

Deliberative and Pre-decisional

Chapter 11: Juvenile Justice and Youth Crime

Overview

In 1992 when he was Attorney General of the United States for the first time, Attorney General Barr stated, "Society's concern over how we deal with juveniles should not start after the juvenile has already gone astray."¹ This remains an undeniable truth in a system of justice that does not start at the courthouse. Instead, it starts with a "constellation of private and public institutions that socialize the child and shape his or her moral character."² That constellation includes families, schools, religious leaders, and community-serving agencies. The Attorney General has observed: "Smart punishments are those which seek to instill in a young offender the values, the discipline, and the responsibility that are necessary for self-control."³

Juvenile justice systems differ by state and territory, and each present a range of challenges to law enforcement officers, judges, prosecutors, defenders, and juvenile justice professionals in probation, detention, and child/youth/family services. These challenges call for innovative approaches to addressing juvenile justice.

The juvenile justice system is vital to creating safe, secure, and successful communities. It is in this arena that social interventions and law enforcement contacts are likely to have the most lasting impact towards preventing crime, as sound juvenile justice policy can prevent mistakes made in youth from hardening into a criminal career in adulthood. To support our nation's youth, it is essential that we have an effective, efficient, and balanced juvenile justice system that prevents juvenile crime and delinquency, examines the causes of youth crime and violence, and supports law enforcement's role in both the apprehension of juvenile offenders and, when appropriate, diversion and community-based resources. Our nation must continue to develop qualified juvenile justice professionals who can enhance the awareness and knowledge of all stakeholders, fostering collaboration vital to crime prevention and community safety.

Juvenile justice systems include the courts, which must hold young people accountable when they commit serious and violent crimes in our communities.⁴ This includes creating, enhancing, and using diversionary programs for youth who commit low-level offenses that can be handled swiftly and consistently.⁵ As the officers of the juvenile court, probation officers act as the linchpin of the juvenile justice system and should be supported appropriately at both the state and local levels. Gregory Stuber, senior deputy probation officer and president of the Sacramento County Probation Association, notes that the "arrest and sentencing of a youth are usually completed within a few months, depending upon the alleged crime, but a youth may be placed on probation supervision for three to five years. Thus, the vast majority of interaction a youth has with the juvenile justice system is through their probation officer."⁶ Because of their unique vantage point, probation officers can be both a social worker and a law enforcement officer, which allows them the opportunity to be highly effective in producing positive outcomes for youth and their families.

States should continue to collect data as part of the formal court process, which is used to explore what works and help intelligently and intentionally guide reform.⁷ Placing a juvenile in a well-designed treatment

¹ William P. Barr, U.S. Attorney General, "Remarks of the U.S. Attorney General as Prepared for Delivery," presented at the Governor's Conference on Juvenile Crime, Drugs, and Gangs, Milwaukee, WI, April 1, 1992, <https://www.justice.gov/sites/default/files/ag/legacy/2011/08/23/04-01-1992.pdf>.

² Barr, "Remarks of the U.S. Attorney General."

³ Barr, "Remarks of the U.S. Attorney General," 16.

⁴ James Backstrom, "The Proper Intersection of Restorative Justice and Public Safety in Juvenile," *The Prosecutor* 54, no. 2 (2020).

⁵ Marty Beyer, *Best Practices in Juvenile Accountability: Overview* (Washington, DC: Office of Juvenile Justice and Delinquency Prevention, 2003), 1, <https://www.ncjrs.gov/pdffiles1/ojdp/184745.pdf>.

⁶ Gregory Stuber, Senior Deputy Probation Officer, Sacramento County Probation Association, in discussion with Juvenile Justice and Youth Crime Working Group, virtual meeting, May 27, 2020.

⁷ Edward J. Latessa, "From Theory to Practice: What Works in Reducing Recidivism?," in *State of Crime and Justice in Ohio* (Columbus, OH: Ohio Office of Criminal Justice Services, 2004), https://www.uc.edu/content/dam/uc/ccjr/docs/articles/Theory_Practice.pdf.

Deliberative and Pre-decisional

plan focused on changing the juvenile’s individual behavior and teaching core skills may prevent future delinquency and encourage successful reentry into the community.⁸

Different types of youth assessments should be applied at different points in the juvenile justice system, including diversion, pre-adjudication, adjudication, and reentry. Instruments and measurements need to be in place and encouraged so that every state studies, tests, and implements standardized assessment tools that will help determine risk and needs for the young people entering the juvenile justice system. The end result is to reduce recidivism and ensure public safety. These systems should use consistent assessments to discover and address the risks and needs of the young people they encounter.⁹ All parts of juvenile justice systems must come together to hold youth who commit crimes and endanger the public accountable, use appropriate risk and needs assessments to inform supervision levels and programming types and dosages, and engage key stakeholders in the efforts to prevent youth crime with early intervention.

A well-functioning juvenile justice system can reduce crime by preventing youths from becoming criminals in the first place. While juveniles comprise a segment of the criminal population, they are more corrigible and receptive to social programs and interventions. Law enforcement must receive distinct training to protect and serve juveniles in all contexts of criminal justice—as offenders, witnesses, or victims. The juvenile justice system should instill accountability by imposing consequences for behavior, which may include less punitive options such as diversion programs and probation.

Ultimately, consistent with the theme of juvenile justice as a system that functions to preempt future crime more than punish present actions, the objective is to keep youths out of the criminal justice system in the first place, and to that end the Commission also emphasizes the importance of social outreach and interventions as key elements of any juvenile justice.

Encouragingly, in recent years there has been a decline in the number of juveniles entering the justice system. According to 2018 data from the Federal Bureau of Investigation’s (FBI) Uniform Crime Reporting (UCR) program, arrests of juveniles that year reached their lowest levels in nearly four **decades**.¹⁰ The decline in arrests since 1996 was greater for juveniles than for adults. As a result, juveniles accounted for 7 percent of arrests in 2018.¹¹

11.1 The Role of Law Enforcement and Detention/Corrections Staff

⁸ Latessa, “From Theory to Practice.”

⁹ Jennifer Pealer and Edward J. Latessa, “Technology Transfer-A Case Study in Implementing the Principles of Effective Cognitive and Behavioral Interventions for At-Risk Juveniles,” in *Cognitive Behavioral Interventions for At-Risk Youth*, ed. Barry Glick (Kingston, NJ: Civic Research Institute, 2006).

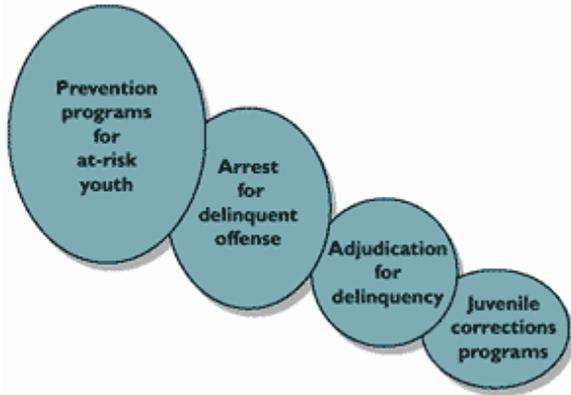
¹⁰ Charles Puzzanchera, *Arrest Characteristics of Older Juveniles and Young Adults* (Washington, DC: Office of Juvenile Justice and Delinquency Prevention, 2019), https://www.ojjdp.gov/ojstatbb/snapshots/DataSnapshot_UCR2017.pdf.¹¹ Puzzanchera, *Arrest Characteristics of Older Juveniles*, 1.

¹¹ Puzzanchera, *Arrest Characteristics of Older Juveniles*, 1.

Deliberative and Pre-decisional

Approximately 25 percent of the U.S. population is age 17 or younger, the age group commonly referred to as juveniles. This percentage has grown since the mid-1980s and is projected to continue its growth until at least 2060.¹²

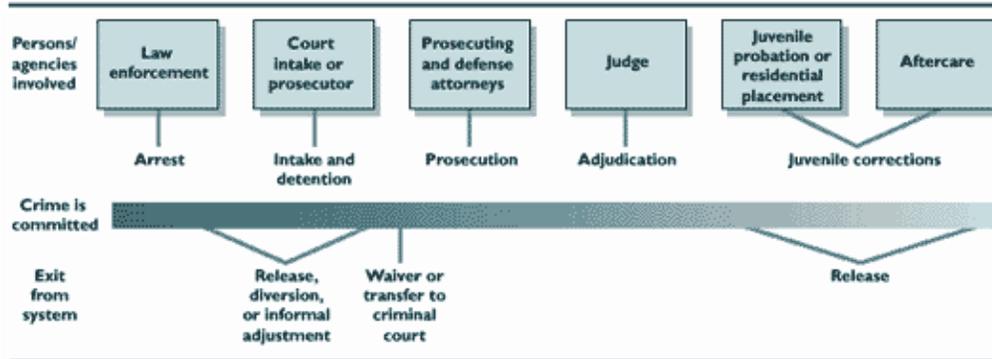
Figure 2:a Juvenile Justice System



Source: Ann H. Crowe, Jurisdictional Technical Assistance Package for Juvenile Corrections (Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, 2000), https://www.ncjrs.gov/hTml/ojjdp/juris_Tap_report/.

Although statistics are available on both juvenile offenses and juveniles as victims, “often, law enforcement statistics are used as a proxy for examining trends in juvenile crime and offending. Law enforcement provides ‘input’ for the rest of the juvenile justice system, and thus understanding these inputs is critical for examining how the system responds to juvenile crime.”¹³ Over the past few decades, arrest statistics have been used as the main barometer of juvenile delinquent activity, yet juvenile offenses often go unreported.¹⁴

Figure 2:b Juvenile Justice Process and Components



Source: Office of Juvenile Justice and Delinquency Prevention, Jurisdictional Technical Assistance Package for Juvenile Corrections, 2000

[BEGIN TEXT BOX]

Children Exposed to Violence and Childhood Trauma: A Toolkit for Law Enforcement

¹² “Juvenile Population Characteristics: Overview,” Office of Juvenile Justice and Delinquency Prevention Statistical Briefing Book, accessed August 11, 2020, <https://www.ojjdp.gov/ojstatbb/population/overview.html>.

¹³ “Offending by Juveniles: Overview,” Office of Juvenile Justice and Delinquency Prevention Statistical Briefing Book, accessed June 4, 2020, <https://www.ojjdp.gov/ojstatbb/offenders/overview.html>.

¹⁴ Office of Juvenile Justice and Delinquency Prevention Statistical Briefing Book, “Offending by Juveniles.”

Deliberative and Pre-decisional

When given the tools to provide trauma-informed, developmentally appropriate responses to children exposed to violence, law enforcement officers can

- provide a safe environment to assist youth in re-establishing a sense of security and stability
- help youth and their families begin to heal
- support and reshape attitudes towards law enforcement¹⁵

[END TEXT BOX]

Whether addressing the needs of youth at scenes of domestic violence, interacting with youth of different ages who have experienced traumatic stress, or providing death notifications to children, specific protocols and training will greatly assist a law enforcement officer's ability to properly protect and serve the juvenile community.

Law enforcement agencies should enhance their capacity to respond to children exposed to violence by completing an organizational self-assessment.¹⁶

11.1.1 Criminal justice professionals who interact with juvenile offenders should receive specialized training.

Agencies should ensure that employees, who will interact with juveniles or be responsible for engaging in the juvenile justice system, receive specialized training on the unique aspects of juvenile justice. Youth who enter the juvenile justice system require specific handling to ensure minimization of harm. Additionally, specialized training is required to identify signs of trauma, abuse, or exploitation. Identification of gang involvement or human trafficking is also essential and can provide for early intervention. If the needs of the juveniles are appropriately identified, as a result of specific training, and appropriate services provided, positive outcomes increase exponentially. This will greatly reduce the percent of recidivism. This training can also ensure compliance with policies and procedures based on best practices.

11.2 The Need for Accountability

Our youth who violate the law need to be held accountable to improve the quality of life in our communities. The traditional juvenile justice system defined accountability as punishment or adherence to rules laid down by the system, a similar approach to that taken with adults. For juvenile offenders to take responsibility for their actions, they "must be helped to think beyond their first response to the perceived or real unfairness of adults, lack of opportunity, or rivalry with another group and assisted in understanding consequences."¹⁷

Given the way adolescent brains develop,¹⁸ sometimes a juvenile who commits an offense may feel that their behavior, although illegal, is an appropriate response. This is why the Balanced and Restorative Justice model was created. It defines accountability as an obligation or willingness to accept responsibility for one's actions and taking certain steps to repair the harm. This includes a combination of building skills, repairing the harm done to victims, and protecting the community. This approach encourages positive development of youth so that they can become productive members of our communities.¹⁹

¹⁵ International Association of Chiefs of Police and Yale Child Study Center, *Enhancing Law Enforcement Response to Children Exposed to Violence and Childhood Trauma: A Toolkit for Law Enforcement* (Alexandria, VA: International Association of Chiefs of Police, 2018), <https://www.theiacp.org/sites/default/files/2018-08/CEVToolkit.pdf>.

¹⁶ International Association of Chiefs of Police and Yale Child Study Center, *Enhancing Law Enforcement Response*.

¹⁷ Beyer, *Best Practices in Juvenile Accountability*.

¹⁸ Sarah Spinks, "Adolescent Brains Are A Work In Progress: Here's Why," *Frontline*, accessed July 8, 2020, <https://www.pbs.org/wgbh/pages/frontline/shows/teenbrain/work/adolescent.html>.

¹⁹ D. Maloney, T. Armstrong, and D. Romig, "Juvenile Probation: The Balanced Approach," Centre for Justice and Conciliation, April 23, 2002, <http://restorativejustice.org/rj-library/juvenile-probation-the-balanced-approach/757/#sthash.CZlokq7i.TQ0xLTp9.dpbs>.

Deliberative and Pre-decisional

PULL QUOTE: “The glue that makes community-based programming work is accountability. Through accountability . . . trust is earned. These trusting relationships are achieved by fostering an informed and communicative environment that promotes clear follow-through. And, with trust, comes freedom.”²⁰ - Timothy E. Irwin, Juvenile Court Judge of Knox County, Tennessee.

The juvenile court system helps hold juveniles accountable and provides the structure for needed change when other influences haven’t worked. Juvenile court judges can be a strong tool for holding youth accountable and helping them make positive changes in their lives. Another successful tool courts have is the use of probation. Probation officers are responsible for the community supervision of youth assigned to them and provide an immediate law enforcement response when necessary. Probation officers also act as the rehabilitative conduit by assessing the risk and needs of a youth and their families and then implementing a strategic plan for them, which includes referrals into county-provided programs or community-based organizations.

States should adopt OJJDP’s mission statement to “support the efforts of states, tribes, and communities to develop and implement effective and equitable juvenile justice systems that enhance public safety, ensure youth are held appropriately accountable to both crime victims and communities, and empower youth to live productive, law abiding lives.”²¹ This includes creating, enhancing, and using diversionary programs for youth that commit low-level offenses which can be handled swiftly and consistently.²²

And as part of holding juveniles accountable, states should also ensure that their Victims Bill of Rights provides the same protections to victims of juvenile crime as to those of adult crime. Regardless of the age of the offender, victims should be protected and offenders held accountable for their harms to victims.

[CROSS REFERENCE TO VICTIMS]

11.2.1 Congress should reinstitute funding for the Juvenile Accountability Block Grants program.

The Juvenile Accountability Block Grants (JABG) program, originally established in 1998, was renamed and authorized under the Omnibus Crime Control and Safe Streets Act, 34 U.S.C. § 10401 (2002).²³ With a goal of “reducing juvenile offending through accountability-based programs focused on both the juvenile offender and the juvenile justice system, the JABG program supported states and territories in implementing graduated sanctions that were proportionate to the offenses, both as a matter of basic justice and as a way to combat juvenile delinquency and improve the quality of life in the nation’s communities.”²⁴

In 1998, JABG had an initial appropriation of \$250 million dollars, and was funded at decreasing amounts in subsequent years. No federal funding has been allocated to JABG since 2013.²⁵

11.2.3 Law enforcement agencies should implement the Office of Juvenile Justice and Delinquency Prevention’s Comprehensive Gang Model.

In an effort to highlight the administration’s commitment to addressing gang-related threats to public safety, President Donald J. Trump has proclaimed a National Gang Violence Prevention Week for the past several years. The proclamations have renewed the administration’s “dedication to identifying and dismantling the

²⁰ Timothy E. Irwin, Juvenile Court Judge, Knox County, TN, in discussion with Juvenile Justice and Youth Crime Working Group, virtual meeting, May 29, 2020.

²¹ Office of Juvenile Justice and Delinquency Prevention, “About OJJDP: Mission Statement.”

²² Beyer, *Best Practices in Juvenile Accountability*.

²³ Safe Streets Act of 2002, 34 U.S.C. § 10401 (2020), <https://www.govinfo.gov/content/pkg/USCODE-2017-title34/html/USCODE-2017-title34.htm>.

²⁴ Office of Justice Programs, *JABG Award Language for Recipients* (Washington, DC: Office of Juvenile Justice and Delinquency Prevention, 2013).

²⁵ Coalition for Juvenile Justice, *Protecting Our Children and Communities: The Essential Role of Funding Under the Juvenile Justice and Delinquency Prevention Act* (Washington, DC: Coalition for Juvenile Justice, 2017), <http://www.juvjustice.org/sites/default/files/resource-files/JJDPFundingFinal.pdf>.

Deliberative and Pre-decisional

criminal networks that seek to wreak havoc on our communities and to bringing the individuals who participate in them to justice” and reaffirmed support “for the heroes of law enforcement who have taken a sacred pledge to defend the Nation and its people.”²⁶

A 2015 study that appeared in the *Journal of Adolescent Health* estimates that there are more than one million juvenile gang members in the United States, which is more than three times the number estimated by law enforcement.²⁷ Youth gang membership challenges many popular demographic stereotypes about gangs in the nation. The study found that an average of 2 percent of youth are gang members, and youth age 14 have the highest gang involvement (5 percent).²⁸ Additionally, the study found that youth in gangs come from all types of backgrounds.

Law enforcement severely undercounts juvenile gang members. National estimates place the number of youth in gangs at 300,000, which is less than a third of what the study found.²⁹ Author David Pyrooz says, “law enforcement uses a top-down strategy, recording older and more criminally-involved youth as gang members, which ignores younger and more peripherally gang-involved youth, all of whom are captured in the bottom-up strategy we use in this study.”³⁰

While law enforcement plays a critical role in addressing gang problems, it alone will not stem the flow of youth gang involvement. A community simply cannot arrest its way out of serious, violent, and entrenched youth gang problems. Law enforcement agencies may collaborate with citizens and organizations to implement strategies that address both the immediate threat of youth gangs and the conditions that allow them to exist. As Attorney General Barr stated in 1992, “the first part of any meaningful juvenile justice reform must involve the strengthening of society’s most important socializing institutions -- the family, schools, community associations and religious institutions. These are the primary vehicles by which values and ethics are instilled in our children, and their importance cannot be overstated.”³¹

Agencies should also consider creating specialized units in the juvenile field to address the specific needs of certain youth offenders, including units focused on home supervision and electronic monitoring, juvenile justice diversion programs, commercially sexually exploited children, sex offenders, arson, and gang suppression.

11.2.4 States should delay the automatic expungement of juvenile arrest and court records until adulthood. Instead, states should implement limited access relief, which allows criminal justice system stakeholders access to offender history while maintaining confidentiality.

When a juvenile reoffends, automatic expungement blinds the system, taking away the law enforcement’s ability to see the inherent risks presented by previous behavior.³²

Unless a juvenile delinquency matter has been dismissed for failing to establish probable cause or guilt, or expungement is based upon a change in the substantive criminal law of that jurisdiction, automatic expungement for juveniles goes against the goals of the juvenile justice system. As Thomas Lemmer, member of the Fraternal Order of Police Lodge #7 and deputy chief of the Chicago Police Department, states,

²⁶ Donald J. Trump, President of the U.S., “Presidential Proclamation on National Gang Violence Prevention Week, 2019,” Washington, DC, September 13, 2019, <https://www.whitehouse.gov/presidential-actions/presidential-proclamation-national-gang-violence-prevention-week-2019/>.

²⁷ David C. Pyrooz and Gary Sweeten, “Gang Membership Between Ages 5 and 17 Years in the United States,” Abstract, *Journal of Adolescent Health* 56, no. 414 (2015), <https://doi.org/10.1016/j.jadohealth.2014.11.018>.

²⁸ Sam Houston State University, “Juvenile Gang Members in US Top 1 Million, New Study Finds,” ScienceDaily, February 12, 2015, <https://www.sciencedaily.com/releases/2015/02/150212131817.htm>.

²⁹ Pyrooz and Sweeten, “Gang Membership Between Ages.”

³⁰ Pyrooz and Sweeten, “Gang Membership Between Ages.”

³¹ Barr, “Remarks of the U.S. Attorney General.”

³² *President’s Commission on Law Enforcement and the Administration of Justice: Hearing on Social Problems Impacting Public Safety* (May 6, 2020) (written statement of Thomas J. Lemmer, Member, Chicago Lodge 7, Fraternal Order of Police), <https://www.justice.gov/ag/presidential-commission-law-enforcement-and-administration-justice/hearings>.

Deliberative and Pre-decisional

“expunging these records while youth are still youth is problematic, as it leaves police and social service workers blinded, as they seek to identify the intervention approaches appropriate for those youth.”³³ It also gives juveniles a false confidence that they continue in criminal behaviors without serious consequence.

Juvenile justice is a system that requires knowledge and information about young people so as to properly assess and ultimately provide effective intervention. That cannot be accomplished if the system is not aware of the underlying challenges facing that young person, including prior arrests and dispositions. A system based on a balanced approach to justice would be designed to enhance public safety, ensure that youth are held appropriately accountable to both crime victims and communities, and empower youth to live productive, law-abiding lives.³⁴

Crime victims may suffer the consequences as well, as orders designed for their protection may disappear or become inaccessible. The youth will also suffer because of the inability to match services with needs. Providers—those most expected to have information on the services needed to provide appropriate intervention—will be unable to do so. To that end, “Expunging juvenile arrest records does nothing to lower the victimization risk for the involved youth; it only conceals that risk from police and others seeking to identify the need for intervention approaches. An expungement process that leaves youth vulnerable to victimization is not in their best interests.”³⁵ Instead, states should implement another form of relief for juveniles called limited access. This relief seals the juvenile’s record, allowing only stakeholders in the juvenile justice system to have access to their entire history of adjudication.

11.3 Risk and Needs Assessment

A standardized risk and needs assessment helps identify a youth’s risk of reoffending and any factors that, if addressed, would help reduce the likelihood of re-offense.³⁶ These assessment findings also assist with developing treatment and service plans to treat the youth’s individual needs, which will in turn help ensure the best possible outcome.³⁷ Once the youth’s risk of reoffending and their criminological needs—such as family issues, competency, level of education, and self-esteem issues—have been identified, then the appropriate response can be administered by the juvenile justice system.³⁸

PULL QUOTE: “Smart punishments are those which seek to instill in a young offender the values, the discipline, and the responsibility that are necessary for self-control.”³⁹ - Attorney General William P. Barr

11.3.1 States should study, test, and implement a standardized assessment tool at both the state and local levels to determine risk and needs for juveniles entering a juvenile justice system.

Many assessment instruments are used by researchers, juvenile justice professionals, and other experts. These assessments may range from brief screening for early determination of the juvenile’s risk factors for reoffending to a comprehensive assessment covering both the level of risk and the needs of the juvenile.

³³ Lemmer, *President’s Commission on Law*, May 6, 2020.

³⁴ Office of Juvenile Justice and Delinquency Prevention, “About OJJDP: Mission Statement.”

³⁵ Lemmer, *President’s Commission on Law*, May 6, 2020.³⁶ Gina Vincent et al., *Studying Drivers of Risk and Needs Assessment Instrument Implementation in Juvenile Justice* (Washington, DC: Office of Juvenile Justice and Delinquency Prevention, December 1, 2018), <https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/pubs/251809.pdf>.

³⁶ Gina Vincent et al., *Studying Drivers of Risk and Needs Assessment Instrument Implementation in Juvenile Justice* (Washington, DC: Office of Juvenile Justice and Delinquency Prevention, December 1, 2018), <https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/pubs/251809.pdf>.

³⁷ Vincent et al., *Studying Drivers of Risk and Needs Assessment*.³⁸ Edward J. Latessa, Professor and Director, School of Criminal Justice, University of Cincinnati, in discussion with Juvenile Justice and Youth Crime Working Group, virtual meeting, April 14, 2020.³⁹ Barr, “Remarks of the U.S. Attorney General,” 16.⁴⁰ Development Services Group, Inc., *Risk and Needs Assessment for Youths*.

³⁸ Edward J. Latessa, Professor and Director, School of Criminal Justice, University of Cincinnati, in discussion with Juvenile Justice and Youth Crime Working Group, virtual meeting, April 14, 2020.³⁹ Barr, “Remarks of the U.S. Attorney General,” 16.⁴⁰ Development Services Group, Inc., *Risk and Needs Assessment for Youths*.

³⁹ Barr, “Remarks of the U.S. Attorney General,” 16.⁴⁰ Development Services Group, Inc., *Risk and Needs Assessment for Youths*.

Deliberative and Pre-decisional

Risk and needs assessments are not only designed to inform and guide decisions about estimating a juvenile's likelihood to recidivate.⁴⁰ These measures are also helpful when creating plans for appropriate treatment or services. They allow juvenile justice professionals and practitioners to classify offenders and target limited resources to juveniles who may need intensive supervision and services.⁴¹

11.4 Enhancing Engagement in Support of Prevention and Early Intervention

A justice system, schools, and the community should openly communicate to keep the children who intersect with them safe and healthy. Youth who are harmed or victimized often then harm and victimize in return. Thus, protecting our youth in our schools and from online threats, as well as prevention and early intervention efforts all serve critical roles in keeping youth from becoming offenders and entering the justice system in the first place. Courts and law enforcement cannot provide a balanced approach to juvenile justice on their own. Instead, families and communities need to be actively engaged in breaking down barriers in these systems. Often, coordination between community service-based agencies and the juvenile justice systems has been difficult because of agency barriers that impede communication.⁴²

Internet safety and victimization also need to be addressed through the lens of bullying and cyber harassment. First Lady Melania Trump's BE BEST Initiative focuses on online safety as a key pillar that requires tools and skills in support of the emotional, social, and physical health of our nation's youth.⁴³ While bullying has always been an issue among young people, the rise of social media has allowed new forms of anonymous bullying to occur. This bullying and the resulting trauma needs to be addressed through a detailed internet safety agenda.

Many youth who commit crimes present with co-occurring issues that require multiple services to communicate regarding their care.⁴⁴ To address this, local agencies and communities nationwide have developed multi-discipline coalitions that help plan and create solutions for sound juvenile development.

A critical partnership should exist between the school and law enforcement. Around the nation, these types of partnerships are only beginning, despite youth spending a significant amount of their day inside a school. Due to time spent with children during the school day, school resource officers (SROs) are in the unique position to positively influence, protect, and aid them during this vulnerable and formative time in their lives. SROs help create a safe learning environment which allows the children to thrive and school officials to concentrate on the education process.⁴⁵

11.4.1 Law enforcement and their local school system should create and implement a memorandum of understanding so that school resource officers and school personnel train, learn and respond collectively on issues confronting their individual school populations.

SROs play an integral role in contemporary school settings. Not only do they provide the first line of defense against threats, they are often part a school's culture because of their everyday presence on campus. SROs cultivate and strengthen relationships with students, staff, administrators, and parents. Building these relationships is key to resolving conflict, creative problem solving, and creating a positive, safe environment for students to learn and grow.⁴⁶ For both educators and law enforcement to be successful, their

⁴⁰ Development Services Group, Inc., *Risk and Needs Assessment for Youths*.

⁴¹ The Pew Center on the States, *Risk/Needs Assessment 101: Science Reveals New Tools to Manage Offenders* (Washington, DC: Pew Charitable Trusts, 2011), https://www.pewtrusts.org/~media/legacy/uploadedfiles/pcs_assets/2011/pewriskassessmentbriefpdf.

⁴² Christy K. Scott et al., "Juvenile Justice Systems of Care: Results of a National Survey of Community Supervision Agencies and Behavioral Health Providers on Services Provision and Cross-System Interactions," *Health and Justice* 7, no. 1 (2019), <https://doi.org/10.1186/s40352-019-0093-x>.

⁴³ "BE BEST: First Lady Melania Trump's Initiative," The White House, accessed August 18, 2020, <https://www.whitehouse.gov/bebest/>.

⁴⁴ Scott et al., "Juvenile Justice Systems of Care."

⁴⁵ National Association of School Resource Officers, *To Protect and Educate: The School Resource Officer and the Prevention of Violence at School* (Hoover, AL: National Association of School Resource Officers, 2018), <https://www.nasro.org/clientuploads/resources/NASRO-Protect-and-Educate.pdf>.

⁴⁶ Tim Evinger, "Succeeding as a School Resource Officer in a Changing World," *Lexipol* (blog), November 16, 2019, <https://www.lexipol.com/resources/blog/succeeding-as-a-school-resource-officer-in-a-changing-world/>.

Deliberative and Pre-decisional

memorandum of agreement should outline the appropriate response to mandatory and permissive referrals and clearly document when a law enforcement response is required. Additionally, it should outline mandatory joint training between school and law enforcement. Ideally, this school-justice partnership should require data collection to inform and guide future action and response from both the school and law enforcement agencies.

11.4.2 Law enforcement agencies should create selection panels that include school administrators and a representative from the prosecutor's office to select school resource officers.

To partner effectively, both the school and the law enforcement agency identified in the memorandum of agreement should be involved in the selection process for suitability of the SRO. Not all law enforcement officers have the attributes to work most effectively within a school setting. Accordingly, organizations such as schools and juvenile justice agencies should partner with law enforcement in the selection and assignment of SROs. Using this approach not only results in a better match for the critical partnership, but it also reinforces the shared responsibility of all parties to provide a safe learning environment for the children.

11.4.3 States should require training for school districts, law enforcement agencies, and other appropriate authorities on school-based policing and school law.

All school district personnel, law enforcement officers, and other appropriate authorities should be required to take training on school-based policing and school law. Both basic and advanced training courses promote the role of an SRO as a teacher, informal counselor, and law enforcement officer and stress the importance of active involvement from the partner organization.

11.4.4 Counties that are responsible for the prosecution of juvenile delinquency should form a youth service commission as part of their juvenile justice continuum.

Key stakeholders should consolidate to plan, implement, and evaluate the juvenile justice service system in their community. The resulting commission should serve as the primary advisory board on youth who are at risk, are involved with the family court or the child welfare system, or are on probation or parole. Further, it should mobilize the community to advance child, youth, and family well-being through planned, intentional collaboration.⁴⁷ These services should also focus on those youth identified to be at risk of entering a system.

These juvenile justice commissions can help reduce youth crime in local communities and increase the accountability, effectiveness, and efficiency of the youth justice system.⁴⁸ Local commission membership "should represent a broad coalition of government, nonprofit agencies, youth and parent advocates, sheriff's department, prosecutor's office, education, the family court, public defender, and probation with the purpose of bringing together key leaders of the local juvenile justice continuum."⁴⁹

11.4.5 Law enforcement agencies, community partners, and the private sector should partner to create agency-wide mentoring initiatives that engage youth and promote law enforcement-youth interactions.

Mentoring is an excellent tool to engage the community and increase respect for law enforcement within it. Adult role models are often scarce in high-crime neighborhoods and mentorship is a practical solution to address this need. When the family disintegrates, mentorship is the last great hope. Law enforcement executives should encourage their officers—especially those in urban areas struggling with high crime rates—to engage as role models and mentors in youth development programs.⁵⁰ Through this support, an officer

⁴⁷ Anthony V. Pierro, Juvenile Chief, Prosecutor's Office, Ocean County, NJ, email communication with Scott Pestridge, Federal Program Manager, Juvenile Justice and Youth Crime Working Group, June 26, 2020.

⁴⁸ Pierro, email communication with Scott Pestridge, June 26, 2020.

⁴⁹ Pierro, email communication with Scott Pestridge, June 26, 2020.

⁵⁰ *President's Commission on Law Enforcement and the Administration of Justice: Hearing on Juvenile Justice* (May 7, 2020) (statement of Steve Salem, President and Chief Executive Officer, Cal Ripken Senior Foundation), <https://www.justice.gov/ag/presidential-commission-law-enforcement-and-administration-justice/hearings>.

Deliberative and Pre-decisional

will help at-risk youth make healthy behavioral decisions, which in turn promotes trust building between law enforcement and youth. Probation officers serve as mentors to the youth assigned to them and are able to build rapport with them and provide guidance and counseling to them in their everyday activities.

Bigs in Blue, an OJJDP-funded program of Big Brothers Big Sisters of America, matches police officers ("bigs") with children ("littles") who come largely from poor or single-parent homes or who have an incarcerated parent. Nationwide, there are 82 Bigs in Blue initiatives that have matched 1,090 police officers with children in the communities they patrol.⁵¹

11.4.7 Law enforcement and juvenile justice-serving agencies should include child internet safety education as a primary prevention tool.

Education and prevention are critical to addressing online exploitation and abuse, and key stakeholders need to be part of that solution. School-justice partnerships should prioritize education and training to both students and their guardians about internet safety and the ease with which dangerous situations occur.

Young people are often sought after by perpetrators on the internet. John F. Clark, president and chief executive officer of the National Center for Missing and Exploited Children (NCMEC), says, "After the internet became more accessible to the general public in the 1990s, NCMEC started to see a growing threat to children being sexually exploited, enticed, and groomed into abusive situations by online predators."⁵² Both young people and their parents and guardians must understand the dangers that lurk beyond their keyboard. One such danger is sextortion, which "occurs when someone threatens to distribute your private and sensitive material if you don't provide them images of a sexual nature, sexual favors, or money."⁵³ When an offender's goal is to obtain sexually explicit content from a child, the blackmail that happens after occurs almost immediately.⁵⁴ This trend highlights the urgency in detecting and reporting this victimization so that appropriate intervention can remove the child from the situation and safeguard them from continuing harm.

11.4.8 Law enforcement agencies should engage with their Internet Crimes Against Children task force to further protect youth from exploitation.

Internet Crimes Against Children (ICAC) is a national network of 61 coordinated task forces that represents more than 4,500 federal, state, and local law enforcement and prosecutorial agencies throughout the 50 states engaged in the proactive and reactive investigations and prosecutions of persons involved in child abuse and exploitation involving the internet.⁵⁵

ICAC was developed in response to the increasing number of children and teenagers using the internet and other technology, the proliferation of child sexual abuse images available electronically, and the increased online activity by predators who seek unsupervised contact with potential underage victims. Understanding that arrests are only one component of a coordinated strategy to address technology-facilitated child sexual exploitation, the ICAC program provides training to law enforcement officers and prosecutors and educates parents and youth about the potential dangers of online activity.

Law enforcement agencies should create a login on the ICAC Training and Technical Assistance website and, once verified, begin accessing the resources available there.⁵⁶

⁵¹ Office of Juvenile Justice and Delinquency Prevention, *Office of Juvenile Justice and Delinquency Prevention: 2019 Annual Report* (Washington, DC: Office of Juvenile Justice and Delinquency Prevention, 2019), 2, <https://ojjdp.ojp.gov/library/publications/office-juvenile-justice-and-delinquency-prevention-fiscal-year-2019-annual>.

⁵² Clarke, *President's Commission on Law*, May 5, 2020.

⁵³ "What Is Sextortion?: An FBI Special Agent Defines Sextortion and Provides Tips to Avoid Falling Prey to Online Predators," Federal Bureau of Investigation, accessed June 12, 2020, <https://www.fbi.gov/video-repository/newss-what-is-sex-tortion/view>.

⁵⁴ Federal Bureau of Investigation, "What is Sextortion?"

⁵⁵ Office of Juvenile Justice and Delinquency Prevention, *2019 Annual Report*, 16.⁵⁶ "ICAC Training and Technical Assistance," Internet Crimes Against Children Task Force, accessed June 12, 2020, <https://www.icactaskforce.org/Pages/Home.aspx>.

⁵⁶ "ICAC Training and Technical Assistance," Internet Crimes Against Children Task Force, accessed June 12, 2020, <https://www.icactaskforce.org/Pages/Home.aspx>.

Deliberative and Pre-decisional

11.5 Training and Professionalizing the Juvenile Justice System

Juvenile justice is a specialty area of jurisprudence. It is a unique court system that has independent rules and requirements that are different than its adult counterpart, and inexperienced professionals are no match for the work that is required in juvenile courts. The lack of recognition that juvenile justice is a stand-alone specialty has negatively affected the profession in both staff retention and training, and juvenile professionals are often underappreciated in their workplace. Justice systems should recognize juvenile justice as an independent and unique area of jurisprudence, and training should be provided to those currently in the field. And while law enforcement officers are often highly trained in many aspects of their interface with society, such as tactics and crime recognition, that same training does not always cover how to deal with young people. In fact, most police are only trained in the basics of juvenile justice, including the laws of arrest of their state.

11.5.1 States should provide tailored training to prosecutors, law enforcement executives, and court personnel on the importance of juvenile justice, the impact juvenile justice has on community safety, and the unique role each has to play in addressing juvenile offending and effective adjudication.

Prosecutors, law enforcement executives, and judges, court personnel, and probation each have critical and multi-faceted roles that touch every aspect of the criminal justice system, and targeted training on maximizing their tools will strengthen the juvenile justice system.

Prosecutors are the gatekeepers to the courthouse. Everything that happens in a juvenile justice courtroom has occurred with the knowledge of a prosecutor. Therefore, the success of any juvenile justice system requires retaining the most experienced and well-balanced prosecutors to work on juvenile cases. Training topics for prosecutors should include how to appropriately prioritize juvenile prosecution in their offices, to include prosecution of online victimization. Similarly, law enforcement executives should understand how to support juvenile investigations with appropriate staffing, and the importance of selecting school resource officers in their department. While law enforcement officers are often highly trained in many aspects of their interface with society, such as tactics and crime recognition, that same training does not always cover how to deal with young people. Finally, judges, court personnel, and probation chiefs should receive training on prioritizing juvenile court dockets equally with adult criminal dockets, and in understanding the need for seasoned probation officers to their juvenile field divisions, youth detention facilities, and juvenile court divisions.