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Office of Justice Programs
Office of Audit, Assessment, and Management

Review of the OJJDP Title II Part B Formula Grants Program

December 2020



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List of Abbreviations

ARD	Audit Review Division
BPI	Business Process Improvement
BPN	Business Process Narrative
CDAF	Compliance Determination Assessment Form
CDAI	Compliance Determination Assessment Instrument
DMC	Disproportionate Minority Contact
DOJ	Department of Justice
DSO	Deinstitutionalization of Status Offenders
ERM	Enterprise Risk Management
GAO	Government Accountability Office
GMS	Grants Management System
JJDP	Juvenile Justice and Delinquency Prevention
JJRA	Juvenile Justice Reform Act
OAAG	Office of the Assistant Attorney General
OAAM	Office of Audit, Assessment, and Management
OCFO	Office of the Chief Financial Officer
OGC	Office of the General Counsel
OIG	Office of the Inspector General
OJJDP	Office of Juvenile Justice and Delinquency Prevention
OJP	Office of Justice Programs
OMB	Office of Management and Budget
SRAD	State Relations and Assistance Division



Executive Summary

Title II, Part B of the Juvenile Justice and Delinquency Prevention (JJDP) Act (34 U.S.C. §§111331-11133) authorizes formula grants to support juvenile delinquency prevention efforts and improve juvenile justice systems in states,¹ and it authorizes the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to administer these formula grants.² The Title II, Part B formula grants program (Title II Formula Grants Program) has been the subject of an audit and two investigations by the Department of Justice (DOJ) Office of the Inspector General (OIG).

In response to the Juvenile Justice Reform Act (JJRA) of 2018, the Office of Audit, Assessment, and Management (OAAM) conducted this analysis and evaluation of OJJDP internal controls.³ Specifically, OAAM's review of the Title II Formula Grants Program included the following objectives: (1) examine the effectiveness of OJJDP's processes for assessing state eligibility and determining compliance with the core requirements of the JJDP Act; (2) examine OJJDP processes for auditing of states to determine if they have an adequate system of monitoring for compliance with the core requirements; and (3) review actions taken by OJJDP to address OIG audits of the Title II Formula Grants Program. The scope of OAAM's assessment of OJJDP's compliance determination and audit processes was limited specifically to these processes as implemented in Fiscal Year 2018. For the review of OJJDP responses to OIG audits, we reviewed OIG audits of the Title II Formula Grants Program that still had open recommendations as of Fiscal Year 2018.

OJJDP has taken steps to improve the administration of the Title II Formula Grants Program, such as implementing a structural reorganization to consolidate oversight duties under a single division and developing new policies and procedures for compliance monitoring. However, OAAM found deficiencies in OJJDP's processes for assessing state eligibility, determining compliance, and auditing state systems of monitoring for compliance with the core requirements of the Title II Formula Grants Program. These deficiencies appear to stem from a lack of standard operating procedures (SOP), lack of training on federal standards for auditing,

¹ Throughout this report, state refers to any state of the United States, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, or the U.S. Virgin Islands. (34 U.S.C. § 11103(7)).

² See 34 U.S.C. § 11131-11133.

³34 U.S.C. § 11132(b)(1)(A)(i)(I)



insufficient staffing, competing priorities throughout the fiscal year, and insufficient quality assurance approaches. Further, while well intended, the numerous changes to policies and procedures over time have resulted in staff training deficiencies and other challenges. OJJDP has taken steps since Fiscal year 2018 to address some of these deficiencies, including creating and refining various policies and procedures and providing additional audit training to staff. These updates are addressed in an addendum to this report. The report also provides four recommendations (pg. 37) to improve the functioning of the OJJDP Title II Part B Formula Grant Program.

Introduction

The Title II, Part B Formula Grants Program (Title II Formula Grants Program) has been the subject of an audit and two investigations by the Department of Justice (DOJ) Office of the Inspector General (OIG). In three reports issued in 2017, OIG noted numerous concerns, including process inefficiencies, incomplete recordkeeping, and lack of clarity and consistency in guidance to states. In response to the Juvenile Justice Reform Act (JJRA) of 2018, the Office of Audit, Assessment, and Management (OAAM) conducted an analysis and evaluation of internal controls of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) in place during Fiscal Year 2018.

Objectives

The objectives of this analysis were to: (1) examine the effectiveness of OJJDP's processes for assessing state eligibility and determining compliance with the core requirements of the Title II Formula Grants Program; (2) examine processes for auditing states to determine if they have an adequate system of monitoring for compliance with the core requirements; and (3) review actions taken by OJJDP to address OIG audits related to the Title II Formula Grants Program.

Scope

The scope of this review for internal controls and analysis was specifically limited to OJJDP compliance determination and audit processes in place during Fiscal Year 2018, the most recent year of completed data available. We note in each relevant section any subsequent updates to Fiscal Year 2018 policies and procedures as reported by OJJDP. For the review of OJJDP responses to OIG audits, we reviewed OIG audits of the Title II Formula Grants Program



that still had open recommendations when OAAM's assessment began, irrespective of the audit's fiscal year.⁴

Methodology

To examine the effectiveness of OJJDP's processes for assessing state eligibility and determining compliance with the core requirements of the Title II Formula Grants Program under the JJDP Act, OAAM:

- Reviewed documents that describe OJJDP's compliance determination processes;
- Interviewed OJJDP staff to learn more about their processes; and
- Reviewed OJJDP internal tools and trackers to identify data pertaining to compliance determinations, and analyzed this data to evaluate the timeliness and accuracy of determinations.

To examine processes for auditing states to determine if they have an adequate system of monitoring for compliance with the core requirements, OAAM:

- Reviewed documents that describe OJJDP compliance audit processes;
- Interviewed OJJDP staff to learn more about their processes;
- Observed an OJJDP compliance audit of the state of North Carolina to learn how OJJDP applies compliance audit processes in the field; and
- Observed an OJJDP training conference for state juvenile justice staff to learn more about compliance processes and to hear comments directly from state juvenile justice staff about the administration of the Title II Formula Grants Program.

To review actions taken by OJJDP to address OIG audits related to the Title II Formula Grants Program, OAAM:

- Reviewed OIG reports to identify the full list of findings and recommendations for OJJDP relevant to the Title II Formula Grants Program; and

⁴ This review includes all responses to OIG recommendations through May 2020.



- Reviewed OJJDP’s corrective action plans, and verified the status of these plans with OJP’s audit liaison.

Background

Formula Grant Program Statutory Requirements for States

The JJDP Act requires states to submit plans to the Administrator of OJJDP for implementing their Title II Formula Grants Program juvenile justice programs and activities over a 3-year period, and it requires states to annually update their plans with any new applicable programs, projects, and activities. During Fiscal Year 2018—the scope of this assessment—states were required to meet 28 requirements in their state plans to be eligible for a Title II Formula Grants Program award.⁵ Failure to meet these requirements may have resulted in the state being found ineligible to receive an award for that fiscal year, or the state receiving the award with a condition on the award prohibiting the state from accessing Title II Formula Grants Program award funds until it met all of the state plan requirements.

Of the 28 state plan requirements, four requirements were deemed “core.” For each of the core requirements, the JJDP Act required that a state’s annual formula grant funding be reduced by at least 20 percent for each requirement with which the state was determined to be out of compliance. The four core requirements were:

1. *Deinstitutionalization of Status Offenders (DSO)* – Status offenders are juveniles who are charged with or who have committed an offense that would not be criminal if committed by an adult. Status offenders shall not, with certain statutory exceptions, be placed in secure detention facilities or secure correctional facilities. (See 34 U.S.C. § 11133(a)(11))
2. *Separation of Juveniles in Secure Custody from Adult Inmates (Separation)* – Juveniles alleged to be or found to be delinquent, status offenders, and juveniles who are not charged with an offense and who are aliens or alleged to be dependent, neglected, or

⁵ 34 U.S.C. § 11133(a). The JJRA amended this provision to require states to meet 33 requirements in their annual state plans, beginning with their state plans submitted for FY 2020 funding.



abused may not be detained or confined in any institution in which they have contact with adult inmates. (See 34 U.S.C. § 11133(a)(12))

3. *Removal of Juveniles from Adult Jails and Lockups (Jail Removal)* – Juveniles will not be detained or confined in any jail or lockup for adults, with certain statutory exceptions. (See 34 U.S.C. § 11133(a)(13))
4. *Disproportionate Minority Contact (DMC)* – States must address juvenile delinquency prevention efforts and system improvement efforts designed to reduce the disproportionate number of juvenile members of minority groups who come into contact with the juvenile justice system. (See 34 U.S.C. § 11133(a)(22))⁶

JJDP Act Requirements for OJJDP

Annually, as required by the JJDP Act, OJJDP reviewed state plans for compliance with the 28 requirements to determine eligibility for an award, including whether the state has described an adequate system of monitoring for compliance with the core requirements.⁷ OJJDP also reviewed and made a determination of the state’s compliance with each of the four core requirements. At the completion of each year’s compliance review, OJJDP issued a compliance determination letter (determination letter) to each state to inform of its eligibility and compliance status and if it was subject to any reductions in funding. Further, the JJDP Act required that the Administrator audit the state systems for monitoring for compliance with the core requirements, in order to assess the “adequacy” of these systems.⁸

⁶ The JJRA repealed the DMC core requirement and replaced it with the racial and ethnic disparities (RED) core requirement, effective October 1, 2019. Under the RED requirement, state plans must describe how they will “implement policy, practice, and system improvement strategies at the State, territorial, local, and tribal levels, as applicable, to identify and reduce racial and ethnic disparities among youth who come into contact with the juvenile justice system, without establishing or requiring numerical standards or quotas.”

⁷ The JJRA changed the requirement for states from having an “adequate” compliance monitoring system to an “effective” monitoring system, with respect to awards made in FY 2020 and subsequent years.

⁸ The JJRA amended the JJDP Act to include a provision, effective October 1, 2020, that the Administrator shall conduct audits that are in compliance with Generally Accepted Government Auditing Standards, also known as the “Yellow Book”, which is used by auditors of government entities, entities that receive government awards, and other audit organizations. It outlines the requirements for audit reports, professional qualifications for auditors, and audit organization quality control. 34 U.S.C. § 11322(d).



Administration of the Title II Formula Grants Program

The Office of the Assistant Attorney General (OAAG) is responsible for the overall management and oversight of OJP. This includes setting policy, promoting coordination among the OJP offices and bureaus, and ensuring that OJP policies and programs reflect the priorities of the President, the Attorney General, and Congress. This includes oversight of OJJDP.

Within OJJDP, the State Relations and Assistance Division (SRAD) is responsible for administering the Title II Formula Grants Program.⁹ OJJDP created SRAD in Fiscal Year 2018 as part of a reorganization that consolidated the Title II Formula Grants Program oversight duties of two existing OJJDP divisions. These duties include determining state eligibility for grants, compliance with core requirements, auditing of state systems of compliance monitoring, and performing Title II Formula Grant management functions. In Fiscal Year 2018, four employees in SRAD performed these functions, including two senior employees who were also responsible for assisting with training the two junior employees. SRAD is led by an Associate Administrator. The OJJDP Administrator and Deputy Administrator provide additional oversight for SRAD.

Determinations of State Eligibility and Compliance

Process for determining state eligibility for grants and compliance with core requirements

OJJDP's process to determine state eligibility for Title II formula grants and compliance with core requirements began with OJJDP issuing the solicitation for Fiscal Year 2018 Title II Formula Grants Program applications (Figure 1). The issuance of the solicitation was then followed by submission of state plans and other required state information such as compliance data and plans. OJJDP Analysts then reviewed and assessed the state plan and the state-submitted data and plans, and they contacted states, if necessary, to obtain any required additional information or corrections. Once the state plan and data review were completed,

⁹ 28 C.F.R. Part 31, Subpart A, OJJDP Formula Grants Program Regulation. The office of SRAD came into existence in October 2018 after merging the Title II Formula Grant Program functions of other OJJDP offices. For purposes of this report, we will use SRAD to cover current and previous iterations of these offices.



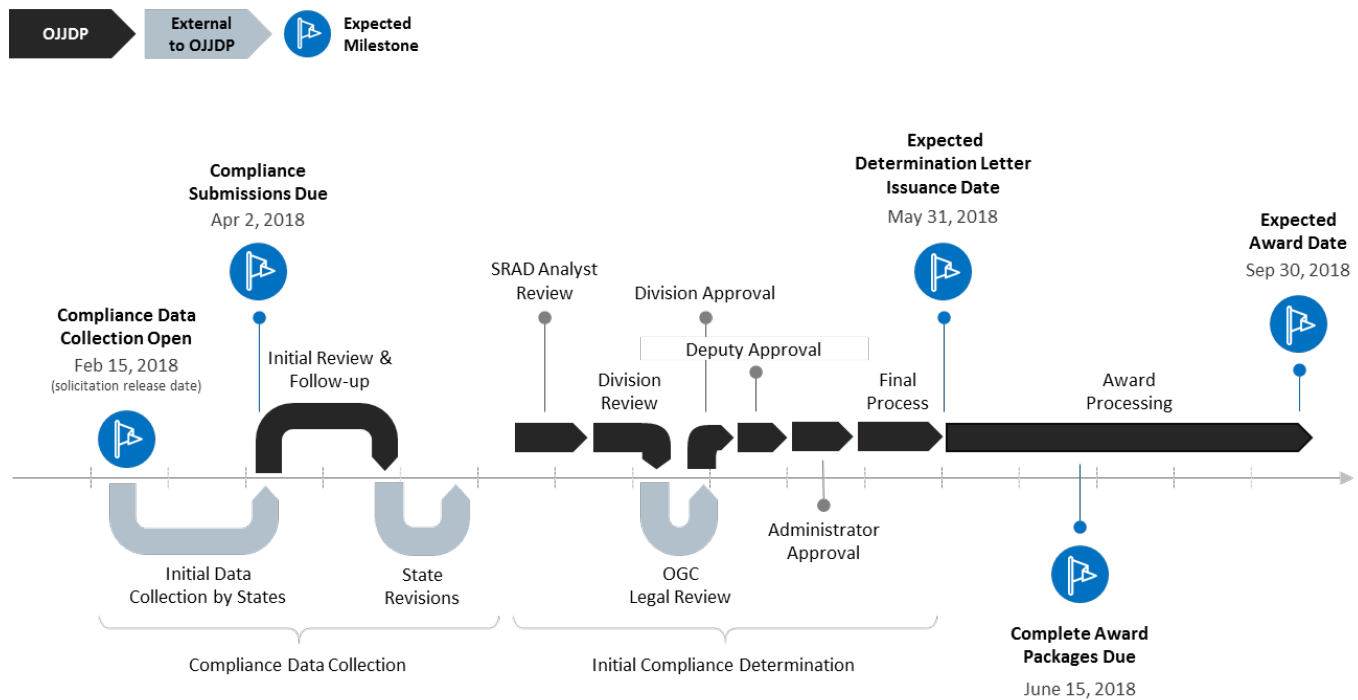
OJJDP made initial determinations of eligibility and compliance.¹⁰ Determinations of ineligibility and noncompliance were reviewed by OJP's Office of the General Counsel (OGC)¹¹ and by OJJDP leadership. OJP processed and allocated the award based on the outcome of the determinations. States were notified of the right to appeal the determinations of ineligibility or noncompliance, consistent with 28 C.F.R. Part 18. In accordance with OJP financial management practices, the process included key milestones intended to ensure that awards to states were obligated by September 30. See Appendix A for a detailed description of these process steps and Appendix B for specific documents reviewed.

¹⁰ When a state chooses not to participate or has been found ineligible to participate in the Title II Formula Grant program, the OJJDP Administrator "shall endeavor to make that State's allocation... available to local public or private nonprofit agencies within [the] state for use in carrying out activities of the kinds described in [the core requirements]" (34 U.S.C. 11133(d)). Awards made to entities in nonparticipating states are not otherwise subject to the specific requirements of the Formula Grants Program.

¹¹ In FY 2019 OJJDP requested that OGC review only determinations of ineligibility (and not determinations of compliance or noncompliance).



Figure 1: Eligibility and Compliance Determination Process Steps and Expected Milestones, Fiscal Year 2018



Note: OAAM derived this process map through review of a combination of business process narratives, routing data from OJJDP’s SharePoint tracking tool and the review of policies, tools, and templates. In Fiscal Year 2018, “OGC legal review” consisted only of legal review of determinations of ineligibility or noncompliance. Appeals of determinations could occur concurrent with these processes, with states having 30 days from when they received their final determination letter to file an appeal. The appeals process is not illustrated in the process map.

Changes in Processes Since Fiscal Year 2018

OAAM acknowledges that since Fiscal Year 2018 and during the course of development of this report, OJJDP updated, developed, and implemented tools, practices and policies, which substantially address many of the findings in the OAAM report. Specifically, OJJDP:

- Implemented a 2-phase determination process. States first apply during the fall for “category one,” which establishes basic eligibility for the Title II Formula Grants Program. If deemed eligible, states then apply for “category two”, to determine compliance with each of the core requirements, to determine whether states have provided for (described) an adequate (now “effective”) system of monitoring, and are thus eligible for an award, and to decide the amount of each state's Title II Formula Grant allocation, with decisions made by the end of February;



- Drafted a guidance document and checklist for staff for Fiscal Year 2020 determinations;
- Drafted an SOP manual for compliance determinations;
- Developed protocols for compliance determination documentation, including quality control through multiple supervisory reviews and staff training; and
- Reviewed OJJDP internal tools and trackers to analyze data pertaining to compliance determinations in order to determine timeliness and accuracy of determinations.
- Drafted a document that describes policies and procedures for determining risk and selecting states for audits;
- Begun drafting an SOP manual for compliance audits;
- Updated protocols for compliance audit documentation, including written requirements for how to store and maintain supporting documents;
- Held a first round of training for SRAD Analysts on auditing standards (SRAD staff will need 80 hours of audit training to meet standards); and
- Stated that OGC has agreed to review selected compliance audits for legal sufficiency.

While OAAM acknowledges that OJJDP took the steps described here, OAAM did not comprehensively review any of these steps for this assessment. Please see the addendum to this report “OJJDP Updates to Internal Controls and Program Management of the Title II Formula Grants Program” for further details on these and other updates to Title II Formula Grants processes since Fiscal Year 2018.

Finding 1 – OJJDP does not have documented comprehensive day-to-day procedures, including actions, roles and responsibilities, or expected standards for executing core business processes.

Lack of Written Procedures for OJJDP Compliance Processes

For compliance determination and audit processes that occurred in Fiscal Year 2018, OAAM found that OJJDP does not have written procedures that are sufficiently detailed for consistent implementation by SRAD Analysts.¹² OJJDP’s change in leadership, the organizational structure due to the newly created SRAD in Fiscal Year 2018, and ongoing development and revision of operating procedures impacted OJJDP’s ability to maintain updated policies and

¹² Employees in SRAD have various titles. However, throughout this report, we refer to them as SRAD Analysts, unless otherwise specified.



procedures. For example, OJJDP's policy, Monitoring of State Compliance with the Juvenile Justice and Delinquency Prevention Act (Compliance Monitoring Policy), describes the information that states were required to submit for determinations and describes the steps that OJJDP followed when conducting annual eligibility and compliance determinations. These descriptions, however, are a high-level summary and do not establish clear responsibilities or standards, definitions, or instructions. In addition, the descriptions from the Compliance Monitoring Policy do not inform how to use or assure the quality of the standalone tools, templates, and checklists that OJJDP has created or modified. Consequently, SRAD Analysts do not have descriptions of procedures that are sufficiently detailed for consistent implementation.¹³ The lack of comprehensive written procedures is inconsistent with the Government Accountability Office's (GAO) internal control standards for federal agencies, which says that management should document responsibilities in policies and further define policies through documentation of operating procedures.¹⁴ As OAAM discusses in its Addendum to the report, OJJDP made progress since Fiscal Year 2018 to strengthen written procedures for management of the Title II Formula grants program.

Lack of Procedural Documents for Appeals

OJJDP determination letters direct states of the right to appeal for findings of noncompliance or ineligibility by contacting the Office of the General Counsel. OAAM did not identify any written procedures by OJJDP or OGC for addressing state appeals of determinations of ineligibility or noncompliance, consonant with 28 C.F.R. Part 18. As a result, there is no documentation of OGC's role such as coordination with OJJDP, nor of OAAG's oversight of the appeals process, nor is there documentation of procedures and timelines for addressing and processing appeals. OAAM examined the duration of appeals and calculated that the North Carolina, Texas, and

¹³ OAAM's Audit Review Division also reviewed OJJDP's Title II Compliance Determination procedures during Fiscal Year 2018. This review was consistent with Office of Management and Budget (OMB) Circular A-123 Appendix A procedures, which sets requirements for how federal agencies should document and assess internal control procedures. ARD developed a Business Process Narrative (BPN) based on OJJDP policies, the JJDP Act, and existing Compliance Determination procedures, as observed during process walkthroughs. OAAM subsequently tested OJJDP's documented processes, as described in the BPN, and found no deficiencies.

¹⁴ GAO. *Standards for Internal Control in the Federal Government*, GAO-14-704G (Washington, D.C.: September 2014).



West Virginia appeals took 262, 405, and 252 days, respectively, to resolve.¹⁵ In Fiscal Year 2018, OGC worked directly with the states to resolve appeals. Without clear roles and responsibilities or documentation of expected timelines, there is a risk that future appeals will be delayed as well.

Finding 2 – Determinations were not made in accordance with timelines set by OJJDP policy.

OAAM examined the timeliness of eligibility and compliance determinations and found that none of the determinations were made by the May 31 deadline established by the Compliance Monitoring Policy that was effective for Fiscal Year 2018. The OJJDP Administrator signed 53 determination letters in Fiscal Year 2018 (Table 2), and these letters were signed 26 days late on average.

Table 2: Number of Determinations Completed and Number of Calendar Days Late, Fiscal Year 2018

	18 Days	22 Days	26 Days	29 Days +	Average	Total
Number of Determinations	12	17	17	7	26	53

As a matter of policy, the Office of the Chief Financial Officer (OCFO) set a target date of June 15, 2018 for completing award packages so that the OAAG would have sufficient time to review and approve awards. Based on our review of award processing data in the Grants Management System (GMS),¹⁶ OAAM found that OJJDP did not meet this June 15 target date. OJJDP officials told OAAM that the complexities of the Title II Formula Grants Program requirements have historically required OJJDP to request an extension of the OCFO deadline. These complexities include states appeals, state requests for a later submission date, and pending appeals of ineligibility determinations. Award packages for the Title II Formula Grants were completed in late August 2018. Nevertheless, when OAAM examined whether these late determinations impacted obligations of awards by the OJP established date of September 30,

¹⁵ Appeal durations are based on the difference in calendar days between i) the date a state submits an appeal request to OJP and ii) the final decision date from OJP. North Carolina (July 16, 2018 – April 4, 2019; 262 days); Texas (July 18, 2018 – August 27, 2019; 405 days); West Virginia (July 19, 2018 – March 28, 2019; 252 days)

¹⁶ GMS is a web-based application that OJP uses to manage and administer grants through their lifecycles. In Fiscal Year 2018, GMS was the official system of record for grant documentation.



we found that all awards under the Title II Formula Grants Program for Fiscal Year 2018 were obligated by the established deadline, despite late determinations and late award packages.

OAAM examined data from the Compliance Monitoring Tool¹⁷ and the Compliance Determinations Tracker¹⁸ to determine reasons the compliance determinations were late, and discovered two contributing factors: (1) Delays between state submission and OJJDP action; and (2) Compliance submission revisions requiring extra time by states to respond to OJJDP requests for additional information, corrections, or updates.

Delays Between State Submissions and OJJDP Action

Based on our analysis of time-stamped actions in the Compliance Monitoring Tool, we found two reasons for the delays. The first delay was between data submission by the states and a response from OJJDP, which averaged 22 days and affected 23 states and territories. The second delay fell between states' final submissions of certified data and the initiation of determinations by OJJDP. On average, this delay was 27 days.¹⁹ OJJDP officials shared that although time-stamped actions may show delays or lags, SRAD analysts work closely with the states throughout the compliance determination review process on tasks and actions not captured in the Compliance Determinations Tracker. For example, SRAD analysts spend significant time with multiple states to resolve issues with documentation, answer questions, and provide input as necessary during the review process. This contributes to states submitting revisions to compliance documentation as described below.

Compliance Submission Revisions

Twenty-three states needed an average of 41 days to complete revisions of their submissions. Most of these states (14) required one revision, while the remainder (9) required two or more

¹⁷ An online portal made available to states for submitting compliance data and plans

¹⁸ SRAD developed a process workflow website in SharePoint, commonly referred to as the Compliance Determinations Tracker. According to OJJDP, the Tracker serves as a centralized location for tracking determinations for each state.

¹⁹ This average excludes data associated with Puerto Rico and a determination made for North Carolina after the appeal, as they were outliers.



revisions. OAAM examined the comments in the Compliance Monitoring Tool to determine reasons for the return of submissions. States typically were asked for one or more actions, such as adding documents or reviewing data. In total, they were asked to take 74 actions (Table 3). The most common reason for returned submissions involved appendices required for compliance data submission. States typically were asked to add (or upload) the appendices.

Table 3: Actions and Reasons Compliance Data Submissions Were Returned to States, Fiscal Year 2018

Reason	Action				Total
	Add	Update	Review	None	
Appendices	21	2	6	0	29
Data	5	5	5	0	15
Facilities	4	7	1	0	12
Other	5	5	2	0	12
Returned at Request of State	0	0	0	7	7
Total	35	19	14	7	74

Source: OAAM analysis of OJJDP data

Appendices K and L were most often mentioned in the comments about appendices. Appendix K certifies the state has a policy in effect that requires individuals who work with juveniles and adult inmates to have training and certification to work with juveniles. Appendix L certifies the data and information submitted to OJJDP as “true, accurate, and complete.” OJJDP most often directed the state to add these certifications to their submission or to check its submission. Other reasons for returns involved data regarding a state’s compliance monitoring universe²⁰, specific facilities, or other topics. Submissions also were returned at the request of states; however, the comments in the Compliance Monitoring Tool did not indicate any reason. See Appendix C of this report for a full listing of the OJJDP comments.

²⁰ The compliance monitoring universe is defined as all facilities within a state that have authority to detain juveniles pursuant to law enforcement or juvenile or criminal court authority. Monitoring universe data is one reporting requirement that states submit to facilitate a determination of eligibility. The identification and classification of facilities within a state’s monitoring universe are two of the 10 elements that OJJDP assessed during periodic compliance monitoring audits to verify the “adequacy” (now “effectiveness”) of the state’s compliance monitoring system.



OAAM determined that the extensions granted to states for data submission were not a significant factor in late determinations. While 15 of the 53 states (28 percent) submitted their initial data after the April 2, 2018 deadline, all 15 submissions were made by May 2, 2018—within the extension window that OJJDP allotted.²¹ A more in-depth analysis demonstrated that the delay in OJJDP action and the rounds of revisions required had a more significant impact on timeliness.²²

While the late determinations did not result in any award obligations made after September 30, the determination timing does present risks. When determinations are late, the risk of errors made during the determination or the review processes increases because analysts or reviewers have less time to complete the process. Additionally, when determinations are late, less time is available for subsequent steps in the award process to meet required fiscal year obligation deadlines.

Finding 3 – Supporting documentation for determinations was not consistently maintained.

OAAM examined documentation in the Compliance Determinations Tracker and GMS for compliance determinations to assess whether all determinations were supported by the required documentation. Of the 53 determinations made, 39 determinations (74 percent) had all of the required documentation complete and accessible in the Compliance Determinations Tracker or GMS, while 14 determinations did not (Table 4). Of the 14 determinations with documentation issues, 12 did not have documentation accessible in the appropriate systems of record (e.g., the Compliance Determinations Tracker, GMS). In addition, of these 14 determinations with documentation issues, 12 determinations were for states determined to be eligible and in compliance with the core requirements. For more detail on documentation issues, see Appendix D, which includes a full listing of the issues by state and eligibility/compliance status.

²¹ Arkansas, Georgia, Guam, Idaho, Mississippi, Missouri, New Hampshire, New Jersey, New Mexico, North Carolina, Pennsylvania, Puerto Rico, South Carolina, US Virgin Islands, Washington. It took these states an average of 29 days after the April 2, 2018 due date to submit initial data, which was within the expected extension period.

²² Based on a regression using data sourced from the Compliance Monitoring Tool transaction audit log.



No. of States	Documents Not Stored in CDT or GMS as Required	Missing Documents	Incomplete Documents	Inconsistent Documents
14	12	1	2	1

Source: OAAM Analysis of Compliance Determinations supporting documentation

Table 5 lists the required documentation for the states and the OJJDP compliance assessment documentation. OJJDP told OAAM that for Fiscal Year 2018 determinations, the minimum required documentation expected to be in the Compliance Determinations Tracker included forms and checklists used by SRAD for reviewing eligibility and compliance, and the draft and final determination letter to the state with results of the review. However, staff in SRAD told OAAM that no clear guidance was given by OJJDP leadership on what documents needed to be in the Compliance Determination Tracker as opposed to GMS. We found several issues with required compliance documentation. For example, we did not find some of these documents in the SRAD Compliance Determinations Tracker or in GMS. In addition, for documents we did find, some had missing signatures. While some state documents were not found in the Tracker or in GMS, they were found in the Compliance Monitoring Tool. This means that the states did submit required compliance documentation; however, it was not uploaded by SRAD staff to the Tracker or to GMS as stated by OJJDP staff.

OJJDP Compliance Assessment Documents	State Compliance and Monitoring Documents
Compliance Determination Assessment Form (CDAF) for determining monitoring system adequacy and determining compliance with DSO, Jail Removal, and Separation. <i>Signed by the Compliance Analyst, Associate Administrator, and Deputy Administrator</i>	Three-Year State Plan, including projects, activities, proposed juvenile problem/needs analysis, and demonstrating compliance with the statutory requirements including the four core requirements
Compliance Determination Assessment Instrument (CDAI), also referred to as a DMC Rubric <i>Signed by the Compliance Analyst, Associate Administrator, and Deputy Administrator</i>	Compliance Monitoring Plan or Manual, DMC Plan, Relative Rate Index Analysis, and supporting documentation
Compliance Determination Letter <i>Signed by the Administrator</i>	Certifications – Compliance Monitoring Data, Training, Compliance Plans and Resources (as applicable), Rural Removal Exception (as applicable)
2018 Title II Programmatic Checklist	Compliance Monitoring Report and supporting documentation (monitoring universe)

Source: OAAM Analysis of Compliance Determinations supporting documentation descriptions in i) the 2018 Title II Formula Grants Program Solicitation, ii) OJJDP Policy – Monitoring of State Compliance (6/19/2017 version, effective Fiscal Year 2018), and iii) Compliance Determination Business Process Narrative.



Missing, Incomplete, and Inconsistent Compliance Documentation

In terms of the specific issues for the determinations, one was missing the Compliance Determination Assessment Instrument (CDAI), two had supporting documentation with missing signatures, and one had documentation inconsistent with the OJJDP determination.

As an example of inconsistent documentation in Fiscal Year 2018, Louisiana was assessed and initially found to have an inadequate system of compliance monitoring based on OAAM's review of the OJJDP Compliance Determination Assessment Form (CDAF). Specifically, staff in OJJDP marked a selection box on the CDAF for the statement, "*State has not provided for an adequate system as described in the FY 2018 Title II application materials.*" However, the determination letter signed by the Administrator found the state "eligible and compliant" for an award, which demonstrates how documentation, the CDAF, was inconsistent with the determination letter.²³

OAAM subsequently reviewed communications between OJJDP and Louisiana in the Compliance Monitoring Tool and found that the state provided additional requested documentation to be deemed eligible and compliant for the Fiscal Year 2018 award. Once Louisiana submitted the requested documentation, OJJDP staff did not update the CDAF (uncheck the ineligible box) to indicate the final determination of "eligible," indicating OJJDP did not have systems and controls in place to ensure all documentation is consistent with and reflects the final compliance determination.

Additionally, SRAD analysts did not check boxes on some Fiscal Year 2018 CDAFs which indicate whether states provided certification that the state has a policy that requires individuals who work with both juvenile and adult inmates to be trained. In these instances, SRAD Analysts included written comments on the CDAF that the states certified the policy; however, it is unclear why the check box was not marked on the CDAF as expected. Variation in OJJDP staff practices such as this one can contribute to inconsistent documentation.

²³ The Louisiana determination did not undergo legal review, as in FY 2018 OGC only reviewed determinations of states' ineligibility and noncompliance.



Documentation Stored in Different Systems

OAAM found that while states submitted all documentation into the Compliance Monitoring Tool as required, documents for 12 determinations were not copied over by SRAD Analysts to the Compliance Determinations Tracker. Our review of documents discovered that they were not in the Tracker as required, and comments by OJJDP and OGC in the Tracker identified missing documents. These documents included the compliance manual or monitoring plan, Appendix M certification, DMC plan, and/or the compliance monitoring report. These documents were important because they established state eligibility for an award and compliance with the core requirements, but they were not readily accessible for the Administrator to review, if needed, during the determination process.

OAAM found that state submission and OJJDP compliance assessment documents for determinations were stored in separate systems. For example, the CDAF, CDAI, determination letters, and most state-submitted documents were maintained in the Compliance Determinations Tracker. At the same time, the OJJDP programmatic checklists, state advisory group rosters, and 3-year state plans were included in each state's GMS application and award record instead of the Compliance Determinations Tracker.²⁴ Overall, staff did not consistently store the same document types in the Compliance Determinations Tracker or in GMS.

Multiple Versions of Documents

OAAM also found multiple versions of the CDAI in the Compliance Determinations Tracker for various determinations. The multiple versions appear to reflect corrections of errors based on missing signatures and digital conversion issues. OJJDP told OAAM that reviewer error contributed to multiple versions. OAAM asked OJJDP whether it had quality control procedures in place or conducted training for managing supporting documentation. OJJDP told us that a process and list of supporting documentation was being codified in a forthcoming SRAD manual. In addition, OJJDP staff said that some of these issues with documentation were the result of siloed oversight duties across multiple divisions before the 2018 reorganization and the creation of SRAD.

²⁴ For Fiscal Year 2019, OJJDP started to upload programmatic checklists to the Compliance Determinations Tracker for state determinations.



These issues with documentation pose a risk that reviewers, including the Administrator, may not have readily available access to complete and accurate documents that support determinations.

Overall, OAAM found that constraints posed by the capabilities of OJP's Grants Management System (GMS) contributed to OJJDP's documentation issues and need to have compliance documentation stored in various systems including its own newly developed web-based trackers for Fiscal Year 2018. In October 2020, OJP deployed a new DOJ-wide grants management system with improved grants management capabilities. With this deployment, OJJDP will have an opportunity to improve management of compliance documentation.

Finding 4 – Although information in compliance determination letters to states was accurate, status data entered in the OJJDP Compliance Determinations Tracker was not consistently updated.

When validating whether the Administrator made all compliance determinations as required by the JJDP Act (34 U.S.C. § 11133(c)), OAAM found that the Compliance Determinations Tracker was not consistently updated to reflect the outcome of compliance determinations. These statuses were not automated; they were entered manually into the Compliance Determinations Tracker by OJJDP staff. OJJDP told us that the version of the Tracker in use for the Fiscal Year 2018 determinations did not include functionality to allow for automatic reminders that would notify staff to follow up on the status of determinations. The Tracker showed 49 determinations of state compliance with "Complete" status, and four with "In Progress" status.²⁵ The "In Progress" statuses suggested the determinations were not complete at the time of our review; however, we found that these determinations were in fact complete. This finding is based on our analysis of supporting documentation, including signed letters from the Administrator stating that the states were (or were not) found to be compliant with the core requirements.

The Compliance Determinations Tracker also lacked the functionality to track appeals and did not include a feature for tracking appeals of completed determinations.²⁶ Of the 49 compliance

²⁵ The four states and territories were Northern Mariana Islands, Guam, Puerto Rico, and Rhode Island.

²⁶ OJJDP implemented revisions to the Compliance Determinations Tracker in Fiscal Year 2019, including a feature for tracking appeals.



determinations with complete statuses, two determinations were made for North Carolina. After resolution of North Carolina’s appeal of its first determination, OJJDP completed a new, second determination for North Carolina in the Tracker.

A lack of procedures for tracking appeals in the Tracker may also have contributed to the length of the appeals resolution process for North Carolina, Texas, and West Virginia described in Finding 1. Whether OGC was managing an appeal or OJJDP was working with states to address deficiencies such that a revised determination could be made (sometimes referred to as the Informal Appeals Process by OJJDP), in Fiscal Year 2018, the tracking of appeals would have provided benefit if the existing Tracker would have offered insight into the duration and the possible causes for delay. Additionally, improved tracking of appeals would have offered a method of keeping reviewers accountable to reasonable timeframes in the appeals process.

Routing challenges may also have contributed to data quality issues in the Compliance Determinations Tracker. While the Tracker’s deployment represented a significant shift toward automation and efficiency, users appeared to be experiencing challenges with routing determinations. OAAM reviewed comments made in the Tracker and found that the majority of comments (58 percent) involved routing and workflow issues (Table 6).

Comment Category	Number	Percent
Routing/Workflow	71	58
Technical Edit	32	26
Determination Details	20	16
Total	123	100

Source: OAAM analysis of Compliance Determination Tracker data

Users experienced challenges navigating the workflow due, in part, to user error and SharePoint issues; several comments specifically mentioned workflow challenges or errors, and indicated that the staff member needed to modify or reroute items. It is important for staff to be able to consistently use the routing/workflow tool to enable tracking of the status of compliance determinations.



Process for Auditing State Systems of Compliance Monitoring

The compliance audit²⁷ is the primary method for assessing the adequacy of state systems for monitoring compliance with the core requirements of the Title II Formula Grants Program (see Figure 2). States were selected for audits based on an assessment of their risk of having an inadequate system of compliance monitoring, using a risk assessment supported by OAAM's Enterprise Risk Management (ERM) Team. OJJDP initially planned the risk assessment as part of a 3-year cycle, with 18 states audited in each of these years. OJJDP adjusted this cycle in the second quarter of Fiscal Year 2018 after OJJDP determined it did not have the resources to conduct 18 audits in a single year. Under the new cycle, OJJDP planned to complete 15 audits per year over a 3.5-year period.

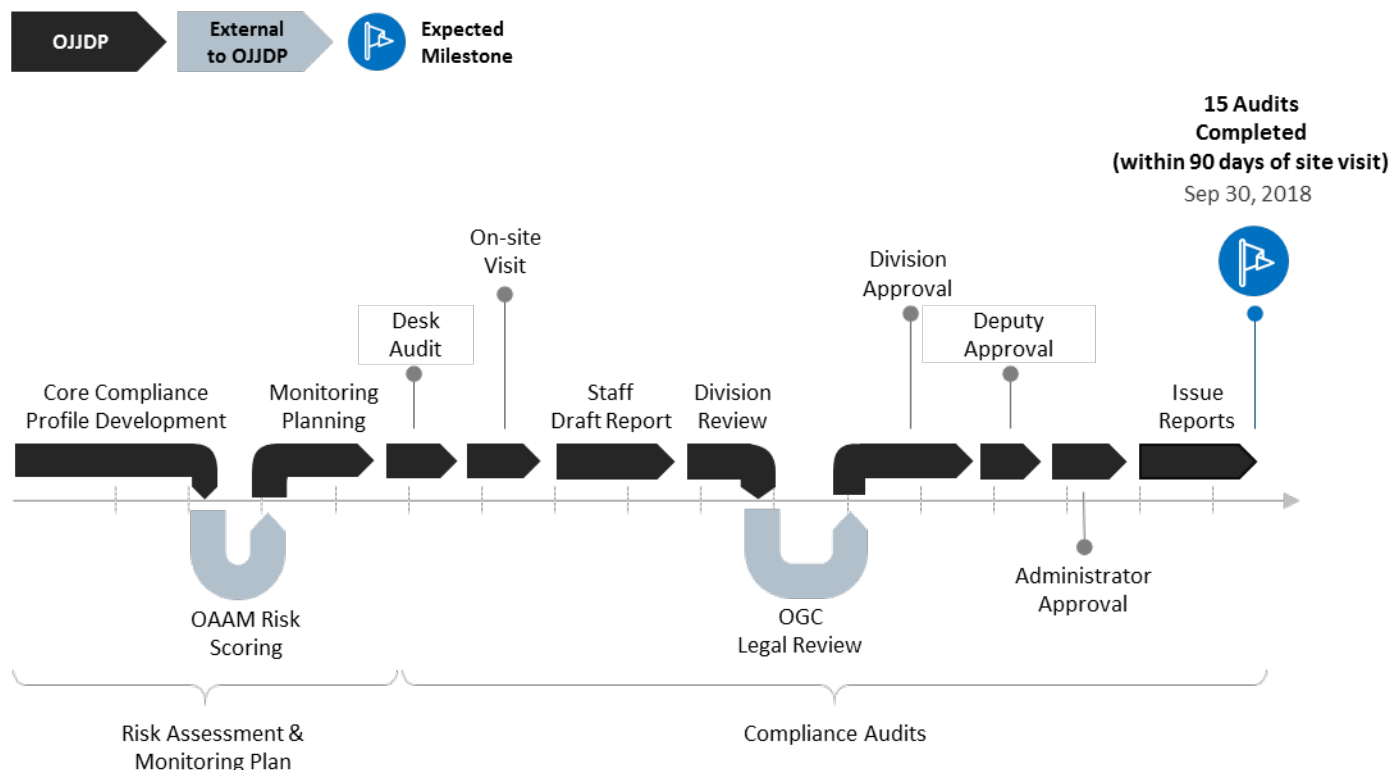
When conducting an audit of a state, the process included a desk audit during which OJJDP began collecting information and prepared for an onsite visit. For the desk audit, the SRAD Analyst would collect documentation and data from the state such as the agency's authority to monitor, identification and classification of facilities to be monitored, and how monitoring data were collected and reported. During the onsite visit, SRAD Analysts used a Field Audit Checklist to guide onsite data and information gathering and to verify information from the desk audit. After the visit, SRAD developed a draft report for review by OJJDP leadership. Attorneys from OGC reviewed the reports as well.²⁸ Upon approval by the Administrator, the report was issued to the state with findings and recommendations. See Appendix E for a more detailed discussion of the process for auditing state systems of compliance monitoring.

²⁷ OJJDP defines a Compliance Audit as an OJJDP review to assess whether states have provided for an adequate system of monitoring for compliance of the core requirements.

²⁸ OJJDP leadership said it eliminated OGC's review of draft reports in Fiscal Year 2019.



Figure 2: Process for Auditing State Systems of Compliance Monitoring and Expected Milestone, Fiscal Year 2018



Source: OAAM analysis of business process narratives, routing data from OJJDP’s SharePoint tracking tool, and policies, tools, and templates.

Finding 5 – Procedures for selecting and conducting compliance audits were not properly documented.

OJJDP outlined its processes for auditing state compliance monitoring systems in the OJJDP Guideline Manual, *Audit of Compliance Monitoring Systems*.²⁹ This since-rescinded manual established definitions and expectations associated with the function of the audit, and provided

²⁹ This manual was rescinded by DOJ on July 13, 2018 pursuant to a November 16, 2017 memorandum by then-Attorney General Jeffrey B. Sessions “prohibiting [DOJ] components from using guidance documents to circumvent the rulemaking process and direct[ing] components to identify guidance documents that should be repealed, replaced, or modified.” (See DOJ press release at <https://www.justice.gov/opa/pr/attorney-general-jeff-sessions-rescinds-24-guidance-documents> and the AG Sessions memorandum at <https://www.justice.gov/opa/press-release/file/1012271/download>).



a series of resources to help facilitate execution of audits and reviewing state-submitted compliance plans. It included templates for letters notifying states of a planned field audit and an outline for audit reports. The rescinded Guidance Manual was dated August 2000 and had not been updated. Instead, OJJDP updated certain tools found in the appendices in the Manual, specifically the audit report template (Appendix 4 in the Manual), in Fiscal Year 2018.³⁰

Additionally, although OJJDP performed an initial risk assessment³¹ in December 2017 in consultation with the OAAM ERM Team, OJJDP did not develop a procedural document detailing the steps associated with conducting the risk assessment. Steps, roles, and/or responsibilities remain undefined, including expected timelines, establishing or updating risk criteria, establishing and revising weights for specific risk criteria, standards around qualitative factors that might influence the plan, and involvement of and coordination with the ERM Team. Without clear roles and responsibilities or documentation of expected timelines and processes around risk criteria, weights and scoring, it is unclear whether compliance monitoring plans and audit schedules consistently remained risk informed.

Finding 6 – OJJDP did not provide desk audits and field audit documentation for review in a timely manner.

OJJDP was not able to provide the requested desk audit or field audit documentation in the period requested in order to complete this assessment. The desk audit allowed SRAD Analysts to review materials and information and begin the Field Audit Checklist. Field Audit Checklists, according to OJJDP, contain information used to inform the findings and recommendations in the Audit Report. Without this documentation, OAAM was unable to validate completion of the documentation used to support findings and recommendations from Compliance Audits. OAAM did not find evidence in the Audit Reports Tracker that the desk audits or Field Audit Checklists were completed.³²

³⁰ OJJDP also added a Field Audit Checklist (Appendix 3 in the Manual) in Fiscal Year 2019.

³¹ Risk defined as the risk of not being in compliance with Title II Formula Grants Program requirements.

³² Similar to its Compliance Determinations Tracker, OJJDP developed a process workflow website in SharePoint to facilitate review of the reports and track their progress.

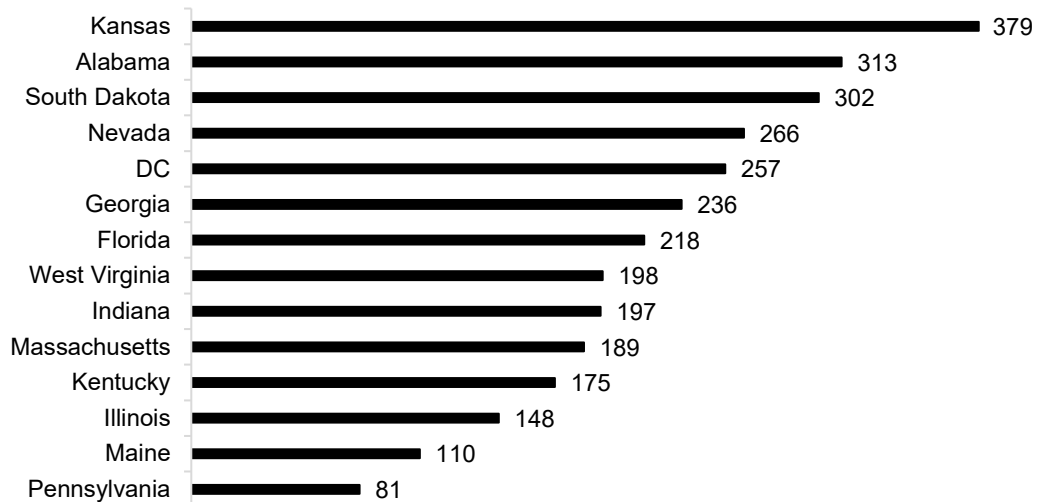


Finding 7 – OJJDP did not complete compliance audit reports in a timely manner consistent with its internal goals.

Compliance audit reports took more than twice as long to complete as the target set by the Administrator of “within 90 days of the onsite visit.” OAAM collected report routing data from the SRAD Audit Reports Tracker and calculated time for finishing compliance audit reports. OAAM found that, on average, OJJDP completed audit reports in 219 days from the final date of the compliance audit site visit.

Of the 14 compliance audit reports conducted during Fiscal Year 2018, one was completed within 90 days (Pennsylvania).³³ The duration for completing reports ranged from 81 days (Pennsylvania) to 379 days (Kansas) following the field work (Figure 3). Consequently, states were delayed in implementing any potential corrective actions for providing adequate state systems of monitoring for compliance with the core requirements.

Figure 3: States Receiving Onsite Audits in Fiscal Year 2018 and Calendar Days to Completion of Audit Report



Source: OAAM analysis of OJJDP compliance audit plans and reports, Fiscal Year 2018. See Appendix G for a complete listing of states with dates used to calculate durations.

³³ The end dates of the onsite visits were provided to OAAM by OJJDP. We extracted from the Audit Report Tracker the date on which the report was uploaded to GMS to represent audit report completion. We used the uploading of the final report to GMS as a completion indicator, because other monitoring reports produced by OJP are considered complete when the reports have received supervisor approval and are uploaded to GMS, the OJP system of record where grant recipients have access to the report findings and recommendations.



OAAM explored factors contributing to the durations of the audit reports. OAAM found that the draft versions of the reports were not uploaded to the Audit Report Tracker for review and approval in accordance with their targeted dates. The OJJDP Administrator set a target of uploading the report draft to the Audit Report Tracker within 45 days of completing the audit field work.³⁴ However, OAAM found that the draft reports were uploaded an average of 114 days after the completion of the audit field work. See Appendices H and I for a list of audit reports with report upload dates, onsite visit dates, and durations.

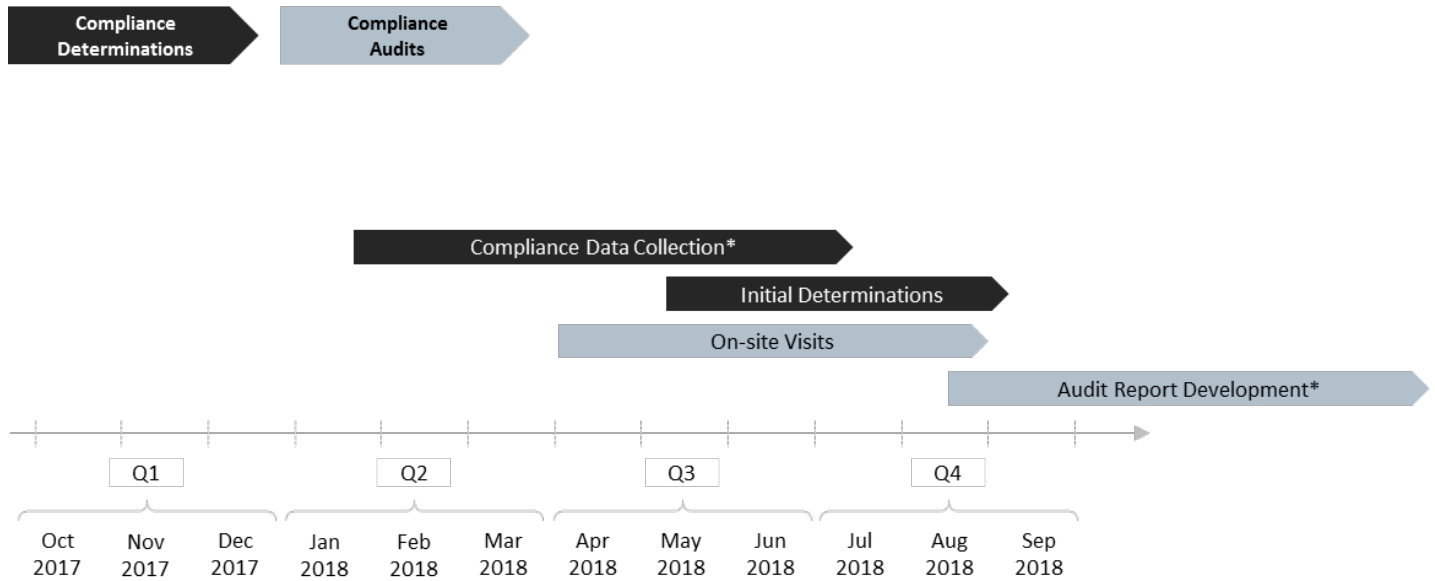
OJJDP officials stated that strained resources and competing priorities contributed to the delays in completing reports. More specifically, OJJDP officials indicated that report drafting for one audit was often concurrent with the conducting of other compliance audit monitoring site visits. This corroborated an OAAM analysis comparing data from the Compliance Determinations Tracker and the Audit Report Tracker. We found that all four of the SRAD Analysts conducting audit field work in Fiscal Year 2018 also were assigned roles in the compliance determination process. One SRAD Analyst participated in fieldwork for four compliance audits, developed three audit reports, and was responsible for OJJDP's review of compliance determination data for 11 states. This same SRAD Analyst also was responsible for the compliance audit report that took the longest time to complete (Kansas).

OAAM identified additional resource constraints for SRAD. When reviewing the scheduling of onsite visits, OAAM observed that the timing of SRAD's visits to states during Fiscal Year 2018 occurred during a time of the fiscal year when OJJDP staff were also occupied with compliance determination activities, including work associated with reviewing state data and making initial determinations (Figure 4).

³⁴ OJJDP staff said that the 45-day target was a goal for Fiscal Year 2019 audits. However, their Fiscal Year 2018 BPNs listed the 45-day target.



Figure 4: Overlap of Onsite Visits for Compliance Audits and Determinations Processes, Fiscal Year 2018



Note: (1) Compliance data collection included initial review, follow-up, and state revision and resubmission of the data. Excluding appeals and the deferral in collecting determination data granted to Puerto Rico because of Hurricane Maria, July 16, 2018 was the last date that a state or territory resubmitted and certified data in response to revision requests (Northern Mariana Islands). (2) The last report for audits planned for Fiscal Year 2018 was completed in Quarter 3 of Fiscal Year 2019 (Kansas, June 21, 2019).

Finding 8 – OJJDP audit recommendations were inconsistent with OJP and other federal definitions and practices

OJJDP officials stated that its audit recommendations are defined as suggestions or best practices but do not require implementation or further action from OJJDP or the state. These definitions are not consistent with government standards regarding recommendations. For example, the Generally Accepted Government Auditing Standards (GAGAS), which define standards for auditors of government entities, describe recommendations as specific calls for corrective action that should be followed up to ensure implementation.³⁵ Recommendations are typically directed to the cause of the finding to mitigate or prevent recurring deficiencies in

³⁵ GAO. Generally Accepted Government Auditing Standards, GAO-18-568G (Washington, D.C.: July 2018). As a matter of practice, organizations that perform audits of government entities, and entities that receive government awards, are expected to follow GAGAS, which provide a framework for performing high-quality audit work.



performance or compliance. In addition, OJJDP does not follow up to see if states have taken any actions to address the recommendations, which is inconsistent with OJP policy. Specifically, OJP's OCFO requires that grantees develop corrective actions plans for all recommendations stemming from a site visit.³⁶ In addition to OCFO's policy, the OJP Grant Management Manual directs Grant Managers to note in programmatic site visit reports how issues could be resolved, and it expects Grant Managers to follow up with grant recipients to ensure that the recipient meets obligations, and to collaborate with the recipient to resolve issues or questions.³⁷

Although OJJDP's compliance audits are structured differently and have a different purpose when compared to OJP financial and programmatic monitoring, it is reasonable to expect that issues found with the states will be addressed post audit to ensure compliance with Title II Formula Grants Program requirements. OJJDP officials told OAAM that their definition of "recommendation" does not require them to conduct follow-up, but they also noted they are considering using a different term such as "suggestion for improvement" in future audits, to be more consistent with accepted audit terminology.

OAAM examined OJJDP's audit reports and identified 47 findings and 79 recommendations across the 14 completed reports (Table 7). The count of recommendations suggests that OJJDP identified 79 opportunities or best practices for states to improve their systems of monitoring for compliance, but that OJJDP does not know if any of these recommendations were followed. The most common recommendations involved a need for written policies associated with state monitoring systems, and the second most common was a need for updated compliance manuals or additional information in the compliance manuals, which provide roles, responsibilities, and actions for the conduct of compliance monitoring by the states.

³⁶ OCFO Policy Statement 4006.1, September 29, 2014.

³⁷ OJP OAAM Grants Management Division, *OJP Grants Management Manual*, Washington, DC, December 2018, Section 7.2.



Table 7: Categories of deficiencies and counts of findings and recommendations in Fiscal Year 2018 audit reports

Category	Recommendations	Findings
Written Policies Needed	19	1
Compliance Manual Lacking Information/Needs Updating	11	7
Monitoring Universe Not Properly Identified/Classified	8	15
Training Needed for Staff	8	1
Data from State Needing Additional Verification	6	8
Inspections Not Occurring on Specified Timetable	6	1
Monitoring Authority Not Explicit	5	2
Violation of the Separation Requirement	5	1
Federal Definitions not Followed	3	2
State Inappropriately Using "Scared Straight" Style	3	1
Court Holding Facilities Not Properly Identified	3	0
Violation of the Deinstitutionalization of Status Offenders Requirement	2	7
Violation of the Jail Removal Requirement	0	1
Total	79	47

These audit results reported by SRAD suggested that a common challenge for states was developing or maintaining current policies and procedures for ensuring adequate systems of compliance monitoring, which are important internal controls. However, because some of these challenges were addressed as recommendations—and based on OJJDP’s practice of not following up on recommendations—there was no follow-up to determine whether the state eventually corrected the deficiencies. By not following up on recommendations, OJJDP diminished its ability to mitigate and prevent deficiencies it found in state compliance monitoring systems; this ultimately posed a risk to its ability to assess the adequacy of state systems of monitoring for compliance with the core requirements.

OJJDP also lacked written processes and guidance for following up on findings and recommendations. While states provided written responses to audit reports with their corrective action plans, there was no documented process in place for follow-up with states to confirm the execution of those plans. OJJDP leadership also reported that there was no formalized process for closing audits, which it described as “a significant issue.” In addition, at a September 2019 SRAD training for state juvenile justice staff, several participants said that Title II Formula



Grants Program requirements have increased in recent years, including Fiscal Year 2018, but that their view was that OJJDP does not provide adequate guidance or training to states on these requirements. Their perspective was that OJJDP's compliance audit recommendations then create additional considerations for states without follow-up or guidance, increasing the risk that states will not follow these recommendations.

Finding 9 – OJJDP did not adhere to federal auditing standards for maintaining audit documentation.

OAAM found that none of the documents in the Audit Report Tracker or other central location supported or related to the findings for audit reports. OAAM specifically searched for completed Field Audit Checklists because, according to OJJDP leadership, OJJDP-completed Field Audit Checklists should be uploaded to the Tracker. Field Audit Checklists are the primary tool used to collect information for the audit reports; therefore, they should contain documentation to support any findings, conclusions, or recommendations in the report.

OAAM found, however, that none of the Field Audit Checklists for the audits conducted in Fiscal Year 2018 had been uploaded; instead, OAAM found a total of 13 documents stored under the "Supporting Documentation" section of the Audit Report Tracker. These 13 documents were associated with seven completed audit reports. The remaining seven audit reports from Fiscal Year 2018 had no documents saved under the Supporting Documentation section. OAAM requested the Field Audit Checklists to examine whether they were complete, but OJJDP did not provide the Checklists to OAAM for examination. This is inconsistent with GAGAS, which states that auditors should prepare audit documentation containing evidence that supports the findings, conclusions, and recommendations of an audit, and should have this documentation be accessible for review by relevant external parties.

The gaps between federal auditing standards and OJJDP practices for supporting documentation can partially be explained by a lack of knowledge about federal auditing standards. OJJDP officials stated that they have not provided training to Analysts on federal auditing standards. Additionally, OJJDP's Title II Formula Grant documentation, such as the



Field Audit Checklist, did not include established procedures for properly documenting evidence for reports and uploading to SharePoint, which was launched in Fiscal Year 2018.³⁸

Finding 10 – Using the Audit Report Tracker for routing reports was a challenge for OJJDP.

OJJDP also faced challenges using its Audit Report Tracker, a system OJJDP created for the purpose of tracking the progress of its audit reports. When examining the routing data in the Tracker, OAAM found the data to be inconsistent or incomplete. Upon examination of comments in the Tracker, OAAM learned that reports were not properly following the workflow during the report review and approval phases. According to OJJDP leadership, the improper workflow was the result of user error. The improper routing resulted in incomplete data; however, the routing data associated with the report initiation and distribution did not have the same workflow issues. The routing data are input by SRAD Analysts, not reviewers, suggesting that the workflow issues occurred mainly during the review of the reports and were caused by inaccurate routing by reviewers.

³⁸ Although outside the scope of this specific assessment, we also examined the supporting documentation for audits scheduled in Fiscal Year 2019 and observed that the issue of lacking documentation continued. The documents that we found in the Audit Report Tracker were related to audit planning or were otherwise administrative in nature, such as letters notifying states of upcoming audits and cover letters for the reports. Although most of these Fiscal Year 2019 audit reports had not been completed at the time of our review, we observed the documentation saved in the Tracker as of August 2019 followed the same pattern that we observed for Fiscal Year 2018: an absence of documentation supporting the audit findings and recommendations.



Implementation of Office of Inspector General Recommendations

Of the 18 recommendations issued by OIG in its reports on the Title II Formula Grants Program, 15 have been closed (Table 8). OIG has accepted OJJDP's corrective action plan for remedying the three remaining open recommendations. Two recommendations from OIG-17-03 require guidance or rulemaking pertaining to the Jail Removal core requirement and the regulatory provision addressing the applicability of the Valid Court Order (VCO) exemption to the requirement regarding the deinstitutionalization of status offenders. To address the third open recommendation (OIG-17-31), OJJDP must finalize its internal guidance for employees to ensure that audits are routinely performed and that standards are objectively applied. For a complete listing of the recommendations and their statuses, see Appendix I.

Table 8: Status of recommendations for OIG reports issued about the Title II Formula Grants Program

Report	Closed	Resolved
<i>A Report of Investigation of Certain Allegations Referred by the Office of Special Counsel Concerning the Juvenile Justice and Delinquency Prevention Act Formula Grant Program. Report 17-03, July 2017.</i>	3	2
<i>Audit of the Office of Juvenile Justice and Delinquency Prevention Title II Part B Formula Grant Program Related to Allegations of the OJJDP's Inappropriate Conduct. Report 17-31, July 2017.</i>	3	1
<i>A Review of Allegations Referred by the Office of Special Counsel Concerning the Office of Justice Programs' Administration of the Disproportionate Minority Contact Requirement of the Title II Part B Formula Grant Program. Report 17-05, October 2017.</i>	8	—
Total	15	3



Conclusion and Recommendations

Since OIG issued its recommendations related to the Title II Formula Grants Program, OJJDP has taken steps to improve administration of the Program, including developing checklists to improve completeness and accuracy of determinations, and developing the compliance determination and Audit Report Trackers to facilitate processing and tracking of these processes. These and other improvement efforts remain ongoing.

However, during Fiscal Year 2018—the focus of this assessment—OJJDP still had deficiencies in its compliance determination and audit procedures, which could increase the risk of states having an ineffective system of compliance monitoring for FY 2020 and subsequent years. The lack of documented or regularly updated procedures and policies increased risks, such as delays in final determinations and audit reports, limited quality controls for supporting data and documentation, and reviewers' lack of access to documents that support determinations and audits. In addition, SRAD did not consistently follow up with states about recommendations from audit reports, increasing the risk that states might not address issues in a timely manner; this could affect the current effectiveness of the state's compliance monitoring system. Overall, while OJJDP made updates and changes in its structure and procedures, it had not taken steps to ensure these changes were implemented consistently, nor had it effectively trained staff on new procedures. This put at risk OJJDP's ability to ensure consistency for purpose of audits or other external reviews.

The root causes of these deficiencies appear to be related to a lack of an SOP, lack of training on federal standards for auditing, limited balancing of workload across the fiscal year, and insufficient internal control approaches.

To mitigate these risks, continue to improve processes, and ensure quality and timeliness, OJJDP should:

1. Develop and implement an SOP for eligibility/compliance determinations including but not limited to:



- Quality standards, such as definitions of expected standards for compliance determination tools (*OJJDP indicated they have since developed these documents and they are now in use by staff.*); and
 - Processes for tracking progress against established goals and timeframes for making eligibility/compliance determinations, to include targets (*OJJDP stated these are in progress.*).
2. Develop and implement an SOP for compliance audits to include but not limited to:
- A revised guidance manual (*OJJDP stated this manual is in progress*);
 - An updated risk assessment policy that codifies recent changes in the methodology (*OJJDP provided OAAM the updated policy .*);
 - Quality standards, such as tracking progress towards agency goals;
 - Roles and responsibilities, including points of necessary coordination with entities outside of OJJDP, such as OGC and OAAM's Enterprise Risk Management Team;
 - Define the standards for when a compliance audit is referred for legal review; and
 - Target timeframes, with mechanisms and processes for tracking progress to goals and adherence to established timeframes for completing compliance audit reports and conducting appropriate follow-up.
3. Provide training to OJJDP staff on auditing techniques to ensure compliance audits are conducted more in line with government auditing standards. (*OJJDP provided training in February 2020 on audit processes and has further training planned.*)

Finally, OAAG should:

4. Ensure that OJJDP and OGC establish and define roles and responsibilities in the eligibility, determination, and appeals process, as necessary. (*OJJDP and OGC have begun informal discussions of their respective roles. However, they have not issued any formal guidance at the time of this report.*)



Addendum: OJJDP Updates to Internal Controls and Management of the Title II Formula Grants Program

Background

In Fiscal Year 2018, the subject year of this review, the OJP Office of Juvenile Justice and Delinquency Prevention underwent significant changes. These included a change in leadership with the appointment of a new administrator, an office reorganization that combined two divisions with three supervisors that managed Title II Formula Grants Program into a single division (SRAD) with one supervisor for streamlined management, and the development and revision of policies, procedures, and tools.

Additionally, in Fiscal Year 2018, OJJDP continued to work to resolve recommendations from the DOJ Office of the Inspector General and the Office of Special Counsel. The recommendations stemmed from a comprehensive review of the Title II Formula Grants program started in 2008, by the Office of the Inspector General (OIG) and Office of Special Counsel (OSC). In 2017, the OIG and OSC issued three reports with a total of 18 recommendations. Sixteen (16) of the 18 have been closed. The remaining 2 recommendations are resolved, and the work necessary to close them is in the final stages of review before being submitted to OIG.

In December 2018, Congress passed the Juvenile Justice Reform Act of 2018 (JJRA of 2018), reauthorizing the Juvenile Justice and Delinquency Prevention Act of 1974, which among other requirements necessitated another review of practices and development of procedures to guide the administration of Title II under the latest reauthorization. Specifically, the JJRA of 2018 directed the Government Accountability Office (GAO) and OAAM to review Title II internal controls, program compliance, as well as comprehensive reviews of all OJJDP programs. The GAO and OAAM audits have been ongoing since spring of 2019. Although OJJDP was already engaged in Title II improvement efforts, Fiscal Year 2018 was the most recent year Title II Formula Grants were awarded for OAAM to assess OJJDP's internal controls following passage of the JJRA of 2018.



Changes in OJJDP Internal Controls and Processes Since Fiscal Year 2018

Since fiscal year 2018 and during the course of development of this report, OJJDP has updated, developed, and implemented tools, practices and policies, which substantially address many of the findings in the OAAM report. OAAM is including OJJDP's Title II Formula Grants process updates in this Addendum to acknowledge the progress made to date in addressing OAAM's recommendations and improve the over administration of the Title II Formula Grant Program. As a continuum of this report, OAAM will formally and periodically review and assess OJJDP's, and where applicable, OGC's actions, until all recommendations are resolved and closed as part of our report resolution process.

To address findings in this report, OJJDP has drafted or completed compliance determination and audit manuals and standard operating procedures documents as well as implemented the steps described below.

Specifically, OJJDP has taken the following steps to update and refine their compliance determination processes since Fiscal Year 2018:

- Implemented a 2-phase determination process. States first apply during the fall for "category one," which establishes basic eligibility for the Title II Formula Grants Program. If deemed eligible, states then apply for "category two", to determine compliance with each of the core requirements, to determine whether states have provided for (described) an adequate (now "effective") system of monitoring, and are thus eligible for an award, and to decide the amount of each state's Title II Formula Grant allocation, with decisions made by the end of February.
- Drafted a guidance document and checklist for staff for Fiscal Year 2020 determinations; this includes a Quick Tip sheet for the determination process that standardized naming conventions across the files, and assists staff in their daily work.
- Drafted an SOP manual for compliance determinations.
- Developed protocols for compliance determination documentation, including quality control through multiple supervisory reviews and staff training; and Reviewed OJJDP internal tools and trackers to analyze data pertaining to compliance determinations in order to determine timeliness and accuracy of determinations.



- Developed a formal Compliance Extension Letter template for use by the states when requesting data submission extensions, and for use by staff in tracking extension requests.

OJJDP has taken steps to update and refine their compliance audit processes: to include:

- Drafted a document that describes policies and procedures for determining risk and selecting states for audits.
- Begun drafting an SOP manual for compliance audits.
- Updated protocols for compliance audit documentation, including written requirements for how to store and maintain supporting documents.
- Held a first round of training for SRAD Analysts on auditing standards (SRAD staff will need 80 hours of audit training to meet standards).
- Coordinating with OGC to review selected compliance audits for legal sufficiency.

OJJDP has made additional changes and updates that have had an impact on the Title II Formula Grants Program, specifically OJJDP has:

- Created new position descriptions for staff assigned to the SRAD.
- Initiated certificate programs for 4 groups – SAG members JJ specialists, RED coordinators, and compliance monitors; SAG and RED Coord. *In drafting process*
- Initiated the Facility Superintendent training certificate program (third cohort completes in Jan 2021).
- Reconstituted the Federal Advisory Committee on Juvenile Justice (FACJJ), and three subcommittees.
- Initiated quarterly phone calls with SAGs, JJ Specialists, Compliance Monitors, and RED Coordinators.
- Overhauled the OJJDP website to include an interactive state map, with every state's three-year plan now available to the public.



Appendix A. Processes for Determining Eligibility and Compliance

OAAM derived the following process description through a combination of business process narratives, routing data from OJJDP's SharePoint tracking tool and the review of policies, tools, and templates.

Compliance Data and Plan Collection

After issuing the solicitation, OJJDP opens the Compliance Monitoring Tool, an online portal made available to states for submitting compliance data and plans. States then are provided a due date for submitting their data and state plans; in Fiscal Year 2018, the due date was April 2, and states had the opportunity to request a 30-day extension. Upon initial review of submitted data and plans, SRAD may request additional information or corrections when incomplete or incorrect submissions are found. States then would need to respond with revised submissions.

Eligibility and Compliance Determinations

OJJDP uses the data and documentation submitted by states to make initial determinations of eligibility and compliance. SRAD developed a process workflow website in SharePoint, commonly referred to as the Compliance Determinations Tracker. According to OJJDP, the Tracker serves as a centralized location for tracking determinations for each state.³⁹ As such, the Tracker records the process steps or "routing workflow" and includes a tab for storing supporting documentation for the determination. In Fiscal Year 2018, OJJDP intended to have determinations completed by May 31, in accordance with the OJJDP *Monitoring of State Compliance with the Juvenile Justice and Delinquency Prevention Act* (Compliance Monitoring Policy).⁴⁰

The determinations process involves multiple roles. In SRAD, the determination is initiated by an Analyst, who reviews data and documentation submitted by states to assist in making first a

³⁹ OJJDP first initiated use of the SharePoint site for tracking compliance determinations in Fiscal Year 2015. The SharePoint site was developed by the Office of the Chief Information Officer (OCIO) in conjunction with SRAD. The site was substantially expanded and updated in 2018, again by SRAD working in conjunction with OCIO.

⁴⁰ A revised Compliance Monitoring Policy in 2019 changed the date from May 31 to June 30, effective October 2019.



determination of eligibility, then a determination of compliance with the four core requirements. In Fiscal Year 2018, SRAD Analysts used the Compliance Determination Assessment Form (CDAF) to assess compliance monitoring system adequacy and to analyze state compliance with the DSO, Separation, and Jail Removal requirements. SRAD also used its Compliance Determination Assessment Instrument (CDAI) tool to assess DMC compliance. Once completed by a SRAD Analyst, determinations are routed to the SRAD Associate Administrator, OGC,⁴¹ the Deputy Administrator, and the Administrator for review and approval. The final output—and completion—of the determination process is a determination letter signed by the Administrator.

Award Allocations

States found to be out of compliance with one or more of the core requirements will have their award amounts reduced, with those reductions redistributed to eligible and compliant states. Once the award amount is approved, the Associate Administrator of the OJJDP Budget Division saves a listing of the award amounts to the OJJDP shared drive for use in developing the award package. OJJDP provides the package for review and approval to the Office of the Chief Financial Officer (OCFO) and the Office of the Assistant Attorney General (OAAG), consistent with OJP practice and policies. The final steps of the award process involve addition of grant special conditions; grant commitment; and, finally, grant obligation. According to OCFO, OJP's goal is to ensure all awards are obligated by September 30, the end of the fiscal year.⁴²

⁴¹ In Fiscal Year 2018, OGC reviewed determinations of noncompliance with core requirements. In FY2019 OGC did not review any determinations of compliance or noncompliance. In FY 2020, OGC reviewed all determinations of compliance and noncompliance. OGC has reviewed tools utilized by OJJDP staff when making compliance determinations and continues to review determinations for those states determined to be ineligible for Title II Formula Grant Program funding.

⁴² If appropriations are not obligated by September 30 each Fiscal Year, Congress may rescind the balances of unobligated awards.



Appendix B. OJJDP Title II Formula Grants Program Documents including Policies, Procedures, Tools, Templates, Checklists, and Other Relevant Documents

OAAM reviewed and classified nearly 40 documents OJJDP provided that govern and support implementation and oversight of the Title II Formula Grants Program. The documents focus primarily on compliance determination and compliance audit procedures and processes. Tables B1 and B2 in this appendix profile the types and subjects of documents from OJJDP and Table B3 provides an itemized list of documents and their purposes. These are unique documents, meaning they are separate and counted one time in these tables. These documents enabled OAAM to identify policies, procedures, templates, checklists, and tools that we used to assess the internal controls for the Title II Formula Grants Program in Fiscal Year 2018. OJJDP also provided example documentation for select states to illustrate OJJDP procedures for documenting decisions and communications.

Additionally, during the course of this assessment, OJJDP provided documents to OAAM that had implications on later fiscal years, particularly Fiscal Year 2019. OJJDP provided the Fiscal Year 2019 documents to show progress and results of their ongoing efforts to update policies, procedures, and tools as a result of the OIG reviews and to address issues OAAM discussed with OJJDP during this review. OAAM included the Fiscal Year 2019 documents in this appendix to help track the evolution of the OJJDP documents over time.

Document Type	Count of Document Type
Template, Tool, or Checklist	18
Communication (e.g., emails, web content, notification letters)	6
OJJDP Policy	5
DOJ/OJP Policy or Procedure	3
Data Table or Workbook	2
OJJDP SOP or Manual	1
Solicitation	1
Total	36



Document Topic	Count of Document by Subject Matter
Compliance Determination	10
Compliance Audit	10
Application/Budget Review/Award	8
Compliance Determination, Compliance Audit, and Appeals	3
Appeals Only	2
Authority on All Legal Matters	1
Prohibition of Improper Guidance Documents*	1
Grants Administration & Management	1
Total	36

*Note: The source document associated with this topic is the Attorney General Memorandum regarding *Prohibition on Improper Guidance Documents*. (November 16, 2017). This memorandum is not specific to OJJDP or OJP.



Table B3: Catalogue of Documents Submitted by OJJDP to OAAM for Purposes of this Assessment

Topic	Relevant Fiscal Year	Document Name	Document Purpose	Document Type	File Type	Effective Date	Created Date	Last Modified Date	
Compliance Determination	2018								
		Compliance Determination Assessment Instrument (CDAI)	Facilitate OJJDP scoring of DMC identification, assessment and intervention	Template, Checklist, or Tool	Excel	Not Provided	3/21/2017	5/9/2018	
		FY 2018 Core Requirements Compliance Profile and Compliance Determination Analysis Form: DSO; Separation; Jail Removal (CDAF)	Determine whether the state provided for an adequate monitoring system and analyze DSO, Separation, and Jail Removal requirements	Template, Checklist, or Tool	Excel	Not Provided	7/22/2015	4/18/2018	
	2019								
		Compliance Standards	Communicate the compliance standards that were to be used in making compliance determinations based on FY 2018 compliance data	Communication	PDF	8/31/2018	Not Provided	N/A	
		DMC Data Collection and Compliance Review Tool for FY 2019 Title II Category II (FINAL)	Determine state's compliance with the DMC requirement	Template, Checklist, or Tool	Excel	Not Provided	4/9/2019	5/29/2019	
	DMC Data Collection and Compliance Review Tool for FY 2019 Title II Category II (DRAFT)	Assess DMC data collection and compliance for FY 2019 Title II category II	Template, Checklist, or Tool	Excel	Not Provided	4/9/2019	5/23/2019		



Core Requirements Compliance Profile - Determination of Monitoring System Adequacy - 2019 (CDAF Category 1 - Vermont Sample)	Determine whether state has or has not provided for an adequate system of monitoring as described in the FY 2019 Title II application materials	Template, Checklist, or Tool	Excel	10/1/2018	7/22/2015	1/9/2019
Compliance Determination Analysis Form - FY 2019 Determination Using FY 2018 Data: DSO; Separation; Jail Removal (CDAF Category 2, Draft)	Analyze DSO, separation, and jail removal requirements	Template, Checklist, or Tool	Excel	Not Provided	7/22/2016	3/22/2019
Core Requirements Compliance Profile - Determination of Monitoring System Adequacy - 2019 (CDAF Category 1)	Determine whether state has or has not provided for an adequate system of monitoring as described in the FY 2019 Title II application materials	Template, Checklist, or Tool	Excel	Not Provided	7/22/2015	9/4/2019
Compliance Determination Analysis Form - FY 2019 Determination using FY 2018 data: DSO; Separation; Jail Removal (CDAF Category 2)	Analyze DSO, separation, and jail removal requirements	Template, Checklist, or Tool	Excel	Not Provided	9/3/2019	9/4/2019
JJDPA Core Requirements compliance Profile (Sample, Alaska)	N/A	Template, Checklist, or Tool	PDF	Not Provided	8/20/2019	8/20/2019

Compliance Audit

2018



Compliance Monitoring Risk Assessment Policy, April 2017	Establish a process to continually assess state compliance monitoring systems and to identify in a timelier fashion when onsite audits, training/technical assistance, and other review activities are needed to ensure that states are meeting compliance monitoring requirements specified in JJDP Act and in the Formula Grants Program Regulation at 28 C.F.R. Part 31, Subpart A.	Policy	PDF	4/17/2017	Not Provided	5/7/2019
Compliance Monitoring Risk Assessment, December 2017 (Presentation)	Provide guidance on risk criteria, how states risk rankings should be determined, and how monitoring plans should be developed	Communication	PDF	Not Provided	12/7/2017	2/8/2018
2019						
Audit Report Cover Letter	Offer staff a template letter that serves as a follow-up to the compliance monitoring field audit conducted in a state	Template, Checklist, or Tool	MS Word	2019	2/27/2019	5/23/2019



Compliance Monitoring Risk Assessment Policy, May 2019	Establish a process to continually assess state compliance monitoring systems and to identify when onsite audits, training/technical assistance, and other review activities are needed to ensure that states are meeting compliance monitoring requirements specified in the JJDP Act.	Policy	MS Word	Not Provided	5/7/2019	6/6/2019
Compliance Monitoring Risk Assessment Policy, June 2019	Establish a process to continually assess state compliance monitoring systems and to identify when onsite audits, training/technical assistance, and other review activities are needed to ensure that states are meeting compliance monitoring requirements specified in the JJDP Act.	Policy	PDF	6/6/2019	Not Provided	6/6/2019
Audit Closure Letter	Offer staff a template letter that communicates the final determination of adequacy of the state's system of compliance monitoring.	Template, Checklist, or Tool	MS Word	Not Provided	2/27/2019	2/27/2019
JJDPA Monitoring Decisions Tracker, FY 2019-2021	Provide Title II state recipient compliance audit monitoring decisions and applicable dates	Template, Checklist, or Tool	Excel	Not Provided	12/7/2017	7/10/2019



Appendix 3: Field Audit Checklist	Provide staff with a checklist to guide audits.	Template, Checklist, or Tool	PDF	Not Provided	9/4/2019	9/4/2019
Compliance Monitoring Risk Assessment; Slide: Criteria Used in the Risk Assessment	Communicate risk assessment criteria	Communication	PDF	Not Provided	1/25/2018	9/10/2019
2018 and 2019						
Compliance Monitoring Audit Report	Offer staff a template for a compliance monitoring field audit report that reviews the state's compliance with the DSO, separation, and jail removal core requirements and assesses the adequacy of the state's compliance monitoring system.	Template, Checklist, or Tool	MS Word	Not Provided	7/10/2018	5/23/2019
Audit Notification Letter	Offer staff a template letter to notify the state that OJJDP will conduct a field audit to assess the adequacy of the state's compliance monitoring system pursuant to 34 U.S.C. § 11133(a)(14) and 28 C.F.R. 31.303(f)(1)(and (2) and the scheduled dates of the audit.	Template, Checklist, or Tool	MS Word	2019	8/15/2017	8/15/2017



OJJDP Guideline Manual - Audit of Compliance Monitoring Systems (Rescinded)	Set forth OJJDP's policies and procedures governing the audits of state compliance monitoring systems.	SOP/Manual	PDF	2019	8/21/2000	7/03/2018
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Appeals

2018						
OJP Final Agency Decision on WV Appeal of FY 2018 Title II Formula Grant Determination	Communicate OJP final agency decision denying or sustaining the state's appeal of determination of ineligibility/noncompliance for WV (FY 2018)	Communication	PDF	3/28/2019	3/28/2019	3/28/2019
Recommendation Memorandum - The State of West Virginia's pending administrative appeal of OJJDP's finding of ineligibility for a Fiscal Year 2018 Title II, Part B Formula Award	Draft version of OJP final agency decision on WV appeal of FY 2018 Title II formula grant determination to communicate OJP/OJJDP's final eligibility/compliance determination for WV (FY 2018)	Communication	PDF	3/15/2019	3/15/2019	3/15/2019

Compliance Determination, Compliance Audit, and Appeals

2018						
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	OJJDP Policy: Monitoring of State Compliance with the Juvenile Justice and Delinquency Prevention Act (June 2017)	(1) Describe the information that states must submit to demonstrate compliance with the core requirements and that ensures that each participating state maintains an adequate system of monitoring as required in section 223(a)(14) of the JJDP Act and 28 C.F.R. 31.303(f)(1)(and (2). (2) Detail the steps that OJJDP will undertake when conducting annual compliance determinations based on data submitted by the state and when assessing the adequacy of state monitoring systems..	Policy	PDF	6/19/2017	6/19/2017	3/20/2019
2019							
	State Assignments	Assign specific states to staff	Communication	PDF	11/1/2018	2/19/2019	Not Provided
	OJJDP Policy: Monitoring of State Compliance with the Juvenile Justice and Delinquency Prevention Act (May 2019)	Update OJJDP policy on monitoring of state compliance pursuant to the JJDP Act and the new SRAD category 1 and 2 review processes	Policy	MS Word	Not Provided	5/20/2019	5/20/2019
2020							



OJJDP Policy: Monitoring of State Compliance with the Juvenile Justice and Delinquency Prevention Act (September 2019)	(1) describe the information that states must submit to demonstrate compliance with the core requirements and that ensures that each participating state maintains an effective system of monitoring as required in section 34 U.S.C. 11133 (a) (14) (2) describe the steps that OJJDP will undertake when conducting annual compliance determinations based on data submitted by the state and when assessing the effectiveness of state monitoring systems.	Policy	PDF	10/1/2019	9/4/2019	9/4/2019
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**Application/
Budget
Review/Award**

2018						
Overview for SRAD Staff - FY 2018 Title II budget guidance & FY 2018 Title II budget review checklist	Provide overview for SRAD staff on budget review	Template, Checklist, or Tool	MS Word	Not Provided	5/20/2019	5/20/2019
FY 2018 Title II Application Review Checklist	Instruct grants management specialists how to review FY 2018 Title II state applications	Template, Checklist, or Tool	MS Word	Not Provided	5/20/2019	5/20/2019
Distribution of Juvenile Justice Formula Grants by State (Web)	Provide descriptive statistics of the distribution of JJ formula grants by Fiscal Year	Communication	Web	Unknown	Not Provided	Unknown



Distribution of Juvenile Justice Formula Grants by State - FY 2018 (1)	Provide an overview of Title II award allocations, amounts and PREA adjustments in FY 2018	Data Table or Workbook	Excel	Not Provided	8/17/2017	8/16/2018
Distribution of Juvenile Justice Formula Grants by State - FY 2018 (2)	Provide an overview of FY 2018 Title II award allocations	Data Table or Workbook	PDF	Not Provided	8/27/2018	10/3/2018

2019

OJJDP FY 2019 Title II Formula Grants Program: Year 2 of the 3-Year Plan	Seek applications for funding under the FY 2019 Title II Formula Grants Program. This program furthers the Department's mission by providing funding to the states to develop programs to address delinquency and improve the juvenile justice system.	Solicitation	PDF	N/A	8/30/2018	9/19/2018
FY 2019 Title II Category 1 Programmatic Review Checklist	Instruct grants management specialists how to review FY 2019 Title II state applications - Cat 1	Template, Checklist, or Tool	MS Word	Not Provided	10/26/2018	10/26/2018
FY 2019 Title II Category 2 Programmatic Review Checklist	Instruct grant management specialists how to review FY2019 Title II state applications - Cat 2	Template, Checklist, or Tool	PDF	Not Provided	2/21/2019	2/26/2019

**Authority on All
Legal Matters**

2018



OJP O 1001.5F - Office of the General Counsel (11.14.2017)	Delegate authority and responsibilities to the General Counsel (OGC) of the OJP, to the extent permitted by law. Note: A version of this policy has been in place since 1987.	DOJ/OJP Policy or Procedure	PDF	11/14/2017	12/11/2017	12/11/2017
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Grants Administration & Management

2018 and 2019

Grants Management Manual (GMM)	Provide information on the policies, procedures, and guidelines required for the administration and management of all OJP grant programs	DOJ/OJP Policy or Procedure	Web	N/A	predates 8/1/2010	7/1/2019
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Prohibition of Improper Guidance

2018

Attorney General Memorandum regarding Prohibition on Improper Guidance Documents. (November 16, 2017)	Establish prohibition on improper guidance	DOJ/OJP Policy or Procedure	PDF	11/16/2017	11/16/2017	Not Provided
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Appendix C: Comments from Compliance Monitoring Tool Regarding Returns of State Data Submissions

In the Compliance Monitoring Tool transaction audit log, OAAM found 39 comments associated with returns of state compliance data submissions. The comments reflect directions from OJJDP to the states to take a specific action such as add, modify, or correct one or more aspects of their submissions, such as appendices, the compliance manual, or data. The 39 comments shown in the table below were coded using Atlasti, a software used for analyzing text. OAAM assigned comments both action codes and reason codes. The action code is the keyword describing SRAD's instructions for the state to carry out, and the reason code represents the subject of the action to be carried out. Some comments included more than one action and more than one reason.

Table D1: Comments and Codes of Actions and Reasons Compliance Data Submissions Were Returned to States, FY 2018

State	OJJDP Comment	Action Code	Reason Code
Colorado	Please take the time to modify the information that you identified in the email regarding the reporting data. I will need for you to expedite this as all determination finalizations are due tomorrow. Thanks in advance.	• Correct	• Data
Delaware	Check for Appendix L to certify all data.	• Check	• Appendix L
District of Columbia	Please review the data on the CM report for DSO and DMC and amend if necessary. Before resubmitting you will need to recertify the data.	• Check	• Data
District of Columbia	Please attach Appendix L. certifying the data is accurate.	• Add	• Appendix L
Guam	Sent back per request.	• Returned per state request	
Illinois	Can you please revisit the CMM to add verbiage that speaks to the frequency on your updating the monitoring universe and facility types. Also, can you identify in the manual how you classify the monitoring universe, and lastly, can you speak to court holding facilities as to whether you use them or not. If not, then how are the juveniles monitored in court if they are in a detained status. Thanks	• Add	• Court Holding Facilities • Monitoring Universe
Illinois	Good morning. When you go back in to update your forms, be certain to recertify before submitting. I am sure you know that, but I wanted to reiterate as to minimize your stress....	• Correct	• Forms



Indiana	Returned per request.	<ul style="list-style-type: none"> Returned per state request
Louisiana	Please update according to our discussion	<ul style="list-style-type: none"> Correct
Louisiana	Please upload the certifications. However, do not lock and send back to me as there may be some other things as I am reviewing your file and may have some other things that may need to be addressed. Thanks.	<ul style="list-style-type: none"> Add Certifications
Maine	Review the section on jail removal It currently shows a negative number. If needed revised the compliance monitoring report and resubmit. Don't forget to recertify the data because the system will not release the data back to me unless the certification button is pressed.	<ul style="list-style-type: none"> Check Data
Maine	Still do not see Appendix K and L. A sample will be sent to you to review. In addition to checking the numbers on facility inspections, also check the RRI data for 3 jurisdictions and statewide data.	<ul style="list-style-type: none"> Check Add Appendix K Appendix L Data
Maine	Attach Appendix K and L. In addition, check the number of juvenile detention/correctional facilities that were inspected in the Excel spreadsheet.	<ul style="list-style-type: none"> Add Check Appendix K Appendix L Data
Maryland	Please upload the complete DMC RRIs in the DMC section of this tool. Thank you.	<ul style="list-style-type: none"> Add RRI
Michigan	Please ensure that all blank fields on the Excel compliance monitoring spreadsheet have been completed.	<ul style="list-style-type: none"> Correct Data
Michigan	Re-opened per state's request.	<ul style="list-style-type: none"> Returned per state request
Minnesota	1) The state's signed training policy certification form is missing. This form can be found in Appendix K of the Title II solicitation, as linked below. https://www.ojdp.gov/grants/solicitations/FY2018/TitleII.pdf 2) The state's monitoring universe as uploaded to the "facilities" tab in the online compliance reporting tool, does not include adult correctional facilities (prisons). Please upload a copy of your current monitoring universe that includes these facilities. 3) The state's data certification form as found in Appendix L of the linked solicitation is incorrectly dated. The data certification applies to the FY 2017 reporting year (10/1/16 – 9/30/17) but is dated FY 2018. This needs to be corrected and re-signed.	<ul style="list-style-type: none"> Correct Add Appendix K Appendix L Monitoring Universe Adult Correctional Facilities
Minnesota	Re-opened per the state's request.	<ul style="list-style-type: none"> Returned per state request



Minnesota	Please upload the state's signed Rural Jail Removal Exception certification form (Appendix E) to the "Exceptions" tab.	<ul style="list-style-type: none"> • Add 	<ul style="list-style-type: none"> • Appendix E
Montana	I did not see Appendix L to certify all of the data. Also check the numbers for juvenile detention and correctional facilities.	<ul style="list-style-type: none"> • Check • Add 	<ul style="list-style-type: none"> • Data • Appendix L
New Hampshire	Please update pursuant to our discussion	<ul style="list-style-type: none"> • Correct 	
New Mexico	Please attach the appropriate certifications; Appendix L and K. Let me know if you have any questions. Thanks.	<ul style="list-style-type: none"> • Add 	<ul style="list-style-type: none"> • Appendix K • Appendix L
North Carolina	State requested to unlock document to submit information submitted in error.	<ul style="list-style-type: none"> • Returned per state request 	
North Carolina	Per request	<ul style="list-style-type: none"> • Returned per state request 	
Northern Mariana Islands	Returned to upload appendix and manual. The territory also needs to recertify the data by pressing the submit button.	<ul style="list-style-type: none"> • Add 	<ul style="list-style-type: none"> • Appendix • Manual
Northern Mariana Islands	Please provide the three certifications and the compliance manual needed to complete your submission. Thanks.	<ul style="list-style-type: none"> • Add 	<ul style="list-style-type: none"> • Certifications • Manual
Puerto Rico	Please provide a current certification form. Thanks	<ul style="list-style-type: none"> • Add 	<ul style="list-style-type: none"> • Certification Form
Puerto Rico	If you could identify and reflect in your report the correct number of juvenile detention centers. I know that you are combining them in your report because they share the same address. However, there is a need to separate them and be identified properly in your monitoring universe. I will need this returned by 5.2.2019. COB	<ul style="list-style-type: none"> • Correct 	<ul style="list-style-type: none"> • Data • Juvenile Detention Centers • Monitoring Universe
Puerto Rico	Please resubmit the appropriate information in your reports that will accurately reflect the numbers and data submitted.	<ul style="list-style-type: none"> • Correct 	<ul style="list-style-type: none"> • Data
Puerto Rico	Please submit the certifications for training and the like that are located at the rear of the Title II application. Thanks.	<ul style="list-style-type: none"> • Add 	<ul style="list-style-type: none"> • Certifications
South Dakota	Good morning. Could you please review you CM manual to address updating monitoring universe annually, updating universe annually, and the last iteration of you manual is dated 2009. Is there a more recent version. If you add the aforementioned information, perhaps that would suffice as a current iteration of your manual. Thanks in advance.	<ul style="list-style-type: none"> • Correct • Check 	<ul style="list-style-type: none"> • Manual • Monitoring Universe



Tennessee	Please attach the signed Appendix L form certify the data is accurate.	• Add	• Appendix L
Texas	Good morning. Would you please submit the updated CMR that you shared the other week into the system. Also, you refer to Appendix 1 that identifies your visit schedule. However, I was not able to locate this in the submission. If you could attach as well I would appreciate it greatly. Thanks.	• Add	• CMR • Visit Schedule
U.S. Virgin Islands	Returned to allow for submission of the Appendix K training certification form.	• Add	• Appendix K
U.S. Virgin Islands	Per our conversation, this report is being returned to update the number of reporting facilities and to remove waived youth from the tally of jail removal violations.	• Correct	• Reporting Facilities • Waived Youth • Jail Removal • Data
Vermont	Good Morning, I am change requesting your compliance submission to you so you can upload the other certifications, namely K and M (if you choose to submit M). Let me know if you have any questions. Thanks.	• Add	• Appendix K • Appendix M



Appendix D: Documentation Issues for Fiscal Year 2018 Compliance Determinations

OAAM examined the presence of documentation for Fiscal Year 2018 determinations of state compliance with the core requirements. We found issues with required compliance documentation; some of the documents, for example, could not be found in the SRAD Compliance Determinations Tracker or in GMS, or they had missing signatures. These issues were not isolated instances and instead cut across determinations for 14 states. While some state documents were not found in the Tracker or in GMS, they were found in the Compliance Monitoring Tool, a tool for states to submit compliance data. This means that the states did submit required compliance documentation; however, it was not uploaded by SRAD staff to the Tracker or to GMS as stated in OJJDP descriptions of the business process.

Table E1. Compliance Documentation Issues by Determination Status, State and Issue Type, N=14

State	Documentation Issue	Not Stored in Compliance Determinations Tracker or GMS, but found in the Compliance Monitoring Tool	Incomplete	Missing	Inconsistent
States Compliant with the Core Requirements					
Arkansas	<ol style="list-style-type: none"> 1. The final determination letter (July 3, 2018) does not have the Administrator signature. 2. Compliance plan, manual, or certification not found in the CDT 	●	●		



State	Documentation Issue	Not Stored in Compliance Determinations Tracker or GMS, but found in the Compliance Monitoring Tool	Incomplete	Missing	Inconsistent
California	1. Compliance plan, manual, or certification () not found in the CDT	●			
Guam	1. The CDAI form was not found in the CDT			●	
Illinois	1. Missing Deputy Administrator signature on the CDAI form		●		
Iowa	1. Compliance plan, manual, or certification not found in the CDT	●			
Kansas	1. Compliance plan, manual, or certification not found in the CDT	●			
Kentucky	1. Compliance plan, manual, or certification not found in the CDT	●			



State	Documentation Issue	Not Stored in Compliance Determinations Tracker or GMS, but found in the Compliance Monitoring Tool	Incomplete	Missing	Inconsistent
Louisiana	<ol style="list-style-type: none"> Page 2 of the CDAF check box indicates the state has not provided for an adequate system of monitoring, but the overall determination is eligible and compliant. The submission log in the CMT shows OJJDP asked Louisiana to resubmit/update data. DMC Plan not found in the CDT 	●			●
Michigan	<ol style="list-style-type: none"> Compliance plan, manual, or certification not found in the CDT 	●			
Vermont	<ol style="list-style-type: none"> DMC Plan not found in the CDT 	●			
Washington	<ol style="list-style-type: none"> Compliance Monitoring Report not found in the CDT 	●			



States Not Compliant with the Core Requirements					
Idaho	1. DMC Plan not found in the CDT	●			
Ineligible States					
Texas	1. DMC Plan not found in the CDT	●			
West Virginia	1. Compliance plan, manual, or certification not found in the CDT 2. DMC Plan not found in the CDT	●			



Appendix E. Compliance Audit Process Description

OAAM derived the following process description through a combination of business process narratives, routing data from OJJDP's SharePoint tracking tool and the review of policies, tools, and templates.

Compliance Monitoring Risk Assessment Cycle and Annual Monitoring Plan

OJJDP's selection of states for compliance audits is meant to be informed by a risk assessment.⁴³ This assessment enables OJJDP to use key indicators to standardize and prioritize each state's risk for not having an adequate system of monitoring. According to its June 2017 Compliance Monitoring Risk Assessment Policy, OJJDP had the goal of auditing all participating states and territories on a 3-year audit cycle, auditing 18 states in each year of the cycle. Toward the end of Fiscal Year 2018, however, OJJDP changed the compliance audit cycle to 3.5 years; this was due to that fact that, according to OJJDP leadership, the office did not have the staff needed to perform the 18 annual compliance audits necessary to audit all states in three years. By changing the cycle, OJJDP established a new target rate of 15 audits each fiscal year.

Following the completion of the risk assessment, OJJDP told us for each year of the cycle, OJJDP prepares an annual Compliance Audit Plan Memorandum—using the risk assessment scores—to select compliance audits planned for the current year. The expectation was that states with the highest assessed risk are prioritized for the earliest compliance monitoring visits, with the intent of visiting each participating state during the compliance audit cycle; however, audit selection has also been informed by other factors, such as travel considerations, staff availability, natural disasters, and conflicts with state schedules. OJJDP told us the Compliance Audit Plan Memorandum then is approved by the OJJDP Administrator. While the Memorandum can be tailored to respond to changes in risk during the period, once it is approved, the risk assessment is not formally updated until the beginning of the next compliance audit cycle.

⁴³ Referred to as the "Division's Comprehensive Compliance Monitoring Risk Assessment Process" in OJJDP's latest Compliance Monitoring Risk Assessment Policy (June 2019).



Desk Audit and Scheduling

SRAD conducts desk audits to make an initial assessment of a state's compliance monitoring system as the first step for compliance audit visits. During these desk audit reviews, the SRAD Analyst would begin populating the Field Audit Checklist—a questionnaire about the state's compliance monitoring system—prior to conducting the compliance audit site visit. The expectation is that SRAD also uses the Field Audit Checklist to develop targeted audit questions for the site visit. Prior to the visit, SRAD also needs to coordinate with states to schedule individual facility visits while they are in the state. The SRAD Analyst responsible for the compliance audit notifies the state 90 days prior to the audit and works with the state's compliance monitor to obtain necessary documents, determine the audit schedule, and identify which facilities they will visit. The selected facilities are to include seven facility types in a mix of urban and rural areas.⁴⁴ SRAD Analysts also may request to visit specific facilities with past violations.

Onsite Visit

The objective of the onsite portion of the compliance audit is to verify state compliance monitoring activities and practices through direct onsite observation and file review, and to complete the Field Audit Checklist to document results of the compliance audit. When conducting the compliance audit onsite visit, at least two SRAD Analysts are expected to work together to review and validate the compliance monitoring data, policies, and procedures submitted and described by the states. Of the two Analysts, one typically is considered the "Lead" and is usually more experienced in performing field audits. OJJDP leadership explained that this team approach to audits provided an opportunity for on-the-ground training for the less experienced Analyst. Additionally, the use of two SRAD Analysts provides the opportunity for teammate verification of findings. The first day of field work typically is spent reviewing the state compliance monitoring system and records, and subsequent days are spent visiting facilities and reviewing records to ensure their consistency with compliance data reported during the compliance determination process.

⁴⁴ Facility types included juvenile detention centers, juvenile correctional facilities, adult jails, adult lockups, non-secure facilities, court holding facilities, and prisons. Beginning October 1, 2019, states no longer need to monitor non-secure facilities, and OJJDP will not need to include those facilities in their site visits.



Once the onsite visit is complete, the SRAD Analysts are to create a report with findings and recommendations identified during the audit. Within the report, “Findings” consist of results requiring corrective action, while “Recommendations” refer to best practices that should be considered by the state or territory. OJJDP management set an informal internal goal of 45 days from the close of fieldwork for submitting a draft report to OJJDP leadership for review. Similar to its Compliance Determinations Tracker, OJJDP developed a process workflow website in SharePoint to facilitate review of the reports and track their progress.

After OJJDP leadership reviews and approves the draft using the Audit Report Tracker, the SRAD Analyst sends the final report to the state. In Fiscal Year 2018, using the Audit Report Tracker, OGC reviewed audit reports prior to their final approval and issuance.⁴⁵ The Administrator established a target for distributing the final report within 90 days of the final day of the onsite audit. The Audit Report cover letter asks that states respond to each report finding with a corrective action plan within 60 days of the report distribution. Responses to report recommendations are not required. If corrective action plans are deemed sufficient, SRAD Analysts may request closure of the report by the OJJDP Administrator. If responses are not sufficient or are not received within 60 days, Analysts can elevate the issue to OJJDP leadership.

⁴⁵ In Fiscal Year 2018, OGC attorneys reviewed the draft Compliance Monitoring Audit Reports to assess whether the reports are prepared in accordance with applicable statute and regulations.



Appendix F. Risk Assessment Results, December 2017

The purpose of the risk assessment was to assess the relative risk of noncompliance by states and territories and support development of a risk-informed compliance monitoring plan for states. The rankings produced by the risk assessment were intended to support OJJDP's decision making, which may take other factors into account (e.g., recent monitoring, resources, additional information about the states). The risk assessment also provided an example 3-year compliance monitoring plan to monitor 18 states in Year 1, monitor the next lower risk group of 18 states in Year 2 (based on the plan developed in Year 1), and monitor the next lower risk group of 18 states in Year 3. By Year 3, according to the risk assessment, all states should have been monitored.

Table E1: State Risk Ranking and Monitoring Priority Results of Risk Assessment			
Count	State	Risk Rank	Monitoring Priority
1	WV	1	Year 1
2	NC	2	Year 1
3	SC	3	Year 1
4	AR	3	Year 1
5	MA	5	Year 1
6	MN	6	Year 1
7	LA	7	Year 1
8	TX	7	Year 1
9	UT	9	Year 1
10	NY	9	Year 1
11	AK	11	Year 1
12	VI	11	Year 1
13	MD	11	Year 1
14	CNMI	14	Year 1
15	MT	14	Year 1
16	PR	16	Year 1
17	VA	16	Year 1

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18	FL	18	Year 1
19	MI	18	Year 2
20	ME	18	Year 2
21	GA	21	Year 2
22	IN	21	Year 2
23	KY	21	Year 2
24	WI	21	Year 2
25	NV	21	Year 2
26	SD	21	Year 2
27	GU	27	Year 2
28	ID	27	Year 2
29	RI	29	Year 2
30	IL	30	Year 2
31	CA	31	Year 2
32	AL	32	Year 2
33	DC	32	Year 2
34	NM	32	Year 2
35	CO	35	Year 2
36	KS	36	Year 3
37	PA	36	Year 3
38	OH	36	Year 3
39	AZ	39	Year 3
40	MS	39	Year 3
41	OR	41	Year 3
42	TN	41	Year 3
43	VT	41	Year 3
44	NJ	44	Year 3
45	WA	45	Year 3
46	MO	47	Year 3

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47	OK	47	Year 3
48	DE	49	Year 3
49	NH	49	Year 3
50	HI	51	Year 3
51	ND	51	Year 3
52	IA	53	Year 3



Appendix G. Audit Report Completion Durations

Table E1: Audit Report Development Durations for Completing Audit Reports for Field Work Completed in Fiscal Year 2018

State	Field Work End Date	Report Completion Date ^a	Report Duration
Kentucky	4/12/2018	10/3/2018	175
Florida	4/13/2018	11/16/2018	218
Alabama	4/20/2018	2/26/2019	313
West Virginia	5/3/2018	11/16/2018	198
Kansas	6/8/2018	6/21/2019	379
Indiana	6/15/2018	12/28/2018	197
Maine	6/15/2018	10/2/2018	110
Illinois	6/22/2018	11/16/2018	148
Nevada	7/19/2018	4/10/2019	266
Massachusetts	7/20/2018	1/24/2019	189
Georgia	8/17/2018	4/9/2019	236
South Dakota	8/24/2018	6/21/2019	302
DC	8/30/2018	5/13/2019	257
Pennsylvania	8/31/2018	11/19/2018	81
Average			219

^a Completion date is determined by when the report has received supervisor approval and is uploaded to GMS.



Appendix H. Audit Report Upload Durations

Table F1: Audit Report Upload Durations from Uploading Audit Reports for Field Work Completed in Fiscal Year 2018

State	Field Work End Date	Report Upload Date	Field Work End to Upload
Kentucky	4/12/2018	8/23/2018	134
Florida	4/13/2018	8/24/2018	134
Alabama	4/20/2018	11/1/2018	196
West Virginia	5/3/2018	8/28/2018	118
Kansas	6/8/2018	11/2/2018	148
Indiana	6/15/2018	8/24/2018	71
Maine	6/15/2018	8/21/2018	68
Illinois	6/22/2018	8/28/2018	68
Nevada	7/19/2018	11/6/2018	111
Massachusetts	7/20/2018	11/8/2018	112
Georgia	8/17/2018	12/13/2018	119
South Dakota	8/24/2018	1/31/2019	161
DC	8/30/2018	1/25/2019	149
Pennsylvania	8/31/2018	8/30/2018	-1
Average			114



Appendix I. Office of Inspector General Recommendations Regarding the Administration of the Title II Formula Grants Program and Implementation Statuses

The JJDP Act states that OAAM “shall take into consideration the extent to which the agency has implemented recommendations issued by the Comptroller General or Office of Inspector General (OIG) relating to the grant making and grant monitoring responsibilities of the agency.” OAAM identified three audit and investigatory reports relevant to Title II, with 18 recommendations among these three reports.⁴⁶ Tables in this appendix list the OIG recommendations from each report and statuses.

Table A1: OIG Report Recommendations in Report 17-03, *A Report of Investigation of Certain Allegations Referred by the Office of Special Counsel Concerning the Juvenile Justice and Delinquency Prevention Act Formula Grant Program*.

Recommendation	Status	Response	Implementation
OGC should consider issuing guidance clarifying its interpretation of the Valid Court Order (VCO) exception to the Deinstitutionalization of Status Offenders Core Requirement.	Closed	On September 24, 2019, OJJDP released newly updated guidance to the juvenile justice field entitled, An Overview of Statutory and Regulatory Requirements for Monitoring Facilities for Compliance with the Deinstitutionalization of Status Offenders, Separation, and Jail Removal Provisions of the Juvenile Justice and Delinquency Prevention Act. This document was authored jointly by representatives from OJJDP and OGC, and clarifies, in writing, the appropriate interpretation of statutory Valid Court Order (VCO) language.	Implemented
OGC should consider issuing guidance clarifying the circumstances under which juveniles may be confined in unoccupied adult jails consistent with the Jail Removal core requirement.	Resolved	To ensure that the Juvenile Justice field receives current guidance regarding the circumstances under which juveniles may be confined in unoccupied adult jails consistent with the Jail Removal core requirement, OJJDP will include clarification in the guidance under development to implement the requirements of the Juvenile Justice Reform Act of 2018. OJJDP anticipates	In progress

⁴⁶ U.S. Department of Justice. Office of the Inspector General. Oversight and Review Division. *A Report of Investigation of Certain Allegations Referred by the Office of Special Counsel Concerning the Juvenile Justice and Delinquency Prevention Act Formula Grant Program*. 17-03, July 2017.

U.S. Department of Justice. Office of the Inspector General. Oversight and Review Division. *A Review of Allegations Referred by the Office of Special Counsel Concerning the Office of Justice Programs’ Administration of the Disproportionate Minority Contact Requirement of the Title II Part B Formula Grant Program*. 17-05, October 2017.

U.S. Department of Justice. Office of the Inspector General. Audit Division. *Audit of the Office of Juvenile Justice and Delinquency Prevention Title II Part B Formula Grant Program Related to Allegations of the OJJDP’s Inappropriate Conduct*. 17-31, July 201



		issuing the new guidance by September 30, 2020.	
OJJDP should expeditiously notify all states and other interested parties that 28 C.F.R. § 31.303(f)(3)(vii), which provides that “[a] non-offender such as a dependent or neglected child cannot be placed in secure detention or correctional facilities for violating a valid court order,” has been determined to be ultra vires.	Resolved	OJJDP has drafted a de-regulatory notice repealing the <i>ultra vires</i> provision. The notice is currently under review within the Department.	In Progress
OJP should develop standard procedures for determining what should be published in the Federal Register for notice and comment and for identifying significant guidance documents to be posted on OJP’s or OJJDP’s websites.	Closed	OJP advised that it has determined that separate procedures are unnecessary because the requirements for whether and how an agency must (or should) provide public notice of an agency decision affecting outside entities are already set out clearly in a variety of laws and Executive Branch policies.	Not applicable
OJP should develop a plan to improve communications within and among OJP components.	Closed	All OJJDP requests for legal guidance from OGC are now vetted and coordinated through the OJJDP Administrator. Beginning in May 2018, Fiscal Year 2018 Title II compliance determinations were documented on the newly developed SharePoint site, which among other things, maintains records of legal guidance provided by OGC to OJJDP’s State Relations and Assistance Division.	Implemented
OJP should consider revising its compliance monitoring report template to gather additional information about states’ use of the VCO exception and compliance with certain procedural requirements.	Closed	The Formula Grant Program regulation and the current monitoring report template require that states report the number of instances in which they use the VCO exception. Consistent with the Attorney General’s November 2017 memo, <i>Prohibition on Improper Guidance Documents</i> , OJJDP cannot require additional data from states that is not already required by statute or regulation.	Not applicable

Table A2: OIG Report Recommendations in Report 17-31, Audit of the Office of Juvenile Justice and Delinquency Prevention Title II Part B Formula Grant Program Related to Allegations of the OJJDP’s Inappropriate Conduct.

Recommendation	Status	Response	Implementation
Finalize the OJJDP Guidance Manual- Audit of Compliance Monitoring Systems that was under development as of May 2017.	Resolved	OJJDP completed a draft of the OJJDP Guidance Manual – Audit of Compliance Monitoring System that will detail guidance to OJJDP’s Grant Management Specialists (Compliance) regarding on-site compliance monitoring reviews. The draft manual will include guidance for all phases of the on-site compliance reviews, including planning, fieldwork, reporting, and follow-up. OJJDP anticipates finalizing the manual by September 30, 2020.	September 2020



Develop written policies and procedures that describe the process for selecting compliance monitoring audits.	Closed	OJJDP updated its policy for selecting compliance monitoring audits in June 2019, relying on a risk-based approach to audit selection.	Implemented
Implement procedures that require documenting audit activities when an onsite monitoring audit is not possible.	Closed	The Monitoring Guidance provides for the annual conduct of a comprehensive desk review of each state's compliance monitoring system to determine the state's compliance risk score and the level of monitoring activity, with supporting documentation maintained by OJJDP.	Implemented
Periodically redistribute the OJP policy and procedures for examining allegations of programmatic non-compliance by grant recipients to remind OJJDP staff of their obligation to timely report credible suspicions of fraud to OJJDP supervisors, managers, and OIG, as appropriate.	Closed	OAAM coordinates with OIG to deliver OJP-wide mandatory grant fraud awareness training. OAAM discusses OJP staff responsibilities outlined in the OJP Policy and also provided an email that distributed the OJP Policy to all OJJDP staff.	Implemented



Appendix A3. OIG Report Recommendations in Report 17-05, A Review of Allegations Referred by the Office of Special Counsel Concerning the Office of Justice Programs' Administration of the Disproportionate Minority Contact Requirement of the Title II Part B Formula Grant Program.

Recommendation	Status	Response	Implementation
OJJDP should make DMC compliance determinations in accordance with statutory and regulatory requirements.	Closed	OJJDP developed and used the Compliance Determination Assessment Instrument (CDAI) in Fiscal Year 2018 to make DMC compliance determinations consistent with statutory and regulatory requirements. OJJDP is now using a DMC "rubric" to assess DMC compliance.	Implemented
OGC should promptly issue written guidance clarifying the circumstances under which OJJDP appropriately may find states out of compliance with the DMC core requirement consistent with the statutory and regulatory requirements, and OJJDP managers and staff should work closely with OGC to implement such guidance.	Closed	OJJDP advised OIG that the CDAI was developed in consultation with OGC and staff were trained on proper use of the CDAI in May 2018. The training was delivered by a Senior Compliance Analyst at OJJDP.	Implemented
OJJDP should consider possible measures that may be put in place to aid the compliance review process short of a completed CDAI.	Closed	OJP advised that the CDAI was finalized and used by OJJDP to make Fiscal Year 2018 DMC compliance determinations.	Implemented
OJJDP should ensure the expeditious completion of the CDAI or other compliance assessment tool.	Closed	OJP advised that the CDAI was finalized and used by OJJDP to make Fiscal Year 2018 DMC compliance determinations.	Implemented
OJJDP should consider whether to reinstitute "quarterly reporting" requirements, with guidance from OGC.	Closed	Upon receiving guidance from OGC and after considerable deliberation, OJJDP determined that quarterly reporting was no longer necessary after the implementation of the CDAI. Quarterly reporting was used to help OJJDP understand how to assist states with implementing the DMC requirement. Information obtained through completion of the CDAI provided OJJDP with the necessary information.	Not applicable
OGC should provide guidance regarding the DMC exemption for Puerto Rico.	Closed	In the request for resolution and update memorandum to OIG dated February 14, 2019, OJP advised that OGC provided legal advice to OJJDP regarding the DMC exemption for Puerto Rico (and the other U.S. territories) during the Fiscal Year 2018 Title II Formula Grant solicitation review process, and OJJDP implemented the advice in the final solicitation that was released. More recently, OGC documented that advice in an email to the OJJDP Administrator.	Implemented
OJJDP should take measures to improve its recordkeeping procedures.	Closed	OJP advised OIG that compliance determinations would be uploaded to GMS and a SharePoint site was being developed to process compliance audit reports and track compliance determinations.	Implemented



OJP should develop a plan to improve communications within and among OJP components.	Closed	All OJJDP requests for legal guidance from OGC are now vetted and coordinated through the OJJDP Administrator. To further enhance communication, OJJDP leadership and OGC continue to meet weekly to address ongoing issues that require legal guidance. Beginning in May 2018, Fiscal Year 2018 Title II compliance determinations were documented on the newly developed SharePoint site, which among other things, maintains records of legal guidance provided by OGC to OJJDP's State Relations and Assistance Division.	Implemented
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