



Federal Advisory Committee on Juvenile Justice

Webinar Meeting

Monday, August 24 2015

U.S. Department of Justice, Office of Justice Programs Office of Juvenile Justice and Delinquency Prevention

1:00 pm – 4:00 pm (ET)

SUMMARY

On August 24, 2015, the Federal Advisory Committee on Juvenile Justice (FACJJ) held a webinar meeting to report updates from its three subcommittees to the Office of Juvenile Justice and Delinquency Prevention (OJJDP).

During the last few months, the Legislation Subcommittee reviewed the Juvenile Justice Delinquency Prevention Reauthorization Act of 2015 (JJDPA) and developed draft recommendations for OJJDP. Those recommendations were presented and approved at the webinar by the full FACJJ membership.

Additionally, brief status updates were provided by the Expungement and Confidentiality of Records Subcommittee and the Research and Publications Subcommittee. The Research and Publications report also included an informative presentation by John A. Tuell, *Executive Director of the Robert F. Kennedy National Resource Center for Juvenile Justice*, on dual status youth issues and successful innovative approaches to managing this population.

Robert Listenbee, *Administrator, OJJDP*, emphasized some OJJDP priorities of the last several months, including enhancing the core protections consistent with the JJDPA reauthorization, and enhancing comprehensive statewide reform. Of significance is the goal of reducing juvenile out-of-home placements and he promised the Office will soon share its vision of how to achieve this. He also echoed Mr. Tuell's optimism that the Nation has an incredible opportunity to make a fundamental shift in how it treats children in its systems through individualized attention.

The Administrator recognized Scott Pestrige, *Acting Designated Federal Official, Senior Policy Advisor, OJJDP*, for his capable advice and guidance on a wide range of issues.

Finally, he also reflected on the depth and diversity of the collective FACJJ knowledge, as evidenced in the advisory group's recommendations in the last several years. The FACJJ has helped to shape reform into the very framework and machinery of OJJDP. Administrator Listenbee acknowledged the imminent FACJJ vacancies, primarily due to expiring terms (including at the leadership level), but exhorted exiting members to continue contributing to the subcommittees' valuable work.

The Federal Advisory Committee on Juvenile Justice is a consultative body established by the Juvenile Justice and Delinquency Prevention Act (Section 223) and supported by the Office of Juvenile Justice and Delinquency Prevention. Composed of appointed representatives of the Nation's State Advisory Groups, the committee advises the President and Congress on matters related to juvenile justice, evaluates the progress and accomplishments of juvenile justice activities and projects, and advises the OJJDP Administrator on the work of OJJDP.

OPENING REMARKS, WEBINAR LOGISTICS, INTRODUCTIONS

Scott Pestridge, *Acting Designated Federal Official, FACJJ*, and *Director, Concentration of Federal Efforts, OJJDP*, welcomed attendees and acknowledged the presence of Shanetta Cutlar, *Chief of Staff/Counsel*, Chyrl Jones, *Deputy Administrator for Programs*, and other Federal staff attending in person or online. Mr. Pestridge noted that OJJDP Administrator Robert Listenbee was scheduled for remarks later in the webinar. He reminded members of the general public of their listen-only status and confirmed that the webinar summary and presentation slides will be posted within 60 days of the meeting. Notes and other meeting materials from previous webinars are available on the FACJJ website at www.facjj.org.

Callie Long Murray, *Training and Technical Assistance Coordinator, OJJDP National Training and Technical Assistance Center*, provided a demonstration of the webinar features and functionality.

Dalene Dutton, *FACJJ Chair*, welcomed all attendees, acknowledged FACJJ Vice Chair James Moeser, and briefly reviewed the agenda. Roll Call:

<p><u>PRIMARY MEMBERS</u></p> <ol style="list-style-type: none">1. Dalene Dutton/FACJJ Chair, ME2. James Moeser/FACJJ Vice Chair, WI3. Starcia Ague, WA4. Aris Johnson, TX5. Tony Jones, FL6. Robin Lubitz, AZ7. ViEve Martin-Kohrs, LA	<ol style="list-style-type: none">8. Christine Perra Rapillo, CT9. Tawny Spinelli, TN10. George Timberlake, IL <p><u>ALTERNATE MEMBERS</u></p> <ol style="list-style-type: none">1. Pat Berckman, UT2. Kimberly Larson, MA3. Sasha Pellerin, NM4. Dave Rosenthal, DC
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James Moeser, *FACJJ Vice Chair*, thanked Ms. Dutton for her leadership.

FACJJ SUBCOMMITTEE REPORTS AND DISCUSSIONS

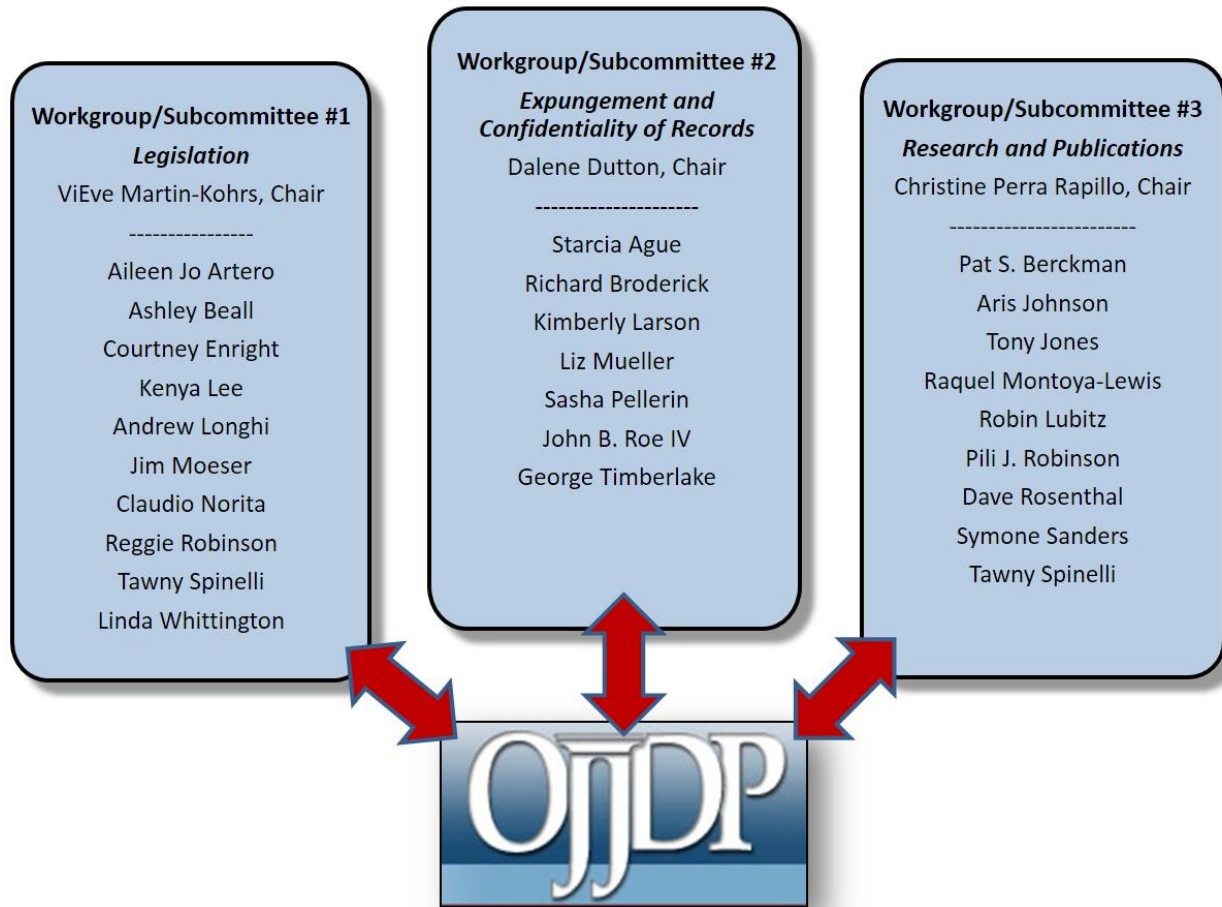
Dalene Dutton reviewed the current structure of the FACJJ which includes three subcommittees:

- Legislation Subcommittee – chaired by ViEve Kohrs
- Expungement and Confidentiality of Records Subcommittee – chaired by Dalene Dutton
- Research and Publications Subcommittee – chaired by Christine Rapillo.

Workgroup members are listed in Figure 1. Ms. Dutton extended an invitation to non-FACJJ members to support/join the work of the subcommittees and reiterated their non-voting status.

Figure 1

FACJJ Work Groups/Subcommittees



LEGISLATION

Subcommittee #1 Report – James Moeser (on behalf of ViEve Martin-Kohrs)

James Moeser, *FACJJ Vice Chair*, presented the subcommittee’s report and recommendations on behalf of workgroup chair ViEve Martin-Kohrs. State Advisory Group chairs and juvenile justice specialists were surveyed for feedback on issues related to the Juvenile Justice Delinquency Prevention Reauthorization Act of 2015 (JJDP or the Act). Additionally, the group examined a variety of documents from the Coalition for Juvenile Justice, the National Juvenile Justice Network, the Campaign for Youth Justice, and other organizations that have analyzed the Act.

The primary, overarching recommendation was to support reauthorization of the JJDP, with sufficient funding to support the vision and charge to OJJDP and jurisdictions. The subcommittee also proposed specific recommendations (and the rationale for its position of support or opposition) related to a number of elements of the reauthorization, for discussion and approval by the full FACJJ membership at this webinar meeting. The recommendations were discussed in the sequence below and voted as a block, and are listed at the end of these notes with amendments.

LEGISLATION

Subcommittee #1 Report – Jim Moeser (on behalf of ViEve Martin-Kohrs)

RECOMMENDATION 7: Implementation of the Act related to strengthening the federal-state partnership. FACJJ Position: SUPPORT – The FACJJ reaffirmed its prior recommendation that OJJDP strengthen its collaboration and communication with jurisdictions related to the interpretation and implementation of regulations derived from the statutes.

Discussion:

- Several states have recently been grilled on the issue of compliance and this recommendation was viewed as a reasonable response to the difficulties in OJJDP's role, as well as individual States. Adequate financing is necessary but caution is needed against spending too much state funding on compliance issues—counting things they cannot affect due to a lack of funding—as this is a circular and losing proposition.
- Mr. Moeser acknowledged the good experiences working with OJJDP in the past and communicated his belief that a balance could be achieved.

RECOMMENDATION 5: Changing funding related to noncompliance. FACJJ Position: OPPOSE – The FACJJ supports a collaborative process between OJJDP and the jurisdictions in the development and oversight of regulations, and in the use of funds to support jurisdictions struggling to meet compliance requirements. Ultimately, should a state fail to work with OJJDP or fail to achieve compliance, some form of funding reduction may be appropriate; however, absent additional provisions promoting collaboration between OJJDP and jurisdictions, the FACJJ does not support this provision as worded at this time.

Discussion:

- The Act calls for a reduction in assistance to noncompliant States. The FACJJ supports the Act's core requirements but favors the development of a phased-in, probationary process that offers a grace period for States to achieve compliance. Rather than the punitive measure of withdrawing funding altogether, which serves to exacerbate compliance efforts, a more restorative approach would be to reallocate some of a noncompliant State's funds to other States for training and technical assistance.
- Members acknowledged the pressure placed on OJJDP and the implications of noncompliance; they did not want States to fail. There was general agreement that using a graduated process to achieve compliance is the goal.
- The recommendation will be reworded to clarify that the process should focus on assisting states to meet compliance, with the use of funding sanctions as a last resort. [The updated wording was applied to the list of recommendations that are repeated in The Appendix at the end of these meeting notes.]

RECOMMENDATION 1: Phasing out the Valid Court Order (VCO) exception that permits the secure confinement of status offenders. FACJJ Position: SUPPORT – While extreme situations may remain an issue in some jurisdictions, the FACJJ supports phasing out the VCO exception and providing support and resources to help jurisdictions develop alternatives that can address their concerns.

Discussion: None

LEGISLATION

Subcommittee #1 Report – Jim Moeser (on behalf of ViEve Martin-Kohrs)

RECOMMENDATION 2: Increased data collection and reporting requirements. FACJJ Position: SUPPORT ONLY with INCREASED FUNDING – The FACJJ acknowledges the importance of data collection improvements envisioned in the reauthorization but cannot fully support implementation of these added expectations at this time, unless additional funds are provided at both the federal and local level.

Discussion:

- The scope of this recommendation may be problematic; the FACJJ could appropriately support this at the Federal level but perhaps not at the local level.
- The decision was made to strike the following clause from the end of the position statement: “at both the federal and local level.” [The amended wording is reflected in the list of recommendations in The Appendix at the end of these notes.]

RECOMMENDATION 3: Increasing accountability measures for reducing racial and ethnic disparities. FACJJ Position: SUPPORT – The FACJJ supports continued collaboration with OJJDP and the jurisdictions to develop valid accountability measures that will accurately reflect progress toward achieving equity outcomes and receiving additional funding, training, and other technical assistance to help jurisdictions achieve those outcomes.

Discussion:

- The recommendation is meant to support the development of valid accountability measures that will accurately reflect progress. Concern was raised that validity is a different issue than simply increasing accountability and could create the need to track more things at the expense of making real progress.
- The FACJJ will vote to pass the recommendation and authorize several subcommittee members to determine if the position statement should be amended to reflect “SUPPORT with modifications.”

RECOMMENDATION 4: Requiring that youth under 18, including those being charged as adults, not be confined in adult facilities at least until conviction, unless certain court reviews are conducted and a court determines the best interest of justice is being served. FACJJ Position: SUPPORT – The FACJJ supports provisions of reauthorization that place additional limits and/or procedural requirements on placing youth under age 18 in adult confinement facilities.

Discussion:

- Adolescents should be housed away from a regular adult population but one concern previously discussed in subcommittee meetings related to the definition of “adult” facilities and Prison Rape Elimination Act (PREA) compliance. Would PREA violations exist in facilities that provide sight and sound separation because youth are still housed within the same physical building? Conversely, should youth over 16—charged with murder, first degree sexual assault, armed robbery, etc. in the first degree—be housed with younger adolescents charged with less serious offenses?
- Perhaps regulations could address youth in facilities that allow no chance of contact with adult populations (i.e., on a different floor or wing). While a number of States and rural areas ultimately house children in solitary confinement, wings, or units—also detrimental for the youth—because they are the only individuals there under 18, the FACJJ has this

LEGISLATION

Subcommittee #1 Report – Jim Moeser (on behalf of ViEve Martin-Kohrs)

opportunity to send a strong statement about where adolescents should be housed. Regardless of the ultimate definition of an adult facility, smaller jurisdictions may need physical assistance to make total separation from adults a reality to achieve compliance.

RECOMMENDATION 6: The current proposal includes an allocation of \$159 million for FFY 2016 and two-percent increases per year for the five years of the Act. FACJJ Position: SUPPORT with AMENDMENT – The FACJJ recommends that total juvenile justice funding be restored, minimally to FFY 2013 levels. Further, the FACJJ recommends that no more than 20 percent of those funds be set aside for specific types of programs (e.g., mentoring program support) since large set-asides, in conjunction with increased requirements and reductions in overall funding levels, severely limit the ability of jurisdictions to implement other reforms and practices that have proven to be effective.

Discussion:

- The 2013 level was more robust than the current funding level but also reserved more set asides for mentoring programs. Several members voiced a preference for reduced or no set asides and were requested to propose modifications when voting.

MOTION (Moeser): Approve all subcommittee recommendations, with amendments to referenced slides:

- # 2 [Increased data collection and reporting requirements] – End the position statement with the word “provided” and delete the phrase “at both the federal and local level.”
- # 5 [Changing funding related to noncompliance] – Replace the position statement with the following language: “The FACJJ supports a compliance process that is geared towards helping all States achieve full compliance. Punitive reductions in funding should be used only as a last resort, and OJJDP should support states in attaining compliance before issuing a funding reduction sanction.”

SECONDED (Jones).

DISCUSSION: A request for a friendly amendment to the motion, to vote on all recommendations as a slate with the exception of #4 [youth in adult facilities], was rejected.

VOTE: PASSED with majority (8 – yay, 2 – nay).

Mr. Moeser indicated the workgroup would like to continue work on this topic, addressing additional federal legislative initiatives around solitary confinement, shackling, the PROMISE and REDEEM Acts, etc.

EXPUNGEMENT AND CONFIDENTIALITY

Subcommittee #2 Report – Dalene Dutton

Dalene Dutton noted that the Expungement and Confidentiality of Records Subcommittee proposed and voted on a set of recommendations at the April 20, 2015, webinar that have not yet been published. They will be combined with the Legislation workgroup’s recommendations from this meeting and shared with OJJDP and the public very soon. The subcommittee is currently exploring employment background checks, as well as the federal chain of custody for paper/electronic records and fingerprints, DNA, and other biometric modalities. Representatives from several federal agencies have provided presentations to the workgroup clarifying how processes are supposed to, and actually, work. The subcommittee will continue to meet and gather information to ascertain if they will generate additional recommendations related to these areas.

RESEARCH AND PUBLICATIONS

Subcommittee #3 Report – Chris Rapillo

Chris Rapillo's Research and Publications Subcommittee previously generated recommendations at the April 20, 2015, webinar that also have not yet been published. The workgroup was now tasked with generating recommendations surrounding dual status adolescents: youth with involvement (crossover) in the juvenile justice, child welfare, and/or other systems, depending on the difference in operations between states agencies that deal with juveniles. To that end, the subcommittee invited a guest speaker to give an overview on the subject matter—Mr. John Tuell, of the Robert F. Kennedy National Resource Center for Juvenile Justice—who has been at the forefront of this issue for more than 15 years. The former Deputy Director of the State Relations and Assistance Division, OJJDP, he has authored and contributed to numerous publications that support the work of the Dual Status Youth Initiative and Probation System Review, and related issues impacting the juvenile justice system. Detailed BIOs for Mr. Tuell and others may be viewed on the FACJJ website at <http://facjj.org/meetings.html>. His presentation was incorporated into the [FACJJ webinar slides](#) and can be accessed from the FACJJ website meeting page.

PRESENTATION

John A. Tuell, *Executive Director, Robert F. Kennedy National Resource Center for Juvenile Justice (RFK NRCJJ)*, expressed appreciation for the invitation extended by the FACJJ leadership and for the logistical support to make the presentation possible. Mr. Tuell has been continually engaged in this work since leaving OJJDP as a result of the initial grant back in 2000, by the John D. and Catherine T. MacArthur Foundation, to address the relationship between maltreatment and delinquency.

In January 2014, the RFK NRCJJ was launched, focusing not only on the dual status youth population, but also on probation system reform using guidance materials. The organization recently extended a new partnership with American Probation and Parole Association and the Council of State Governments to create a Juvenile Probation Reform Academy. Mr. Tuell praised the support of OJJDP and Administrator Robert Listenbee in launching that inaugural effort last month at the Training Institute in Los Angeles. Moreover, the RFK NRCJJ partnership with the Juvenile Law Center has facilitated the production of guidance and materials to help navigate systems through challenging statutory, legal, and sometimes perceived information-sharing difficulties.

Mr. Tuell opened with a brief history of the Dual Status Youth Initiative and highlighted jurisdictions utilizing the full framework to focus on this target population. Ten years of research on the characteristics of dual status youth have revealed a troubling trajectory of increased delinquency, adult criminality, mental health concerns, substance abuse, educational deficiencies, and employment difficulties as outcomes for these youth and family members. For example, over a two-year period, two-thirds of a Seattle (King County), Washington offender population had a child welfare history and 17 percent (or one in six offenders) had unsubstantiated abuse and neglect findings. A multidisciplinary approach to move forward is essential and Mr. Tuell assured attendees that there is reason for hope and optimism to interrupt this trajectory.

The overarching term of dual status youth conveys status in both State and local systems, but multisystem engagement requires more precise definitions. He noted the distinctions between dually-identified, dually-involved, and dually-adjudicated youth. These differentiations are essential to facilitate swifter navigation through the cross-system discussions, toward a more specific target population around which a local or State jurisdiction wishes to target reform practices and policies.

RESEARCH AND PUBLICATIONS

Subcommittee #3 Report – Chris Rapillo

Serving on a committee that led to the authoring of the report “Implementing Juvenile Justice Reform: The Federal Role” prepared by the Committee on Law and Justice, National Research Council, Mr. Tuell understands how adolescent development and behavior differs from adults: it is at the very heart and core of reforming juvenile justice. He affirmed that demonstration projects such as those supported by OJJDP can motivate local jurisdictions to take this work on, when they see it can be done through intensive technical assistance and consultative support. Mr. Tuell referenced publications and toolkits designed to guide jurisdictions through a complex, challenging cross-system set of reforms and innovative new practices, in a targeted period of time. He was particularly proud of the development of a methodology to: identify the key data elements in the target population; manage trends and the prevalence of those populations through their involvement in the systems; and measure both system conformance and youth outcome performance through the use of a data planning guide.

Mr. Tuell acknowledged that one of the more exciting depictions for the FACJJ to consider was related to the organizational structure and governance his organization developed. Long-term sustainability requires written protocols and memorialized practices, policies, and procedures. Equally important – decision makers must be identified and empowered to approve and advance new policies and procedures, and to assign accountability and responsibility for work tasks.

Sometimes in the local jurisdictions, elected state attorneys or prosecutors may need more information to identify the lower-risk offenders among this dual status population, divert them from the juvenile justice system, and target the kind of intervention that will ameliorate the risk. Mr. Tuell stated there is significant emphasis in jurisdictions on these early screening, assessment, and alternative response, diversion, early intervention opportunities, and he highlighted a fairly intensive cross-system mapping process to identify those early opportunities.

Mr. Tuell also articulated the need for: innovative and collaborative ways to elevate family engagement to higher levels; the measurement of systems performance; a process to transform pre-adjudication processes; and flexibility in shaping desired system and youth outcomes among the collaborations. He offered a checklist of recommended practices and products for handling dual status youth that local jurisdictions can use to examine the intensive analysis of this multi-system methodology, and explained that he has recommendations for the latest framework of more specific target populations, such as commercially sexually exploited children. Concluding his presentation, he thanked OJJDP and the MacArthur Foundation for their ongoing support, and he fielded questions.

Q & A

- Asked if he had thoughts on recommendations for OJJDP on national policy, Mr. Tuell replied that—even with the challenges of addressing this population—OJJDP has already begun significant work on a number of them, with the opportunity to support the incorporation of some language into the JJCPA reauthorization that furthers advances in the areas of child protection and juvenile delinquency. OJJDP, particularly in the new recommendations and the new movement led by Administrator Listenbee, has embraced the kind of broader notion of more intensive, strategic technical assistance for replicable and sustainable methods of reforms across the country. He also asserted that, given an additional level of demonstration projects, OJJDP would have ultimately led the national field on the best possible methodology to address this target population. Mr. Moeser thanked Mr. Tuell for his attention to process, communications, and the relationship-building work that provides supplemental benefits beyond the issues of dual status youth.

RESEARCH AND PUBLICATIONS

Subcommittee #3 Report – Chris Rapillo

- Research and Publications Subcommittee Chair Chris Rapillo requested Mr. Tuell's assistance in helping the workgroup generate more specific recommendations to help steer OJJDP and the FACJJ, sometime after the Labor Day Holiday, and he graciously agreed.

REMARKS - ROBERT L. LISTENBEE, ADMINISTRATOR OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Robert Listenbee, *Administrator, OJJDP*, thanked the FACJJ leaders and members for their in-depth knowledge and diverse opinions, as reflected in its 2013 and 2014 annual reports (both currently under review by OJJDP), and today's recommendations. OJJDP supports and expects to respond to the 2013 and 2014 recommendations in the coming months, including: strengthening the federal-state partnership; increasing opportunities for integration of State Advisory Group (SAG) members into our work; ensuring a focus on evidence-based programming; strengthening core protections for our Nation's youth; promoting youth and family engagement; enhancing youth voice; and increasing its interagency collaboration. Administrator Listenbee highlighted the critical role that the SAGs and, by extension, the FACJJ members play in facilitating reform.

He acknowledged the careful thought that the FACJJ Legislative Subcommittee has given to the JJDP reauthorization legislation and assured attendees that OJJDP strongly supports the Act. He also cited the work of the Expungement and Confidentiality of Records Subcommittee as important because effective expungement and sealing has the potential to provide children a real second chance, especially in the area of employment opportunities.

The Administrator thanked John Tuell for shedding light on the challenges facing dual status youth, and he commended those who worked on the 2002 reauthorization which initiated the request for the dual system study that OJJDP recently disseminated. He echoed Mr. Tuell's sentiments about the importance of integrating these systems so that children can seamlessly transition between them, eventually leave the juvenile justice system, and still have access to other services that address their true individualized needs. Administrator Listenbee applauded the work of Brecht Donoghue and the research team who worked on the dual system methodology study, and commented that his staff has supported Mr. Tuell and others in this field in the areas of training and technical assistance, to name a few.

In the last several months, OJJDP priorities have included: enhancing the core protections consistent with JJDP reauthorization and enhancing comprehensive statewide reform. The Office plans to share its vision about achieving the goal of reducing juvenile out-of-home placements very soon.

Recognition was extended to Scott Pestrige, *Acting Designated Federal Official, FACJJ*, and *Senior Policy Advisor, OJJDP*, for his capable advice and guidance on a wide range of issues, and to Marshall Edwards and the entire contractor team for behind-the-scene support. Administrator Listenbee again acknowledged the honor and pleasure of working with outgoing FACJJ Chair Dalene Dutton and the other 10 members who will transition from the FACJJ due to expiring terms, and he reminded the Committee of the imminent vacancies that need to be filled.

FACJJ TRANSITIONING MEMBERS

Dalene Dutton stated that five primary and seven alternate members will transition off the FACJJ, most due to term limitations and one member who has voluntarily chosen not to return. The application deadline was extended to September 4, 2015. Departing individuals are listed below and the presentation slides indicate the regional jurisdictions impacted by the vacancies. Departing members were encouraged to continue their participation on a FACJJ subcommittee.

Primary Members	Alternate Members
<ul style="list-style-type: none">• Dalene Dutton, FACJJ Chair• Raquel Montoya-Lewis• Claudio Martin Kotomor Norita• Reginald Robinson• Symone Sanders	<ul style="list-style-type: none">• Aileen Jo Artero• Pat Berckman• Courtney Enright• Liz Mueller• Pili Robinson• John B. Roe , IV• Dave Rosenthal

Leadership Transition

Dalene Dutton exits the FACJJ as member and Chair at the end of September. Mr. Moeser expressed gratitude for the wonderful relationship they enjoyed, working together and with the other members. He was confident that Ms. Dutton will continue to support one of the workgroups.

Effective October 1, Jim Moeser will vacate his Vice Chair role to step in as interim Chair until January 1, 2016. Elections for Chair and Vice Chair will take place at the **October 19-20, 2015** face-to-face meeting but the appointed individuals will not officially assume the Chair and Vice Chair roles until January, per the FACJJ bylaws. This means the Vice Chair role will remain vacant until January. Only primary members can serve in leadership roles and people should submit nominations now for the 2016 Chair and Vice Chair positions, in preparation for the October meeting. A suggestion was made for future consideration to modify the bylaws to: eliminate term limits on alternate members; allow alternates to assume the primary role; and groom new alternate members for continuity. Currently alternates are eligible to become a primary member if they have not voted three (3) times in place of the primary.

SUMMARY, NEXT STEPS, AND MEETING ADJOURNMENT

Ms. Dutton asked the subcommittees to meet at least once by phone before the October face-face meeting. Minutes from this meeting, along with a combined list of the recommendations from the previous webinar [April 20, 2015] and this webinar, will be distributed internally to the membership as soon as possible to allow for adequate preparation.

Administrator Listenbee thanked everyone again for the hard work that produced such outstanding recommendations, many of which are being incorporated into the framework and machinery of OJJDP. He encouraged rotating members to remain engaged as they have a real chance to effect a fundamental shift in the treatment of children in our systems.

Mr. Moeser welcomed suggestions for structure and content for the October meeting, through the workgroup chairs, Ms. Dutton, or himself. The in-person meeting will be **October 19-20, 2015**.

MEETING ADJOURNED: 3:40 p.m.

APPENDIX
LEGISLATION SUBCOMMITTEE 2015 RECOMMENDATIONS

PRIMARY RECOMMENDATION: The Federal Advisory Committee on Juvenile Justice (FACJJ) supports reauthorization of the Juvenile Justice Delinquency Prevention Reauthorization Act of 2015 (JJDP), with sufficient funding to support the vision and charge to the Office of Juvenile Justice and Delinquency Prevention Program (OJJDP) and jurisdictions.

1. **Phasing out the Valid Court Order (VCO) exception that permits the secure confinement of status offenders.** FACJJ Position: SUPPORT – While extreme situations may remain an issue in some jurisdictions, the FACJJ supports phasing out the VCO exception and providing support and resources to help jurisdictions develop alternatives that can address their concerns.
2. **Increased data collection and reporting requirements.** FACJJ Position: SUPPORT ONLY with INCREASED FUNDING – The FACJJ acknowledges the importance of data collection improvements envisioned in the reauthorization but cannot fully support implementation of these added expectations at this time, unless additional funds are provided.
3. **Increasing accountability measures for reducing racial and ethnic disparities.** FACJJ Position: SUPPORT – The FACJJ supports continued collaboration with OJJDP and the jurisdictions to develop valid accountability measures that will accurately reflect progress toward achieving equity outcomes and receiving additional funding, training, and other technical assistance to help jurisdictions achieve those outcomes.
4. **Requiring that youth under 18, including those being charged as adults, not be confined in adult facilities at least until conviction, unless certain court reviews are conducted and a court determines the best interest of justice is being served.** FACJJ Position: SUPPORT – The FACJJ supports provisions of reauthorization that place additional limits and/or procedural requirements on placing youth under age 18 in adult confinement facilities.
5. **Changing funding related to noncompliance.** FACJJ Position: OPPOSE – The FACJJ supports a compliance process that is geared towards helping all States achieve full compliance. Punitive reductions in funding should be used only as a last resort, and OJJDP should support states in attaining compliance before issuing a funding reduction sanction.
6. **The current proposal includes an allocation of \$159 million for FFY 2016 and two-percent increases per year for the five years of the Act.** FACJJ Position: SUPPORT with AMENDMENT – The FACJJ recommends that total juvenile justice funding be restored, minimally to FFY 2013 levels. Further, the FACJJ recommends that no more than 20 percent of those funds be set aside for specific types of programs (for example, mentoring program support) since large set-asides, in conjunction with increased requirements and reductions in overall funding levels, severely limit the ability of jurisdictions to implement other reforms and practices that have proven to be effective.
7. **Implementation of the Act related to strengthening the federal-state partnership.** FACJJ Position: SUPPORT – The FACJJ reaffirmed its prior recommendation that OJJDP strengthen its collaboration and communication with jurisdictions related to the interpretation and implementation of regulations derived from the statutes.