

Federal Advisory Committee on Juvenile Justice Summary of Fall Meeting, October 24-25, 2005

The Federal Advisory Committee on Juvenile Justice (FACJJ) convened for its 2005 fall meeting at 8:30 a.m. on Monday, Oct. 24 at the Sheraton Gunter Hotel, San Antonio, Texas. The purpose of the meeting was to discuss, refine and adopt or reject the final drafts of the 2005 FACJJ annual recommendations reports to the President and Congress and to the Administrator of the Office of Juvenile Justice and Delinquency Prevention (OJJDP), and to draft a set of core values, which will define what FACJJ stands for and help in the development of the 2006 annual reports. The four FACJJ subcommittees also met during a working lunch and developed recommendations, which were later presented to and voted on by the full committee. A panel discussed illegal immigration and its impact on juvenile justice operations during a second half-day of training.

Monday, October 24, 2005

Robin Delany-Shabazz, Designated Federal Official (DFO) from OJJDP, opened the meeting. OJJDP Administrator J. Robert Flores, called to a last-minute meeting that day with the U.S. Attorney General, planned to attend the meeting on Tuesday. FACJJ Chair David Schmidt thanked Charles (Chuck) Brawner for hosting the meeting, then asked everyone to introduce themselves.

Ms. Delany-Shabazz said Mr. Flores wanted to thank FACJJ members who arranged meetings for him with their governors or senior staff members as a result of his comments at the spring meeting in Albuquerque, New Mexico. She also reported that Mr. Flores had met with the Deputy Attorney General (DAG) to discuss gangs and other juvenile justice issues and, as a result, OJJDP will be working with the DAG's office more closely on these issues before policy is set. She indicated that Congress probably will not act this year on pending federal legislation that calls for transferring youth 16 years and older who are charged with gang-related crimes for trial as adults in federal district courts. In response to a question from the floor, Ms. Delany-Shabazz said that FACJJ's Recommendation on Federal Gang Legislation, which was sent to Mr. Flores May 26, 2005, with a request that the recommendation be shared with members of Congress, was sent to the U.S. Department of Justice, Office of Legislative Affairs. (The recommendation outlined FACJJ's opposition to the legislation regarding the automatic transfer of youth charged with gang violence to adult court.)

Annual Reports

Mr. Schmidt called on Robert Shepherd, Annual Report Committee Co-Chair, to discuss the final drafts of the 2005 FACJJ reports to the President and Congress and to the OJJDP Administrator. Mr. Shepherd thanked Co-Chair Pat Connell and other members of the committee for their work over the past year. FACJJ members suggested a few changes to the report. Mr. Shepherd then moved that

FACJJ members approve the final draft (with minor changes) of the *2005 Annual Recommendations Report to the President and Congress*. The motion carried.

The group then discussed the report to the OJJDP Administrator. The importance of evidence-based programs was raised; this topic will be addressed more fully in next year's annual reports. A motion was made and seconded to remove Recommendation 24, which addresses the relationship between OJJDP, FACJJ, and the Coalition for Juvenile Justice, from the report. A lively dialogue ensued before a substitute motion was made and seconded to leave the recommendation in the report, but to delete the portion of the narrative discussing the dates and locations of the 2005 spring and fall meetings. The substitute motion carried. Mr. Shepherd moved that FACJJ members approve the final draft (with changes) of the *2005 Annual Recommendations Report to the OJJDP Administrator*. The motion carried.

Core Values Discussion

The meeting then moved to a discussion of core values of juvenile justice practice. Professional facilitator Pam Thomas led the core values discussion. She defined core values as fundamental to best practices and said they should define what FACJJ stands for. Using the core values listed in the annual questionnaire (sent out to FACJJ members, SAGs, and juvenile justice specialists in July) as a starting point, FACJJ members were divided into five discussion groups and each was asked to develop five core values. The groups then reported their five core values to the full FACJJ membership. Ms. Thomas consolidated the five lists into one list for a discussion by the entire FACJJ membership. Based on the discussion that ensued, Ms. Thomas developed the following draft statements regarding FACJJ core values:

We believe that:

1. Youth services should be provided by culturally competent, appropriately trained professionals who are committed to the treatment and rehabilitation of youth, and who are competitively compensated for the services they provide.
2. A full continuum of culturally appropriate integrated services for youth from prevention through secure confinement, including reentry and aftercare programs, should be available in each state and territory. Services, based on an objective assessment of risk and protective factors should be equally accessible across all classes, cultures, jurisdictions, linguistic groups, and ethnic groups, and should be individualized, gender specific, and developmentally appropriate.
3. Each child deserves a safe place to live, sustained subsistence, emotional and spiritual nurturing, educational opportunities that are relevant and appropriate, and adequate healthcare services, including substance abuse and mental health treatment. System providers have

an obligation to ensure these services are provided to the children within the system.

4. The juvenile justice system should provide rehabilitation, public safety, and accountability in a balanced and restorative manner.
5. Each child is entitled to early, zealous, and effective legal representation, to include an assessment of competency, and a timely and just legal process.
6. Individuals and entities involved in the juvenile justice system at all levels should work in a collaborative manner.
7. No child should be subject to disproportionate contact with the juvenile justice system based on race, class, disability, culture, ethnicity, or gender.
8. Each child needs support of a functional family (including extended family) and all services should include collaborative involvement of the bio and/or perceived family of the child.
9. Juvenile offenders should not be placed with adults in institutional settings.

Ms. Thomas suggested that the following two statements, which permeated the discussions, be included as a preamble to the core values:

- Children and adolescents are developmentally different from adults and from each other at different stages of development.
- Children and youth are amenable to treatment and rehabilitation.

FACJJ members also requested that the core values use the words “child” or children” instead of youth or juveniles, and that references to the juvenile justice system should include the words ‘delinquency prevention.’”

ACTION ITEM: Ms. Delany-Shabazz asked the Annual Report Committee to refine the core values.

Mr. Schmidt adjourned the meeting for a working lunch by members of the four subcommittees.

Subcommittee Reports

Following lunch, Mr. Schmidt asked for subcommittee reports.

Annual Report Subcommittee: Co-Chair Shepherd reported the committee will develop the 2006 annual reports around the themes in the core values. The committee also will work with the Grants Committee to develop budget recommendations earlier in the year so that these recommendations can be voted on by the full FACJJ at the spring meeting. This will help FACJJ contribute to the federal budget process in a more timely manner and allow the annual report to focus on issues other than funding concerns.

Planning Subcommittee: Subcommittee co-chairs Harry Davis and Chuck Brawner, who was appointed after Billy Wasson resigned at the end of his 2-year term, gave the following report:

The committee discussed ways to improve the annual questionnaire and states' responses to it. The Planning Committee stressed that each FACJJ primary member is the individual responsible for seeing to it that his/her SAG responds to the questionnaire. **ACTION ITEM:** The committee asked the FACJJ chair to transmit the next questionnaire to each FACJJ member by direct letter, personally asking them to make sure their states respond.

The committee also made the following recommendations:

- FACJJ should seek assistance from an expert questionnaire designer.
- The questionnaire should be posted on a Web site that allows SAGs to respond online.
- FACJJ should have an orientation meeting for new members to acquaint them with the committee's role, mission, and procedures, and the annual questionnaire and their role in submitting the survey to their SAGs. The orientation could be held in the late afternoon on the inbound travel day of the spring FACJJ meeting.

Mr. Brawner reported the committee recommends the 2006 meetings dovetail with the annual meetings of the Coalition for Juvenile Justice (CJJ). Therefore, the committee recommends that the 2006 spring meeting be held in Washington, DC, during the first part of May, with tentative dates of May 1-2 or May 8-9. Prevention is the suggested training topic for the meeting. The committee recommends that the fall meeting be held in October in Charleston, South Carolina; exact dates and a training topic have not yet been decided.

FACJJ members voted unanimously to accept all the recommendations.

Grants Subcommittee: The subcommittee, co-chaired by Allison Fleming and Robert Jenkins, made the following motions:

- FACJJ should recommend to the OJJDP Administrator that he recommend to the President and Congress that the annual budget include at least \$100 million for the Formula Grants Program, \$37.5 million for the Title V Community Prevention Grants Program, \$350 million for the Juvenile Accountability Block Grant Program, \$60 million for the Juvenile Delinquency Prevention Block Grant Program, and that all earmarks are eliminated from the juvenile justice program funding.
- FACJJ should recommend to the OJJDP Administrator that if Congress does not reinstate the accountability-based sanctions (ABS) funding

supplement to the Formula Grants Program appropriations, OJJDP should continue to supplement the formula grant allocation for those states whose annual allocation will be reduced because of the absence of the ABS supplement.

- FACJJ should ask the Annual Report Committee to consider having the annual report approved at the spring meeting to facilitate more timely communication to Congress about budget items. As noted above, the Annual Report Committee plans to develop budget recommendations in time to be voted on at the spring meeting so that the recommendations can go forward prior to final approval of the annual report.
- FACJJ should recommend to the OJJDP Administrator that when OJJDP considers organizations with whom to contract to provide training, technical assistance, information dissemination, and representation to and for the SAGs, the office should consider organizations that have experience in juvenile justice issues, demonstrate a proficiency with diverse communities, have national and/or international perspectives on juvenile justice, and have the ability to gather information and network with SAGs about their needs and effectively deliver training and technical assistance.

The motions carried.

Legal Affairs Subcommittee: Co-chair Mike Mayer made the following motions on behalf of the committee:

- The election of the FACJJ chair and vice-chair should be held prior to the close of the current meeting, rather than after Oct. 31, as proposed earlier by the DFO. If this occurs, the FACJJ chair should send a letter of explanation to all FACJJ members indicating it was the action of the committee to change the procedure. Mr. Mayer said the committee meant no disrespect to the DFO and that she had acted in an appropriate manner since the current FACJJ bylaws provide no direction regarding election of officers. Mr. Mayer also noted that Legal Affairs Committee members from Delaware, Georgia, and New Jersey voted against the motion in committee. FACJJ passed the motion on a divided vote.
- The OJJDP Administrator should amend Section 6 of the bylaws as follows: "Individuals wishing to nominate themselves or others to serve as chair or vice chair must do so no sooner than 30 days prior to the start of the fall meeting. Nominations will close at 12 PM on the first day of the meeting. Candidates or their designees may give a statement of their qualification to the committee as a whole and voting shall occur by written confidential ballot immediately thereafter. Ballots must be cast for each position. The Legal Affairs Committee will count the ballots and report the

results to the body. The chair and vice chair shall be determined by a plurality of the vote. If there is a tie, there shall be a second, and subsequent votes to determine the office holders. The terms of office shall be for 2 years. Should a vacancy occur in the office of chair, the vice chair shall assume the role and responsibilities of the chair. Should both positions become vacant, a special election shall be held at the next meeting. If the vice-chair position becomes vacant, the chair shall appoint an interim vice chair to serve until the next scheduled election." The motion passed unanimously.

- The OJJDP Administrator should change the title of Section 6 of the bylaws to "Election of Chairperson and Vice Chairperson." The motion passed unanimously.
- The FACJJ chair shall indicate by letter to the President, Congress, and OJJDP Administrator the FACJJ's position on funding for juvenile justice programs prior to votes being taken by congressional committees. The motion passed unanimously.
- OJJDP should award a cooperative agreement rather than a contract to the group chosen to provide training and technical assistance to SAGs; a cooperative agreement allows for more flexibility. The motion passed on a divided vote.

Information Sharing

Following the subcommittee reports, three FACJJ members shared information about promising activities in their states:

- Peggy Beltrone from Montana showed a series of public service television announcements her state is airing to educate youth about meth.
- Deirdre Garton from Wisconsin shared copies of *What Works, Wisconsin!*, a report that reviews and analyzes innovative and cost-effective evidence-based delinquency prevention programs that actually work.
- Chuck Brawner of Texas distributed information about the Texas Do the Write Thing Challenge, a successful youth anti-violence program.

Mr. Brawner said the Planning Committee hopes to make these types of short presentations a regular part of future annual FACJJ meetings.

Election of Officers

Prior to the lunch break, FACJJ members and the DFO discussed election of officers for the 2006-2007 term. After consultation with the FACJJ Chair, the DFO announced in an October 20 e-mail that nominations for Chair and Vice Chair would be accepted until October 31, 2005. Ballots were to be e-mailed to the full FACJJ membership after the closing date. Several members rejected this approach during the meeting and urged that the election be held while most of

the membership was already in San Antonio. The DFO responded it would be better to follow the original plan of waiting until Oct. 31 to give everyone a fair opportunity to submit nominations and to vote.

Nominees who had submitted forms by 10:30 a.m. Monday, October 24, made brief statements at the San Antonio meeting; two nominations were received: Dave Schmidt for Chair and Hasan Davis for Vice Chair, and both made statements.

Following the earlier approved motion from the Legal Affairs Committee that the election be held during the San Antonio meeting, it was moved that the FACJJ re-elect Mr. Schmidt and Mr. Hasan. The motion passed. The DFO did not object.

Mr. Schmidt adjourned the meeting until 8:30 a.m. Tuesday.

Tuesday, October 25, 2005

Mr. Schmidt opened the meeting and introduced OJJDP Administrator J. Robert Flores. Mr. Flores thanked several individuals for their contributions to the FACJJ during the past two years. Certificates of appreciation were prepared for the following: Dave Schmidt and Hasan Davis, FACJJ Co-Chairs; Mark Johnson, parliamentarian; Charles Brawner, Texas primary FACJJ member and Lori Melcher, Texas juvenile justice specialist, and the meeting hosts; Harry Davis and Billy Wasson, Planning Committee Co-Chairs; Robert Shepherd and Pat Connell, Annual Report Committee Co-Chairs; Thomas Leahy and Mike Mayer, Legal Affairs Committee Co-Chairs; Allison Fleming and Linda Hayes, Grants Committee Co-Chairs; and Kay McKinney, Annual Report writer.

Immigration Panel

Mr. Brawner introduced the following panel, which discussed illegal immigration and its impact on juvenile justice operations. Panelists were:

- Alicia Cardenas, Executive Director, CASA, Cameron and Willacy Counties, TX
- Michael Lukowiak, juvenile corrections specialist, Texas Youth Commission, TX
- Alonzo Pena, Special Agent in Charge, Immigration and Customs Enforcement (ICE), U.S. Department of Homeland Security, TX
- Judge Andy Mireles, Chairman, Juvenile Board, Bexar County, TX
- Xochiti Llamas, Illegal Alien Coordinator, Cameron County, TX

The panel discussed a number of issues, including the number of illegal children abandoned in the U.S. and the difficulty of finding placements for them. When working with these children, one panelist noted the difficulty of working with two agencies that have conflicting responsibilities: ICE and social services. **ACTION**

ITEM: The panelist said that better training and coordination are needed for these two agencies and asked FACJJ to develop a recommendation about this issue in its next annual report.

Remarks From OJJDP Administrator

Mr. Schmidt introduced Mr. Flores, who gave the following overview:

Gang Issues: Mr. Flores reiterated Ms. Delany-Shabazz's statement that Congress probably will not pass any federal gang legislation this year. The U.S. Attorney General has created a Gang Task Force to enhance U.S. Attorneys' ability to prosecute gang activities. OJJDP is working with the U.S. Attorney's Office on this initiative and is pushing the importance of prevention activities. Mr. Flores has discussed FACJJ's gang resolution with the DAG; the department has not taken a position on whether legislation with judicial waiver of juveniles should be adopted. OJJDP hopes the department will take a stand on the issue before the legislation comes up again.

White House Conference on Helping America's Youth: Mr. Flores said this conference (held October 27) was designed to help families, schools, and faith-based and community organizations assist children in avoiding risky behavior. First Lady Laura Bush was to release the *Community Guide To Helping America's Youth*, a community-based planning tool that allows users to locate evidence- and research-based programs available to communities. Mr. Flores urged SAGs to look at the guide, which can be accessed at www.helpingamericasyouth.gov.

BUDGET: Mr. Flores has had no indication that Congress will cut juvenile justice programs because of the costs of recent hurricanes.

OJJDP PROGRAMS: OJJDP will address two issues of concern to FACJJ in coming months: mental health issues, including funding available to treat youth with mental health disabilities being held in detention, and education in institutions.

Closing

After a few closing remarks, Mr. Schmidt adjourned the meeting.