

# FACJJ Annual Meeting

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THURSDAY, SEPTEMBER 29, 2016

FRIDAY, SEPTEMBER 30, 2016

# Welcome and Opening Remarks

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EILEEN GARRY, DEPUTY ADMINISTRATOR, OJJDP

JEFF SLOWIKOWSKI, DESIGNATED FEDERAL OFFICIAL, FACJJ

GEORGE TIMBERLAKE, FACJJ CHAIR

Approximately 90 business days after the meeting, the slide presentation and meeting summary will be posted

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[WWW.FACJJ.ORG](http://WWW.FACJJ.ORG)

Written comments from the general  
public may be submitted

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[JEFF.SLOWIKOWSKI@USDODJ.GOV](mailto:JEFF.SLOWIKOWSKI@USDODJ.GOV)

# Day 1 Agenda

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8:30 a.m. – 9:00 a.m.	Welcome, Opening Remarks, Review of Agenda, and Introductions
9:00 a.m. – 9:15 a.m.	FACJJ Expungement and Confidentiality of Records Subcommittee Report and Discussion
9:15 a.m. – 9:30 a.m.	FACJJ Research and Publications Subcommittee Report and Discussion
9:30 a.m. – 9:45 a.m.	FACJJ LGBT Subcommittee Report and Discussion
9:45 a.m. – 10:00 a.m.	Break
10:00 a.m. – 11:15 a.m.	Meeting with SMART Office and Discussion on SORNA

# Day 1 Agenda

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11:15 a.m. – 11:45 a.m.	DMC Update and Discussion
11:45 a.m. – 1:00 p.m.	Luncheon Break
1:00 p.m. – 1:30 p.m.	Proposed New By-Laws and Implementation Timeframe
1:30 p.m. – 3:00 p.m.	FACJJ Legislation Subcommittee Report and Discussion of Proposed Regulations
3:00 p.m. – 3:15 p.m.	Break
3:15 p.m. – 4:00 p.m.	Discussion of FACJJ Goals and Subcommittee Membership for FY 2017

# Day 1 Agenda

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|-----------------------|--|
| 4:00 p.m. – 5:00 p.m. | Subcommittee Meetings – Organization and Leadership, 2016-2017 Work Planning |
| 6:30 p.m.             | FACJJ Networking Dinner  |

# Day 2 Agenda

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8:30 a.m. – 8:40 a.m.	Reconvene and Roll Call
8:40 a.m. – 10:00 a.m.	Certificate Presentation to New and Renewing FACJJ Members OJJDP Update and Remarks
10:00 a.m. – 10:15 a.m.	Break
10:15 a.m. – 11:15 a.m.	Subcommittee Report Outs
11:15 a.m. – 11:30 a.m.	2016 – 2017 Chair and Vice-Chair Elections
11:30 a.m. – 12:00 p.m.	Meeting Review, Looking Forward and Meeting Adjournment



# FACJJ 2015-2016 Membership

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## Primary Members

Starcia Ague  
Aileen Jo Artero  
Vernon Daniels  
Amy Marie Davenport  
Tony Jones  
ViEve Martin Kohrs  
Kenya Shantel Lee  
Robin Lubitz  
Justin Miller  
Jim Moeser  
Christine Perra Rapillo  
Tawny Spinelli  
George Timberlake

## Alternate Members

Ashley Beall  
Richard Broderick  
Timothy Brurud  
Lisa Jacobs  
Aris Johnson  
Kimberly Larson  
Andrew Longhi  
Gregory Parks  
Sasha Pellerin  
Dave Rosenthal  
Linda Whittington

# FACJJ 2016-2017 Membership

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## Primary Members

Starcia Ague  
Aileen Jo Artero  
Vernon Daniels  
Amy Davenport  
Aris Johnson  
Mary Beth Kelly  
Kimberly Larson  
Justin Miller  
Sasha Pellerin  
Dave Rosenthal  
Paula Smith  
Tawny Spinelli  
George Timberlake  
Joe Vignati

## Alternate Members

Ashley Beall  
Thomas Broome  
Timothy Brurud  
Wendy Henderson  
Lisa Jacobs  
Jane Kallal  
Andrew Longhi  
Cheryl Massaro  
Gregory Parks  
Melanie Shapiro  
Penelope Spain  
Clarence Thomas

# Subcommittee Reports and Discussion

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# Expungement and Confidentiality of Records Subcommittee

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KIMBERLY LARSON, SUBCOMMITTEE CHAIR

# Expungement and Confidentiality of Records Subcommittee Members

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Starcia Ague  
Vernon Daniels  
Kimberly Larson  
Justin Miller  
Sasha Pellerin  
George Timberlake



# Research and Publications Subcommittee

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LISA JACOBS, SUBCOMMITTEE CO-CHAIR

# Research and Publications Subcommittee Members

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Timothy Brurud

Lisa Jacobs

Aris Johnson

Tony Jones

Robin Lubitz

Gregory Parks

Christine Perra Rapillo

Dave Rosenthal

Tawny Spinelli

# LGBT Subcommittee

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ANDREW LONGHI, SUBCOMMITTEE CHAIR



# LGBT Subcommittee Members

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Starcia Ague  
Currey Cook  
Barbara A. Fedders  
David Fischer  
Kimberly Forte  
Laura Garnette  
Christina Gilbert  
Marna Goodman  
Elizabeth Henneke  
Angela Irvine  
Shaena Johnson  
Zahyr Lauren

Andrew Longhi (Chair)  
Meghan Maury  
Jay Miller  
Mitchyll Mora  
Christine Perra Rapillo  
Beth Powers  
Gabrielle Prisco  
Carolyn Reyes  
Andrea J. Ritchie  
Shannan Wilber  
Rob Woronoff

# Meeting with the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) and Discussion on SORNA

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LUIS C.DEBACA, DIRECTOR, SMART

DAWN DORAN, DEPUTY DIRECTOR, SMART

LORI MCPHERSON, SENIOR POLICY ADVISOR, SMART

SCOTT MATSON, SENIOR POLICY ADVISOR, SMART

# SMART

**Office of Sex Offender Sentencing, Monitoring,  
Apprehending, Registering, and Tracking**

Federal Advisory Committee on  
Juvenile Justice

September 29, 2016



# Overview of Presentation

- Registration systems generally
- What is population of registered juveniles?
- How does federal law treat juveniles?
- What are jurisdictions doing?
- What does research say about juveniles who commit sexual assault?
- What will the 2016 Supplemental Guideline do?



# Registration & Notification Systems

- State, Tribal, Territorial
- National Sex Offender Registry
  - Federal (FBI-CJIS)
  - Non-public, law enforcement
  - Extensive information
- National Sex Offender Public Website
  - Public-facing
  - Limited information



# Adam Walsh Act 2006 - SORNA

- Standardized disparate systems
- Addressed forum shopping
- Increased information sharing
- Included Tribes – Indian Country previously “safe haven”



## Adam Walsh Act 2006 - SORNA

- Offense-based classification
- Offenders arranged into “Tiers”
- Tiers determine time of registration, frequency of check-in, etc
- Failure to register (criminal offense)
- SMART to assess “Substantial Implementation” of the standards



# What is the Population of Registered Juveniles?



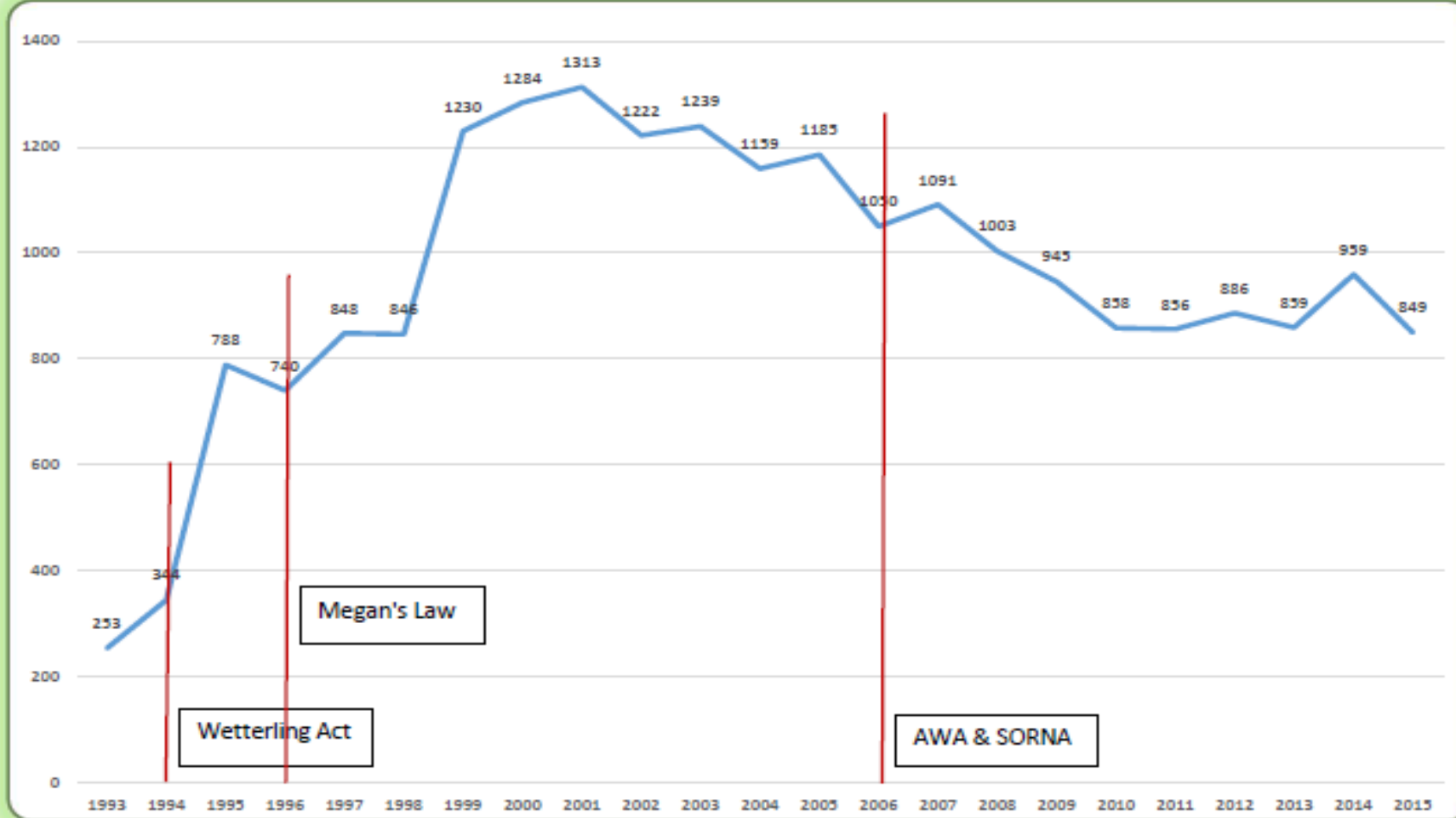


# Juvenile Registration Before and After SORNA

- Before SORNA (2006), 36 states required certain adjudicated juveniles to register.
- After SORNA, 5 additional states that previously did not register adjudicated juveniles passed legislation to require registration.



## Juvenile Registrants in NSOR by Year



## Juveniles Registered Before & After SORNA

Source: US Marshall's Service analysis of National Sex Offender Registry as of 3/28/2016



Innovative

# By the Numbers

Per FBI/CJIS August 2016: approximately 2,400 registrants currently under 18 years of age reflected in NSOR

Per USMS analysis of NSOR in December 2015:

- About 35,000 of the approx. 800,000 offenders were under 18 at date of conviction/adjudication (not broken out by adjudicated/transferred/otherwise).
- About 12,500 became adults before first registration; 22,000 still under age 18 at registration.
- About 15,000 had committed offense against a minor victim. Very few appear to be “Romeo & Juliet” scenario (more research needed).



# How Does Federal Registration Law Treat Juveniles Differently ?



# SORNA Juvenile Requirement

- SORNA limits registration to juveniles who
  - (1) were 14 years of age or older at the time of the offense, and
  - (2) were adjudicated delinquent of an offense equivalent to or more severe than aggravated sexual abuse (as described in 18 U.S.C. §2241).
- Not lifetime: clean record for juveniles = 25 years



# SORNA Guidelines and Serious Offenses

- “Serious offenses” for purposes of juvenile registration limited to those equivalent to 18 U.S.C. §2241(a) or (b), generally involving forcible penetration.
- ‘Touching’ offenses of young children, without more, are generally not included.



## SORNA exempts “Romeo & Juliet”

- Concern - SORNA would capture consensual teen sexual activity
- Result - SORNA specifically exempts “non-forcible” rape cases where:
  - Contact is otherwise consensual;
  - Victim is over 13 years of age and perpetrator is no more than 4 years older than the victim.
- Caveat – Some states still register such cases



# 2011 Supplemental Guidelines

- Specifically granted jurisdictions discretion in whether to post information about persons adjudicated delinquent of a sex offense on the jurisdiction's public sex offender registry website.





# What are Jurisdictions Currently Doing?



# Prosecution of Juveniles who Commit Sexual Offenses

- Age of Adult Criminal Responsibility
- Charging Decisions
- Waiver/Transfer
  - Legislative
  - Prosecutorial
  - Judicial
- SMART Summary:
  - <http://www.smart.gov/pdfs/SMARTSummary.pdf>



# Juvenile Registration and Notification

- Transferred/Waived juveniles will generally be registered per adult requirements
- Registration requirement will vary, even where available
  - Age at time of offense
  - Offense for which adjudicated delinquent
  - Mandatory vs. Discretionary systems



# Adjudication Generally Required

- States generally require an adjudication of guilt for a sex offense before registration can be ordered
  - Due process guarantees of court proceeding
  - Elements of the crime have been found beyond a reasonable doubt



# States Have Different Approaches

- Mandatory Registration
- Discretionary Registration
- Hybrid Systems
  
- Duration: offense vs. risk-assessment
- Frequency: offense vs. risk-assessment
- Posting: mandatory/discretionary
- Removal: mandatory/discretionary



# How States Handle Serious Juvenile Sex Offenders Now

- 26 states mandate registration
- 11 make such registration discretionary
- 3 operate a kind of hybrid registration determination (nature of offense combined with certain other objective criteria)
- 11 do not register juveniles at all



# What does the Research say about Juveniles who Commit Sexual Offenses?



# SOMAPI: Sex Offender Management Assessment and Planning Initiative

- Common Goal: to protect the public from sex offenders and prevent sexual violence
- A variety of policies and programs exist but little is known about “what works”
- SOMAPI: identify evidence based practices and gaps/needs of the field, and provide guidance for adults and for youth
- <http://ojp.gov/smart/SOMAPI/index.html>





# SOMAPI Chapters

## Juvenile Topics

Etiology/typologies  
Risk assessment  
Recidivism  
Treatment effectiveness  
Registration and notification

## Adult Topics

Incidence and prevalence  
Etiology  
Typologies  
Risk assessment  
Recidivism  
Internet offending  
Treatment effectiveness  
Management strategies



# What SOMAPI tells us about juveniles

- Typology/etiology
- Recidivism
- Assessment
- Efficacy of treatment
- Registration



# Important Distinctions

- Juveniles and adults differ in their cognitive capabilities, capacity for self-management and regulation, susceptibility to social and peer pressure, and in other areas related to judgment and criminal intent.
- Risky behavior is more prevalent during adolescence than it is during either preadolescence or adulthood.
- The ability to plan ahead, be aware of time, and anticipate future consequences significantly increases with age.



# Etiology and Typologies

- The sex offending of *some* adolescents represents a reenactment of their own sexual victimization.
- For *some* adolescents, sexual aggression is a learned behavior modeled after what they observe at home.
- Heterogeneity and differential treatment and supervision needs are well documented
- Apply aggressive strategies and the most intensive interventions only to those who require the greatest level of supervision, treatment, and personal restriction.
- Tailored and targeted approaches ensure both community safety and the successful rehabilitation of youth.



# Recidivism

- Recidivism rates are typically based on official criminal or juvenile justice records; do not include offenses not reported or investigated.
- Sexual recidivism rates of juveniles who commit sex offenses range from about 7% to 13% after 5 years.
- Recidivism rates for juveniles who commit sex offenses are generally lower than for adult sex offenders.
- Some juveniles who commit a sex offense will sexually reoffend as adults – but assessment tools insufficient.
- Juveniles who commit sex offenses have higher rates of general recidivism than sexual recidivism.



# Assessment

- Actuarial assessment predicts risk more accurately than clinical assessment or professional judgment
- Research on risk factors is theoretical and descriptive rather than based on statistical research.
- The presence and interaction of multiple risk factors is most important in understanding risk.
- Research on available assessment tools shows that they do not consistently or accurately predict sexual recidivism.
- Few instruments incorporate protective factors and those that do either have no empirical support, or are in development and have not yet been validated.



# Treatment

- Studies have consistently found at least modest treatment effects for both sexual and nonsexual recidivism.
- Meta-analysis studies have also consistently found that sex offender treatment works, particularly multisystemic and cognitive-behavioral treatment approaches.
- Cost-benefit analysis also demonstrates that sex offender treatment programs for youth can provide a positive return on taxpayer investment.



# Registration

- Conclusions about the impact of sex offender registration and notification with juveniles are difficult:
  - Too few studies have been conducted
  - Available research has not isolated the impact of these policies from other interventions
  - Overall rate of sexual recidivism attributed to juveniles is low.





# 2016 Supplemental Guideline



# Supplemental Guideline for Juvenile Registration

- Signed by Attorney General on July 26, 2016
- In the event that a jurisdiction does not exactly conform with the juvenile registration requirements under SORNA, SMART Office may now expand inquiry by reviewing:
  - (i) Policies and practices to prosecute as adults juveniles who commit serious sex offenses;
  - (ii) Policies and practices to register juveniles adjudicated delinquent for serious sex offenses; and
  - (iii) Other policies and practices to identify, track, monitor, or manage juveniles adjudicated delinquent for serious sex offenses who are in the community and to ensure that the records of their identities and sex offenses are available as needed for public safety purposes.



# Juvenile Guideline in a Nutshell

- Discretionary or hybrid systems no longer automatically disqualifying
- Holistic approach to examine how jurisdiction is balancing community safety and outcomes for juvenile offenders
- Recognition of goals of juvenile justice system and research on youth with sexual behavior problems.



# Holistic Approach

- Sentencing procedures tailored to serious juvenile sex offenders?
- Waiver provisions for juveniles who have committed serious sex offenses?
- Ongoing dynamic assessments of risk?
- Dedicated efforts to respond to a juvenile's particular risk factors?
- Specialized juvenile sex offender probation officers?
- Specialized community supervision of juvenile sex offenders?
- Treatment approaches specifically designed for juvenile sex offenders?
- Employment Restrictions (e.g., prohibitions on serious juvenile sex offenders working with young children or other vulnerable populations)?
- Effective and ongoing information sharing about serious juvenile sex offenders with relevant community entities, such as the school at which the juvenile is enrolled?
- Submission of information about the adjudication of a serious sex offense to the relevant FBI databases, such as III and NSOR?



# What SORNA Doesn't Require

- Residency restrictions
- All juveniles (14 + serious offenders only)
- Romeo/Juliet or Public Urination cases
- Touching offenses
- Lifetime juvenile registration
- Public notification of adjudicated juveniles
- Offense-Based Mandatory Juvenile Systems



# SMART Programs

- SOMAPI & NASOM
- Campus Sexual Assault Prevention
- Youth with Sexual Behavior Problems (with JJ)
- SORNA Research (with NIJ)
- Circles of Support & Accountability
- Juvenile Risk Assessment Tool with Dynamic & Protective Factors
- Juvenile Progress Scale
- Adult and Juvenile Treatment Standards



# Questions?



# DMC Update and Discussion

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TINA BORNER, SENIOR COMPLIANCE ANALYST, OJJDP





# Technical Assistance to End Racial and Ethnic Disparities in the Juvenile Justice System



# Purpose

- To provide robust and comprehensive training and technical assistance to jurisdictions to end racial and ethnic disparities at all contact points in the Juvenile Justice System
- To serve as a comprehensive clearinghouse on issues specifically and strategically focused on DMC reduction efforts
- To enhance and assist in implementing OJJDP's DMC Reduction Model and other OJJDP DMC reduction interventions



# Smart on Juvenile Justice

Smart on Juvenile Justice Strategy that focuses on implementing juvenile justice reforms to enhance public safety, hold youth appropriately accountable, reduce reoffending, maximize cost savings, and support strategic reinvestment of the savings while supporting systemic statewide system change.



# Smart on Juvenile Justice

- Juvenile Prosecution Curriculum Development, Training, and Technical Assistance Program
- A Comprehensive Strategy to Juvenile Justice Reform
- Technical Assistance to End Racial and Ethnic Disparities in the Juvenile Justice System



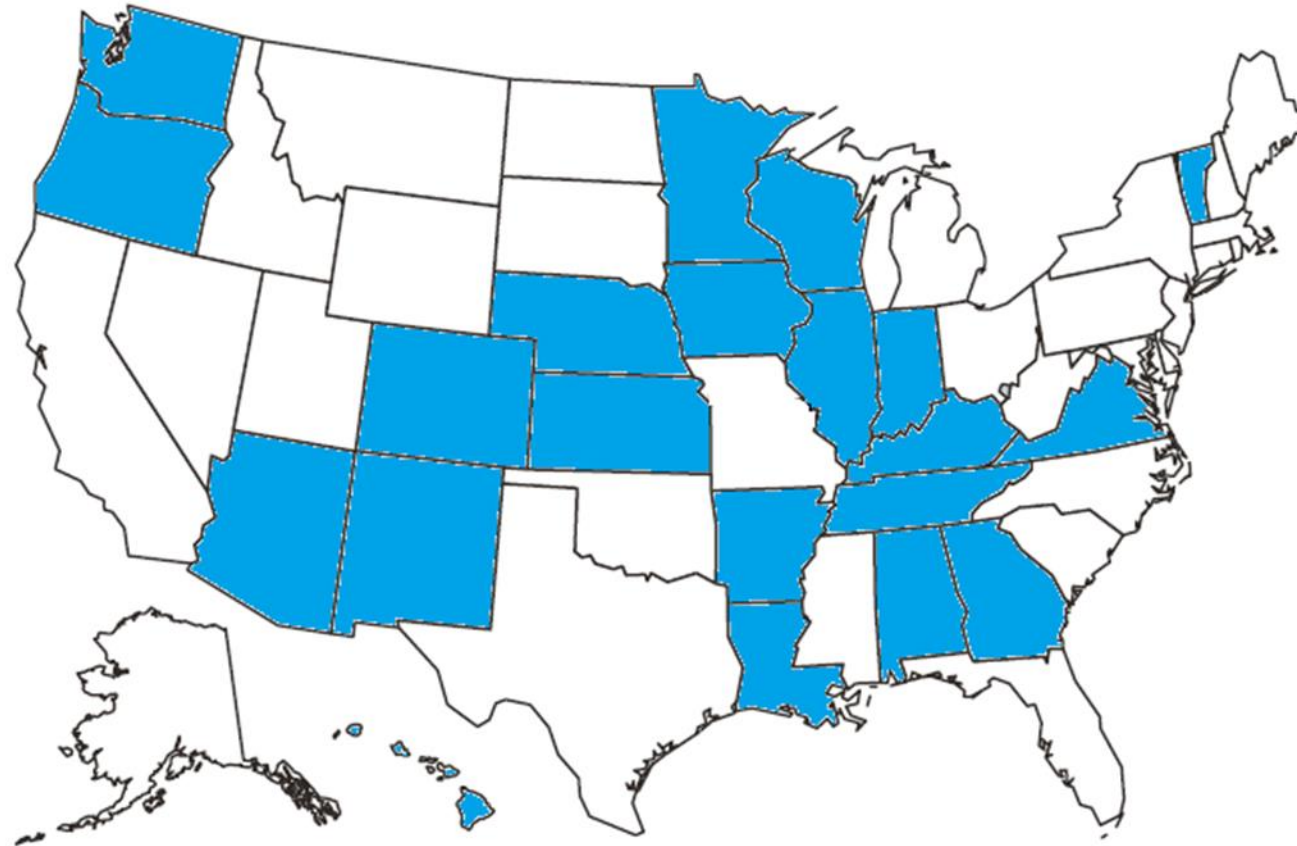
# OJJDP's Technical Assistance Providers

W. Haywood Burns Institute  
(BI)

Development Services Group,  
Inc. (DSG)



# TA Requests To OJJDP





# Examples of Requests for Assistance

- Developing the DMC section of the Three-Year Plan
- SAG training
- Reviewing and analyze RRI data
- Developing a plan for collecting data
- Designing a DMC Assessment Study
- Understand how to use assessment study findings to design interventions
- Strategic planning
- Developing a curriculum agenda with local juvenile justice councils
- Customizing DMC matrix and Relative Rate Index (RRI) calculation tool
- Fully implementing the DMC reduction model
- Creating and sustaining DMC-reduction efforts at the local level
- Probation officer training
- Creating local governance structure to address local DMC issues
- Stakeholder training on how to move from a difficult DMC discussion to practical change



# ***Disproportionate Minority Contact***

## ***Community And Strategic Planning (CASP)***





# CASP

- Initiated in January 2010
- Community engagement essential to examining and addressing DMC
- Designed to facilitate the development and implementation of subcommittees within targeted reduction sites
- Financial support for this Initiative was derived from unencumbered funds



# QUESTIONS

?????



# THANK YOU

**Tina Borner,  
RED TTA Program Manager  
[tina.borner@usdoj.gov](mailto:tina.borner@usdoj.gov)**

# Luncheon Break

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# Proposed New By-Laws and Implementation Timeframe

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JIM MOESER, FACJJ MEMBER



# FACJJ Legislation Subcommittee Report and Discussion of Proposed

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AMY DAVENPORT, SUBCOMMITTEE CHAIR

# Legislation Subcommittee Members

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Ashley Beall  
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ViEve Martin Kohrs  
Kenya Shantel Lee  
Andrew Longhi  
Jim Moeser  
Tawny Spinelli  
Linda Whittington

# Break

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# Discussion of FACJJ Goals and Subcommittee Membership for FY 2017

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GEORGE TIMBERLAKE, FACJJ CHAIR

# Subcommittee Meetings

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# FACJJ Annual Meeting

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SEPTEMBER 29-30, 2016

# Day 2 Agenda

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11:30 a.m. – 12:00 p.m.	Meeting Review, Looking Forward and Meeting Adjournment

# Roll Call

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GEORGE TIMBERLAKE, FACJJ CHAIR

# Certificate Presentation

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ROBERT LISTENBEE, OJJDP ADMINISTRATOR

# OJJDP Update, Remarks, and Open Discussion

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ROBERT LISTENBEE, OJJDP ADMINISTRATOR

# Break

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# Subcommittee Report Outs

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# Legislation Subcommittee

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AMY DAVENPORT, SUBCOMMITTEE CHAIR



# Expungement and Confidentiality of Records Subcommittee

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KIMBERLY LARSON, SUBCOMMITTEE CHAIR



# Research and Publications Subcommittee

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LISA JACOBS, SUBCOMMITTEE CHAIR

# 2016-2017 Chair and Vice-Chair Elections

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ROBERT LISTENBEE, OJJDP ADMINISTRATOR

# Meeting Review, Looking Forward and Meeting Adjournment

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# For More Information

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**The Office of Juvenile Justice and Delinquency Prevention**

<http://www.ojjdp.gov>

**Federal Advisory Committee on Juvenile Justice**

[www.facjj.org](http://www.facjj.org)



# Meeting Adjourned

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