

Title II 3-Year State Plan Requirements

Timeline

September 17, 2020 SACJJDP Meeting

- Approve the Compliance Monitoring Plan

October 29, 2020 SACJJDP Meeting

October 30, 2020 Compliance Monitoring Plan Due

January 2021 SACJJDP Approval of the 3-Year Plan

February 2021 Board Approval of the 3-Year Plan

February 28, 2021 3-Year State Plan and R.E.D. Plan due to OJJDP

State 3-Year Plans

State Plan Requirements [34 U.S. Code § 11133.State plans]

- In order to receive formula grants under this part, a State shall submit a plan for carrying out its purposes applicable to a 3-year period.
- Such plan shall be amended annually to include new programs, projects, and activities.
- The State shall submit annual performance reports to the Administrator which shall describe progress in implementing programs contained in the original plan, and
- shall describe how the State plan is supported by or takes account of scientific knowledge regarding adolescent development and behavior and regarding the effects of delinquency prevention programs and juvenile justice interventions on adolescents.
- Not later than 60 days after the date on which a plan or amended plan submitted under this subsection is finalized, a State shall make the plan or amended plan publicly available by posting the plan or amended plan on the State's publicly available website.
- Demonstrate that the applicant satisfies the *33 statutory requirements* of the state plan listed in 34 U.S.C. § 11133(a), including the requirement to provide data and documentation to demonstrate compliance with the four core requirements of the Formula Grants Program and the adequacy of the state's compliance monitoring system.

Title II 3-Year State Plan Requirements

- Provide a coherent narrative setting forth a 3-year plan for the proposed uses of the Title II funds based on the state's juvenile delinquency crime analysis and in accordance with the JJDP Act of 1974 (as amended through P.L. 115-385).
- Explain how and with what other delinquency prevention and related programs operated by entities within the state the designated agency coordinates, as required by Section 223 (a) (8) (i.e., programs operated by public and private agencies and organizations, and other related programs such as education, special education, recreation, health, and welfare programs).

Outline of JJRA 33 Statutory Requirements

State Plan Requirements [34 U.S. Code § 11133.State plans]

- State Administrative Agency (a)(1)(2)
(Include a citation for the executive order, legislation, or policy pointing to the authority of the agency or attach a copy of the full order, legislation or policy.)
- State Advisory Group (a)(3)
(Include a copy of the SACJJDP membership showing membership criteria are met)
- State Advisory Group State Plan Development (a)(4)
Provide for the active consultation with and participation of units of local government or combinations thereof in the development of a state plan which adequately takes into account the needs and requests of units of local government, except that nothing in the plan requirements, or any regulations promulgated to carry out such requirements, shall be construed to prohibit or impede the state from making grants to, or entering into contracts with, local private agencies or the advisory group;
(Include a statement affirming this requirement is met and a description of the process)
- Budget; 66 2/3 pass-through utilizing an equitable process (a)(5)(6)
(Include a statement affirming the requirement is met and a description of the process. This would include a copy of the budget worksheet demonstrating compliance and description of the ESC process to develop the RFP)
- Juvenile Crime Analysis (a)(7)
 - Provide for an analysis of juvenile delinquency problems
 - Analysis must contain:

Title II 3-Year State Plan Requirements

an analysis of gender-specific services for the prevention and treatment of juvenile delinquency, including the types of such services available and the need for such services;

a plan for providing needed gender-specific services for the prevention and treatment of juvenile delinquency;

a plan for providing needed services for the prevention and treatment of juvenile delinquency in rural areas;

a plan to provide alternatives to detention for status offenders, survivors of commercial sexual exploitation, and others, where appropriate, such as specialized or problem-solving courts or diversion to home-based or community-based services or treatment for those youth in need of mental health, substance abuse, or co-occurring disorder services at the time such juveniles first come into contact with the juvenile justice system;

a plan to reduce the number of children housed in secure detention and corrections facilities who are awaiting placement in residential treatment programs;

a plan to engage family members, where appropriate, in the design and delivery of juvenile delinquency prevention and treatment services, particularly post-placement;

a plan to use community-based services to respond to the needs of at-risk youth or youth who have come into contact with the juvenile justice system;

a plan to promote evidence-based and trauma-informed programs and practices; and

not later than 1 year after December 21, 2018, a plan which shall be implemented not later than 2 years after December 21, 2018, to—

eliminate the use of restraints of known pregnant juveniles housed in secure juvenile detention and correction facilities, during labor, delivery, and post-partum recovery, unless credible, reasonable grounds exist to believe the detainee presents an immediate and serious threat of hurting herself, staff, or others; and

eliminate the use of abdominal restraints, leg and ankle restraints, wrist restraints behind the back, and four-point restraints on known pregnant juveniles, unless—

credible, reasonable grounds exist to believe the detainee presents an immediate and serious threat of hurting herself, staff, or others; or

reasonable grounds exist to believe the detainee presents an immediate and credible risk of escape that cannot be reasonably minimized through any other method;

(provide an analysis of juvenile delinquency problems and needs in the state, including a description of services, goals and priorities, and how the state will meet these needs.)

Title II 3-Year State Plan Requirements

- 75% of passthrough funds to designated Program Areas for which Title II Formula Grants Funds May Support (a)(8)(9)
 - Currently:

Aftercare/Reentry
Alternatives to Detention and Placement
Community Based Programs
Diversion
Mental Health Services
Mentoring, Counseling, and Training Programs

(Attach budget document showing funding distribution)

- Provide for the development of an adequate research, training, and evaluation capacity within the State (a)(10)

(Include a statement and description of the capacity the state has met or will develop a plan to meet this requirement.)

- Deinstitutionalization of Status Offenders (a)(11)

(Include a statement affirming that the state/territory complies with this requirement, and confirmation that documentation is found in the information submitted in the compliance tool.)

- Sight and Sound Separation (a)(12)

(Include a statement affirming that the state/territory complies with this requirement, and confirmation that documentation is found in the information submitted in the compliance tool.)

- Removal of Youth from Adult Jail and Lockups (a)(13)

(Include a statement affirming that the state/territory complies with this requirement, and confirmation that documentation is found in the information submitted in the compliance tool.)

- System of Compliance Monitoring (a)(14)

Provide for an adequate system of monitoring jails, detention facilities, correctional facilities, and nonsecure facilities to ensure that the requirements of paragraphs (11), (12), and (13) are met, and for annual reporting of the results of such monitoring to the Administrator

(Include a statement affirming that the state/territory complies with this requirement, and confirmation that evidence was submitted in the compliance tool; i.e. the compliance monitoring plan.)

Title II 3-Year State Plan Requirements

- Racial and Ethnic Disparities (a)(15)
 - Establish or designate coordinating bodies to advise RED efforts,
 - Identify and analyze data at decision points to determine which points create RED, and
 - Develop and implement a work plan with measurable objectives based on data analysis.

(Include a statement affirming that the state/territory complies with this requirement, and confirmation that evidence was submitted in the compliance tool; i.e. the R.E.D. plan.)

- Provide assurance that youth in the juvenile justice system are treated equitably on the basis of gender, race, ethnicity, family income, and disability (a)(16)

[Include a statement affirming that youth in the juvenile justice system are treated equitably on the basis of gender, race, family income, disability.]

- Provide assurance that consideration will be given to and that assistance will be available for approaches designed to strengthen the families of delinquent and other youth to prevent juvenile delinquency (which approaches should include the involvement of grandparents or other extended family members when possible and appropriate and the provision of family counseling during the incarceration of juvenile family members and coordination of family services when appropriate and feasible) (a)(17)

(Include a statement affirming that consideration will be given to and that assistance will be available for approaches designed to strengthen the families of delinquent and other youth to prevent juvenile delinquency.)

- Provide for procedures to be established for protecting the rights of recipients of services and for assuring appropriate privacy with regard to records relating to such services provided to any individual under the State plan; (a)(18)

(Include a statement affirming that this requirement is met and a description of the process. For example;

“California has established procedures to protect the rights of recipients of services and for ensuring appropriate privacy with regard to records relating to such services provided to any individual under the state plan. All agencies that contract with the Board of State and Community Corrections are compliant with HIPAA and other relevant laws related to information sharing and privacy concerns.”)

- Provide assurances that— (a)(19)
 - any assistance provided under this chapter will not cause the displacement (including a partial displacement, such as a reduction in the

Title II 3-Year State Plan Requirements

hours of non-overtime work, wages, or employment benefits) of any currently employed employee;

- activities assisted under this chapter will not impair an existing collective bargaining relationship, contract for services, or collective bargaining agreement; and
- no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization involved;

(Include a statement of affirmation for all three parts: For example;

“California affirms that any assistance provided under this Act will not cause the displacement (including a partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits) of any currently employed employee; activities assisted under this Act will not impair an existing collective bargaining relationship, contract for services, or collective bargaining agreement; and no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization involved.”)

- Financial Controls (a)(20)(21)

(Include a statement of concurrence and submit the Financial Management and Internal Controls questionnaire. For example,

“California has strong internal fiscal controls and fund accounting procedures necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this title. The Financial Management and Internal Controls questionnaire has been completed and signed by the Financial Point of Contact and is submitted with application materials.”)

- Provide that the State agency designated under paragraph (1) will— (a)(22)
 - to the extent practicable give priority in funding to programs and activities that are based on rigorous, systematic, and objective research that is scientifically based;

(Include a statement affirming that this requirement is met and a description. For example,

“California will give priority to the extent practicable in funding programs and activities that are based on rigorous, systematic, and objective research that is scientifically based. The BSCC is prioritizing dissemination of evidence-based practices by supporting training and technical assistance for agency staff and service providers. Some projects

Title II 3-Year State Plan Requirements

include evaluation components; others include programmatic fidelity requirements.”)

- from time to time, but not less than annually, review its plan and submit to the Administrator an analysis and evaluation of the effectiveness of the programs and activities carried out under the plan, and any modifications in the plan, including the survey of State and local needs, that it considers necessary; and

(Include a statement that this has been addressed in the application as described on the referenced pages, and will be addressed in the plan updates, annual progress reports and DCTAT. For example,

“California’s crime data section provides an analysis of juvenile crime for the years 2017-2019, showing declines in indicators of delinquent activity among juveniles at state and local levels. Effectiveness of funded programs is reviewed annually by the SAG and used to inform continuation funding decisions. This will also be addressed in the annual progress report and Performance Measurement Tool (PMT).”)

- not expend funds to carry out a program if the recipient of funds who carried out such program during the preceding 2-year period fails to demonstrate, before the expiration of such 2-year period, that such program achieved substantial success in achieving the goals specified in the application submitted by such recipient to the State agency;

(Include a statement affirming that this requirement is met, with an explanation of the process for subgranting and assessing performance. For example,

“California affirms that funds will not be provided to carry out a program if the recipient of funds has failed during the preceding 2-year period to demonstrate, before the expiration of the 2-year period, that the program achieved substantial success in achieving the specified goals. Programs submit quarterly progress reports. When subaward applications are reviewed, prior program performance is considered as one of the factors for funding.”)

- Valid Court Order (a)(23)

Provide that if a juvenile is taken into custody for violating a valid court order related to his/her status as a juvenile issued for committing a status offense

(A) An appropriate public agency shall be promptly notified that such juvenile is held in custody for violating such order;

Title II 3-Year State Plan Requirements

- (B) Not later than 24 hours during which such juvenile is so held, an authorized representative of such agency shall interview, in person, such juvenile; and
- (C) Not later than 48 hours during which such juvenile is so held—
- (i) Such representative shall submit an assessment to the court that issued such order, regarding the immediate needs of such juvenile; and
 - (ii) Such court shall conduct a hearing to determine—
 - (I) Whether there is reasonable cause to believe that such juvenile violated such order; and
 - (II) The appropriate placement of such juvenile pending disposition of the violation alleged;

(Include a statement indicating whether the state uses the VCO exception and if so, affirming that the applicant complies with this requirement, and confirmation that documentation is found in the information submitted in the compliance tool.

For example, "California complies with this requirement, and the documentation can be found on pages xxx of the information submitted in the compliance tool.")

- Provide an assurance that if the state receives under section 222 [34 U.S.C. § 11132] for any fiscal year an amount that exceeds 105 percent of the amount the state received under such section for fiscal year 2000, all of such excess shall be expended through or for programs that are part of a comprehensive and coordinated community system of services; (a)(24)

(Include a statement affirming that this requirement is met. For example;

"California affirms that if the state receives an amount that exceeds 105 percent of the amount received under this section in FY 2000, all such excess would be expended through or for programs as part of a comprehensive and coordinated community system of services. California has compared the amount received in FY 2000 (list amount - \$XXXX) with the amount to be received in FY 2020 (list amount - \$XXXX), and the FY 2018 amount does not exceed 105 percent of the FY 2000 amount.")

- Allowance to use up to 5% of grant funds to reduce probation officer caseloads (a)(25)

*(Specify a percentage, if any, from 0 to 5%. Fill in percentage here: ____ %. *Note: States are not required to spend funds for this purpose.)*

- Provide that the State, to the maximum extent practicable, and in accordance with confidentiality concerns, will implement a system to ensure that if a juvenile is before a court in the juvenile justice system, public child welfare records (including child protective services records) relating to such juvenile that are on file in the geographical area under the jurisdiction of such court will be made known to such court, so as to provide for— (a)(26)

Title II 3-Year State Plan Requirements

- data in child abuse or neglect reports relating to juveniles entering the juvenile justice system with a prior reported history of arrest, court intake, probation and parole, juvenile detention, and corrections; and
- a plan to use the data described in subparagraph (A) to provide necessary services for the treatment of such victims of child abuse or neglect;

(Include a statement affirming that this requirement is met, with a description of the process. For example;

“California affirms that, to the maximum extent practicable, a system has been implemented to ensure that if a juvenile is before a court in the juvenile justice system, public child welfare records (including child protective services records) relating to that juvenile that are on file in the geographical area under the jurisdiction of such court will be made known to such court. <Name of system> is a statewide system automating services in Child Welfare and the Division of Youth Corrections; this project streamlined record keeping and service delivery through new hardware and software in all of California’s counties, regions, and facilities. Local detention screeners are able to query the database and determine whether the juvenile or the family is involved in a child welfare case and provide relevant information to the court for establishing a pre-trial release and treatment plan. A second database which contains all court records is housed in the Judicial Department and is accessible to all judges, magistrates and probation offices.)

- Provide assurances that juvenile offenders whose placement is funded through [section 672 of title 42](#) receive the protections specified in [section 671 of title 42](#), including a case plan and case plan review as defined in [section 675 of title 42](#); (a)(27)

(Include a statement affirming that this requirement is met. For example;

“California assures that juvenile offenders whose placement is funded through section 472 of the Social Security Act (42 U.S.C. 672) receive the protections specified in section 471 of such Act (42 U.S.C. 671), including a case plan and case plan review as defined in section 475 of such Act (42 U.S.C. 675).”

- Provide for the coordinated use of funds provided under this subchapter with other Federal and state funds directed at juvenile delinquency prevention and intervention programs (a)(28)

(Previously provided a list of Federal and State Grants administered by BSCC)

Title II 3-Year State Plan Requirements

New Information Required in State Plan

- Description of policies, procedures and training in effect to eliminate use of dangerous practices, unreasonable restraints, and unreasonable isolation, including by developing effective behavior management techniques (a)(29)
- Description of evidenced-based methods that will be used to conduct mental health and substance abuse screening, assessment, referral, and treatment if juveniles who— (a)(30)(A)
 - (i) request a screening;
 - (ii) show signs of needing a screening; or
 - (iii) are held for a period of more than 24 hours in a secure facility that provides for an initial screening; and
- Description of how the state will seek, to the extent practicable, to provide or arrange for mental health and substance disorder treatment (a)(30)(B)
- Description of reentry planning for juveniles to include a written case plan (a)(31)
 - describe how reentry planning by the State for juveniles will include—
 - (A) a written case plan based on an assessment of needs that includes—
 - (i) the pre-release and post-release plans for the juveniles;
 - (ii) the living arrangement to which the juveniles are to be discharged; and
 - (iii) any other plans developed for the juveniles based on an individualized assessment; and
 - (B) review processes;
- Assurance of coordination between the Designated State Agency (DSA) and State Education Agency (SEA) to develop and implement a plan to support educational progress to ensure that, (a)(32)
 - (A) the student records of adjudicated juveniles, including electronic records if available, are transferred in a timely manner from the educational program in the juvenile detention or secure treatment facility to the educational or training program into which the juveniles will enroll;
 - (B) the credits of adjudicated juveniles are transferred; and
 - (C) adjudicated juveniles receive full or partial credit toward high school graduation for secondary school coursework satisfactorily completed before and during the period of time during which the juveniles are held in custody, regardless of the local educational agency or entity from which the credits were earned; and

Title II 3-Year State Plan Requirements

- Description of policies and procedures to screen for, identify, and document in state records identification of victims of domestic human trafficking or those at risk of such trafficking and diversion (a)(33)

describe policies and procedures to—

(A) screen for, identify, and document in records of the State the identification of victims of domestic human trafficking, or those at risk of such trafficking, upon intake; and

(B) divert youth described in subparagraph (A) to appropriate programs or services, to the extent practicable.

Needs:

- Juvenile Crime Analysis
- Review of the Program Purpose Areas
- Goals and Objectives
- Budget Discussion
- Special Projects (i.e. Youth Engagement, SACJJDP, etc.)
- Response to the 33 Statutory Requirements
- Additional Activities (i.e. Public Listening Session, etc.)