

A group of people, including men and women of various ethnicities, are seated around a table in a meeting room. They appear to be engaged in a discussion or training session. The background is slightly blurred, focusing attention on the text.

**State Advisory Group (SAG)/  
Compliance Monitoring Training**

**Sponsored by**

**The U.S. Department of Justice**

**The Office of Juvenile Justice and Delinquency Prevention**

**(OJJDP)**

***Rock Springs, Wyoming***

**June 11-12, 2009**

**OJJDP**

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# Welcome, Introductions, and Overview

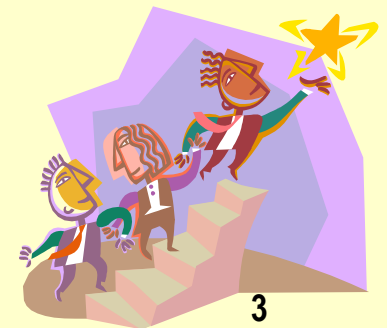


# Training Objectives

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As a result of this training, participants will be able to:

- ✓ Describe several key events in the history of juvenile justice
- ✓ Describe components of the Juvenile Justice and Delinquency Prevention (JJDP) Act
- ✓ Define the roles and responsibilities of SAG members
- ✓ Describe the Core Requirements
- ✓ Identify juvenile justice funding streams and program resources
- ✓ Understand how SAG members can impact juvenile justice in their State



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# History of Juvenile Justice, the JJDP Act, and the Role of the State Advisory Group



# History of Juvenile Justice

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- ✓ The first juvenile court in this country was established in 1899 in Cook County, Illinois.
- ✓ Juvenile courts flourished for the first half of the 20th century.
- ✓ By 1910, 32 States had established juvenile courts, probation services, or both.
- ✓ For the next 50 years, juvenile courts had exclusive original jurisdiction over all youth under age 18.



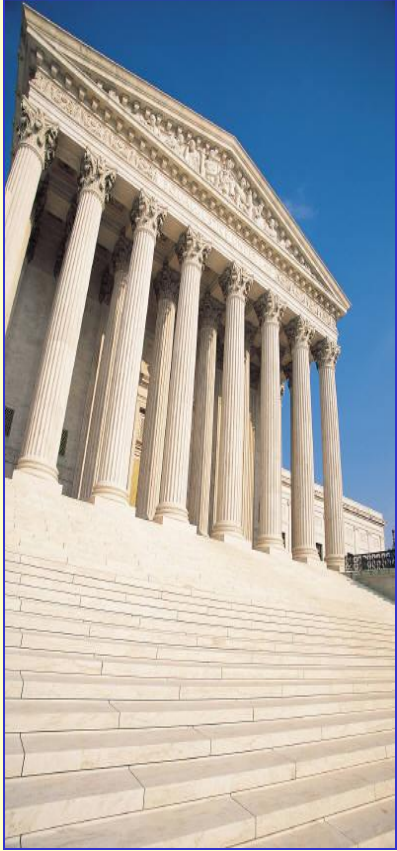
# Key Juvenile Court Cases

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- 1966 – Kent v. U.S.
  - 1967 – In re Gault
  - 2005 – Roper v. Simmons

# Supreme Court Decisions

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In the 1960s, the U.S. Supreme Court required that juvenile courts become more formal. Formal hearings were required in waiver situations, and delinquents facing possible confinement were given protection against self-incrimination as well as rights to receive notice of the charges against them, to present witnesses, to question witnesses, and to have an attorney.

The U.S. Supreme Court still maintained that there were enough “differences of substance between the criminal and juvenile courts . . . to hold that a jury is not required in the latter.”

# Juvenile Justice Legislation

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- ✓ The Juvenile Delinquency Prevention and Control Act of 1968
- ✓ The Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974
  - Establishment of the Office of Juvenile Justice and Delinquency Prevention (OJJDP)
- ✓ The 1980, 1988, and 1992 Amendments to the 1974 Act
- ✓ The JJDP Act of 2002





# OJJDP's Mission

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*The mission of OJJDP is to provide national leadership, coordination, and resources to prevent juvenile victimization and respond appropriately to juvenile delinquency. This is accomplished through the development and implementation of prevention programs and a juvenile justice system that protects the public safety, holds juvenile offenders accountable, and provides treatment and rehabilitative services based on the needs of each individual juvenile.*

# The JJDP Act of 1974 Created a Federal–State Partnership

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- ✓ The JJDP Act of 1974, and the reauthorized Act of 2002, called for each State to designate a State agency responsible for developing and carrying out the State plan
- ✓ The Act also called for the establishment of a State Advisory Group composed of 15 to 33 members appointed by the Governor
- ✓ See Section 223(a)(3)(A – E) of the JJDP Act

# SAG Membership Elements

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- Appointed by the Governor
- 15 to 33 members
- 1/5 under age 24 (when appointed)
- Three members who have been or shall currently be under the jurisdiction of the juvenile justice system
- A majority of the members shall not be full-time government employees (including Chair)

# SAG Roles and Responsibilities Specified in the JJDP Act

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- ✓ Participate in the development of the State Plan
- ✓ Advise the Chief Executive and the Legislature on compliance with the Core Requirements of the JJDP Act
- ✓ Obtain input from juveniles currently under the jurisdiction of the juvenile justice system
- ✓ Review and comment on grant proposals
- ✓ Monitor programs



# Inherent Responsibilities of the SAG

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- ✓ Advocate for goals of the JJDP Act
- ✓ Be knowledgeable about State and Federal juvenile justice laws
- ✓ Be an active SAG participant
- ✓ Understand the flow of the juvenile justice system (in your State)

# Inherent Responsibilities of the SAG (cont'd)

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- ✓ Be familiar with facilities and programs (in your State)
- ✓ Know your State and Federal representatives and their staff
- ✓ Review Executive Order for the SAG
- ✓ Member of the Federal Advisory Committee

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# JJDP Act: Core Requirements



# Four Core Requirements

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- ✓ Deinstitutionalization of Status Offenders  
Section 223(a)(11)
- ✓ Sight and Sound Separation  
Section 223(a)(12)
- ✓ Jail Removal Section 223(a)(13)
- ✓ Disproportionate Minority Contact Section 223(a)(22)



# Core Requirement 1:

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## Deinstitutionalization of Status Offenders

*Juveniles who are charged with or who have committed an offense that would not be criminal if committed by an adult shall not be placed in secure detention facilities or secure correctional facilities.*

# Core Requirement 2:

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## Separation of Youth from Adults

*Juveniles alleged to be or found to be delinquent, status offenders, and nonoffenders will not be detained or confined in any institution in which they have contact with adult inmates.*

# Core Requirement 3:

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## Jail Removal

*Provide that no juvenile will be detained or confined in any jail or lockup for adults except juveniles who are accused of non-status offenses and who are detained in such jail or lockup for a period not to exceed 6 hours.*

# Core Requirement 4:

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## Disproportionate Minority Contact

*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*

# Compliance Monitoring

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Section 223(a)(14) of the JJDP Act requires that each State which receives Formula Grant funding ***provide for an adequate system of monitoring compliance with the Core Requirements of the Act.***

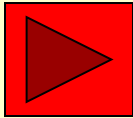
# **Compliance Monitoring (cont'd)**

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Section 223(c)(1)(2) of the JJDP Act of 2002 requires a reduction of 20% of funding for the subsequent fiscal year as a result of non-compliance with each Core Requirement and a dedication of 50% of the amount allocated to the State for such fiscal year to achieve compliance.

# Core Requirements of the JJDP Act

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Deinstitutionalization of Status Offenders

Sight and Sound Separation

Jail Removal

Disproportionate Minority Contact

# DSO Sec. 223 (a)(11)

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- ✓ A status offender is a juvenile offender who has been charged with or adjudicated for conduct that would not be a crime if committed by an adult.
- ✓ A non-offender is 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 of the juvenile.
- ✓ Status Offenders and non-offenders cannot be placed in secure detention or correctional facilities.



# DSO—Sec. 223 (a)(11)

## Status Offenses/Examples

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- ✓ Runaway
- ✓ Ungovernable/incorrigible
- ✓ Curfew violation
- ✓ Truancy
- ✓ Possession of alcohol as a minor
- ✓ Possession of tobacco as a minor
- ✓ Traffic violations civil in nature

# DSO—Section 223(a)(11)

## Non-Offenses/Examples

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- ✓ Child abuse and neglect
- ✓ Immigration violations (aliens)
- ✓ Danger to self or others (mental health)
- ✓ Abandonment

# ***De Minimis* Standards**

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**How many violations can a State have and still remain compliant with DSO?**

**Please see 1981 *Federal Register* for further details.**

# *De Minimis* Standards—DSO

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- ✓ 0 Violations/100,000 juveniles—the State has demonstrated full compliance,
- ✓ 0.1 to 5.7 Violations/100,000 juveniles—the State has demonstrated full compliance with *de minimis* exceptions.

# *De Minimis* Standards—DSO (cont'd)

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- ✓ 5.8–17.6 Violations/100,000 juveniles—the State is eligible for a finding of compliance with *de minimis* exceptions if it adequately meets the following criteria:

# *De Minimis* Standards

## Criteria—DSO

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- ✓ Criterion B—instances of noncompliance were in apparent violation of State law or established executive or judicial policy.
- ✓ Criterion C—an acceptable plan has been developed to eliminate the noncompliant incidents.

# *De Minimis* Standards—DSO (cont'd)

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- ✓ 17.7 to 29.4 violations/100,000 juveniles—the State is eligible for a finding of compliance with *de minimis* exceptions if it fully satisfies the following criteria:

# *De Minimis* Standards Criteria—DSO (cont'd)

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- ✓ Criterion B—instances of noncompliance were in apparent violation of State law or established executive or judicial policy.
- ✓ Criterion C—an acceptable plan has been developed to eliminate the noncompliant incidents.



# *De Minimis* Standards—DSO (cont'd)

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- ✓ 29.5 Violations and Above/100,000 juveniles—the State is presumptively ineligible for a finding of full compliance with de minimis exceptions unless...
  - Out-of-State runaways
  - Federal wards
  - New State law

# ***De Minimis Standards—DSO (cont'd)***

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Any rate above 29.4 violations is considered to be an excessive and significant level of status offenders and non-offenders held in juvenile detention or correctional facilities.

# Note!

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- ✓ States found out of compliance with the DSO Core Requirement lose 20 percent of their Formula Grants allocation.
- ✓ The remaining 50 percent of the Formula Grants allocation must be spent to bring the State back into compliance with DSO.

# *De Minimis* Standards—DSO (cont'd)

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How many DSO violations is Wyoming allowed?

- ✓ Juvenile Population in 2005 = 114,321
- ✓  $1.14 \times 5.7 =$  up to 6.50 DSO violations
- ✓  $1.14 \times 17.6 =$  up to 20 DSO violations
- ✓  $1.14 \times 29.4 =$  up to 33.5 DSO violations

# ***De Minimis Standards—DSO (cont'd)***

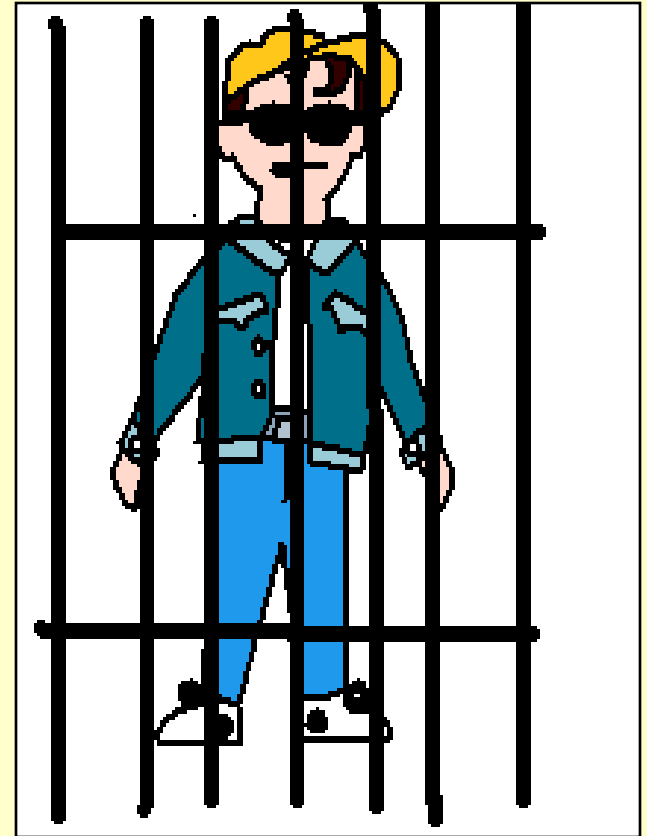
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How many DSO violations does WY currently have?

# SEPARATION Section 223(a)(12)

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Juveniles alleged to be or found to be delinquent [and status offenders and non-offenders] will not be detained or confined in any institution in which they have contact with adult inmates.



# SEPARATION Section 223(a)(12) (cont'd)

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*Contact* is defined to include any physical or sustained sight and/or sound contact between juvenile offenders in secure custody status and incarcerated adults, ***including inmate trustees.***

# SEPARATION Section 223(a)(12) (cont'd)

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## *Inadvertent or Accidental Contact:*

- ✓ Instances need not be reported if they occur in secure areas of a facility that are not dedicated to use by juvenile offenders and which are nonresidential.
- ✓ Any contact in a dedicated juvenile area, including residential area of a secure facility, would be a violation.



# Transferred, Certified, Waived, and Direct File Youth

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A juvenile who has been transferred to the jurisdiction of a criminal court, may be detained or confined in a juvenile facility with other juveniles who are under the jurisdiction of the juvenile court. This is not a violation of separation since the youth is not a juvenile “alleged to be or found to be delinquent” and the youth is not an “adult inmate.” Once the youth reaches the State’s age of majority, he/she must be separated from the juvenile population within six months.

# Scared Straight, Shock Incarceration, Jail Tours...

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No juvenile shall enter under public authority, for any amount of time, into a secure setting or section of an adult jail, lockup, or correctional facility as a disposition of an offense or as a means of modifying his or her behavior.

# *De Minimis* Standards—Separation

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- ✓ 0 Violations/100,000 Juveniles—the State has demonstrated full compliance.
- ✓ 1 and Greater Violations/100,000 Juveniles—the State is eligible for a finding of compliance if the instances of noncompliance do not indicate a pattern or practice but rather constitute isolated incidences and one of the following criteria is satisfied:

# ***De Minimis* Standards Criteria—Separation**

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- ✓ Violation of State law.
- ✓ Did incidents of noncompliance indicate a pattern or practice?
- ✓ Are there existing mechanisms for enforcement?
- ✓ Describe the State's plan to eliminate the noncompliant incidents.

# ***De Minimis Standards—Separation (cont'd)***

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How many Separation Violations is Wyoming allowed?

- 0

# ***De Minimis Standards—Separation (cont'd)***

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How many Separation Violations does Wyoming currently have?

# **Jail Removal**

## **Section 223(a)(13)**

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No juvenile shall be detained or confined in any jail or lockup for adults.

# JAIL REMOVAL

## Section 223(a)(13) (cont'd)

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Does not apply to juvenile facilities or adult prisons.





# JAIL REMOVAL

## Section 223(a)(13) (cont'd)

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### *Adult Jail:*

A locked facility, the purpose of which is to detain adults charged with violating criminal law, pending trial.

Also those facilities used to hold convicted adult criminal offenders sentenced for less than one year.

# JAIL REMOVAL

## Section 223(a)(13) (cont'd)

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### *Adult Lockup:*

Similar to an adult jail, except that an adult lockup is generally a municipal or police facility of a temporary nature which does not hold persons after they have been formally charged.



# **JAIL REMOVAL**

## **Section 223(a)(13) (cont'd)**

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### **Jail Removal Exceptions:**

- I. Six-Hour Rule**
- II. Court Appearance Hold**
- III. Rural Exception**
- IV. Transferred, Certified, Waived, or Direct File Youth**

# JAIL REMOVAL

## Section 223(a)(13) (cont'd)

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### *I. Six-Hour Rule of Reason*

An alleged delinquent may be detained for up to six hours, while separate from adults, for the purposes of identification, processing, and arranging for release to parents or transfer to juvenile court officials or juvenile shelter or detention facilities.

# JAIL REMOVAL

## Section 223(a)(13) (cont'd)

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### ***II. Six-Hour Court Appearance Hold***

- ✓ An alleged or adjudicated delinquent may be detained, while separate from adults, for up to six hours before and after a court appearance.
- ✓ This hold must be related to a court appearance.

# JAIL REMOVAL

## Section 223(a)(13) (cont'd)

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### *III. Rural Exception*

- ✓ An accused juvenile criminal-type offender may be detained up to 48 hours (excluding weekends and holidays) in an adult jail or lockup, if certain conditions are met.
- ✓ This hold must be related to a court appearance.

# JAIL REMOVAL

## Section 223(a)(13) (cont'd)

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### ***IV. Transferred, Waived, Certified and Direct File Youth***

- ✓ Juveniles who have been transferred to adult court and against whom criminal felony charges have been filed do not fall under the auspices of the JJDP Act for jail removal and separation requirements within jails and lockups.
- ✓ These juveniles are subject to State law.

# *De Minimis* Standards— Jail Removal

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- ✓ 0 Violations/100,000 juveniles—the State has demonstrated full compliance.
- ✓ 0.1 to 9.0 Violations/100,000 juveniles—the State is eligible for the numerical *de minimis* exception if it has developed an acceptable plan to eliminate the noncompliant incidents through the enactment or enforcement of State law, rule or statewide executive or judicial policy, education, the provision of alternatives or other effective means.



# *De Minimis* Standards— Jail Removal (cont'd)

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- ✓ 9.1 and greater Violations/100,000 juveniles—the State is eligible for the substantive *de minimis* exception if it meets five criteria:
  - Recently enacted changes in State law that are expected to have significant impact on the State's achieving full compliance
  - All instances of noncompliance were in violation of State law

# *De Minimis* Standards— Jail Removal (cont'd)

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- ✓ 9.1 and greater Violations/100,000 juveniles—the State is eligible for the substantive *de minimis* exception if it meets five criteria:
  - Instances of noncompliance do not indicate pattern or practice but rather constitute isolated instances.
  - Existing mechanisms to enforce State law.
  - Acceptable plan has been developed to eliminate noncompliant incidents.

# *De Minimis* Standards— Jail Removal (cont'd)

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- ✓ How Many Jail Removal Violations Is Wyoming Allowed?
- ✓ Up to 9 = 10 Jail Removal Violations  
( $1.14 \times 9 = 10.26$ )

# *De Minimis* Standards— Jail Removal (cont'd)

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- ✓ How Many Jail Removal Violations Does Wyoming Currently have?

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# **Adequate System of Compliance Monitoring**

# Adequate System of Compliance Monitoring (cont'd)

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- ✓ **Section 223(a)(14) of the JJDP Act:**
- ✓ **“Participating States must provide for an adequate system of monitoring jails, detention facilities, correctional facilities, and nonsecure facilities to ensure that the requirements of paragraph (11), paragraph (12), and paragraph (13) are met, and for the annual reporting of the results of such monitoring to the [OJJDP] Administrator.”**

# The 10 Compliance Monitoring Elements

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1. Policies and Procedures
2. Monitoring Authority
3. Monitoring Timetable
4. Violation Procedures
5. Barriers and Strategies

# The 10 Compliance Monitoring Elements (cont'd)

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6. Definitions
7. Identification of the Universe
8. Classification of the Universe
9. Inspection of Facilities
10. Data Collection and Data Verification



# The Elements

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- ✓ In the OJJDP Guidance Manual, Audit Guideline Manual, and Formula Grants Regulations.
- ✓ On the OJJDP Web site under Compliance Monitoring.
- ✓ Disc provided contains all documents.

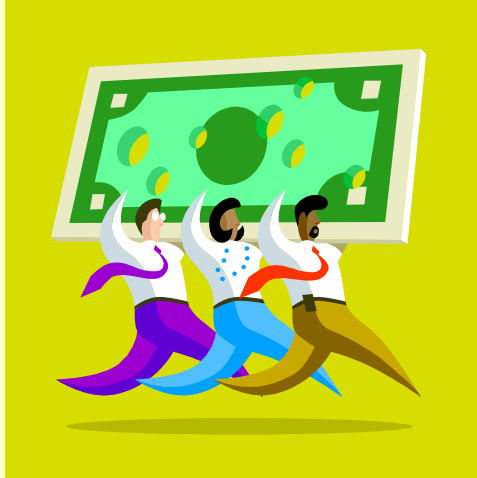
# Current Compliance Monitoring Function in the State

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- ✓ Volunteers of America
- ✓ Goals and Objectives of the Cooperative Agreement with OJJDP
- ✓ Current status of the Compliance Monitoring Program

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# Federal Funding Allocation and Program Funding



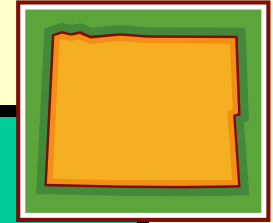
# Ways of Impacting Juvenile Justice in Your State

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- ✓ Serve on a planning committee
- ✓ Serve on grant review committees
- ✓ Provide testimony as requested
- ✓ Inform and educate legislators or administrators
- ✓ Ensure that juvenile justice policy is addressing public and participant needs
- ✓ Assist in the writing the SAG annual report
- ✓ Sponsor conferences or other events



# Wyoming FY2008 Funding



Program	FY2008 Funding
State Advisory Group Award	\$30,000
Non Participating State Award (Most Recent Award)	\$570,000
Title V	\$48,360
JABG	\$263,000
EUDL	\$350,000

# Ways of Impacting Juvenile Justice in Your State

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# Federal Funding Applicable To Wyoming State Advisory Council On Juvenile Justice (SACJJ)

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- ✓ State Advisory Group (SAG)
- ✓ Title V
- ✓ Juvenile Accountability Block Grant (JABG)

# State Advisory Group Formula Grant

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- ✓ Wyoming State Advisory Council on Juvenile Justice serves as the State Advisory Group
- ✓ Federal Funding is available to assist the SACJJ in carrying out its required function
- ✓ The money for the 08 grant is \$30,000
- ✓ This funding is to be used for meetings, travel, supplies, etc. for the Council and is only to be spent for business pertaining to the Council



# Title V Grant

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In 1992, the Title V of the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974, as amended and reauthorized in 2002, established the Incentive Grants for Local Delinquency Prevention Programs. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) administers Title V funding, which is dedicated to delinquency prevention efforts initiated by a community-based planning process focused on reducing risks and enhancing protective factors to prevent youth from entering the juvenile justice system. It is the only Federal funding source solely dedicated to delinquency prevention.

# Who Can Apply?

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OJJDP allocates funds to qualifying States based on the number of juveniles below the age of criminal responsibility.

- ✓ Units of local government (city, county, township, or other political subdivision) within the state
- ✓ State awards are given to qualified units of local government through a competitive process
- ✓ Awarded program may be funded in 12-month increments for up to three years
- ✓ Funding priorities should be given to data-driven prevention plans which employ evidence-based prevention strategies

# How To Apply

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The program is implemented in two phases: (1) pre-award planning and (2) implementation. To be eligible to apply for a sub-grant from the State, a unit of local government must:

- ✓ Receive SAG certification of compliance with the JJDP Act core requirements
- ✓ Convene or designate a local Prevention Policy Board of 15-21 members
- ✓ Submit a 3-year comprehensive community delinquency plan
- ✓ Provide a 50% match for the award (cash or in-kind), if the match is not provided in the state
- ✓ Applications for Title V funds must be submitted to the designated agency
- ✓ Current status of Title V funds in Wyoming?

# Juvenile Accountability Block Grant (JABG)

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The Juvenile Accountability Incentive Block Grant (JAIBG) was established in 1998, as a new block grant program within the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to strengthen the juvenile justice system by encouraging states and local jurisdictions to implement accountability-based programs and services. In addition, the JAIBG was designed to promote greater accountability in the Juvenile Justice System. On April 2, 1998 the State Advisory Council on Juvenile Justice (SACJJ) agreed to serve as the State oversight for Wyoming's JAIBG allocation.

# Juvenile Accountability Block Grant (JABG) (cont'd)

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In 2002, changes were made to the JAIGB expanding the 12 purpose areas to 16 (see new member packet) and changing the name to the Juvenile Accountability Block Grant (JABG). A formula based on law enforcement expenditures and the number of violent crimes is used to allocate funds among units of local government. States and localities must provide a cash match of 10 percent (50 percent for construction projects). To be eligible to receive JABG funds, states and localities must use a Juvenile Crime Enforcement Coalition to develop a Coordinated Enforcement Plan for reducing juvenile crime.

# Juvenile Accountability Block Grant (JABG) (cont'd)

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The goal of the JABG program is to reduce juvenile offending through accountability-based programs focused on the juvenile offender and on the juvenile justice system. To meet that goal, JABG funds may be used by a state or unit of local government for the purpose of strengthening the juvenile justice system, which includes 16 purpose areas and in 2007 will expand to 17.

# Application Process For JABG

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In order to receive funds one must submit a required application along with:

- ✓ Describe plans for using JABG funds (i.e., purpose areas and activities)
- ✓ Include Juvenile Crime Enforcement Committee (JCEC) roster
- ✓ Budget
- ✓ Waiver if funding is combined

# Reports

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States must submit –

- ✓ Annual performance reports that summarize and assess the effectiveness of grant activities
- ✓ Financial status reports
- ✓ Sub-grant information forms
- ✓ Under JABG, sub-grantees must submit to the state annual performance reports that summarize and assess the effectiveness of grant activities, along with quarterly progress and financial reports



# Project Period

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- ✓ Revised, based on drawdown
- ✓ No later than 180 days form start of project period
- ✓ Project period of 36 months
- ✓ Available one-time extension of up to 12 months

# Extra Funding

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- ✓ Funding left over after allocations are distributed and may be released by the SACJJ that units of local government may apply for
- ✓ Competitive process and the SACJJ must decide where the money is distributed
- ✓ The SACJJ has made it a priority to fund those requests that are working towards compliance
- ✓ Current status of JABG grants?

# Web Resources

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- ✓ OJJDP's SAG Training Grant: [www.dsgonline.com/sag](http://www.dsgonline.com/sag)
- ✓ Subscribe to JUVJUST and OJJDP News @ a Glance at: <http://ojjdp.ncjrs.gov/enews/enews.html>
- ✓ Visit OJJDP Web site at: <http://ojjdp.ncjrs.gov>
- ✓ Compliance: <http://ojjdp.ncjrs.gov/compliance>
- ✓ DMC: <http://ojjdp.ncjrs.gov/dmc>
- ✓ DMC-Reduction Best Practices Database: [http://mpg.dsgonline.com/dmc\\_default.aspx](http://mpg.dsgonline.com/dmc_default.aspx)
- ✓ EUDL: <http://ojjdp.ncjrs.gov/programs/ProgSummary.asp?pi=17>
- ✓ JABG: <http://ojjdp.ncjrs.gov/jabg>
- ✓ Model Programs Guide: [http://www.dsgonline.com/mpg2.5/mpg\\_index.htm](http://www.dsgonline.com/mpg2.5/mpg_index.htm)
- ✓ Performance Measures: <http://ojjdp.ncjrs.gov/grantees/pm/index.html>
- ✓ Statistical Briefing Book: <http://ojjdp.ncjrs.gov/ojstatbb/index.html>
- ✓ Title II Formula Grants Program: <http://ojjdp.ncjrs.gov/programs/ProgSummary.asp?pi=16>
- ✓ Title V Community Prevention Grants Program: <http://ojjdp.ncjrs.gov/titlev/index.html>
- ✓ *Additional Resources*
- ✓ Federal Advisory Committee on Juvenile Justice: <http://www.facjj.gov>
- ✓ Development Services Group: <http://www.dsgonline.com>
- ✓ National Training and Technical Assistance Center: <https://www.nttac.org>
- ✓ National Criminal Justice Reference Service: <http://www.ncjrs.gov>
- ✓ Coalition for Juvenile Justice: <http://www.juvjustice.gov>

# Summary

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## What We Covered

- ✓ History of juvenile justice and OJJDP
- ✓ The Juvenile Justice and Delinquency Prevention Act
- ✓ Roles and responsibilities of the SAG
- ✓ Core requirements
- ✓ Federal funding sources
- ✓ Roles of the FAC

## “What’s Next?”

