

**Recommendations of the
Federal Advisory Committee on Juvenile Justice (FACJJ)
January 2021**

**SUBCOMMITTEE ON FACILITATING COMPLIANCE WITH
THE JUVENILE JUSTICE REFORM ACT**

Issue Statement

In December 2018, the Juvenile Justice Reform Act (JJRA) of 2018 was signed into law, reauthorizing and substantially amending the Juvenile Justice and Delinquency Prevention Act of 1974. The first amendments made by the JJRA became effective in fiscal year 2020 (on October 1, 2019). Several JJRA provisions pose implementation and compliance challenges for the Office of Juvenile Justice and Delinquency Prevention (OJJDP) and for individual states. The role of OJJDP and the FACJJ is to provide implementation guidance to state advisory groups and state compliance officers. The following recommendations seek to address two of the largest and most pressing questions raised by new JJRA language.

Recommendations

The Subcommittee on Facilitating Compliance with the Juvenile Justice Reform Act offers the following recommendations:

- 1. Juveniles Charged as Adults** – OJJDP should adopt and circulate decision trees developed by the subcommittee and tested with state staff during OJJDP’s State Relations and Assistance Division Conference held in November 2020. These decision trees will assist states with implementing the new provisions of the JJRA around detention for juveniles who are charged and tried as adults and the decision points/criteria that must be considered in determining if placing the juvenile in an adult facility is in the best interests of justice. These decision trees should be made available as resources to aid in training regarding the new provision, decision making, revisions to state policies and procedures in this area, and to help clarify the complexities of this requirement in a variety of instances.
- 2. Valid Court Order Exemption** – OJJDP should either develop or circulate state examples of forms for courts to use that outline and demonstrate meeting the criteria for valid court order exemptions.

SUBCOMMITTEE ON TERRITORIES OUTREACH

Issue Statement

The JJDP, which was reauthorized in 2018 as the Juvenile Justice Reform Act due to its nature as a statute, is a document that requires both eligibility and compliance with the core protections for states and territories to be considered “participating.” FACJJ acknowledges the need, appropriateness, and importance of requiring compliance. However, territories are uniquely

situated and often have challenging circumstances. Too often—due to their remote location, lack of reliable Internet and communication systems, or frequent staff transitions—strict compliance is simply not possible. This noncompliance has rendered several territories consistently ineligible to apply for funding or receive it when it is being awarded. Unfortunately, noncompliance often results in further complications, including nonparticipation, which negatively affects the juvenile justice system of that territory and, more importantly, the youth. This subcommittee, with the support of OJJDP, dedicated itself to hearing and listening to each of the territories. From those candid conversations or “listening sessions,” the subcommittee learned about barriers and challenges facing each territory, as well as some significant achievements. Most importantly, the subcommittee learned about the people. It is in this framework that the subcommittee outlines its recommendations below, and proposes to the Administrator and Congress to help allow for maximum participation by the territories and ultimately benefit the young people they serve.

Recommendations

The Territories Outreach Subcommittee offers the following recommendations:

- 1. OJJDP should be permitted flexibility in determining eligibility and compliance with all requirements of the JJRA.** The FACJJ, as stated above, understands the importance of compliance with statutory mandates and its appropriate application with regard to the JJRA. However, the listening sessions revealed a consistent message—that despite best efforts, strict compliance with the JJRA presents a barrier to eligibility, compliance monitoring, and ultimately, participation. This barrier was evident from several of the listening sessions and was repeatedly presented to the subcommittee. Interestingly, each territory presented unique issues distinct to that territory. And, whether it was the remote location of the Northern Mariana Islands; transportation issues created by being a multi-island territory, such as the U.S. Virgin Islands; or the catastrophic hurricanes affecting the U.S. Virgin Islands and Puerto Rico, each barrier, despite great resilience and work, presents issues that are often hurdles to the territories’ eligibility for grant funds and subsequent compliance. These hurdles lead to frustration, further noncompliance, and ultimately, nonparticipation. This is an unnecessary impediment for the systems and youth they serve. Therefore, the FACJJ recommends that OJJDP be permitted significant flexibility in determining a territory’s eligibility for funding and subsequent compliance with all requirements of the JJRA, when the Administrator deems it appropriate. This approach will allow OJJDP staff to remove barriers as necessary, to support eligibility, and to maximize compliance, thereby effectively meeting the goals of the JJRA and “supporting local and state efforts to prevent delinquency and improve the juvenile justice system.”
- 2. OJP should commit additional funds for OJJDP staff and support services.** OJJDP staff represent some of the most knowledgeable and committed juvenile justice professionals in the nation. Their expertise was necessary to the work of this subcommittee. The subcommittee also noted that the program managers who work most closely with the territories were well respected and invaluable to the territories’ success. During each listening session, territory staff referenced the program managers and appreciated them for their hard work and commitment to assist with eligibility and compliance. Unfortunately, at current staffing levels, the subcommittee noted that there

are not enough staffing resources committed to truly succeed in enhancing and sustaining juvenile justice system capacity in the territories or in bridging the barriers to eligibility and compliance. The difficulties facing the territories are real, and they present an ever-challenging environment for compliance. Despite that, the people in the territories are resilient and tenacious. They are problem solvers. With the appropriate support, as determined by the Administrator, this combination of perseverance, grit, and commitment would be transformative to the territories, their systems, and their youth. This recommendation, therefore, encourages OJP to provide additional funds to OJJDP to be used specifically for additional staff. More staffing support would allow the Administrator to provide resources strategically to the territories, which would help them fulfill the mission of the JJRA. Additional staff would also contribute to the larger OJJDP community and help address the necessary training and technical assistance (TTA) to support the territories. This piece is critical to building and sustaining relationships and connections between OJJDP and the participating jurisdictions.

- 3. OJJDP should create an enhanced TTA program specifically designed for territories, identifying and addressing their distinct and unique characteristics.** A common theme throughout the listening sessions was frequent staff transitions within the territories and how they impeded the building of State Advisory Groups. Meeting as a group was also difficult due to the geographical nature of several territories. Because of these combined factors, experienced and new members alike need a more in depth, hands-on training program. This enhanced TTA would reinvigorate current members, who are very committed to this work, and expedite the learning curve of newly appointed members. This enhanced training would also provide for peer mentorship and open the lines of communication between the territories, the mainland states, and OJJDP. Additionally, this enhanced TTA would help increase territories' awareness of available programs and funding opportunities. This training would ensure that every State Advisory Group is aware of all grant opportunities and provide the necessary support so they can apply competitively.
- 4. OJJDP should create a program designed to support the field of juvenile justice in the territories.** The field of juvenile justice needs to be prioritized. That is true in the mainland states, but it is even more critical and integral to the success of the territories. Because of the unique nature of juvenile justice, this issue has been discussed in many different documents over the years. However, based upon recent conversations with the territories, it is obvious that a deliberate, intentional effort to elevate this area of law is necessary. Because resources are scarce, it is important that the assets the territories do have, both programmatic and staff, are reserved and committed to juvenile justice. The subcommittee notes that by making juvenile justice a priority area, OJJDP can ensure that resources remain dedicated to youth and are not diverted to other systems in times of economic hardship. This recommendation includes training political leaders, system partners, law enforcement, and the judiciary. These key stakeholders are critically important to the vision that juvenile justice should be a priority.
- 5. OJJDP should support conferences focusing on juvenile justice in each territory.** Conferences, such as a Juvenile Justice Day, are important mechanisms to focus the

attention of an entire community on the issues facing juvenile justice in today's world. Conferences also provide productive and beneficial ways for territories to learn, train, and listen together. This type of event can be a springboard for the entire juvenile justice system by making connections that may not currently exist. A conference could take on a forum format, where the territory's State Advisory Group uses its allocations to host a meeting and request assistance with speakers, or it could be a facilitated workshop format that leverages OJJDP's TTA provider—the National Training and Technical Assistance Center (NTTAC). The OJJDP team could also help with program and non-Title II related funding through NTTAC and work with partners and resources to create a comprehensive training day. These events foster engagement, help develop trust, and establish commitment to the ideal of a robust juvenile justice system.

SUBCOMMITTEE ON SPECIAL TOPICS

Issue Statement

No child should be referred to the juvenile justice system solely because there is no other system that will provide the services he or she needs. Youth, families, and the general public are best served when youth receive services, support, and care that address their needs and behaviors long before they come into contact with the juvenile justice system. The most effective intervention strategies incorporate a multisystem approach—one in which youth-serving systems, including schools, mental health providers, social service agencies, and community-based service providers work together to address youth's needs and behaviors to prevent youth from being referred to the juvenile justice system. Those stakeholders are also critical partners with courts and probation to effectively treat youth who are referred to the juvenile justice system.

Trauma-informed care, resiliency building, and restorative practices are critical components of effective multisystem prevention and intervention strategies. It is well established that adverse childhood experiences and trauma can lead to delinquent behavior, reduce a youth's capacity for empathy, and impact a youth's resiliency. A trauma-informed approach can address these challenges. It is also important to help youth understand that they possess the capacity and ability to achieve their positive goals and to give back to the community. To be effective, the multisystem approach must address the reasons for a youth's offending behavior and provide an opportunity to repair the harm caused. This multisystem approach has been shown to improve youth's education and employment outcomes and reduce the risk of offending. It is also effective in rehabilitating youth who are already involved in the juvenile justice system.

The recommendations below seek to promote a multisystem intervention approach to juvenile delinquency and help youth become responsible, caring, and healthy adolescents and adults. Multisystem approaches that combine trauma-informed care, resiliency building, and restorative practices help the juvenile justice system better address a youth's needs before he or she comes in contact with the juvenile justice system, and positively supports the needs and behavior of youth currently involved in the juvenile justice system.

The Subcommittee would like emphasize two aspects of this approach. First, restorative practices should be part of prevention, early intervention, and intervention multisystem strategies. By

engaging in a restorative process, youth gain an understanding of the harm they have caused to individual victims and to the community. Restorative practices—especially those that engage the victim—also provide youth with a concrete means to repair the harm and build the skills necessary to stop reoffending.

This Subcommittee wants to also emphasize the importance of providing victim services within the juvenile justice system for all levels of delinquency cases. Victims of juvenile offenses are often other youth. Providing services to young victims of juvenile crime, especially services grounded in restorative practices, is another aspect of trauma-informed care. Additionally, responding to the needs of young offenders with victim-centered services in particular will enhance their trust and belief in the fairness of the juvenile justice system.

We believe OJJDP can help local areas, tribal authorities, and states achieve the goals highlighted above by engaging with state advisory groups and providing capacity building, training, and technical assistance for grantees as they implement multisystem intervention approaches that serve youth and communities.

Recommendations

The Subcommittee on Special Topics offers the following recommendations:

- 1. Collaborate with federal partners, including the U.S. Departments of Health and Human Services and Education, to fund and promote school-based, comprehensive, multisystem, holistic programs that address the needs of at-risk children and youth. These programs should include resiliency-building and restorative practice components in their approach.**
- 2. Designate at least one OJJDP staff member as an expert on multisystemic approaches.**
- 3. Offer training and resources to states, tribal authorities, and local areas to help them implement effective multisystemic approaches that include all of the elements described in this document.** These resources could include webinars, discussion groups or cohorts, and white papers.
- 4. Offer training and resources to states, tribal authorities, and local areas on victim's rights, the importance of assigning victim-witness staff to all levels of juvenile court cases, and the importance of assigning victim-witness staff who are specifically trained on the unique aspects of the juvenile justice system.**
- 5. Increase opportunities for states, tribal authorities, and communities to apply for federal and state grants for the types of approaches described in this document and ensure that these multisystem approaches are included in applicable solicitations—such as those for mentoring, juvenile mental health, and delinquency prevention programs.**

- 6. Increase grantees' capacities to sustain effective multisystem approaches beyond the funding periods.**