

Federal Advisory Committee on Juvenile Justice Webinar Meeting



Friday, February 7, 2014
U.S. Department of Justice, Office of Justice Programs
Office of Juvenile Justice and Delinquency Prevention

2:00 pm – 5:00 pm

ABSTRACT

The Federal Advisory Committee on Juvenile Justice (FACJJ) scheduled a two-day meeting on December 9-10, 2013, which was hosted by the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP). On Day 1, the FACJJ committee finalized recommendations designed to improve outcomes for justice-involved youth and young adults. However, Day 2 was canceled due to inclement weather and was subsequently rescheduled as a webinar the afternoon of February 7, 2014.

In welcoming remarks, Robert Listenbee, Jr., Administrator, OJJDP reminded FACJJ committee members how much the office values their insights on disciplinary and developmental issues. To that end, the February 7, 2014, webinar presentations focused on two major issues championed by OJJDP: the *Supportive School Discipline Initiative*, and the *National Academy of Sciences Report “Reforming Juvenile Justice: A Developmental Approach: Implications for Federal and State Programs, Policy and Practice.”* FACJJ members were invited to comment on these presentations and respond to several polls on specific State Advisory Group activities. The meeting concluded following discussions on the future role of FACJJ.

The FACJJ continues to inform stakeholders, who address the needs of justice-involved youth and young adults across the nation, about transformative approaches and emerging practices to achieve positive youth outcomes. Further, it recognizes as critical, the need to actively engage youth at every stage of the juvenile justice continuum.

Supportive School Discipline Initiative (SSDI)

Kathi Grasso, *Director, Concentration of Federal Efforts Program, OJJDP*, acknowledged the commitment of FACJJ members, and OJJDP staff and contractors who shared their expertise to coordinate and facilitate the webinar. She also communicated thanks to Robert Listenbee, Jr., *Administrator, Office of Juvenile Justice and Delinquency Prevention (OJJDP)*, for his presence, and noted that approximately 200 individuals¹ registered for the webinar (the general public was invited to attend but in listen-only mode). Webinar coordinator Michelle Duhart-Tonge gave a live demonstration on the use of webinar features/functionality. Meeting minutes will be posted on the www.facjj.org website within 45 days of the meeting along with other materials, including the webinar slides and more detailed biographical sketches of the presenters.

James Moeser, *FACJJ chair*, welcomed attendees, reviewed the agenda, and conducted a roll call of FACJJ members.

Robert Listenbee, Jr., *Administrator, Office of Juvenile Justice and Delinquency Prevention (OJJDP)*, gave heartfelt thanks to outgoing FACJJ Chair and Vice Chair – Reggie Robinson and Rob Lubitz, respectively, citing their insight and dedicated leadership. He highlighted their role in the reconfiguration of the advisory committee and the development of recommendations to OJJDP. Administrator Listenbee welcomed incoming Chair Jim Moeser and Vice Chair Dalene Dutton; inspired by their vision, he communicated his pleasure and anticipation in working closely with them. Having reviewed the FACJJ recommendations, presented from the December 9, 2013, meeting, he praised the committee’s thoughtful analysis of the issues facing adolescents and families at risk for involvement with the youth and criminal justice systems. Mr. Listenbee conveyed his excitement at the intent of these recommendations – articulating that they closely align with OJJDP goals – and promised to follow up on those issues.

OJJDP is leveraging advanced knowledge about adolescent brain development and trauma-informed care to improve the juvenile justice system, further influenced by the NAS Report “*Reforming Juvenile Justice: A Developmental Approach: Implications for Federal and State Programs, Policy and Practice.*” This fall, OJJDP will implement a study guide plan to transfer principles and ideas into practice. Due to the work of the Attorney General’s Task Force on Children Exposed to Violence, there is greater insight as to how trauma derails positive adolescent development. Mr. Listenbee encouraged everyone involved in the field to carefully examine this data and identify ways to incorporate trauma-informed care into every aspect of practice. Through the *Supportive School Discipline Initiative*, OJJDP is also examining how harsh (punitive, regressive) disciplinary treatment of youth fuels the school-to-prison pipeline and exhorted the group to address the best measures possible. The Civil Rights Division of DOJ has implemented guidance in this area and, in collaboration with the U.S. Department of Education, is engaged in the development of further guidelines as required by federal law. OJJDP places a high priority on addressing disproportionate minority contact and suggests that a paradigm shift within the juvenile justice community around the nation is essential.

¹ After the meeting, we learned that approximately 99 members of the public had logged on to observe the webinar on the day of the webinar.

Supportive School Discipline Initiative (SSDI)

Administrator Listenbee views the FACJJ as a change agent. Following his remarks, he apologized that he had to leave for another commitment and wished the group much success.

Jaime Koppel, *OJJDP Senior Fellow*, is on detail from her position as a Senior Research Associate at the Research Foundation of the City University of New York. Ms. Koppel expressed thanks to DFO Grasso, Administrator Listenbee, and FACJJ members for framing the conversation on keeping kids in schools and out of courts. Her presentation included information on the initiative: its background; structure and partnerships; activities/status; and next steps.

In May 2011, the Council of State Governments (CSG) released a study (*Breaking Schools' Rules Report*) that followed one million Texas students, in grades 7–12, for six years. Highlights of that report included:

- An extraordinary 60% of students were disciplined at least once, predominately for non-serious/non-mandatory behaviors
- Discipline was applied disproportionately to black and/or SED students
- Of disciplined students, 23% subsequently experienced justice system contact (compared to 14% of the overall student body), 31% repeated a grade, and 10% dropped out
- Discipline outcomes varied widely across schools/districts with same policies

In July 2011, the U.S. Departments of Justice (DOJ) and Education (ED), in conjunction with other federal agencies and the philanthropic, non-profit, and advocacy community, jointly launched the *Supportive School Discipline Initiative (SSDI)* to address punitive school disciplinary policies and practices. Federal efforts have been co-led by Robin Delany-Shabazz of OJJDP, and Kristin Harper of the U.S. Department of Education the Office of Special Education and Rehabilitative Services. Additional OJJDP staff who have been centrally involved include Barbara Tatum Kelly, Linda Rosen, and Jennifer Yeh.

Current and proposed/planned DOJ/ED collaborative activities fall in four major priority areas:

1. Supporting the consensus recommendations report

- Achieve a roadmap to advance principles that will keep young people in school, scheduled for completion in the spring of 2014 and drawn upon the *Breaking Schools' Rules Report*
- Next Steps: Develop policy statement with consistent messaging; release CSG Consensus Report

2. Enhancing/coordinating research and data collection efforts

- Reinvigorated Civil Rights Data Collection (CDRC); the 2014 release will include universal data for all districts
- Grant incentives for school discipline practice research, including \$1.5M in FY 2012 OJJDP FIRE grants and other Education research grants
- Next Steps: 2014 CRDC release and accompanying web-friendly portal to facilitate data parsing; seeking to jointly align ED/DOJ research agenda

Supportive School Discipline Initiative (SSDI)

3. Issuing civil rights, best practices, FERPA guidance

- January 2014, at a highly publicized event held at a Baltimore City high school, the much awaited guidance was released offering legal guidance for school staff, reform principles and best practice guidance for educators, resources to support practice changes, and a compendium of state laws and regulations (<http://www.ed.gov/school-discipline>)
- Additional plans are to provide guidance to juvenile justice servers, through the imminent release of a FERPA (Family Educational Rights and Privacy Act) “myth buster” that is focused on effective record-sharing (<http://csgjusticecenter.org/wp-content/uploads/2013/06/Student-Records.pdf>)
- Next Steps: Welcome feedback on collateral consequences resource; FERPA guide for juvenile justice programs; follow up on January 2014 guidance

4. Building capacity, awareness, knowledge, and skill among stakeholders

- 2012 National Leadership Summit was successful and attended by 46 states, including the District of Columbia
- Supportive School Discipline Community of Practice for peer support and a consultative network
- School Pathways project led by the National Council on Juvenile Family Court Judges with the goal of developing judicial ambassadors trained in school and community problem-solving skills
- Demo sites, TOT & evaluation; coordinated training and assistance to jurisdictions under settlement agreements
- A webinar series, begun in 2013, covering a variety of topics (positive disciplinary approaches; multi-tiered behavioral health framework, reducing chronic truancy/increasing attendance; stemming the school-to-prison pipeline, clarifying roles/responsibilities of School Resource Officers (SRO), etc.)
- Interactive toolkit from the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration www.promoteprevent.org; helps school leaders create environments conducive to student learning
- Integration into grant-making – Race to the Top; \$1M for Positive Behavior Intervention Systems (PBIS); COPS awards related to practice standards for SROs; FY 2014 appropriations for Juvenile Justice Education Collaboration Assistance (JJECA)
- Next Steps: Reconvening SSDCOP summit with states most active in using SSDI as a resource within the last two years; enhance coordinated TTA; FY 2014 grant program implementation; expand training to key actors

Supportive School Discipline Initiative (SSDI)

Ms. Koppel commended the FACJJ committee for having already developed recommendations that nicely align with SSDI activities and goals. She concluded her prepared presentation with the submission of two webinar questions/polls to the group, with the following results:

Poll Question	Yes	No	Don't Know
1. Is your SAG aware of and has it used the data from the Civil Rights Data Collection?	3	7	10
2. Has your SAG discussed or made plans to discuss, disseminate, and/or otherwise use the joint ED/DOJ guidance released in January 2014?	1	9	13

FACJJ Member Discussions

1. Discipline outcomes vary widely across districts with the same policies
2. Data collection efforts and systems can accommodate aggregated and dis-aggregated data, in a way that informs where to focus the energy
3. Collateral consequences resources are needed; many stakeholders lack familiarity with the harmful collateral consequences of punitive school discipline to youth
4. Concern about pushback in the way of context, and school performance being tied to budgets resulting in lost money and other kids suffering educationally; focus on creating positive school climates
5. The challenge of understanding the SRO roles
6. Inquiry into data collection on school staff behavior, attitude, bias
7. Next Steps guide and feedback focused on both audiences – useful things for FACJJ members to consider
8. Examples of jurisdictions where education and justice systems are working together to address the inequities of administration discipline; suspension alternatives
9. Success in outreach, training, technical assistance – what is happening in FACJJ members' states; help needed from OJJDP to provide tools
10. How to help FACJJ members lift this up to their SAGs
11. Differentiation of data and work across rural versus urban districts and implications for advisory groups
12. The level of training and technical assistance available at the jurisdictional/local level, in addition to that provided at the state level
13. Creation of a resource bank and its usefulness across jurisdictions

NAS Report: “Reforming Juvenile Justice: A Developmental Approach: Implications for Federal and State Programs, Policy and Practice”

Arlene Lee, Board Director, Committee on Law and Justice, National Academy of Sciences (NAS), manages a range of activities including a study on the Causes and Consequences of the High Rates of Incarceration and a Roundtable on Crime Trends. She conveyed her gratitude for the opportunity to present and informed the FACJJ members that she is currently working on the second phase of the NAS Report: “*Reforming Juvenile Justice: A Developmental Approach: Implications for Federal and State Programs, Policy and Practice*,” and an implementation plan. Her presentation included information on NAS background and processes; major activities and conclusions; the science; the developmental framework; recommendations; considerations; and Phase 2 of the study and its implementation issues.

NAS was chartered by Congress in 1863 to advise the government and the nation on critical national issues through objective, scientific, and evidence-based research and analysis. It was designed to be independent, balanced, and objective – not an agency of the federal government. As a separate 501 (c) (3) organization, it has a special relationship with government and is often invited to work with various federal agencies. The NAS committee process takes into account: the scholarship and stature of Academies’ members; the ability to get the very best to serve *pro bono*, ensuring the breadth and balance of interdisciplinary committee composition; quality assurance and control procedures, including a strict peer review process; and written reports (source of “formal advice”) based on evidence and rigorous analysis, ensuring independence and objectivity. For this report, highly qualified committee members, charged with the development of the report, included individuals from the following disciplines: six from the social sciences, two physicians, three practitioners, two with law/public policy expertise, and one neuroscientist.

In July 2013, Ms. Lee and others presented the NAS report to the Coordinating Council. It made a riveting and compelling case for developmental approaches to juvenile justice, anchored in the evidence of neuroscience in developing brains, and the behavioral evidence of adolescent psychological experimentation. The NAS report specifies the implications and benefits, for federal and state programs, policies, and practices – with the potential to positively influence policy makers, practitioners, and researchers in transformative ways – on behalf of the needs of justice-involved or at-risk children. Moreover, the benefits have applicability not only to juvenile justice, but also to child welfare and related systems.

Major activities:

- Six meetings (three including briefings related to juvenile justice)
- Meetings with OJJDP leadership and staff
- Preparation of consultant paper on the Missouri model
- In-depth discussions with Annie E. Casey and the MacArthur Foundations
- Review of OJJDP records on its budgetary and organizational history
- Program descriptions using available electronic data and web based documents

NAS Report: “Reforming Juvenile Justice: A Developmental Approach: Implications for Federal and State Programs, Policy and Practice”

Major conclusions:

- Being held accountable for wrongdoing, and accepting responsibility, in a fair process (perceived or real), promotes healthy moral development and legal socialization.
- Conversely, the same accountability and demand for responsibility, in an unfair process, reinforces social disaffection and antisocial behavior.
- Predominantly punitive policies and programs do not foster pro-social development or reduce recidivism.
- There is no convincing evidence that confinement of juvenile offenders, beyond a minimum amount required to provide intense services, reduces the likelihood of subsequent offending. So the report goes into great depth on the subject of high incarceration rates.
- Finally, patterns of racial disparities impede efforts to provide equitable services and further contribute to perceptions of unfairness.

The science revealed greater understanding about the link between adolescent brain development and healthy adolescent development. Adolescents differ from adults and/or children in three important ways; specifically they: lack mature capacity for self-regulation in emotionally charged contexts; have a heightened sensitivity to proximal external influences such as peer pressure and immediate incentives; and show less ability to make judgments and decisions that require future orientation. This understanding is critical when viewed from the justice perspective of behavioral consequences, so that response can be correlated accordingly. The report therefore spends a significant amount of time on the science. It also addresses “executive function,” the interaction between working memory (remembering tasks, rules, strategies), inhibitory control (consistent self-control and situationally-appropriate responses), and cognitive flexibility (ability to revise actions/plans in response to changing circumstances). Youth demonstrate different abilities under these three areas, at different stages. The brain determines behavior, but normative development is affected by the interplay between the brain and the adolescent’s environment, with influences by peers, schools, and communities. All affect the likelihood and seriousness of offending.

The goals of a developmentally informed juvenile justice system are to promote accountability, fairness, and preventing reoffending – within the framework of their constitutional rights. A developmental approach to juvenile justice recognizes that illegal acts committed by adolescents occur at a time of life when individuals are more likely to exercise poor judgment, take risks, and pursue thrills and excitement. A juvenile justice system centered on a developmental approach will respond to offending behavior by providing treatment and services that:

- have youth focus on *repairing the social injury* or damage, understand how the behavior has affected other people, and *take responsibility* for their action;
- are a diverse array of activities, supports, and opportunities for *normal growth* (emotional, physical, intellectual), available in their jurisdiction; and
- are delivered in *environments that are appropriate* to the ages and stages of the youth involved, and are conducive to healthy development.

NAS Report: “Reforming Juvenile Justice: A Developmental Approach: Implications for Federal and State Programs, Policy and Practice”

The report’s four main recommendations call for: strong federal leadership that promotes and incentivizes what works; federal support and promotion of research; data improvement; and bipartisan, multi-stakeholder state body with the authority to reform and oversee the juvenile justice system.

Also referred to as values, principles of consideration focus on proportionality and individualization. Proportionality addresses the fact that the punishment should fit the crime; sentences should not be excessive but guided by the harm caused by the offense and the degree of the offender’s culpability (all impacted by youth and immaturity). As a class, adolescent offenders are less culpable than adult offenders because their choices are influenced by factors integral to adolescence as a developmental stage and are strongly shaped by still-developing brain systems. Individualization relates to treatment and confinement, or jurisdiction and sentencing decisions, which require careful deliberation of the individual characteristics of the juvenile offender (maturity, needs, circumstances, his or her role in the offense or past criminal record, etc.). Harsh sentences and the lengthy confinement of many youth have harmed their lives and developmental trajectories with little compensatory public safety benefit. The evidence suggests that incarceration very likely increased the risk of recidivism for many youth.

Phase 2 of the study is comprised of researchers and practitioners from the first study, who were used to form a new ad hoc committee. Its purpose is to identify, assess, and prioritize strategies and policies for OJJDP, and other federal agencies as appropriate, and to implement a plan to effectively reform the juvenile justice system, building on the recommendations from the report to implement a developmental approach. Issues they are now confronting in this second phase include identifying the challenges facing the agency itself in providing leadership, guidance, support, and resources. In the field, the questions are what to do, what works well, how to do it, and what is the research.

Ms. Lee concluded her prepared presentation with the submission of a webinar question/poll to the group, with the following result:

Poll Question	< 1 yr	1-3 yrs	3-5 yrs	5-7 yrs	7-10 yrs
3. How long have you been involved in the State Advisory Group?	1	1	1	2	3

FACJJ Member Discussion

Before opening up the floor for questions from FACJJ members, Ms. Lee posed six questions of her own and asked the members to email their thoughtful responses to dtalmage@nas.edu or alee@nas.edu, on any or all of the questions, which are as follows:

1. If you could make one change that would make the juvenile justice system in your state more developmentally appropriate, what would you do?
2. Have you encountered barriers that have made reform efforts more difficult? Are these at the federal, state, or local level?

NAS Report: “Reforming Juvenile Justice: A Developmental Approach: Implications for Federal and State Programs, Policy and Practice”

3. Over all the years that you've participated, what has OJJDP done particularly well?
4. Are there any changes you would like to see made regarding how the OJJDP grant funds are allocated or structured?
5. What has been the most useful OJJDP-provided/funded technical assistance, training, or workshop you have attended, and why?
6. What can the field/states do to help OJJDP in its mission to support the juvenile justice system?

Other questions and comments from the Committee

7. Great report; issues of real and perceived procedural fairness, given the call to acknowledge individualization; the difficulties this poses with intervention and different treatments based on the youth
8. Process itself must be fair – access to legal assistance, court proceedings, needs assessments and youth must be informed that their situation will be different from their neighbor’s – their family composition and circumstances are different; their issues might center around substance abuse while another youth has an anger management issue but they must believe in the inherent fairness of the *process*
9. The general public often misunderstands what we see in the system, creating a lot of pressure on law enforcement; how much education does the general public need to effectively push the system to be fair? What is the appropriate outreach message? Really like the language in this report – it utilizes a balanced approach and addresses accountability and skilled development, with the ability to resonate with the public at large, and to engage other communities doing things
10. Important point: juvenile justice, as a system, is supposed to be part of a larger system where people are engaged in the areas of mental health, education, community, families at large – families who are involved in the system and with the agency
11. Framework is being laid out to help people recognize the role *we’re* trying to play in rehabilitation and supporting healthy development – and recognize *their* role to support those goals, especially accountability and fairness, in the juvenile justice agency and its partners in the justice system, to help kids develop into law abiding citizens
12. Not having read the entire report, but wanting to discuss positive youth development and prevention as much as possible – how can we bridge that gap between preventative measures we can take in our communities versus what we do once a kid is in trouble; we don’t always bridge the gap very well between intervention and prevention
13. Discussion must include all those other environmental factors and what trajectories look like for healthy development and the report does talk about that
14. What can the science tell us about where the juvenile justice system varies; what does it look like to be engaged as a partner

Future Role of the FACJJ

FACJJ Chair Jim Moeser thanked both Arlene Lee and Jaime Koppel for their informative presentations. He then reiterated the proposed options, relating to the future role of the FACJJ, for clarification. The advisory group could serve as a clearinghouse, identifying and reviewing recommendations for OJJDP/Congressional action made by other national groups, OJJDP, and SAG. A second option is to continue its own sub-committee work, reporting back to the SAGs and other groups. A third option is to provide feedback on priorities and implementation on issues and activities identified solely by OJJDP. The fourth option is to create some combination of the previous three, and finally the floor was open for any other suggestion not previously considered. The group was asked to consider the following when thinking about the options:

- Is the task/issue and outcome within the “ballpark” of OJJDP and/or Congress?
- What resources do we (as FACJJ, OJJDP) have to accomplish the task?
- What is a reasonable timeframe for us to achieve the outcomes we want?
- What is the right balance between achievable and doable?
- Other?

Mr. Moeser opened the final poll for responses, with the following result:

Question	Clearinghouse for Multiple Sources	Continue Sub-Committee Work	Focus on Feedback to OJJDP	Combination of Options
4. What is your preference for the future role of FACJJ?	9	0	1	5

Next Steps, Meeting Adjournment

DFO Grasso remarked that minutes from the December 9, 2013, FACJJ meeting are being transformed into a report that will be reviewed by FACJJ leadership, to confirm the accuracy of the important recommendations over which the committee toiled last year, and ultimately formatted for public review. Following approval of that draft, a dissemination plan would be developed to ensure that OJJDP staff and others are aware of the FACJJ's recommendations. It will be a continuous process and OJP will assist in presenting the recommendations to Congress and the President. Ms. Grasso communicated her appreciation for the ongoing and encouraging input on youth and family engagement, factors that continue to shape the focus of OJJDP. She will consult with OJP's General Counsel to help address legal questions, including process, meetings, and votes. Ms. Grasso again acknowledged everyone for their contributions to the meeting.

Chair Moeser expressed thanks for the support from DFO Grasso and staff in ensuring the visibility and forward movement of the issues and recommendations brought forth by the FACJJ. While the FACJJ lacks the capacity to reach out to everyone, certainly the vote on its role reveals the preference to serve as a nimble clearinghouse for many entities, including and especially OJJDP. He will identify some dates for the group's future meeting, whether as a webinar or by telephone. **Vice Chair Dutton** will work with individuals from her research division, along with input from Messrs. Moeser, Robinson, Lubitz, and others, to develop the clearinghouse plan and present it to OJJDP leadership and staff for feedback. Former Chair Reggie Robinson expressed thanks for effective management of this conversation and for a well-conducted meeting. Mr. Moeser adjourned the meeting at 4:42 p.m.