



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

December 23, 2008

The Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

Please find enclosed a response to questions arising from the appearance of the Office of Juvenile Justice and Delinquency Prevention Administrator J. Robert Flores before the Committee on December 5, 2007, at a hearing entitled "Reauthorization of the Juvenile Justice and Delinquency Prevention Act: Protection our Children and our Communities".

We hope that this information is of assistance to the Committee. Please do not hesitate to call upon us if we may be of additional assistance. The Office of Management and Budget has advised us that from the perspective of the Administration's program, there is no objection to submission of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith B. Nelson".

Keith B. Nelson
Principal Deputy Assistant Attorney General

Cc: The Honorable Arlen Specter
Ranking Member

**“Reauthorization of the Juvenile Justice and Delinquency Prevention Act:
Protection our Children and our Communities”**

December 5, 2007

**Questions for the Hearing Record
for
J. Robert Flores
Administrator
Office of Juvenile Justice and Delinquency Prevention
Office of Justice Programs
United States Department of Justice**

QUESTION FROM SENATOR LEAHY:

- 1. Several witnesses at the hearing suggested that cuts in federal funding for juvenile justice and prevention programs and a lack of transparency at the Office of Juvenile Justice and Delinquency Prevention have made it more difficult for their states to promote the core requirements of Juvenile Justice and Delinquency Prevention Act and to remain in compliance with the Act.**
 - a. How are you addressing the concern of states that they do not have the funding and the information they need to remain in compliance with the Juvenile Justice and Delinquency Prevention Act?**

RESPONSE:

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) makes every effort to work with states to ensure compliance with the Juvenile Justice and Delinquency Prevention (JJDP) Act. OJJDP believes states have the funding and information they need to remain in compliance. Through appropriations from Congress, and based on a formula (tied to a state's juvenile population), states receive an allocation for the Part B-Formula Grants Program. The Formula Grants Program has 35 program areas, five of which directly relate to maintaining compliance with the JJDP Act: compliance monitoring; deinstitutionalization of status offenders, jail removal, separation and disproportionate minority contact. Many of the other program areas can also impact maintaining compliance with the Act.

OJJDP reviews annual compliance monitoring reports submitted by states to determine future funding for the Formula Grants Program. Upon review of the reports, states are contacted when issues or concerns are identified. States are also afforded additional time to submit updated information if they are deemed out of compliance with one or more of the core requirements.

At this time, there is no legislative requirement establishing the amount of funds to be allocated to compliance monitoring. Therefore states determine how much funding

they wish to designate to that function. Historically, federal funds constitute only a portion of the total funds spent by a state to address compliance issues. The treatment of juveniles remains a state and local responsibility and there is a need for flexibility in how they will meet state, federal, and constitutional requirements. Only when a state is out of compliance is there a requirement on how remaining funds should be allocated.

b. What steps do you believe are needed to improve the relationship between the states and the Office of Juvenile Justice and Delinquency Prevention?

OJJDP has taken at least four specific steps to forge a stronger partnership with the states. These steps include:

- In the fall of 2007, OJJDP convened a meeting with the National Council of Justice Administrators (NCJA) to discuss states' concerns with compliance monitoring. Follow-up meetings and conversations with NCJA have occurred, and we are working towards improved communication and relationships.
- In October 2007, OJJDP held a meeting with numerous state representatives in Denver, Colorado, to solicit their specific concerns with respect to monitoring of the core requirements. As a result, 37 states prepared a paper citing six issues they wished to have addressed.
- OJJDP has started working with a Compliance Monitoring (CM) Working Group, formed at the Denver conference and comprising juvenile justice specialists who will expand on their specific concerns. OJJDP is now developing a response to be shared with the CM Working Group and other interested parties in the juvenile justice field. OJJDP plans to continue utilizing the CM Working Group to gather state input as future policies are discussed and guidance manuals and documents are developed or updated.
- OJJDP continues to offer technical assistance to states in preparation for upcoming audits of states' compliance monitoring systems. This process will allow both the state and OJJDP to identify areas of strength and areas in need of improvement, thereby giving the state and OJJDP time to address any issues and implement corrective measures, if needed, prior to the actual audit.

OJJDP is committed to working with states on all issues related to improving juvenile justice, including compliance monitoring. OJJDP takes seriously the positive working relationships developed over the years with states and we are dedicated to continuing those relationships.

QUESTION FROM SENATOR FEINGOLD:

1. Under 42 U.S.C. § 5617, within 180 days of the end of each fiscal year, the Administrator of OJJDP is required to submit a report to the President and Congress containing specified information. You have not submitted this report in either of the past two fiscal years.
 - a. Why have you not submitted the statutorily required reports?

RESPONSE:

The OJJDP Annual Report for Fiscal Year (FY) 2005 was mailed to the President and delivered to Congress on August 12, 2008. A combined Annual Report for FY 2006 and 2007 is under review by the Department.

- b. What is the date on which we can expect to receive the overdue reports from the past two fiscal years?

RESPONSE:

The Fiscal Year 2005 OJJDP report was delivered to Congress on August 12, 2008. The combined Annual Report for FY 2006 and 2007 is currently under review. OJJDP is combining reporting for FY 2006 and 2007 to facilitate the production and dissemination of the information to Congress.

QUESTION FROM SENATOR KENNEDY:

1. Evidence-based research has a major role in creating a fair and efficient juvenile justice system. Failure to evaluate the effectiveness of programs and practices can endanger juveniles and result in a waste of resources. In the past, OJJDP was committed to funding innovative juvenile justice programs, but I understand that funding for some important juvenile justice initiatives has been either eliminated or significantly reduced. I'm particularly troubled that OJJDP has not maintained funding for two very important programs: the Pathways to Desistance Study and the National Partnership for Juvenile Services.

As mentioned at the Reauthorization hearing, the Pathways to Desistance Study is the largest and most extensive longitudinal investigation of serious juvenile offenders ever conducted. It is solid, landmark social science, reviewed extensively by top researchers. The questions it asks are at the heart of ongoing policy debates about how best to respond to young people who have committed serious crimes. Yet, OJJDP cut funding for the research this year by 60%.

The National Partnership for Juvenile Services does important work to improve conditions of confinement for the more than 50,000 youth in the juvenile justice system. The Partnership has emerged as a leader in providing state and local agencies with needed training and technical assistance on juvenile confinement and corrections. Yet, one of the partners, the National Juvenile Detention Association, has steadily lost funding during your tenure, dropping from \$950,000 in 2000 to no funding at all in 2008. It's my understanding that the funding proposal scored well in this year's review process, receiving a staff review score of 97, and was the second highest rated proposal in a group of 129 applicants.

Both of these projects relied heavily on OJJDP for funding. Without it they will no longer be able to continue the important work of helping troubled and at-risk youth.

a. Why was funding cut for the groundbreaking Pathways to Desistance Study?

RESPONSE:

As funding levels for juvenile justice research have declined in recent years, we have had to make many difficult decisions, particularly with regard to ongoing, non-competitive grant programs. While we are satisfied with our investment in the Pathways to Desistance Study, we believe it is important to give other programs and organizations a fair chance to compete for our resources. Such was our approach in FY 2007.

OJJDP encouraged those projects that were not receiving continuation funding to consider submitting applications to one or more of the solicitations that were released in FY 2007. The Pathways to Desistance researchers were encouraged to submit competitive applications for funding under the FY 2007 Field Initiated Research and Evaluation solicitation.

Although OJJDP did not receive the President's budget request for research in FY 2006 or FY 2007, OJJDP used a patchwork of appropriation set-asides to make available approximately \$3.7 million for this competitive solicitation. A total of 83 applications were received. OJJDP was able to select eight applicants for awards under the solicitation. The University of Pittsburgh was selected as a recipient and received an award of \$600,000 to continue the Pathways to Desistance Study.

b. What process led to the denial of funding for the Partnership? Can you verify whether it was the second highest rated proposal in its group? If so, what other criteria was the basis to deny funding? Who was involved in the decision?

RESPONSE:

To determine which programs should receive discretionary funding, a peer review process was used to identify sound proposals that addressed a broad array of needs. In addition to the peer review scores, OJJDP was mindful of the Department's priority areas and whether funding had been provided in the past for similar programs or proposals. Funds were awarded to support local prevention and intervention efforts and national-scope projects designed to combat delinquency, reduce child victimization, and promote innovations in the administration of juvenile justice. Emphasis was placed on programs that would increase collaboration with state and local governments and community and faith-based organizations to build effective programs and services for juveniles and their families.

The funds awarded in FY 2007 will help communities address the challenge of gang crime by enhancing coordination of local, state and federal partners. The discretionary grants also target delinquent and at-risk youth by providing mentoring and helping juvenile offenders return to their communities after confinement.

c. Can you give us some perspective on the impact of recent changes at OJJDP, such as the dramatic decrease in its funding and the redistribution of its functions through the Office of Justice Programs?

RESPONSE:

The mission of the Department of Justice has become broader and more resource intensive this decade. The Department continues to be committed to assisting our partners in the juvenile justice community, but we also must prevail in a wide range of other activities from investigating and prosecuting terrorists, gun criminals and drug kingpins, to fighting corporate fraud and enforcing immigration laws. As throughout the federal government, increased demand on limited resources requires that difficult budget decisions be made.

The Department is committed to working with Congress, juvenile justice practitioners, youth-serving organizations, and state and local officials to ensure efforts are supported that prevent juvenile crime and improve the treatment of juveniles in juvenile justice systems. As Congress considers the reauthorization of the Juvenile Justice and Delinquency Prevention Act, it is important that the Department retain flexibility in awarding funding. The proposed Child Safety and Juvenile Justice Program would eliminate formulas and earmarks, and focus on key priorities including: reducing juvenile delinquency and crime; improving the juvenile justice system so that it protects public safety, holds offenders accountable, and provides treatment, rehabilitative and re-entry services tailored to the needs of juveniles and their families; protecting children from sexual exploitation and abuse; and assisting children victimized by crime and abuse, and promoting school safety.

With regard to the functions of the Office of Justice Programs, the Assistant Attorney General for the Office of Justice Programs (OJP) is delegated final decision making authority for all grants administered by the bureaus and offices of the Office of Justice Programs, which includes grants administered by the Office of Juvenile Justice and Delinquency Prevention. The Assistant Attorney General for OJP relies on the expertise and experience of the Administrator and staff of the Office of Juvenile Justice and Delinquency Prevention to make recommendations that will support the broad array of needs of the juvenile justice community.

d. What is your view of the idea from the White House budget that federal juvenile justice funds be consolidated into a single block grant that the OJP would distribute directly to localities for delinquency prevention?

RESPONSE:

The Department supports the Administration's budget proposal. The proposed Child Safety and Juvenile Justice Program would eliminate formulas and earmarks, which would increase the Department's flexibility to address the needs of the juvenile justice field. The prevention and intervention programs will seek to reduce juvenile delinquency and crime; protect children from sexual exploitation; and improve the juvenile justice system so that it protects public safety, holds offenders accountable, and provides appropriate treatment and rehabilitative services for juveniles and their families.