

TO: President-elect Barack Obama

FROM: Coalition for Juvenile Justice Executive Board
Robin Jenkins, National Chair 2007-2008

DATE: November 6, 2008

RE: Recommendations for the Office of Juvenile Justice and Delinquency Prevention (OJJDP) and its Administrator

The Executive Board of the Coalition for Juvenile Justice appreciates this opportunity to share our thoughts and recommendations regarding a strong and focused federal role in juvenile justice and delinquency prevention guided by your Administration. More specifically, we wish to include our thoughts and recommendations, and those of our members nationwide, regarding the administration and priorities of the federal Office of Juvenile Justice and Delinquency Prevention.

The Coalition for Juvenile Justice (CJJ)

CJJ was founded in 1984 by citizen volunteers and juvenile justice practitioners appointed by Governors to serve as state advisors and charged to fulfill the purposes and spirit of the federal Juvenile Justice and Delinquency Prevention Act (JJDPA).

CJJ's nationwide scope includes more than 2,000 members from many walks of life and professional disciplines who share the mission of improving the life circumstances and future opportunities of vulnerable and troubled youth involved with the courts—thereby building safe communities for all.

CJJ's principal aims are:

- To ensure voice and credibility are given to state-identified concerns and needs in juvenile justice and delinquency prevention by representing the governor-appointed State Advisory Groups operating under the federal Juvenile Justice and Delinquency Prevention Act (JJDPA) and allies, spanning the nation and its territories;
- To advance policy and practice recommendations to the President, the Congress, the U.S. Supreme Court, and the Administrator of the federal Office of Juvenile Justice and Delinquency Prevention, as well as our nation's Governors and state legislators;
- To generate collegial support and the lively exchange of information among its nationwide membership.

CJJ's key initiatives include:

- Conferences and training programs promoting empirically-supported best practices;
- Government relations to inform the work of Congress, the White House, the Supreme Court and federal agencies addressing the needs of children, youth, families, community safety and the justice system;
- Leadership development activities addressing the needs and interests of the nation's State Advisory Groups (SAGs) that serve under the federal Juvenile Justice and Delinquency Prevention Act (JJDP Act);
- State and local system-improvement efforts, including multi-year partnerships with two leading reforms—the Juvenile Detention Alternatives Initiative of the Annie E. Casey Foundation and Models for Change, an initiative of the John D. and Catherine T. MacArthur Foundation.

CJJ promotes collaboration.

- CJJ is host and fiscal partner for the National Juvenile Justice Network (NJJN) spanning child advocacy organizations in 35 states that strive to improve state policy and practice in the area of juvenile justice;
- CJJ also co-chairs the National Juvenile Justice and Delinquency Prevention Coalition, involving more than 200 organizations in a coordinated effort to inform federal juvenile justice policy, and, as part of the larger effort, is a lead convener of the Act-4-JJ Campaign for Reauthorization of the JJDP Act.

The Federal-State Partnership and the Statutory Role of JJDP Act State Advisory Groups

Given that there is no national, centralized juvenile justice system, but instead 56 distinct systems of juvenile justice in the states, U.S. Territories and the District of Columbia, for almost thirty-five years the JJDP Act has supported a partnership between the federal government and the states whereby each supports the other in addressing the needs of youth and responding effectively to delinquent behavior.

Via the Office of Juvenile Justice and Delinquency Prevention (OJJDP), the federal government makes grants to states under the JJDP Act, monitors states for their compliance with the core requirements of the JJDP Act and assists states in identifying, developing and adopting best practices in juvenile justice.

In turn, the SAGs administer and make optimal use of funds authorized under the JJDP Act, work closely with the state juvenile justice authorities to develop and implement a long-range plan for systemic improvements and ensure that their respective jurisdictions comply with the JJDP Act core requirements.

Also within the JJDP Act, a national association of the SAGs is charged with analyzing, informing and advancing a national agenda on delinquency prevention and juvenile justice and the work of OJJDP. Specifically, under Section 223(f) of the JJDP Act, the OJJDP Administrator is charged with providing technical and financial assistance to an eligible representative organization of SAG members for the purpose of assisting the SAGs in fulfilling a number of functions, including: (1) reviewing federal juvenile justice and delinquency prevention policies; (2)

advising the OJJDP Administrator with respect to particular functions or aspects of the work of the federal Office; and (3) advising the President and the U.S. Congress with regard to state perspectives on the operation of the federal Office and federal legislation pertaining to juvenile justice and delinquency prevention. Other functions include provision of training and technical assistance and dissemination of best practice information to the SAGs. Sec. 299A(d) of the JJDPA also directs the OJJDP Administrator to seek consultation from the states when establishing rules, regulations and procedures that affect OJJDP and the requirements of the JJDPA.

With all of this in mind, CJJ was founded in 1984 by the members of several SAGs, “to give voice to state-identified concerns and urgent needs in juvenile justice, advise state and federal policy makers and [OJJDP] and generate collegial support and information exchange,” and for more than 20 years was universally recognized as the eligible representative organization of SAGs under Sec. 223(f) of the JJDPA.

The Critical Role of the Federal Government in Juvenile Justice and Delinquency Prevention

In order for the federal government to function as a responsive and responsible partner with the states, we see it as critical that juvenile justice continue to have a dedicated focus and a “home” within the federal government, distinct from the larger focus on criminal justice, for the purposes of (1) developing national policies, priorities and plans, (2) advancing research to ensure comprehensive knowledge of delinquency and its prevention and reduction, and (3) providing guidance, support and oversight to states in implementing the JJDPA. OJJDP is the only federal agency charged solely with these responsibilities, and therefore is uniquely positioned to help the federal government fulfill these critical roles.

For example, where individual states are often limited by their own budget constraints, OJJDP is uniquely positioned to help states leverage the precious few federal funding streams available for delinquency prevention and juvenile justice reform to generate investments of state and local resources. In addition, because it operates away from the furious, day-to-day operations of state systems, OJJDP is well-positioned to provide national leadership and coordination among diverse prevention and intervention programs. Furthermore, where individual states are necessarily focused on improving systems within their own borders, OJJDP has the ability to monitor challenges and opportunities on a national, even global, scale.

Consequently, OJJDP is uniquely positioned to launch and support timely and groundbreaking research and evaluation projects to identify best practices in delinquency prevention and the administration of juvenile justice. When coupled with adequate information dissemination capabilities, and adequate capacity for intensive training and technical assistance to the states, OJJDP can take effective public safety improvements to scale by helping states replicate and integrate best practices into existing systems.

The Qualities and Characteristics of the OJJDP Administrator

As with most Presidential appointments, the roles and responsibilities of the OJJDP Administrator are varied, as are the opportunities. Thus, we recommend a choice for the OJJDP Administrator be premised on a belief in the value and effectiveness of working in partnership with the states and the SAGs, and who will seek to maximize the impact of the federal role in juvenile justice and delinquency prevention. Given the unique relationship our members have with OJJDP and the Administrator, coupled with our members' experiences working in close collaboration with every OJJDP Administrator appointed since 1975, we firmly believe that the next successful OJJDP Administrator will need to possess and demonstrate six (6) core qualifications and characteristics:

Commitment to prevention and fair, effective interventions. Foremost, the ideal candidate will have a deep commitment to preventing juvenile delinquency in the first instance, and to responding to juvenile delinquency and related public safety concerns in equitable, empirically-supported and age-appropriate ways, as evidenced by a solid track record. S/he will also be aware of, and preferably well-versed in, the contemporary findings and debates that inform how we address delinquent behavior when it occurs, from to the science of adolescent brain development to community-based alternatives to cultural and linguistic competency.

First-hand knowledge of juvenile justice practice. Next, the ideal candidate will have and effectively demonstrate knowledge and experience in both the discipline and the systems of juvenile justice. S/he will be familiar with the varied forms juvenile justice systems take at the state and local levels (e.g., centralized vs. county-based, rural vs. urban), and how changes in policy and practice can impact those systems. S/he will also have first-hand knowledge of the practice of juvenile justice as distinguished from criminal justice.

Commitment to serving as a strong champion for OJJDP and federal investment. In addition, the ideal candidate will understand and be an assertive champion for the federal role in juvenile justice and delinquency prevention, including federal/congressional appropriations and other forms of investments, including seminal research and evaluation and training and technical assistance. In recent years, dwindling resources and a loss of focus at the federal level have hampered the ability of both OJJDP and the states to fulfill their roles in the federal-state partnership. The next OJJDP Administrator must be vigorous and vocal in seeking restored and increased capacity at the federal levels both within the executive branch and the legislative branch.

Willingness to embrace and support the statutory roles of the SAGs. Moreover, the ideal candidate will acknowledge, value and preserve the statutory roles of the SAGs under the JJDPA as written and intended, including restoring the status of the eligible representative organization of SAGs. Sadly, the voice of the SAGs has been largely muffled over the past few years, and the eligible representative organization of SAGs has not received the support it is due under the JJDPA in order to adequately fulfill its training and technical assistance functions. The next OJJDP Administrator will value the unique voice of the SAGs and welcome a collegial and collaborative approach to juvenile justice reform.

Desire and ability to foster cross-disciplinary and interagency collaborations. The ideal candidate will have ability and eagerness to work with other federal agencies and generate synergy between departments and agencies that address children, youth and families. Sustainable reforms in juvenile justice reform are jeopardized by compartmentalization and failure to recognize how the child welfare, behavioral health and education systems, among others, contribute to both the challenges and the solutions. The next OJJDP Administrator will make innovative use of existing structures, like the Federal Coordinating Council on Juvenile Justice and Delinquency Prevention, and maximize opportunities to create new structures where fruitful and necessary.

Proven management and leadership skills. Finally, the ideal candidate will be an excellent manager and internal leader, with demonstrated ability to strategically build and maintain OJJDP infrastructure over time, including the ability to attract and retain an experienced and motivated team of professional staff. While operational changes are inevitable, in recent years OJJDP has seen more programmatic and staffing shake-ups than usual, resulting in disruptions to federal and state compliance and reform efforts. The next OJJDP Administrator will project an air of consistency and dependability, and will ensure that state actors are able to develop good working relationships with OJJDP staff for long-term reform.

In addition to these core qualities, the next OJJDP Administrator will be a good communicator, one who is quick to hear and to speak confidently and persuasively on behalf of our nation's youth. S/he will be inclusive of a variety of federal, state and local partners, able to receive and synthesize diverse opinions and work in a bipartisan manner. Finally, the next OJJDP Administrator will have a natural curiosity about juvenile justice and delinquency prevention, realizing that our discipline is dynamic and will model the drive to assimilate and advance new information that leads to more effective policies, systems and investments for the short and the long-term.

Priorities of OJJDP for the Next Four Years

When it has operated at an optimal level, OJJDP has served a vital function, providing valued guidance and information to states, tribes, territories, communities and individuals across the country through research, targeted training and technical assistance provided by national organizations with subject matter expertise. In recent years, however, the combination of budget reductions, transferred functions, and a narrowing of focus has harmed OJJDP and diminished the status of a once-essential player in this country's efforts to reduce juvenile delinquency.

Based on the unique relationship our members have with OJJDP and its Administrator, and our experiences with every OJJDP Administrator appointed since 1975, we firmly believe that OJJDP will need to prioritize four (4) foci to move our nation forward:

Passage and full implementation of a strong reauthorization of the federal Juvenile Justice and Delinquency Prevention Act. The JJDA is the landmark federal statute that defines much of the approach to juvenile justice and delinquency prevention taken by Congress and the federal government; establishing the OJJDP and articulating the federal-state partnership. Currently

active legislation (S. 3155) to reauthorize the JJDPA has been introduced by the Chairman of the Senate Judiciary Committee, Senator Patrick Leahy, with original co-sponsors Senator Arlen Specter and Senator Herb Kohl. In late July, their bill was amended and passed with strong bipartisan support in the Senate Judiciary Committee. Enclosed with this memorandum is the CJJ Platform regarding the pending reauthorization of the JJDPA, which contains thirteen planks or positions addressing: 1) federal supports and resources needed to fulfill the spirit and intent of the JJDPA; 2) safeguards for youth, families and communities; and 3) the central value of prevention. The Platform was developed by CJJ members who serve as voluntary citizen advisors on juvenile justice with the governors or chief executives across the states, territories and the District of Columbia.

Restoration and effective use of federal investments in delinquency prevention and juvenile justice reform. Since 2000, federal investments in juvenile justice reform under the JJDPA have decreased by upwards of 60%, and OJJDP itself has lost 90% of its direct operational budget. In addition, the administration of funds by OJJDP has come under investigation, with members of Congress questioning whether available funds are being scored and distributed in a manner that is fair and transparent, and to grantees that focus on delinquency prevention and improvements in the juvenile justice system. Worse still, there has been steady erosion of leadership from OJJDP to ensure restoration of what has been lost. The federal-state partnership cannot produce good outcomes for our nation's youth and communities without adequate investment and leadership.

Reclaiming the federal focus on research, demonstration, evaluation, training and technical assistance. It is critical that OJJDP provide support for research, replication and high fidelity adaptation of evidenced-based and empirically-supported practice and policy models, across a wide range of racial, ethnic, geographic and societal circumstances. It is likewise essential that the research and findings be made widely available to the public and backed-up with training and technical assistance to the parties principally charged with JJDPA implementation—state advisory group (SAG) members, state planning/administering agencies, and state juvenile justice specialists.

Effective oversight, transparency and accountability to the President, the Congress, the states and the public. It is critical to an effective federal-state partnership that there be clear regulatory guidance from OJJDP and, foremost, that states have confidence in OJJDP's rule making and regulatory functions. In recent years, OJJDP has not utilized formal administrative procedures when setting compliance rules and providing guidance to the states, which at times has created confusion. The partnership between OJJDP and the states can be enhanced by dialogue with states, together with greater transparency and accountability.

Meaningful consideration and advancement of policy and practice reforms at the federal level as informed by the states. As aforementioned, under the JJDPA, a national organization representing the SAGs is charged with informing, influencing and advancing a national agenda on delinquency prevention and juvenile justice and the work of OJJDP. In recent years, however, OJJDP has largely disregarded the independent voice of the SAGs through a national organization. In 2003, OJJDP removed its support for CJJ as the eligible representative

organization of SAGs and transferred chartered another entity, under its own control, the Federal Advisory Committee on Juvenile Justice (FACJJ). The powers of the FACJJ, however, are restricted, including its ability to directly and effectively communicate its more than 50 recommendations to the President and the Congress. In keeping with the mandates of the JJDP, and for the benefit of our nation as a whole, it is imperative that OJJDP honor the wisdom and the ingenuity of Congress when it gave an explicit role and enumerated functions within JJDP to a free-standing organization of the SAGs, serving as a third-party partner to the legislative and executive branches and serving to represent the views and needs of the states, rather than those of OJJDP..

Conclusion

More than thirty years after its enactment, the JJDP stands as one of the most successful standard-setting statutes at the federal level, and at its heart recognizes the value of citizen-driven efforts to prevent and stem delinquency. The success of the JJDP has been supported in significant part by the national agenda-setting, research, evaluation, oversight and technical assistance functions of OJJDP. Through our collaborative efforts, CJJ and its member SAGs, have partnered with OJJDP, to demonstrate the effectiveness of timely, fair and productive prevention and intervention efforts. Moreover, the research, evaluation, oversight and technical assistance functions of OJJDP have contributed to expertise in the field as well as the discovery and replication of evidence-based and promising practices across the nation.

Our continuing success depends in good part on OJJDP advocating for a strengthened, forward-thinking JJDP; making the case for federal investments; and providing the leadership needed to develop the federal-state partnership for delinquency prevention to the greatest possible extent.

In closing, the CJJ Executive Board and our broad nationwide membership wish to thank you for your consideration of our thoughts and recommendations, and we look forward to hearing from you soon. If you have any questions, please feel free to contact CJJ's Executive Director, Nancy Gannon Hornberger, at 202-467-0864, ext. 111 or nancy@juvjustice.org

###