

## Deliberative and Pre-decisional

### **Chapter 11: Juvenile Justice and Youth Crime**

#### **Introduction of the Issue**

Juvenile justice systems are different in each state and territory and each presents a range of challenges to law enforcement officers, judges, prosecutors, defenders, and juvenile justice professionals in probation, detention, and child/youth/family services. Approaching these challenges with an open mind, creativity, and innovation could transform how the nation treats youth in the criminal justice system. As the number of juveniles entering the system has fallen in the past several years,<sup>1</sup> and an increasing number of stakeholders have begun embracing ideas and methods that are less of a financial burden, less punitive, and more focused on the well-being of the adolescent.

The juvenile justice system is uniquely situated and vital to creating safe, secure, and successful communities. 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 serious juvenile offenders and the appropriate use of diversion and community-based resources. To successfully build this system, 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. These professionals should also be aware that immigrant communities must be part of the solution in reporting crime and keeping their communities safe.

Juvenile justice systems include the courts, and must hold young people accountable when they commit serious and violent crimes in our communities.<sup>2</sup> This includes creating, enhancing, and using diversionary programs for youth who commit low-level offenses that can be handled swiftly and consistently.<sup>3</sup> 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."<sup>4</sup> Therefore, probation officers have been vested with the unique powers of both a social worker and law enforcement officer, which allows them the opportunity to be highly effective in producing positive outcomes for youth and their families.

States should also collect data as part of the formal court process, which can be used to explore what works and help intelligently and intentionally guide reform.<sup>5</sup> Placing a juvenile in a well-designed treatment plan that is focused on changing the juvenile's individual behavior and teaching core skills may prevent future delinquency and encourage successful reentry into the community.<sup>6</sup>

According to 2018 data from the FBI's Uniform Crime Reporting (UCR) program, arrests of juveniles that year

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<sup>1</sup> Sarah Hockenberry and Charles Puzzanchera, *Juvenile Court Statistics, 2017* (Washington, DC: National Center for Juvenile Justice Statistics, July 1, 2019), <https://ojjdp.ojp.gov/library/publications/juvenile-court-statistics-2017>.

<sup>2</sup> James Backstrom, Dakota County Attorney, Hastings, MN, "The Proper Intersection of Restorative Justice and Public Safety in Juvenile," *The Prosecutor* 54, no. 2 (April 2020).

<sup>3</sup> Office of Juvenile Justice and Delinquency Prevention, *JAIBG Bulletin, OJJDP Juvenile Accountability Incentive Block Grants Program Bulletin, Best Practices in Juvenile Accountability: Overview* (Washington, DC: Office of Juvenile Justice and Delinquency Prevention, April 2003), 1, <https://www.ncjrs.gov/pdffiles1/ojjdp/184745.pdf>.

<sup>4</sup> Gregory Stuber, Senior Deputy Probation Officer, President, Sacramento County Probation Association, in discussion with Juvenile Justice and Youth Crime Working Group, virtual meeting, May 27, 2020.

<sup>5</sup> 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](https://www.uc.edu/content/dam/uc/ccjr/docs/articles/Theory_Practice.pdf).

<sup>6</sup> Latessa, "From Theory to Practice."

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reached their lowest levels in nearly four decades.<sup>7</sup> The decline in arrests since 1996 was greater for juveniles than adults. As a result, juveniles accounted for 7 percent of arrests in 2018.<sup>8</sup> Similarly, the number of adjudicated delinquency cases ordered to formal probation declined for person, property, drug, and public order offense in recent years.<sup>9</sup> The number of petitioned status offense cases involving detention decreased for all offenses (including runaway, truancy, curfew, ungovernability, and liquor law violations) since 2005.<sup>10</sup> As the DOJ National Report found, “Nationally, 45,567 juvenile offenders were held in 1,772 residential placement facilities on October 26, 2016.”<sup>11</sup> For cases in calendar year 2015, an estimated 75,900 youth younger than 18 were prosecuted in criminal court.<sup>12</sup>

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—sought and identified through research and best practices—is to reduce recidivism and ensure public safety.

Earlier in his career, Attorney General Barr stated, “Society’s concern over how we deal with juveniles should not start after the juvenile has already gone astray.”<sup>13</sup> 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.”<sup>14</sup> That constellation includes families, schools, religious leaders, and community-serving agencies. Engaging these key community figures requires communication and collaboration across each group. This engagement is a critical component of any effective juvenile justice system, and it should be incorporated nationwide so that young people who are in need can access these services in their communities. In addition, these systems should use consistent assessments to discover and address the risks and needs of the young people it encounters.<sup>15</sup> According to Dr. Edward Latessa, in his article *From Theory to Practice, What Works in Recidivism*, the “what works” philosophy to treat underlying issues and address delinquency includes a consistent, data-informed environment across systems.<sup>16</sup> When young people do become involved in delinquency, states must adopt a “balanced approach to justice that enhances public safety, ensures that youth are held appropriately accountable to both crime victims and communities, and empowers youth to live productive, law-abiding lives.”<sup>17</sup>

Members of law enforcement, community stakeholders, and policymakers should be fully engaged with their respective juvenile justice systems. To achieve the goal of building strong children, families, and communities, 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

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<sup>7</sup> Charles Puzzanchera, *Arrest Characteristics of Older Juveniles and Young Adults* (Washington, DC: Office of Juvenile Justice and Delinquency Prevention, January 2019), [https://www.ojjdp.gov/ojstatbb/snapshots/DataSnapshot\\_UCR2017.pdf](https://www.ojjdp.gov/ojstatbb/snapshots/DataSnapshot_UCR2017.pdf).

<sup>8</sup> Puzzanchera, *Arrest Characteristics of Older Juveniles*.

<sup>9</sup> “OJJDP Statistical Briefing Book,” Office of Juvenile Justice and Delinquency Prevention, accessed June 4, 2020, <https://www.ojjdp.gov/ojstatbb/>.

<sup>10</sup> Office of Juvenile Justice and Delinquency Prevention, “OJJDP Statistical Briefing Book.”

<sup>11</sup> U.S. Department of Justice, *1999 National Report Series*.

<sup>12</sup> Charles Puzzanchera, Melissa Sickmund, and Anthony Sladky, *Youth Younger than 18 Prosecuted in Criminal Court: National Estimate, 2015 Cases* (Pittsburgh, PA: National Center for Juvenile Justice, 2018), <http://www.campaignforyouthjustice.org/images/Transfer-estimate.pdf>.

<sup>13</sup> William P. Barr, “Remarks of the U.S. Attorney General as Prepared for Delivery,” presented at the Governor’s Conference on Juvenile Crime, Drugs and Gangs, 5, Milwaukee, WI, April 1, 1992.

<sup>14</sup> Barr, “Remarks as Prepared,” 4.

<sup>15</sup> 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).

<sup>16</sup> *From Theory to Practice, What Works in Reducing Recidivism?* Edward J. Latessa, Ph.D., State of Crime and Justice in Ohio

<sup>17</sup> Office of Juvenile Justice and Delinquency Prevention Mission Statement

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early intervention.

**PULL QUOTE:** “It is easier to build strong children than to repair broken men.” Frederick Douglass

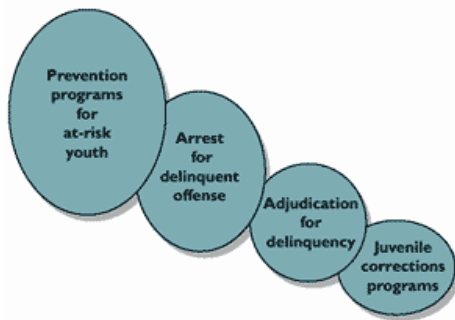
Finally, because juvenile courts are unique, the discipline of juvenile justice must be professionalized and should include specific training for law enforcement, prosecutors, public defenders, and probation and corrections officers. It should also include training for judges. Because of its unique position, the DOJ Office of Juvenile Justice and Delinquency Prevention (OJJDP) should lead this charge. OJJDP helps state and local governments understand and address different aspects of juvenile crime, helps reduce and seeks to eliminate juvenile crime, and improves the systems using technical assistance, research, training, evaluation, and effective programs.<sup>18</sup>

### 11.1 The Role of Law Enforcement and Detention/Corrections Staff

#### Background

Approximately 25 percent of the U.S. population is age 17 or younger, the age group commonly referred to as juveniles.<sup>19</sup> This percentage has grown since the mid-1980s and is projected to continue its growth for the next 40 years.<sup>20</sup>

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\\_reportT/](https://www.ncjrs.gov/hTml/ojjdp/juris_Tap_reportT/).

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.”<sup>21</sup> Over the past few decades, arrest statistics have been used as the main barometer of juvenile delinquent activity, yet juvenile offenses often go unreported.<sup>22</sup>

<sup>18</sup> Juvenile Justice and Delinquency Prevention Act of 1974, as codified in 42 U.S.C. §§ 5611, 5662 (current version at 34 U.S.C §§ 11111, 11162 (2020)), <https://uscode.house.gov/view.xhtml?path=/prelim@title34/subtitle1/chapter111&edition=prelim>.

<sup>19</sup> U.S. Bureau of the Census. “Projected Population by Single Year of Age (0-99, 100+), Sex, Race, and Hispanic Origin for the United States: July 1, 2014 to July 1, 2060.” Released December 2014. Web-based data files available at: <http://www.census.gov/population/projections/data/national/2014/downloadablefiles.html>. Retrieved December 10, 2014.

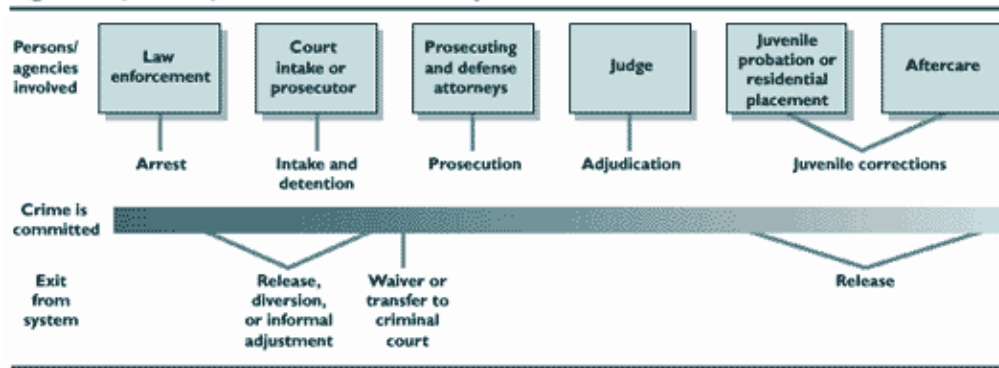
<sup>20</sup> U.S. Bureau of the Census. “Projected Population by Single Year of Age (0-99, 100+), Sex, Race, and Hispanic Origin for the United States: July 1, 2014 to July 1, 2060.” Released December 2014. Web-based data files available at: <http://www.census.gov/population/projections/data/national/2014/downloadablefiles.html>. Retrieved December 10, 2014.

<sup>21</sup> “Offending by Juveniles Overview,” Office of Juvenile Justice and Delinquency Prevention, accessed June 4, 2020, <https://www.ojjdp.gov/ojstatbb/offenders/overview.html>.

<sup>22</sup> Office of Juvenile Justice and Delinquency Prevention, “Offending by Juveniles.”

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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

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
- assist youth and their families begin to heal
- support and reshape attitudes towards law enforcement<sup>23</sup>

The International Association of Chiefs of Police and the Yale Child Study Center created *Enhancing Law Enforcement Response to Children Exposed to Violence and Childhood Trauma: A Toolkit for Law Enforcement* as a resource for law enforcement agencies. Whether addressing the needs of youth at scenes of domestic violence, interacting with youth of different ages that experienced traumatic stress, or providing death notification to children, specific protocols and training will greatly assist a law enforcement officer's ability to be effective.

Law enforcement agencies should enhance their capacity to respond to children exposed to violence by completing an organizational self-assessment.<sup>24</sup>

### [END TEXT BOX]

Congress enacted the Juvenile Justice and Delinquency Prevention Act (JJDP) (P.L. 93-415, 42 U.S.C. § 5601 et seq.) in 1974. This landmark legislation established OJJDP to support local and state efforts to prevent delinquency and improve juvenile justice systems. It also created requirements, often referred to as core protections for juveniles, including

- the mandate of sight and sound separation of juveniles from adults in confinement

<sup>23</sup> 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>.

<sup>24</sup> International Association of Chiefs of Police and Yale Child Study Center, *Enhancing Law Enforcement*.

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- the establishment of deinstitutionalization of status offenders (DSO), which prohibits an offender from being held for a status offense (e.g., truancy)

Since its enactment, JJDP was amended several times to address issues surrounding juvenile incarceration and over reported minority confinement.

### Current State of the Issue

Most recently, in December 2018, the Juvenile Justice Reform Act (JJRA) of 2018 was enacted, substantially amending the JJDP. The JJRA requires states to identify and reduce racial and ethnic disparities (RED) among youth who come into contact with the juvenile justice system.<sup>25</sup>

#### 11.1.1 Detention and corrections officials should be trained on the core protections of the Juvenile Justice and Delinquency Prevention Act.

Law enforcement agencies should become familiar with their impact on ensuring their state remains compliant with the core protections of JJDP. Fundamental to the core protections is the need to appropriately handle youth in a manner that minimizes harm. Non-compliance can also have financial impacts to states. One non-compliant facility could reduce the amount of funding a state receives by 20 percent or more, depending on the number of core protections affected.<sup>26</sup> Reduced funding equates to less money available to support community-based initiatives, including partnerships with law enforcement agencies. Law enforcement executives and other stakeholders should decide who will train the personnel, how much is the estimated cost, how will it be allocated, and who will shoulder the financial burden.

OJJDP program managers<sup>27</sup> oversee a portfolio of states and each state has a compliance monitor<sup>28</sup> that works with law enforcement and detention personnel to ensure that our nation's youth are cared for appropriately. These resources will assist with a law enforcement agency's understanding of their critical role in ensuring the well-being of youth in secure custody. As a result of compliance monitoring, an agency becomes familiar with the policies, procedures, and physical construct necessary to maintain compliance with the various provision of the JJDP.

### 11.2 The Need for Accountability

#### Background

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 taken for 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."<sup>29</sup>

#### Current State of the Issue

Given the way in which adolescent brains develop,<sup>30</sup> sometimes a juvenile who commits an offense may feel

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<sup>25</sup> Juvenile Justice Reform Act of 2018, Pub. L. No. 115-385 (2018) (codified at 34 U.S.C. 11101 et seq. (2020))

<https://www.congress.gov/bill/115th-congress/house-bill/6964/text>.

<sup>26</sup> "State Compliance with JJDP Act Core Requirements," Office of Juvenile Justice and Delinquency Prevention, accessed June 15, 2020, <https://ojjdp.ojp.gov/states/state-compliance-jjdp-act-core-requirements>.

<sup>27</sup> "Staff Listing," Office of Juvenile Justice and Delinquency Prevention, accessed June 5, 2020, <https://ojjdp.ojp.gov/about/staff>.

<sup>28</sup> "State Support," Office of Juvenile Justice and Delinquency Prevention, accessed June 5, 2020, <https://ojjdp.ojp.gov/states>.

<sup>29</sup> OJJDP Juvenile Accountability Incentive Block Grants Program Bulletin, *Best Practices in Juvenile Accountability: Overview*, April 2003, <https://www.ncjrs.gov/pdffiles1/ojjdp/184745.pdf>

<sup>30</sup> Sarah Spinks, "Work In Progress - Adolescent Brains Are A Work In Progress | Inside The Teenage Brain," *Frontline* (PBS), accessed July 8, 2020, <https://www.pbs.org/wgbh/pages/frontline/shows/teenbrain/work/adolescent.html>.

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that their behavior, although illegal, is an appropriate response. This is why the Balanced and Restorative Justice (BARJ) 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 a positive development of youth so that they can become productive members of our communities.<sup>31</sup>

**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." <sup>32</sup> – Timothy E. Irwin, Juvenile Court Judge of Knox County, Tennessee

Any juvenile justice system must hold young people accountable when they commit serious and violent crimes in our communities.<sup>33</sup> One of the strongest tools available to the court in holding a youth accountable is through 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 hold youth accountable through graduated sanctions up to and including violations of probation and arrest if a youth violates their court-ordered conditions of probation, does not engage in the rehabilitative process in a meaningful way, or commits a new offense. 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.<sup>34</sup> This includes creating, enhancing, and using diversionary programs for youth that commit low-level offenses which can be handled swiftly and consistently.<sup>35</sup>

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

The Juvenile Accountability Block Grants (JABG) program was authorized under the Omnibus Crime Control and Safe Streets Act of 2002.<sup>36</sup> 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."<sup>37</sup>

As the JABG program states, "The purpose areas focused on four types of activities: hiring staff, training staff, building infrastructure (e.g., expanding or renovating the physical plant or developing information-sharing mechanisms such as partnerships), and implementing direct service programs (e.g., specialty courts, restorative justice programs, programs that use graduated sanctions, and assessment services)."<sup>38</sup>

In 1998, JABG had an initial appropriation of \$250 million dollars, and was funded at decreasing amounts

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<sup>31</sup> "Juvenile Probation: The Balanced Approach," *Juvenile & Family Court Journal* 39, no. 3 (1988), 63.

<sup>32</sup> Timothy E. Irwin, Juvenile Court Judge of Knox County, TN, in discussion with Juvenile Justice and Youth Crime Working Group, May 29, 2020.

<sup>33</sup> James Backstrom, Dakota County Attorney, Hastings (MN), "The Proper Intersection of Restorative Justice and Public Safety in Juveniles," *The Prosecutor* 54, no. 2 (April 2020): 1, <https://www.co.dakota.mn.us/Government/Attorney/WorkExperience/Documents/AmericasJuvenileJusticeSystemisNotBroken.pdf>.

<sup>34</sup> Office of Juvenile Justice and Delinquency Prevention, "Mission Statement."

<sup>35</sup> Office of Juvenile Justice and Delinquency Prevention, *JAIBG Bulletin*, 1.

<sup>36</sup> Safe Streets Act of 2002, as codified in 42 U.S.C. § 3796ee (current version at 34 U.S. Code § 10401 (2020)), <https://www.govinfo.gov/content/pkg/USCODE-2017-title34/html/USCODE-2017-title34.htm>.

<sup>37</sup> Office of Justice Programs, Grants Management System, *JABG Award Language for Recipients* (Washington, DC: Office of Juvenile Justice and Delinquency Prevention, 2013).

<sup>38</sup> "OJJDP In Focus, October 2009," Office of Juvenile Justice and Delinquency Prevention, October 2009, <https://www.ncjrs.gov/pdffiles1/ojjdp/226357.pdf>.

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in subsequent years. No federal funding has been allocated to JABG since 2013.<sup>39</sup>

**11.2.2 All states should ensure that their Victims' Bill of Rights provides the same protection to victims of juvenile crime and adult crime. Victims of crime, regardless of the age of the offender, should have the same rights available to them.**

### [CROSS-REFERENCE VICTIM SERVICES]

All states have some form of victim protection, ranging from being notified of court hearings to having the opportunity to be present and be heard in court. However, to secure those rights in an ever-changing juvenile environment, states should incorporate victims' rights into law that provides victims of juvenile crime legal protections that are similar to those of defendants in the juvenile justice system.<sup>40</sup>

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

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.<sup>41</sup> Gang membership between youth ages 5 and 17 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).<sup>42</sup> 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<sup>43</sup>. 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."<sup>44</sup>

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. Many probation departments have created specialized units in the juvenile field to address the specific needs of certain youth offenders. These units include but are not limited to home supervision and electronic monitoring, juvenile justice diversion programs, commercially sexually exploited children, sex offender, arson, and gang suppression. Probation is involved in the community supervision of convicted juvenile gang members and may be an asset in addressing the suppression of gangs in any community.

OJJDP's Comprehensive Gang Model provides a structure to guide this process.<sup>45</sup> The model combines prevention, intervention, and suppression strategies that incorporate community supports to address the

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<sup>39</sup> 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/JJDP%20Funding%20Final.pdf>.

<sup>40</sup> "New Jersey Crime Victims Bill of Rights," New Jersey Office of the Attorney General, accessed June 15, 2020, <https://www.nj.gov/oag/njvictims/rights.html>.

<sup>41</sup> 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), DOI: 10.1016/j.jadohealth.2014.11.018, [https://www.researchgate.net/profile/David\\_Pyrooz/publication/272296669\\_Gang\\_Membership\\_Between\\_Ages\\_5\\_and\\_17\\_Years\\_in\\_the\\_United\\_States/links/5a0485c9aca2726b4c6fe4f4/Gang-Membership-Between-Ages-5-and-17-Years-in-the-United-States.pdf](https://www.researchgate.net/profile/David_Pyrooz/publication/272296669_Gang_Membership_Between_Ages_5_and_17_Years_in_the_United_States/links/5a0485c9aca2726b4c6fe4f4/Gang-Membership-Between-Ages-5-and-17-Years-in-the-United-States.pdf).

<sup>42</sup> Sam Houston State University, "Juvenile Gang Members in US Top 1 Million, New Study Finds," Abstract, *ScienceDaily*, February 12, 2015, <https://www.sciencedaily.com/releases/2015/02/150212131817.htm>.

<sup>43</sup> Pyrooz and Sweeten, "Gang Membership Between Ages 5 and 17 Years."

<sup>44</sup> Pyrooz and Sweeten, "Gang Membership Between Ages 5 and 17 Years."

<sup>45</sup> National Gang Center, *A Law Enforcement Officials Guide to the OJJDP Comprehensive Gang Model* (Tallahassee, FL: National Gang Center, n.d.), <https://www.nationalgangcenter.gov/Content/Documents/LE-Officials-Guide-to-OJJDP-Comprehensive-Gang-Model.pdf>.

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root causes of criminal gang activity within a community. It provides a roadmap to pull together siloed supports into a cohesive and actionable plan. By having law enforcement take the lead in embracing the Comprehensive Gang Model, law enforcement executives will be on the forefront of efforts to devise and implement solutions for youth gang problems that have an impact on their communities, while also sharing the burden for implementation with community partners. With funding and leadership from OJJDP, the model has been tested in various forms in more than 20 sites, and essential findings from evaluations of several programs demonstrate the success of the model in a variety of environments.<sup>46</sup>

### [BEGIN TEXT BOX]

Initial steps to expand law enforcement efforts to address gang issues:

- visit the National Gang Center's website at <https://www.nationalgangcenter.gov/Comprehensive-Gang-Model> to access OJJDP's Comprehensive Gang Model Online Overview
  - online overview
  - assessment guide
  - implementation manual
- form a preliminary steering committee consisting of local agency heads and decision makers to review and evaluate the model
- begin an assessment of the youth gang problem following the assessment guide<sup>47</sup>

### [END TEXT BOX]



Source: National Gang Center, *A Law Enforcement Officials Guide to the OJJDP Comprehensive Gang Model*.

### 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.

Automatic expungement does not address any victimization that has occurred. If the offender is still behaving in the same way, the automatic expungement blinds the system by taking away the law enforcement's ability

<sup>46</sup> Office of Juvenile Justice and Delinquency Prevention, *Prevention. Best Practices to Address Community Gang Problems: OJJDP's Comprehensive Gang Model Internet*, 2nd ed. (Washington, DC: Office of Juvenile Justice and Delinquency Prevention, 2010), <https://www.ncjrs.gov/pdffiles1/ojjdp/231200.pdf>.

<sup>47</sup> National Gang Center, *A Law Enforcement Officials Guide to the OJJDP Comprehensive Gang* (Tallahassee, FL: National Gang Center, n.d.), <https://www.nationalgangcenter.gov/Content/Documents/LE-Officials-Guide-to-OJJDP-Comprehensive-Gang-Model.pdf>.



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to see the inherent risks.<sup>48</sup>

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. Those in favor of expunging juvenile records raise valid concerns. There are records that if carried through adulthood may have a negative impact on a youth. In addition, confidentiality must be a part of the juvenile records system. However, as Thomas Lemmer, Member of the Fraternal Order of Police Lodge #7 and Deputy Chief of the Chicago Police Department, states, “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.”<sup>49</sup>

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. In a system based upon a balanced approach to justice, the system 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.<sup>50</sup>

Immediate expungement undermines the juvenile justice systems’ ability to accomplish any of these goals. With regard to public safety, once a record is expunged, law enforcement, prosecutors, and judges may be unable to appropriately consider a juvenile’s prior involvement in the system. These young offenders may commit several crimes without the escalating consequences necessary. 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.

The “what works” theory is based upon matching criminogenic factors with interventions.<sup>51</sup> 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.”<sup>52</sup> This may be impossible when records are expunged prior to the juvenile reaching adulthood. Providers—those most expected to have information on the services needed to provide appropriate intervention—will be unable to do so. While the automatic expungement provisions do not typically result in the most serious crimes being expunged, everything counts when trying to determine appropriate intervention. Escalating behaviors and repetitive lower-level offenses are relevant and should be considered.

Delaying automatic expungement until the juvenile has reached adulthood does not diminish the benefits. In fact, it is consistent with their policy position that “after holding a youth accountable for his conduct, society benefits from ensuring that individuals can move on from early mistakes, stay out of the costly justice system, work, pay taxes, and otherwise productively contribute. Keeping juvenile court and law enforcement records confidential is one important way that the juvenile system has aimed to help young people avoid the stigma of a criminal background as they enter adulthood.”<sup>53</sup> This can be accomplished by expungement upon

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<sup>48</sup> *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, Fraternal Order of Police, Chicago Lodge 7), <https://www.justice.gov/ag/presidential-commission-law-enforcement-and-administration-justice/hearings>.

<sup>49</sup> *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, Fraternal Order of Police, Chicago Lodge 7), <https://www.justice.gov/ag/presidential-commission-law-enforcement-and-administration-justice/hearings>.

<sup>50</sup> Office of Juvenile Justice and Delinquency Prevention, “Mission Statement.”

<sup>51</sup> Latessa, “From Theory to Practice.”

<sup>52</sup> *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, Fraternal Order of Police, Chicago Lodge 7), <https://www.justice.gov/ag/presidential-commission-law-enforcement-and-administration-justice/hearings>.

<sup>53</sup> Illinois Juvenile Justice Commission, *Burdened for Life: The Myth of Juvenile Record Confidentiality and Expungement in Illinois* (Springfield, IL: Illinois Juvenile Justice Commission, 2016), 8, <http://ijjc.illinois.gov/sites/ijjc.illinois.gov/files/assets/Burdened%20for%20Life.pdf>.

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reaching adulthood and not before.

Until the juvenile reaches the age of adulthood and completed all disposition requirements, states should implement another form of relief for juveniles called limited access. This relief would seal the juvenile's record, allowing only the stakeholders in the juvenile justice system to have access to their entire history of adjudication. It would not be available to the public to prevent any unnecessary collateral consequences. Therefore, if the juvenile reoffends, it is possible to see the entire picture to properly assess and treat the juvenile.

### 11.3 Risk and Needs Assessment and Treatment

#### Background

Once charges are filed, a proper assessment of the risk and needs of that youth should be conducted when deciding if detaining them is appropriate.<sup>54</sup> A standardized risk and needs assessment will help identify a youth's risk of reoffending and factors that, if addressed, would help reduce the likelihood of the youth reoffending.<sup>55</sup> These assessment findings also assist with developing treatment and service plans to treat the individual needs of the youth, which will in turn help ensure the best possible outcome.<sup>56</sup>

#### Current State of the Issue

To improve juvenile justice systems, many state and local governments look for ways to manage their juvenile offender population while considering public safety and the availability of effective treatment and services.<sup>57</sup>

Many different assessment instruments are used throughout the nation, ranging from brief screening tools to make quick and early decisions on the chances of a youth re-offending (e.g., a decision to place the youth in pre-adjudication detention) to more comprehensive assessment instruments.<sup>58</sup>

Comprehensive assessment instruments generally cover a risk and needs approach. These are "standardized tools that help practitioners collect and synthesize information about a youth to estimate that youth's risks of recidivism and identify other factors that, if treated and changed, can reduce the youth's likelihood of reoffending."<sup>59</sup>

Once the youth's risk of re-offending and their criminological needs—such as family issues, competency, level of education, and self-esteem issues—have been identified, then the appropriate treatment can be identified.<sup>60</sup> As noted in a 2018 OJJDP bulletin, "Researchers have found that matching appropriate treatment and services to address a youth's identified risk factors and needs is associated with greater reductions in reoffending and the promotion of prosocial behavior."<sup>61</sup>

**PULL QUOTE:** "Smart punishments are those which seek to instill in a young offender the values, the

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<sup>54</sup> Gina M. Vincent and Laura S. Guy, *Risk Assessment in Juvenile Justice: A Guide for Implementation* (Chicago: John D. and Catherine T. MacArthur Foundation, November 2012), [http://nijn.org/uploads/digital-library/Risk Assessment in Juvenile Justice A Guidebook for Implementation.pdf](http://nijn.org/uploads/digital-library/Risk%20Assessment%20in%20Juvenile%20Justice%20A%20Guidebook%20for%20Implementation.pdf).

<sup>55</sup> 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), 20, <https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/pubs/251809.pdf>.

<sup>56</sup> Vincent et al., *Studying Drivers of Risk and Needs Assessment*, 20.

<sup>57</sup> Vincent et al., *Studying Drivers of Risk and Needs Assessment*, 20.

<sup>58</sup> Vincent et al., *Studying Drivers of Risk and Needs Assessment*, 20.

<sup>59</sup> "OJJDP Model Programs Guide," Office of Juvenile Justice and Delinquency Prevention, accessed June 11, 2020, 1, <https://www.ojjdp.gov/mpg>. <https://www.ojjdp.gov/mpg/litreviews/RiskandNeeds.pdf>.

<sup>60</sup> Edward J. Latessa, Professor and Director, School of Criminal Justice, University of Cincinnati, in discussion with Juvenile Justice and Youth Crime Working Group, April 14, 2020.

<sup>61</sup> Vincent et al., *Studying Drivers of Risk and Needs Assessment*, 20.

## Deliberative and Pre-decisional

discipline, and the responsibility that are necessary for self-control.”<sup>62</sup> – 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.**

A range of assessment instruments are used by researchers, juvenile justice professionals, experts, and others. These assessments may include a 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.

Risk and needs assessments are not only designed to inform and guide decisions about estimating a juvenile’s likelihood to recidivate.<sup>63</sup> 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.<sup>64</sup>

Risk factors are often strongly associated with the likelihood that an individual will recidivate or continue to exhibit problem behavior.<sup>65</sup> Risk and needs assessments can be used at various stages within a juvenile justice system, including diversion, adjudication, and disposition. However, the categorization of risk will depend on the stage in the system. For example, a risk and needs assessment administered when the youth first enters a justice system (i.e., at arrest or intake), to gauge whether the youth is appropriate for diversion programming, while an assessment administered at disposition may guide a judge’s decision about sentencing the youth to out-of-home placement or a community-based alternative.<sup>66</sup>

In addition, not only are different types of assessments applied, they are also implemented at different points in a juvenile justice system, including diversion, pre-adjudication, adjudication, and reentry. Therefore, each state should study, test, and implement a standardized assessment tool that will help determine the risk and needs for the juveniles entering a juvenile justice system. To reduce recidivism and ensure public safety, this standardized assessment should be well-designed, validated, reliable, and based on principles identified through research. It should also make certain that all juveniles are treated equally within that state’s juvenile justice system.

Implementation should include a comprehensive training on the use of the selected assessment tool to ensure accuracy and consistency.

#### **[BEGIN TEXT BOX]**

#### **Excerpt from the Juvenile Justice Geography, Policy, Practice, and Statistics**

Risk and needs assessment tools have become common practice in juvenile probation settings across the country. These tools gauge the likelihood that an individual will reoffend and guide case planning by identifying and prioritizing criminogenic needs. The tools are the foundation of evidence based practices, enhancing efforts to treat offenders, reduce recidivism, and increase public safety. The National Center for Juvenile Justice (NCJJ) first surveyed state-level probation contacts in all 50 states and the District of Columbia in 2013 regarding the use of risk and needs assessment tools in juvenile probation statewide; however, NCJJ did not independently verify whether all jurisdictions within a state were actually using the identified tool. The 2019 update suggests states continue to adopt consistent approaches to assessment by adopting a single risk and needs assessment tool statewide.

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<sup>62</sup> William P. Barr, U.S. Attorney General, "Remarks as Prepared for Delivery," 16, presented at the Governor’s Conference on Juvenile Crime, Drugs and Gangs, Milwaukee, WI, April 1, 1992.

<sup>63</sup> Office of Juvenile Justice and Delinquency Prevention, *OJJDP Literature Review: Risk/Needs Assessments for Youths, A Product of the Model Programs Guide* (Washington, DC: Office of Juvenile Justice and Delinquency Prevention, 2020), <https://www.ojjdp.gov/mpg/litreviews/RiskandNeeds.pdf>.

<sup>64</sup> Pew Center on the States, Issue Brief, *Risk/Needs Assessment 101: Science Reveals New Tools to Manage Offenders* (Washington, DC: Pew Charitable Trusts, September 2011), [https://www.pewtrusts.org/~media/legacy/uploadedfiles/pes\\_assets/2011/pewriskassessmentbriefpdf](https://www.pewtrusts.org/~media/legacy/uploadedfiles/pes_assets/2011/pewriskassessmentbriefpdf).

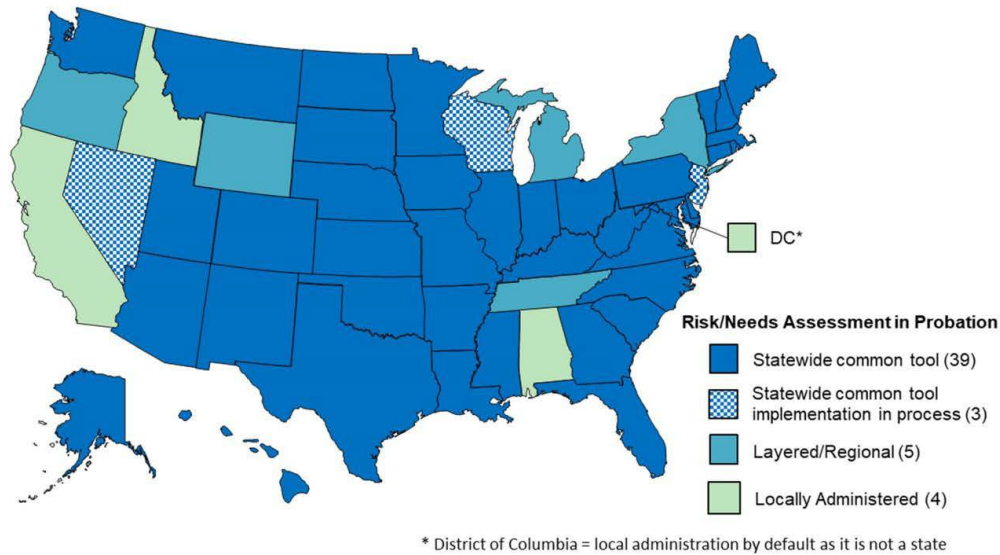
<sup>65</sup> Pew Center on the States, Issue Brief, *Risk/Needs Assessment 101*.

<sup>66</sup> Andrew Wachter, *Statewide Risk Assessment in Juvenile Probation* (Pittsburgh, PA: National Center for Juvenile Justice, 2014), [http://www.ncjj.org/pdf/JJGPS%20StateScan/JJGPS\\_StateScan\\_Statewide\\_Risk%20Assessment\\_2014\\_2.pdf](http://www.ncjj.org/pdf/JJGPS%20StateScan/JJGPS_StateScan_Statewide_Risk%20Assessment_2014_2.pdf).

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Since 2013, nine additional states have implemented, or are in the process of implementing, a common risk assessment tool statewide in juvenile probation: Arkansas, Hawaii, Kansas, Mississippi, Nevada, New Jersey, Texas, West Virginia, and Wisconsin.

**In 2020, most states have statewide implementation of a common risk/needs assessment tool to inform disposition decisions**



**Statewide uniform assessment:** States adopt a single risk assessment tool statewide that is required or encouraged by the state.

**Layered/regional assessment:** States do not achieve statewide implementation with a single tool due to layered probation (state and local) or regional differences.

**Locally administered assessment:** States lack requirement to implement risk assessment tool allowing local policy to govern the use of risk need assessment tools.

Source: The National Center for Juvenile Justice, Juvenile Justice Geography, Policy, Practice, and Statistics.

[END TEXT BOX]

**11.3.2 States should increase accessibility to juvenile treatment options, specifically for mental health and substance use disorder treatment.**

[CROSS REFERENCE SOCIAL PROBLEMS]

To reduce a juvenile's chance of reoffending, their behavioral health issues must be properly diagnosed. The risk and needs assessment provides information needed to make appropriate treatment and placement needs for the juvenile. If a juvenile is appropriately matched with services to their criminogenic needs, the use of a risk and needs assessment instrument should reduce recidivism and promote prosocial behavior.<sup>67</sup> The failure rate of the juvenile increases dramatically when a juvenile is placed in the wrong level of

<sup>67</sup> National Academies Press, "Juvenile Justice System," in *Juvenile Crime, Juvenile Justice* (Washington, DC: National Academies Press, 2001), <https://www.nap.edu/read/9747/chapter/7#176>.

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treatment (e.g., a low-risk juvenile in a high-risk level of intervention with intensive programs).<sup>68</sup> However, a juvenile who may be at extreme risk for violence could be identified early and then provided with the appropriate level of need. Successful implementation involves “standardized operating procedures and written policies in state and local agencies and the ability to share information across multiple stakeholders.”<sup>69</sup> A youth’s housing stability should also be assessed, as it has significant ramifications pertaining to success after reentry.

### **11.3.3 Facilities housing juveniles in out-of-home placements should focus on treatment and interventions that promote successful reentry.**

Out-of-home placements must be an available option for high-risk offenders; however, their focus should not be on punishment. Instead, these facilities should identify and provide the proper treatment when a juvenile is placed. A focus on effective intervention entails program integrity through promoting the training of all staff at the centers to institute core correctional practices with the juveniles. At the county level, probation departments are responsible for supervising youth within the county’s juvenile detention facilities. The ideology of the juvenile detention facilities should be based upon rehabilitation and not the punishment of youth. Probation must provide a safe and secure environment for youth in order to implement effective rehabilitation programs. The youth detention facility allows probation the unique opportunity to create and implement individual plans to address a youth’s educational, recreational, vocational, medical, and mental health needs. Probation employees act as role models teaching pro-social and law-abiding behavior as well as promoting individual accountability for youth under their supervision.<sup>70</sup>

**PULL QUOTE:** “We want our juveniles to leave better than when they came in. This is achieved through proper training of qualified staff who will sustain program integrity over time.”<sup>71</sup> - Dr. Edward Latessa, Professor and Director, School of Criminal Justice, University of Cincinnati

Under JJRA, OJJDP is required to report annually on state data regarding the uses of isolation and restraints in juvenile detention and corrections facilities. In addition, OJJDP should encourage training facility staff to eliminate dangerous practices. The bill also calls for states to develop policies and procedures that use alternative behavior management techniques to eliminate the use of dangerous practices, including the unreasonable use of restraints and isolation.<sup>72</sup>

### **11.3.4 Facilities that provide out-of-home placements for youth should develop risk assessment teams to identify youth who show signs of high risk for violence.**

Individual case plans are necessary to determine motive and to manage the risk or threat presented by the juvenile. If it is determined that the juvenile may be a high-risk offender who shows signs of extreme risk for violence, states should have a state or local plan in place to develop risk assessment teams. This team should identify these juveniles and develop individual case plans to determine motive and to manage the risk or threat the juvenile presents. Juvenile extreme violence is a serious national issue within schools, homes, and communities. The signs that present such extreme violence should be identified and properly handled.

### **11.3.5 States should fund local initiatives for a continuity-of-care approach for the reentry of juveniles into the community.**

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<sup>68</sup> Office of the Surgeon General, *Youth Violence: A Report of the Surgeon General* (Rockville, MD: Office of the Surgeon General, 2001), Chapter 1, <https://www.ncbi.nlm.nih.gov/books/NBK44297/>.

<sup>69</sup> Center for Criminal Justice Research, *The Ohio Youth Assessment System: Final Report* (Cincinnati, OH: University of Cincinnati, 2009), [https://www.uc.edu/content/dam/uc/ccjr/docs/reports/project\\_reports/OYAS\\_final\\_report.pdf](https://www.uc.edu/content/dam/uc/ccjr/docs/reports/project_reports/OYAS_final_report.pdf).

<sup>70</sup> “Probation: Supporting Positive Change,” Sacramento County, CA, accessed June 12, 2020, <https://saccoprobatation.saccounty.net:443/Pages/default.aspx>.

<sup>71</sup> Latessa, in discussion with Juvenile Justice, April 14, 2020.

<sup>72</sup> Office of Juvenile Justice and Delinquency Prevention, *Key Amendments to the Juvenile Justice and Delinquency Prevention Act Made by the Juvenile Justice Reform Act of 2018* (Washington, DC: U.S. Department of Justice, June 2019), 2, <https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/pubs/252961.pdf>.

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**PULL QUOTE:** “Reentry or transition planning is about starting on the day that you enter placement to prepare for the day that you leave the facility.”<sup>73</sup> – Office of Juvenile Justice and Delinquency Prevention

### [BEGIN TEXT BOX]

*Reentry Starts Here: A Guide for Youth in Long-Term Juvenile Corrections and Treatment Programs* provides transition assistance to youth in a long-term placement, with support from a parent, guardian, mentor, supportive friend, teacher, facility staff, or community agency staff. The guide is divided into two sections: one to help youth prepare for reentry while they are still in placement, and another to help them transition back into the community once they are released.<sup>74</sup>

### [END TEXT BOX]

The needs identified in the assessment tool do not go away once the juvenile is released from custody. Without a reentry plan in place, the chance of the juvenile reoffending increases. Therefore, a reentry transition plan is critical to continue to provide the juvenile the services they need while under community supervision by probation or parole or while in a community-based aftercare program.

### [CROSS REFERENCE REENTRY]

## 11.4 Enhancing Engagement in Support of Prevention and Early Intervention

### Background

A balanced approach to juvenile justice requires that a juvenile justice system partner with the community to achieve the desired results. Too often, justice systems never engage with the communities that they are designed to protect and serve. Collaboration should occur that recognizes how a youth might best be able to access services. What a youth might need may not be available in-house, requiring the engagement of community partners.

### Current State of the Issue

Considering the many intersections that juveniles have within a justice system, schools, and community, these groups should openly communicate to keep children safe and healthy. Courts and law enforcement cannot meet the balanced approach to juvenile justice. 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 have been difficult because of agency barriers that impede communication.<sup>75</sup>

Internet safety and victimization also need to be addressed through the lens of bullying and cyber harassment. While bullying has always been an issue amongst young people, the rise in social media has allowed new, anonymous bullying to occur. This recognition and the resulting trauma needs to be addressed through a detailed internet safety agenda.

Many justice-involved youth present with co-occurring issues that require multiple service communication.<sup>76</sup> To address this, local agencies and communities nationwide have developed multi-discipline coalitions that help plan and create solutions for sound juvenile development. These open communication systems include a team of stakeholders that cross over multiple systems (e.g., mental health, substance use disorder, law enforcement, pretrial services, courts, detention, social services, and families) to improve cross-system

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<sup>73</sup> Office of Juvenile Justice and Delinquency Prevention, *OJJDP Reentry Starts Here: A Guide for Youth in Long-Term Juvenile Corrections and Treatment Programs* (Washington, DC: Office of Juvenile Justice and Delinquency Prevention, April 2018), <https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/pubs/251193.pdf>.

<sup>74</sup> Office of Juvenile Justice and Delinquency Prevention, *OJJDP Reentry Starts Here*.

<sup>75</sup> 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), 11.

<sup>76</sup> Scott et al., “Juvenile Justice Systems of Care.”

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collaborations. This helps reduce the juvenile involvement in the justice system, and these defined coalitions enhance treatment outside of detention centers. Focusing on community engagement through a coalition of stakeholders that openly communicate and that develop community partners helps provide opportunities and resources to juveniles for their future health, development, and safety.<sup>77</sup>

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.<sup>78</sup>

### **11.4.1 States should create and implement a uniform memorandum of agreement between education and law enforcement so that law enforcement officers, school resource officers, and school administrators train, learn, and respond together on issues that their student population faces.**

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.<sup>79</sup> The National Association of School Resource Officers (NASRO) has developed the Standards and Best Practices for School Resource Officer Programs, which are separated into two classifications (i.e., mandatory and recommended) to identify the importance of each standard and best practice.<sup>80</sup>

**PULL QUOTE:** "The School Resource Officer is going to become one of the most well-known law enforcement officers in your community, for better or for worse."<sup>81</sup> – Mo Canady, Executive Director, National Association of School Resource Officers

For both educators and law enforcement to be successful, they should implement a statewide memorandum of agreement that includes the appropriate response to mandatory and permissive referrals and document, with certainty, 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.

## **[CROSS REFERENCE RECRUITMENT AND TRAINING AND/OR DATA AND REPORTING]**

### **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.**

For the SRO partnership, the parties identified in the memorandum of agreement should be involved in the screening process for suitability. Not all law enforcement officers have the attributes that maximize interface within a school setting. Accordingly, organizations such as schools and juvenile justice agencies should partner with law enforcement in the screening process. Using this approach not only results in a better match

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<sup>77</sup> Scott et al., "Juvenile Justice Systems of Care."

<sup>78</sup> 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>.

<sup>79</sup> 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/>.

<sup>80</sup> National Association of School Resource Officers, *The Standards and Best Practices for School Resource Officer Programs* (Hoover, AL: National Association of School Resource Officers, 2018), <https://www.nasro.org/clientuploads/About-Mission/NASRO-Standards-and-Best-Practices.pdf>.

<sup>81</sup> Mo Canady, Executive Director of the National Association of School Resource Officers (NASRO), in discussion with Juvenile Justice and Youth Crime Working Group, April 9, 2020.

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for the critical partnership, but it also reinforces the shared responsibility of all parties.

### **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. Through national organizations such as the NASRO, 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.

#### **[BEGIN TEXT BOX]**

Training should include

- continuing education on ever evolving school law
- social media (to include monitoring techniques)
- de-escalation techniques
- adolescent brain development<sup>82</sup>

#### **[END TEXT BOX]**

Given the complex issues that teachers and school administrators face with their student populations (e.g., special education needs, physical and mental health issues, and child welfare), law enforcement officers who are assigned to schools should receive specialized training. As such, law enforcement agencies should identify and make specialized training available to those officers assigned to schools. This training can be taken through the state Peace Officers Standards and Training (POST), at the local academy level, or through the NASRO.

#### **[CROSS REFERENCE RECRUITMENT AND TRAINING]**

Training should focus on key issues like

- child and adolescent development, with an emphasis on the impact of trauma on student behavior, health, and learning
- subconscious (or implicit) bias that can disproportionately impact youth of color and youth with disabilities or mental health issues
- crisis intervention for youth
- alternatives to detention and incarceration, such as peer courts or restorative justice
- legal issues, such as special protections for learning-disabled students

This specialized training will better equip officers to engage with youth. As part of the school-police partnership, chief executives from law enforcement and schools should provide cross-training for officers and teachers on subjects like the roles of teachers and officers, enforcement of school rules, child development (including identifying and addressing trauma and mental health issues), classroom management, and conflict resolution strategies.<sup>83</sup>

### **11.4.4 Counties that are responsible for the prosecution of juvenile delinquency should form a youth**

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<sup>82</sup> National Association of School Resource Officers, *Adolescent Mental Health Training for School Resource Officer Course Outline and Objectives* (Hoover, AL: National Association of School Resource Officers, n. d.), [https://www.nasro.org/clientuploads/Course%20Agendas/AMHT-SRO\\_Course\\_Outline\\_and\\_Objectives.pdf](https://www.nasro.org/clientuploads/Course%20Agendas/AMHT-SRO_Course_Outline_and_Objectives.pdf).

<sup>83</sup> Police Foundation, *Defining the Role of School-Based Police Officers* (Arlington, VA: Police Foundation, n.d.), [http://www.policefoundation.org/wp-content/uploads/2016/10/PF\\_IssueBriefs\\_Defining-the-Role-of-School-Based-Police-Officers\\_FINAL.pdf](http://www.policefoundation.org/wp-content/uploads/2016/10/PF_IssueBriefs_Defining-the-Role-of-School-Based-Police-Officers_FINAL.pdf).



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**service commission as part of their juvenile justice continuum.**

### **[CROSS REFERENCE RESPECT FOR LAW ENFORCEMENT]**

Key stakeholders should consolidate to plan, implement, and evaluate the juvenile justice service system in their community. That agency should serve as the primary advisory board related to 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.<sup>84</sup> Stakeholders should achieve the appropriate knowledge base required to coordinate and integrate existing services in the community that are available for juveniles who are in a juvenile justice system and for their families. These services should also focus on those youth identified to be at risk of entering a system. The collaboration of these youth serving organizations will allow for systems to understand the breadth of juvenile offenses and close any identifiable gaps, including prior to adjudication and delinquency.<sup>85</sup>

These juvenile justice commissions can help reduce youth crime in local communities and increase the accountability, effectiveness, and efficiency of the youth justice system.<sup>86</sup> Local commission membership “should represent a broad coalition of government, non-profit 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.”<sup>87</sup> The commission should encourage members who have an in-depth knowledge of their local needs and resources to create a system of policies and practices that discourage youth from entering a juvenile justice system through prevention and intervention. It should also help provide services for those that require formal court involvement and ensure successful re-entry when those youth return to their community.

The commission should meet monthly and discuss issues relating to juvenile delinquency in their community. Membership should include community-serving agencies, such as law enforcement, prosecutors, mental health providers, substance use disorder treatment providers, family service organizations, and community leaders, as selected by the county.

If a juvenile court does not fully engage law enforcement, it should consider serving as a community convener to establish a memorandum of understanding in support of multidisciplinary teams focused on community youth. If a memorandum of understanding is not currently in place, law enforcement should use a model from another jurisdiction and adapt it to meet their specific needs.

**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.**

### **[CROSS REFERENCE RESPECT FOR LAW ENFORCEMENT]**

Mentoring is an excellent tool to engage the community and increase respect for law enforcement within it. The National Mentoring Resource Center, a training and technical assistance center of OJJDP, serves to improve the quality and effectiveness of youth mentoring across the country through increased use of evidence-based practices and sharing practitioner innovations.<sup>88</sup> The Elements of Effective Practice for Mentoring™ represent the research- and practitioner-informed recommended practices for implementing a

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<sup>84</sup> Anthony V. Pierro, Juvenile Chief, Ocean County, NJ Prosecutor’s Office, document (“New Jersey Association of County Youth Services”) provided to Scott Pestridge, Federal Program Manager, Juvenile Justice and Youth Crime Working Group, June 26, 2020.

<sup>85</sup> Pierro, in discussion with Juvenile Justice, June 26, 2020.

<sup>86</sup> Pierro, in discussion with Juvenile Justice, June 26, 2020.

<sup>87</sup> Pierro, in discussion with Juvenile Justice, June 26, 2020.

<sup>88</sup> “National Mentoring Resource Center: A Program of OJJDP,” National Mentoring Resource Center, accessed June 11, 2020, <https://nationalmentoringresourcecenter.org/index.php>.

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quality youth mentoring program.<sup>89</sup> As such, they can be used as a starting point for designing new programs and ensuring the quality of programs as they grow and mature over time. 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.<sup>90</sup> Through this support, an officer 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.

Several programs have been successful at producing positive outcomes, such as better grades and lower incidence of disciplinary action in schools and negative behavior. A Big Brothers Big Sisters (BBBS) Community-Based Mentoring (CBM) program was rated effective by the National Institute of Justice.<sup>[1]</sup> The program was associated with a reduction in drug and alcohol use and antisocial behavior among mentored youth compared with non-mentored youth.<sup>[2]</sup>

The Positive Action (PA) program uses a curriculum-based approach to promote positive behaviors and decrease negative ones, such as violent behavior, disruptive conduct in school, and substance abuse. PA was also rated as effective, witnessing a significant decrease in substance abuse and violent behavior.<sup>[3]</sup>

### [BEGIN TEXT BOX]

#### Mentoring in Action: Bigs in Blue

Christy Chamberlain, a police officer in Dallas, Texas, sees young people caught in the grip of delinquency nearly every day. Christy saw a need, so she became a mentor through Bigs in Blue, an OJJDP-funded program of Big Brothers Big Sisters of America. Bigs in Blue 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.

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<sup>89</sup> Michael Garringer et al., *Elements of Effective Practice for Mentoring™ – MENTOR* (Boston: The National Mentoring Partnership, 2015), <https://www.mentoring.org/program-resources/elements-of-effective-practice-for-mentoring/>.

<sup>90</sup> *President's Commission on Law Enforcement and the Administration of Justice, Juvenile Justice and Youth Crime Hearing* (May 7, 2020) (statement of Steve Salem, President and CEO, Cal Ripken Senior Foundation), <https://www.justice.gov/ag/presidential-commission-law-enforcement-and-administration-justice/hearings>.

<sup>[1]</sup> "Program Profile: Big Brothers Big Sisters (BBBS) Community-Based Mentoring (CBM) Program," CrimeSolutions.gov, June 4, 2011, <https://www.crimesolutions.gov/ProgramDetails.aspx?ID=112>.

<sup>[2]</sup> CrimeSolutions.gov, "Program Profile: Big Brothers Big Sisters."

<sup>[3]</sup> "Program Profile: Positive Action," CrimeSolutions.gov, June 16, 2011, <https://www.crimesolutions.gov/ProgramDetails.aspx?ID=113>.

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Source: Office of Juvenile Justice and Delinquency Prevention, *Office of Juvenile Justice and Delinquency*



*Prevention: 2019 Annual Report*

Christy and her "little," 8-year-old Nyla, meet weekly. They visit museums, amusement parks, and the ice skating rink. Nyla, who lives in a high-crime area of Dallas, was skeptical when she first learned Christy was a police officer, but Christy has noticed a shift in Nyla's perceptions. "She stopped asking if I shoot all the black people," Christy said, "and wrote a story about an officer who saved a puppy."

Christy and Nyla have fun together, but the aim of their relationship is much more. Christy supports Nyla's interest in reading through trips to the library and introduced her to a friend who works in the fashion industry when Nyla expressed an interest in fashion. Now Nyla says she wants to be a fashion designer and a teacher because "I'm smart and I love to learn!"

[END TEXT BOX]

### **11.4.6 Law enforcement agencies and community partners should establish policies and procedures that specifically relate to safeguarding minors across all programs that involve youth to include special requirements or specific guidance on background checks.**

When a department or community initiative involves or serves at-risk youth participants who come into direct contact with staff and volunteers who support the project, implementing agencies should have consistent policies and procedures to mitigate the risk of harm to minors who participate in these programs. Partners should leverage and coordinate existing law enforcement tools, to the extent permissible by law, to facilitate screening that effectively mitigates the risk of improper individuals interacting with youth through department-sponsored programs.

Recently, the DOJ Office of the Inspector General (OIG) identified a number of issues that pertain to DOJ's lack of consistent policies and procedures to mitigate the risk of harm to minors who participate in youth-centered programs.<sup>91</sup>

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

Juveniles may come into a juvenile justice system as offenders or as victims. The public perception of juvenile victimization tends to be incomplete, reflecting the latest headlines rather than day-to-day realities. In fact,

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<sup>91</sup> Office of Inspector General, *DOJ OIG Releases Report on Efforts to Safeguard Minors in DOJ Youth-Centered Programs* (U.S. Department of Justice, 2019), <https://oig.justice.gov/press/2019/2019-03-14.pdf>.

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many youth are subject to victimization through what might be called normal child activities: fights on the playground, pushing, and shoving in the halls. However, many children experience serious victimization from many sources, including their family, peers, and strangers. Violence does not leave its young victims unscathed, and society deals with the results of such violence after it occurs. Often, child victims do not understand how their experiences affect their behavior, or that it might be the catalyst for potential future delinquency.<sup>92</sup>

OJJDP notes that it is “important to have a consistent and accurate view of such victimization to develop programs and policy that are based on facts rather than a generalized perception of the problem or a response to severe but relatively rare acts of violence.”<sup>93</sup> One of the most significant areas to address with youth victims is internet safety. Teens easily share information with others as part of the information age, where social media and networking allows young people to share experiences, try new identities, explore interests, and communicate outside of adult supervision.

This digital globalization has resulted in teens sending and receiving approximately 3,000 texts per month.<sup>94</sup> According to the Pew Internet and American Life Project, “[1 in 6] teens (ages 12-17) with a cell phone have received a sexually suggestive image or video of someone they know.”<sup>95</sup> File-sharing can be accomplished in seconds, and images are often stolen from their original uploaded location. This may result in a cycle of victimization that can be prolonged and repeated as the photograph continues to be shared. According to the National Center for Missing and Exploited Children (NCMEC), “In 2018, they received over 18 million reports containing 45 million suspected child sexual exploitation images, videos, and related content. In 2019, NCMEC received slightly fewer reports—just under 17 million—but these reports contained over 69 million images, videos, and related content.”<sup>97</sup>

Education and prevention are critical to this initiative, and key stakeholders need to be part of that solution. School justice partnerships should prioritize education and training to both students and their guardians of the dangers of internet safety and the ease with which it occurs.

Young people are often sought after by perpetrators on the internet. John F. Clark, President and Chief Executive Officer of the 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.”<sup>98</sup> Mr. Clarke further explains, “NCMEC utilizes the expertise it gains from these two core programs to create and provide prevention and educational programs to families, children, educators, law enforcement, and other child-serving professionals.”<sup>99</sup>

Both young people and their 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.”<sup>100</sup> When an offender’s goal is to obtain sexually explicit content from a child, the blackmail that happens after occurs

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<sup>92</sup> “OJJDP Statistical Briefing Book: Juveniles as Victims,” Office of Juvenile Justice and Delinquency Prevention, accessed June 16, 2020, <https://www.ojjdp.gov/ojstatbb/victims/index.html>.

<sup>93</sup> Office of Juvenile Justice and Delinquency Prevention, “OJJDP Statistical Briefing Book.”

<sup>94</sup> Nielsen, “U.S. Teen Mobile Report Calling Yesterday, Texting Today, Using Apps Tomorrow,” October 14, 2010, <https://www.nielsen.com/us/en/insights/article/2010/u-s-teen-mobile-report-calling-yesterday-texting-today-using-apps-tomorrow>.

<sup>95</sup> Ben Parr, “The Average Teenager Sends 3,339 Texts Per Month [STATS],” *Mashable*, October 14, 2010, <https://mashable.com/2010/10/14/nielsen-texting-stats/>.

<sup>96</sup> “Teens and Sexting,” Pew Research Center, accessed June 12, 2020, <https://www.pewresearch.org/internet/2009/12/15/teens-and-sexting/>.

<sup>97</sup> *The President’s Commission on Law Enforcement and the Administration of Justice: Hearing on Juvenile Justice and Youth Crime* (May 5, 2020) (written statement of John F. Clarke, President and Chief Executive Officer of the National Center for Missing and Exploited Children), <https://www.justice.gov/ag/presidential-commission-law-enforcement-and-administration-justice/hearings>.

<sup>98</sup> Clarke, *President’s Commission on Law*, May 5, 2020.

<sup>99</sup> Clarke, *President’s Commission on Law*, May 5, 2020.

<sup>100</sup> “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-sexortion/view>.

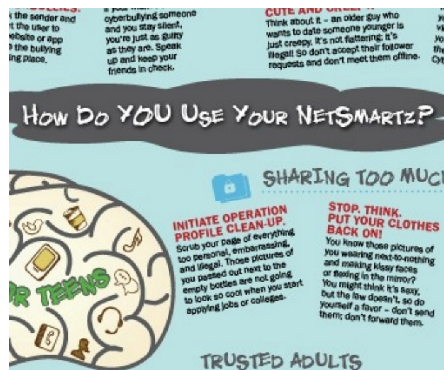
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almost immediately.<sup>101</sup> This trend highlights the urgency in detecting and reporting this victimization so that appropriate intervention can remove the child from the situation and safeguard them from continuing harm.

### [BEGIN TEXT BOX]

NCMEC has a NetSmartz initiative that provides age-appropriate safety and prevention resources that offer multiple ways to engage students, parents, and communities in important lessons in digital citizenship and online safety.

<https://www.missingkids.org/netsmartz/resources>



Source: "Resources," Netsmartz, accessed June 12, 2020, <https://www.missingkids.org/netsmartz/resources>.

### [END TEXT BOX]

#### 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. OJJDP launched the program in 1998 to help federal, state, and local law enforcement agencies enhance their investigative responses to offenders who use the internet, online communication systems, or computer technology to exploit children. These agencies focus on proactive and reactive investigations, forensic examinations, and criminal prosecutions. By supporting state and local agencies in addressing online child victimization, including responses to child sexual abuse images, the ICAC program has resulted in additional supports for law enforcement to combat technology-facilitated crimes against children at every level.

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.

To date, ICAC task forces have reviewed more than 973,000 reports of online child exploitation, resulting in the arrest of more than 100,500 individuals. Since the program's inception, nearly 742,000 law enforcement officers, prosecutors, and other professionals have been trained on techniques to investigate and prosecute ICAC-related cases. In fiscal year 2019, the task forces conducted more than 82,000 investigations of technology-facilitated crimes against children. The task forces also focused on public awareness and education, making more than 12,500 presentations on internet safety in 2019 that reached an estimated 1.3

<sup>101</sup> Federal Bureau of Investigation, "What is Sextortion?"

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million people.<sup>102</sup>

Law enforcement agencies should access the resources on the ICAC Training and Technical Assistance website where they can create a login and, once verified, begin accessing the resources available.<sup>103</sup>

### **11.4.9 Congress should increase funding to support the expansion of survivor services for child victims and their families.**

#### **[CROSS REFERENCE VICTIM SERVICES]**

As NCMEC continues to expand its survivor services, the DOJ and federal, state, and local law enforcement and social service agencies should collaborate to provide a uniform approach that creates consistent, increased support services for victims and their families. These services (e.g., crisis intervention, emotional support, referrals to appropriate community agencies and mental health professionals, and enhanced opportunities to seek restitution) will greatly enhance the current disparate resources available to survivors.

### **11.4.10 Juvenile serving agencies, to include law enforcement, should incorporate youth perspectives when planning and implementing youth programming.**

Including youth who have lived experiences in the design of programming and services offers a unique perspective from those who have been directly impacted by the justice system. These voices can identify specific areas not otherwise considered and can result in better interactions between youth and law enforcement. Incorporating youth who have had experiences across multiple juvenile justice systems can help law enforcement improve its ability to address juvenile victimization, delinquency, and crime, and build trust between law enforcement agencies and the people they protect and serve.

In working with community partners, law enforcement agencies should intentionally engage communities to have a role in programs and procedures that reintegrate juvenile offenders as they leave the justice system. Recognizing the importance of youth voice, agencies should facilitate youth-led problem solving and fund youth leadership training.<sup>104</sup>

## **11.5 Retention, Training, and Education**

### **Background**

#### **[CROSS REFERENCE RECRUITMENT AND TRAINING]**

Juvenile justice has long been considered a training ground for the adult criminal justice system. It has been compared to a mini criminal justice system where failures are expected but veiled in confidentiality. Judges are rotated quickly from family court to criminal court, prosecutors hone their skills on juvenile cases before being reassigned to operate in front of a jury, and defenders learn negotiation in family court before criminal court.

This practice has directly affected the retention of juvenile justice professionals. Without the support from supervisors that juvenile justice is an aspirational assignment, many move on from juvenile court because that is what they are supposed to do. This has also led to the misuse of other professionals who are assigned to a division or assignment for which they are not well suited. This is most apparent in law enforcement and in SRO position and has resulted in the inability to effectively train those who remain because a lack of interest in the juvenile court system. A juvenile justice assignment is seen as a pass-through or a rite of

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<sup>102</sup> 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), 16, <https://ojjdp.ojp.gov/about/annual-reports>.

<sup>103</sup> "ICAC Training and Technical Assistance," Internet Crimes Against Children Task Force Program, accessed June 12, 2020, <https://www.icactaskforce.org/Pages/Home.aspx>.

<sup>104</sup> International Association of Chiefs of Police, *Practices in Modern Policing: Police-Youth Engagement* (Alexandria, VA: International Association of Chiefs of Police, 2018), <https://www.theiacp.org/resources/document/practices-in-modern-policing-police-youth-engagement>.

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passage instead of the serious professional career that it should be. The following recommendations alleviate these issues and allow those who make the decisions to be trained in the art of juvenile justice.

### Current State of the Issue

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. For example, probation officers play an integral part in all juvenile court matters. First, probation officers must conduct a detention risk assessment at the time a youth is booked into a juvenile facility to determine if a minor is suitable to be released home or if they pose a risk to the community and need to be detained.

Probation officers are responsible for investigating and drafting intake reports before any arraignment or settlement hearing is conducted in order to provide the judge, district attorney, and public defender all necessary background information regarding a minor's home life, schooling, and prior criminal history. This information is critical to help all stakeholders determine the outcome of a case. Probation officers are also responsible for making sentencing recommendations to the court based on the youth's needs and public safety concerns.

Probation officers are responsible for restorative justice of the victims of juvenile crime. By working directly with the victims, probation officers are able to draft social study reports to help the courts make restitution decisions. Probation officers also actively work as presenters within a juvenile courtroom as proceedings are taking place. They play a vital role in the proceedings, guiding youth and their family into the courtroom, providing all recent case information, and researching case issues upon the request of the Judge. After the hearing, it is the probation officer's responsibility to make sure the youth and their family have all the pertinent information they need regarding the case, including what to expect moving forward in the process.<sup>105</sup> This important role in juvenile justice systems should not be used as a training ground, as mistakes can negatively affect youth for their lifetime.

This is true across the professions that work in any juvenile justice system. A similar breakdown can be made for judges, prosecutors, defenders and law enforcement. In addition, the money and effort committed to the criminal justice system far exceeds that dedicated to juvenile justice. This often results in poor retention of juvenile professionals.

#### **11.5.1 Congress should provide funding to the Office of Juvenile Justice and Delinquency Prevention to address the training needs of juvenile justice practitioners.**

As President John F. Kennedy stated, "We have the power to make this the best generation of mankind in the history of the world—or to make it the last."<sup>106</sup> OJJDP is uniquely positioned for this nationwide effort and should have increased funding to continue leading the field of juvenile justice. OJJDP prioritizes training young professionals new to the field, elected leaders new to their respective positions, and court systems throughout the country on the importance and impact juvenile justice has on crime and community safety. Each group should be trained on the tools necessary to succeed, such as adolescent brain development.

**PULL QUOTE:** "Some staff don't care and they don't hide it. This can complicate reentry for a juvenile that comes out of placement in that they aren't as prepared to enter the real world."<sup>107</sup> – Levi K., youth in the Iowa Juvenile Justice System

#### **11.5.2 States should provide training to prosecutors on the importance of juvenile justice, the impact a**

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<sup>105</sup> "Probation: Supporting Positive Change," Sacramento County Probation Department, accessed June 27, 2020, <https://saccoprobatation.saccounty.net/Pages/AboutUs.aspx>.

<sup>106</sup> President John F. Kennedy, "Address at 18th U.N. General Assembly," John F. Kennedy Presidential Library and Museum, September 20, 1963, <https://www.jfklibrary.org/asset-viewer/archives/JFKPOF/046/JFKPOF-046-041>.

<sup>107</sup> Levi K., Juvenile Justice System Involved Youth from State of Iowa, in discussion with Juvenile Justice and Youth Crime Working Group, May 20, 2020.

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**system has on community safety, and how to prioritize juvenile prosecution in their offices. This training should include online youth victimization technology components.**

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. OJJDP can demonstrate the significance of the work to the leaders that make assignment decisions in their respective offices by offering a specific training program to elected and appointed prosecutors.

Stefanie Salavantis, District Attorney of Luzerne County, Pennsylvania says, “As an elected district attorney for nearly nine years, I have found working with juvenile cases may be one of the most important duties any prosecutor will do in his/her career. We expect juvenile prosecutors to not only serve as advocates for justice, victims and the community, but they must also go beyond the courtroom and act as a community leader and teacher, having more influence over a child’s life than any other person – doing all of this in the hopes of preventing a child from committing a crime. But yet a majority of district attorneys’ offices nationally assign juvenile court cases to entry-level prosecutors. This must change. Well-trained and experienced prosecutors who are passionate about their jobs is critical because the work they do greatly impacts the lives of our youth.”<sup>108</sup>

**11.5.3 States should provide training to law enforcement executives on the importance of juvenile justice, the impact a system has on community safety, how to support juvenile investigations with appropriate staffing, and the importance of selecting school resource officers in their department.**

Law enforcement leaders should prioritize properly training their officers and making them aware of the impact they have on the lives of the juveniles they encounter daily. The first officer an individual may have contact with is often the one assigned to their school or neighborhood. That encounter can have reverberations that last a lifetime.

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 to the particular state. Training should inform how to properly interact with juveniles, in addition to how to respond to mental health calls, the impact of trauma and adverse childhood experiences, and the adolescent brain.<sup>109</sup>

**11.5.4 States should provide training to judges, court personnel, and probation chiefs on the importance of juvenile justice, the impact juvenile justice has on community safety, and the importance of prioritizing juvenile court dockets equally as adult criminal court dockets.**

### **[CROSS REFERENCE INTERSECTION OF CRIMINAL JUSTICE PERSONNEL]**

Probation plays a critical and multi-faceted role that touches every aspect of any juvenile justice system. Probation is responsible for stewarding both the youth and their families through the intricacies of a system and back out, hopefully having provided the youth and their families the tools they need for success.

Probation chiefs should acknowledge this vital role by not using the juvenile systems as a training ground for new officers. Instead, they should provide probation officers in a juvenile system the specialized training that is necessary for them to succeed. Probation chiefs should assign seasoned probation officers to their juvenile field divisions, youth detention facilities, and juvenile court divisions.

**11.5.5 States should work with their respective state advisory groups to create professional certifications for those who currently work in the field of juvenile justice.**

Juvenile court is often designated as the place to start and train young professionals. The lack of recognition

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<sup>108</sup> Stefanie Salavantis, District Attorney for Luzerne County, PA, in discussion with Juvenile Justice and Youth Crime Working Group, February 26, 2020.

<sup>109</sup> “Strategies for Youth,” Strategies for Youth.org, accessed July 8, 2020, <https://strategiesforyouth.org/>.



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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.

### **11.5.6 States should work with their respective state advisory groups to support the creation of advanced degrees in juvenile justice.**

Through funding to their SAG, each state should partner with local colleges and universities to develop a major or minor degree in juvenile justice and professional certificate programs for those already in the field. Through training and recognition, juvenile justice practitioners can and will improve many of the issues facing juvenile courts today. The thought process of advancing to or moving up to the adult criminal system should be torn down and rebuilt with the ideals of today's juvenile justice systems. To do so will require training beyond that already provided.

The New Jersey Juvenile Justice and Delinquency Prevention Committee has partnered with Rutgers University to bring together "a multidisciplinary program designed to attract, recruit, train, and retain a workforce prepared to address the demands of juvenile justice and to work with young people impacted by a system. This work is organized into two tracks in order to develop both undergraduate and professional education opportunities."<sup>110</sup> In 2019, Rutgers University hosted 200 professionals to launch "pilot courses for the Program in Juvenile Justice and Youth Development (JJYD), a project to create formal educational opportunities dedicated to juvenile justice practitioners. Prosecutors, public defenders, youth workers, judges, educators, social workers, and Rutgers faculty/staff came together to support the ambitious cause of legitimizing juvenile justice as its own unique specialty within the larger legal system and creating a separate educational track that specifically focuses on youth development."<sup>111</sup> By providing undergraduate and professional education to those already engaged with the population, "intentional career paths for those newly entering careers with court-involved and adjudicated youth" are created.<sup>112</sup>

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<sup>110</sup> Kenneth M. Karamichael, Director, Office of Continuing Professional Education, Rutgers, The State University of New Jersey, Program in Juvenile Justice and Youth Development, email communication to Juvenile Justice and Youth Crime Working Group, April 3, 2020.

<sup>111</sup> Casey Sky Noon, "Pilot Course on Juvenile Justice and Youth Development," *Rutgers Program in Juvenile Justice and Youth Development News*, April 9, 2019, <https://juvenilejustice.rutgers.edu/news/PilotCourseLaunch2019.html>.

<sup>112</sup> Noon, "Pilot Course on Juvenile Justice."