

**Federal Advisory Committee on Juvenile Justice
Summary of Fall Meeting, October 29–31, 2009, Austin, TX**

The Federal Advisory Committee on Juvenile Justice (FACJJ) convened for its fall meeting October 29–31, 2009, at the Hilton Garden Inn Downtown in Austin, TX. The purposes of the meeting were to provide the FACJJ with information on OJJDP activities in key issue areas and to hear from FACJJ members on options for a future FACJJ and on State perspectives about major issues facing the juvenile justice system. Members also heard a report on responses to the 2009 Annual Request for Information (ARI) and participated in an educational session on innovative approaches to reducing DMC (disproportionate minority contact). In addition, the four subcommittees met and reported back to the full FACJJ and a new chair and vice chair were elected.

Thursday, October 29

Designated Federal Official Robin Delany-Shabazz convened the meeting at 4:15 p.m. FACJJ Chair Harry Davis welcomed attendees, especially new FACJJ members, and introduced OJJDP Acting Deputy Administrator for Policy Melodee Hanes. Ms. Hanes welcomed FACJJ members and introduced OJJDP Deputy Administrator for Programs Marilyn Roberts and OJJDP Associate Administrator for State Relations and Assistance Greg Thompson. Mr. Davis reviewed the afternoon’s agenda, which was a training session for FACJJ members, thanked FACJJ Planning Subcommittee members for their work in developing this portion of the agenda and turned the session moderation over to the co-chairs Vicki Blankenship and Deirdre Garton.

Law Enforcement Approaches to Reducing DMC

FACJJ members learned about three States’ innovative approaches to reducing DMC. Robert Listenbee and George Mosee, Jr., talked about Pennsylvania’s efforts to reduce DMC at the point of arrest by holding forums between law enforcement officers and minority youth and by developing the *Law Enforcement Youth Curriculum*, which is used to train officers at the Philadelphia Police Academy to interact more effectively with youth. Once the curriculum is finalized, the MacArthur Foundation plans to release it nationally. Discussions are also being held with the International Association of Chiefs of Police concerning the organization’s use and promotion of the curriculum.

Sergeant Paul Schnell discussed Saint Paul (Minnesota) Police Department efforts to achieve cultural and behavioral change among street-level officers by providing training focusing on increased trust and increased understanding among diverse cultures and communities. The initial training targeted white male officers to engage them more fully and allow them to feel as if they were part of the solution. During phase 2 of the project, female officers and officers of color also participated in the training. Future plans include efforts to take this statewide to engage line officers in the issues around DMC.

Sandra McBrayer and Rita Cameron Wedding talked about California’s three-pronged approach in addressing DMC: (1) *direct service* (counties receive funds to identify and

reduce DMC), (2) *education* (grantees are required to offer DMC training), and (3) *support and advocacy* (technical assistance to counties, school districts, and law enforcement; work with school attendance review boards; and a pilot project in Sacramento to train police officers and school attendance review boards). The pilot project focuses on examining various levels of bias including “color blindness,” stereotyping, implicit (unconscious) bias, and institutional racism. Police officers learn that our personal biases have a profound effect on our decisions and typically operate without our conscious awareness.

Friday, October 30

Robin Delany-Shabazz convened the meeting at 8:30 a.m. and introduced OJJDP Acting Administrator Jeff Slowikowski. Mr. Slowikowski welcomed FACJJ members and thanked them for giving up their time to attend the meeting and for their willingness to change the original meeting agenda to focus on the future role of the FACJJ.

Report on Responses to 2009 Annual Request for Information

Monica Robbers reported on responses to FACJJ’s 2009 ARI. The top five issues identified by the States were: (1) DMC, (2) mental health assessment and treatment, (3) detention reform, (4) lack of primary prevention services, and (5) juvenile reentry. The States and territories made a number of recommendations to the President and Congress including placing more emphasis on research and evaluation, reauthorizing the Juvenile Justice and Delinquency and Prevention Act (JJDPA), allocating sufficient funds to enable States to comply with the Act, and educating Congress about the juvenile justice system and the impact of reduced funding. Recommendations to the OJJDP Administrator include system reform; less discretionary funding and increased funding for Title II, Title V, etc.; more emphasis on research and evaluation; and more DMC funding.

This year’s survey had a special focus on DMC. The majority of respondents said their State/territory has only a part-time DMC coordinator, and 13.5 percent reported no DMC coordinator. Areas of difficulty complying with DMC requirements included lack of funding, lack of DMC programs, and lack of data.

The results of this survey inform the FACJJ about emerging issues and concerns in the States and inform the Annual Report Subcommittee as they develop the FACJJ’s Annual Report. Vicki Blankenship said that the Planning Subcommittee welcomes input from State representatives about how to make the questionnaire more useful and user-friendly.

Report on Development of 2010 Annual Report

Cecely Reardon and Dave Brown updated the FACJJ on the status of the 2010 Annual Report. The Annual Report Subcommittee (ARS) met in St. Louis in July and brainstormed about what needs to be done to improve juvenile justice. The group then

reviewed results of the 2009 ARI and had a general discussion of the Annual Report (its format and length, its impact and usefulness, and how to “market” the report).

Because DMC has been the top issue identified in the past several ARIs, the ARS decided to emphasize DMC but to go beyond a general discussion of DMC and take a holistic, systems approach to addressing the issue. They arrived at a theme for the report—what needs to be done to create a fair and effective juvenile justice system—and a working title—“Achieving Fairness and Equity in an Effective Juvenile Justice System: The Solutions as Proposed by the FACJJ to the President and Congress.” They outlined three broad topic areas where significant progress needs to be made to achieve fairness and effectiveness: (1) school-to-prison pipeline, (2) law enforcement and the legal system, and (3) community resources. The ARS broke into small groups around these three areas, and the groups have done a great deal of work researching and drafting sections of the report. FACJJ members were encouraged to contact ARS members if they have expertise in these areas or if they have thoughts about the proposed theme. Ms. Reardon said that the ARS would develop a new timeline during its luncheon meeting.

Roundtable Sessions with OJJDP Staff

FACJJ members divided into small groups for two sets of discussions led by OJJDP staff about various policy issues:

- Research: Development Process, Core Programs, and Findings, *Jeff Slowikowski*
- Discretionary Grant Solicitation and Review Processes, *Marilyn Roberts*
- Tribal Policies, Programs, and Issues, *Melodee Hanes*
- Compliance Issues Forum and Consultation, *Elissa Rumsey*
- OJJDP Appropriations, Budgeting, and Program Development, *Jeff Slowikowski*
- Child Protection: Programs, Priorities, and PROTECT Act, *Marilyn Roberts*

Legislation: Update and Department Comment Process

Melodee Hanes updated the FACJJ on the status of the JJDP A reauthorization. In March 2009, Senator Patrick Leahy introduced S. 678 to reauthorize the Act. The bill proposes changes to the current JJDP A, including a 3-year phase-out of the Valid Court Order (VCO) exception for status offenders, modification of the current definition of “adult inmate,” enhancements to the DMC core requirement, provisions that improve youth access to counsel, increased emphasis on research and training, authorization of increased Title II funding, and improvement grants to help States come back into compliance. The bill has bipartisan support but, because of the Senate’s heavy workload, the bill may not go forward until 2010. The House does not have legislation drafted yet, but conversations have begun. Ms. Hanes summarized other relevant pending Federal legislation and referred participants to <http://thomas.loc.gov/> to stay informed about pending legislation.

The Future of FACJJ: Options for Consideration

Sue Yeres facilitated a brainstorming session to generate ideas for OJJDP leadership to consider concerning the future of the FACJJ. Members divided into groups, with each group assigned a discussion topic. Then the small groups reported back to the larger group about their discussions.

- **Group 1—Who we are:** Paul Lawrence reported that much of the group's discussion focused on whether the FACJJ serves any purpose. They then discussed what would an OJJDP advisory board (rather than a FAC) look like? The group suggested convening a group of people with expertise on a particular issue (e.g., DMC) for a time-limited commitment. SAGs would identify people with expertise in their State. Professionals from outside the field of juvenile justice (e.g., physicians) should be included.
- **Group 2—How we get our work done:** Sandra McBrayer reported that the group discussed how the FACJJ currently works: face-to-face meetings, standing and ad hoc subcommittees, telephone conferences, and e-mails. They suggested that videoconferencing would be useful for education/training component and subcommittee work. If writing an annual report remains a duty of the FACJJ, face-to-face meetings will continue to be necessary. The group emphasized that the FACJJ should be an independent and autonomous group.
- **Group 3—Topics and issues we address:** Jim Anderson reported that the group suggested OJJDP should ask for advice on topics, and the FACJJ should bring topics to OJJDP for discussion. Topics the group identified included DMC, interdisciplinary research, responding to emerging issues, systemic issues, facilitating information sharing, ARI, research and evaluation, best practices, the impact of OJJDP decisions on States and territories, Native American issues, compliance, helping States build capacity, and working with non-English-speaking populations.
- **Group 4—How we provide advice:** Judge Steven Teske reported for the group. The FACJJ needs to do a better job marketing itself including creating a media plan to bring attention to FACJJ reports, networking with legislators, etc. Publishing position papers on emerging issues would be more timely and easier for legislators to digest than the annual report.
- **Group 5—Resources we need to give sound advice:** Stewart Rutledge reported that resources identified by the group include face-to-face meetings, expertise, diversity of members, clearly defined audience, clear understanding of mission of FACJJ, consistency in leadership and membership, research, and independence and autonomy.

Mr. Slowikowski thanked the groups for their honest feedback about how to move forward. This session has given OJJDP staff a great deal to consider. They hope to use ideas generated at this meeting to present options to the new Administrator about how OJJDP can utilize the FACJJ more effectively. He reminded the group that the Federal Advisory Committee Act specifies that FACs are operated by federal agencies and are not operated as independent organizations.

Other Business

Mr. Slowikowski awarded certificates of appreciation to members who are rotating off the FACJJ including the following members in attendance: Daniel Prince (NV), Robin Jenkins (NC), Thomas Mullen (OH), Cindy Durham (TN), Deirdre Garton (WI), and Harry Davis (SC). FACJJ members elected Dick Gardell and Gini Highfield as chair and vice chair, respectively. Mr. Davis adjourned the meeting at 5:30 p.m.

Saturday, October 31

Mr. Davis called the meeting to order at 8 a.m. and reviewed the morning's agenda.

Topics of Concern: Impact on States and Advice to OJJDP

FACJJ divided into small groups to discuss several topics of concern. For each topic, they identified critical and emerging challenges, discussed the potential impact of those challenges on the States and territories, and provided advice to OJJDP. Representatives of each group then reported back to the entire FACJJ.

- **Group 1—Proposed JJDPA:** The group recommended more formula grant funds, more funds for research, more TA to States to help them comply with DMC requirements, more resources to States for compliance monitoring, more proactive compliance monitoring by OJJDP, and a longer transition time and judicial training for VCO phase-out.
- **Group 2—Tribal Issues/Proposed JJDPA:** In regard to tribal issues, the group recommended more clarity about the formula used to calculate funds for States with tribal communities, more TA to tribes, tribal gang summit hosted by OJJDP, and general training for SAGs on tribal issues. In regard to reauthorization of the JJDPA, the group's top priority was to get the Act passed.
- **Group 3—Indigent Defense:** Concerns identified by the group included lack of standardization in determining indigence, lack of juvenile justice training for counsel, and case overload and inadequate compensation for counsel. Recommendations included making indigent defense a priority area for funding.
- **Group 4—Compliance: Definitions, Policies, and Challenges:** The group recommended better, more consistent, and earlier communication regarding compliance issues between OJJDP and the States and within OJJDP. In addition, OJJDP should be less punitive and more collaborative in working with States to help them comply, provide increased funding as monitoring demands increase, and provide a public comment period for changes in regulations or interpretations.
- **Group 5—Children's Exposure to Violence/Children and Disasters:** The group recommended that OJJDP increase efforts for trauma-informed therapies, screen arrested juveniles for exposure to trauma, and initiate TA and data gathering to look at youth who cross over from the child welfare to juvenile justice system.

Subcommittee Reports

The following reports were provided by the subcommittees that met Friday:

- **Annual Report Subcommittee:** Cecely Reardon reported that the ARS ratified the theme that she and Dave Brown outlined Friday morning for the 2010 annual report. The ARS adopted a new working title, “Promoting Safe and Healthy Communities with a Fair and Effective Juvenile Justice System” and will work with three main topic areas: school-to-prison pipeline, the law enforcement-legal system continuum, and community resources. The committee developed an ambitious schedule. They hope to distribute a draft report 1 month before the spring FACJJ meeting to solicit comments, and their goal is to accomplish as much as possible at the spring meeting. In June, the subcommittee will meet and incorporate changes suggested at the spring meeting, and at the fall FACJJ meeting (which the ARS hopes will be held in September), the final annual report will be adopted so that it can be printed and published in 2010. By a voice vote, the FACJJ approved the working title, subtopics, and schedule proposed by the ARS for the 2010 annual report.
- **Planning Subcommittee:** Deirdre Garton reported that the group discussed the 2011 ARI. Assuming that there will be another ARI, they discussed adding a section to address issues faced by the territories and including more detailed instructions about how to respond to the ARI. The group also discussed holding an orientation for new members at every FACJJ meeting rather than only in the spring and assigning a “mentor” to each new member to help welcome and orient them. Ms. Garton is leaving the FACJJ, and Jim Anderson will take over as Planning Subcommittee cochair with Vicki Blankenship.
- **Legal Affairs Subcommittee:** Judge Teske reported that the group made two recommendations to the Steering Committee, which is taking up the issue of process and bylaws: (1) Consider removing term limits for FACJJ representatives. (2) Ask OJJDP for notice of bylaw changes and an opportunity to comment.
- **Steering Subcommittee:** Dick Gardell reported that the OJJDP Acting Administrator invited the Steering Subcommittee for their input on changes to the FACJJ bylaws. The group will teleconference to do this. He invited FACJJ members to contact Steering Subcommittee members with thoughts or concerns.

Next Steps, Summary, and Adjournment

Robin Delany-Shabazz thanked members for their hard work. Harry Davis thanked each member of the FACJJ for their work and said that it has been an honor for him to be a part of this group of principled, talented, and caring people. He adjourned the meeting at 10:30 a.m.