



The Advocate

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A newsletter on children's issues

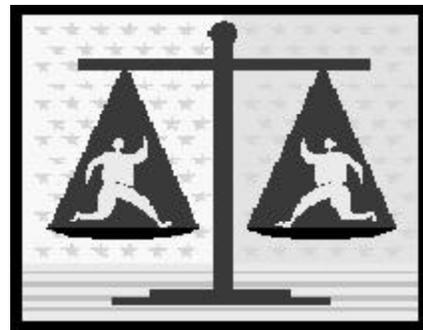
December 2001

TCCY Adds New JJ Grant Program

TCCY has accepted the responsibility of being the designated state agency for the Juvenile Accountability Incentive Block Grant (JAIBG) program in Tennessee. Accountability is the key word in the program, which differs in its goals and focus from the Juvenile Justice and Delinquency Prevention Act programs already administered by the agency. Financial and programmatic support is provided through the JAIBG program to promote greater accountability in the juvenile justice system at the state and local levels.

The JAIBG program was funded for \$250 million by Congress in the FY 1998 appropriation. Tennessee received approximately \$4.3 million in initial year funding and annual funding has continued at around this level. The JAIBG program has been operated since its inception by the Tennessee Department of Children's Services (DCS). However, in 2001, DCS decided to concentrate on implementing the Brian A. federal lawsuit consent decree and transferred administration of the JAIBG funds to TCCY.

Unless a waiver is requested, each state is required to pass through 75 percent of JAIBG funds to units of local government (counties, cities, etc.) that have been allotted \$5,000 or more based on a formula determined by the federal government. The remaining



25 percent is to be awarded to projects that benefit local areas. DCS applied for a waiver of the standard requirements, allowing 50 percent of the funds to pass through to local governments and the remaining 50 percent to be administered by DCS for local programs. TCCY has chosen not to apply for a waiver. Beginning Oct. 1, 2002, TCCY will pass through 75 percent of the JAIBG funds to local units of government and award the remaining 25 percent to agency programs and projects to benefit areas that did not receive pass-through funds.

Fifteen local units of government were granted funds totaling \$1,440,382 for FY 2002. State-allocated grants for a total of \$2,149,829 were made to 12 agencies or local units of government. State programs funded provide aftercare, intensive probation, observation and assessment, and residential

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adventure-based services. To conform with national recommendations, TCCY's priority will be to fund a variety of services that have solid research showing their effectiveness in preventing juvenile delinquency.

Coordinated Plan for Reducing Juvenile Crime.

States and units of local government must establish a coordinated enforcement plan developed by a Juvenile Crime Enforcement Coalition (JCEC) for reducing juvenile crime. The plan should be based on an analysis of the best uses of JAIBG funds to reduce juvenile delinquency, improve the juvenile justice system, and increase accountability for juvenile offenders. TCCY already serves as the State Advisory Group (SAG) for the Juvenile Justice and Delinquency Prevention Act. The law provides that a SAG can serve as a JCEC; however, the JCEC must include law enforcement representatives. The agency will finalize plans for its JCEC next year.

Local governments receiving JAIBG funds must establish local coalitions. These should include representatives of police, sheriff, prosecutors, probation services, juvenile court, schools, business, and religious, fraternal, or social service organizations involved in crime prevention. It may include other groups. Local Prevention Policy Boards for Title V delinquency prevention funds may serve as local JCECs if their membership is consistent with JAIBG requirements.

Use of Funds. Funding may be used for the following activities:

- Operation, expansion, renovation, or construction of temporary or permanent juvenile detention or correctional facilities, including training of correctional personnel (Program Purpose 1) (building funds must be matched 50/50);
- Development and administration of accountability-based sanctions programs for juvenile offenders (Program Purpose 2);
- Hiring of judges, probation officers, and defenders and funding of pretrial services to improve the administration of the juvenile justice system (Program Purpose 3);
- Hiring of prosecutors in order to reduce backlogs

of cases involving juvenile offenders (Program Purpose 4);

- Funding of prosecutor-led drug, gang, and violence programs (Program Purpose 5);
- Funding for training, technology, and equipment to help prosecutors identify and prosecute violent juvenile offenders (Program Purpose 6);
- Funding for implementation of more effective probation programs administered by juvenile courts and probation offices (Program Purpose 7);
- Establishment of juvenile gun courts to adjudicate and prosecute juvenile firearms offenders (Program Purpose 8);
- Establishment of juvenile drug court programs to provide supervision of juvenile offenders with substance abuse problems and an integrated administration of sanctions and services (Program Purpose 9).
- Establishment and enhancement of interagency information-sharing programs to promote enhanced collaboration between schools, law enforcement, and social service agencies (Program Purpose 10);
- Accountability-based programs for law enforcement referrals or to promote increased school safety by addressing drug, gang, and youth violence (Program Purpose 11); and,
- Implementing controlled substance testing (including interventions) for juvenile offenders (Program Purpose 12).



JAIBG funds cannot be used to replace state or local funds already being spent. However, for all activities

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State Supplement Program Needs Support

Juvenile Court Funds Threatened by State Revenue Crisis

Since July 1982, TCCY has operated the State Supplement program providing annual funding to each county for local juvenile courts, now \$10,000 per county. Most of these funds have been used to hire youth service officers who help families referred to juvenile court deal with problems that have contributed to their ending up in the court.

These funds had been a recurring part of the budget. In last year's budget the State Supplement grants, along with many other programs that fund local government, were put "on notice" in future budget years. They will have to be included in the budget as an improvement item. TCCY has requested the restoration of these funds to recurring funds as its first priority for budget improvement. State Supplements are also subject to a 25-percent withhold of funding during the last quarter of this fiscal year, depending on state revenues.

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except building facilities, a 10-percent state match is required. A 50-percent match is required for building.

Although the JAIBG program was funded as a part of the federal budget, authorizing legislation was never passed in the Senate. Legislation has now been passed by the U.S. House and is being considered by the U.S. Senate that will improve the program. The Consequences for Juvenile Offenders Act passed by the House would replace the current legislation. It increases funding for the program to \$1.5 billion over three years. It ups the minimum pass-through amount to \$10,000 and reduces state administrative costs to 5 percent. The bill emphasizes efforts to interrupt juveniles' criminal careers at minor levels. It adds funding categories, including:

- graduated sanctions programs (sanctions may include counseling, community service, fines, probation or confinement);
- risk and need assessments; and,
- restorative justice programs.¶¶

Eighty-seven percent of the 95 counties participating use all or part of their Special Supplement funds to pay employees. Among the important responsibilities of these employees are:

- Taking and examining complaints and allegations of delinquency and unruly behavior;
- Counseling;
- Record keeping and transmitting information to the Tennessee Council of Juvenile and Family Court Judges;
- Make investigations, reports, and recommendations to the juvenile court judge;
- Make appropriate referrals to other public or private agencies;
- Make predisposition studies and submit reports and recommendations to the court as required.

Juvenile court judges and their staffs need to advocate to their legislators for restoration of these funds.¶¶

TCCY Juvenile Justice Grant Calendar

Requests for Proposals or Letter of Availability		
Title V		February
Federal Formula		February
JAIBG		February
Application Training		
Title V		March
Fed. Formula		March
JAIBG		April
Application Deadline		
Title V		April
Fed. Formula		May
JAIBG		June
Application Decision		
Title V		May
Fed. Form.		July
JAIBG		July
Contract to Grantees		
Title V		June
Fed. Form		August
JAIBG		August

Note: Specific application deadlines will be announced next year.

Tennessee in Compliance with JJDP Law on Status Offenses

Tennessee is again in compliance with the Juvenile Justice and Delinquency Prevention Act core requirements regarding the deinstitutionalization of status offenders. In addition, factors contributing to high numbers of violations are being corrected. The number of DSO violations is expected to continue to fall because of:

- OJJDP technical assistance to Rutherford County regarding valid court orders;
- Changes to the temporary holding facility in Blount County;
- Expected increases in the number of DCS placements and reductions in the time it takes to place children in custody;
- Monitoring of detention facilities and temporary holding resources by TCCY on a monthly basis.

Counties with a High Number of Violations in 2000-2001

County	Violations	Juvenile Court Referrals CY 2000
Blount	82	Not Available
Davidson	36	11,193
Knox	60	3,645
Rutherford	46	1,391
State Total	290	80,837

Tennessee remains in compliance with the act's other core requirements:

- Removing children from adult jails;
- Separating children from adult offenders; and
- Addressing minority overrepresentation in secure confinement. ¶¶

TCCY Staff Changes

TCCY's Juvenile Justice Division director, Debrah Stafford, will oversee JAIBG activities. Philip McKenzie, who transferred from CPORT, and new employees David Lewis and Tameka Wellington will be working as juvenile justice specialists. Gloria Hillery, an accountant, and Daphne Willis, an administrative secretary, have been hired for the Juvenile Justice Division. ¶¶

DMC Task Force Report

The TCCY will be awarding funds to do more intensive system assessment and glean information about the causes of Disproportionate Minority Confinement (DMC). The statewide DMC Task Force is working with local groups to create six local task forces. A group is up and running in Memphis, and East Tennessee and Middle Tennessee task forces are organizing. Tennessee has been selected to receive intensive technical assistance to reduce Disproportionate Minority Confinement. ¶¶

Disproportionate Processing of Minority Youth

Reporting Period: 1/1/99 through 12/31/99, Statewide

	All Youth	African-American Youth	% Minority
Referral			
Status Offenders	19,855	6,760	34%
Delinquent Offenders	42,247	14,381	34%
Diverted	2,655	1,171	44%
Detained			
Nonsecure Detention	2,197	451	21%
Secure Detention	12,792	8,715	68%
Adjudicated			
Status Offenders	10,908	4,007	37%
Delinquent Offenders	22,638	9,289	41%
Transferred to Adult Court	398	200	50%
Disposition			
Case Closed	42,822	15,542	36%
Probation			
in Own Home	947	205	22%
Local Probation	8,107	2,330	29%
State Probation	2,237	422	19%
Placement-Private/			
Local Agency	4,817	1,576	33%
Commitment to State Agency	3,172	1,066	34%
Committed			
State Secure Facility	200	65	33%
Population At Risk (12 through 17)	406,259	80,902	20%

Source: Tenn. Council of Juvenile and Family Court Judges, 2001

Elements of Juvenile Justice Accountability Programs

Research on the causes of delinquency conducted by the Office of Juvenile Justice and Delinquency Prevention has found that delinquency often develops progressively from less to more serious behavior. Court intervention should start early in the progression to interrupt developmental pathways and prevent the negative progression.

Qualities of Successful Interventions

Delinquent youth are likely to use drugs, engage in sex, have learning problems, have other unruly behaviors, and join gangs. Programs need to consider all factors.

OJJDP lists the qualities of successful interventions, which should:

- Concentrate on changing negative behaviors by requiring juveniles to recognize and understand thought processes that rationalize negative behaviors;
- Promote healthy bonds with, and respect for, prosocial members within the juvenile's family, peer, school, and community network;
- Have a comprehensible and predictable path for client progression and movement. Each program level should be directed toward and directly related to the next step;
- Have consistent, clear, and graduated consequences for misbehavior and recognition for positive behavior;
- Recognize that a reasonable degree of attrition must be expected with a delinquent population;
- Provide an assortment of highly structured programming activities, including education and/or hands-on vocational training and skill development;
- Facilitate discussions that promote family problem solving;
- Integrate delinquent and at-risk youth into generally prosocial groups to prevent the development of delinquent peer groups. Bringing together only at-risk or delinquent youth to engage in school or community activities is likely to be counterproductive.

Research has also shown that community groups must be engaged to create and support prosocial community activities in which youth can succeed.

Restorative Justice

Proposed federal legislation includes a focus on balanced and restorative justice. Balanced justice programs mean that the system balances the need to ensure community safety, hold offenders accountable to victims, and help them to develop the ability to conform to community standards.

Restorative justice requires offenders to restore what they have taken from the victim and the community by paying restitution, performing community service, or both. Program results include:

- Juvenile offenders should leave the justice system with an understanding of the harm their delinquent behaviors have caused and a sense of responsibility for the consequences of their future behavior; and,
- Victims should benefit from opportunities to participate in the justice process and programs that meet some of their financial and emotional needs.

Restorative justice programs should meet the needs for justice for victims and offenders. Victims should:

- Have a sufficient opportunities to tell their truth to relevant listeners;
- Receive needed compensation or restitution;
- Have their injustice adequately acknowledged;
- Be protected against further violation;
- Feel the outcome reflects the severity of the offense;
- Be adequately informed about the crime, the offenders, and the legal process;
- Have a voice in the legal process;
- Feel justice is adequately open and public;
- Receive support from others;
- Receive assistance and support for their families; and,
- Have other needs, including material, psychological, and spiritual ones, addressed.

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Elements

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Offenders should:

- Be encouraged to understand and take responsibility for what they have done;
- Be given encouragement and opportunities to make things right;
- Be given opportunities to participate in the process;
- Be encouraged to change their behavior;
- Have changes in behavior monitored and verified;
- Have needs contributing to their behavior addressed; and,
- Have support and assistance for their families.

The relationship between the victim and the offender should be addressed in restorative justice programs.

The programs should:

- If appropriate, allow opportunities for victims and offenders to meet, and
- Allow both to exchange information about the event and about one another.

Teen Courts

In 2000 the Tennessee General Assembly passed legislation allowing juvenile court judges to set up teen courts. Although no funding accompanied the legislation, which was modified this year, some juvenile courts across Tennessee, including one in Sumner County, have organized teen courts.

Supporters of teen courts say they fit into the JAIBG focus because they hold offenders accountable and offer early intervention and prevention. In addition, teens learn more about the legal and justice systems and become more involved in the community. Teen courts allow juveniles to be judged by a panel of their peers: other teens. A juvenile court judge, however, confirms the teen court's decision. Teen courts:

- Help young people realize they will be held accountable for their problem behavior.
- Educate teens on the impact of their actions on the community, victims, and themselves;
- Build skills and knowledge in young people;
- Provide a meaningful forum for young people to use their skills and knowledge.

It is readily accepted that adolescence is a period of strong peer influence. Teen courts use this to model and encourage good behavior. Teens often complain that parents do not understand the pressures they are undergoing; however, they also are aware of ways adults can be fooled by young people.

Teen courts can be given responsibility for hearing cases involving assault, burglary, theft, vandalism, forgery, cruelty to animals, unauthorized use of a vehicle, criminal attempt, disorderly conduct, harassment, criminal trespass, traffic offenses, runaway, truancy, violation of curfew, simple possession of controlled substance, inhaling glue and other substances, possession of jimsonweed, possession of any alcoholic beverage, purchase or acceptance of tobacco products as a second violation, and unruly behavior.

Before a teen is referred to the court, a decision is made that the teen would benefit from participation in the teen court and that no special circumstances, such as mental illness or special needs of the victim, exist in the case. Participation in the teen court program may be initiated by an officer of the court and may be a condition of pretrial diversion. After hearing the case, the five-member teen court will send a written report to the judge, who may modify it.¶¶

The Advocate is published by the Tennessee Commission on Children and Youth as an information forum on children's issues. The Tennessee Commission on Children and Youth, an independent state agency, serves as an advocacy agency and information resource for planning and coordination of policies, programs, and services on behalf of the state's children and youth. The 21-member Commission, appointed by the governor, works with other agencies and with regional councils on children and youth in each development district to collect information and solve problems in children's services. To receive *The Advocate*, contact Fay L. Delk, Publications Editor, Tennessee Commission on Children and Youth, 710 James Robertson Parkway, 9th Floor, Nashville, TN 37243-0800. Phone: (615) 741-2633. Fax No.: (615) 741-5956 (fdelk@mail.state.tn.us).

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Outstanding Advocates, Juvenile Justice Survivors Needed

The Tennessee Commission on Children and Youth is soliciting nominations for awards to be presented March 5-6, 2002, at the 14th annual Children's Advocacy Days (CAD).

Jim Pryor Child Advocacy Award. Guidelines for selection of this award to recognize outstanding advocates include:

- Nominees shall have demonstrated commitment to improving, expanding, and/or advocating for children and youth;
- Nominees shall have lived in Tennessee for at least five years; and,
- Priority will be given to nominees who are/have been involved with the Tennessee Commission on Children and Youth and/or the TCCY regional councils on children and youth.

The following criteria may be used in the selection process:

- Length of service/advocacy efforts;
- Scope of service/advocacy efforts;
- Impact of service/advocacy efforts; and,
- Source of nomination.

Youth Excellence Award. Nominations are needed for the second annual Youth Excellence Award. The award honors a young adult who has overcome his or her past involvement with the juvenile justice system

with the strength to contribute to his or her community. The inaugural winner, Fredrick Harris, worked with children in state custody as an employee of the Tennessee Department of Children's Services, the agency to which he was committed as a youth. Nominees should have overcome great obstacles and be currently contributing to their communities.

The award recipient must be:

- Under 28 years of age;
- Not a member of the Commission or the National Coalition for Juvenile Justice (does not exclude members of TCCY regional councils);
- A person who was involved in the court system as a juvenile; and,
- Currently is involved, directly or indirectly, in bettering the lives of at-risk youth.

[Nomination forms for the Pryor Award and the Youth Excellence Award are available on the TCCY website at \[www.state.tn.us\]\(http://www.state.tn.us\).](#)

Call (615) 741-2633 if you need an application mailed to you. The third annual **Making KIDS COUNT Media Awards** will also be presented at CAD. TCCY staff and Commission members should be notified of newspapers and radio and television stations and their staff members who deserve to be praised.¶¶

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Meetings and Events

Council Activities

East

Jan. 2, Membership Fair and Networking Event, 8:30 – 10:30 a.m.

Feb. 6, "Character Counts," 8:30 – 10:30 a.m., TBA.

Northeast

Feb. 15, Meeting, "How to Love Your Teen," TBA.

Upper Cumberland

Feb. 12, Quarterly Meeting, "Cultural Diversity," U.C. Career Center, 9:00 a.m. to 12 noon.

C-PORT Review Schedule

Tentative 2002 Schedule

Feb. 11-15, Southwest Region. Exit Conference tba

March 11-15, Hamilton County. Exit Conference tba

April 1-5, East Tennessee Region. Exit Conference tba

Commission Meeting

For information on 2002 meetings, call (615) 741-2633.

Children's Advocacy Days

March 5 – 6, Children's Advocacy Days, Legislative Plaza, Nashville. For more information, contact (615) 741-2633.

Special Events

Jan. 15, Span TN Forum, Transitions: Early Intervention/Preschool/Kindergarten, 7:00 to 9:00 p.m., Rm. 241, Kennedy Center.

Feb. 4-5, Yes2Kids Conference, Franklin Marriott & Cool Springs Conference Center, (800) 228-9290.

March 4 - 5, Black Administrators In Child Welfare, Inc., 2002 Annual Symposium, Marriott Wardman Park Hotel, Washington DC, clong@cwla.org or (202) 639-4916.

March 6 – 8, Children 2002: Making Children A National Priority, Marriott, Wardman Park, Washington, DC, (617) 769-4003, children2002@cwla.org.

March 20-23, Quality Care for Children Family Child Care Convention, Hilton Atlanta and Towers, (404) 479-4200 or info@qualitycareforchildren.org.

April (tba), Child Abuse Prevention, "It Takes A Village." Additional info to be announced.

April 14 - 16, National Conference on Youth Courts "National Youth Court Conference 2002, Arlington, VA. For additional information go to www.youthcourt.net or call (859) 244-8193.

For more updated information on TCCY and child advocacy events, see the TCCY Web Events Calendar at www.state.tn.us/tccy/events.html.



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