

JAIBG

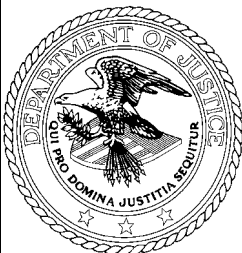
Juvenile Accountability Incentive
Block Grants Program

Guidance Manual

OJJDP

Office of Juvenile Justice and Delinquency Prevention

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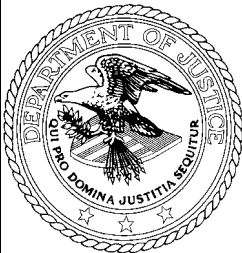
JAIBG

Juvenile Accountability Incentive
Block Grants Program

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OJJDP

Office of Juvenile Justice and Delinquency Prevention



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- A. Title III of H.R. 3
- B. House Report 105-405, Provisions Relative to the JAIBG Program

Section 1 Introduction

In Fiscal Year (FY) 1998, 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. Subsequent years funding has continued through the Appropriations process.

In FY 1998, Public Law 105-119 directed 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. The criteria for eligibility during the first year of the JAIBG program (FY 1998) was used to determine eligibility for second year funding (FY 1999). Eligibility for subsequent year funding is established by completion of the FY 1998-1999 requirements, until such time as a full JAIBG program is authorized and permanent eligibility requirements are established.

In addition, the Conference Report on the FY 1998 Appropriations Act (H. Rept.105-405, November 13, 1997, appendix B) directed 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 JAIBG program 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, published in the *Federal Register* on April 21, 1999 (28 CFR Part 31, Section 500), establishes the procedure for States and units of local government (see Section 6.2, “Definitions”) to provide notice to OJJDP of the proposed uses of JAIBG funds. Responsibility for

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.

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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.

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 FY 1998 Appropriations Act (see appendix B) directed 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. Eligibility requirements are set forth in Section 2.5 Eligibility Requirements.

2.2 Program Administration

Congress has 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 is 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; the Community Prevention Grants program, established under Title V of the JJDP Act; the Enforcing the Underage Drinking Laws (EUDL) Program (formerly the Combating Underage Drinking program), established by the Appropriations Act; and the Tribal Youth Program, also established by the Appropriations Act. Working with the Juvenile Justice Specialist, the Supervisory Board/State Advisory Group, JAIBG Coordinator, and EUDL Coordinator in each program's Designated State Agency, SRAD assists States and territories in the prevention and control of delinquency and the improvement of their juvenile justice systems.

2.3 Fiscal Year Appropriations

Each Fiscal Year allocation is determined by the Appropriations Act. After deducting statutory set asides (program administration up to 1% of the Authorized Appropriation; research, evaluation, and demonstration 3% of each Fiscal Year Appropriation; and training and technical assistance 2% of each Fiscal Year Appropriation), the balance is available for distribution to eligible States. 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.

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 FY 1998 Appropriations Act provided a twelfth area for which 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 JAIBG funds, the Chief Executive Officer of each State certified to the OJJDP Administrator consideration of the requirements outlined below.

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 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 JAIBG funds.

Areas of Certification

To establish initial eligibility to the JAIBG program, States were required to consider the following four areas. “Consideration” 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.

(1) Prosecution of Juveniles as Adults

States were required to 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 were required to 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 were required to 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 were required to 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 required 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.

Each State and sub-recipient unit of local government must have an established policy for controlled substance testing in order to receive a FY 1999 or later JAIBG award. Policies for units of local government should be submitted to and approved by the State.

2.6 Allocation of Funds

State Allocation

The Appropriations Act allocated 0.5 percent of the available funds for each State and, of the total funds remaining, allocated 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.

Allocation From State to Units of Local Government

Absent a waiver (see page 13, 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) and the Justice Research and Statistics Association (JRSA), will continue to provide to the States, 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 exceeds 100% of average law enforcement expenditures shall be available to other units of local government that are not affected by the cap.

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. A method of providing services to these units of local government may include providing the amounts to a larger surrounding jurisdiction, such as a county or regional coalition, to provide services to benefit the smaller units. Awarding of funds in this manner must include an assurance by the State that funds available in this manner will be programmed in a manner that maximizes the benefit to units of local government not eligible for an award, rather than simply lumping the additional funding into the larger jurisdiction's allocation.

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 the unit of local government determines that it 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 all eligible units of local government in the current 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, a legally authorized combination, or a State agency serving as the fiscal agent of an authorized regional or local planning board must serve as the fiscal agent for receiving the award from the State and obligating and expending funds for the benefit of the combined units. A legally authorized combination could consist of those units of local government agreeing to enter into a coalition and who determine how the JAIBG award will be obligated and expended under the

twelve purpose areas, or an existing planning board representative of the local governments. Participation in a regional coalition must be voluntary. “Legally authorized” combinations are those established under State law or whose existence is permitted under State law.

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 each of the authorized program purpose areas was established (see Section 6.8, “Definitions”) by comparing State and local expenditures in each Purpose Area, and including this information in a waiver request to the OJJDP Administrator. Juvenile justice expenditures that do not fall within any of the 12 purpose areas (such as general law enforcement expenditures) cannot be utilized in determining primary financial burden. In submitting a waiver request, the State shall demonstrate that it has consulted with units of local government in the State, either directly or through organizations representing such units, regarding the proposed waiver, its statutory and fiscal basis, and the State’s proposed or established priorities for use of the funds. 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.

States that were approved for a waiver in Fiscal Year 1998 and FY 1999 must reapply for a waiver in each subsequent Fiscal Year. States should use the same format for which a FY 1998 waiver was approved, utilizing updated fiscal information. States that were approved for a 100%

waiver may certify in writing to the Administrator that the conditions that existed to establish a 100% waiver have not changed since submission of the preceeding Fiscal Year request. However, all States requesting a waiver, regardless of the percentage requested, must demonstrate consultation with units of local government or their representative organizations.

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.

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 JAIBG Regulation as published in the *Federal Register* on April 21, 1999 (28 CFR Part 31 §500) 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.

2.9 Technical Assistance

Training and technical assistance (T&TA) support is available from Development Services Group, Inc. (DSG), which has been competitively selected to manage the JAIBG national T&TA effort. DSG coordinates the activities of the JAIBG National Training and Technical Assistance Alliance and can provide or arrange linkages with technical assistance, training, materials, or other sources of assistance. T&TA can be arranged by contacting DSG directly toll free at 877-GO-JAIBG (877-465-2424) or online at: www.dsgonline.com.

To assist States and local government in the planning process, OJJDP has developed a Strategic Planning Guide which has previously been distributed to all JAIBG Designated State Agencies. Additional copies are available by contacting OJJDP's Juvenile Justice Clearinghouse at (800) 638-8736 and requesting document number NCJ 172846. Additionally, OJJDP is developing a series of "best practices" bulletins discussing promising approaches in each of the twelve Purpose Areas. Upon completion, copies of the bulletins will be distributed to interested parties.

2.10 National Evaluation

OJJDP through a cooperative agreement with the National Institute of Justice (NIJ) has competitively awarded a grant to Abt Associates of Cambridge Massachusetts to conduct an evaluation of the implementation of the JAIBG program. Beginning with FY 1999, researchers from Abt will contact each Designated State Agency to learn how each State has decided to implement the JAIBG program. During the ongoing evaluation, they will also contact each State to obtain information about a sample of specific programs which received JAIBG funding. To reduce data requests, Abt will also obtain data from the information submitted to OJJDP under Section 5.3 of this manual.

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 .

Technical assistance on the application process is available to applicants from OJJDP’s State Relations and Assistance Division (SRAD).

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

3.2 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. The 50 percent match applies only to construction costs for a permanent juvenile corrections facility. Construction of any other allowed facility or other provisions of Purpose Area 1 have the same match requirement as all other program purpose areas.

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.

Under JAIBG policy the premise of match is to demonstrate State or local buy-in to the particular program being funded, whether on a project-by-project or on an aggregate basis. Consequently, funds provided for a specific Purpose Area may be used as match for other programs within related JAIBG program Purpose Areas. In order to maximize flexibility to the State and units of local government under JAIBG, OJJDP will consider, on a case-by-case basis, requests by States to provide match that is specific to one purpose area to meet the requirements for match in another purpose area(s). The only exception to this provision is that funds earmarked for capital expenditures (JAIBG Purpose Area 1) may only be utilized to match construction costs. General funds available to a department or agency can be used as match for any authorized JAIBG program Purpose Area on a project-by-project basis. Requests to deviate from the general match provisions should be submitted to the OJJDP Administrator outlining the source of proposed match and the intended use within one or more of the twelve purpose areas.

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

3.3 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.

3.4 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, as provided in Section 3.3). 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 $\$88,889 - \$80,000 = \$8,889$).

3.5 Allowable Sources of Match

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

1. Funds from States and local units of government that have a binding commitment of matching funds for programs or projects.
2. Funds from the following:
 - A. Housing and Community Development Act of 1974, 42 USC §5301, et seq. (subject to the applicable policies and restrictions of the Department of Housing and Urban Development).
 - B. Appalachian Regional Development Act of 1965, 40 USC §214.
3. Equitable Sharing Program, 21 USC §881(e) (current guidelines developed by the DOJ Asset Forfeiture Office apply). Forfeited assets used as match from the Equitable Sharing Program would be adjudicated by a Federal court.
4. Funds contributed from private sources.
5. Program income and the related interest earned on that program income generated from projects may be used as match provided it is identified and approved prior to making an award.

6. Program income funds earned from seized assets and forfeitures (adjudicated by a State court, as State law permits).
7. Funds appropriated by Congress for the activities of any agency of a Tribal government or the Bureau of Indian Affairs performing law enforcement functions on Tribal lands may be used as matching funds.
8. Otherwise authorized by law.

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.

3.6 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.

3.7 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. Dept of Justice, Office of Justice Programs, Office for Civil Rights, 810 7th Street, NW, Washington, DC 20531.

3.8 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.

3.9 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.

3.10 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.

3.11 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 OJP Office of the Comptroller's Customer Service Center at (800) 458-0786, via Internet at www.ojp.usdoj.gov/oc or through E-mail at askoc@ojp.usdoj.gov.

3.12 National Environmental Policy Act

The Assistant Attorney General for the Office of Justice Programs (OJP) has provided that beginning with FY 2000, all recipients of federal grant awards under OJP must comply with the requirements of the National Environmental Policy Act (NEPA) of 1969 (Pub. Law 90-190; 42 U.S.C. §4371 *et seq*). NEPA establishes a national goal of protecting the environment. NEPA requirements apply to any federal project, decision, or action, including grants and sub-grants, that might have a significant impact on the quality of the human environment. NEPA is the primary federal statute establishing protections for the environment. It establishes policy, sets goals and provides the means for carrying out the policy. According to the *Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act*, issued by the Council on Environmental Quality, "NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken. The information must be of high quality. Accurate scientific analysis, expert agency comments, and public scrutiny are essential....The NEPA process is intended to help public officials make decisions that are based on understanding of environmental consequences, and take actions that protect, restore, and enhance the environment."

The policy requires that federal agencies, to the fullest extent possible:

- Implement procedures to make the NEPA process more useful to decision makers and the public; reduce paperwork and the accumulation of extraneous background data; and emphasize real environmental issues and alternatives. Environmental impact statements shall be concise, clear, and to the point, and shall be supported by evidence that agencies have made the necessary environmental analyses.
- Integrate the requirements of NEPA with other planning and environmental review procedures required by law and by agency practice so that all such procedures run concurrently rather than consecutively.
- Encourage and facilitate public involvement in decisions which affect the quality of the human environment.

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- Use the NEPA process to identify and assess reasonable alternatives to proposed actions that will avoid or minimize adverse effects of these actions upon the quality of the human environment.
- Use all practicable means to restore and enhance the quality of the human environment and avoid or minimize any possible adverse effects of the actions upon the quality of the human environment.

All construction, expansion, and renovation projects initiated by State or local units of government with grant funding from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) are subject to NEPA. These projects are also subject, where applicable, to the requirements of the following environmental statutes and executive orders: Coastal Zone Management Act of 1972; Coastal Barrier Resources Act of 1982; Clean Air Act of 1974; Safe Drinking Water Act of 1974; Federal Water Pollution Control Act; Endangered Species Act of 1973; Wild and Scenic Rivers Act of 1968; National Historic Preservation Act of 1966; Executive Orders related to protection of wetlands, flood plain management, and environmental justice; Farmland Protection Policy Act; and the Relocation Assistance Requirements.

It is the policy of the U. S. Department of Justice, the Office of Justice Programs, and OJJDP to minimize harm to the environment and OJJDP may reject requests or encourage the modification of projects which have adverse environmental impacts. Unless there is no reasonable alternative, projects completed with grant funds should not be placed in a flood plain or wetlands. Projects which have an adverse impact on an endangered species will not be approved and grantee agencies should avoid or work to mitigate negative impacts on historic properties or sites and on low income and minority communities.

Designated State Agencies (DSA) contemplating, or making sub awards to units of local government for the construction or renovation of facilities, under the JAIBG program, with FY 2000 or later funding, should contact their OJJDP State Relations and Assistance Division (SRAD) State Representative as soon as possible for additional guidance. OJJDP will make available an instruction video in late Fall 2000 to provide additional training regarding NEPA requirements.²

² Introduction to NEPA, excerpts OJP Corrections Program Office, Program Guidance on Environmental Protection Requirements, March 1, 2000.

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. The following subsections highlight key requirements that grant recipients must comply with prior to obligating JAIBG funds.

4.1 State 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 of award. JAIBG funds will be available for award until September 30th of each Fiscal Year. 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. There is no provision for a trust fund at the local level. Funds awarded to units of local government should be retained in the State trust fund and distributed to the local level as obligations are incurred.

In order to be in compliance with the State 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.

The establishment by the State of an account that earns interest does not violate the provisions of the Cash Management Improvement Act (CMIA) of 1991. The CMIA requires States to pay interest on federal funds received in advance of need “when not inconsistent with program purposes.” This exception recognizes that under certain programs interest on federal funds is to be applied to program purposes or is legally required to be retained by the State. This exception applies solely to the payment of interest from States to the federal government. Therefore, a State may be excepted from paying interest to the federal government under the JAIBG program. However, the remaining provisions of the CMIA, including the disbursement of funds from the State to the local level, still apply.

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 JAIBG award package will also contain an electronic Follow-up Information Form. Grantees must return the signed award document and special conditions to OJJDP in order to receive a grant award. The Follow-up Information Form is the mechanism OJJDP is using for the States to report their compliance with the requirements of Section 31.503 of the JAIBG regulation.

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. 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 September 30, 2000, the first report would cover the period from the grant award date through December 31, 2000, and would be due January 30, 2001. The next report would cover the period of January 1 through June 30, 2001, and would be due July 30, 2001.

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 September 30, 2000, the first financial status report would cover the period October 1 through December 31, 2000, and would be due February 15, 2001. The next report would cover the period January 1 through March 31, 2001, and would be due May 15, 2001.

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.