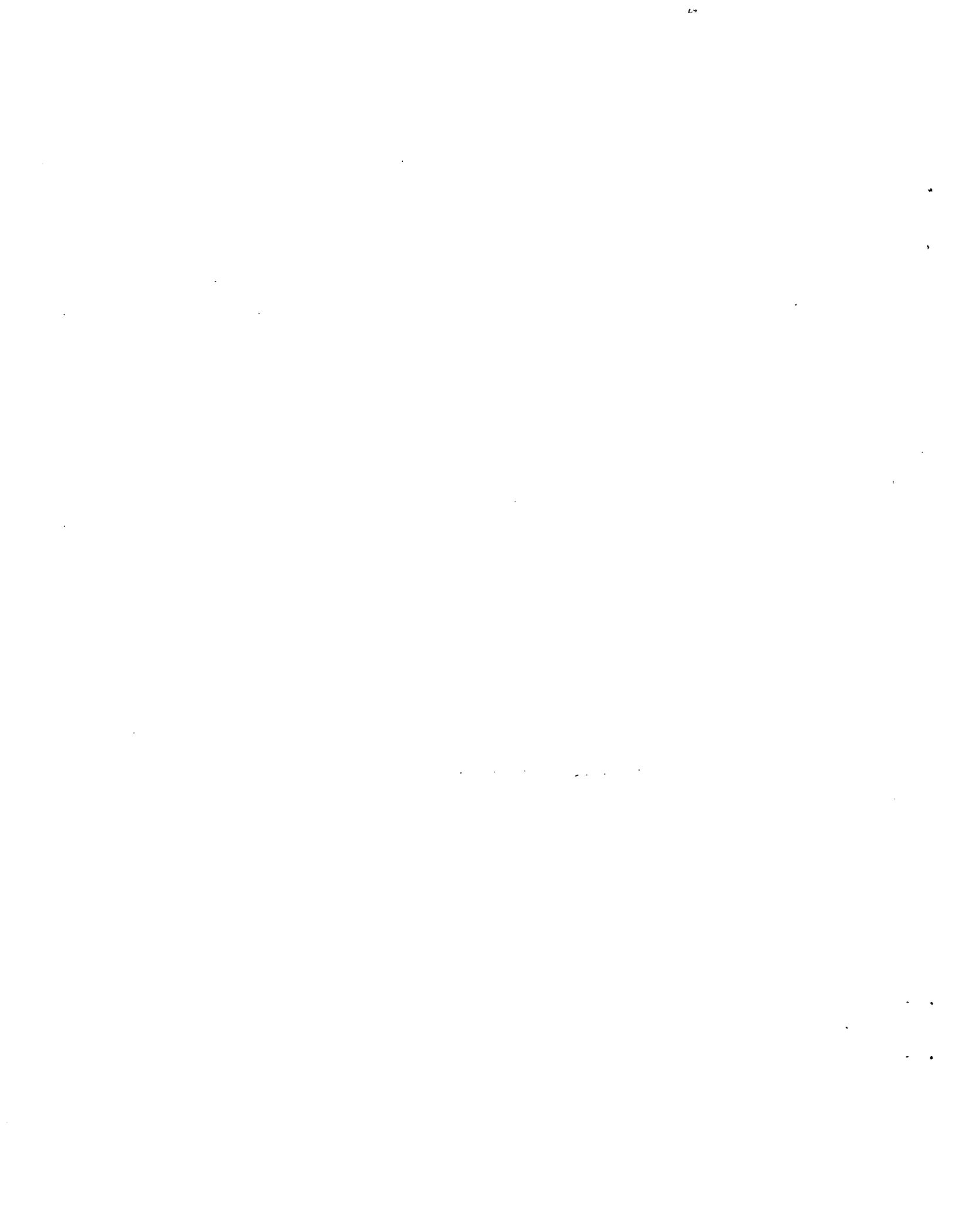
SRAD is headed by a division director responsible for policy development and program coordination between SRAD and other OJP component offices.



Appendix D

Juvenile Accountability Incentive Block Grants Program

SRAD State Assignments



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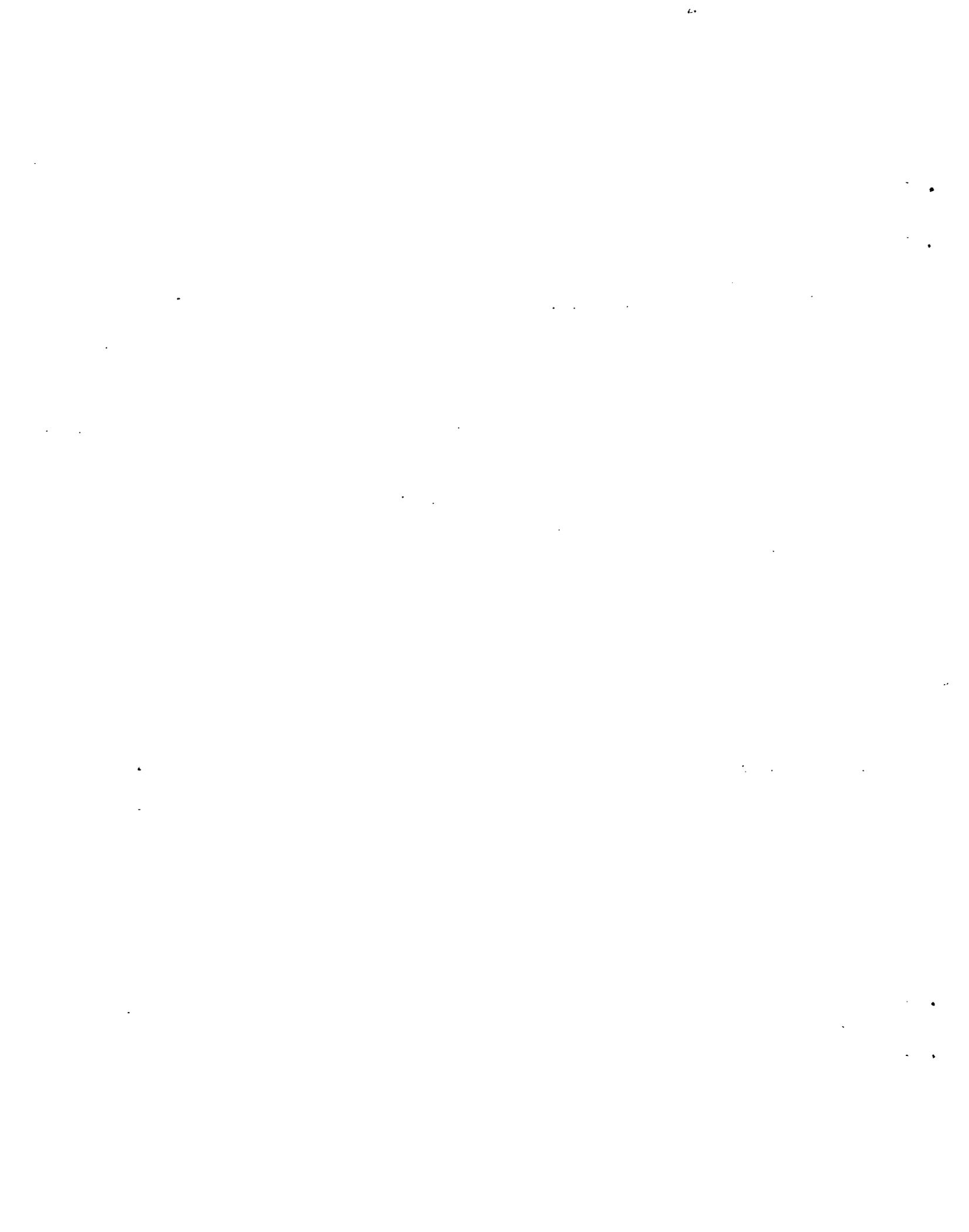
Maryland

Florida

Rhode Island

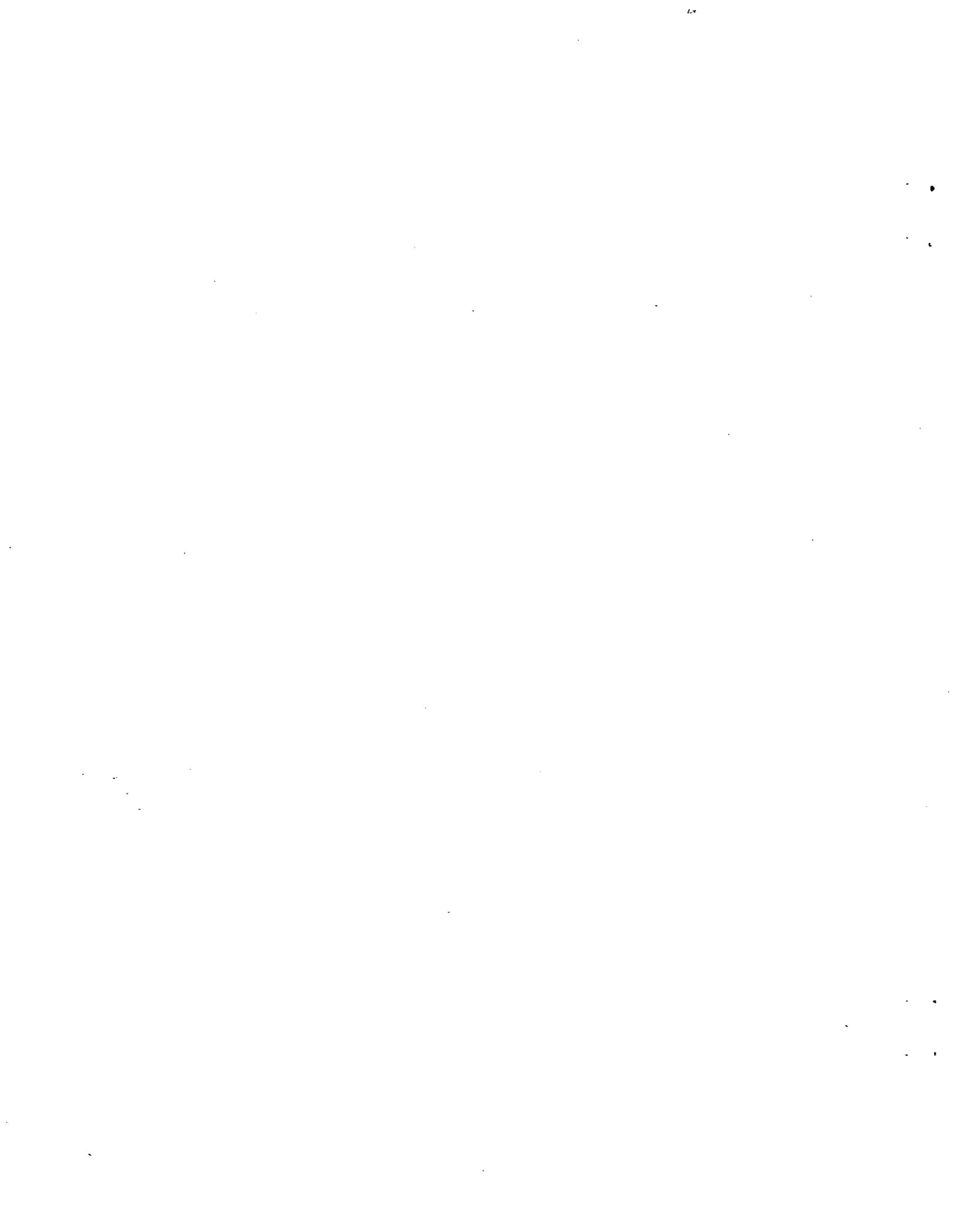
Texas

Iowa



Appendix E

Chart: Individual State Allocations



**1998 JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANTS
STATE ALLOCATIONS**

<u>STATE</u>	<u>AMOUNT</u>	<u>STATE</u>	<u>AMOUNT</u>
ALABAMA	3,756,600	NEBRASKA	2,227,400
ALASKA	1,605,800	NEVADA	2,166,100
ARIZONA	3,934,500	NEW HAMPSHIRE	1,874,600
ARKANSAS	2,751,200	NEW JERSEY	5,952,000
CALIFORNIA	22,539,000	NEW MEXICO	2,369,800
COLORADO	3,567,400	NEW YORK	12,108,900
CONNECTICUT	3,085,200	NORTH CAROLINA	5,582,300
DELAWARE	1,585,600	NORTH DAKOTA	1,567,900
DIST OF COLUMBIA	1,425,400	OHIO	8,027,700
FLORIDA	9,414,600	OKLAHOMA	3,284,900
GEORGIA	5,868,800	OREGON	3,110,400
HAWAII	1,900,300	PENNSYLVANIA	8,140,600
IDAHO	2,001,500	RHODE ISLAND	1,728,500
ILLINOIS	8,770,400	SOUTH CAROLINA	3,422,300
INDIANA	4,774,300	SOUTH DAKOTA	1,653,500
IOWA	2,895,700	TENNESSEE	4,349,100
KANSAS	2,818,400	TEXAS	14,307,200
KENTUCKY	3,496,800	UTAH	2,797,900
LOUISIANA	4,135,200	VERMONT	1,514,800
MAINE	1,883,400	VIRGINIA	5,095,800
MARYLAND	4,262,400	WASHINGTON	4,625,500
MASSACHUSETTS	4,589,700	WEST VIRGINIA	2,178,600
MICHIGAN	7,278,200	WISCONSIN	4,399,400
MINNESOTA	4,167,900	WYOMING	1,482,600
MISSISSIPPI	2,984,400	PUERTO RICO	3,944,900
MISSOURI	4,522,800	VIRGIN ISLANDS	1,246,700
MONTANA	1,722,400	AM SAMOA/GUAM/N. MARIANA*	1,352,700
		TOTAL	232,250,000

* American Samoa (33%) - \$446,391; Guam (50%) - \$676,350; and Northern Mariana Islands (17%) - \$229,959.

State population figures are from the Bureau of Census based on July 1, 1996 estimates.
Territories are based on the 1990 Census.

Budget Staff 01/02/98

