

Meeting of the Federal Advisory Committee on Juvenile Justice

Friday, March 22, 2019, 9 a.m. to 3:40 p.m. ET

United States Department of Justice, Office of Justice Programs
Office of Juvenile Justice and Delinquency Prevention
810 Seventh Street N.W. Third Floor Video Conference Room, Washington, DC 20531

SUMMARY

The Federal Advisory Committee on Juvenile Justice (FACJJ) held an in-person meeting on March 22, 2019. The meeting was hosted by the Office of Juvenile Justice and Delinquency Prevention (OJJDP), U.S. Department of Justice (DOJ). Katherine Darke Schmitt, *Designated Federal Official, FACJJ and Associate Director, Office for Victims of Crime (OVC), U.S. Department of Justice (DOJ)*, and Elizabeth Wolfe, *Training and Outreach Coordinator, OJJDP*, provided staff support for the meeting. Bixal staff members Maegen Barnes and Melissa Kanaya provided technical assistance.

Caren Harp, *OJJDP Administrator*, led and moderated the meeting.

FACJJ members participated, and members of the public observed.

Discussions were held around OJJDP appropriations and grant awards, the reauthorized Juvenile Justice and Delinquency Prevention Act/Juvenile Justice Reauthorization Act (JJDP/JJRA), and issues facing state and local jurisdictions. FACJJ office elections were held, and the following three subcommittees were established: Trends/Special Focus/Troubleshooting; Educating the Field; and Facilitating Compliance with the JJDP/JJRA. A group photo was taken, and plans were discussed for the next FACJJ in-person meeting, to be held in late September.

WELCOME AND INTRODUCTIONS

Katherine Darke Schmitt officially opened the meeting, which was webcast live. The recording and a summary of the meeting will be available on the OJJDP website within 90 days.

Caren Harp welcomed all participants and observers and reviewed the meeting agenda. She thanked the members for their participation, and introduced herself. She noted that her goal was to find simple, practical fixes.

All FACJJ members were in attendance:

- Michael Arrington, Delaware
- Judge Thomas Frawley, St. Louis, Missouri
- Adolphus Graves, Atlanta, Georgia

- Chief Corey Haines, Detroit, Michigan
- Judge Dave Hejmanowski, Delaware County, Ohio
- Anthony Pierro, New Jersey
- Kathryn (Kate) Richtman, St. Paul, Minnesota
- Thomas Rose, Dubois, Wyoming
- Melanie Shapiro, Baltimore, Maryland
- Korey Solomon, Idaho
- Richard Thompson, North Carolina
- Kenneth Tramble, Monroe, Louisiana
- Joseph Vignati, Atlanta, Georgia
- Tiffany Wilkerson-Franklin, Baton Rouge, Louisiana

The following OJJDP staff members supporting the FACJJ were in attendance:

- Tina Borner, Program Manager, State Relations and Assistance Division, OJJDP
- Dr. TeNeane Bradford, Associate Administrator, OJJDP
- Sheryl Jones, Deputy Administrator, OJJDP
- Elizabeth Wolfe, Training and Outreach Coordinator, OJJDP

Administrator Harp opened the floor for FACJJ members to introduce themselves.

Joe Vignati has been involved in juvenile justice work for 32 years, including 13 years administering OJJDP grants in the Georgia Governor's office. He has worked in a juvenile detention center, as a juvenile probation officer, as a resource person, and as a case expeditor. He served as a state juvenile justice specialist and has familiarity and practical experience with the JJDP. He recently retired after 2 years as Chief of Staff in the Georgia Department of Juvenile Justice.

Corey Haines has served as a law enforcement officer for 27 years. He currently serves as Chief of the City of Madison Heights Police Department in Michigan and soon will become Deputy City Manager. He has a passion for juvenile justice and recently obtained his law degree from the University of Detroit Mercy School of Law.

Adolphus Graves currently serves as Director of Probation Services for Fulton County, Georgia, which includes the City of Atlanta and 18 municipalities. He has approximately 20 years of experience in juvenile justice as a probation officer, program manager, coordinator, and facilitator of multidisciplinary teams. His expertise lies in multidisciplinary operations with courts and community partners.

Korey Solomon is from Idaho. He has worked in the juvenile justice system for 25 years; this has included child protection, children's mental health, and drug courts.

Anthony Pierro is an Assistant Prosecutor in New Jersey. Over the course of the past 20 years, he has held every position in the Prosecutor's Office and currently holds the title of Chief Juvenile Attorney. He has handled every type of case, but his main focus has been on juvenile justice. His jurisdiction is a tourist destination that swells from a population of 600,000 to

approximately 1.2 million in summer. He seeks to lend a prosecutor's voice to everything that happens on the juvenile justice front in his state. He also has tried to make juvenile justice a career path for prosecutors in New Jersey to ensure that attorneys have experience both in provider services and prosecution.

Dave Hejmanowski is a judge of the probate juvenile court in Delaware County, just north of Columbus, OH. He has been in the field for 20 years. He was a court magistrate, serving as court administrator for most of his tenure. In Ohio, small- to medium-size counties have juvenile and probate jurisdictions, and Judge Hejmanowski hears all juvenile justice and all family dependency cases. He instructs for the Ohio Judicial College and the Ohio State Bar Association, and he serves on the curriculum committee of the National Council of Juvenile and Family Court Judges.

Melanie Shapiro has done juvenile defense work for more than 15 years, including in New York City, and has been with the Maryland State Office of the Public Defender for the past 2 years. She served as the Chief of the Baltimore City Juvenile Division and became Director of Juvenile Justice Policy for Maryland. Her focus is on statewide systemic reform.

Tom Frawley was appointed in 1991 by the Governor of Missouri to serve as a circuit court judge in St. Louis after serving as a family court lawyer for 20 years. Now retired, he acts as a senior judge, handling essentially the same case load. He served on some form of family court throughout the majority of his career, spending 5 years on the city juvenile court primarily handling care and protection. He then shared his juvenile justice expertise around the state, including in two significantly rural counties, where most "crimes" were status offenses or misdemeanors, and where there were few, if any, services or resources.

Kenneth Tramble is a 22-year veteran of the Ouachita Parish Sheriff's Office in Louisiana. He participated in Deputies Making a Change, mentoring youth ages 9 to 13 and partnering with his school system to improve mentoring services. He also is a two-time, U.S. Army Purple Heart recipient.

Richard Thompson of North Carolina retired in 2015 after more than 30 years in adult probation parole and has volunteered through various organizations, including helping his state advisory group (SAG) draft a new member orientation manual, develop an opportunity to coordinate and work with school resource officers, and create a statewide panel discussion with partners throughout the state to discuss school security. Based on the outcomes of that panel discussion, the SAG is working to create requirements for school resource officers and school safety.

Kate Richtman has been a prosecutor most of her career, starting out as a judicial clerk and then doing trial work – mostly adult prosecution and some child protection and child support – in a very small county in Minnesota on the outskirts of the Twin Cities. She has served in Ramsey County, which contains the state capitol, for more than 30 years, 24 of which she has spent in juvenile justice. Her passion is justice for underserved youth – girls, LGBTQ youth, and other marginalized groups.

Michael Arrington is a private attorney from Delaware who chaired his state's Justice Assistance Grant program for 19 years. He has been involved with youth for 41 years and has served in the juvenile justice field for 27 years. Delaware has one unified court for three counties. He started in the year that disproportionate minority confinement was made a core requirement.

In his words, **Thomas Rose** is a "retired juvenile delinquent" from Wyoming. He studied a number of states for a conservative think tank and has been involved in informal mentoring programs since the 1980s.

Tiffany Wilkerson-Franklin has been at the Southern University Cooperative Extension Program in Louisiana for almost 13 years. Most of her background is in working with "at-promise" youth (instead of at-risk youth, because she believes they all have an opportunity if we take the time). She has worked with youth for more than 20 years, helping children of incarcerated parents to maintain family relationships. She works with the National 4-H Council to provide the 4-H's Living Interactive Family Education program. She notes that trying to do the work that is laid out in grant programs is not always successful because a different approach is needed in rural areas.

Staff members who support the FACJJ's work also introduced themselves:

Elizabeth Wolfe is the Training and Outreach Coordinator for OJJDP and has been with the Office for almost 15 years. She supports the work of the FACJJ.

Dr. TeNeane Bradford oversees OJJDP's work for the Title II program and a number of other programs. She will work with the FACJJ to ensure the SAGs and State Specialists have the information they need to make their programs work.

Chyrl Jones is Deputy Administrator of OJJDP.

Tina Borner is a Grant Management Specialist in OJJDP's State Relations and Assistance Division. She started in juvenile justice as a military veteran around 1996. She has served as a juvenile detention officer and in higher positions in Washington State and with the Maryland Department of Juvenile Services.

Administrator Harp expressed her gratitude for, and highly positive impression of, the OJJDP staff.

THE WORK OF THE FACJJ

Administrator Harp directed the members to the meeting agenda, the FACJJ charter and fact sheet, and the JJDPA. The fact sheet includes the committee's purpose of advising the OJJDP Administrator and of analyzing, reviewing, and examining the Office's work products, legislation, research, fiscal and technical support, policies, regulations, practices, and operations.

Administrator Harp’s goal is to help states strike a balance between compliance with the core protections and serving youth, and she encourages feedback from this body to find that balance and to understand issues SAGs have with OJJDP. She noted the makeup of the committee – judges, probation/corrections professionals, treatment providers, and a “juvenile delinquent emeritus” from a non-participating state – and identified the three groups of juvenile justice system stakeholders in the court system: communities, crime victims, and youth who commit offenses. She posed the question of how to protect communities, bring justice to the victims, and hold youth appropriately accountable in ways that advance their life skills and help them become better decision-makers. Mr. Rose expressed the importance of including parents in the discussion.

FACJJ UPDATE

Administrator Harp shared OJJDP’s Fiscal Year 2018 appropriation and grant funding.

Appropriation

- \$180 million: mentoring programs for services, and services for kids
- \$50 million to provide assistance to the states (Title II funding)
- \$23 million to Juvenile and Family Drug Courts
- \$13 million for reentry services
- Approximately \$2.7 million for Tribal Juvenile Healing to Wellness Courts
- Almost \$8 million for tribal youth programs

Administrator Harp pointed out that OJJDP’s appropriated funding is very prescriptive; the Office has a very small amount of discretionary funding.

Grant Funding

- \$100 million to protect children and support law enforcement
- About \$60 million to Internet Crimes Against Children (ICAC) programs (61)
- About \$23 million to the National Center for Missing and Exploited Children (NCMEC)
- About \$2 million to Amber Alert
- \$1.7 million to Girls in the System (two awards)
- \$1 million to State Prosecutor Coordinators’ Offices (a return to training prosecutors)
- Total: \$288 million for 290 awards

OJJDP hopes to have all of its FY 2019 solicitations posted to its website by March 31.

Administrator Harp clarified that federally recognized tribes receive a small portion of the money through their states and are not required to maintain core protections. In non-participating states, nonprofit organizations can apply to use Title II funding to bring about compliance or to help operate the juvenile justice system in furtherance of the courts.

JJDPA

JJDPA was reauthorized in 2018 (JJRA) and applies to FY 2020 and subsequent years. This overlap in coverage dates will require SAGs to follow two sets of guidelines. OJJDP is working to develop a streamlined reporting process that assists with auditing.

For many years, the JJDPA provided a minimum allocation of \$400,000 per state and \$75,000 per territory; the reauthorization contains no upper statutory limit on this minimum, allowing OJJDP flexibility in raising the minimum. The Office is reviewing the implications of raising the minimum, and Administrator Harp solicited feedback from the Committee. Discussion followed about balancing the minimum with compliance requirements (and the associated staffing costs) as well as about the requirements for eligibility. The Act includes 32 SAG requirements, and an adequate program monitoring system is now mandatory. Meeting these requirements makes a state or territory eligible for the first 20 percent of the money; compliance with each core requirement brings an additional 20 percent of funding per requirement.

Administrator Harp noted that, as obligations become more onerous and no additional funding is provided, not participating becomes more attractive for states; that leads to a lack of core protections monitoring. Many, but not all, states have enacted policies or statutes that somewhat mirror the federal core protection. Administrator Harp pointed out the need for balance. Determining the administrative burden is necessary for determining whether it is worthwhile for states to participate.

The Act includes:

- A requirement that the state publish its plan on the state’s website within 60 days after final approval by OJJDP;
- A requirement that OJJDP publish every state plan and supporting data to its website;
- Program areas supported by Formula Grant funds;
- Legal representation for juveniles;
- Informing juveniles of the opportunity for record expungement and sealing;
- Addressing the needs of girls;
- Compliance monitoring;
- The provision of core requirements training and technical assistance to secure facilities;
 - OJJDP is set to partner with the National Institute of Corrections and the Council of Juvenile Correctional Administrators to begin training secure facility superintendents on the core requirements, reentry, and other elements.
- A requirement that monitoring be “effective” (replacing “adequate”);
- A requirement that, by December 21, each state adds a short (2-3 page) plan to eliminate, with certain exceptions for danger, the use of restraints regarding pregnant juveniles in correctional facilities to the juvenile crime analysis section of its state plan;
- A requirement that each state’s plan include an assessment of needs that includes the pre-and post-release plans for juveniles, the living arrangements to which the juveniles are to be discharged, and any other plans developed for the juveniles based on an individualized assessment;
- Policies and procedures to screen for, identify, and document the identification of victims of domestic human trafficking, or those at risk of such trafficking, and to divert such youth to appropriate programs or services to the extent practicable; and
- Additional requirements around valid court order exceptions.

A discussion around housing juveniles charged as adults followed. The FACJJ identified the need for a focus on this issue.

Administrator Harp and the members discussed developing three FACJJ subcommittees around the following:

1. Compliance and legislation.
2. Educating the field – research, best practices, career development, funding opportunities/accessing funding, rural vs. urban, messaging.
3. Trends in juvenile behavior, family and community issues, concerns in the states, trouble-shooting/support/watchdog.
 - a. OJJDP’s National Juvenile Justice Specialist can share feedback from all of the SAGs, as can Dr. Bradford’s division.

ISSUE IDENTIFICATION

Administrator Harp solicited state- and jurisdiction-level issues from the FACJJ members. Issues raised were:

- The need for clarifying the structure and responsibilities of the SAGs, including providing mandatory training, and the challenges of SAG regulations;
- The percentage of OJJDP funding that states direct toward compliance;
- The need to ease the grant application process, knowing that rural jurisdictions in particular have lower capacity and fewer resources;
- The need to be able to apply real consequences to status offenders;
- The reality that, in some circumstances, there is very little a judge can do about an older juvenile offender/the system fails the child;
- The need to focus on girls’ programs;
- The need for consistent reporting so that data may be used for supporting documentation in applying for funding;
- The need for a teen protection system;
- The need for OJJDP training and technical assistance and for peer-to-peer sharing of best practices and information (issue: states differ);
- The reality that OJJDP plays two potentially conflicting roles – compliance and technical assistance – and the need for the Office to build trust with communities (in progress);
 - The relationship between OJJDP and the states has historically varied between supportive and adversarial.
- The need for states to connect with OJJDP and to receive guidance and face-to-face feedback;
- The need to change states’ mindset from getting funded to making a difference;
- The need for a balance between evidence-based programs and new programs that may eventually become evidence-based;
- OJJDP’s shift on core protections and disproportionate minority contact data collection to focus on impact;

- The need to include a mental health component in juvenile justice work (the Act now addresses this);
- Addressing behavioral health and linking children to behavioral health services, given the delinquency/dependency tension, the capacity issue around higher-end services, and the reality that the juvenile justice system has become the front line for behavioral health treatment in many instances;
- The evidence that adolescence is a unique and challenging life stage, and the need to keep teens out of detention unless they present a danger to public safety;
- Overloaded dockets for judges who, in some instances, are no longer invested in the process;
- The over-representation of youths of color in the juvenile justice system;
- The need for qualified attorneys representing children in court, a court system that makes clear its investment in the child and the family, and prosecutor training;
- The reality that juvenile court records do, in fact, affect people’s adult lives (education, employment, housing, etc.);
- Developing standards for non-legal professionals involved in the criminal justice system – correctional officers, probation staff, court staff, school resource officers, et al. – to equip them to perform the duties, to understand the specific needs of children and families that are before the court, and to know the difference between processes in the adult and juvenile systems;
- The need for the FACJJ to take on a reasonable amount of work and achieve outcomes; and
- The need to review past FACJJ recommendations.

OFFICER ELECTIONS AND SUBCOMMITTEE FORMATION

Elections

The FACJJ nominated and elected the following officers:

- Chair: Joseph Vignati
- Vice-Chair: Melanie Shapiro

Subcommittees

The following subcommittees were formed:

Facilitating Compliance with the JJRA (JJDP) Subcommittee

Judge David Hejmanowski (Chair)

Michael Arrington

Corey Haines

Richard Thompson

Educating the Field Subcommittee

Anthony Pierro (Chair)

Adolphus Graves
Thomas Rose
Joseph Vignati
Tiffany Wilkerson-Franklin

Trends/Special Focus/Troubleshooting Subcommittee

Kenneth Tramble (Chair)
Thomas Frawley
Kate Richtman
Melanie Shapiro
Korey Solomon

The subcommittees will work with OJJDP's Designated Federal Official to organize meetings and receive support. Meeting information will be shared with the full FACJJ, and those not serving on a specific subcommittee are welcome to join and participate.

The subcommittees will focus on the following areas:

Trends/Special Focus/Troubleshooting Subcommittee

- Girls programs
- LGBTQ youth
- Crossover youth
- Trauma/developing and sustaining resiliency
- Status offenders (ensuring compliance, determining whether they should even be in the system)
- Evidence-based best practices (What is working?)

Educating the Field Subcommittee

- Highlighting of the importance of roles, and showcasing/sharing of model and promising programs
- Development of messaging goals around juvenile justice and delinquency prevention
- Promotion of career development/training
- Education of stakeholders: professionals; the public; law students; SAGs

Facilitating Compliance with the JJDPA/JJRA Subcommittee

- Compliance monitoring around core requirements
- Encouragement of rural communities to apply for funding
- Maximizing the use of dollars OJJDP provides for services (vs. compliance with rules and regulations)

The FACJJ will produce recommendations to OJJDP, which will be incorporated into the Administrator's annual report and will be acted upon.

Issues raised regarding the FACJJ's focus included defining the age range of the youth population, rural capacity challenges, compliance across states/localities and urban/rural programs, and usable resources for starting this work.

A group photo was taken.

NEXT STEPS

OJJDP staff can use today's discussion to inform training, technical assistance, solicitation development, and more. Also, the Office can leverage federal department and agency relationships and resources through the Coordinating Council on Juvenile Justice and Delinquency Prevention (e.g., Department of Transportation, Department of Housing and Urban Development, Department of Defense) and share that information with the SAGs.

Each subcommittee will create its core focus. Chairs will set their meeting cadences and will work with federal staff to arrange the conference calls. Staff will support the subcommittee meetings and work; Elizabeth Wolfe and Maegen Barnes will reach out within the next few weeks.

The next FACJJ meeting will take place in Kansas City during the last week of September around the OJJDP annual training.

Mr. Vignati thanked everyone and looks forward to the FACJJ developing the best recommendations. All members expressed their excitement and appreciation for the meeting and the upcoming work of the FACJJ.

The meeting was adjourned at 3:40 p.m.