

May 2, 2005

Mr. David R. Schmidt
Chair
Federal Advisory Committee on Juvenile Justice
2319 Mountain Road NW.
Albuquerque, New Mexico 87104

Dear Mr. Schmidt:

I want to thank the Federal Advisory Committee on Juvenile Justice (FACJJ) for its *2004 Annual Recommendations Report to the Administrator of the Office of Juvenile Justice and Delinquency Prevention*. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) benefits from the deliberative process of the FACJJ and from the deliberations within OJJDP spurred by FACJJ's recommendations.

In responding to the recommendations, the office addressed them as specifically as possible, indicated a recommended course of action where appropriate, and provided justification where necessary. Please find enclosed FACJJ's 2004 Annual Recommendations Report, along with the accompanying OJJDP responses.

We look forward to continuing to work with FACJJ.

Sincerely,

/s/

J. Robert Flores
Administrator
Office of Juvenile Justice and
Delinquency Prevention

Enclosures (2)

Office of Juvenile Justice and Delinquency Prevention (OJJDP) Responses to the Federal Advisory Committee on Juvenile Justice (FACJJ)'s Recommendations to the OJJDP Administrator

1. *FACJJ recommends that OJJDP fund and support research into the effect the increased use of alternatives to detention has had on reducing disproportionate minority contact (DMC) and other core requirements. The research should examine community-based alternatives to detention and screening and assessment instruments used to reduce detention. OJJDP should use the research findings to develop a training and technical assistance program that will assist states in addressing detention reform in their communities while continuing to protect public safety.*

Response:

OJJDP supports the development of evidence-based alternatives to detention. Currently, many states already fund alternatives to detention with Juvenile Justice and Delinquency Prevention (JJDP) Act grant awards on the basis of need. OJJDP will consider additional research and evaluation of new efforts to address DMC.

In states where the minority population is substantial, these programs can be found in high-risk communities that are highly-concentrated with minorities. In states where the minority population is small, most participants in these programs are white. No programs are targeted to exclusively serve either minority or white youth, and therefore comparisons are not permitted nor can adequate findings be obtained. However, OJJDP has designed a performance-measurement reporting system to account for the effectiveness of programs that are funded under JABG, Title II Formula, and Title V Community Prevention Grants Programs. In the coming years, questions about cost-effectiveness, reducing recidivism, reducing disproportionate minority contact, and other activities funded under these grant programs should be answerable.

For examples of OJJDP-funded research, see *Juvenile Delinquency Guidelines: Improving Court Practice in Juvenile Delinquency Cases*, which was developed by OJJDP, in partnership with the National Council of Juvenile and Family Court Judges. The guidelines address judicial leadership in system reform and collaboration, informal handling or diversion of less serious cases from the formal court system, specialty dockets (e.g., drug courts, mental health courts, youth access to competent counsel), and many other topics. Its key principles have relevance to DMC and alternatives to detention, as well.

In addition, OJJDP is funding the National Center for Mental Health and Juvenile Justice's (NCMHJJ's) project, *Mental Health and Juvenile Justice: Building a Model for Effective Service Delivery*. This project's goal is to develop a comprehensive model that will help provide the best practices in screening, assessment, and treatment at every point of the juvenile justice system. It places a heavy emphasis on both diversion and aftercare, which are times when youth with mental health problems should be receiving services that can ideally prevent them from entering

or re-entering detention or correctional facilities. Addressing the mental health and other special needs of at-risk youth has the potential for diminishing inappropriate detentions.

Two sets of data studying the success of these types of programs are encouraging. The Annie E. Casey Foundation's Detention Reform is the most researched effort that documents success in ensuring: 1) youth are detained based on objective criteria and 2) community-based prevention and alternatives to detention are in place. It has found significant and consistent reduction in minority representation in these types of programs. The W. Haywood Burns Institute's communitywide approach to reduce disproportionate minority contact has also shown encouraging results.

The Center for Evaluation Research and Methodology (CERM) at Vanderbilt University is conducting a meta-analysis of more than 500 experimental studies of delinquency prevention and intervention programs. This project, which is partially funded by OJJDP, will ultimately result in a database that will permit access to the results of the meta-analysis. In addition, the project will develop procedures for disseminating the results in useful form to juvenile justice practitioners. The meta-analysis focuses on determining whether types of programs and practices are effective and under what conditions they are most effective.

Several states have used OJJDP funds to seek technical assistance and adopt these approaches. OJJDP also has supported financially training on these approaches through national, regional, and statewide conferences to facilitate dissemination of these practices. Additionally, OJJDP's *Model Programs Guide* (MPG) and database will include detailed information on, and encourage the use of, these types of approaches and other DMC-reduction programs that have shown promise.

2. FACJJ recommends that OJJDP fund and support research into the effect that the increased use of charging or certifying youth as if they were adults in criminal court has had on DMC and the other core requirements. Research topics should include the transfer, certification, and placement of juveniles in adult courts for trial as if they were adults and the housing and treatment of youth in adult correctional facilities and programs.

Response:

OJJDP has funded two studies on juvenile transfers to adult court; both reports have been submitted and reviewed. The reviews were favorable and stressed the importance of this type of research to the field.

The Florida Department of Juvenile Justice's study *Juvenile Transfer to Criminal Court*, which included both qualitative and quantitative components, drew sharp contrasts between the experiences of youth in the adult versus juvenile systems. It documented how juveniles often had a hard time adjusting to prison life in the adult system. Interviews with correctional administrators indicated that transferred youth are more likely to join prison gangs and violate institutional rules. Interviews of the youth showed that they often experienced "humiliation, demoralization, and fear of brutalization."

Columbia University's study *The Comparative Impacts of Juvenile versus Criminal Court Sanctions among Adolescent Felony Offender: A Replication and Extension* was a natural experiment that looked at time-at-risk recidivism rates for 15 to 16-year-old juveniles charged with robbery, burglary, or assault in New Jersey and New York. The study compared the effects on recidivism of sentencing adolescent felony offenders in criminal versus juvenile court. The organizational and contextual aspects of the decision processes and criteria in the juvenile and criminal court systems were examined.

These studies used sophisticated methods to reach their conclusions and improve on previous work in this area. Both studies matched cases to compare similar juveniles with the same offenses in both juvenile and criminal courts and institutions. They concluded that juveniles transferred to the adult court had a higher rate of recidivism when compared with those in the juvenile court. The Florida Department of Juvenile Justice's report also concluded that "transfer is more likely to aggravate recidivism than stem it." The Columbia University report found that juveniles "prosecuted in the criminal court are more likely to be rearrested for violent, property and weapons offenses, they are rearrested for these crimes more quickly and more often and they are more likely to be returned to incarceration."

Because transfer to adult proceedings raises many issues, OJJDP is committed to maintaining its oversight through research and evaluation of this practice.

3. FACJJ recommends that OJJDP provide expanded technical assistance, technology, and training to local communities to help them implement truly effective practices for preventing and reducing DMC.

Response:

OJJDP has provided and will continue to develop and provide expanded technical assistance, technology, and training to local communities to help implement effective practices for preventing and reducing disproportionate minority contact (DMC) through the following activities:

- Identifying and including promising DMC-reducing programs in OJJDP's Model Program Guide.
- Revising the DMC Technical Assistance Manual to include promising DMC-reducing practices.
- Providing expanded, innovative, and cost-effective training and technical assistance to states and communities.
- Developing Web-based cataloguing systems for states and communities to track the changes in DMC trends and progress in DMC reduction.

4. FACJJ recommends that the OJJDP Administrator request the Coordinating Council on Juvenile Justice and Delinquency Prevention (Coordinating Council) to establish an interagency task force to examine mental health issues in the child welfare and juvenile justice systems and the role of appropriate federal agencies in promoting access by children and youth to needed mental health services. The task force should be comprised of the Administrators of OJJDP; the U.S. Department of Health and Human Services' (HHS) Substance Abuse and Mental Health Services Administration, Administration for Children and Families, and Centers for Medicare and Medicaid Services; and the Assistant Secretary of Education for Special Education. The task force should be charged with making recommendations to Congress on how to improve mental health services for youth, foster interagency cooperation, and remove interagency barriers.

Response:

Several interagency efforts are now underway to respond to this recommendation. OJJDP is coordinating with the newly-formed Federal Partners Senior Workgroup for Mental Health (FPSW) to implement the recommendations made in the President's New Freedom Commission on Mental Health. The group is composed of OJJDP; HHS's Administration on Children and Families, Substance Abuse and Mental Health Services Administration (SAMHSA), and the Center for Medicare and Medicaid Services; and U.S. Department of Education's Office of Special Education and Rehabilitative Services, in addition to other participating agencies. FPSW already has on its agenda an initiative titled Focus on Children in the Juvenile Justice and Child Welfare Systems.

During the 2005 fiscal year, SAMHSA is providing \$18.8 million for 6 to 13 cooperative agreements from Mental Health Transformation State Incentive Grants to support infrastructure and service delivery improvement activities. Awards will range from \$1.5 to \$3 million per year and be funded for up to 5 years, depending on the progress made. Eligibility for the awards is limited to the immediate office of the chief executive officer in U.S. states and territories; the District of Columbia; and federally-recognized American Indian tribes, Alaska Native tribes, and tribal organizations that have the ability to leverage and coordinate multiple sources of funding and resources to achieve the grant's goals.

In addition, OJJDP is funding the NCMHJJ project, Mental Health and Juvenile Justice: Building a Model for Effective Service Delivery. This project's goal is to develop a comprehensive model that will help provide the best practices in screening, assessment, and treatment at every point of the juvenile justice system. This model, to be completed in June 2005 and exhibited at various sites around the country, places a heavy emphasis on both diversion and aftercare—the times when youth with mental health problems should be receiving services that can ideally prevent them from entering or re-entering detention or correctional facilities. Once the project has been evaluated, it will enhance our knowledge to better respond to the mental health needs of the youth in the juvenile justice system. The recommended coordination is also being modeled in the Court Coordination Program, which OJJDP is launching in 2005.

5. *FACJJ recommends that OJJDP disseminate information to states about culturally competent mental health assessment issues. Diagnostic screening that addresses both substance abuse and mental health should be made available for all children referred to the juvenile justice system, along with appropriate referrals that are commensurate with the diagnosis. That is, children with mental health issues should be referred to mental health services and, where appropriate, petitioned under the mental health section of a juvenile code. These referrals should be culturally competent and relevant to the child's needs.*

Response:

Over the past 6 years, OJJDP has made a concerted effort to respond to the needs of juvenile justice practitioners seeking guidance and information on mental health issues among the youth in the juvenile justice system. OJJDP has focused specifically on the tools needed to screen and assess early and accurately for mental health disorders. *Screening and Assessing Mental Health and Substance Use Disorders among Youth in the Juvenile Justice System: A Resource Guide for Practitioners*, published online December 2004 by OJJDP, presents information on instruments used to screen and assess youth for mental health and substance use-related disorders at various stages of the juvenile justice system. It also includes profiles of more than 50 instruments, guidelines for instrument selection, and best-practice recommendations for diverse settings and situations. The availability of this guide has been widely publicized by a variety of organizations, including the NCMHJJ and the Council of Juvenile Correctional Administrators.

OJJDP agrees that screening and assessment also should be followed by the appropriate treatment referrals. Currently, OJJDP participates in the Federal-National Partnership for the Transformation of Children's Mental Health Care in America and the Federal Partners Senior Workgroup for Mental Health. Both groups have been charged with the mission of carrying out the recommendations of the President's New Freedom Commission on Mental Health. OJJDP has been working with SAMHSA to ensure that youth in the juvenile justice system receive the necessary mental health services through the Comprehensive Community Mental Health Services for Children and Their Families (also known as the Systems of Care) Program. The Mentally Ill Offender Treatment and Crime Reduction Act of 2004 provides grants to state and local jurisdictions to implement evidence-based treatment programs for youth with mental health disorders who are involved with the juvenile justice system.

6. *FACJJ recommends that, until Congress provides funding for the new Juvenile Delinquency Prevention Block Grants (JDPBG) program in an amount equal to or greater than the highest appropriation for the Title V Delinquency Prevention Grants (Title V) program, OJJDP should continue to fund the Title V program as a formula-based block grant program rather than as a discretionary program.*

Response:

OJJDP awards Title V grants to states based on the relative size of the population subject to original juvenile court jurisdiction. The states then award the funds to communities to implement

delinquency prevention plans that meet local needs. OJJDP also provides training and technical assistance to grantees.

OJJDDP awards Title V grants as a formula-based grant program, but only after the earmarked appropriations to support programs other than Title V have been addressed. The remaining budget is usually assessed as to whether it can be distributed on a formula basis. In fiscal year (FY) 2004, Congress appropriated \$80 million for the Title V program; \$14.9 million was available after the earmarks were addressed and was distributed by formula-based grants.

OJJDP will continue to administer the Title V on a formula basis, until such time the program receives an excess of \$20 million for a fiscal year. If, for example, OJJDP were to receive \$25 million, \$20 million would be administered as a formula program, and \$5 million would be awarded as a discretionary program.

7. FACJJ recommends that OJJDP study the tribal passthrough funding formula and devise a new, more equitable way of distributing these funds to the tribes. The plan should create a formula that provides sufficient funds for the tribes to effectively address their juvenile justice needs. The proposed plan should then be sent to Congress.

Response:

To put this subject in perspective, OJJDP also provides grants and cooperative agreements to federally recognized tribes, in amounts ranging from \$75,000 to \$500,000. Recipients include more than 230 Indian tribes through the Tribal Youth Program, The Tribal Youth Program Mental Health Initiative, and the Tribal Juvenile Accountability Discretionary Grant Program.

Funding through the formula grants portion of passthrough funds is available to eligible Indian tribes based on that proportion of the state's population under 18 years of age who reside in geographical areas where the tribes perform law enforcement functions. Passthrough funds are available to Indian tribes, combinations of Indian tribes, or an organization designed by the tribes. In situations where an Indian tribe is too small to warrant an individual subgrant, states may make passthrough funds available to combinations of eligible tribes or a designated organization after consultation with the appropriate eligible tribe. The state must certify that it will comply in formulating and implementing the state plan. This can be done through the Formula Grant Application Kit, which provides guidance for the provision of assurances of equitable treatment. It should also be noted that a number of states supplement passthrough funds to tribes.

8. FACJJ recommends that OJJDP move the deadline for states to submit applications for all Formula and Block Grants programs from spring to early fall so states can receive their grant funds at the beginning, rather than the end, of the federal fiscal year.

Response:

Federal appropriations are often not determined until late fall, winter, or even the spring. After appropriations are made, OJP's Office of Budget and Management Services must realign budgets based on rescissions, earmarks, and other factors.

OJJDP does not receive state allocations until the OBMS calculations are completed; hence, the spring application submission deadlines. It would be counterproductive to require states to submit earlier in the fiscal year because 1) the allocations would not be available and 2) state planning based on that allocation would need to be revisited once actual allocations are made available. This schedule of decisionmaking allows OJJDP to accommodate needs in program funding streams; for example, the decision to supplement the Formula Grants program in FY 2005, as was done last year.

According to Formula Grants Regulations 28 C.F.R. Part 31, Subpart A, formula grant applications for each fiscal year should be submitted to OJJDP by August 1 (which is 60 days prior to the beginning of the fiscal year), or within 60 days after the states are officially notified of the federal fiscal year formula grant allocations. Beginning with the 1995 fiscal year and each subsequent fiscal year, all formula grant applications are due no later than March 31 of the fiscal year for which funds are allocated. Due to the lengthy process of appropriations and ensuing budget allocation decisions, OJJDP continues to implement the March 31 due date for such applications. In addition, states that experience problems with expending funds may request no-cost extensions for up to 12 months, which must be approved by the State Relations and Assistance Division Associate Administrator. Should a state require more than a 1-year extension, only the OJJDP Administrator has the authority to grant the extension, and it would be based on detailed justification provided by the state.

9. FACJJ recommends that OJJDP promulgate guidelines that encourage states and local subgrant recipients to use evidence-based research when establishing programs and to fund proven best practices or promising approaches. At the same time, the states and OJJDP should support innovative research and other programs to help find new ideas that are effective in addressing juvenile justice issues.

Response:

OJJDP concurs with FACJJ's recommendation. In accordance with the 2002 Juvenile Justice and Delinquency Prevention (JJDP) Act, states are required under Title II to the extent practicable to "give priority in funding to programs and activities that are based on rigorous, systematic and objective research that is scientifically based." Similarly, the Act requires states under Title V Community Prevention Grants Program to give funding priorities to evidence-based prevention strategies that have sound plans to determine impact and effectiveness. OJJDP has already drafted program guidelines to reflect this requirement. In addition, OJJDP has developed the Model Program Guide (MPG) at www.dsgonline.com/mpg_non_flash/mpg_index.htm to facilitate communities' adoption of evidence-based programs. Specifically, the MPG is a user-friendly, one-stop Internet database of scientifically-assessed programs across the full spectrum of juvenile justice-related youth services, from prevention to aftercare. All practitioners in

juvenile justice, regardless of their funding sources, will find this technical assistance tool a valuable resource. OJJDP has committed funds to continuously identify effective juvenile justice programs to keep the MPG current and useful.

The Center for Evaluation Research and Methodology (CERM) at Vanderbilt University is conducting a meta-analysis of more than 500 experimental studies of delinquency prevention and intervention programs. This project, which is partially funded by OJJDP, will ultimately result in a database that will permit access to the results of the meta-analysis. In addition, the project will develop procedures for disseminating the results in useful form to juvenile justice practitioners.

A companion technical assistance tool is OJJDP's Performance Measurement Reporting System, which better documents the impact of JJDP Act-funded programs. When fully implemented, OJJDP will be able to collect, analyze, report, and guide OJJDP's use of congressional appropriations in the most efficient and effective manner. In addition, the Juvenile Justice Evaluation Center (JJEC) provides evaluation information, training, and technical assistance to enhance juvenile justice evaluation. JJEC evaluation information can be found at www.jrsa.org/jjec/index.html.

10. FACJJ recommends that OJJDP assist states in developing sustainability funding for effective programs funded with federal funds. OJJDP should provide technical assistance on how states can plan to successfully sustain programs using private or public resources, and should urge states to discuss sustainability funding in their 3-year Formula Grant plans. State subgrant recipients should also be encouraged to develop long-term plans for supporting effective programs after federal funding ends.

Response:

OJJDP agrees with the sustainability concept. This office has strongly encouraged states to convey to subgrantees that the awards made with Formula and Block Grant funding should be viewed as either startup funds, seed money for programs, or a resource to enhance existing programs—but not as funds to be relied on indefinitely.

In fall 2004, OJJDP's State Relations and Assistance Division held two regional training conferences for state-level staff members who administer Formula and Block Grant programs. Based on requests from juvenile justice (JJ) specialists, OJJDP conducted a session on sustainability entitled *Collaboration and Sustainability: Beyond Federal Funding*. Sustainability also will be a topic for the OJJDP National Conference to be held in January 2006. Additionally, states may submit requests for training and technical assistance for sustainability through the Formula Grants technical assistance process. OJJDP encourages states to consider a subgrantee's potential for sustainability prior to funding. States also should consider tier-level funding of subgrants and decreasing a certain percentage of funding each year of the subgrant, in an effort to further encourage sustainability.

11. FACJJ recommends that OJJDP promptly complete the revised Juvenile Accountability Block Grants (JABG) guidance manual, because the new program referencing the manual began on October 1, 2003. OJJDP should also develop an annual report or an easily accessible and user-friendly database that reports on data collected from states under the new JABG performance measures. FACJJ also recommends that OJJDP develop a series of user-friendly manuals on how to administer each of its Block and Formula Grants programs.

Response:

OJJDP will publish in 2005 a revised Juvenile Accountability Block Grants (JABG) guidance manual, which will include revisions to the program. A significant amount of training has already been provided to states on the changes to the program. Also, OJJDP is available to answer questions.

In past years, OJJDP created and distributed to new JJ specialists a voluminous binder that contained all the information relevant to administering the Formula and Block Grants programs. Last year, OJJDP streamlined this resource and presented it at the new JJ specialists training in June 2004. The office will again distribute the binder at the 2005 JJ specialists training. As a resource document, it provides detailed information on the administration of JABG and other programs and links to more specific information. OJJDP will review BJA's Edward Byrne Memorial Program manual to determine whether information about its programs can be compiled similarly.

12. FACJJ recommends that OJJDP standardize program reporting for subgrants among its Block and Formula Grants programs. It is difficult and time consuming for states to complete the different reports now required.

Response:

In past years, states were required to submit to OJJDP a hard copy of Individual Progress Reports for all subgrant awards as part of the special conditions for all Formula and Block Grants programs. These reports collected general information about the subgrant and its areas of focus. In addition to it being burdensome to the states, these reports were not useful in helping OJJDP compile information about how Formula and Block Grants funds were spent at the local level. In 2003, OJP's Office of the Chief Information Officer, in conjunction with OJJDP and states' involvement, developed the Subgrant Information Form (SIF). SIFs are standardized across the Formula and Block Grants programs, yet specific enough to provide program-relevant information. States now submit SIFs through the OJP Grants Management System (GMS).

13. FACJJ recommends that OJJDP work closely with the Bureau of Indian Affairs (BIA) to provide training to state staff and State Advisory Group (SAG) members on

the unique issues that arise in working with sovereign nations and AI/AN youth. In many cases, a lack of understanding of the complex jurisdictional issues by SAGs, state staff, and other individuals working directly with the tribes makes collaborative efforts difficult.

Response:

Federal resources to help with juvenile justice issues in Indian country, including those of the BIA, will be addressed at the FACJJ meeting in Albuquerque, NM, in May 2005. In addition, OJJDP has invited BIA to participate on a regular basis in the quarterly meetings of the Coordinating Council on Juvenile Justice and Delinquency Prevention. BIA has also been asked to make a presentation at the National Conference on Juvenile Justice scheduled for January 2006 to enumerate and respond to these unique issues. Furthermore, OJP seeks to supplement BIA resources by coordinating with HHS's Indian Health Service and through OJJDP programs that already provide resources to Indian country, such as the Tribal Youth Program.

14. FACJJ recommends that the Coordinating Council develop a waiver that would allow federal agencies to pool funds and develop a pilot program to give at-risk youth access to programs based on their needs, rather than on a program label. For example, there is considerable confusion as to whether Medicaid funds can be used to provide mental health treatment for juveniles who are being held in secure juvenile detention facilities prior to adjudication. This is just one example of the barriers that restrict the use of federal funds for treatment programs for at-risk youth.

Response:

OJJDP and the Coordinating Council on Juvenile Justice and Delinquency Prevention do not have the necessary statutory authority to create a waiver that would allow what FACJJ recommends. However, federal agencies often pool funds for specific projects, such as the Serious and Violent Offender Reentry Initiative (SVORI) and Safe Schools/Healthy Students program.

As to FACJJ's recommendations on "innovative funding strategies that allow blended funding at the local level," a number of fairly well-known programs blend funding to support targeted populations, such as Wraparound Milwaukee and the Dawn Project in Indianapolis, IN, both of which target youth with serious mental disorders and their families. In addition, some state legislation mandates blended funding for child-serving agencies, such as Virginia's Comprehensive Services Act (CSA). CSA blends funding streams from various federal units, such as Education, Child Welfare, Mental Health, Substance Abuse, and Juvenile Justice.

In 2005, OJJDP is initiating a Court Coordination Program that will seek to help local juvenile justice systems gain access to a variety of federal funding streams for mental health and other services for juveniles.

15. FACJJ recommends that OJJDP expand its current program efforts to address youth gangs, especially in light of findings from the 2002 National Youth Gang Survey that suggest youth gang activity may be on the rise.

Response:

OJJDP continues to exercise federal leadership in developing, testing, and disseminating community-based antigang programs that incorporate gang prevention, intervention, and suppression. As the federal sponsor for the National Youth Gang Survey, OJJDP stays abreast of national trends in gang activity and closely monitors indicators that suggest the problem may be growing worse. However, with limited discretionary funding, OJJDP is challenged to significantly expand federally funded programming in this area.

OJJDP addresses youth gangs in three primary ways. First, OJJDP continues to support demonstration programs to implement and test comprehensive approaches to gangs. Although these demonstrations are limited in their geographic scope, they provide a testing and proving ground for methods that are then shared with practitioners and policymakers nationwide. The Gang Reduction Program is the leading example of OJJDP's antigang demonstration efforts. Second, OJJDP continues to produce practitioner-oriented publications and resources that provide current research, statistics, and effective strategies for responding to gangs. An example of this is found in the OJJDP Strategic Planning Tool, which provides practitioners with a manageable Internet-based resource for understanding risk factors, identifying programs that work, and completing an inventory of existing community resources that may contribute to a comprehensive antigang program. Third, OJJDP is examining methods for increasing training resources to practitioners and policymakers around the country. OJJDP is working towards building a national training program to put information into the right hands in an easy-to-use form to help prevent and intervene in gang activity.

16. FACJJ recommends that OJJDP work closely with other federal agencies that provide substance and alcohol abuse treatment dollars to states to help agencies better understand the need to place a higher priority on youth in, or at risk of involvement in, the juvenile justice system. OJJDP should provide these agencies with state data that show the high percentage of youth in the system who need treatment and indicates that funds for services within the juvenile justice system cannot support the level of need.

Response:

OJJDP works closely with a number of federal agencies to provide access to federal funding for drug and alcohol abuse treatment for local juvenile justice systems. Through the work of the Coordinating Council on Juvenile Justice and Delinquency Prevention and the January 2006 National Conference planning effort, OJJDP will be making additional information available to localities on how to obtain treatment funds. Pilot programs, such as the Court Coordination Program, also seek to improve coordination of funding for this purpose.

OJJDP provides grant funding to juvenile drug courts. The goal of the Juvenile Drug Court Implementation Program is to build the capacity of states, state courts, local courts, units of local government, and Indian tribal governments to establish drug courts for substance-abusing juvenile offenders. The program provides seed money and expects applicants to begin implementation of a sustainability plan during the course of the grant period. OJJDP works with SAMHSA in pursuit of these objectives.

17. FACJJ recommends that the OJJDP Administrator immediately seek and advocate for an amendment to the Anti-Lobbying Act (18 U.S.C. Section 1913) that specifically exempts SAGs and SAG members from the provisions of the Act when acting in accordance with the directives set forth in the JJDP Act, individual state laws, or state executive orders. In the alternative and in the interim, FACJJ recommends that the Administrator seek and advocate for a controlling Office of Management and Budget opinion consistent with the aforementioned exemption.

Response:

Because the basis for the requested exception could be claimed by innumerable parties, OJJDP declines to seek the proposed legislative amendment and OMB opinion at this time. State Advisory Groups are asked to report any situations related to the Anti-Lobbying Act (18 U.S.C. 1913) to the OJJDP Administrator.

18. FACJJ recommends that OJJDP examine existing research that looks at the number of youth incarcerated for technical violations, such as probation and parole violations, and the use of graduated sanctions to see “what works.” Based on this research, OJJDP should then develop a technical assistance program to help communities and states find more effective ways of addressing these technical violations.

Response:

OJJDP is currently supporting two large-scale data collection and analysis activities that will respond to this recommendation.

In 2003, OJJDP, through a cooperative agreement with Westat, Inc., conducted the Survey of Youth in Residential Placement (SYRP). This data collection effort asked a nationally representative sample of youth in confinement a series of questions about their backgrounds, the circumstances leading to their placements, and their experiences in residential placement. Analyses of these data are currently being conducted and a series of bulletins is scheduled to be published in late 2005 or early 2006. Because this study collected information about the youths’ previous offending behaviors, arrests, and juvenile justice involvement, researchers will be able to glean information about the originating offenses of youth who are in placement for technical violations. This information is important to know at a national level to identify whether strategies could be developed to prevent placement of technical violation offenders.

Another upcoming data collection activity is OJJDP's Juvenile Probation Census Project. This study (which consists of two large-scale data collections—the Census of Juvenile Probation Supervision Offices and the Census of Juveniles on Probation) will provide OJJDP with detailed information about the treatment, sanctioning, and monitoring options and processes used by juvenile probation offices in the United States. The survey also will gather the first national count of the number of youth on both formal and informal probation. The information collected will be used to provide the first indepth description of the diversity of practices and juvenile probation populations across the country. Results for the first study should be available in January 2006.

The information learned through these studies will be used by OJJDP to develop technical assistance and training materials to help communities better understand the population of juveniles on probation and in placement, including those with technical violations, and to develop appropriate responses to offenders through a series of graduated sanctions.

19. FACJJ recommends that OJJDP provide an intensive program of training and technical assistance to help states and communities address the increasing number of female offenders in the juvenile justice system. It is imperative that juvenile justice professionals and policymakers understand the nature and causes of female delinquency (which often differ from those of male delinquency) and implement gender-specific programs for these offenders.

Response:

OJJDP agrees with the FACJJ recommendation. OJJDP is currently implementing a girls' research study group that will develop a sound theoretical and empirical foundation to guide future research, development, testing, and dissemination of strategies to effectively prevent and reduce girls' involvement in delinquency and violence and the consequences of such involvement. This program's ultimate aim is to provide guidance to policymakers for use in adopting effective programs and policies to prevent and reduce female delinquency and its consequences.

OJJDP also must address the prevention and consequences of juvenile *victimization*: research shows that maltreated and exploited children are at significantly higher risk of delinquency, criminality, self-abusive behaviors including alcohol and other drug (AOD) abuse, too-early childbearing, sexually transmitted diseases (STD), suicide, and other mental health problems. Therefore, prevention and effective intervention with juvenile victimization enhances OJJDP's ability to prevent and address delinquency and improves the well-being of the nation's children and youth.

20. FACJJ recommends that OJJDP provide technical assistance and training on improving community support for youth reentry programs. This community support should include health, mental health, education, family, and vocational programs.

Response:

OJJDP has funded and supported technical assistance efforts in the area of youth aftercare and reentry through a multiyear grant with Johns Hopkins University provided by the Juvenile Reintegration and Aftercare Center. Funding had been provided since FY 1987 to Johns Hopkins University to conduct research and develop a theory-based, empirically grounded model that prepares, transitions, and reintegrates high-risk juvenile offenders from secure confinement into the community in a gradual and highly structured manner. Four pilot sites were selected to implement what has become known as the Intensive Aftercare Program (IAP) model. This model, which requires an overarching case management process that ensures significant control over released juvenile offenders and enhanced service delivery, focuses on the youth and family, not just at the time of release but early in the sentencing process. Ongoing training, technical assistance, and information dissemination occurred up to FY 2005, including 5 training sessions for up to 20 SVORI grantees.

Technical assistance has remained accessible through various technical assistance providers within OJJDP and the Bureau of Justice Assistance. Through the Formula Grants program, OJJDP encourages states to request technical assistance in any of the 34 program purposes areas, one of which is aftercare and reentry. Through the JABG program, states also are encouraged to pursue technical assistance in establishing and maintaining accountability-based programs, and a graduated sanctions continuum that includes aftercare and reentry programming.

OJJDP's involvement in OJP's SVORI continues, with the direct management of 22 of the 69 grantees that compose this initiative. In FY 2005 and beyond, training and technical assistance opportunities are available to the juvenile-focused grantees that include: (1) community corrections supervisory reentry training designed to help community corrections and supervision agency policymakers build effective and successful offender reentry processes and (2) criminal justice/substance abuse treatment cross-training designed to help criminal/juvenile justice agencies approach working with substance abuse offenders.

The OJP Reentry Web site, www.ojp.usdoj.gov/reentry, provides additional information about best practices in reentry and includes a resource map of all the federal agencies participating in SVORI. In addition, technical assistance can be requested at this site. (The provision of technical assistance is not limited to an existing SVORI grantee.)

21. FACJJ recommends that OJJDP allocate \$375,000 in OJJDP funds in FY 2005 and beyond to support FACJJ activities required by Section 223(f)(2)(C-E). The funds would support two annual in-person meetings of the full advisory group, one yearly FACJJ Annual Report Committee meeting, writing of the annual reports, and teleconference calls with committee members. These activities are necessary to support the committee's purpose of advising the President, Congress, and the OJJDP Administrator on matters related to juvenile justice.

Response:

OJJDP must balance this request for funding with programming needs based on a variety of factors: past experience and activity levels, competing uses for funds, and expected future funding levels. In this case, the existing allocation has been found to be more than adequate to support the activities of the FACJJ.

22. FACJJ recommends that OJJDP provide \$394,000 funding in FY 2005 and beyond to support training and technical assistance for SAG members as required by Section 223(f)(2)(A-B) of the JJDP Act.

Response:

OJJDP must balance this request for funding with the office's overall programmatic needs. OJJDP's budget allocations reflect a variety of factors: projection of future need based on past funding allocations, past activity levels, competing usage of funds by various program grants, and potential future usage. Adequate support for training and technical assistance does not require such an increase in the current funding.

23. FACJJ requests that the OJJDP Administrator amend the Charter and Bylaws of the Juvenile Justice Advisory Committee (JJAC) in two areas:

- Change the name of JJAC to the Federal Advisory Committee on Juvenile Justice (FACJJ) to eliminate confusion with like-named State Advisory Groups.
- Amend Section X of the bylaws by adding the following language: "Both annual reports [the one to the President and Congress and the one to the OJJDP Administrator] shall be distributed to the President and Congress, the governor of each state and territory, and the chair and juvenile justice specialist of every SAG with a request that the chair distribute the report to each member of the SAG." FACJJ recommends that the reports could be distributed to SAG members electronically.

Response:

OJJDP agrees to the change of the name of the committee from the Juvenile Justice Advisory Committee to the Federal Advisory Committee on Juvenile Justice and has already acted on this recommendation.

The two reports submitted by FACJJ are distributed according to their designated recipients. The report to the President and Congress is distributed as requested in this recommendation. The report to the Administrator is posted on the FACJJ Web site, www.ojjdp.ncjrs.org/jjac, along with OJJDP's responses.