



## Meeting of the Federal Advisory Committee on Juvenile Justice

Monday-Tuesday, October 20-21, 2014

U.S. Department of Justice, Office of Justice Programs  
Office of Juvenile Justice and Delinquency Prevention  
810 Seventh Street, NW, 3<sup>rd</sup> Floor Main Conference Room, Washington, DC 20531

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### SUMMARY

The Federal Advisory Committee on Juvenile Justice (FACJJ) scheduled a two-day meeting on October 20-21, 2014, hosted by the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP).

James Moeser, *FACJJ Chair*, and Dalene Dutton, *FACJJ Vice-Chair*, led the development of new FACJJ recommendations for OJJDP in the following areas: funding; federal-state partnerships; and compliance monitoring, regulation, and communications.

Robert Listenbee, *OJJDP Administrator*, provided an update on the agency's accomplishments, initiatives, and priorities, and discussed OJJDP responses to the 2013 FACJJ Recommendations. He discussed core requirements and state compliance issues of the Juvenile Justice and Delinquency Prevention Act (est. 1974), and reiterated U.S. Attorney General Eric Holder's strong support for reauthorization. Administrator Listenbee spoke at length about the "rare, fair, and beneficial" contact components of the OJJDP vision statement.

Arlene Lee, *Director, Committee on Law and Justice, National Academy of Sciences (NAS)*, presented a new NAS report, "Implementing Juvenile Justice: The Federal Role." Specifically geared toward the office, it serves as a blueprint to OJJDP on how to use the science evaluated and synthesized in the first report ("Reforming Juvenile Justice: A Developmental Approach: Implications for Federal and State Programs, Policy and Practice") to help the field and facilitate reform.

Administrator Listenbee believes the NAS recommendations and compliance issues point to a mandate for OJJDP to serve as a partner, not just as a punitive monitor, and he especially welcomes creative ways to address these issues. This is a critical time: juvenile justice practices are increasingly being viewed through a developmental, holistic lens as evidenced by the growing body of persuasive research; and the FACJJ is perfectly poised to strengthen its partnerships with OJJDP, the states, and the State Advisory Groups, and to offer informed guidance to OJJDP.

Woven as a common thread throughout his remarks at this FACJJ meeting, the Administrator continually reaffirmed his high regard for the commitment, passion, and tenacity of the FACJJ leaders and members, and expressed confidence in their potential to make a huge difference in the lives of justice-involved youth.

He passionately challenged them to keep holding his feet to the fire.

*The Federal Advisory Committee on Juvenile Justice (FACJJ) 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.*

## DAY 1 – WELCOME, OPENING REMARKS, INTRODUCTIONS

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**Kathi Grasso**, *Designated Federal Official (DFO), FACJJ* (and *Director, Concentration of Federal Efforts Program,, OJJDP, DOJ*), acknowledged the commitment of James Moeser, *FACJJ Chair*, Dalene Dutton, *FACJJ Vice-Chair*, and other FACJJ members, including the contributions of former members Haley Reibold and Martha Doyle. She thanked OJJDP staff and contractors who coordinated and facilitated the meeting, and conveyed special appreciation for the support of Robert Listenbee, *Administrator, OJJDP*, and Shanetta Cutlar, *Chief of Staff, OJJDP*.

FACJJ members were provided ballots in their meeting materials to nominate a chair and vice-chair for voting on Day 2 of the meeting. Only Primary members or Alternate members officially substituting for their Primary who are present (in person or by phone) are eligible to vote. On Day 2, the OJJDP team will tabulate the ballots and report on the results. Ms. Grasso indicated that the two FACJJ youth vacancies must be filled with candidates who are existing members of a State Advisory Group (SAG) and OJJDP will communicate detailed requirements in a few weeks.

The general public was invited as listen-only observers and may submit written comments to Ms. Grasso at [kathi.grasso@usdoj.gov](mailto:kathi.grasso@usdoj.gov). A meeting summary and slides will be posted on the FACJJ website at [www.facjj.org](http://www.facjj.org) within 90 days of the meeting.

Jim Moeser and Dalene Dutton welcomed attending FACJJ members. Roll Call:

**Primary Members**

James Moeser / WI (Chair)

Dalene Dutton / ME (Vice-Chair)

Starcia Ague / WA

Robin (Rob) Lubitz / AZ

ViEve Martin Kohrs / LA

Raquel Montoya-Lewis / WA

Claudio Norita / CNMI

Christine Perra Rapillo / CT

George Timberlake / IL

**Alternate Members**

Kimberly Larson / MA

Sasha Pellerin / NM

Pili Robinson / MO

Dave Rosenthal / DC

Linda Whittington / MS (phone)

Mr. Moeser reviewed the agenda and turned the meeting over to Administrator Robert Listenbee.

## DAY 1 – OJJDP ACCOMPLISHMENTS, PRIORITIES, AND RESPONSES TO THE 2013 FACJJ RECOMMENDATIONS

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**Robert Listenbee**, *Administrator, Office of Juvenile Justice and Delinquency Prevention (OJJDP)*, thanked Mr. Moeser and Ms. Dutton for their leadership, welcomed new primary and alternate FACJJ members, and communicated his desire to spend as much time with them during the meeting as possible. He appreciates the FACJJ recommendations and takes them all very seriously. The FACJJ is at a critical turning point and, while acknowledging that a number of recent OJJDP changes have occurred without input from the advisory group, he reassured the members that he truly welcomes their wisdom, knowledge, and insight.

Administrator Listenbee discussed the recent guidance issued in June with representatives from at least 41 states and those conversations indicate a great partnership between OJJDP, the states and their advisory groups (SAGs), and the FACJJ. There are many outstanding efforts—engaging the top echelon of government—to reduce youth violence, including the following:

- The 2013 Recommendations to the President, Congress, and OJJDP Administrator have been forwarded to U.S. Department of Justice (DOJ) leadership, including U.S. Attorney General Eric Holder, members of Congress, and received with great interest by others. A formal written response to the recommendations should be completed on or before early 2015.
- Several weeks ago, Attorney General Holder spoke on extensive juvenile justice efforts at the Annie E. Casey Foundation’s KIDS COUNT 25th Anniversary Reception Dinner.
- There was a recent session at The White House on Children of Incarcerated Parents.
- Administrator Listenbee participated in a number of site visits throughout the nation relating to the President’s National Forum on Youth Violence Prevention. He acknowledged contributions on this forum from the OJJDP State and Community Development Division (led by Robin Delany-Shabazz, *Associate Administrator*, along with Jennifer Yeh, *Deputy Associate Administrator*, and Geroma Void, *Program Manager*), Theron Pride, *Senior Advisor, Office of Justice Programs*, and others.

Policy: Administrator Listenbee emphasized the need to clarify the four (4) congressionally mandated Core Requirements (also referred to as “protections”): (1) Deinstitutionalization of Status Offenders; (2) Jail Removal; (3) Sight and Sound Separation; and (4) Disproportionate Minority Contact (DMC). It is time to solve these 40-year old requirements and the goal is to reduce the number of status offenders by developing aggressive policies, practices, and solicitations through collaboration with a wide range of colleagues and friends around the nation. Certainly OJJDP intends to address all four requirements. However, the National Academy of Sciences has reported insufficient progress addressing DMC issues and Administrator Listenbee especially wants to turn up the dial in this area. The Department will also continue to focus on three areas that cut across every aspect of OJJDP work – girls, youth engagement, and family engagement; and not just in isolation for a specific research project or solicitation but in every dialogue to establish policies for adoption by the states.

Prevention: Congress has mandated OJJDP to develop prevention programs to reduce delinquency, youth victimization, and exposure to violence and offending. Key programs are the President’s National Forum on Youth Violence Prevention and the Attorney General’s Defending Childhood Initiative, and other community-based violence prevention efforts. The White House has also requested the Department to reduce the risk for children of incarcerated parents, and address issues

for lesbian, gay, bisexual, transgender, and sexually exploited youth in our systems. OJJDP continues its robust, long-established core prevention efforts consisting of mentoring programs, centers for child advocacy and victims of child abuse, protections for missing and exploited children through collaboration with the National Center for Missing and Exploited Children, and aggressive law enforcement efforts to prevent sexual exploitation over the internet. These efforts require some tweaking to keep pace with risks presented through emerging technologies.

Rare, Fair, Beneficial: The Administrator focused his next remarks on these contact components of the OJJDP Vision Statement:

**RARE:** In past eras, school administrators would discipline youth followed by a secondary round of discipline from parents and guardians, resulting in minimal justice system contact. It was expected that children would eventually grow out of many negative juvenile behaviors. Now it is clear that, in general, there is over-criminalization of adolescent behavior within the juvenile justice system, and Arlene Lee of the National Academy of Sciences (NAS) will recommend the federal role in reforming juvenile justice through a developmental approach. Dual-system diversion including drug and mental health community-based options is key, by law enforcement, prosecutors, probation officers, and others, because the ability to define and address youth needs at the onset can reduce or eliminate their subsequent contact with the juvenile justice system.

The school-to-prison-pipeline was the driving concept behind the joint efforts of Attorney General Holder and U.S. Department of Education (ED) Secretary Arne Duncan to develop the Supportive School Discipline Initiative. There are many approaches schools can adopt regarding codes, standards, and recognition of civil rights to keep youth out of the juvenile justice system. Finally, adolescents should only be held in detention when it is likely they won't return or are too violent to be released back into the community, but better assessment tools are essential. OJJDP applauds and supports efforts, such as the Juvenile Detention Alternative Initiative and the John D. and Catherine T. MacArthur Foundation pre-adjudication evening reporting centers.

**FAIR:** The research on adolescent development indicates that children are more likely to be cooperative and supportive if they believe the system is fair. A substantial number of indigent youth still arrive at court with no counsel, or with counsel who are poorly trained and resource-deficient. Every state and territory should provide counsel with proper training to ensure children receive adequate legal representation and this applies to private counsel as well: many lawyers are not knowledgeable about the volume of current adolescent development research on trauma and model programs.

Transfer hearings are complex and this becomes critical especially for youth facing charges that could incarcerate them for life. While tribal or rural areas tend to have less sophisticated legal resources within their public defender offices, larger cities also face challenges of lower salaries, inadequate homicide training and budgets, and reduced priorities for juveniles. Delivery system issues are also magnified in rural and tribal areas, where hours of travel may be required to transport youth to receive substance abuse/mental health assessments and services, when none exist in their communities. Isolated from family support, adolescents are further traumatized unless judges, prosecutors, probation officers, and law enforcement are properly trained and have access to resources to better understand their needs.

**BENEFICIAL:** Administrator Listenbee is charging OJJDP research divisions to collect more timely data to facilitate decision-making. The goal is to reduce the number of youth in out-

of-home placement (down about 50% from the 2010 data of 120,000 youth) and even define what the appropriate number should be. They must better address the issues of youth who cannot be returned to their home communities due to public safety issues and who therefore must be placed. Georgia and Texas have decided not to place any status offenders in detention or in out-of-home placement, and both states will report on their results at year's end. The challenge is to keep status offenders and children charged with minor offenses out of detention. The research highlights that detention does not reduce recidivism, is expensive, and traumatizes children (e.g., suicides). Better assessments are needed: we know that 60-70% of youth [in the juvenile justice system] have diagnosed mental health issues and over 50% have substance abuse issues. The Chicago Field Studies (Northwestern University) of the Cook County Juvenile Detention Center revealed that 75% of children have been exposed to trauma issues (56% are exposed to more than three traumas) but only 25% were actively receiving treatment both inside and outside the facilities. Increasing numbers of adolescents entering the justice system with these issues do not have to go any deeper if we properly assess and address these issues.

Another concern is the need to improve the quality of home placement educational services to be on par with those in the home communities, and even youth receiving good educational services often discover the credits are not transferrable. Understandably, they become frustrated and discouraged once back in their home communities upon learning they must repeat much of the work they already completed. OJJDP is partnering with ED, [Labor, HHS, and other federal agencies] to address youth issues on a full range of reentry services and tools to equip children with skills that will enable them to leave the system, continue their education, seek employment opportunities, and develop life skills to become productive members of society. Administrator Listenbee cited the presence of many reentry initiatives, including one in Boston, Massachusetts that transforms tough adolescents into union workers. He also reinforced the urgent need to expunge and seal juvenile records, and stated that OJJDP and the U.S. Department of Housing and Urban Development are spending \$1.8M to address these issues in housing authorities across the nation.

The Department is developing a comprehensive statewide strategy for reforming juvenile justice systems in selected states, and to pour as many resources into those states as possible. This aligns with concurrent efforts by the Pew Charitable Foundation, other organizations, and several states (most notably Georgia, Kentucky, and Hawaii) to identify data collection processes, concerns, and juvenile justice system reform implementations. These three states decided—at the highest gubernatorial, judicial, and legislative levels—to overhaul their juvenile justice system, based on a data-driven, multi-disciplinary point of view, and to pass new legislation changing the levels of misdemeanors. OJJDP requested \$10M in the 2015 budget and is providing those states with training and technical assistance.

To eliminate “justice by geography” OJJDP must lead the way to implement consistent and comprehensive reforms that ensure equal justice for all. OJJDP spends over \$50M in training and technical assistance but must be ready to explain aspects of the training and technical assistance being delivered around the country: where, for whom, what methods, and how benefits are measured. The solution is not to parachute people in for a day declaring wisdom from Washington and then leave; rather, the effort requires building synergy, working in partnerships, rolling up sleeves, and pushing the wheel to make progress. To that end, Administrator Listenbee is meeting with training and technical assistance providers later in the week to get their input, and to guide them in the direction of accountability and clarity of purpose.

Reauthorization of the Juvenile Justice and Delinquency Prevention Act (JJDP): This has been on the backburner for a while. Senator Sheldon Whitehouse held a field hearing in Pawtucket, Rhode Island this past June and spoke eloquently on behalf of the work done by OJJDP and the need for reauthorization. The Justice Department strongly supports reauthorization, which has been mandated by Attorney General Holder as a priority to develop a new statute and a focus on priorities approved by practitioners in the field. The Administrator welcomes ideas from the FACJJ.

FACJJ 2013 Recommendations: In addition to the primary recommendation that the President and Congress reauthorize the JJDP, the FACJJ developed recommendations from four (4) subcommittee areas: (1) Evidence-Based Youth Justice Practices; (2) Youth Engagement; (3) Youth Justice and Schools; and (4) Youth Justice and Disproportionate Minority Contact. Administrator Listenbee focused the bulk of his remarks on evidence-based youth justice practices and deferred the remaining topics for later discussion during the Q&A period. These recommendations champion evidence-based youth justice practices which the agency strongly supports. In fact, the advent of evidence-based practices are likely responsible for the existence of a juvenile justice system. Prior to its inception, people worried that criminals were not receiving appropriate punishment and that overall outcomes were poor, so an evidence-based practice system is a priority. Administrator Listenbee introduced Dr. David Bierie, *Research Coordinator, Innovation and Research*, who will help strengthen OJJDP research capabilities and work with science advisory groups to point the country in the right direction.

Data Collection: The National Academy of Sciences recommended a dramatic increase in the agency's ability, in conjunction with all major research agencies, to improve data collection systems for juvenile justice.

Juvenile Justice Reform and Reinvestment Initiative (JJRRI): In 2012, the Office of Management and Budget Partnership Fund joined with OJJDP to implement this research-based, data-driven platform to improve service delivery to justice-involved youth. JJRRI is being piloted in three sites – Iowa, Delaware, and Milwaukee County, Wisconsin – and designed to improve youth outcomes, reduce recidivism, and increase cost-effectiveness for juvenile justice programs. An important aspect of this initiative is its standardized program evaluation protocol (SPEP) which measures effective practices based upon meta-analysis of approx. 600 evaluation studies of juvenile justice interventions. The Blueprints for Healthy Youth Development is a research project within the Center for the Study and Prevention of Violence, at the University of Colorado Boulder. Its mission is to identify evidence-based prevention and intervention programs that are effective in reducing antisocial behavior and promoting a healthy course of youth development. Earlier this year, Administrator Listenbee spoke in Denver, Colorado at the Blueprints Conference and noted that blueprint programs are expensive and not everyone has implemented them. Sometimes programs that perform very well are not funded because they are not evidence-based. SPEP may now allow the confident measurement of effective practices within existing programs based upon the metadata. Dr. Mark W. Lipsey, *Director, Peabody Research Institute at Vanderbilt University* and developer of the SPEP, is working on this research project.

National Academy of Sciences study: This study, in conjunction with the Attorney General's Task Force on Children Exposed to Violence report, focuses on trauma and trauma-informed care. It is devastating how trauma derails normal childhood development. Even though he has met hundreds of traumatized youth, read thousands of materials on the subject, and worked with some of the best clinicians in the field, it was not until Administrator Listenbee served for one year as co-chair of this task force that he truly understood the significance and importance of this issue. Imagine an adolescent recovering in the emergency room from a stab, gunshot, or assault wound, usually

leaving the hospital the same day and bent on retaliation. Or consider other deeply traumatized youth whose lives are disrupted – out of school and often isolated from normative activities. Previously there were no programs to address these needs from a holistic standpoint. Philadelphia and Boston are two examples of cities now implementing the Healing Hurt People program. [This cornerstone program of the Center for Nonviolence and Social Justice seeks to address the physical, emotional, and social needs that victims of violence face after being released from hospital emergency departments. Skilled and timely intervention may be the only thing that keeps some youth from returning to the hostile environment in which they were injured.]

**\* \* \* \* FACJJ Members Discussion \* \* \* \***

**Rob Lubitz** expressed his appreciation of the comments on rare, fair, and beneficial – the problem is simply making it happen. Satisfied to hear the OJJDP Administrator mention SPEP, he explained how Arizona was able to team up with Dr. Lipsey and score existing programs, based on effectiveness and elements. Their programs were effective based on program type but the dosage was erroneously diluted and they were targeting the wrong demographic (low-risk youth). Most programs scored fairly low but they eventually learned how to improve them, changing dosages, focus, resources, etc. Dr. Lipsey returned a few years later and they reassessed the scores, which were higher and validated the reduced recidivism. That was five years ago so he is not sure of the current processes but commented that narrow-sighted opposition hurts.

**Dalene Dutton** inquired if OJJDP’s research division would consider budgeting to include the creation of cost-benefit analyses. When doing research, money for cost-benefit analyses or the supporting data collections is often left out. Administrator Listenbee agreed on the need to identify what to do based on research results, and how to message it. He gave an example of an invitation to the National Press Club by the Hamilton Group to discuss a Chicago-based mentoring program Becoming A Man (BAM) that was highlighted by the President. OJJDP added an educational component that focused on mathematics (MATCH) and after six months of BAM and MATCH research, they observed significant increase in children’s grade levels and decrease in aggressive behaviors. On the strength of those six months of research, the Hamilton Group recommended the government spend billions to implement BAM and MATCH across the nation, yet OJJDP could not justify the recommendation at that time. Administrator Listenbee concluded that when they asked NAS to produce a new implementation study, they also inquired about identifying the cost of those recommendations.

**Jim Moeser** appreciated the direction of conversation and reiterated that the FACJJ evidence-based practice recommendations include programs, practices, and policies that go beyond just reducing recidivism.

**Starcia Ague** asked what specific efforts would be undertaken to recruit for the vacant youth primary FACJJ positions. Kathi Grasso promised a commitment to get the word out within a few weeks about the two youth vacancies to as many eligible people as possible, and will favor candidates who have been consistently engaged in youth involvement. She also sent a note to the SAG listserv and has already received several responses. Ms. Ague conveyed her frustration with the difficulty of getting system-involved youth on the FACJJ when they cannot even pass through the process of becoming a WA state SAG member. She suggested OJJDP include specific language about system-involved youth within OJJDP solicitations and Ms. Grasso will consider that as they develop applications.

**Ms. Ague** also inquired if the new policy committee would address the issue of juvenile records through a white paper or if OJJDP would establish any standards. Administrator Listenbee stated

knowledge goes hand in hand with policy development and OJJDP is now developing a research unit, bringing more people on board and charting a direction they believe is important. Issues such as solitary confinement, reentry, etc. are complex and as a predominately grant-making agency up to now, OJJDP can expect subject matter experts to quickly highlight policy deficiencies. Now the task is to develop policy expertise and OJJDP just began hiring a few months ago, including four senior policy advisors, following a 3-year hiring freeze. OJJDP now has increased its capacity to draft and prepare policies, collaborating with its program side. We want NAS to recognize we are building the capacity to address the issues they raised.

**Sasha Pellerin** asked how OJJDP is addressing family engagement. Administrator Listenbee shared that prior to his arrival, four listening sessions were held around the country, and reports were produced and circulated based on the information collected. OJJDP is now work on a draft policy which it plans to share over the next several months and issue before the end of the 2014 calendar year. In his 27-year career as a public defender, Listenbee observed that many families with justice-involved children were on public assistance, viewed with some contempt, and deemed accountable for the adolescent's problems. Often parents were not asked to do anything other than bring their youth to court. We have come a long way and recognize the positive impact families have so now we seek to strike a balance between helping and not taking over. Families are also pushing harder into the process to understand more about what is happening to their children. Mike Dempsey, *President/CEO, Youth Opportunity Investments, LLC* (which operates the Muskegon River Youth Center of Indiana and other facilities) indicated that the Indianapolis detention center allows family visitation 24-7. This has resulted in calmer youth and reduced staff injuries. OJJDP is encouraging such experiments because the state is a very poor substitute for a parent. It is a tragedy that many parents have lost their children.

**George Timberlake** applauded Administrator Listenbee for his eloquent advocacy of these issues and appreciates the Administrator's presence around the country. Judge Timberlake inquired about OJJDP's strategy on messaging toward a larger audience: the guy in the coffee shop who asks what should be done about kids who commit crimes. A lesson from the 1990s was the lack of pushback against treating children as adults and a comment from the FACJJ survey, developed by Mr. Moeser and Ms. Dutton, asserted that OJJDP is a great body of knowledge and could be an opinion leader and go-to resource on the subject of juveniles and crime.

Administrator Listenbee responded that OJJDP is not yet sufficiently developed to fulfill such a role. Working with the Ad Council on a messaging campaign on the Children's Exposure to Violence, and implementing the Defending Childhood Initiative, is only part of the message. Interestingly, Administrator Listenbee asserts that our people \*in\* the system would not trust our own system with our own children. How can we ask people around the nation to trust the juvenile justice system for their children? People are also unaware of the many positive efforts and outcomes for youth we achieve. He used the analogy of the faith and confidence we would have in a medical system, anywhere in the country, to properly set the broken bone of our child's arm. Yet would we experience the same absolute degree of confidence, if our child was the one who broke the other youth's arm? That s/he would receive adequate and fair legal representation and access to other services, from individuals knowledgeable in developmental approaches to juvenile justice, regardless of geographical location? He hopes to message around this issue and plans to visit youth placement facilities with assistance from Chyrl Jones, *Deputy Administrator for Programs*. The Administrator concluded his remarks with an introduction of staff members present: Shanetta Cutlar, Chyrl Jones, Nancy Ayers, David Bierie, Eric Stansbury, Jennifer Yeh, Robin Delany-Shabazz, Jaime Koppel, and Carol Neylan.



## DAY 1 – NATIONAL ACADEMY OF SCIENCES – UPDATE REPORT

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**Kathi Grasso** introduced Arlene Lee, *Director, Committee on Law and Justice, National Academy of Sciences (NAS)*, a nationally-renown child advocate. Ms. Lee has served as Director of Policy, Center for the Study of Social Policy; Executive Director, Maryland Governor’s Office for Children; Deputy Director, Georgetown University Center for Juvenile Justice Reform; and Director, Federal Resource Center for Children of Prisoners. She was named one of Maryland’s Top 100 Women and has received three Governor’s Citations. Ms. Lee holds a B.A. in Sociology from Washington College and a J.D. from Washington College of Law, American University. Her full BIO and detailed presentation slides are available on the FACJJ website at [www.facjj.org](http://www.facjj.org).

**Arlene Lee** provided background information on NAS, its committee/review processes, and the recommendations contained within the latest report.

NAS was established in the mid 1860’s by the Lincoln Administration to provide government agencies with an advisory entity offering the best research and evaluating the scientific questions of the day. 150 years later, NAS continues to grow with the federal agencies it supports. While the Committee on Law and Justice supports DOJ agencies (OJJDP in particular) it remains a private nonprofit that maintains a fierce independence of its evaluations and reports. The committee process involves the acquisition of the best and brightest scholars working pro bono to consider the research and rigorous adherence to a strict QA/QC peer review process lasting between nine months to three years, followed by the “formal advice” (written reports).

The first report, “**Reforming Juvenile Justice: A Developmental Approach: Implications for Federal and State Programs, Policy and Practice,**” summarized the knowledge around adolescent development, considered effective interventions, highlighted work from vanguard jurisdictions, consolidated the knowledge, and established a platform for moving forward on juvenile justice reform – addressing the implications for juvenile justice when applying that knowledge to the work.

Ms. Lee shared her delight when Administrator Robert Listenbee requested a follow up report, one specifically geared toward OJJDP. That second report (the focus of today’s presentation), “**Implementing Juvenile Justice Reform: The Federal Role,**” had three sponsors – OJJDP, John D. and Catherine T. MacArthur Foundation, and the Annie E. Casey Foundation. They unanimously concurred on their expectations to provide a blueprint to OJJDP on how to use the science evaluated and synthesized in the first report to help the field and facilitate reform.

Ms. Lee discussed the mix of committee members, staff, and a list of individuals who provided presentations or granted interviews. She elaborated on the rationale for two consultants. John Wilson of the Institute for Intergovernmental Research possessed agency experience and insight as a Former Deputy Administrator, OJJDP. Cheryl Hayes of the Finance Project provided expertise on the analysis of the federal budget with the goal of identifying opportunities outside of the OJJDP funding streams that could be accessed by the agency and the states.

The Report Outline referenced six (6) chapters which NAS used to define internal functions and external partnerships for OJJDP to consider. Ms. Lee briefly covered a section on Terminology, particularly addressing the important distinctions between youth already in the system (legacy, placement) versus those just entering (system-involved, at the door). The developmental approach definition is simply applying what we know from the research on adolescence to policies and practices, and that participants use that knowledge to provide the right services at the right time in the right setting for each youth who is formally involved in the system. The goal is to ensure that every youth becomes a successful, productive member of the community.

Next, the committee developed Hallmarks to define how the developmental approach can guide juvenile justice reform. Confinement should occur only when necessary for public safety, not just to “teach them a lesson.” There were many concerns about confinement itself and the length. Confinement is very damaging to youth who do not need to be there. Six months seems to be the point of diminishing returns, where almost all anticipated benefits begin to decline. Adolescents are attuned to the fairness and disparity of treatments for themselves and others and are quick to deliberately interpret systems as fundamentally unfair, so this is an area requiring attention. Families are seen as real partners at all stages. These hallmarks should be incorporated into OJJDP policies and practices, as well as in actions taken by state, local, and tribal jurisdictions to achieve the goals of the juvenile justice system.

The report then discussed the OJJDP Mission with an emphasis that juvenile justice system improvement is an equal part of the mission to delinquency prevention. It also defines prevention as a goal of the agency and a continuum for the most at-risk youth who have a clear path to the juvenile justice system. OJJDP should be focused on these children.

The 2013 Report provided high-level recommendations so now is the time to drill down “closer to the paperclips” ... to what can actually be done. Each recommendation from the first 2013 report was scrutinized from the perspective of the federal agency’s role and specific actions it could/should take. Ms. Lee paused for feedback here:

- **Jim Moeser** wanted to understand more about the perspective of victims affected by juvenile crime. Ms. Lee stated that clearly public safety accountability must be balanced against the need to have youth emerge from the system in better shape. Youth need help to become accountable to the victims of their actions and we need to teach them how to become more responsible, such as admitting to the wrongdoing. These are all pieces of the developmental science.
- **Dalene Dutton** inquired how this report can be used by those outside OJJDP. Administrator Listenbee referred to a trust problem but a larger issue is the lack of appreciation for why we even have a separate juvenile system. Having the Office use this material might be construed as trying to justify the office’s existence to the general public, so it would be good to see how this information might be used by other agencies/entities to communicate why youth must be treated with informed programs and practices.
- **Rob Lubitz** felt there was some inconsistency between the OJJDP mission, the importance of targeting youth most at risk, and the Hallmarks emphasis that needs take priority over risk. In a world of limited resources, we should focus on the mission of the most at-risk youth.
- **Ms. Lee** responded to Ms. Dutton and Mr. Lubitz that in order to help people understand the need for two separate systems and address youth within the system as children—not adults—there are things we want to do to help them grow and develop in an appropriate way, and counterproductive things to avoid. It is crucial to help people understand that while providing services in communities, there are children who don’t need to go deeply into the system. One of the committee members was a Philadelphia police officer who, after getting permission from the commissioner, mayor, and other city leaders, began thinking about how to divert adolescents coming through the police department. Spending no money, they created a diversion program that identified services already in place to divert youth from system involvement at the police level. The first report discussed why that’s important and lays out the science about how young people are harmed by the system. Now the goal is to put everything in a balanced approach at multiple levels.

Ms. Lee then dove into the recommendations on Refocusing OJJDP: develop a training curriculum for OJJDP staff; improve the balance between grants monitoring and compliance; help states develop administrative data that allows for accountability; and focus the research on projects that advance the developmental perspective.

The next set of recommendations address Facilitating Change within State, Local, and Tribal Jurisdictions, specifically to: support SAGs and other state leaders to be reform leaders (OJJDP can only do so much to play a fundamental role in advancing those who will lead the efforts on the ground); develop training and technical assistance to be strategic and tactical; and ensure technical assistance recipients undertake reforms using a developmental approach. Reforms need long-term, sustained engagement tailored to a jurisdiction so the direction should be to de-emphasize short-term webinar training but engage with partners to develop coordinated, longer-term training and assistance.

- **Dave Rosenthal** asked if there is a comprehensive list of trainings requested by the jurisdictions. The issue is we don't know what we don't know: this makes it difficult to know what to ask OJJDP. Administrator Listenbee agreed this is missing in OJJDP's overall approach. Training can be powerful but is most effective when integrated into a supervisory process, built into a long-term employment cycle, and immediately applied. OJJDP will have a training and technical assistance meeting this week and he will communicate the results.
- **Jim Moeser** expressed concerns over reform readiness and wondered if people are properly aligned and prepped to successfully implement changes. Ms. Lee said the committee discussed readiness and the agency's need to facilitate it. Some jurisdictions are doing this but others are not because the SAGs have not been empowered or for other reasons.
- **George Timberlake** asked about the presence of any readiness tools for both state and local jurisdictions that gives a picture of what needs to be done. There is not but Ms. Lee agreed there is a need for a demonstration project, to create a readiness tool and to create a learning network to help accelerate the progress for the next wave of those coming in.
- **Administrator Listenbee** earlier mentioned the Smart on Juvenile Justice; the idea is that we want our own programs and are still in the early stages. We welcome ideas for readiness assessment tools and the project is being led by the OJJDP Chief of Staff and Deputy in charge of programs.

The next set of recommendations deal with Facilitating Change within the Jurisdictions by establishing a new approach to reduce racial and ethnic disparities. Also eliminate the RRI [relative risk index] but in a phased, collaborative process with the states and other statistical agencies to assist in the development of a new data gathering approach. Fairness and disparate outcomes are key Hallmarks that operate together and this should be highlighted as a part of the multi-year demonstration project, which the group just discussed.

Partnership recommendations should: be formed at all levels; include a Family Advisory Group to the Coordinating Council; utilize strategic interagency activities through the Coordinating Council to advance reform; and increase training and technical assistance capacities. Of particular interest to the FACJJ is the recommendation for OJJDP to leverage funds with other federal partners and to guide grantees accordingly. The consultant analyzed the federal budget and identified 110 different funding streams that target youth at-risk or already involved in the juvenile justice system, as an eligible population within that grant. Ms. Lee showed a chart with information on federal funding sources depicting funding streams, programs, stages of involvement applicable in the

system, and health and well-being domains (medical, nutrition, delinquency, reproductive, education). This will provide a start for the states but it is not easy for everyone to believe it can be directed toward this population; therefore having the feds come together to provide that information is incredibly helpful.

Ms. Lee referred to the Action Charts which contain yearly breakdowns of three-year plans, followed by a brief discussion on Trends in the OJJDP Funding Streams.

She then reiterated the recommendations defined under the Need for Support by Federal Policy Makers: JJDPA reauthorization; increased funding flexibility; and targeting appropriations for reform of the juvenile justice system, as opposed to other earmark programs.

- **Dave Rosenthal** referred to one of the report's definitions – the point at which a child would be classified as system-involved with the filing of a petition. Ms. Lee said the committee sought funding for both justice-involved youth (at the front door), and system-involved youth (already in the system) that was clearly identified to help understand what is available at each stage – not funding available to the general population. This helped identify funds available for each eligible population but did not attempt to define triggers.
- **Rob Lubitz** asked if the report was finalized. He had a copy that seemed to indicate it was still under review. Ms. Lee said it was in pre-publication stage and may subsequently contain minor edits and format changes, but no substantive modifications will be made at this point, so the content is final.
- **Dalene Dutton** mentioned the numerous references to data collection but did not remember seeing specifics on outcome measurements, or defining more specificity as to how to measure certain things. This would be useful for comparisons so the office can have a better handle on what's happening in the states. Ms. Lee stated the agency should work with research experts in data collections and analysis and with states in a collaborative process of identifying some of the common measures that can be used across the states and built into their systems. Also begin thinking about well-being or higher outcome measures that could be established; both involve people who understand the data collection and analysis and who are out there doing it.
- **Jim Moeser** inquired about the possibility of these types of recommendations being incorporated into reauthorization: what are realistic expectations? Ms. Lee said the committee attempted to make recommendations that could be implemented without reauthorization, although they also identified things that would be great if reauthorization occurs. Almost everything in the report can be implemented within current authority levels.
- **ViEve Kohrs** sought clarity on the definitions and Ms. Lee assured her that the definitions are not yet implemented; she differentiated what is available versus what should be done.
- **Sasha Pellerin** thanked Ms. Lee for the DMC content which complements her work in New Mexico.
- **George Timberlake** referred to the positive youth outcomes and the necessity for data research/collection: does the report identify responsibility for determining those positive outcomes? Ms. Lee indicated that all recommendations begin with the premise of OJJDP as the primary player assuming responsibilities for convening, forging partnerships, etc.

**Administrator Listenbee** thanked Ms. Lee and her NAS colleagues for the clarity offered by both outstanding reports which allow OJJDP to better understand which policies relate to specific report

aspects, providing a clear pathway forward. Expressing the good fortune to come together in a time and place with the best minds, lawyers, prosecutors, etc., he urged everyone to read the report and hold our feet to the fire.

**Jim Moeser** also thanked Ms. Lee for her efforts. He believes the FACJJ recommendations are consistent with this latest report and hopes to eventually witness consensus on some of these critical issues at both the national and state levels.

## **DAY 1 – FACJJ/OJJDP CONVERSATION: JJDP CORE REQUIREMENTS & STATE COMPLIANCE**

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**Jim Moeser**, *FACJJ Chair*, acknowledged that he walks in “state” shoes and does not profess to understand all the federal issues and complexities. Nevertheless, this is an appropriate time to discuss the challenges faced by the agency and the states. In the face of diminishing resources, the interconnected issues of funding, compliance, etc. loom somewhat tenuously. Clearly the leadership that emerged from the JJDP core requirement has exerted a significant impact on states. Whether the focus is on removing status offenders, removing adults from youth facilities, or reducing racial disparities, this conversation is essential.

**Administrator Listenbee** relayed that OJJDP established a new set of guidance on the issue of detain-or-confine this past June. The rush to complete it probably created difficulties, given the relative lack of states’ input. The office issued an opinion about whether a certain fact pattern constituted a violation. It involved a child in the system who was required to attend a Scared Straight program, with conditions. The child was allowed to either watch the program on video or attend with his/her parent. The parents and child were informed the child could leave at any time without any negative consequences. Was this scenario a detain-or-confine? Does participation in a Scared Straight program constitute a lockup situation? After much discussion and review of the law, the conclusion was reached that this was *not* a violation of the detain-or-confine policy because the child was free to leave. Guidance is needed to explain the distinction of the six-hour clock and criteria for secured versus not secured. It was also suggested that even children aged 10-17 would probably not have felt free to leave.

The decision was made to have a conversation with the states on the issues, and many were concerned if the guidance will require them to increase the universe of facilities to be monitored. One state estimated this compliance might yield a 200% increase in the states’ monitoring. It is important to understand the impact of the continuing decline in funds and how that translates to the states, for the Juvenile Accountability Block Grant or Title 2 programs. In prior years, at the \$70-75M funding level, small states would receive a minimum of \$400-600K. However, at the \$50-55M mark, many states would not have enough money to pay for a juvenile justice specialist, a compliance monitor, a DMC specialist, and other costs required to maintain the basic core requirement - these are the issues associated with contained or confined.

There was a sense, reflected in Ms. Lee’s presentation, and in the National Academy of Sciences report, that OJJDP is over-monitoring states based on a level of distrust rather than a partnership focused on protecting children. We will approach the issues of detain-or-confine and of racial and ethnic disparities through a true partnership that is practical, realistic, and focused on protecting children. Administrator Listenbee has the discretion to address these issues and help states comply with JJDP. He does not want states to fail and lose funding and OJJDP does not want to foster the perception that we’re just punitive monitors, only sending letters about compliance. OJJDP wants to provide financial incentives in addition to basic funding. The Administrator plans to be

a partner, develop creative ways to address issues, and request that Congress increase the funding, including for incentive programs. More changes will be announced soon.

**\* \* \* \* FACJJ Members Discussion \* \* \* \***

**Jim Moeser** requested differentiation between youth alleged to be delinquent versus status offenders. Administrator Listenbee indicated an issue facing OJJDP is that the new guidance does not address status offenders. Many of his colleagues live in states with resorts where youth consume alcohol especially in the summer months, exhibit disorderly conduct, run away, and often end up in police stations. How should we deal with these youth whose parents must come from out of state? OJJDP must find ways to address the liability for law enforcement and parents. We do not want to rush into guidance and have to retract this, so we're still working on getting this right the first time. Some states will never take status offenders to police stations; some will only transfer them to shelters. Mr. Moeser agreed that rural areas with minimal resources hours away from the point of contact are especially hardest hit. Administrator Listenbee said we need to talk more about what is happening in our rural areas and give every state the opportunity to submit questions.

**ViEve Kohrs** asked about the "justice by geography" phrase. Administrator Listenbee conveyed that across the country youth receive different treatment/services based on the geographical area. The same child with the exact same conduct could receive different treatment within the same state or across states.

**Rob Lubitz** questioned if things are still under consideration and should states try to set some funds aside? Is there a clear timetable where states can expect revised guidance? Administrator Listenbee replied there is a general timetable but no specific dates yet. OJJDP will hold regional state conversations seeking feedback before making final recommendations next year. Some states have offered to help with tools and training (including law enforcement and virtual training) and OJJDP will connect with them. OJJDP is also still working on some compliance and racial disparity issues.

**Christine Rapillo** inquired how the FACJJ can effectively work with the states to help OJJDP improve compliance issues, e.g., disproportionality, status offenders. She will lead the compliance subcommittee breakout session later in the afternoon to discuss FACJJ recommendations and was very interested in Arlene Lee's comments on the subject. Administrator Listenbee stated the report contained a strong and controversial recommendation to abandon the RRI so FACJJ guidance here would be extremely powerful in terms of identifying a replacement and how to move the dial. Some would agree on the usefulness of just documenting the stage-by-stage analysis where you have disparity, especially in the early arrest stage. The Administrator complimented Ms. Rapillo's Connecticut state law enforcement agencies which have improved understanding of how law enforcement can play a major role with the reform process, regarding racial and ethnic disparities. OJJDP is working with the MacArthur Foundation and others to bring law enforcement to the table.

In several days, Administrator Listenbee will meet with members of the International Association of Chiefs of Police [the world's oldest and largest nonprofit membership organization of police executives, with over 16,000 members in 94 different countries] and their juvenile justice committee to talk about the role they can serve in the racial and ethnic disparity process. Obviously OJJDP needs law enforcement but Connecticut has taken it several steps further in lessons learned and that would be helpful to us all so please share it. He shared that he has his own ideas but would love to know how the states envision partnership. His goal is to encourage the states to

spend more of their state money wisely: in some jurisdictions keeping just four adolescents out of jail may save a million dollars per year and keep them from going deeper into the adult criminal justice system. Listenbee does not want to preach to states ... he wants to hear from them.

**Jim Moeser** next asked for clarity about the definition of “lockup.” When do local police departments become a lockup? Administrator Listenbee responded that as facilities are transformed, some do become lockups. So what are the criteria? He wants OJJDP to be in position to respond as quickly as possible but cautioned that this is a long-term process. The vision for JJDPA did not originate in Washington, but was codified here from across the system especially the developmental approach. He exhorted FACJJ members to become visionaries about what will be needed years from now and then get moving in those directions.

Mr. Moeser relayed a wonderful anecdote that illustrates the changing times since his days managing custody intakes for “frequent flyers” – city kids regularly referred by law enforcement. One youth named George was continuously sent there by his Mother after fighting with her, and would spend a night or two there cooling off before heading home. After one particular rowdy blowup, George personally called before the police arrived to inform Mr. Moeser that he had been in another fight with his Mom and to please “get my room ready.”

When Administrator Listenbee was a public defender, they treated all children like adults. He had 260 clients in one week and was expected to give his 100% best efforts with the unrealistic hopes for good outcomes. He is so thankful for today’s specialization but even with better legal services the nation still has a long way to go.

**Dalene Dutton** conveyed that Maine created a document with aspects of compliance. Are other states documenting guidelines and is OJJDP proactively providing guidance to law enforcement to keep them in compliance? Administrator Listenbee nor staff members Janet Chiancone and Will Bronson are aware of such tools but unanimously confirmed their interest in receiving whatever tools are available and would like an opportunity to review Maine’s documents. Law enforcement has been left out of the juvenile justice system leadership. The Administrator feels they represent a great opportunity for reforms at the “front door.” Mr. Moeser created a 12” x 20” poster with some guidelines for law enforcement and found police departments were receptive to posting them. It was very encouraging one year later to find they were all still up on display. Ms. Dutton credits Maine’s success not just to the mere presence of a document, but because their compliance officer engages in educational outreach—with document in hand—promoting sincere partnership, rather than just being an enforcer.

**Rob Lubitz** observed that OJJDP often only hears negative feedback. Although most would agree that there is always room for improvement, the last ten years have brought a sea change, with many states reporting dramatic reductions in juvenile justice contacts. OJJDP deserves credit for their leadership in the core requirement, funding, and translating the research into practice. Even in the areas of DMC, we have still significantly reduced the minority and non-minority contact. The progress to-date is very positive and should be touted but no one is really telling the story. Mr. Moeser said that SAGs try to get the dollars out to the local jurisdictions and this facilitates a more meaningful compliance relationship.

## **DAY 1 – REVIEW PLAN/PROCESS FOR SUBCOMMITTEE SESSIONS**

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**Jim Moeser** expressed heartfelt thanks to FACJJ Vice-Chair Dalene Dutton for her efforts in developing and disseminating the FACJJ survey to 500+ recipients, and for following up on the survey results.

**Ms. Dutton** previously wondered if SAG members felt the FACJJ adequately represented their interests but credits improvement to that perception to: FACJJ efforts to solicit the survey feedback; and networking at the annual conference of the Coalition for Juvenile Justice (CJJ) with Mr. Moeser. She encourages future participation by FACJJ members in similar networking and outreach venues to facilitate positive perceptions that the FACJJ is open to feedback and sincerely represents SAG interests.

## **DAY 1 – LUNCH, SUBCOMMITTEE BREAKOUT SESSIONS**

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FACJJ members took a group photo before breaking for lunch and were requested to return at 1:20 pm. The afternoon subcommittee breakout sessions were scheduled to last three hours and were designed for the workgroups to formulate/finalize ideas and draft recommendations for consideration by full FACJJ. Ms. Grasso communicated the breakout locations and meeting logistics (supplies, support staff, call-in conference lines for remote attendees, etc.). Subcommittee meetings were closed to the public and each subcommittee was responsible for taking their own notes. Ms. Dutton indicated the goal is to become more nimble and to that end, Mr. Moeser stated he would prefer having recommendations for voting, but if more research is needed then a possible webinar follow up would be held in February 2015. He reminded members to submit their nomination forms for the Chair and Vice-Chair positions. Following the breakout sessions, the full FACJJ reconvened at approx. 4:20 pm.

## **DAY 1 – WRAP UP, REVIEW OF DAY 2**

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**Mr. Moeser** polled the subcommittee chairs who unilaterally reported having a good, productive discussion from the dedicated time and all reported they will have recommendations for Day 2 to consider.

**Ms. Grasso** requested the subcommittees type their recommendations and bring copies to tomorrow's meeting and voting. The recommendations will be neaten up for the public record to include a contextual paragraph or two. She expressed thanks for a very informative meeting and reminded everyone that the group reconvenes for tomorrow at 8:00 am.

**Mr. Moeser adjourned the Day 1 meeting at 4:38 pm.**



## DAY 2 – REMARKS

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**Jim Moeser** opened with appreciation to Rob Lubitz and Reggie Robinson for their leadership and transition support this past year.

### Primary Members

James Moeser / WI (Chair)

Dalene Dutton / ME (Vice-Chair)

Starcia Ague / WA

Tony Jones / FL (phone)

ViEve Martin Kohrs / LA

Robin (Rob) Lubitz / AZ

Raquel Montoya-Lewis / WA

Claudio Norita / CNMI

Christine Perra Rapillo / CT

George Timberlake / IL

### Alternate Members

Kimberly Larson / MA

Sasha Pellerin / NM

Pili Robinson / MO

Dave Rosenthal / DC

Completed ballots were collected followed by an announcement that the members would soon be joined by OJJDP Administrator Robert Listenbee for his inclusion in another group photo.

## DAY 2 – WEBINAR LOGISTICS

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Because follow up FACJJ webinar sessions may be conducted in 2015, Mr. Moeser felt it would be beneficial to have a quick overview of webinar procedures.

**Michelle Duhart-Tonge**, *Senior Associate, ICF International*, provided overall guidance to attendees about optimal webinar logistics. She reminded attendees to respond immediately to webinar registration invites and suggested that everyone paste the webinar links and other information into a calendar entry so it is handy.

- Sign into the webinar at least 30 minutes early and dial-in 5-10 minutes before the start, to allow time for technical issues.
- Mute your line unless you are speaking to prevent background noise.
- Use the Raise Hand feature when you want attention.
- Use the Chat feature to send messages. Remember you may send private messages to select individuals or general messages to everyone. NOTE: the use of “private” here refers only to the recipient of your chat message *during* the webinar, based on who selected. Digital data (voice, music, presentations, images, etc.) are all forms of stored information and may still be accessed through a FOIA request, so govern yourselves accordingly.

Claudio Norita indicated some of the 800 numbers do not work, requiring folk in the territories to use one of the local numbers, incurring toll charges at their own expense. Ms. Duhart-Tonge will research this issue.

ICF International manages the National Training and Technical Assistance Center (NTTAC), which provides services for 55 Training and Technical Assistance (TTA) centers and oversees 70 TTA projects. [OJJDP funds NTTAC and the TTA centers.]

**RECOMMENDATIONS OF THE  
FEDERAL ADVISORY COMMITTEE ON JUVENILE JUSTICE  
ADOPTED OCTOBER 21, 2014**

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**Background:** In preparation for the 2014 recommendations, the FACJJ felt it was important to solicit input from State Advisory Groups, key state juvenile justice staff, and a variety of stakeholder/advocacy groups, and to conduct a scan of existing recommendations from those groups and others related to how OJJDP could best provide leadership and support for juvenile justice system improvements. As a result, three initial issue areas were identified and workgroups of FACJJ members were formed to review the input and develop recommendations for full FACJJ consideration. The information below represents the issue area, some contextual questions to help stimulate discussion (not necessarily the only things discussed by the workgroups), and the actual recommendations approved by the FACJJ.

**ISSUE AREA 1: FUNDING**

**Context and Examples of Questions for Discussion:** It is no surprise that the steady decline in funding for OJJDP and states dedicated to juvenile justice research and reforms has hampered the ability to meet the needs of both OJJDP and State Advisory Groups (SAG). Despite these reductions, states have made creative use of increasingly limited funds to increase the capacity of juvenile justice professionals in their state to implement practice changes that build upon solid research about what is most effective at preventing and responding to youth delinquent behaviors. At the same time, OJJDP has sharpened its leadership and research agenda to focus on underlying issues that impact youth development, and to develop a framework and tools to help guide practitioners on how best to achieve good outcomes for youth and their communities. However, progress is jeopardized by diminishing funds and further complicated by: (1) demands on funding related to ensuring that core requirements of the Juvenile Justice and Delinquency Prevention Act are met; and (2) earmarks on funding that limit both the amount and flexibility of funds available to states to address needs unique to their state.

**Recommendations:**

**1) Funding for OJJDP should be balanced to reflect the charge of the office.**

*[Note that this particular recommendation is directed toward Congress and the President and reflects FACJJ support for the charge to and responsibilities of OJJDP as outlined in the Juvenile Justice and Delinquency Prevention Act (JJDPA). Further, the FACJJ asserts that funding levels to adequately support the work of OJJDP and the states as prescribed in the JJDPA need to be increased.]*

- a. To assist in that process, the FACJJ recommends that OJJDP staff create a clear picture of the reality of present and historical funding allocations and restrictions as it relates to the duties assigned to the office.
- 2) OJJDP funding to states, territories, tribal entities, and the District of Columbia should be *adequate* and *flexible* enough for those jurisdictions funded to achieve the mandates and priorities associated with the funding (given the unique conditions of each location).**
- 3) OJJDP should invest in the creation and use of National Outcome Measures related to the ideas of “rare, fair, and beneficial.” Specifically, OJJDP should:**

- a. Choose a limited number of measures that would help the office and the field make comparisons over time and across jurisdictions that are related to how rare, how fair, and how beneficial contact with the JJ system is. (These decisions should take into account input from researchers as well as ideas included in the 2013 FACJJ Recommendations).
  - b. Provide training and technical assistance to ensure that data collection and analysis for these measures are consistent and that good comparisons are possible.
  - c. Phase in a requirement that grantees report using these measures in order to be eligible for funding.
  - d. Use these measures to help determine the effectiveness of its efforts to assist states, territories, tribal entities, and the District of Columbia, and which state, territory, tribal entity, and District of Columbia efforts to highlight as “what works.”
- 4) OJJDP should help the President, Congress, and the field better understand and prepare for the potential withdrawal of private funding supporting the work of the office.**
- a. OJJDP should create and widely disseminate information (including an infographic) that accurately “paints the picture” of the current and historical support provided by the private sector that has been related to the mission of OJJDP. This should include a calculation of funding needed to sustain gains made through private funding.
- 5) OJJDP should integrate the collection and use of cost-benefit data into its operations. Specifically, OJJDP should:**
- a. Increase ease of access to completed, relevant cost-benefit analyses.
  - b. Include cost-benefit analysis (data collection and analysis) in future research and demonstration projects.
  - c. Provide training and technical assistance to develop capacity of states, territories, tribal entities, and the District of Columbia to collect and analyze cost-benefit data for their initiatives.
- 6) OJJDP should invest in the development of a strategy to effectively communicate the purpose and need for a separate JJ system, the role of OJJDP and the SAGs, and issues related to reform of the system. Specifically, OJJDP should:**
- a. Take the lead on development of core messages which reinforce the strengths and benefits of a juvenile justice system that is consistent with the developmental needs of youthful offenders.
  - b. Create tools to assist states, territories, tribal entities, and the District of Columbia in delivery of the messages.
  - c. Provide technical assistance to states, territories, tribal entities, and the District of Columbia needing additional help to increase public understanding of the purpose and need for a separate system for juveniles, or issues related to reform (especially as relates to using a developmental approach).

## ISSUE AREA 2: STRENGTHENING THE FEDERAL-STATE PARTNERSHIP

**Context and Examples of Questions for Discussion:** The OJJDP/State partnership is unique, both groups benefiting from what they do best. In particular, since almost all juvenile delinquency prevention and intervention services are delivered at the state/local level, states are by their nature the “laboratories” of system reform and practice implementation. OJJDP by virtue of its position plays a critically important role in establishing a strong vision for a juvenile justice system that well-serves youth and communities. OJJDP strengthens the ability of states to be successful on issues of importance to them by providing research, training, technical assistance, and state support; by disseminating information; and being a role model for cross-agency collaboration.

The significant efforts of OJJDP staff, transitions of multiple Interim Administrators, a delay in appointing a permanent Administrator, reorganization of the office, staffing/funding challenges, changes in the structure of FACJJ, and a sense of inconsistent proactive communications with states, all elevate the importance of strengthening the critical federal-state relationship and partnership.

### **Recommendations:**

(Note: For the following recommendations related to federal-state partnerships, the term **jurisdictions** collectively refers to states, territories, tribal entities, and the District of Columbia.)

- 1) OJJDP should support continued efforts to coordinate available training and technical assistance and opportunities with juvenile justice specialists and SAG members for jurisdictions.**
- 2) OJJDP should support research and “research to practice” strategies that have been especially important to states, and/or have not been yet addressed, that may help jurisdictions be more successful. Specifically, OJJDP should:**
  - a. Continue to support research consistent with the National Academy of Sciences (NAS) report, “Implementing Juvenile Justice Reform: The Federal Role,” emphasizing developmentally appropriate research.
  - b. Support research on effective strategies for system reform that improve outcomes for youth, families, and victims of juvenile crime.
  - c. Continue research on the welfare of over-represented, under-served, and unique populations (e.g., girls, LGBT, immigrant children, problem sexual behavior)
- 3) Increase OJJDP capacity to proactively improve and sustain an effective federal and state collaboration that promotes system reforms which are consistent with the recommendation of the NAS report, “Implementing Juvenile Justice Reform: The Federal Role .”**

### **ISSUE AREA 3: COMPLIANCE MONITORING, REGULATION, AND COMMUNICATIONS**

**CONTEXT:** One of the complications of funding reductions has been what many states believe are increasingly inflexible regulations and requirements related to monitoring compliance with the core requirements. While states largely if not universally support the core requirements, the extent to which OJJDP has proactively engaged with states on interpreting requirements, promulgating regulations and guidance, and providing guidance in monitoring compliance has not been as universally viewed as supportive, collaborative, or helpful.

At times states have experienced lengthy delays in receiving responses to questions related to the interpretation and practical application of statutory language and/or guidance promulgated by OJJDP. In other cases states have received inconsistent guidance or guidance that poses significant practice challenges without the opportunity to offer input into that discussion. Whether real or perceived, regulations and guidance that place diverse states within rigid one-size-fits-all boundaries and expectations may not, in the long run, be the best use of scarce federal, state, or local resources. It is therefore in the best interests of both states and OJJDP to find ways to implement the core requirements and their monitoring in ways that ensure the rights and protections of the JJDP are provided for youth in a cost-effective manner.

#### **Recommendations:**

- 1) The Administrator should use the FACJJ as a conduit to gauge reaction from the states, territories, tribal entities, and the District of Columbia to proposed changes in regulation or guidance.**
- 2) OJJDP should develop a quality assurance system to evaluate the delivery of technical assistance related to compliance. This should include measures for timeliness and consistency of responses nationwide.**
- 3) OJJDP should solicit input from the state advisory groups on the method of calculating compliance with the Disproportionate Minority Contact (DMC) requirements. This can be through a FACJJ solicitation for information on how states utilize and perceive the Relative Risk Index (RRI).**
- 4) In particular, OJJDP should consider modifying its approach to evaluating DMC conformance by adding two measures to the current RRI measurement. This recommendation is outlined in Appendix A.**

## **APPENDIX A**

### **A PROPOSAL RELATED TO HOW OJJDP MEASURES DMC**

#### **QUESTION:**

Does OJJDP's approach to evaluating DMC conformance fully adhere to the JJDP Act's statutory language and does it have the potential to give a false impression of a state's progress in reducing minority contact<sup>1</sup>?

#### **BACKGROUND:**

Following is the statutory language for the DMC core requirement under the JJDP Act of 2002, Section 223 (a) (22):

*... 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.*

The two key words in this language are disproportionate and number. Therefore measuring conformance to the mandate requires two metrics – one relative and one absolute.

Relative measure: Reduce the percentage of minorities who come into contact with the juvenile justice system, compared to the number of non-minorities. This is the basis of the Relative Risk Index (RRI) and has been the primary emphasis for OJJDP compliance.<sup>2</sup>

Absolute measure: Reduce the number of minorities who come into contact with the juvenile justice system: This measure not been formally implemented.<sup>3</sup>

#### **ISSUE:**

Focusing exclusively on the relative measure, without accounting for the absolute measure, can be misleading and mask what is really happening in a state.

**Example 1:** It is possible for a state to implement policies that reduce disproportionality while increasing minority contact with the system:

*How: There is an increase in the both the rate of minority and non-minority contact, but the increase is greater for the non-minority group. On the surface, this reduces disproportionality, but few would argue that such policies benefit either group.*

**Example 2:** It is possible for a state to implement policies that increase disproportionality while reducing minority contact with the system:

*How: There is a reduction in both the rate of minorities and non-minorities entering the system, but the reductions are greater for the non-minority group. On the surface, this increases disproportionality, but few would argue that such policies do not benefit each group.<sup>4</sup>*

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<sup>1</sup> State is used here, but the proposal could apply to any jurisdiction.

<sup>2</sup> This measure deals directly with the issue of disproportionality based on relative rates.

<sup>3</sup> This measure assumes, as does the statutory language as I read it, that disproportionality exists and, consequently, efforts are required to reduce the number of minority contacts. I believe this charge can be viewed as separate, but complimentary, to the issue of relative rates

<sup>4</sup> This may mimic the situation today in many states and nationwide. The August 2014 Bulletin from the Department of Justice, Juveniles in Residential Placement 2011, shows the number of placements for the non-minority (white) population dropped 52% from 2001 to 2011, compared to a drop of 34% for the minority population. Just focusing on the relative rates would indicate a huge increase in disproportionately, but would mask the good news that both minority and non-minority placement have dropped dramatically.

## APPENDIX A (cont.)

### **PROPOSAL:**

OJJDP should continue emphasizing the relative measure (RRI) but supplement it with two additional absolute measures: the number of minority contacts with the system and the number of non-minority contacts with the system. All three measures would be reported together, showing changes over time as defined by OJJDP.

This combination of metrics would give a fuller picture of how policies are impacting minorities, both in terms of percentages and absolute numbers. The overall goal would be to achieve positive changes in all three measures (when minority contact is dropping faster than non-minority contact).

See the chart below for simplified scenarios suggesting how these added measures could give a clearer picture of progress, or lack thereof.

NOTE: In no way is this proposal intended to deemphasize OJJDP's focus on disproportionality as measured by the RRI. Rather, it is meant to supplement and enrich this approach.

### SIMPLIFIED SCENARIOS

<i>Scenarios</i>	<i>Minority Contacts</i>	<i>Non-Minority Contacts</i>	<i>RRI</i>	<i>Discussion</i>
1	Equal increase	Equal increase	No Change	RRI the same, but more contact for both groups – <b>bad result</b>
2	Greater increase	Lesser increase	Up	RRI up, more contact for both groups— <b>worst result</b>
3	Lesser increase	Greater increase	Down	RRI down, more contact for both groups, <b>mixed but mostly bad result</b>
4	Increase	Decrease	Up	RRI up, minority contact up, but non-minority contact down— <b>mixed but mostly bad result.</b>
5	Decrease	Increase	Down	RRI down, minority contact down, but non-minority contact up— <b>mixed result</b>
6	No change	No change	No Change	<b>Status Quo</b>
7	Equal Decrease	Equal Decrease	No Change	RRI the same, but less contact for both groups— <b>good result</b>
8	Greater decrease	Lesser decrease	Down	RRI down, contact down for both groups— <b>best result.</b>
9	Lesser decrease	Greater decrease	Up	RRI up, but contact down for both groups, <b>fairly good result.</b>
10	Decrease	No change	Down	RRI down, minority contact down, but non-minority contact no change— <b>very good result</b>

## **Internal Recommendations - Compliance Monitoring, Regulation, and Communications**

The subcommittee felt it was appropriate to address some recommendations within the internal workgroup structure and therefore omitted them from the list they will formally present to OJJDP. These have been inserted under #1 and #2. One entire recommendation was deemed internal and is depicted here as #5.

- 1) The Administrator should use the FACJJ as a conduit to gauge reaction from the states, territories, tribal entities, and the District of Columbia to changes in regulation or guidance.**
  - a. When the OJJDP Administrator believes the FACJJ and the State Advisory Groups (SAG) could provide useful input on a specific issue or proposal, the Designated Federal Official (DFO) shall request that the FACJJ Chair address a question or a request for information to the FACJJ.
  - b. The Chair or Vice-Chair should direct the question to the relevant FACJJ workgroup(s) for discussion, research, and recommendation, led by the workgroup chairs. The workgroups should, when appropriate, seek input from the SAGs.
  - c. The FACJJ should schedule and publicly notice a regular [bimonthly or quarterly] conference call where the group can formulate and vote on recommendations to OJJDP regarding the solicited question.
  - d. When the DFO indicates that there is an immediate need for input, the FACJJ Chair should communicate with the workgroup chairs and set a time frame for a rapid response. The workgroups shall develop recommended responses within that time frame and forward them to the FACJJ Chair. The Chair will either schedule a teleconference meeting or direct the recommendations to OJJDP, as the Chair deems appropriate.
- 2) OJJDP should develop a quality assurance system to evaluate the delivery of technical assistance related to compliance. This should include measures for timeliness and consistency of responses nationwide. In support of this the FACJJ should:**
  - a. Conduct an in-depth analysis of the recent FACJJ survey of the states to more clearly identify trends and issues;
  - b. Summarize and disseminate the results to the SAGs for feedback. The FACJJ representatives should compile and discuss the feedback with the full FACJJ; and
  - c. Regularly conduct the survey to determine concerns and trends from the states, and share the information with OJJDP to gauge the effectiveness of their interactions with the states.
- 5) The FACJJ should become a clearinghouse for the states, territories, tribal entities, and the District of Columbia to direct concerns and questions on federal policies regarding juvenile justice and delinquency prevention, compliance, and other issues. The following process is recommended:**
  - a. Notify the state specialists and SAG chairs of the FACJJ meeting schedule and field questions on federal policies regarding juvenile justice and delinquency prevention, including inquiries from the states, territories, tribal entities, and the District of Columbia on compliance and other issues.



- b. Encourage states, territories, tribal entities, and the District of Columbia to direct concerns or issues to their FACJJ representative, who will forward the request to the FACJJ Chair. The FACJJ Chair will review the inquiries and determine the agenda for the regularly scheduled teleconference.
- c. Discuss these inquiries at the FACJJ meeting and coordinate the OJJDP response with the DFO.
- d. The FACJJ representative will communicate either answers or request(s) for more information with the inquiring state, territory, tribal entity, or the District of Columbia.
- e. The FACJJ should watch for trends or common themes in the inquiries and should develop recommendations for OJJDP consistent with those trends.

## **DAY 2 – SUMMARY, NEXT STEPS, AND MEETING ADJOURNMENT**

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**Voting Results:** Effective 2015, Dalene Dutton serves as FACJJ Chair and Jim Moeser assumes the FACJJ Vice-Chair role.

**Jim Moeser** thanked everyone for their commitment and support, especially Kathi Grasso and other OJJDP staff/support. He hopes to continue the subcommittee work and build on the continuity, expertise, and passion of FACJJ members. Please keep adding topics to the queue. He envisions a two-year cycle for the FACJJ leadership roles: get started in the first year followed by follow up and continuity in the second year. Mr. Moeser indicated the need to meet again soon to finalize the recommendations and generate a 2015 plan. Finally, he expressed his appreciation for Tony Jones' support in the context of law enforcement involvement – very much needed.

**Dalene Dutton** commented that she is blown away by the caliber and commitment of the members, especially their passion and expertise, and she feels blessed and humbled to be amongst the group. She was very impressed with the OJJDP staff leadership. She suggested the group set and communicate all committee and subcommittee meeting dates within the next month or two. Subcommittee chairs should coordinate and invite SMEs to participate at the subcommittee level. She reiterated her wish for the FACJJ to become more visible at professional gatherings and asked members to attend and promote the advisory group. Ms. Dutton and Mr. Moeser agreed that the writer will update/reformat the recommendations and that contextual content should be included with the recommendations.

MOTION (Dave Rosenthal): Authorize subcommittee chairs to create an introductory contextual paragraph to accompany the recommendations and to make minor, non-substantive edits, as needed; SECONDED; VOTED; PASSED.

**Starcia Ague** suggested the creation of a one-page FACJJ promotional document describing the organization's role to distribute at conferences. Kathi Grasso will check if one already exists and also suggested members refer people to the FACJJ website and the 2013 FACJJ Recommendations.) Ms. Ague volunteered to engage other youth members and suggested that Haley Reimbold and Martha Doyle might provide transitional support.

**Kathi Grasso** assured the members that the OJJDP Administrator IS listening, digesting, and embracing these issues and the FACJJ is making a big difference. She will ensure that newer FACJJ members receive their initial copy of the latest NAS report “Implementing Juvenile Justice Reform: The Federal Role.” Arlene Lee will also provide everyone with a hardcopy. Everyone is invited to attend the upcoming Coordinating Council meeting, or view via web stream, on Tuesday, November 18 (10:30 am – 12 noon), for an update report on the Attorney General’s Advisory Committee on American Indian/Alaska Native Children Exposed to Violence. Also, please subscribe to the JUVJUST listserv ([https://puborder.ncjrs.gov/listservs/subscribe\\_JUVJUST.asp](https://puborder.ncjrs.gov/listservs/subscribe_JUVJUST.asp)) to receive the latest juvenile justice information from OJJDP and the field. Finally, Ms. Grasso reminded everyone to complete and submit the evaluation forms.

### **Member Comments**

- Claudio Norita – stated this will be his last meeting and it has been a great experience.
- Starcia Argue – was encouraged and expressed thanks for all the work being done.
- George Timberlake – appreciated that this body has adopted an attitude of making a difference.
- Kimberly Larson – appreciated being here in place of Kenya [Lee], and not just on the state side. She is presenting at the March 2015, American Psychology—Law Society conference and extended an invitation to all.
- Sasha Pellerin – is new yet appreciates that the process has been so smooth; she looks forward to seeing everyone again soon.
- ViEve Kohrs – will miss Claudio; the FACJJ is so inspiring and she loves the synergy.
- Dave Rosenthal – appreciated such an inclusive group.
- Raquel Montoya-Lewis – is rotating off this term and remarked on the high caliber of the group and subcommittee structure, appreciating how they work through issues.
- Rob Lubitz – stated the staff is very professional and accommodating. He is grateful for the efforts of Jim and Dalene and appreciates the camaraderie of the entire group.
- Chris Perra Rapillo – said it was so encouraging to hear from, and have access to, OJJDP staff. It really felt like working as one team, with a common purpose and direction.
- Pili Robinson – gave thanks to Reggie [Robinson] for not being able to make it (smile) as it allowed him to attend. It was great to come in person, exchange ideas, and experience the fellowship with such a diverse group of people.
- Tony Jones – felt this is a very exciting time to meet with the group, albeit on the phone [he previously committed to attend the Florida SAG meeting]; recommendations are great.

**Mr. Moeser adjourned the Day 2 meeting at 12:54 p.m.**