

Juvenile Justice Committee

Location: WebEx Address: [Click to Join WebEx Meeting](#)
Call in number: 415-655-0003
Date: Friday, 7/31/2020
Time: 10:00 A.M. CDT

Present: Richard Kennedy, Exec Dir., Craig Hargrow, Dep. Exec. Dir., Zanira Whitfield, Vicki Taylor, Russette Sloan, Bill Latimer, Steve Petty

Staff Absent: Latasha Mitchell

Commission Members: Rob Mortensen, Chair, Brenda Davis, Sharon Green, Amy Jones, Altha Stewart, Rob Philyaw

Guest: Kinika Young, Tennessee Justice Center

1. **Call to Order – Rob Mortensen, Chair**

After ascertaining there was a quorum, Mortenson called the meeting to order at 10:04 a.m. Mortenson asked Commission Members and staff to introduce themselves.

2. **Richard Kennedy – Update on Budget Reduction Plan**

Kennedy advised the Committee that at the end of May all state agencies were asked to provide a 12 percent reduction plan. He reviewed strategies for how TCCY planned to meet this requirement. Highlights include giving up field staff office space and reducing travel. Kennedy reported we will also look at redesigning Children’s Advocacy Days (CAD) to a one-day event. In addition, we proposed giving up an unfilled position to help reach the 12 percent. Instead of filling John Rust’s former position, we may look at giving those responsibilities to an existing staff member along with an increase in pay. Kennedy said we also proposed a 12 percent reduction in CASA funding for FY 2021 to help reach the reduction requirement. We will not know until later if this reduction plan, or parts of it, will be accepted.

Mortensen asked if Kennedy has had conversation with Butch Eley in Finance and Administration. Kennedy did reach out to his contacts in Finance and Administration. He said they are running reductions through filters such as the impact on services in Tennessee.

Kennedy added that buy-outs may be offered by the state, but we do not have detailed information at this time.

3. **Approval of February Juvenile Justice Meeting Minutes (ACTION)**

Mortensen asked for a motion to approve the Juvenile Justice Committee minutes from the May Commission Meeting.

Judge Rob Philyaw moved to approve the minutes from May, 2020. Dr. Stewart seconded. Unanimously Approved.

3) **Staff Updates**

CASA Grants Management – Russette Sloan

Sloan stated that at the time of this report submission, the FY 2020-21 CASA contracts have not been sent out to our grantees for signature. Year-end deadlines and unexpected issues related to COVID-19 have resulted in delays in this process. Much of the pre-work has been completed and contracts will be sent out as soon as possible. In terms of FY 2019-20, all CASA programs submitted either their fourth quarter claims or accrual documentation by the designated deadline and have been sent to Centralized Accounting for processing. Sloan continues to maintain contact with CASA program directors and provide technical assistance when necessary.

Federal Formula Grant Update- Vicki Taylor

Taylor and Whitfield completed and made available the FY 2020-21 Federal Formula Grant applications. These funds come from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) Formula Grants Program in conjunction with the state's compliance with the four core requirements of the Juvenile Justice Reform Act (JJRA) of 2018. Funds are available for projects that focus on one of the following areas: **1) Racial and Ethnic Disparity (R/ED), 2) Substance and Alcohol Abuse, and 3) Delinquency Prevention and Intervention efforts.**

The reimbursement grant contracts have been sent to the parties for signatures. Members of the Youth Justice team received an email from OJJDP regarding an "operations check-in." OJJDP is assessing whether Tennessee can comply with the compliance monitoring requirements during the pandemic. Taylor and Whitfield are working on a response to the inquiry.

Deinstitutionalization of Status Offenders (DSO) Violations – Zanira Whitfield

Whitfield stated with the detention monitoring reports received to this point for FY 2019 20 are 14 DSO violations.

TCCY Compliance Monitoring audit from OJJDP has been postponed due to the Covid-19 pandemic. OJJDP has not told TCCY when it will be rescheduled.

Mortensen asked about restrictions right now in terms of the monitoring process. About half of the facilities will allow visits.

Hargrow, Whitfield and Taylor have had calls with juvenile justice staff at DCS. There are new staff at DCS and there is an educational opportunity there and TCCY will be doing ongoing calls as well as training on what our role is in terms of monitoring.

Compliance Monitoring Update- Craig Hargrow for Latasha Mitchell

Hargrow reported for Mitchell. Hargrow said the Central Procurement Office (CPO) accepted the proposed changes to the risk scores and monitoring schedules for the Juvenile Justice Reimbursement Account grants, as well as the request to change in-person site visits to virtual site visits for 2020 monitoring. Based on communication in previous years, information regarding the 2021 CPO Plan requirements should be sent out in August or September. If the requirements for the 2021 CPO Plan mirror those of the 2020 CPO Plan, the Grant Contract Monitor will need to complete a new list of findings and corrective actions for 2020 monitoring. The Grant Contract Monitor has already updated the other documents needed for the 2021 CPO Plan.

Hargrow stated monitoring for 2020 is still in progress. There have been persistent delays due to COVID-19 and the extension of 2019 monitoring. Some subrecipients have also displayed issues with communication and timely submission of requested documentation. The Juvenile Justice team met in June to discuss these issues. Consequently, two virtual site visits are still pending. Overall, the number and severity of findings and observations continues to decrease.

Racial and Ethnic Disparities- Craig Hargrow

Hargrow stated none of the local task forces have met since the last Commission meeting. Hargrow, individually, and the Youth Justice Division, as a whole, have met and communicated with representatives of the DCS Office of Juvenile Justice several times. Topics of discussion include race equity work, compliance monitoring and

collaboration between TCCY and DCS.

On July 1, 2020, Hargrow had a conference call with individuals from Shelby County to discuss ways to continue the Pennsylvania DMC Project work.

Consistent with the change in how TCCY will use its Federal Formula funds, Hargrow and the Youth Justice team made substantive changes to the grant applications to include requiring a racial and ethnic disparities component in all applications.

Dr. Stewart asked if there has been discussion in Shelby County on RED. Hargrow said in the beginning of the year there was discussion, but not a lot after COVID-19.

COVID-19 Challenges

OJJDP announced the 2020 SRAD/OJJDP conference will be virtual this year due to the pandemic. The CJJ conference will be virtual as well.

Kinika Young, Tennessee Justice Center

Monitoring Youth Development Centers – Young reported that she and others from the Tennessee Justice Center met with Department of Children’s Services recently regarding a change in policy to allow the use of pepper spray at Wilder Youth Development Center (YDC). DCS made the request due to the increase in youth-on-youth and youth-on-staff assaults. Recent practice is to call for assistance from the sheriffs in the county who do use tasers and pepper spray. This, however, has not resulted in a reduction in the number of assaults. Compared to previous years, the assaults are on a downward trend. They have asked that the existing consent decree be amended to allow use of these measures. TJC researched and laid out a position raising concerns about the use of pepper spray. This chemical agent may further increase risk during COVID-19. Medical staff have to be present after the use of spray, increasing exposure to COVID-19. Young said a letter was sent to DCS on July 20th, but TJC hasn’t heard anything back to date.

Mortensen asked about other states’ use of this method. Young said she was not sure how many states allow use versus how many states do not. They are working on getting this data.

Kennedy added that as we administer federal juvenile justice dollars, we have been having conversation about how those funds are used. We tend to award small grants across several programs. Kennedy and Hargrow have been talking about using a

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larger chunk of that money for a larger systems project. There could possibly be another tool or resource to have some of that funding available for training and culture change within the YDCs. He said we would rather see DCS try to make a change with behavioral support rather than a chemical agent.

Dr. Stewart voiced three concerns: 1. The identification of the kids as being from Shelby County is discriminating and maligning the youth from Shelby County. 2. Why are we not talking about de-escalation strategies? 3. In the midst of a pandemic, we are on the wrong path of slowing down the spread if we allow others in the centers to increase their exposure. Dr. Stewart said she would like to go on record publicly stating opposition before the use of pepper spray starts. Whitfield confirmed that DCS runs Wilder.

Kennedy said one thing we could do is draft a letter from the Commission opposing DCS's request to use pepper spray. That decision would require the action of the full Commission. Mortensen proposed drafting a letter to be presented at the full commission meeting.

Judge Philyaw said in Chattanooga they began using pepper spray about seven years ago. He said it can be used safely and properly and he feels as if it decreased the number of incidents in YDCs there. He would like to have more discussion about DCS' request.

Dr. Stewart would like to make a statement asking DCS to wait on making this decision. Young said the consent decree would have to be amended or revised. That is a bit of a process, so she feels like we have a little bit of time.

Kennedy said a follow-up meeting would be scheduled in the next few weeks.

4) **Additional Items or Comments**

5) **Motion to Adjourn**

Mortenson moved to adjourn the meeting. Philyaw seconded and all approved

Meeting ended at 11:15 a.m.

Prepared by: Russette Sloan