



# **Juvenile Grant Planning and Review Council 2019-2020 Annual Report**

*Executive Order 01.01.2014.15*

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Governor

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## **Acknowledgements**

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# Roster of Members

The Juvenile Grant Planning and Review Council is composed of various members, and a Chair and Vice Chair appointed by Governor Hogan (*as illustrated below*).

**Heather Chapman, Chair**

United Way Ben Franklin Center

**Michelle Becote-Jackson, Vice Chair**

The Y in Central Maryland

**Kara Aanenson**

Department of Juvenile Services

**Lynette Holmes**

Department of Juvenile Services

**Kirsten Andersen**

The YMCA of Silver Spring

**Marcus Bennett**

Youth Member

**Anne-Marie Hansen-Combs**

Department of Juvenile Services

**Dr. Jonathan Shepherd, M.D.**

Black Mental Health Alliance

**Bruce Edwards**

Office of the Attorney General

**Detective Sgt. Kathy Estrada**

Montgomery County Police Department

**Donald Foley**

Youth Member

**Eric Ford**

The Choice Program at the University of Maryland - Baltimore County

**Rebecca Jones Gaston**

Department of Human Services

**Jonathan Gray**

National Capital Area Teen Challenge

**M. Hammett**

Maryland Department of Transportation  
Police Department

**Robert Johnson**

Prince George's County Public Schools

**Crystal Foretia**

Youth Member

**Marone Brown**

Maryland State Department of Education

**Elizabeth Park**

Greenbelt Cares

**Gavin Patashnick**

Department of Juvenile Services

**Janelle Riddick**

Volunteer

**Senator Justin Ready**

Maryland Senate, District 5, Carroll County

**Heidi Rochon**

Maryland Coalition of Families

**Kimberly Sauer**

Fearlessly Loving Yourself, Inc.

**Grayson McNew**

Youth Member

**Melanie Shapiro**

Office of the Public Defender

**Judge Michael Stamm**  
St. Mary's County Circuit Court

**Darren Stephenson**  
Prince George's County Public Schools

**Samantha Wiggins**  
Youth Member

**Jennifer Winter**  
Parent/Advocate

**Antoine Vaughn**  
Youth Member

**Quishaun Holmes**  
Youth Member

# Executive Summary

Pursuant to Executive Order 01.01.2014.15, the Juvenile Grant Planning and Review Council (Council) is charged to serve as the State Advisory Group in accordance with the Juvenile Justice and Delinquency Prevention Act (Act) of 1974, as amended in 2002.<sup>1</sup> The Council is also charged to develop a juvenile justice and delinquency prevention three-year plan, and to review grant applications and make funding recommendations.<sup>2</sup> In addition, the Council is required to meet certain requirements to include the four core protections (*as illustrated below*):<sup>3</sup>

- ❖ Deinstitutionalization of Status Offenders: Status offenders and juveniles who are not charged with any offense, and who are aliens or alleged to be dependent, neglected or abused, shall not be placed in secure detention/correctional facilities.<sup>4</sup>
- ❖ Sight and Sound Separation: States that accused and adjudicated delinquents, status offenders and non-offending juveniles will not be detained or confined in any institution where they may have contact with adult inmates. In addition, professionals who work with both adults and juveniles, to include in co-located facilities, must receive training and certification.<sup>5</sup>
- ❖ Removal of Juveniles from Adult Jails and Lockups: Juveniles cannot be detained in any adult jail or lockup.<sup>6</sup>
- ❖ Reduction of Disproportionate Minority Contact: Requires states to address juvenile delinquency prevention 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.<sup>7</sup>

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<sup>1</sup> Department of Legislative Services. (2014). [Executive Orders 2014: State of Maryland](#).

<sup>2</sup> Governor's Office of Crime Control and Prevention. [Juvenile Justice Policy Unit](#).

<sup>3</sup> Office of Juvenile Justice and Delinquency Prevention. [Compliance with the Core Requirements of the Juvenile Justice and Delinquency Prevention Act](#).

<sup>4</sup> [Juvenile Justice and Delinquency Prevention Act of 1974](#), as amended in 2002, 34 U.S.C. § 11133(a)(11). This provision excludes juveniles who are charged with or who have committed a violation of section 922(x)(2) of Title 18 U.S.C., or of a similar State law; juveniles who are charged with or who have committed a violation of a valid court order; and juveniles who are held in accordance with the Interstate Compact on Juveniles as enacted by the State.

<sup>5</sup> [Juvenile Justice and Delinquency Prevention Act of 1974](#), as amended in 2002, 34 U.S.C. § 11133(a)(12).

<sup>6</sup> [Juvenile Justice and Delinquency Prevention Act of 1974](#), as amended in 2002, 34 U.S.C. § 11133(a)(13). This provision excludes juveniles who are accused of nonstatus offenses and are detained in a jail or lockup for a period not to exceed six hours: for processing or release; while awaiting transfer to a juvenile facility; or when making a court appearance. The Act also provides a rural exception which allows juveniles who are accused of delinquent offenses to be detained in an adult facility for up to 48 hours, after being taken into custody and while awaiting an initial court appearance.

<sup>7</sup> [Juvenile Justice and Delinquency Prevention Act of 1974](#), as amended in 2002, 34 U.S.C. § 11133(a)(22).

Beginning in July 2017, the Council initiated an extensive planning process to develop its *Juvenile Grant Planning and Review Council 2018-2020 Three-Year Plan*. Based on the Title II Formula Grant Program areas, the Council selected four priorities to address over the three-year period, to include the following:

- ❖ Aftercare and Reentry: Community-based programs that prepare targeted youth for the successful return to their home and community after confinement in a training school, youth correctional facility, or other secure institution. These programs focus to prepare youth for release, and to provide a continuum of follow-up, post-placement services to promote successful reintegration into the community.
- ❖ Juvenile Justice System Improvement: Programs, research, or initiatives that examine issues or improve practices, policies, or procedures on a system-wide basis (e.g. examine problems that affect decisions from arrest to disposition and detention to corrections).
- ❖ Delinquency Prevention: Comprehensive juvenile justice and delinquency prevention programs that meet the needs of youth, through collaboration with many local systems, and before a youth may appear (e.g., schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies, and private nonprofit agencies that offer youth services).
- ❖ Community-Based Programs and Services: These programs and services work with: parents and other family members to strengthen families, and to help keep youth in the home; youth and their families during and after confinement to ensure the youth's safe return to the home, and to strengthen the families; and parents with limited English-speaking ability.

In accordance with Executive Order 01.01.2014.15, this *Juvenile Grant Planning and Review Council 2019-2020 Annual Report* includes information on the activities of the Council, the administration of funds, and specific plans to ensure compliance with the four core protections.

## Background

In 2002, the U.S. Congress adopted the Act, as amended, “in order to establish a comprehensive nationwide program of juvenile justice delinquency prevention, offender rehabilitation, and juvenile justice system improvements.”<sup>8</sup> Pursuant to this Act, it required all states that participate in the Title II Formula Grant Program to: establish a multidisciplinary advisory group (State Advisory Group); develop a juvenile justice and delinquency prevention three-year plan to describe the progress of implemented programs and the status of compliance with certain requirements; and review grant applications and make funding recommendations.<sup>9</sup>

To comply with this Act, as amended, Maryland enacted two executive orders:<sup>10</sup>

- ❖ Executive Order 01.01.2005.36 designated the Governor’s Office of Crime Control and Prevention (Office) as the State Administering Agency for federal appropriations from the Office of Juvenile Justice and Delinquency Prevention (OJJDP); and
- ❖ Executive Order 01.01.2005.37 created the Council within the Office to serve as the State Advisory Group.

Executive Order 01.01.2010.06 rescinded Executive Order 01.01.2005.37 and, in accordance with the Act, required compliance monitoring of a State’s juvenile centers and any holding areas that fall within the parameters of the monitoring guidelines of the federal OJJDP.<sup>11</sup> Shortly thereafter, Executive Order 01.01.2014.15 rescinded Executive Order 01.01.2010.06.

In accordance with Executive Order 01.01.2014.15, the Council is charged to submit an annual report to the Governor, by way of the Executive Director of the Office, on its activities and recommendations. Specifically, the Council is required to submit its report on or before June 1 of each year, as it relates to the following:<sup>12</sup>

- ❖ Serve as the State Advisory Group, and perform the functions, duties, and responsibilities set forth in the Act;
- ❖ Review and make recommendations on all juvenile delinquency prevention grant applications for the Executive Director to consider when making grant awards under the Act;

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<sup>8</sup> The Council of State Governments. (2007). [Resolution in Support in the Reauthorization of the Juvenile Justice and Delinquency Prevention Act.](#)

<sup>9</sup> [Juvenile Justice and Delinquency Prevention Act of 1974](#), as amended in 2002, 34 U.S.C. §§ 11131-11133. Governor’s Office of Crime Control and Prevention. [Juvenile Justice Policy Unit.](#)

<sup>10</sup> Department of Legislative Services. (2005). [Executive Orders 2005: State of Maryland.](#)

<sup>11</sup> Department of Legislative Services. (2010). [Executive Orders 2010: State of Maryland.](#)

<sup>12</sup> Department of Legislative Services. (2014). [Executive Orders 2014: State of Maryland.](#)



- ❖ Provide advice to the Office in developing, maintaining, and expanding efforts to divert juveniles from the juvenile justice system and to provide community-based alternatives to juvenile detention and correctional facilities;
- ❖ Advise the State's Compliance Monitor, the Disproportionate Minority Contact Coordinator, and the Juvenile Justice Specialist when necessary, and receive advice from the State's Compliance Monitor, the Disproportionate Minority Contact Coordinator, and the Juvenile Justice Specialist on the status of the juvenile detention/correctional facilities and community-based programs to ensure compliance with the Act; and
- ❖ Perform any additional duties as directed by the Executive Director of the Office on behalf of the Governor.

# Overview

## Serve as the State Advisory Group

In accordance with Section 223(a)(3)(A) of the Act, the Council must include no less than 15 and no more than 33 members. Each member must be appointed by the Governor, and may serve up to two consecutive three-year terms. In addition, and at a minimum, one-fifth of the members must be under the age of 24 at the time of their appointment, and at least three members must be or have been under the jurisdiction of the juvenile justice system.

Currently, the Council has 33 appointment members of which six were under the age of 24 at the time of their appointment, and three have personal experience with the juvenile justice system. The Office also dedicates three positions to the management of the Act, to include: the Chief of Juvenile Justice and Prevention Services, who serves as the State's Juvenile Justice Specialist, as mandated by the Act; the Statewide Disproportionate Minority Contact Coordinator; and the Compliance Monitor.

## **Subcommittees**

To continue to build on prior efforts, and to ensure all goals identified in the *Juvenile Grant Planning and Review Council 2018-2020 Three-Year Plan* are being met, the Council established six standing subcommittees to oversee the progress of each. Through this process, each subcommittee is charged to address specific goals, and to update the full Council on current efforts to include those from the prior year (*as illustrated below*).

### Grant Monitoring Subcommittee

This subcommittee monitors sub-grantees on a continual basis; develops a structure for sub-grantees to present to the Council; conducts site visits to sub-grantees and provides technical assistance when indicated; and works with sub-grantees to develop strategies to promote information sharing. In 2018, the subcommittee conducted four site visits which resulted in further discussion as it relates to the needs of clients, trends, system referrals, underserved populations, partnerships and community resources, program highlights, barriers, sustainability planning, and performance tracking. To provide more insight on the topics discussed, the subcommittee invited two sub-grantees and two sub-recipients to present to the Council at a full meeting in 2019.

### Recruitment, Training, and Regionalization Subcommittee

This subcommittee assists with the recruitment of new members, and makes recommendations to the Governor for approval; develops new member orientation; collaborates with the Emerging

Leaders subcommittee to recruit appropriate youth; and develops and oversees a regionalization plan for the Council, and a plan to increase statewide awareness on the Council's expertise on juvenile justice policy. In 2019, the subcommittee successfully recruited new appointees.

#### Emerging Leaders Subcommittee

This subcommittee focuses on ways to engage youth and reform juvenile justice practices in Maryland, and to ensure the voices of youth are heard and accounted for in discussions on juvenile justice. This subcommittee includes all Council youth members. The subcommittee works to increase youth engagement, and to maintain positive interactions with justice-involved youth through volunteerism and community efforts. Agendas and projects are developed by this subcommittee and are tailored to include mechanisms for obtaining broader youth input. The subcommittee also communicates with youth members in other states to discuss ways to further integrate the voices of youth into the work of the Council.

In addition, the subcommittee participates in full Council meetings, and individual subcommittee meetings. Members also participate in grant review sessions and receive the opportunity to review and comment on assigned applications. Their comments are taken into consideration when funding decisions are made.

#### Racial and Ethnic Disparities (RED) Subcommittee

Staffed by the State RED Coordinator, the RED subcommittee assists with drafting Maryland's Annual Disproportionate Minority Contact Plan to reduce racial and ethnic disparities at various decision making points in the juvenile justice system. The RED subcommittee also works to demonstrate the impact of policy and program initiatives through the development of expedited and comprehensive data collection mechanisms.

Based on the Relative Rate Index (RRI), a tool that calculates the rate of activity for minority youth versus white youth at each contact point of the juvenile justice system, Maryland has made significant progress in reducing racial and ethnic disparities at various contact points of the juvenile justice system. It is important to note that Maryland's RRI rates are trending towards the national averages.

#### Executive Subcommittee

This subcommittee makes executive level decisions on behalf of the Council, when necessary, to include approving the Council's support of legislative initiatives.

## Legislative Subcommittee

This subcommittee reviews and tracks juvenile justice-related legislation throughout the legislative session and notifies the Council in case they wish to take action, individually. During the 2019 legislative session, the subcommittee met weekly to analyze legislation and provide updates to the Council. The subcommittee also drafted and disseminated letters of information for specific bills to the Council.

## Review and Make Recommendations on Grant Applications

The Office, in collaboration with the Council, continued to fulfill its role to distribute federal funds to support the juvenile justice system in Maryland, based on the following federal purpose areas: aftercare/reentry, juveniles justice system improvement, delinquency prevention, and community-based programs and services. Moving forward, the Council and the Office will continue to support programs that have been successful in diverting youth from the juvenile justice system while also promoting accountability and preventing future delinquency.

The Office released a *Title II Juvenile Justice Delinquency Prevention Formula Grant Notice of Funding Availability (NOFA)* in January 2019.<sup>13</sup> In accordance with the Act, the Council will review the grant applications and make recommendations for funding to the Office. The awarded grants will begin on July 1, 2019, and will continue through June 30, 2020.

## Diversion Efforts and Community-Based Alternatives

The Office, in partnership with the Council, continued to seek *Title II Juvenile Justice Delinquency Prevention Formula Grant* applications that propose efforts to divert juveniles from the juvenile justice system, and to provide community-based alternatives to juvenile detention and correctional facilities. In accordance with the Act, awarded funds serve to support the establishment, enhancement, and/or improvement of programs in the following federal purpose areas:<sup>14</sup>

- ❖ Aftercare/Reentry: Aftercare programs focus on preparing youth offenders for release and providing a continuum of supervision and services after release.
- ❖ Juvenile Justice System Improvement: Trauma-informed training programs designed to improve all aspects of the juvenile justice system from the initial point of contact with law enforcement through reentry utilizing an equity lens and trauma-informed approaches.

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<sup>13</sup> Governor's Office of Crime Control and Prevention. (2019). [Title II Juvenile Justice Delinquency Prevention Formula Grant \(JJAC\)](#).

<sup>14</sup> Governor's Office of Crime Control and Prevention. (2019). [FY 2020 Title II Formula \(JJAC\) Grant Program](#).

- ❖ Delinquency Prevention: Programs that incorporate trauma-informed approaches, and research such as Adverse Childhood Experiences study, to develop early intervention and prevention services for children and families.
- ❖ Community-Based Programs and Services: Programs that reduce the number of juveniles entering the juvenile justice system by providing supportive services within the communities in which they reside.

## Ensure Compliance with the Act

To ensure compliance with the four core protections of the Act, Maryland must “provide for an adequate system of monitoring” to demonstrate that the core protections are met.<sup>15</sup> To achieve this, the Office, in partnership with the Council, visits and collects information from all secure facilities, and submits its findings in an annual compliance monitoring report to OJJDP. These findings illustrate Maryland’s level of compliance with each of the four core protections and is used to determine eligibility for its continued participation in the Title II Formula Grant program.

Between FY 2017 and FY 2018, Maryland continued to strengthen its efforts to achieve and maintain full compliance with the core protections of the Act. This continued compliance occurred, in part, through the use of the Office’s Compliance Monitoring Data Collection System (CMDCS). This web-based system is used to actively monitor all secure and non-secure facilities within the State. Recognized at the state, federal, and national level, this system helps users fulfill the goals of the Act, as it relates to the four core protections. Given its recognition, at least one state has shown an interest in its replication. In addition, and to ensure a thorough understanding of the federal mandates and policies, the Office provides ongoing training and technical assistance to law enforcement and facility staff. Moving forward, the Office will continue to work with the Council on recommendations to improve the juvenile justice system, and to ensure compliance with the core protections of the Act.

In December 2018, Congress reauthorized the Act and renamed it as the Juvenile Justice Reform Act (JJRA). The JJRA strengthens the four core protections for youth and requires that young people awaiting trial in adult court will not be housed in adult facilities. The JJRA also adds additional positions to the Council, such as parents of children who have been involved with the juvenile justice system and licensed mental health practitioners. Given this recent change, the Office continues to study the impact of the JJRA and anticipates that additional guidance will be forthcoming, in the near future, from OJJDP. See [Appendix: Juvenile Justice Reform Act of 2018](#) for a full list of key changes to the law.

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<sup>15</sup> [Juvenile Justice and Delinquency Prevention Act of 1974](#), as amended in 2002, 34 U.S.C. § 11133(a)(14).

## **Compliance with the Racial and Ethnic Disparities Core Requirement**

The purpose of this core requirement is to ensure equal and fair treatment for all youth involved in the juvenile justice system. Statistics at the state and national level show the cumulative impact of racial disparities at each contact point in the juvenile justice system. Because decisions made at one stage contribute to increasing disparities at subsequent stages, the Council will focus on the following goals in its current plan:

- ❖ Reduce the number of arrests of minority youth and increase the number of diversion and alternatives to detention opportunities;
- ❖ Increase the level of awareness of RED (through a trauma-informed approach) for schools, law enforcement, court officials, and the community at-large;
- ❖ Reduce the number of referrals to the Department of Juvenile Services; and
- ❖ Increase law enforcement and school-based diversion efforts across the State to reduce the number of youth arrests as well as school-related disciplinary actions, such as suspension and expulsion.

## Plan for 2019-2020

In accordance with the Act, the Council will continue to focus exclusively on the requirements of its mandate. The Council will also continue to collaborate with the Department of Juvenile Services' State Advisory Board, of which the Chair serves as an appointed Council member. Moving forward, the Chair envisions that the Council will help facilitate greater collaboration between state agencies and stakeholders as it relates to juvenile justice issues.

Consistent with the priorities identified in the 2018-2019 period, the Council will continue to:

- ❖ Administer federal and state juvenile justice funds;
- ❖ Monitor Maryland's compliance with the core protections of the Act, to include the removal of juveniles from adult jails and lockups, the deinstitutionalization of status offenders, and the separation of juveniles from adults while in police custody;
- ❖ Reduce the overrepresentation of minorities in the juvenile justice system; and
- ❖ Review progress and accomplishments of projects funded with federal and state juvenile justice funds.

In addition, the Council will continue to provide funding to implement programs, based on the following principles to prevent and reduce high-risk behaviors:

- ❖ Promote prevention and intervention strategies as the most cost-effective approach to reduce juvenile delinquency;
- ❖ Provide methods of effective intervention in the early stages of delinquent behavior to prevent delinquent offenders from becoming chronic offenders or from progressively committing more serious and violent crimes;
- ❖ Establish a system of graduated sanctions that holds each juvenile offender accountable, protects public safety, and provides programs and services that meet identified treatment needs; and
- ❖ Observe and analyze the issues surrounding the small percent of serious, violent, and chronic juvenile offenders who commit the majority of juvenile felony-level offenses.

Furthermore, the Council will continue to:

- ❖ Analyze juvenile arrest data and trends;
- ❖ Explore research efforts conducted by stakeholders and institutions of higher education; and
- ❖ Determine the influence of the above items on disproportionate minority contact and other identified priority areas.

The Council remains committed to build upon the efforts made to date, and will continue to collaborate with the Office, service providers, and the Department of Juvenile Services. Moving forward, the Council will continue to review current priority areas to determine what needs still exist within those areas, and if other priorities should be examined or studied in greater detail.



## **Appendix: Juvenile Justice Reform Act of 2018**

Below are several key changes to the Juvenile Justice and Delinquency Prevention Act (Act) of 1974 Title II Formula Grant Program that were made by the Juvenile Justice Reform Act (JJRA) of 2018 (Public Law 115-385, enacted December 21, 2018).<sup>16</sup>

### **Application (“Effective Date”) of Amendments**

The JJRA amendments apply to fiscal year (FY) 2020 and subsequent awards; however, they do not apply to FY 2019 and earlier awards. This means that for several years states will have open awards governed by the Act prior to the JJRA amendments, and other awards governed by the Act as amended by the JJRA.

### **Definitions**

Definitions have changed for some of the terms used in the statute, including “adult inmate,” “contact” (which is now “sight or sound contact”), “Indian tribe” (does not change eligibility requirements for tribes), and “jail or lockup for adults.”(Section 103)

### **Annual Report Data**

Additional data points included in the description of OJJDP’s annual report do not impose additional reporting requirements on states. OJJDP may ask states to submit the additional data elements on a voluntary basis, however, not doing so will not result in a state’s noncompliance, nor will it affect a state’s eligibility. (Section 207)

### **State Allocations**

#### Minimum Allocation

When the appropriation for the formula grant program is less than \$75,000,000, the minimum allocation for the states and Puerto Rico has been raised from \$325,000 to \$400,000; and for territories, the minimum will be no less than \$75,000 as before, yet now there is no upper statutory limit. When the appropriation for the formula grant program is \$75,000,000 or more, the allocation to the territories (other than Puerto Rico) will be no less than \$100,000. (Section 222(a)(2)(A) and (B))

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<sup>16</sup> Office of Juvenile Justice and Delinquency Prevention. (2019). [Redlined Version of the JJDP Act with JJRA Amendments](#) (updated March 26, 2019). [Juvenile Justice Reform Act of 2018](#), H.R. 6964 - 115th Congress (2017-2018). It is important to note that all identified “sections” listed with the key changes represent the amended sections of the Act. It does not capture the new sections of the JJRA, unless otherwise noted.

### Planning and Administration

States will be required to designate “not less than one individual” for the purpose of coordinating state compliance efforts. (Section 222(c))

### State Advisory Group Allocation

The State Advisory Group allocation may not be more than five percent of each state’s annual allocation. (Section 222(d))

### **State Plan Requirements**

#### Publication on State’s Website

States will be required to post their final state plans on their public websites no later than 60 days after they are finalized (i.e., once final approval is received from OJJDP). (Section 223(a))

#### State Advisory Group

States will be required to have members on the state advisory with additional expertise (e.g., adolescent development) and members with additional qualifications (e.g., state license or certification in mental health or substance abuse), and additional representation (e.g., representatives of victim or witness advocacy groups and tribal representation in states in which tribes are located). Additionally, if a state is unable to fill the positions of individuals who are or have been under the jurisdiction of the juvenile justice system, it may appoint a parent or guardian of such an individual. (Section 223(a)(3))

#### Juvenile Crime Analysis

States must, within one year of enactment of the JJRA (by December 21, 2019), include in their juvenile crime analysis, a plan to:

- (I) “eliminate the use of restraints of known pregnant juveniles housed in secure juvenile detention and correctional facilities, during labor, delivery, and postpartum recovery, unless credible, reasonable grounds exist to believe the detainee presents an immediate and serious threat of hurting herself, staff, or others; and
- (II) eliminate the use of abdominal restraints, leg and ankle restraints, wrist restraints behind the back, and four-point restraints on known pregnant juveniles, unless (aa) credible, reasonable grounds exist to believe the detainee presents an immediate and serious threat of hurting herself, staff, or others; or (bb) reasonable grounds exist to believe the detainee presents an immediate and credible risk of escape that cannot be reasonably minimized through any other method (Section 223(a)(7)(B)(iv))

States must also, within two years of enactment of the JJRA (i.e., by December 21, 2021), implement the plan to eliminate the use of restraints of known pregnant juveniles as described in sections 205(1)(E)(ix)(I) and (II) of the JJRA.<sup>17</sup>

### Program Areas

The JJRA added a number of program areas that states may support with formula grant funds, to include: (1) legal representation of juveniles; (2) informing juveniles of the opportunity for records expungement and sealing, and providing them with assistance; (3) addressing the needs of girls in or at risk of entering the juvenile justice system; (4) compliance monitoring; and (5) providing training and technical assistance on the core requirements to secure facilities. (Sections 205(1)(G), 205(1)(U), and 205(1)(U) of the JJRA)

### Juveniles Treated as Adults

By December 21, 2021, unless found by a court to be in the interest of justice, juveniles who are being charged and tried as adults (1) may not have sight or sound contact with adults and (2) may not be detained in any jail or lockup for adults (except as provided under the jail removal requirement). The determination of whether such detention would be in the interest of justice must: (1) be after a hearing; (2) be in writing; and (3) take into consideration several criteria (e.g., the juvenile’s age, physical and mental maturity, present mental state, history of delinquency). When the court finds such detention in the interest of justice, there are additional requirements that must be met. This requirement was added to Section 223(a)(11) which is one of the core requirements with which failure to comply will result in a reduction in funding.

### System of Compliance Monitoring

States must now describe an “effective” system of monitoring for compliance with the core requirements; however, they no longer need to include non-secure facilities in their monitoring universe. (Section 223(a)(14))

### Racial and Ethnic Disparities

The “disproportionate minority contact” requirement now requires states to instead identify and reduce racial and ethnic disparities (as defined in Section 102(41) of the JJRA). (Section 223(a)(15))

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<sup>17</sup> [\*Juvenile Justice Reform Act of 2018\*](#), H.R. 6964 - 115th Congress (2017-2018). It is important to note that the term “restraints” is defined at section 103(33) which states: “the term ‘restraints’ has the meaning given that term in section 591 of the Public Health Services Act (42 U.S.C. 290ii).”

## Valid Court Order

Additional requirements have been imposed for use of the valid court order (VCO) exception to the DSO requirement. Specifically, within 48 hours of the juvenile being taken into custody for violation of the VCO, if the court determines that placement in a secure detention or secure correctional facility is warranted, the court must issue a written order that specifies the factual circumstances surrounding the violation of the VCO. Such placement may not exceed 7 days and the court order may not be renewed or extended. A second or subsequent order is not permitted with respect to violation of a particular VCO. The JJRA also added a requirement that there must be procedures in place to ensure that a status offender is not detained longer than 7 days or the length of time directed by the court (whichever is shorter). (Section 223(a)(23))

## Additional Information Required in State Plan

States must include in their state plan a description of any of the following that the State has or will have in place:

- ❖ Policies, procedures, and training in effect for the staff of juvenile State correctional facilities to eliminate the use of dangerous practices, unreasonable restraints, and unreasonable isolation, including by developing effective behavior management techniques. (Section 223(a)(29))
- ❖ The evidence-based methods that will be used to conduct mental health and substance abuse screening, assessment, referral, treatment, and treatment for juveniles who request or need a screening or are held for more than 24 hours in a secure facility that provides for an initial screening. (Section 223(a)(30)(A))
- ❖ How the State will seek, to the extent practicable, to provide or arrange for mental health substance abuse disorder treatment for juveniles determined to be in need of such treatment. (Section 223(a)(30)(B))
- ❖ How reentry planning by the State for juveniles will include a written case plan based on an assessment of needs that includes: the pre- and post-release plans for juveniles, the living arrangements to which the juveniles are to be discharged, and any other plans developed for the juveniles based on an individualized assessment. (Section 223(a)(31))
- ❖ Policies and procedures to screen for, identify, and document in State records the identification of victims of domestic human trafficking, or those at risk of such trafficking, and to divert such youth to appropriate programs or services, to the extent practicable. (Section 223(a)(33))

It is important to note that states are not required to have these plans, policies, and/or procedures in place, yet rather to describe what they currently have in place or plan to put in place.

### **Funds Not Allocated Due to State Noncompliance**

The funds that remain unallocated due to state allocation reductions for noncompliance with the core requirements will be reallocated to states in compliance (50 percent of the total of unallocated funds) and for training and technical assistance to states to support compliance with the core requirements (50 percent of the total of unallocated funds). (Section 223(c)(2))