



# Juvenile Accountability Block Grants Program

## Guidance Manual

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J. Robert Flores  
Administrator  
Office of Juvenile Justice and Delinquency Prevention

Gregory Thompson  
Associate Administrator  
State Relations and Assistance Division

**Office of Juvenile Justice and Delinquency Prevention**



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# Section 1: Overview of the Juvenile Accountability Block Grants Program

## 1.1 Introduction

The Office of Juvenile Justice and Delinquency Prevention (OJJDP), one of five program bureaus in the Office of Justice Programs (OJP), U.S. Department of Justice, administers the Juvenile Accountability Block Grants (JABG) program. As envisioned by Congress, the goal of the JABG program is to reduce juvenile offending through supporting accountability-based programs that focus on offenders and state and local juvenile justice systems. Accountability means holding offenders responsible for their delinquent behavior through the imposition of sanctions or other individualized consequences, such as restitution, community service, or victim-offender mediation.

OJJDP provides federal JABG funds to a designated state agency (See Section 5.3). Local and tribal governments then apply to the states for funds to support local accountability programs. Federally recognized tribes may also compete for additional JABG funding through the Tribal Juvenile Accountability Discretionary Grant Program managed by OJJDP's Demonstration Program Division. (Section 2.3, Tribal Eligibility).

In their applications for JABG funding, states must describe specific plans to use the funds to support local or tribal activities in one or more of the 16 JABG program purpose areas, outline criteria for measuring the effectiveness of the funded activities through OJJDP-approved JABG performance indicators, and document their efforts to implement a system of graduated sanctions. The basic premise underlying the JABG program is that both the juvenile offender and the juvenile justice system must be held accountable. In implementing the program, OJJDP seeks to reduce juvenile offending through both offender-focused and system-focused activities that promote accountability. For the juvenile offender, accountability means an assurance of facing individualized consequences through which he or she is made aware of and held responsible for the loss, damage, or injury that the victim experiences. Such accountability is best achieved through a system of graduated sanctions imposed according to the nature and severity of the offense, moving from limited interventions to more restrictive actions if the offender continues delinquent activities. For the juvenile justice system, strengthening the system requires an increased capacity to develop youth competence, to efficiently track juveniles through the system, and to provide enhanced options such as restitution, community service, victim-offender mediation, and other restorative justice sanctions that reinforce the mutual obligations of an accountability-based juvenile justice system.

The long-term goals of the JABG program are the following:

- By 2012, 76 percent of youth that subgrantees serve will be processed using graduated sanctions approaches. (The baseline is 71 percent. The annual goal is a 1-percent increase; the 5-year goal is a 5-percent increase.)
- By 2012, no more than 30 percent of program youth will reoffend. (No baseline is currently available. This rate is based on research of other intervention programs. The annual goal is a 1-percent decrease in rates of offending; the 5-year goal is a 5-percent decrease.)

This guidance manual is intended to assist states in applying for, receiving, obligating, and expending (by the state and through subgrants) JABG funds. It is designed to serve as the primary reference for state and local program managers on program- and fiscal-related matters. It provides an overview of the legislation that created the JABG program and reviews the major requirements for program participation.

## 1.2 Legislative Origin

The House of Representatives passed the Juvenile Accountability Incentive Block Grants (JAIBG) Act in 1997 under Title III of H.R. 3. Congress first funded the program through an appropriations act in fiscal year 1998 and authorized the Attorney General to provide grants under the JAIBG program for states and units of local government, to include tribal governments. They were to use these funds to support innovative, effective programs that reduce juvenile offending through accountability-based initiatives focusing on offenders and the juvenile justice system and that improve the efficiency of state juvenile justice systems. The Department of Justice Authorization Act of FY 2003 included provisions to change the name of the JAIBG program to the Juvenile Accountability Block Grants (JABG) program<sup>1</sup>, expand the number and scope of the program areas, refine the program's reporting and monitoring requirements, and include program funding as part of Title I (Part R, Chapter 46, Subchapter XII – F) of the Omnibus Crime Control and Safe Streets Act. (See Appendix A). This legislation stated that the changes would go into effect as of FY 2004.

## 1.3 Program Administration

The State Relations and Assistance Division (SRAD) of OJJDP manages the JABG program. SRAD works with the the JABG coordinator<sup>2</sup> in the designated state agency, juvenile justice specialist, and the state advisory group to assist states in the prevention and control of delinquency and the improvement of their juvenile justice systems. For a listing of state JABG coordinators and designated state agencies, go to [ojjdp.ncjrs.gov/statecontacts/resourcelist.asp](http://ojjdp.ncjrs.gov/statecontacts/resourcelist.asp).

## 1.4 Fiscal Year Appropriations

The Appropriations Act determines each fiscal year's allocation. After deducting statutory set-asides from the authorized appropriation for a fiscal year, OJJDP distributes the balance to eligible states<sup>3</sup>. For this purpose, the term state includes commonwealths, territories, and the District of Columbia (see Section 5.16).

Funds are available on a formula basis that provides a minimum allocation of 0.5 percent of the available funds to each state. The remaining funds are allocated to each eligible state based on its relative share of the population younger than 18 years old. Allocations for FY 1998 to FY 2006 are shown in the following table.

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1. Prior to October 1, 2003, the JABG program was known as the Juvenile Accountability Incentive Block Grants (JAIBG) program. Revisions of program elements are described in the OJJDP Bulletin, *Changes to OJJDP's Juvenile Accountability Program*, June 2003. ([www.ncjrs.gov/html/ojjdp/200220/contents.html](http://www.ncjrs.gov/html/ojjdp/200220/contents.html))

2. In some states, the juvenile justice specialist may also serve as the JABG coordinator.

3. Statutory set-asides include not more than 1 percent for program administration; 2 percent for research, evaluation, and demonstration; 2 percent for training and technical assistance; and not more than 2 percent for Indian tribes.

Fiscal Year	Amount
1998	\$250,000,000
1999	\$250,000,000
2000	\$237,945,000
2001	\$249,450,000
2002	\$249,450,000
2003	\$190,000,000
2004	\$60,000,000
2005	\$54,265,000
2006	\$50,000,000
2007	\$49,361,400

## 1.5 Program Purpose Areas

The purpose of the JABG Program is to provide states and units of local government with funds to develop programs to strengthen their juvenile justice systems. Funds are available for the following 17 program purpose areas:

- Purpose Area 1:** Developing, implementing, and administering graduated sanctions for juvenile offenders;
- Purpose Area 2:** Building, expanding, renovating, or operating temporary or permanent juvenile corrections, detention, or community corrections facilities;
- Purpose Area 3:** Hiring juvenile court judges, probation officers, and court-appointed defenders and special advocates, and funding pretrial services (including mental health screening and assessment) for juvenile offenders, to promote the effective 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 case backlogs reduced;
- Purpose Area 5:** Providing funding to enable prosecutors to address drug, gang, and youth violence problems more effectively and for technology, equipment, and training to assist prosecutors in identifying and expediting the prosecution of violent juvenile offenders;
- Purpose Area 6:** Establishing and maintaining training programs for law enforcement and other court personnel with respect to preventing and controlling juvenile crime;

- Purpose Area 7:** Establishing juvenile gun courts for the prosecution and adjudication of juvenile firearms offenders;
- Purpose Area 8:** Establishing drug court programs for juvenile offenders that provide continuing judicial supervision over juvenile offenders with substance abuse problems and the integrated administration of other sanctions and services for such offenders;
- Purpose Area 9:** Establishing and maintaining a system of juvenile records designed to promote public safety;
- Purpose Area 10:** Establishing and maintaining interagency information-sharing programs that enable the juvenile and criminal justice systems, 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 designed to reduce recidivism among juveniles who are referred by law enforcement personnel or agencies;
- Purpose Area 12:** Establishing and maintaining programs to conduct risk and need assessments of juvenile offenders that facilitate the effective early intervention and the provision of comprehensive services, including mental health screening and treatment and substance abuse testing and treatment to such offenders;
- Purpose Area 13:** Establishing and maintaining accountability-based programs that are designed to enhance school safety;
- Purpose Area 14:** Establishing and maintaining restorative justice programs;
- Purpose Area 15:** Establishing and maintaining programs to enable juvenile courts and juvenile probation officers to be more effective and efficient in holding juvenile offenders accountable and reducing recidivism; and
- Purpose Area 16:** Hiring detention and corrections personnel and establishing and maintaining training programs for such personnel to improve facility practices and programming.
- Purpose Area 17<sup>4</sup>:** Establishing, improving, and coordinating prerelease and postrelease systems and programs to facilitate the successful reentry of juvenile offenders from state or local custody in the community.

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<sup>4</sup> This purpose area was added in 2006 and can be found at 42 U.S.C. §3796ee (b)(17).

## Section 2: Grant Eligibility and Fund Allocations

### 2.1 State Eligibility

Under the JAIBG Appropriations Act of 1997, the governor or other chief executive officer of each state designates a single state agency to receive, manage, and administer JABG funds. To find a listing of the JABG designated state agencies (DSA) go to [ojjdp.ncjrs.gov/statecontacts/resourcelist.asp](http://ojjdp.ncjrs.gov/statecontacts/resourcelist.asp). To be eligible for JABG funds, the state must annually submit to the OJJDP Administrator an application describing the proposed activities and the criteria by which the state will assess the effectiveness of the activities in achieving the stated goals. (See Section 3, Application Process)

### 2.2 Local Eligibility

Units of local government (See Section 5.16) and Indian tribes are eligible to receive an allocation as subgrants by states. The eligibility criteria for units of local government (other than a specially qualified unit) are the same as for state eligibility. The requirements for specially qualified units (See Section 5.15) are the same as for local units of government, except applicants must submit their applications describing their proposed activities to the Attorney General, rather than to the state.

### 2.3 Tribal Eligibility for the JADG Program

In addition to being eligible for JABG funds as a local unit of government, Indian tribes, as defined by Section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a), or a consortia of such tribes, are eligible for JABG funding through OJJDP's Tribal Juvenile Accountability Discretionary Grant Program. OJJDP awards grants on a competitive basis and tribes can pursue these awards under a separate solicitation through the Tribal Youth Program of the Demonstration Programs Division. OJJDP will announce availability of these funds at [www.grants.gov](http://www.grants.gov) and on its Web site at [www.ojjdp.ncjrs.gov](http://www.ojjdp.ncjrs.gov) under Current Funding.

### 2.4 Assurances

To receive JABG funding, states must provide assurances to OJJDP that they and any unit of local government to which the state provides funding have in effect policies and programs that provide for a system of **graduated sanctions**. (See Section 5.13). If the state does not have in effect such a system, it has up to 1 year after it submits an application to enact appropriate laws or implement programs or policies setting up a system of graduated sanctions.

### 2.5 State Allocation of Funds

The Appropriations Act allocates 0.5 percent of the available funds to each state and, of the total funds remaining, allocates to each state funds in the same ratio as the population of juveniles younger than 18 years old living in that state for the most recent calendar year in which the data are available.

## 2.6 Local Distribution

Each state shall distribute at least 75 percent of its allocation among all eligible units of local government (referred to as the “local pass-through”), unless the state has been granted a waiver. (See Section 2.7) Funding amounts for tribes or units of local government are based on a formula that takes into account local law enforcement expenditures and the level of violent crime.

Specifically, the state must allocate by a formula based on a combination of law enforcement expenditures for each unit of local government and the average annual number of Uniform Crime Report (UCR) Part 1 violent crimes that each unit of local government reports for the 3 most recent calendar years for which data are available. States will base three-quarters of each unit of local government’s allocation on the law enforcement expenditure data and one-quarter on the reported violent crime data, in the same ratio to the aggregate of all other eligible units of general local government in the state.

OJJDP established the JABG Technical Support Center with assistance from the Bureau of Justice Statistics and a grant to the Justice Research and Statistics Association (JRSA) to provide states with the data they need to calculate JABG allocations to local jurisdictions. JRSA combines information from the UCR Part 1 violent crimes with data on local justice expenditures (direct operating expenditures for police, corrections, and judicial and legal services) that the Census Bureau collects from local units of government. JRSA matches the FBI’s crime data from police departments with the Census Bureau’s justice expenditure data from local governments, resolves any discrepancies, and provides the results in a series of spreadsheets for each state. States can log onto a password-protected part of the online JABG Technical Support Center at [www.jrsa.org/jabg](http://www.jrsa.org/jabg) to obtain allocation amounts (and supporting information on violent crimes and expenditures) for all local units of government.

The state obtains, from state and local sources, any additional data it needs to allocate funds among units of local government and determines, in cooperation with units of local government and organizations representing such units, the final allocation of funds among eligible units of local government in the state.

## 2.7 Waiver of Local Pass-Through Requirement

A state may request a waiver of the 75 percent pass-through of the total JABG award to units of local government if the state can demonstrate that it bears the primary financial burden (more than 25 percent) for the administration of juvenile justice within that state. In submitting a waiver request, the state must 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. The state must also demonstrate that it has consulted with other state agencies that bear the primary financial burden for juvenile justice. OJJDP will review the request and, at the Administrator’s discretion, may waive the 75 percent pass-through requirement and substitute a lower local pass-through requirement that reflects the relative financial burden for the administration of juvenile justice that the state bears.

**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 percent to 10 percent.

States that OJJDP approved for a waiver in one fiscal year must reapply for a waiver in each subsequent fiscal year. (See Section 3.3.3) States should use the same format for which a waiver was approved, using updated fiscal information. States that OJJDP approves for a 100-percent waiver may certify in writing to the Administrator that the conditions have not changed since they submitted their preceding fiscal year request. However, all states requesting a waiver, regardless of the percentage requested, must demonstrate that they have consulted with units of local government or their representative organizations.

## **2.8 Unavailability of Data for Units of Local Government**

If the state has reason to believe that the reported rate of Part 1 violent crimes or law enforcement expenditure data that a unit of local government submits is insufficient or inaccurate, the state shall investigate the methodology that the unit used to determine the accuracy of the data. If necessary, the state must use the best available comparable data on violent crimes or law enforcement expenditures for the relevant years for that unit of local government.

## **2.9 Unit of Local Government Cap**

No unit of local government shall receive an allocation that exceeds 100 percent of the average law enforcement expenditures for the 3 most recent calendar years for which data from that unit are available. The amount of any unit of local government's allocation that exceeds 100 percent of average law enforcement expenditures shall be available to other units of local government that the cap does not affect.

## **2.10 Allocations of Less Than \$10,000**

If an allocation for a unit of local government is less than \$10,000 during a fiscal year, the state must expend the amount allocated on services to units of local government whose allotment is less than that amount. OJJDP encourages states to consult with these units to determine a manner to use the funds 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. If the state awards funds in this manner, the state must include an assurance that the funds 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.

## **2.11 Direct Grants to Specially Qualified Units**

If a state does not qualify or apply for JABG funds by the application deadline, OJJDP will grant up to 75 percent of the allocation the state would have received to specially qualified units. OJJDP may use the average amount that the state allocates to units of local government as a basis for awarding grants to specially qualified units.

## Section 3: Application Process

### 3.1 Grants Management System Registration

The Office of Justice Programs (OJP) requires applicants to submit their applications for funding online through its Grants Management System (GMS) (<https://grants.ojp.usdoj.gov>). A detailed step-by-step guide to GMS is available on OJJDP's Web site to assist applicants through the online application process ([ojjdp.ncjrs.gov/funding/gms.html](http://ojjdp.ncjrs.gov/funding/gms.html)).

OJJDP makes an application kit for the current funding year available in GMS each December. Applicants must first register in GMS so that OJJDP can verify that the applicant is the correct designated state agency. To register, applicants must select "Apply Now," read the warning message that appears, and select "Continue." Once OJJDP approves the registration, the applicant can then upload the necessary information in response to the requirements of the solicitation. Applications are due by February 28<sup>th</sup>, although that date is subject to change depending on when the application kit is made available. States are generally given at least 60 days to respond to this application.

### 3.2 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 the state has selected this program for review. Applicants must contact their state SPOC to determine if their state has selected the JABG program for review. The applicant should enter the date that the application was sent to the SPOC on the SF-424 form in box 16.

### 3.3 Application Requirements

OJJDP requires applicants to be responsive to the requirements of the application kit to receive funding. The following subsections address the essential requirements that are part of the JABG application process:

**3.3.1 Program narrative.** Applicants must submit a program narrative that presents a detailed description of the purpose, goals, objectives, strategies, design, and management of the proposed program. The program narrative must address the following components:

**3.3.1.1 JABG state advisory board.** Pursuant to Section 1804(b)(2) of the JABG legislation, the state shall convene an advisory board to recommend a coordinated enforcement plan. Membership shall include representation from, if appropriate, the state or local police department; the local sheriff's department; the state or local prosecutor's office; the state or local juvenile court; the state or local probation office; the state or local educational agency; the state or local social service agency; a nonprofit, nongovernmental victim advocacy organization; and a nonprofit, religious, or community group. To assist in developing the enforcement plans, states may choose to utilize members of the state advisory group (SAG) that the

state's chief executive established under Section 223(a)(3) of Title II 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.

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 advisory board requirement, provided that each such coalition meets the membership requirements listed in this section.

**3.3.1.2 Role of the court.** States and units of local government must consider the needs of the judicial branch in strengthening the juvenile justice system. Specifically, they should seek the advice of the chief of the highest court of the state and, where appropriate, the chief judge of the local court in developing the grant application. States should certify that they have communicated in writing to the chief of the highest court in the state and submit this letter with the application. OJJDP will process and send forward only applications that address this section fully.

**3.3.1.3 System of graduated sanctions.** The state should institute a system of graduated sanctions to ensure that sanctions are imposed on a juvenile offender for each delinquent offense and that the sanctions escalate in intensity with each subsequent offense. The system should have sufficient flexibility to allow for individualized sanctions and services suited to the individual juvenile offender. The system should also ensure that appropriate consideration is given to public safety and victims of crime.

A state or unit of local government may be eligible to receive a grant if its system of graduated sanctions is discretionary and it can demonstrate that it has encouraged juvenile courts to implement the system.

**3.3.1.4 Program descriptions and performance measures.** Applicants must include selected program purpose areas and specific activities within each program purpose area. These sections must summarize which agencies will implement the program, where and when activities will take place, the specific services that the agencies will provide, and the target population to be served.

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

OJJDP has developed a performance measurement system to enable grantees to demonstrate the effectiveness of their programs. Using performance measures that OJJDP has outlined, states must submit aggregated performance measure data from subgrants and awards that they make. Detailed instructions for submitting performance measure data

are included in the JABG performance measure packet and can be found at [www.ojjdp.ncjrs.gov/jabg](http://www.ojjdp.ncjrs.gov/jabg).

- 3.3.1.5 Geographic information.** OJJDP requests that applicants provide geographic information for each subgrantee to help OJP develop a geographic information system strategic planning capacity.
  - 3.3.1.6 Coordination efforts.** Applicants must include a description of how this program coordinates efforts with other federal and state programs focusing on juvenile justice.
- 3.3.2 Budget and fiscal information.** Applicants must complete a detailed budget worksheet that includes the JABG Purpose Areas the state intends to fund, along with the amount. Total costs the state specifies in its completed budget must match the amount the state provides in the Estimated Funding section of the Project Information screen in GMS. All funds listed in the budget are subject to audit.
- 3.3.2.1 Administrative costs.** A state may use up to 5 percent of the total grant award for administrative costs related to the JABG program. Administrative costs are defined as activities related to the administration of the JABG program, including a full-time JABG coordinator, evaluation, and monitoring. A unit of local government may also use up to 5 percent of its subgrant award for administrative costs related to the JABG program.
  - 3.3.2.2 Cash match requirement.** Federal funds may not exceed 90 percent of total program costs, including any funds that a state or unit of local government set aside for program administration. States do not have to match interest derived from the award, but they cannot use interest generated from their trust fund to match the federal award.

Grantees need not apply matching contributions at the exact time or in proportion to the obligation of federal funds. However, the state must provide the full match amount and obligate these funds by the end of the project period 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.

If a state or unit of local government uses funds under purpose area 2 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 2 have the same match requirement as all other program purpose areas. In meeting the cash match requirement, designated state agencies 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 JABG policy, the premise of a match is to demonstrate state or local buy-in to the particular program being funded, whether on a project-by-project or aggregate basis.

Consequently, the state may use funds provided for a specific purpose area as match for other programs within related JABG program purpose areas. To maximize flexibility to the state and units of local government under JABG, OJJDP will consider, on a case-by-case basis, states’ requests to provide a 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 (purpose area 2) may only be used to match construction costs. States may use general funds available to a department or agency as match for any authorized JABG program purpose area on a project-by-project basis.

States should submit requests to deviate from the general match provisions to the OJJDP Administrator outlining the source of the proposed match and the intended use within one or more of the 17 purpose areas. It is the state’s responsibility to ensure that the proper aggregate level of match is met.

**3.3.2.3 Cash match computation.** The state or local government recipient of a JABG award must contribute (in the form of a cash match) 10 percent of the total program cost (other than costs of construction of juvenile detention or permanent correctional 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. Divide the federal award amount (or subgrant award amount) by 9 (example,  $\$80,000 \div 9 = \$8,888.88$ ).
2. Round the quotient to the nearest whole dollar. This is the match amount (example:  $\$8,888.88 = \$8,889$ ).
3. Total program costs include the federal award amount (or subgrant award amount plus the match amount (example,  $\$80,000 + \$8,889 = \$88,889$ ).

**3.3.2.4 Allowable sources of match.** Allowable sources of cash match under the JABG 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 that the DOJ Asset Forfeiture Office developed apply). A federal court would adjudicate forfeited assets from the Equitable Sharing Program used as a match.
4. Funds contributed from private sources.
5. States may use program income and the related interest earned on that program income as a 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 that Congress appropriates for the activities of any agency of a tribal government or the Bureau of Indian Affairs performing law enforcement functions on tribal lands.
8. Otherwise authorized by law.

States may not use funds received from any federal fund sources other than those listed above as the cash match required for the JABG program.

**3.3.2.5 Cash match waiver.** Pursuant to 48 USC 1469a(d), Guam, American Samoa, the U.S. Virgin Islands, and the Northern Mariana Islands are defined as Insular Areas that 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.

**3.3.3 Other program attachments.** The state must submit a letter addressed to the OJJDP Administrator regarding a waiver of the local pass-through amount. The state must submit this letter as a Microsoft Word document (.doc), PDF file (.pdf), or text document (.txt) to its GMS application. This letter should include the following components:

- Demonstration, by comparing state and local expenditures, of how the state bears the primary financial burden (more than 25 percent) for juvenile justice services provided in each of the authorized purpose areas;

- Demonstration of consultation with units of local government in the state, either directly or through organizations representing such units, regarding the proposed waiver; and
- Demonstration that the state has consulted with other state agencies that bear the primary financial burden for juvenile justice.

States cannot use juvenile justice expenditures that do not fall within any of the 17 purpose areas (such as general law enforcement expenditures) in determining primary financial burden.

States not requesting a waiver of the 75 percent pass-through should provide a statement indicating the amount passed through to units of general local government.

### **3.4 Assurances and Certifications**

OJJDP requires states to review and accept all assurances and certifications to receive federal funds under this program. To accept the assurances and certifications in GMS, select the Assurance and Certifications link and click the “accept” button at the bottom of the screen.

### **3.5 Civil Rights Requirements**

OJJDP requires all recipients of federal grant funds, including JABG awards, to comply with federal nondiscrimination laws. Specifically, the statute that governs OJP-funded programs or activities (Section 809c), Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 USC 3789d) states that:

No person in any State shall on the ground of race, color, religion, national origin, sex [or disability] may 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 OJP’s Office for Civil Rights must approve, 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 forward a copy of the findings to the OJP Office for Civil Rights.

All grantees receiving a JABG award from OJJDP will receive additional instructions from the OJP Office for Civil Rights upon award. Send all correspondence relating to civil rights requirements directly to the U.S. Department of Justice, Office of Justice Programs, Office for Civil Rights, 810 7th Street, NW, Washington, DC 20531.

### **3.6 Immigration and Naturalization Service Requirements**

Organizations funded under the JABG program must complete and keep on file the Immigration and Naturalization Service Employment Eligibility Form (I-9). This form is used to verify that persons who the recipient employs are eligible to work in the United States.

### **3.7 Audit Requirements**

State and local governments, nonprofit organizations, and institutions of higher education are governed by OMB Circular A-133, as amended. Organizations that receive \$300,000 or more per year in federal funds must have an organizationwide financial and compliance audit. Commercial (for profit) organizations shall have qualified individuals who are independent from those who authorize the expenditure of federal funds perform financial and compliance audits. 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 that the applicant receives.

### **3.8 Certification Regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and the Drug-Free Workplace Requirements**

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 U.S. Department of Justice will treat the certification as a material representation of the fact and will rely on it in making awards.

### **3.9 Office of Justice Programs Financial Guide**

The OJP Financial Guide serves as the primary reference for financial management and grants administration for all programs that OJJDP administers, including the JABG program. Direct recipients and subrecipients participating in the JABG program must use the provisions of the Financial Guide. 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](http://www.ojp.usdoj.gov/oc), or through e-mail at [askoc@ojp.usdoj.gov](mailto:askoc@ojp.usdoj.gov).

### **3.10 National Environmental Policy Act Compliance**

The use of these grant funds are subject to compliance with the National Environmental Policy Act (NEPA) (42 USC §4371 et seq) and other related federal environmental impact review requirements, including the National Historic Preservation Act (16 USC § 470 et seq.). These requirements are applicable when the grantee plans such activities as construction or renovation using either grant funds or the applicant's or a third party's funds, as long as the proposed construction or renovation is a prerequisite to the use of the grant funds. Whenever these environmental impact review requirements apply to a grant activity, the applicant must

help OJP meet these requirements completely prior to the commitment of the affected funds. This assistance may include, at a minimum, providing information on the age and historic importance of any buildings to be affected as well as their flood plain status. OJP may also request that applicants assist in preparing environmental assessments, should they be required.

## **Section 4: Role of the Designated State Agency and Requirements of State Recipients and Local Subgrantees**

### **4.1 The Designated State Agency**

The original legislation creating the JABG program required each state chief executive officer to identify the designated state agency (DSA) to apply for, receive, and administer JABG funds. OJJDP awards 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 for authorized expenditures. Such distribution shall include services provided in lieu of a subgrant award to units of local government that do not qualify for at least \$10,000 in any fiscal year.

The DSA will submit the state's application, disburse funds, monitor and report on programmatic and fiscal aspects of the program, and perform other administrative functions related to the JABG program. The DSA should have state employees or equivalent contractual resources at a full-time employee level appropriate to allow the state to address each of the program functions outlined in this guidance manual. The DSA may use up to 5 percent of the total state award to pay JABG-related administrative costs.

### **4.2 Project Period**

The JABG project period is 36 months from when the project period begins or when the state makes the first draw-down of funds, if within 180 days (see example 1). If the state does not draw-down funds until after the first 180 days, then the 36-month project period starts at 180 days from the project period (See example 2). OJJDP will provide the state grant adjustment notices for the revised project period based on the applicability of these two options.

**Example 1:** Project period is June 1, 2007, to May 31, 2010. The state draws down funds on July 22, 2007 (within the first 180 days from the project start date). The new project period would be July 22, 2007, to July 21, 2010.

**Example 2:** Project period is June 1, 2007, to May 31, 2010. The state draws down funds on December 7, 2007 (after 180 days). The new project period would be November 27, 2007, to November 26, 2010.

Beginning with the FY 2004 JABG award, OJJDP began providing no-cost extensions, not to exceed 12 months, to the states, provided they submitted performance reports, financial status reports, and all sub-grantee information to OJJDP by the due dates established.

### **4.3 Program Reporting Requirements**

OJJDP requires recipients of funds to submit both programmatic progress/performance reports and financial status reports throughout the project period. Both types of reports and their required submission schedules are outlined below.

**4.3.1 Annual performance reports.** The DSA is required to submit an annual performance report to OJJDP by June 30th of each year, which covers from April 1

of the preceding year to March 31 of the current year. The annual performance report to OJJDP, as well as each subgrant report to the state, must include a summary of activities and an assessment of the effectiveness of the activities in achieving the purposes of the grant. Recipient states' assistance in obtaining this information will facilitate future program planning and will allow OJP to provide Congress with measurable program results of federally funded programs.

**The Data Collection and Technical Assistance Tool (DCTAT).** OJJDP designed the DCTAT to support the states' data submission efforts. This tool allows states to enter performance data for each subgrantee and automatically computes a range of values, checks for selected data entry errors, and generates a downloadable performance report that they can upload into OJP's Grant Management System (GMS). States can find detailed instructions for submitting performance measure data at [www.ojjdp-dctat.org](http://www.ojjdp-dctat.org). On this page, states can access general user instructions as well as information about OJJDP grant programs and answers to frequently asked questions.

To better assure that programs funded with federal awards will produce positive outcomes, OJJDP encourages states to give priority in funding to intervention programs and activities that have been proven effective based on systematic and objective research. To enable local subgrantees to implement evidence-based juvenile justice programs, OJJDP has developed the Model Programs Guide and Database, a searchable Web site containing information on the full range of evidence-based juvenile justice programs, from delinquency prevention and intervention to reentry (see [www.dsgonline.com/mpg\\_index.htm](http://www.dsgonline.com/mpg_index.htm)). Communities can use the database to locate evidence-based juvenile justice strategies that will fit their needs and enhance their likelihood for success.

In 2002, the JABG program was the first grant program within OJJDP to undergo an Office of Management and Budget Program Assessment Rating Tool (PART) review. This was conducted to provide a standardized and consistent methodology for analyzing and comparing federal programs.

**4.4.2 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 June 1, 2007, the first financial status report would cover the period June 1, 2007, through June 30, 2007, and would be due August 15, 2007. The next report would cover the period July 1, 2007, through September 30, 2007, and would be due by November 15, 2007.

Grantees are required to file quarterly financial status reports (SF-269) forms online at <https://grants.ojp.usdoj.gov>. The online SF-269 requires the same reporting information as the paper version. The use of this online application enables authorized users to view current and past SF-269s and allows them to file or amend the SF-269 for the current quarter.

These reports will contain the actual expenditures and unliquidated obligations as incurred (at the lowest funding level) for the reporting period (calendar quarter) and cumulative for the award. Award recipients will report program outlays and revenue on a cash or accrual basis in accordance with their accounting systems.

OJP will e-mail confirmation of receipt of the SF-269 to the registered user's e-mail address. The final SF-269 report is due 120 days after the end date of the award. Once the SF-269 is submitted online, grantees need not mail or fax a paper version of the form to OJP unless they are requested to do so.

Grant recipients who do not submit SF-269s by the due date will be unable to drawdown funds. The payment system contains an edit that checks for SF-269 delinquency and will reject a drawdown attempt if the SF-269 is not up to date. If SF-269s are delinquent, an e-mail notification will be sent to the grantee.

For general information concerning online filing of SF-269 reports, go to [www.ojp.usdoj.gov/oc](http://www.ojp.usdoj.gov/oc) or contact OJP, Office of the Comptroller, Customer Service Center, by phone at 1 (800)-458-0786 (at option 2) or by e-mail at [ask.oc@usdoj.gov](mailto:ask.oc@usdoj.gov).

- 4.4.3 Subgrant information forms.** States must submit their subgrant information forms online through GMS within 30 days of granting their subaward. The subgrant information form contains information about the subgrantee, award amount, purpose area use, and advisory board information.

## 4.5 State Trust Fund Requirement

A state or specially qualified unit that receives a grant award under the JABG program must establish an interest-bearing trust fund to deposit program funds. For purposes of the JABG program, a trust fund is defined as an interest-bearing account specifically designated for this program. The state must use the amounts in the trust fund (including interest) during a project period and spend the interest earned on activities that further strengthen the juvenile justice system.

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.

To comply 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 account for the federal award amount.
3. The recipient must account for the local match amount.
4. The recipient must account for the interest earned.

If the recipient can meet these requirements within its 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 must submit to the SRAD Associate Administrator 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. OJJDP and OJP's Office of the Comptroller will maintain a list of affected jurisdictions for monitoring purposes.

The state's establishment 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 states should legally retain interest on federal funds and apply it to program purposes. 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 JABG program. However, the remaining provisions of the CMIA, including the disbursement of funds from the state to the local level, still apply.

## **4.6 Nonsupplanting Requirement**

Recipients may not use JABG program funds to supplant state or local funds. These funds must be used to increase the amount of funds that would otherwise be available from state and local sources. OJJDP will subject potential supplanting to monitoring and an audit. Violations can result in a range of penalties, including suspension of current and future funds under this program, suspension or debarment from federal grants, recoupment of monies provided under this grant, and civil and/or criminal penalties.

## **4.7 Suspension of Funding**

OJP 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 JABG 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.

## **4.8 Repayment of Unexpended Amounts**

A state must repay, no later than 36 months after the date of the award of JABG funds, any amount that it and its subgrantees do not expend. The Attorney General may provide a one-time

extension of not more than 12 months. If the state does not repay any unexpended funds, the Attorney General will reduce future payments accordingly. Repayments will be deposited in a designated fund for future payments to states and specially qualified units.

## **4.9 Reports to Congress**

Not later than 120 days after the last day of each fiscal year, OJJDP must submit to Congress a report that includes a summary of the information that each state or unit of local government has provided and an overall assessment of the grant program.

## **4.10 Technical Assistance**

OJJDP has tasked Caliber, an ICF International Company, with providing training and technical assistance support to states in the management of their JABG programs. Caliber coordinates the activities of the JABG National Training and Technical Assistance Center (NTTAC) and provides or leverages linkages with consultants, trainers, and resources to provide telephonic or onsite training and technical assistance. States may fill out an assessment report online at <https://www.nttac.org/index.cfm?event=jabg> and forward it to the appropriate OJJDP state representative to arrange training and technical assistance. States can also call NTTAC toll free at 877-465-2424.

Training and technical assistance support is also available from Consulting Services and Research (CSR) Incorporated, which manages the JABG performance measurement process for OJJDP. CSR manages the Data Collection and Technical Assistance Tool (DCTAT) that OJJDP encourages states to use to submit their JABG performance measurement data. CSR staff also provide training and support regarding the selection and use of the JABG performance measures, as well as navigating the DCTAT. Print documents are available on the DCTAT Web site: [www.ojjdp-dctat.org](http://www.ojjdp-dctat.org). You may also e-mail [ojjdp-dctat@csrincorporated.com](mailto:ojjdp-dctat@csrincorporated.com) or call 1-866-487-0512 for further support.

## **Section 5: Definitions**

### **5.1 Advisory Board**

The advisory board is 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 establishes a coordinated enforcement plan for reducing juvenile crime within a unit of local government.

### **5.2 Designated State Agency (DSA)**

This is an agency that the governor or other chief executive of a state has designated to receive, manage, and administer JABG funds.

### **5.3 Discretionary Use of Sanctions**

This term means that every juvenile court in a state or unit of local government is not required to impose a system of graduated sanctions.

### **5.4 Juvenile**

This term refers to an individual who is 17 years of age or younger.

### **5.5 Secure Correctional Facility**

This refers to any public or private residential facility that includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in the facility and that is used for the placement, after adjudication and disposition, of any juvenile who has been adjudicated as having committed an offense or any other individual convicted of a criminal offense.

### **5.6 Secure Detention Facility**

This refers to any public or private residential facility that includes 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 accused of having committed an offense or of any other individual accused of having committed a criminal offense.

### **5.7 Juvenile Justice Expenditures**

These are expenditures in connection with the juvenile justice system, including expenditures to carry out activities in the 17 program purpose areas, and other activities associated with prosecutorial 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.

## **5.8 Nonsupplanting Requirement**

This term refers to 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 the recipient shall use the funds to increase the amount of funds that would be made available from state or local sources.

### **5.8 Part 1 Violent Crimes**

This term refers to 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.

## **5.9 Primary Financial Burden**

This term means that a state bears more than 25 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.

## **5.10 Restorative Justice Program**

This term means a program that emphasizes the moral accountability of an offender toward the victim and the affected community and may include community reparations boards, restitution (in the form of monetary payment or service to the victim or, where no victim can be identified, service to the affected community), and mediation between victim and offender.

## **5.11 Graduated Sanctions**

This term means tangible, proportional consequences that hold the juvenile offender accountable for the offense committed. A sanction may include counseling, restitution, community service, a fine, supervised probation, or confinement.

## **5.12 Serious Violent Crime**

This term means murder, aggravated sexual assault, or assault with a firearm.

## **5.13 Specially Qualified Unit**

This term refers to a unit of local government that may receive funds only if a state does not qualify or apply for JABG funds, in which case up to 75 percent of the funds reserved for the state become available. The average amount allocated by the states to units of local government may be used as the basis for awarding these grants.

## **5.16 State**

This term refers to 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 the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands (the “partial states”) shall collectively be considered as one state. For the purposes of state allocations, the amount allocated to a partial state shall bear the same proportion to the amount collectively allocated to the partial states as the population of the partial state bears to the collective population of the partial states.

## **5.14 Unit of Local Government**

This term 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; any law enforcement district or judicial enforcement district that is established under applicable state law and has the authority, in a manner independent of other state entities, to establish a budget and raise revenues; the District of Columbia; and the recognized governing body of an Indian tribe or Alaskan Native village that carries out substantial governmental duties and powers.

## Section 6: Resources

OJJDP publications may be viewed and downloaded at [ojjdp.ncjrs.gov/publications](http://ojjdp.ncjrs.gov/publications). Print publications may also be ordered online at [puborder.ncjrs.gov](http://puborder.ncjrs.gov).

### 6.1 Best Practices Series Bulletins

*Best Practices in Juvenile Accountability: Overview.* April 2003. NCJ 184745.

*Construction, Operations, and Staff Training for Juvenile Confinement Facilities.* January 2000. NCJ 178928.

*Developing and Administering Accountability-Based Sanctions for Juveniles.* September 1999. NCJ 177612.

*Developing a Policy for Controlled Substance Testing of Juveniles.* May 2000. NCJ 178896.

*Enabling Prosecutors to Address Drug, Gang, and Youth Violence.* December 1999. NCJ 178929.

*Enhancing Prosecutors' Ability To Combat and Prevent Juvenile Crime in Their Jurisdictions.* December 1999. NCJ 178916.

*Establishing and Maintaining Interagency Information Sharing.* March 2000. NCJ 178281.

*Focus on Accountability: Best Practices for Juvenile Court and Probation.* August 1999. NCJ 177611.

*Increasing School Safety Through Juvenile Accountability Programs.* December 2000. NCJ 179283.

*Juvenile Gun Courts: Promoting Accountability and Providing Treatment.* May 2002. NCJ 187078.

*Juvenile Drug Court Programs.* May 2001. NCJ 184744.

*Ten Steps for Implementing a Program of Controlled Substance Testing of Juveniles.* May 2000. NCJ 178897.

*Workload Measurement for Juvenile Justice System Personnel: Practices and Needs.* November 1999. NCJ 178895.

## 6.2 Other Publications

Andrews, C., and Marble, L. 2003. *Changes to OJJDP's Juvenile Accountability Program*. Bulletin. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Officer of Juvenile Justice and Delinquency Prevention.

Danegger, A.E., Cohen, C.E., Hayes, C.D., and Holden, G.A. 1999. *Juvenile Accountability Incentive Block Grants: Strategic Planning Guide*. Summary. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Officer of Juvenile Justice and Delinquency Prevention.

Duquela, C. 2001. *An Overview of the JAIBG Program*. Fact Sheet. Washington, DC: Washington, DC: U.S. Department of Justice, Office of Justice Programs, Officer of Juvenile Justice and Delinquency Prevention.

*OJJDP News @ a Glance*. 2003. "DOJ Reauthorization Sharpens OJJDP's Focus for FY 2004." Volume II, Number 2. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Officer of Juvenile Justice and Delinquency Prevention.

Walbot, L. 2001. *JRSA Helps States Determine Local JAIBG Allocations*. Fact Sheet. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Officer of Juvenile Justice and Delinquency Prevention.