



STATE OF TENNESSEE
TENNESSEE COMMISSION ON CHILDREN AND YOUTH

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JUVENILE JUSTICE COMMITTEE
Andrew Jackson 9th Floor Conference Room
Thursday, May 14, 2015
2:45 p.m. – 4:15 p.m.

MINUTES

Members Present

Brenda Davis, Acting Chair
Genesis Hardin
Amy Jones
Rob Mortensen
Christy Sigler
Audrey Taylor Gonzalez

Members Absent

Phil Acord, Chair
Jennie Harlan
Bill Haynes
Ethan Flynn
Glenda Terry

Staff Present

Craig Hargrow
Linda O’Neal
Steve Petty
Vicki Taylor
Zanira Whitfield

I. Welcome and Introductions – Rob Mortensen

Mortensen called the meeting to order at 2:45 p.m., and welcomed all present and thanked them for their attendance. He then left the meeting and Davis served as acting chair.

II. Approval of Minutes (ACTION)

IT WAS MOVED (GONZALEZ) AND SECONDED (DAVIS) TO APPROVE THE FEBRUARY 2015 JUVENILE JUSTICE COMMITTEE MINUTES. UNANIMOUSLY CARRIED.

III. Deinstitutionalization of Status Offenders (DSO) Violations – Zanira Whitfield

Referring to the handout which was distributed, Whitfield discussed the DSO Violations Report. The total number of DSO violations from January 1, 2015, to March 31, 2015, was 10 with zero jail removal violations and zero jail separation violations.

IV. DMC Task Force Update – Craig Hargrow

Hargrow has been diligently working with the DMC Task Forces. Hargrow has been in contact with the Blount County DMC Task Force Chairperson. The Task Force has been inactive due to health issues of the previous chairperson. Blount County Task Force chairperson has a scheduled meeting with the local police chief and school superintendent. Hargrow will be going to Blount County to help recruit additional stakeholders and provide technical assistance to revitalize the task force.

Hargrow participates in the Davidson County DMC Task Force meetings to provide direction and technical assistance. The Davidson County Task Force is analyzing the arrest data to determine appropriate intervention strategies.

Hargrow has been communicating with Rosalyn Leavell-Rice, TCCY Southeast Regional Coordinator, to identify key stakeholders interested in forming a DMC task force in Hamilton County. An interest meeting will be scheduled after stakeholders are identified.

Hargrow participated in the organizational meeting for the Madison County DMC Task Force, and provided an overview of DMC, the DMC Reduction Model and direction for the newly formed task force. The task force is in the process of gathering additional data to analyze. Commission member Amy Jones facilitated the meeting.

On April 11, 2015, the Montgomery County DMC Task Force held its 5th Annual Conference on Juvenile Justice at Austin Peay State University. Hargrow gave a DMC presentation during the conference and observed several of the breakout sessions. Approximately 230 people participated in the conference.

On March 26, 2015, Hargrow participated in the reorganizational meeting of the Shelby County DMC Task Force and provided technical assistance. Based on discussion during the meeting, Hargrow subsequently prepared a new set of bylaws and an outline for a strategic plan for the task force.

On March 27, 2015, Hargrow participated in the Shelby County Juvenile Detention Alternative Initiative (JDAI) Steering Committee meeting. Hargrow provided a brief description of how the Statewide and Shelby County DMC task forces are able to help with JDAI in Shelby County, as well as help provide DMC collaboration in the JDAI context. Commission member Audrey Gonzalez invited Hargrow to the meeting. Hargrow joined the JDAI DMC subcommittee and has participated in the subcommittee meetings.

Hargrow was added to the Positive and Safe Schools Advancing Greater Equity (PASSAGE) Steering Committee and attended his first meeting on April 10, 2015. PASSAGE is an action and learning network in four major urban school districts aimed at reducing disparities, promoting positive approaches to school discipline, and transforming school culture. The four sites are: New York City, Chicago, Los Angeles and Nashville.

V. Juvenile Justice and Delinquency Prevention Act (JJDP) and Office of Juvenile Justice and Delinquency Prevention (OJJDP) Update – Craig Hargrow

Hargrow reported the Juvenile Justice and Delinquency Prevention Act is in the process of being reauthorized. Hargrow highlighted some of the potential changes in the JJDP as follows:

- Clarifies that an additional purpose of the existing statute is to support a continuum of programs (including delinquency prevention, intervention, mental health and substance abuse treatment) to respond to at-risk youth or juvenile offenders.
- Phases out the remaining circumstance (Valid Court Order) in which youth offenders may be detained for “status” offenses—such as running away, skipping school, or underage tobacco use—that would not be crimes if committed by adults.
- Calls for greater focus on mental health and substance abuse screening, assessment, referral and treatment of juvenile offenders.
- Encourages participating states to report additional data about the ethnicity (not just race and gender) of juveniles in confinement.
- Calls for the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) to identify evidence-based and promising practices.
- Offers guidance to states on how to identify and reduce racial and ethnic disparities among youth who come into contact with the justice system.
- Encourages states to share records relating to abused and neglected children.
- Emphasizes the use of trauma-informed practices within the juvenile justice system.

Hargrow reported there was a Senate Judiciary Hearing regarding “Improving Accountability and Oversight of Juvenile Justice Grants” on April 21, 2015. The general allegation discussed in the hearing is some states routinely violate the requirements of the JJDP and the impact is compounded by the lack of oversight and enforcement of the Act by OJJDP and the Department of Justice.

Hargrow stated last year, multiple whistleblowers contacted Senator Grassley about the Justice Department’s failure to follow the law. The whistleblowers alleged it is common knowledge among the states that the Justice Department did not take the four core requirements seriously. The whistleblowers also claimed they faced retribution from OJJDP.

The eight-month inquiry, led by Grassley, first focused on allegations that the Department of Justice (DOJ) paid millions of dollars in grant money to Wisconsin and four other states and territories that jailed vulnerable children with adults in violation of federal law.

The investigation was later widened both in scope and geographically, with whistleblowers asserting oversight failures may have led to unlawful OJJDP grants to Alabama, Idaho, Illinois, Puerto Rico, Rhode Island, Washington, D.C., Virginia and Tennessee.

Witnesses testified about compliance (and noncompliance) with the JJDP, as well as about the Office of Justice Programs and OJJDP's oversight and enforcement (or lack thereof), reprisal against whistleblowers and OJP's response.

Andrea Coleman, who retains the title of disproportionate minority contact coordinator but says she has been stripped of that duty for calling out OJJDP supervisors on their orders related to DMC, said OJJDP has turned a blind eye to her DMC compliance complaints since 2009. Coleman also said OJJDP Administrator Robert Listenbee has "overturned" her recommendations of states' DMC noncompliance.

Karol Mason, the assistant attorney general, said the three overarching problems with OJJDP's compliance monitoring program are: 1) the regulations governing the program are old, outdated and inconsistent with the JJDP, as amended; 2) the standards used to make compliance determinations are vague, thus injecting substantial subjectivity into the monitoring process, and 3) the extended timeline between a state's filing of a compliance report and OJJDP's compliance determination is inconsistent with the statute.

Dean Hill Rivkin, a University of Tennessee law school professor who operates a clinic that represents status offenders, testified when he did not receive the response he wanted from a state agency in dealing with an exorbitant number of kids being locked up for status offenses, his clinic turned to OJJDP.

In July 2013, Rivkin received a call from an OJJDP official, who pledged to follow up with the Tennessee state agency. He was told OJJDP would conduct an audit. Rivkin offered to share his data with OJJDP, but OJJDP declined his offer.

Elissa Rumsey, compliance monitoring coordinator at OJJDP, gave a long view of alleged noncompliance in her testimony.

In Wisconsin, she said, "there is significant evidence that [OJJDP grant] funding persists despite practices of regularly mixing foster children — caught after running away from domestic violence or sexual abuse — in jails with adult prisoners. The purpose of funding with controls is so that these type abuses will not occur. Serious enforcement must be restored."

Then, she said, “Without warning, I was stripped of many of my professional responsibilities, especially my compliance-monitoring duties, and prohibited from conducting a compliance audit in the state of Wisconsin, which was scheduled for the spring of 2008.”

Her performance evaluation suffered, and her telecommuting agreement was canceled. However, the Merit Systems Protection Board found that both violated the Whistleblower Protection Act.

O’Neal reported on the testimony of Judge Steven Teske, Chief Judge of Juvenile Court in Clayton County, Georgia and his support of juvenile justice legislation and his efforts to improve outcomes of children in Georgia.

Hargrow reported on the letter sent by TCCY to the Coalition on Juvenile Justice to be included in responses to Senator Grassley and Senator Whitehouse, thanking them for their support of the JJDPa and informing them Tennessee is committed to compliance.

VI. Federal Formula Grant Three-Year Plan and Funds Allocation – Craig Hargrow

FY 2015 Title II solicitation was released on April 17, 2015. The juvenile justice division is in the process of preparing the application for this federal formula grant opportunity. TCCY has reached out for technical assistance regarding changes in the application. A portion of the application is due June 16, 2015 and the remainder is due June 30, 2015. The 2015 application will be based on the 2014 funded amount of \$714,855.

The House Appropriations Committee is proposing to zero out Title II funding which supports the efforts required by the Juvenile Justice and Delinquency Prevention Act. TCCY encourages Commission members to contact their legislators and others to oppose the potential elimination of Title II funds. TCCY will send a letter to the chair of the Appropriations Committee in support of maintaining Title II funds.

Hargrow explained the handout proposed for Federal Formula Grant Allocations for FY 2015.

IT WAS MOVED (DAVIS) AND SECONDED (SIGLER), TO APPROVE THE FY 2015 ALLOCATION OF THE TITLE II FEDERAL FORMULA GRANT FUNDS AS ATTACHED TO THESE MINUTES. MOTION PASSED, 5 YES, 0 NO. (JONES) RECUSED.

VII. Juvenile Accountability Block Grant (JABG) Update – Vicki Taylor

Taylor report the Juvenile Accountability Block Grant (JABG) funding has been eliminated at the federal level. The purpose of the JABG funds is accountability for both the juvenile offender and the juvenile justice system. TCCY currently funds five JABG

grantees whose grant period ends September 30, 2015. Remaining JABG funds will be used to pay for compilations.

VIII. Other Business

Gonzalez reported the Evening Reporting Center in Shelby County has been a success. Funding is being sought from the county for a second center. Services are being provided within the four zip codes of Shelby County where the services will likely have the greatest impact. The Memphis Grizzlies have been contacted requesting their involvement with the Evening Reporting Center to provide a positive outlook.

There being no other business, the meeting adjourned at 3:45 p.m.

Minutes Prepared by:

Minutes Approved by:

Vicki Taylor, Juvenile Justice Specialist

Brenda Davis, Acting Chair

Proposed FY 2015 Federal Formula Grant Allocations

	2013-MU-FX-0019 Currently Funded	2014-MU-FX-0019 Eligible For Funding Continuation	2015-MU-FX-0019 Proposed New Funding 2015 Tentative Award \$714,855
Grant Period	10/1/2012 - 9/30/15	10/1/2012 - 9/30/2017	10/1/2014 - 9/30/2018
1/1/2015 - 9/30/2015			
Federal Formula			
Administrative Office of the Courts	JABG Funded *	20,000 ***	20,000
Tennessee Legal Community Foundation	JABG Funded **	20,000 ****	20,000
Boys & Girls Clubs of Tennessee Valley	60,000	45,000	45,000
Coalition For Kids, Inc.	31,594	23,696	23,696
Clay County	17,422	13,067	13,067
Shelby County Schools	50,000	37,500	37,500
Department of Children's Services	44,644	33,483	33,483
Stars Nashville	80,000	60,000	60,000
Subtotal	283,660	252,745	252,745
DMC and Related			
Madison County	87,086	65,315	65,315
DMC Coordination	60,000	60,000	60,000
Other - Task Force Operations	50,000	50,000	50,000
Subtotal	197,086	175,315	175,315
Total	480,746	428,060	428,060
Other Obligations and Expenditures			
Planning and Administration Expenditures	-	71,485	71,485
State Advisory Group	-	20,000	20,000
Compliance Monitoring	-	25,000	25,000
Reimbursement Account	-	90,000	90,000
Total	-	206,485	206,485
Grand Total	480,746	634,545	634,545
Anticipated Remaining Unallocated Funds	\$143,080	\$80,311	\$223,390

Allocation by Grant Classifications:

<u>Description</u>	<u>Amount</u>
System Improvement	\$55,848
Delinquency Prevention	\$111,694
DMC	\$55,848
Total	\$223,390

Footnote :

(1) * 2013 JABG Funded \$50,000

(2) ** 2013 JABG Funded \$50,000

(3) *** JABG \$30,000

(4) **** JABG \$30,000