



STATE OF TENNESSEE
TENNESSEE COMMISSION ON CHILDREN AND YOUTH

Andrew Jackson Building, 9th Floor
502 Deaderick Street
Nashville, Tennessee 37243-0800
(615) 741-2633 (FAX) 741-5956
1-800-264-0904

JUVENILE JUSTICE COMMITTEE
Andrew Jackson Building, 9th Floor Conference Room
Thursday, August 25, 2016
2:15 p.m. - 3:15 p.m.

MINUTES

Members Present

Phil Acord, Chair
Brenda Davis
Genesis Hardin
Jennie Harlan
Amy Jones
Rob Mortensen
Christy Sigler
Glenda Terry

Members Absent

Bill Haynes
Lisa Hill
Audrey Taylor Gonzalez

Guest Present

Lacy Buchanan, Child
Advocate

Staff Present

Craig Hargrow
Linda O'Neal
Steve Petty
Vicki Taylor
Elizabeth Thomas, Intern
Nancy Townsend
Zanira Whitfield

I. Welcome and Introductions – Phil Acord, Chair

Acord called the meeting to order at 2:20 p.m., and welcomed all present and thanked them for their attendance. Introductions were made.

II. Approval of Minutes (ACTION)

IT WAS MOVED (SIGLER) AND SECONDED (DAVIS) TO APPROVE THE MAY 2016 JUVENILE JUSTICE COMMITTEE MINUTES. UNANIMOUSLY CARRIED.

III. Juvenile Justice Grants Update – Vicki Taylor

Taylor reported the 2016 Title II award from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) has not been received. Request for Proposals (RFPs) were distributed only to Federal Formula continuation grantees. Eight applications were received. The Grant

Review Committee (GRC) met to review applications and make recommendations to the full Commission.

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

Referring to the handout that was distributed, Whitfield discussed the DSO Violations Report. The total number of DSO violations from October 1, 2015 to June 30, 2016, was 20 with zero jail removal violations and zero jail separation violations. Whitfield reported as a result of working with the courts, the DSO violations decreased for Davidson and Rutherford counties.

V. Disproportionate Minority Contact (DMC) Task Force Update – Craig Hargrow

Hargrow continues to provide technical assistance to several DMC Task Forces statewide. Davidson County DMC Task Force finished the first year of their restorative discipline pilot project at Napier Elementary and is preparing to submit a report to the Burns Institute.

Hargrow reported he is providing technical assistance to coordinate the various DMC efforts in Shelby County. Shelby County has a paid County DMC Coordinator, a paid Juvenile Court DMC Coordinator and a Juvenile Detention Alternative Initiative DMC sub-committee.

Madison County DMC Task Force met on June 30, 2016 and Hargrow continues to work with Commission member Amy Jones and the DMC Task Force.

Hargrow is working with Rosalyn Leavell-Rice to obtain the necessary data from juvenile court to work with Hamilton County on DMC issues.

Hargrow reported several judges, magistrates, juvenile court staff, TCCY staff and members of the Statewide DMC Task Forces participated in a DMC 101 training in Shelby County, Tennessee on August 17 and 18. The training was developed and presented by Mark Soler and the Center for Children’s Law and Policy.

VI. Juvenile Justice and Delinquency Prevention Act (JJDP) Update – Craig Hargrow

Hargrow distributed a handout of the Proposed Regulations for the Federal Formula Grant Program. The proposed regulations reflect changes in the 2002 reauthorization of the Juvenile Justice and Delinquency Prevention Act and policy changes to the Formula Grants Program. States have been requested to respond as to how regulations will impact their efforts funded by the Federal Formula Grant Program. Hargrow reported 48 states will be out of compliance with one or more of the four core requirements if proposed regulations are put into place.

Hargrow shared the following highlights from the Juvenile Justice and Delinquency Prevention proposed regulations:

1. Change of the reporting period from the calendar year to the federal fiscal year.
2. Definition for “detain or confine” as used in the separation and jail removal requirements:

“Detain or confine means to hold, keep, or restrain a person such that a person would believe that he is not free to leave.”

3. Definition of “placed or placement” as used in the DSO requirement:

It occurs only when a status offender or a non-offender who is an alien or is alleged to be dependent, neglected, or abused, is detained or confined for a period of 24 hours or longer in a secure juvenile detention or correctional facility or for any length of time in a secure adult detention or correctional facility.
4. Monitoring Universe:

States must report federal fiscal year data from 100% of the juvenile and adult facilities. Currently, states can submit a minimum of 6 months of data and project or annualize that data to cover a twelve month period.
5. DMC:
 - a. The proposed rules codify the DMC reduction model.
 - b. States must demonstrate “adequate progress” in implementing the 5-phase reduction model.
 - c. States will respond to objective questions addressing each phase of the reduction model. The tool will be finalized September 30, 2016.
 - d. The proposed rules also provide for timelines to address each phase.
6. De Minimis Standard:
 - a. The de minimis standard is replaced with a “substantial compliance test.” OJJDP used 2013 compliance data and took the three lowest rates from each of the four JJDPA regions. Those 12 figures were averaged out to produce a new substantial compliance test.
 - b. DSO:
 - i. Current Standard: less than 5.8 per 100,000 of a state’s under 18 population;
 - ii. Proposed Standard: 0.24 per 100,000.
 - c. Jail Removal:
 - i. Current Standard: less than 9 per 100,000;
 - ii. Proposed Standard: 0.12 per 100,000.
 - d. Sight/Sound Separation:
 - i. Current Standard: no more than 2 incidents;
 - ii. Proposed Standard: zero permitted incidents.

The Juvenile Justice Committee members were very concerned about the proposed regulations and the impact they could have on the well-being of Tennessee’s children and juvenile justice system. Committee members were particularly concerned about the broad definition of “detain or confine” and the proposed “substantial compliance test.”

IT WAS MOVED (SIGLER) AND SECONDED (HARLAN) TO AUTHORIZE JUVENILE JUSTICE STAFF TO COMPILE A LETTER WITH COMMENTS

**FROM TENNESSEE IN RESPONSE TO THE PROPOSED REGULATIONS.
UNANIMOUSLY CARRIED.**

I. TJCSA Annual Conference – Commission Members and TCCY Staff

Davis reported she attends conferences to get a better understanding of the work members of the staff are doing. The sessions were very altruistic. Davis reported the highlight of the conference was the Juvenile Court tour and hearing how the court system works to provide services for youth. The facility was impressive and the tour was well organized. Davis reported on breakout sessions titled “The Effects of the Attachment: Relationship and Early Trauma on Children” and “Sudden Violence – Surviving an Active Shooter.”

Taylor reported the sessions were great. Melissa McGee and Jenn Croft presented on Adverse Childhood Experiences (ACES). Taylor always finds it beneficial to meet and network with juvenile court staff and Youth Service Officers (YSOs).

Whitfield reported on the sessions she attended and talked about the discussion in the session on Sovereign Citizens.

Sigler reported on the Tennessee Rules of Juvenile Procedure session.

II. FY 2016 Title II Solicitation Update – Vicki Taylor and Zanira Whitfield

Taylor reported the 2016 Title II Solicitation was completed and submitted on time. The application was due June 1, 2016. The Compliance Monitoring and DMC data reports were due July 15, 2016. Changes with the new solicitation include providing evidence states comply with 28 assurances, updating activities that occurred since the 2015 Title II application and providing a detailed budget on how the funds will be spent. Taylor reported we are now waiting on a response from OJJDP regarding the amount of the award for Tennessee.

III. Other Business

There being no further business, the meeting adjourned at 3:15 p.m.

Minutes Prepared by:

Minutes Approved by:

Vicki Taylor, Juvenile Justice Specialist

Phil Acord, Chair