



## **Federal Advisory Committee on Juvenile Justice**

### **Webinar Meeting**

Friday, April 20, 2015

#### **U.S. Department of Justice, Office of Justice Programs Office of Juvenile Justice and Delinquency Prevention**

1:00 pm – 4:00 pm (ET)

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### **SUMMARY**

On April 20, 2015, the Federal Advisory Committee on Juvenile Justice (FACJJ) hosted a webinar meeting to discuss and approve new recommendations to the Office of Juvenile Justice and Delinquency Prevention (OJJDP). FACJJ subcommittees were created to generate draft recommendations for consideration by the full FACJJ in three issue areas:

- The Expungement and Confidentiality of Records Subcommittee examined the barriers to youth, resulting from their juvenile records, as they grow into adulthood and experience the collateral consequences of delinquency related to housing, employment, and education. The obstacles are further exacerbated by increasing public access to those records in a digital age.
- The Research and Publications Subcommittee focused on identifying juvenile justice research issues impacting the states and reviewing and recommending how research and best practices are disseminated.
- The Legislation Subcommittee was tasked to study and communicate the implications of the Juvenile Justice and Delinquency Prevention Act (JJDPA) reauthorization; clarify FACJJ roles and boundaries; and solicit State Advisory Group input on reauthorization issues.

OJJDP Administrator Robert Listenbee shared his appreciation of the FACJJ's continued dedication, as it advises the Office on issues critical to both the future of the nation's children and the role of OJJDP as a leadership organization in the country's juvenile justice movement. He urged the committee to remain relevant, connected, and agile, and assured the members that OJJDP is responding to FACJJ recommendations. He noted that the 2013 FACJJ Recommendations have been forwarded to the President, U.S. Attorney General, and the Congress. (As of the posting of this meeting summary, the 2014 FACJJ Recommendations have also been transmitted to the President, U.S. Attorney General, and the Congress.) In the last two years, the Administrator has focused on several broad youth issues: the developmental approach to juvenile justice reform; trauma; and data reform through evidence-based programs. The framework for his remaining time at OJJDP will encompass three priorities: the four core protections set forth by the JJDPA; the Smart on Juvenile Justice Initiative; and reductions in out-of-home placements. As always, Administrator Listenbee reiterated his enthusiasm for engaging with the FACJJ and its work.

The FACJJ subcommittees reported on their progress, voted on recommendations, and collectively agreed on an updated list of issues to address in 2015.

*The Federal Advisory Committee on Juvenile Justice (FACJJ) is a consultative body established by the Juvenile Justice and Delinquency Prevention Act (Section 223) and supported by the Office of Juvenile Justice and Delinquency Prevention. Composed of appointed representatives of the nation's State Advisory Groups, the committee advises the President and Congress on matters related to juvenile justice, evaluates the progress and accomplishments of juvenile justice activities and projects, and advises the OJJDP Administrator on the work of OJJDP.*

## OPENING REMARKS, WEBINAR LOGISTICS, INTRODUCTIONS

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**Kathi Grasso**, *Designated Federal Official, FACJJ*, and *Director, Concentration of Federal Efforts, OJJDP*, expressed her pleasure that FACJJ Chair Dalene Dutton and member Starcia Ague were able to attend the webinar in person. She acknowledged other FACJJ members on the webinar, OJJDP colleagues, and contractors who provided the expertise to coordinate and facilitate the webinar. Members of the general public were invited to attend as listen-only observers and Ms. Grasso thanked them for their interest in addressing the needs of children, youth, and families. She reminded attendees that a webinar summary and slides will be posted on the FACJJ website ([www.facjj.org](http://www.facjj.org)) within 60 days of the meeting and communicated that the February 2015 FACJJ Webinar Summary has been posted.

**Michelle Duhart-Tonge**, *Training and Technical Assistance Network Provider Lead, OJJDP National Training and Technical Assistance Center* (and webinar coordinator) opened the webinar after providing a live demonstration of the features and functionality.

**Dalene Dutton**, *FACJJ Chair*, welcomed all attendees and acknowledged the presence of OJJDP Administrator Robert Listenbee and FACJJ Vice Chair James (Jim) Moeser. The following FACJJ members were present:

### PRIMARY MEMBERS

1. Dalene Dutton, FACJJ Chair
2. James Moeser, FACJJ Vice Chair
3. Starcia Ague
4. Tony Jones
5. Robin Lubitz
6. ViEve Martin-Kohrs
7. Christine Perra Rapillo

8. Symone Sanders
9. Tawny Spinelli
10. George Timberlake

### ALTERNATE MEMBERS

1. Ashley Beall
2. Kimberly Larson
3. Ben (John) Roe, IV
4. Dave Rosenthal

The webinar agenda included remarks by Administrator Listenbee and Mr. Moeser, followed by reports and discussions by the Expungement, Sealing, and Confidentiality of Records Subcommittee (including a presentation by Riya Shah of the Juvenile Law Center in Philadelphia), the Research and Publications Subcommittee, and a brief update by the Legislation Subcommittee.

**Jim Moeser**, *FACJJ Vice Chair*, thanked Administrator Listenbee for attending FACJJ meetings in spite of his busy schedule and, through his leadership, demonstrating the priority OJJDP places on the advisory committee's recommendations.

**REMARKS— ROBERT LISTENBEE, ADMINISTRATOR**  
**OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION**

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**Robert Listenbee**, *Administrator, OJJDP*, conveyed his appreciation for and gratitude to the Federal Advisory Committee on Juvenile Justice (FACJJ), noting that the committee inspires the OJJDP staff. The FACJJ tackles many issues that are simultaneously critical to the future of the nation's children and to the role of OJJDP as a leadership organization in the country's juvenile justice movement. The Administrator exhorted the committee to remain relevant and connected as it continues to work diligently to present and inform the Office on focused, timely issues. He applauded the agility and speed of the FACJJ, reflected in its recommendations, and acknowledged that OJJDP is responding to those recommendations.

He explained that the 2013 FACJJ Recommendations have been forwarded to the President, U.S. Attorney General, and Congress. [As of the posting of this meeting summary, the 2014 FACJJ Recommendations have also been transmitted to the President, U.S. Attorney General, and Congress.] OJJDP written responses to the 2013 Recommendations are undergoing final vetting and will be shared with the FACJJ and the public shortly. OJJDP responses to the 2014 recommendations will be provided before the end of the year.

He commended the committee on the work presented at this meeting, which highlighted issues of expungement/sealing of records, research/publications, and legislation, citing that these align with other priorities and work at OJJDP. Grants and research are just part of the process; guidance at the policy level is critical, especially on issues of records expungement and sealing. The Administrator candidly acknowledged that—even with passion and over a decade of extensive experience—he has yet to glean sufficient clarity to precisely guide and direct OJJDP initiatives and efforts in the area of youth expungement and records confidentiality. He expressed his eagerness to engage in the discussions and anticipates the progress that will develop throughout the coming months.

During the last two years, Administrator Listenbee has focused on a few broad issues.

- The developmental approach to juvenile justice reform: This was highlighted by the National Academy of Sciences (NAS) report released in June 2013 and also guided by the four major U.S. Supreme Court cases that have been released. Serious consideration is being given to the science itself, as evidenced by the Supreme Court's use of this data to make decisions in life-or-death situations. Further, the NAS report recommended that OJJDP conduct follow up research on a wide range of other connected issues and the Administrator is committed to a significant amount of work in this area.
- Trauma: As Co-Chair of the Attorney General's National Task Force on Children Exposed to Violence, Administrator Listenbee was introduced to the kind of trauma to which many children are exposed—as victims, witnesses, and offenders. Through speaking engagements around the country, his experiences reveal first-hand that people are paying attention to these issues, and that some progress is being made.
- Reform data using evidence-based programs: This is another prong of the ongoing broad approach OJJDP has emphasized over the last two decades, commencing around 1995 when there were concerted efforts to get the Blueprint program and others like it on board throughout the nation ... learning what works, how to modify it, and what to eliminate.

Finally, the Administrator provided a framework for three overarching priorities he will continue to address during his remaining time at OJJDP.

1. The four core protections set forth by the Juvenile Justice and Delinquency Prevention Act:

**REMARKS— ROBERT LISTENBEE, ADMINISTRATOR**  
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disproportionate minority contact (racial and ethnic disparities); deinstitutionalization of status offenders; jail removal; and sight and sound separation. Citing them as the heart of its mission, OJJDP is determined that these core protections are considered and addressed by all staff.

2. Smart on Juvenile Justice Initiative: designed to promote juvenile justice system reforms, provide training and technical assistance to juvenile justice prosecutors, and address racial and ethnic disparities in the juvenile justice system. Comprised of many different elements, this initiative is in the present budget with hopes of funding by Congress. Comprehensive new legislation has been passed in the first three states selected – Georgia, Kentucky, and Hawaii. OJJDP is providing training and technical assistance to expedite those reforms.
3. Out-of-home placement reduction: This multi-pronged effort examines how to engage youth in positive activities and keep them out of the system.

Administrator Listenbee reiterated his enthusiasm for engaging with the FACJJ and its work, and treated attendees to a short but intimate walk down memory lane. Prior to joining OJJDP, he recalled his exhilaration when he received notice of his acceptance to the FACJJ. He unashamedly confessed that he giddily tap danced all around his house when he learned of his opportunity to work at the national level!

In closing, he expressed confidence that many of the FACJJ members share his excitement – to be able to give life to recommendations and policy directions on a national platform they may previously have considered possible only at the local level. The Administrator reminded members that the FACJJ represents that opportunity. He and other OJJDP staff members are listening to the field as they examine and respond to these issues. They hold the FACJJ work in high esteem and are attempting to reflect FACJJ recommendations in policy.

**Dalene Dutton** thanked Administrator Listenbee for his dedication and sincerity in working with the FACJJ and looked forward to continuing a rewarding relationship.

## FACJJ SUBCOMMITTEE REPORTS AND DISCUSSIONS

**Dalene Dutton** indicated the FACJJ structure was modified from addressing specific topics to a structure where workgroups will address topics on a rotating basis. Each workgroup/subcommittee explores particular issues within a broad focus area and develops recommendations to inform and guide OJJDP. Subcommittee participation is not limited to workgroup members; the FACJJ is reaching out to subject matter experts, individuals on State Advisory Groups, and others in the field with a good understanding of relevant subcommittee issues.

### Subcommittee #1: Expungement and Confidentiality of Records

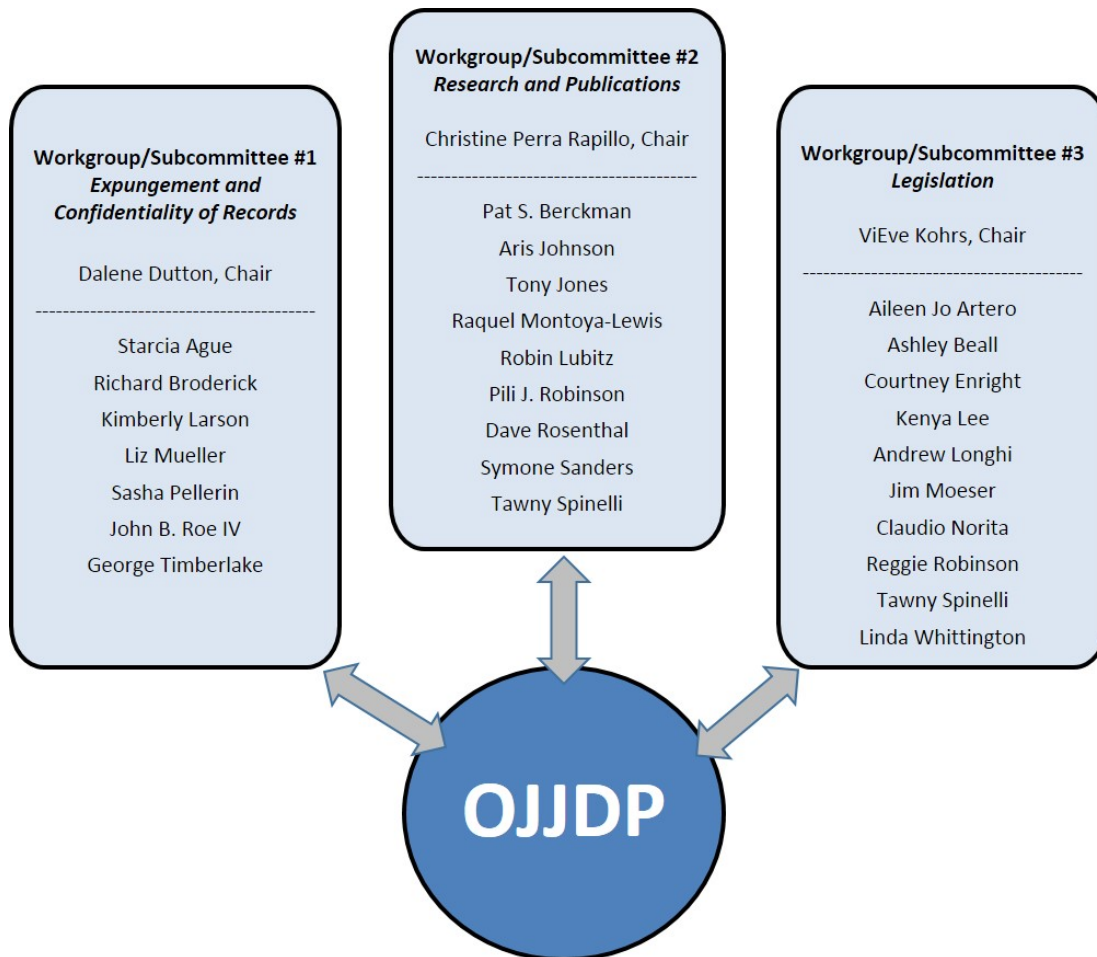
- Chair – Dalene Dutton
- Members – Starcia Ague, Richard Broderick, Kimberly Larson, Liz Mueller, Sasha Pellerin, John (Ben) Roe, George Timberlake

### Subcommittee #2: Research and Publications

- Chair – Christine Perra Rapillo
- Members – Pat Berckman, Aris Johnson, Tony Jones, Raquel Montoya-Lewis, Rob Lubitz, Pili Robinson, Dave Rosenthal, Symone Sanders, Tawny Spinelli

### Subcommittee #3: Legislation

- Chair – ViEve Martin-Kohrs
- Members – Aileen Jo Artero, Ashley Beall, Courtney Enright, Kenya Lee, Andrew Longhi, Jim Moeser, Claudio Norita, Reggie Robinson, Tawny Spinelli, Linda Whittington



## EXPUNGEMENT, SEALING, CONFIDENTIALITY OF JUVENILE COURT RECORDS

*Presentation – Riya Shah*

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**Dalene Dutton** expressed her enthusiasm for these issues and communicated her gratitude that George Timberlake agreed to co-chair this subcommittee. After hearing about some of the good work that has been accomplished on this topic and reviewing a very comprehensive report produced by the Juvenile Law Center (JLC), Ms. Dutton felt the rest of the FACJJ membership should have some context around this discussion. Riya Shah of the JLC was invited to provide that context through a brief overview of the report that her group assembled.

**Riya Shah**, *Juvenile Law Center, Attorney*, stated her appreciation for the FACJJ's commitment to issues related to juvenile records and expungement. She thanked Dalene Dutton and Kathi Grasso for the invitation to speak and articulated her hope that the work performed by the JLC will be able to inform the recommendations. Information from her presentation on *Failed Policies, Forfeited Futures: A Nationwide Scorecard on Juvenile Records* may also be viewed from her group's website at [www.jlc.org/juvenilerecords](http://www.jlc.org/juvenilerecords).

The JLC surveyed all the states' laws—including the District of Columbia—on juvenile records, relating to their ability to maintain confidentiality, as well as the availability of sealing and expungement for youth. These are records just of adjudication of delinquency; they did not review records of diverted cases, or cases where there was an informal adjustment. They assessed how well records were being kept confidential during the course of proceedings, once proceedings ended prior to expungement eligibility, and then the availability of sealing/expungement. The ultimate goal of this research was to determine how well states maintained confidentiality so that justice-involved youth could have opportunities.

Juvenile records can cause barriers and obstacles to youth as they grow into adulthood. There are many comprehensive reports that describe the collateral consequences of juvenile records related to housing, employment, and education. The potential for rapid proliferation of electronic media increases public access to those records and further exacerbates the exposure for youth. The JLC published two reports and generated recommendations about how individual practitioners can change the practice, allowing more children to benefit from existing records expungement laws. The National Review of Juvenile Records provides an in-depth report on each state's confidentiality, sealing, and expungement laws. They used that same research to score each state and created a Nationwide Scorecard. Both the National Review and the Nationwide Scorecard can be found on the website [www.jlc.org/juvenilerecords](http://www.jlc.org/juvenilerecords).

The website has an interactive map and hovering over a particular state will show, on a five-star scale, the number of stars the state scored for juvenile record confidentiality and expungement. Clicking the state provides a brief overview of that state's score, identifying questions related to the core principles, and a breakdown of the state's scores for confidentiality and expungement. Site visitors can also view scores just for expungement or confidentiality as well as specific sub-issues in each category. Ms. Shah provided some basic site navigational guidance:

- Top-interactive map showing Scorecard results
- Below map – Core Principles for Records Protection are the consistent set of measurements used for each state
- Bottom left side – Scorecard Report (downloadable PDF) identifies patterns detected across the states and explains the rationale for the scorecard.

# EXPUNGEMENT, SEALING, CONFIDENTIALITY OF JUVENILE COURT RECORDS

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- Bottom right side – National Review (downloadable PDF) is an in-depth legal analysis of the laws governing juvenile records. There is significant detail about how each state protects records through various stages of the proceedings, and each state's eligibility criteria for sealing and expungement.
- Individual State Pages – a fact sheet (downloadable PDF) that provides greater details on the laws around sealing, expungement, and confidentiality, with all the statutory citations.

In the National Review, the JLC provided a series of policy recommendations for different players in the system. States were scored on this set of Core Principles relating to records protection; this guided the research for each state with the goal of increasing opportunities for youth.

## **CONFIDENTIALITY**

There are significantly more varied results for confidentiality protections than the overall scores. Confidentiality of juvenile records information relates to who has access to those records and whether there are any sanctions for sharing information intended to remain confidential.

### **1. Confidentiality of juvenile records**

- First step is to determine exactly what is kept in the record and what information is being protected, e.g., fingerprints, DNA, photos, and both juvenile and law enforcement records.
- In a number of states, juvenile court records were confidential but law enforcement records were widely available to the public.
- Many states did not distinguish between these record types in their statutes.

### **2. Access to juvenile record information**

- Next step is to ascertain who has access.
- There should be NO public access to juvenile record information.
- Juvenile record information must still necessarily be shared but limited access is essential to reduce potential harm, job loss, or stigma to the youth, such as:
  - individuals connected to the case (e.g., juvenile court personnel, the child and their attorney, the public or private agencies providing supervision by a court order for the child, the parent, and the prosecutor);
  - those granted need-to-know exception by the court in special cases;
  - schools – 34 states share juvenile records with schools before or after adjudication when the disposition is handed down, with some safeguards;
  - government agencies and research entities; and
  - select states which provide some access for victims, such as demographics and disposition information.
- Many states fully protect records while others allow complete public access.

### **3. Sanctions for sharing confidential information**

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*Presentation – Riya Shah*

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- Statutes may require information to remain confidential, but an agency might share that information more broadly than they should, given inadequate or non-existent deterrents.
- Some states fine individuals or agencies that intentionally disclose confidential juvenile record information.
- There should be no penalties on youth who share their own information.

## **SEALING**

Nationwide, the states were fairly mediocre when it came to aligning their expungement laws with JLC's Core Principles. In most jurisdictions, there were sealing or expungement laws but they were somewhat limited. In many states, sealing and expungement may have different meanings and implications. The JLC considered the following questions: What is the effect of sealing and expungement? How are youth notified of their rights for sealing and expungement? How soon in the process are they eligible and how difficult is the process to seal or expunge records? Are there sanctions for sharing expunged record information and are there fees to seal and expunge?

### **1. No access/limited access**

- No access – expungement or some sort of physical destruction of the record.
- Sealing/setting aside – record is closed to the public but many individuals, either within the court system or externally, might have access to that record.

### **2. Effect of sealing and expungement**

- While a jurisdiction might indicate the presence of an expungement statute (and the language used in the statute was expungement), if the record was still accessible to certain individuals once expunged, JLC scored it as a sealing state.
- The effect of sealing or expungement should be that once the record is sealed, it is segregated in such a way that only those with statutory authority have access.
- Optimal expungement is where the record is physically and/or electronically deleted from the file.
  - The effect is as if the record never existed before and no longer exists now.
  - Some states do this but it has no meaning in other states where expungement might only apply to court records, still leaving law enforcement records exposed.
  - Good comprehensive expungement laws would include destruction of law enforcement records with DNA and fingerprint information, which ensures that all records are protected.

## **NOTIFICATION: SEALING/EXPUNGEMENT RIGHTS**

Ms. Shah explained that notification should occur at various points throughout the proceedings and by various players. While some states have great notification laws, most do not have statutes related to the notification of sealing or expungement rights. Essentially, youth need to understand the following information in order to effectuate their expungement or sealing:

- Consequences of being adjudicated delinquent and that expungement is an option for them.



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- The difference between sealing and expungement, especially if their state has both options.
- When records are sealed and the timelines to petition for expungement.
- Whether it is an automatic expungement or if they must petition/apply to the court.

## **WEB-BASED NOTIFICATION TOOLS**

A few organizations across the country have created web tools to provide youth with more information about how to get their records expunged. The Mikva Challenge<sup>1</sup> resulted in the creation of a site [www.expunge.io](http://www.expunge.io) to inform Illinois youth about their expungement eligibility. Several states/jurisdictions developed similar expungement web tools (Maryland, Louisiana, and Philadelphia, Pennsylvania), where adolescents can follow easy-to-understand steps to determine if they are eligible to have their records expunged. The information can be subsequently provided to a legal services attorney or public defender who will follow up to file the necessary paperwork. This is not necessarily a statutory change; nevertheless, it is an area where policy reform by agencies and advocates can fill a gap.

## **EXPUNGEMENT ELIGIBILITY, PROCESSES**

The Juvenile Law Center (JLC) asserted that automatic expungement is really the gold standard. Process burden should not always fall on youth: filing a petition, hiring an attorney, paying fees, etc. Once the youth is eligible, an administrative process could and should be streamlined to get this effectuated.

A number of agencies, public defender offices, and probation offices across the country have established automated, automatic processes where they assume the burden of filing the petitions. Under Administrator Listenbee's guidance and leadership, Philadelphia developed a system for identifying when justice-involved youth were eligible, and a protocol for attorneys to file petitions, on behalf of their clients, for expungement and successfully expunging the records.

The optimal process would be to write the statute with provisions for the automatic expungement of records, after a certain amount of time. If an application process is required, considerations must be clearly defined for what happens at the hearing. That process should be provided to youth so that there is clarity about what information is shared with the court, how the court will make their determination, and an opportunity for a hearing by both sides.

### **1. Expungement Eligibility and Process**

- Eligibility in general varies by states, age, offense type (e.g., drug, sex), number, and duration of time since case closure. Twenty-six states have exclusions for felonies and some states have rendered certain offenses completely ineligible from expungement, such as those requiring youth to register as a sex offender and the Adam Walsh Act.
- Some states base eligibility at age 18 or 21; others in mid to late twenties.
- Some states have great laws, but may not actually allow for expungement until several years later which diminishes the effectiveness of the expungement. Often,

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<sup>1</sup> The Mikva Challenge promotes the concept to Chicagoland area high school students of being active participants in the political process through elections, community problem solving, and policy-making programs. For more information visit <https://www.mikvachallenge.org/>

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the critical timeframe for many youth to decide about education, employment, and their records may already have slipped, affecting their ability to move forward.

## **2. Sanctions for Sharing Expunged Record Information**

- Fines for disclosure of confidential information contained in an expunged juvenile court or law enforcement record.
- Fines for individuals, agencies that intentionally fail to fulfill expungement orders.
- No penalty on youth who share their own expunged juvenile record information.

## **3. Fees for Sealing and Expungement**

- Some states required fees to file for expungement and then imposed additional fees just to confirm the records were expunged.
- Fees vary – \$250 in one state; \$50 in another.
- Some states impose no fee and this is significant because uninformed youth—who would otherwise apply for sealing or expungement—may be dissuaded due to the fear of exorbitant fees.

## **POLICY RECOMMENDATIONS**

Based on their observations of patterns across the country, the JLC developed a set of recommendations for different players within the system and Ms. Shah encouraged everyone to review them. She urged the adoption of policies that are consistent with the Core Principles, and the collection and tracking of data to ensure that new or existing policies on expungement and confidentiality are really providing more opportunities for youth. Examples of this might include:

- automatic sealing at discharge;
- automatic expungement of diverted and dismissed cases;
- automatic expungement if the person has no subsequent or pending adjudications or convictions for the following 5 years; and/or
- application for expungement at any time after the case closed.

The Record Expungement Designed to Enhance Employment (REDEEM) Act – introduced by Senators Cory Booker and Rand Paul, and a companion bill in the House by Representative Chaka Fattah – incentivizes states to change by offering Community Oriented Policing Services grant applications for the sealing or expungement of juvenile records or automatic expungement for certain offenses (e.g., certain non-violent offenses at age 15; crimes that were committed before the age of 15). The REDEEM Act also restricts the use of solitary confinement and limits the public benefits ban on drug offenders. Ms. Shah stated this is one way in which the legislation and the federal government are really advancing the juvenile record and expungement policies.

## Q&A

**Jim Moeser** expressed concern about the subsequent release/rerelease of information and the life it takes on. An original transaction may have been both appropriate and legal, but somewhere in the cycle that information becomes propagated into other records not as well protected. He inquired whether the JLC addressed these concerns.

- Ms. Shah indicated that is the next phase of their research project: tracking the status of records once out in the internet – electronic or otherwise. They are subcontracting with forensic IT specialists to assess some need-to-know requests and to audit records of select youth who volunteered to participate in the study and share their information.

**Tony Jones** wondered if information about gang affiliation, currently stored in a database, would be dissolved if the youth disassociates from the gang, or if the discussion was solely limited to records related to criminal law offenses.

- Ms. Shah felt it depends on the statute. Some states put the burden on the youth to identify all the juvenile records locations on their application. That expungement order is then sent to those individual offices, agencies, and other entities. Depending on where the information about gang affiliation is stored, it may be subject to the expungement order. Generally, expungement orders only govern actual court records and must explicitly include DNA information, fingerprints, etc., so gang affiliation information stored in a separate database may not be covered. However, if the information were only found in the child's court record, it would have to be expunged just as all other information in the record would be destroyed.

**Starcia Ague** volunteered to help with the next JLC study and Ms. Shah welcomed her participation and support.

**Dave Rosenthal** communicated that the District of Columbia (DC) has court records, law enforcement records, and a separate set of records called social file records – the latter being maintained by their probation department. He wondered if Ms. Shah conducted any research into the sealing of social records and, if so, whether social records follow the same patterns as court and law enforcement records.

- Ms. Shah replied that a number of states include the social records in the probation file, in the probation office, and that the probation file is part of the court record. That was a key reason for first identifying what is included in the record, as part of the confidentiality study. Therefore, if social record information was not included in what is classified as confidential, and was not included in the juvenile court record umbrella or the law enforcement umbrella, they did not view that as comprehensive confidentiality protection. She suggested he visit the website, and review DC's scores and the fact sheet, to obtain more information. The JLC did look specifically at whether a jurisdiction had separate expungement provisions for these social record files; they decided to include it, if it was in the court or law enforcement files.
- Mr. Rosenthal felt the FACJJ should look into that third category [social records], because that is an area some states have separately defined.

**Jim Moeser** inquired about the technical capabilities and risks of electronic data mining, and if the JLC addressed this in their report or plan to do so as next steps.

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*Presentation – Riya Shah*

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- Ms. Shah responded that such considerations are outside her scope as a lawyer but the JLC group is learning about the effects of these processes.
- Mr. Moeser agreed that while the FACJJ may also lack such expertise, it may need to consider such vulnerabilities if it presents recommendations to minimize the potential threats for that kind of data mining.

**Rob Lubitz** felt this is a very impressive report and agreed with the recommendations, but wanted to follow up on Mr. Rosenthal's comments about social files. Formerly the Director of Juvenile Justice for Arizona, Mr. Lubitz was responsible for all the state's juvenile records. During the webinar, he viewed the actual report online and saw a statement asserting there are no confidential protections for Arizona's juvenile records. He stated this is false – the social files are totally protected. In fact, that protection is one of the biggest issues Arizona has: the inability to share important information among child welfare professionals, within the court system, and among treatment providers. He questioned the accuracy of the content he viewed and wondered if the report was just a cursory review of the state laws, or if the content and scoring had been vetted for each state.

- Ms. Shah first addressed the confidentiality: she repeated her understanding of his assertion that Arizona's social records are completely confidential. However, because juvenile record information related to the adjudication—any court records or law enforcement records—was available to the public online, the fact that the social records are confidential did not play into the scoring because so much juvenile record information is available to the public in an online database. That is her assessment why Arizona received the score that it did; they could not segment it out that way because even though some information is being kept confidential, the actual juvenile record information is widely available to the public. Regarding the vetting of the information: the JLC reached out to practitioners in a number of states but did not get responses from every single state. This information was integral in informing the way the statutes work on the ground and was used to provide context in the National Review of Juvenile Records. For the Scorecard, they generated an overview of what is written in statute as it relates to adjudications of delinquency and confidentiality of those juvenile records. In the end, they wanted to score the states objectively based solely upon the language of the law. To include information specific to individual counties or based on specific practitioners would be unfair in many ways due to how differently jurisdictions and state localities do things. In order to ensure credibility and objectiveness, the report is based on the law as written alone.
- Mr. Lubitz understood the rationale for rating Arizona because, as Ms. Shah stated, the court records and the criminal justice records for the most part are public. However, social records are not public and he disagreed with the assessment that there were no confidentiality protections for juvenile records.
- Ms. Shah indicated her willingness to discuss specifics offline to ensure that accurate information is reflected within the report.

**Administrator Listenbee** voiced the challenge where a good law exists but records are not automatically sealed or expunged – where there is no one to really implement the law. In many of these places, literally a million juvenile justice records are being generated yearly and only an extraordinarily small percentage are actually being expunged. Do the JLC recommendations address how organizations, pro bono lawyers, community groups, etc. can be encouraged and engaged to help expunge the records where the laws are good?

## EXPUNGEMENT, SEALING, CONFIDENTIALITY OF JUVENILE COURT RECORDS

*Presentation – Riya Shah*

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- Ms. Shah replied yes and indicated that the JLC policy recommendations differ based upon the type of organization.
  - They suggested recommendations for states to make legislative changes but also recommended changes that courts, judges, and other court personnel can make within their courtrooms to ensure greater record protection and increased expungement.
  - They made recommendations for defense attorneys to share information about collateral consequences and explain the expungement process, as well as to file more expungement or sealing petitions on behalf of eligible clients, if there is no automatic expungement in their state, as part of their post disposition representation.
  - They also suggested the development of educational materials for distribution to youth and families about records and their rights to sealing and expungement. Youth-serving agencies, advocates, and other entities should conduct trainings with youth in juvenile placement facilities on the consequences of their records. She felt what the Administrator described really focuses on the notification of juvenile record expungement and sealing rights; as she previously mentioned, this is a huge gap in what JLC saw in the statutes across the states. No individual, agency, or entity is obligated to provide information to youth about the processes for juvenile record expungement or sealing availability in the state ... and only a limited number of states do this. While it would be great to have that written into the statute, public defender offices, probation offices, and other agencies can really enhance the way that juvenile records are handled and are expunged in their individual states.

**Starcia Ague** referenced Ms. Shah’s presentation slide that addressed the physical destruction of juvenile records. Her state Washington is on that list and she was curious to know whether it is just the physical destruction, or the mass dissemination of them being online, that is removed.

- Ms. Shah responded that the slide referenced only physical destruction and apologized that the heading was not more descriptive. Some states may use the term expungement, but it might mean that they have a drawer in their Clerk of Courts office labeled “Expunged Records.” Following Ms. Ague’s subsequent comment that to expunge does not always mean expunging records, Ms. Shah acknowledged there is practice, statute, and what it says on the books. There are going to be errors whenever one conducts any type of 50-state survey on any type of law; she restated her availability to talk with anyone to ensure the report is truly reflective of the distinctions.

**Dalene Dutton** thanked Riya Shah and the Juvenile Law Center for the extraordinary report. While conceding that the report is not everything the subcommittee needs to know and understand—and there are other areas that need attention—the information will certainly help provide a substantial context for the group’s work. Ms. Dutton expressed her appreciation for Ms. Shah’s availability to the subcommittee and her willingness to present this overview, as she moved the discussion into the subcommittee’s work in this area.

### **CONTEXT FOR SUBCOMMITTEE WORK**

**Ms. Dutton** and the subcommittee talked to people in the jurisdictions, State Advisory Groups (SAGs), OJJDP staff, and other knowledgeable individuals. Based on those conversations, the subcommittee developed a short list of general topics and related questions to stimulate discussion. Individuals interested in more detail can download the presentation and review those questions. After reviewing the Juvenile Law Center’s report, the subcommittee was further convinced that expungement, sealing, and confidentiality had become increasing priorities over many years for the SAGs and juvenile justice interest groups.

This topic has long been of concern and the group wants to highlight good practices. However, with some notable exceptions, little progress has been made to address the collateral consequences of a juvenile record, so barriers remain in education, housing, and employment; even in states with statutory protections for confidentiality and sealed records, and in states that have methods for judicial expungement of both juvenile arrest and court records. The group considered the following questions:

- What does research tell us about the harmful collateral consequences of a juvenile record, including access to information that is inappropriately released/accessible, how that information inhibits successful rehabilitative efforts, and how availability of that information impacts transition to successful adulthood?
- What is current related to the range and components of state laws on confidentiality and expungement? Are there common elements across all states?
- What is the appropriate balance, relating to confidentiality and expungement of juvenile records, between promoting public safety as well as protecting fundamental privacy rights of youth and/or promoting successful transition to adulthood?
- Are there model statutes related to confidentiality and/or expungement which meet that balance and that provide reasonable and accessible procedural access for youth, if desired, to seal and/or expunge a juvenile record?
- The focus related to expungement or sealing of records is often on court records, yet there are many forms of juvenile justice records (arrests, probation/supervision, prosecutors, etc.) that are maintained by others who interact with those youth. Are there model statutes and/or recommendations that address how those records can also be protected/sealed/expunged?
- For states that seal or expunge juvenile records in some fashion, is that information actually “erased” or are there ways in which that information can be recovered?
- While it may be within the purview of individual states to develop statutes related to this issue, what are the opportunities for OJJDP to provide leadership related to research, development of model statutes, and/or inclusion of standards within federal legislation or funding?

## **RECOMMENDATIONS**

**Dalene Dutton** announced the decision to introduce the subcommittee’s five (5) recommendations below, solicit comments/discussions on each one, and vote on them all as a block, unless it became obvious that a slate vote would be problematic.

*[NOTE: Comments such as “sounds good, I agree, thank you, makes sense, great, etc.” are omitted. Only substantive comments are included with each recommendation.]*

- 1. Research legal bases for appropriate jurisdictions to establish minimum standards and definitions for expungement, sealing, and confidentiality.**
  - George Timberlake – given the vastly different systems explained by the JLC, it would be useful to see if there is any jurisdiction, federal or otherwise, with authority to set the minimum standards for this extraordinarily important subject.
  - Dave Rosenthal – the group should submit definitions consistent with those in the REDEEM Act.
- 2. Research and describe methods of access to juvenile records throughout states, territories, and the federal government designed to protect expunged, sealed, and legally confidential records.**
  - Rob Lubitz – expressed concerns about duplication of efforts. Does this mirror (or how does this differ from) what the JLC has already provided in their report?
  - Riya Shah – replied that the JLC is happy to share what they have, including the research. They did not include the territories so that area needs additional research.
  - Dalene Dutton – remarked that the subcommittee was stuck several times on just the sheer complexity, magnitude, and speed of records propagation in a digital age.
  - Jim Moeser – agreed with Ms. Dutton that the timing and scope of this recommendation will exceed the subcommittee’s capabilities; OJJDP is urged to promote research in this area because it is not going to go away.
- 3. Create a “best practices” document based on current research and in consideration of current Supreme Court opinions.**
  - Administrator Listenbee –requested clarification on the exact focus of the best practice document so that he can provide clear direction to the research team.
  - Dalene Dutton – tabled this specific recommendation pending more details.
- 4. Consider federal jurisdiction regarding the private industry sale of juvenile records and create regulatory and statutory suggestions to prevent violation of state and federal prohibitions against the disclosure of expunged, sealed, or confidential information in interstate commerce.**
  - George Timberlake – when asked about the origin of this suggestion, humorously replied this is what happens when you put a group of lawyers in a room. From what is already known about expungement, sealing, and confidentiality practices among the states, an individual state’s approach to the sale of records is not going to stop the resale or that practice. This suggestion seemed uniquely suited to interstate commerce and federal jurisdictions supporting state jurisdictions in their attempts to maintain confidentiality and the integrity of an expungement or sealing process

## EXPUNGEMENT, SEALING, CONFIDENTIALITY OF JUVENILE COURT RECORDS

### *Subcommittee #1 Report – Dalene Dutton*

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regulations. Hopefully the JLC, a law school, or the Department itself, would explore this.

- 5. Develop goals for technical assistance, publications, and grant funding in this subject area.**

**MOTION (Jim Moeser): approve the above Recommendations #1, 2, 4, 5 and set aside #3**  
SECONDED (Chris) – DISCUSSION (none) – VOTED (unanimous) – APPROVED

### **NEXT STEPS**

1. Identify additional focus questions; suggestions are welcomed from members of the public, FACJJ primary/alternate members, or other experts.
2. Identify and invite individuals to participate in subcommittee conference calls.
3. Set and communicate a timeline for the next round of calls.



## RESEARCH AND PUBLICATIONS

### *Subcommittee #2 Report – Christine Perra Rapillo*

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**Chris Rapillo** and the subcommittee worked to identify other juvenile justice research issues impacting the states that may not have been thoroughly addressed by OJJDP, and to review and recommend how the research and best practices are disseminated to the states. The group initially considered reaching out to the State Advisory Groups (SAG) with another survey but decided it was too soon following the previous survey. Participants felt they had enough information, based on meetings and interactions with their SAGs, to discuss the issues and make several recommendations.

#### **ISSUES - RESEARCH**

- Trauma and its impact on juvenile justice.
- Evidence-Based Practices
  - Expensive but the way to go.
  - How to be evidence based and what this means for the states.
  - The difficulty acquiring information for states on what has worked.
  - Disseminating information to decision makers.
- Data – states want to compare results such as what has been done and how did it work; common points to make valid data comparisons.

#### **ISSUES - PUBLICATION**

- Need for a searchable database
  - Common data point outcomes.
  - Programs done with grant funding from OJJDP with evaluation data.
  - Would help states identify, compare programs and activities of others.
- FACJJ website effectiveness
  - Is it user friendly? Do people know about it? Should a publicity campaign be launched? People thought the website was well designed but there were concerns that it was not visible enough.
  - Because the Office is revamping the website the group did not spend significant time critiquing it; rather, this would be a next step for follow up.
  - Administrator Listenbee – remarked that the website, currently being overhauled, is really front and center for OJJDP right now. He requested feedback on the usefulness to youth and families of the website content and communication style; and to what extent youth are engaged in sharing their thoughts or gaining information from the website, in a manner that is helpful to them. He understands there are also issues raised by professionals conducting research on the website. His concern addressed the efficacy of the website as a viable communication tool for both youth and researchers.
  - Additionally, the Administrator wanted to know to what extent we are communicating effectively with youth who are in in out-of-home placement, numbering approximately 60,000 every day. If policies are to be meaningful to

## RESEARCH AND PUBLICATIONS

### *Subcommittee #2 Report – Christine Perra Rapillo*

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those the Department serves (e.g., victims, offenders, families, probation officers, and other professionals involved in juvenile justice), this website and other communications tools must integrate well.

- Administrator Listenbee – then mentioned the lack of social media references in the subcommittee issues and inquired if the group intended to address these communication channels.
  - OJJDP is interested in reaching people via social media and cited the powerful impact of the President’s recent selfie that went viral, seemingly more impactful than a number of other promotional tools. This led him to consider the value of broader thinking to include research on prospective target groups the Office should reach and he asked the subcommittee to think along these lines.
  - The imperative is to use forward thinking, 21<sup>st</sup> century tools, and positive social engineering to reach youth. For example, social media could be used to positively engage individuals in potentially tense civil situations, such as defusing violent outbreaks rather than relying on reactive law enforcement. The Office wants be on the front edge on matters of such great importance.
  - Ms. Rapillo – agreed this would be a great next step and Starcia Ague indicated her interest in addressing social media options.

## **RECOMMENDATIONS**

**Chris Rapillo** indicated that a vote would be taken on each individual recommendation.

*[NOTE: Again, only substantive comments are included with each recommendation.]*

- 1. The Research and Publications Workgroup again recommends that OJJDP encourage standardized definitions and collection of data by the states.**
  - Chris Rapillo – the need for standard data points, especially in the area of evidence-based practices, has been highlighted by the FACJJ in earlier reports. Ms. Dutton echoed the recurring theme of this recommendation, which initially surfaced in the 2013 FACJJ recommendations generated by the then Evidence-Based Practice Subcommittee.
    - States want to be able to compare results across jurisdictions but this is difficult in the absence of standard definitions or data sets that would allow for meaningful comparison.
    - Start the process: the FACJJ and OJJDP should identify the five data points with guidance on a standard definition. These data points should create meaningful measures of positive outcomes in the Office’s activities, related to its vision of a nation where children are healthy, educated, and free from violence ... and that any contact with the juvenile justice system should be rare, fair, and beneficial.
  - Jim Moeser – the concern is to be cautious about driving down a road that might result in pushback from the states.
  - Ms. Rapillo – sensitive to the costs involved, the subcommittee felt a start with just a few data points, and guidance on the definitions, would facilitate momentum

## RESEARCH AND PUBLICATIONS

### *Subcommittee #2 Report – Christine Perra Rapillo*

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towards some common points. States might then be better positioned to measure how they are doing and the impact of any programs on those points.

- Administrator Listenbee – the Office is currently addressing some of these issues this fiscal year. He agreed it is a great idea and asked the group to go through all their processes. To ensure everyone is on the same page, he will ask Kathi Grasso to schedule time with him, Ms. Dutton, and Mr. Moeser, prior to the next FACJJ meeting. Following that conversation, they will report progress on these issues to the group.
- Tony Jones – likes the recommendation but expressed concern about the impact on Mom-and-Pop enterprises. Many of them have good programs but would probably need additional funding to reach the standard definition for data collection. Ms. Rapillo reemphasized the intent of the language is to encourage and not mandate.

#### **MOTION (Jim Moeser): approve Recommendation #1**

SECONDED (Starcia Ague) – DISCUSSION (none) – VOTED (unanimous) – APPROVED

### **2. The workgroup recommends that a database of existing and past OJJDP-funded projects be created and made accessible to the states.**

- The workgroup determined that there is no publically accessible database of projects or research funded by OJJDP. States have indicated that they would like the ability to research what other jurisdictions have done with their funding, including being able to review the program evaluation and research components.
- Starcia Ague – some publications are available on the OJJDP website but the site is fairly dense and difficult to navigate.
- Chris Rapillo – the group checked other sites as well, such as the Association of State Governments and the Coalition for Juvenile Justice, and encountered similar difficulties finding information. A database would provide a central location and facilitate easier access through search tools. For example, one could search for projects funded by the Office addressing expungement and be presented with a list. That list could be further segmented (who, what, where, when, etc.), include a point of contact, and indicate the presence of any program evaluation components, so that someone comparing work across jurisdictions would have a good starting point.

The projects in question are those using funds passed through the states, rather than those funded directly by OJJDP.

- Jim Moeser – gathering information may be an issue and he also inquired about the funding scope/timespan. It might be feasible to limit project information to the previous three years and then go forward. Otherwise, without parameters it could become a massive project.
- Chris Rapillo –while any past timeframe would work, even a forward-driven only effort would be helpful. The real interest is knowing what other states have done with their funding. People secure grants and then try to figure out how best to deploy the funds; for example, it would be desirable for a Connecticut city to see what Arizona did with their money and the results. She affirmed Mr. Moeser's

## RESEARCH AND PUBLICATIONS

### *Subcommittee #2 Report – Christine Perra Rapillo*

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subsequent understanding that this suggestion is based upon finding the vehicle to share information that does not necessarily get shared, especially for OJJDP-funded projects.

**MOTION (Symone Sanders): approve Recommendation #2**

SECONDED (Tony Jones) – DISCUSSION (none) – VOTED (unanimous) – APPROVED

- 3. The work group recommends that OJJDP focus research on the impact of trauma on juvenile delinquency.** Specifically, the group recommends that research be developed on whether children, especially children of color, are being diagnosed with a conduct disorder when symptoms and evidence of trauma are equally present, and the impact that has on their treatment.
- Chris Rapillo – this issue has surfaced in her jurisdiction and others: the idea that disproportionality is impacted when some youth are diagnosed with posttraumatic stress disorder while others are diagnosed with conduct disorder. The resulting variations in the treatment modalities for these children speaks directly to the heart of rare, fair, and beneficial juvenile justice system encounters. OJJDP research would be both timely and relevant in the effort to reducing the number of adolescents entering the system.

**MOTION (Jim Moeser): approve Recommendation #3**

SECONDED (Tawny Spinelli) – DISCUSSION (none) – VOTED (unanimous) – APPROVED

### **NEXT STEPS**

1. Explore the Administrator's request to reach the target groups through social media.
2. Review the website once overhauled.

## LEGISLATION

### Subcommittee #3 Report – ViEve Martin-Kohrs

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**ViEve Martin-Kohrs** informed attendees that her presentation would be very brief and opened with a call-to-action to subcommittee members, to determine who still has an interest in pursuing this work on legislation.

During the formation of this subcommittee in the second half of 2014, key issues for the group were to: dissect and communicate the implications of the Juvenile Justice and Delinquency Prevention Act (JJDPa) reauthorization; clarify FACJJ roles and boundaries; and solicit SAG recommendations on controversial reauthorization issues.

*[NOTE: Subject matter experts were invited by the FACJJ to discuss and clarify the nature and impact of some of the previously proposed redlined changes. However, they were unable to advise the subcommittee because the JJDPa reauthorization bill had not yet been reintroduced to the 114<sup>th</sup> Congress.<sup>2</sup>]*

The following questions facing this subcommittee were presented on-screen but not discussed, since Ms. Martin-Kohrs identified them in a previous meeting:

1. What role, if any, should the FACJJ play as it relates to reauthorization of JJDPa?
2. Can/should FACJJ members play a more proactive role in interacting with SAGs in providing information and/or opportunities for input related to federal legislation? What processes could be put in place to guide and support FACJJ fulfilling that role?
3. What are some of the limitations or ethical boundaries placed upon FACJJ and/or individual members related to education and/or advocacy on such legislation?
4. Are there other legislative initiatives that the FACJJ should consider and/or provide input on (e.g., the Youth PROMISE Act, the Redeem Act, other)?
5. Related to federal legislation, what process can be put in place to permit appropriate consideration of such legislation by FACJJ and input to policy makers in a timely manner?
6. Other questions?

**Dalene Dutton** reminded members that they are expected to serve on at least one of the subcommittees. Legislation workgroup members should communicate with Ms. Martin-Kohrs or indicate if they need to be reassigned. However, members were encouraged to step into the work, ensure Ms. Martin-Kohrs has correct email/contact information, remain alert to meeting requests, and respond expeditiously. Other FACJJ members were invited to round out this particular subcommittee by volunteering.

**Jim Moeser** echoed these sentiments: that the topics being examined are important and people are needed to mobilize the effort.

### **NEXT STEPS**

1. Schedule a focus teleconference to reconvene subcommittee members.
2. Report on the group's progress at the next webinar or the in-person October meeting.

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<sup>2</sup> On April 30, 2015, Sen. Chuck Grassley (R-IA) and Sen. Sheldon Whitehouse (D-RI) introduced [S. 1699](#), a bipartisan bill to reauthorize the Juvenile Justice and Delinquency Prevention Act (JJDPa). The bill would strengthen the JJDPa's core protections for youth involved in the juvenile justice system. Retrieved May 20, 2015 from <http://www.juvjustice.org/juvenile-justice-and-delinquency-prevention-act/reauthorization-jjdp>

## **FACJJ SUBCOMMITTEE RECOMMENDATIONS - RECAP**

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The FACJJ recommendations below were unanimously approved by the membership.

### **EXPUNGEMENT, SEALING, CONFIDENTIALITY OF RECORDS**

1. Research legal bases for appropriate jurisdictions to establish minimum standards and definitions for expungement, sealing, and confidentiality.
2. Research and describe methods of access to juvenile records throughout states, territories, and the federal government designed to protect expunged, sealed, and legally confidential records.
3. The third subcommittee recommendation was tabled for further discussion.
4. Consider federal jurisdiction regarding the private industry sale of juvenile records and create regulatory and statutory suggestions to prevent violation of state and federal prohibitions against the disclosure of expunged, sealed, or confidential information in interstate commerce.
5. Develop goals for technical assistance, publications, and grant funding in this subject area.

### **RESEARCH AND PUBLICATIONS**

1. The Research and Publications Workgroup again recommends that OJJDP encourage standardized definitions and collection of data by the states.
2. The workgroup recommends that a database of existing and past OJJDP-funded projects be created and made accessible to the states.
3. The work group recommends that OJJDP focus research on the impact of trauma on juvenile delinquency. Specifically, the group recommends that research be developed on whether children, especially children of color, are being diagnosed with a conduct disorder when symptoms and evidence of trauma are equally present, and the impact that has on their treatment.

## SUMMARY, NEXT STEPS, MEETING ADJOURNMENT

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**Kathi Grasso** relayed several items:

1. Comments from the general public, containing information on helpful resources, will be captured and provided to the full FACJJ and subcommittees.
2. When the updated, refined FACJJ website is implemented soon, she will solicit feedback. She also requested that FACJJ members respond to a recent message sent by Marshall Edwards. He requested feedback on the necessity to implement a members-only SharePoint site to facilitate collaboration on draft documents and other information.
3. FACJJ vacancies will occur on September 30, 2015, when the terms for several members expire. OJJDP will publish soon an announcement regarding these vacancies so that eligible SAG members can apply to join the FACJJ. [This announcement was recently distributed to all SAGs.]
4. Dates are being determined for another FACJJ webinar meeting in August and for an in-person meeting mid- to late-October. [Dates are: August 24, 2015 (webinar) and October 19-20, 2015 (in-person meeting)]
5. Finally, and with great reluctance, she informed attendees that this was Michelle Duhart-Tonge's last webinar meeting with the FACJJ. On behalf of the FACJJ and OJJDP, Ms. Grasso extended sincere thanks for Ms. Duhart-Tonge's invaluable service, citing her exceptional support in facilitating these webinars. Ms. Grasso expressed her appreciation for receiving personal instructions on the use of technology to enhance communications, and just general hand-holding! Speaking for the Concentration of Federal Efforts team, including Marshall Edwards and Joyce Mosso, she emphasized how much they will miss Ms. Duhart-Tonge and asked her to briefly chat about her new position.

Michelle Duhart-Tonge conveyed her pleasure in working with everyone over the years despite not having met some members in person. In May 2015, she begins supporting the Child Welfare Capacity Building Center in their efforts to roll out services to children in child welfare, foster care, and adoption, including implementation of a Center for Courts as well as a Center for Tribes. She thanked the members for the opportunity to serve them, and assured them that this was less about goodbye and more about interacting with each other through future, creative opportunities.

**Starcia Ague** briefly discussed two handouts she provided for the webinar, pertaining to Washington State.<sup>3</sup>

- The Youth Opportunity Act (HB 1561/SB 5689) addresses a major barrier for rehabilitated youth by restricting public access to juvenile records containing non-conviction data: arrests, probable cause hearings, citations, charges, and services of warrants relating to incidents that did not lead to a conviction; charges resulting in dismissal; and charges resulting in acquittal.
- In several weeks, Washington Governor Jay Inslee will sign the Youth Equality and Reintegration (YEAR) Act, which addresses the sealing of records and offers reforms relative to Legal and Financial Obligations (LFO) of youth for states that impose LFOs.

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<sup>3</sup> Posted on the FACJJ website <http://www.facjj.org/meetings.html>

## SUMMARY, NEXT STEPS, MEETING ADJOURNMENT

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**Administrator Robert Listenbee** expressed warm appreciation for Michelle Duhart-Tonge and her work with the FACJJ and anticipates future interactions.

He asked everyone across the country – as new policies, practices, and reform efforts ensue – to be ever mindful that the hard work is to link all of the ideas, grants, and research to people on the ground, in the field. He looks forward to deploying all methods that will inform people about available resources and how to use them, and that will engage volunteer efforts. He stressed the obligation to really touch the people across the country that fall within the Department’s mission and scope. Recent discussions about the school-to-prison pipeline and the Supportive School Discipline Initiative have convinced the Administrator that very few people in the country are aware of or know how to deploy all the available tools. To that end, he welcomes ideas and suggestions on how OJJDP can help connect people with these tools, ideas, evidence-based practices, best practices, promising approaches, and so forth. Positively changing the lives of children and families is understandably hard, but not going the last mile to touch these folks, so to speak, is the ultimate failure.

**Dalene Dutton** thanked Administrator Listenbee for his comments. Her expectation is that all members now know to which subcommittee they are assigned, and she again encouraged cross-pollination: individuals are welcome to join any subcommittee(s) in which they have interest or expertise. It will not constitute a permanent inclusion on just that specific workgroup – members can pop in, offer information or ideas, and return to their primary assignments. Ms. Dutton, Mr. Moeser, and the leadership team (subcommittee chairs) need more specificity on these topics, and plan to communicate next steps soon, as the FACJJ considers what next to tackle.

**Jim Moeser** discussed the status of topics previously identified for FACJJ focus.

Checked topics became the basis for the 2013 recommendations.

- ✓ Funding
- ✓ Federal State Relations
- ✓ Evidence-based Practices and Outcomes
- ✓ Training and Technical Assistance

Arrowed topics generated the current, still in-progress recommendations.

- Legislation – including JJDPA Reauthorization
- Research and Publications
- Special Issue Areas
  - Expungement and confidentiality of juvenile records

Bulleted topics remain for future consideration.

- Delinquency Prevention
- Improve/support increased collaboration across federal agencies (e.g., mental health, education, victims’ advocates, law enforcement, etc.) working with youth and families
- Special Issue Areas
  - Increasing parental voice and engagement in the process
  - Improving practices related to dual-status youth
  - Improving practices related to special groups (e.g., girls, young children, youth with special needs, mental health, etc.)



## SUMMARY, NEXT STEPS, MEETING ADJOURNMENT

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Mr. Moeser challenged the FACJJ to consider how it can encourage collaboration and coordination across the federal agencies that impact youth, families, and communities. Determinations are needed about funding, program design, data collection, etc. Special issue areas are also pending. For example, the group working on expungement and confidentiality may wish to address how to really engage parents. The Administrator alluded to the effectiveness and reach of the website, and the FACJJ must consider how to increase access and a voice for justice-involved parents and youth. Dual-status youth and other special focus or targeted groups are another area to be explored.

Certainly the FACJJ has progressed through a number of issues identified through that first survey. The next task is to ascertain the interest of any workgroup to address one or more of these remaining topics; topics they view as relevant – based not only on feedback from the last FACJJ survey, but also from everyone’s experiences and the issues facing them in the states.

**Dalene Dutton** asked members to weigh in with final thoughts:

- **Chris Rapillo** – will schedule a call to consider if her group has a particular interest in moving forward on these others areas.
- **Dave Rosenthal** – shared the impact he felt when the subject of delinquency arose during the discussions on expungement and confidentiality. Status offenses came to his mind because his (District of Columbia) office is now becoming inundated with truancy cases. To the extent that the FACJJ deals with delinquency, they may wish to consider addressing status offenses, as well. In other words, discussions about delinquency expungement and confidentiality should concurrently include status offense expungement and confidentiality issues. He initially assumed dual status meant child welfare and delinquency, but now acknowledged the variations of dual statuses; so he encouraged everyone to think broadly about those things.
- **Tony Jones** – in light of the national spotlight on critical law enforcement issues, the FACJJ must continue to focus on racial disparity. His SAG dedicated extra funds to create a module that Florida will now use, as a beta site, to develop a law enforcement curriculum.
- **Starcia Ague** – mentioned that the Juvenile Justice Strategy Group of the Annie E. Casey Foundation recently developed a Youth Advisory Council. Three incarcerated youth on that council have conducted their first meeting and decided to support a group addressing law enforcement. She credited the law enforcement curriculum work just mentioned by Chief Jones as playing a major role, with the potential to be very helpful to them.
- **Dalene Dutton** – wanted to ensure the FACJJ endorses the topics in front of them and asked if anything was missing – even if it means circling back through previous topics. Endorsing the updated list now allows subcommittees to pick and choose, and inform the leadership without requiring the group to reconvene to make formal assignments.
  - **Jim Moeser** – disproportionate minority contact (DMC) /racial-ethnic disparity.
  - **Dave Rosenthal** – status offenses along with delinquency.
  - **Starcia Ague** – policies for dealing with immigrant youth who are incarcerated; the deep end of the system and whether they are handed over to the U.S. Immigrations and Customs Enforcement (ICE).
  - **Symone Sanders** – deploying social media to advance the work in all these areas.

## SUMMARY, NEXT STEPS, MEETING ADJOURNMENT

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**Ms. Dutton** indicated that, sans objections, these topics are now deemed acceptable to the membership. Once Ms. Rapillo's Research and Publications subcommittee begins to delve into that particular hanging recommendation on the use of social media, they will be free to also choose from the updated list.

Relative to Dave Rosenthal's reference to dual status, Mr. Moeser suggested not just changing the language on the paper but to view it in a broader scope: youth often cross multiple systems – mental health and juvenile justice, status offenses and delinquency, disability service systems and delinquency, young adult and juvenile, etc.

Ms. Dutton will schedule a leadership call and present a short list of the next pressing issue for Ms. Rapillo's subcommittee, based on urgency.

### PENDING TOPICS

- Broad, Overarching Themes (when advancing work in all areas):
  - Social media
  - Status Offenses
  - Dual-status youth
- Delinquency Prevention
- DMC
- ICE policies – immigrant/incarcerated youth
- Improve/support increased collaboration across federal agencies (e.g., mental health, education, victims' advocates, law enforcement, etc.) working with youth and families
- Other Special Issue Areas:
  - Increasing parental voice and engagement in the process
  - Improving practices related to special groups (e.g., girls, young children, youth with special needs, mental health, etc.)

Dalene referred to contact information on the slides for Kathi Grasso, Designated Federal Official, along with the information for the OJJDP website and the National Training and Technical Assistance Center.

**MEETING ADJOURNED:** 3:40 p.m.