

Strategies For Improving Outcomes For Justice-Involved Youth

Introduction

A growing body of research finds that for many youth, involvement in the juvenile justice system can increase rates of recidivism and lead to poorer long-term outcomes. One study found that among youth with similar backgrounds, those incarcerated as juveniles were 38 times more likely to reoffend as adults.¹ Even limited contact with the system, such as through arrest, can decrease the odds of high school graduation by more than 70 percent.² Poor educational outcomes, in turn, lead to poor employment prospects. Youths incarcerated before age 20 are more likely to be unemployed and have lower wages a decade or more after incarceration.³

Despite such poor outcomes, many jurisdictions continue to invest in the most expensive options available for addressing youth delinquency, such as out-of-home placements in secure facilities. A recent survey of 46 states found that the average annual cost of the most expensive confinement option was nearly \$150,000, or more than \$400 per day.⁴ Incarceration might be necessary in certain cases. But researchers and leaders in the field increasingly agree that it is overused for offenders who pose little risk to public safety, such as status offenders whose offenses—for example, truancy or possession of alcohol—would not be criminal if committed by an adult. In addition to the

fiscal cost to the taxpayer of unnecessary confinement, societal costs can include the incarcerated individual's loss of future earnings, the government's loss of future tax revenue, and increased recidivism.⁵

For governors looking to strengthen their juvenile justice systems and improve outcomes for justice-involved youth, three strategies are most promising: limit involvement of lower-risk youth in the juvenile justice system; redirect resources from incarceration to community-based alternatives, such as community supervision and substance abuse treatment; and improve information sharing and the use of data across youth-serving systems.

Role of the Governor in Leading System Reform

Governors are uniquely positioned to lead juvenile justice reforms. They can convene the stakeholders critical to developing and implementing a reform agenda, and they can establish priorities for executive branch agencies that intersect with juvenile justice, including child welfare, health services, and education. Governors also have the ability to align resources with system priorities in their executive budgets. And through the power of the bully pulpit, they can raise awareness of the need for change, build public support, and create urgency for reform.

¹ The Annie E. Casey Foundation, *No Place for Kids: The Case for Reducing Juvenile Incarceration* (Baltimore, MD, 2011), 12, citing Uberto Gatti, et al., "Iatrogenic Effect of Juvenile Justice," *Journal of Child Psychology and Psychiatry*, Vol. 50, No. 8 (2009).

² David S. Kirk and Robert J. Sampson, "Juvenile Arrest and Collateral Educational Damage in the Transition to Adulthood," *Sociology of Education*, 41, citing Jon Gunnar Bergburg and Marvin Krohn, "Labeling, Life Chances, and Adult Crime: The Direct and Indirect Effects of Official Intervention in Adolescence on Crime in Early Adulthood," *Criminology*, 41(4) (2003): 1287-1318.

³ Bruce Western, "The Impact of Incarceration on Wage Mobility and Inequality," *American Sociological Review*, Vol. 67 (2002): 527

⁴ Justice Policy Institute, *Sticker Shock: Calculating the Full Price Tag for Youth Incarceration* (Washington, D.C., 2014), 12.

⁵ Justice Policy Institute, *Sticker Shock*, 3.

In 2014, the National Governors Association Center for Best Practices (NGA Center) convened leading experts from across the country for a two-day roundtable discussion. From that discussion emerged consensus on three areas of policy and practice that governors

should focus on to improve outcomes for justice-involved youth. Those three recommendations reflect the growing body of knowledge about adolescent development and the latest research on effective ways to promote public safety and positive youth outcomes.⁶

NGA's Learning Lab on Improving Outcomes for Justice-Involved Youth

The NGA Center launched the *Learning Lab on Improving Outcomes for Justice-Involved Youth* to support governors' efforts to strengthen juvenile justice systems and improve outcomes for justice-involved youth. Governor-appointed teams from **Arkansas, Indiana, Michigan, and Tennessee** were selected to participate in a series of activities designed to share lessons learned from reforms in model states, with a primary focus on **Connecticut's** reforms over the last decade.

The Connecticut experience provides a case study of what can be achieved when reform efforts are data-driven, aligned with research, and inclusive of all three branches of government. Connecticut transformed its juvenile justice system from being what had been characterized as "unsafe, neglectful, harsh, unconstitutional, and overly punitive" to "one of the best that is treatment-oriented, humane, and cost-effective."⁷ Among the state's key reforms were ending the criminalization of status offenders, raising the age of juvenile jurisdiction, expanding a continuum of evidence-based programs to provide community treatment, and reducing arrests at school for routine and non-serious misbehavior. Those changes helped reduce residential commitments by 70 percent between 2000 and 2011 even though 16-year-olds, who had been treated in the justice system as adults, are now tried as juveniles.⁸ Between 2002 and 2011, arrests of children ages 15 or younger dropped 48 percent and, from 2006 to 2011, arrests for serious violent crimes dropped 65 percent.⁹

During the learning lab, state teams convened for a two-day meeting to learn from those who helped lead reforms in Connecticut, including legislators, judges, advocates, and representatives of the executive branch. Informed by what they learned, teams developed strategic recommendations for improving outcomes for justice-involved youth in their states.

⁶ Research shows that adolescence is a distinct period of development between childhood and adulthood where youth exhibit increased experimentation and risk taking, discount long-term consequences, and have a heightened sensitivity to peers and other social influences. Committee on Assessing Juvenile Justice Reform, *Reforming Juvenile Justice: A Developmental Approach* (Washington, D.C.: National Research Council of the National Academies, 2014), 1.

⁷ Liz Ryan, "How Connecticut changed the juvenile justice world," *ctpost.com*, March 14, 2013, <http://www.ctpost.com/opinion/article/How-Connecticut-changed-the-juvenile-justice-world-4355677.php> (accessed January 26, 2015).

⁸ The Justice Policy Institute, *Juvenile Justice Reform in Connecticut: How Collaboration and Commitment Have Improved Public Safety and Outcomes for Youth* (Washington, D.C., 2013), 2.

⁹ The Justice Policy Institute, *Juvenile Justice Reform in Connecticut*, 27.

They include:

- Limit involvement of lower-risk youth in the juvenile justice system;
- Redirect resources from incarceration to community-based alternatives; and
- Improve information sharing and the use of data across youth-serving systems.

Limit Involvement of Lower-Risk Youth in the Juvenile Justice System

States can reduce recidivism rates by diverting lower-risk offenders from the juvenile justice system. Research shows that detaining youth for low-level offenses, such as violations of zero-tolerance school policies or status offenses, does not reduce delinquency and can actually increase recidivism.¹⁰ A study of 40,000 **Florida** youths found that those assessed as low-risk who were placed into residential facilities reoffended at a higher rate than similar youths who remained in the community. Further, they reoffended at a higher rate than high-risk youths placed into correctional facilities.¹¹

Even limited contact with the justice system, such as by arrest, can have a profoundly negative effect on youths' transition to adulthood by interrupting their educational pathways.¹² A recent study of Chicago,

Illinois adolescents found that those who had been arrested were 22 percent more likely to drop out of high school than those who were otherwise similar.¹³ Further, the study found that an arrest followed by confinement in a juvenile detention facility almost guaranteed that the youth would not graduate high school.¹⁴

Effective ways to limit involvement of low-risk youth include diverting status offenders from the court system to community-based services, reducing the number of out-of-school suspensions and arrests at schools for non-serious misbehavior, and increasing referrals to treatment for those who might be emotionally disturbed or mentally ill.¹⁵ By using validated risk and needs assessments, states can differentiate between youth who are high-risk for reoffending and those who are lower risk but have a high need for services.¹⁶

Connecticut reduced the number of youths entering its justice system by enacting a law prohibiting detention for violating a court order in a case arising from a status offense. Although detention for status offenses is prohibited under the federal Juvenile Justice and Delinquency Act, many jurisdictions use the "valid court order" exception, which allows a judge to issue a detention order if a status offender violates a valid court order. After Connecticut's law went into effect in 2007,

¹⁰ Anne M. Hobbs and Timbre Lee Wulf-Ludden, "Assessing Youth Early in the Juvenile Justice System," *Journal of Juvenile Justice*, Vol. 3, Issue 1 (Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention, Fall 2013) available at <http://www.journalofjuvjustice.org/JOJJ0301/article06.htm>.

¹¹ Annie E. Casey Foundation, 12, citing Michael T. Baglivio, *The Prediction of Risk to Recidivate Among a Juvenile Offending Population*, Doctoral Dissertation, University of Florida (2007), 114, available at www.djj.state.fl.us/OPA/ptassistance/documents/Dissertation.pdf.

¹² David S. Kirk and Robert J. Sampson, "Juvenile Arrest and Collateral Educational Damage in the Transition to Adulthood," *Sociology of Education*, January 2013, Vol. 86(1), 54-55.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Potential strategies for reducing out-of-school suspensions and referrals to the justice system include: 1) Use graduated levels of intervention that hold students responsible but make removal from school a last resort, 2) Establish memoranda of understanding between education, police, and court officials on ways to prevent youth arrests and referrals to the juvenile justice system, 3) Use data to monitor the frequency of suspensions and frequency with which students are referred to the juvenile justice system at school or school-sponsored events, 4) Ensure continuing education for students removed from the classroom, and 5) Train teachers, administrators, school officers, and judges how to respond to behavioral incidents and how to recognize students' mental health needs. Emily Morgan, et al., *The School Discipline Consensus Report: Strategies from the Field to Keep Students Engaged in School and Out of the Justice System* (New York: The Council of State Governments, 2015), xii - xxiii.

¹⁶ Validated risk assessments are tools that can accurately and reliably classify youth by the likelihood of future delinquency. Validated needs assessments are tools designed to identify an intervention and treatment plan tailored to an individual's behavioral health needs. National Council on Crime and Delinquency, *NCCD Compares Juvenile Justice Risk Assessment Instruments: A Summary of the OJJDP-Funded Study*, February 2014, 1.

the number of youths detained for status offenses dropped from 493 to 0, and 70 percent fewer status-offending youths were arrested for a subsequent delinquent offense in 2008-2009 compared with two years earlier.¹⁷

Redirect Resources from Incarceration to Community-Based Alternatives

By reserving incarceration for only the most serious offenders, states can redirect resources to community-based alternatives, which research shows can be more effective at reducing recidivism. A recent study of more than 1.3 million Texas youths found that those incarcerated in state-run facilities were 21 percent more likely to be rearrested than those with similar profiles under community-based supervision.¹⁸ Community-based alternatives rely on a continuum of researched-based services and supervision programs in non-residential settings, which could include family and community-based therapies; career preparation and vocational training; community supervision, monitoring, and mentoring by an advocate; cognitive-behavior skills training; and substance abuse and mental health treatment.

Although states have dramatically reduced the number of incarcerated youths over the last decade, evidence suggests that confinement continues to be overused.¹⁹ A 2010 survey of the reasons for youth custody found that nearly two-thirds of confined youths were confined for nonviolent offenses, such as truancy, property offenses, and technical probation violations.²⁰ Not only can incarceration be counterproductive

by increasing recidivism, it is expensive. As noted above, the average annual cost of the most expensive confinement options can be more than \$400 per day. By contrast, intensive community-based programs can serve youth for as little as \$75 a day, or less than a quarter of the cost of incarceration.²¹

Connecticut also reduced its detention population by diverting low-risk, high-need youths into treatment.²² Through the Behavioral Health Partnership—a collaborative partnership between state agencies funded by state tax dollars and Medicaid funds—Connecticut integrated its behavioral health system through greater coordination of care and made community-based treatment programs for youths more widely available.²³

Improve Information Sharing and the Use of Data Across Youth-Serving Systems

Juvenile justice, child welfare, health services, education, and other systems have critical information about the youth they serve. But with separate missions and funding obligations, they might not effectively communicate or coordinate with one another. As a consequence, services can work at cross purposes or be duplicative, inadequate, or ineffective. To hold systems accountable for results, states need accurate data on recidivism and other measures of youth outcomes.²⁴ However, many jurisdictions do not track such information.²⁵

By improving information sharing and data collection

¹⁷ Justice Policy Institute, *Juvenile Justice Reform in Connecticut*, 17-19.

¹⁸ Tony Fabelo, et al., *Closer to Home: An Analysis of the State and Local Impact of the Texas Juvenile Justice Reforms* (New York: Council of State Governments, January 2015), 57.

¹⁹ Justice Policy Institute, *Sticker Shock*, 2.

²⁰ *Just Learning: The Imperative to Transform Juvenile Justice Systems Into Effective Educational Systems*, (Atlanta, GA: Southern Education Foundation, 2014), 9.

²¹ Shaena Fazal, *Safely Home: Reducing youth incarceration and achieving positive youth outcomes for high and complex need youth through community-based programs* (Washington, DC: Youth Advocate Programs Policy & Advocacy Center, June 2014), 5.

²² Justice Policy Institute, *Juvenile Justice Reform in Connecticut*, 20-21.

²³ Ibid; See also <http://www.ctbhp.com/about.htm>

²⁴ Other measures of success may include educational attainment, behavioral health improvements, or skill development and employment. The National Reentry Resource Center, *Measuring and Using Juvenile Recidivism Data to Inform Policy, Practice, and Resource Allocation* (New York: Council of State Governments, July 2014), 1.

²⁵ The National Reentry Resource Center, 1.

across youth-serving systems, states can better identify youths' needs and ensure they are appropriately matched with effective interventions. Research suggests that providing the most intensive interventions to youth at the highest risk of offending succeeds better at reducing recidivism.²⁶ To ensure policies and practices are effective, states should track and measure outcomes as part of a continuous process of quality improvement. Through evaluation, states can make better funding decisions and be sure they are supporting programs that are working.

In Connecticut, the Court Support Services Division

adopted an information management system allowing managers to track outcomes and trends in detail.²⁷ Ineffective programs were discontinued, and ones with the strongest evidence of effectiveness were adopted across the state.²⁸

Conclusion

The strategies presented here provide governors a targeted approach for improving outcomes for justice-involved youth. By focusing on positive youth outcomes, states can most effectively improve public safety, reduce costs, and build stronger communities.

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²⁶ Models for Change Systems Reform in Juvenile Justice, *Knowledge Brief: Can Risk Assessment Improve Juvenile Justice Practices?* (Chicago: John D. and Catherine T. MacArthur Foundation, December 2011), 1.

²⁷ Justice Policy Institute, *Juvenile Justice Reform in Connecticut*, 47-48.

²⁸ Ibid.