



**PLATFORM POSITION REGARDING
SUPPORTING STATES IN THE JUVENILE JUSTICE AND
DELINQUENCY PREVENTION ACT**

**As adopted by the Coalition for Juvenile Justice
Council of State Advisory Groups**

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CJJ COUNCIL OF THE SAGS

The Coalition for Juvenile Justice (CJJ) is a national nonprofit focused on reducing the number of young people who come into contact with the justice system and ensuring that those who do come into contact with the justice system receive justice and equitable treatment. CJJ is governed by the Council of State Advisory Groups, a voting body composed of State Advisory Groups

from across the country. These members collectively call upon Congress and the Administration to ensure that states have the supports they need to ensure that they are able to continue to participate in the Juvenile Justice and Delinquency Prevention Act (JJDP Act or the Act), and providing the protections ensured by the legislation to young people within their jurisdiction.

States acknowledge and recognize the continued importance of the JJDP Act and all the Act has done to ensure that young people receive a fairer playing field and are not subject to the dangers that existed prior to the JJDP Act's creation. As funding has dwindled and requirements have increased, however, more and more states across the country have either stopped participating in the JJDP Act, or have announced that they are considering opting out of participation. This creates a dangerous pattern, whereby youth may receive limited protections or differential protections based upon geography.



Pastor Edward L. Palmer, Sr., CJJ National Chair

States acknowledge that participation in the Act has become increasingly difficult in recent years for the following reasons, and we call on Congress and the Administration to establish the following solutions:

CHALLENGE I: Over the past decade, federal funding has decreased by nearly 50 percent, while obligations to receive grant funding under the Act have increased. For example, states report that funding has been completely frozen in recent years if not all members of the State Advisory Group are in place. Many states report that requirements related to compliance have become more onerous, consuming an ever-growing portion of their limited Title II dollars.

REQUESTED SOLUTION I: We call on Congress to provide adequate funding to ensure that states are able to continue participating in the program. At a minimum, we call on Congress to provide funding at levels included in the 2018 reauthorization of the Act. We also call on Congress and the Administration to ensure that states have the flexibility to meet the core protections and administrative obligations of the Act. We ask that Congress and the Administrator provide flexibility in funding for times when SAG members may change jobs, relocate, or otherwise create vacancies on the committee. Freezing funding because of this hinders the state's progress and does not further protections for youth, which is the Act's intended purpose.

CHALLENGE II: As part of the JJDPA, states are asked to submit three-year plans that outline their goals and work for the future. These plans are meant to guide states' work in addressing young people's needs, but the process for drafting them can be confusing and daunting. More than thirty separate items must be covered in the plan. The three year plan should be more flexible and recognize that law enforcement and other government agencies may have challenges sharing data.

PROPOSED SOLUTION II: The process for developing the three-year plan should be streamlined and a clear guide should be created to help new Juvenile Justice Specialists better understand how to work with the SAG to create a three-year plan, what the plan should contain, and how to implement the plan. Clarity should also be provided to help Juvenile Justice Specialists better understand which data elements are acceptable and which are not needed.

CHALLENGE III: Data collection is an important but challenging process. Accurate data can help identify key challenges in the juvenile justice system. Data collection and analysis is critical to help understand and correct problems related to Racial and Ethnic Disparities, use of restraints and seclusion, and the unnecessary incarceration of youth charged with status offenses, to name a few. In many jurisdictions, however, this data may be collected and retained by a variety of agencies, including the courts, law enforcement, child welfare agencies, and others. This poses problems for states as they seek to report on mandated data sets, some of which they may not be provided access.

PROPOSED SOLUTION III: Congress and the Administration should provide incentives to state-based agencies to share data across systems. We recognize that individual information rights must be protected in this process. However, cross-system collaboration on data collection and provision of information enables us to better understand how systems are working together and where challenges may exist that systems can work together to remedy. Flexibility should also be established so that states are not penalized in situations where other governmental agencies are not able to share data after reasonable efforts are made to secure the data. In such instances, states should make plans for how to address data sharing challenges, including, where applicable, replacement of dated technology.

CHALLENGE IV: Site visits for compliance monitoring of facilities where young people are being detained are essential and need to occur even in times of emergency. Such visits are an important means of ensuring that young people are not being mistreated and that states are complying with the JJDA's core protections.

During prolonged periods of emergency, however, such visits can be difficult if not impossible to undertake in person due to prohibitions on travel by state employees and restrictions on who can enter facilities. Since March 2020, for example, many states have not been able to enter facilities due to Covid-19. This has put young people inside at risk of mistreatment and places states in jeopardy of not being able to meet the Act's protections.

PROPOSED SOLUTION IV: Flexibility in interpreting statutes and regulations should be granted in times of emergency. This flexibility should enable states to undertake virtual site visits when in person visits are not possible due to natural disasters and other states of emergency. It is critical that there are eyes and ears in facilities.

While it is always best and preferred to have compliance monitoring take place in person, an alternative should be available when there are prolonged periods of crisis that make it difficult for individuals to enter buildings without posing additional danger to those inside.

Flexibility in deadlines and implementation of the JJRA should be made widely available as related to compliance monitoring during periods of prolonged emergency.

CHALLENGE V: Membership on the State Advisory Group is very explicitly outlined in the JJDA. Members are intentionally chosen to ensure that a cross sector panel of experts in juvenile justice exists to help guide the state. Filling these positions, however, can be challenging and take time.

Youth SAG members are particularly important as they bring wide-ranging expertise, including the value of lived perspective to their positions on the SAG. Young people who serve in these posts have valuable perspectives about our justice systems. They are also, however, in a transitional stage of life, which can make appointments challenging. States report that it can take an extended period of time to get a proposed appointment approved and signed by the state or territory's executive officer. During this time young people sometimes lose interest or

move to new states for school or new employment opportunities. In recognition of these challenges, the Administration has previously permitted executive officers in states and territories to designate an individual other than the Governor to sign off on appointments, particularly for youth. Not all states and territories have been willing to take this action though.

PROPOSED SOLUTION V: Congress and the administration should continue to provide flexibility in the appointment process by permitting executive officers in states and territories to designate an individual other than the Governor to sign off on appointments. Additionally, the Administration should work with states where such designations are not possible to ensure that they are not penalized for delays in appointments. Barriers should also be identified and removed to help young people who are currently incarcerated serve in these positions. Flexibility should be provided to account for different needs that may exist in some states based on local landscapes, striking a balance between local needs and the prescriptive nature of the SAG's membership requirements. During periods of emergency, flexibility in deadlines and implementation of the JJRA should be made widely available as related to State Advisory Group membership compliance and appointment requirements that changed since the passage of the JJRA.