
Appropriate Housing for Youth in State Custody

PRESENTATION TO THE LEGISLATIVE COMMITTEE ON CHILD
WELFARE AND JUVENILE JUSTICE'S TASK FORCE TO STUDY JUVENILE
JUSTICE ISSUES, MARCH 27, 2014

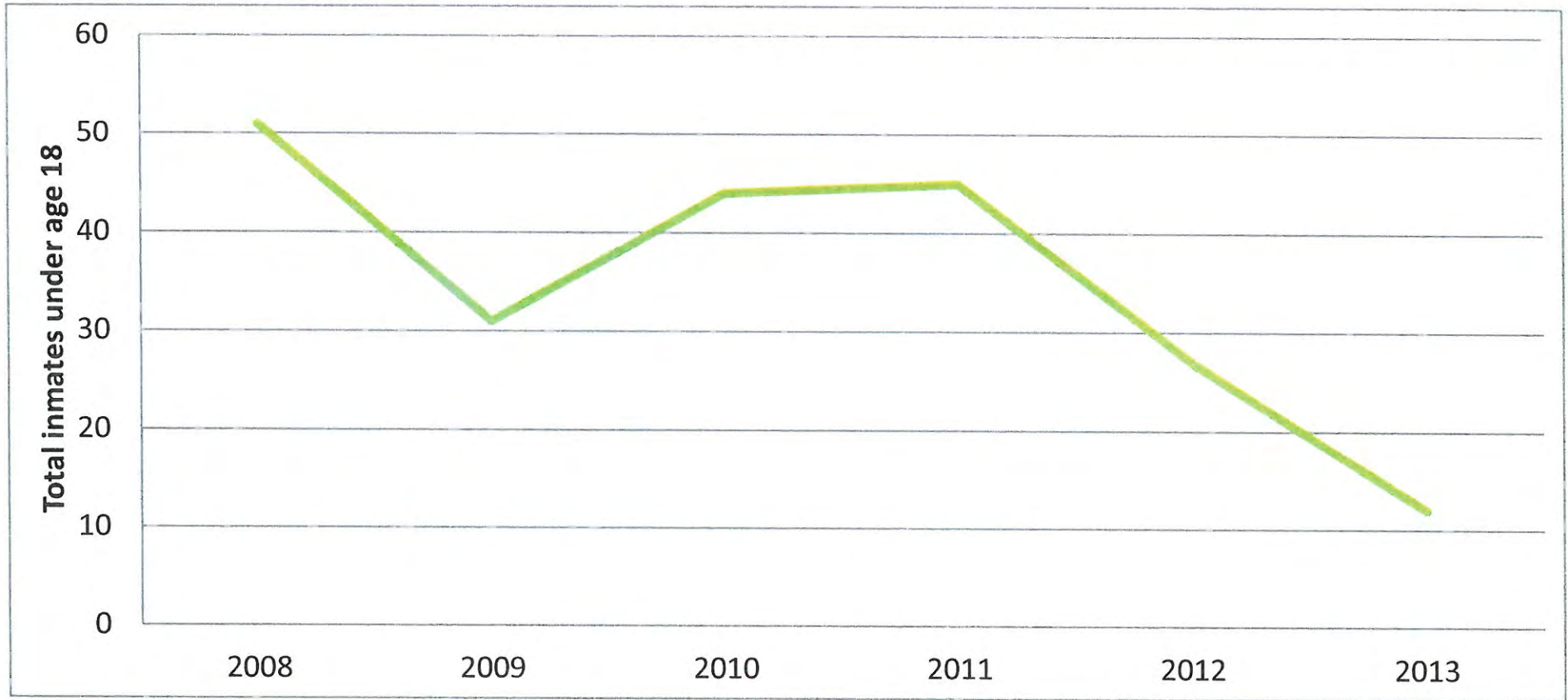
BY VANESSA SPINAZOLA, ACLU OF NEVADA



Co-Location Proposal Concerns

- Increasingly smaller number of youthful offenders in adult system – do we want to spend \$20M this way?
- Are we right sizing this facility, in terms of number of beds? Do we have the data to justify this project, or at least determine the actual need?
- Are we comfortable with integrating the philosophies and staff of DOC and DCFS at a DOC facility?
- Have we explored all options, including the possibility of transferring youthful offenders to juvenile facilities instead of a collocation project?
- How does the building/renovating of this facility forestall future policy changes affecting the treatment of youthful offenders in Nevada?

The number of young people under age 18 held in Nevada Department of Corrections prisons has dropped significantly since 2008.



Youth under 18 are Developmentally the Same, Regardless of Crime

MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice Issues, Issue Brief 3, “Less Guilty by Reason of Adolescence” -

Some have argued that courts ought to assess defendants' maturity on a case-by-case basis, pointing to the fact that older adolescents, in particular, vary in their capacity for mature decision-making. But the tools needed to measure psychosocial maturity on an individual basis are not well developed, nor is it possible to distinguish reliably between mature and immature adolescents on the basis of brain images. Consequently, assessing maturity on an individual basis, as we do with other mitigating factors, is likely to produce many errors. However, the maturing process follows a similar pattern across virtually all teenagers. Therefore it is both logical and efficient to treat adolescents as a special legal category—and to refer the vast majority of offenders under the age of 18 to juvenile court, where they will be treated as responsible but less blameworthy, and where they will receive less punishment and more rehabilitation and treatment than typical adult offenders. The juvenile system does not excuse youths of their crimes; rather, it acknowledges the development stage and its role in the crimes committed, and punishes appropriately.

A growing number of states do not house any youth under age 18 in adult prisons.

State	Inmates under 18 in adult prisons, 2009	Inmates under 18 in adult prisons, 2012
Alaska	7	0
California	0	0
Hawaii	2	0
Idaho	0	0
Kentucky	0	0
Montana	2	0
New Hampshire	0	0
New Mexico	3	0
North Dakota	0	0
Oregon	13	0
Rhode Island	1	0
South Dakota	1	0
West Virginia	0	0
Wyoming	1	0

Source: Bureau of Justice Statistics, Prisoners in 2010 and Prisoners in 2012.

Differing Philosophies for Detention

NRS 62B.210 CONDUCT AND LOCATION OF FACILITIES FOR DETENTION OF CHILDREN

1. Any facility for the detention of children:
 - (a) Must be constructed and conducted as nearly like a home as possible;
 - (b) Must not be deemed to be or treated as a penal institution.

MISSION STATEMENT OF THE NEVADA DEPARTMENT OF CORRECTIONS

Protect the public by confining convicted felons according to the law, while keeping staff and inmates safe.

Example: Maryland

For years, Maryland illegally operated a “committed” facility co-located on the same site as a detention center for girls. Problems included:

- Confusion for administrators, staff, and youth because it is extremely challenging to keep the rules and missions of the different agencies straight;
- When there were crises such as staffing shortages, staff were moved between programs without necessarily having received juvenile specific training; and
- The less secure program became heavily influenced with the rules of the most secure program.

Example: Maryland, continued

Starting this past fall and as a response to a state proposal to build a new facility for youth charged as adult offenders, Baltimore moved a number of youth from its adult jail, where it typically houses youth charged as adults pre-trial, to its juvenile detention facility.

This is accomplished through consent motions in the courts.

The National Council on Crime and Delinquency was invited by Annie E. Casey Foundation, Open Society Institute, and Maryland Department of Public Safety and Correctional Services, to research and write a report outlining multiple scenarios based on local evidence so that the facility, if built, would be right-sized.

Prior to the implementation of the consent motions and movement of youthful offenders, there were concerns about upticks in violence or the more seriously charged youth being a bad influence.

Since the move, the youth charged as adults have been some of the best behaved youth in the facility, winning over half of the “unit of the month” awards since the program began, and have not caused any uptick in violence.

The Importance of Data

Evidence-based practices are essential in developing juvenile justice policies and engaging in any type of criminal justice reform.

US DOJ, OJJDP 2011 report, “Trying Juveniles as Adults: An Analysis of State Transfer Laws and Reporting:

- Only 13 states currently report total number of transfers, even less report offense profiles, demographic characteristics, or details regarding processing and sentencing.
- “To obtain the critical information that policymakers, planners, and other concerned citizens need to assess the impact of transfer laws, we must extend our knowledge of the prosecution of juveniles in criminal courts.”

The Washington State Institute for Public Policy, in examining “The Effectiveness of Declining Juvenile Court Jurisdiction of Youth, queried whether juvenile recidivism resulted from the actual *processing through the adult system*, not even necessarily the location of where youth are housed once they are convicted.

The Importance of Data, Continued

The Supreme Court Commission on Juvenile Justice has a subcommittee developing a data dictionary. Currently, the DAs are not reporting direct file information, thus one of the data dictionary recommendations is to “[d]evelop a method of data reporting in which direct file data from the district attorney’s office could be reported to JJPO, particularly in the larger jurisdictions (Washoe and Clark County).”

Direct File and Discretionary Certification Reporting

Discussion

Currently, data collection for youth who are transferred to the adult court and youth who are direct filed are outlined in NAC 62H.240, disposition of referral. The Subcommittee acknowledges there may be instances in which the district attorney’s office direct files on a juvenile, and the Departments, especially in the larger jurisdictions (Washoe and Clark County), may not be aware of the direct file; therefore this data would not be reported to JJPO.

Conclusion

The Subcommittee will continue to explore ways to collect data on juveniles that are direct filed pursuant to NRS 62B.335, and recommends developing a method of data reporting in which data from the district attorney’s office in the larger jurisdictions could be reported to JJPO. Additionally, Assembly Bill 202 was adopted during the 2013 Legislative Session, and creates a task force to study certain issues pertaining to juvenile justice, including the study of the laws in Nevada and other states pertaining to certification of juveniles as adults and offenses excluded from the jurisdiction of the juvenile court. The Subcommittee will monitor the work of the task force to see if any recommendations come out regarding data collection for direct file cases.

Example: Oregon

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 08-166

Directing that Juveniles in Custody in Multnomah County be Held at the Donald E. Long Juvenile Detention Home

The Multnomah County Board of Commissioners Finds:

- a. Juveniles certified to stand trial as an adult may be legally housed in jail.
- b. Juveniles are developmentally different from adults; these differences must be given consideration when youthful offenders are taken into custody.
- c. Juveniles require programs that are designed especially for youth with specially-trained staff, services not readily available in Multnomah County's jails.
- d. The juvenile justice system exists to enhance public safety, to hold youthful offenders accountable, and to develop their competencies through treatment and education programs in order to make positive changes in their lives. Detained and incarcerated youth must be provided programs which address their long-term education, health, and mental health needs.
- e. Multnomah County operates the Donald E. Long Juvenile Detention Home (JDH) which maintains a safe, secure, stable, and enriching environment for juveniles in custody while protecting the community.
- f. The JDH staff is trained in providing services and programs to youthful offenders. In addition, JDH provides opportunities for appropriate peer interaction for the development of youthful offenders.

Benefits of Juvenile Placement

- ✓ Meets developmental needs of youth
- ✓ Offers age-appropriate education services
- ✓ Staff trained in adolescent development
- ✓ Cognitive behavioral skill-building program tailored to youth



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Oregon Revised Statute (ORS) 137.124(5)

- a. When a person **under the age of 18 years of age** at the time of committing the offense and **under 20 years** at the time of sentencing is committed to the Department of Corrections under ORS 137.707 [Measure 11 offenses], the **Department of Corrections shall transfer the physical custody of the person to the Oregon Youth Authority** as provided in ORS 420.011 if
 - a) The person will complete the sentence imposed before the person attains 25 years of age; or
 - b) The Department of Corrections and the Oregon Youth Authority determine that, because of the person's age, immaturity, mental or emotional condition or risk of physical harm to the person, the person should not be incarcerated initially in a Department of Corrections institution.



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Response to (ORS) 137.124(5)

The Department of Corrections and the OYA developed **administrative rule** to provide the procedures for the transfer of young inmates from DOC to OYA. (OAR 291-052-0005)



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Oregon's experience housing youthful offenders in juvenile facilities has been so successful that the Oregon Legislature passed additional reforms this year.

- ◆ Prior to 2014, youth under age 18 with adult convictions were first brought to the Oregon Department of Corrections for intake, but were then transferred to Oregon Youth Authority: if the OYA deemed that the youth could benefit from their services and have no behavioral issues, they could remain with the OYA until the end of their sentence.
- ◆ HB 3183 passed this year: *Requires transport of 16-18 year old adult offenders directly to OYA intake, rather than DOC intake for initial processing.*

Conditions under which youthful offenders may be transported to Oregon DOC custody from Oregon Youth Authority (OYA Policy II-A-1.5):

- ◆ The offender poses a substantial danger to others
- ◆ The person is not likely, in the foreseeable future, to benefit from the rehabilitation/treatment programs by OYA and is appropriate for placement in a DOC institution.
- ◆ In 2013, only 2 youth were returned to DOC from OYA for posing a danger to others or for failure to participate in treatment.

Example: Washington

- Washington state has two facilities housing both juvenile offenders and youthful offenders.
- After a failed attempt to house youthful offenders in an adult facility with sight and sound separation from the adult population, the WA State Department of Corrections developed a MOU with the Juvenile Rehabilitation Administration (JRA) to transfer all youthful offenders for housing in JRA facilities until age 18, or in some cases until age 21. The WA DOC also developed their own policy.
- The JRA developed a corresponding Juvenile Justice Rehabilitation Administration (JJRA) policy on accepting juveniles convicted as adults.
- The youthful offenders in JRA are integrated into the general population in the two juvenile institutions participating in the program -- no sight or sound separation and no isolation.
- Even with this exchange program there are still some youthful and juvenile offenders housed at DOC who pose too high a risk to transfer or remain in a juvenile facility. (See transfer provisions in JRA Bulletin.)
- The program has been working well for over 10 years -- providing educational and vocational programming to youthful offenders with no escapes and few behavioral problems.

Example: Indiana

From the PREA Resource Center (<http://www.prearesourcecenter.org/training-technical-assistance/prea-in-action/youthful-inmate-implementation>):

In Indiana, [House Bill 1108](#), signed into law on April 29, 2013, provides judges with an additional sentencing option for juveniles who are tried as adults. The legislation was passed following collaboration between the Department of Corrections, the Division of Youth Services, juvenile judges, prosecutors, public defenders and legislators. Judges may, with the consent of the prosecutor, suspend the adult sentence imposed on a youthful offender and order instead that the youth be placed in a juvenile facility. Successful completion of the stay in juvenile facility is a condition of suspension. When the youth turns 18 year of age, a progress report is prepared and a review hearing conducted, at which time the court may order that the youth remain in the juvenile facility, move to an adult facility, move to a non-custodial sentence, or undergo a complete discharge (if the objectives of the original sentence have been met). Under this model, Indiana's legislature permits youth convicted of adult crimes to be housed in juvenile correctional facilities without modifying the waiver provisions.

Benefits of housing all youth under age 18 in DCFS facilities

- ◆ State could immediately comply with PREA by transferring youth currently held in NDOC custody to existing DCFS juvenile facilities.
- ◆ If NDOC and DCFS enacted an MOU, Nevada would not be required to maintain sight and sound separation between youth in adult system and youth in DCFS system.
- ◆ Youth under 18 currently held in NDOC custody would immediately benefit from age-appropriate services available in DCFS facilities.
- ◆ State would not have to reconcile different staffing requirements between DCFS personnel and NDOC personnel (POST I vs. POST II and III).
- ◆ Estimated \$20M price tag for building/renovating collocation facility could be lowered.

No Prohibition to MOU between NDOC and DCFS

NRS 209.141, Agreements with governmental agencies and private organizations.

The Director may, with the approval of the Board, enter into agreements with other governmental agencies and with private organizations to carry out the purposes of this chapter.

By transferring youthful offenders to juvenile facilities, the youth will have all the same advantages – medical and mental health providers, programming, education – with the benefit of immediate PREA compliance, and without the significant cost and time delay.

Recommendations:

- Transfer youthful offenders from NDOC to juvenile facilities via MOU.
- Obtain appropriate data before proceeding with CIP proposal, which will likely take 2-3 years to build/renovate facility.
- Proceed with “trial period” at Jan Evans, with youth from NYTC.
- Visit not only collocation facilities, but also MOU-based facilities and facilities under juvenile services management via statute.
- Consider legislation like that of Oregon, mandating transfer of youthful offenders under 18 to juvenile facilities.

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FOLLOW UP PRESENTATION TO THE LEGISLATIVE COMMITTEE ON
CHILD WELFARE AND JUVENILE JUSTICE'S TASK FORCE TO STUDY
JUVENILE JUSTICE ISSUES, JUNE 27, 2014

BY VANESSA SPINAZOLA, ACLU OF NEVADA





Re-Cap

of ACLU presentation at March 27, 2014 Task Force Meeting

Concerns with Collocation Concept

Where “collocation” = NDOC building on Red Rock property with youthful offenders housed and supervised by NDOC, separate from juvenile offenders supervised by R.O.P.

- Extreme decrease (from 50 to 14) in youthful offenders since 2008 does not warrant (\$15 million) investment.
- Youth under 18 are developmentally the same, regardless of crime – should be individually assessed.
- Differing philosophies for detention between adult corrections and juvenile rehabilitation. (Rehabilitation v. penal institution.)
- Lack of current data to inform decision making on how big to build (see Annie Casey Baltimore bed space forecast, provided at previous Task Force meeting).

Preference for Transfer Concept

Where transfer = “commingling” of juvenile and youthful offenders in the current Red Rock facility, without building a separate NDOC property (female youthful offenders could be transferred to Caliente, for example; “commingle” does not necessarily mean “co-ed.”)



- Immediate compliance with PREA by transferring youth in NDOC custody to existing juvenile facilities.
- Investment money could be spent on programming, staff training, and staffing (Missouri model) instead of infrastructure and facilities.
- If our goal is limit system involvement of youth, we should not build additional facilities and create more bed space.

Examples of States with Transfer Provisions

Oregon requires transport of all adult offenders 18 and under directly to Oregon Youth Authority for intake, by statute. If the OYA deems that the youth can benefit from their services and have no behavioral issues, they can remain with the OYA until the end of their sentence. DOC policies outline the transfer provisions and outline if and when youth are returned to custody. These provisions have developed over nearly 20 years.

Washington, for ten years, has had two facilities housing both juvenile offenders and youthful offenders, with no sight or sound separation between populations. An “Interagency Agreement” (MOU) outlines the shared transfer provisions, while separate Juvenile Rehabilitation Administration (JRA) and DOC policies and regulations outline relevant internal procedures.



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You're An Adult Now

Youth in Adult Criminal Justice Systems



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You're An Adult Now

Youth in Adult Criminal Justice Systems

Jason Ziedenberg
December 2011

Table of Contents

I.	Introduction	2
II.	What is known about the issue of juveniles in the adult corrections systems, and where are there gaps in data collection and information?.....	3
III.	What are the issues, impacts and options facing public safety systems when youth are awaiting trial on adult charges?.....	9
IV.	What are the issues, impacts and options facing public safety systems when youth are convicted, and committed to the adult system?	15
IV.	What are the issues, impacts and options facing public safety systems when youth who convicted in adult court are on probation or parole?	22
V.	Conclusion.....	29
	Appendix I: Summary of Policy Recommendations	30
	Appendix II: Attendees and Contributors.....	33
	References	34

I. Introduction

Since the world's first juvenile court was founded in Chicago, our legal system has recognized a separate mandate to rehabilitate youth with an approach that is different than adults.¹ Today, all 50 states and the District of Columbia and the federal government have two distinct systems for dealing with adults and juveniles, and corrections systems kept pace by developing different systems for dealing with the youth. While the majority of youth arrested for criminal acts are prosecuted in state juvenile justice systems, a significant proportion of youth are handled by adult criminal justice agencies.

It has been estimated that nearly 250,000 youth under age 18 end up in the adult criminal justice system every year.² However, little attention has been directed to how adult corrections systems are managing the youth offenders that end up in jails, prisons and under community supervision. To address this information gap, the National Institute of Corrections (NIC) convened three dozen juvenile justice and adult corrections experts on June 18th, 2010, to consider some of the known issues, impacts and opportunities that face corrections systems as they work to safely and effectively rehabilitate thousands of youth offenders in the nations' jails, prisons, probation and parole systems. This monograph presents the key findings identified during this convening of experts. Some of the most important findings for corrections officials, policymakers and the public include:

- Youth transferred to the adult corrections system recidivate at a higher rate than those kept in the juvenile justice system;
- Pretrial, post-conviction, and community supervision corrections systems face challenges keeping youth safe, effectively providing for their services and supervision, and containing costs required to serve youth appropriately. Due to these and other challenges corrections systems face when managing these youth, the transfer of juveniles in adult institutions might run counter to correctional and rehabilitative goals;
- To overcome these challenges, a number of states and localities have developed innovative ways of managing youth when they have been charged, convicted and committed to the adult corrections system. These changes are helping improve public safety, contain costs, successfully rehabilitate youth and help them transition to adulthood.

By reviewing the issues, impacts and options facing corrections when they manage youth in the adult system, NIC hopes to raise awareness of these issues, and focus the field on finding the best ways to curb juvenile delinquency in correctional settings.

II. What is known about the issue of juveniles in the adult corrections systems, and where are there gaps in data collection and information?

1) Approximately a quarter-million youth end up in the adult system each year, and most end up there due to age of jurisdiction laws.

The National Center on Juvenile Justice has compiled information for every state and jurisdiction on the three basic ways a youth can end up in the adult corrections system.

First, public safety systems can set ***age of jurisdiction laws***: in some states, under some conditions, a youth is automatically under the jurisdiction of the adult court if they are of a certain age. In New York and North Carolina, for example, all 16 and 17-year-olds are considered adults in criminal proceedings. The largest group of juveniles who end up in the adult system arrive there through age laws: approximately 247,000 youth under 18 ended up in adult court as a result of jurisdictional age laws in 2007.³

Second, most states have some kind of ***transfer law***: by *nature of a judicial decision*, by the *nature of the charge the prosecutor chooses to seek*, or, by the *nature of the offense*, the youth's case can be transferred to the adult system. Forty-six states have a judicial waiver provision, in 15 states, the transfer is through prosecutorial discretion, 29 states transfer is by categorical exclusion based on the offense. In some places, if a youth engages in a crime while involved in a gang or some other behavior, that makes the case eligible for transfer to the adult court. Juvenile courts transferred approximately 8,500 youth to the adult system in 2007 through judicial waiver statutes.

Finally, some states have a form of ***blended sentencing***, where the juvenile courts are given power to impose a juvenile disposition, but if that youth does not succeed, they may then be transferred to the adult system on the same conviction.

Every public safety system draws the line between being a juvenile and being an adult differently.

Each of the 50 states, the District of Columbia and the federal government have different mechanisms that can transfer a youth to the adult court, and the "age of jurisdiction" of the juvenile justice system varies from place to place. According to the National Center on Juvenile Justice – a research entity representing juvenile and family court judges – 23 states and jurisdictions have no minimum age at which a youth can be transferred to adult court for certain offenses.⁴ While some states see juvenile court jurisdiction run through age 15, in others, you are not an adult for criminal justice purposes until age 18.

Age	Oldest age for original juvenile court jurisdiction in delinquency matters
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15	New York, North Carolina
16	Georgia, Illinois, Louisiana, Massachusetts, Michigan, Missouri, New Hampshire, South Carolina, Texas, Wisconsin
17	Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Hawaii, Idaho, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia, Wyoming

Source: National Center on Juvenile Justice (2009)

There are also various legal mechanisms a judge or prosecutor can choose to transfer a youth charged with a particular crime to the adult system. Similarly, the research on adolescent development that has driven so many recent changes to juvenile justice statutes also doesn't provide a "bright line" for drawing when a 15, 16 or 17 youth may have the mixture of impulse control and reason to be considered an adult, with some researchers calling to include older youth in the their 20s in the juvenile justice system.⁵ In recent Supreme Court rulings on the juvenile death penalty and juvenile life without parole, the courts have made changes to the law that suggest, adulthood begins at age 18. Finally, different juvenile corrections systems have different maximum ages that they can have youth in custody: in California, Montana, Oregon and Wisconsin, a youth can be in the custody of the state juvenile justice system until age 25.

This monograph is focused on all youth under the age of 18. However, we acknowledge that the way the corrections system works, a youth who begins with corrections at 16 or 17 can remain under custody into their twenties: many of the issues and challenges systems face in serving these youth continue past their 18th birthday.

Age	Oldest age over which the juvenile court may retain jurisdiction for disposition purposes in delinquency matters
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18	Alaska, Iowa, Kentucky, Nebraska, Oklahoma, Tennessee
19	Mississippi, North Dakota
20	Alabama, Arizona,* Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Illinois, Indiana, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nevada, New Hampshire, New Mexico, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wyoming
22	Kansas
24	California, Montana, Oregon, Wisconsin
**	Colorado, Hawaii, New Jersey

Note: Extended jurisdiction may be restricted to certain offenses or juveniles.

Source: National Center on Juvenile Justice (2009)

2) Youth transferred to the adult corrections system recidivate at a higher rate than those kept in the juvenile justice system.

The weight of the research reviewing the public safety impact of sending youth to the adult corrections system has found that youth tried as adults are more likely to reoffend, even when controlling for offense background and other characteristics, than comparable youth retained in the juvenile system. The Centers for Disease Control and Prevention Task Force on Community Preventive Services⁶ conducted a systematic review on the transfer of youth to the adult system. The Task Force found:

- **Transferring juveniles to the adult justice system is counterproductive as a strategy for deterring subsequent violence:** Youth who are transferred from the juvenile court system to the adult criminal system are approximately 34% more likely than youth retained in the juvenile court system to be re-arrested for a violent or other crimes.
- **Insufficient evidence that transferring youth to the adult criminal system prevents youth crime:** The Task Force found insufficient evidence to justify assertions that trying youth as adults acts as a deterrent to prevent youth from committing crime in the first place.

In June 2010, the Department of Justice's OJJDP released a monograph, *"Juvenile Transfer Laws: An Effective Deterrent to Delinquency?"*⁷ The research bulletin compiled by Professor Richard Redding found that, laws that make it easier to transfer youth to the adult court system have little or *no general deterrent effect on youth*, meaning they do not prevent youth from engaging in criminal behavior. The report also found that youth transferred to the adult system are more likely to be rearrested and to reoffend than youth who committed similar crimes, but were retained in the juvenile justice system.

3) Little is known about young's people prior offense backgrounds, the court processes and decisions that impact them, and how corrections systems manage youth.

"There are no systems dedicated to collecting data on transfer today."—Howard Snyder Bureau of Justice Statistics.⁸

The 51 states and jurisdictions and the federal government each have the authority to run their respective public safety systems, which usually includes a partnership between state, county and city courts and corrections. This reality means that our ability to have national understanding of what is happening to youth when they are transferred to the adult system is frustrated by the diverse ways juvenile and adult corrections operate.

While the public safety system is collecting and analyzing more data than ever before, there are significant gaps in how data and information are processed that obscure the national picture around juvenile transfer. As one national expert recently noted, "the whole pathway is missing"⁹ in terms of having national data sets that would allow one to know,

how and why youth end going to the adult system, and what happens to youth and the systems that serve them, downstream.

Information compiled by national agencies like the Office of Juvenile Justice and Delinquency Prevention, the National Center on Juvenile justice (OJJDP), the Bureau of Justice Statistics (BJS) and information compiled by state and local entities do sketch out the basics of how youth end up in the adult corrections system. However, the national picture one can document from national data has been described as fragmented and incomplete, with little ability to know exactly how pretrial, post-conviction and supervision systems are managing this population.

Among the biggest gaps in information why youth end up in the adult system, there is very little information that explains the “how’s and why’s” behind decisions to transfer youth to the adult system. Currently, only 13 states publicly report the total number of their transfers, and even fewer report offense profiles, demographic characteristics, or details regarding processing and sentencing.¹⁰

Critical information that currently is not collected or analyzed on juveniles who are transferred to the adult system on national basis includes:

- **How a youth’s case is resolved?:** From the decision to prosecute the case in the adult system, to what charges youth are ultimately convicted of, and what their sentence is, little information on the court process are available.
- **How many youth who start in the adult system return to the juvenile system?:** There is no information on how many youth end up back in the juvenile system through blended sentencing, or if their charges are dropped, and recharged as a juvenile.
- **When youth are transferred, what kind of services do they receive?:** While we do know youth are required to receive certain kinds of educational services wherever they are incarcerated, there is no information on the kinds of services, interventions and programming youth may be receiving while in custody, or when they return to the community.
- **How many youth are on adult probation and parole?:** We do not know how many youth are on adult or juvenile probation and parole as result of an adult conviction, the nature of that supervision, and what kinds of services or interventions they might be receiving.

4) On any given day, there are 10,000 youth in adult prisons and adult jails. Most of these youth in adult custody were convicted of robbery and assault, and most and the vast majority will return to the community before age 21.

Data from the BJS that looks at the age of youth in adult prisons and jails has shown that, in 2009, there were 2,778 youth are in adult prisons, and approximately 7,220 in adult jails.¹¹

Most youth who end up in the adult system were convicted of robbery or aggravated assault: these may be serious crimes, but these offenses generally do not carry the longest prison terms. A monograph reviewing the research on youth in the adult system for OJJDP, of those youth who end up in the custody of the adult system, 80 percent will be released from prison before their 21st birthday, and 95 percent will be released before their 25th birthday.¹² However, there are also 2,589 people serving Life-Without Parole for a crime they were convicted of when they were a juvenile.¹³

5) Youth of color have been disproportionately represented among those youth transferred to the adult corrections system

As is the case in the juvenile justice system, youth of color are disproportionately impacted by the changes in statute that allow for their transfer to the adult system. African American youth make up 30% of those arrested while they only represent 17% of the overall youth population. At the other end of the system, African-American youth are 62% of the youth prosecuted in the adult criminal system and are nine times more likely than white youth to receive an adult prison sentence.¹⁴ While information is harder to obtain on the Hispanic population due to the challenges in compiling criminal justice data on this population, Hispanic youth have been found to be 43% more likely than white youth to be waived to the adult system and 40% more likely to be admitted to adult prison.¹⁵ Compared to white youth, Native American youth are 1.5 times more likely to receive out-of-home placement and are 1.5 times more likely to be waived to the adult criminal system. Nationwide, the average rate of new commitments to adult state prison for Native youth is 1.84 times that of white youth.¹⁶

6) Many youth end up in the adult system as a result of plea agreements, and are convicted of offenses in the adult court with reduced sentences.

While every state is different, research done on how juvenile transfer laws work in a number of states have found that most youth who face an adult charge are not convicted of that charge. Instead, the court process that sees a youth charged with an adult offense – an act that can move their case to the adult system – will also see these youth plead to a lesser included offense that carries a different penalty. In some cases and places, a judge may have an opportunity to return the case to the juvenile justice system for sentencing, but the youth may still be detained in pretrial as they await their disposition. One expert convened by NIC reported, as many as 75 percent of those transferred to adult court as a result of a charge are eventually convicted of a lesser offense.¹⁷ Plea agreements may result in a prison term, probation, or depending on the rules in a given state, transfer back to the juvenile justice system.

How might we learn more about the pathway youth take through the adult system?

There are future research initiatives by federal entities that will expand our understanding of both the *why and how* youth end up in the adult system, and what public safety results we may be getting for it.

The Bureau of Justice Statistics has embarked on a new data collection effort to learn more about this population. A nationally representative sample study of 120 counties to look at all the cases that deal with persons under the age of 18 will be shortly underway. When studied, this data would give great detail on the individual cases of youth from 120 counties. In addition, BJS is also conducting a recidivism study to know the public safety outcomes for youth who left prison in 2005 from 30 states: BJS is currently looking at 70,000 people who left prison in 2005 in 30 states. They are evaluating the recidivism rates of younger offenders compared to older offenders. This allows for state-by-state variation, and will provide more information about transfer cases.

Options for corrections systems, and federal, state and local policymakers:

- 1) Encourage more research at the state, county and local criminal justice level on the system implications of transfer.** As demonstrated in what know about transfer, the best data and information that tells policymakers the most about “the invisible pathway” of juveniles who are tried as adults can be found from analysis of the information at the state, county or city level. Studies done by academics, state, county and city agencies, and nonprofit organizations that have mapped the pathway in their jurisdictions have revealed most information on why and how youth end up in the adult public safety system, what happens to them, and what the outcomes of those decisions were. States, counties and cities whose varied corrections systems are impacted by the process and outcomes of juvenile transfer should be encouraged to study these issues, and map out the pathway at the local level.
- 2) Match resources for national research efforts with local analysis.** It is encouraging that BJS has returned to the forefront of analyzing how local criminal justice systems make the transfer decisions, and document their outcomes. However, the best and most relevant information to policymakers on that influence policy change at the local level is conducted at the local level. Through various national justice research entities, the federal government could incentivize the collection of this research by funding research solicitations at the local level.

III. What are the issues, impacts and options facing public safety systems when youth are awaiting trial on adult charges?

"The average 14-year-old is a "guppy in the ocean" of an adult facility. The law does not protect the juveniles; it says they are adults and treats them as such. Often they are placed in isolation for their protection, usually 23 ½ hours alone. Around age 17, we put him in the young head population, a special unit where all the youth are put together, and the 13 and 14 year olds normally fall prey there as well."—Sheriff Gabe Morgan, Newport News, Virginia.¹⁸

"The American Jail Association is opposed in concept to housing juveniles in any jail unless that facility is specifically designed for juvenile detention and staffed with specially trained personnel." (2008 policy statement)

"Counties are urged to remove juveniles from correctional facilities which detain accused or adjudicated adults."—National Association of County Organizations (2009) policy statement)

"In Georgia, kids being held pre-trial weren't being treated differently from adults. When kids are in adult facilities, I am not sure there is much learning going on that would enable the kids to mature."—Orlando Martinez, former director, Georgia Department of Juvenile Justice.¹⁹

There is very little national information on what happens to a youth when they are initially moved to the adult criminal justice system through various legal mechanisms. In the majority of states across the country, youth may be held pretrial in an adult jail, while in some states and jurisdictions, youth are held pretrial in juvenile detention centers. Youth may also be on some form of pretrial release in the community.

How a youth is handled as they await the resolution of their case raises a variety of issues for state and local public safety systems as they work to fulfill a mandate to keep youth safe, and provide appropriate services for their rehabilitation.

1) National standards on "jail removal" and "sight-and-sound" regulations for youth in the adult system do not apply to juveniles charged as adults.

The Juvenile Justice and Delinquency Prevention Act (JJDP A)—the federal act which enables the federal government to promote national standards and drive national policy to reduce juvenile crime and help youth succeed—has sought to limit the incarceration of juveniles in adult jails for three decades. The Act's "jail removal core protections" prohibits states and counties from placing youth in the juvenile justice system in adult jails, except in very limited circumstances. Under rare circumstances when juvenile justice youth are allowed to be jailed, regulations prohibit their contact with adult inmates. If states do not follow the rules on "sight and sound" regulations in managing juveniles in jails, states risk losing hundreds of millions of dollars in federal youth crime prevention funding.

The rules around management of juveniles who might end up in jail do not extend to youth who may be transferred to the adult court, and tried in the adult justice system. As state law changed, and more youth ended up in the adult system, more youth were found to be in adult jails, pretrial, awaiting the disposition of their charge.

Most states permit the pre-trial detention of youth being tried as adults in adult facilities, 10 states actually require youth in the adult system be housed in jails.²⁰ Of the 39 states that allow youth to be jailed, only 20 states have protections for youth (e.g., requirements that youth be separated by sight and sound from adult inmates), and six states have age restrictions on the pre-trial detention of youth in jails.²¹

National data shows that, adult pretrial correctional agencies will be dealing with thousands of youth who are under their supervision because they have been tried as adults. The most recent data show that, there are 7,220 people under age 18 in jails on any given day.²² The annual number of youth who are placed in adult jails is even higher – ten or twenty times the daily average according to some researchers – to account for the “turnover rate” of youth entering and exiting adult jails.²³

2) Where youth are held, pretrial, depends on local policies or preferences.

“This is an extremely idiosyncratic issue; everyone is doing it differently state by state and even within counties.”—Vincent Schiraldi, Director of New York City’s Probation Department.²⁴

Information provided by experts in adult and juvenile corrections revealed the diverse approaches places take to managing youth, pretrial, who have ended up in the adult system through variety of pathways.

- **Virginia: Youth may be detained in the juvenile system, pretrial.** Under legislation passed in 2009, and implemented in 2010, Virginia created a presumption that youth who are being tried as adults are held in juvenile detention centers pretrial and will only be placed in an adult jail if they are found by a judge to be a security or safety threat.²⁵
- **Oregon: Six out of 36 counties seek to hold pretrial youth in juvenile detention.** In Oregon, at-least 6 of the 36 counties take steps to hold youth facing charges in the adult system in a juvenile detention center or a juvenile corrections facility.²⁶ To encourage other counties to do so, Oregon legislators passed House Bill 2707 in 2011 to make juvenile detention facilities the default placement of youth in adult court making it more likely that youth will now be housed in juvenile detention facilities.
- **New York City: Hundreds of youth at Riker’s Island.** In a state where 16 and 17-year-olds are automatically adults for purposes there are 700 youth in Riker’s Island Jail who under the age of 18, 670 of whom are pre-trial.²⁷

- **Baltimore, Maryland: Hundreds of youth in jail.** In a state where youth can be automatically excluded from the juvenile court if they are under 18 and commit certain crimes, in recent years, Baltimore city has had between 100 and 140 youth in the city jail. The state is currently debating whether to build a specialized facility to detain youth charged as adults while awaiting trial.²⁸
- **Harris County, Texas: Hundreds of youth in jail.** In a state where the age of jurisdiction in the juvenile system ends at age 16, there were 198 17-year-olds held in the county jail. When juvenile under age 17 are transferred to the adult court by a judge, they are not supposed to be jailed, but sometimes are because staff are not available to transport them to another custodial setting.²⁹

In the study “Jailing Juveniles,” pretrial experts commissioned by the Campaign for Youth Justice analyzed national databases on pretrial populations to try to learn, what was happening to youth in 40 counties where a variety of different transfer laws were used.³⁰ Findings from the 40 counties in the late-1990s showed that, of 5,000 youth transferred to the adult system, two thirds were held, pretrial, in the adult jails.

3) What issues can adult pretrial corrections systems face when youth are transferred to the adult court?

Pretrial systems face a number of issues, challenges and opportunities managing youth when they are transferred to the adult court, and end up in the adult pretrial corrections system. The most critical issues tend to cluster around the *safety* of young wards in the system, the *services* they receive, and how the *costs* of serving them can impact the whole public safety system.

a) Safety challenges

A number of different research authorities have shown, youth in an adult pretrial setting face increase risks of self-harm and abuse by other detainees. According to a BJS study in 2005 and 2006, 21% and 13% respectively, of the victims of inmate-on-inmate sexual violence in jails were youth under the age of 18³¹ – a high percentage of victims considering that only 1% of all jail inmates are juveniles.³²

Recognizing the risks to youth in jails, some jail administrators separate youth from adult inmates inside the facility—something that has implications for these institutions, and these youth.

If these youth are placed isolation, depending on the duration and the policies in place, isolation may aggravate mental health challenges that many youth bring with them into the justice system. For youth facing mental health challenges, isolation or seclusion can aggravate or cause anxiety, paranoia, exacerbate disorders, and increase their risk of suicide. Data from BJS show that 75% of all deaths of youth under 18 in adult jails were due to suicide.³³

Jail administrators can face a difficult choice on this issue: They can house youth in the general population where they are at a differential risk of physical and sexual abuse, or, house youth in a segregated settings where isolation can cause or exacerbate mental health problems.

b) Service challenges

Youth have specific education, treatment and health needs that adult pretrial institutions may find challenging to provide.

Even though legally required to, what data exists on the kinds educational services jails provide appropriate suggest the challenge jails may have in providing age appropriate services to the youth in their midst, particularly for young defendants that may have greater special education needs. Although nearly 30% of jail inmates under age 24 reported having a learning disability,³⁴ a BJS survey found that 40% of jails provided no educational services at all, only 11% of jails provided special education services, and only 7% provided vocational training.³⁵

From intake processes to meals to health care, adolescents have specific needs that jails will be pressed to deliver. Youth have different nutritional requirements because they are growing so rapidly. Vision and dental health are two additional areas that change during adolescence and require special attention, an effective approach to dealing with youth would need to find ways to provide services.³⁶

c) Cost Challenges for Adult and Juvenile Pretrial Systems

The challenge for adult pretrial corrections agencies to provide age appropriate services to juveniles, and keep them safe in the context of an adult jail all can drive up the system costs for serving these youth. It is no surprise that juveniles might be a jail systems most expensive ward: their educational, behavioral health, nutritional and medical services can be more expensive, and if they are segregated, those units may cost more than to keep these youth in the general population.

During these fiscally challenging times, juvenile detention centers are also feeling the squeeze of funding cuts. Along with the higher costs that a juvenile detention center might be paying to meet a youth service and rehabilitative needs while in custody, juvenile defendants facing trial in adult court may have a longer length-of-stay. The survey of 40 counties as part of the "Jailing Juveniles" report found that, the majority of the 5,000 youth studied spent at least one month in jail, and one in five of these youth will have spent over six months in an adult jail.³⁷ As youth in juvenile detention for an offense under the jurisdiction of the juvenile justice system are more likely to be referred to community-based detention alternative, they are more likely to have a shorter length-of-stay while in pretrial custody.

In summary, while there is a definitely an increased cost for young pretrial defendants facing transfer to the adult system, the two drivers of those costs – the defendants length of stay, and the kind of services and supervision they receive while in custody—will face any

correctional administrator, *regardless of whether these youth are in a juvenile detention center or a jail.*

3) Can pretrial release strategies be used to rein in pretrial costs?

There are strategies that public safety systems can use to manage the costs associated with the pretrial detention of youth awaiting trial in the adult system.

First, there may be ways to place youth awaiting adult charges on pretrial supervision, as it might work for any adult defendant that would qualify for pretrial release. While there are some youth who, because of their charge, or because of their risk to reoffend, simply would not qualify for release, of all the youth who might be detained pretrial on an adult charge, there is a group who have engaged in nonviolent crimes (such as drug, or property offenses) who might be considered. Studies of youth transferred in the 1990s found that as many as a third of youth who ended up in the adult court were there for nonviolent offense.³⁸

Another indicator of whether the youth awaiting pretrial might be safely managed in the community may revolve around the likelihood they'll be convicted of what they were charged with.

Among the 5,000 youth from 40 counties whose initial cases were seen as serious enough to transfer them to adult court in the mid-1990s, as many as one-half of the youth prosecuted in the adult system do not receive an adult court conviction.³⁹

Among the experts convened by NIC, one presented data on those 100 or so young defendants that were jailed pretrial in Baltimore, Maryland, awaiting trial on a charge that moved their case to the adult system: More than 60 percent of those youth charged were either not prosecuted (either because they were returned to juvenile court, or the prosecutor decided to not prosecute the case). Only 5 percent of the youth tried as adults in Baltimore in the first six months of 2009 eventually received a sentence to an adult correctional facility—the rest received probation or time served.⁴⁰

Based on their offense, and based on what is known about how most youth charged with adult offenses see their cases disposed of, depending on the pretrial release laws in a given place, there are reasons to believe that significant numbers of youth could be safely managed in the community while awaiting trial.

Options for corrections systems, and federal, state and local policymakers:

- 1) Legislators and executives should review where the appropriate place is to manage youth pretrial.** In Virginia, Multnomah County, Oregon, and Los Angeles County, California, local policymakers have had an opportunity to consider the safety, service and fiscal challenges that come with managing young defendants in adult court. These jurisdictions have made flexible policies that make juvenile facilities the presumptive place where youth should be detained pretrial awaiting an adult charge, and the systems safety and security needs. Along the lines of what the

American Jail Association and the National Association of County Organizations have held as their policies, there need to be discussions among legislators and executives over the appropriate place to manage youth, pretrial. Elected officials who are responsible for the entire public safety budget should be encouraged to facilitate these discussions. The costs that a change could have on the system are an important consideration, but the fiscal impact of any change also needs to take in account the benefits of reduced recidivism, and reduced liability to government.

- 2) **Expand options for pretrial release for young defendants in adult court.** Jail and pretrial administrators can work with the courts and stakeholders to develop pretrial release options for young defendants in adult court. Mindful of the public safety issues involved in individual cases, systems may look at what barriers exist to pretrial release and supervision of juveniles who have been charged with adult offenses. Even if used for only a portion of defendants, the cost savings could be used to improve the systems ability to safely serve those youth who need to be detained awaiting trial.
- 3) **Consider case processing agreements to between criminal justice stakeholders to structure charging decisions in juvenile transfer cases.** If there are a population of youth who are being detained pretrial due to a charge that carries an adult penalty, it helps no one – not the crime survivor, the corrections system, the prosecutor, the public defender, or the courts—if scarce custodial resources are consumed by defendants who will not be convicted of those crimes, or transferred back to the juvenile system. Systems should encourage the key juvenile court actors to develop case processing agreements between stakeholders to help reduce the time it takes for a case to wind its way through the system. This will help separate the most serious cases from those that may be resolved with a plea, or a transfer back to the juvenile justice system.

IV. What are the issues, impacts and options facing public safety systems when youth are convicted, and committed to the adult system?

"The American Correctional Association supports separate housing and special programming for youths under the age of majority who are transferred or sentenced to adult criminal jurisdiction. [The ACA supports] placing people under the age of majority who are detained or sentenced as adults in an appropriate juvenile detention/correctional system or youthful offender system distinct from the adult system."—American Correctional Association (Public Correctional Policy on Youthful Offenders Transferred to Adult Criminal Jurisdiction, 2009).

"In DOC in Georgia there are 92 children 14-22 years old (90 children 14-17 years old). It is a nightmare to see 14-year-olds in the same population with the adults and "at risk youth."—Derrick Schofield, Assistant Commissioner, Georgia Department of Corrections.⁴¹

"The juvenile justice system is the most appropriate system to hold youths accountable and receive age-appropriate and effective treatment and rehabilitation opportunities."—The Council of Juvenile Correctional Administrators (2009 Policy Paper).

"Commission urges that individuals under the age of 18 be held separately from the general population."—Prisoner Rape Elimination Act Commission (2008).

In many states, juveniles who are convicted and sentenced in the adult court are committed to adult corrections systems. Some states have developed specialized units that segregate the youngest prisoners. In other states, a juvenile convicted and sentenced in the adult court may start and finish their term of custody in juvenile corrections, or, move to the adult general population at a certain age, or under certain conditions. Finally, in some states youth are placed in the general population.

With the vast majority of youth who are transferred to the adult system due to leave prison by their 25th birthday, how are adult correctional systems addressing the both their safety and rehabilitative needs before they leave prison, and how does that impact the entire adult correctional system?

1) On any given day about 3,000 youth 18 and under are in the custody of an adult prison system.

The latest figures from the BJS show that, there are about 3,000 youth under age 18 under the custody of adult corrections systems. The data is a snapshot of the correctional population in a given day, and does not tell us how many people in adult prison are incarcerated for crimes committed before the age of 18, or how many youth started in an

adult correctional setting before age 18 and continued their sentence into their late teens and twenties. **The length of time a youth can spend in the juvenile justice system versus the adult system can vary.**

While it is hard to know what is the case on a national basis, it isn't necessarily the case that youth who are under the custody of the adult corrections system are spending more time in custody than youth in the juvenile justice system.

According to a study by the California-based Center on Juvenile and Criminal Justice, juveniles who remain in juvenile court serve longer sentences than adults with similar charges. This was especially true for youth convicted of the offense that drive commitments to both the adult and juvenile justice system: *youth sentenced to the custody of the California Youth Authority by juvenile courts for homicide, burglary, theft, rape/sex, and other offenses are confined for longer periods than those sentenced for the same offenses by adult criminal courts.* For offenses such as robbery, confinement time was equal.⁴²

One reason this may be the case in some places is, juvenile corrections systems may be more likely to operate under an indeterminate sentencing model: the courts do not necessarily prescribe the length-of-stay to ensure that the youthful offenders get into the necessary treatment programs. When the courts need to hold a youth in custody out of a public safety concern, they may choose the juvenile court over the adult system because they can be involved in youths life for a longer period of time.

When the state Texas revised the oldest age at which the juvenile court may retain jurisdiction for disposition purposes in delinquency matters from 21 to 19, there was a reported increase in the in the number of youth tried as adults.⁴³ This suggests the length of time someone can be committed to either system relates to which system they might end up in.

2) There are no national standards on how to handle youth committed to the adult corrections system.

As is the case with other areas of adult corrections, there are no national standards governing how youth should be managed and handled once they are committed to the adult system. The closest thing to a national standard – the American Correctional Associations accreditation and standards process—are a voluntary benchmark that corrections agencies can choose to participate in. While these policies call for youth to be in separate housing and to receive separate programming, unlike the JJDP, states do not lose anything if they choose to not follow these standards (other than lose ACA accreditation).

3) Corrections systems face challenges keeping youth safe, effectively providing for their services and supervision, and containing costs

Adult department of corrections face similar issues to pretrial corrections in keeping youth **safe**, providing age appropriate **services**, and managing the **costs** of these youth in their systems. How public safety systems deal with these challenges vary from state-to-state.

a) Some adult corrections systems separate the wards, by age

One approach corrections systems have taken is to manage the youngest wards in their system has been to operationalize the ACA standards, and keep youth safe, and provide them age appropriate services within their adult corrections systems.

In **Georgia**, the Department of Corrections changed how it handled those youth committed to the adult system. Georgia dispersed the 18-21 year-olds and the 14-18 population was moved to more modern facilities with the appropriate services to keep them safe, educate them, get them the appropriate behavioral health services to prepare them to move to the next level of custody.⁴⁴

Since 1998, the **Nebraska** Department of Correctional Services has operated a stand-alone maximum security confinement facility for male youth convicted and committed as adults. Called the Nebraska Correctional Youth Facility (NCYF), the youthful offenders here range in age from early adolescence up to the age of 21 years and 0 months (to date the youngest has been 14 years, though statute allows for age 10 to be committed). Because of the prison's campus style construction, keeping the "younger" less mature youthful offender (17 and below) separated from the "older" youthful offender (18 and above) has presented safety and staffing challenges. These issues are compounded by the fact that approximately 80% of the youthful population claim gang affiliation: the correctional need to keep opposing gangs separated as well as keeping the younger and older youth separate, exacerbates educational and other programming challenges. Even though the facility manages fewer than less 100 youth,⁴⁵ the average annual cost to house a youth at the NCYF is nearly double the cost (approximately \$58,000 for each youth, compared to \$32,000 for the average adult prisoner). Since youthful offenders comprise less than 3% of the total prison population, the NCYF competes with resources within the overall DOC budget. Staffing and programming are often limited for working with this specialized population: Tight budget constraints often dictate programming that is designed for the "typical" adult male offender, whose average age in the Nebraska system is 33, even though studies have shown that applying adult programming to adolescents rarely results in long term, if any, positive outcomes.

In **North Carolina**, where all 16 and 17-year-olds are under the jurisdiction of the adult corrections system, five youthful offender facilities within the system manage the youngest wards. Male youth who are convicted of felonies are incarcerated in facilities separate from those housing male felons 25 and older. Male felons and misdemeanants under the age of 19 are processed and incarcerated at a separate facility, and males aged 19-25 who receive active sentences for misdemeanors may be housed in the same minimum custody prisons with adult male misdemeanants.⁴⁶ In North Carolina, it was reported that in general, the same programming available for adult offenders within the prison system is also offered to some degree for youthful offenders, especially in the areas of academic education and

social skills....Within the prisons that serve youthful offenders, there is limited programming which deals with mental health issues and vocational education needs.”

When youth have been separated out from the adult general population, correctional administrators can face staffing challenges, and cost differentials in serving these youth. In Nebraska, juveniles under the adult DOC supervision competed for resources within the overall budget, and there were staffing challenges having the appropriate people that could work with youth, and work with adults on the same campus.

On October 30, 2007, the **Rhode Island** General Assembly repealed a law, enacted just months before, which gave the adult system original jurisdiction over 17-year-olds.⁴⁷ Repealing this law returns 17-year-olds to the jurisdiction of the juvenile court. The original law lowering the age of jurisdiction was enacted as a way to close the budget shortfall, and the General Assembly approved the change reluctantly due to the state’s dire financial situation.⁴⁸ However, shortly after the law was passed, *legislators realized that it would actually cost more money to safely house 17-year-olds in adult facilities than it would to keep them in juvenile facilities.*⁴⁹ It only took a couple of months for the legislature to rectify its mistake and repeal the law. Rhode Island now stands as an example of the fact that, while intuition might suggest that moving children to adult prisons is cheaper and easier than providing them with the services that come with the juvenile system, once all factors are taken into account, housing youth in juvenile detention centers is often the cheaper (and more effective) route.

b) Committing youth with adult convictions to the juvenile corrections system

In other states, correctional administrators and executives have taken an approach to keep youth committed to the adult system by a court in the juvenile corrections system—at least, for the initial commitment.

After a suicide and a subsequent investigation that found inadequate conditions for youth, a policy decision was made by California stakeholders that the **California** Department of Corrections should enter into an agreement with the California Youth Authority to house all youth under the age of 18.

In **Oregon**, youth under age 18 are first brought to the adult Department of Corrections for intake, but are then transferred to Oregon Youth Authority: if the OYA deems that these youth can benefit from their services and have no behavioral issues, they could remain with the OYA until the end of their sentence.

Just as for the adult corrections systems, the population of youth who have been convicted in adult court can tax the resources of juvenile corrections departments. With cataclysmic budget pressures facing both California and Oregon in the last cycle, both states saw legislative proposals considered that would have reduced the upper age at which youth could be served by their juvenile corrections systems: both proposals failed to be enacted.

4) Could the incarceration of juveniles in adult institutions run counter to correctional goals?

Despite the best efforts of the corrections systems that manage youth, why might young with similar offense histories and other similar characteristics reoffend more often when placed in adult institutions?

Dr. Redding in his analysis for OJJDP summarized some reasons why this might be the case, which have significant implications for corrections and public safety systems that are operationalizing these policies.⁵⁰

- **Corrections systems lack age appropriate services and supports:** Youth have less access to rehabilitation and family support in the adult system.
- **Stigma:** Youth may be impacted by the stigmatization or negative labeling effects of being labeled a convicted felon.
- **Resentment:** Youth may have a sense of resentment and injustice about being tried as an adult.
- **Peer deviance training:** Consistent with the literature that youth learn criminal mores and behavior from other juveniles if they are in custody inappropriately, the experience of “peer deviance” training may be more significant than if youth are incarcerated with adults.

Among the stories that group of experts told of the youth in the adult system, one poignantly framed how, despite a systems best efforts, youth can emerge from the correctional experience worst off than when they arrived.

“Often youth enter the system for poor behavior, but end up doing hard time, and the system exacerbates the problem. Anecdote: There was a fellow who was severely abused by his father, CPS took him away and he was further abused in a foster home. He acted out and ended up in a juvenile facility. He had PTSD and depression. For his assaultive behavior in the juvenile facility, he ended up in an adult facility in Montana state prison at age 15. He was treated with behavior modification programs (heavy medication and striped down to hospital gown) shuttled back and forth, sexually assaulted, and got involved with gangs. When he turned 18, he was on super lockdown, seriously mentally ill, and had multiple suicide attempts. There was a great deal of denial about his case, but it shows that things starts early and have a way of escalating. These children are ending up doing hard time in the harshest possible conditions that are incubators for mental illness. Some people survive the experience but many more are destroyed.”— Margaret Winter, Associate Director of the National Prison Project of the American Civil Liberties Union, Washington, D.C.⁵¹

Another expert convened by NIC reported that youth in Maryland jails may also come out of facilities worse than when they came in, due to their contact with more serious offenders.

"Gangs are also a big issue in facilities. Kids are coming into the Baltimore city jail unaffiliated but are forced to choose a side for protection, and they are initiated by the time they leave."— Laura Furr, Youth Initiatives at Community Law in Action, Baltimore, Maryland.⁵²

Along with peer deviance training, the challenge of providing an age-appropriate approach to supervise and provide services to youth in locked custody has to take into account the new research on adolescent development that is changing the juvenile justice field. Research published by the MacArthur Research Network on Adolescent Development and Juvenile Justice provides a new basis for considering whether how youth should be managed and served in a custodial setting.⁵³

These new series of studies find that by the age of sixteen, adolescents' cognitive abilities—loosely, their intelligence or ability to reason—closely mirrors that of adults. But how people reason is only one influence on how they make decisions. In the real world, especially in high-pressure situations, judgments are made in the heat of the moment, often in the company of peers. In these situations, adolescents' other common traits—their short-sightedness, their impulsivity, their susceptibility to peer influence—can quickly undermine their decision-making capacity.

A very practical implication of the different cognitive abilities of youth in a custodial setting relates to youth's behavior while incarcerated. Studies out of Florida⁵⁴ that looked at the behavioral of prisoners by age found, the younger you are, the more likely you were to engage in assaultive behavior. Given what we know about adolescents decision-making capacity, and how impulsivity, peer influence and short sightedness are associated with adolescence, the phrase 'follow the rules, or suffer the consequences' may not work as well with this population.

Options for corrections systems, and federal, state and local policymakers:

- 1) Consistent with the research, corrections systems should partner to develop an approach for juveniles and young adults that are consistent with their adolescent needs.** The data is clear that most of those youth who are sent to the adult correction system will return to the community before their mid-twenties. Given what is known about adolescent development and the needs of juveniles and young adults, public safety systems should consider developing a broader approach to curbing crime that doesn't silo youth at age 18, and above. This will involve broader partnerships between juvenile and adult corrections systems, and a clear look at how the needs of a 24 year-old may be different than 18-year-old—and both may differ from prisoners in their 30s, and beyond.

- 2) **Encourage legislators and executives to consider the appropriate place to house juveniles while they serve out their sentence, consistent with the research on recidivism and reoffending.** Adult corrections systems face challenges in keeping youth safe, providing appropriate services, and doing so in a cost-effective way. In some states, juvenile corrections system share correctional responsibilities with adult systems, with an eye towards meeting their rehabilitative needs in an age appropriate matter. Executives and legislators that oversee both systems should work with corrections professionals to build partnerships so that youth who end up in the adult system can receive the most appropriate correctional response available, and ease the impact of managing this population on both systems.

IV. What are the issues, impacts and options facing public safety systems when youth who convicted in adult court are on probation or parole?

"The juvenile justice system must offer a continuum of services which includes the appropriate resources to meet the needs of children and youth who are victims and/or offenders. Such a continuum should offer a range of services from prevention and early intervention to remedial and extended care and custody while recognizing the importance of partnerships with other systems of service delivery. The priority of this continuum should be, whenever possible, to eliminate the risk of delinquent behavior through primary prevention.... All agencies, acting on behalf of the government and involved in the life of a child or youth must accept the responsibility to provide services or assist in securing appropriate services which guide and nurture children and youth toward healthy and productive adult lives." – American Probation and Parole Association (1996).

When the public and policymakers debated laws that would ensure "adult time for adult crimes" for juveniles, the assumption was that these youth were the worst-of-the-worst, and required the certainty of an adult correctional setting to enhance public safety. However, 95 percent of the youth convicted in adult court will return to the community before their 25th birthday. In the OJJDP study on juveniles tried as adults, one of the reasons offered for the differential rates of offending included, the impact of a felony conviction on *"reducing the opportunities for employment and community reintegration."*⁵⁵

What might happen to youth after they leave custody, or what an adult probation sentence might bring, was hardly mentioned in the public debate when states changed their laws to try more youth as adults.

Community supervision – Corrections' Stepchild?

As the Pew Charitable Trust's Public Safety Performance Project has noted, "the public's perception of corrections most commonly centers on prisons and jails—buildings with bars, locked cells and uniformed guards. But far more offenders pay for their crimes through community sanctions, including drug courts, home detention and electronic monitoring, residential facilities with treatment, and day reporting centers."⁵⁶ With, nearly 9 of 10 correctional dollars going to prisons, probation and parole frequently get the short-shrift in attention in budgetary decisions, and policy decisions on how the corrections field can change someone's behavior. Given the lack of attention to the community supervision branch of the corrections system overall, what efforts can this system take to tailor the appropriate kind of response to the youngest probationers and parolees they manage?

1) Little is known on a national level about how many youth are on probation to adult community supervision agencies, and what kind of supervision or services they receive.

There is no national information that documents how many youth are on adult probation or parole as a result of being tried as an adult, or what kind of supervision they might be receiving.

What little is known has been gathered by researchers, policymakers and advocates who have looked at the issue of on a state-by-state, city or county basis, by researchers who have conducted local analysis of particular ways youth are transferred, and where they end up after sentencing:

- **California:** Among the 400 youth who were transferred to the adult system via the state's direct file process in 2003 and sentenced to the adult court, 19 percent (79 youth) were sentenced to probation, and 34 percent were sentenced to probation with jail (139). Looking at the same figures in 2005, a third of youth transferred to the adult court by direct file were sentenced to probation, or probation with jail.⁵⁷
- **North Carolina:** In a state where all 16 and 17-year-olds are under the jurisdiction of the adult court and adult corrections system, during the 2005 calendar year, 3,863 youth (3,109 males, 754 females) under the age of 18 were on probation or parole. In 2001/02, 2,832 youthful offenders entered prison and 10,206 were placed on probation.⁵⁸
- **Chicago, Illinois:** 3,300 youth (age-16 and 17) over a four-year period in Cook County were tried as adults. Of these, the final disposition was known in 2,033. Where the disposition was known, of 2,033 cases, 887 were disposed of by probation (43%).⁵⁹
- **Portland, Oregon:** In Portland, Oregon, there are about 100 youth who are annually tried in adult court. On any given day, there are approximately 56 youth on adult probation or parole with who are there as a result of an adult conviction—the bulk of whom are on probation.⁶⁰

2) Probation and parole agencies may not be providing age appropriate services and supervision

"With the adult conviction they get no services, education, employment training or health. The [juveniles tried as adults] population does not belong to anyone...neither adult nor juvenile."—Lonnie Nettles, Director, Family Services Unit, Multnomah County Department of Juvenile Justice.⁶¹

Experts convened by NIC to discuss the challenges corrections systems and youth face while on community supervision raised concerns that, youth under the authority of probation or parole agencies may not necessarily be the recipients of age appropriate supervision or service strategies.

3) Barriers to a juvenile's reentry exist for on adult supervision that require special attention?

State and federal statutes can restrict anyone with an adult felony conviction from taking certain kinds of jobs, limit where they can live, and depending on the place the crime occurs, juvenile confidentiality provisions do not apply to adults. The "re-entry" barriers that exist for adults returning to the community after a prison term may have a particularly acute effect on juveniles, as they try to navigate the return home, and attempt to transition to adulthood.

In 2004 and updated in 2009, the Legal Action Center monograph entitled, *After Prison: Roadblocks to Reentry: A Report on State Legal Barriers Facing People with Criminal Records*⁶² revealed several facts about existing legal barriers for people with criminal records:

- Most states allow employers to deny jobs to people arrested, but never convicted of a crime;
- Most states allow employers to deny jobs to anyone with a criminal record, regardless of how old or minor the record or the individual's work history and personal circumstances;
- Most states ban some or all people with drug felony convictions from being eligible for federally funded public assistance and food stamps;
- Most states make criminal history information accessible to the general public through the Internet, making it extremely easy for employers and others to discriminate against people on the basis of old or minor convictions, for example to deny employment or housing;
- Many public housing authorities deny eligibility for federally assisted housing based on an arrest that never led to a conviction.
- All but two states restrict in some way the right to vote for people with criminal convictions.

Whether they received probation, or had some sort of blended sentence between the adult and juvenile court, the adult conviction a youth receives may lead to a longer-term impact on their ability to get a job, go to school, find housing, and leave their criminal offending behind them.

On challenge facing youth on adult supervision may be, they are required to pay the same fees and fines as adult parolees or probationers, when there also an expectation that they be in school. As one expert convened by NIC on this issue reported, "in Texas, the probation

fees for an adult probation are around \$600, so 17-year-olds are dropping out of school in order to pay the fees.⁶³

4) Probation and parole sanctions impact youth's safety, and supervision success.

When anyone—an adult or a juvenile—are on parole or probation supervision, and they violate the terms of their release, depending on the law or the policies in that jurisdiction, that person may be sanctioned. Adult probation and parole systems may face significant challenges in having the options available to hold youth accountable, and may rely on jail sanctions as their principal vehicle for keeping youth compliant with the terms of their release. While some adult supervision systems have a range of sanctions available to them that are similar to those used in the juvenile justice system (for example, day and evening reporting centers, electronic monitoring, community service), some systems may lack these options, or may mix youth and adults in the same kinds of programs when they may have other needs. For example, which community service programs are used in both the juvenile and adult arenas, juveniles need to be in school during the day, while some adult service programs run when youth should be in school.

If a system lacks the options to hold youth accountable, they may rely on jail as a sanction, impacting overall public safety system costs without necessarily improving public safety. In Wisconsin, for example, a young woman who was on adult probation and was not meeting the terms of her community supervision agreements was jailed on a probation violation: she was arrested for stealing a bicycle from a neighbor. This 17-year-old young woman ended up being jailed for 75 days on the probation violation.⁶⁴

The challenges jails and corrections system have in keeping youth safe from self-harm and abuse by order inmates has been documented elsewhere in this monograph. Through no fault of the supervision system – which may simply lack options – a jail sanction could put a youth at-risk of harm. In Connecticut, for example, a 17-year-old youth who was on probation, had their supervision revoked, and was sanctioned to jail committed suicide while being incarcerated in a facility under the jurisdiction of the adult correction system.⁶⁵

5) Dual jurisdiction cases can create supervision challenges

Juvenile and adult supervision strategies can be complicated when a youth ends up dually supervised by adult or juvenile supervision systems depending on the age at which they commit their crime. In Washington, DC, there are approximately 50 youth who were committed to the Department of Youth Rehabilitation Services for a crime they committed before age 18, and based on new crime they committed when they were over age 18, are also under the supervision of the adult Court Social Offender Services Administration. Dual supervision complications can include, having more than one case manager from more than one system involved in the supervision, and decisions over which system should provide whatever services the youth might require.⁶⁶

Youth on community supervision: A case study from the Transitional Services Unit

In Multnomah County, the county set up a specific unit (the Transitional Services Unit) where youth who are on community supervision for an adult offense receive age appropriate services and supervision. By fostering a direct collaboration between adult probation and parole and the juvenile department, a youth under the supervision of this unit is managed by an adult probation and parole officer with specific training on working with juveniles, and can access many of the services that youth could if they were still in the juvenile justice system. This is the only known unit in Oregon where an adult probation and parole department provides age appropriate services to juveniles who carry an adult conviction. While the unit has good outcomes while working with this population (six months after they start with the unit, nine out of ten youth were still successfully meeting their obligations) the unit still faces structural challenges in working with this population. Like elsewhere, funding is a challenge: while in Oregon, probation and parole are funded by the state, because these youth are legally adults, state funds cannot be used to pay for certain additional needed juvenile services, such as mentoring, and housing. Funding for these services through TSU are paid by the county, which may represent a barrier for this kind of model being used under-resourced counties. Second, similar to the dual jurisdictional challenges facing supervision systems in other state, if a youth under TSU's supervision commits a new minor new crime, they can end up being under adult supervision with secondary juvenile convictions.

6) While juveniles tried as adults cross systems, funding for services may not

As suggested by the story from Multnomah County, depending on which level of government controls juvenile and adult corrections (and both systems supervision systems), there may be challenges to paying for the service needs of youth once they cross the legal divide into the adult system. Without taking into account any cost-benefit from reduced recidivism gained by successfully rehabilitating a juvenile, their educational, employment and treatment needs may be more resource intensive, and more expensive than what is provided for under an adult probation and parole systems funding model.

According the analysis done in North Carolina that looked moving 16 and 17-year-olds into the juvenile justice system, it was calculated the cost for community services on the juvenile side were 33% higher than on the adult side. The education cost alone were 40% higher. However, part of the reason for the increased costs was due to an increased likelihood that someone under juvenile supervision would be more likely to receive services, and sanction: *"for persons who are arrested, there is a greater chance of receiving services and sanctions in the juvenile system than in the adult system....this makes the business of juvenile justice more costly, relative to the adult system."*⁶⁷ In other words, because youth under juvenile justice supervision were more likely to be held accountable and served due to their risk and needs, the costs were higher to have the youth under juvenile community supervision.

Finally, among the federal funding streams that can be used to support effective re-entry strategies to support the supervision of individuals in the community, it isn't clear where youth who are tried as adults fall between the various funding streams. The various pools of funding that follow juveniles that are tied to the Juvenile Justice and Delinquency Prevention Act are tied to one being in the juvenile justice system. Under the relatively new Second Chances Act, those youth who are tried with adults will be competing amongst a huge pool of millions of adults on probation and parole supervision.

Options for corrections systems, and federal, state and local policymakers:

"The answer is community supervision of juveniles who have been convicted as adults, both probation and re-entry, using a developmental model of how these kids live their lives as opposed to how a 45-year-old does. This gives the capacity of the community, at the community level, to supervise well and with the necessary resources."—Shay Bilchick, former Director of the Office of Juvenile Justice and Delinquency Prevention, and Director, Center for Juvenile Justice Reform, Georgetown University, Washington, D.C.⁶⁸

- 1) **Provide age and developmentally appropriate case management and supervision for juveniles who are on adult probation or parole.** Due to their offense and the law in a given place, a young offender in their teens may end up on an adult supervision caseload. However, a teenager's rehabilitative needs are different than those of a 30 or 40-year-old offender. Adult probation and parole systems should seek to build age and developmentally appropriate supervision strategies to ensure that the youngest probationers and parolees can receive the services and attention they need to successfully transition to adulthood, and have the best chance to avoid reoffending. Multnomah County's Family Services Unit provides an interesting model for adult probation and parole departments to consider as they seek to build successful supervision partnerships between juvenile and adult systems. Executives and legislators that oversee juvenile and adult supervision systems can play a role in helping build effective strategies to serve these youth.
- 2) **Clarify which federal and state funding streams can pay for specific age appropriate services for juveniles while on probation and parole.** Without federal stimulus funds to support state and local governments and with the national recession lingering, Fiscal Years 2011 and 2012 will continue to be tough times for federal, state and local governments, and all the public safety services they support. As executives and legislators begin to scrutinize every dollar that flows through the corrections system, they should clarify how federal and state funding streams can serve youth, regardless of which supervision system they may be in. In particular, policymakers should clarify how the relatively new funding through the federal Second Chances Act can be used to meet the needs of youth moving between adult and juvenile systems, and how they can be prioritized among the pool of millions who need help to safely return home.

- 3) **To make effective supervision cost effective, state legislators and executive could consider incentivizing case management of youth through "Justice Reinvestment" strategies.** To help ease the costs of providing the right supervision for youth, if new probation and parole strategies succeed in reducing the number of youth revoked or re-arrested, a portion of the custodial savings should be reinvested to help fund these effective community supervision strategies. Fiscal incentives to improve community-based supervision have been successfully used to improve public safety and reduce costs in Ohio, Illinois, California, Wisconsin, and Oregon.⁶⁹

V. Conclusion

Corrections and the entire public safety system needs to focus on the successful strategies to curb delinquency, and positive youth development.

During the 1990s, nearly every state in the nation took some steps to alter their statutes so that the youngest offenders can be more easily tried in adult court, and sent to adult corrections systems. Yet in recent years a number of states are reconsidering this choice based on the research that has demonstrated the negative consequences these laws have had on youth and public safety. From 2005 to 2010, fifteen States have made significant progress in addressing the needs of youth who are prosecuted in the adult criminal justice system. Many states – including Connecticut, Mississippi, Delaware, and Illinois—have made significant changes to laws that have had the effect of reducing the number of youth in their adult corrections systems, and realigned funding and functions within public safety budgets to serve youth in other parts of the system.⁷⁰ On the national level, a version of the reauthorization bill for the Juvenile Justice and Delinquency Prevention Act has included an extension of the jail protections of juveniles to youth who have been transferred to the adult system.⁷¹

The leading professional associations in the field of corrections have all encouraged legislators, executives and their members to review policies and statutes so that, young offenders can received the critical service and supervision they need, in an appropriate correctional setting.

This monograph is the first step by NIC to encourage a dialogue within our field to consider, how corrections professionals and systems can fulfill their rehabilitative and custodial mandate with one of the diverse populations they see. Over the next year, NIC will be presenting the findings of this monograph to constituents and stakeholders to seek feedback, and identify other options corrections systems and their partners have to improve they way we help youth leave delinquency behind them. As with other challenges that have faced corrections systems, NIC expects our field, and the legislators and executives who oversee us to seriously and soberly consider and choose policy options to keep youth in the adult system safe, meet their rehabilitative needs, and prepare them to return to the community, and transition to adulthood.

Appendix I: Summary of Policy Recommendations

This monograph includes the following options for federal, state, and local policymakers to consider

1. Fill Gaps in Data Collection

Encourage more research at the state, county and local criminal justice level on the system implications of transfer. Studies done by academics, state, county and city agencies, and nonprofit organizations that have mapped the pathway in their jurisdictions have revealed most information on why and how youth end up in the adult public safety system, what happens to them, and what the outcomes of those decisions were. States, counties and cities whose varied corrections systems are impacted by the process and outcomes of juvenile transfer should be encouraged to study these issues, and map out the pathway at the local level.

Match resources for national research efforts with local analysis. The best and most relevant information to policymakers on that influence policy change at the local level is conducted at the local level. Through various national justice research entities, the federal government could incentivize the collection of this research by funding research solicitations at the local level.

2. Revisit Policies Allowing Youth to be Held in Adult Jails Pretrial

Legislators and executives should review where the appropriate place is to manage youth pretrial. Jurisdictions across the country have begun to make juvenile facilities the presumptive place where youth should be detained pretrial awaiting an adult charge. Elected officials who are responsible for the entire public safety budget should be encouraged to facilitate these discussions. The costs that a change could have on the system are an important consideration, but the fiscal impact of any change also needs to take in account the benefits of reduced recidivism, and reduced liability to government.

Expand options for pretrial release for young defendants in adult court. Jail and pretrial administrators can work with the courts and stakeholders to develop pretrial release options for young defendants in adult court. Mindful of the public safety issues involved in individual cases, systems may look at what barriers exist to pretrial release and supervision of juveniles who have been charged with adult offenses. Even if used for only a portion of defendants, the cost savings could be used to improve the systems ability to safely serve those youth who need to be detained awaiting trial.

Consider case processing agreements between criminal justice stakeholders to structure charging decisions in juvenile transfer cases. Systems should

encourage the key juvenile court actors to develop case processing agreements between stakeholders to help reduce the time it takes for a case to wind its way through the system. This will help separate the most serious cases from those that may be resolved with a plea, or a transfer back to the juvenile justice system.

3. Appropriately Manage Youth on Adult Probation or Parole

Provide age and developmentally appropriate case management and supervision for juveniles who are on adult probation or parole. Due to their offense and the law in a given place, a young offender in their teens may end up on an adult supervision caseload. However, a teenager's rehabilitative needs are different than those of a 30 or 40-year-old offender. Adult probation and parole systems should seek to build age and developmentally appropriate supervision strategies to ensure that the youngest probationers and parolees can receive the services and attention they need to successfully transition to adulthood, and have the best chance to avoid reoffending.

Clarify which federal and state funding streams can pay for specific age-appropriate services for juveniles while on probation and parole. As executives and legislators begin to scrutinize every dollar that flows through the corrections system, they should clarify how federal and state funding streams can serve youth, regardless of which supervision system they may be in. In particular, policymakers should clarify how the relatively new funding made available through the federal Second Chances Act can be used to meet the needs of youth moving between adult and juvenile systems, and how they can be prioritized among the pool of millions who need help to safely return home.

To make effective supervision cost effective, state legislators and executive could consider incentivizing case management of youth through "Justice Reinvestment" strategies. To help ease the costs of providing the right supervision for youth, if new probation and parole strategies succeed in reducing the number of youth revoked or re-arrested, a portion of the custodial savings should be reinvested to help fund these effective community supervision strategies.

4. Address Needs of Youth Sentenced to Adult Prison

Juvenile and adult corrections systems should partner to develop an approach for juveniles and young adults that are consistent with their adolescent needs. The data is clear that most of those youth who are sent to the adult correction system will return to the community before their mid-twenties. Public safety systems should consider developing a broader approach to curbing crime that doesn't silo youth at age 18, and above.

Encourage legislators and executives to consider the appropriate place to house juveniles while they serve out their sentence. Adult corrections systems face challenges in keeping youth safe, providing appropriate services, and doing so in a cost-effective way.

Executives and legislators that oversee both systems should work with corrections professionals to build partnerships so that youth who end up in the adult system can receive the most appropriate correctional response available, and ease the impact of managing this population on both systems.

Appendix II: Attendees and Contributors

National Institute of Corrections Convening on Youthful Offenders in the Adult Criminal Justice System

June 18, 2010

Participant List

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Gabe Morgan, Sheriff, Newport News, Virginia
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Jason Ziedenberg, Research and Evaluation Officer, DC Department of Youth Rehabilitation Services, Washington, D.C.

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⁷⁰Arya, Neelum. *State Trends: Legislative Changes from 2005 to 2010 Removing Youth from the Adult Criminal Justice System.* (2011) Washington, DC: The Campaign for Youth Justice.

⁷¹See, S. 678, Juvenile Justice and Delinquency Prevention Reauthorization Act of 2009, <http://thomas.loc.gov/cgi-bin/query/z?c111:S.678>:

Comparison: Group Supervisor classification and Correctional Officer classification

4/21/15

GROUP SUPERVISOR		CORRECTIONAL OFFICER	
GROUP SUPERVISOR IV	Gr. 34	SENIOR CORRECTIONAL OFFICER	34
GROUP SUPERVISOR III	Gr. 32	CORRECTIONAL OFFICER	33
GROUP SUPERVISOR II	Gr. 31	CORRECTIONAL OFFICER TRAINEE	31
GROUP SUPERVISOR I	Gr. 29		
Occupational Group - The 12 class series		Occupational Group - The 13 series	
Series Concept - Focused on the education, employment, training, treatment, care and custody of juvenile offenders incarcerated within a State Youth Training Center.		Series Concept - The focus is to maintain and supervise inmates in State correctional facilities in a controlled humane environment.	
Min Qualifications (MQ's) for Trainee position - Graduation from high school or equivalent education and two years of general work or volunteer experience which included working with the public or clients and coordinating or supervising work, people, or activities; OR sixty semester credits from an accredited college or university with emphasis in psychology, social work, criminal justice, education or related field and one year of experience as described above; OR an equivalent combination of education and experience.		Min Qualifications (MQ's) for Trainee position - High school graduation or equivalent education and two years of work experience; OR an equivalent combination of education and experience.	
Special Requirements - Submit to a pre-employment screening for controlled substances; Valid driver's license; applicants must be at least 21 years Incumbents must obtain and maintain current first aid certification as a condition of continuing employment.		Special Requirements: Submit to a pre-employment screening for controlled substances; Valid driver's license; Meet minimum standards for appointment as a peace officer; Must pass strict annual physical examination Does not require first aid certification	
Peace Officer Authority NRS 289.200 provides Peace Officer powers in certain situations. Officers and employees of state facilities for detention of children. Officers and employees of the Nevada Youth Training Center, the Caliente Youth Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS have the powers of a peace officer so far as necessary to arrest children who have escaped from that facility.		Peace Officer Authority Category III Peace Officer	
Position Responsibilities - Supervise the activities of youths - participate as a member of a treatment team to implement a treatment plan - document progress or problems in youths' development		Position Responsibilities Control, direct, and monitor activity and movement of inmates within a specified area (line movements, showers, recreation or game room, dining area, housing units, segregation and/or special management units)	

• conduct physical search of persons and possessions for unauthorized articles and contraband • ensure safety and security of residents and the facility • conduct head counts and room and body searches • secure the location of residents to prevent escape and detect the presence of controlled substances, contraband, or weapons • Respond to emergency situations such as searching for runaway youths and applying first aid • implement appropriate verbal, behavioral or physical interventions to control youth displaying aggressive, hostile or violent behavior • Instruct youths in life, educational and vocational skills • provide vocational and pre-employment training to youths in areas such as fire suppression, culinary processes and procedures, laundry work and first aid procedures • assist youths with homework • monitor, evaluate and report youths' progress • III's coordinate and oversee group and individual treatment sessions	• ensure security and safety of inmates, staff and the public by instructing the inmates, ordering and disciplining them. • Monitor and control inmates during transport to work assignments, classes, medical appointments, and court hearings using proper restraints and transport tactics. • Intervene in and control acts of negative behavior and violence in order to maintain security and safety of inmates and staff • using physical force such as restraints, firearms, or other devices as required following prescribed procedures and guidelines. • Conduct visual surveillance of security perimeter and monitor vehicle and foot traffic entering and leaving facility • Inspect persons and articles before admission to the institution/facility by operating metal detector, x-ray machine, and/or hand scanner • Perform random and specific search and inspection of inmates and visitors (clothed and unclothed searches) • Inspect keys and locks for damage and check windows, bars, doors, gates, fences, walls, fire suppression equipment, and ceilings for damage or possible breach of security

Overview of Differences between GROUP SUPERVISOR positions and CORRECTIONAL OFFICER positions

- Group Supervisors perform tasks related to the education, treatment plan, care and safety of the clients while Correctional Officers only perform tasks related to the security and safety of the clients.
 - If intend to provide any rehabilitation services then may need additional positions to function as Case Workers
- Increased salary cost for Correctional Officers as they are 2 grades higher than Group Supervisor 2 and 1 grade higher than Group Supervisor 3
- Possible increased PERS cost since Correctional Officers are under the Police/Firefighter retirement plan.
- Increased recruitment/hiring costs due to requirement for Correctional Officers to complete a psychological evaluation, physical examination etc. before hire
- Correctional Officers are a Category 3 Peace Officer and must meet POST certification and renewal requirements
- Increased on-going training costs for Correctional Officers to maintain required POST certification
- Increased costs to purchase weapons and ammunition, and lockers to secure these items.
- Increased cost for uniform reimbursement (may be required for Correctional Officers?)

Trauma and the Environment of Care in Juvenile Institutions

Sue Burrell

Youth Law Center

“Youth...is a moment and condition of life when a person may be most susceptible to influence and to psychological damage.” *Eddings v. Oklahoma*, 455 U.S. 104, 115 (1982)

Every day, thousands of young people in the juvenile justice system are incarcerated or held in out-of-home settings. They are among the most vulnerable youth in our society. Almost all have experienced trauma in some form, and many suffer from Post Traumatic Stress Disorder.¹ Trauma exposure may occur in family settings in the form of physical or sexual abuse. These young people may experience additional trauma as they witness or are victims of violent crime, often in neighborhoods where this is a staple of daily life. Still other forms of trauma are a result of disruption — the loss of family members to death, abandonment, or imprisonment — or because of removal from home by the child welfare or juvenile justice systems. Although traumatic events occur in all communities, their impact is most heavily borne by youth from neighborhoods that are impoverished and racially marginalized.²

Research has established the relationship between trauma exposure, traumatic stress, and behavior. We now understand that youth who have experienced trauma at home or in their communities may resort to self-help methods in an effort to feel safe — carrying weapons, engaging in physical conflict in situations they perceive as calling for “self-defense,” joining gangs, and self-medication with drugs or alcohol.³ We also know that the effects of trauma do not end with arrest. Trauma continues to affect behavior in day-to-day interactions, as youth respond to painful experiences and loss, exhibited in depression, fear, and anxiety; low self-esteem; self-destructive behavior; combative self-preservation; mistrust of adults; perceptions of unfairness; uncontrolled anger; deep sadness; and extreme sensitivity to rejection.⁴

As someone who has spent her career in juvenile justice — first representing young people in court and later working as a litigator and consultant on conditions of confinement — I am grateful for this body of information. It offers a way to more fully understand behavior in relation to the other vulnerabilities of the youth we work with, such as age and immaturity; disability and mental illness; and belonging to groups experiencing disparate treatment based on race, class, gender, sexual preference, or gender identity. Although its origins were in other contexts, the empirical work on trauma exposure and PTSD holds great potential for juvenile system professionals as a tool to inform our decisions about the use of incarceration and institutional practices. This brief offers some beginning thoughts about the intersection of trauma and institutional confinement.

Recent evidence of institutional abuses confirms the need for attention to trauma-informed care. Investigations leading to the Prison Rape Elimination Act have established that sexual abuse and harassment of institutionalized youth are common.⁵ Research on solitary confinement of detained youth has found that it is routinely used and extremely damaging.⁶ Researchers and advocates have confirmed troubling abuse and harassment of LGBTQ youth in institutional settings.⁷ Studies of girls in juvenile justice have found a high incidence of unaddressed physical, sexual, and emotional abuse, and deficits in gender-specific treatment.⁸

These specific issues are symptomatic of a larger problem. Our system has lost touch with its well-intentioned origin as a means to care for young people. In the “get tough” era of juvenile justice toward the end of the last century, we built and

began to operate juvenile facilities that are indistinguishable from adult jails and prisons — heavy on hardware, custody, and control. All too often our attention has been focused on how to efficiently run these institutions, rather than on the impact of what we are doing to the young people we serve. We have been slow to recognize that subjecting children to detention in such facilities is inherently traumatic, and counterproductive to producing good outcomes.⁹

Viewing the use of confinement and the institutional environment of care through a trauma lens provides a useful framework for self-examination. The trauma-informed model calls for us to consider the impact of incarceration itself, and the ways youth may be served without locking them up. For those who are appropriately confined, it gives us an approach for examining how we are treating youth from the moment of intake through reentry into the community. It gives us a meaningful way to understand why youth who have experienced trauma act the way they do, and to develop practices that make their situation better, not worse.

Incarceration is a Traumatic Event

Removal of a child from the home, even for a brief period, is itself a traumatic event. Loss of liberty, personal identity, and the familiar landscape of daily life is a frightening, disorienting, and life-changing event for a person of any age, but it is especially so for young people. Institutional placement deprives youth of the moorings in their lives — support from family and friends, school, sports, and other activities that would otherwise help them to cope with anxiety and uncertainty. It subjects youth to a complete loss of control and forced exposure to a negative peer culture.

Those who work in juvenile facilities know only too well that youth with mental health issues (including a history of trauma) emotionally deteriorate in custody, and their conditions often worsen.¹⁰ Incarceration also makes it more difficult to address past trauma and, as we have seen, many youth arrive at the front door with significant trauma-related challenges. Detention centers are not designed for treatment, and many facilities struggle to provide even basic mental health services. Resource issues, and the failure to recognize and properly address complex behavior stemming from trauma, create an environment in which some youth are punished, isolated, or restrained for behavior that is trauma-related.

The best way to prevent systemic traumatization is not to incarcerate youth in the first place. Accordingly, the first step in developing a trauma-informed environment of care is to examine the use of secure confinement.¹¹ Detention should be reserved for the few youth who pose a danger to the community pending the outcome of their case, or who are unlikely to appear for their court appearances. Youth who may be appropriately supervised in the community should be maintained at home, with services in the community. Systems should also be on guard to protect against incarceration that is well-intentioned but still unnecessary and traumatic. Thus, youth should never be incarcerated for assessment or simply to receive treatment. It should also be recognized that “non-secure” placement is in many ways just as traumatic to youth as being held in a locked facility. Alternatives to detention should be developed and utilized to the maximum extent possible.

Trauma-Informed Care in Institutions

Even if we succeed in reducing unnecessary confinement, some youth will still be held in institutions or residential confinement, so our efforts need to be directed at preventing and reducing the impact of institutional trauma. The prospect of developing a comprehensive trauma-informed environment may seem overwhelming, but a great deal of thinking about trauma-informed organizations has already occurred. The work of Dr. Sandra Bloom’s Sanctuary Model¹² on these issues has resulted in a comprehensive approach to making organizational change, and jurisdictions around the country are using the Sanctuary Model in facilities for youth in juvenile justice.¹³ The National Child Traumatic Stress Network also offers a national clearinghouse of research and training materials, including a curriculum specifically designed for juvenile justice professionals working with youth in custody.¹⁴

Some of the areas that have good potential to reduce trauma in juvenile institutions are: front door screening and orientation, institutional values, staff training, housing policies, physical environment, behavioral interventions, and use of force. This section briefly highlights these issues. Assessment, treatment, family engagement, and racial disproportionality are also core concerns in trauma-informed care, and they are addressed in other briefs in this series.

Creating a Safe Environment

Youth who have experienced chronic trauma do not believe that the adults around them can or will protect them, and sometimes they are right. What is interpreted as delinquent behavior or pointless acting out is often their attempt to assume the burden of taking care of themselves. Accordingly, a fundamental goal in developing trauma-informed care in juvenile custodial situations is to provide an environment in which youth are safe and perceive themselves to be safe.

Creating a safe environment should be the primary focus of formal principles that set the tone for how youth and staff are treated in the facility. The first principle, for example, might be a statement about shared responsibility for maintaining a safe and supportive environment; a process for informing staff and youth of the principles; and a process for addressing violations of the principles. In addition, there should be a values statement specifying that all individuals must be treated with respect; that no harassment or abuse of any kind will be tolerated; and that youth will not be subjected to categorical treatment based on actual or perceived race, ethnic group identification, national origin, religion, gender, sexual orientation, gender identity, mental or physical disability, or HIV status. When new employees are hired, these principles should be used to bring in staff who support the values of the organization.

Implementing trauma-informed care also requires attention to adequacy of resources. Having a safe environment depends on having adequate staff (including mental health or other specialty care) to engage youth, head off violence or other abuse, and provide support for youth and staff in relation to traumatic events. As part of creating a safe environment, staff in a trauma-informed juvenile facility should be trained on what trauma is; how it is exacerbated by immaturity and disabilities; what kinds of things may cause re-traumatization; how to recognize and respond to trauma-related behavior in the institutional setting; and how staff can deal with their own experiences of trauma.¹⁵ Also, staff should receive training to help them to work more effectively with particular groups of youth likely to have experienced specific forms of trauma — youth crossing over from the child welfare system, girls, LGBTQ youth, and youth from neighborhoods with high levels of violence and gang activity.

Facilities moving toward trauma-informed practice will want to carefully scrutinize what happens from the moment youth enter the front door, and how well detention intake policies and procedures create an environment of safety. Some of the issues to consider are whether:

- Staff are sensitive and alert to whether a young person is in distress, and appropriate steps are taken to address concerns
- Youth are informed that their needs will be recognized; for example, that “safe zone” signs are posted to help LGBTQ youth feel more at ease, and youth are informed of non-discrimination policies
- Interviews about sensitive information occur in private areas
- Youth are informed about safety in the facility, for example, how gang issues are handled, what protections there are to assure safety, and how to confidentially report any problems
- Searches are no more intrusive than needed for intake and in compliance with Prison Rape Elimination Act standards (no cross-gender pat downs, and cross-gender strip searches or body cavity searches only in exigent circumstances)¹⁶
- Youth are screened for trauma, and further assessment occurs where needed
- Youth receive all of the information they need about their rights and the institutional rules in a form they can understand
- Youth receive information about how to register complaints or to speak confidentially to someone who can help them if problems arise

Also, facilities working toward trauma-informed care should scrutinize their policies to determine whether trauma is unintentionally inflicted through policies that single out members of some groups for disparate treatment. For example, in the not-too-distant past, some facilities automatically segregated gay or lesbian youth, and would not allow them to have roommates, resulting in unnecessary humiliation and separation. Procedures in trauma-informed facilities should afford flexibility in housing to permit individualized decisions when truly needed for the safety or well-being of youth. To the extent possible, youth themselves should be a part of those decisions; they may be the best source of information about creating a safe environment.

Protecting Against Re-Traumatization

In addition to the trauma inherently experienced as a result of incarceration, youth may suffer re-traumatization in the custodial setting. Following are a few of the areas that bear careful consideration in moving toward a trauma-informed environment of care.

Use of Force and Solitary Confinement

Perhaps the most potentially damaging way youth may be re-traumatized is in the use of force or solitary confinement.¹⁷ In our work at the Youth Law Center, we have encountered many examples of this. In one facility, male staff subjected girls with a history of sexual abuse to five-point restraint, sometimes cutting off their clothing. In another, gay and lesbian youth were “protected” by being held in protracted solitary confinement after being victimized by other youth. In still another, youth considered to be out of control were held in “safety rooms” with their hands and ankles cuffed and affixed to bolts in the floor to prevent them from damaging the expensive surfacing of the walls. In a number of facilities, youth considered to be at risk for suicide were held in isolation cells stripped of all furnishings, and were forced to wear degrading suicide smocks, sometimes for days at a time. For the many youth who have already experienced traumatic events, such practices vividly reawaken painful feelings of being powerless, worthless, fearful, and alone.

Facilities with trauma-informed practices can substantially reduce their use of force and solitary confinement, and employ interventions that reduce re-traumatization. Achieving such a reduction begins with the recognition that existing practices, even when they are used with the best of intentions, are harming youth. Then, attention can be directed at creating an environment in which these practices can be more closely examined and changed. At the outset, an assessment of resources is essential — for example, whether the facility has adequate staffing and programming to keep youth engaged and active. In active programs, there is less time for boredom or depression, which contribute to fighting and self-harming behavior, which in turn result in the use of force or solitary confinement. In developing trauma-informed practices, facilities can then turn to assuring that staff are trained and empowered to de-escalate potentially violent situations; that there is good back-up from others on staff as well as clinical staff; that youth are involved in learning to self-manage their behavior; that staff receive feedback and support that help them to use trauma-informed skills; and that families are included as a resource in behavior management. The guiding principle in this work is that when physical intervention is needed, the intervention that is the least restrictive method is used, and that youth are not subjected to hardware that produces additional trauma.¹⁸

Behavior Management/Disciplinary Confinement

Juvenile facilities in many jurisdictions employ punitive disciplinary systems that take away points for various programmatic deficiencies or rule breaking, followed by imposition of solitary confinement. Sometimes the punishments are wildly out of proportion to the offense. In one facility I visited, for example, staff imposed five days of locked room time for possession of a pencil (considered contraband).

This kind of disciplinary system cries out for trauma-informed analysis, because it heaps additional disapproval on youth who already feel rejected, abandoned, and unfairly treated. Also, as we have discussed, the behavior that prompts discipline may itself be a product of untreated trauma. There is increased evidence that the imposition of solitary confinement is extremely damaging for juveniles, even when it is for brief periods. A national study of suicides in juvenile facilities found that fully half of those who died were on disciplinary lockdown.¹⁹

Facilities moving to a less trauma-inducing form of behavior management can find guidance in an increasing body of work on positive behavior management.²⁰ The idea is that youth are supported and reinforced for doing things right, rather than punished for doing things wrong. Although this work began as an offshoot of behavior management work in special education, it has been successfully adapted to youth in juvenile facilities in a number of states. Using positive behavior interventions helps these jurisdictions avoid the no-win scenario of placing the young person in more and more restrictive settings (with attendant compounding of trauma), and helps youth to demonstrate mastery and skill.

Physical Environment

Although there is a huge range of management styles among juvenile facilities, it is fair to say that many look very much like jails for children. The clanging metal doors; paucity of natural light; modular plastic furniture bolted to the floor; cramped cement spaces offered for recreation; scratched metal mirrors; concrete slab beds; stripped isolation rooms; and sterile sleeping cells all contribute to an unfriendly, surreal environment for youth at a critically vulnerable point in their lives.²¹ Although it is common to hear that these prison-like settings are required because of the high-risk population held in them, a few pioneering systems are proving that assumption to be wrong.²²

Ideally, a trauma-informed approach to physical environment should begin from scratch, designing every aspect of these facilities to produce a supportive environment for youth, staff, and families. But even when planning a new facility is not an option, a great deal can be done to make existing facilities less trauma-inducing. Thus, staff in one facility implementing trauma-informed care were allowed to paint the walls in warm soothing colors, purchase comfortable furniture to encourage social interaction between staff and youth, install carpet and sound panels to reduce noise, and create a “comfort room” or “Zen space” that could be used to practice self-calming and relaxation skills.²³

Challenges to Creating a Trauma-Informed Environment of Care

As this brief is being written, more and more systems are expressing an interest in trauma-informed approaches to institutional environments and care. But let’s consider for a moment what might cause a system not to move in this direction. One potential impediment is the presence of misperceptions about what works to stem delinquency. It has been suggested to me, in more than one facility, that facilities should treat youth harshly so they will not want to engage in future delinquency. It has also been suggested, more than once, that we shouldn’t make things too comfortable for detained youth because they will not want to leave, or will want to commit another act to get back into detention.

These beliefs have been soundly trounced by science²⁴ and by the less than stellar record of juvenile corrections in many jurisdictions. Over the past decade, research has established that adolescents are biologically and developmentally different from adults, and that their immaturity causes them to act impulsively, without considering future consequences. The United States Supreme Court has embraced these findings and repeatedly rejected the notion that punitive measures deter young people from criminality.²⁵ Beyond the scientific reasons for rejecting a deterrence model, the track record of punitive juvenile facilities is troubling because it simply doesn’t work.²⁶

Although the belief that harsh practices are needed persists in some places, it can be changed through education about the impact of trauma, and exposure to systems that have successfully moved toward a trauma-informed model. In my experience, once those working in juvenile systems see the benefits of this kind of change, they embrace it and often become the standard bearers for the work. And while this brief has focused on the benefits of trauma-informed care in relation to its impact on youth in custody, there are equally significant benefits for institutional staff and administrators. In fact, helping staff to recognize and address the impact of past trauma in their lives and secondary trauma experienced on the job is an essential part of the trauma-informed model of care.

Staff in facilities where trauma-informed care has been adopted report being better able to regulate their own emotions and behaviors, thus resorting to use of restraint and seclusion less often. They report finding their work more rewarding as they apply new skills in helping youth to regulate their own behavior. They report spending less time writing incident reports for restraint and seclusion, and more time in activities with the youth.²⁷ This is not surprising; many of the core elements of trauma-informed care address the importance of creating an environment in which everyone feels safe, supported, respected, and engaged.

Best Practices and Support for a Trauma-Informed Environment

Practitioners seeking further information about how to develop a trauma-informed environment of care can find support both in trauma-specific work, and in other conditions work that addresses trauma-related issues without formally being designated as trauma work. Following are a few sources to help you get started.

Center for Nonviolence and Social Justice, Drexel University School of Public Health: The Center has been a pioneer in working on trauma and juvenile justice from the perspective of public health, and they have written an excellent monograph on these issues. See, for example, John Rich et al., *Healing the Hurt: Trauma-Informed Approaches to the Health of Young Boys and Men of Color*, Center for Nonviolence and Social Justice, Drexel University Schools of Public Health and Medicine, funded by The California Endowment (2012). Website: <http://www.nonviolenceandsocialjustice.org/>

The Equity Project: A national project that works to ensure that lesbian, gay, bisexual, and transgender youth in juvenile delinquency courts are treated with dignity, respect, and fairness. Its materials examine issues of sexual orientation, gender identity, and gender expression that impact youth during the entire delinquency process, ranging from arrest through post-disposition. Several of the Project's publications specifically address the treatment of youth in custody. Website: <http://equityproject.org/>

Juvenile Detention Alternatives Initiative (JDAI): The Annie E. Casey Foundation's JDAI has been implemented in more than 100 sites and serves as a national leader in reducing unnecessary incarceration. Their materials help jurisdictions to analyze their use of incarceration, develop a consensus about the use of detention, create risk assessment tools, and implement alternatives that may prevent youth from experiencing the trauma and the other ill-effects of detention. JDAI also provides standards for operating safe, humane conditions in juvenile detention facilities, and a guide to facility assessment. The JDAI resources may be accessed through <http://www.aecf.org/MajorInitiatives/JuvenileDetentionAlternativesInitiative.aspx>.

National Child Traumatic Stress Network (NCTSN): This is the pre-eminent clearinghouse for research and training materials about child trauma. The Network was created through a Congressional initiative in 2000, and is funded by the Center for Mental Health Services, Substance Abuse and Mental Health Services Administration, US Department of Health and Human Services. It has developed a substantial body of materials about trauma and juvenile justice, including this brief. Website: <http://www.nctsn.org/>

Prison Rape Elimination Act of 2003 (PREA): This groundbreaking law is a result of extensive national efforts to set standards to prevent and address sexual assault in correctional facilities, including juvenile facilities. There is substantial overlap in the concerns addressed in PREA and what we would expect in trauma-informed institutional care. PREA was enacted as 42 U.S. Code § 15601 et seq., and the implementing regulations can be found at 28 Code of Federal Regulations, part 115, available at http://www.ojp.usdoj.gov/programs/pdfs/prea_final_rule.pdf

The Sanctuary Model: This is a comprehensive organizational model developed by Dr. Sandra Bloom designed to facilitate the development of trauma-informed structures, processes, and behaviors on the part of staff, clients, and the organizational community. Organizations, including juvenile justice programs and facilities, can become certified in the Sanctuary Model. Website: <http://www.sanctuaryweb.com/>

The W. Haywood Burns Institute: A national nonprofit that helps protect and improve the lives of youth of color and poor youth by promoting and ensuring fairness and equity in youth-serving systems. The Burns Institute works to eliminate racial and ethnic disparity by building a community-centered response to youthful misbehavior that is equitable and restorative.

References

¹ Julian D. Ford et al. (2007), *Trauma Among Youth in the Juvenile Justice System: Critical Issues and New Directions*, Research and Program Brief, National Center for Mental Health and Juvenile Justice, pp. 1-2; Erica Adams (July 2010), *Healing Invisible Wounds: Why Investing in Trauma-Informed Care for Children Makes Sense*, Justice Policy Institute, pp. 1, 5.

² *Defending Childhood: Report of the Attorney General's National Task Force on Children Exposed to Violence* (2012), pp. iv-v, 2-7.

³ Linh Vuong, Fabiana Silva, and Susan Marchionna (2009), *Children Exposed to Violence*, National Council on Crime and Delinquency, pp. 1-3.

⁴ Marty Beyer (2011), *A Developmental View of Youth in the Juvenile Justice System*. Chapter 1 in *Juvenile Justice: Advancing Research, Policy, and Practice*, Francine Sherman and Francine Jacobs, (Eds.), pp. 3-23, 9-11 Wiley.

⁵ *Keeping Youth Safe While in Custody: Sexual Assault in Adult and Juvenile Facilities*, Hearing before the Subcommittee on Crime, terrorism, and Homeland Security of the Committee on the Judiciary, House of Representatives, 111th Congress, Second Session (Feb. 23, 2010), Serial No. 111-100.

⁶ See, generally, Human Rights Watch and American Civil Liberties Union (2012), *Growing up Locked Down: Youth in Solitary Confinement in Jails and Prisons Across the United States*, pp. 20-46.

⁷ Katayoon Majd, Jody Marksamer, and Carolyn Reyes (2009), *Hidden Injustice: Lesbian, Gay, Bisexual and Transgender Youth in Juvenile Courts*, Legal Services for Children, National Juvenile Defender Center, and National Center for Lesbian Rights, pp. 101-112.

⁸ Marianne Hennessey et al. (2004), *Trauma Among Girls in the Juvenile Justice System*, NCTSN Juvenile Justice Working Group, pp. 3-4; *100 Girls: A Preliminary Look at the Lives and Outcomes of Young Women Incarcerated in San Francisco Juvenile Hall* (Early Release Version), Youth Justice Institute (2012), pp. 1-2.

⁹ Richard A. Mendel (2011), *No Place for Kids: The Case for Reducing Juvenile Incarceration*, Annie E. Casey Foundation, pp. 5-12.

¹⁰ Edward Cohen and Jane Pfeifer (2008), *Costs of Incarcerating Youth with Mental Illness: Final Report*, prepared for the Chief Probation Officers of California and California Mental Health Directors Association, pp. vi, 13-17, 31; Sue Burrell and Alice Bussiere (2005), *Difficult to Place: Youth with Mental Health Needs in California Juvenile Justice*, Youth Law Center, p. 9.

¹¹ For example, Cook County, Illinois, incorporates trauma-informed practice into its efforts to reduce incarceration, expedite services, and provide a coordinated multidisciplinary approach to services for youth. Its Probation Department has its own clinical services unit, with clinicians who have been trained in trauma-informed practice and incorporate it into their daily work. Youth are assessed for trauma in the community, and the clinician develops an individualized treatment plan, often using trauma-informed cognitive behavioral therapy. A primary goal of this work is to maintain youth in a community-based setting. (Electronic communication from Amanda Halawa-Mahdi, Supervisor, Clinical Interventions Division, to Sue Burrell, Jan. 8, 2013.)

¹² Information about the Sanctuary Model and certification are available at <http://www.sanctuaryweb.com/>

¹³ For example, programs in the Children's Home of Reading in Pennsylvania have undergone a multi-year process of becoming a trauma-informed system using the Sanctuary Model. Administrators had wanted to consciously examine the system's underlying philosophy and approach to working with youth, and the Sanctuary Model provided a helpful vehicle for that work. The Model has helped the system to establish good values by which to guide its work with youth, and provided a much-needed framework for supporting staff in working with youth who have experienced trauma. (Telephone interview with Ron Spitz, Vice President of Programs, Children's Home of Reading, Jan. 14, 2013.)

¹⁴ National Child Traumatic Stress Network, <http://www.nctsn.org/>. The curriculum is *Think Trauma: A Training for Staff in Juvenile Justice Residential Settings*, available at <http://www.nctsn.org/products/think-trauma-training-staff-juvenile-justice-residential-settings>. First-time users need to register on the site to access its extensive library of resources.

¹⁵ Again, the National Child Traumatic Stress Network has developed *Think Trauma*, a comprehensive training specifically designed for juvenile justice professionals working with youth in residential settings, *supra*, note 14.

¹⁶ Prison Rape Elimination Act of 2003, 42 U.S. Code § 15601 et seq, and regulations promulgated at 28 Code of Federal Regulations, part 115, available at http://www.ojp.usdoj.gov/programs/pdfs/prea_final_rule.pdf.

¹⁷ The terms “seclusion,” “solitary confinement,” and “isolation” are used interchangeably in this brief to refer to the imposition of locked room time for mental health, protection, or disciplinary reasons.

¹⁸ See Sue Burrell (2009), *Moving Away from Hardware: The JDAI Standards on Fixed Restraint*, prepared for the Annie E. Casey Foundation Juvenile Detention Alternatives Initiative, pp. 1-2, 8-10.

¹⁹ Lindsay M. Hayes (Feb. 2009), *Characteristics of Juvenile Suicide in Confinement Facilities*, OJJDP Juvenile Justice Bulletin, p. 6.

²⁰ National Center for Positive Behavior Interventions and Supports, U.S. Department of Education, Office of Special Education Programs, at http://www.pbis.org/community/juvenile_justice/default.aspx.

²¹ The stark, punitive character of many juvenile facilities is effectively reflected back to us in the work of photographer Richard Ross, whose Juvenile-In-Justice project can be found here: <http://www.juvenile-in-justice.com/>.

²² In Missouri, for example, state facilities have wooden bunk beds, plush sofas, stuffed animals, microwaves, musical instruments, cats, and a variety of sharp objects that would produce apoplexy in staff working in more traditional punitive environments.

²³ Monique T. Marrow, Kraig J. Knudsen, Erna Olafson, and Sarah E. Bucher (2012), *The Value of Implementing TARGET within a Trauma-Informed Juvenile Justice Setting*, *Journal of Child & Adolescent Trauma*, 5(3), pp. 257-270, 261.

²⁴ See, for example, materials developed through the MacArthur Foundation Research Network on Adolescent Development at <http://www.adji.org/content/index.php>.

²⁵ In *Roper v. Simmons*, 543 U.S. 551, 577 (2005), the Court recognized that, because of their lack of maturity and underdeveloped sense of responsibility, juveniles make “impetuous and ill-considered actions and decisions,” and are unlikely to consider the possible punishment before acting; see also *Graham v. Florida*, 130 S. Ct. 2011, 2028 (2010); *Miller v. Alabama*, 132 S.Ct. 2455, 2465 (2012).

²⁶ Richard A. Mendel, *No Place for Kids*, supra, note 9; Barry Holman and Jason Ziedenberg (2006), *The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities*, A Justice Policy Institute Report.

²⁷ Monique T. Marrow, Kraig J. Knudsen, Erna Olafson, and Sarah E. Bucher, “The Value of Implementing TARGET within a Trauma-Informed Juvenile Justice Setting,” supra, note 23, p. 267.

Suggested Citation

Burrell, S. (2013). *Trauma and the Environment of Care in Juvenile Institutions*. Los Angeles, CA & Durham, NC: National Center for Child Traumatic Stress.

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HEALING INVISIBLE WOUNDS: Why Investing in Trauma-Informed Care for Children Makes Sense July 2010

Introduction

Any number of factors can contribute to a person becoming involved in the criminal justice system, including a history of trauma or victimization. Over 93,000 children are currently locked up in juvenile correctional facilities around the country. Research shows that while up to 34 percent of children in the United States have experienced at least one traumatic event, between 75 and 93 percent of youth entering the juvenile justice system annually in this country are estimated to have experienced some degree of trauma.

With four million youth in the United States estimated to have experienced at least one traumatic event,¹ childhood trauma has become a pressing public health concern. A traumatic event can involve interpersonal events such as physical or sexual abuse, war, community violence, neglect, maltreatment, loss of a caregiver, witnessing violence or experiencing trauma vicariously; it can also result from severe or life-threatening injuries, illness and accidents. The direct and indirect costs associated with child maltreatment alone make it among the most costly public health problems in the United States.² Based on national surveys of youth in the United States:

- 14-34 percent of children have experienced at least one traumatic event;³
- Children are twice as likely as adults to be victims of serious violent crime and three times as likely to experience simple assault;⁴
- 13.4 percent of female adolescents report having been sexually assaulted;⁵
- 35-46 percent of adolescents report witnessing violence;⁶
- Youth of color are more likely to experience violence than their white counterparts (42.1 per 1,000 in the population versus 46.1, respectively).⁷

Significant research on the effects of trauma on youth and on its impact on youth involvement in both the juvenile and criminal justice systems shows that identifying children who have experienced trauma is either being done inappropriately or not as often as necessary. This may be leaving many of these young people without the services and treatment they need, thus making them more at risk for involvement in the justice system.

This policy brief was researched and written by Erica J. Adams, MD, Georgetown University School of Medicine, Spring 2010 Intern, Justice Policy Institute

Youth in correctional facilities already face significant challenges related to their incarceration and justice involvement, including separation from their families, communities, education and other positive social networks. But youth who have experienced trauma will be even more acutely affected. In addition, there is risk of re-traumatization by staff and other people in correctional facilities. Addressing a child's trauma through the public health system before the child becomes involved in the justice system, or if necessary while in the justice system, is critical to promoting the well-being of the child, his family and the community.

Traumatic experiences affect brain development in children.

Youth who have experienced trauma may be more likely to be involved in illegal behavior for a variety of reasons, including the neurological, psychological and social effects of trauma. A growing body of research in developmental neuroscience has begun to uncover the pervasive detrimental effects of traumatic stress on the developing brain. The majority of brain development is completed during the first five years of life, with the most critical development occurring within the first two years. Considering that the average first trauma exposure in children who experience trauma occurs at five years old,⁸ the experience of trauma in childhood is likely to impact some critical aspect of this brain development.

Brain structures responsible for regulating emotion, memory and behavior develop rapidly in the first few years of life and are very sensitive to damage from the effects of emotional or physical stress, including neglect. Some of these structures are measurably smaller in abuse survivors,⁹ and irregular brain activity in these areas among abuse survivors is correlated with an increased frequency of violence.¹⁰ Without adequate emotional control, particularly in aggression centers of the brain, people may fail to develop empathy and are more prone towards aggressive, violent and sociopathic behavior.¹¹

People who have experienced trauma often have abnormal blood levels of stress hormones, and the parts of the brain responsible for managing stress may not function as well as in people who have not been exposed to trauma.¹² Also, a decreased integration of the left and right sides of the brain following prolonged stress exposure can affect the ability to use logic and reason and can result in poor problem-solving skills.¹³ Although the most critical brain development occurs in early childhood, the part of the brain responsible for rational decision-making does not fully develop until the mid-20s. Because of this extended maturation process, in March 2005 the U.S. Supreme Court abolished the death penalty for people who committed their offense prior to age 18, citing scientific evidence that children should not be held accountable to the same extent as adults.¹⁴

People who experienced trauma as children are also more likely to develop life-long psychiatric conditions, including personality disorders, conduct disorder, ADHD, depression, anxiety, substance abuse disorders and posttraumatic stress disorder (PTSD). Developmental delays, decreased cognitive abilities, learning disabilities and even lower IQ levels have been observed among those who experienced trauma at a young age.¹⁵ Research shows that a majority of people with these histories experience school problems; school dropout and expulsion rates are as high as three times those of peers who had not experienced trauma.¹⁶

Traumatic Brain Injury and Juvenile Justice

The Brain Injury Association of America describes traumatic brain injury (TBI) as “a blow or jolt to the head or a penetrating head injury that disrupts the function of the brain.”¹⁷ The severity of TBI may range from mild (i.e. brief change in mental status) to severe (i.e. extended amnesia).¹⁸ According to the Centers for Disease Control, children and adolescents are at greater risk for TBI than adults, with the highest risk ages being 0-4 years and 15-19 years, respectively.¹⁹ The short and long-term consequences of TBI consist of physical (i.e. hearing, speech, vision, coordination), cognitive (i.e. perception, communication, reasoning, judgment), and behavioral (i.e. mood swings, anxiety, difficulty with emotional control and anger management) impairments.²⁰

A traumatic brain injury during the period of brain development, which lasts well into a person’s 20s,²¹ could disrupt the full development of decision-making skills and emotional controls that guide behavior. A traumatic brain injury combined with the impulsiveness of a youthful developing brain can increase the likelihood that a young person is involved in delinquent behavior. A large scale longitudinal research study in Finland found increased incidents of delinquency among youth who had experienced a traumatic brain injury prior to the age of 14.²² Additionally, recent research examining youth currently incarcerated in juvenile detention facilities in Missouri found high prevalence rates of TBI.²³

In addition to screening for psychological trauma, social agencies that come into contact with youth that need services should also test for physical trauma that may be contributing to delinquent behaviors.

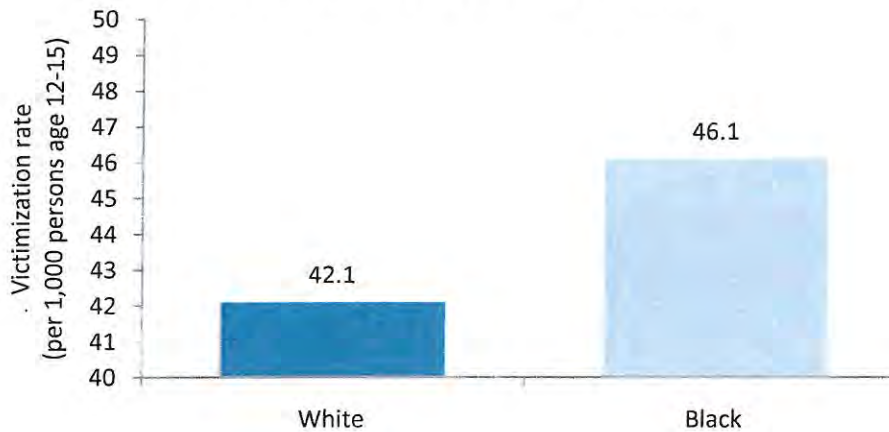
People of color are more likely to be victims of crime and violence.

One source of trauma for both children and adults is being the victim of a crime. Research shows that those who may be most likely to experience victimization include people of color, people from single-parent households, people living in an urban environment or people from disadvantaged communities.²⁴ People with these same characteristics also bear the concentrated impact of incarceration.

Data from the National Crime Victimization Survey reveals that whites age 12 and over are less likely to be victims of violent offenses than African Americans or people identifying with more than one race.²⁵

When income is brought into the equation, African Americans who make less than \$7,500 per year are nearly twice as likely to be victims of violence as whites at the same income level (80.2 per 1,000 people versus 44.6, respectively).²⁶ Rates of victimization fall steadily as income increases.

White youth age 12-15 are less likely than African American youth to experience violence



Source: National Crime Victimization Survey, *Criminal Victimization in the United States, 2007 Statistical Tables*, Table 9. (Washington, D.C.: Bureau of Justice Statistics, 2009).
<http://bjs.ojp.usdoj.gov/content/pub/pdf/cvus0701.pdf>

Children are rarely screened for trauma, especially in the juvenile justice system.

Child-serving systems upstream of the justice system often fail to routinely screen for and treat trauma in referred children; alternatively, this information is not made readily available to these agencies. In one study, 84 percent of agencies reported either no or extremely limited information provided on the youth's trauma history, and 33 percent of the agencies reported not training staff to assess for trauma at all. Although 60 percent of states surveyed report using universal or selective trauma screenings, the scope is often limited, and fewer than 20 percent of states provide evidence-based or otherwise standardized assessment tools.²⁷

Of the millions of youth who come into contact with the juvenile justice system every year, and the thousands who will enter some type of correctional facility, few will be screened for trauma-related symptoms or provided with trauma-informed care at their point of entry into the system. Screening for trauma may be overlooked because the behavioral responses to trauma often resemble the common delinquent behaviors seen in youth referred to the justice system and are therefore under-identified as posttraumatic symptoms. Additionally, traumatic stress may manifest differently in children of different ages or developmental stages, making it difficult to assess for stereotyped posttraumatic adaptations. Although it may be difficult to initially identify the role trauma has played in the child's current circumstances, the mental health needs and basic trauma exposure history should be systematically identified at all stages of juvenile justice processing, ideally at the earliest point of contact with the system.

Evidence gathered through focus groups conducted with juvenile and family court judges suggests that current scientific information on childhood trauma has not fully permeated the justice system.²⁸ These focus groups revealed that over 50 percent of participants had not received prior training on the assessment or treatment of childhood trauma. Many are not aware of the psychological diagnoses or

symptoms that are common following trauma exposure and only 23.1 percent reported getting information from psychology journals. When judges were aware of issues related to childhood trauma, many reported being overwhelmed by the degree of trauma exposure among the children they encounter in court and frustrated with the lack of evidence-based treatments for trauma available in the community.

Children who experience trauma have disproportionate contact with the justice system.

One of the most unfortunate repercussions of childhood trauma is that children exposed to violence often grow up to engage in or become repeat victims of violence.²⁹ People who experience childhood trauma are more likely to be arrested for serious crimes both as youth and adults.³⁰ Many of the nation's most traumatized youth are found in the juvenile justice system, and a large percentage of adults in the criminal justice system report having experienced trauma in childhood. Illegal behavior is not an inevitable consequence of childhood trauma, however based on the diverse range of traumatic exposure observed among youth in the juvenile justice system, trauma can be considered a specific risk factor for future involvement with the justice system.³¹ A number of studies have examined the relationship between childhood trauma and justice involvement.

- Studies from a number of psychological journals report that between 75-93 percent of youth entering the juvenile justice system annually are estimated to have experienced some degree of traumatic victimization.³²
- A study of children held in a Chicago detention center found that over half of them had experienced more than six traumatic events prior to their detainment.³³
- Two studies reviewing the link between childhood maltreatment and juvenile justice involvement found that among males who experienced maltreatment prior to 12 years of age, 50-79 percent became involved in serious juvenile delinquency.³⁴
- A study published in the *Journal of Child Sexual Abuse* found that among young boys engaged in sexual offenses, 95 percent reported some type of trauma exposure, 77.5 percent reported more than one type of trauma and nearly half had experienced both physical and sexual abuse.³⁵
- A study of mental disorders in incarcerated women found that when compared to women in community samples, incarcerated women were more likely to report a history of childhood sexual or physical abuse.³⁶
- A study in the *Clinical Child and Family Psychological Review* found that most pre-teen and adolescent youth who participated in a homicide offense have histories of severe childhood maltreatment.³⁷

Additionally, studies show that 65-75 percent of youth in juvenile custody suffer from multiple mental health disorders, with 25 percent of these youth exhibiting severe functional impairment.³⁸ Given the link between trauma exposure and mental illness, and the prevalence of trauma among youth in the juvenile justice system, it is not surprising that mental illness is also highly prevalent among youth in the system.

The current juvenile justice system does not meet the needs of youth who have experienced trauma.

Once a child enters the justice system, quality, evidence-based trauma-informed treatments and interventions are not always provided. A number of factors contribute to this problem: lack of clinical resources in the community or within the juvenile justice system itself; an under-identification of trauma symptoms which are often mistaken for general behavioral disturbances; and greater resource expenditure on management of these behavioral issues rather than treatment of their underlying cause.³⁹ Additionally, when youth are detained in adult facilities, they are less likely to have access to youth-appropriate therapy, if they are able to access any mental health services at all.

Accompanying the growing awareness of the numerous and deleterious effects of childhood trauma has been a desire to understand—particularly within the last decade—the causes of and solutions to the disproportionate involvement of traumatized youth in the justice system. To this end, Congress established the National Child Traumatic Stress Network (the Network) in 2000.⁴⁰ The Network, funded by the Substance Abuse and Mental Health Services Administration of the U.S. Department of Health and Human Services, has a mission to raise the standard of care and improve access to services for children who have experienced trauma, their families and communities throughout the United States. Although the federal government recognized the far-reaching effects of childhood trauma by creating this collaborative network, a unified push for trauma-informed juvenile justice systems in states has yet to occur.

Although more than 50 percent of states provide some form of evidence-based treatment for youth with mental illness, their scope is often limited and they do not always include culturally competent or trauma-informed services.⁴¹ In recent years, 11 states have implemented large-scale, trauma-informed services or pilot programs into their youth services system, but their expansion remains limited by budget constraints. For example, in North Carolina, the Child Treatment Program was established in 2006 as a three-year pilot program for underserved counties.⁴² The program provided free treatment to uninsured children who have experienced sexual trauma and aimed to impact PTSD, depression and behavioral outcomes. Advanced training in an evidence-based form of therapy specifically for people who have experienced trauma was offered free of charge to eligible clinicians between 2008-2009, but a bill drafted to train additional clinicians across the state over three years failed to pass in the North Carolina state legislature, despite support from consumers, professionals and universities.⁴³

Incarceration itself can be traumatic.

For youth who have experienced trauma who are entering the justice system, the process of arrest and incarceration can itself represent a traumatic event. Confinement has been shown to exacerbate the symptoms of mental disorders, including PTSD, and the act of processing youth into juvenile custody (for example, using handcuffs, searches, isolation and restraints), as well as the risk of abuse by staff or other youth can be traumatizing.⁴⁴ In particular, characteristics of correctional facilities, such as seclusion, staff insensitivity or loss of privacy, can exacerbate negative feelings created by previous victimization, especially among PTSD sufferers and girls. Youth in correctional facilities are frequently exposed to verbal and physical aggression, which can intensify fear or traumatic symptoms. In addition,

investigations in recent years have uncovered deplorable conditions in youth correctional facilities across the country that could significantly impact youth:

- A 2007 General Accountability Office revealed problems with abuse, including 10 deaths, in juvenile facilities across 33 states and involving over 1,600 facility staff.⁴⁵ Most often, this abuse was related to untrained or inexperienced staff, poor nourishment as a form of “tough love” or negligent operating procedures.⁴⁶
- A Bureau of Justice Statistics survey of youth in custody revealed that 12 percent of adjudicated youth in state-operated and large, locally or privately owned juvenile facilities reported experiencing one or more incidents of sexual victimization by another youth or facility staff in the previous 12 months or since admission, if less than 12 months. Over 2,800 of these youth (10.7 percent) report sexual contact by staff, with or without the use of force.⁴⁷
- The juvenile justice system in New York State gained notoriety in recent years as an especially traumatic and poorly-run system, and has been rated by Human Rights Watch and the American Civil Liberties Union as among the worst in the world.⁴⁸ A U.S. Department of Justice (DOJ) report highlighted abuse at four youth residential centers, and based on the results of this investigation, the DOJ has raised the possibility of a federal takeover of the entire youth prison system.⁴⁹ Even though over 75 percent of youth entering New York’s justice system have drug or alcohol problems, and over half have been diagnosed with psychological disorders, these facilities failed to provide adequate counseling or mental health treatment.⁵⁰ Recently, more family court judges have tried to send youth to the Child Welfare Agency for foster care or residential placement, but the agency is unable to accommodate this increased demand due to resource constraints.

Youth who spend time in juvenile facilities have poorer outcomes than youth who stay in the community.

In the context of often overcrowded juvenile facilities, incarcerated youth may experience increased suicidal behavior, stress-related illness and psychiatric problems.⁵¹ Additionally, youth in secure confinement often do not develop social skills (such as self control and conflict resolution) on par with those who remain in the community. Overall, studies show that imprisoned youth have higher recidivism rates, are less likely to “age out” of illegal behavior, suffer more mental illness and are less likely to succeed at education and employment than youth who stay in the community.⁵²

In a follow-up study of youth involved in the juvenile justice system that examined outcomes as adults, placement in a correctional facility was found to be the most important determinant of adult outcomes.⁴⁰ The fewest adult aggressive offenses were committed by those who were returned to non-abusive households, followed by those returned to special schools, psychiatric hospitals or their families. The most offenses were committed by those discharged to adult prisons, group homes or other disciplinary settings. Trauma-exposed children with PTSD who are diverted to mental health treatment demonstrate higher recovery rates, suggesting that treatment is more effective than incarceration at reducing recidivism in youth with mental illness who have experienced trauma.⁵³

Conclusions and Recommendations

Trauma is an unfortunately common part of the lives of many U.S. children. The biological, psychological and social development of children who have experienced trauma is often derailed, resulting in increased involvement with the justice system, where their developmental and rehabilitative needs are often not met. Experts in medicine, psychology, social work and juvenile justice are advocating for system reforms that address the unique needs of children who have experienced traumatic events. A consensus exists among these experts that long-term strategies to treat rather than incarcerate are needed to curb the cycle of criminal justice involvement at its source and that these programs should be supported at federal and state levels.

Based largely on the collaborative work of researchers, clinicians and members of the National Child Traumatic Stress Network (NCTSN), JPI makes the following recommendations for child-serving systems, law enforcement, judges and entire judicial systems to better recognize and treat trauma in children. These recommendations outline “trauma-informed” care models for people who have experienced childhood trauma, the overall goal being to improve systematic responses to these people using evidence-based practices. The following policies outline steps towards a trauma-informed system.

Improve in-system understanding and public awareness of the effects of childhood trauma. Prior to contact with the justice system, other child-serving organizations have an opportunity to intervene on behalf of the children they may encounter. The National Child Traumatic Stress Network⁵⁴ recommends that systems work together to:

- increase public awareness of the impact of trauma and the range of effective trauma assessment strategies and interventions that exist;
- develop strategic partnerships with national organizations to help disseminate information, products and training tools; and
- provide trauma-focused education and skill-building for all staff across child-serving systems. This includes pediatric health practitioners in the community and school educators and administrators, who often represent the first service system to which the child will be exposed. Training should also extend to professionals in the child welfare system, broader health care system, juvenile justice systems, law enforcement/first responders and the mental health system.

Improve reporting of and screening for trauma exposure. One impediment to addressing youth trauma exposure is that the majority of violent victimizations of youth are not reported to authorities.⁵⁵ Adults may be unaware of the consequences of youth victimization, and youth may see reporting the incident as a sign of weakness or betrayal. In order to increase reporting, the justice system must emphasize an interest in assisting people who experience abuse, as well as supporting people who do report incidents of abuse or neglect. For example, supportive services for youth who have experienced a traumatic event could be expedited by simplifying the process of accessing these services and not requiring the person to pursue criminal charges. Within communities, there should be greater support for reporting incidents of abuse and neglect of youth.

Child welfare professionals such as custody evaluators or family court magistrates should investigate allegations of intimate partner violence or other domestic disturbance with an understanding of the

psychological, cognitive and behavioral consequences that occur following exposure to violent or insecure environments, even in the absence of direct physical harm to the child.⁵⁶

Once youth enter the juvenile justice system, a formal screening method for trauma is critical in identifying children and adolescents in the courtroom who suffer from stress related to trauma. Regular and universal screening for trauma history is recommended for all child-serving agencies, but this has a particularly critical application among certain populations, such as youth in substance abuse and delinquency programs.

Improve assessment of trauma exposure. Following a positive trauma screen, a more thorough and time-consuming trauma assessment should be performed by a professional trained in both general psychiatric assessment and child traumatic stress assessment.⁵⁷ This involves an investigation into the child's current environment beyond basic safety assurance, which is important for both diagnosis and treatment of trauma-related dysfunction. It is important to recognize that some information culled from an extensive assessment may have consequences for an ongoing legal case, particularly those involving substance use or violence. In order to protect the child's legal interests in the absence of mandated privacy considerations, these assessments may best be performed in the window between adjudication and disposition.

Provide targeted prevention and early intervention programs. Ideally, the needs of people who have experienced childhood trauma would be addressed prior to their entry into the justice system. Counseling and other early interventions should be provided for all people who have experienced trauma and should be instituted relatively soon following the initial incident. Schools are one place these interventions can occur, as the warning signals of reactivity to trauma may first become evident here.⁵⁸

Any professional in the community who has contact with children could be a reasonable target for education on trauma prevention, identification and early intervention. For example, the Violence Intervention Program led by Dr. Carnell Cooper at Baltimore's Shock-Trauma Hospital is an intensive in-hospital intervention program that works with recent victims of violence to prevent re-victimization. The program was founded to address the reality that health care providers are often the first and only professionals to encounter youth who have experienced trauma, and those who treat victims of violence may be uniquely poised to intervene before they enter the justice system or meet a worse fate.

For maximum effectiveness, public education, prevention and early intervention programs should be targeted to the groups and communities that research shows are most likely to experience trauma: youth of color, children in single-parent families, urban youth, those who have been previously victimized, youth with disabilities and youth from disadvantaged communities.⁵⁹

Provide services and treatment programs for children who have experienced trauma. Youth and families that have experienced trauma should be referred to practitioners or agencies that provide evidence-based, trauma-informed treatment. Youth should not have to enter the justice system to access these and other mental health services. Youth with trauma-related or other mental health needs should be preferentially diverted to mental health treatment in a community setting, if necessary. The therapy with the highest rating for adolescent trauma victims is "trauma-focused cognitive behavioral therapy" (TF-CBT), which has been used successfully in the treatment of PTSD and other trauma-related psychological disorders.⁶⁰ Therapy must be tailored to the individual trauma history and needs of the person and should include gender-specific and culturally-sensitive programming. This is especially

relevant since youth of color are disproportionately represented in the juvenile justice system, and girls often have unique mental health needs that are currently not met by most juvenile facilities.

Avoid further traumatization within the justice system. At all stages of processing, care should be taken to not further traumatize youth entering child-serving systems, most of whom have previous traumatic experiences or concurrent mental illness. First responders and police officers should be trained in trauma-sensitive handling and arrest methods. Every effort should be made to send children to the least restrictive and least traumatizing environments possible, which may entail rigorous inquiry into foster care, home environment or preferential placement in community-based treatment facilities. If this is not possible, the child should be placed in the least restrictive setting possible with access to this treatment and with minimal use of seclusion and restraints. A child should never be placed in an adult facility, because these facilities are far less likely to provide any mental health treatment and are not equipped to ensure the safety and well-being of youth. In light of recent reports of substandard and even life-threatening conditions in juvenile facilities, no child should be placed in a facility that has not recently passed rigorous health and safety standards.

Consider trauma exposure when deciding sentencing and placement. It is critical for judges to understand the role of trauma exposure on youth, particularly if the traumatic exposure may have contributed to an offense. This is particularly true when complex mental disorders or PTSD are evident. In some cases, the impact of the disorder on the youth's behavior can and should serve as a mitigating factor. Judges should receive training on the impact of trauma on youth and appropriate, evidence-based responses.

In recent years, the role of PTSD in the defense of combat veterans has gained national attention. Beginning in 1984, California allowed veterans convicted of felonies and suffering from substance abuse or psychological illness to receive treatment in federal facilities. In 2007, this mandate was updated to require the sentencing judge to hear evidence related to the person's military history in a special hearing. In 2008, Minnesota enacted the "Military Veterans Provision" which requires a pre-sentence investigation for all people convicted of a felony. This report describes the individual circumstances, characteristics, needs, criminal record and social history of the veteran, as well as the circumstances of the offense.

Recent developments in the treatment of people with PTSD reflect a growing understanding of the relationship between traumatization and criminal activity, and similar models should be applied to youth in the juvenile justice system. While prosecution and sentencing should take into account the behavioral and mental health of the young person, it is perhaps more critical that a consideration of trauma exposure impact placement decisions, as youth who are diverted to treatment programs are more likely to have better outcomes than those placed in correctional facilities.

Invest in prevention and trauma-informed programs. Although many states are currently grappling with record budget deficits, cutting prevention and trauma-informed programs may result in more costs down the road. The direct and indirect costs associated with child maltreatment make it among the most costly public health problems in the United States.⁶¹ Beyond the social benefit, by preventing or addressing child maltreatment early, both direct (medical and psychiatric care, government services, criminal justice, child protection services) and indirect (lost earnings and productivity) costs could be lowered substantially by investing in programs that work.⁶²

One study by the RAND Corporation comparing the cost of early childhood interventions to the benefits found that, in general, the benefits far outweigh the costs. This is true particularly when programs were targeted to the most at-risk populations who were the most likely to benefit from them.⁶³ For example, child abuse prevention programs save an estimated \$3 for every \$1 spent. However, cost-benefit analyses necessarily understate the benefit, since the exact cost of the program is always known while the full benefits may not be obvious or quantifiable.⁶⁴ Some of the benefits are derived from less use of other resources such as welfare services or incarceration or from a decreased cost of crime to society, all of which are not easily measured. Trauma-informed programs are as cost effective as other prevention and education programs and likely provide a similar benefit in exchange for the initial expenditure outlay.⁶⁵

The most humane and effective response to a person who has experienced trauma entering the justice system is one of treatment and support. We can no longer afford to ignore the evidence of both the prevalence and long-term effects of untreated childhood trauma. If we are to invest in a safe and strong society, we must start with children, whose unseen scars can hinder their ability to meet their adult potential.

Acknowledgements

The author is grateful for the project support, guidance, and insight of the following individuals:

Tracy Velázquez, Executive Director
Nastassia Walsh, Research Associate
Paul Ashton, Research Intern
Justice Policy Institute, Washington, D.C.

Matthew D. Levy, MD, MPH
Associate Professor of Clinical Pediatrics, Medical Director of Community Pediatrics
Georgetown University Hospital, Washington, D.C.

Joseph B. Richardson, Jr., PhD
Assistant Professor, Department of African-American Studies
Faculty Associate, Maryland Population Research Center
University of Maryland, College Park, MD

The Justice Policy Institute's work in 2010 is made possible by donations from The Public Welfare Foundation, Open Society Institute, John T. and Catherine D. MacArthur Foundation, Annie E. Casey Foundation, the Fund for Nonviolence, and individual donors and other private and government partners. Special thanks to Georgetown University for allowing Erica Adams the opportunity to work with JPI on researching and writing the brief. JPI staff includes Jason Fenster, Jasmine Greene, LaWanda Johnson, Amanda Petteruti, Adam Ratliff, Kellie Shaw, Ellen Tuzzolo, Tracy Velázquez, Keith Wallington and Nastassia Walsh.

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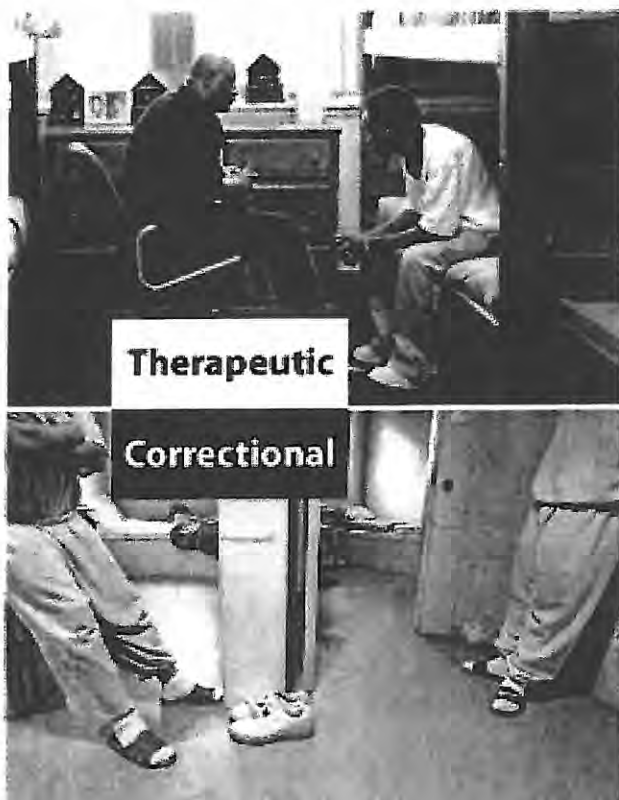
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National Parent Caucus
Training on the "Missouri Model"

Youth prisons don't work. There Is a Better Way!



Most youth prisons (sometimes called training schools or juvenile correctional centers) teach young people how to be better prisoners. This does not prepare them for a positive future.

There is a better way to help youth in the justice system become successful adults. It has been around for decades, and it works!

In the fall of 2010, I visited one of Missouri's juvenile justice facilities. What I saw and heard from the youth there was amazing.

Unlike kids in most youth prisons, youth in Missouri's secure facilities are not treated like prisoners. There is no lockdown, or use of isolation cells at all. The staff members are not guards; they are youth workers with college degrees in social work, psychology and so forth.

The kids live together in small groups of 8-12 in a safe, homelike setting. A positive peer culture helps youth succeed, and they work hard to deal with the reasons that they ended up there. **They don't just change their behavior, they change their thinking.**

The results are dramatic. Three years after they complete parole, 67% of youth released from Missouri's facilities have avoided further involvement with juvenile justice or adult corrections.

Compare that with Virginia, where 70% of kids released from our juvenile correctional centers are re-convicted of a new crime within 3 years of release.

Clearly, the youth prison model isn't working. Missouri has a better way, and they've been doing it since the mid-1970s. We need to keep advocating for our states to move away from the failed youth prison model to something like Missouri's approach.

Here are some key comparisons between the Missouri Model and other youth prisons:

Missouri Model	Youth Prison
Youth live in homelike environment .	Youth live in prison-like environment , with cells.
There are no cells, isolation is not used .	Isolation and 23-hour lockdown are used to punish and/or control youth.

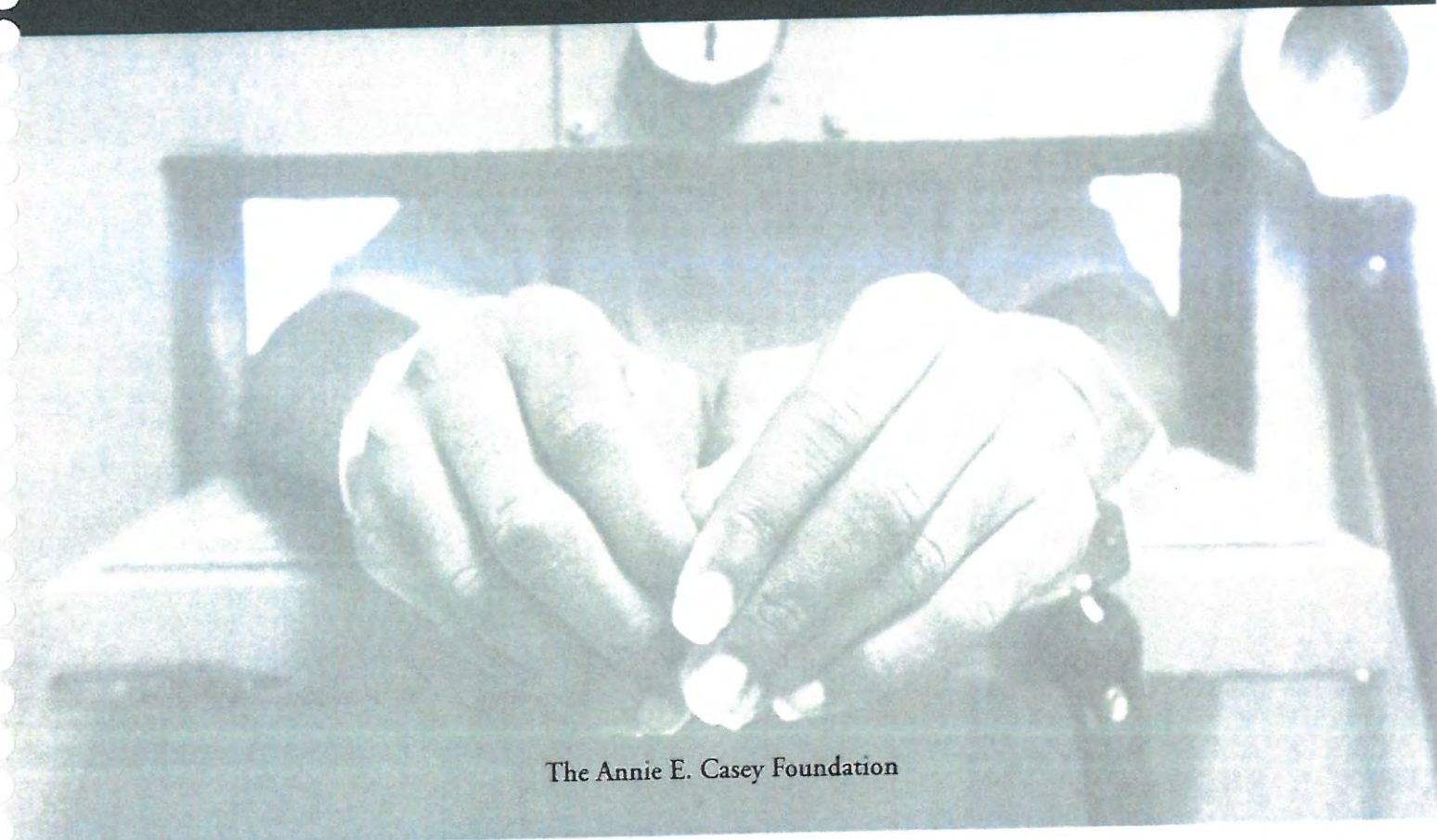
Missouri Model	Youth Prison
Staff are “youth specialists,” with college degrees in psychology, social work, or other relevant field.	Staff are guards or correctional officers, with little or no training in working with youth.
Facilities are small, with no more than 50 youth. Youth spend all their time in groups of 8-12.	Facilities are large, with hundreds of youth. Living units (pods) may be somewhat smaller.
Regional system so that youth are usually placed no more than 50 miles from home. Some facilities are in or near urban areas.	Facilities are in remote, rural locations. Youth may be placed far from their home communities.
Overall philosophy and approach is therapeutic, with a belief that youth want to succeed and can succeed — and that this requires a safe and nurturing environment.	Overall philosophy and approach is “correctional,” with belief that punishment is the most effective way to keep youth away from further crime.
System engages with families as partners, encourages and facilitates family involvement in youth’s treatment.	Often hostile or indifferent to families; or at best don’t help families overcome barriers to involvement in youth’s treatment.
Youth stay in groups to help each other and to maintain a positive milieu. If someone acts out, the group helps him or her sort out what’s going on.	Youth who act out are often placed in isolation and not given help to learn how to manage their feelings and behavior.
Staff works with youth to maintain an emotionally safe environment and develop skills needed to succeed.	Staff does not address ridicule and emotional abuse that can occur in the facility. The harsh environment is a given; youth are left to fend for themselves.
A “service coordinator” works with the youth and family before, during, and after placement.	A parole officer is assigned to the youth — sometimes at the start of their confinement.
More youth succeed. Three years after they complete parole, 67% of youth released from Missouri's facilities have avoided further involvement with juvenile justice or adult corrections	High recidivism rates.

The best way to learn more about the Missouri Model is to visit the web site at www.missouriapproach.org There you will find videos, publications, photos, and more descriptions of the model and how it works.



The Missouri Model

Reinventing the Practice of Rehabilitating Youthful Offenders



The Annie E. Casey Foundation

Table of Contents

Preface	2
A Better Approach to Juvenile Corrections	4
Nuts and Bolts of the Missouri Model	13
one: Small and Non-Prisonlike Facilities, Close to Home	15
two: Individual Care Within a Group Treatment Model	20
three: Safety Through Relationships and Supervision, Not Correctional Coercion	25
four: Building Skills for Success	31
five: Families as Partners	33
six: Focus on Aftercare	35
Underlying Values, Beliefs, and Treatment Philosophy	36
Organizational Essentials	46
Conclusion	50
Endnotes/Sources	53

strives to create safety through constant supervision and staff leadership—by showing no tolerance for physical or emotional abuse, and by cultivating an enveloping atmosphere of healthy relationships and mutual respect.

As one secure care Kansas City youth explained to a reporter from the *Los Angeles Times*, “Most of us come in with a fighting mentality, but pretty soon we realize that there’s no need for that here.”²⁵

Rejecting Correctional Coercion

The question of punishment in Missouri is resolved at commitment. Youth are sentenced to DYS custody if their lawbreaking has been sufficiently serious and the harm they’ve caused significantly severe. This involuntary placement into a DYS facility is their sanction. Once the youth enter a facility, however, the sole focus turns to treatment. DYS youth receive structure, counseling, direction, and support. They are required to work hard, confront difficult issues and behave responsibly toward their peers, families, staff, and other adults.

The environment inside DYS facilities, even for the most serious offenders, is intentionally humane. Missouri has not found it necessary or useful to employ armed guards, cells, pepper spray, prolonged isolation, or any of the other harsh trappings of conventional correctional confinement. Rather, DYS staff maintain order through constant and attentive supervision—treating youth in the manner in which they should treat others, expecting them to comply, and questioning them respectfully but purposefully when they act out.

For instance, the Riverbend Treatment Center—one of the seven secure care juvenile facilities in Missouri—contains a room that resembles tens of thousands of cells in training

schools coast to coast: gray cement floor, white cinder-block walls, narrow cot, and open, stainless-steel toilet. Only at Riverbend, this cell is one-of-a-kind, and it’s rarely used. In fact, most of the time the cell is filled with supplies—all of which must be removed in those very rare emergencies when one of the 30-or-so residents loses his temper and requires a cooling-off period. Indeed, not a single youth was placed into the cell in 2008, reports Assistant Facility Manager Lorna Young. The most recent incident came in May 2007. Other than a metal detector at the front door and a perimeter fence surrounding the property, there are few locked doors and little security hardware of any type at Riverbend: just video cameras linked to monitors in the central office. Isolation is never used as punishment at Riverbend—or any other DYS facility—and youth are never left alone to languish. Rather, whenever a young person is placed into the cell a staff person remains just outside the door—and young people rarely spend more than an hour or two before rejoining the group and resuming their normal activities. DYS requires prior approval of management staff before the cell is used and each occurrence is documented and closely monitored. Only six of the 32 DYS facilities statewide have even one such cell, and DYS Director Tim Decker says that the agency uses the isolation cells fewer than 25 times per year statewide.

Likewise, unlike many states, DYS does not allow the use of pepper spray, nor does it permit demeaning or potentially dangerous techniques such as hog-ties, face-down restraints, or electrical shocks, which have been widely reported in other jurisdictions. Strip searches, too, are strictly forbidden. DYS does employ video cameras throughout its seven secure care facilities, which are beamed into a wall of video monitors in the facility’s central

Rather than trying to impose safety through coercive correctional practices, DYS strives to create safety through constant supervision and staff leadership—by showing no tolerance for physical or emotional abuse, and by cultivating an enveloping atmosphere of healthy relationships and mutual respect.

office and recorded on videotape—allowing administrators to review critical incidents after the fact.

Safety Through Supervision and Relationships

So, if not through the commonplace tools of correctional security, how does Missouri keep youth safe in its facilities?

The answer begins and ends with people—with intensive supervision by highly motivated, highly trained staff constantly interacting with youth to create an environment of trust and respect. When Missouri first began treating youth in groups during the 1970s and early 1980s, staff struggled initially to impose order and create safety.

“We didn’t know what we were doing [at first]. The boys ran us ragged,” recalls Gail D. Mumford, who began working with DYS as a youth specialist in 1983 and later served as the agency’s deputy director. “They were acting up every day, sometimes every hour.”

Gradually, though, the functioning of the groups improved—and safety increased dramatically—as DYS adopted three key safety ingredients:

High-caliber staff. Soon after closing its training schools and embracing the group treatment approach statewide in the early 1980s, DYS made a crucial decision to redefine the job of frontline workers. No longer would DYS staff work in their traditional role as guards or correctional officers, with a primary concern on enforcing rules and punishing misbehavior. Rather, staff would now fulfill a new role as youth specialists with responsibility for the “safety, personal conduct, care and therapy” of the youth.

Since then, rather than hiring high school graduates without respect to their interest or capacity for youth work, DYS has recruited many of its workers on college campuses across the state—and it has winnowed its applicants through an intensive interviewing process to determine whether would-be staffers are personally committed to helping youth succeed and possess the personality traits—good listening skills, empathy, clear and concise speaking style, ability to command respect—needed for the job. The youth specialist job classification requires at least 60 hours of college experience—and 84 percent of youth specialists currently have either a bachelor’s degree or 60-plus hours of college plus two years of DYS experience. Also, because its facilities are located throughout the state—in urban and rural locations alike—DYS has been able to recruit a racially and ethnically diverse staff that reflect the backgrounds of the youth it serves.

During their first two years, new youth specialists are required to complete 236 hours of training, much of it dedicated to the underlying DYS values and beliefs. The training also includes multiple sessions on youth development, family systems, and group facilitation, including extensive practice applying these concepts through role playing and other participatory exercises. (In their first months, until they’ve completed 103 hours of core training, new youth specialists aren’t left alone with a group—instead, they work in tandem with more experienced staff.) Over time, staff members return for at least 40 hours per year of additional in-service training to reinforce their skills and bring them up to speed on new concepts and treatment techniques.

Active around-the-clock supervision. Concerned over continuing incidences of violence

Rather than hiring high school graduates without respect to their interest or capacity for youth work, DYS recruits many of its workers in college campuses across the state—and it winnows applicants through an intensive interviewing process.

and other discord in its treatment groups in the early 1980s, DYS leaders stepped back and studied the situations that led to problems. They determined that most incidents occurred when youth were out of staff sight—when three young people take the trash outside, for instance, or two youths went into the bathroom together unattended. They also noted that most incidents happened at night. Based on these observations, the agency reorganized its staffing patterns to ensure that in every DYS facility every group is constantly supervised by one or more youth specialists—night and day, week-day and weekend, 52 weeks of the year. For DYS youth, there is no such thing as free time without at least one of their team's dedicated youth specialists present.

Moreover, except when the youth sleep at night, this supervision is active rather than passive. Staff are constantly talking with group members, engaging in activities with them. Their presence and positive example provide a calming influence on the groups. Also, remaining in constant close contact allows DYS staff to identify and resolve any tensions, upsets, and rivalries as they emerge—rather than letting situations fester and boil over into violence or conflict. Staff are trained to notice changes in young people's facial expressions and their body language, and to take note when cliques are beginning to form or young people are being ostracized by other group members.

In secure care facilities, this around-the-clock supervision takes the form of constant "double coverage"—where two DYS staffers are present with every group, at all times. DYS has found that by keeping two sets of eyes and two calming influences present with the groups at all times, it can maintain an atmosphere of safety and respect that allows even its most

challenging participants to stay focused on their work and positive in their behavior.

Minimizing fear, maximizing trust, fostering respect. Ultimately, DYS has learned, the safety of any group is directly correlated with the interpersonal atmosphere that exists among the young people and between the youth and their dedicated staff team. As a result, DYS youth specialists are trained extensively in conflict management and employ a number of techniques designed to defuse potential trouble and foster a safe environment.

At least five times per day the youth check in with one another, telling their peers and the staff how they feel physically and emotionally. And at any time, youth are free to call a circle—in which all team members sit or stand facing one another—to raise concerns or voice complaints about the behavior of other group members (or to share good news). Thus, at any moment the focus can shift from the activity at hand—education, exercise, clean up, a bathroom break—to a lengthy discussion of behaviors and attitudes. Staff members also call circles frequently to communicate and enforce expectations regarding safety, courtesy, and respect, and also to recognize positive behaviors.

Youth specialists are especially mindful to protect the emotional safety of youth—refraining from language that might be perceived as disrespectful, and stepping in to protect young people from any unkind actions by others in the peer group. Also, youth specialists are trained to solicit and validate the feelings of young people. Then, once youth have expressed their emotions, staff help them to understand the roots of their feelings and learn how to distinguish thoughts from emotions and to channel their emotions in constructive and non-destructive directions.

The Missouri Model:

underlying beliefs and values about youth

- Every young person wants to succeed—and can succeed.
- Public safety is best served not by punishing young people or shaming them for their crimes, but by offering a therapeutic intervention to help them make lasting changes in their attitudes, beliefs, and behaviors.
- These lasting changes cannot be imposed on young people. Youth can't be scared straight, reformed, or deterred from crime by fear of punishment. Rather lasting changes can only result from internal choices made by the young people themselves.
- Like all people, troubled youth tend to resist and fear change. Positive relationships with staff and other youth are critical to overcoming resistance and fostering positive change.
- Every young person requires individual attention. Each DYS youth has chosen to engage in delinquent behaviors based upon his or her own circumstances, and each will make the decisions to change and grow—or not—for his or her own personal reasons.
- Some youth lapse into serious and chronic delinquency as a coping mechanism in response to earlier abuse, neglect, or trauma. For other youth, delinquency has less deep-seated roots.
- Regardless of the roots of their behavior problems, delinquent youth typically suffer from a lack of emotional maturity—an absence of insight into their own behavior patterns, an inability to distinguish between feelings and facts, and an underdeveloped capacity to communicate their emotions or express disagreement or anger responsibly.
- All behavior, no matter how destructive, has an underlying emotional purpose. Therefore, rather than punishing or isolating young people when they act out, the best response is to ask probing questions that help the youth understand the roots of the problem and identify more constructive responses.
- Most youth entering custody have very low confidence in their ability to succeed as students—or eventually as workers in the mainstream economy. And most have had limited exposure to mentors and positive role models.
- While the DYS staff and treatment process are important, parents and other family members remain the most crucial people in youths' lives—and the keys to their long-term success.



National Council on
Crime & Delinquency

May 5, 2015

Nate Balis
Director, Juvenile Justice Strategy Group
Annie E. Casey Foundation
503 N. Charles Street
Baltimore, MD 21202

Dear Mr. Balis,

Thank you for expressing your support for the work proposed by NCCD and the American Civil Liberties Union of Nevada regarding the Nevada juvenile justice system and for the invitation to finalize the project plan through the Annie E. Casey Foundation grants system. As per my telephone call with you of April 28, 2015, I will access your grants portal and formally submit the project plan we discussed (which is detailed below) so that we can establish an MOU between AECF and NCCD.

Although Nevada has made significant progress in reducing commitments to state-run facilities, the state still sends a high number of youth to private residential facilities both in-state and out-of-state. These out-of-home placements are costly and often do not produce positive outcomes for youth. System stakeholders have also expressed the need for greater investments in front-end services and other reforms to reduce the use of residential placements.

The National Council on Crime and Delinquency, in partnership with the American Civil Liberties Union of Nevada, proposes to conduct a review of Nevada's juvenile justice system for the purpose of identifying steps the state and its counties can take to reduce the use of out of home placement for its young people. The goal of the research will be to identify concrete reforms that will result in reduced placement of youth in residential facilities with an emphasis on: reduction of out-of-state placements; reduced use of mental health placements; increased use of alternatives to incarceration; and cost savings. The methodology NCCD proposes to use for this effort is summarized here.

- NCCD will perform an assessment of current policy and practice, recent crime, arrest, adjudication and placement data trends, projections of future system utilization, and the political climate pertaining to residential placement and related juvenile justice practice.
- Quantitative and qualitative data will be collected and analyzed from various sources including official and private reports, government system data, a series of interviews with system stakeholders, and the research literature.
- Particular research emphasis will be placed on the use of out of state placements; the use of mental health assessments to justify residential placement; the use of appropriate settings for youth with mental illness; and the use of federal Medicaid funding.

Through this process a number of specific reforms will be identified for recommendation to stakeholders. The number of reforms put forth will depend on findings from the review and discussions with ACLU and AECF, but will likely be between 4 and 8. Reforms will be recommended that have particular applicability to the current situation in Nevada and evidence of their impactful implementation in jurisdictions in or outside of Nevada. Additionally, each recommended reform will meet one or more of the following criteria: likelihood of having a large impact on the numbers of youth placed and the costs associated with placement; relatively easy implementation (“low-hanging fruit”); likelihood of support among county and state stakeholders; and/or deemed by NCCD, ACLU and AECF to be important to highlight and pursue, regardless of local support. In addition to specifically residential placement, other dispositional policies and practices will be reviewed for potential reform.

For each reform, NCCD will:

- offer evidence of its effectiveness, preferably from a Nevada implementation but also from out state jurisdictions;
- offer rationale for it being a viable option in Nevada;
- illustrate the scenario in which the reform is likely to be implemented;
- estimate its potential impact on the number of youth in residential placements and on costs if adopted by the state and/or individual counties.

Several important state and county representatives are aware of this pending research and have expressed support. These and other contacts held by project partners will serve to expedite data collection, interviews and general access to information.

Project deliverables will include a final report and executive summary describing all methodology, findings, and discussion; a presentation of findings to stakeholders; and follow-up materials and meetings as deemed necessary. NCCD will remain in regular contact with AECF throughout the study period.

The cost of the proposed research will be \$50,000. This funding will include at least two trips to Nevada by senior NCCD staff. NCCD has staff and resources available for an immediate start to the work. The final report and presentation will certainly be delivered within a year, but most likely can be delivered within six months of the start of work.

Thank you for the opportunity to pursue this important research.

Sincerely,

A handwritten signature in blue ink, appearing to read "CHARTNEY", with a long horizontal flourish extending to the right.

Chris Hartney
Senior Researcher

National Council on Crime and Delinquency
1970 Broadway Suite 500
Oakland, California 94708

Initial Data Request for Nevada Juvenile Justice System Review

The following represents our initial view of the type of data we would need to do a general review of Nevada's JJ system. This data would be used to give stakeholders a picture of the complete system; further data collection may be required at a later date to fill gaps and dig deeper into areas chosen for further review.

We request case-level data (e.g., individual youth data, with only the identifiers necessary to match data for each youth across different datasets).

This data request is extensive. We have found it most efficient and timely for both the state and our project staff to make as few data requests as possible, while at the same time making each request as thorough as possible.

We understand that not all of this data will be readily available, and some may not be available at all. It would be most helpful to use this request as the basis of conversations about what data is available, in what format (case-level, aggregate), and how we can move forward with sharing that data.

Youth and Case Characteristics

For each stage of the JJ system (listed below), we request the following youth/case characteristics.

- demographics (gender, age, race/ethnicity),
- county of jurisdiction
- home county (if different from county of jurisdiction)
- offense type and severity,
- results of risk or needs assessment, mental health status, special needs, etc.

Stages of the system

For each, we request the youth/case characteristics above and the listed additional data.

1. Juvenile arrests – by youth/case characteristics (as applicable)
2. Pre-trial detentions:
 - count
 - reason for detention (formal reason and/or relevant information that impacted detention decision, e.g., priors, mental health status, risk and/or needs assessment results, other special needs, etc.)
 - length of stay (LOS)
 - youth/case characteristics (as applicable)
 - associated costs
3. Diversions – by youth/case characteristics (as applicable)
4. Adjudications - by offense and severity and other youth/case characteristics (as applicable)

5. Dispositions - by type of disposition and youth/case characteristics (as applicable)

6. Placements:

- count
- reason for placement (e.g., offense, mental health status, risk and/or needs assessment results, other needs, etc.),
- sentence
- setting (facility name and ward),
 - For each of multiple settings: name/ward, LOS, and reason for movement
- length of stay
- Medicaid status
- youth/case characteristics (as applicable)
- associated costs

Facilities

ADP and ALOS of each in-state and out-of-state facility - by gender, offense/classification, needs (e.g., mental health, etc.), county of jurisdiction, and programming utilization.

State population forecasts – general population by age).

When available, these are typically produced by other state agencies (e.g., commerce, health, tax), professional groups (e.g., Chamber of Commerce) or universities.



Public Opinion on Juvenile Justice in America

Overview

Voters support sending serious juvenile offenders to corrections facilities, but they favor a range of less-costly alternatives for lower-level offenders, according to a nationwide poll conducted in 2014 by a bipartisan team of pollsters, the Mellman Group and Public Opinion Strategies. Voters see juvenile corrections facilities as government programs that should be subject to a basic cost-benefit test, and they strongly support a more robust probation system and more intervention by families, schools, and social service agencies. When it comes to the juvenile justice system, voters want offending youth to get the services and supervision they need to change their behavior and stop committing crimes—even if that means less incarceration.

Key findings

1. Voters support diverting lower-level juvenile offenders from corrections facilities and investing the savings into probation and other alternatives.
2. Support for juvenile justice reform is strong across political parties, regions, and age, gender, and racial-ethnic groups.

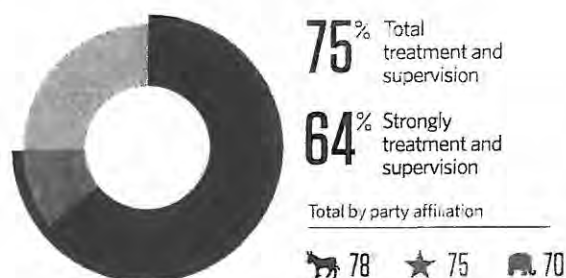
Figure 1

Voters Prioritize Services and Supervision Over Incarceration for Juvenile Offenders

"Which of the following is more important to you personally?"

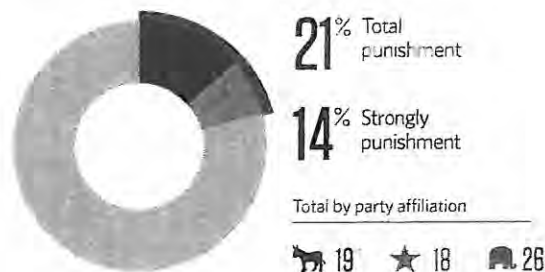
Statement A

"Getting juvenile offenders the treatment, counseling, and supervision they need to make it less likely that they will commit another crime, even if that means they spend no time in a juvenile corrections facility."



Statement B

"Making sure juvenile offenders receive a serious punishment and not just get a slap on the wrist, even if that means they are sent to a juvenile corrections facility."



Party affiliations represent Democratic, independent, and Republican voters.

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Underlying attitudes

Figure 2

Voters Say Juvenile Offenders Should Be Treated Differently From Adult Offenders

"Generally speaking, do you think the justice system should treat adult offenders and juvenile offenders the same, or should it treat juvenile offenders differently from adult offenders?"



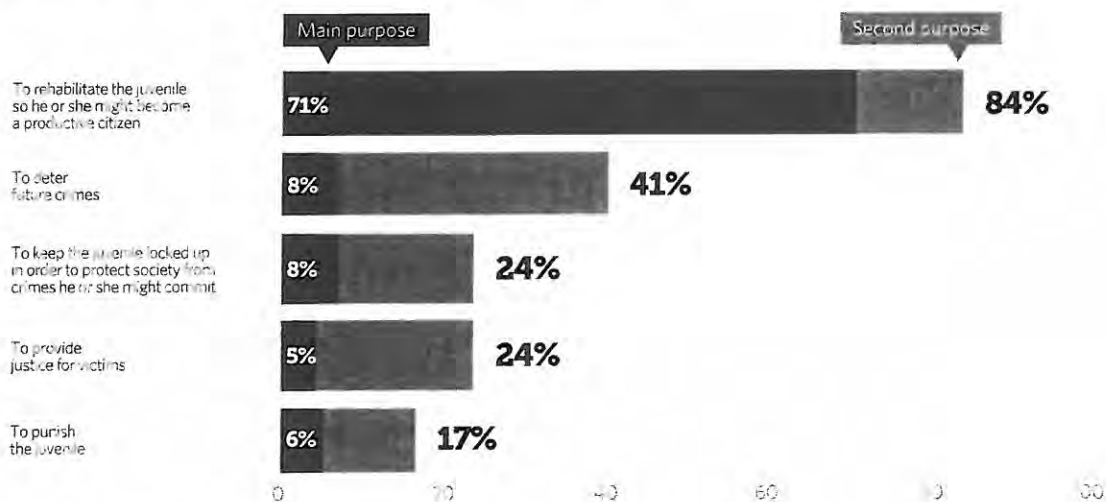
Party affiliations represent Democratic, independent, and Republican voters.

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Figure 3

Voters Say the Juvenile Corrections System Should Focus on Rehabilitation

"In your opinion, what should be the main purpose of placing a juvenile offender in a juvenile corrections facility, such as group homes, boot camps, and secure facilities similar to adult prisons? What is the second most important purpose?"



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Figure 4

Voters Care Less About Whether or How Long Juvenile Offenders Are Incarcerated Than About Preventing Crime

"It does not matter whether a juvenile offender is sent to a juvenile corrections facility or supervised in the community. What really matters is that the system does a better job of making sure that he or she is less likely to commit another crime."



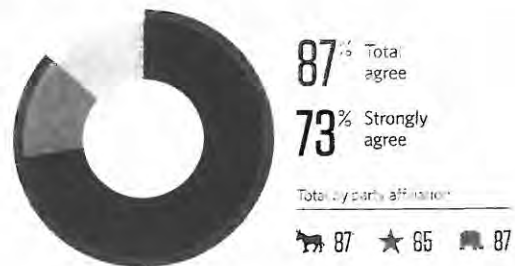
Geographic region

Northeast	Midwest	South	West
79%	87%	86%	84%

Household type

Violent crime victim	Nonviolent crime victim	Law enforcement member
85%	82%	84%

"It does not matter whether a juvenile offender is in a juvenile corrections facility for 6 or 12 or 18 months. What really matters is that the system does a better job of making sure that when a juvenile does get out, he or she is less likely to commit another crime."



Geographic region

Northeast	Midwest	South	West
88%	89%	83%	88%

Household type

Violent crime victim	Nonviolent crime victim	Law enforcement member
88%	87%	84%

Note: Party affiliations represent Democratic, independent, and Republican voters.

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Figure 5

Voters Are Sensitive to the Costs of the Juvenile Corrections System

"We should save our expensive juvenile corrections facilities for more serious juvenile offenders and create alternatives for less serious juvenile offenders that cost less."



90% Total agree

75% Strongly agree

Total by party affiliation

91
 89
 89

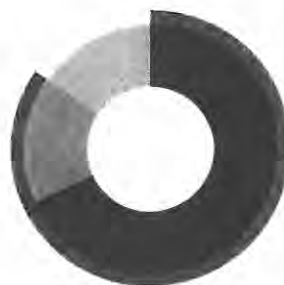
Note: Party affiliations represent Democrat, independent and Republican voters.

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Figure 6

Voters Want a Strong Return on Their Investment in Juvenile Corrections Facilities

"State-funded juvenile corrections facilities are government programs, and just like any other government programs, they need to be put to the cost-benefit test to make sure taxpayers are getting the best bang for their buck."



85% Total agree

68% Strongly agree

Total by party affiliation

81
 86
 88

Note: Party affiliations represent Democratic, independent, and Republican voters.

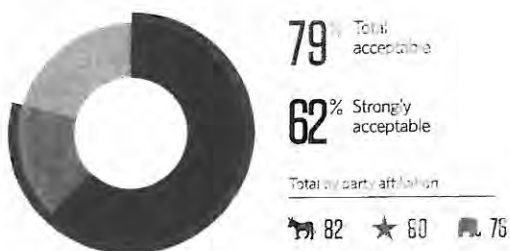
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Policy solutions

Figure 7

Voters Support Reducing the Number and Time Served of Low-Level Juvenile Offenders Sent to Corrections Facilities and Using the Savings to Improve Probation

"As a way to reduce the cost of the juvenile corrections system in your state, do you believe **sending fewer less-serious juvenile offenders to juvenile corrections facilities** and using some of the savings to create a stronger probation system that holds juvenile offenders accountable for their crimes in the community is generally acceptable or generally unacceptable?"



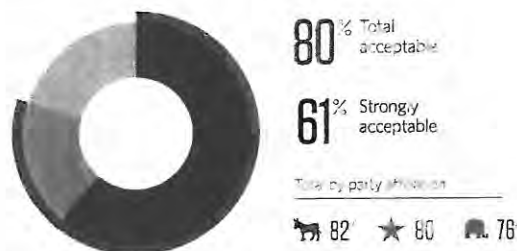
Geographic region

Northeast	Midwest	South	West
81%	79%	78%	80%

Household type

Violent crime victim	Nonviolent crime victim	Law enforcement member
79%	85%	81%

"As a way to reduce the cost of the juvenile corrections system in your state, do you believe **reducing the time that less-serious juvenile offenders spend in juvenile corrections facilities** and using some of the savings to create a stronger probation system that holds juvenile offenders accountable for their crimes in the community is generally acceptable or generally unacceptable?"



Geographic region

Northeast	Midwest	South	West
79%	85%	77%	79%

Household type

Violent crime victim	Nonviolent crime victim	Law enforcement member
82%	82%	80%

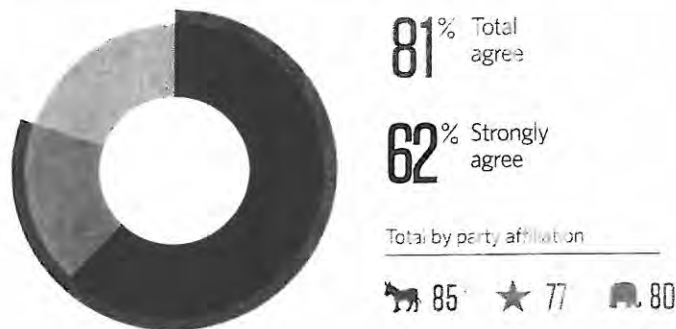
Note: Party affiliations represent Democratic, independent, and Republican voters.

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Figure 8

Voters Say That Nonviolent Juvenile Offenders Should Not Be in Corrections Facilities for More Than 6 Months

"There may be some circumstances where a nonviolent juvenile offender should be placed in a juvenile corrections facility, but they should never be removed from their homes for more than six months for a nonviolent crime."



Geographic region

Northeast	Midwest	South	West
81%	79%	80%	83%

Household type

Violent crime victim	Non violent crime victim	Law enforcement member
83%	80%	77%

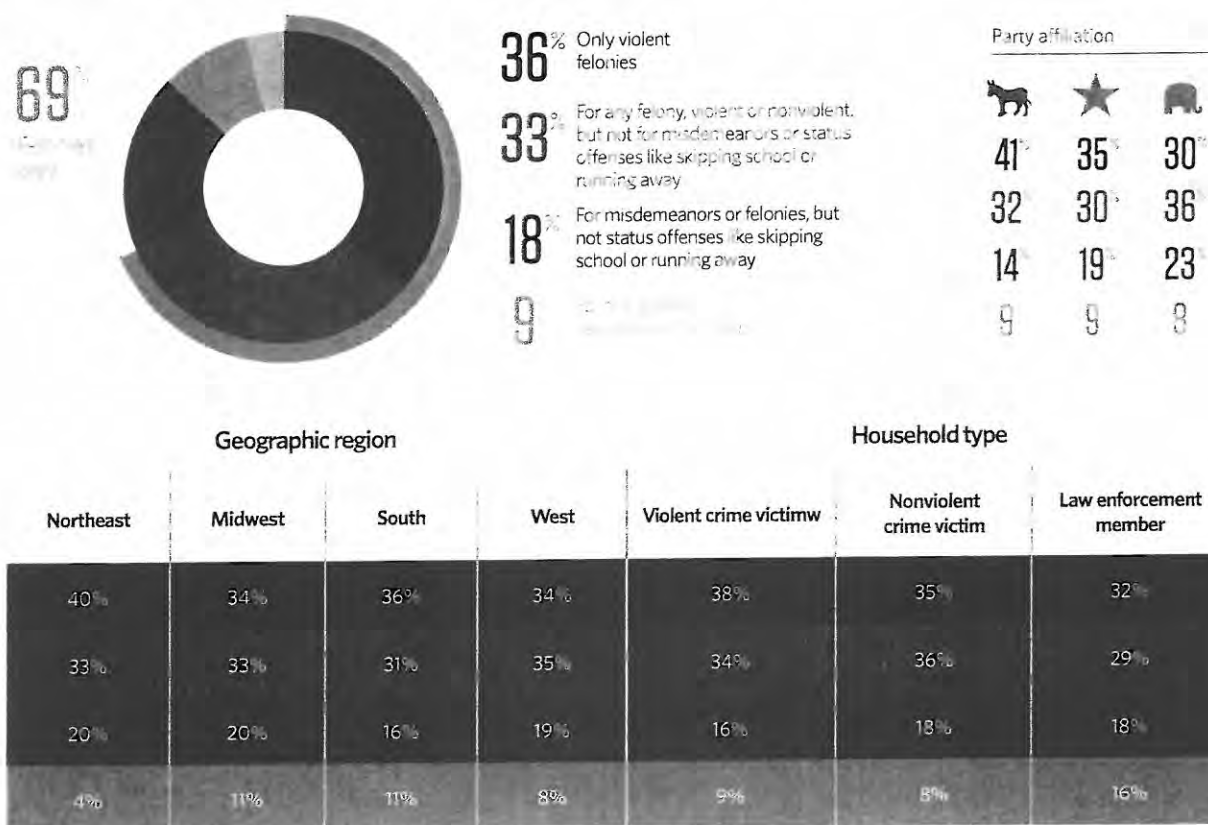
Note: Party affiliations represent Democratic, independent, and Republican voters.

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Figure 9

Most Voters Say Juvenile Corrections Facilities Should Be Used Only for Felony-Level Offenders

"For what kind of offenses do you think judges should be allowed to send juvenile offenders to juvenile corrections facilities?"



Note: Party affiliations represent Democratic, independent, and Republican voters.

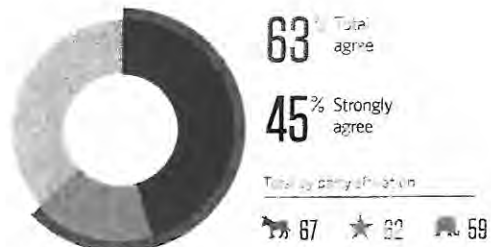
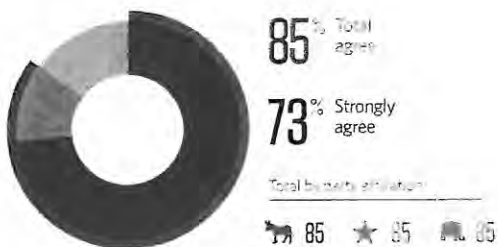
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Figure 10

Most Voters Say Status Offenders and Technical Violators Should Not Go to Corrections Facilities

"Juveniles should never be placed in juvenile corrections facilities for status offenses like skipping school or running away, which would not be a crime if they were an adult."

"Technical violations of probation and other types of community supervision, such as violating curfew or testing positive for drugs, should not result in placement in a juvenile corrections facility."



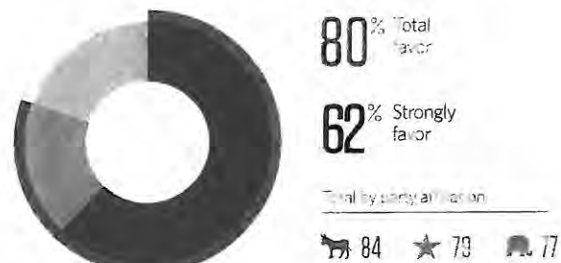
Note: Party affiliations represent Democratic, independent, and Republican voters.

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Figure 11

Most Voters Support Reinvesting Savings From Reducing Juvenile Facility Populations Into County Programs That Contribute to State-Level Savings

"It has been proposed that the state reward counties that send fewer less-serious offenders to state-funded juvenile corrections facilities by sharing some of the savings with the counties to reinvest into their local public safety programs. Would you favor or oppose this proposal?"



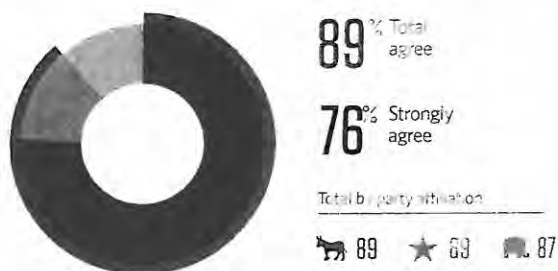
Note: Party affiliations represent Democratic, independent, and Republican voters.

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Figure 12

Nine in 10 Voters Want Families, Schools, and Social Service Agencies to Take More Responsibility for Youth Who Commit Low-Level Offenses

"Schools should be expected to address offenses that occur at school, such as damaging property or acting out, and only involve the juvenile justice system in extreme cases."



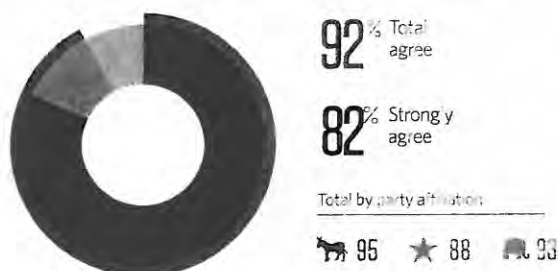
Geographic region

Northeast	Midwest	South	West
93%	87%	88%	89%

Household type

Violent crime victim	Nonviolent crime victim	Law enforcement member
84%	91%	80%

"Schools should be expected to address offenses that occur at school, such as bullying or fighting, and only involve the juvenile justice system in extreme cases."



Geographic region

Northeast	Midwest	South	West
91%	92%	90%	95%

Household type

Violent crime victim	Nonviolent crime victim	Law enforcement member
91%	94%	96%

"Parents and social service agencies need to take more responsibility for less-serious juvenile offenses like using drugs or running away, rather than turning them over to the juvenile justice system."



Geographic region

Northeast	Midwest	South	West
89%	92%	90%	92%

Household type

Violent crime victim	Nonviolent crime victim	Law enforcement member
89%	91%	91%

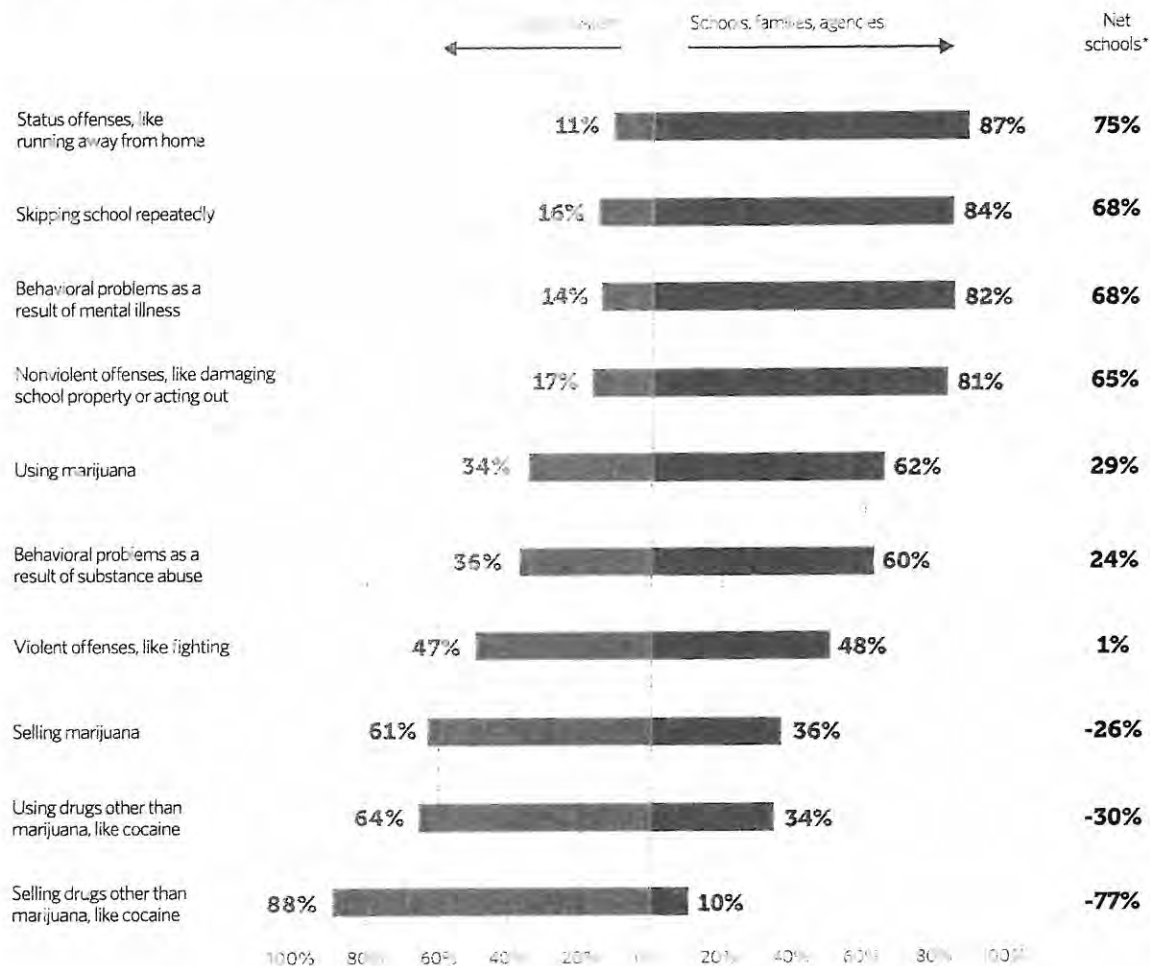
Note: Party affiliations represent Democratic, independent, and Republican voters.

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Figure 13

Voters Say Families, Schools, and Social Service Agencies Should Handle Low-Level Offenses and the Justice System Should Be Involved Only With More Serious Offenses

"Please tell me whether you believe schools, families, and social service agencies should deal with these behaviors or offenses themselves or these behaviors or offenses should be turned over directly to the juvenile justice system."



*Differences may not add to 100% due to rounding.

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Methodology

On behalf of The Pew Charitable Trusts' public safety performance project, the Mellman Group and Public Opinion Strategies conducted phone interviews with 1,200 registered voters nationwide from June 21 to 26, 2014. The survey's margin of error is plus or minus 2.8 percent, with a higher margin for subgroups.

Poll respondent demographics

36% identified as politically conservative

32% identified as politically moderate

32% identified as politically liberal

17% identified as victim or immediate family member of victim of violent crime

45% identified as victim or immediate family member of victim of nonviolent crime

11% identified as member of law enforcement household

For further information, please visit:

pewtrusts.org/publicsafety

Contact: Christina Zurla, communications manager **Email:** czurla@pewtrusts.org **Project website:** pewtrusts.org/publicsafety

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