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Center for
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Reform

A ROADMAP

TO THE IDEAL JUVENILE JUSTICE SYSTEM
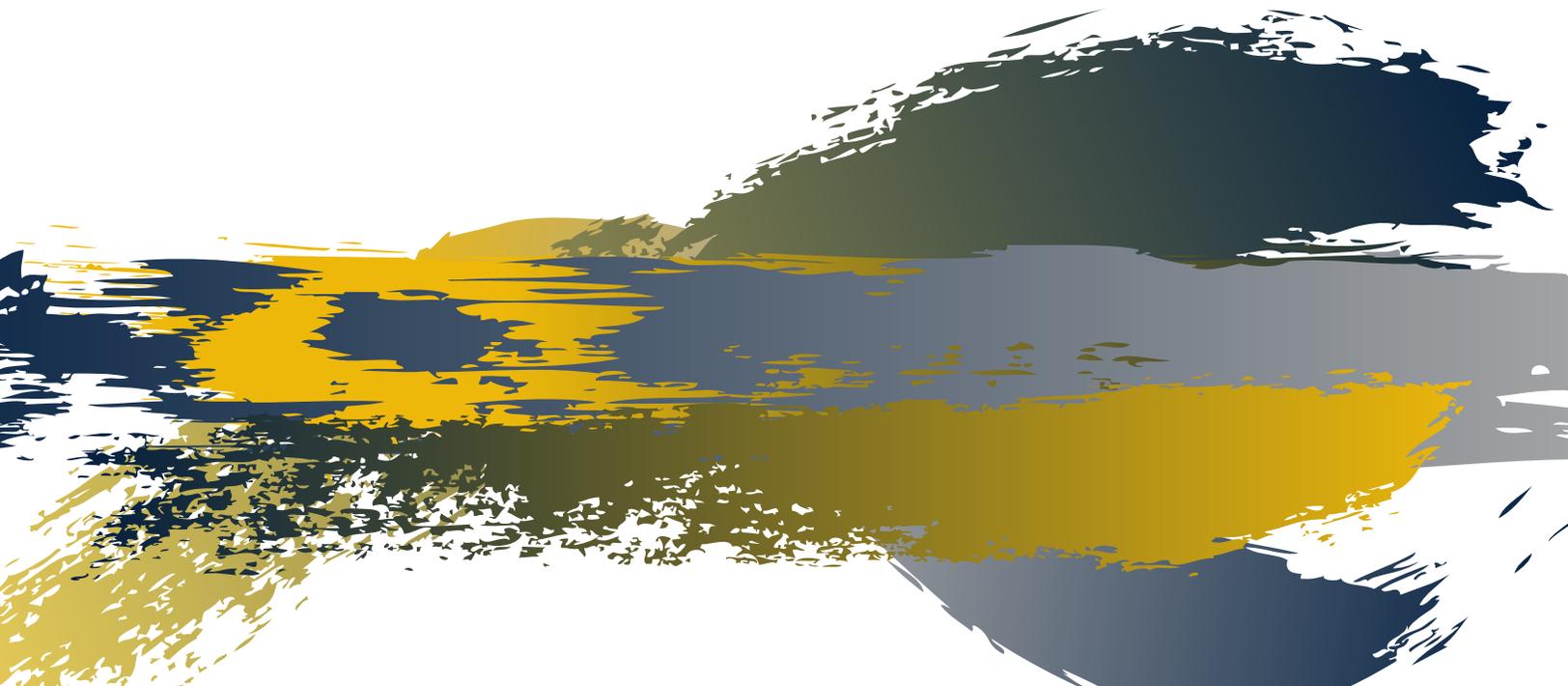
JULY 2019

by **Tim Decker,** on behalf of the Juvenile
Justice Leadership Network

Cover Art:

The frayed borders of each stroke reflect the need for a collaborative approach to juvenile justice reform, transcending barriers as we work across systems of care. Each stroke is a passion for change, a pursuit for reform that is both cutting-edge and without clear-cut approaches: a reconfiguring of the traditional path. Taken together, they begin to resemble a way forward, or a tool to build a better system.

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In 1994, Attorney General Janet Reno asked a simple but profound and timely question about the juvenile justice system in the United States:

"Is there a single jurisdiction in the U.S. that is doing everything right?"

In leading the Department of Justice, the United States' first female Attorney General sought to identify model state and local juvenile justice systems that were accomplishing the goals of protecting public safety and achieving positive outcomes for youth and families.

At the time of her inquiry, the juvenile justice system had existed for nearly a century, beginning with the establishment of houses of refuge and the first juvenile court. The founding of a separate juvenile justice system was intended to provide a substantially different response to adolescent behavior than the adult correctional system. Since the system's inception, medical research, practitioner experience, developmental science, and repeated legal decisions have affirmed that adolescents are fundamentally different than adults, and that juvenile justice policy and practice should account for these differences. Yet despite all the evidence about what works, the evolution of the juvenile justice system has all too often resembled a rudderless ship, drifting from

one place to another based on ever-changing tides of public opinion, real and perceived trends within the larger adult criminal justice system, and public policy reforms. The early-to mid-1990s represented a time that significantly challenged the fundamental underpinnings of the juvenile justice system.

During this time, the public policy pendulum shifted abruptly to increased reliance on punitive measures, incarceration, and adult prosecution of youth who had committed an offense. Increases in offenses in the late 1980s and several high-profile incidents of violent juvenile offenses in the United States reinforced a belief that many youth committing offenses were "super predators" who needed to face harsh penalties for their behavior. The incarceration of youth in the United States peaked at 107,637 in 1995 (Mendel, 2011 cited by Sickmund, Sladky, Kang, & Puzzanchera, 2019), even as the overall number of offenses were decreasing. States across the country passed "tough on crime" legislation specifically directed at system-involved youth. The lines blurred between punishing youth for offenses that posed a safety threat to communities and those that were property or age-related offenses.

After many years of evolution grounded in separating youth from the adult system, as well as differentiating between cases of abandonment and delinquency, states were now creating new and more expedient

pathways to return youth to the adult criminal justice system. The trend was clear—the juvenile system had never fully detached from the adult system. Many adult criminal justice and correctional practices were predominant influencers of the juvenile justice system, even though the system lacked many of the legal protections of the adult system because of its "best interests" of the child legal framework (American Bar Association, n.d.).

In the face of this movement, many practitioners, researchers, and advocates across the country began to question the efficacy of an approach to juvenile justice rooted in principles of punishment, fear, surveillance, and control. The fact remained that the shift to a more correctional model had not resulted in reduced recidivism or other positive outcomes for system-involved youth. Reformers called for a better way of doing business—one that resembled the core foundation on which the juvenile justice was developed in the first place.

In 1994, the most accurate response to Attorney General Reno's question was that there was no ideal juvenile justice system in the United States, and that we would not be able to identify one even if it existed. While promising practices and approaches existed around the country, until this point, the system largely had been driven much more by aspirations and ideals than by research evidence and implementation experience.

Attorney General Reno committed to significantly expanding the body of knowledge on effective juvenile justice policy and practice. Under her leadership, the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP) increased its national presence as a driver

for system improvement, creating a deliberate dialogue and a platform for change. As a result, overall funding for juvenile justice within the U.S. Department of Justice appropriation gradually increased, peaking at $565 million in fiscal year 2002 (Finklea, 2016). This amount included funding and support for OJJDP's groundbreaking Comprehensive Strategy for Serious, Violent and Chronic Juvenile Offenders (Wilson & Howell, 1993), various research-based and data-driven community initiatives, and the Blueprints for Violence Prevention policy initiative. The availability of juvenile justice research soared to unprecedented levels—a testament to the researchers, system officials, and advocates who responded to the call for evidence-based programs and practice.

The journey to a more informed, fair, just, and effective juvenile justice system also was amplified through multi-site philanthropic endeavors such as the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative (JDAI) and the MacArthur Foundation's Models for Change Initiative, and buoyed by numerous advocacy organizations, like the Youth Law Center, Juvenile Law Center, Council of Juvenile Correctional Administrators, and others that raised national awareness of juvenile justice issues and offered strategies for system improvement. Collectively, these efforts led to reforms all around the U.S. in areas such as detention utilization, judicial processes, validated risk and needs assessments, access to counsel, addressing racial and ethnic disparities, alternatives to incarceration, and development of humane and therapeutic residential treatment centers.

Community Focused on Learning and Leading System Transformation

In 2009, the Center for Juvenile Justice Reform (CJJR) at Georgetown University's McCourt School of Public Policy, in partnership with the Council of Juvenile Correctional Administrators and the Public Welfare Foundation created the Juvenile Justice Leadership Network (JJLN).

Featuring bi-annual convenings at Georgetown and ongoing communication throughout the year, the JJLN is designed to provide public juvenile justice agency leaders the opportunity for candid and productive dialogue on juvenile justice reform issues.

Since the network's inception, more than 30 leaders have participated in the JJLN. The criteria to participate includes a history of and desire to undertake progressive system improvement efforts. JJLN leaders share a common resolve best described as "hard heads and soft hearts" (Boatright-Wilson, 2008), which is a determination to do the right thing in the right way, while always remembering why it matters.

Over the years, JJLN leaders from across the country have sought to bridge the research and practice divide and fuel further innovation based on implementation experience. These experiences in implementing system change have resulted in the emergence of pragmatic local strategies aligned with the research. They also have created new opportunities for system learning and replication of successful approaches. A collective vision has emerged as leaders create and share progressive reform agendas—efforts designed at least in part to reduce the institutionalization of youth and develop a more comprehensive continuum of care in their state or local agency.

The results achieved and lessons learned from the shared experiences of JJLN leaders has created both momentum and urgency. The evolution of research, practice, and experience compels juvenile justice systems across the country to adopt a common vision, create a full understanding of the essential components of the ideal juvenile justice system, and articulate a roadmap for moving forward.

While Attorney General Reno challenged those around her to identify the ideal system 25 years ago, the pathway now has increased clarity and the possibility of success is much greater. The exploration of these foundational questions has been underway for several years, and many JJLN leaders have been in the center of these reforms guided by an audacious vision of the ideal juvenile justice system.

The system will move forward, or it will fall back, and JJLN leaders agree that now is the time to articulate a vision of the ideal juvenile justice system. It is time to fully own the system leaders have chosen to move forward, and to operate it based on evolving knowledge, what is proven to work, and what is fair and just.

The next steps in the journey call upon all involved to answer Attorney General Reno's original question with a profound sense of

purpose and clarity. JJLN leaders are offering their best thinking to date and challenge the country to engage in dialogue around three questions: 1) Why is it important to create the ideal juvenile justice system? 2) What specifically would the ideal system include? and 3) How could we create a roadmap to get us there?

The following sections of this JJLN policy paper provide an overview of the essential elements of the ideal juvenile justice system, and implementation strategies and experiences from reform-minded leaders around the country. The paper also provides a greater understanding of the impact of action or inaction, and a far-reaching call to action to translate ideal system concepts into common practice.

Moving Forward or Falling Back

As noted above, the history of juvenile justice in the United States has included evolutionary periods in which the system shifts back and forth between punitive approaches based on retribution and incarceration, to rehabilitative approaches built on a foundation of youth and family development, treatment, restorative justice, and community engagement strategies such as mentoring, alternative education, and employment.

These pendulum swings shift resources and attention from one approach to another based on single events, public perceptions, and philosophical extremes. Those leading and doing the work and those most impacted by the changes often have little to say about them.

While many have endeavored to reform juvenile justice systems and made significant progress, the pursuit of the ideal juvenile justice system has been undermined by historical practices and inaccurate or biased

assumptions about youth, families, and neighborhoods; entrenched organizational cultures; and a lack of organized political, professional, and public will for the courageous work of system transformation.

The architects of a separate system of justice for youth who had committed an offense embraced rehabilitation rather than punishment as its central mission. In 1899, the first juvenile court in the United States was established in Cook County, Illinois. The idea quickly caught on, and within 25 years, most states had set up juvenile court systems. The early juvenile courts were based on the legal doctrine of parens patriae, which gives the state the power to serve as the guardian (or parent) of those with legal disabilities, including youth. In line with their "parental" role, juvenile courts tried to focus on the "best interests of the child." They emphasized an informal, non-adversarial, and flexible approach to cases, which were treated as civil (noncriminal) actions, and the ultimate goal was to guide a young person who had committed an offense toward life as a responsible, law-abiding adult (American Bar Association, n.d.).

It is now well known that traditional juvenile justice practices based on adaptations of adult criminal justice are ineffective as applied to youth given their developmental trajectories. The scientific literature shows that several conditions are critically important to healthy psychological development in adolescence (Steinberg, Chung, & Little, 2004). These include the presence of a parent or parent figure who is involved with the adolescent and concerned about his or her successful development, inclusion in a peer group that values and models prosocial behavior and academic success (Brown, Bakken, Ameringer, & Mahon, 2008), and

activities that contribute to autonomous decision making and critical thinking.

Authoritarian and punitive approaches based on confinement, isolation, and coercion undermine any significant opportunities to create the conditions necessary for healthy development. Further complicating the matter is the fact that adolescents with complex trauma histories are likely to have impairments in the types of self-regulation that are required to successfully participate in activities and to respond favorably to motivational and crisis prevention interventions.

With respect to policy and practice at juvenile justice facilities, generic "one-size-fits-all" programs primarily designed to reduce or prevent unrest and violence are ineffective (Berkshire & McMahon, 1994; Schwartz, 2003). Instead, programs and interventions are needed that systematically build, rather than requiring or penalizing a lack of competence in self-regulation. Day-in and day-out "24/7" interventions are necessary to provide intensive social learning experiences that reinforce and lead to the sustained use of these skills taught in classes and therapeutic interventions (Ford, Chapman, Connor, & Cruise, 2012).

Researchers and practitioners have come to understand that healthy adolescent brain development is as critical as the more commonly understood early years of birth to age three, a period during which children are bonding with caregivers and rapidly developing language and motor skills. Comparatively, the adolescent's brain is in a critical stage; it is growing in different areas of development such as relationship skills, emotional regulation, and executive function including the acuity for associating decisions and behavior with long-term consequences.

The juvenile justice system, with its procedural shortcomings, harsh criminal sanctions of the punitive eras, and crippled rehabilitative mission is unlikely to promote respect for the law or reinforce inclinations toward a law-abiding way of life (National Research Council, 2013). The costs of incarceration and other coercive or punitive measures have often been tolerated because of perceptions that such an approach enhances control and increases public safety, even though there is substantial evidence to the contrary. Punitive and retributive approaches are frequently perceived as a way of ensuring justice and holding youth accountable for their actions. Contrary to their intentions, these approaches often lead to limited short-term relief for victims and others impacted without repairing harm or holding youth accountable as could be expected with more rigorous, informed, and effective rehabilitative approaches.

Operating Principles – The GPS of the Ideal System

The ideal juvenile justice system will include policies and practices that arise from and are aligned with insightful and well-informed values and operating principles.

This will ensure juvenile justice systems thoroughly examine current policies and practices to hold on to and do more of what is working well and eliminate or curtail what is not working or well-aligned with the research. Operating principles guide leaders and policymakers in determining new components that may need to be developed, adapted, and implemented in order to create an ideal juvenile justice system.

A clear and compelling statement of values and operating principles which are judiciously followed is perhaps the first and most important step in creating an ideal juvenile justice system throughout the country. Metaphorically, values and operating principles become a compass to guide improvement efforts, in a similar way to the ruler that measures progress and the clock that maintains time frames.

The JJLN recommends that the system's change should be rooted in the following eight principles and characteristics: (1) developmentally appropriate, (2) research-based, data-driven, and outcome-focused, (3) fair and equitable, (4) strengths-based, (5) trauma-informed and responsive, (6) supportive of positive relationships and stability, (7) youth- and family-centered, and (8) well-coordinated across systems of care.

Developmentally Appropriate

The juvenile justice system was intended to promote accountability, prevent reoffending, and treat youth fairly—each of which is best served by a rehabilitative orientation. Adolescents are developmentally driven in part by a desire for autonomy. This includes heightened longing for fairness, to be heard, and to be included in decisions about one's life. Indeed, procedural justice theory and developmental research indicates that when adolescents feel that the system has treated them fairly, they are more likely to accept responsibility for their actions and embrace prosocial activities (National Research Council, 2013). In the context of juvenile justice practice, this means that the imposition of sanctions or the movement of a youth from home to a more restrictive setting should only be considered after a diligent, inclusive, and thorough decision-making process, balanced by objective risk assessment, procedural fairness, and administrative checks and balances.

In addition to the need for autonomy, adolescents are at a stage of development when they are hypersensitive and oriented toward relationships and belonging and will often be influenced profoundly by their peers. Developmentally appropriate programs and services are often most effective if they incorporate a group approach (Lipsey, Howell, Kelly, Chapman, & Carver, 2010) and are positioned close to home so that family and community relationships can be maintained and strengthened.

Even a quality service provider and strong case plan will ultimately leave youth unprepared to navigate the transition to adulthood, especially if the plan relies too heavily on formal services and relationships with system professionals.

Relationships matter and are a primary change agent. The effectiveness of programs is directly impacted by the quality of relationships and the extent to which they support young people in establishing healthy and productive relationships. A well-known quote from Bill Milliken, Founder of the national Communities in Schools initiative, reminds us that "It's relationships, not programs, that change people." The ideal juvenile justice system, therefore, must include ambitious transition frameworks that are grounded in proven risk reduction strategies, child and family wellbeing, and positive youth development.

Principles in Action – Positive Youth Justice, DYRS in Washington, D.C.

In the last decade, the District of Columbia's Department of Youth Rehabilitation Services (DYRS) has strived to implement an approach to juvenile justice rooted in developmental principles. Over the years, agency leaders, staff, and partners have explicitly embraced the Positive Youth Framework (Butts, Bazemore, Meroe, 2010). This is reflected in the agency's mission and in the way the agency structures its services for youth and families, staff training, and performance measurement. While challenges remain (as in any jurisdiction), DYRS has worked hard to reorient all supports, services, and opportunities toward supporting youth in becoming healthy, successful adults, whether being served in the community or in placement.

A key dimension of DYRS' shift to the developmental approach was the creation of the New Beginnings Youth Development Center in 2009, a long-term residential facility for youth committed to the agency which took the place of the larger and more correctional Oak Hill Youth Center. New Beginnings, which features a vibrant school operated by the Maya Angelou Academy and diverse programming, was patterned after the small, therapeutic, and developmental programs pioneered by Missouri and Massachusetts. In the community, DYRS oversees DC YouthLink, a coalition of community-based organizations that deliver services to youth designed to help them to build skills and prosocial relationships. DYRS also has strengthened its partnership with the community through its Credible Messenger Initiative as detailed below in this paper.

Research-Based, Data-Driven, and Outcome-Focused

Operating research-based, data-driven, and outcome-focused juvenile justice systems is important for several reasons central to the mission of juvenile justice agencies and partners. Identifying risk levels and needs of youth allows agencies to target resources to those youth most at risk of reoffending, align services and supports with the needs of youth and families, ensure the appropriate level of intervention is provided, and maximize resources available to the agency while still enhancing public safety.

The pathway to a data-driven juvenile justice system often begins with the selection and deployment of validated risk and needs assessment tools to guide decisions at various stages in the juvenile justice process. Risk and needs assessment instruments are structured tools that combine information about youth in order to assess them as being low, moderate, or high risk for reoffending or continued delinquent activity, as well as identifying factors that might reduce that risk

on an individual basis. The purpose of such assessment tools is to help in making decisions about youths' level of supervision, including possible placement, as well as creating intervention plans that will reduce their level of risk (Vincent, Guy, & Grisso, 2012). These types of actuarial instruments can help support more consistent and objective decision-making, an essential element of ensuring fairness and equity for all youth regardless of race, ethnicity, gender, or other characteristics.

The juvenile justice system ideally focuses on preventing young people from progressing to the doorstep of residential care and providing a comprehensive response for those who do. This is consistent with research on increasing effectiveness of juvenile justice programs through focusing the most effective and costly programs on high risk young people, accessing multiple coordinated services, ensuring a therapeutic philosophy, involving families, and providing a sufficient amount of service (Lipsey et al., 2010).

Juvenile justice systems also must hold themselves and others accountable for a range of outcomes at the individual case and system level. Outcomes should include both reoffense rates/recidivism, and educational and youth developmental outcomes that are predictive of success beyond the time a youth is engaged with the juvenile justice system.

Principles in Action – Youth Reformation System, Oregon Youth Authority

The Youth Reformation System (YRS) uses data, research, and analytics to help the Oregon Youth Authority (OYA) and county juvenile departments deliver the right services to the right youth for the right amount of time. OYA launched YRS in 2013, building on the creation of the Juvenile Crime

Prevention (JCP), a statewide risk and needs assessment tool. Since that time, agency researchers have developed and implemented several tools aimed at improving youth outcomes. These tools provide juvenile justice professionals with access to accurate and timely data about the risks, needs, and treatment progress for every youth served at both the county level and in OYA custody. Data from JCP and YRS does not replace professional judgment, but rather, provides another tool to help make better-informed decisions as county officials and OYA staff determine treatment needs, measure outcomes, and adjust services for youth.

Fair and Equitable

Racial and ethnic disparities present one the most entrenched and profound issues facing the juvenile justice system. The ideal system simply cannot exist without addressing racial and ethnic disparities and coming to terms with the way in which many youth and families of color have historically experienced juvenile justice policy and practice. While constituting approximately 38% of the population eligible for detention, in the first decade of this century, youth of color represented almost 70% of youth in secure confinement, a huge increase over the previous decade (Mendel, 2009). This startling overrepresentation and increase in degree of overrepresentation occurred while the rate at which juveniles committed serious violent offenses decreased 74% between 1993 and 2004, followed by a decrease of 58% from 2006 to 2016 (OJJDP, 2018).

After years of progress in improving many aspects of the juvenile justice system, African American youth continue to be treated more harshly at all stages of the system (Bell, 2015). While only 16% of the youth population of sufficient age for detention is

African American, they represent 28% of juvenile arrests, 37% of detained youth, and 58% of youth admitted to state adult prison (NCCD, 2007).

Collaboration across systems and the development of cross-cultural working relationships within communities is essential to addressing racial and ethnic disparities within the juvenile justice system. Partners must ensure data-driven approaches and equitable cultural representation in decision-making.

It is important to measure and examine overrepresentation resulting from key decision points in the system such as arrest, detention, diversion, prosecution, and confinement. Forward movement is often obstructed by the constant and misdirected citation of extrajudicial factors such as poverty and lack of a father in the home as significant determinants of law violations (Bell, 2015). It is critical to examine and openly address faulty assumptions that undermine progress, and examine all policies, practices, and trends for the presence of disproportionality and disparity.

Another factor undermining progress is utilization of the juvenile justice system to address mental health disorders. Many communities of color lack available and effective behavioral health services, which tends to funnel youth into the juvenile justice system. The behavior challenges presented by youth of color are likely to be viewed as conduct disorders and indicators of criminogenic risk, which is further complicated by the tendency of courts and other partners to respond based on what is available versus what is needed. Due in large part to this response, up to 70% of youth in the juvenile justice system have been diagnosed with a mental health disorder (Shufelt & Cocozza, 2006).

As many systems focus on improving their capacity to deliver mental health services, it is important to recognize that the juvenile justice system may not always be the appropriate venue to deliver such services to young people (Grisso, 2008). The juvenile justice system has further exacerbated the situation by offering secure confinement facilities as placements for youth with significant mental health challenges, and in some programs, specialized mental health units for those youth. The "if you build it, they will come" dynamic has created a system that is encouraging utilization of the juvenile justice system as a de facto behavioral health system. This is especially true in communities where other resources may not exist or may not be structured in a culturally specific or competent manner.

A far better approach would be to build the continuum of school- and community-based services and involve youth and families from the community in their development. Punitive justice system responses to youthful misbehavior consistently fail, and recent research confirms what common sense suggests: youth who have positive role models, education, and access to the resources they need commit fewer offenses than those who are removed from their support structures and forced into confinement (Fazal, 2014).

Many of the components of the ideal juvenile justice system are consistent with a youth justice policy framework created by The Burns Institute in collaboration with the Urban America Forward: Civil Rights Roundtable Series (Ridolfi & Benson, 2016). The framework acknowledges and challenges the structural racial injustices that contribute to and perpetuate disparities through a transformative policy framework, including:

- Shifting institutional policies and practices away from criminalizing youth to providing opportunities to thrive. This includes training adults who interact with youth about structural racism and implicit bias, child development, the impact of trauma on development, and conflict de-escalation. This also includes expanding funding for and application of diversion programs, as well as providing basic opportunities for young people to engage in positive activities in their community.

- Investing in community solutions as a response to developmentally appropriate behaviors as well as youthful law violations. Communities know their young people—as well as the community's needs, challenges, opportunities, and assets—and will come up with solutions that work.

- Eliminating policies that lead to the prosecution of youth in adult courts.

- Utilizing data to understand and improve the decisions and share these data with the public to ensure that they are not creating or exacerbating racial and ethnic disparities.

As noted below in this paper, the ideal juvenile justice system also includes a focus on pathways to wellbeing and trauma-informed care. These core principles are well-aligned and also should be measured in terms of their impact on reducing racial and ethnic disparities and overrepresentation of youth and families of color in the system.

Principles in Action – Credible Messenger Initiative, DYRS in Washington, D.C.

DYRS' Credible Messenger Initiative strengthens community relationships between youth in the care and custody of DYRS and skilled mentors.

Through focusing on the broader goal of building healthy homes and supportive communities for all youth, equitable access to prevention and diversion supports has been expanded through a community-driven solution. Credible Messengers are neighborhood leaders, experienced youth advocates, and individuals with relevant life experiences whose role is to help youth transform attitudes and behaviors around violence (DYRS, 2019).

Credible Messengers are members of the community who were previously involved in the justice system. Those selected for this role have demonstrated the strength, integrity, and commitment to turn their lives around. Credible Messengers receive training and develop the skills necessary to mentor many of the community's most challenging youth. Family and community engagement also are promoted through parent peer coaches who assist families in navigating the justice system based on their own involvement and family experiences. The Credible Messenger Initiative expands DYRS' role in city-wide violence prevention efforts, improves services to youth in the community, connects youth to resources and relationships to support their success, builds on the strengths of natural community leaders, and creates employment opportunities for DC residents.

Principles in Action – CJJR's Reducing Racial and Ethnic Disparities Certificate Program

The Center for Juvenile Justice Reform at Georgetown University's McCourt School of Public Policy conducts the Reducing Racial and Ethnic Disparities (RED) in Juvenile Justice Certificate Program annually in partnership with the Center for Children's Law and Policy. The program focuses on assisting jurisdictions in their efforts to reduce overrepresentation of youth of color in the juvenile justice system through a data-driven and research-based approach. By examining the key decision points in the juvenile justice system, participants develop a better understanding of the

disparate treatment youth of color experience as compared to white youth. The program further explores the relationship between disproportionality in the juvenile justice system and disparate treatment in child welfare, education, and other child-serving systems.

RED Certificate Program participants develop and implement Capstone projects, which have included analyses of law enforcement referral data from schools, leading to MOUs between key stakeholders such as the prosecutors, police departments, public schools, and human services departments. Other strategies have included implementation of a pre-referral diversion program for low level assaults, redefined protocols for school staff related to law enforcement involvement, and community alternatives, including a diversion program for first-time, simple misdemeanor offenses. This effort includes new law enforcement policy, training for key partners and front line staff, and development of diversion classes (CJJR, 2019).

Principles in Action – The Burns Institute

The Burns Institute focuses on eliminating racial and ethnic disparities through creating an equitable and restorative community-centered response to youthful misbehavior. Through a 140-member national network entitled the Community Justice Network for Youth (CJNY), the Institute works with organizations to develop alternatives to detention, strengthen local programs, and build capacity to facilitate policy change. Throughout the process, community and system stakeholders work strategically, using data to reduce racial and ethnic disparities while assisting families and organizations in redirecting resources to community-based interventions, thus reducing system involvement (Burns Institute, 2019).

Strengths-Based

Individual case planning is essential to the identification and delivery of services and supports for young people and families based on strengths, risk/needs, best practice strategies, and developmental supports and opportunities. Release from residential care, movement to a less restrictive setting or array of interventions, and eventual discharge from agency custody or supervision must be connected in some way to the youth's progress in reducing the likelihood of reoffending and advancing in key areas such as education, employment, and health.

Responding through a whole person perspective is truly groundbreaking as human services systems (e.g., juvenile justice, child welfare, education, health and mental health) approach their work by asking: "How can our core work toward safety, learning, and health become a stepping stone to a person's greater wellbeing?"

Breaking intergenerational cycles of committing offenses, poverty, violence, and trauma requires simultaneously supporting progress in various domains of wellbeing—at the individual, family, and community levels (Smyth, 2013) focused on building social connections, safety, stability, mastery, and access to relevant resources.

Every young person is different. It is difficult to fit an individual youth into a "one size fits all" program. Supports, services, and interventions must be tailored to the youth and family, not the other way around. There are at least seven core elements which must be included in youth case plans, and many require a very significant level of family engagement:

1. Individualized case assessment of assets, risk, and needs of the youth and family;

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2. Comprehensive focus on healthy youth and family development including peer-to-peer and adult-child relationships, self-awareness and insight, skill development, and behavioral change;

3. Integrated plan for education, employment, and services anchored in family and youth voice and choice;

4. Predictable daily or weekly routines providing clear goals and expectations, action plans, and support structures;

5. Regular engagement with family and community with opportunities to strengthen social connections, build empathy, and participate in prosocial activities;

6. Leadership and youth development opportunities within the program and community; and

7. Crisis plans and stability measures to resolve conflicts and ensure single events or crises do not lead to cascading problems.

The Pathways to Desistance study has shown that young people who received community supervision and were involved in community-based services were more likely to attend school, go to work, and avoid further offending (Chung, Schubert, & Mulvey, 2007). Individualized planning requires a combination of objective, validated, and empirical assessment instruments and deliberate processes that engage the youth, family, and community. This goes well beyond aftercare or parole conditions that force compliance and create a mechanism for violating the young person's community status and pulling them deeper into the system.

Principles in Action – Leading from a Wellbeing Perspective, State of Missouri

Juvenile justice systems must ask themselves: "Who and what will be there to support the youth and family once we are out of the picture?" The Missouri Department of Social Services' Division of Youth Services (DYS) developed a robust partnership with the Full Frame Initiative (Smyth, 2013), placing increased emphasis on conditions of wellbeing typically associated with healthy young people, families, and communities. The framework focuses on building assets in the five domains of safety, social connections, stability, mastery, and access to relevant resources. Asset-building strategies are coupled with being careful not to undermine progress by focusing too narrowly on only one or two domains.

In Missouri, a single service coordinator works with the young person and family throughout the entire process. The service coordinator serves as the primary advocate for the young person and family and plans for transition or re-entry beginning on day one, focusing intensively on what's working, and addressing any gaps or challenges in order to prevent reoffending and provide a pathway to wellbeing.

Principles in Action – Youth Engaged in Services, State of Massachusetts

In 2014, the Massachusetts Department of Youth Services began offering a voluntary service option entitled Youth Engaged in Services (YES) to every youth as they prepare for discharge from state custody. The program aims to reduce recidivism by concentrating on the high-risk window of the first six months post-discharge from state juvenile justice custody and supervision.

The YES program offers youth the opportunity to receive services, on a volunteer basis, that are typically provided to those who are actively committed and under community supervision (parole) status. Services include continued

coaching and case management from an agency caseworker, financial support for educational tuition and supplies, transitional housing, and a host of other options that support young people transitioning to a productive adulthood.

In 2018, 56% of youth discharged from the agency voluntarily opted in to the YES program. This is significant given the involuntary nature of a state juvenile justice commitment. Massachusetts DYS leaders see this as a sign of tremendous momentum for an agency operating in the "good decision" business seeking to create positive markers of progress in the youth maturation process.

Many youth indicate a primary motivation for their involvement being the ability to maintain an ongoing relationship with their caseworker. This is consistent with the Positive Youth Development construct and the premise that change takes place with adolescents in the context of relationships with positive adults.

A review of agency data reveals that youth who participate in YES are doing significantly better on recidivism metrics than youth who opt out. After reviewing a 2016 cohort of 340 youth, the agency found a one-year post-discharge reconviction rate of 14% for YES participants, compared to a 26% reconviction rate for youth who opted out of the program. Beyond recidivism measures, YES also has been able to track educational achievement. While access to data across systems has been complicated for post-custody youth, the YES program was able to identify 122 youth who earned their diploma post-discharge, in addition to 186 who had already achieved this milestone out of a total of 732 YES participants. This represents a 42% high school completion rate for YES participants. Nationally, only 11% of youth earn a high school diploma or GED while in a facility and 1% earn a degree within 90 days after returning to the community (NDTAC, 2016–2017). Given the very limited secondary education options for many youth after discharge from custody, the YES program is undoubtedly creating new opportunities for changing life trajectories and supporting youth in becoming contributing members of society.

Trauma-Informed and Responsive

Youth in juvenile justice settings are often retraumatized by many aspects of their system experience leading to fight, flight, or freeze responses often interpreted as further misbehavior or resistance. The movement to therapeutic environments and developmental approaches is an important step in the right direction, along with ensuring that physical and emotional safety is created. Once safety is created, many young people will need trauma-specific treatment as part of their array of services and supports.

The trauma-informed care movement appropriately challenges systems to better understand the impact of trauma and take a systemic approach to program planning. Growing awareness of how trauma impacts youth and families led to calls for the development of both trauma-informed and trauma-specific services. The importance of therapeutic and trauma-informed environments has implications for public safety. Programs with a control philosophy increase recidivism rates, while those with a therapeutic philosophy reduce them (Lipsey et al., 2010).

A program, organization, or system that is trauma-informed realizes the widespread impact of trauma and understands potential paths for recovery; recognizes the signs and symptoms of trauma in youth, families, staff, and others involved with the system; responds by fully integrating knowledge about trauma into policies, procedures, and practices; and seeks to actively resist retraumatization (SAMHSA, 2014).

Juvenile justice systems become trauma-informed by thoroughly incorporating, in all

aspects of service delivery, an understanding of the prevalence and impact of trauma and the complex paths to healing and recovery. Trauma-informed services are designed specifically to avoid retraumatizing those who come seeking assistance as well as staff working in service settings (Fallot & Harris, 2009).

The Substance Abuse and Mental Health Services Administration (SAMHSA) concludes that perspectives, services, and supports that are trauma-informed build on the best evidence available and consumer and family engagement, empowerment, and collaboration. This builds on the work of Fallot and Harris (2009) which promotes whole system change guided by the principles of safety, trustworthiness, choice, collaboration, and empowerment. SAMSHA's Guidance for a Trauma-Informed Approach encourages organizations across the spectrum of human services to focus on six key principles, including:

- Safety being defined by those served and actively promoted throughout the organization and among staff, youth, and families. Settings must be both physically and emotionally safe.

- Transparency in organizational operations and decisions with the goal of building and maintaining trust with staff, youth, family members, and others involved in the organization.

- Peer support and mutual self-help as key vehicles for establishing safety and hope, building trust, enhancing collaboration, and utilizing stories and lived experience to promote rehabilitation and healing.

- Leveling of power differences between youth, families, and organizational staff from clerical and housekeeping personnel and professional staff to administrators. Healing happens in relationships and through the meaningful sharing of power and decision-making.

- Empowerment, voice, choice, and the experience of trauma as a unifying force in the lives of those who run the organization, provide the services, and come to the organization for assistance and support.

- Cultural, historical, and gender responsiveness to actively move past cultural stereotypes and biases (e.g., based on race, ethnicity, sexual orientation, age, religion, gender identity, and geography). This includes access to responsive services; leveraging the healing value of traditional cultural connections; incorporating policies, protocols, and processes that are responsive to the racial, ethnic, and culturally-based needs of individuals; and recognizing and addressing historical trauma.

Principles in Action – Trauma Interventions, New York City, NY

Through a partnership with New York University/Bellevue and with the support of SAMHSA, the New York City Administration for Children's Services (ACS) established programs that foster recognition, awareness, and recovery from psychological and emotional trauma among adolescents who are detained. The process includes an integrated intake protocol that establishes continuity of care as youth transition from detention into placement.

Organizational assessments, trauma-informed screening, cross-discipline coordination, staff coaching and self-care, and skill building in youth and families are all core components of the practice. NYC ACS also has adopted evidence-

based interventions such as STAIR (Skills Training in Affective and Interpersonal Regulation) and more recently TARGET (Trauma Affect Regulation: Guide for Education & Treatment).

Principles in Action – Missouri DYS Safety Building Blocks

One approach to trauma-informed care is the safety building blocks approach in Missouri which focuses on five areas: basic expectations, basic needs, engaged supervision, clear boundaries and communication, and unconditional positive regard. When young people have clear and reasonable expectations, they can be held accountable without being judged, lectured, or abused. Operating with unconditional positive regard for young people and families provides the opportunity to see beyond problematic behavior, build on what's working, and address the core issues that brought them into the system.

Many young people in the justice system have not had basic needs for food, clothing, and shelter met consistently due to abuse, neglect, poverty, and other factors. Teaching self-care and providing an opportunity to belong to a group in positive ways can be powerful strategies for helping youth to build self-image and relationship skills and enhance their ability to navigate potentially detrimental situations.

Young people require structured daily programming designed to meet their supervision, treatment, and educational needs. By keeping youth productively engaged and structuring staff member involvement, opportunities for unproductive or harmful interactions are decreased.

Dr. Daniel Goleman, best-selling author of books on social and emotional intelligence (Goleman, 2006) describes the Missouri DYS youth experience:

> *"Half a dozen times a day the members form into a circle to check in with each other to say how they feel…. They meet for activities that are designed to enhance*

camaraderie and cooperation, foster empathy and accurate perceptions of each other, and build communication skills and trust. All of that constructs a secure base and provides them with the social abilities they so desperately need."

Trauma-informed conditions and physical and emotional safety create the opportunity for self-expression and discovery, healing, empathy, conscious choice, natural logical consequences, hope, accountability, and corrective experiences.

Supportive of Positive Relationships and Stability

Being a productive and contributing member of society involves successfully navigating, receiving, and reciprocating support from groups—whether a family, work team, school climate, or community setting. These settings provide the opportunity to develop empathy and understand the impact of one's behavior on others, establish healthy relationships, and regulate emotions—tasks essential to the rapidly developing adolescent brain. It is critical that youth involved in the juvenile justice system remain in their families and communities whenever possible. In situations when out-of-home placement is necessary, it is important for youth to be placed in the least restrictive environment necessary and close to home in order to promote active family and community participation.

Given the importance of relationships and the multi-systemic nature of the work, planning and coordination of services is of utmost importance. Youth in the system have experienced little predictability or stability from those working on their behalf. Youth have been frequently handed off between agencies and caseworkers. It is not uncommon for the trajectory a youth follows to reflect this instability. A youth committed

into placement will likely have had a probation officer while in the community, institutional case manager while in the facility, and then be handed off during re-entry to a parole officer who, while familiar with the youth, may not understand the youth's community connections or know the youth's family. Some youth are detained in a pre-trial facility, and then transferred to a large institution many miles from their home where they are isolated from family and others who know and support them. This is wasteful, ineffective, and undermines effective working relationships based on the principles of trauma-informed care.

Principles in Action – Treatment Team Meeting, State of Idaho

The Idaho Department of Juvenile Corrections (IDJC) assigns a Juvenile Service Coordinator to youth upon commitment. The Observation and Assessment Clinician and Juvenile Service Coordinator develop a treatment plan with input from the parents and probation officer on release expectations. During monthly treatment team meetings, the facility group leader, probation officer, family members, and Juvenile Service Coordinator begin developing the reintegration plan and treatment goals, and discuss progress and adjustments that may need to be made to the youth and family treatment plan.

The process improves working relationships in the agency and with youth and families. Opportunities are provided to share what is working well, in addition to challenges within the facility and those anticipated when the youth returns home. This ensures the team is proactively assessing, planning, and supporting the youth's progress in the treatment program and reintegration to the community.

Principles in Action – Close to Home, New York City, NY

Systems are generally more responsive and collaborative when young people are close to home and decision-making is decentralized and focused on building ownership and accountability from leaders, staff, families, and communities. Local knowledge and relationships lead to increased access to resources and strengthening of communities through local problem-solving.

Through the Close to Home initiative, New York City accepted responsibility for alternatives to detention and placement, detention, pre-trial services, and placement, which has required close collaboration and coordination between the New York City's Department of Probation and Administration for Children's Services to ensure continuity. From the time youth enter the juvenile justice system, interactions are used to understand the youth's needs, as well as the needs of their family, and build on this knowledge to plan as youth moves throughout the various system points, and especially as the youth moves to community supervision or placement.

Youth- and Family-Centered

Youth and family members with whom they have a meaningful or long-term relationship have a unique stake in the process and its outcomes. The likelihood of successful outcomes with family involvement are increased when the process reflects family members' priorities and perspectives.

Juvenile justice systems are attempting to overcome long histories of fear, mistrust, discouragement, and racial disparity which compromise productive working relationships and opportunities for healing. Juvenile justice systems must address negative assumptions and experiences of youth and families, and develop robust structures and training to

enhance youth and family engagement and empowerment, including:

- Understanding the importance of power differentials and ways in which youth and families, historically, have been diminished in voice and choice and are often recipients of coercive treatment.

- Creating operational structures, programs, and services that value and build upon strengths, cultivate and support self-advocacy skills, and emphasize empowerment of youth and families.

- Encouraging youth and families to participate in shared decision-making, choices, and goal setting to determine a plan of action focused on healthy development, healing, and successful transitions.

- Creating opportunities for staff to act as facilitators of the rehabilitative process rather than controllers and empowering them to do their work as well as possible by adequate organizational support.

- Striving for continuity in the staff working with families and prioritizing contact with families at a time and place that is comfortable for the family.

- Establishing genuine trust and partnerships that can develop in a way that youth and families feel seen, heard, and that they are working toward common goals anchored in the best interests of all involved.

- Implementing policies and practices to encourage regular and meaningful youth-family connections at all stages of involvement with the juvenile justice system.

The juvenile justice workforce should be trained in family systems and provided the skills necessary to support the family hierarchy and communicate with families in a deliberate and respectful manner. The "families as experts" approach acknowledges that professionals do not know or have the same long-standing commitment to a young person as a caring and supportive family member.

Families should be offered family counseling and other proven family strengthening interventions, as well as access to wraparound services that stabilize the family situation. Family members also should be invited to serve on local advisory boards and participate as partners in the system improvement process.

Principles in Action – Family Team Conferencing, New York City, NY

As noted above, NYC's Close to Home Initiative emphasizes the importance of bringing together family members, young people, extended family, caseworkers, parent advocates, and support figures to develop plans to keep children safe, support wellbeing, and achieve permanency. This is done through the adoption of a risk/needs/ responsivity framework that supports using a validated risk and needs instrument as the basis for planning and services. To bring this to life in a meaningful way, the case practice model adopted by the agency and its partners reflects a strong youth and family engagement approach. As part of its case practice, ACS utilizes Family Team Conferencing (FTC) to ensure that youth and families always have a seat at the table and feel empowered and that stakeholders are on the same page and each youth's plan is based upon their needs and interests. Similarly, New York City's Department of Probation uses the Youth Thrive Framework and Parent Coaches to engage and support families throughout the youth's tenure on probation and specifically to create youth- and family-centered case plans.

Coordinated

Youth involved with the juvenile justice system often have prior referrals involving child protection, mental health, substance abuse, school discipline, and public assistance. These youth and their families may have longer histories of system involvement and generally require a more intense array of services and supports than other youth known to each system individually. Multisystem-involved youth are perceived as higher risk by juvenile justice decision-makers and receive harsher dispositions than their non-crossover counterparts (Ryan, Herz, Hernandez, & Marshall, 2007; Morris & Freundlich, 2004; Conger & Ross, 2001; Jonson-Reid & Barth, 2000). These perceptions are often furthered by a lack of family involvement or community placement options leading to an increased likelihood that youth will be detained if they are arrested.

Mental health issues and trauma are common for multi-system youth, and they are likely to experience a constellation of risk factors (Dannerbeck & Yan, 2011) including a lack of social support and educational and transition challenges. Even with these challenges and need for a comprehensive response, involvement in the juvenile justice systems often leads to other systems closing the case, backing away, and withdrawing supports and services because the youth has "crossed over" to the justice system.

In many instances, federally funded transition services through the John H. Chafee Foster Care Independence Program (CFCIP) program and Medicaid-funded health and mental health services may no longer be available. The situation is further complicated by the inability to access foster care placements, permanency supports, and even critical child protection information related to safety risks, relative and kinship supports, and previously identified opportunities to meet the youth's needs and support healthy development. Often, school suspension and expulsion policies may severely limit a youth's educational options.

Multi-system collaboration is essential to the ideal juvenile justice system. At a minimum, it must include coordinated case assignment, joint assessment processes, and case planning and supervision. This level of multi-system effort is absolutely necessary for juvenile justice systems and communities to improve outcomes for youth (Siegel & Lord, 2004; Halemba & Lord, 2005; American Bar Association, 2008; Herz & Ryan, 2008; Nash & Bilchik, 2009; Stewart, Lutz, & Herz, 2010).

Juvenile justice agencies must work with stakeholders to integrate best practices and evidence-based programs related to child welfare, juvenile justice, mental health, substance abuse and education. Without integrated and comprehensive efforts, multi-system youth are less likely to receive the appropriate services and placements they need (Widom & Maxfield, 2001; Cusick, George, & Bell, 2009). Additionally, opportunities exist for juvenile justice agencies to partner "upstream" with these stakeholders as well as with law enforcement and community-based organizations on efforts designed to prevent system involvement in the first place.

While the importance of multi-system collaboration cannot be overstated, ideal juvenile justice systems utilize social-ecological research and concepts to guide their efforts. These concepts are essential to both preventing system involvement and ensuring supports for youth are durable over time and lead to sustainable change.

The social ecology model views youth development and behavior within a system of interactions between a youth and their immediate environment (family, school, and peers) and larger social environment (community, society, culture), as well as interactions among different levels of the environment (Bronfenbrenner, 1977; Kumpfer & Turner, 1990).

The bottom line is a youth's relationships with family and peer groups, along with durable supports from their school and community will typically have a far greater impact on choices and behavior than services from a juvenile justice, child welfare, or mental health agency. A considerable number of studies support this premise, including those that examine how ecological factors serve as risk or protective factors for substance abuse (Robbins, Briones, Schwartz, Dillon, & Mitrani, 2006; Hawkins, Catalano, & Miller, 1992), mental health (Fotti, Katz, Afifi, & Cox, 2006), and problem behaviors (Cookston, 1999; Gorman-Smith, Tolan, Zelli, & Huesmann, 1996; Tarter et al., 2002; Windle, 2000).

This creates profound implications for juvenile justice systems and multi-system partners. The ideal system understands how the impact of historical trauma, disparity, race, and culture may impact working relationships, while also providing opportunities for healing and growth. The ideal system also effectively prioritizes the development, training, and support necessary for frontline staff to achieve maximum benefit from their frequent contact with youth and families.

This system incorporates restorative approaches that reimagine and reshape youth, family, and community perceptions of each other, and build effective working relationships, commitment, and shared responsibility. Decision-making and case planning frameworks prioritize involvement of family and community and utilize these opportunities to build and strengthen the social fabric surrounding each youth. The ideal system consciously engages non-agency partners, strengthens connections with parents and extended family, and seeks to strengthen and build meaningful supports within communities.

Principles in Action – CJJR's Crossover Youth Practice Model

More than 115 jurisdictions around the country, including several that are led by JJLN leaders, have adopted CJJR's Crossover Youth Practice Model (CYPM). The CYPM is a research-based initiative that assists jurisdictions to address the unique needs of "crossover youth" who are defined as youth who move between the child welfare and juvenile justice systems or are known to both concurrently. The CYPM enhances collaboration and communication across agencies and partners to better serve crossover youth, and increases caseworkers' trust, relationships, and communication. CYPM goals include reductions in the: (1) number of youth placed in out-of-home care; (2) use of congregate care; (3) disproportionate representation of youth of color; and (4) number of youth crossing over and becoming dually involved.

A growing body of evidence indicates that CYPM implementation leads to improved outcomes for youth and communities. The California Evidence-Based Clearinghouse (CEBC) has rated the CYPM as a model supported by "Promising Research Evidence" on its scientific rating scale. CBEC identifies the model as having high relevance to child/family wellbeing outcomes. Evaluations conducted by the University of Minnesota, University of Nebraska Omaha, and California State University, Los Angeles also have demonstrated the effectiveness of the model (McKinney, 2019). The model has been shown to assist jurisdictions in accurate and timely identification of crossover youth, more direct access to appropriate services, and diversion

from juvenile justice to other social services (Haight, Bidwell, Choi, & Cho, 2016). The CYPM is successful because of increased information sharing and collaboration between systems, and breaking down "information silos," which creates a "better 'whole picture' of the youth's situation" (Wright, Spohn, & Chenane, 2017).

The Ideal Juvenile Justice System at Various Stages of the Process

Implementing the core principles of the ideal juvenile justice system requires examination of all aspects of the system at all stages of the process.

This involves courageous conversations and actions related to: (1) essential policies (what to do and not do) and practices (critical supports, structures, and programs), and (2) leadership imperatives (essential actions of agency leaders, elected officials, the judiciary, advocates, and community members). This section of the paper explores each stage of the system and the essential policies, practices, and leadership imperatives necessary to translate juvenile justice operating principles into reality.

Prevention and Alternatives to System Involvement

Adolescent misbehavior and risk-taking is a normal and essential part of a child's developmental trajectory. Most occurrences of such behavior would not necessitate any involvement from the juvenile justice system. Movement in this direction can be supported through eliminating pathways that fuel overreliance on the system such as school disciplinary referrals, as well as the development of pre-arraignment diversionary programs which prevent further system involvement and formal processing or juvenile or adult criminal records. These efforts are vital for achieving positive outcomes for youth and communities, including the reduction or elimination of disparities faced by youth of color.

Essential Policies and Practices

☐ Adopt an objective and validated risk and needs assessment instrument at the point of or prior to initial referral to the juvenile court.

☐ Decriminalize status offenses (e.g., truancy, beyond parental control, curfew) and divert all such youth from system involvement unless screened as high risk.

☐ Develop well-coordinated response protocols with law enforcement, schools, and human service systems such as behavioral health and child welfare.

☐ Provide funding or other support for community-based prevention programs.

☐ Develop agency partners in areas such as alternative education, crisis intervention, afterschool programs, and others.

Leadership Imperatives

☐ Engage leaders in local government, civic groups, neighborhoods, and churches in regular dialogue and planning of prevention/early intervention strategies.

☐ Facilitate community workshops to equip parents and extended family members with information on trauma, adolescent brain development, building family support networks, positive youth development, and how to connect with community-based supports.

Formal Processing

The juvenile justice system ideally focuses on diverting low-risk youth from the system altogether and preventing system-involved youth from requiring congregate or institutional care, and then providing a comprehensive response for those who do. This is consistent with research on increasing effectiveness of juvenile justice programs through focusing the most effective and costly programs on high risk young people, accessing multiple coordinated services, ensuring a therapeutic philosophy, involving families, and providing a sufficient amount of service (Lipsey et al., 2010). This approach also was at the core of OJJDP's Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders (Wilson & Howell, 1993).

Essential Policies and Practices

☐ Utilize validated risk and needs assessment instruments to guide decision-making.

☐ Immediately divert most low-risk youth from involvement with the juvenile court.

☐ Eliminate direct-waiver provisions that lead to prosecutions of youth in adult courts without first considering options under the jurisdiction of the juvenile court and child- and family-serving systems.

☐ Ensure high quality legal representation of youth at all stages in the process.

Leadership Imperatives

☐ Develop data-sharing, response protocols, and joint case planning agreements focused on preventing or more effectively working with youth who cross over

between the child welfare and juvenile justice systems.

☐ Raise the age of juvenile court jurisdiction to at least 18 years of age, and optimally to 21 years of age, and develop programs for youth who have committed an offense or dual jurisdiction programs for older youth most at risk of involvement with the adult criminal justice system.

☐ Educate staff and system partners regarding trauma-informed practice and review arrest, transport, and confinement practices to reduce trauma.

Detention

The ending of policies and practices such as "tough on crime" and "zero tolerance," over-reliance on detention and institutionalization of low-risk youth and those with mental health conditions and disabilities, and criminalization of normal adolescent behavior will go a long way in creating the ideal system at this stage of the process. It is also essential, however, to grow community-based and culturally-specific programming that focuses on restorative justice, building healthy relationships and social and professional networks, and increasing access to relevant community-based supports and services to avoid unnecessary use of secure detention.

Essential Policies and Practices

☐ Adopt a validated detention screening instrument and only use pre-trial detention if the youth poses a serious safety threat in the community or is likely to not appear for future court hearings.

☐ Implement case processing standards and court-related timelines that ensure

youth who are detained are not left with uncertainty for excessive periods of time.

☐ Develop community alternatives such as evening reporting centers, day treatment programs, alternative schools, and informal supervision.

☐ Ensure cooperation and information sharing between detention and commitment facilities.

Leadership Imperatives

☐ Develop a cadre of well-trained, supported attorneys and judges to handle juvenile cases utilizing established best practice protocols. Engage in deliberate, evidence-based, and data-driven reform efforts related to detention and court processes.

☐ Work with policymakers, prosecutors, and juvenile probation/parole to eliminate the practice of unnecessarily filing charges based on technical violations and conditions of probation/parole that are not directly increasing risks to community safety and that may unnecessarily increase the detention of youth.

Treatment and Services for Adjudicated Youth

A key priority for juvenile justice systems must be to maintain public safety and to support youth to achieve positive outcomes. To this end, systems must ensure that youth receive high quality treatment and services—a goal that cannot be achieved if youth fundamentally do not feel physically or emotionally safe (Umpierre, Dedel, Marrow & Pakseresht, 2016). Unfortunately, there is a powerful myth that undermines change and better results for youth served by juvenile justice systems that law enforcement style

uniforms for staff, badges, ranks, prison-like jumpsuits, handcuffs, shackles, and other coercive forms of control increase safety for staff and young people.

While it may seem counterintuitive, community-based interventions and small programs with a more natural, homelike environment and a therapeutic focus are far safer and more effective than those that operate on a more traditional correctional platform utilizing confinement, conditions and consequences, and practices such as restraint and isolation.

Staff in programs with a correctional approach are 13 times more likely and youth are 4 ½ times more likely to be assaulted with injury than those utilizing a therapeutic approach (Mendel, 2010). When one broadens the lens to include sexual victimization, the rates grow exponentially as the size of the facility grows, ranging from 1.3% for facilities with 1–9 youth to 10.2% for facilities with more than 100 youth (Bureau of Justice Statistics, 2013).

Essential Policies and Practices

☐ Adopt validated risk and needs assessments to determine the appropriate intervention, treatment plan, and placement of youth within the continuum of care.

☐ Develop a least restrictive continuum of care with various levels of care based on youth needs, including in-home and community-based services, group homes, and more secure institutions for those few determined to be a safety risk to the community after a thorough assessment.

☐ Implement a universal case management system providing continuity of relationships throughout the life of the

case, regardless of placement and service providers.

- [ ] Create solution-focused casework models that focus on the root causes of the youth's delinquent behavior and prevent reoffending while creating pathways to wellbeing.

- [ ] Reduce the size of residential/congregate care facilities, locate them close to the youth and families they serve, and utilize a developmental and therapeutic model with small living group sizes (e.g., 12 residents or less), group and family counseling, and appropriate staffing ratios.

- [ ] Integrate robust education and career training programs, as well as access to college visits or related coursework as appropriate.

- [ ] Eliminate harmful and traumatizing practices such as mechanical and chemical restraint, use of isolation, and room confinement.

- [ ] Implement re-entry planning from day one of residential confinement, allow frequent visits from family and other social supports, engage volunteers and advocates throughout the process, and develop post-release community supports.

Leadership Imperatives

- [ ] Create opportunities for leadership development throughout the system with emphasis on culture change through values and principle-based leadership, implementation science, and the appropriate blending of technical, adaptive, collaborative, distributive, and outcome-focused leadership.

- [ ] Develop staff recruitment and retention efforts that are aligned with a therapeutic and developmental approach and equip and empower staff to perform their jobs effectively.

- [ ] Lead cross-system planning based on the principles of trauma-informed care.

- [ ] Monitor length of stay and implement program outcome measures based on youth recidivism and developmental outcomes.

- [ ] Implement transparent reviews and debriefing processes based on proven safety science, program fidelity, and root cause analysis related to all critical incidents involving further harm to youth, staff, or community members.

Forwarding to Action–A Catalyst for Change

System transformation movements and innovative organizations need leaders who can impart a persuasive and durable sense of purpose and direction, rooted deeply in values and the human spirit.

Leaders must be deeply reflective, actively thoughtful, and dramatically explicit about core values and beliefs (Bolman & Deal, 2013). In developing this policy paper, JJLN members have attempted both to reflect and to promote this spirit. While much has been written about various aspects of the ideal juvenile justice system, the JJLN's greatest hope is that leaders across the juvenile justice system including the judiciary and legal community, executive and legislative branches, advocacy and consumer groups, families, practitioners, academia, community partners, and others will find the operating principles, essential policies and practices, and leadership imperatives to be both visionary and practical.

The framework offered is not simply a product of theoretical and aspirational thinking. Everything offered has been operationalized somewhere within the JJLN network and their partner organizations. Yet, in response to former United States Attorney General Reno's question, there still is not any single jurisdiction doing everything right. The best we are able to do is offer a vision and a roadmap based on more than two decades of knowledge development since she posed the question. From this, jurisdictions can assess what is already in place and working well, and

what gaps exist that provide opportunities for moving further down the road to the ideal system.

Changing a destination (e.g., conditions, outcomes) often involves starting from a different place. One way to think about the role of innovative leaders begins with creating a vision and encouraging a culture of curiosity, courage, and conviction to openly and honestly examine the very assumptions on which policies, practices, and systems are built. The question then becomes: "How do we align with our mission, purpose, and what we know from science and the experiences of so many who are contributing to the evolution of an ideal juvenile justice system?"

While the destination may be clearer than ever before, the path forward will be paved by leaders throughout the system sharing information, asking the right questions, listening intently to many voices, and focusing on both making improvements and building movements.

The JJLN hopes leaders will use this policy paper as a roadmap for individual and collective action, including practical action steps and processes that include:

1. Distribute the report and create opportunities to integrate ideal juvenile justice system discussions into existing organizational strategic planning and management.

2. Utilize the core operating principles as an opportunity to facilitate agency and

system learning related to the values, research and information, and practices of the organization and system related to questions such as:

    a. Why is a specific operating principle important to us (values) and why does it matter (informed decision-making)?

    b. How could the common language of wellbeing orientation and trauma-informed and developmental systems act as a vehicle for change which positively impacts youth and family outcomes?

    c. What are we already doing that reflects these principles (strengths)?

    d. What are we currently doing that is not well-aligned with the principles (challenges)?

    e. How would we define success as we move forward (vision)?

    f. What will we have to do to get there (strategies)?

3. Work with partners to conduct a collaborative assessment of the system based on the essential policies and practices at various stages. Use the process to highlight and build on strengths, and identify gaps in conditions, policy, and practice within the juvenile justice system.

4. Develop improvement strategies to focus on doing more of what works, less of what does not, and encouraging new innovations within the system.

5. Create alignment between the ideal juvenile justice system framework and policy, practice, training, resource allocation, and performance measures.

6. Reimagine roles and leadership behavior to align with the leadership imperatives of an ideal juvenile justice system. Broaden leadership skills, expectations, and strategies to be more collaborative, adaptive, distributive, and outcome oriented. Commit to do more than managing with the existing framework and improving the operations of a single organization or aspect of the system.

Conclusion

Those who innovate are metaphorically swimming upstream every day.

Leading movements that create profound change in juvenile justice challenge the status quo by countering faulty assumptions about youth, families, and communities as they build public will for change. This approach begins to change the culture of the system and provides clarity regarding entrenched policies and practices that do not work well and need to stop or be much less common. It also provides time and space to do more of what is working and create new innovations that transform the system.

The juvenile justice system will never get improved outcomes by getting better at what does not work and doubling down on punitive correctional practices. Swimming upstream may make people stronger for a while, only to see progress washed downstream by the currents of status quo, entrenched habits, bias, fear, and a lack of vision. The ideal juvenile justice system framework provides an opportunity to turn the river.

We owe a debt of gratitude to Attorney General Reno who prioritized juvenile justice like none other who has served in that role and fundamentally changed the trajectory of the system. It was her interest and commitment to achieving the ideal juvenile justice system that helped promote much of the progress that we have made.

What is expected, supported, and common practice could be based on and directed by our pursuit of the ideal. The timeless concept of "exceptions becoming the rule" reminds us of what is within our reach as we move forward toward the ideal juvenile justice system.

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