



GEORGIA JUVENILE JUSTICE STATE ADVISORY GROUP

New Member Orientation Packet

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(Last revised May 2018)

Foreword

Recognizing that the Georgia Juvenile Justice State Advisory Group (SAG) members vary in experience from newly appointed members to veterans, this packet provides an orientation to, and overview of the SAG.

It is intended that this packet will be revised periodically, incorporating comments and concerns as expressed by its users. The goal is to maintain an up-to-date reference document, based on the needs of the members.

The SAG is an important component in the implementation of the Juvenile Justice and Delinquency Prevention Act and makes positive contributions in the improvement of Georgia's juvenile justice system. This packet is intended to aid in the attainment of this role.

Introduction

The requirement for a Juvenile Justice State Advisory Group (SAG) for juvenile justice and delinquency prevention was established in the original Juvenile Justice and Delinquency Prevention Act of 1974 (JJDPA). The JJDPA is a federal law that provides delinquency prevention grants to states and localities to improve systems and practices, and to establish basic safeguards for states and localities to follow regarding their care and custody of youth who come into contact with the juvenile justice system.

In addition, the JJDPA establishes a structure for citizen input and oversight of state implementation of the law's mandates and programs, through the work of a Juvenile Justice State Advisory Group (SAG). The JJDPA was most recently reauthorized in 2002 and provides the foundation for each state's work plan and responsibilities in juvenile justice.

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) is the federal agency within the Office of Justice Programs at the U.S. Department of Justice, which holds responsibility for examining, preventing, and reducing juvenile delinquency, and ensuring effective implementation of the JJDPA.

The JJDPA and OJJDP guidelines require each state to maintain a State Advisory Board, acting in an advisory capacity for the Designated State Agency, Criminal Justice Coordinating Council (CJCC), for the utilization of federal funds. Created by the General Assembly in 1981 as an executive branch agency, CJCC represents the culmination of many efforts to establish a statewide body that builds consensus and unity among Georgia's diverse and interdependent justice system components. The CJCC serves in a supervisory capacity to the Georgia SAG.

The SAG meets on a quarterly basis and is made up of members who are appointed by and serve at the pleasure of the Governor. The SAG's mission is to review juvenile justice policy, advise and advocate on juvenile justice issues, and strive to keep Georgia in compliance with JJDPA. This guide has been created to provide key information on the role and responsibilities of the SAG.

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Responsibilities of the Georgia Juvenile Justice State Advisory Group

The Georgia Juvenile Justice State Advisory Group (SAG)¹, required by the Juvenile Justice and Delinquency Prevention Act (JJDP) is appointed by the Governor and serves in an advisory capacity to the Criminal Justice Coordinating Council (CJCC), the designated state agency for Title II Formula Grant funds from the Office of Juvenile Justice and Delinquency Prevention (OJJDP). The CJCC serves in a supervisory role, but relies on the SAG to provide guidance and expertise to effectively implement initiatives at the state and local level. Additionally, the SAG is tasked with the preparation and implementation of the state's Juvenile Justice 3-Year Plan, which is a requirement of continued Title II Formula Grant funding.

There are 28 statutory requirements² of the JJDP that each state must comply with. Within these requirements, federal funds are dependent on a state's compliance with the four core requirements outlined in the JJDP. If a state is out of compliance with one or more of the core requirements, OJJDP will reduce the Title II Formula Grant award by 20 percent for each requirement with which the state is out of compliance. Additionally, the state must use 50 percent of the awarded amount to achieve compliance. The four core requirements are:

1. **De-institutionalization of Status Offenders:** Each state must ensure that juveniles who are charged with a status offense, also known as Children in Need of Services (CHINS) in Georgia, will not be placed in secure detention or in correctional facilities. Status offenses are those offenses which would not be an offense if committed by a person over the age of eighteen (e.g., truancy, curfew, running away, alcohol possession/consumption). For the purpose of this document status offenders and CHINS will be used interchangeably.
2. **Sight and Sound Separation of Juveniles from Adult Offenders:** Each state must ensure that a juvenile charged with a delinquent offense, and who is detained or confined in an adult jail or lockup, will not have verbal or visual contact with adult offenders.
3. **Removal of Juveniles from Adult Jails and Lockups:** Each state must ensure that no juvenile shall be detained or confined in a jail or lockup that is intended for adult offenders.
4. **Disproportionate Minority Contact:** Each state must make an effort to reduce disproportionate minority contact (DMC) at all nine points along the juvenile justice continuum when each minority proportion exceeds that minority's representation in the overall population of youth.

The Governor appoints at least 15 and no more than 33 members to the SAG. Through the submission of the Title II Formula Grant application, the SAG reports compliance and DMC data annually to OJJDP. Further, the SAG is required to submit an annual report to the Governor. CJCC includes this information in the annual CJCC report presented to the Governor. Additionally, the

¹ 42 U.S.C. 5633 [Sec. 223.] (a) (3)

² A list of the 28 statutory requirements can be found on page 29 of this packet.

SAG has the responsibility to advise and make recommendations on issues, trends, practices and concerns in juvenile justice.

The SAG meets on a quarterly basis throughout the year. SAG members are able to attend in person or by conference call. SAG members represent the various juvenile justice stakeholders who have acquired special knowledge related to juveniles. They also represent Georgia's rural, suburban, and urban areas, and major ethnic and racial groups residing in Georgia.

The SAG members are invited to attend various juvenile justice related conferences and/or trainings throughout the year depending on the availability of funds.

CJCC is the state administrative agency where the SAG is housed. Juvenile Justice Supervisor, Stephanie Mikkelsen, serves the SAG as the Juvenile Justice Specialist, DMC Coordinator, and Title II Grant Manager. Keima Davis serves the SAG as the Juvenile Detention Compliance Monitor. Further information on these roles can be under *Support Staff* on page 17 of this manual.

Membership

The Juvenile Justice State Advisory Group (SAG) is a diverse group of professionals and private citizens with expertise and experience in a number of disciplines impacting juvenile justice. Pursuant to subsections i–v of Section 223(a)(3)(A)³ of the Juvenile Justice and Delinquency Prevention Act (JJDP), a SAG must include:

- at least one locally elected official representing general purpose local government;
- representatives of law enforcement and juvenile justice agencies, including juvenile and family court judges, prosecutors, publicly supported court-appointed legal counsel for children and youth charged in delinquency matters, and probation workers;
- representatives of public agencies concerned with delinquency prevention or treatment, such as welfare, social services, children’s mental health, education, child and adolescent substance abuse, special education, services for youth with disabilities, recreation, and youth services;
- representatives of private nonprofit organizations, including persons with a special focus on preserving and strengthening families, parent groups and parent self-help groups, youth development, delinquency prevention and treatment, neglected or dependent children, the quality of juvenile justice, education, and social services for children;
- volunteers who work with delinquent youth or youth at risk of delinquency;
- youth workers involved with programs that are alternatives to incarceration, including programs providing organized recreation activities;
- persons with special experience and competence in addressing problems related to school violence and vandalism and alternatives to suspension and expulsion;
- the executive director or the designee of the executive director of a public or nonprofit entity that is located in the State and receiving a grant under part A of title III;
- persons with expertise and competence in preventing and addressing mental health and substance abuse needs in juvenile delinquents and those at risk of delinquency;
- representatives of victim or witness advocacy groups;
- persons with special experience and competence in addressing problems related to learning and other disabilities, truancy reduction, lesbian, gay, bisexual, or transgender youth, school failure; and emotional difficulties, child abuse and neglect, and youth violence;
- a majority of which members (including the chairperson) shall not be full-time employees of the Federal, State, or local government;
- at least one-fifth of which members shall be under the age of 25 at the time of appointment; and
- at least three members who have been or are currently under the jurisdiction of the juvenile justice system.

³ 42 U.S.C. 5633 § 223(a) (3) (A)

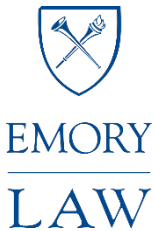
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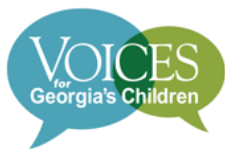
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Subcommittees

3-Year Plan Subcommittee

In order to receive a formula grant through the Juvenile Justice and Delinquency Prevention Act (JJDP), the Juvenile Justice State Advisory Group (SAG) must submit a 3-Year Plan meeting the requirements of the JJDP. The SAG supervises the development of the 3-Year Plan (current 2015-2017). The Plan provides an overview of all Georgia's efforts to increase public safety through a more effective juvenile justice system, including:

- demonstrates compliance with the 28 statutory requirements listed in the JJDP;
- describes partnerships with other stakeholders;
- addresses the status of planned efforts; and,
- discusses projects funding through Title II Formula Grant funding.

The 3-Year Plan Subcommittee of the SAG is tasked with developing, updating and reviewing Georgia's 3-Year Plan. The Subcommittee recently submitted Georgia's 3-Year Plan for 2018 – 2020 due as part of the 2018 Title II Formula Grant Program. Georgia's most recent Plan is available at <https://cjcc.georgia.gov/juvenile-justice-unit>.

Members include: Judge Steven Teske (Subcommittee Chair), Todd Ashley, Melissa Carter, Polly McKinney, Colin Slay, Joe Vignati, and Thomas Worthy.

Disproportionate Minority Contact Subcommittee

The Disproportionate Minority Contact (DMC) Subcommittee of the SAG is tasked with addressing the fourth core requirement listed in the Juvenile Justice Delinquency Prevention Act (JJDP)-DMC. All members are appointed by the SAG and meet on a quarterly basis.

The DMC Subcommittee, which is staffed by a part-time DMC Coordinator, supports and enhances statewide efforts to reduce DMC within the juvenile justice system and provides recommendations to the SAG regarding efforts to reduce DMC. The DMC Coordinator, housed at the Criminal Justice Coordinating Council, plans and coordinates the DMC Subcommittee meetings and provides information and research, both local and national, relating to DMC. More information on DMC in Georgia can be found on CJCC's DMC webpage at <https://cjcc.georgia.gov/dmc>.

Members include: Colin Slay (Subcommittee Chair), Judge Leroy Burke, Melissa Carter, Judge Vincent Crawford, Adolphus Graves, Polly McKinney, Judge Steven Teske, Joe Vignati, and Emily White.

Youth Subcommittee

The Youth Subcommittee is a new SAG initiative whereas Georgia youth will be provided with opportunities to voice their perspectives, ideas and concerns, and to make recommendations to the SAG. Youth will be elected via an application process.

Support Staff

Juvenile Justice Specialist

The Juvenile Justice Specialist (JJ Specialist) administers the Office of Juvenile Justice and Delinquency Prevention (OJJDP) formula and block grant programs. Each state, as required by the Juvenile Justice and Delinquency Prevention Act (JJDP), appoints a JJ Specialist to administer these programs and to help develop the state's 3-Year Plan for juvenile justice. In addition to these responsibilities, the JJ Specialist supports the Juvenile Justice State Advisory Group (SAG).

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Disproportionate Minority Contact Coordinator

The Disproportionate Minority Contact (DMC) Coordinator organizes the planning, implementation, and evaluation of efforts to reduce DMC in the juvenile justice system. In addition to these responsibilities, the State DMC Coordinator supports the DMC Subcommittee of the SAG.

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Compliance Monitor

The Juvenile Detention Compliance Monitor (Compliance Monitor) is responsible for the monitoring of all adult detention centers, lock ups⁴, and juvenile detention centers to ensure Georgia's compliance with the first three of the four core protections, as outlined by the JJDP.

With the assistance of the Georgia Department of Juvenile Justice (DJJ), the Compliance Monitor tracks admissions to 143 adult jails and 31 adult lock ups on a monthly basis. The Compliance

⁴ 42 U.S.C. 5602 §103 (22) the term "jail or lockup for adults" means a locked facility that is used by a State, unit of local government, or any law enforcement authority to detain or confine adults.

Monitor conducts onsite inspections of all adult detention facilities every three years, but cannot visit less than 10% in any given year. During the year, the Compliance Monitor provides on-going technical assistance to local jails and police lock-ups and provides regional Jail Monitor trainings to all DJJ Jail Monitors annually to update any new staff members on the JJDP requirements. More information on compliance monitoring of the core protection in Georgia can be found on CJCC's compliance monitor webpage at. <https://cjcc.georgia.gov/juvenile-justice-compliance-monitoring>.

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Federal Funding

Title II Formula Grant Funding⁵

The U.S. Department of Justice (DOJ), Office of Justice Programs, and Office of Juvenile Justice and Delinquency Prevention (OJJDP) provides funding to support state and local efforts to plan, establish, operate, coordinate, and evaluate projects. The purpose is to develop more effective education, training, research, prevention, diversion, treatment, and rehabilitation programs in the area of delinquency. The program's goal is to increase the availability and types of evidence-based programs and support juvenile justice system improvements. Title II funding is directly tied to the Juvenile Justice and Delinquency Prevention Act (JJDP) and can be reduced if a state is found out of compliance with the JJDP. The amount of Title II funding available is allocated annually among the States on the basis of relative population of people under the age of eighteen.

Prison Rape Elimination Act Funding⁶

The Prison Rape Elimination Act (PREA) provides in part, that if a Governor is not able to certify to the DOJ that their state or territory is in full compliance with the national PREA standards, and elects not to submit an assurance that not less than 5% of certain DOJ grant funds (including JJDP funding) will be used solely for the purpose of enabling the state to achieve full compliance with the standards in future years. For the purpose of juvenile justice, 5% of the Title II Formula Grant allocation is set aside for PREA.

As of 2016, the State of Georgia juvenile detention centers are fully compliant. More information is available at <http://www.djjnewsandviews.org/preageorgia/preareports.html>.

Juvenile Accountability Block Grant⁷

The Juvenile Accountability Block Grant (JABG) program, funding by OJJDP, provides funding as block grants to states for programs promoting greater accountability in the juvenile justice system. The last time JABG funding was available was 2013. This funding has ended.

⁵ <https://www.ojjdp.gov/programs/ProgSummary.asp?pi=16>

⁶ <https://ojp.gov/programs/prisonrapeelimination.htm>

⁷ <https://www.ojjdp.gov/jabg/>

Juvenile Justice and Delinquency Prevention Act: Four Core Requirements

The Juvenile Justice and Delinquency Prevention Act (JJDP) sets forth four core requirements with which states must comply in order to be eligible to receive Title II Formula Grant federal funding. When a state is found to be out of compliance with one or more of the core requirements, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) is authorized to reduce the state's funding allocation under the JJDP by 20 percent per each core requirement. In addition, the state must use 50 percent of its remaining allocation to return to full compliance with the JJDP.

The Act's core requirements include:

- (1) Deinstitutionalization of Status Offenders⁸:
- (2) Removal of juveniles from adult jails and lock-ups⁹
- (3) Sight and sound separation¹⁰
- (4) Disproportionate Minority Contact¹¹

Deinstitutionalization of Status Offenders: Status, civil-type, and non-offenders shall not be placed in secure detention facilities or secure correctional facilities. A juvenile may be held for up to 24 hours, exclusive of weekends and legal holidays, in a juvenile detention facility prior to an initial court appearance and for an additional 24 hours, exclusive of weekends and legal holidays, immediately following an initial court appearance.

Exceptions:

1. Youth Handgun Safety Act (18 U.S.C. 922(x))
2. Out-of-state runaways held beyond 24 hours
3. Violation a Valid Court Order (VCO)

Example: Jill is brought before the court for running away. Instead of locking her up with delinquent offenders in a juvenile detention center, she is sent to a community runaway shelter. This way, Jill is not housed in an institution for a non-delinquent action, which indicates her need for personal and family support. In addition, she can stay in school and get the help she needs to resolve the issues that led her to runaway.

Removal of Juveniles from Adult Jails and Lock-ups: No juvenile shall be detained or confined in any jail or lockup for adults.

Exceptions:

- Juveniles accused of non-status offenses who are detained in such jail or lock-up for a period not to exceed 6 hours – for processing or release; while awaiting

⁸ 42 U.S.C. 5633 § 223 (a) (11)

⁹ 42 U.S.C. 5633 § 223 (a) 13

¹⁰ 42 U.S.C. 5633 § 223 (a) 12

¹¹ 42 U.S.C. 5633 § 223 (a) 22

transfer to a juvenile facility; or in which period such juveniles make a court appearance.

- Juveniles accused of non-status offenses who are awaiting an initial court appearance that will occur within 48 hours after being taken into custody (excluding Saturdays, Sundays, and legal holidays), and who are detained in a jail or lock-up.

Example: Johnny is 14 years old and found delinquent due to driving a car without a license. He cannot be sentenced to or held in an adult jail, where he may be subjected to intimidation or harm by adult inmates.

Sight and Sound Separation: Juveniles alleged to be or found to be delinquent, or status offenders, will not be detained or confined in any institution in which they have contact with adult inmates. There are no exceptions for this core requirement.

Example: Shauna is arrested for burglary. She lives in a rural area where there is no juvenile detention facility and only a single adult jail. She is admitted into the jail to await trial. While there, she cannot be held with or next to adult inmates. In addition, this requirement prevents her from having “sight and sound” contact with adult inmates, that could involve coercion, taunting, or other distress.

Disproportionate Minority Contact: States will address juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups who come into contact with the juvenile justice system.

Example: Tom and Bill have committed the same delinquent offense that involved carrying a weapon to school. Neither has any prior delinquency/court history. They go to the same school, but their infractions are treated differently. Tom, who is African-American, is held in detention before his hearing, charged with possession of a deadly weapon, and sentenced to confinement. Yet, Bill, who is White, is released to parental custody before his hearing, charged with possession of a deadly weapon, and sentenced to probation.

Juvenile Justice Project Overview

The Criminal Justice Coordinating Council (CJCC) is involved in various projects, both federally and state-funded. The following provides an overview of federally funded projects.

The **Juvenile Justice Incentive Grant Program (JJIG)** is designed to reduce both juvenile felony commitments to the Georgia Department of Juvenile Justice (DJJ) and short-term program sentences through the use of evidence-based programs shown to reduce recidivism among juveniles and to promote positive relationships among the youth, their family, and their community. The overarching grant program goals are: 1) To increase public safety through an effective juvenile justice system, and 2) To demonstrate potential cost-savings for taxpayers through the use of evidence-based options. This program is state and federally funded. Oversight is provided by the Juvenile Justice Incentive Grant Program Funding Committee.

The **Prison Rape Elimination Act (PREA) Grant** is awarded to DJJ to provide assistance with making juvenile secure detention centers safer for youth. In the first year of funding (federal fiscal year 2014), DJJ used the funding to continue their work to build a data repository to track instances of assault inside facilities. In the second year of funding (federal fiscal year 2015), DJJ used the funding to purchase facility phone covers, pamphlets and other materials for youth in facilities to raise awareness about sexual assault and reporting methods. In the third year of funding (federal fiscal year 2016), DJJ used the funding to develop PREA-related curriculum. In federal fiscal year 16, Georgia received 100% compliance ratings for PREA on all 26 facilities audited by the Department of Justice. This program is federally funded.

The Carl Vinson Institute of Government (CVIOG) has been contracted to evaluate an **At-Promise Center Evaluation**. The At-Promise Center was a project originally brought to the SAG's attention by the Disproportionate Minority Contact (DMC) Subcommittee. The Center, which opened in August 2017, serves as an assessment and receiving center for youth, and will also provide a menu of therapeutic services in Fulton County (Zone 1). The Center is being led by the Atlanta Police Foundation (APF). The SAG has been providing guidance to the APF surrounding appropriate referrals, risk assessments, and evaluations. Funding was approved for CVIOG to provide an evaluation of service provision, participation, and recidivism rates for youth involved with the At-Promise Center. This project is federally-funded and will be completed in Fall 2018.

The **Trauma Focused Cognitive Behavioral Therapy (TF-CBT) pilot project** provided Georgia's DMC target counties (Fulton, Clayton, and Chatham County) with 30 TF-CBT program slots to delinquency adjudicated minority youth who are at moderate to high risk to recidivate. This project is federally-funded and ended September 2017. This is a project of the DMC Subcommittee.

The CJCC Statistical Analysis Center (SAC) has been contracted to examine the issue of DMC in Georgia. The **DMC Assessment** will identify areas of concern, such as influence of DMC, persistence, and magnitude, within the state and within the juvenile justice system. The SAC will

continue established research methods as outlined by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) and apply these methods to compare juvenile justice contact between minority and non-minority persons by types of crime. The SAC will then supplement this research with targeted interviews with juvenile justice system stakeholders. The goal is to establish a narrative about perceptions of the juvenile justice system that is supplemented and enhanced with evidence from secondary data. This project is federally funded and will be completed in Summer 2018.

Georgia developed a publicly available website that provides statewide data for all 159 counties called the Juvenile Data Clearinghouse (www.juveniledata.georgia.gov). In an effort to improve data sharing, the **Juvenile Data Clearinghouse** is being updated with an interactive data analysis platform, known as **Qlik**. This update will create a more user-friendly platform and improve public access to data. This project will be completed in Summer 2018.

The **Strategies for Youth – Policing the Teen Brain** project is a training program that provides officers with the information and skills they need to effectively interact with youth. This a four-day Train-the-Trainer (max 30 officers). This federally-funded project will begin in Fall 2018.

The **Juvenile Justice Delinquency Prevention and Treatment Grants** are awarded to local units of government with programs that focus on prevention for youth. This program is designed to address the need for prevention activities for at-risk youth in local communities in the initial stages of justice system involvement. Applicants are required to use evidenced-based or evidence-informed program models that have been shown to reduce juvenile recidivism and are aimed at preventing and diverting youth from deeper involvement in juvenile justice system. This program was federally-funded (Juvenile Accountability Block Grant (JABG) and Title II Formula Grant). This project is no longer active as of federal fiscal year 2016.

The **Education Enhancement Projects (EEP)** are awarded to Fulton and DeKalb Counties to fund alternative educational programs. Education plays a key role in prevention and reducing juvenile recidivism. Basic literacy and educational skills are fundamental to a youth's success. Programs funded through EEP allow for court-involved youth who have become detached or removed from traditional school systems to continue their education through community based services. This program was federally-funded (JABG). This project is no longer active as of calendar year 2016.

Acronyms

ART: Aggression Replacement Training

BSFT: Brief Strategic Family Therapy

CHINS: Children in Need of Services

CJCC: Criminal Justice Coordinating Council

CJJ: Coalition for Juvenile Justice

Connections: Connections Wraparound

CVIOG: Carl Vinson Institute of Government

DAI: Detention Assessment Instrument

DBHDD: Department of Behavioral Health and Developmental Disabilities

DC: Deputy Commissioner

DCS: Department of Community Supervision

DCSS: Division of Child Support Services

DECAL: Department of Early Care and Learning

DF: Designated Felony

DFCS: Division of Family and Children Services

DHS: Department of Human Services (houses DFCS and DCSS)

DJJ: Georgia's Department of Juvenile Justice

DMC: Disproportionate Minority Contact

DOE: Department of Education

DPH: Department of Public Health

DSO: Deinstitutionalization of Status Offenders

EBP: Evidence-Based Program

FFT: Functional Family Therapy

GBI: Georgia Bureau of Investigation

GDC: Georgia Department of Corrections

GPDC: Georgia Public Defender Council

GPSTC: Georgia Public Safety Training Center

HIPPA: Health Insurance Portability and Accountability Act

JABG: Juvenile Accountability Block Grant

JCATS: Juvenile Court Activity Tracking System

JDEX: Juvenile Data Exchange

JJDP: Juvenile Justice and Delinquency Prevention Act

JJIG: Juvenile Justice Incentive Grant Program

JNA: Juvenile Needs Assessment

JPM: Juvenile Probation Manager

JTS: Juvenile Tracking System

LST: Botvin LifeSkills Training

MDFT: Multi-dimensional Family Therapy

MST: Multisystemic Therapy

NCCD: National Council on Crime & Delinquency

OJJDP: Office of Juvenile Justice and Delinquency Prevention

PAC: Prosecuting Attorney's Council of Georgia

PDRA: Pre-Disposition Risk Assessment

PREA: Prison Rape Elimination Act

RFP: Request for Proposal

RRI: Relative Rate Index

RYDC: Regional Youth Detention Centers SAG: State Advisory Group

SFP: Strengthening Families Program

SFY: Strategies for Youth

SPEP: Standardized Program Evaluation Protocol

S&S: Sight and Sound Separation

STP: Short-Term Program

T4C: Thinking for a Change

TF-CBT: Trauma-Focused Cognitive Behavioral Therapy

Title II: Title II Formula Grants Program

YDC: Youth Development Campuses

7C: Seven Challenges

Juvenile Justice Glossary

These definitions were pulled from the Office of Juvenile Justice Delinquency Prevention Glossary¹².

Adjudication: Judicial determination (judgment) that a juvenile is responsible for the delinquency or status offense that is charged in a petition or other charging document.

Adult Jail: A locked facility, administered by State, county or local law enforcement and correctional agencies, designed to detain adults charged with violating criminal law, pending trial. Also, this term refers to facilities used to hold convicted adult criminal offenders sentenced for less than 1 year.

Adult Lockup: Generally, a municipal or police facility similar to an adult jail designed to temporarily hold persons before they have been formally charged.

Aftercare: A cohesive set of support services designed to provide assistance to youth returning to their community and/or new living situation following their release from a secure or non-secure program, residential placement, or treatment program. Services are designed to assist youth in making a successful transition into the community.

Arrest: Hold time in legal custody, either at the scene of a crime or as result of investigations. Arrest also can be the result of a complaint filed by a third party, an outstanding warrant, or a revocation of probation or parole.

Best Practice: Strategies and programs demonstrated through research and evaluation to be effective at preventing or intervening in juvenile justice delinquency. Best practice models include program models that have been shown, through rigorous evaluation and replication, to achieve target outcomes. Model programs can come from many valid sources (e.g., OJJDP's Model Programs Guide, Blueprints, Substance Abuse and Mental Health Services Administration's (SAMHSA) Model Programs, State model program resources, etc.).

Community-based: A facility, program, or service located near the juvenile's home or family, usually a group home or other appropriate setting. Also, the term refers to programs of community supervision and services that maintain community and consumer participation in program planning, operation, and evaluation.

Commitment: A court order giving guardianship of a juvenile to the state department of juvenile justice or corrections. The facility in which a juvenile is placed may be publicly or privately operated and may range from a secure correctional placement to a non-secure or staff secure facility, group home, foster care, or day treatment setting.

¹² Office of Juvenile Justice and Delinquency Prevention (2017). *Glossary*. [online] Available at: <https://www.ojjdp.gov/grantees/pm/glossary.html#top>

Compliance Monitoring Report: OJJDP's Formula Grant Regulation requires states to submit information regarding compliance with the DSO, jail removal, and separation requirements annually. This information is submitted through the Compliance Monitoring (CM) report. States that have been determined by the OJJDP Administrator to have achieved full compliance may be exempt from the annual monitoring report requirements following a written request.

Delinquency: An act committed by a juvenile that would be criminal if committed by an adult. The juvenile court has jurisdiction over delinquent acts. Delinquent acts include crimes against persons, crimes against property, drug offenses, and crimes against public order.

Detention: The placement of a youth in a secure facility under court authority at some point between the time of referral to court intake and case disposition. Detention prior to case disposition is known as pre-dispositional detention. The reasons for post-dispositional Juvenile Justice Coalition for Juvenile Justice detention generally include awaiting placement, short-term sentencing to detention, or being a danger to self or others.

Disposition: Sanction ordered or treatment plan decided upon or initiated in a particular case by a juvenile court. The range of options available to a court typically includes commitment to an institution; placement in a group or foster home or other residential facility; probation (either regular or intensive supervision); referral to an outside agency, day treatment, or mental health program; or imposition of a fine, community service, or restitution.

Diversion: A mechanism designed to hold youth accountable for their actions by sanctioning behavior and in some cases securing services, but at the same time generally avoiding formal court processing in the juvenile justice system.

Evidence-based Program: Interventions that involve standardized treatment and that have been shown through controlled research to result in improved outcomes across multiple research groups. These advances have occurred in a number of areas that relate to the target population, including mental health, substance abuse, and juvenile justice prevention and treatment of youth.

Formal Petition filed: A case that is being forwarded for judicial resolution and is much smaller in number than the number of cases coming through the intake process.

Gender-specific services: Services designed to promote healthy attitudes, behaviors and lifestyles, and promote social competence in girls. Key program elements generally address issues in the context of relationships to peers, family, school, and community.

Graduated Sanctions: A graduated sanctions system is a set of integrated intervention strategies designed to operate in unison to enhance accountability, ensure public safety, and reduce recidivism by preventing future delinquent behavior. The term "graduated sanctions" implies that the penalties for delinquent activity should move from limited interventions to more restrictive (i.e., graduated) penalties according to the severity and nature of the crime. In other words,

youth who commit serious and violent offenses should receive more restrictive sentences than youth who commit less serious offenses.

Non-offender: A juvenile who is subject to the jurisdiction of the juvenile court usually under abuse, dependency, or neglect statutes for reasons other than legally prohibited conduct.

Post-disposition: The period following the imposition of a sanction ordered or treatment plan decided upon or initiated in a particular case by a juvenile court.

Pre-disposition: The period after the filing of a charge and prior to a sanction ordered or treatment plan decided upon or initiated in a particular case by juvenile court.

Probation: Cases in which youth are placed on informal/voluntary or formal/court-ordered supervision. A violation occurs when a youth violates the terms of the probation.

Secure: As used to define a detention or correctional facility, this term includes residential and non-residential facilities that include fixtures, such as locked rooms and buildings, fences, or other physical structures, designed to physically restrict the movements and activities of persons in custody. It does not include facilities where physical restriction of movement or activities is provided solely through facility staff.

Status Offenders: A juvenile charged with or adjudicated for conduct that would not, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult. Status offenses include truancy, curfew violations, incorrigibility, running away, and underage possession and/or consumption of alcohol or tobacco.

Valid court order: An order given by a juvenile court judge to a juvenile who was brought before the court and made subject to an order; and who received, before the issuance of such order, the full due process rights guaranteed to such juvenile by the U.S. Constitution.

Valid court order exception: Permits the secure/locked detention of a juvenile for violation of a court order only if he or she received full due process as guaranteed by the U.S. Constitution.

Waived to criminal court: Cases that originated in juvenile court but are transferred to adult criminal court as the result of a judicial waiver hearing in juvenile court.

JJDP - 42 U.S.C. 5633(a): 28 Statutory Requirements

- (a) Requirements. 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 the status of compliance with state plan requirements. In accordance with regulations which the Administrator shall prescribe, such plan shall—
- (1) Designate the state agency as the sole agency for supervising the preparation and administration of the plan;
 - (2) Contain satisfactory evidence that the state agency designated in accordance with paragraph (1) has or will have authority, by legislation if necessary, to implement such plan in conformity with this part;
 - (3) Provide for an advisory group that—
 - (A) Shall consist of not less than 15 and not more than 33 members appointed by the chief executive officer of the state—
 - (i) Which members have training, experience, or special knowledge concerning the prevention and treatment of juvenile delinquency, the administration of juvenile justice, or the reduction of juvenile delinquency;
 - (ii) Which members include—
 - (I) At least one locally elected official representing general purpose local government;
 - (II) Representatives of law enforcement and juvenile justice agencies, including juvenile and family court judges, prosecutors, counsel for children and youth, and probation workers;
 - (III) Representatives of public agencies concerned with delinquency prevention or treatment, such as welfare, social services, mental health, education, special education, recreation, and youth services;

- (IV) Representatives of private nonprofit organizations, including persons with a special focus on preserving and strengthening families, parent groups and parent self-help groups, youth development, delinquency prevention and treatment, neglected or dependent children, the quality of juvenile justice, education, and social services for children;
 - (V) Volunteers who work with delinquents or potential delinquents;
 - (VI) Youth workers involved with programs that are alternatives to incarceration, including programs providing organized recreation activities;
 - (VII) Persons with special experience and competence in addressing problems related to school violence and vandalism and alternatives to suspension and expulsion; and
 - (VIII) Persons with special experience and competence in addressing problems related to learning disabilities, emotional difficulties, child abuse and neglect, and youth violence;
- (iii) A majority of which members (including the chairperson) shall not be full-time employees of the federal, state, or local government;
 - (iv) At least one-fifth of which members shall be under the age of 24 at the time of appointment; and
 - (v) At least 3 members who have been or are currently under the jurisdiction of the juvenile justice system;
- (B) Shall participate in the development and review of the state's juvenile justice plan prior to submission to the supervisory board for final action;
 - (C) Shall be afforded the opportunity to review and comment, not later than 30 days after their submission to the advisory group, on all juvenile justice and delinquency prevention grant applications submitted to the state agency designated under paragraph (1);
 - (D) Shall, consistent with this title—
 - (i) Advise the state agency designated under paragraph (1) and its supervisory board; and
 - (ii) Submit to the chief executive officer and the legislature of the state at least annually recommendations regarding state compliance with the requirements of paragraphs (11), (12), and (13); and

- (iii) Contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system; and
- (E) May, consistent with this title—
 - (i) Advise on state supervisory board and local criminal justice advisory board composition; [and]
 - (ii) Review progress and accomplishments of projects funded under the state plan.
- (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;
- (5) Unless the provisions of this paragraph are waived at the discretion of the Administrator for any state in which the services for delinquent or other youth are organized primarily on a statewide basis, provide that at least 66 and 2/3 percent of funds received by the state under section 222 [42 U.S.C. 5632] reduced by the percentage (if any) specified by the state under the authority of paragraph (25) and excluding funds made available to the state advisory group under section 222(d) [42 U.S.C. 5632(d)], shall be expended—
 - (A) Through programs of units of local government or combinations thereof, to the extent such programs are consistent with the state plan;
 - (B) Through programs of local private agencies, to the extent such programs are consistent with the state plan, except that direct funding of any local private agency by a state shall be permitted only if such agency requests such funding after it has applied for and been denied funding by any unit of local government or combination thereof; and;
 - (C) To provide funds for programs of Indian tribes that perform law enforcement functions (as determined by the Secretary of the Interior) and that agree to attempt to comply with the requirements specified in paragraphs (11), (12), and (13), applicable to the detention and confinement of juveniles, an amount that bears the same ratio to the aggregate amount to be expended through programs referred to in subparagraphs (A) and (B) as the population under 18 years of age in the geographical areas in which such tribes perform such functions bears to the state population under 18 years of age;
- (6) Provide for an equitable distribution of the assistance received under section 222 [42 U.S.C. 5632] within the state, including in rural areas;

(7) (A) Provide for an analysis of juvenile delinquency problems in, and the juvenile delinquency control and delinquency prevention needs (including educational needs) of, the state (including any geographical area in which an Indian tribe performs law enforcement functions), a description of the services to be provided, and a description of performance goals and priorities, including a specific statement of the manner in which programs are expected to meet the identified juvenile crime problems (including the joining of gangs that commit crimes) and juvenile justice and delinquency prevention needs (including educational needs) of the State;

and that

(B) Contains—

- (i) 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;
- (ii) A plan for providing needed gender-specific services for the prevention and treatment of juvenile delinquency;
- (iii) A plan for providing needed services for the prevention and treatment of juvenile delinquency in rural areas; and
- (iv) A plan for providing needed mental health services to juveniles in the juvenile justice system, including information on how such plan is being implemented and how such services will be targeted to those juveniles in such system who are in greatest need of such services.

(8) Provide for the coordination and maximum utilization of existing juvenile delinquency programs, programs operated by public and private agencies and organizations, and other related programs (such as education, special education, recreation, health, and welfare programs) in the state;

(9) Provide that not less than 75 percent of the funds available to the state under section 222 [42 U.S.C. 5632], other than funds made available to the state advisory group under section 222(d) [42 U.S.C. 5632(d)], whether expended directly by the state, by the unit of local government, or by a combination thereof, or through grants and contracts with public or private nonprofit agencies, shall be used for—

(A) Community-based alternatives (including home-based alternatives) to incarceration and institutionalization, including—

- (i) For youth who need temporary placement: crisis intervention, shelter, and aftercare; and
- (ii) For youth who need residential placement: a continuum of foster care or group home alternatives that provide access to a comprehensive array of services;

(B) Community-based programs and services to work with—

- (i) Parents and other family members to strengthen families, including parent self- help groups, so that juveniles may be retained in their homes;
- (ii) Juveniles during their incarceration, and with their families, to ensure the safe return of such juveniles to their homes and to strengthen the families; and
- (iii) Parents with limited English-speaking ability, particularly in areas where there is a large population of families with limited English-speaking ability;

(C) Comprehensive juvenile justice and delinquency prevention programs that meet the needs of youth through the collaboration of the many local systems before which a youth may appear, including schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies, and private nonprofit agencies offering youth services;

(D) Programs that provide treatment to juvenile offenders who are victims of child abuse or neglect, and to their families, in order to reduce the likelihood that such juvenile offenders will commit subsequent violations of law;

(E) Educational programs or supportive services for delinquent or other juveniles—

- (i) To encourage juveniles to remain in elementary and secondary schools or in alternative learning situations;
- (ii) To provide services to assist juveniles in making the transition to the world of work and self-sufficiency; and
- (iii) Enhance coordination with the local schools that such juveniles would otherwise attend, to ensure that—
 - (I) The instruction that juveniles receive outside school is closely aligned with the instruction provided in school; and
 - (II) Information regarding any learning problems identified in such alternative learning situations is communicated to the schools;

(F) Expanding the use of probation officers—

- (i) Particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and
- (ii) To ensure that juveniles follow the terms of their probation;

(G) C
ounseling, training, and mentoring programs, which may be in support of academic

tutoring, vocational and technical training, and drug and violence prevention counseling, that are designed to link at-risk juveniles, juvenile offenders, or juveniles who have a parent or legal guardian who is or was incarcerated in a federal, state, or local correctional facility or who is otherwise under the jurisdiction of a federal, state, or local criminal justice system, particularly juveniles residing in low-income and high-crime areas and juveniles experiencing educational failure, with responsible individuals (such as law enforcement officials, Department of Defense personnel, individuals working with local businesses, and individuals working with community-based and faith-based organizations and agencies) who are properly screened and trained;

- (H) Programs designed to develop and implement projects relating to juvenile delinquency and learning disabilities, including on-the-job training programs to assist community services, law enforcement, and juvenile justice personnel to more effectively recognize and provide for learning disabled and other juveniles with disabilities;
- (I) Projects designed both to deter involvement in illegal activities and to promote involvement in lawful activities on the part of gangs whose membership is substantially composed of youth;
- (J) Programs and projects designed to provide for the treatment of youths' dependence on or abuse of alcohol or other addictive or nonaddictive drugs;
- (K) Programs for positive youth development that assist delinquent and other at-risk youth in obtaining—
 - (i) A sense of safety and structure;
 - (ii) A sense of belonging and membership;
 - (iii) A sense of self-worth and social contribution;
 - (iv) A sense of independence and control over one's life; and
 - (v) A sense of closeness in interpersonal relationships;
- (L) Programs that, in recognition of varying degrees of the seriousness of delinquent behavior and the corresponding gradations in the responses of the juvenile justice system in response to that behavior, are designed to—
 - (i) Encourage courts to develop and implement a continuum of postadjudication restraints that bridge the gap between traditional probation and confinement in a correctional setting (including expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, electronic monitoring, and similar programs, and secure community-based treatment facilities linked to other support services such as health, mental health, education (remedial and special), job training, and recreation); and

- (ii) Assist in the provision [by the provision] by the Administrator of information and technical assistance, including technology transfer, to states in the design and utilization of risk assessment mechanisms to aid juvenile justice personnel in determining appropriate sanctions for delinquent behavior;
 - (M) Community-based programs and services to work with juveniles, their parents, and other family members during and after incarceration in order to strengthen families so that such juveniles may be retained in their homes;
 - (N) Programs (including referral to literacy programs and social service programs) to assist families with limited English-speaking ability that include delinquent juveniles to overcome language and other barriers that may prevent the complete treatment of such juveniles and the preservation of their families;
 - (O) Programs designed to prevent and to reduce hate crimes committed by juveniles;
 - (P) After-school programs that provide at-risk juveniles and juveniles in the juvenile justice system with a range of age-appropriate activities, including tutoring, mentoring, and other educational and enrichment activities;
 - (Q) Community-based programs that provide follow-up post-placement services to adjudicated juveniles, to promote successful reintegration into the community;
 - (R) Projects designed to develop and implement programs to protect the rights of juveniles affected by the juvenile justice system; and
 - (S) Programs designed to provide mental health services for incarcerated juveniles suspected to be in need of such services, including assessment, development of individualized treatment plans, and discharge plans.
- (10) Provide for the development of an adequate research, training, and evaluation capacity within the state;
- (11) Shall, in accordance with rules issued by the Administrator, provide that—
- (A) Juveniles who are charged with or who have committed an offense that would not be criminal if committed by an adult, excluding—
 - (i) Juveniles who are charged with or who have committed a violation of section 922(x)(2) of Title 18, United States Code, or of a similar state law;
 - (ii) Juveniles who are charged with or who have committed a violation of a valid court order; and
 - (iii) Juveniles who are held in accordance with the Interstate Compact on Juveniles as enacted by the state; shall not be placed in secure detention facilities or secure correctional facilities; and
 - (B) Juveniles—

(i) Who are not charged with any offense; and

(ii) Who are—

(I) Aliens; or

(II) Alleged to be dependent, neglected, or abused, shall not be placed in secure detention facilities or secure correctional facilities;

(12) Provide that—

(A) Juveniles alleged to be or found to be delinquent or juveniles within the purview of paragraph (11) will not be detained or confined in any institution in which they have contact with adult inmates; and

(B) There is in effect in the state a policy that requires individuals who work with both such juveniles and such adult inmates, including in collocated facilities, have been trained and certified to work with juveniles;

(13) Provide that no juvenile will be detained or confined in any jail or lockup for adults except—

(A) Juveniles who are accused of nonstatus offenses and who are detained in such jail or lockup for a period not to exceed 6 hours—

(i) For processing or release;

(ii) While awaiting transfer to a juvenile facility; or

(iii) In which period such juveniles make a court appearance; and only if such juveniles do not have contact with adult inmates, and only if there is in effect in the state a policy that requires individuals who work with both such juveniles and adult inmates in collocated facilities have been trained and certified to work with juveniles;

(B) Juveniles who are accused of nonstatus offenses, who are awaiting an initial court appearance that will occur within 48 hours after being taken into custody (excluding Saturdays, Sundays, and legal holidays) and who are detained in a jail or lockup—

(i) In which—

(I) Such juveniles do not have contact with adult inmates; and

(II) There is in effect in the state a policy that requires individuals who work with both such juveniles and adults inmates in collocated facilities have been trained and certified to work with juveniles; and

(ii) That—

(I) Is located outside a metropolitan statistical area (as defined by the Office of Management and Budget) and has no existing acceptable alternative placement available;

(II) Is located where conditions of distance to be traveled or the lack of highway, road, or transportation do not allow for court appearances within 48 hours (excluding Saturdays, Sundays, and legal holidays) so that a brief (not to exceed an additional 48 hours) delay is excusable; or

(III) Is located where conditions of safety exist (such as severe, adverse, life-threatening weather conditions that do not allow for reasonably safe travel), in which case the time for an appearance may be delayed until 24 hours after the time that such conditions allow for reasonable safe travel;

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(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, except that such reporting requirements shall not apply in the case of a state which is in compliance with the other requirements of this paragraph, which is in compliance with the requirements in paragraphs (11) and (12), and which has enacted legislation which conforms to such requirements and which contains, in the opinion of the Administrator, sufficient enforcement mechanisms to ensure that such legislation will be administered effectively;

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

(16) 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);

(17) Provide for procedures to be established for protecting 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;

(18) Provide assurances that—

(A) 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;
- (B) Activities assisted under this Act will not impair an existing collective bargaining relationship, contract for services, or collective bargaining agreement; and
 - (C) 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;
- (19) Provide for such fiscal control and fund accounting procedures necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this title;
- (20) Provide reasonable assurance that federal funds made available under this part for any period will be so used as to supplement and increase (but not supplant) the level of the state, local, and other nonfederal funds that would in the absence of such federal funds be made available for the programs described in this part, and will in no event replace such state, local, and other nonfederal funds;
- (21) Provide that the state agency designated under paragraph (1) will—
- (A) 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;
 - (B) 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
 - (C) 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;
- (22) Address juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups who come into contact with the juvenile justice system;
- (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;
 - (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;

(24) Provide an assurance that if the state receives under section 222 [42 U.S.C. 5632] 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;

(25) Specify a percentage (if any), not to exceed 5 percent, of funds received by the state under section 222 [42 U.S.C. 5632] (other than funds made available to the state advisory group under section 222(d) [42 U.S.C. 5632(d)]) that the state will reserve for expenditure by the state to provide incentive grants to units of general local government that reduce the caseload of probation officers within such units;

(26) Provide that the state, to the maximum extent practicable, 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;

(27) Establish policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing and implementing treatment plans for juvenile offenders;

(28) Provide assurances 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).