North Carolina

**Governor’s Crime Commission**



**Juvenile Justice Planning Committee**

# New Member’s Orientation Guide

(Revised March 2017)

*A Division of the North Carolina Department of Public Safety*

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6. **Welcome**

Welcome, you have been appointed to one of the finest committees in state government, the Governor’s Crime Commission. Whether you are a part of the larger commission or one of the sub-committees that are critical to the Crime Commission your role is vital.

North Carolina is a diverse state that has many wonderful attributes as well as challenges it faces daily. One of the many assets the North Carolina governor has to address some of the challenges is the Governor’s Crime Commission. This group of volunteers is appointed based upon their unique perspectives about the issues facing the State of North Carolina.

You, along with the other appointees will have the opportunity to learn about some of the concerns that the state has to address, but more importantly, be part of a group that selects programs/resources willing to meet those challenges in the communities where the problems exist. Your willingness to participate in this process is a complement to the great people of this great state. It also reflects the governor’s commitment to serving all 100 counties through unique and creative programs.

As a new member you will have the opportunity to be paired with a senior member of the committee to learn how the committee operates and to answer any questions you might have as you serve. Thank you for your service and welcome to the Juvenile Justice Planning Committee, a sub-committee of the N.C. Governor’s Crime Commission.

1. **Introduction**

The Governor’s Crime Commission (GCC) is the chief advisory body to the governor and the secretary of the Department of Public Safety on crime and justice issues.

The Commission consists of 33 members, including the heads of statewide criminal justice and human service agencies; representatives are from courts systems, law enforcement agencies, local government, the General Assembly, and private citizens.

The Governor’s Crime Commission is responsible for researching issues under review by the Commission and using the results to make suggestions to the governor. These recommendations may become part of the biennial legislative agenda that recommends changes or additions to North Carolina law. In addition, GCC:

1. Acts as the single state criminal justice planning agency. It develops, coordinates, and implements comprehensive statewide system improvements, and policy and program development plans.
2. Administers all federal block grants, and other criminal justice funds, which are awarded to the state by the U.S. Department of Justice and Children’s Justice Act funds from the U.S. Department of Health and Human Services.

The Governor’s Crime Commission is also known as the State Administering Agency (SAA); an agency designated to receive and disperse OJP grant funding. The Commission currently administers the following federal block and formula grant programs:Juvenile Justice and Delinquency Prevention (JJDP), Juvenile Accountability Block Grant (JABG), Victims of Crime Act (VOCA), and Violence Against Women Act (VAWA), Sexual Assault Services Program (SASP) and Children’s Justice Act (CJA).

Monies are allocated to help both state and local government agencies throughout North Carolina.Grants are awarded on a competitive basis to government, law enforcement agencies, education and social service agencies to start new and innovative programs. GCC also provides training workshops statewide to include grant award writing, grant recipient training and other trainings as required ensuring the success of grantees.

The Governor’s Crime Commission staff announces the availability of grant funds statewide every fall via its web page. Applicants have until January 31st to complete the application. The appropriate committee, the Commission, and the secretary make decisions concerning the grant awards which are awarded in the spring.

The Governor’s Crime Commission has three committees that are made up of Commission members and advisory members. The committees are as follows (a description of each is provided later in this manual):

* Juvenile Justice Planning Committee
* Criminal Justice Improvement Committee
* Crime Victim’s Services Committee

* 1. **Creation; Composition & Meetings**

The Governor's Crime Commission is a branch of the Department of Public Safety and consists of voting and non-voting members. The Commission was created by the North Carolina legislature and its membership and responsibilities are governed by statute.

As noted in N.C. General Statute 143B-1100 the composition of the Commission should include as voting members: The governor, the chief justice of the Supreme Court of North Carolina (or the chief justice's designee), the attorney general, the director of the Administrative Office of the Courts, the secretaries (or their designee) of the departments of Health and Human Services and Public Safety, and the superintendent of Public Instruction.

Also included are the following: a judge of superior court, a judge of district court specializing in juvenile matters, a chief district court judge, a clerk of superior court, and a district attorney; and, a defense attorney, three sheriffs (one of whom shall be from a "high crime area"), three police executives (one of whom shall be from a "high crime area"), eight citizens (two with knowledge of juvenile delinquency and the public school system, two of whom shall be under the age of 21 at the time of their appointment, one advocate for victims of all crimes, one representative from a domestic violence or sexual assault program, one representative of a "private juvenile delinquency program," and one in the discretion of the governor), three county commissioners or county officials, and three mayors or municipal officials.

The General Statute also includes four public members. Those non-voting members are: the director of the State Bureau of Investigation, the deputy director of the Division of Juvenile Justice of the Department of Public Safety who is responsible for Intervention/Prevention programs, the deputy director of the Division of Juvenile Justice of the Department of Public Safety who is responsible for Youth Development programs, the section chief of the Section of Prisons of the Division of Adult Correction and the section chief of the Section of Community Corrections of the Division of Adult Correction.

As noted in General Statutes the membership of the Commission shall be selected as follows:

The following members shall serve by virtue of their office: the governor, the chief justice of the N.C. Supreme Court, the attorney general, the director of the Administrative Office of the Courts, the secretary of the Department of Health and Human Services, the secretary of Public Safety, the director of the State Bureau of Investigation, the section chief of the Section of Prisons of the Division of Adult Correction, the section chief of the Section of Community Corrections of the Division of Adult Correction, the deputy director who is responsible for Intervention/Prevention of the Division of Juvenile Justice of the Department of Public Safety, the deputy director who is responsible for Youth Development of the Division of Juvenile Justice of the Department of Public Safety, and the superintendent of Public Instruction. Should the chief justice of the Supreme Court choose not to serve, his alternate shall be selected by the governor from a list submitted by G.S. 143B-1100 Page 2, the chief justice which list must contain no less than three nominees from the membership of the Supreme Court.

The following members shall be appointed by the governor: the district attorney, the defense attorney, the three sheriffs, the three police executives, the eight citizens, the three county commissioners or county officials, the three mayors or municipal officials.

The following members shall be appointed by the governor from a list submitted by the chief justice of the N.C. Supreme Court, which list shall contain no less than three nominees for each position and which list must be submitted within 30 days after the occurrence of any vacancy in the judicial membership: the judge of Superior Court, the clerk of Superior Court, the judge of district court specializing in juvenile matters, and the chief district court judge.

Two public members provided by sub-subdivision (a)(1) d. of this section shall be appointed by the General Assembly upon recommendation of the speaker of the House of Representatives and two public members provided by sub-subdivision (a)(1) d. of this section shall be appointed by the General Assembly upon recommendation of the president pro tempore of the Senate.

The governor may serve as chairman, designating a vice-chairman to serve at his pleasure, or he may designate a chairman and vice-chairman both of whom shall serve at his pleasure.

**Creation of the Crime Commission**

The initial members of the Commission were those appointed under subsection (b) above, with those appointments being made on March 1, 1977. The terms of the membership of the Governor's Commission on Law and Order which preceded the Governor’s Crime Commission expired on February 28, 1977. With the new legislation and effective March 1, 1977, the governor appointed a new set of members to the newly created Governor’s Crime Commission and set up their appointments to be staggered as noted in N.C. General Statute 143B-1100 (c). The statute also notes that the governor may remove members from the Commission for misfeasance, malfeasance or nonfeasance. It also determines that the Commission shall meet quarterly and at other times at the call of the chairman or upon written request of at least eight of the members. A majority of the voting members shall constitute a quorum for the transaction of business. As noted in section (f) of 143-1100 the Commission shall be treated as a board for purposes of Chapter 138A of the General Statutes.

Statutory References (1965, c. 663; 1977, c. 11, s. 1; 1981, c. 467, ss. 1-5; 1981 (Reg. Sess., 1982), c. 1189, s. 4; 1991, c. 739, s. 32; 1997-443, s. 11A.118(a); 1998-170, s. 3; 1998-202, s. 4(aa); 1999-423, s. 11; 2000-137, s. 4(ee); 2001-95, s. 6; 2001-487, s. 47(g); 2007-454, s. 1; 2010-169, s. 11; 2011-145, ss. 19.1(g), (i)-(l), (x); 2012-83, s. 54; 2013-410, s. 13; 2015-9, ss. 2.3(a), (b); 2015-264, ss. 79(a), (b).)

**IV. Appointment and Removal of Members of Boards, Councils and Committees**

Unless more restrictive qualifications are provided in this chapter, the governor shall appoint each member of a board, council, or committee on the basis of the individual’s interest in public affairs, good judgment, knowledge and ability in the field for which the appointment was made, and with the objective of providing diversity of interest and points of view in the membership.

Unless other conditions are provided in the Executive Organization Act of 1973, any member of a board, council, or committee may be removed from office by the governor for misfeasance, malfeasance, or nonfeasance.

No member of a board, council, or committee may use his position to influence any election or the political activity of any person, and any such member who violates this paragraph may be removed from such office by the governor, if such member was appointed by the governor, or by the appointing authority, if such member was not appointed by the governor.

Nothing herein shall prohibit such member from publishing the fact of his membership in his own campaign for public office. (1973, c. 476, s. 16; 1981, c. 520, s. 2.)

**Each appointed Committee member shall have access to and participate in Ethics Training at least on a bi-annual basis as offered by the Governor’s Crime Commission staff. This will be coordinated by the Ethics Liaison. The training can be found at** [**http://www.ethicscommission.nc.gov/education**](http://www.ethicscommission.nc.gov/education)

 **V. History of The JJPC**

The Juvenile Justice Planning Committee (noted from here on as JJPC) is the longest standing committee of the Governor’s Crime Commission. In 1977, Governor Jim Hunt formally established the Crime Control Division (G.S. CH 143B-477, renamed the “Governor’s Crime Commission Division” in 1979) from the Law and Order Committee; he kept the JJPC intact. In 1998, Governor’s Crime Commission members recommended restructuring the committees based on trends and issues in the both adult and juvenile crime. The JJPC was divided into two committees—delinquency prevention and juvenile crime intervention. The two committees re-merged in 2001.

The JJPC distributes funding for innovative programs such as:

* Community-based alternatives program for juvenile offenders throughout the state
* Original prototype of the court counseling program
* Interagency School Discipline Project, the precursor to Drop-Out Prevention
* In-School Suspension programs
* Reducing community contributors to delinquency
* Early intervention with high risk groups of children and families including after school and mentoring programs
* Statewide training of court personnel, social service workers, mental health professionals, juvenile justice professionals and law enforcement officers on child abuse and neglect, special education law, Juvenile Crime Prevention Council training and other relevant topics
* Support of the development of multi-disciplinary teams responding to child sexual abuse cases
* Structure Day Programs for court-involved youth that have been suspended or expelled from school

In response to the increasing rate of juvenile crime in the early 1990s, the GCC and JJPC convened a two-day planning session in June 1996. Members were assigned to subcommittees tasked with addressing enforcement or legislative issues. From the planning session, the GCC made recommendations that led to the 1998 passage of the **Juvenile Justice Reform Act**:

* Establishment of graduated sanctions for juveniles adjudicated delinquent by the courts,
* Changes to the juvenile code, and
* Establishment of a single cabinet level juvenile justice agency.

**VI. Purpose of The JJPC**

The Juvenile Justice Planning Committee of the Governor’s Crime Commission serves as North Carolina’s State Advisory Group (SAG), as required under the Juvenile Justice and Delinquency Prevention Act of 1974 (JJDP Act). The Governor’s Crime Commission functions as the state’s supervisory board under 28 C.F.R. § 31.103 and in compliance with the requirements of the Justice System Improvement Act of 1979.

The overall objective of the North Carolina State Advisory Group is to provide resources to community based-groups or public agencies that serve youth who are at-risk of becoming delinquent due to individual, school, family, peer or community factors. These resources will also be provided to community-based groups or public agencies that provide services for youth who are delinquent, undisciplined, or involved in the juvenile court process, from intake through aftercare.

In keeping with the mission of North Carolina’s SAG, federal funding allocations will continue to support programs which meet the growing needs of the young people of the state. Programming to further the state’s compliance with the JJDP Act and to reduce racial disproportionality remain priorities of the North Carolina SAG.

**VII. Responsibilities of The JJPC**

The Juvenile Justice Planning Committee serves in an advisory capacity to fulfill federal regulations of juvenile justice related funding sources. The Federal Juvenile Justice & Delinquency Prevention Act of 2002 requires an advisory board (the State Advisory Group- SAG) to the governor and legislature on requirements of JJDP, the development of a three-year plan to address juvenile justice issues in the state, and the distribution of Title II funds.

In 1988, the Governor’s Crime Commission began to administer Children’s Justice Act funds. The Juvenile Justice Planning Committee also serves as the Children’s Justice Task Force, which makes policy and training recommendations to improve the handling of child abuse and neglect cases. Every three years, the Children’s Justice Task Force must review and evaluate state investigative, administrative and both civil and criminal judicial handling of child abuse and neglect cases and cases involving a potential combination of jurisdictions.

Members review grants annually and consider awards based upon previously agreed upon priority needs. These recommendations are forwarded to the Governor’s Crime Commission who then vote on the recommendations and approve the funding of those grants.

Lastly, the committee acts as the State Advisory Board, as required by the Juvenile Accountability Block Grant (JABG), which is designed to strengthen the Juvenile Justice system by encouraging states to provide resources to programs serving juvenile offenders which demonstrate accountability for their performance. It also encourages programs to use and engage in evidence -based practices, promising practices and other programs that have been recommended by the OJJDP. Some of these programs can be located at <https://www.ojjdp.gov/programs/index.html>.

Attendance is a vital part of each member’s responsibility upon his or her appointment to the JJPC. Although attendance is not mandatory each individual should, make an attempt to personally attend each called meeting or participate via conference call. Any member that cannot participate in a called meeting, should in advance of the meeting contact either the Chair of the Committee or any JJ staff member to inform them of the absence.

**VIII. Membership**

The Juvenile Justice Planning Committee is a diverse group of professionals and private citizens with expertise and experience in a number of disciplines impacting juvenile justice. The members fulfill the requirements of each funding source administered by the Juvenile Justice Planning Committee. Each member will have full voting rights on matters that come before the JJPC except when the member identifies a conflict of interest:

|  |  |  |
| --- | --- | --- |
| **Member** | **Position on Committee** | **Federal Funding**  |
| Volunteer-Works with Children | Chair of Committee and Commission | JJDP/JABG, CJA |
| Superior Court Judge | Juvenile & Family Court JudgeCriminal Court Judge | JJDP/JABGCJA |
| Secretary, Dept. of Corrections | Ex-OfficioLaw Enforcement Community | JJDP/JABGCJA |
| (4) Members under 24 involved in Juvenile Justice issues | (4) Youth Members | JJDP/JABG |
| Local elected official | Local elected official | JJDP/JABG |
| Chief of Police | Law Enforcement Community | JJDP/JABG, CJA |
| Deputy Director, Division of Adult Correction & Juvenile Justice | Works with Delinquent YouthExperience working with children with disabilities | JJDP/JABGCJA |
| Executive Director, Youth-Serving Organization | Public/Private Mental Health OrganizationMental Health Professional | JJDP/JABGCJA |
| Volunteer-Works with Children | Guardian ad Litem volunteer | JJDP/JABG, CJA |
| Secretary, Dept. Health & Human Services | Ex-OfficioHealth Professional/Child Protective Services | JJDP/JABGCJA |
| Delegated Representative, Dept. Public Instruction | Ex-OfficioExperience working with children with disabilities | JJDP/JABGCJA |
| Chief District Court Judge | Juvenile & Family Court Judge | JJDP/JABG, CJA |
| Deputy Commissioner, Division of Adult Correction & Juvenile Justice | Ex-Officio | JJDP/JABG |
| Superintendent of Public Instruction | Ex-Officio | JJDP/JABG |
| (3) Executive Directors, Youth-Serving Organization | Private non-profits focusing on delinquencyParent Group representatives | JJDP/JABGCJA |
| District Court Judge | Juvenile & Family Court Judge | JJDP/JABG, CJA |
| University Professor | EducationMental Health Professional | JJDP/JABGCJA |
| (2) Volunteers-Work with Children | (2) Volunteers-Work with Children | JJDP/JABG |
| Superintendent of County Public Schools | Education | JJDP/JABG |
| Director, County Youth Services | Youth ServicesParent Group representative | JJDP/JABGCJA |
| Court Counselor | Juvenile Probation | JJDP/JABG |
| County Attorney | Prosecuting Attorney | JJDP/JABG, CJA |
| Defense Attorney | Defense Attorney | JJDP/JABG, CJA |

* *An official list of sub-committee membership will be given to each member upon appointment and will be updated as appointments change during the year.*

**IX. Funding Sources**

Children's Justice Act

The Children's Justice Act (CJA) provides grants to improve the investigation, prosecution and judicial handling of cases of child abuse and neglect, particularly child sexual abuse and exploitation, in a manner that limits additional trauma to the child victim. This also includes the handling of child fatality cases in which child abuse or neglect is suspected, and some cases of children with disabilities and serious health problems who also are victims of abuse and neglect.

Since fiscal year 2000, $17 million in CJA funds have been made available annually for distribution to the 50 states, the District of Columbia, Puerto Rico, American Samoa, Guam, the Northern Mariana Islands, and the Virgin Islands. States must apply for the funds and meet certain eligibility requirements, including receipt of the CAPTA State Grant and establishment of a CJA Task Force as outlined in the legislation. Funds are allocated in the amount of $50,000 per state, plus an additional amount based on the population of children less than 18 years of age in the applicant's jurisdiction. Funding comes from the Crime Victims' Fund, which collects fines and fees charged to persons convicted of federal crimes. The fund is administered by the U.S. Department of Justice, Office of Victims of Crime (OVC) and the grants are awarded by the Administration on Children, Youth and Families, U.S. Department of Health and Human Services, as outlined in Section 107(a) of the Child Abuse Prevention and Treatment Act. (CAPTA), as amended, by the Keeping Children and Families Safe Act of 2003.

Typical CJA activities:

1. Developing curricula and conducting training for personnel in law enforcement and child protective services, as well as health and mental health professionals, prosecutors and judges.
2. Establishing or enhancing child advocacy centers and other multidisciplinary programs to serve child victims and their families in order to minimize trauma.
3. Establishing and supporting local and/or state child fatality review teams, including multidisciplinary training, team development, and annual reporting.
4. Supporting the enactment of laws to improve systems response, including allowing the admission of indirect testimony of children into evidence, making the courtroom setting less intimidating to children, increasing the penalties for sexual offenses against children, requiring mandatory sentencing, shortening the trial process, and permitting victims to make statements prior to sentencing.

To be eligible for CJA funds, states must be eligible for the CAPTA Basic State Grant and are required to establish and maintain a multidisciplinary Task Force on Children's Justice. The Task Force is to be comprised of representatives from selected disciplines involved in handling child abuse and neglect cases, including the basic state grant coordinator.

The Task Force makes policy and training recommendations regarding methods to better handle these cases, with the expectation that it will result in reduced trauma to the child victim and the victim's family, while insuring fairness to the accused.

Every three years after the initial award, the Task Force is required by legislation to conduct a comprehensive evaluation of the State's systems related to the investigative, administrative and judicial handling of child abuse, neglect and exploitation cases and child maltreatment-related fatalities and make recommendations for improvements to those systems.

Task Force Responsibilities

1. Every three years the CJA Task Force is required to create a set of training and policy recommendations. These recommendations are grouped into three categories:
2. Activities to improve investigative, administrative and judicial handling of cases;
3. Steps to establish experimental, model or demonstration programs; and
4. Activities to reform state laws, ordinances, regulations, procedures or protocols.

Once the recommendations have been approved by the task force, they are presented to the Juvenile Justice Committee for review and approval. The Juvenile Justice Committee then presents the final recommendations to the full Commission.

At each meeting the CJA Task Force is responsible for reviewing the current recommendations and sharing updates on any progress made toward the recommendations.

At the end of each three-year cycle, GCC staff, with the assistance of the CJA Task Force, submits an assessment that evaluates the degree to which the recommendations have been implemented.

Each three-year assessment includes the recommendations for the next three-year cycle.

1. Each year, GCC staff, with the assistance of the CJA Task Force submits a CJA funding application.
2. Each year, the Juvenile Justice Committee establishes its funding priorities. Applications are received and scored by the Committee members. The CJA Task Force provides review and information, as requested by the Committee, on those applications that impact the CJA recommendations.

The Children's Justice Act (CJA) provides grants to improve the investigation, prosecution and judicial handling of cases of child abuse and neglect, particularly child sexual abuse and exploitation, in a manner that limits additional trauma to the child victim. This also includes the handling of child fatality cases in which child abuse or neglect is suspected.

In Fiscal Year 2004, $17 million in CJA funds were available to the 50 states, the District of Columbia, Puerto Rico, American Samoa, Guam, the Northern Mariana Islands and the Virgin Islands. Funds are allocated in the amount of $50,000 per state, plus an additional amount based on the population of children less than 18 years of age in the applicant's jurisdiction.

 Funding comes from the Crime Victims' Fund, which collects fines and fees charged to persons convicted of federal crimes. The fund is administered by the U.S. Department of Justice, Office of Victims of Crime (OVC) and the grants are awarded by the Administration on Children, Youth and Families, U.S. Department of Health and Human Services, as outlined in Keeping Children and Families Safe Act of 2003, which reauthorized and amended section 107(a) of the Child Abuse Prevention and Treatment Act.

Typical CJA activities:

1. Developing curricula and conducting training for personnel in law enforcement and child protective services, as well as health and mental health professionals, prosecutors and judges.
2. Establishing or enhancing child advocacy centers and other multidisciplinary programs to serve child victims and their families in order to minimize trauma.
3. Establishing and supporting local and/or state child fatality review teams, including multidisciplinary training, team development, and annual reporting.
4. Supporting the enactment of laws to improve systems response, including allowing the admission of indirect testimony of children into evidence, making the courtroom setting less intimidating to children, increasing the penalties for sexual offenses against children, requiring mandatory sentencing, shortening the trial process, and permitting victims to make statements prior to sentencing.

To be eligible for CJA funds, states must be eligible for the basic state grant requirements in section 106(b) of the Act and are required to establish and maintain a multidisciplinary Task Force on Children's Justice. The task force is to be comprised of representatives from selected disciplines involved in handling child abuse and neglect cases, including the basic state grant coordinator.

The Task Force makes policy and training recommendations regarding methods to better handle these cases, with the expectation that it will result in reduced trauma to the child victim and the victim's family, while insuring fairness to the accused.

Every three years after the initial award, the Task Force is required by legislation to conduct a comprehensive evaluation of the state's systems related to the investigative, administrative and judicial handling of child abuse, neglect and exploitation cases and child maltreatment-related fatalities and make recommendations for improvements to those systems.

**X. The JJDPA and Compliance**

**Monitoring for the Core Requirements**

Since its passage in 1974, the Juvenile Justice and Delinquency Prevention (JJDP) Act has changed the way states and communities deal with troubled youth. The original goals of the act and of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) were simple: to help state and local governments prevent and control juvenile delinquency and to improve the juvenile justice system. These goals were reaffirmed in the reauthorization of the Act in 2002.

A second important element in the 1974 Act was to protect juveniles in the juvenile justice system from inappropriate placements and from the harm, both physical and psychological that can occur as a result of exposure to adult inmates. Yet another important element of JJDP Act emphasized the need for community-based treatment for juvenile offenders. In passing the JJDP Act, Congress recognized that keeping children in the community is critical to their successful treatment.

The JJDP Act, through the 2002 reauthorization, reestablishes four core requirements with which participating states and territories must comply to receive grants under the JJDP Act:

* Deinstitutionalization of status offenders (DSO).
* Separation of juveniles from adults in institutions (separation).
* Removal of juveniles from adult jails and lockups (jail removal).
* Reduction of disproportionate minority contact (DMC), where it exists.

Meeting the core requirements is essential to creating a fair, consistent, and effective juvenile justice system that advances the important goals of the JJDP Act.

Each state, as part of its annual three-year state plan, submits strategies for maintaining compliance or achieving compliance with the four core requirements of the JJDP Act: Deinstitutionalization of Status Offenders (DSO); Separation; Jail and Lockup Removal; and Disproportionate Minority Contact (DMC).

Each participating state must develop and implement a strategy for achieving and maintaining compliance with the four core protections; this then determines eligibility for its continued participation in the federal grant programs. For example, failure to achieve or maintain compliance, despite good faith efforts, reduces the formula grant to the state by 20 percent for each core requirement not met.

**Deinstitutionalization of Status Offenders**

The DSO provision was included in the original JJDP Act. As enacted in 1974, the act required states to “provide within three years, those juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult (i.e., status offenders), shall not be placed in juvenile detention or correctional facilities, but must be placed in shelter facilities.”

A 1977 amendment to the JJDP Act expanded the DSO provision to expressly include non-offenders such as dependent and neglected youth. It also removed the requirement that these juveniles be placed in shelter facilities, allowing state and local governments’ additional latitude in the placement of status offenders and non-offenders.

In 1980, Congress specified that status offenders and non-offenders must be removed from “secure” juvenile detention and correctional facilities. Congress also added a new jail and lockup removal requirement, which prohibits juveniles, including accused and adjudicated delinquents, status offenders, and non-offenders, from being detained in adult jails and adult lockups. Congress further amended the JJDP Act that year to allow states to detain or confine status offenders in secure juvenile facilities for the violation of a valid court order.

As amended by the JJDP Act, Secure Holding of Status Offenders—Prohibitions and Exceptions reads, “The JJDP Act provides that status offenders, non-offenders, and civil-type offenders not be detained or confined in secure detention or correctional facilities. There may be rare situations, however, where short-term secure custody of accused status offenders may be necessary. For example, detention in a juvenile facility for a brief period of time prior to formal juvenile court action for investigative purposes, for identification purposes, or for the purpose of allowing return to the juvenile’s parents or guardian may be necessary.”1 (OJJ *Guidance Manual*)

“Detention for a brief period of time under juvenile court authority may also be necessary in order to arrange for appropriate shelter care placement. Therefore, OJJDP regulations allow a facility to hold an accused status offender in a secure juvenile detention facility for up to 24 hours, exclusive of weekends and legal holidays, prior to an initial court appearance and for an additional 24 hours, exclusive of weekends and legal holidays, immediately following an initial court appearance. Status offenders who fail to appear for court hearings remain status offenders; they cannot be upgraded to delinquent offenders for their failure to appear.” 1 (OJJ *Guidance Manual* )

“Status offenders cannot be securely detained after adjudication unless all of the conditions of the VCO Exception are met. Juveniles who have committed a violation of the Youth Handgun Safety Act or are held in accordance with the Interstate Compact on Juveniles as enacted by the state are excluded from the DSO requirement in total.” 1 (OJJ *Guidance Manual*)

**Separation**

Since the inception of the juvenile justice system, the practice of incarcerating juveniles with adult inmates has been criticized. The placement of juveniles in institutions where they are mixed with adult inmates is emotionally and physically traumatic, often resulting in further victimization. Moreover, commingling juvenile offenders with adults provides an education in crime and undercuts the intent of a separate juvenile justice system designed to rehabilitate and treat juvenile offenders.

In one of the original provisions of the JJDP Act, Congress sought to provide separation between adult inmates and juveniles in institutional settings such as jails, lockups, prisons, and other secure facilities. The JJDP Act of 2002, as amended, provides that “juveniles alleged to be or found to be delinquent,” as well as status offenders and non-offenders, “will not be detained or confined in any institution in which they have contact with adult inmates.” The 2002 Act further requires that “there is in effect in the state a policy that requires individuals who work with both such juveniles and such adult inmates, including in collocated facilities, [to] have been trained and certified to work with juveniles.”

**Jail and Lockup Removal**

Although many of the juveniles taken into police custody and referred to the juvenile court can be released to parental custody to await court action, juveniles who have committed serious crimes and are a safety risk to the community may be removed from their homes and placed in secure facilities pending court hearings. Prior to the passage of the jail and lockup removal provision in the JJDP Act, this frequently resulted in juveniles being placed in adult jails or lockups in danger of physical or emotional harm from adult prisoners.

Research has shown that young people held in adult facilities were sexually assaulted five times more often that youth in juvenile facilities, assaulted by staff twice as often, and assaulted with a weapon 50 percent more often.

In an effort to protect juveniles in custody and to meet the 1974 separation requirement of the JJDP Act, jail officials sometimes placed juveniles in solitary confinement. This practice aggravated the psychological effects of jailing and, in some cases, led to suicide. In fact, juveniles in jails are found to commit suicide eight times more often than those in juvenile detention facilities. Moreover, young people in adult facilities were being deprived of educational and other services provided in juvenile facilities. For these reasons, Congress amended the JJDP Act in 1980 to include the jail and lockup removal requirement, which states that “no juvenile shall be detained or confined in any jail or lockup for adults,” a requirement reaffirmed in the JJDP Act of 2002.

The JJDP Act of 2002 provides the following exception; “juveniles who are accused of non-status offenses who are detained in such jail and lockup for a period not to exceed 6 hours for processing or release, while awaiting transfer to a juvenile facility, or in which period such juveniles make a court appearance, and only if such juveniles do not have contact with adult inmates.” Under special circumstances, the Act also provides for a “rural” exception of up to 48 hours (excluding Saturdays, Sundays, and legal holidays). (See section 2.4 of the *Guidance Manual* for details.)

**XI. Disproportionate Minority Contact**

**DMC as a Core Requirement**

In the 1988 amendment to the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974 (Public Law 93-415, 42 U.S.C. 5601 et seq.), Congress mandated that the Office of Juvenile Justice and Delinquency Prevention (OJJDP) require all states participating in the Formula Grants Program (Title II, Part B, of the Act) to address disproportionate minority confinement (DMC) in their state plans. Specifically, if the proportion of a given minority group of youth who are detained or confined in state’s secure detention facilities, secure correctional facilities, jails, and lockups exceeded the proportion of that group represented in the general population, the state was required to develop and implement plans to reduce the disproportionate representation (Section 223(a)(23)).

In the 1992 amendments to the JJDP Act, DMC was elevated to a core protection for youth, with future funding eligibility tied to state compliance.

The JJDP Act of 2002, signed into law on November 2, 2002, modified the DMC requirement of the Act as follows: “In order to receive formula grants under part (Part B), a state shall submit a plan for carrying out its purposes applicable to a 3-year period…In accordance with regulations which the Administrator shall prescribe, such plan shall…(address) juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups who come into contact with the juvenile justice system.

 This change essentially broadens the DMC initiative from disproportionate minority “confinement” to disproportionate representation of minority youth at all decision points along the juvenile justice system continuum. It further requires multi-pronged intervention strategies including not only juvenile delinquency prevention efforts, but also system improvement efforts to assure equal treatment of all youth.

**How to Meet the DMC Core Requirement of JJDP Act**

Pursuant to section 223(a) (22) of the JJDP Act, states must address specific delinquency prevention and system improvement efforts to reduce the rate of contact with the juvenile justice system of a specific minority group, if that rate is significantly greater than the rate of contact for whites or for other minority groups. The analysis should be conducted separately for each minority group within the state or locality that represents at least 1% of the total youth population at risk.

For purposes of this statutory mandate, majority population is defined as white (not Hispanic). Minority populations are defined as non-white and grouped as: American Indian or Alaska Native; Asian; Black or African-American; Hispanic or Latino; Native Hawaiian or Other Pacific Islander. These six racial/ethnic categories serve as a minimum standard and permit additional categories provided they can be aggregated to the standard categories. States and localities are encouraged to address specific subgroups (e.g., the Filipinos or Samoans officially classifies as Other Pacific Islanders) if their State and local circumstances indicate that such groups may be affected by DMC.

Contact refers both to the initial legal encounters through law enforcement (arrest) and to ongoing contact through actions within the juvenile justice system such as diversion, detention, referral to juvenile court, issuance of petitions, adjudication as delinquent, placement on probation, placement in secure juvenile corrections, transfer to adult court, and other such processes unique to the states and localities.

The purpose of this core requirement is to ensure equal and fair treatment for every youth (regardless of membership in a minority or majority population group) involved in the juvenile justice system. It is essential that states approach this statutory mandate in a comprehensive, balanced, multi-prong, and ongoing manner and address any individual, family, community, education system, and other issues related to juvenile justice system involvement and any features of their juvenile justice system and related laws and policies that may account for disproportionate juvenile justice system contact by juveniles of a specific minority group relative to all other racial/ethnic groups.

States undertake efforts to reduce DMC by moving through the following phases on an ongoing basis:

Identification: to determine the extent to which DMC exists.

Assessment: to assess the contributing factors to DMC, if it exists

Intervention: to develop and implement intervention strategies to address these identified contributing factors.

Evaluation: to evaluate the effectiveness of the chosen intervention strategies.

Monitoring: to note changes in DMC trends and to adjust intervention strategies as needed.

Each state must report on its progress and describe its DMC reduction plan for the coming three years and the next year in its comprehensive JJDP three-year plan and subsequent plan updates, respectively. OJJDP reviews the plan and its updates annually. Any state that fails to show progress in its DMC reduction plan under review stands to lose 20 percent of its formula grants allocation for the year.

Challenges in Reducing DMC

Many states and localities have made great strides in understanding the factors that contribute to DMC and have designed and implemented strategies to address those factors. Some states and localities have even attempted to evaluate their efforts and monitor their DMC trends. However, important challenges remain, and they must be overcome before a significant reduction in DMC is achieved. These challenges include:

* Factors contributing to DMC have still not been identified in a number of states.

Although a majority of states has implemented strategies to address DMC, many states have yet to identify the factors contributing to DMC in their communities. This is primarily because they have been unable to complete quality assessment research, a task that requires not only high levels of data collection and analysis skills but also an in-depth conceptual understanding of complex DMC issues.

* Incomplete and inconsistent data systems hinder DMC efforts.

Incomplete and inconsistent data systems constitute another important barrier to DMC assessment and monitoring in many states. Some states have recognized a need to enhance juvenile justice information systems but have improved little to date.

* Evaluation of DMC efforts and monitoring of DMC trends should be ongoing.

Ongoing and comprehensive data collection to monitor DMC rates provides valuable feedback on the effectiveness of a state’s overall strategy to reduce DMC over time. Evaluation of intervention activities yields information about whether a specific intervention is working. The state can then examine which elements of the strategy made a difference. On the other hand, where DMC rates persist or increase further, careful study can lead to appropriate modifications or new intervention strategies. Although many states recognize the need to conduct an ongoing evaluation of DMC efforts to monitor trends, many states have not done so, in part because of the data problems described above.

* Reducing DMC requires systems change as well as programmatic components.

Although the majority of states commonly recognize that multiple factors at different decision points contribute DMC, they have primarily invested in delinquency prevention and intervention programs that focus on minority youth, their families, and communities. System change, efforts to address the factors within the juvenile justice system that contribute to DMC, is also necessary as specified in the JJDP Act of 2002 Section 223(a)(22). As part of efforts to institute a cultural competency model, cultural sensitivity training for personnel involved in the juvenile justice system and increasing cultural diversity among staff should be systematically provided, enhanced, and monitored. Similarly, systematic training in the use of standardized screening instruments is necessary to achieve maximum objectivity in decision-making.

* Mechanisms to assess and respond to DMC issues need to be institutionalized.

DMC is a pervasive and deeply entrenched social phenomenon that requires multi-faceted, comprehensive efforts over a long period of time. Factors such as frequent staff turnover, competing priorities and the complex nature of the issues affecting DMC can impede these efforts. To achieve focus and consistency in reducing DMC, states should establish and institutionalize mechanisms that examine and respond to the factors that contribute to it. At a minimum, state infrastructure should include: a state-level DMC coordinator and an effective DMC subcommittee working in partnership to address DMC issues.

North Carolina’s DMC Reduction Initiative

In 2002, the North Carolina Governor’s Crime Commission hired a full-time DMC Coordinator to staff the DMC subcommittee and maintain the state’s momentum in developing strategies to reduce minority overrepresentation in the juvenile justice system. North Carolina’s overall approach to addressing DMC consists of the following:

* Collaborating with the North Carolina Division of Adult Correction & Juvenile Justice in developing a uniform data collection system which will allow for accurate collection of data; this data is to be collected at the decision points which would allow for an accurate measurement of possible disparities in decision-making.
* Increasing the awareness of disproportionate minority contact in the juvenile justice system and educating the public, juvenile justice professionals, as well as the full Governor’s Crime Commission through conference presentations, developing print materials for dissemination, and using technical assistance resources available through the federal government.

**XII. Acronyms**

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| --- | --- | --- |
| AOC | Administrative Office of the Courts | N.C. court system |
| CPS | Child protective services | Same as Division/Dept of Social Services, refers to agency authorized to investigate complaints of child abuse and neglect, may refer to state supervising agency or county administrative agency |
| CTSP | Comprehensive Treatment Services Program | State appropriated program; administered through NC Division of Mental Health, Developmental Disabilities, and Substance Abuse Services; funding for appropriate and medically necessary treatment alternatives for children at risk of institutionalization or removal from their home, targeted for children not eligible for Medicaid (healthcare for low-income families) |
| DCD | Division of Child Development | Division within NC Dept. of Health & Human Services, regulates licensed child care centers and homes in the state, investigates complaints of child abuse and neglect at child care facilities |
| DHHS | Dept. of Health & Human Services | NC department that includes public health, social services, child protective services, mental health, disabilities, substance abuse services, Medicaid, and licensing of group homes and child care centers and homes |
| DACJJ  | Division of Adult Correction & Juvenile Justice  | NC department administers juvenile justice system; responsible for administering programs for at-risk youth, managing court-involved youth through court counselors (probation officers), and providing appropriate services/rehabilitation for youth (from diversion through incarceration) who come into contact with the juvenile  |
| DCD | Division of Child Development | Division within NC Dept. of Health & Human Services, regulates licensed child care centers and homes in the state, investigates complaints of child abuse and neglect at child care facilities |
| PBS | Positive Behavior Support |  |
| PCP | Person-Centered Plan |  |
| RRI | Relative Rate Index |  |
| SAG | State Advisory Group |  |
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| --- | --- | --- |
| GCC | Governor’s Crime Commission |  |
| IDS | Indigent Defense Services |  |
| JJDP Act | Juvenile Justice & Delinquency Prevention Act |  |
| LME | Local Management Entity |  |
| MDT | Multidisciplinary Team |  |
| MRS | Multiple Response System |  |
| OJD | Office of Juvenile Defender |  |
| OJJDP | Office of Juvenile Justice & Delinquency Prevention |  |
| PBS | Positive Behavior Support |  |
| PCP | Person-Centered Plan |  |
| RRI | Relative Rate Index |  |
| SAG | State Advisory Group |  |
| SBI | State Bureau of Investigation |  |
| SOC | System of Care | National model for multiple agencies to come together to make collaborative decisions about how to meet the needs of children and families |
| YDC | Youth Development Center |  |

**Acronyms used within the Juvenile Justice Community**

**JCPC**- Juvenile Crime Prevention Council

**NCJSA**- North Carolina Juvenile Services Association

**NCACAY** or CAY-North Carolina Association of Community Alternatives for Youth

**CJJ**- Coalition of Juvenile Justice

**SPEP**-Standardized Program Evaluation Protocol

**PEP**-Program Enhancement Plan

**NPJS**-National Partnership for Juvenile Services

**NSJS**-National Symposium on Juvenile Services

**SRO**-School Resource Officer

**JJTC-**Juvenile Justice Treatment Continuum

**IH**-Intensive in-home

**MI**- Motivational Interviewing

**PPAT**-Permanency Plan Action Team

**CFT-**Child and Family Team Meeting

**SA**-Substance Abuse

**PRTF**-Psychiatric Residential Treatment Facility

**YDC-**Youth Development Center

**MST**-Multi Systemic Therapy

**TF-CBT**-Trauma-Focused Cognitive Behavioral Therapy

**Governor’s Crime Commission Grant Specific Acronyms**

**GCC-** Governor’s Crime Commission

**CRM**-Customer Relationship Management

**NCID**-North Carolina Identity Management

**OMB-**Us- Office of Management and Budget

**OCFO**-Office of Chief Financial Officer

**OJP**-Office of Justice Programs

**SAM-**System of Award Management

**BA**-Budget Adjustment

**ER**-Expense Reimbursement

**VOCA**-Victims of Crime Act

**CJI-**Criminal Justice Improvement

**BJAG**-Byrne Justice Assistance Grants

**JAG**-Justice Assistance Grant

**SASP**-NC-Sexual Assault Services Program

**SA** Sexual Assault

**SPR**-State Performance Report

**DPS**-Department of Public Safety

**GEMS-**Grant Enterprise Management System

**PIN**-Project Identification Number

**OSA**-NC Office of State Auditor

**DOJ**-US-Department of Justice

**CFR-**Code of Federal Regulations

**DUNS**- Data Universal Numbering System  -Dun & Bradstreet Credibility Corp

**NBA**-Non-Budgetary Adjustment

**PMT**-Performance Management Tool

**VAWA-**Violence Against Women’s Act

**JJP-**Juvenile Justice Planning

**JJDP**-Juvenile Justice Delinquency Prevention’s

**CJA-**Children’s Justice Act

**DV**-Domestic Violence

**RSAT**-Residential Substance Abuse Treatment

**JABG-**Juvenile Accountability Block Grant

**PPB**-Prevention Policy Board

**OVC-**Office for Victim of Crime

**ANA**-Awards Notification and Acceptance

**FPOC**-Financial Point of Contact

**CAP**-Corrective Action Plan

**FFATA-**Federal Funding Accountability and Transparency Act

**IDES**-Internet Data Entry System

**FSRS**-Federal Subaward Reporting System

**SAG**-State Advisory Group

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