

DATE: September 22, 2016

AGENDA ITEM: J

TO: BSCC Chair and Members

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SUBJECT: Office of Juvenile Justice Delinquency Prevention – Proposed Rulemaking:
Requesting Approval Information Only

Summary

This item is to provide information on the federal Office of Justice Programs proposed rulemaking. (Attachment J-1.) The Office of Justice Programs (“OJP”) proposes to update the implementing regulation for the Formula Grant Program authorized by Title II, Part B, of the Juvenile Justice and Delinquency Prevention Act of 1974 (“the Act” or “JJDPA”). The purpose of the Formula Grant Program is to provide formula grant awards to states to support juvenile delinquency prevention programs and to improve their juvenile justice systems. The proposed rule would supersede the existing Formula Grant Program regulations to reflect changes in the 2002 JJDPA reauthorization as well as policy changes to the Formula Grant Program. Comments must be received by no later than 11:59 p.m., E.T., on October 7, 2016.

In an initial analysis by OJP, 48 out of 50 states would be found out of compliance with the proposed regulations, including California. This item was placed on the Board agenda to give the Board an opportunity to comment on the proposed regulations. After further analysis, board staff has determined that California would be in compliance with most of the proposed regulations, except for provisions regarding the removal of juveniles from secured lockups after arrest. To the extent secure lockups operated by local police and sheriffs’ substations would not be in compliance with federal law, which could result in a reduction of the state’s Title II funds, those facilities would also be in violation of existing California law. (Welf. & Inst. Code, § 207.1, subd. (d).) Given existing California law, and the ability of the Board to abate these potential violations through targeted technical assistance, staff recommends that the Board not provide comment on the proposed regulations.

Background

The Board administers Title II funding, based on recommendations from the State Advisory Committee on Juvenile Justice Delinquency Prevention.

Recommendation/Action Needed

No Action.

Attachments

J-1: Federal Register / Vol., No. 152 / Monday, August 8, 2016 / Proposed Rules