

Federal Advisory Committee on Juvenile Justice Meeting
September 25, 2019
9 A.M.–3:05 P.M. CT
Kansas City Marriott Downtown
Kansas City, MO

SUMMARY

The **Federal Advisory Committee on Juvenile Justice (FACJJ)** held an in-person meeting on September 25, 2019. The meeting, which was open to the public, was hosted by the Office of Juvenile Justice and Delinquency Prevention (OJJDP), U.S. Department of Justice (DOJ) in Kansas City, MO. Elizabeth Wolfe, Training and Outreach Coordinator for OJJDP, served as Designated Federal Official (DFO) for the meeting.

Caren Harp, OJJDP Administrator, led and moderated the meeting. FACJJ members participated, and members of the public observed. Elizabeth Wolfe, Training and Outreach Coordinator for OJJDP, provided staff support for the meeting. Bixal staff members Maegen Barnes, Melissa Kanaya, and Laura Nadel provided technical assistance.

A presentation was made on Supporting the Needs of Rural Communities to the FACJJ by Betty-Ann Bryce, Special Advisor, Rural Public Health Education and Treatment, Office of National Drug Control Policy (ONDCP), Executive Office of the President. FACJJ members engaged in a discussion on this issue with Ms. Bryce after her presentation.

A presentation was made on U.S. Department of Education Opportunities for Partnerships to Support Prevention and Intervention Programs for Youth by Group Lead Faatimah Muhammad and Program Officer Jasmine Akinsipe, both with the Office of Elementary and Secondary Education (OESE), Office for School Support and Accountability (OSSA), Teachers, Leaders and Special Populations Programs (TSLP); U.S. Department of Education (DoE). FACJJ members engaged in a discussion on this issue with Ms. Muhammad and Ms. Akinsipe after their presentation.

The three subcommittees of the FACJJ—Special Topics, Facilitating Compliance with the Juvenile Justice Reform Act (JJRA), and Educating the Field—reported to the FACJJ on their activities to date.

A group photo was taken.

WELCOME AND INTRODUCTIONS

Elizabeth Wolfe opened the committee’s quarterly meeting. She noted that a summary of the meeting would be available on the OJJDP website within 60 days.

Administrator Caren Harp welcomed all participants.

FACJJ Chair Joseph Vignati explained that the committee is charged with providing recommendations to the Administrator and to members of Congress on how to improve juvenile justice systems across the country. He noted the strong partnership the Administrator has developed with the states through the members of the FACJJ, and he reviewed the agenda, including presentations about collaborating across different federal agencies and subcommittee reports.

SUPPORTING THE NEEDS OF RURAL COMMUNITIES

Betty-Ann Bryce, Special Advisor, Rural Public Health Education and Treatment, ONDCP, Executive Office of the President

Administrator Harp introduced Ms. Bryce—who is on detail from the U.S. Department of Agriculture (USDA)—noting her unparalleled insight and understanding of rural populations and the problems that they face, and her keen ability to help everyone understand rural issues and the fact that simple fixes can change rural lives.

Ms. Bryce clarified that her office focuses on rural development—helping a community be whole. With its rural development agency and a \$220 billion portfolio, the USDA is the only federal agency providing staff and services in the community, including rural communities. These services include infrastructure, housing, electric, water, and broadband connectivity. USDA goes where the Small Business Administration (SBA), the Department of Housing and Urban Development (HUD), and big institutions do not go.

USDA was brought in to help implement the White House’s National Drug Control Strategy (NDCS) with a focus on rural development. The NDCS sets out the direction of the federal government’s response to the drug crisis, using the four pillars of prevention, treatment, recovery, and supply reduction. ONDCP’s role is to help federal agencies give attention to rural communities while working to implement federal programs.

In 2018, Centers for Disease Control and Prevention (CDC) alerted ONDCP that drug-related deaths in rural areas were surpassing those in urban centers. Because of the limitations in rural communities, it makes the delivery services to address the crisis more challenging in those places.

Farmers are seeing the problem and are asking for help, so much so that the American Farm Bureau and the National Farmers Union—two of the biggest farm groups in the United States, and that are on the opposite ends of the political spectrum—combined efforts for the first time ever and found that 74 percent of farmers are affected. Representatives of both groups converged in DC to bring attention to this issue, highlighting their deep concern for the farming community, which comprises a large segment of rural America.

The supply of drugs is driving the drug crisis in urban communities. However, the data show that socioeconomic realities—such as poverty, unemployment, lack of infrastructure and broadband

connectivity, among other core community needs—are driving the crisis in rural communities. Not being able to get an education, find a job, or take care of one’s family can lead someone to turn to drug use.

As it relates to prescription drugs, patients now are receiving 3-day prescriptions versus the 30-day scrips of the past. However, due to access issues, doctors—who know better—still are giving 30-day scripts for all prescription medicines in rural communities. An added issue is that many rural jobs (logging, oil rig work, etc.) are particularly injury-prone. CDC reports that, in 2019, rural patients had an 87 percent higher chance of receiving an opioid prescription.

Data Trends

ONDCP analyzed the most current Department of Labor data, CDC data, and other agency data to the county level and discovered 5-year trends for rural communities. Ms. Bryce highlighted some trends over time in specific areas of the country. She noted that the data compare fatalities linked to prescription opioids with fatalities linked to all drugs.

Counties: Success and Failure

Some counties are succeeding in reversing the effects of this epidemic. Those that have not done so often have siloed efforts and siloed responses; people are working hard, but they are probably not talking to other stakeholders.

Impact on Rural Communities

The drug epidemic impacts all aspects of the rural community, including worker productivity, health care demands, emergency response, law enforcement, and social services. Some businesses are opting not to invest in rural areas; they will not place a plant in a location where they cannot find a sober workforce. This is making economic development even more difficult for rural communities already struggling to attract new business.

The biggest barriers to treatment and recovery in rural areas are stigma and the lack of transportation, short- and long-term recovery housing, broadband connectivity, and accessible treatment facilities. People are also experiencing geographic isolation; it is 60–100 miles on average to a treatment facility, and the first thing one loses from drug involvement is his/her driver’s license.

The effects of this crisis are both direct and indirect. The direct effect is the public health crisis, and the indirect effect is the loss of opportunities for attracting certain professionals, services, and other things that can affect the community, its tax base, and alternative funding structures.

Youth: Hidden Victims

The most vulnerable victims in this crisis are youth under age 15. Drug overdose deaths are affecting younger children at a higher rate than the general population. Even in a state minimally affected by the opioid epidemic, those under 15 are more affected. This is true across the U.S.

Factors that make a young rural or urban person at higher risk for substance use include family history of substance abuse, mental health issues, childhood trauma, a lack of school

connectedness, poor parental monitoring, and extreme economic deprivation. Children are the hidden victims in this crisis.

Impact on Rural Youth

ONDCP held 25 convenings in rural counties with populations of less than 50,000, with the goal of including them in this conversation. They reported an overburdened foster care system resulting in displacement for long stretches. Grandparents are overburdened, and social services already at their limit are now forced to deal with this extra layer. Socioeconomic factors, hunger, persistent intergenerational poverty, and poor nutrition play significant roles as well. Young people are disproportionately affected by the crisis, and there are more negatives than positives. Children have limited places to learn about taking positive steps (e.g., camp).

Factors that buffer youth include parent/family engagement, family support, parental disapproval of substance use, parental monitoring, and school connectedness.

Increasing the Connection to Substance Abuse Disorder Care in Rural Communities

ONDCP recommends the following gap-filling services where feasible:

- *Teleservices*: Allow for expanded care options across prevention, treatment, and recovery using technology.
- *Mobile services*: Bring services such as clinical rotations and recovery services to the community on a regular basis. Use specialized health services vehicles to visit schools; this relieves parents from leaving work to take their children to the doctor. Costs can be split between the private sector, the federal government, and funders. It is necessary to think creatively about what services can be put on a mobile unit (i.e., a repurposed Red Cross vehicle) and how it can be incorporated into a community.

Response

Community Assessment Tool

ONDCP will release the Community Assessment Tool by February 2020 to help communities respond to this crisis. Trends better inform communities as they write policies and determine where they have challenges. The tool provides communities with that critical information. It allows the user to see counties that have held steady or improved. This allows those on the ground to learn about best practices in policy and collaborative work.

ONDCP is exploring ways to add new data—such as broadband connectivity access, rural transit gaps, treatment locations, health professional shortage areas, and persistent (intergenerational) poverty—to complete the rural picture. It will add a vulnerability index, which includes factors that make rural communities vulnerable. Ms. Bryce noted that policy and funding are major issues: Approximately 74 percent of rural county budgets go to jails, leaving very little money for economic development, infrastructure, and education. Rural and smaller communities rarely have alternative funding sources.

Federal Resources for Rural Communities To Help Address Substance Use Disorder and Opioid Misuse

This guide is a 135-page, “one-stop shop” document for federal resources. It is a listing of the various agencies and what they have to offer. Ms. Bryce encouraged localities to leverage federal

government programs to support communities. In one example, 123 listed federal programs can help with transportation.

Phase two of the guide project will encompass developing a dedicated Federal Rural Resources webpage, to include funding information, fact sheets, and archived webinars. The updated PDF guide will be linked to the Community Assessment Tool.

Rural Federal Substance Use Disorder Interagency Working Group

This working group involves direct and indirect federal departments and agencies. Members include the Department of Commerce, the SBA, the Federal Communications Commission, and HUD, among others. All of these have stakeholders on the ground. The goal is to create a bridge at the federal level and continue to translate that connection among peers at the local level. The group is developing rural workshops on specific issues, as the biggest problem for these communities is access to resources. Ms. Bryce chairs the working group.

Additional Responses

Other ONDCP responses include rural workshops on specific issues (e.g., transportation, social services), the Rural Community Action Guide, and the Rural Roundtable Series.

Discussion

ONDCP has begun to look at the impact of the legalization of recreational drugs, as well as ties to whether that increases, decreases, or maintains the number of drug deaths.

Local USDA Cooperative Extension offices are doing a lot of family support programming. An extension is a 3-person office and therefore has limited capacity. Rural communities often lack the expertise and resources to apply for and lead grants.

Community colleges have been left out of this discussion and generally have more staff than extension offices. However, many have declined to take on grant-writing and grant management obligations. The challenge is that, when money goes unused, it is no longer offered. ONDCP works to flag smaller grants, as management of those is less burdensome.

Ms. Bryce mentioned the Youth Futures Program, which was developed to put students on track to trade schools and community colleges, and the Prosper Program, which gives parents tools for identifying children's problems and addressing them.

ONDCP is working with faith communities. One challenge is that many pastors do not like to promote Medically Assisted Treatment because of their churches' abstinence-only platforms.

DOE OPPORTUNITIES FOR PARTNERSHIPS TO SUPPORT PREVENTION AND INTERVENTION PROGRAMS FOR YOUTH

Administrator Harp welcomed and introduced Group Lead Faatimah Muhammad and Program Officer Jasmine Akinsipe, both with OESE, OSSA, TSLP; DoE.

Ms. Muhammad and Ms. Akinsipe provided an overview of Title I, Part D and shared the services and resources DoE can bring to the table for the state advisory groups (SAGs).

Title I, Part D

The Title I, Part D program—also called The Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent or At Risk—was most recently reauthorized under the Elementary and Secondary Education Act (ESEA), as amended in 2015.

The program is administered by OSSA and focuses on teachers, leaders, and special populations. The program goals are to:

- Improve educational services for children and youth in local, tribal, and state institutions for neglected or delinquent children and youth so they have the opportunity to meet challenging state academic standards;
- Provide these children and youth with services to successfully transition from institutionalization to further schooling or employment; and
- Prevent at-risk youth from dropping out of school and provide those who do drop out, and children and youth returning from correctional facilities with a support system to ensure their continued education.

Title I, Part D, Subpart 1

Subpart 1 is a state agency program that provides funding to state educational agencies (SEAs) in 50 states; Washington, DC; and Puerto Rico as formula grants.

- Fiscal Year (FY) 2019 funding was \$47.6 million, with \$46.4 awarded to SEAs and the remainder funding a technical assistance (TA) center, known as NDTAC.
- As of February 2019, 49 of the 50 states, DC, and Puerto Rico had received funding through Subpart 1. The remaining state does not administer funding at the state level.
- SEAs make subgrants to state agencies (SAs) that operate educational programs for children and youth in:
 - Institutions or community day programs for children who are neglected or delinquent; and
 - “Neglected institutions” is the old statutory definition; most states have tried to move youth to foster care situations.
 - Adult correctional facilities.
- The number of SAs varies from state to state.
- In school year 2016–17, the program funded 682 institutions that, in turn, served 67,353 students.

Title I, Part D, Subpart 2

Subpart 2 is a local agency program with significantly more funding than Subpart 1.

- In FY 2019, this program awarded a total of \$104.3 million among 46 states.
 - The remaining states are mostly very small states that serve all students at the state level.
- Subpart 2 funding is awarded to SEAs as part of their Title I, Part A grants and serves all at-risk students.
- SEAs award subgrants as either formula or competitive programs to school districts to provide programs to serve children and youth:

- In locally operated correctional facilities; or
- Attending community day programs for delinquent children and youth.
- Programs may provide assistance to children and youth who are neglected or at risk of dropping out of school.

Subpart 1 Grant Awards to States

DoE awards grants to states on an annual basis.

- In FY 2019, awards to SAs ranged from \$86,000 to \$2.6 million.
- Subpart 1 funds are awarded to states based on this statutory formula: The state's annual count of neglected or delinquent (N or D) students multiplied by 40 percent of the state's per-pupil expenditure.
- Included in the annual count is every N or D child age 20 or younger:
 - In a state-operated adult correctional facility and enrolled in a regular program of instruction for at least 15 hours per week; or
 - In a state N or D institution or community day program and enrolled in a regular program of instruction for at least 20 hours per week.
 - This count uses the statutory definition of a **regular program of instruction**: "An educational program (not beyond grade 12) in an institution or a community day program for N or D children that consists of classroom instruction in basic school subjects such as reading, mathematics, and career-oriented subjects. To be counted as a regular program of instruction, the program must be supported by non-Federal funds."

Subpart 1 Subgrants to State Agencies

- SEAs make subgrants to each eligible SA on the basis of the SA's proportionate share of the state's enrollment count of children and youth who are N or D.
- To be eligible to receive funds, each SA must be responsible for providing free public education for children and youth who:
 - Are in educational programs in N or D institutions;
 - Attend community day programs for N or D children; or
 - Are in adult correctional facilities.
- The SA must submit an application to the SEA that includes a description of how the SA assessed the needs of students served by Subpart 1.
 - Although the SA must be responsible for providing free public education, it need not be the direct provider of the education services.
 - The types of entities that typically act as SAs vary depending on state context, but could include:
 - State Departments of Corrections
 - State Departments of Youth Services (which may or may not serve both neglected and delinquent children)
 - In some cases, the SEA itself may qualify to be a SA, which enables it apply to and subgrant funds to itself.
 - An SA distributes funds to eligible institutions under its jurisdiction in accordance with the needs assessments included in its application for Subpart 1 funds.
 - An SA's needs assessment may or may not be strictly based on annual count.

- A single SA may allocate its Subpart 1 funds to multiple facilities.
- Federal education funds must supplement state (and local in Part D) expenditures.

Provision of Subpart 1 Services by State Agencies

SAs serve four types of eligible institutions:

1. Adult correctional institutions that provide persons under 21 with a regular program of instruction using state funds;
2. Institutions for delinquent children and youth (public or private residential facilities with an average length of stay of at least 30 days operated for the care of children and youth who have been adjudicated delinquent or in need of supervision)*;
3. Institutions for neglected children and youth (public or private residential facilities with an average length of stay of at least 30 days operated for the care of children and youth committed to the institution or voluntarily placed due to abandonment, neglect, or death of parent/guardian)*; and
4. Community day programs (a regular program of instruction provided by an SA or a community day school operated specifically for N or D children and youth).

*By statute, foster homes do not qualify.

The structure for use of funds varies by state. Confining institutions in Georgia and Wyoming, at a minimum, are accredited by educational institutions.

A discussion around the 30-day length of stay expressed concerns that funding and resources be provided to ensure the continued education of confined youth. The FACJJ can provide recommendations to ensure this occurs.

How Subpart 1 Funds Are Used

Required Use of Funds

SAs must use Subpart 1 funds in the following ways:

- Each SA must reserve at least 15 percent but not more than 30 percent of Subpart 1 funds for transition services.
- SAs must use funds to support educational services to children and youth identified as failing, or at-risk of failing, to meet the state’s challenging academic standards.
- SAs must use funds to supplement the number of hours of instruction students receive from state and local sources.

Common Uses of Funds

SAs commonly use Subpart 1 funds to:

- Hire additional staff (i.e., teachers, aides, educational counselors) to provide supplemental instruction in areas of greater need;
- Provide professional development for teachers and staff who deliver Title I services to N or D children and youth; and/or
- Procure educational materials and equipment for Title I instruction, including books, computers, audiovisual equipment, and classroom materials for career and technical education.

Students Who Receive Subpart 1 Services

Children and youth eligible for participation in N or D services are:

- Age 21 or younger;
- Entitled to a free public education up to grade 12 (barring aging out, expulsion); and
- Enrolled in a regular program of instruction for the required period of time.

Under certain circumstances, the statute permits SAs to serve all students in a youth institution or community day program in institution-wide projects.

Opportunities for Federal Partnerships

Collaboration within DoE

Numerous DoE offices collaborate. Their names and areas of focus are:

- OESE
 - Title I, Part A
 - Title I, Part D
- The National Technical Assistance Center for the Education of Neglected or Delinquent Children and Youth (NDTAC)
- Office of Special Education and Rehabilitative Services (OSEP and OSERS)**
 - IDEA
 - Free Appropriate Public Education
 - Research to Practice
- Office of Civil Rights (OCR)
- Office of Career, Technical and Adult Education (OCTAE)
 - Workforce Innovation and Opportunity Act
 - Perkins V

**OSEP and OSERS works with DOJ.

Collaborative opportunities include trainings, webinars, events, and direct outreach to specific offices.

National-, State-, Regional-, and Local-Level Collaboration

National Level

- U.S. Department of Education (OESE/OSERS/OSEP/OCTAE/ED-OCR)
- DOJ
- OJJDP
- Correctional Education Association
- American Institutes for Research (AIR)

State Level

- State Chief Executive Officer
- State Department of Education, Special Education Director
- State Department of Education, State Title I Part D Director
- State Department of Education, Correctional Education Director
- State Special Education Advisory Panel
- State Correctional Education Association and/or Organization
- Juvenile Justice Facilities Superintendents
- State Juvenile Court System Organization (Judges)

- State Police Organization
- Department of Corrections and/or Department of Youth Services
- Parent Technical Assistance Center
- OSEP-Funded Technical Assistance Centers
- Department of Social Services (Social Workers)

Regional and Local Levels

- Local Education Agencies (LEAs)—School Districts/(SPED Director); Department of Corrections; Juvenile Justice Facilities such as LEAs, Group Homes, etc.
- Non-Education Public Agencies—Contracted and Private
- Local Juvenile Court Systems—to include Probation Officers and Counselors
- Local Police and Sheriff (City and/or County)
- Parent Technical Assistance Center

By participating in and sending out recent webinar information to its listserv, OJJDP increased attendance by 300 people.

Upcoming Events

Upcoming events include:

- NDTAC Webinars
 - Webinars are hosted at least three times per year.
 - They focus on recurring themes or special topics.
 - They provide topical, up-to-date information in support of N or D youth and families.
- 2020 Title I, Part D (TIPD) Coordinators National Conference
 - This 3-day conference will take place in May 2020.
 - It is an opportunity for TIPD Coordinators to connect with each other and with federal and national agencies to discuss policies and practices to reach youth however possible.
- Administrator Harp attended the 2019 conference, and she and Joseph (Joe) Vignati are invited to the upcoming conference.

Resources

- Title I, Part D Program Website: <https://www2.ed.gov/programs/titleipartd/index.html>
- Title I, Part D Legislation, Regulation and Nonregulatory Guidance: <https://www2.ed.gov/programs/titleipartd/legislation.html#guidance>
- NDTAC Website (a great place to start): <https://neglected-delinquent.ed.gov/>
- Other DoE Offices: <https://www2.ed.gov/about/offices/list/index.html?src=ft>

OSSA will provide the FACJJ with a list of TIPD State-Level Coordinators.

Administrator Harp is again invited to attend the upcoming Title I, Part D Coordinators National Conference, a 3-day annual national meeting for state coordinators and national organizations.

The OJJDP website will highlight successful collaborations among federal agencies and their state-level coordinators.

The need for oversight and accreditation of juvenile detention center education programs was discussed. Ms. Muhammed clarified that Title I, Part D is a formula grant used for education.

SUBCOMMITTEE REPORT: SPECIAL TOPICS

The Special Topics Subcommittee members are Kathryn (Kate) Richtman (Chair), Thomas Frawley, Melanie Shapiro, Korey Solomon, and Kenneth Tramble.

Ms. Richtman shared that the subcommittee plans to focus on rural issues, including grant applications and compliance monitoring resources, as these are the most challenging areas for rural districts.

The subcommittee identified the need for a rural jurisdiction specialist within OJJDP. The position would include the responsibility of connecting state juvenile justice (JJ) specialists to Ms. Bryce and others with levels of expertise to locate resources. The group requested an update on the status of hiring that position. Administrator Harp explained that OJJDP has identified four rural specialists, one in each division—intervention, special victims, violent offenders, and Title II. These staff members will help use their expertise in the areas of rural issues, rural problems, and rural problem-solving to inform solicitations across OJJDP in the upcoming funding cycle.

Administrator Harp also pointed out that a significant number of OJJDP's FY 2019 grants have been awarded to Qualified Opportunity Zones, which are typically rural, impoverished, and geographically isolated. About 137 counties and 735 ZIP codes will be affected by these awards.

The subcommittee would like to send an email survey (Survey Monkey or other) through OJJDP to determine needs within rural communities—including specific outreach to rural jurisdictions that are out of compliance or are struggling with compliance—to learn what services are needed, what challenges and issues exist, and how they are affecting communities. The goal is to match resources to needs so that rural communities get the TA they need in grant-writing and other areas.

The survey could identify communities that were not in compliance and now are, how they overcame compliance challenges, and what resources they used. Those communities could be paired with those not in compliance, and JJ specialists and SAGs could provide TA and share best practices. Model jurisdictions could be used as teaching sites, and a document with success stories and best practices could be published and disseminated. The overarching goal is to develop coaching relationships and connect communities. Much TA is being offered already, and OJJDP staff are thinking creatively about this, including around peer mentoring.

OJJDP could follow up to build a way of informing the rural jurisdictions of the resources that are less not traditional, such as funding sources beyond DOJ (including DoE and USDA) that the SAGs could then use to assist their rural jurisdictions get the resources needed to provide

services for at-risk youth or youth who have been in the juvenile justice system. OJJDP could also follow up with rural jurisdictions and inform them of nontraditional resources outside of DOJ (such as with DoE and USDA). SAGs could leverage those assets to help their rural jurisdictions acquire other resources to provide services for at-risk youth or youth who have been in the juvenile justice system.

The subcommittee will work with OJJDP to move this work forward.

SUBCOMMITTEE REPORT: FACILITATING COMPLIANCE WITH THE JUVENILE JUSTICE REFORM ACT

Members of the Facilitating Compliance with the Juvenile Justice Reform Act (JJRA) Subcommittee are Judge David Hejmanowski (Chair), Chief Corey Haines, Danica Rubenstein, Joe Vignati, and Berlina Wallace-Berube.

The subcommittee discussed the need for OJJDP to govern states' compliance so they can continue to receive federal funding. The states are given a complex administrative framework. On top of that, the Office interprets the rules in varying ways for different states. States want and need more direction. The subcommittee is working on solving problems for the states.

Administrator Harp noted that, as it relates to Title II and its 56 discrete state codes, states cannot compare themselves to each other or to national data in any meaningful way; the most important thing is progress from year to year. The 2018 JJRA is quite prescriptive, and centralization, codes, and facilities vary by state; thus, definitions that are as broad as possible are needed to allow for that variation. Best practices can be tied to groups, not to their location. OJJDP will draw up a definition of effective monitoring and will put it out as a policy position; eventually, it will become a regulation.

The JJRA tasks OJJDP with developing an appeals process. Administrator Harp noted that this is the subject of internal conversation. One element is that the state, not the county, would make an appeal.

It is important to note that data are based on differing definitions and that organizations other than OJJDP (e.g., the National Center for Juvenile Justice) perform comparative analysis. We need to make sure OJJDP and these organizations are using the same definitional data.

The JJRA introduced changes to language in the Act. One change relates to the Valid Court Order (VCO) exception. Although the VCO exception continues to exist, a jurisdiction may re-incarcerate a youth without a second or subsequent violation of the same order. State laws are different than federal law, and some states make re-incarceration a violation of the Act. States need to know how to interpret the Act to know how to report accurately, and SAGs and staff need to determine the definition of juvenile arrests (e.g., some states make "referrals" instead of "arrests"). No language exists about how long a jurisdiction can hold on to the violation before it becomes unusable.

In the area of OJJDP auditing, the JJRA changes the requirement of an “adequate” monitoring universe to an “effective” monitoring universe. Congress did not define the difference further in the wording. The subcommittee reads this as a return to 100 percent inspection of every facility by the states at least once in 3-year period. This change allows for state budget planning and eases the burden on states. The subcommittee will seek to confirm the accuracy of its interpretation with the Office of the General Counsel, and FACJJ members should check in with their SAGs to make sure they are comfortable with moving into this direction. Effective measurable change needs to exist within the context that increased inspections find more violations.

Questions will come from states about what is compliant, and there is much variation on the nature of facilities. OJJDP can give examples of prior “rulings” to create a range of compliance in the form of a guideline.

The JJRA requires OJJDP to communicate with states when they are noncompliant and to develop a process the states will need to follow. The subcommittee could consider recommending more transparency in the relationship between states and OJJDP.

Future meetings of the subcommittee will continue discussion on these issues, with the goals of 1) providing clarity to states around confinement of youth in adult facilities, and around confinement of youth treated as adults in youth facilities; and 2) providing assistance to help states maintain compliance.

OJJDP Associate Administrator Dr. TeNeane Bradford suggested basic compliance training for FACJJ members and SAGs and the potential addition of the definitional guidance—in the form of a tool, FAQs, and a document with scenarios—to the new OJJDP website. She asked the FACJJ, SAG Chairs, juvenile justice specialists, and compliance monitors to reference resources that provide an overview of how to make determinations. Corey Haines applauded Dr. Bradford for her efforts in helping states to come into and maintain compliance.

Mr. Vignati pointed out that, from his experience, guidance is slow to come out after new legislation is passed. The FACJJ will provide input and messaging to states around this. Administrator Harp added that the old Act is relevant for states working under previous grant awards. OJJDP expects to finish drafting guidance by December 31, 2019, and it then will go through review at DOJ.

SUBCOMMITTEE REPORT: EDUCATING THE FIELD

The Educating the Field Subcommittee members are Anthony Pierro (Chair), Adolphus Graves, Thomas (Tom) Rose, and Tiffany Wilkerson-Franklin. Mr. Pierro was not in attendance.

Mr. Rose reported that the subcommittee refined its mission statement, which now is: “To provide easy access to juvenile justice information for professionals, families, and youth to effectively serve the unique interests of juvenile judicial systems and communities.”

The subcommittee also established its current objectives, which are 1) to create a searchable and accessible Juvenile Justice 101 Primer for new juvenile justice professionals, and 2) to promote the logical and intuitive organization of published resources on the new OJJDP website.

The subcommittee plans to develop a list of SAG distribution points for the primer—including judges, prosecutors, defense counsel, court representatives, probation officers, guardians ad litem, schools, parental organizations, institutions of higher education, school resource officers, community-based organizations, local governments, child welfare offices, local law enforcement, families, and children.

Strategies

Ms. Wolfe has bundled existing resources by topic on Basecamp. She identified resources that can easily be pushed out, as well as existing resource gaps.

OJJDP's new, more searchable website was to be unveiled the next day and launched that week. Ms. Wolfe will bring suggestions to the webmaster for incorporation to the website. FACJJ may be used as a focus group for site usability.

Education hopefully will lead to juvenile justice being seen more readily as a career path versus an undesirable post. Judge Hejmanowski stated that there is no more important issue than lifting up the juvenile justice system, and Ms. Shapiro described the public defense community as an opportunity for growth and challenge. Administrator Harp added that, in some places, many officers are interested in working in the juvenile field but have a lack of education on how to handle the juvenile justice system. Education is key.

Suggestions for OJJDP's new website included the landing page containing an explanation of the uniqueness of the juvenile justice system, and linking to friendly organizations' (e.g., the National Organization of State Resource Officers), trainings and information, and contact information for state-level organizations.

OJJDP is partnering with The COPS Office at OJP and can leverage this partnership to disseminate the training curriculum.

CERTIFICATES OF APPRECIATION

Administrator Harp awarded the following FACJJ members with certificates:

Judge Thomas Frawley
Adolphus Graves
Chief Corey Haines
Judge David Hejmanowski
Kate Richtman
Thomas Rose
Danica Rubenstein

Melanie Shapiro
Korey Solomon
Kenneth Tramble
Joseph Vignati
Berlina Wallace-Berube
Tiffany Wilkerson-Franklin

NEXT STEPS AND WRAP-UP

Subcommittees are asked to provide their formal recommendations for OJJDP, SAGs, state staff (juvenile justice staff, DMC coordinators, compliance monitors), and the FACJJ to OJJDP by November 15. These recommendations will become part of OJJDP's process of reporting to Congress.

Written comments from the general public may be submitted to Ms. Wolfe at Elizabeth.Wolfe@ojp.usdoj.gov.

For more information on OJJDP or the FACJJ, visit <https://ojjdp.ojp.gov/> or www.facjj.ojp.gov, or email Ms. Wolfe.

The meeting was adjourned at 3:05 p.m.

MEMBERS IN ATTENDANCE

Judge Thomas Frawley
Adolphus Graves
Chief Corey Haines
Judge David Hejmanowski
Kathryn Richtman
Thomas Rose
Danica Rubenstein
Melanie Shapiro
Korey Solomon
Kenneth Tramble
Joseph Vignati
Berlina Wallace-Berube
Tiffany Wilkerson-Franklin