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UNITED STATES SENATE

on behalf of the

National Coalition

of

State Juvenile Justice Advisory Groups

"Committed to justice for juveniles and delinquency prevention"

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Chair

NCJRS

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ACQUISITIONS

Preface

Jamie

Jamie's parents refer him to Court Intake because he won't stay home. The Court intake worker gets the local Youth Services Center to squeeze in a counseling appointment for Jamie, no easy task due to today's waiting lists. Jamie shows once and runs. He becomes more difficult to contain; this time he commits several delinquent acts before he's picked up. His parents, resigned to the bouts of running away, are totally helpless. The Intake worker finds Jamie a private placement, a true modern miracle. Jamie runs and when found is denied readmittance because he ran. There are several more runaways from placements - both shelter and residential.

The police weary of always having to pick up Jamie because nothing is ever done. The officers begin not to look real hard for him. Jamie becomes more deeply involved in life on the street. By now, it is impossible for that Intake Worker, or any other counselor for that matter, to reach Jamie. The judge becomes angry seeing Jamie before her time and time again, each time for something a bit more serious.

Finally, the judge refuses to consider any alternative other than custody within a maximum security facility. The counselor knows that it will be several weeks before Jamie is shipped off and then it will probably be to a private psychiatric hospital where he will be locked away and institutionalized, until the insurance money runs out, that is. However, while awaiting the secure placement, Jamie connects with friends. They rob a convenience store on the way out of town in one of the friend's mom's cars. A clerk is seriously injured. The kids are caught and placed in the county jail where Jamie watches while his best friend is raped by another inmate. When he goes to court, he is surly and angry before that same judge. He is certified, convicted, and sent to prison. Jamie is now lost forever.

Most of us know of a Jamie. The Jamies of the world are why the JJDP Act was created. The entire Act was passed in 1974. Title II of the Act encompasses the only program in which the federal government addresses the problems of delinquent youth from a planned, local basis. Title II did and still does demand radical reform in juvenile justice and delinquency prevention. It is the centerpiece of the Act. The crux of the Act is partnership. Even the original enactment was a non-partisan partnership. During reauthorization, the partnerships are highlighted once again. Reauthorization is when we not only question the continued force and viability of the Act, but also look at new issues and strategies for improving the effectiveness of the juvenile justice system and for preventing delinquency.

If Jamie lived in Illinois, he could be monitored at home through the DuPage County Youth Home, Home Detention Program, funded through Title II of the Act. Trained workers would make sure that Jamie stayed put and in school while awaiting court.

If Jamie lived in Los Angeles and was involved in a gang, he would receive structured independent educational study and conflict resolution classes from Catholic Charities of East Los Angeles through their Gang Violence Suppression Project. Another example of a program funded through Title II's formula grant funds.

If Jamie lived in Oklahoma, he would be referred to the Youth & Family Streetwise program after his first offense to learn the consequences of not following the law and that his actions affect his family, friends, and innocent victims. The Oklahoma State Advisory Group found a need for diversion programs in the state, and used formula grant moneys to bring them about.

Partnerships and planning in Missouri would provide emergency shelter care and crisis intervention services for Jamie. He and his parents would receive help before intake and adjudication was necessary from the YWCA Youth Crisis Center in St. Joe's. The program was planned via through the State Advisory Group's 3-year comprehensive plan to meet that community's needs.

If Jamie lived in New York, he would be seen by the Yonkers Bureau of Youth services in their Drop Out Prevention Project for inner-city youth. The program offers individual and substance abuse counseling, as well as guidance and encouragement in becoming involved in community and positive leisure-time activities. Yet another partnership between local, state and federal entities.

I. Introduction

Mr. Chairman, Subcommittee members, my name is Susan Morris. I come here today as Chair of the National Coalition of State Juvenile Justice Advisory Groups and as Executive Director of Youth & Family Resource Center, in Shawnee, Oklahoma. Youth & Family is a community-based program providing the prevention, diversion, and shelter services contemplated by the Juvenile Justice and Delinquency Prevention Act (JJDP Act). Because of my work, I see daily the Jamies of the world - from abused infant to teenage offender.

Thank you for asking me to participate in this hearing. Although I have testified twice before on this matter, I am still awed at being a part of this exciting task. This bill you are considering today extends services to children on the verge of trouble, if not already in trouble, with the law. The JJDP Act brings together citizens and government to plan for the provision of services for America's least liked children.

II. The National Coalition of State Juvenile Justice Advisory Groups

The National Coalition of State Juvenile Justice Advisory Groups (National Coalition) is recognized in Section 241(f) of the Act as that "eligible organization composed of member representatives of the State Advisory Groups appointed under section 223(a)(3)..." It is the body charged in the Act with advising Congress, the President, and the Administrator of the Office of Juvenile Justice and Delinquency Prevention. The National Coalition is the national voice for the State Advisory Groups. National Coalition members are united behind the common goals of justice for juveniles and prevention of delinquency.

The 56 members of the Board of Directors represent all states and six assorted U.S. Commonwealths, Territories, and one District. The Coalition has evolved in recent years to become a significant national force in juvenile justice reform.

Thanks to Congress, the National Coalition is assured the support to perform effectively. Among many other activities, the National Coalition, by mandate, prepares by January 1 an Annual Report to Congress, the President, and the Office of Juvenile Justice and Delinquency Prevention, and holds an Annual Spring Training Conference in May of each year. These tasks could not be accomplished without the partnership between the National Coalition and their hardworking staff, another result of the increased efficiency of the National Coalition. There is, also, today a working partnership between the Office of Juvenile Justice and Delinquency Prevention (OJJDP) and the National Coalition.

The National Coalition is committed to the intent, purpose, and mandates of the Juvenile Justice and Delinquency Prevention Act. Because of that, the National Coalition believes:

- *that no child belongs in an adult jail;*
- *that status offenders are best helped in their own community surrounded by supportive persons, whether kin or care giver;*
- *that prevention and early intervention combined with services for the serious juvenile offender are the keys to surmounting delinquency;*
- *that working together is the only way to achieve those beliefs; and further,*
- *that those beliefs are only worth achieving if done so for all our children - rich or poor, city born or country bred, red, yellow, black, or white.*

Consequently, in April of 1991, the Board of Directors of the National Coalition, meeting at the Annual Spring Training Conference, addressed issues and prepared materials surrounding the reauthorization of the Act. I will touch on those issues in this testimony.

Because of the National Coalition, State Advisory Groups (SAGs) have increased member training activities. At least three times each year, members can share their experiences with peers in other states and learn new techniques from national experts during national and regional training sessions. A cadre of experienced SAG members now exists to train their contemporaries on issues of juvenile justice & delinquency prevention, as well as the mechanics of empowering State Advisory Groups. This training and informative discussion must continue. The development of a clearinghouse function in the National Coalition office for information on state activities and state-of-the art research is the next step in augmenting the training of the SAGs and the exchanging of program information.

National Coalition members, because they are local folk from communities in every county of every state, know policy, systems, and programming at the state, county and local level. As a result, the National Coalition is developing policy papers on issues related to juvenile justice and delinquency prevention. Papers on the deinstitutionalization of status offenders and jail removal are available. Another on minority overrepresentation will be approved during the fall meeting.

During the last several years, the National Coalition worked hard at involving youth members in the decision-making and advocacy process. There is now a Youth Member elected to the National Steering Committee (the executive committee of the National Coalition). Funds are being solicited from private sources to assure the attendance at the Annual Spring Training Conference of one youth member from each state.

The Regional Coalition structure has been enhanced. States have a greater voice and chance for participation in all aspects of the National Coalition. Each Regional Coalition now meets for training and business as a region at least once each year other than during the national meetings.

The National Coalition believes that its partnership role in advising the President, the Congress, and OJJDP should be preserved. The independence of the National Coalition must continue so that it may be a constructive critic of OJJDP and of Federal efforts in juvenile justice and delinquency prevention. The National Coalition believes that the role should evolve further into one with specific oversight responsibilities concerning actions taken by OJJDP - local citizen oversight of federal policy and programming.

III. The State Advisory Groups

The Act establishes a unique partnership between the federal government and committed citizen volunteers from communities, towns, counties and villages across the nation. State Advisory Groups (SAGs) are described in Section 223(a)(3) of the JJDP Act. The Act mandates gubernatorial appointments to SAGs to enhance credibility, influence, and commitment. These collaborative, collective relationships are not dinosaurs ready for extinction. Instead, they are representative groups actively involved in educating the public about juvenile justice concerns and the needs of youth caught up in the downward swirl of delinquency and crime. SAGs are comprised of a broad-based collection of public officials and citizen volunteers with interest and expertise in the field of juvenile justice and delinquency prevention. Citizen members work for Traveler's Aid and Legal Aid. They come from juvenile service agencies and from citizen volunteer perspectives owing allegiance to no one agency. A number of the required youth members are recipients of services from the system. Other members are victims or parents of the very children for which this Act was created. County officials and local citizens plan together for juvenile justice and delinquency prevention in their own back yard. These members know firsthand what is being done and what is not being done, what works and what is a waste of time and money. Because SAG members come from rural and urban districts, they know what happens in America on a daily basis. They see it on their very own streets on the way to work and, again, at home when checking the hometown news. Someone once said "all politics are local." If so, this drawing together of knowledgeable citizenry for planning, funding, and monitoring is critical to attaining the federal mandates of juvenile justice and delinquency prevention. Besides, as we all know, people are much more apt to accept and follow-through on something they themselves are actively involved with rather than something imposed on them from far away.

SAGs, key to the successes achieved under the Juvenile Justice and Delinquency Prevention Act, are charged among other things with the responsibilities of:

- 1) developing comprehensive 3-year state plans to carry out the Congressional mandates;
- 2) funding programs to implement the plans;
- 3) advising their Governors and state legislators on matters concerning juvenile justice; and
- 4) seeking regular input from juveniles in the juvenile justice system.

Each 3-year comprehensive plan allows individual states to address juvenile crime and delinquency, gangs, drugs, and minority overrepresentation - at the state and local level. Public hearings, research and data collection, and retreats hone the process. Through the comprehensive 3-year plan of work, the states build those partnerships necessary to impact the problems of today's young people. Consequently, any program dealing with juvenile justice and delinquency prevention, including planning and funding for at-risk or drug abuse programs, should be funneled through Title II's State Advisory Group planning process.

IV. Juvenile Justice Specialists

State Juvenile Justice Specialists provide the staff support and professional leadership necessary to enable the SAGs to perform their functions effectively under the Act. Specialists are the glue that holds the Act together. These knowledgeable, highly motivated individuals from each state have a deep commitment to the principles of the Juvenile Justice and Delinquency Prevention Act.

Given the tremendous efforts required to comply with the Act, anything less than one dedicated full-time Specialist in each state is unworkable. Unfortunately, several states appear to be considering cutbacks or reorganization in JJDP Act staff. In place of one identifiable Specialist, these states propose to distribute the responsibilities between a number of other staff. Because of the JJDP Act's strong and creative federal direction, it requires careful documentation and reporting. Splitting the responsibilities will cause fragmentation. No one person will be available, responsible, or capable of making needed decisions based on a thorough knowledge of the Act. Specialists have a tremendous amount of federal and state accountability - accountability which should continue. However, that accountability can only be achieved through the expertise of the Specialist.

We understand the reluctance of government to encroach upon local decision making. Unfortunately in this case, such a philosophy overlooks the practical need of a full-time Specialist who knows his or her job. One of the strongest selection criteria used for funding projects at the local level is the expertise and reliability of program staff. Programs are only as good as the staff who run them. Fragmented staff run fragmented programs. We ask for careful consideration of this issue. States need at least one full-time Specialist each.

V. The Office of Juvenile Justice & Delinquency Prevention U.S. Dept. of Justice

The Office of Juvenile Justice and Delinquency Prevention, within the Department of Justice, is the principal vehicle for a federal focus on juvenile justice and delinquency prevention. The single most important function of OJJDP is implementation of Title II of the Act. A primary task of that function is to provide responsive support to the State Advisory Groups. OJJDP must be staffed and ready to interact with the states in an efficient, timely, and professional manner. The Act specifically places final responsibility for managing the Office and for coordinating all federal juvenile justice programs in the hands of an Administrator of that Office. This responsibility is necessary for an efficient and coordinated effort to adequately confront the problems of the various juvenile justice systems within each state and territory. The individual who bears the responsibility for juvenile justice programs must also have the authority to carry out that responsibility.

Congress has stressed this fact since 74 in both conference reports and debate. Now it is even more important that the Office retain the independence Congress anticipated. Kids in trouble must come before the direct attention of the Attorney General. The solution is as simple and as significant as making a box on the organizational chart for the Office of Juvenile Justice and Delinquency Prevention that is as equal in responsibility and reporting to the Attorney General as are the Criminal, Civil or Tax Divisions. Attending to that simple task makes a strong statement about federal commitment to juvenile justice and delinquency prevention. The Act states that it is the policy of Congress to provide the necessary resources, leadership, and coordination for meeting its strong mandates. One of the necessary resources for meeting the mandates of the Act is an independent Office - an Office that is unfettered in its ability to help states meet the federal mandates of juvenile justice and delinquency prevention.

Congress intended that OJJDP be a dedicated advocate for positive change in the area of juvenile justice and delinquency prevention. Currently, OJJDP is under the Office of Justice Programs (OJP). This stifles the independence of the Office. An example: in 1991 OJP set the agenda for the OJJDP comprehensive plan regarding implementation of the Act. OJP priorities did not mesh with mandates of the JJDP Act nor did it take into account the local, community based focus of the State Advisory Groups' 3-year plans. We agree that the Office should remain under the Department of Justice, but it makes more sense on a practical level for the Administrator of the Office to report directly to the Attorney General. Again, not only because of the seriousness of juvenile crime and delinquency but also because Congress intended it to be so for the more efficient accomplishment of local planning for federal policy on juvenile justice and delinquency prevention.

Not only must the Office retain its intended independence, it also must be led by a person who has "had experience in juvenile justice programs" (Sec. 201(b)). Beginning a new job is a challenging responsibility. A new administrator must learn how this Office works at the managerial level and according to government practices. He or she must know budgetary needs and constraints, personnel requirements and expectation, as well as information management and reporting requirements. Beginning that same new job without knowledge of the philosophical underpinnings, content, or nuances of that job's responsibilities makes the task more of a struggle than a challenge. Coming in as Administrator of the Office of Juvenile Justice and Delinquency Prevention and not knowing the difference between a status offender, and a delinquent offender, or even that there is a problem of over-representation of children of color in the juvenile justice system is like placing a business instructor in the position of violin instructor - he or she may know the requirements of the course but not the esthetics of the violin. Placing an Administrator without juvenile justice experience or knowledge in the Office can wreak havoc on systems. The federal system and each state's system have the same goal, juvenile justice and delinquency prevention, but differ in how that goal is attained. Like standing a groups of dominoes - an action or exception in one area may alleviate a specific situation in that particular area yet cause a whole system to come crashing down somewhere else. It is not fair to the Office staff, to citizen volunteers, or to America's children to take the additional time necessary to train an Administrator in the philosophies, principles, and code of the juvenile justice system. Thankfully, both the acting Administrator and Deputy Administrator have knowledge and experience in juvenile justice and delinquency prevention policy and programs. Language in the Act must remain to assure that this will continue to be the case with future administrators.

Because of neglect, albeit perhaps benign, the Office has suffered over the last few years. Only recently has the position of Deputy Administrator been filled. There have been four Administrators, permanent or acting, in the last 5 years alone. The State Relations and Assistance Division staff includes two members with five years' experience, all other staff knowledge and history goes back less than two years. As a result at present, the Office is entirely dependent on an outside contractor for training and technical assistance. That contractor, Community Research Associates (CRA), has 40+ years of pooled experience in juvenile justice and delinquency prevention and, more specifically, in matters pertaining directly to the Act itself. It so happens that CRA is a for-profit entity. There is an effort to remove "for-profit" entities from contracting with OJJDP. Now is not the time to do this. The Office truly needs the training and knowledge base of CRA to put together a strong informed staff for work with the states. If the "for-profit" exclusion must stand, at least grandfather CRA in somehow as doing business as of a certain date. Don't further cripple the Office by withholding this vast area of expertise at a time when the expertise of the Office is limited.

Many delinquent youth were also abused or neglected. Title III's runaways or Title IV's missing children sometimes become Title II's delinquents. We cannot ignore the fact that drug-abusing or gang-involved juveniles commit a major portion of juvenile crime. All of these kids need help. Thus, the Administrator with a background in juvenile justice could provide greater leadership within the Coordinating Council on Juvenile Justice and Delinquency Prevention. Coordination within the group is difficult. Funds from the various Departments are disbursed to states through discrete channels without much communication. The active leadership of the OJJDP Administrator could ensure greater cooperation and coordination among those agencies responsible for runaways, drug abuse, child abuse and neglect, and other activities involving at-risk children. The Coordinating Council could be used effectively to combine responsibilities among agencies for funding, training, and technical assistance - coordination and collaboration from the top.

There must be greater interaction between OJJDP, the National Coalition, and the State Advisory Groups in carrying out the purpose of the Act. There must be a true partnership of caring, concern, and communication. Recently, OJJDP reorganized the assignments of states to state representatives. The reorganization conformed to the National Coalition's regional coalition groupings. Although delighted at the willingness to coordinate teams in an organized manner, the National Coalition was perplexed as OJJDP did this without even mentioning the idea to the Coalition. Collaborative and cooperative partnerships can not be achieved without communication. We ask that you, through the Act, prompt OJJDP to take part in encouraging and rewarding collaboration within and among states and territories and with the National Coalition.

VI. Mission and Mandates of the Juvenile Justice & Delinquency Prevention Act

The National Coalition reaffirms its unwavering support for the purpose and mandates of the Act:

- *removing status offenders from secure facilities;*
- *separating juveniles from adults in secure facilities, jails, and lock-ups;*
- *removing juveniles from jails, lock-ups, and other adult facilities;*
- *preventing delinquency;*
- *eliminating the overrepresentation of children of color in the juvenile justice system;*
- *modifying the formula for the Native American pass through.*

The Coalition believes that compliance with the mandates should be accomplished through incentives. Jurisdictions should not be allowed to cut corners in meeting the mandates nor should they be summarily kicked out. OJJDP can and should encourage creative methods for stimulating state actions. Rules should not be changed to accommodate states to sidestep the mandates of the Act. Ideas, such as providing additional funds to states becoming involved in interagency cooperation and collaboration are exciting. Speaking from a purely local, service-provider view-point, working together is the only way to get anything done. We in the trenches have known that for a long time. We let the state agencies hash it out, while at the local level we go ahead and do what needs to be done - together.

The Coalition overwhelmingly rejects any relaxation of the standards of compliance set forth in the Act. We oppose any further extension or modification of the deadlines for compliance with the Act. States should be encouraged and rewarded in complying with the Act, not embarrassed and defunded. Nor should rules be changed to allow a facade of compliance. We don't change the law to accommodate misbehavior by juveniles, therefore, we shouldn't change the law (or regulations) to allow some states to circumvent the Act.

The Act should be amended to cover all children in trouble by requiring compliance of all federal agencies having any jurisdiction over juveniles. Two examples of agencies falling into this policy gap are the Immigration and Naturalization Service and the Bureau of Indian Affairs. This is particularly true for the mandate for removing juveniles from adult facilities. In what way? If a Native American youth living on a reservation commits a delinquent offense, he or she can now be held in an adult setting; a Mexican youth who gets into trouble in the States can be shuffled from adult jail to adult jail on the way back to his or her home Country. These kids should have the same protections and receive the same treatment as any other child caught up in the legal system.

A. Sight and Sound Separation

The Act mandated initially that juveniles be held out of both the sight and sound of adult prisoners. There were unintended consequences from the separation effort. Overcrowding, old facilities ill-suited for separation and scarce resources frequently resulted in youth being separated into total isolation. There was limited treatment in those facilities and it was usually medical in nature. There were no schools in the adult facilities. So, a child already behind in academics fell further behind. To remedy this, the Act was amended in 1980 to require the complete removal of juveniles from adult jails and lockups by December of 1988. Architectural separation of juveniles from adults in adult facilities was no longer an acceptable strategy for detaining and protecting juveniles while also protecting the public. Architectural separation doesn't work.

B. Jail Removal

"...no juvenile shall be detained or confined in any jail or lock up for adults..." [Section 223(a)(14)]. With the leadership and support of both the National Coalition and its State Advisory Groups, advocates for jail removal worked valiantly over the years to comply with this mandate. Neither substantial nor full compliance has come quickly. Some states have had an easier time than others. States used various methods, including programming, legislation, state regulations, and litigation, all with diverse results.

The National Coalition believes that no child belongs in any locked adult facility. No amount of fire walls, side entrances, cleared elevators or time-phased staff can change an adult facility into a juvenile facility. If kids are held within the same 4 walls of an adult jail, they perceive themselves as doing time in an adult jail. The reality taught by that perception is that they can live through jail and come out the other side - somewhat less innocent and less compassionate - but what do juvenile delinquents need with innocence and compassion anyway? The public needs to be protected; some kids need to be locked up, but not in an adult facility. A 15-year old within reach of a 35-year old is not a good idea. For the habitual offender whose charges are serious, detention is unavoidable and may be necessary for the protection of the public, but the detention must occur within a juvenile facility. (By the way, once the juvenile facility door is locked, protection of the offender in terms of the conditions of confinement i.e. degree of restriction, the length of stay, and services then become critical.) We view enhanced forms of separation such as co-location as only an intermediate step towards the goal of jail removal. Co-location of juveniles within adult facilities is not jail removal. Therefore, the National Coalition urges that the language of the Act be amended to strengthen and tighten the standards for jail removal narrowing any opportunity for loosening those standards. The architectural loophole must be closed. Recognizing a need for practicality in states and territories having large rural or remote populations, we suggest that Congress reexamine the Act's provisions regarding the physical difficulties inherent in accessing secure detention.

Not only are states willing to remove juveniles totally from adult jails, they are also willing to pick up the funding to help the process succeed. People want to do the right thing. They want guidance on how to effect it, how to afford it and who will be affected. In 1979, the Michigan SAG funded a pilot project to remove status offenders from adult jails in Michigan's rural upper peninsula, replete with geographic and logistical obstacles. In 1980, using formula grant funds, their Department of Social Services developed a network of services for status offenders and alternatives to adult lockups and jails. The model eventually was replicated across the entire state. The alternative services network, now state funded, currently covers most of Michigan. The Oklahoma SAG funded a statewide system of alternatives to detention, including home bound detention, attendant care, and court shelter homes as part of their jail removal strategy. The SAG funded the alternatives on a decreasing basis for four years. The State Department of Human Services increased their funding each of those four years. The state now shoulders the programming and funding entirely.

C. The Deinstitutionalization of Status Offenders

Status offenders: those youth who engage in behaviors that would not be crimes if committed by adults, such as breaking curfew, running away from home, truancy, and in some states alcohol violations. The behaviors are proscribed by the state simply because of the offender's "status" as a minor or juvenile.

One of the goals of the 1974 Act was the removal of status offenders and nonoffenders (abused or neglected children) from secure facilities and instead referral to community-based agencies (some of which were residential). In the twenty years since the movement to deinstitutionalize status offenders began in earnest, states have made considerable progress. But most have joined the effort to remove status offenders from secure facilities by using some form of diversion processing and non-secure program alternatives in the community. As with other mandates of the Act, some have been more successful than others.

In 1967, the President's Crime Commission strongly advocated diversion from the juvenile justice system as an appropriate method of handling status offenders and minor delinquent offenders. Youth Service Bureaus, funded by the Department of Justice, emerged across the country. Eventually, most of the Federal funding was eliminated and the community-based bureaus were supplanted by diversion programs operated by government. There is one strong band of holdouts. Thirteen centers were begun with those funds circa 1969 in Oklahoma. Today the Youth Service Centers are mandated by state law and serve over 15,000 Oklahoma children each year. Youth & Family, where I work, is one such center. The State of Oklahoma appropriates roughly \$11 million in general revenue funds to Youth Service Centers for community-based prevention, diversion and shelter services. Those Oklahoma Centers blend state dollars with funds from Title II of the Act for first-time-offender programs, alternative-to-detention programs, summer recreation, citizenship activities, and school-based counseling. The community-based Centers blend state dollars with funds from Title III of the Act to shelter and help, rather than lock up and punish, status offenders - another unique federal, state and local partnership fostered by the JJDP Act. The Oklahoma experience is unhappily the exception and not the rule. For the most part, diversion is controlled increasingly by juvenile justice system agencies rather than the broader community.

It's true that all status offenders may not become delinquents, but it's a good bet that most status offenders are involved in delinquent offenses and vice versa. When resources aren't made available to establish community-based treatment, diversion, and prevention programs, this becomes an even greater problem for communities. While contact with the juvenile court can never be entirely avoided, for many children penetration into the system can be minimal. Prevention and family preservation services, probation, foster homes, or group homes rather than detention or incarceration is the answer.

1. Valid Court Order

One can't conceive of the status offender issue without its companion the "valid court order." The Valid Court Order exception of 1980 (See Section 223(a)(12)(A)) constituted a setback in the removal of status offenders from secure institutions. The valid court order exception allows a status offender to be incarcerated in a secure facility. The National Coalition believes that Congress should examine the valid court order exception in light of the April, 1991 GAO study, "Non criminal Juveniles." The Act should be amended to restrict to extreme circumstances the availability of the exception. The Act should require procedural safeguards during the decision to issue such an order, and, if issued, services must be available for the detained status offender. However, detention of status offenders must occur within a juvenile facility and never within an adult facility.

2. Community Based Services

The Act states that the policy of Congress is to provide the necessary resources, leadership, and coordination:

- *to develop and implement effective methods of preventing and reducing juvenile delinquency, including methods with a special focus on maintaining and strengthening the family unit so that juveniles may be retained in their homes;*
- *to develop and conduct effective programs to prevent delinquency;*
- *to divert juveniles from the traditional juvenile justice system; and,*
- *to provide critically needed alternatives to institutionalization.*

Every delinquent or status offender, whether housed in small, community-based programs or large training centers, eventually returns to the community. Planning for this goal starts the day a child is admitted to an out-of-home placement. Efforts must be continued to research and implement transitional programming for those kids. To be effective, this programming must recognize that a youth's successful return to the community as a productive citizen is the primary goal. The cooperative resources of the placement and the community must be applied to effect that success. Individualized assessment for community treatment through multidisciplinary teams with money that follows a child are key to success.

The State Advisory Groups and their National Coalition continue to advocate strongly and persistently for community-based treatment for delinquent and status offenders.

3. Private Psychiatric Hospitals

While large numbers of status offenders and nonoffenders are no longer housed in juvenile correctional institutions, there is growing concern that many are being shifted to equally restrictive drug treatment or mental health programs; some without any due process safeguards. These trans-institutionalized youth appear to be primarily youth from white, middle-class, "insured" America. (Children of color and poor white children occupy the beds in our nation's public correctional institutions.)

Institutionalized people become dependant upon the institutional environment. They can't make it in the real world. Institutionalization, in general, may stigmatize children. Psychiatric institutions also may allow juveniles to abdicate responsibility for their actions because they are "too ill to know what they are doing." The private psychiatric hospital issue allows America to abdicate its responsibility to the needs of families and children - an easy but very expensive way out.

The National Coalition urges that the Act place a greater focus on conditions within institutions and alternatives to inappropriate institutional confinement. The National Coalition urges Congress to call for a study of the increasing use of psychiatric hospitals and other secure residential treatment programs for children who might have been previously institutionalized as status offenders.

D. Native American Pass-through Funding

In its 1988 amendments to the Act, Congress incorporated pass-through funding for programs for Indian Tribes that perform law enforcement functions, and that agree to comply with other mandates regarding lockups.

The pass-through funding amendment was well-intended and much needed. However, the amount of funds passed through for the specific use of Native Americans depends on their percentage of the total youth population in each state and a tribal law enforcement function. As a result, its impact to date has been negligible. An example, the State of Oklahoma, known for many tribes and a large population of recognized Indian tribes, received only \$476.66 in pass-through funds in 1990. See attachment 4 for a full list. To remedy this, the SAG earmarked \$100,000 of their formula grant funds for help with Tribes. To assess the actual need, the Oklahoma SAG held a series of public hearings with Tribal leaders and members. A list of priorities was prepared with funds granted according to the list. Another example of collaboration at the local level for solutions to local problems, thanks to the JJDP Act.

Since the current pass-through formula is inadequate to even begin to assess the problems of Native Americans, the National Coalition asks Congress to develop a new formula for providing adequate resources for Native Americans to address their unique juvenile justice problems in addition to the funds allocated through formula grants.

VII. Overrepresentation of Children of Color in the Juvenile Justice System

Overrepresentation and differential treatment of children of color within the juvenile justice system are evident along the entire continuum of that system. The extent to which such disproportionate representation exists in each state, the points of occurrence in the juvenile justice process, and the reasons for the occurrences are not clear. In 1988, the National Coalition was successful in seeking amendment of the Act to require the states to eliminate the overrepresentation of minority youth in secure confinement.

States have, for the most part, just begun to create data collection systems. Actual program and policy strategies will come later. A few states have already collected data necessary to determine action. Iowa and New Jersey, for example, are beginning to zero in on strategies for specific areas with disproportionately high numbers.

VIII. Formula Grants

The formula grant program is the heart and soul of the Juvenile Justice and Delinquency Prevention Act. In accordance with the Act, it is the principal tool for bringing about meaningful change in juvenile justice systems and in preventing juvenile delinquency. Congress must significantly increase formula grant funds to enable the states to work more effectively. The increase would be yet another incentive to stimulate compliance with the Act. Once funded, OJJDP must carefully steward the formula grant program in the states. A primary goal of the Office is to administer this program as effectively, imaginatively, and consistently as possible.

Over the 12 years from 1980 until 1992 alone, the problems faced by today's youth and the mandates of the Act increased dramatically while funding decreased. The amounts now provided to states and territories often are just not enough to take the required steps to comply with the Act. The 1992 allocation left 17 states with only \$325,000 each under the Formula Grants Program. The mandates of the Act, which states must meet, address crime and delinquency, both highly visible and difficult issues. Nevertheless, states are facing difficult economic times. Fewer and fewer state and local dollars are available to invest in programs for youth. Act funds were once used to create programs which were then adopted and funded by state and local governments when their efficacy was established. Today this happens only infrequently. The problems of America's youth have become more complex since 1980, and the resources allocated to address those problems have shrunk in real terms at all levels. Additional funds are necessary to address the Act's specific mandates. Much has been accomplished in these areas over the years through the partnership forged by the Act between the federal government and the states. Much, however, remains to be done.

IX. Discretionary Grants

The discretionary grant program gives the Administrator of OJJDP the authority to make grants to and contract with eligible entities to address issues directly related to those described in the formula grants section. In reality, the majority of funds are earmarked for specific entities. This coupled with the fact that discretionary grants are frequently the source of funds to carry out the particular ideological agendas of various Administrators. This, too, crosses all administrations. The National Coalition recognizes that a certain amount of this is, perhaps, inevitable. Consequently, OJJDP should be directed to use the discretionary funds allocated to it to address special and unusual problems related to achieving the mandates within the states. Model programs to address problems presented by geography, distance, and topography are timely. Other areas ripe for assistance are jail removal, minority over-representation, the overuse and overcrowding of secure detention, the deplorable condition of many juvenile correctional facilities, effective counsel to represent delinquent youth, the status of waiver or certification, and delinquency prevention. The list goes on and on.

Discretionary funds for training and technical assistance are also allocated unevenly across the juvenile justice system. Large sums have been allocated over the years to support training and technical assistance for judges and prosecutors. In recent years, juvenile correctional personnel were added. This is wonderful. Yet, as we pass the twenty-fifth anniversary of the Gault decision, it appears that many juveniles are being denied entirely their right to effective counsel. Others are receiving perfunctory representation from court-appointed lawyers or lawyer guardians ad litem for abused and neglected children. OJJDP is the only agency specifically charged with a focus on delinquent youth. All funds allotted to it should be reserved for that focus. The National Coalition asks that OJJDP fund functions or service categories based on special and unusual local needs of children as outlined in the comprehensive 3-year state plans.

X. Other areas of concern -

A. Waiver

The decision for waiver, or certification, to adult courts generally has been within the discretion of the juvenile court based on certain statutorily-defined criteria. The process of certification to stand trial as an adult has different names in different states. Transfer, waiver, jurisdictional hearing, fitness hearing, and certification are the most common. Certification is reportedly on the increase, yet, very little has been done to study this trend and the effect it has on juveniles or the system. In light of this, the National Coalition believes that there needs to be a formal study to determine what actually is happening. We urge Congress to call for a GAO study of certification or waiver practices across the country, with particular attention paid to the effect on minority representation.

B. Special Education Needs

Research indicates that incarcerated juveniles have a higher incidence of special educational needs than do adolescents on the whole. An increasing number of the juveniles committed to correctional and detention facilities around the country are eligible for special education services under the Individuals with Disabilities Education Act. The special education, individualized educational program, requires individual tailoring of educational programs in rehabilitative settings. The Act acknowledges this reality with a specific focus on learning-disabled youth. We support this philosophy.

C. Standards

The 1970s were a decade of standards promulgation in juvenile justice. At least three separate sets of comprehensive juvenile justice standards were issued by groups concerned with the reform of juvenile justice policy and systems. Little attention has been paid by OJJDP to any of the standards. Because of more current research, the standards need to be updated, annotated, and finalized. They need to be disseminated through the OJJDP as part of its technical assistance effort. They need to be in the hands of policy makers at the local level, not left to collect dust in federal archives.

D. Advocacy Efforts

The 1988 amendments to the Act required OJJDP to fund "advocacy activities" as a part of the Special Emphasis Prevention and Treatment Programs. Yet, little attention has been paid to this mandate by OJJDP. We would like to see that change. Funding for advocacy efforts could include expanded ombudsman programs or other independent programs dealing with conditions in detention or correctional settings, and to the provision of counsel to children facing trial on delinquency or status offense charges. Because there is a growing belief that the "right to counsel" should be an unwaivable right where children are concerned, training of effective counsel is especially deserving of support and promotion by OJJDP.

XI. How to Accomplish All of This?

The Act provides a foundation for federal policy on juvenile justice and delinquency prevention. Solid funding and sound administration modeled at the federal level sets the process in motion. SAGs through their planning and local juvenile justice expertise build on that foundation. Interdisciplinary services for children, including interagency groups such as prescriptive or multidisciplinary teams are tools used in the process. Blending funds prevents costly, unnecessary duplication. Flexible funds that follow a child rather than force him or her into an inappropriate program, build yet another part of the structure. Once built, this structure of locally planned federal policy will withstand the assault of the juvenile offender and salvage other juveniles from falling into the juvenile justice system. The Act requires coordination, cooperation, and collaboration to work - all components of a good partnership.

XII. Closing

Someone once asked, '...can we, in all our wealth and power, afford the loss of a single American child?' The answer to that question begins with our commitment to children before they become one of the Jamies of the world. Jamie's way of handling his many problems was to run away from them. We have to stop the anger at the Jamies of the world and heed their cries for help. We have to stop running from our own responsibility and see that kids receive help and not punishment for their original behavior.

Most folks don't understand or like delinquents or status offenders. To be honest, lots of people don't want them around. They want them locked up..out of sight out of mind. Without us continually reminding people that although the Jamies of the world may have done some pretty bad things, they really aren't bad kids; that's exactly what will happen - lock them up and throw away the key.

According to the a well-known author on leadership, '...leaders are renewers; shapers of what might be rather than servants of what is.' Those leaders in 1974 had visions of justice for juveniles, yes, even of preventing delinquency. It's time to renew those visions again.

The partnerships forged in 1974 remain. New ones continually form. Ours, between Congress, the National Coalition, the State Advisory Groups, Juvenile Justice Specialists, and the office of Juvenile Justice and Delinquency Prevention needs to be strengthened. Such partnerships are important to the Jamies of the world. Such partnerships heed the cries of each Jamie in every community.

Again, my deepest thanks and appreciation for the opportunity to take part in the operation of my government.

ATTACHMENT 1

ATTACHMENT 1

Project name: Soledad Enrichment Program
A Gang Violence Suppression Project

Agency/organization: Catholic Charities of East Los Angeles
Los Angeles, California

Project Director: Greg Fitzgerald

Phone: (213)251-3259

Amount received: \$56,316

The Soledad Enrichment Program (SEA) is a viable alternative to the existing education programs for students identified as gang members. The SEA school program provides a structured environment for independent study programs for high risk youth or gang members not able to attend regular programs. Other services created by the project include counseling and networking of services within the community. In addition to this, SEA offers parenting and conflict resolution classes.

Project name: Home Detention Program

Agency/organization: DuPage County Youth Home
DuPage County, Illinois

Project Director: Patricia McGrath

Phone: (708)682-7356

Amount received: \$95,000

The program is used as an alternative to secure detention and as a means of reintegration into the community for use of juveniles being released from secure detention. Through this program and the use of improved screening criteria, the number of DuPage County youth being placed in secure detention is beginning to be reduced.

Project name: Drop-Out Prevention Project

Agency/organization: Yonkers Bureau of Youth Services
Yonkers, New York

Amount received: \$14,815

The pilot program demonstrates that continuity and prompt availability of drop out preventive services can maximize the chances for significant and positive outcomes when dealing with inner-city youth. The project will provide follow-up services to twenty-five eighth graders identified in the first year and will serve seventh graders the second year.

ATTACHMENT 1

Project name: Streetwise
Agency/organization: Youth & Family Resource Center
Shawnee, Oklahoma
Project Director: Angela Carter
Phone: (405)275-3340
Amount received: \$2,940

Streetwise is a program for first-time offenders that teaches juveniles the consequences of not following the law. Youth learn that they alone are responsible for their behavior and that their actions also affect family, friends, and innocent victims. Presentations by community professionals and role play activities allow students to see how the justice system works from the inside and give the sense of community necessary for good citizenship. Visits to correctional and court facilities offer a first-hand look at the consequences of illegal behavior.

Project name: YWCA Youth Crisis Center: A Community Response
Agency/Organization: Young Women's Christian Association
St. Joseph, Missouri
Project Director: Aline Pfeifer
Phone: (816)232-4481
Amount received: \$21,940

The program is for youth identified as status offenders and their families. The project promises to provide emergency shelter care, crisis intervention, community networking and volunteer advocates. The program will serve as an alternative to referral to the juvenile court. Youth are referred prior to intake and adjudication.

ATTACHMENT 2

OFFICE OF JUSTICE PROGRAMS

Distribution of Juvenile Justice Formula Grants by State - FY 1992

<u>State</u>	<u>Amount</u>	<u>State</u>	<u>Amount</u>
Alabama	\$769,000	New Jersey	\$1,307,750
Alaska	325,000	New Mexico	325,000
Arizona	713,000	New York	3,095,000
Arkansas	451,000	North Carolina	1,167,000
California	5,632,000	North Dakota	325,000
Colorado	626,000	Ohio	2,034,000
Connecticut	545,000	Oklahoma	608,000
Delaware	325,000	Oregon	526,000
Florida	2,083,000	Pennsylvania	2,031,000
Georgia	1,255,000	Rhode Island	325,000
Hawaii	325,000	South Carolina	669,000
Idaho	325,000	South Dakota	325,000
Illinois	2,141,000	Tennessee	884,000
Indiana	1,058,000	Texas	3,514,000
Iowa	522,000	Utah	456,000
Kansas	481,000	Vermont	325,000
Kentucky	693,000	Virginia	1,093,000
Louisiana	892,000	Washington	917,000
Maine	325,000	West Virginia	325,000
Maryland	844,000	Wisconsin	937,000
Massachusetts	983,000	Wyoming	325,000
Michigan	1,787,000	Dist. of Columbia	325,000
Minnesota	848,000	American Samoa	75,000
Mississippi	543,000	Guam	75,000
Missouri	955,000	Puerto Rico	839,000
Montana	325,000	Virgin Islands	75,000
Nebraska	325,000	Republic of Palau*	11,250
Nevada	325,000	N. Mariana Islands	75,000
New Hampshire	325,000		
		Total	<u>49,735,000</u>

Note: Population figures for the States, Puerto Rico and Virgin Islands are based on Bureau of Census 1990 Census. Allocations for territories of American Samoa, Guam, and Northern Mariana Islands are based on 1980 Census.

* Formerly one award to Trust Territory of the Pacific Islands, until FY 1987. At that time, P.L. 99-658 (amendment to P.L. 99-239) established a decreasing formula for funding to Marshall Islands and Micronesia; Republic of Palau allocation remained the same. Effective in FY 1990, Micronesia and Marshall Islands are eliminated for eligibility to receive funds by the Compact of Free Association.

ATTACHMENT 3



U.S. Department of Justice

Office of Justice Programs

Office of Juvenile Justice and
Delinquency Prevention

Washington, D.C. 20531

SUMMARY OF STATE COMPLIANCE WITH SECTIONS 223(a)(12), (13) AND (14)
OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974, AS
AMENDED (JJDP ACT) - BASED ON 1989 DATA

March, 1992 Status Report

Fifty-seven States were eligible to participate in the 1991 JJDP Act Formula Grants Program. The State of South Dakota is not participating; however, the Administrator of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) has made South Dakota's allotment, pursuant to the provisions of Section 222(a) of the Act, available to local public and private non-profit agencies within the State for use in carrying out the purposes of Sections 223(a)(12)A, (13), and (14).

Following is a summary of compliance by States with Section 223(a), Paragraphs (12)(A), (13), and (14) of the JJDP Act, based on their 1989 Monitoring Reports, which normally determine eligibility for FY 1991 Formula Grant funds. Each participating State's annual Monitoring Report is based on data collected by the State from secure juvenile and adult facilities. Data collection by the States involves self-reporting by facilities to a State agency, on-site data collection by a State agency, or a combination of these methods. All State agencies administering the JJDP Formula Grants Program are required to verify data which is self-reported by facilities, and data received from other State agencies.

I. Section 223(a)(12)(A)
Deinstitutionalization of Status and Nonoffenders (DSO)

Eleven States are in full compliance with DSO based on zero violations of Section 223(a)(12)(A):

American Samoa	No. Marianas	Rhode Island
Gaum	Palau	Virgin Islands
Nebraska	Pennsylvania	West Virginia
New Hampshire	Puerto Rico	

Forty-one States are in full compliance with de minimis exceptions to Section 223(a)(12)(A), viz., less than 29.4 violations per 100,000 persons under age 18 in the State:

Alabama	Georgia ¹	Massachusetts	Ohio
Alaska	Hawaii	Michigan	Oklahoma
Arizona	Idaho ¹	Minnesota	Oregon
Arkansas	Illinois	Mississippi	South Carolina
California	Indiana	Missouri ¹	Tennessee
Colorado	Iowa	Montana	Texas
Connecticut	Kansas	New Jersey	Utah
Dist. of Col.	Louisiana	New Mexico ²	Vermont
Delaware	Maine	New York	Virginia
Florida	Maryland	North Carolina	Washington
			Wisconsin

Reports of two States which recently began participating in the Formula Grants Program are not yet due:

North Dakota
Wyoming

One State that recently began participation in the Formula Grant Program demonstrated progress toward compliance with Section 223(a)(12)(A), as required in order to qualify for award:

Nevada

One State is out of compliance with Section 223(a)(12):

Kentucky

¹Above the maximum allowable de minimis rate. Determined to be in full compliance with de minimis exceptions based on Exceptional Circumstance No. 1 (out-of-state run-aways), pursuant to the January 8, 1981, Federal Register (46 FR 2567).

²Above the maximum allowable de minimis rate. Determined to be in full compliance with de minimis exceptions based on Exceptional Circumstance No. 2 (Federal wards), pursuant to the January 8, 1981, Federal Register (46 FR 2567).

II. SECTION 223(a)(13)
Separation of Juvenile and Adult Offenders

Twenty-nine States are in compliance with the separation provision, Section 223(a)(13) of the JJDP Act, based on zero violations:

American Samoa	Minnesota	Palau
California	Missouri	Pennsylvania
Delaware	Nebraska	Puerto Rico
Guam	Nevada	Rhode Island
Illinois	New Mexico	Texas
Maine	New York	Utah
Maryland	North Carolina	Vermont
Massachusetts	Ohio	Virginia
Michigan	Oklahoma	Washington
	Oregon	Wisconsin

Twelve States are in compliance with separation based on the regulatory criteria set forth at Section 31.303(f)(6)(ii) of the OJJDP Formula Grants Regulations (28 CFR 31), published in the June 20, 1985, Federal Register: (noncompliant incidents are in violation of State law and no pattern or practice exists)

Alabama	Iowa	No. Marianas
Connecticut	Louisiana	South Carolina
Florida	New Jersey	Virgin Islands
Idaho	New Hampshire	West Virginia

Eleven States had not reached their respective compliance deadline during this reporting period but demonstrated progress toward compliance with separation as required by Section 31.303(d)(2) of the OJJDP Formula Grants Regulation (28 CFR 31): (designated dates for compliance are indicated next to the States)

Alaska	12/91	Dist. of Col.	9/92	Mississippi	12/91
Arizona	12/92	Georgia	1/90	Montana	12/93
Arkansas	12/91	Indiana	12/91	Tennessee	12/90
Colorado	12/92	Kansas	1/93		

Two States were not required to submit reports on 1989 data because they only recently began participating in the Formula Grant Program.

North Dakota	- Began participating in 1989. Will report 1990 data.
Wyoming	- Began participating in 1990. Will report 1991 data

One State is awaiting final determination of compliance with Section 223(a)(13) pending the submission and/or analysis of additional information:

Hawaii

One State is out of compliance with Section 223(a)(13), and has not requested a change in the designated date for compliance:

Kentucky

III. SECTION 223(a)(14)
Jail and Lockup Removal

All participating States' 1989 Monitoring Reports are required to demonstrate full compliance with the jail and lockup removal requirement. The 1988 Amendments to the JJDP Act established an alternative sanction for those States that fail to achieve full compliance with Section 223(a)(14). The Administrator may waive termination of a State's eligibility to receive Formula Grant funds, if the State agrees to expend all of its Formula Grant funds (except planning and administration, State advisory group, and Indian tribe pass-through) on jail and lockup removal.

Seven States are in full compliance with jail and lockup removal based on zero violations of Section 223(a)(14):

American Samoa
Dist. of Col.

Guam
North Carolina

Oregon
Virgin Islands
West Virginia

Thirty-two States are in full compliance with de minimis exceptions to Section 223(a)(14), i.e., less than nine (9) violations per 100,000 juvenile population in the State:

Alabama	Iowa	Oklahoma
Arizona ³	Louisiana	Palau
Arkansas ³	Maryland	Pennsylvania
California	Minnesota	Puerto Rico
Colorado	Missouri	Rhode Island
Connecticut	Montana ³	Tennessee
Delaware	Nevada	Texas
Florida ³	New Jersey	Utah
Georgia	New York	Vermont
Idaho ³	No. Marianas	Virginia
	Ohio	Washington

Six States have not demonstrated full compliance with Section 223(a)(14) but were awarded FY 1991 funds through the waiver provision:

Indiana	Maine	Nebraska
Kansas	Michigan	South Carolina

Five States have not demonstrated full compliance with Section 223(a)(14). These states, however, may be eligible for a waiver of termination of eligibility for 1991 Formula Grant funds, pursuant to Section 223(c)(3) of the JJDP Act:

Alaska	Massachusetts	New Hampshire
Illinois	New Mexico	

Monitoring reports from two States that recently began participating in the Formula Grants Program are not yet due:

North Dakota
Wyoming

One State is awaiting final determination of compliance with Section 223(a)(14) pending submission and/or analysis of additional information:

Hawaii

³Above the maximum allowable de minimis rate. Determined to be in full compliance with de minimis exceptions based on the exceptional circumstance for recently enacted legislation pursuant to Section 31.303(f)(6)(iii)(B)(2) of the OJJDP Formula Grants Regulation (28 CFR 31), which was published in the November 2, 1988, Federal Register.

Three States have not demonstrated compliance with jail removal and their initial request for a waiver of termination of participation in the Formula Grants Program has been denied:

Kentucky
Mississippi
Wisconsin

Prepared: March, 1992

For further information contact: Roberta Dorn
Assistant Director, State
Relations and Assistance
Division, OJJDP
633 Indiana Ave., N.W.
Washington, D.C. 20531
(202) 307-5924

1991 FORMULA GRANT PROGRAM SUMMARY TOTALS

Deinstitutionalization of Status Offenders

Full compliance - zero violations	11
Full compliance - de minimis exceptions	41
Recent participant - data not yet due	2
Out of compliance	1
Newly participating state - demonstrated progress	1

Separation of Adults and Juveniles

Full compliance - zero violations	29
Full compliance - exception provision	12
Not in compliance - showing annual progress	11
Recent participant - data not yet due	2
Additional data needed to determine compliance	1
Out of compliance	1

Removal of Juveniles from Adult Jails and Lockups

Full compliance - zero violations	7
Full compliance - de minimis exceptions	32
Not in compliance - waiver granted	6
Not in compliance - waiver eligibility under review	5
Recent participant - data not yet due	2
Additional data needed to determine compliance	1
Out of compliance - Initial waiver request denied	3

3/5/92

ATTACHMENT 4

FIGURE 1

Example
CALCULATION OF INDIAN PASSTROUGH FUNDS

A.	Total State Formula Grant Allocation	\$421,000
B.	State Advisory Group Allocation	\$16,250
C.	Amount of Funds Applicable to Total Passthrough Requirements	\$404,750
D.	Total Local Passthrough Requirement (item C x 66 2/3 percent; \$404,750 x 0.6666)	\$269,806
E.	Total State Population Under Age 18	512,000
F.	Total Youth Population Under Age 18 Residing in Geographical Areas Where Indian Tribes Perform Law Enforcement Functions	12,300
G.	Percent of Youth Residing in Geographical Areas Where Tribes Perform Law Enforcement Functions (item F divided by item E; 12,300 % 512,000)	0.0240 or 2.4 percent
H.	Indian Passthrough Proportion (item D x item G; \$269,806 x 2.4 percent)	\$6,475

TABLE 1

FY1989 ESTIMATES FOR INDIAN PASSTHROUGH

State	Total Juvenile Pop.	Juvenile Indian Pop.	FY1989 Formula Grant	Estimated Pass-Thru FY1989
Alabama	1,161,000	0	\$ 738,000	\$ 0
Alaska	130,000	261	325,000	413.21
Arizona	792,000	46,477	607,000	23,109.04
Arkansas	672,000	0	428,000	0
California	6,388,000	2,771	4,824,000	1,390.20
Colorado	809,000	567	577,000	261.98
Connecticut	823,000	0	500,000	0
Delaware	167,000	0	325,000	0
Florida	2,359,000	541	1,786,000	270.55
Georgia	1,646,000	5	1,147,000	2.29
Hawaii	276,000	0	325,000	0
Idaho	307,000	1,748	325,000	1,171.86
Illinois	3,240,000	0	2,005,000	0
Indiana	1,618,000	0	971,000	0
Iowa	825,000	179	484,000	67.65
Kansas	649,000	260	429,000	110.23
Kentucky	1,082,000	0	658,000	0
Louisiana	1,330,000	77	869,000	32.91
Maine	322,000	549	325,000	350.90
Maryland	1,167,000	0	743,000	0
Massachusetts	1,490,000	0	883,000	0
Michigan	2,751,000	647	1,625,000	252.21
Minnesota	1,172,000	3,318	734,000	1,354.53
Mississippi	815,000	1,270	523,000	526.39
Missouri	1,362,000	0	865,000	0
Montana	232,000	8,588	325,000	7,618.62
Nebraska	447,000	555	325,000	255.54
Nevada	215,000	1,471	325,000	1,408.14
New Hampshire	258,000	0	325,000	0
New Jersey	1,990,000	0	1,210,000	0
New Mexico	416,000	24,868	325,000	12,303.25
New York	4,687,000	1,713	2,881,000	697.93
North Carolina	1,655,000	1,883	1,075,000	802.99
North Dakota	191,000	4,779	325,000	5,149.63
Ohio	3,094,000	0	1,874,000	0
Oklahoma	855,000	1,016	590,000	454.48
Oregon	723,000	1,098	453,000	442.14
Pennsylvania	3,125,000	0	1,884,000	0
Rhode Island	243,000	0	325,000	0
South Carolina	941,000	384	622,000	164.78
South Dakota	205,000	11,237	325,000	11,281.55
Tennessee	1,299,000	0	826,796	0
Texas	4,305,000	376	3,293,000	190.78
Utah	540,000	2,836	416,000	1,399.48
Vermont	145,000	0	325,000	0
Virginia	1,474,000	26	964,000	11.14
Washington	1,139,000	5,977	772,000	2,643.64
West Virginia	560,000	0	325,000	0
Wisconsin	1,358,000	3,119	838,000	1,258.12
Wyoming	146,000	1,331	325,000	1,876.28
TOTAL	62,435,000	129,927	\$44,294,769	\$77,272.46

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TABLE 2.

FY1990 ESTIMATES FOR INDIAN PASSTHROUGH

State	Total Juvenile Pop.	Juvenile Indian Pop.	FY1990 Formula Grant	Estimated Pass-Thru FY1990
Alabama	1,161,000	0	\$ 781,000	\$ 0
Alaska	130,000	261	325,000	413.21
Arizona	792,000	46,477	667,000	25,456.13
Arkansas	672,000	0	455,000	0
California	6,388,000	2,771	5,249,000	1,513.10
Colorado	809,000	567	609,000	276.93
Connecticut	823,000	0	532,000	0
Delaware	167,000	0	325,000	0
Florida	2,359,000	541	1,958,000	296.84
Georgia	1,646,000	5	1,244,000	2.49
Hawaii	276,000	0	325,000	0
Idaho	307,000	1,748	325,000	1,171.86
Illinois	3,240,000	0	2,104,000	0
Indiana	1,618,000	0	1,023,000	0
Iowa	825,000	179	500,000	69.97
Kansas	649,000	260	457,000	117.70
Kentucky	1,082,000	0	687,000	0
Louisiana	1,330,000	77	908,000	34.41
Maine	322,000	549	325,000	350.90
Maryland	1,167,000	0	803,000	0
Massachusetts	1,490,000	0	933,000	0
Michigan	2,751,000	647	1,718,000	266.79
Minnesota	1,172,000	3,318	784,750	1,450.30
Mississippi	815,000	1,270	546,000	550.28
Missouri	1,362,000	0	919,000	0
Montana	232,000	8,588	325,000	7,618.62
Nebraska	447,000	555	325,000	255.54
Nevada	215,000	1,471	325,000	1,408.14
New Hampshire	258,000	0	325,000	0
New Jersey	1,990,000	0	1,283,000	0
New Mexico	416,000	24,868	325,000	12,303.25
New York	4,687,000	1,713	3,051,000	739.35
North Carolina	1,655,000	1,883	1,146,000	856.84
North Dakota	191,000	4,779	325,000	5,149.63
Ohio	3,094,000	0	1,977,000	0
Oklahoma	855,000	1,016	618,000	476.66
Oregon	723,000	1,098	480,000	469.48
Pennsylvania	3,125,000	0	1,995,000	0
Rhode Island	243,000	0	325,000	0
South Carolina	941,000	384	665,000	176.48
South Dakota	205,000	11,237	325,000	11,281.55
Tennessee	1,299,000	0	878,000	0
Texas	4,305,000	376	3,493,000	202.42
Utah	540,000	2,836	441,000	1,487.00
Vermont	145,000	0	325,000	0
Virginia	1,474,000	26	1,030,000	11.92
Washington	1,139,000	5,977	834,000	2,860.52
West Virginia	560,000	0	334,000	0
Wisconsin	1,358,000	3,119	892,000	1,340.79
Wyoming	146,000	1,331	325,000	1,876.28
TOTAL	62,435,000	129,927	\$46,869,750	\$80,485.38

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