TALKING COMPLIANCE:
Effectively Communicating the Importance of the Juvenile Justice and Delinquency Prevention Act

A Presentation by the Coalition for Juvenile Justice
January 31, 2010
About the Report

• First-of-its-kind national report developed by CJJ leaders and JJDPA state staff with assistance from the Justice Policy Institute (JPI)

• Part of a larger, multi-year CJJ policy & practice project titled “JJDPA Compliance Successes and Challenges”
  – designed to clearly identify state compliance challenges and successes, analyze the underlying reasons and make recommendations to JJDPA stakeholders to improve compliance and JJDPA outcomes

• Includes 20 recommendations to the President, Congress, OJJDP, the JJDPA State Advisory Groups (SAGs) and to CJJ itself to sustain the success and enhance the future of the JJDPA

• Made possible with the generous support of CJJ members and the Public Welfare Foundation
Report Methodology

- Administered with JPI as consultant researcher
- Administered to JJ Specialists, Compliance Monitors and DMC Coordinators via self-reports
- JJ Specialist was asked to coordinate with the other JJDPA staff in their state and submit one response for the state
- Based on confidential survey responses received from as many as 53 distinct U.S. states and territories providing their assessment of their state’s successes and state challenges with JJDPA compliance
Findings: Areas of Success

• After 35 years, states remain committed to the goals and purposes of the JJDPA
  – 55 of 56 U.S. jurisdictions voluntarily participate in the JJDPA
  – 85% of survey respondents (90% of all jurisdictions) reported that their jurisdiction is in compliance with all four core requirements
Findings: Success (cont.)

- The federal-state partnership is value-added
  - Federal funds under the JJDPA and related programs stimulate prevention and reform efforts at the state and local levels
  - The research, evaluation and T&TA functions of OJJDP have contributed to the development and replication of best practices
  - Via the SAGs and JJDPA state staff, states inform federal policy and practice to support youth and family success and improve community safety
Findings: Success (cont.)

- OJJDP is a critical and appreciated partner to help states maintain compliance
Findings: Areas for Improvement

- Dramatic decreases in federal funding threaten states’ ability to maintain compliance
  - Title II and V appropriations down 25% overall over last eight years
  - 53 to 97% of Title V earmarked/set-aside for non-JJDPA programs; less than $3 million to be allocated among 55 states and territories
  - Part A appropriations articulated for OJJDP down from $6.8 million in FY02 to $658,000 in FY08 to zero in FY09 and FY10
Findings: Improvement (cont.)

When asked what they would recommend to the President and Congress, 70% of respondents said they should increase federal funding for the JJDPA.
Findings Improvement (cont.)

- States need increased guidance and compliance support from OJJDP
  - Clearer explanations of compliance mandates, especially changes
  - Improved response time to inquiries regarding their compliance status
  - Improved response time to requests for technical assistance
Specific Concerns: DSO

• Deinstitutionalization of Status Offenders (DSO)
  – Youth charged with offenses that would not crimes if they were adults—running away, curfew violations, truancy—shall not be held in locked secure detention
  – Exceptions to the rule
    • Valid court order (VCO): if a youth disobeys a direct order of the court, e.g., don’t runaway or stay in school
Specific Concerns: DSO (cont.)

The largest number of states listed DSO as the greatest challenge to maintaining compliance in their state.

- Deinstitutionalization of Status Offenders (DSO): 44%
- Adult Jail and Lockup Removal (Jail Removal): 25%
- Sight and Sound Separation (Separation): 17%
- Disproportionate Minority Contact (DMC): 14%

Question: In your opinion, of the four core requirements of the JJDPA, which poses the greatest challenge to maintaining compliance in your state? Please rank the four core requirements so that “1” represents the greatest challenge and “4” represents the least challenge. (36 responses)
Barriers to DSO Compliance

• Misuse of the VCO
• State statutes in conflict with the JJDPAs
• Limited detention alternatives
• Lack of training for intake, court and law enforcement personnel
Best Practices for DSO Compliance

• Elimination of the VCO
• Creative use of non-federal resources to develop detention alternatives
  – E.g., JDAI, Multisystemic Therapy (MST)
• Training for judges, court staff and law enforcement personnel
• State statutes the support DSO compliance
Best Practices for DSO Compliance

Training for judges and court staff was mentioned more than 40 times as a useful resource or strategy for obtaining DSO compliance. Legislative and statutory changes were the next most frequently mentioned.

- Training for judges: 21
- Training for court staff: 23
- Non-secure placement for status offenders supported by state funds: 18
- Non-secure placement for status offenders supported by local/county funds: 16
- Memoranda of Agreement with other non-juvenile justice agencies that place children in public/protective care: 2
- Legislative/statutory changes: 20
- Other (please specify): 12

Question: What resources or strategies does your state use to achieve DSO compliance? Please select all that apply. (41 responses)
Specific Concerns: DMC

• Disproportionate Minority Contact (DMC)
  – “address [delinquency prevention and system improvement] efforts designed to reduce, without establishing or requiring numerical standards or quotas, . . .”
  – Not a straightforward standard of measure
  – Relative Rate Index (RRI), formula that helps tell states where there is DMC, but not why and what to do about it
• Default standard is measuring DMC with accuracy (90%), but states want to do more
Question: How much of an emphasis does your state place on reducing DMC compared to 5 years ago? Please use the scale below to describe your response where 1 is the least emphasis and 10 is most emphasis. (40 responses)
Specific Concerns: DMC (cont.)

The majority of states listed lack of community alternatives to detention/incarceration and the over-representation and disparate treatment of children of color as some of the biggest challenges in their juvenile justice systems.

Question: In your view, what are the three biggest challenges facing the juvenile justice system in your state? Please select three. (38 responses)
Barriers to DMC

- Limited alternatives to detention and confinement
- Lack of training for law enforcement
- Lack of data
- State statutes in conflict with the JJDPA
Best Practices for DMC Compliance

• Collaboration with the community
• Development of pilot/demonstration sites with federal and non-federal partners
• Executive-level offices or bodies to focus on DMC
Specific Concerns: Tribal Communities

- More than 500 federally-recognized tribes spanning 33 states
- Tribes have juvenile and criminal justice systems that are separate from the state
- Tribal youth charged with delinquent acts can intersect the federal justice system in ways non-tribal youth do not
- As currently structured, may not have any significant impact on or relationship to tribal nations and tribal compliance with the JJDPA
Barriers to Tribal Participation in JJDPA

- Tribes are not required members of Federal Coordinating Council or the SAG
- Tribes are not “states” and not eligible for direct funding under Title II
- Have to perform a law enforcement function to be eligible for Title V
- Little funding passed through to the tribes
- Tribal Youth Program
  - reaches a limited number of tribes: in FY08, 21 tribes in 11 states
  - Partially carved out of the Title V funds
Barriers to Tribal Participation in JJDPA

Question: Would you say that Native American tribal reservations, individual tribes, and clans are adequately represented in the following types of discussions concerning compliance with the JJDPA? (12 responses)

Respondents overwhelmingly reported that Native American tribes were NOT adequately represented in different discussions concerning compliance.

<table>
<thead>
<tr>
<th>Type</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>Trainings</td>
<td>83%</td>
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<tr>
<td>Conferences</td>
<td>91%</td>
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<tr>
<td>Meetings</td>
<td>83%</td>
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<tr>
<td>Legislative briefings</td>
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<td>Manuals</td>
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<tr>
<td>Other written materials</td>
<td>86%</td>
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Question: Would you say that Native American tribal reservations, individual tribes, and clans are adequately represented in the following types of discussions concerning compliance with the JJDPA? (12 responses)
Recommendations

• To the President and the Congress:
  – Reauthorize a strong and forward-looking JJDPA
    • Phase out use of the VCO
  – Restore and expand capacity at OJJDP
  – Restore and preserve federal funding for JJDPA programs and activities, including detention alternatives
Recommendations

• To OJJDP:
  – Work to align state law with JJDPA requirements
    • Place emphasis on laws and practices that present barriers to DSO and DMC compliance
  – Increase federal coordination and support state collaboration with tribal communities
Recommendations

• **To the State Advisory Groups:**
  – Maximize opportunities to educate key decision-makers about JJDPA requirements and JJDPA benefits to youth, families and community safety
  – Fully support and make strategic use of your state’s compliance monitoring system to identify compliance challenges and highlight compliance successes
Recommendations

• To CJJ:
  – Facilitate an effective working relationship between the SAGs and OJJDP
  – Work the SAGS, JJDPA state staff and other allies to amplify the benefits and cost-effectiveness of the JJDPA
  – Maximize T&TA to assist states in sharing best practices in JJDPA compliance, e.g., via CJJ’s SAG Source™ and peer-to-peer networking
Communication Opportunity

• **For State Advisory Groups:**
  – Maximize opportunities to educate key decision-makers about JJDPA requirements and JJDPA benefits to youth, families and community safety
  – Fully support and make strategic use of your state’s compliance monitoring system to identify compliance challenges and highlight compliance successes
How do we talk about JJDPA compliance so that people listen, believe and act?
Use words that resonate with and relate to people’s values and experiences.
“CHANGE”

2007 poll conducted by the Center for Children’s Law & Policy (CCLP) for MacArthur Foundation’s Models for Change Network:

- 9 out of 10 people nationally (89 percent) agreed with the statement that “almost all youth who commit crimes are capable of positive growth and have the potential to change for the better.”
- Similarly, more than eight out of 10 disagreed with the statement that “there is not much you can do to change youth who commit crimes.”
- More than 7 out of 10 agreed with the statement that "incarcerating youth offenders without rehabilitation is the same as giving up on them."
“EFFECTIVE”

• 2007 CCLP poll:
  – Nearly 8 out 10 people nationally favor reallocating money from youth incarceration to youth rehabilitation programs
  – 8 or more out of 10 people view community-based services as more effective than incarceration (3 to 6 out of 10)
"UNFAIR"

• 2007 CCLP poll:
  – Nearly two-thirds of people polled nationwide (65 percent to 34 percent) think poor youth receive worse treatment than middle-income youth arrested for the same offense.
The Importance of Data and Documentation (Stories)
Good Data and Documentation

- What progress has the state made since the JJDPA?
- How have resources increased since the JJDPA?
- What have those resources produced?
- How are kids, families and communities better off?
- How will kids, families and communities benefit from the changes?
“Bad” Data and Documentation

• How are kids, families and communities harmed by the status quo?
• What does the state stand to lose if noncompliant?
Thank You!

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To obtain a full copy of the report, go to www.juvjustice.org