

Section 6

Reporting Requirements

6.1 Annual Compliance Monitoring Report Requirement

In order to receive its full fiscal year allocation of Formula Grants program funds, a state must first demonstrate compliance with the DSO, jail removal, separation, and disproportionate minority confinement core protections. Compliance with the first three core protections is demonstrated through data provided in the state's annual Compliance Monitoring Report, of which all data must be analyzed and verified prior to submission. Compliance with disproportionate minority confinement is determined by information provided in the state's Comprehensive 3-Year Plan and subsequent 3-Year Plan Updates.

Eligibility for Formula Grant awards is determined prior to the Fiscal Year for which the award is being made based on data in the compliance monitoring report submitted. For example, in most cases, eligibility for FY 2006 Formula Grants was based on States' 2003 Compliance Monitoring Reports. This timeframe provides a State that has identified a compliance problem with sufficient time to request technical assistance, develop a corrective action plan, and take the necessary steps to provide OJJDP with more current data demonstrating compliance, thereby maximizing the state's opportunity to receive its full fiscal year allocation.

6.2 Deadline To Submit Annual Report

OJJDP's Formula Grant Regulation requires states to submit compliance information annually. The reporting period should provide 12 months of data but shall not provide less than 6 months of data. Recognizing that states use various data collection procedures, OJJDP has historically recognized a variety of data collection periods including calendar year, the federal fiscal year, or the state fiscal year. The data provided for each of the three core requirements must be from the same time period (e.g. a State may not use the calendar year reporting period for DSO, the Federal fiscal year for Jail Removal and the State fiscal year for Separation; rather one data collection period must be used for all three core requirements).

Due dates are thus as follows: Calendar year – due June 30; Federal Fiscal Year – due March 31; and State Fiscal year – due December 31.

States that fail to adhere to the requirement for the timely submission of this data face a restriction on the drawdown of funds for active Formula Grants program awards.

6.3 Reporting Requirements

Deinstitutionalization of Status Offenders

To demonstrate the extent of compliance with DSO core requirement, the annual report must include, at a minimum, the following information for the current reporting period:

- ◆ Dates covered by the current reporting period;
- ◆ Total number of public and private secure detention and correctional facilities, including the total number reporting data, and the total number inspected onsite by the DSA;
- ◆ Total number of adult jails and lockups, including the total number reporting data, and the total number inspected by the DSA onsite;
- ◆ The total number of accused status offenders and nonoffenders, including out-of-state runaways and federal wards, held in any secure detention or correctional facility for longer than 24 hours (not including weekends or holidays), excluding those held pursuant to the VCO Exclusion or pursuant to the Youth Handgun Safety Act or a similar state law. A juvenile who violates this statute, or a similar State law, is excepted from the deinstitutionalization of status offenders requirement;
- ◆ The total number of accused status offenders (including valid court order violators, out-of-state runaways, and federal wards, but excluding Youth Handgun Safety Act violators) and nonoffenders securely detained in any adult jail, lockup, or nonapproved collocated facility for any length of time;
- ◆ The total number of adjudicated status offenders and nonoffenders, including out-of-state runaways and federal wards, held for any length of time in a secure detention or correctional facility, excluding those held pursuant to the VCO Exclusion or pursuant to the Youth Handgun Safety Act or pursuant to the Interstate Compact on Juveniles;
- ◆ The total number of status offenders held in any secure detention or correctional facility pursuant to the VCO Exclusion; and
- ◆ The total number of juvenile offenders held pursuant to the Youth Handgun Safety Act.

Jail Removal

To demonstrate the extent of compliance with the jail removal core requirement, the report must include, at a minimum, the following information for the current reporting period:

- ◆ Dates covered by the current reporting period;

- ◆ The total number of adult jails in the state, including the total number reporting data and the number inspected onsite;
- ◆ The total number of adult lockups in the state, including the total number reporting data and the number inspected onsite;
- ◆ The total number of adult jails holding juveniles during the past 12 months;
- ◆ The total number of adult lockups holding juveniles during the past 12 months;
- ◆ The total number of accused juvenile¹⁷ criminal-type offenders held securely in adult jails, lockups, and unapproved collocated facilities in excess of 6 hours (including those held pursuant to the rural exception);
- ◆ The total number of accused juvenile criminal-type offenders held securely in adult jails, lockups, and unapproved collocated facilities for less than 6 hours for purposes other than identification, investigation, processing, release to parent(s), transfer to court, or transfer to a juvenile facility following initial custody;
- ◆ The total number of alleged or adjudicated juvenile criminal-type offenders held securely in adult jails or lockups and unapproved collocated facilities in excess of 6 hours prior to or following a court appearance or for any length of time not related to a court appearance;
- ◆ The total number of accused and adjudicated status offenders (including valid court order violators) and nonoffenders held securely in adult jails, lockups and unapproved collocated facilities for any length of time;
- ◆ The total number of adult jails, lockups, and unapproved collocated facilities in areas meeting the rural exception, including a list of such facilities and the county or jurisdiction in which each is located;

¹⁷ For the purposes of reporting on the adult jail and lockup removal and separation requirements, only holding those juveniles who are under the age of the state age of majority and who are held in violation of the JJDP Act are considered violations. In most states, this age is 18. However, 13 states have a lower age of majority. For example, for reporting on this item, if a state's age of majority is 16, only those juveniles under the age of 16 that were held in an adult jail or lockup in excess of 6 hours would be reported as violations. Because a 17-year-old in such a state can still be a nonoffender or commit status offenses, this exception does not apply to the DSO requirement, and these individuals should be included in "the total number of accused and adjudicated status offenders (including valid court order violators) and nonoffenders held securely in adult jails, lockups and unapproved collocated facilities for any length of time" even though the person may be above the state's age of majority.

- ◆ The total number of juveniles accused of a criminal-type offense who were held in excess of 6 hours but for less than 48 hours in adult jails, lockups, and unapproved collocated facilities pursuant to the rural exception;
- ◆ The total number of juveniles accused of a criminal-type offense who were held in excess of 48 hours but not for more than an additional 48 hours in adult jails, lockups, and unapproved collocated facilities pursuant to the rural exception due to conditions of distance or lack of ground transportation; and
- ◆ The total number of juveniles accused of a criminal-type offense who were held in excess of 48 hours, but not more than an additional 24 hours after the time such conditions as adverse weather allow for reasonably safe travel, in adult jails, lockups and unapproved collocated facilities in areas meeting the rural exception.

Separation

To demonstrate the extent of compliance with the separation core requirement, the report must include, at a minimum, the following information for the current reporting period:

- ◆ Dates covered by the current reporting period;
- ◆ The total number of facilities used to detain or confine both juvenile offenders and adult criminal offenders during the past 12 months and the number inspected onsite;
- ◆ The total number of facilities used for secure detention and confinement of both juvenile offenders and adult criminal offenders which did not provide sight and sound separation;
- ◆ The total number of juvenile offenders and nonoffenders not separated from adult criminal offenders in facilities used for the secure detention and confinement of both juveniles and adults;
- ◆ The total number of state-approved juvenile detention centers located within the same building or on the same grounds as an adult jail or lockup, including a list of such facilities;
- ◆ The total number of juvenile detention centers located within the same building or on the same grounds as an adult jail or lockup that have not been approved by the state, including a list of such facilities; and.
- ◆ The total number of juveniles detained in collocated facilities not approved by the State who were not sight and sound separated from adult inmates.

6.4 Technical Assistance Reporting Tool

OJJDP has developed a technical assistance tool to help States submit annual compliance monitoring reports. This technical assistance tool is a template to use with the Microsoft Excel spreadsheet program. This template requests all of the information to be submitted to fulfill the reporting requirements listed above. The form may be downloaded at the OJJDP compliance monitoring Web site at <http://www.ojjdp.ncjrs.org/compliance>.

States that are considering using this form should note the following:

- ◆ The electronic form is a template only—to use it the state must first have the Microsoft Excel program, version 97 or greater.
- ◆ Although it is provided as an electronic template, the form should not be submitted electronically. It must be printed and then sent to OJJDP with all of the requested attachments.
- ◆ The state should check for template updates and enhancements before completing its annual monitoring report. New versions of the template can be found at the OJJDP Web site on compliance monitoring at <http://www.ojjdp.ncjrs.org/compliance>.

6.5 Monitoring Report Exemption

States that have been determined by the OJJDP Administrator to have achieved full compliance with DSO, jail removal, and separation requirements and that wish to be exempted from the annual monitoring report requirements must submit a written request to the OJJDP Administrator that demonstrates the following:

- ◆ The state provides for an adequate system of monitoring jails, law enforcement lockups, and detention facilities, to enable an annual determination of state compliance with Section 223(a)(11),(12), and (13) of the JJDP Act;
- ◆ State legislation has been enacted which conforms to the requirements of Section 223(a)(11),(12), and (13) of the JJDP Act; and
- ◆ The enforcement of the legislation is statutorily or administratively prescribed, specifically providing that:
 - ▶ Authority for enforcement of the statute is assigned;
 - ▶ Timeframes for monitoring compliance with the statute are specified; and
 - ▶ Adequate procedures are set forth for enforcement of the statute and the imposition of sanctions for violations.

6.6 Annual Report to the Governor and Legislature

The JJDP Act requires the State Advisory Group in each state participating in the Formula Grants program to submit annual recommendations to the state's Governor and legislature regarding the state's compliance with the core requirements. This report is an excellent opportunity for the state agency and the State Advisory Group to make recommendations and report how the state is addressing the core requirements.