



U.S. Department of Justice

Office of Justice Programs

Office of Juvenile Justice and Delinquency Prevention

Office of the Administrator

Washington, D.C. 20531

MEMORANDUM

TO: State Agency Directors
Juvenile Justice Specialists
Compliance Monitors
State Advisory Group Chairs

FROM: Jeff Slowikowski
Acting Administrator, OJJDP

DATE: March 17, 2011

SUBJECT: Status Offenders and the Juvenile Justice and Delinquency Prevention Act –
Followup on Data Reporting for Annual Core Requirements Determinations

In October 2010, I issued a memorandum regarding a recent review that the Office of Justice Programs' Office of the General Counsel (OGC) conducted that raised questions about the deinstitutionalization of status offenders (DSO) core requirement as it applies to juveniles accused of or adjudicated for minor in possession of alcohol (MIP) offenses (Section 223(a)(11) of the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974, as amended). As stated in that memorandum, OJJDP has always understood that the intent of the legislators in passing the JJDP Act was to ensure that juveniles accused of or adjudicated for such offenses are never securely detained in juvenile or adult facilities. To that end, OJJDP has been working with Congressional staff to amend the JJDP Act to include MIP offenses as status offenses subject to the DSO core requirement. Unfortunately, these efforts have been unsuccessful to date.

OJJDP will continue to work with Congressional staff to amend the JJDP Act this year. However, until we achieve a statutory change, OJJDP is providing states with the following guidance regarding compliance monitoring and data submissions:

- Juveniles who have been accused of or adjudicated for alcohol violations, which would not be violations of the law if committed by an adult over the age of 21, will no longer be considered status offenders and would not need to be reported as violations of the DSO

core requirement. Therefore, OJJDP asks that state compliance monitors disaggregate these youth for data collection purposes. We request that states continue to count and track these alcohol violations, but count them separately from other DSO violations.

- Compliance data that states submit to OJJDP for fiscal year (FY) 2012 funding determinations should not include MIP or similar type alcohol offenses as violations of the DSO core requirement.
- Some states have already submitted their compliance data for OJJDP's FY 2012 determination. It is anticipated that every state will need to reassess the number of DSO violations reported and submit revised data that disaggregates the juvenile MIP and alcohol offense data.

OJJDP recognizes that there may be a number of questions regarding this new guidance. We are developing a Webinar for mid-April during which OJJDP and OGC leadership will provide an overview of the guidance and answer questions from the states. To prepare for the Webinar, we are compiling a list of Frequently Asked Questions (FAQs) that will be posted on our Web site (ojjdp.gov/compliance). Please e-mail any questions you have to your OJJDP State Representative so we can plan to address them during the Webinar or include them in the FAQs. In addition, because we anticipate that disaggregating the data may present logistical and data collection challenges, we are setting up a team of technical assistance providers to assist states with that process. We will provide details on how to receive that assistance during the Webinar.

As I stated above, OJJDP maintains the position that, as a matter of policy, juveniles accused of or adjudicated for certain MIP offenses should never be securely detained in a juvenile detention center, juvenile correctional facility, or an adult jail or lockup. OJJDP is committed to pursuing a statutory amendment to include MIP offenses as status offenses, and states should be advised that data collection and reporting requirements for this classification of juveniles may again be required in the future. Until then, we believe separating the data is necessary.

Should you have any questions regarding this guidance, please contact OJJDP's Compliance Monitoring Coordinator (elissa.rumsey@usdoj.gov), or your OJJDP State Representative, or me directly at jeff.slowikowski@usdoj.gov.

Attachment: October 20, 2010, Memorandum