

**Federal Advisory Committee on Juvenile Justice**  
**Summary of Spring Meeting, May 10-12, 2010, Washington, DC**

The Federal Advisory Committee on Juvenile Justice (FACJJ) convened for its spring meeting May 10-12, 2010, in Washington, DC, at the U.S. Department of Justice's (DOJ's) Office of Justice Programs' conference room. The general meeting was preceded on Monday, May 10, by a closed meeting of the Steering Committee and by an orientation for new members. The purpose of the general meeting was to discuss, revise, and vote on the 2010 draft annual recommendations reports to the President and Congress and to the Administrator of the Office of Juvenile Justice and Delinquency Prevention (OJJDP). Members also met with representatives from the Coordinating Council on Juvenile Justice and Delinquency Prevention<sup>1</sup> (Coordinating Council) to provide feedback about federal policies and practices related to youth. The Acting OJJDP Administrator briefed FACJJ on OJJDP's program priorities, and the four FACJJ subcommittees met in closed sessions and reported back to the full FACJJ.

**Tuesday, May 11**

Designated Federal Official Robin Delany-Shabazz from OJJDP convened the meeting at 8:30 a.m. FACJJ Chair Richard Gardell welcomed members to the meeting. He thanked OJJDP for the opportunity to meet with the members of the Coordinating Council, and then introduced Jeff Slowikowski, Acting OJJDP Administrator. Mr. Slowikowski discussed a variety of topics including the Attorney General's 2010 Children Exposed to Violence Initiative, funded by multiple DOJ offices and bureaus and managed by OJJDP. The initiative will award funds to government and tribal agencies that develop partnerships with a number of entities to address child maltreatment, community violence, and school violence. The Attorney General has requested \$37 million for this program in fiscal year (FY) 2011. Mr. Slowikowski also noted that OJJDP issued a proposed program plan in October 2009, the first since 2003, and received more than 100 comments during the public comment period. (The Office published the final program plan in the *Federal Register* on May 20, 2010). The plan describes discretionary programs OJJDP intends to support in FY 2010, including:

- A detention and corrections initiative to establish a national center that will provide training and technical assistance to state, local, and tribal departments of juvenile justice, service providers and private organizations that operate juvenile justice detention and corrections facilities.
- A partnership with the Annie E. Casey Foundation that will provide \$2 million to expand the foundation's Juvenile Detention Alternatives Initiative.

For FY 2011, the Office has requested:

- \$13 million for a program to improve the professionalism of juvenile courts based on juvenile court guidelines developed by the National Council of Juvenile and Family Court Judges.

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<sup>1</sup> The Coordinating Council is a statutory federal advisory committee made up of the heads of 12 federal agencies and nine practitioner members representing disciplines that focus on youth.

- \$72 million for the Formula Grants Program.
- The elimination of all set-aside funds in the Title V Community Prevention Grants Program appropriation. OJJDP has requested \$62 million for the Title V program. Prior appropriations have required funds from Title V to be set aside for several juvenile justice programs including tribal programs, gang initiatives, and the Enforcing the Underage Drinking program. Asked where the money to fund these programs would come from, Mr. Slowikowski responded that 7 percent of funds have been set aside across all OJP programs for tribal programs, OJJDP has requested \$12 million outside of Title V to combat gangs, and OJJDP will give communities the option of funding underage drinking activities with their Title V funds.

Mr. Slowikowski also discussed the status of reauthorization of the Juvenile Justice and Delinquency Prevention (JJDP) Act. Senate File 678, supported by DOJ and OJJDP, is pending before the full Senate; the U.S. House of Representatives is expected to introduce a companion bill in June. If reauthorization does not happen before this session of Congress ends, a new bill will have to be introduced in the next Congress. He also said the spring meeting may be the last meeting of the FACJJ as it currently exists, noting: "... (we will) look at how we use the fall meeting and if it's necessary for using that meeting to complete the report, that's always an option but we're committed to the FACJJ through this calendar year."

After hearing from the Acting Administrator, FACJJ members had a unique opportunity to meet with representatives from the Coordinating Council to provide insights on the impact federal policies, regulations, and practices related to youth programs have on states and communities. The Coordinating Council is assessing federal practice and policy in four areas and will make recommendations to the President and Congress about possible changes in policy. FACJJ members were asked prior to the meeting to sign up to participate in a group addressing one of the four issue areas. Team co-chairs and issue areas were:

- Education and At-Risk Youth: Kellie Dressler, OJJDP (represented by Barbara Tatem Kelley, OJJDP), and Kevin Jennings, U.S. Department of Education.
- Tribal Youth and Juvenile Justice: Laura Ansera, OJJDP, and Wizi Garriott, U.S. Department of the Interior. (FACJJ members from states with substantial members of federally recognized tribes were asked to participate with this team.)
- Juvenile Reentry and Transitions to Adulthood: Thomas Murphy, OJJDP, and Richard Morris, U.S. Department of Labor.
- Racial/Ethnic Disparities in the Juvenile Justice and Related Systems: Andrea Coleman, OJJDP, and Commissioner Bryan Samuels, U.S. Department of Health and Human Services.

Each team discussed the federal role related to their specific issue area; federal policies that work and do not work; needed legislative changes; challenges posed by federal legislation; and results that might occur if their suggestions were enacted.

Following these discussions, the FACJJ began its review of the 2010 annual report drafts under the guidance of Annual Report Subcommittee (ARS) co-chairs Cecely Reardon and Linda Hayes. Ms. Reardon explained work on this report began last July (2009) when the ARS met in St. Louis to identify possible report topics. Because states have indicated in FACJJ's Annual

Request for Information (ARI) questionnaires that disproportionate minority contact (DMC) with the juvenile justice system remains a top issue in their states, the ARS elected to focus the 2010 report on fairness and equity across the entire juvenile justice system and to address DMC within this umbrella. Since the fall 2009 FACJJ meeting focused on issues other than the 2010 annual reports, the ARS temporarily suspended work on the reports until later in the year. The drafts presented at this spring meeting (and e-mailed to the full FACJJ for review 10 days prior to the meeting) reflect months of collaboration and writing by members of the ARS, especially team leaders who oversaw the development of individual topics in the report. FACJJ members were asked to participate in one of six working groups to discuss the school-to-prison pipeline, crossover youth, law enforcement and the legal system, diversion, re-entry, and the report to OJJDP. To ensure that new FACJJ members fully understood the report writing process and had ample opportunity to provide feedback, Ms. Reardon and Ms. Hayes held a conference call with new members prior to the spring meeting and participated in the new member orientation, explaining the rationale and work behind the reports.

Following this explanation, the FACJJ moved into a working lunch and closed subcommittee meetings. After lunch members broke into small working groups to discuss the chapters and topics of the annual report to the President and Congress and the report to the OJJDP Administrator. Each group discussed whether the chapters and topic discussions set the proper tones; the narratives supported the recommendations; the recommendations flowed from the narratives; and if additional recommendations were needed. The ARS suggested altering the agenda slightly so that the working groups could spend all afternoon on the annual reports, postponing the subcommittee and working group report outs until the following day. The suggestion was accepted.

Mr. Gardell adjourned the meeting at 4:30 p.m.

### **Wednesday, May 12**

Mr. Gardell opened the meeting at 8:30 a.m. He thanked OJJDP for their flexibility and efforts in organizing this meeting, including Mr. Slowikowski, Melodee Hanes, Senior Counselor to the Administrator, Ms. Delany-Shabazz, Joyce Mosso, Francesca Stern, and Daryl Dunston. He also thanked FACJJ co-chair Gini Highfield for her efforts in overseeing the Steering Subcommittee. (Because the Steering Subcommittee meeting focused on the Annual Report, there was no separate report from this body.) He also thanked Ms. Reardon for her excellent work on the annual report and thanked Ms. Hayes for stepping in as co-chair of the ARS.

### **Subcommittee Reports**

The subcommittee co-chairs gave the following reports resulting from their lunch meetings held on Tuesday:

- **Planning Subcommittee** co-chaired by Jim Anderson and Vicki Blankenship: Mr. Anderson said the new members greatly appreciated the orientation session and the personal contact prior to the meeting. In consultation with Ms. Delany-Shabazz, the subcommittee determined there is no need to conduct the ARI at this time. The subcommittee also recommended that the FACJJ meet in the fall. Possible meeting topics include transition planning for whatever entity might succeed FACJJ and the direction the

new entity should take; a discussion with OJJDP leaders of major juvenile justice issues; an update from the Coordinating Council on the listening sessions conducted during this meeting; and a discussion of FACJJ accomplishments.

- **Legal Affairs Subcommittee** co-chaired by Wylie Branton and Steve Teske (who was not able to attend the meeting): Mr. Branton, who also acted as parliamentarian during this meeting, reported that the subcommittee discussed the future of the FACJJ, and believes it is important for the FACJJ to continue in some fashion. Mr. Branton said the annual reports serve a useful purpose whether or not they are read by the President or members of Congress because FACJJ members bring a lot of collective wisdom to the table. The reports are a valuable resource that can be used by states as blueprints for reform. The subcommittee also recommended that governors be allowed to appoint members to the FACJJ rather than leaving final approval up to OJJDP.
- **Annual Report Subcommittee** co-chaired by Ms. Reardon and Ms. Hayes: The ARS used its meeting to orient new subcommittee members and to discuss ways to maximize opportunities for all members to participate in the working groups. Ms. Reardon also thanked the team leaders for their contributions to the reports and everyone for their input into the drafts. If there is a summer ARS meeting, the subcommittee suggested meeting in Minnesota.

Mr. Gardell then asked for annual report working group report outs. The discussions that followed were respectful, courteous, and substantive.

- **Crossover Youth**, Jim Anderson and Joy Mariska: Mr. Anderson reported the working group felt the chapter set the right tone and suggested only minor revisions. The group broadened the first recommendation to the President and Congress to encompass the need to prevent all children (rather than just those in the child welfare system) who have experienced abuse and/or neglect from entering the juvenile justice system and suggested strengthening the discussion about trauma; adding information about screening and assessing crossover youth for co-occurring mental health and drug and alcohol problems; and incorporating more current citations. The working group developed a new recommendation to OJJDP regarding the need to disseminate best practices related to identifying and responding to trauma experienced by youth in the child welfare and juvenile justice systems. There are a total of three recommendations in the annual reports regarding crossover youth: two to the President and Congress and one to OJJDP.
- **School-to-Prison Pipeline**, Linda Hayes and Gini Highfield: Ms. Hayes reported the working group supported the three existing recommendations and had some minor technical and word changes to the narrative. They pointed out that zero tolerance policies have been abused and moved far beyond the original intent of the policy in the 1994 Gun Free Schools Act. The working group added a new recommendation asking the President and Congress to mandate that states limit zero tolerance policies to the original intent of the 1994 act. Although members of the FACJJ agreed with the sentiment of the recommendation, there was concern that the recommendation may be ineffective in terms of what FACJJ can ask the President and Congress to do in this area. FACJJ members agreed to let the ARS reshape the recommendation to make it more effective. The group

also added a recommendation asking the President and Congress to strengthen DMC efforts and made the same recommendation to OJJDP. There are a total of six recommendations in the annual reports addressing the school-to-prison pipeline: five to the President and Congress and one to OJJDP.

- **Law Enforcement and the Legal System**, Cecely Reardon and Vicki Blankenship: This group discussed law enforcement, transfer and waiver, and life without parole:

*Law Enforcement:* Ms. Reardon reported the group felt the tone of the law enforcement narrative was too critical and failed to capture the unique role that police can play in prevention and intervention. They suggested changing the tone to reflect the need for collaboration and stressing the unique role law enforcement can play in making a change in DMC. Working group participants are looking for examples of collaboration to include in the annual report and will report back to Ms. Reardon. The working group also deleted the original recommendation to the President in this section and added a recommendation re-emphasizing the intent of DMC recommendations in the 2006 and 2007 annual reports to the President and Congress. The recommendation calls for a new funding stream to address data collection and promising practices and a training curriculum, all related to DMC. There are a total of five recommendations in the annual reports addressing law enforcement: one to the President and Congress and four to OJJDP.

*Transfer and Waiver:* The working group supported the narrative but clarified the first recommendation to the President and Congress to make it clear the recommendation is targeted at individuals who are the age of 18 at the time a crime is committed. The group also modified a recommendation to OJJDP regarding the use of direct file and automatic transfer statues and added a request that OJJDP work with states to increase the continuum of dispositional options available to the juvenile court. They also deleted a recommendation to OJJDP regarding risk assessment tools. There are six recommendations in the annual reports addressing transfer and waiver: two to the President and Congress and four to OJJDP.

*Life without Parole:* There were only minor word changes in the narrative and recommendations in this section. There are a total of two recommendations in the annual reports regarding life without parole section: two to the President and Congress and none to OJJDP.

- **Diversion**, Ron Rossitto and Karen Chinn: Ms. Chinn reported that the working group recommended strengthening the opening statement by defining diversion, explaining that entities other than law enforcement can divert juveniles, and discussing the benefits of diversion including reducing costs and improving efficiency and outcomes. They asked to reword the discussion about a lack data regarding diversion because there is data available. They discussed the need for collaboration with all stakeholders and suggested additional ideas of what can be done to promote diversion programs. They also suggested adding an example of a rural diversion program. The group deleted a sentence in the original recommendation to the President and Congress (regarding grant funding) and added a new recommendation asking the President and Congress to encourage states to promote diversion throughout the juvenile justice continuum. They also refined one of

the diversion recommendations to OJJDP and added a new recommendation asking the Office to providing training and technical assistance around diversion programs. There are a total of four recommendations in the annual reports addressing diversion: two to the President and Congress and two to OJJDP.

- **Re-entry**, Kreig Pinkham and Carlos Hendricks: Mr. Pinkham reported the working group spent the bulk of its time drafting recommendations since this section had no recommendations. As for the narrative, the group wanted to add several discussion topics including the need for re-entry planning to start as soon as a juvenile enters placement; the need to emphasize life skills and education; the need for re-entry programs that address co-occurring disorders; the challenge of linking justice systems and social networks; and the need for training for staff. They also recommended adding information about the system of care model. During discussions with the full FACJJ, it was suggested that the report include a recommendation regarding re-entry services for crossover youth. (Mr. Anderson agreed to draft the recommendation.) The working group developed recommendations asking the President and Congress and OJJDP to prioritize the importance of re-entry; provide funding for training and technical assistance; encourage the development of community-based re-entry services; and encourage states to design re-entry approaches that ensure successful transition to the community and to adulthood. There are seven recommendations in the annual reports addressing re-entry: four to the President and Congress and three to OJJDP.
- **Report to the OJJDP Administrator**, Richard Gardell and Dick Morris: Mr. Gardell noted that many of the recommendations to OJJDP had flowed out of the working groups and already been discussed. He asked members to look at the new introduction to the OJJDP report, then discussed five recommendations that had not yet been discussed: two regarding the role of FACJJ and its relationship to OJJDP, one addressing **proposed** Senate **Bill** 678, and two regarding pending changes to the core protections of the JJDP Act and the elimination of the Valid Court Order.

At the conclusion of this discussion, Mr. Gardell asked for any final comments on either the annual report to the President and Congress or to OJJDP. After hearing none, a motion was made that the FACJJ approve both reports, including comments and recommendations, and allow the ARS to incorporate the comments, finish the document, and then give it to OJJDP for publication. The motion was seconded. After no further discussion, the motion carried unanimously.

The meeting was adjourned at 11:15 a.m.