

Nebraska Coalition for Juvenile Justice State Advisory Group 101

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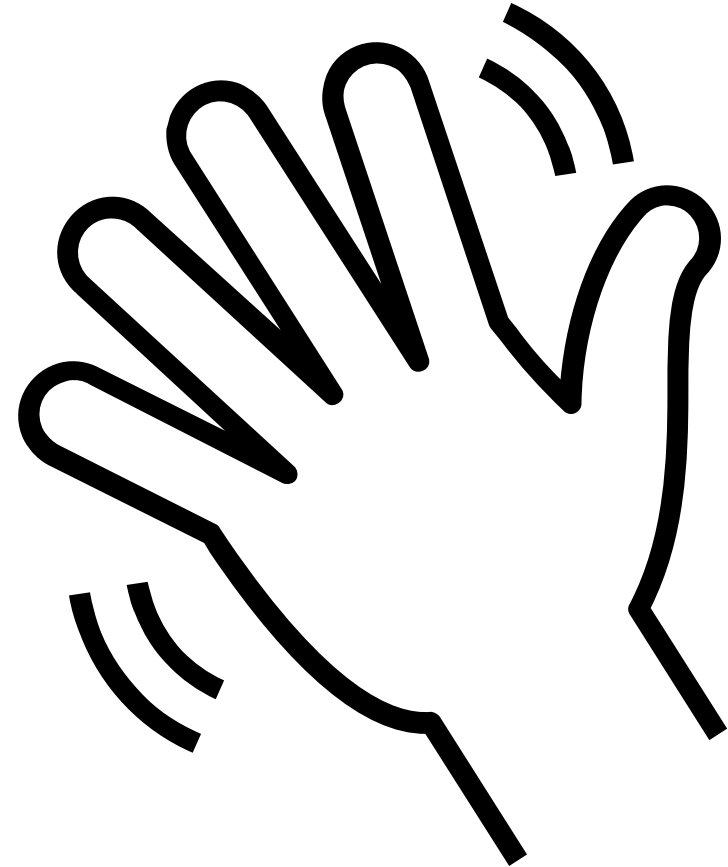


Please note...

The following presentation was prepared under Cooperative Agreement Number 2019-MU-MU-K039 from the Office of Juvenile Justice and Delinquency Prevention (OJJDP), Office of Justice Programs, U.S. Department of Justice. The opinions, findings, conclusions, or recommendations expressed in this presentation are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice.

WELCOME!!!

- Name
- Affiliation
- Length of time as an NCJJ member
- One thing you hope to learn today
- What impact do you hope to have as a result of your service on the NCJJ?



Learning Objectives

Participants will understand:

- The history and purpose of the Juvenile Justice and Delinquency Prevention Act (JJDP Act) and Juvenile Justice Reform Act (JJRA) of 2018,
- The core requirements of the JJDP Act as amended,
- The specific roles and responsibilities of the Designated State Agency (DSA) and State Advisory Group (SAG),
- An overview of the Title II program and Three-Year Plan, and
- Explore desires for re-participating and training/technical assistance needs.



Juvenile Justice and Delinquency Prevention Act

- Overview of OJJDP
- JJDP Act Core Requirements

Office of Juvenile Justice and Delinquency Prevention (OJJDP)

- OJJDP was created through the JJDPA Act to support local and state efforts to prevent delinquency and improve the juvenile justice system.
- OJJDP is located within the U.S. Department of Justice (U.S. DOJ) and is the agency charged with implementation of the JJDPA Act.
- Liz Ryan was named Administrator of OJJDP on May 16, 2022.



OJJDP website: <https://ojjdp.ojp.gov/about>

OJJDP Organizational Structure



State and Tribal Relations Assistance Division (STRAD)

- Provides support to states and territories via STRAD Program Managers
- Administers OJJDP's Title II Formula Grants Program
- Determines eligibility for Title II Formula Grant and compliance with the JJDP Act
- Advances states and territories' core protections work
- Helps states and territories connect with training and technical assistance

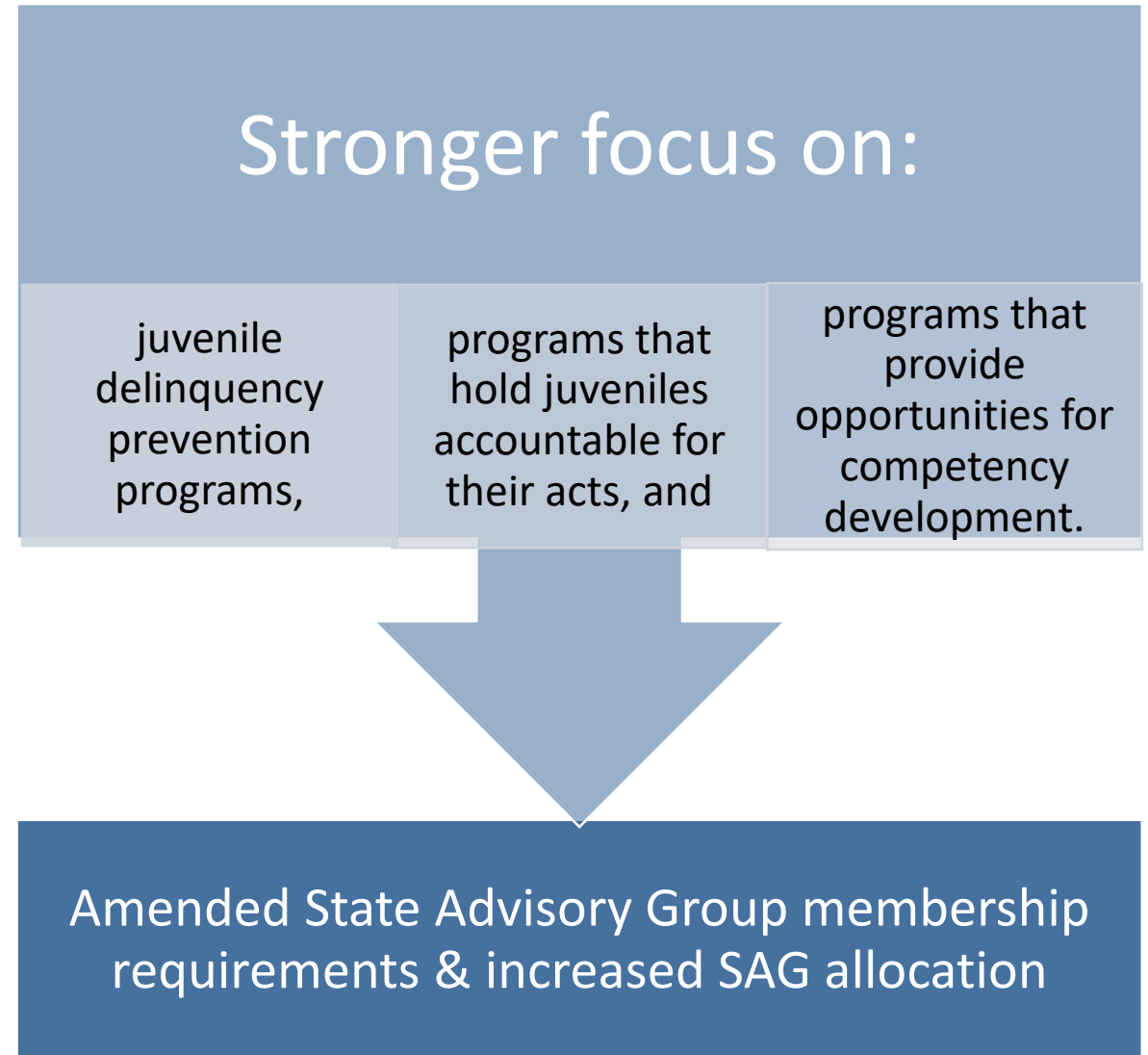
History and Purpose of the JJDP Act

- Congress enacted the Juvenile Justice and Delinquency Prevention (JJDP) Act (Pub. L. No. 93-415, 42 U.S.C. § 5601 et seq.) to support local and state efforts to prevent delinquency and improve the juvenile justice system.
- Enacted by Congress in 1974; amended seven times most recently reauthorized through the Juvenile Justice Reform Act (JJRA) of 2018
- Created Title II Formula Grants program
- Established the Deinstitutionalization of Status Offenders (DSO), Jail Removal, Separation, and Racial and Ethnic Disparity (R/ED) core requirements

(SEC. 102. 34 U.S.C. 11102 (1)(2))

Juvenile Justice Reform Act of 2018

- Added Title II Program Areas:
 - Legal representation for juveniles
 - Informing juveniles of the opportunity for records expungement and sealing and providing them with assistance
 - Addressing the needs of girls in or at risk of entering the juvenile justice system
 - Monitoring for compliance with core requirements and providing training and technical assistance on the core requirements to secure facilities.



Core Requirements

**Deinstitutionalization of Status Offenders
(DSO)**

1974

Section 223(a)(11)(B) of the JJDP Act
2018

**Racial and Ethnic Disparities (R/ED)
(Previously Disproportionate Minority Contact
(DMC))**

1988

JJDP Act

**Removal from Jails and Lockups
(Jail Removal)**

1980

**Sight and Sound Separation
(Separation)**

1974



Deinstitutionalization of Status Offenders (DSO)

[Section 223\(a\)\(11\)\(A\) \[34 U.S.C. 11133\(a\)\(11\)\(A\)\]](#)

The DSO requirement provides that juveniles who are:

- Charged with or who have committed an offense that would not be criminal if committed by an adult;
- Non-offenders who are aliens; and
- Non-offenders alleged to be dependent, neglected or abused –

Shall not be placed in a secure detention or a secure correctional facility (minus certain exceptions).

Image by [ErikaWittlieb](#) from [Pixabay](#)

DSO Exceptions

1. *Juveniles held in accordance with the Interstate Compact on Juveniles*
 - Status offenders, including out-of-state runaways, held in a juvenile facility in accordance with the ICJ are excluded from the DSO requirement.
2. *Youth in Possession of Handgun Exception*
 - Youth who violate the Youth Handgun Safety Act are treated as delinquent offenders.
3. *Valid Court Order Exception (VCO)*
 - Specific criteria must be followed for an exception to be validated.



[SEC. 223\(a\)\(11\)\(A\)\(i\)\(I-III\) \[34 U.S.C. 11133\(a\)\(11\)\(A\)\]](#)



Separation

[Section 223\(a\)\(12\) \[34 U.S.C. 11133\(a\)\(12\)\]](#)

The Sight and Sound Separation requirement provides:

- That juveniles alleged to be or found to be delinquent [or status offenders and non-offenders who are aliens or non-offenders alleged to be dependent, neglected, or abused] will not be detained or confined in any institution in which they have sight or sound contact with adult inmates.

Image by [ErikaWittlieb](#) from [Pixabay](#)



Jail Removal

Section 223(a)(13) [34 U.S.C. 11133(a)(13)]

The Jail Removal requirement provides that:

- No juvenile will be detained or confined in any jail or lockup for adults (minus certain exceptions).

Image by [Tumisu](#) from [Pixabay](#)

Jail Removal Exceptions

The Jail Removal Requirement has four statutory exceptions:

- *Six-Hour Exception*
 - Only for accused delinquents, not adjudicated delinquents
- *Rural (Removal) Exception*
 - Allows for 48-hour detention for accused delinquents awaiting their initial court appearance
 - The geographic area having jurisdiction of the juvenile must qualify as a “rural” area by the Office of Management and Budget (OMB)
- *Travel Conditions Exception*
 - Distance to be traveled or the lack of highways, roads, or transportation does not allow for court appearances within 48 hours
- *Conditions of Safety Exception*
 - Used when conditions of safety exist (such as severely adverse, life-threatening weather conditions that do not allow for reasonably safe travel), and allows a juvenile to remain at the facility, and the court appearance can be delayed until 24 hours after it’s reasonably safe to travel.



[SEC. 223\(a\)\(13\)\(A-B\) \[34 U.S.C. 11133\(a\)\(13\)\(A-B\)\]](#)



Removal of Juveniles Charged as Adults from Adult Facilities

SEC. 223(a)(11)(B) [34 U.S.C. 11133(a)(11)(B)]

Require that—

Not later than 3 years after the date of enactment of the Juvenile Justice Reform Act of 2018, unless a court finds, after a hearing and in writing, that it is in the interest of justice, juveniles awaiting trial or other legal process who are treated as adults for purposes of prosecution in criminal court and housed in a secure facility—

- shall not have sight or sound contact with adult inmates; and
- except as provided in paragraph (13), may not be held in any jail or lockup for adults

Removal of Juveniles Charged as Adults from Adult Facilities (Section 223(a)(11)(B))

To determine whether it is in the interest of justice for a youth to be held in any jail or lockup for adults, or have sight or sound contact with adult inmates, a court shall consider—

- Age
- Physical and mental maturity
- Present mental state
- Nature and circumstances of the alleged offense
- History of prior delinquent acts
- Ability of available facilities to meet needs of juvenile but also protect safety of public and other detained youth,
- Any other relevant factor
- Court review hearing **at least every 30 days** (45 for rural jurisdictions) to determine whether it is still in the interest of justice to hold the juvenile in an adult secure setting and with or without sight or sound separation from adult inmates.
- Maximum time on adult setting is **180 days**.
- May be extended if the court determines, in writing, that there is good cause for such an extension, or if the juvenile expressly waives this limitation.

[SEC. 223\(a\)\(11\)\(B\) \[34 U.S.C. 11133\(a\)\(11\)\(B\)\]](#)



Racial and Ethnic Disparities (R/ED)

SEC. 223(a)(15) [34 U.S.C. 11133(a)(15)]

“The term ‘**racial and ethnic disparity**’ means minority youth populations are involved at a decision point in the juvenile justice system at disproportionately higher rates than non-minority youth at that decision point”.

States must now identify and reduce racial and ethnic disparities.

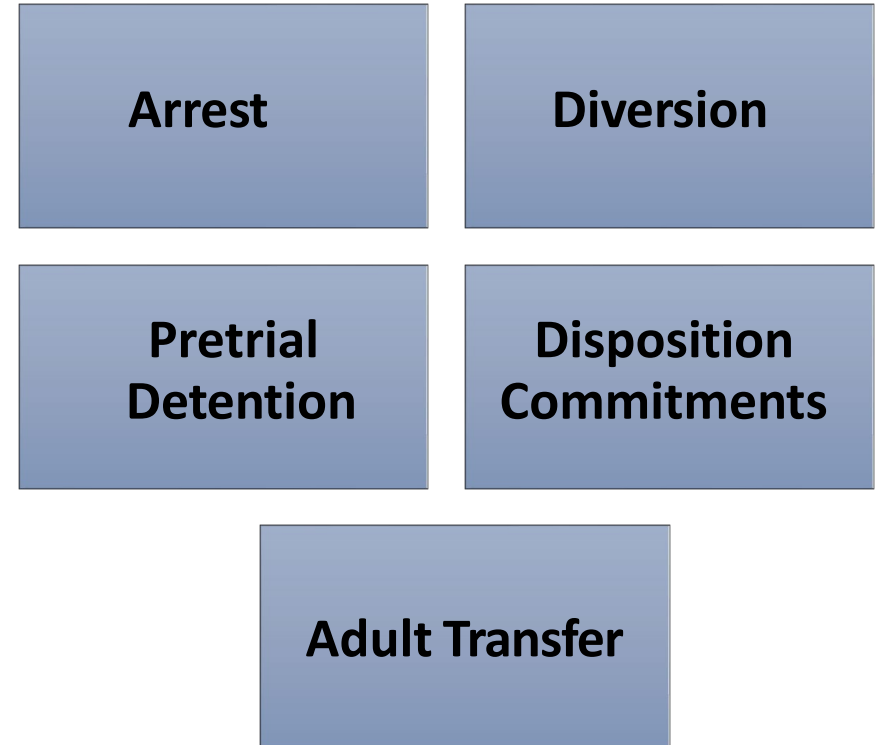
- Establish or designate R/ED coordinating body.
- Collect and analyze data on R/ED
- Determine which points create R/ED
- Establish a plan to address R/ED
- Complete an Outcomes Evaluation of R/ED efforts

R/ED Plan Requirements

1. Collecting, identifying and analyzing data on race and ethnicity at five points

2. Development of Action Plan including measurable objectives for policy, practice, or other system changes

3. Outcome-Based Evaluation



<https://ojjdp.ojp.gov/funding/fy2022/titleII/fy22-compliance-data.pdf>

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Non-Participating States Program

- Supports states and territories that have chosen not to participate or have been found ineligible to participate in the Formula Grants program under Title II, Part B, of the JJDP Act (34 U.S.C. §§ 11131–11133).
 - Only 4 states have been non-participating for an extended number of years
 - Most only out for a year to correct an ineligibility issue
- Overall goal → develop, support, and enhance the capacity of a nonparticipating state to implement comprehensive, evidence-based programs that involve collaboration with interested key partners to support the four “Core Requirements” of the Title II Formula Grants program.

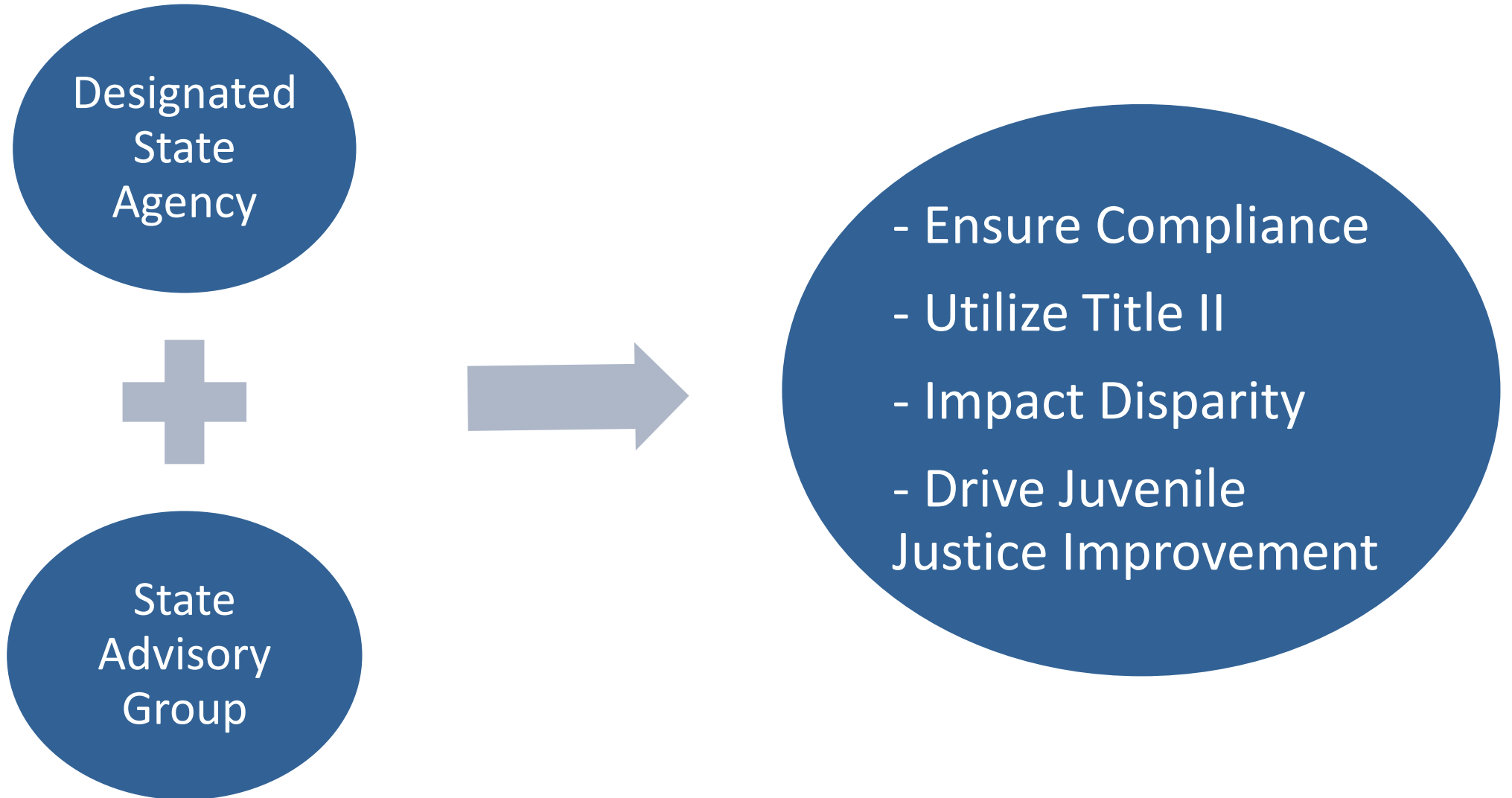
What Steps Would Be Necessary to Participate

- Compliance Monitoring Manual
- SAG Membership Requirements
- 3-Year Plan & 33 Statutory State Plan Requirements
- Work towards compliance with all core requirements including R/ED

The Players and Their Positions

- Designated State Agency
- State Advisory Group

Two Sides of the Same Coin



Designated State Agencies (DSA)

JJDP Act Compliance (Compliance Monitor)	Title II Formula Grant Administration (Juvenile Justice Specialist)
<ul style="list-style-type: none"> • Provide for an effective system of monitoring jails, lock-ups, detention facilities, and correctional facilities, to ensure core requirements are met • Knowing and fully understanding OJJDP guidance and state policies/procedures • Maintaining relationships with facilities and law enforcement agencies 	<ul style="list-style-type: none"> • Applying for, completing reporting, and administering Title II Formula Grant in line with federal rules • Meeting the 33 requirements of the JJDP Act as listed in 223. 34 U.S.C. 11133 (a) (1)-(32) which include the core requirements • Developing and implementing, with the assistance of the State Advisory Group (SAG), the three-year plan
R/ED Data & Action Planning (R/ED Coordinator)	JJDP Act to Improve Juvenile Justice (Shared)
<ul style="list-style-type: none"> • Collecting, compiling, and analyzing R/ED Data • Collaborating with stakeholders to understand data, promote awareness and implement strategies that will reduce R/ED • Assessing states' efforts to address the racial and ethnic disparities among youth within the juvenile justice system • Submitting R/ED plans 	<ul style="list-style-type: none"> • Providing support to the SAG and subcommittees • Coordinating with Governor's office on SAG appointments • Partnering with the SAG to complete the biennial Governor's report • Connecting with other juvenile justice efforts in the state • Provide TTA to local entities on the JJDP Act • Monitoring legislation for conflicts with the JJDP Act

What is a State Advisory Group?

- The membership, duties, and purpose of the SAG are outlined in [SEC. 223.34 U.S.C. 11133 \(A\)-\(D\)](#) of the JJDP Act.
- State statute or a Governor's Executive Order (EO) establish the SAG and designate its authority. It may also:
 - Outline the SAG's responsibilities
 - Designate the level of authority (i.e., advisory or supervisory) through the list of its responsibilities
 - Include additional requirements placed on the SAG by the state, territory, or district
 - Determine length and number terms a member can serve

Is your SAG Advisory or Supervisory?

How is your SAG established?

Have you read the order/statute?

SAG Membership Composition Requirements

15–33 members appointed by the chief executive officers

Bring perspectives and experience from the continuum of juvenile justice programs and system

A majority can't be full-time employees of federal, state or local government

Meet representative requirements of SEC. 223. 34 U.S.C. 11133(3)(A)(i)(I)-(X)

Neither chair nor vice-chair can be full-time government employee

At least one-fifth of members under the age of 28 when appointed

At least 3 members with current or past time under juvenile justice jurisdiction

- Can be filled by a parent or guardian

SAG Membership Composition Requirements



SEC. 223.34 U.S.C. 11133 (a) (3)(A)

Duties of a SAG

Participate in the development and review of the Three-Year Plan

Review and comment, not later than 45 days after their submission to the advisory group, on all juvenile justice and delinquency prevention grant applications submitted to the State agency designated under the Formula Grant program

Advise the Designated State Agency (DSA) and any supervisory board

Submit a report on compliance, efforts, and recommendations, to the chief executive officer and legislature every 2 years

Contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system

May review progress and accomplishments of Title II -funded projects

Other duties assigned under state statute or the DSA

223.34 U.S.C. 11133 (a) (3)(B)-(E)

Inherent SAG Responsibilities

Advocate	Familiarize	Understand	Innovate
<p>Advocate for excellence in your juvenile justice system, not just compliance.</p>	<p>Know the JJDP Act & JJRA and how your state is implementing laws, managing facilities, developing programs, etc. Understand supervisory vs advisory status of your SAG.</p>	<p>Understand the flow of your system (courts, local law enforcement, magistrates, program providers, parents, schools, nonprofits, state agencies, data, etc.)</p>	<p>Be innovative and stay current in best practices, evidence-based programs and interventions, etc.</p>

Inherent SAG Responsibilities, cont.

Learn	Partner	Analyze	Network
<p>Learn about appropriate services for at-risk and delinquent youth and their families including trauma informed care, complex trauma, issues impacting youth vs. adults.</p>	<p>Seek highly effective partnerships. Increase your juvenile justice literacy. Think strategically about prevention and cost-effective strategies/ approaches.</p>	<p>Self-analysis...ex: championing things like DMC requires work in self-discovery and implicit biases Review bylaws & executive orders to understand basis for this work.</p>	<p>Network and participate in national juvenile justice opportunities. Attend conferences, visit programs</p>

Playing Your Position

SAG members have a role in all parts of JJDP Act implementation

Compliance Monitoring

- Learn about the core requirements, and if, when, and how violations occur.
- Include discussions of compliance monitoring at SAG meetings.
- Engage SAG members in site visits, as appropriate.
- Leverage SAG members to address compliance challenges.
- Have SAG members review the state's annual compliance plan and/or annual compliance report.

R/ED Coordination

- Examine R/ED data and contributing factors.
- Identify actionable, effective strategies to reduce R/ED.
- Work with practitioners and community partners to develop, implement, and evaluate strategies to reduce R/ED.
- Make recommendations for prioritizing funding for R/ED programs.
- Connect with other local and state R/ED efforts.

Title II & Three-Year Plans

- Assist in development, promotion, and scoring of Title II applications.
- Aide in TTA to Title II grantees.
- Include Title II presentations and site visits at SAG meetings.
- Writing and implementation of the Three-Year plan and annual updates.
- Serve as liaison between the SAG and other local and state juvenile justice improvement efforts.

Leveraging Committees

The number of meetings per year for SAGs and subcommittees or workgroups varies by state or territory.

Revisit committee structure with each Three-Year Plan cycle or when a significant update is made.

Expand committees beyond SAG members to increase connections with other efforts, learn from the broader juvenile justice field, and grow your impact.

Common Committees

- | | |
|--|---|
| <ul style="list-style-type: none">• Executive/Governance• Grants Review• Finance• Racial and Ethnic Disparities• Compliance• Youth/Emerging Leaders• Aligned w/ Three-Year Plan Priorities | <ul style="list-style-type: none">• Policy/Legislative/Gov. Relations• Juvenile Justice Improvement• SAG Appointments• Communication• Training and Education• Ad-hoc (Three-Year Plan, Governor's Report, Orientation, etc.) |
|--|---|

Questions for Reflection

What responsibilities get you the most excited?



What training or information do you need from your DSA or SAG leadership to fulfill these responsibilities?

Title II & Three-Year Plans

Grant Overview

Three-Year Plan Process



Title II Formula Grants Program

- Authorized under the JJDP Act of 1974, as amended, at 34 U.S.C. §§ 11131-11133
- Funding passed through to units of local and state government, local private agencies, and Tribes for Three-Year Plan priorities
- To maintain Title II award eligibility, participating states must satisfy 33 state plan requirements described in Section 223(a) of the JJR Act, including:
 - Maintaining an effective system of compliance monitoring
 - Maintaining a State Advisory Group that meets statutory membership requirements
 - Efforts to comply with the Act's core requirements (Deinstitutionalization of Status Offenders (DSO); Sight and Sound Separation; Jail Removal; Juveniles Charged as Adults; and Racial and Ethnic Disparities (R/ED))

State Three-Year Plans

- To receive formula grants, a state must submit a comprehensive plan on a 3-year cycle.
- Updated annually to reflect the current status of the state's identified priorities.
- Submitted as part of the Title II Formula Grants Program application and should reflect priorities and use of funding.
- The SAG participates in the development of the plan.



Things to Remember: Three-Year Plan

- Plans should:
 - Illustrate how the state meets all 33 statutory requirements of the JJDP Act, for example:
 - » SAG Rooster
 - » DSA Staff
 - » Compliance Manual
 - » R/ED Plan
 - Include a juvenile crime analysis
 - Include a description of performance goals and priorities.
- Plans can be amended annually, include new programs, projects, and activities.
- Submit annual performance reports describing progress.
- Describe how plan account for scientific knowledge regarding adolescent development and behavior and the effects of delinquency prevention programs and juvenile justice interventions on adolescents.
- Post their final state plans on their public websites 60 days after the plans are finalized.

*****Plan must include *HOW* the programs are expected to address the identified juvenile crime problems*****

Additional Information Required in State Plan:

- Elimination of Use of Dangerous Practices, Unreasonable Restraints, and Unreasonable Isolation, Including by Developing Effective Behavior Management Techniques
- Evidence-based Methods for Conducting Mental Health and Substance Abuse Screening, Assessment, Referral, and Treatment
- Provision or Arrangement for Mental Health and Substance Disorder Treatment
- Reentry Planning for Juveniles to Include a Written Case Plan
- Assurance that the agency of the State receiving funds under this title collaborates with the State educational agency receiving assistance under part A of Title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et. seq)
- Screen for, Identify, and Document in State Records Identification of Victims of Domestic Human Trafficking or Those At Risk of Such Trafficking and Diversion

Juvenile Crime Analysis

As required as part of the Three-Year Plan, states are required to:

- Provide for an analysis of juvenile delinquency problems in, and the juvenile delinquency prevention needs (including educational needs) of, the State, including any geographical area in which an Indian tribe performs law enforcement functions.
- a description of the services to be provided, and
- a description of performance goals and priorities, including:
 - a specific statement of the manner in which programs are expected to meet the identified juvenile crime problems (including the joining of gangs that commit crimes) and
 - juvenile justice and delinquency prevention needs (including educational needs) of the State

Plan for Collecting Crime Analysis Data

The crime analysis should tell the story of your state's juvenile justice system and the work planned or underway to continually improve outcomes for youth and public safety.

- Review the crime analysis data requirements, including JJRA updates.
- What additional information tells the story about your juvenile justice system?
- What additional data is important to developing your plan priorities?
- How has the above information been collected in the past?
- Who has access to the needed information?
- What is the process for accessing needed information?
- How could your state, territory or tribal entity get creative in gathering information that adds context to the data (ex: focus groups, surveys, site visits, system assessments or reports, etc.)?
- Has your state and territory seen any big policy or systems change to consider in your planning? Who could provide your staff and SAG information on these changes?

Determine SAG and Partner Involvement

Identifying priorities and shaping a State Plan is a big undertaking. Lighten your load by leaning on SAG members, system partners, and DSA staff team.

- Utilize SAG members as experts in their field. Opportunities to utilize them could include:
 - Acquiring and interpreting data,
 - Gathering collateral reports and information,
 - Inviting and building relationships with potential partners,
 - Connecting to stakeholder (practitioner, families, youth, etc.) experience,
 - Priority selection and action planning; and,
 - Writing and review of the plan.

Determine SAG and Partner Involvement, continued

- Discuss the desired level of engagement with your SAG.
- Some methods of engagement may be:
 - Full SAG involvement in the entire planning process over several meetings,
 - Use of a standing or ad-hoc committee with regular updates to and approval by the full SAG,
 - Delegation of specific responsibilities to certain DSA staff and SAG members,
 - Delegate work to existing committees; and/or,
 - A strategy developed uniquely for your SAG and DSA

Determine SAG and Partner Involvement, continued

- Beyond partnership with SAG, the planning process provides opportunities for purposeful partnership with other systems/partner agencies and/or stakeholders. As you do this, consider...
 - What agencies/partners are most closely connected to juvenile justice? Who is the point person and who, on your staff or SAG, has an existing relationship?
 - How do you include youth, young adult and family voice?
 - What existing opportunities exist to gather information or solicit feedback on your priorities, objectives, and action steps?

Get Involved in Writing the Three-Year Planning

Apply your expertise and perspective	Levels of involvement
<ul style="list-style-type: none">• Acquiring and interpreting data• Gathering collateral reports and information• Inviting and building relationships with potential partners• Connecting to the experiences of stakeholders (e.g., practitioners, families, youth, etc.)• Prioritizing areas for funding and assisting in writing and reviewing the plan	<ul style="list-style-type: none">• Full SAG involvement in the entire planning process• Use of an ad hoc committee to lead the planning• Delegation of specific responsibilities to certain DSA staff and SAG members• Dividing planning activities among existing committees

Get Involved in Implementing the Three-Year Plan

Assign program area to committee

Maintain Three-Year Plan progress as standing agenda item

Presentations from subrecipients of Title II funds

Holding SAG meeting on-site where subgrant programming occurs

Contributing to the request for proposal (RFP) process (ex: writing, promoting, reviewing)

Promoting Title II Formula Grants Program subaward RFPs

Aiding subgrantees when their struggles align your area of expertise

Identify outside partners and experts for committee membership to align RFP to field reality

Check-In

What's your biggest concern regarding the possibility of participating in the Title II Formula Grants Program again?

Shake It Up!

- The little things matter.
- “It’s always been that way” doesn’t mean it’s the way it needs to be now.
- How can the SAG amplify its impact?
- What voices aren’t included? How can we welcome them to the table?
- Who else is doing juvenile justice work in Nebraska? How are we collaborating and/or connecting?
- How are you connecting with others who’s experience you represent?

Question & Answer Session

