



FY 2022 OJJDP Administrator Topic-Specific Listening Session: The Juvenile Justice and Delinquency Prevention Act/Juvenile Justice Reform Act

July 18, 2022 | 11 a.m.–1 p.m. ET

Breakout Room Notes

1. What does the JJDPA mean to you?

- I think there are parallels between the act and the state as well. Our state statute aligns and supports the act. As part of our continuum of care, we provide funding and align federal money with our state money, and we have the same priorities, so there is a consistency and compatibility there.
- We've received \$600,000 and we have [\$X] at the state level. We take it down to the local level and identify the gaps and needs. And we have state programs that we see what the state priorities are and determine how much funding they need.
- Early in the '90s, we embedded the core protections into the state code, which makes compliance a lot easier. The core protections set a good foundation for a lot of state law. We have a little trouble with the valid court order exception. The separation and jail removal stuff has been embedded in our law for a long time. Having those federal requirements has been good at keeping our state people in check for a long time. One challenge we have is how to actualize action on reducing racial and ethnic disparities. We need guidance from OJJDP on how to take action on reducing racial and ethnic disparities. It would be useful and helpful to know how to educate judges on that.
- When I think of the act, I think of a multipurpose tool, kind of like a pocketknife. It mandates states to take action on racial ethnic disparities. We have people in positions of authority who are trying to strip away protections. The act empowers states and individuals to hold those states accountable to a varying degree.
- What is happening now ... I feel so privileged. We have always tried to do the right thing. I want to echo what [name redacted] just said. I see this as protecting our youth and everyone who is coming into the system. And also, it acts as a preventative measure; how we stop youth from entering the system. I agree with holding ourselves accountable. We need consistency. We need to know the history to know how we can do things better.
- The JJDPA sets the floor for states. It is the basic core protections that youth deserve and sets the standard for juvenile justice settings that the federal government provides. The JJDPA is also a springboard for juvenile justice facilities and systems to evolve. The JJDPA encourages and promotes reform efforts in the states.
- The JJDPA is a foundation for the juvenile justice system. It provides layers for discussion about juvenile justice in states, origins for why we have core protections, and why it's important to put them in place for the juvenile justice systems.
- The JJDPA sets parameters for juvenile justice systems.
- The JJDPA allows for more customized implementation at a state level. For example, sight and sound separation applies to certain facilities around the country, but we strive to make sure it's in the best interest of the youth and that a looks a bit different than what is written in the federal legislation.
- The JJDPA is the foundation for the juvenile justice system, establishes standards, and highlights best practices. It also emphasizes the importance of why these groups are protected.



a. What strategies does your state or territory use to comply with the core protections?

- In [state redacted], we have written a fair bit of the act into our state legislation. That has helped the state meet the requirements of the act. But because of the pandemic, we have not been able to staff the facilities and even in the juvenile justice department, we haven't been able to fill open positions, and we haven't been able to use the funds. We are behind in awarding providers in the state the community-level of work that needs to be done.
- The juvenile justice department is doing special recruiting because they are 180 people down in their juvenile justice facilities alone. That continues to be an issue. The administrative office from the courts looks at some of the racial biases that are indicated by the youth for youthful offender status. We have a long way to go. [State] just changed it's laws for waiver status. A recent presentation showed that the waiver status is heavily influenced by racial issues.
- The compliance monitor visits juvenile justice facilities every two years. If any facility has a violation, the state visits within 45 days to introduce themselves, reviews violations, and provides the state compliance manual to officials. Most of the interactions are face-to-face, but the state also hosts virtual meetings.
- On the State Advisory Group (SAG) board, officials rely heavily on the compliance monitor to keep them informed about what is going on. For reporting purposes, the SAG receives most, if not all, of the juvenile justice-related information from Designated State Agency (DSA) staff. There is an attempt to collaborate with state partners. There is not a lot of knowledge about the SAG in the state.
- In some states, there may be two SAG boards that focus on juvenile justice issues. This causes some of the agencies to conflate voices.

2. What are some challenges you face in implementing the four core Juvenile Justice and Delinquency Prevention Act/Juvenile Justice Reform Act (JJDP/JJRA) protections in your jurisdictions?

- We are in a national climate right now where we can't decide whether we want to be governed or self-govern. There are strong attempts to get rid of federal oversight and turn it over to the state level. Now, the state has the authority and autonomy to not necessarily perform at a level at which we can produce results, make an impact, and improve quality of life for system-impacted youth and their families. OJJDP's ability to hold systems accountable is hampered somewhat. By what? Maybe distance. Maybe employees that do not have a vested interest and passion in the work. The department could make meaningful impact in the work. The bright spot is the state has allowed SAGs to fill open positions so we can have input in the process and identify candidates who will fill that position from a heartfelt place rather than as a job requirement.
- The pandemic definitely was a game changer. It really was. We had our first case in [state] and our workforce was sent home. We then had to look at how are our providers going to provide services? We had to look at grants. We came up with meaningful ways to provide services. We had to look at it in the context of the model – how is what you are delivering following that model? Not going in as a juvenile probation entity but making contact. We provided food to our juvenile justice-involved families. It became support, very meaningfully. Doing the JJDP Act work was a challenge. It would have been great to have a listening session like this back at the beginning of the pandemic to see how other states were doing. We had to do audits and sight



visits via Zoom. And we were doing that. But it was not something that was a topic or option in OJJDP. We came up with a way of doing it in Zoom. That's why I think this listening session is something that if it is done regularly – because we are not out of the pandemic – that conversation and openness needs to be available.

- One challenge is the people in power and the attitudes and beliefs that they have for youth in the juvenile justice system. Those are detrimental to state budgets and preventing youth from becoming offenders in the future. If you are a youth who is tried as an adult, there is not a lot of support. There's not a lot of funding that's available. It makes it more difficult to transition back into the community. There are not a lot of ways we can communicate with people in power and see the conversation from both sides.
- Getting rid of the valid court order exception. This has been in place since 2016, but the legislation was shut down in 2020. [State] wanted to get rid of the 7-day VCO exception altogether. Some judges still believe they need the carrot on the stick.
- In-house contractors. They are speaking with colleagues from other states about databases and data reporting efforts. Data is being entered into a manual database; not a cloud-based database system. Data reporting efforts is a huge undertaking. Some smaller states are still using Excel spreadsheets and hardcover files in a binder. By not being bogged down with data entry tasks, state officials can be doing more effective work. Staff spend about 7–9 days each month just working on data entry.
- Requirements that come before the core requirements such as SAG membership. It is important to have different voices/perspectives on the SAG board; however, the flexibility for staffing and SAG membership and how we use the funding to do the work is a challenge.
- Difficulty recruiting youth SAG members.
- Confusion among state officials regarding time limits for how long youth can be in secure facilities (5 hours vs. 7 hours).
- Confusion among state officials regarding placement of status offenders.
- Assessment requirement in the JJDA regarding having a licensed official administering the assessment. What happens if you don't have licensed staff?
- Sight and sound at court holding facilities. Sometimes, the courthouses are very small (1–2 cells). This is a breeding ground for sight and sound interactions to occur.

a. What is still unclear about how to implement the JJDA/JJRA core protections?

- Cannot use Title II funds for construction.
- The new core requirement for holding accused rather than adjudicated juveniles in court holding facilities. This criterion becomes a little tricky. This is a significant change for court holding facilities, and it is extremely confusing. Specifically, when a child is accused in court versus after they have been adjudicated. The people on the ground do not understand why they can't put the pre-adjudicated juvenile with the other juveniles and how to hold them appropriately in a court holding facility.
- The interest of justice requirement.
- Some [state] judges are unaware of the 30-day review for the [JJDA's 223a11b policy legislation](#).

b. What are some of the barriers you have experienced with receiving Title II Formula Grants for juvenile justice improvements?



- The Title II formula grants application process for states' 3-year plans could be streamlined. Seems like there are a lot of hurdles to go through for such little funding, and this is difficult for smaller states. How do you keep states motivated if the process is cumbersome? How do we bring this to OJJDP's attention?
- Statutory language around probation is very confusing.
- Program areas are dated.

3. How does your jurisdiction currently collaborate with your state's Designated State Agency (DSA) on compliance with JJDP/JJRA?

- I am not afraid to ask for help. How do you reach out to people? My first meeting with a SAG, I didn't know what people were talking about; the language that they were using. I asked for someone to explain, and they said, "No. We have an agenda we have to follow. We don't have time." One-third of those boards is supposed to be youth. Have we set any guidelines for how we work with youth? We need to build a position specifically for youth. But that position keeps shifting. How do you do that if you don't have the space or time to do that — let alone engaging in the work that happens? It's good that the federal level is telling the states, "This is what you have to do." But we don't have that for youth involvement. When it comes to youth, we try to get youth who have been impacted by the system, but we don't do anything to keep them going. We don't have any support. I think [state] was out of compliance because we didn't have the youth — but there was no accountability.
- A lot of [getting youth involved] in SAGs is relationship building. SAGs who are working with youth with lived experience need to be prepared to provide the youth with lots of support and be able to support the youth through their trauma. Youth with lived experience are turning to SAGs to help them with skills that their parents are supposed to teach them, like getting a credit card, renting an apartment, or obtaining a driver's license. It means a lot to youth with lived experience when they know they can call their SAG members for support. It also means a lot to youth with lived experience to be able to sit at the table with the SAG members and having their opinions valued, it changes their perspective. SAGs who invite youth with lived experience to the table empower the youth and give them tools to be successful adults.
- With our partner agency, it's a very strong relationship. State procurement policies are a barrier. When you have a strong partnership, that's easier — to get the dollars out the door. It's a lot of money, but it's not a lot of money. You have to understand how other agencies' budgets are. Getting state agencies to work with you is a challenge. We ask state agencies to report how they are using the money according to our 3-year plan. They also have a lot of power and control because they also partially fund the juvenile justice staff. You want to have some independence, but you also want strong collaboration. We also have trouble with youth members and impacted members. All kinds of government councils want youth. There was no infrastructure for how to recruit youth. We need good models of youth councils and ways young people can do their work. We have invested in how to build this infrastructure statewide. And how to stipend young people and provide supports. And get youth input into these government bodies. I love the requirement, but it is very hard to sustain.
- I would echo that for [state]. We sort of had a breakthrough where there is a nonprofit that offers community-based services has created a youth academy and they offered some of the applications to the department of juvenile justice so we could have more youth voice. When we came back from a CJJ conference, we learned about the position of Youth Development Coordinator in [state]. We don't have that in [state]. So, we looked into creating that position.



We don't have anyone to go into facilities to see what kind of talent pool of youth we have in facilities. And we need to consider their siblings, too, because we see sometimes siblings are more impacted. It will take time to create that position and fill it, but it is in the works.

- How well do we work with the DSA? I don't see it as an issue of two sides, I see it as being a team. When I hear members of the DSA using a combative voice or language that is simply really being critical of the board's position or mission, I pull those folks to the side and if they are not willing to talk about how to use more of a team approach, then I will not invite them back to a meeting (on subcommittee work). We do not want to take volunteers' time and be careless with the opportunity our volunteers are providing by having someone in the room who is simply questioning and challenging...everyone sees the data. We ask the DSA to take more meaningful action to improve the data. The data is not meant to demonize anyone, it's meant to improve accountability.

4. If you had a magic wand, and there were zero barriers in the way, what would you say OJJDP's goal for JJDPA should be?

- What is missing from the core protections is more of a focus on reentry. Reentry services are something we can get 100 percent better at. It is in the efforts of leaving youth whole. Leaving them as they were prior to any negative impact from system involvement. Reentry should go hand in hand with jail removal, sight and sound separation, etc. It should be just as much as a part of it.
- I agree with that. Put an emphasis on the continuum. Core protections are about keeping the kids out of carceral settings. But the other side – the continuum – is trying to be more holistic about what young people need. Put an emphasis on talking and leadership. There's a lot OJJDP could do to help us and also the governors who appoint us. OJJDP can influence the decision makers.
- Missing is a systemic look at what youth need. Most of youth who come out of the system have little hope. They can only rely on what they have available – and that leads to re-involvement. We need a continuum. We need to look at it more as a systemic piece.
- Using all available resources and funds to bring every state into compliance.
- Bring non-participating states back into the fold.

5. What can OJJDP do to support jurisdictions with complying with the core protections?

- In some cases, we push RFPs that are not systemically sensitive because they come out of university settings. So, you do have some agencies that are trying to take rehab coursework and modify it to what youth coming out of the system need.
- We need very specific technical assistance (TA) around it. I have searched for blueprints for alternatives to detention. If there was more specific TA from OJJDP – for example, substance abuse, here are these five evidence-based programs. No one is sharing. Maybe if there was a form that we could fill out to say, this is working at this state, and we share it. We have informal contacts, but if someone created a grid... Give us a starting point to align this stuff. We are frustrated by evidence-based programs. We need help and support. We're not saying OJJDP should say, "Do that one." That's not what's best for the young people. We need more specific TA.
- Yes, and the kind of TA that is a little flexible because if I find something that I see works – if I say it comes from another state, no one here wants to use it. Boil it down to the successful



elements of the models that work. You can't use a cookie cutter. Understand how the systems are different. Just highlight the key components.

- I know this is legislative and not in the hands of OJJDP, but we can't do the things we need to do. We are asked to do evidence-based programming, but we're not allowed to use the funds for training. It would be great to see that dealt with. The 75 percent and 66 2/3 rules limit staff and training.
- I would like to see the JJDP expand who is eligible for monies. Like, for youth who are charged as adults. The reality is, these youth are going to be part of our communities, and if they are not given this basic support system, they are going to keep getting in trouble. I would like to see OJJDP expand the core protections to include family engagement and cultural competency requirements. I would also like to see an overall better way to hold the facilities and the leadership in the facilities accountable in the same way that we hold our youth accountable.

a. What types of trainings or webinars would it be helpful for OJJDP to develop on the topic of treating children as children?

- OJJDP's certificate programs have been helpful for new DSA staff. The TTA being provided around the core requirements has been helpful in supporting staff at the state level. Data points and presentations have been helpful to share with other state staff.
- Reviewing materials that can be shared with those outside of the compliance realm to help them understand why we do what we do.

6. What additional ideas or recommendations do you think OJJDP should consider for the upcoming fiscal year?

- Make reasonable exceptions. OJJDP may consider assisting and supporting states that are working hard to get back into compliance. Figure out a way to have in-depth TTA (work with them instead of penalizing them).
- Trainings and webinars on the core requirements for state personnel and SAG members.

7. One facilitator asked the additional question: Do you offer any incentives when collaborating with juvenile justice or state officials?

- To break down barriers if there have been difficult conversations, the compliance monitor may take baked goods as a "peace offering." Food does not always work, but sometimes it is the way to go.
- One of the states issues a one-of-a-kind solicitation twice a year for communities with a high concentration of status offenders. Because they have access to a unique program, this allows people to take ownership of the process. This opportunity is more than just work group meetings; the SAG promotes organizations and staff by giving them the opportunity to present at conferences.
- In [state], there are no formal sanctions. If a facility is out of compliance, the issue will go up the chain of command to inform leaders about how they are out of compliance. They might also use surrounding agencies to encourage friendly competitions.
- By having elected officials on the SAG, conversations can get a little muddy. A therapeutic approach is the preferred method to address conflict if lines are blurred.



- Years ago, there was a conversation about conditions for grant funding for data reporting requirements for entities that did not fall under formula grants funding.
- Permissions in the states regarding what kind of authority they have. This is also depending on the agencies' priorities and investments for the JJDPA-funded work.
- SAG partners with a lot of law enforcement agencies. Also, a lot of the training and technical assistance is enforced based on the JJDPA.
- SAGs can fall under the governor's office, secretary of public safety offices, education departments, designated state agency offices, or state departments for children, youth, and families, etc.