

Webinar Online Meeting
Federal Advisory Committee on Juvenile Justice

Thursday, January 12, 2017

2:00 p.m. to 4:50 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

SUMMARY

The Federal Advisory Committee on Juvenile Justice (FACJJ) held a webinar meeting on January 12, 2017. 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 Adam Ash provided technical assistance to its participants. George Timberlake, *FACJJ Chair*, led and moderated the meeting.

The Legislation Subcommittee reported that the reauthorization of the Juvenile Justice and Delinquency Prevention Act (JJDP Act) had come as close as possible to passing during the last Congress but did not. The current plan involves quickly reintroducing the legislation and moving it forward before the beginning of the appropriations process. Also, the subcommittee presented a draft survey of SAGs for review by the full FACJJ. Discussion followed.

The Research and Publications Subcommittee reported its preliminary work around and plans to continue its focus on high-risk and high-need youth, identifying areas of inquiry as well as research and expertise to develop recommendations for the FACJJ. Discussion followed.

The Transitioning Youth Subcommittee reported on its development of recommendations to improve supports for young people as they transition out of secure juvenile facilities. Draft recommendations in the areas of mirroring foster care-provided supports and services, offering opportunities to learn life skills, and providing access to an advocate were shared. A future recommendation will focus on interagency collaboration and funding. Discussion followed.

The LGBT Subcommittee presented recommendations in the areas of policy and program development, training and technical assistance, data collection and research, and federal LGBT juvenile justice coordination. Discussions and votes followed.

Robert Listenbee, *OJJDP Administrator*; Nicole Dennis, *OJJDP Deputy Associate Administrator*; and Robin Delany-Shabazz, *OJJDP Associate Administrator, State and Community Development Division* provided an update of OJJDP activities, including around expungement, access to counsel, reentry services for transitioning youth, and funding solicitations. Administrator Listenbee offered outgoing remarks.

An April in-person FACJJ meeting is being planned, to be likely held in Chicago.

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

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 2:00 p.m. He thanked all FACJJ members, State Advisory Group (SAG) members, and members of the public in attendance for joining the webinar session. FACJJ members would be able to participate by phone and on the Adobe Connect webinar platform. In accordance with the Federal Advisory Committee Act (FACA), members of the public were invited to observe the meeting and to submit written comments to Mr. Slowikowski at Jeff.Slowikowski@usdoj.gov.

Mr. Slowikowski noted that the minutes of this meeting, including PowerPoint presentations, handouts, and other documents discussed or used, would be posted on the FACJJ website – www.facjj.org – within 90 days.

Mr. Slowikowski explained that he was joined for the meeting by OJJDP Administrator Robert Listenbee.

Adam Ash, *Technical and Training Assistance (TTA) Brokering and Coordination Manager, OJJDP's National Training and Technical Assistance Center (NTTAC)*, reviewed logistics of the webinar for the FACJJ members; these covered participating in discussions, asking content questions, and reporting technical issues. He asked that members complete and return the evaluation they would receive subsequent to the meeting.

George Timberlake, *FACJJ Chair*, welcomed everyone, noting the large number of attendees of the meeting and briefly reviewing the agenda.

Mr. Slowikowski conducted roll call. Those FACJJ members listed below were in attendance.

Roll Call

George Timberlake/IL (Chair)
Amy Davenport/VT (Vice-Chair)
Thomas Broome/MS
Vernon C.R. Daniels/NE
Wendy Henderson/WI
Lisa Jacobs/IL
Jane Kallal/AZ
Mary Beth Kelly/MI
Andrew Longhi/DC
Cheryl Massaro/FL
Gregory Parks/OK
Sasha Pellerin/NM
Dave Rosenthal/DC

Melanie Shapiro/MD
Penelope Spain/DC
Tawny Spinelli/TN
Joe Vignati/GA
Paula Smith/NV

Judge Timberlake commented that the FACJJ members are active members and that the current subject area-based subcommittee structure has been extremely effective. Subject areas have been selected based on interest of FACJJ members and importance to the field. External subject matter experts have been engaged by subcommittees at times, and the committee has requested subcommittee recommendations as they become ready for its full review and eventual submittal to OJJDP. The recommendations made to date can be found at www.facjj.org after about February 1, as the site is in the process of being updated.

Judge Timberlake noted that a new administration will soon be in place and that Administrator Listenbee will not be with the FACJJ going forward.

FACJJ LEGISLATION SUBCOMMITTEE REPORT AND DISCUSSION

Legislation Subcommittee Chair Amy Davenport reported on the activities of the subcommittee, explaining that its work has moved beyond tracking federal legislation to include state-level policy awareness and potential activity.

Members of the subcommittee are:

Judge Davenport (Chair)
Aileen Jo Artero
Ashley Beall
Thomas Broome
Tim Brurud
Vernon Daniels
Cheryl Massaro
Melanie Shapiro
Clarence Thomas
Joe Vignati

Legislation

Activity existed around reauthorization of the Juvenile Justice and Delinquency Prevention Act (JJDP) until the waning days of the 114th Congress, and it appeared at one point that passage of a bill – one that had been stripped of Valid Court Order (VCO) exception language supported by the FACJJ – would occur; however, it did not. The current status involves attempting to quickly reintroduce the legislation in the Senate that previously passed the Senate Judiciary Committee, as well as to work to introduce a House bill. The goal is to move the legislation forward before the beginning of the appropriations process, as the lack of reauthorization has been a rationale for the House budgetary committees to provide no funding to OJJDP.

Judge Davenport noted that significant support was built around the legislation, and she expressed hope that such support will translate to passage.

SAG Survey

With technical assistance from OJJDP staff, the subcommittee has met its goal of presenting a draft Survey Monkey survey of SAGs with input from other subcommittees and for review by the full FACJJ. The goals of the survey are to:

- Increase understanding of state-level activity around juvenile justice issues
- Receive input from SAGs on legislative priorities
- Compile results and develop recommendations
- Share results with the SAGs

Judge Davenport directed meeting attendees to the following link:

https://www.surveymonkey.com/r/Preview/?sm=FsZTgJGZjkgkb9OHWozbCYcv220_2BI03eC FcfZ0h25q7fY3EjH3h_2BKyeEpuSPWI38. She explained the workings of the survey and solicited comments from committee members and members of the public, to be directed to her at davenport.amy.marie@gmail.com or to Mr. Slowikowski at his email address, listed above.

The subcommittee also has produced a draft letter to every SAG chair and state juvenile justice specialist that includes a request for their survey responses with input from their full SAG.

The next subcommittee meeting was scheduled for the week following this webinar, and the group tentatively planned to disseminate the finalized survey and accompanying letter by the end of January. The response deadline will be set for March 31, and periodic reminders will be sent. FACJJ members were asked to encourage their SAG representatives to respond, and the survey results will be compiled during April and May.

Judge Timberlake praised Judge Davenport's focus on identifying state-level legislation supportive of juvenile justice and of juvenile justice reform. He pointed out that SAG members in the states, territories, and tribal nations must add their voices to this topical issue, and he asked for feedback to be provided promptly on the draft survey in order to help the subcommittee maintain the schedule it has set.

FACJJ RESEARCH AND PUBLICATIONS SUBCOMMITTEE REPORT AND DISCUSSION

Research and Publications Subcommittee Chair Lisa Jacobs reported on the activities of the subcommittee.

The subcommittee is comprised of the following members:

Lisa Jacobs (Chair)
Thomas Broome
Vernon Daniels
Wendy Henderson

Aris Johnson
Jane Kallal
Christine Perra Rapillo
Dave Rosenthal
Paula Smith
Tawny Spinelli

Ms. Jacobs thanked the subcommittee members and provided some history about the group's efforts, noting that it was a very active subcommittee the year prior, collecting data, information, and research, and making recommendations around the issues that arise when youth commit sexual offenses. The subcommittee made two sets of recommendations that year, the first around the removal of youth from federal registry requirements and the second around the federal role in reporting, researching, identifying, and implementing evidence-based responses to sexual misconduct, sexual abuse, and sexual offending by youth. The group's methodology of articulating research and analysis questions, seeking research expertise and data on those issues, and developing recommendations worked well and was adopted for the current year.

At the September 2016 in-person FACJJ meeting, two broad areas of analysis were proposed:

- Youth and Gangs
- Special Populations: These are defined as particularly high-risk or high-need youth involved in the juvenile system, such as child welfare and delinquency dually involved youth, runaways, and youth who are trafficked or sexually exploited.

The subcommittee spent its fall meetings focusing on youth and gang involvement, articulating the following broad areas of inquiry it would attempt to answer and to use in informing its recommendations to the FACJJ:

1. What does it mean from legal and social standpoints for a young person to be gang-involved?
2. What can the research tell us about the reasons young people join gangs, and what does it mean to "join a gang"?
3. What do the research and expertise tell us about the intersections between youth gang involvement and racial and ethnic disparities, gender/girls, Native American and tribal gang issues, gang issues in rural areas, "brown pride" movements, poverty and economic issues, intergenerational affiliations, social media, trafficking, and placement in congregant care detention or prison?
4. What do we know about the impact of gang involvement on youth, offending, and communities?
5. What can the research tell us about how people get out of gangs, and what do we know about desistance from gang-related activity or offending?
6. What promising practices, programs, or policies exist at the federal and/or state level that reduce gang affiliation or involvement? Have any SAGs undertaken promising programs or policy work around these issues?

The subcommittee was thankful for the opportunity to provide input regarding gang involvement issues to the Legislation Subcommittee's SAG survey.

Next steps will include ensuring the areas of inquiry are appropriate for the subcommittee's focus; if so, it will identify the research and expertise it needs to answer the questions at hand and develop recommendations for the FACJJ.

Judge Timberlake noted the varying opinions in this area within the new Congress, which includes those who advocate for treating gang-involved youth as adult criminals. He suggested that, until some clarity appears as to whether and what the new Congress will do regarding gangs, the subcommittee shift its research and potential publication focus to the more general area of high-risk, high-need youth, which includes gang involvement and activity. He remarked that there exists a great deal of empathy toward trafficked youth. He also noted that the field has identified significant response to kids at high risk at all points in the juvenile justice system, and with a view to not widening the net and recognizing risk in response to criminal offending by juveniles. Gang-involved kids are part of that larger high-risk, high-need population.

Ms. Jacobs agreed with Judge Timberlake's suggestion, based on the facts that such a broad focus was discussed at the September meeting and the shift at the federal level. Paula Smith concurred based on her experience as tribal advisor. Judge Daniels also agreed, as long as a healthy emphasis remains on street gangs.

Mr. Rosenthal explained that jurisdictions vary in their definitions of gangs; for example, the District of Columbia defines a gang as a highly structured organization and calls a looser affiliation a "crew". Some jurisdictions call those looser groups gangs, and such distinctions can be used in the broader "high-risk/high-need" conversation. Thomas Broome and Judge Timberlake supported distinguishing those subtleties.

FACJJ TRANSITIONING YOUTH SUBCOMMITTEE REPORT AND DISCUSSION

Transitioning Youth Subcommittee Chair Penelope Spain reported on the activities of the FACJJ's most newly formed subcommittee.

The members of the subcommittee are:

Starcia Ague
Ashley Beall
Wendy Henderson
Tony Jones
Jane Kallal
Mary Beth Kelly
Sasha Pellerin
Penelope Spain
Tawny Spinelli

Ms. Spain noted the commitment of the members to ensuring the existence of a youth and family voice in the process. The subcommittee is brainstorming its approach and recommendations and will do significant outreach to ensure that voice is included.

Focus on Developing Recommendations

The subcommittee currently is drafting recommendations to improve the supports and services for young people as they transition out of secure juvenile facilities. In that regard, it is mostly looking at longer-term secure facilities as opposed to very short stays in pre-trial detention facilities. They also are looking to better serve or provide supports and services for young people as they are transitioning out of juvenile supervision.

Defining Transitioning Youth

The subcommittee has defined transitioning youth as those ages 16 to 24 years old who were committed to state juvenile justice agencies or facilities and are transitioning out of state supervision or city supervision while moving into adulthood, where they may have less familial support than they previously enjoyed.

Core Beliefs

Ms. Spain noted that the subcommittee began its work with two core beliefs:

- Youth transitioning out of the juvenile justice system should have similar (often quite robust) supports as those transitioning out of the child welfare system, especially since many of them have also been or could have been involved in the child welfare system.
- Older youth should have similar skills and supports as those provided to adults leaving jail or prison.

She noted that many of the young people who are in the juvenile justice system have experienced similar abuse or neglect that perhaps could have been moved into the child welfare system at an earlier stage in their life but were not identified.

Draft Recommendations

Recommendation #1: Supports and benefits for transitioning youth should mirror those provided to youth transitioning out of foster care. These include:

- Health insurance
- Partial tuition/reimbursement for higher education, including college and vocational training programs, if enrolled by age 21
- Living allowance
- Clothing stipend/voucher
- Transportation support (car insurance, car mechanic services/reimbursement, or public transportation assistance)
- Enrollment in public benefits
- Provision of birth certificate and other basic records

The subcommittee will explore possible special education support to be included in the benefits.

Recommendation #2: The juvenile justice agency should ensure that each transitioning youth is offered opportunities to learn life skills, such as an adult ex-offender may need.

Life skills trainings should include topics such as:

- Banking, such as how to obtain a checking account;
- Budgeting;

- Cooking;
- Grocery shopping; and
- Scheduling and time management.

Recommendation #3: States should ensure that each transitioning youth is afforded access to an advocate who can assure that the transitional supports and benefits available to the youth are indeed delivered. The advocate could be a public defender, a court-appointed special advocate, a CASA or peer advocate, or some sort of ombudsman’s office within the juvenile justice agency of the state.

This recommendation was drafted in an effort to bring to life the first two recommendations.

Recommendation #4: This recommendation is in the earliest stages and has yet to be drafted. It will address the need for interagency collaboration and funding (i.e. departments of education, health care, disabilities, housing, and labor).

Ms. Spain welcomed questions and suggestions to inform the subcommittee’s efforts.

Discussion

Judge Timberlake commended the subcommittee on its development of a recommendation around interagency collaboration and funding, noting that Models for Change work included significant discussion of the need for interagency collaboration. He noted the work in this arena of multiple individuals, including those at Robert F. Kennedy Human Rights (“the RFK Center”). He mentioned the existence of process tools to assist in the creation of collaboration among groups in general, but specifically for state agencies. He also pointed out that each state has a different group of state agencies, funding and priorities, and strategic plans that do not necessarily mirror those of other states.

Regarding the 16- to 24-year-old group, which is transitioning out of state custody in one form or another, the provision of state services ranges from over 18 to even a higher age. Some have a mix of how they approach this particular age group. Judge Timberlake asserted the extraordinary importance of this group on the future of criminality and on the social cost that might go along both to the individual who is transitioning out of state agency care as well as to potential victims in communities across the country.

Ms. Spain agreed that the interagency collaboration and funding recommendation could balloon. She planned to take Judge Timberlake’s comments back to the subcommittee and ensure that it somehow limits the recommendation but still hopefully encourages states to take on the hard work. Regarding the social cost to both the individual and to the safety of our communities, she hoped to include expected outcomes along with specifics as to the importance of this work.

Administrator Listenbee noted that numerous existing resources could be helpful and would ensure that the subcommittee not reinvent the wheel.

- The Department of Justice, through the Federal Interagency Reentry Council, released *A Record of Progress and A Roadmap for the Future* in August 2016. The publication is focused on adults but includes a lot of information that specifically outlines the kind of

things that people need as they are making transitions out of the adult system. Administrator Listenbee suggested that many of the items may be applicable as Recommendation #4 is being drafted, and he planned to provide an electronic copy to Mr. Slowikowski for distribution to all FACJJ members.

- The Department of Education released a publication within the 30 days prior to this meeting that includes a tremendous amount of information on things available currently through the Department of Education, the Department of Justice, the Department of Labor, and other federal agencies that are designed to help address some of the specific issues raised by the recommendations in general. Administrator Listenbee planned to share that with Mr. Slowikowski for distribution to the FACJJ as well.
- Ms. Nicole Dennis would provide more resources in her presentation, to occur during Administrator Listenbee's allotted time.
- Mr. Slowikowski would provide the website of the group that is working on interagency issues for youth in the Federal Government.
- OJJDP's mentoring website provides training and technical assistance for people who wish to start a mentoring organization. Mentoring could also include assisting young people who are coming out of placement and reentering their communities, young people who are on probation, or a variety of young people.

Administrator Listenbee cautioned the subcommittee that, as it sets up the standard of ensuring that the children who are coming out of juvenile justice facilities have as many resources as those who are on the child welfare side, often many young people who turn 18 are simply released with no support whatsoever; that is more geographically specific than system specific.

Vernon Daniels asked whether medical education and medical needs would be included in the skills training in Recommendation #2.

Ms. Spain responded that it is those types of recommendations or brainstorms that the subcommittee seeks. She added Judge Daniels's suggestion to the list.

A discussion occurred around whether any of the subcommittee's recommendations would be brought to a vote. It was clarified that none would be voted on during this meeting.

Judge Davenport expressed excitement that the subcommittee has taken on this important age group. States, such as her state of Vermont, are changing the way in which they handle cases of kids who are over 18 and are struggling with exactly how to do that. Vermont is looking at increasing the age from 18 to, perhaps, 21 for kids where charges could be brought in the family division versus the criminal division. Judge Davenport remarked that a key issue is the shift from providing no resources to those who are 18 or older.

Wendy Henderson would be happy to join in the work of developing these recommendations.

Ms. Spain welcomed her input and involvement.

Judge Timberlake applauded the subcommittee its work and asked if it needs anything else from the membership or from staff at this point.

Ms. Spain responded that the subcommittee's work is going well at this early stage. She looks forward to the next opportunity to present its work.

LGBT SUBCOMMITTEE REPORT AND DISCUSSION

Andrew Longhi reported on the activities of the subcommittee, which he described as a group of numerous policy experts, probation officers, researchers, public defenders, advocates, and other leaders who created these recommendations with his coordination. He explained that the subcommittee was created to address the stigma and discrimination experienced by LGBT youth as well as their criminalization or over-representation in the juvenile justice system.

The LGBT Subcommittee members are:

Andrew Longhi (Chair)
Starcia Ague (Co-Chair)
Currey Cook
Barbara A. Fedders
David Fischer
Kimberly Forte
Laura Garnette
Christina Gilbert
Marna Goodman
Elizabeth Henneke
Angela Irvine
Shaena Johnson
Zahyr Lauren
ViEve Martin-Kohrs
Cheryl Massaro
Meghan Maury
Jay Miller
Jim Moeser
Mitchyll Mora
Greg Parks
Christine Perra Rapillo
Beth Powers
Gabrielle Prisco
Carolyn Reyes
Andrea J. Ritchie
Shannan Wilber
Rob Woronoff

Mr. Longhi directed attendees to the FACJJ LGBT Subcommittee file in the Adobe Connect handouts section to follow along with the subcommittee's presentation and discussion, noting that the recommendations to be made provide innovative ideas and strategies. He explained that the full subcommittee determined ways in which to craft the recommendations as well as the

types of content to be included. It then divided into subgroups based on each of the larger categories, and formal recommendations were developed. These recommendations provide options for OJJDP to take federal action to support this group but also provide a roadmap for states and local jurisdictions.

Recommendations of the LGBT Subcommittee

The subcommittee's recommendations were made in the following four categories:

- Policy and Program Development
- Training and Technical Assistance
- Data Collection and Research
- Federal LGBT Juvenile Justice Coordination

Policy and Program Development Recommendation

Policy and Program Development Subgroup Co-Chairs Shannan Wilber, Youth Policy Director of the National Center for Lesbian Rights, and Currey Cook, Director of Youth in Out-of-Home Care at Lambda Legal both work nationally, primarily in child welfare and juvenile justice and homeless youth programs specifically focused on the specific needs of LGBT youth. They also both, prior to their current work, represented children in a wide range of family court cases, including serving as defenders for young people involved in the juvenile justice system. Ms. Wilber and Mr. Cook presented the recommendation.

Ms. Wilber remarked that the policy and program development section was borne out of the demand for personnel guidance from local jurisdictions across the country on very practical practice issues related to LGBTQ youth in the system. Also, issues learned over time from practitioners are particularly important to address in order to promote the health and well-being of LGBTQ youth in the juvenile justice system.

Mr. Cook noted the shift among professionals in the field from a lack of awareness to the existence of LGBT youth 10 years ago to a call for tools, guidance, and assistance to do a better job and help them achieve better outcomes. At the moment, LGBTQ young people are vastly overrepresented in the system; a part of these recommendations is the goal of reducing that number, which has nothing to do with inherently being LGBTQ but is because of societal factors that drive young people into these systems, and unfortunately keep them in these systems longer, detained at higher rates, with more negative outcomes than their non-LGBTQ peers. He noted that LGBTQ young people will always be entering the system for some reason or another and that enough information exists that is critically important for people working in these systems.

Mr. Cook added that, while it may seem that asking for systems to implement non-discrimination policies that are inclusive of sexual orientation, gender identity, and gender expression is a challenge in some places, he does not believe that these recommendations will be a surprise to any practitioners working in the field. Their jurisdictions' implementation of and their own training on and understanding of the importance of the Prison Rape Elimination Act (PREA) for LGBTQ-plus identified young people and gender non-conforming young people in the system has made them aware of these issues.

However, PREA provided only a certain amount of protection and requirement. Therefore, the subcommittee's recommendations are more holistic and expansive. A growing number of jurisdictions have comprehensive and detailed LGBTQ and gender non-conforming-specific policies, and a sizeable number of others already in statute, regulation, or agency policy consider sexual orientation, gender identity, or gender expression as protected classes in general non-discrimination provisions.

Mr. Cook asserted that important elements to consider about these recommendations are the large numbers of LGBT young people who represent 15% to 20% of the kids in the system, the need for guidance expressed in the field, and the fact that these issues are already on professionals' radars.

In answer to a question by Dave Rosenthal, Shannan Wilber clarified her definition of "juvenile justice stakeholders" as all of the personnel who play a role in the juvenile justice system, including courts, prosecutors, defense attorneys, probation officers, and facility personnel, as well as others, depending on how the system is structured locally. Mr. Cook added that community- and facility-based contractors who provide services for young people on a regular basis may be included, as it is important for them to be aware of all of the information provided here and to have non-discrimination provisions in the course of their work.

Discussion

In response to **Judge Timberlake's** question whether the subgroup believes that trainings for juvenile justice stakeholders curricula exist and are adequate, Ms. Wilber shared that she was part of a collaborative called the Equity Project that developed a very comprehensive model curriculum that is available on the Internet.

Vote

George Timberlake called for a vote by the FACJJ on Recommendation #1. The motion passed without opposition or abstention.

Training and Technical Assistance Recommendation

Training and Technical Assistance Subgroup Chair Rob Woronoff currently is a faculty member at the University of Southern California (USC) School of Social Work, where he is initiating a new program to integrate services among the Probation Department, Department of Mental Health, and the Department of Children and Family Services in order to provide a more seamless service provision of care for all youth, including LGBT youth. He has worked specifically in the area of LGBTQ youth for approximately five years, a great deal of that in training. Earlier in his career, he was the LGBTQ Program Services Director with the Child Welfare League of America (CWLA) in Washington, D.C., where he coordinated a national initiative.

Mr. Woronoff noted the existence of a tremendous amount of resources, particularly training curricula, as well as interest in the field. For example, he and Ms. Wilber did a presentation for several members of the Juvenile Justice Leadership Network at the Center for Juvenile Justice Reform at the Georgetown University; a specific request by the group was a focus on LGBTQ youth, as they want their staff to be competent, to understand the underlying issues, and to be able to talk to young people in a very respectful way.

Mr. Woronoff explained that the first recommended action is mapping of the tremendous amount of existing resources. One example is the Equity Project training curriculum; it is quite comprehensive, and, while not everyone will need every tool in its toolbox, it is good for them to understand what is included.

The second piece is a trainers' hub, of sorts. Mr. Woronoff gave the example of the 10-year-old Human Rights Campaign project called All Children – All Families, in which they work on the child welfare side, on the youth side, and in recruiting LGBT foster and adoptive parents. All of their trainers have access to a hub, and it provides them access to resources and materials for producing any length training, such as a 90-minute training, a full-day training, or a three-day training. And as new videos, training exercises, and new case studies become available, they can be housed within that hub, giving trainers access.

The last piece involves providing training for anyone who comes in contact with LGBTQ youth; that could be anyone from family supports to guardians *ad litem*, judges, or administrators where they are housed. The goal is to have them understand and have great competency in working with these kids, particularly with transgender youth. This has been included last because it highlights that, as the world has gotten much more comfortable and competent talking about gay and lesbian issues, issues of gender identity and expression are most challenging for people in terms of classification and housing in particular, what clothing people can wear, how they express their gender, how they are referred to, and more. These issues are very specifically addressed in training.

Discussion

Judge Timberlake asked if this recommendation is directed at OJJDP as the actor in each one of these subdivisions of this recommendation and whether the hub would be a resource both to kids in the juvenile justice system and in the child welfare system.

Mr. Woronoff explained that OJJDP would serve as the hub. He purported that it would be wonderful if OJJDP were to serve that function and noted that the same youth are in the child welfare and juvenile justice systems. He pointed out that kids who are not worked with well then run; when they run, then they get into trouble and then come over to the delinquency side.

Judge Davenport asked for clarification on the point of direct office versus federal grant funding for the training.

Mr. Woronoff explained it could be either, pointing out that up-front funding inspires states to hold more trainings. He added that there exists much more enthusiasm than in the past.

Vote

George Timberlake called for a vote by the FACJJ on Recommendation #2. The motion passed without opposition or abstention.

Data Collection and Research Recommendation

Data Collection and Research Subgroup Co-Chairs Dr. Andrea Irvine and Meghan Maury introduced themselves.

Dr. Irvine is a Vice President at Impact Justice, a research and innovation organization located in Oakland, California that is focused on juvenile and criminal justice research and technical assistance. Ms. Maury runs the Criminal and Economic Justice Project of the National LGBTQ Task Force. She sits on a federal advisory committee for the Census Bureau, where she focuses on issues around how LGBT people are counted and how data are collected and presented.

Dr. Irvine highlighted that data collection and research has really been the third leg of a stool that has included an iterative process between policy development, training, and a deeper understanding of system-involved LGBT youth. She noted that data has led to the convincing of jurisdictions to engage in policy development and staff training. She also mentioned that, under PREA, standards are focused on the treatment of LGBT adults and youth in secure facilities, because the Bureau of Justice Statistics (BJS) identified the over-representation of LGBT prisoners among those who have been sexually abused in confinement. More recently, the PREA Resource Center released a guidance that is a bit clearer about the need for jurisdictions to collect what is called SOGIE data. Therefore, the recommendations before the FACJJ are intended to more closely connect the work of the PREA Resource Center, BJA, and OJJDP.

Dr. Irvine noted the five recommendation areas:

1. OJJDP should develop a parallel guidance on the need to collect SOGIE data that reinforces the guidance under PREA.
2. OJJDP should provide funding to support data collection by jurisdictions across the country that would follow the guidance.
3. OJJDP should fund new research on LGBT youth.
 - a. The deeper the knowledge is about this group, the more specific trainings can be and the more effective policies can be.
4. An LGBT Data Committee should be established to oversee all of this work.
5. Funding should be made available to provide technical assistance to jurisdictions that either want to start collecting SOGIE data or want to integrate new research findings into their day-to-day practices.

Discussion

Dave Rosenthal asked if the proposal is that the jurisdictions be required to provide the data or that there be avenues for them to voluntarily provide the data.

Dr. Irvine clarified that the recommendation is that jurisdictions collect the data. She did not know how a strict requirement could be regulated.

Dave Rosenthal then asked where the LGBT Data Committee would be housed.

Dr. Irvine explained that it would be an OJJDP committee, noting the benefit of consistency.

Judge Timberlake asked about the incidence of all offenses specific to this population, wondering if that simply is including the crime for which the youth was charged. He also wanted

to know if the different categories of information based upon the offenses committed by these youth are simply a research point so that once data is collected, that data about the crimes committed can be sorted and somehow dug into more deeply in order to answer the questions.

Dr. Irvine explained that the intention of this recommendation is to parallel work that has been done by OJJDP focused on racial and ethnic disparities, in which there is a general protocol to reference – multiple points in the juvenile justice system, including arrest, charge, and then sometimes an alternative sustained charge. She noted the inability to look at differences or disparities across charges for LGBT youth until there exists sexual orientation and gender identity and expression data from everyone. The intention is to be able to have as deep an understanding of the general over-representation of LGBT youth, as well as to dive more deeply into understanding the disparities in terms of charging and the categories of crime under which LGBT youth are charged.

Judge Timberlake then asked about the validity of the identification of these youth. Does it come solely from self-reporting, or is this an opinion based on the stakeholders along the decision points?

Dr. Irvine explained that her organization has developed a five-question protocol that asks about birth sex; current gender identity; current gender expression; same sex attraction; and, in parallel to the PREA Resource Guidance, perceived gender expression by the adult. That protocol has been piloted in 12 California county probation departments. Her team has trained all the intake staff and has some initial findings: There is variation based on the size of the jurisdiction and the method by which the data is collected. In small jurisdictions, where intake is done in a private manner, the intake data was almost identical to the anonymous survey data. In the very large jurisdictions, where the intake process is much more institutional and not private, the team found a small dip in the assumed accuracy of SOGIE data collection. It now is developing some technical assistance modules for use in training those larger jurisdictions on more accurately collecting intake data. The assumption is that those methods would improve intake data across all areas, not just sexual orientation and gender identity and expression.

Judge Davenport asked at what point these data would be collected. Would law enforcement ask these questions? In the majority of kids who go through our juvenile justice system in this state, their first – their interaction is with law enforcement, and then they get a citation to court. Would you foresee law enforcement asking these questions? In Vermont, youth do not see a probation officer until they are adjudicated delinquent, if they are in fact adjudicated delinquent. Judge Davenport noted that the race, gender, and ethnicity data judges receive in her state are based only on law enforcement officer's perceptions of the youth.

Dr. Irvine remarked that the method or the training curriculum currently is not available to help police collect this data through very short interactions. It is very important that youth self-report. Therefore the point of this data collection would be the institutional intake. The specifics would need to be worked out by the LGBT Data Committee in light of variation across states and counties. There is a need to ensure that there are safe contexts for youth to report this information and for control over information dissemination.

Judge Timberlake suggested that the recommendation is aspirational in some ways; however, he praised Dr. Irvine's explanation of the way in which data can be collected and the examples of the differences in how it currently is being gathered.

Wendy Henderson asked whether the goal is collection of individual-level information or more of an aggregate data point. Issues include the state having individual data and the sort of fluidity of some of these different aspects during the youth years and having that concretized in a dataset.

Dr. Irvine clarified that the vision is to collect the information at an individual level. She believes that the data have to be collected on an individual level in order to assess SOGIE level. Some jurisdictions will release de-identified data for research purposes or for evaluation purposes. Other jurisdictions do not release individual-level data and would prefer to aggregate and release that aggregated data themselves. Dr. Irvine imagines that SOGIE data would parallel all other data release and data reporting practices insofar as it would be a county-by-county or state-by-state practice, which sometimes is grounded in how jurisdictions interpret child welfare data reporting and sharing laws.

Ms. Henderson expressed her appreciation for the sort of research aspect of this. She also expressed her concern about the broad guidance that everyone should be collecting this information, without clarity on the practicality of that in the places where law enforcement plays a significant role at the front door of the system, given the potential for trauma sensitivity for the youth and the level of training that would be needed to implement the data collection in Wisconsin's 72 counties.

Dr. Irvine noted that the current recommendation language allows for some flexibility in its interpretation, and the actual guidance would be a collaborative process that would need to be national and to represent people from many different types of justice structures.

Lisa Jacobs expressed her support of the intent behind this and the other recommendations as well as her concerns for all of the reasons that already were stated. She was partly concerned about who would be attempting to elicit this information from individual youth and what would that be like in a really complicated system, especially at that front-end of law enforcement, prosecutor, or other contact. Another set of concerns she expressed was the existing significant struggle in collecting race and ethnicity data across decision points. She wanted to have a strong handle on it before doing anything that would approach a mandate around collection of individual youth data.

Dr. Irvine reinforced her answer to the first question, that the subgroup does not see this as a mandate but as a recommendation to the field. This it is important because, under PREA, jurisdictions are under a requirement, albeit unenforceable, to collect SOGIE data. Jurisdictions are collecting SOGIE data without technical assistance or support from other federal agencies. Therefore, the subgroup developed these recommendations with the hope that the practices could be consolidated and developed in a systematic and helpful way.

Ms. Wilber, Judge Davenport, Dr. Irvine, and Ms. Jacobs suggested a language change

that eliminated, under B, “requirements under the JJDPA,” to make it read “support local jurisdictions to expand data collection to include SOGIE,” without referring to JJDPA requirements. Ms. Maury agreed, and Mr. Longhi approved a vote using that new language.

Vote

Judge Timberlake called for a vote by the FACJJ on Recommendation #3 as amended. The motion passed without opposition or abstention.

Judge Timberlake noted in the public chat on Adobe Connect a comment on removing a reference to data collection requirements in B-1 and B-2 as well. The FACJJ will look at that as a clean-up of rather than an amendment to the motion.

Federal LGBT Juvenile Justice Coordination Recommendation

Federal LGBT Juvenile Justice Coordination Subgroup Chair Mr. Longhi noted the two recommendations relating to the intra-office coordination of OJJDP and the interagency coordination. These are recommendations that the office and the entire Federal Government can further this issue.

Discussion

Lisa Jacobs wondered how it was envisioned that the Data Committee and the overall coordination body would interrelate, and if there may be considerations of figuring out how to connect those in some way, if appropriate.

Mr. Longhi had not envisioned that they would be related but would be happy to look into that.

Vote

Judge Timberlake called for a vote by the FACJJ on Recommendation #4. The motion passed without opposition or abstention.

Judge Timberlake expressed appreciation for the work of the LGBT Subcommittee, as well as for the quick turnaround time and very substantive suggestions and recommendations.

Mr. Longhi plans to lead a call or email discussion with the subcommittee members to determine a new purpose for the group.

OJJDP UPDATE AND REMARKS

Judge Timberlake described Administrator Listenbee as an extraordinary leader and incredible resource to the work of the FACJJ. Furthermore, the Administrator has been receptive to recommendations made by the committee, as well as to the changes in bylaws that it recently effectuated. Judge Timberlake was sure that the FACJJ would be a more effective and efficient committee because of Administrator Listenbee’s leadership and support, and he thanked the Administrator on behalf of every member of the committee.

Administrator Listenbee thanked Judge Timberlake for his words and the FACJJ for its outstanding work.

Collateral Consequences and Expungement Efforts

Administrator Listenbee introduced Deputy Associate Administrator Nicole Dennis, explaining that he had asked her to update the FACJJ on OJJDP's efforts to ensure access to counsel, enhance reentry services for transitioning youth, and guarantee that a young person's record will not become an obstacle to future success.

White House Legal Aid Interagency Roundtable

Ms. Dennis provided a brief update on OJJDP's accomplishments and efforts around expungement. She noted that the agency is among 22 federal agency members of the White House Legal Aid Interagency Roundtable (WH-LAIR). OJJDP meets with the Roundtable quarterly and has been working with other federal agencies and partners to determine ways that civil legal aid can play in helping youth. OJJDP staff recently helped WH-LAIR develop and disseminate a report on all efforts the office will make moving forward both as an agency and with the Office of Justice Programs. The report went out as a JUVJUST and should be findable on [the OJJDP website](#); if not, Ms. Dennis will connect with the agency's communications office to make it available to the FACJJ.

Juvenile Reentry Legal Assistance Program

OJJDP has developed programming utilizing the Second Chance Act funding stream, creating the Juvenile Reentry Legal Assistance Program (JRAP), through which the agency transferred more than \$3 million to the U.S. Department of Housing and Urban Development (HUD) to develop a competitive opportunity in which legal aid services and public housing authorities work together to help justice-involved youth seal their records. Goals of this program included creating a new relationship between OJJDP and HUD and developing an awareness in the part of housing authorities on the importance of housing to youth working to the community. Twenty-one grants were awarded, and those programs are in process. OJJDP will work with HUD to track outcomes.

Smart on Juvenile Justice: Enhancing Youth Access to Justice

The Smart on Juvenile Justice: Enhancing Youth Access to Justice initiative contains a category specific to providing funding for civil legal attorneys to work with youth on expunging records. To date, five fellows work as a part of this program in Baltimore, Maryland; Columbia, South Carolina; Lincoln, Nebraska; Martinez, California; and Washington State. They have helped approximately 100 youth to begin to expunge their records, and OJJDP now is collecting data on the impact those results may have on recidivism.

Funding Solicitations

OJJDP staff have diligently been working to get solicitations posted. As of December 29, 2016, its solicitation for Enhancing Youth Access to Justice – containing three categories, including one specific to juvenile reentry legal services – is accepting applications until March 2. That program will fund civil legal attorneys and nonprofits to work together to help expunge the records of juveniles and to provide mentoring services to those youth. Ms. Dennis asked FACJJ members to spread the word on this opportunity.

Discussion

Dave Rosenthal asked which youth in this pilot program are having their records expunged and whether it matters from which jurisdiction they come.

Ms. Dennis explained that any justice-involved young person up to age 24 is eligible to participate in the program, regardless of jurisdiction. JRAP has funded 21 separate communities in which the local public housing authority essentially has partnered with a handful of legal aid organizations and law school clinics to provide the services. Also, some non-profit organizations have contributed resources to assist those community organizations.

Administrator Listenbee added that those resources are available to help youth expunge records; get driver's licenses; obtain their basic birth information; and get educational documents, certificates, and records – whatever they need to truly re-enter their communities and have access to employment, educational, and other types of community services.

Administrator Listenbee thanked Ms. Dennis and noted that she will remain at OJJDP after he transitions out. Questions about these issues can be directed to her.

OJJDP State Outreach

Robin Delany-Shabazz briefed the FACJJ on OJJDP's new, more intensive outreach to the SAGs. Beginning in September, the Administrator and several senior staff members – including Ms. Delany-Shabazz, Chyrl Jones, and program staff – have been participating in SAG meetings, both in person and through electronic means. Thus far, they have been present at meetings in California, Florida, Pennsylvania, Virginia, and New York. They have electronically participated in meetings in Iowa, Georgia, Utah, and Hawaii. The goal behind these efforts is to move beyond working very closely with the state juvenile justice specialists to also strengthen the direct relationships between OJJDP and the SAGs.

Ms. Delany-Shabazz noted that the meetings present an essential opportunity for the office to learn more about current concerns and emerging needs, issues, and trends in the states; ways in which SAGs are grappling with the issues; and how state groups are advancing reform. Participating in them allows OJJDP staff to determine how they might better respond to and support SAGs and state-level work. Plans are to continue this process into the year, and OJJDP is committed to continuing to bolster those partnerships and to be able to have a clear and helpful channel of communication that will strengthen collaboration with the states.

Discussion

Judge Timberlake asked if there exists a priority schedule for OJJDP participation in SAG meetings.

Ms. Delany-Shabazz shared that program staff are coordinating travel to meetings to coincide with monitoring visits. They also are assembling a list of upcoming scheduled meetings by date in order to continue these visits across the country. The plan is to have personally visited all SAGs within three years, and staff will share plans as they become solidified. Suggestions and requests are welcome, and some visits have been made directly in response to requests.

Judge Timberlake expressed his appreciation for OJJDP's efforts around connecting with the SAGs and state-level work.

Update from the Administrator

Administrator Listenbee expressed his gratitude to Judge Timberlake, Chair, and to Judge Amy Davenport, Vice-Chair, for their stewardship of the FACJJ. He pointed out that the past year has been a busy, highly productive one. The kinds of issues that the FACJJ has been tackling have been central to OJJDP's work, and the committee's recommendations are being taken seriously. Administrator Listenbee had asked Ms. Dennis to report on the work around expungement as a FACJJ subcommittee had made numerous recommendations to OJJDP. The recommendations are being converted, where flexibility, funding, and opportunity exist, into practical programs that are touching the lives of children all across the nation. Administrator Listenbee urged the group to continue to be as aggressive as possible in bringing issues to OJJDP.

Administrator Listenbee expressed excitement about the Legislative Subcommittee's ingenuity, determination, and aggressiveness in its work in Congress regarding Juvenile Justice and Delinquency Prevention Act (JJDP) reauthorization, which came as close as it could have without passing. He asserted the need for the same kind of energy and effort to make it happen again.

Administrator Listenbee also appreciated the discussion about addressing the issues of youth who are at high risk and have high needs, including the rethinking and reframing of that issue. He noted calls all across the nation for funding and evidence-based programs for these youth. To the extent that the FACJJ highlights these issues and keeps them in the forefront, the Administrator is convinced that others will follow its recommendations.

Administrator Listenbee reported on a request by Congress that OJJDP provide it with the FACJJ's recommendations concerning youth who are on the registry. He urged the committee to keep up its efforts, as it is touching the people it wants to touch.

On the most recent issues about youth who are transitioning and those who are lesbian, gay, bisexual, transgender, or gender non-conforming, Administrator Listenbee described the FACJJ's discussions as right on target.

Administrator Listenbee noted that the recommendations presented in the meeting demonstrate that the FACJJ operates with integrity and thoughtfulness. He suggested that future recommendations include a time frame for response, as OJJDP staff wants to be as responsive as possible in order to remain current and relevant to the field.

OJJDP staff are committed to continuing to work with the FACJJ and with the SAGs. There is a lot of work yet to be done, and the program staff knows it can enhance communications and collaborations with SAGs. Administrator Listenbee asked, and suggested that others will ask in the future, what OJJDP can and should do, and how should it do it? The goal is to hear more directly what states' issues and concerns are and to respond through training and technical assistance, grant-making, and research in addressing them.

Administrator Listenbee noted that, during his tenure, the focus has been on implementing a developmental approach to juvenile justice reform, reducing out-of-home placement, and addressing issues of trauma. OJJDP launched its [Changing Minds Now](#) campaign, bringing to the forefront all the available knowledge, science and otherwise, about how to address issues of trauma with children. That campaign is ongoing, and the website includes videos, a curriculum, and numerous additional tools that can be used by coaches, law enforcement, teachers, community representatives, and people in the faith community to work with youth. Administrator Listenbee urged the FACJJ to move that work forward.

Administrator Listenbee also reminded the attendees that OJJDP has enhanced its work with TTA360 with the goal of providing improved training and technical assistance, and he encouraged the FACJJ to continue to focus on this.

Administrator Listenbee described serving on the FACJJ as an honor, a privilege, and one of the high points of his career. He asserted that OJJDP has taken every opportunity it could to enhance the lives of children and to provide support for practitioners, friends, and colleagues to enhance the knowledge base and catch up to the field, as the field and the states have been reforming the juvenile justice system for a long time. The states have reduced the number of youth in out-of-home placement by over 50% in the last 15 years, and the reductions continue.

Administrator Listenbee encouraged those in the field to continue to lead, and he assured them that OJJDP wants to be in the forefront alongside them. He leaves behind a group of very bright, dedicated professionals who will continue to do everything within their power to reach out to the SAGs. He encouraged SAG members not to hesitate to call, text, or email them, and he urged the members to ensure their issues and concerns are at the forefront of what is happening in OJJDP. He looks forward to working on these issues going forward from his hometown of Philadelphia.

FACJJ BUSINESS, MEETING SUMMARY, AND NEXT STEPS

Judge Timberlake sincerely thanked Administrator Listenbee and the entire staff of OJJDP on behalf of the FACJJ. He credited his leadership with supporting the committee's maturation, work process and product, and dedication of its members.

Judge Timberlake asked that the subcommittees communicate their meeting schedules for sharing that information with other FACJJ members. He also noted that a face-to-face meeting is being planned for April, likely in Chicago as a central location.

Judge Timberlake commented that he had received in that day's mail the formal declaration of President Obama's designation of National Youth Awareness Month. He called it a wonderful step forward by the President, and he noted the progress during the Obama Administration in Congress, particularly in the Senate, as to what could be done around juvenile justice issues.

Judge Timberlake charged the FACJJ with getting to President Trump and the Attorney General, to have recognition early in this Administration that public safety is best served by attending to the issues of those in the juvenile justice system. It is crucial to demonstrate the extraordinary work of this committee, of OJJDP, and of all stakeholders around the country who have fundamentally changed both our culture and our practices over the last few years and thereby have helped children to reach better outcomes, have made our country safer, and have saved dollars for the American taxpayer.

He asked that anyone who has a relationship with the incoming Administration that could be leveraged to contact him. There is a change of administration, and the Republican Party is in charge of our government; we can demonstrate in very conservative states how we can do this better.

Judge Timberlake thanked everyone for their time, calling the meeting an extraordinarily productive one. He appreciated the attendance of the FACJJ members as well as that of the members of the public, and he opened the floor to comments, questions, and concerns.

Administrator Listenbee thanked Mr. Slowikowski for his leadership and his work. He noted that he had asked Grant Management Specialist Keith Towery to be in attendance because of his extraordinary interest in some of the recommendations and his leadership within OJJDP on those issues. Mr. Slowikowski acknowledged Melissa Kanaya for her ongoing work in support of OJJDP. He also thanked colleagues from ICF International, Adam Ash and Karissa Ruano, for their technical support of the webinar.

Members of the public may provide any comments regarding the recommendations that were voted on by the FACJJ, the conversations of any of the subcommittees, and the updates given by Administrator Listenbee and OJJDP staff to Mr. Slowikowski at his email address below. They will become part of the record for this meeting.

Mr. Slowikowski provided the following contact information:

- Jeff Slowikowski, Designated Federal Official: 202-616-3646, 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

The slide presentation and meeting summary would be made be available at www.facjj.org approximately 90 business days after the webinar meeting, and FACJJ members will receive an email to provide an evaluation of the meeting.

Judge Timberlake adjourned the meeting at 4:50 p.m. ET.