

**Webinar Online Meeting**  
**Federal Advisory Committee on Juvenile Justice**

Wednesday, May 18, 2016

2:00 p.m. to 5:00 p.m. ET

United States Department of Justice, Office of Justice Programs  
Office of Juvenile Justice and Delinquency Prevention (OJJDP)  
810 Seventh Street, NW, Seventh Floor Conference Room 7102, Washington, DC 20531

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**SUMMARY**

The Federal Advisory Committee on Juvenile Justice (FACJJ) held a webinar meeting on May 18, 2016. The meeting was hosted by the US Department of Justice (DOJ), Office of Juvenile Justice and Delinquency Prevention (OJJDP). FACJJ members participated, and members of the public observed.

Jeff Slowikowski, *Designated Federal Official*, provided staff support for the meeting, and Callie Long Murray provided technical assistance to its participants.

George Timberlake, *FACJJ Chair*, led and moderated the meeting.

The Expungement and Confidentiality of Records Subcommittee reported on its activities, which include examining federal and state legislation regarding the ability of youth to seek expungement or sealing of their records that is currently being reviewed by the respective governments. The subcommittee is considering hosting a webinar on the topic. No recommendations were submitted at this time. Discussion followed.

The Legislation Subcommittee reported on the status of the reauthorization of the Juvenile Justice and Delinquency Prevention Act (JJDP A). It will continue to monitor and work toward passage of JJDP A, which has yet to occur during the current session of Congress and narrowly missed Fast Track passage in the Senate. No recommendations were submitted at this time. Discussion followed.

The Research and Publications/Dual-Status Youth Subcommittee reported on its analysis of the impact of federal law on youth who commit sexual offenses; on victims of sexual offense or abuse; on the families involved in those cases; and on states that are attempting to craft effective, evidence-based responses to sexual offending by youth. The subcommittee submitted a recommendation to amend existing federal law to explicitly exempt youth from all sex offender registration, community notification, and residency restriction laws. Discussion and a vote followed. Based on the results of the vote, the FACJJ will accept the recommendation of the Research and Publications/Dual-Status Youth Subcommittee and will forward it to OJJDP.

Jim Moeser reported on the efforts of the work group that reviewed the FACJJ bylaws and led a review of and discussion around them.

Judge Timberlake shared the findings from research on juvenile record confidentiality and expungement in Illinois and recommendations that state's SAG has made regarding this issue.

Robert Listenbee, *OJJDP Administrator*, provided an update of OJJDP activities, including those of the Compliant Protection Division, and responded to questions around those activities.

Andrew Longhi introduced a recommendation that the FACJJ create a subcommittee for the purposes of developing recommendations specific to LGBT issues. Judge Timberlake announced that this subcommittee will be created.

A summer webinar meeting will be scheduled for the purposes of continuing the review of the bylaws and to accept further subcommittee recommendations.

### **OPENING REMARKS, WEBINAR LOGISTICS, INTRODUCTIONS, AND MEMBER ROLL CALL**

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Jeff Slowikowski, *Designated Federal Official (DFO), FACJJ and Senior Policy Advisor, Office of Juvenile Justice and Delinquency Prevention (OJJDP), US Department of Justice (DOJ)*

Office of the Administrator Senior Advisor for Strategic and Community Engagement  
Mr. Slowikowski officially called the meeting to order at 2:04 p.m. He noted that the minutes of this meeting, including PowerPoint presentations, handouts, and other documents, would be posted on the FACJJ website – [www.facjj.org](http://www.facjj.org) – within 90 days. Today's meeting is for FACJJ members, and all committee members are invited to participate. Members of the public are invited to observe the meeting. Written comments from the general public may be submitted to [Jeff.Slowikowski@usdoj.gov](mailto:Jeff.Slowikowski@usdoj.gov).

Callie Long Murray, *Technical and Training Assistance (TTA) Brokering and Coordination Manager, OJJDP's National Training and Technical Assistance Center (NTTAC)*, reviewed technical logistics of the webinar for the FACJJ members; these included accessing audio, participating in discussion, asking content questions, reporting technical issues, and locating and downloading handouts.

Mr. Slowikowski explained that he was joined for the meeting by OJJDP Administrator Robert Listenbee and Deputy Administrator for Programs Chyrl Jones.

FACJJ Chair George Timberlake welcomed everyone to the webinar meeting and asked Mr. Slowikowski to conduct roll call.

## **Roll Call**

### **Primary Members**

George Timberlake/IL (Chair)  
Amy Davenport/VT  
Tony Jones/FL  
Robin (Rob) Lubitz/AZ  
Jim Moeser/WI  
Christine Perra Rapillo/CT  
Tawny Spinelli/Youth (TN)  
Kimberly Larson/MA

### **Alternate Members**

Lisa Jacobs/IL  
Andrew Longhi/Youth (DC)  
Gregory Parks/OK  
Sasha Pellerin/NM  
Dave Rosenthal/DC

## **FACJJ EXPUNGEMENT AND CONFIDENTIALITY OF RECORDS SUBCOMMITTEE REPORT AND DISCUSSION**

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Expungement and Confidentiality of Records Subcommittee Chair Kimberly Larson reported on the activities of the subcommittee, providing a list of the subcommittee members:

Starcia Ague  
Vernon C.R. Daniels  
Kimberly Larson (Chair)  
Justin Miller  
Sasha Pellerin  
George Timberlake (Co-Chair)

### **Current Activity**

Ms. Larson explained that the subcommittee is examining federal and state legislation regarding the ability of youth to seek expungement or sealing of their records – thereby protecting the confidentiality of their juvenile records – that is currently being reviewed by the respective governments. Along with the legislation, the subcommittee is studying the available empirical evidence and literature in order to determine whether to provide input or recommendations about pending bills.

### **Reasoning for the Work**

The subcommittee believes such a review is important, as an increasing body of empirical research is demonstrating that youthful decisions can have long-term negative consequences. Juvenile records can interfere with a child's future, and the purpose of the

juvenile justice system is to be rehabilitative; such harms would contravene this aim. However, the subcommittee is cognizant of the need to balance public safety against the desire to ensure that the system is living up to its rehabilitative ideals, and that children are successful in the future and that their records do not follow them throughout their lives.

### Progress Update

The subcommittee has been monitoring legislative movement at the federal and local levels. It conducted reviews of the newest Juvenile Law Center (JLC) reports – these include two national reviews released in 2015 and a recent report (February 2016) analyzing the status of the laws across states – as well as of the scientific literature.

### Sources Used

The subcommittee used the following sources in its review and analysis of current legislation:

- Bills introduced at the federal level
  - Example: Fresh Start Act of 2016 (H.R. 4410)
- The national legislative landscape across states
- Empirical literature
- Professional organization statements
  - Example: ABA Model Act on Confidentiality and Sealing and Expungement of Juvenile Delinquency Records
- Reports directly on point
  - Example: JLC national reviews and recent report on collateral damage of records (both discussed above)

### Potential Webinar

The subcommittee is considering presenting the information it has gathered through a second webinar; it presented one webinar in 2015 on this topic in conjunction with the JLC soon after that organization released its first report, mentioned above.

### Issues Under Consideration

In its legislative analysis, the subcommittee is considering whether proposed legislation is addressing important issues identified in the literature (either in the scientific literature or the aforementioned reports), such as:

- Information-sharing by custodians of records
  - Is there over-sharing of juvenile information where it is not necessary?
  - How might legislation impact the over-sharing of information?
  - What is the impact of electronic databases upon sharing of juvenile records (i.e. the difficulty of locating all sources of expunged records online)?
- Sealing/expungement application process requirements
  - Even a \$50 fee can reduce applications by 25%.
  - We wish to ensure that not only the affluent can take advantage of the benefits of these processes.

- While some states may have processes in place, people may not be notified of their rights and thereby are unaware and are less likely to take advantage of sealing or expungement.
- Long-term collateral consequences
  - The numerous difficulties experienced by those whose juvenile records remain unsealed/unexpunged include re-enrolling in school, procuring financial aid for college, receiving admission to institutions of higher education, joining the military, securing adequate housing, finding employment, and obtaining appropriate mental health services.

### Next Steps

The subcommittee will continue to monitor legislation and will consider around which bills it might consider drafting a letter of input. It also will explore speakers for its webinar (e.g., to include JLC again) or other mechanisms for addressing this area. The subcommittee is open to suggestions, ideas, and feedback on other next steps it may take.

The subcommittee has no recommendations to make at this time.

### Discussion

Judge Timberlake noted that the Illinois Juvenile Justice Commission released a statewide report three weeks ago; it is available at:

<http://ijjc.illinois.gov/publications/burdened-life-myth-juvenile-record-confidentiality-and-expungement-illinois>

Administrator Listenbee shared that OJJDP has undertaken two efforts focusing on juvenile record expungement:

1. Juvenile Re-Entry Legal Assistance Program
  - a. This is a joint effort between OJJDP and the US Department of Housing and Urban Development (HUD), in which OJJDP provided \$1.75 million to HUD which then funded grants in 18 sites.
  - b. Legal service organizations have joined with housing organizations to provide assistance to youths under age 25 to have their records expunged and to assist them as they transition from out-of-home placement back to their communities with such things as identification records; driver's licenses; and other tools that will help them with housing, employment, and education.
2. OJJDP/National Juvenile Defender Center (NJDC) Joint Effort
  - a. OJJDP has provided \$700,000 to NJDC, which in turn has funded the provision of civil legal services for youth in five locations Baltimore, MD; Columbia, SC; Martinez, CA; St. Louis County, MO; and Lincoln, NE.
  - b. Attorneys work with youth on both the expungement of their records and on housing, education, and employment opportunities.

More information on these two programmatic support initiatives can be found at <http://www.ojjdp.gov>. They are based on the encouragement of juvenile record expungement and sealing so that youth can get a second chance. OJJDP works with prosecutors across the nation to determine in which cases such a chance is appropriate.

Judge Timberlake asked Administrator Listenbee what the length and intended outcome are for the HUD project.

Administrator Listenbee explained that the duration of funding is currently 12-18 months, during which community legal services attorneys and other nonprofit attorneys will work with housing authority representatives to help young people in facilities have their records cleared. Or, if a youth is returning from out-of-home placement – whether or not the record is being expunged or sealed – the attorney will hopefully provide him/her with assistance in transitioning into educational facilities (these include high schools, technical education programs, and colleges) and with help in obtaining basic identification for use in opening bank accounts, etc.

These programs are experimental in nature, and it is hoped that new models will come forward that provide communities with the ability to sustain these types of efforts long after OJJDP funding is past. Once relationships between community legal services and housing authorities shift and collaborative efforts are established, this kind of effort can be quite successful. The hope is that communities will identify alternative funding sources once they see the benefits of these programs.

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## **FACJJ LEGISLATION SUBCOMMITTEE REPORT AND DISCUSSION**

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Legislation Subcommittee Co-Chair Amy Davenport reported on the activities of the subcommittee.

Members of the subcommittee are:

Aileen Jo Artero

Ashley Beall

Amy Marie Davenport (Co-Chair)

ViEve Martin Kohrs

Kenya Shantel Lee (Chair)

Andrew Longhi

Jim Moeser

Tawny Spinelli

Linda Whittington

### Issue Area: JJDPA Reauthorization

At the most recent annual meeting, held in October 2015, the subcommittee voted to focus its efforts on the reauthorization of the Juvenile Justice and Delinquency Prevention Act (JJDPA). This decision was based on four elements:

- According to its charter, the FACJJ is charged with advising the Administration and Congress on matters related to federal legislation.
- For the past five years, the FACJJ has made the reauthorization of JJDPA one of its top priority recommendations to the OJJDP Administrator.
- At the time of the subcommittee's decision, it appeared that the legislation was going to make significant progress this year. Senate Judiciary Committee Chair

(SJC) Chuck Grassley (R-Iowa) had announced the legislation would be a priority for the committee.

- The legislation proposed by the Senate would include a three-year phase-out of the valid court order exception (VCO), and the subcommittee was focused on the elimination of the VCO and believed it could explore ways to support states, particularly their State Advisory Groups (SAGs), with the phase-out.

### Legislation Progress Update

The subcommittee has monitored the progress of S. 1169, the Senate JJDPa reauthorization bill:

- In December 2015, the bill was passed by the Senate Judiciary Committee with unanimous, bipartisan support.
- Due to the unanimous favorable vote, it was decided that the bill would be fast-tracked via email vote, with the hope of avoiding a floor vote and thereby getting the bill to the House of Representatives as soon as possible.
  - The Fast Track vote must be unanimous; if even one senator votes against the bill, it goes to the Senate floor for a vote. The SJC felt it could achieve unanimous Fast Track passage.
- In January, Senator Tom Cotton (R-Alabama) registered not in favor of the bill, specifically of the phase-out of the VCO exception. Alabama is one of the few states in which the VCO exception is widely used to detain status offenders.
- Negotiations that have included “heroic efforts” by the Juvenile Justice Coalition (JJC) have been taking place since January in order to obtain Sen. Cotton’s vote. As of this past Monday, it was decided that obtaining Sen. Cotton’s vote is not possible.
- The bill will go to the floor; this has not been scheduled yet. It will include an amendment that will counter an amendment put forth by Sen. Cotton.
- It is discouraging that, due to the upcoming elections, the Senate will not spend as much time as it would normally, and it will not be easy to get the bill to the Senate floor.
- On the positive side, Sen. Grassley is very committed to seeing through reauthorization of JJDPa.
- On the House side, the Committee on Education and the Work Force – the committee from which JJDPa legislation would be generated – is supportive of reauthorization and may introduce a bill if Senate action continues to be delayed.
  - While the Chair and Vice Chair of the committee are supportive, some disagreements exist around how comprehensive the bill should be.
    - Representative Bobby Scott (D-Virginia) is a member of the committee and would like the bill to include provisions from the Youth PROMISE (Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education) Act.
    - The Chair, the Vice Chair, and the JJC feel that adding anything to the bill beyond reauthorization would cause it to fail in the House.

### Legislative Subcommittee Actions on JJDPa

The subcommittee drafted a letter to the SJC Chair (Sen. Grassley) in support of that committee's efforts. Judge Timberlake signed the letter on behalf of the FACJJ and sent it to the SJC in April.

The subcommittee drafted a similar letter to the Chair of the House Committee on Education and the Work Force urging support an passage of the legislation in 2016. Judge Timberlake signed the letter on behalf of the FACJJ and sent it to the committee in April.

#### Next Steps

##### *JJDPA Legislation*

The subcommittee will continue to monitor the JJDPA legislation in the Senate and the House, although it is looking less and less likely it will pass this year; efforts would have to completely start over in January 2017.

##### *Consider Addressing Other Topics*

At the last meeting, the subcommittee discussed the possibility of making recommendations on other legislation/issues. They included:

- Equities and reducing disparities with disproportionate minority contact (DMC)
- Parental engagement
- Out-of-home placement
- Youth PROMISE Act
- Solitary confinement
- Special populations
- Delinquency prevention
- Training

No consensus was reached, but the subcommittee is considering other topics it could address between now and the fall. It is open to ideas, suggestions, and feedback as to how to move forward. One question is whether to continue to have a Legislative Committee at this time.

#### Discussion

Jim Moeser mentioned that the subcommittee had considered looking at the impact of passage of JJDPA reauthorization; however, since passage at this time is looking to be unlikely, it can explore ideas outside legislation that were raised in discussion.

Judge Timberlake suggested the possibility of the Legislative Subcommittee taking up recommendations from the other subcommittees. Both the Expungement and Confidentiality of Records Subcommittee and the Research and Publications/Dual-Status Youth Subcommittee have developed specific recommendations; this subcommittee may want to review those and determine whether to work collaboratively on something.

Judge Timberlake commended Judge Davenport on the subcommittee's efforts, noting that many tried to sway Sen. Cotton but he would not sway from his decision. It is a murky moment right now, but all is not lost.



Judge Davenport noted how impressed she is with the number of people who have been involved in working to get the legislation passed.

## **FACJJ RESEARCH AND PUBLICATIONS/DUAL-STATUS YOUTH SUBCOMMITTEE REPORT AND DISCUSSION**

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Research and Publications/Dual-Status Youth Subcommittee Co-Chair Lisa Jacobs reported on the activities of the subcommittee, which was charged with exploring the research and available literature and data around the issues of youth who commit sexual offenses – in particular, to analyze the impact of federal law on those youth; on victims of sexual offense or abuse; on the families involved in those cases; and on states that are attempting to craft effective, evidence-based responses to sexual offending by youth.

Ms. Jacobs thanked subcommittee Co-Chair Christine Perra Rapillo and all of the other members for their focus and hard work. In particular, Dr. Greg Parks was instrumental in bringing to the table a group of researchers and practitioners who work to prevent sexual abuse and to develop effective interventions. Special thanks to Rob Lubitz, who took the lead crafting the subcommittee’s draft recommendation, which gave rise to the final set of recommendations presented today.

The subcommittee is comprised of the following members:

Timothy Brurud  
Lisa Jacobs (Co-Chair)  
Aris Johnson  
Tony Jones  
Robin Lubitz  
Gregory Parks  
Christine Perra Rapillo (Chair)  
Dave Rosenthal  
Tawny Spinelli

The subcommittee dived deeply into what it could learn from the research on the national level as well as through the Illinois SAG’s report on this topic, with an obvious focus on Illinois data.

### Rationale for Recommendation

Since the passage of federal law requiring the registration of juvenile sex offenders, a wealth of studies have shown no net measurable public safety benefits but have identified multiple unintended negative consequences to youth, victims of sexual abuse, and the families of both.

### Research Findings in Support of the Recommendation

Ms. Jacobs reviewed the findings that the subcommittee found to be in support of the overarching recommendation and its rationale:

- Youth are different from adults

- Adolescent development has a significant impact on youth behavior, and it is critical to understand and apply the knowledge about that development when constructing juvenile and criminal justice policy and practice.
- The current sex offender registries were created with adult sexual predatory offenders in mind and without the application of knowledge of adolescent development.
  - Youth sexually problematic or abusive behavior can be very different from that of an adult sexual predator.
- Sexual offending by juveniles is generally less aggressive, less deviant, and often experimental, and it often occurs over shorter periods of time as compared to adult predatory behavior.
- As youth develop, risky and illegal behaviors – sexual and otherwise – tend to disappear. That is, youth tend to desist from delinquent behavior as they become adults.
- Juvenile sex offenders are at very low risk of reoffending.
  - The majority of the research shows consistently low reoffending rates – typically less than 10% across states and across youth populations.
  - Most reoffending among youth who have committed a sexual offense is of general delinquent behavior, with recidivism rates of 2.5% to 5% for new sexual offenses.
- Registration does not reduce recidivism.
  - Registration schemes developed with adults in mind do not further lower the already low rates.
  - The registry restrictions required by the federal Sex Offender Registration and Notification Act (SORNA) laws create barriers to positive relationships and the normal adolescent activities that are known to reduce reoffending.
  - Registries have been shown to produce no positive impact on public safety.
- Registration can undermine the charging process.
  - When justice system stakeholders are aware of the very significant negative consequences of youth registry, they may accept pleas to battery or may drop or reduce charges so as to avoid triggering registration requirements.
    - Such actions circumvent the law’s intent and create inconsistent patterns of practice and policy that can undermine the public’s confidence in the juvenile justice system.
- Registration has profound lifelong negative impacts on juveniles.
  - The stigma of being required to register as a sex offender leads to feelings of isolation and depression, suicidal thoughts, and high suicide rates.
  - In addition to the stigma and the developmental and emotional costs, registry creates obstacles to living with one’s family, attending school, using technology and computers, and maintaining stable relationships within families and communities.

- Taken together, these negative consequences are very harmful to youths and can undermine healthy adolescent development that is able to reduce risks for future offending.
- Registration may harm victims of sexual abuse that a registry is intended to protect.
  - Youth sexual offending most often involves a member of the immediate or extended family; registration, community notification, and restrictions applied to a youth also affect intrafamilial victims of sexual offending and create real harms and barriers for them.
- Registration laws across the country are a hodgepodge of inconsistency.
  - As a result of the above realities, a patchwork of state laws exists, as the states have attempted to address youth sexual offending while being responsive to the federal laws.
  - While the federal laws were developed with the intention of creating uniformity across the states, the opposite has occurred.
  - States are not substantially in compliance, particularly around youth registry requirements at the federal level; among those states that comply or struggle to do so, there is wide variation in the types of offenses included, the costs required to register or to comply, the expense of maintaining the registry systems at the state level, the length of registration, the specific restrictions placed on youth, and whether and how a youth can petition to be removed from registry.
- Federal requirements limit states' abilities to craft local solutions utilizing evidence-based, proactive practices that have been demonstrated to reduce youth offending, protect victims from further harm, and put youths on a path toward positive outcomes.
  - States that attempt to do the above are disadvantaged by the federal law in the form of penalties or potential penalties for failure to comply with the federal registry requirements.
  - Removing juveniles from federal registry requirements could allow states to craft local, evidence-based policies and practices.
- Federally required registration is an expensive, unfunded mandate for the states.
  - States have struggled with the costs associated with creating registries that include youth or with expanding their existing registries to include them.
  - States also have been trying to balance confidentiality protections required by state juvenile court acts.
  - States not in compliance with the federal requirements can face (or could face future) financial consequences.

Ms. Jacobs noted that the documents provided by the subcommittee in this webinar give more detail on the research findings.

#### Recommendation

Based on its examination and discussion of the literature, data, and research presented above, the subcommittee created the following recommendation:

Existing federal law should be amended to explicitly exempt all persons who were below the age of 18 at the time of their offense from all sex offender registration, community notification, and residency restriction laws. Federal juvenile sex offender registration laws are inconsistent with research and evidence based practice; fail to promote public safety; have long-term adverse impacts on registrants; may harm victims of intrafamilial abuse; are not cost effective; limit states' abilities to craft evidence-based policy and practice, are being substantially resisted or undermined at the state level; and fundamentally ignore the burgeoning science of adolescent brain development.

### Discussion

Judge Timberlake remarked that, in Illinois, research showed that many youths who are convicted of a juvenile sex offense are placed in residential facilities by default. Treatment providers – experts in therapeutic responses to youthful misbehavior – reported that, often, youths sent to them for long-term (9-12 month) placement were extremely low risk and did not benefit materially from the assigned treatment regimen or from the length of placement, making such placements as expensive as juvenile prison and a waste of resources.

Also, in the Illinois Department of Juvenile Justice (DJJ), although the population has been extraordinarily reduced inside the juvenile prison system and on parole, one of the most difficult placement decisions is non-treatment residential placement of a child upon parole release. Registration requirements exist, as do limitations on where a child may live; these are determined by state law requiring the separation of victims. Given that the majority of youth sexual offending involves a family member, the DJJ is experiencing significant difficulties. Extreme stays because of the registration requirements and the extreme length of residential treatments cost money. Finally, the lack of ability for young people on the registry to convert to a lawful, law-abiding citizenry is extraordinarily difficult. All of this is the reason the Illinois state report, among others, reached the same conclusion as did this subcommittee.

Ms. Jacobs noted that juvenile justice workers have encountered all of the elements mentioned by Judge Timberlake in state-level work to improve response to sexual offenses by youth in Illinois. They have bumped up against the ability to have a more individualized, evidence-based and risk-based approach to registry or non-registry of youth. If they choose to have individualized, risk-based decisions around registry, or if they exempt youth entirely, the state will face SORNA non-compliance.

Judge Timberlake remarked that some states choose to be out of compliance, based on the belief that the costs of compliance exceed those of not complying. There is widespread discussion and controversy around compliance, at least as it relates to juvenile registration, in numerous states.

Mr. Moeser wondered if the subcommittee had discussed any exceptions or exemptions for any particular types of offenses. For example, there are situations with youth who are almost 18 or with particularly serious offenses.

Ms. Jacobs responded that the subcommittee had grappled a bit with those questions, and she pointed out that the recommendation does not endorse federal law prohibits registry of youth at the state level; rather, it does not require youth registration at the state level.

Judge Timberlake thanked Linda Britton for the comment she provided via the public chat:

“The recommendation to remove juveniles from federal registry requirements is long overdue. At the time the Adam Walsh [Child Protection and Safety] Act was passed, I worked as a juvenile magistrate in Texas. Texas found that the cost of compliance exceeded the penalty of noncompliance. It also amended its state laws to give the juvenile court discretion over the registration decision, allowed juveniles to move to de-register under certain circumstances, and expanded sealing requirements for juveniles as well.”

#### FACJJ Vote on Recommendation

A roll call vote was taken on accepting the subcommittee’s recommendation that existing federal law be amended to explicitly exempt all persons who were below the age of 18 at the time of their offense from all sex offender registration, community notification, and residency restriction laws.

All nine votes cast by members in attendance voted in favor of the subcommittee’s recommendation, with none opposing. The motion carried; the FACJJ will accept the recommendation of the Research and Publications/Dual-Status Youth Subcommittee and will forward it to OJJDP.

Judge Timberlake noted that the FACJJ is no longer following the process of waiting for recommendations for the purpose of submitting a one-time report. Instead, the committee will consider when the recommendations are made.

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### **DISCUSSION OF FACJJ BYLAWS**

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Jim Moeser reported on the efforts of the work group that reviewed the FACJJ bylaws – a subject that has garnered interest in the past two years and has now been addressed – and led a review and discussion around them.

The current bylaws, executed in October 2012, include regional representation, number of members, term limits, meeting procedures, and other operational guidelines and requirements. The bylaws operate within the context of the FACJJ charter that was most recently renewed in October 2014 and will expire in October 2016. The charter includes:

- Estimated allocation of funds to support the FACJJ
- Maximum number of members
- Outline of objectives, scope of activity, and duties

The Workgroup to Review the ByLaws included:

Starcia Ague

Rob Lubitz

Jim Moeser  
Dave Rosenthal  
George Timberlake

Jeff Slowikowski provided staff support to the workgroup.

#### Minor/Technical Changes to the ByLaws

Mr. Moeser presented the highlighted changes, noting that members should have received via email a few days prior the current bylaws as well as a version of bylaws with the marked-up changes; both are available on the FACJJ website ([www.facjj.org](http://www.facjj.org)).

The marked-up version provided for discussion in this meeting recommends expansion of the membership and calls for other, more minor changes to the current bylaws. These include:

- Confirm that voting for officers needs to be in writing (email is accepted) and process for soliciting nominations prior to meeting at which vote takes place.
- Make a minor change related to open meeting language.
- Ensure that language related to recommendations matches the language in the charter
- Authorize filling either the Chair or Vice-Chair position in the event of a mid-term vacancy.
- Adjust officer terms to begin October 1 (vs. January 1 and matching the federal fiscal year of October 1-September 30) so they will coincide with member terms.

Judge Timberlake commented that the Chair/Vice-Chair vacancy provision is extraordinarily important, as FACJJ members are political appointees subject to the state-level reappointment process. Given those realities, it could be required to continue leadership with a different person.

Judge Timberlake also pointed out the necessity of some institutional memory in continuing the committee's work. Therefore, outgoing officers not being present to speak to incoming officers is problematic, and it makes sense to have some in-person overlap to improve the functionality of the FACJJ; hence the reason for changing the terms.

Mr. Moeser added that one goal of the modifications is to match members' terms and officers' terms.

#### Issues for Discussion

Mr. Moeser presented bylaws issues for discussion, including the workgroup's primary recommendation to increase the number of voting members of the FACJJ by eliminating the primary/alternate designation in support of a change that would identify 28 members (vs. the current 14). He shared the elements of the workgroup's discussion on this subject that led to the above recommendation:

- How would the increase improve FACJJ functioning/results? More work groups? More members per group? Increased state voice?
- What support/other resources would be necessary to support added work?
- What are the fiscal limitations/implications, if any?

- What would the “timing” of a change be?
  - Options could include (1) eliminating the difference between Primary and Alternate members – resulting in 28 voting members (keeping same regional configuration?) – and ramifications of that (e.g. start date, relationship to current terms, etc.); (2) adding some number of “at large” members; (3) other?

Mr. Moeser noted that the FACJJ could benefit from membership expansion, and he suggested that, while other ways of growing the membership exist, making alternative members primary ones is the most realistic and effective option. Members need to make a commitment to participate in the work of the FACJJ, to attend meetings, and to participate on at least one subcommittee. Hopefully OJJDP can assist in bringing members to Washington, DC for the in-person annual meeting.

The following questions arose very recently and have yet to be addressed:

- Participation requirements? Removal options? Filling vacancies “off cycle”?
- Role and responsibilities of OJJDP/DFO? Any need for clarification?
- Other issues/areas for discussion/review?

Judge Timberlake congratulated Mr. Moeser and the workgroup on bringing the bylaws issues to the attention of the FACJJ. He noted that the proposed changes affect the functionality of the committee and are therefore important. Specifically, there is more work to be done in resolving the questions raised by the membership growth issue. Any member who is interested in participating in the continuing discussion may contact Judge Timberlake or Mr. Slowikowski.

Mr. Rosenthal expressed his support for the recommendation and asked for information as to the next steps, assuming other members of the FACJJ agree that this work is worth pursuing. He notes that some questions remain, such as keeping the same regional configuration.

Mr. Moeser described the goal at this meeting is to obtain as much input as possible from the larger FACJJ membership. The workgroup can then review that feedback, address the questions Administrator Listenbee had raised to the workgroup, and finalize formal recommendation language.

Judge Davenport expressed her support of eliminating the difference between the primary and alternate members and her preference for two primary regional members hailing from different states. She added that it would be helpful to clarify the FACJJ member roles and responsibilities for new members, particularly as it relates to a member’s responsibility to the other states in her/his region.

Mr. Moeser agreed that such information needs to be shared with new members. He explained that the intent of FACJJ regional work is not about representing every state but is more about having representation of geographic and state-size diversity. However, the structure has been used on occasion to collect information from the SAGs in each state.

Judge Timberlake added that, if all members are primary ones, only one of the regional members should represent a single SAG. He also asserted the need to develop mechanisms for conversations with other states in the regions; this could be solved through technology, including listservs.

Mr. Lubitz reiterated his strong support for the elimination of distinctions, which create a feeling of two classes of members. It is possible for an alternate member to serve two terms and never vote or to meet other member; this makes it difficult for that member to remain invested.

Administrator Listenbee thanked the FACJJ members for joining in this discussion and encouraged the committee to move speedily on any bylaws changes within the limited remaining time of the current Administration.

From the very beginning, the FACJJ has dealt with the same issues mentioned here around roles and responsibilities; if these are not clear, Administrator Listenbee asked that the committee include in recommendations what roles and responsibilities it feels are appropriate. He did not and does not have a preconceived vision of what the FACJJ should look like, and he wishes for members to feel that serving on the committee is an important, even enjoyable, responsibility on behalf of the children served by this agency and those in the field.

Sasha Pellerin expressed her support for the recommendation, commenting that she has served as an alternate member for two years. She noted that the expansion of FACJJ membership could create issues regarding meeting scheduling around member availability, and that expansion would change the committee's quorum. As well, there is an economic impact around attendance at the annual in-person meeting in Washington, DC.

Judge Timberlake appreciated Ms. Pellerin's comments and noted the need to discuss those issues going forward.

Mr. Moeser will convene workgroup forthwith and will return with a final recommendation as quickly as possible. He will leave it to Judge Timberlake and Ms. Ague as to whether to convene a special meeting or find another way to move this forward.

## **OJJDP UPDATE AND REMARKS**

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Administrator Listenbee provided an update on the activities of OJJDP. He began by expressing his appreciation to Judge Timberlake for his leadership of the FACJJ, noting that he has been a driving force behind addressing the issues raised in this meeting, as well as other issues, with OJJDP.

Administrator Listenbee expressed gratitude to the young professionals working on this committee and to Mr. Slowikowski for their efforts. He appreciates the time given by all



FACJJ members, aware of everyone's busy schedules and full workloads, and he thanked the subcommittee Co-Chairs – Judge Davenport, Ms. Jacobs, Ms. Larson, and Mr. Moeser – for their work and for this meeting's presentations. He noted that OJJDP Deputy Administrator for Programs Chyrl Jones was in the webinar until a few moments earlier; FACJJ members should feel free to reach out to her as well as to him.

OJJDP will move as quickly as possible to respond to the recommendations so that the FACJJ can continue to be an effective organization that makes recommendations to the Administrator, to Congress, and to the President.

DOJ and OJJDP strongly support reauthorization of JDDPA, and they commend Chairman Grassley and Senator Whitehouse for introducing the bipartisan bill and for moving the legislation forward. While, as pointed out by Judge Davenport, the bill has stalled in the Senate, they are confident it will be passed.

Administrator Listenbee expressed his gratitude to the Research and Publications/Dual-Status Youth Subcommittee for its recommendation on the use of sex offender registries for juveniles. He greatly appreciates how carefully the subcommittee examined this complex issue. The DOJ Office of Justice Programs's Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) has been making some recommendations of its own and has been consulting members of DOJ.

Administrator Listenbee highlighted the subcommittee's reference to the fact that, when a child is sexually assaulted, it often changes his/her life dramatically. He noted that the subcommittee clearly is aware of the dramatic impact of sexual assault on youth; they most often need trauma-informed care to adjust. He also mentioned his understanding that the subcommittee is clearly concerned for victims of sexual assault.

#### Core Protections Division

OJJDP Core Protections Division (CPD) Acting Associate Administrator LeToya Johnson joined Administrator Listenbee for this portion of the webinar in order to assist with answering questions. OJJDP is in the process of filling the permanent position of Associate Administrator, and Ms. Johnson's knowledge, expertise, efforts, and leadership have proved invaluable to the division's development.

OJJDP created the CPD to address the core protections outlined in JDDPA and to work with the states on compliance of those protections. The division's staff and leadership are responsible for making the initial compliance determination recommendations to the Administrator. Similar to the state and community protections divisions, the CPD will have state-based staff assignments. Administrator Listenbee encourages FACJJ members to contact their state-based staff if the need arises, and he provided a listing of them.

#### *Division Goals*

The goals of the CPD staff are to:

- Enhance communication
  - Acknowledge or answer requests within 24 hours (Compliance Analyst POCs)

- Resume Compliance Monitor and DMC Coordinator conference calls; initial topics include draft guidance and DMC assessment tool
- Revamp Core Requirements guidance on the OJJDP website
- Ensure that internal and external compliance guidance and policies align with JJDPA
  - Issue updated Formula Grant Regulations
    - As noted in other forums, the Formula Grant Regulations and the Compliance Guidance Manual have been misaligned.
    - OJJDP and the OJP Office of General Council (OGC) have worked together to update the regulations to ensure that they are in accordance with JJDPA.
    - The draft regulations will be published in the Federal Register for the purposes of receiving comments and feedback from the field and from the public.
  - Issue a revised Compliance Audit Manual
    - OJJDP will continue to share the content of this internal document guiding the department's work to ensure that the FACJJ understands the standards used to assess the adequacy of the Compliance Monitoring System.
    - The manual will clarify the process used to conduct compliance audits, from planning to reporting to finding resolution.
    - The goal of the changes to the Audit Manual is to focus more on OJJDP's process.
      - Compliance guidance has been moved to the Compliance Guidance Manual.
    - The process will be a more efficient and objective one that will align with the requirements set forth in JJDPA and companion OJJDP policy guidance.
    - The Audit Manual will include internal standards, such as:
      - Anticipated timelines of the process for a typical audit, from planning through findings reports;
      - How OJJDP will objectively assess each monitoring system element (objective criteria);
      - The process we will use to select facilities to visit during the on-site review; and
      - What facility tours and reviews of files will entail.
  - Develop standardized assessment tools to guide OJJDP's compliance determination reviews for all four core requirements
    - OJJDP implemented a standardized assessment form for deinstitutionalization of status offenders (DSO), jail removal, and separation core requirements for the 2016 compliance determinations to ensure objectivity and consistency.
    - A tool is being developed to guide the DMC process.
      - OJJDP requested and received helpful feedback from stakeholders.
      - Prior guidance around DMC remains the same.

- The assessment process is being strengthened to ensure objectivity and consistency.
- The tool will be finalized in time for the FY 2017 compliance determinations, to be issued in April 2017.
  - FACJJ members and stakeholders will have an opportunity to review a draft and provide input prior to finalization.
- Issue an updated final Compliance Guidance Manual
  - The goals for the new manual are to ensure that all guidance aligns with JJDP and that it is used as a single point of reference to address all questions.
  - OJJDP spent a considerable amount of time updating and correcting the manual.
  - FACJJ members and OJJDP stakeholders in the field will be provided a draft by this summer for review and input prior to finalization.
  - Some key changes to the manual:
    - It now includes existing guidance that was scattered across multiple documents and FAQs.
    - It incorporates changes included in the OJJDP compliance policy.
    - It provides additional guidance regarding “detain or confine”.
    - It clarifies and provides objective measures for guidance.
      - Example: For DSO, it clarifies OJJDP policy on whether a state adequately meets or fully satisfies Criterion C, and it defines the terms “placed” and “placement”.

While OJJDP believes it has identified the areas of the Compliance Guidance Manual that were unclear, it would like to hear from the FACJJ about anything it feels should be clarified or changed as the office moves to finalize them. This meeting was not the forum for addressing specific questions around technical guidance; however, Administrator Listenbee solicited a discussion of what additional clarifications might be needed. Based on the FACJJ’s feedback, CPD staff will review and tweak the manual.

### Discussion

Ms. Johnson assisted in addressing questions raised by the FACJJ.

Judge Timberlake raised the issue of FACJJ members needing to refer to and, in some cases defer to, compliance officers – the DMC Coordinator and the Juvenile Justice (JJ) Specialist – in the individual SAGs. He noted that, in his experience, local SAGs rely heavily on those officers. On top of this, each state has a different process. The FACJJ certainly will respond to the request for feedback. It is very welcome news that the entire audit process will be streamlined.

Mr. Moeser expressed his appreciation for the CPD's efforts and its ongoing commitment to respond to questions around compliance guideline development. He asked if the Compliance Guidance Manual would be circulated for feedback, and he asked for clarification on that process.

Administrator Listenbee confirmed that the manual would be circulated for input. He encouraged FACJJ and SAG members to take a close look at the draft regulations during the Federal Register process and provide feedback; CPD staff will take all comments under consideration.

Mr. Lubitz was pleased to see this work being undertaken and noted that it is very consistent with recommendations made by the FACJJ around compliance monitoring in 2014; those recommendations addressed consistency and time frames for responsiveness. A specific recommendation that was included in the 2014 recommendations report as an appendix offered an alternative way of looking at and augmenting measurement of DMC. Mr. Lubitz mentioned that the FACJJ had never received a response about its recommendation and suggested that feedback would have been helpful.

Ms. Johnson responded that the division recently received the recommendation and is reviewing it. She can update the committee at a later date.

Judge Timberlake echoed Administrator Listenbee's comments stressing the extraordinary importance of communication between OJJDP and the FACJJ. It is necessary to support both the manual and the process by which department staff communicate with individuals at the state level.

Administrator Listenbee praised the tremendous contribution of Assistant Attorney General for the Office of Justice Programs Karol Mason, OJP Chief of Staff Theron Pride, many other members of the Administration, and others in DOJ who have taken an interest in these efforts and who work diligently with OJJDP to make sure it achieves timely progress. He acknowledged the work of his senior advisor, Gregory Thompson, former Chief of Staff Shanetta Cutlar, and other OJJDP staff to develop objective, clear standards and processes that meet the objectives of JJDPA.

Judge Timberlake remarked that it appears that OJJDP currently is very much in sync with the values and principles espoused by the FACJJ, and he thanked everyone involved for their efforts. He noted that the updated guidance will reduce anxiety over compliance, and he commented that clarity about how states can deal efficiently with compliance issues is welcome news.

Administrator Listenbee again thanked Ms. Johnson and her staff at the new CPD, as well as Mr. Slowikowski, Ms. Murray, Melissa Kanaya, and the entire contracting team for their hard work behind the scenes. He reminded the committee that seven FACJJ vacancies exist; OJJDP will be reaching out to SAGs to solicit applications for those willing to serve, and FACJJ members are asked to spread the word to fill the vacancies.

He noted that the HUD initiative in 18 locations across the nation, mentioned earlier, and the five lawyers working through the National Juvenile Defender Center are evidence of OJJDP's commitment to the expungement and sealing of records, as well as to the development of assistance for young people who are transitioning from out-of-home placement and out of the justice system so that they have the tools to receive a good second (or even first) chance at life.

Administrator Listenbee is honored to be a member of and to work in concert with the FACJJ.

**PRESENTATION ON THE RECENTLY RELEASED REPORT:  
BURDENED FOR LIFE: THE MYTH OF JUVENILE RECORD  
CONFIDENTIALITY AND EXPUNGEMENT IN ILLINOIS**

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Judge Timberlake shared with the FACJJ the findings from research on juvenile record confidentiality and expungement in Illinois, as well as recommendations the SAG has made in the state regarding this issue and based on the research results.

The shocking reality of expungement is this: For every 1,000 arrests in Illinois in 2015, just three juveniles succeeded in expunging their records that year. Judge Timberlake noted that such results are replicated in many states. He asserted that the justice system has paid lip service to juveniles being able to clear their records and removes concerns around being kept out of colleges, housing, and employment for mistakes they made as youth and for which, if their cases were prosecuted, they have complied with the requirements of supervised probation. An extremely small number of those arrested are even prosecuted and end up with a reportable record.

Report Findings

*1. Weak confidentiality protections for juvenile records in Illinois create obstacles to rehabilitation and threaten public safety.*

- The Illinois confidentiality laws permit overly broad access to juvenile records.
  - Over 30 individuals or organizations have statutory access to juvenile records.
  - An enormous variety of lawful opportunities exists for disclosing confidential information about a child.
- The unlawful sharing of juvenile records is a common practice in the state.
  - Interviews with stakeholders throughout the system, youth, and members of assorted juvenile justice-related organizations substantiates the prevalence of the routine sharing of juvenile arrest and prosecution records and factual bases in juvenile prosecutions with others who do not have the statutory authority to receive confidential information.
- The widespread sharing of juvenile records harms individuals with records and jeopardizes public safety by creating obstacles to stable employment, housing, and education.

- Confidentiality of juvenile records was created for the benefit of those individuals who are not prosecuted or who successfully complete any requirements of them as juveniles.
- The fact that confidentiality does not occur in too many circumstances shows that the principle supporting the ability of a youth to become a participating member of society later in youth and then in adult life is damaged.
- In Illinois and in many other states, no statutory penalties exist for unlawful sharing of juvenile records, and there are no legal remedies for individuals harmed by such sharing.
  - While we say that records are confidential, no sanctions support ensuring that principle against individuals who unlawfully share those records.
  - This can be remedied by statute, partially at the federal level and partially by each individual state.

*2. The juvenile expungement process in Illinois is dysfunctional.*

- A miniscule proportion of juvenile records is expunged.
  - As noted above, only .3% of records are expunged per year in the state.
- Restrictive eligibility criteria bar many individuals from expunging their juvenile records.
  - Commitment of a minor offense prior to the end of the required expiration period is just one example of the many criteria that exist.
- A burdensome, complicated, and expensive process discourages eligible individuals from pursuing expungement.
- Law enforcement agencies and county clerks' offices often neglect their statutorily mandated duty to inform individuals of their right to seek expungement.
  - Similarly, courtroom judges often do not explain expungement to individuals.
    - One reason is the practical difficulty of explaining the expungement process in courtrooms staffed by good people trying to do as much as possible despite the volume and rate of activity.
    - A second reason is the frustration of explaining the extraordinarily complicated, expensive, and burdensome expungement process to a youth and then revealing that it does not work particularly well.

Recommendations

*1. Enhance confidentiality protections of juvenile records*

- Illinois can amend the Juvenile Court Act to eliminate instances when records may be shared with the general public.
- A robust definition of sealing can be created.
- The state needs to clarify that a juvenile adjudication is not a conviction under Illinois law.
  - As with many other states, Illinois has a hybrid civil-criminal approach to juveniles.
- The state needs to develop meaningful sanctions and a cause of action to illegal disclosure of juvenile records.

- When children's lives are significantly damaged by such illegal disclosure, a response is needed.
- The state needs to provide to system players much improved education around compliance with confidentiality law.
  - Whatever media are utilized (pamphlets, emails, webinar trainings, etc.), it is critical to educate individuals within the justice system that confidentiality exists for a public safety purpose.

## *2. Increase access to juvenile expungement*

- The state needs to enact real automatic expungement.
  - Records should be expunged at a certain age or time limit with no further infractions.
- The state needs to expand the scope of eligibility for expungement by decreasing waiting periods and minimum age limits and by adding judicial discretion.
  - Illinois currently has excessively long waiting periods, and damage can be done in the time period between completion of supervision and eligibility for expungement.
- The state needs to decrease or eliminate high costs for the expungement process.
  - With high costs, expungement cannot work functionally.
- The state needs to educate law enforcement agencies and clerks' offices to improve their compliance with the juvenile expungement law and their duty to explain it to youths in the justice system.

Judge Timberlake was pleased to report that, a week prior to this meeting, the Illinois Senate Criminal Justice Committee approved a bill that makes substantial changes to the state's expungement law. While it does not comply fully with the Illinois SAG's recommendations, it will be a significant, welcome step forward.

### Discussion

Mr. Rosenthal commented that Washington, DC has confidentiality statutes that include a criminal penalty for violation of those statutes; it is a 90-day offense, and it does get prosecuted by the Office of the Attorney General for the District of Columbia. DC has an actual innocence statute as well as a non-actual innocence statute that permits sealing of records after a time period; no fee exists for filing either motion. Mr. Rosenthal is happy to discuss DC's process offline, and Judge Timberlake would very much like to review the DC statutes and hear about Mr. Rosenthal's office's experience with it.

Mr. Rosenthal asked whether, if a record is expunged in a non-actual innocence case, law enforcement and prosecutors can access it for purposes of investigations or plea bargaining. Or, is it closer to sealing, wherein no one has access to the record?

Judge Timberlake explained that the expunged record currently is accessible to law enforcement and prosecutors; the recommendations seek to change that. In an appendix to its report, the Illinois SAG has included the American Bar Association's (ABA) Model Act Governing the Confidentiality and Expungement of Juvenile Delinquency Records and has provided specific statutory language for the recommended changes. However, the

SAG recognizes that it will be a long road to a statute that completely complies with the its recommendations.

Judge Davenport lauded the Illinois report, noting the SAG's stellar work in laying out the issues and the collateral consequences for children when an "expunged" record is not truly expunged.

Judge Timberlake credited the "phenomenal job" by the students and staff at Northwestern Pritzker School of Law's Children and Family Justice Center (CFJC) – including CFJC Director Julie Biehl – a private partner with which the SAG collaborated. He noted that the SAG has collaborated with private and public partners for each of its reports.

Mr. Lubitz pointed out that Arizona is going in the other direction from that of Illinois; the state's confidentiality statutes are so strict that they act as barriers to the sharing of information between education, social services, and child protective services; this stands in the way of obtaining appropriate interventions for juveniles. The state is working on ways to share information while maintaining the protections.

Judge Timberlake expressed his desire to explore that issue so that Illinois does not go too far in its statutes.

Tawny Spinelli reported that she will start a clinical psychology program in Northwestern University's Juvenile Justice and Foster Care Lab in September.

Administrator Listenbee commended Judge Timberlake on a report that explores so many issues related to expungement. States can look to the report to study the basic analysis of those issues, and each state will develop its own solution. He noted that, when HUD was handing out awards for the Juvenile Re-Entry Assistance Program, one of the recipients was Northwestern; the school is following through on its work with local housing authorities on expunging juvenile records.

Judge Timberlake added that it was discovered while preparing the report that too many private agencies provide criminal records and juvenile records for sale throughout the US, including to landlords, schools, and anyone else who will pay their fees. There may be a federal role in responding to these issues due to the unlawful interstate commerce that is taking place.

Mr. Moeser noted that a recommendation involving interstate commerce is in the most recent set of FACJJ recommendations, as organizations are selling electronic records across state lines. The committee wants to move forward on that issue.

Judge Timberlake conversed with Senator Dick Durbin the week prior to this meeting about the issue and planned to continue that conversation the day following to see where the federal responsibility might lie.



## **FACJJ BUSINESS, PLANNING FOR THE NEXT FACJJ MEETING, AND MEMBERSHIP TRANSITION**

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### Recommendation for Creation of an LGBT Subcommittee

Andrew Longhi introduced a recommendation that the FACJJ create a subcommittee for the purposes of developing recommendations specific to LGBT issues; such recommendations would be submitted to the FACJJ and, ultimately, to OJJDP and DOJ. He thanked Mr. Slowikowski, Judge Timberlake, Starcia Ague, and Administrator Listenbee for their great assistance in the formation of this working group.

### *Reasoning for Establishing the Subcommittee*

LGBT persons are often left out of the discussion. LGBT youth are affected by all of the issues addressed by the FACJJ; they also experience unique challenges with the justice system. For example, the recommendation submitted earlier during this meeting around removal of juveniles from federal sex offender registries is especially impactful for LGBT youth, as they are more likely to be charged with such crimes.

### *Goal and Structure of the Subcommittee*

The subcommittee would elevate recommendations and policies around LGBT-related issues in the juvenile justice field through the FACJJ. It would need a co-chair and members, and Ms. Ague has been very helpful in identifying people for Mr. Longhi to contact. Mr. Longhi solicited ideas from FACJJ members for potential subcommittee members or directions for its work.

### *LGBT Subcommittee Charge*

As it stands, the charge for the LGBT Subcommittee is threefold:

1. Explore existing research on vulnerable and system-involved LGBT youth, and engage with a wide range of practitioners to identify best practices and policy recommendations
2. Highlight the stories of system-involved LGBT youth, and include them in the subcommittee's work
3. Draft and submit a comprehensive recommendations report for OJJDP on this issue by fall 2106

Mr. Longhi shared example recommendations from the Equity Project.

### *Subcommittee Creation*

Judge Timberlake echoed Mr. Longhi's comments, noting that this is not a subject-matter subcommittee; rather, it would exist to examine the intersection between the impact of loss against juveniles with the LGBT community. The subcommittee would describe what is known about the intersection of this community with the justice system and hopefully make recommendations about what the FACJJ could actually affect.

Judge Timberlake announced that he is going to create this subcommittee and expressed appreciation to Mr. Longhi for his efforts. He asked that members contact him, Mr.

Slowikowski, or Mr. Longhi if interested in participating or to comment. The group will convene according to Mr. Longhi's schedule.

Mr. Longhi thanked Judge Timberlake for his support.

#### Summer Webinar Meeting

The FACJJ needs a summer webinar meeting to move forward on bylaws and to receive any more recommendations from the subcommittees on expungement and on research and publications/dual-status youth. Mr. Slowikowski will distribute a poll to all FACJJ members with day and week options for meetings in August, and the leadership will find something that works for most respondents.

#### Closing

Judge Timberlake thanked everyone for taking the time to attend the meeting. He added mentioned that Mr. Slowikowski has been an extraordinary partner in the endeavor to make the FACJJ more functional and easier to lead.

Administrator Listenbee thanked everyone in attendance, including Mr. Slowikowski. He appreciated the efforts of OJJDP staff Ms. Kanaya, Ms. Murray, and Yasmeen Hines in bolstering Mr. Slowikowski in his support of the FACJJ. The Administrator and the OJJDP staff will be available during the summer to assist the efforts of the FACJJ as needed.

Administrator Listenbee explained that Core Protective Division information will be circulated to the FACJJ by Mr. Slowikowski, and he encouraged members to have their designated specialists absorb it and stay connected to the CPD's activities.

Mr. Slowikowski provided the following OJJDP contact information:

- Jeff Slowikowski, Designated Federal Official: 202-616-3646, [Jeff.Slowikowski@usdoj.gov](mailto:Jeff.Slowikowski@usdoj.gov)
- The Office of Juvenile Justice and Delinquency Prevention website: <http://www.ojjdp.gov>
- Federal Advisory Committee on Juvenile Justice website: [www.facjj.org](http://www.facjj.org)

He mentioned again that the slide presentation and meeting summary will be available at [www.facjj.org](http://www.facjj.org) approximately 90 business days after the webinar meeting.

FACJJ members will receive an email from Ms. Kanaya to provide an evaluation of this webinar meeting.

Judge Timberlake looks forward to a robust set of recommendations from this committee coming forth from its members' great efforts.

**Judge Timberlake adjourned the meeting at 4:26 p.m. ET.**