



OJJDP FACT SHEET

Shay Bilchik, Administrator

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OJJDP Formula Grants Program

by Heidi M. Hsia

Since 1975, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) has been authorized to administer the Formula Grants program to support State and local delinquency prevention and intervention efforts and juvenile justice system improvements. The program is authorized under Title II, Part B, Section 222, of the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974, as amended (Public Law 93-415, 42 U.S.C. 5601 *et seq.*).

Formula grant funds are appropriated by Congress and awarded by OJJDP to the 50 States, 5 territories, and the District of Columbia (hereafter referred to as States) on the basis of their proportionate population under age 18. In fiscal year (FY) 1999, Congress appropriated \$89,000,000 for the Formula Grants program; of this, \$77,555,599 was available for direct awards to States. Allocations ranged from \$640,000 (Washington, DC) to \$8.6 million (California). At least two-thirds of the funds awarded to each State must be used for programs by local public and private agencies and eligible American Indian tribes. The minimum amount of funds allocated to a State's American Indian tribes is based on the proportion of a State's youth population residing in areas where the tribal government performs law enforcement functions.

Eligibility

To be eligible to receive a formula grant, a State must: (1) designate a State agency to prepare and administer the State's comprehensive 3-year juvenile justice and delinquency prevention plan; (2) establish a State Advisory Group (SAG), appointed by the Chief Executive, to provide policy direction (or advise a broad-based supervisory board that has policy responsibility) and participate in the preparation and administration of the Formula Grants program plan; and (3) commit to achieve and maintain compliance with the following four core requirements of the JJDP Act:

- ◆ **Deinstitutionalization of status offenders (DSO).** A status offender (a juvenile who has committed an act that would not be a crime if committed by an adult) or nonoffender (such as a dependent or neglected child) cannot be held, with statutory exceptions, in secure juvenile detention or correctional facilities. Status offenders and nonoffenders cannot be detained or confined in adult facilities for any length of time.
- ◆ **Separation of juveniles from adult offenders (separation).** Alleged and adjudicated juvenile delinquents cannot be detained

or confined in a secure institution (such as a jail, lockup, or secure correctional facility) in which they have sight or sound contact with adult offenders.

- ◆ **Adult jail and lockup removal (jail removal).** As a general rule, juveniles (individuals who may be subject to the original jurisdiction of a juvenile court based on age and offense limitations established by State law) cannot be securely detained or confined in adult jails and lockups. The statute provides temporary hold exceptions for alleged and adjudicated delinquents and criminal misdemeanor offenders under conditions of separation and excepts juveniles waived or transferred to criminal court on felony charges.
- ◆ **Disproportionate minority confinement (DMC).** States are required to address efforts to reduce the proportion of juveniles detained or confined in secure facilities who are members of minority groups if such proportion exceeds the proportion such groups represent in the general population.

If a State, despite its plan commitment and good faith efforts, fails to demonstrate compliance with any of the four core requirements, the State's formula grant is reduced by 25 percent for each requirement for which noncompliance occurs. States must agree to use all remaining funds (except those set aside for planning and administration, SAG activities, and American Indian programs) to achieve compliance. If a State is ineligible to receive a formula grant or chooses not to participate in the program, OJJDP will make the State's allotment, excluding the SAG allocation, available to local public and private nonprofit agencies in the State to carry out activities designed to bring the State into compliance with the core requirements.

Program Areas

States may use their formula grants to support a variety of programs related to preventing and controlling delinquency and improving the juvenile justice system. Funds may be used for research, evaluation, statistics and other informational activities, and training and technical assistance. Program areas include the following:

- ◆ **Planning and administration.** These activities include developing the State plan and evaluation and monitoring activities. A State cannot use more than 10 percent of its total annual award

for these activities, and the funds must be matched 100 percent by the State.

- ◆ SAG allocation. States are allowed to use up to 5 percent of the minimum allocation each year to support the SAG's. The amount available during FY 1999 was \$32,000 (that is, 5 percent of \$640,000, which was the smallest formula grant award).
- ◆ Core requirements. Formula grant funds can be used to address the DSO, separation, adult jail and lockup removal, and DMC requirements of the JJDP Act.
- ◆ Compliance monitoring. States can use funds to enhance or maintain their ability to monitor jails, detention centers, and other facilities to ensure compliance with JJDP Act core requirements.
- ◆ Juvenile justice issues for American Indian tribes.
- ◆ Prevention of the use and abuse of illegal drugs and alcohol by juveniles.
- ◆ Prevention of serious and violent crimes by juveniles.
- ◆ Prevention of juvenile gang involvement and illegal youth gang activities.
- ◆ Prevention of delinquent acts and identification of youth at risk of delinquency.
- ◆ Improvement of juvenile justice system operations, policies, and procedures. Activities include establishing a system of graduated sanctions, treatment programs, and aftercare services.
- ◆ Support, enhancement, and evaluation of innovative local law enforcement and community policing programs.
- ◆ Other programs. These include programs not identified above but related to juvenile justice and delinquency prevention.

Award Process

All Formula Grants program applications are due 60 days after OJJDP officially notifies States of their annual Formula Grants program allocation or by March 31 of the fiscal year for which the funds are allocated, whichever is later. Every 3 years, each State's application must include a comprehensive 3-year Formula Grants plan. States are required to submit annual updates to reflect new trends and identified needs in their juvenile justice systems along with planned strategies and programs to address them. States generally issue Requests for Proposals that invite local governments, private nonprofit agencies, and American Indian tribes to compete for funds to support programs that address the priority areas identified in State plans.

For Further Information

To obtain a list of juvenile justice specialists in State agencies that administer the Formula Grants program, call OJJDP's State Relations and Assistance Division, 202-307-5924.

Detailed information about the regulations for the Formula Grants program is contained in *OJJDP Formula Grants Consolidated Regulation (28 CFR Part 31)*, December 10, 1996. The document is available from OJJDP's Juvenile Justice Clearinghouse, 800-638-8736 (phone), 301-519-5212 (fax), puborder@ncjrs.org (e-mail), www.ojjdp.ncjrs.org (Internet).

Heidi M. Hsia, Ph.D., is a State Representative in OJJDP's State Relations and Assistance Division.

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

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